



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Democratic Services
committee.services@tmbc.gov.uk

6 September 2023

To: MEMBERS OF THE OVERVIEW AND SCRUTINY COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Overview and Scrutiny Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 14th September, 2023 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

1. Guidance on the Conduct of Meetings 5 - 8

PART 1 - PUBLIC

2. Apologies for absence
3. Notification of Substitute Members 9 - 10

4. Declarations of interest 11 - 12

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

5. Minutes 13 - 22

To confirm as a correct record the Minutes of the ordinary and extraordinary meetings of the Overview and Scrutiny Committee held on 29 June 2023 and 1 August 2023.

6. Any Executive Decisions which have been 'called in' 23 - 24

7. Performance of Housing Associations Verbal Report

Representatives of Clarion Housing Group have been invited to participate in discussions related to performance and wider issues.

Matters for Decision under Delegated Powers

8. Review of Governance Arrangements 25 - 64

Members are invited to review the governance changes introduced in 2022, consider the issues set out in this report and make recommendations to the Executive as they see fit to amend or improve the existing arrangements.

9. Review of Outside Bodies - Scoping report 65 - 70

A scoping report inviting Members to review the revised list of Appointments to Outside Bodies, attached at Annex 1, and the role of the Borough Councillors on these groups.

Matters for Information

10. Local Government and Social Care Ombudsman - Annual Review Letter 71 - 80

To set out the annual report of the Ombudsman regarding complaints received and dealt with over the period from 1 April 2022 to 31 March 2023.

Due to the size of the font in Annex 2, the pages related to 'decided' and 'compliance' (pages 78 and 79) are not included in any copies of the agenda that might be printed.

11. Key Performance Indicators 81 - 86

A number of Key Performance Indicators (KPIs) are presented to enable the Overview and Scrutiny Committee to assess and scrutinise performance.

If there are any questions regarding the KPIs provided, these should be submitted to the relevant Director/Chief Executive at least 2 days in advance of the Scrutiny Select Committee meeting in order to ensure that a suitable response can be provided at the meeting. If additional queries are raised at the Scrutiny Select Committee meeting, these will be responded to within 5 working days.

12. Record of Decisions taken by the Executive 87 - 88

The record of decisions taken during July – August 2023 are attached.

13. Notice of Forthcoming Key Decisions - October to December 2023 89 - 92

The Notice for the period October to December 2023 is attached for information.

14. Work Programme 93 - 94

The Work Programme setting out matters to be scrutinised during 2023/24 is attached for information. Members can suggest future items by liaising with the Chair of the Committee.

15. Urgent Items 95 - 96

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

16. Exclusion of Press and Public 97 - 98

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

17. Urgent Items 99 - 100

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr Mrs A S Oakley (Chair)

Cllr R I B Cannon (Vice-Chair) and Cllr M A J Hood (Vice-Chair)

Cllr T Bishop

Cllr C Brown

Cllr A Cope

Cllr R W Dalton

Cllr D A S Davis

Cllr D Harman

Cllr P M Hickmott

Cllr G B Hines

Cllr F A Hoskins

Cllr S A Hudson

Cllr D W King

Cllr J R S Lark

Cllr W E Palmer

Cllr D Thornewell

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxiAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmhc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Overview and Scrutiny Committee					
	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Labour
1	Alex McDermott	Bill Banks	Lee Athwal		Angus Bennison
2	Adem Mehmet	Paul Boxall	Kath Barton		Wayne Mallard
3	Mark Rhodes	Garry Bridge	Steve Crisp		
4	Keith Tunstall	Trudy Dean	Robert Oliver		
5	Colin Williams	Roger Roud	Bethan Parry		
Members of Cabinet cannot be appointed as a substitute to this Committee					

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 29th June, 2023

Present: Cllr Mrs A S Oakley (Chair), Cllr R I B Cannon (Vice-Chair), Cllr M A J Hood (Vice-Chair), Cllr T Bishop, Cllr C Brown, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr P M Hickmott, Cllr G B Hines, Cllr F A Hoskins, Cllr S A Hudson, Cllr J R S Lark, Cllr W E Palmer, Cllr A Mehmet (substitute), Cllr M R Rhodes (substitute) and Cllr R V Roud (substitute)

In attendance: Cllrs R P Betts, M D Boughton, and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Cllrs D Keers and Mrs M Tatton listened to the discussion via MS Teams in accordance with Council Procedure Rule No 15.21)

Apologies for absence were received from Councillors D Harman, D W King and D Thornewell

PART 1 - PUBLIC

OS 23/22 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor Mehmet substitute for Councillor King
- Councillor Rhodes substitute for Councillor Harman
- Councillor Roud substitute for Councillor Thornewell

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

OS 23/23 DECLARATIONS OF INTEREST

For reasons of transparency, Cllr Bishop advised that he was one of the Borough Council's appointments to the Board of the Tonbridge and Malling Leisure Trust who were referenced in the report on decarbonisation and energy efficiency at Leisure Trust Sites (item 10). However, as this did not represent an Other Significant Interest on the grounds that the matter being discussed was for information only, he remained in the meeting and participated in the discussion.

OS 23/24 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 6 April 2023 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE COUNCIL**OS 23/25 MEMBER CALL IN PROTOCOL - DEVELOPMENT MANAGEMENT**

Careful consideration was given to an amended Development Management Protocol which had been retitled to Member Call-in. The amendments were aimed at making the process clearer for both Members and Officers and encouraged an open and collaborative approach.

The proposed amendments were set out in 1.1.3 of the report and the amended Protocol was attached at Annex 1. The Cabinet Member for Planning referred to the supplementary report of the Director of Planning, Housing and Environmental Health which proposed a minor change to the wording of paragraph 6.5 of the amended Protocol. This change provided further clarification to the call in procedure by confirming that in the event of conflicting views between the Director of Planning, Housing and Environmental Health and the Area Chair, the application should automatically be referred to the Area Planning Committee for consideration.

Members attention was drawn to the legal implications, outlined in 1.2.1, regarding delegation to a committee, sub-committee or officer as set out in s101 of the LGA 1972. This meant that it was not possible to delegate a decision to an individual Member as responsibility was in the remit of an officer. It was, therefore, proposed to amend DPHEH 100 of the Constitution (Part 3 – Responsibilities) so that the delegation remained with the Director of Planning, Housing and Environmental Health but subject to prior approval of the relevant Area Planning Committee Chair. Any changes to the Constitution required approval from Full Council.

Finally, to assist Members with identifying what was appropriate for call-in List B would be updated to include the material planning considerations set out in paragraph 4 of the Protocol and a direct link to the document.

Members welcomed the changes made to the Protocol which reflected comments made previously. Clarity was sought on the process for councillors in an adjoining Ward who wished to see an application considered at a committee and whether the process should be completed in the 21 days' notice period. It was confirmed that in this situation the adjoining Ward Member should contact the relevant Ward Member to ascertain whether they intended to call-in the application. If there was a legitimate reason why the Ward Members were not minded

to, or were unable to call-in the application, then adjoining Ward Members could request that the Director of Planning, Housing and Environmental Health considered the application for consideration at committee. There was an expectation that this process could be achieved within the 21 days call-in period. However, it was suggested that adjoining Ward Members make the case officer aware so that progress of the call-in period could be monitored.

The suggestion to set out clearly the reasons for refusal if a call-in was not accepted in the written briefing note summarising the discussion that took place (in accordance with paragraph 9 of the Protocol) was noted.

RECOMMENDED*: That

- (1) the amended Protocol attached at Annex 1 and as updated in the supplementary report be endorsed;
- (2) the amended text in the Protocol be included in the Constitution as part of DPHEH 100 (Part 3 – Responsibilities); and
- (3) the Monitoring Officer be authorised to make any necessary consequential changes to the Constitution.

***Referred to Council**

MATTERS FOR DECISION UNDER DELEGATED POWERS

OS 23/26 HOUSING ASSOCIATIONS PERFORMANCE FRAMEWORK - SCOPING REPORT

The report of the Director of Planning, Housing and Environmental Health set out options in respect of a potential review into Housing Association performance. There was opportunity to develop and improve existing engagement and monitoring with these key organisations. In addition, the risk of exacerbating resident issues or missing trends of activity that could negatively impact on the Borough Councils financial position or the wellbeing of tenants/residents as a result of not having a robust approach to monitoring was noted.

Careful consideration was given to the scoping options set out in 1.3 of the report and Members were invited to indicate those that should be provided in more detail at a future meeting of the Committee.

Members welcomed the opportunity to review performance of Housing Associations and expressed concern at the lack of urgency of some organisations in addressing issues raised, the lack of responsibility in maintaining land in their ownership, the lack of an effective process for addressing anti-social behaviour and the difficulties experienced by non-tenants in reporting issues. There was also discussion on 'voids' and the delay in re-letting properties to new tenants. It was noted that delays

in re-letting properties had a financial implication for the Borough Council who had to place waiting households in temporary accommodation.

RESOLVED: That

- (1) the following should form part of the review into Housing Association performance:
 - performance data based on the information already gathered from Clarion Housing (as set out in 1.2.3) be gathered from all Housing Associations operating in the Borough;
 - the role of the Housing Association Liaison Panel (HALP) to be reviewed and clarified;
 - nomination agreements and process to be reviewed;
 - void and re-letting process and targets to be reviewed;
 - response to anti-social behaviour and reporting mechanisms for non-tenants;
 - response to concerns raised by residents and/or Councillors to be reviewed; and
 - land ownership and maintenance to be reviewed.
- (2) Clarion Housing, as the largest provider of affordable housing in the Borough, be invited to the next meeting of the Overview and Scrutiny Committee to advise of their work in the Borough and to detail performance

MATTERS FOR INFORMATION

OS 23/27 DECARBONISATION AND ENERGY EFFICIENCY AT LEISURE TRUST SITES

Members received an update on energy efficiency measures and renewable energy installations at Leisure Centre sites and noted potential future options to reduce carbon emissions.

The Cabinet Member for Climate Change, Regeneration and Property recognised the significant challenge faced by the Borough Council in achieving the Conservative election pledge for leisure facilities in the borough to be carbon neutral by 2027. However, it was important to focus on these facilities as energy consumption, energy costs and associated greenhouse gas emissions at Larkfield Leisure Centre and Tonbridge Swimming Pool were significant and represented approximately 63% of total greenhouse gas emissions from the Borough Council estate and operations.

Further investment in renewables was progressing and there were plans to install solar panels on the roof at Tonbridge Swimming Pool and assess in more detail the possibility of installing air source heat pumps at Larkfield Leisure Centre and Tonbridge Swimming Pool. It was hoped that the Borough Council would be successful in bidding for two

decarbonisation grants to fund the works although it was recognised funds were heavily oversubscribed.

Finally, it was noted that some energy efficient measures had potential to generate savings and these should be explored for the future. It was also hoped that the less energy used would make it easier to introduce greener alternatives.

OS 23/28 KEY PERFORMANCE INDICATORS

Members received a list of Key Performance Indicators (KPIs) that were relevant to the Committee. A baseline covering April to June 2022 had been used, with the data for January to March 2023 representing the most up-to-date available statistics. The KPIs would be monitored quarterly and would be made available on an ongoing basis.

It was noted that there had been no questions or queries raised in advance of the meeting. However, reference was made to the gender pay gap data and it was clarified that this was looked at annually by the General Purposes Committee.

OS 23/29 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

The decisions taken by the Cabinet and Cabinet Member during April, May and June 2023 were presented for information and noted by the Committee

OS 23/30 WORK PROGRAMME

The Work Programme setting out potential matters to be scrutinised during 2023 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

A number of suggestions raised from the floor would be reviewed by the Scrutiny Officer, in liaison with relevant Chairs and Officers.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 23/31 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.38 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 1st August, 2023

Present: Cllr Mrs A S Oakley (Chair), Cllr M A J Hood (Vice-Chair), Cllr T Bishop, Cllr C Brown, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr S A Hudson, Cllr D W King, Cllr J R S Lark, Cllr W E Palmer, Cllr D Thornewell, Cllr L Athwal, Cllr G C Bridge, Cllr A Mehmet (substitute), Cllr L Athwal, (substitute) and F A Hoskins (substitute).

In attendance: Cllrs Bennison, R P Betts, M D Boughton, J Clokey and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Cllrs Mrs S Bell, M A Coffin, G B Hines, D Keers, M R Rhodes, K B Tanner and K S Tunstall

Apologies for absence were received from Cllrs R I B Cannon, G B Hines and FA Hoskins.

PART 1 - PUBLIC

OS 23/32 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Athwal substituted for Cllr Hines
- Cllr Bridge substituted for Cllr Hoskins
- Cllr Mehmet substituted for Cllr Cannon

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

OS 23/33 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

EXECUTIVE DECISIONS WHICH HAD BEEN 'CALLED IN'

OS 23/34 CALL IN OF DECISION NOTICE D230061CAB - TMBC OWNED SITES - LOCAL PLAN

The report of the Scrutiny Officer advised that in accordance with the Overview and Scrutiny Procedure Rules set out in the Constitution, five members of the Committee had raised a valid 'call-in' request in relation

to the decision taken by the Cabinet in respect of three TMBC owned sites identified in the Urban Capacity Study.

Decision Notice D230061CAB (attached at Annex 1) had been published on 7 July 2023 and subsequently called-in by Councillors Cope, Hines, Hood, Hoskins and Thornewell.

The grounds for call-in were set out in the report, at paragraph 1.1.2, and the decision was 'deferred' pending consideration by the Overview and Scrutiny Committee.

Members of the Committee considered the grounds for the call-in and had regard to the responses provided by the Cabinet Member for Climate Change, Regeneration and Property and the Leader. There was detailed discussion on the general principle of development, the criteria for assessing potential sites for development, the Local Plan call for sites exercise and the potential loss of amenity space and mature trees.

It was proposed by Councillor Hood and seconded by Councillor Cope that the decision be referred back to Cabinet for reconsideration on the grounds of loss of amenity space, loss of mature trees and the lack of consistent criteria applied when considering all TMBC owned sites.

Following a formal vote this proposal was rejected with 9 Members voting against and 8 voting in favour.

It was the opinion of Members that it was not the role of the Overview and Scrutiny Committee to make assessments between various potential development sites and that Cabinet (having regard to the recommendation of the Finance, Regeneration and Property Scrutiny Select Committee) had given appropriate consideration to the property assets of the Borough Council as landowner.

The Overview and Scrutiny Committee felt that there should be no further recommendations made to the Cabinet and that the decision should be implemented as taken.

Following a formal vote this opinion was supported with 9 Members voting in favour and 8 voting against.

As the Overview and Scrutiny Committee had no further recommendations to make to the Cabinet the grounds for call-in were not supported.

RESOLVED: That, as there were no further recommendations to make to the Cabinet the decision would come into immediate effect. Therefore, the proposals in respect of the TMBC owned sites identified in the Urban Capacity Study could be implemented with immediate effect.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 23/35 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.10 pm

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Any Executive Decisions which have been “called in”

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

14 September 2023

Report of the Director of Central Services & Deputy Chief Executive

Part 1- Public

Delegated

1 REVIEW OF GOVERNANCE ARRANGEMENTS

1.1 Introduction

- 1.1.1 On 6 April 2023 a scoping report was brought to the Overview and Scrutiny Committee that invited Members to review the Council's governance arrangements and identify any opportunities to amend or improve existing procedures.
- 1.1.2 Members were invited to reflect on whether the issues identified by the Peer Review team had been addressed, what had worked well and whether there were opportunities for improvement.
- 1.1.3 A suggested focus for the next stage of the review was detailed in the report and is set out below for reference. This was agreed by the Committee.
- Has the increase in the number of scrutiny committees, and the scope of such committees created a stronger, member-led scrutiny function?
 - Are the scrutiny committees able to effectively set their agendas and work programmes? Is the process for agreeing topics for future meetings effective e.g., who can request items for the agenda and how are such requests considered by the Committees?
 - How do the 3 Scrutiny Select Committees impact upon the strategic role of the Overview and Scrutiny Committee? Are there issues of overlapping?
 - Is the Executive/ Scrutiny protocol fit for purpose or are revisions required?
- 1.1.4 Due to the upcoming local elections, the Committee felt that a review should be undertaken later in the year to enable any newly elected councillors to experience a meeting cycle before assessing arrangements. Concern was expressed that the current governance arrangements did not reflect the reduction in councillors arising from the recent boundary review i.e., a reduction from 54 to 44. However, Members also welcomed the opportunity to identify whether improvements could be made to the Scrutiny Select Committees structure and remove potential duplications with the main Overview and Scrutiny Committee.

- 1.1.5 Finally, it was felt that there should be further assessment on the format of Area Planning Committees and the review into governance arrangements offered opportunity for this to be revisited.
- 1.1.6 This report focusses on a review of the governance changes introduced in 2022. It does not therefore address the format of Area Planning Committees. Should Members wish to undertake a review of Area Planning Committees, it is suggested that this is carried out separately via the Housing and Planning Scrutiny Select Committee.

1.2 Background to the review

- 1.2.1 For the benefit of new Members of the Overview and Scrutiny Committee, the background to the governance changes (introduced in May 2022) is set out below.
- 1.2.2 Since 2002 the Borough Council has operated under executive arrangements, with a leader and cabinet executive being the chosen form of such arrangements.

Prior to May 2022

- 1.2.3 Prior to May 2022 the executive arrangements within the Constitution were as follows: -
- The executive was comprised of 7 Councillors (Leader plus 6).
 - Meetings of the executive (Cabinet) were ordinarily held on 8 occasions per municipal year. The Constitution provided that Cabinet met on 'at least' 5 occasions per year but in practice the frequency of meetings was higher.
 - Cabinet was supported by 5 Advisory Boards e.g., Communities & Housing Advisory Board and 2 Advisory Panels (Parish Partnership Panel/ Tonbridge Community Forum). These did not align directly with the Cabinet Portfolios and Cabinet Members were not appointed to the Boards.
 - Individual members of the executive were able to take non-key decisions within their portfolios, but all such decisions were subject to specific conditions as set out in the constitution, as follows: -

A decision made by an Executive Member shall not have effect unless

(a) there has been a written report circulated to all Members prior to the meeting of an Advisory Board or an Area Planning Committee from the appropriate Chief Officer(s) stating that the decision is in conformity with the Council's budget and policy framework and that any reports are not substantially altered by supplementary reports circulated at the meeting.

(b) the report has been considered by an Advisory Board or an Area Planning Committee, which has recommended that the decision be made.

- (c) *the decision has been recorded in writing in the manner specified by the Monitoring Officer; and*
- (d) *the decision has been counter-signed by the Leader of the Council and the Chief Executive (save for a decision made by the Leader of the Council, which shall be counter-signed only by the Chief Executive).*

Key Decisions

Key decisions of the Council are defined in Article 8 of the Constitution. Prior to May 2022 these were decisions which were likely either

- to result in the Council incurring expenditure which is, or the making of savings which are, significant (i.e., in excess of £250,000) having regard to the local authority's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Borough.

Key Decisions could not be taken by individual executive members but instead were referred to a meeting of Cabinet for a decision. The threshold of £250,000 was a locally set figure. Whilst there is currently no statutory guidance in this regard, previous guidance issued under S38 of the Local Government Act 2000 makes clear that the local authority should agree as a full council, limits above which items are significant and publish these limits. A local authority is able to set different thresholds for different services or functions, bearing in mind the overall budget for those services and functions and the likely impact on communities of each service or function.

- If a Cabinet Member did not agree with a recommendation from an Advisory Board then their only course of action was to refer the matter to Cabinet for a collective decision.
- The Council had a single Overview and Scrutiny Committee, scheduled to meet 5 times per municipal year.
- Certain non-key executive decisions were delegated to officers (Part 3 of the Constitution).

Decisions of the executive (whether taken at meetings of Cabinet/ by individual executive members or by officers under delegated powers) were able to be called-in for scrutiny by the Overview & Scrutiny Committee.

Peer review

- 1.2.4 Following recommendations from the LGA (Local Government Association) Peer Review, held in 2022, the Council adopted a new governance structure. The relevant sections from the Peer Review feedback report are below:

‘TMBC’s hybrid governance structure may have served the authority well historically, but it is resource intensive, and impedes the council’s ability to respond to the changing landscape as governance requires many decisions go through the advisory boards prior to being considered by cabinet, with sometimes up to five months wait between meetings. The peer team heard from a number of sources that there were “far too many boards, meetings and committees.”

In addition:

“The council’s advisory boards also create a challenge around the scrutiny function which is devoid of having any real impact. The peer team observed that scrutiny is struggling to find a place and a role, and is disempowered by the advisory boards, evidenced by the lack of call ins over the last 20 years. There is no apparent scrutiny work programme where members can examine in greater depth a topic of interest or concern to the community bringing recommendations to the council and no pre-development work. As a result, scrutiny has become officer led who suggest what is discussed. Members do not see its value with very little debate or questions being asked. The peer team suggests increasing the status of scrutiny within the council and the role of the chair, to address this...

If TMBC is to move forward and make change at the pace required, it is recommended that the council reviews the current governance structure”.

- 1.2.5 Recommendation 10 of the report therefore advised that the Council should review its current governance structure, as follows:

‘Review the council’s governance arrangements, with particular attention to area planning committees and the impact of advisory boards on decision making and the role of overview and scrutiny’

- 1.2.6 To address these issues, the Leader undertook a review of the Council’s executive governance arrangements with the following aims and objectives: -

- To increase the scope, role, and responsibility of the Overview & Scrutiny Committee so that it can effectively discharge its functions.
- To ensure that Cabinet members are empowered to take decisions within their portfolios.
- To ensure that Cabinet meetings are held at an appropriate frequency.

- 1.2.7 The new governance arrangements were reported to Council on 27 April 2022 and came into effect on 10 May 2022.

1.2.8 The key aspects of the governance changes were as follows: -

- 3 new Scrutiny Select Committees were created to replace the existing Advisory Boards, each Committee containing 15 Members and meeting 5 times per municipal year. The existing Overview and Scrutiny Committee was to remain and be chaired by the Leader of the largest opposition group.
- A new Executive/ Scrutiny Protocol was created to ensure a constructive relationship between the Executive and the Scrutiny Committees (attached as **Annex 1**).
- Cabinet Members were to be empowered to take non-key decisions within their portfolios, save for specified exceptions e.g., where the decision was outside the budget and policy framework or proposed a new or amended strategy.
- In respect of key decisions, the financial threshold was reduced from £250,000 to £100,000.
- Cabinet would be scheduled to meet at least 8 times per municipal year.

1.2.9 Members may wish to note the feedback given by the LGA Peer Review Team during their progress review in November 2022.

“We noted that overall, there was a greater feeling of confidence and speed of decision making in the council. In part brought about by the council’s decision to accept the peer team’s recommendation to review the council’s governance arrangements”.

‘The implementation of new governance arrangements has been implemented at pace, and led to much speedier decision making, something that has been universally welcomed by members and officers. This pace of change is commendable and shows bold leadership, but as acknowledged by the Leader has been at the expense of some political capital.

The peer team heard that the new committee arrangements need time to bed-in, as they are still working under the old advisory board culture, rather than scrutinising the work of Cabinet, with very few call-ins. Therefore, the full accountability benefits of the new model are not being realised. There is also evidence that further training and development is required to provide clarity around the roles and responsibilities of scrutiny members, along with the function of the committees...

It was also acknowledged that the relationship between Cabinet and Scrutiny is still a work in progress, with regular and more structured meetings needed to add further value to the new arrangements.’

1.3 Areas for discussion

Has the increase in the number of scrutiny committees, and the scope of such committees created a stronger, member-led scrutiny function?

- 1.3.1 The creation of 3 new Scrutiny Select Committees has undoubtedly strengthened the scrutiny function of the Council. Whilst the previous advisory boards offered a pre-scrutiny function, their effectiveness was limited. For example, the advisory boards did not set their own work programmes and most Members were therefore unable, as the Peer Review team noted, to bring items of importance to these meetings.
- 1.3.2 Training has been provided to Members on the effective use of scrutiny, most recently on 5 October 2022. Further training is currently being arranged and members will be notified of a date shortly.

Are the scrutiny committees able to effectively set their agendas and work programmes? Is the process for agreeing topics for future meetings effective e.g., who can request items for the agenda and how are such requests considered by the Committees?

- 1.3.3 The future work programme is a standing item on all meetings of the Scrutiny Select Committees and the Overview and Scrutiny Committee.
- 1.3.4 The development of the work programme is addressed in the Executive/ Scrutiny protocol. This provides that the work programme is to be developed as follows: -
- Individual Portfolio Holders and Overview and Scrutiny Chairs should consider meeting regularly to identify and plan for policy development work in which all members can participate. The intention should be to programme such work at an early stage in the development of a policy.
 - Each meeting of the Committees will include an opportunity to consider forthcoming key decisions. The relevant committee shall identify any forthcoming key decisions which are (i) relevant to the functions of that committee and that (ii) it may wish to scrutinise.
 - The Chair of the relevant committee will inform the Leader or relevant Cabinet portfolio holder and the Chief Executive of the matters which it may wish to scrutinize.
 - The Chief Executive in consultation with Management Team will determine the appropriate lead officers for the matter in question.
 - The relevant Chair, Leader and Chief Executive/ lead officers will discuss the parameters for scoping that matter and any appropriate timescales for the matter to be reported to the Committee, taking into account any key milestones

for decision making, including time needed to obtain any advice which is required.

1.3.5 The protocol also provides that the Scrutiny Work Programme will also have the following standing items:

- Development of the Annual Budget (Overview and Scrutiny Committee)
- Corporate Plan (Overview & Scrutiny Committee)
- The Medium-Term Financial Strategy (Finance, Regeneration and Property Scrutiny Select Committee)
- Any Treasury/Investment/Capital Strategies (Finance, Regeneration and Property Scrutiny Select Committee)
- Any property acquisition and/ or disposal strategy (Finance, Regeneration and Property Scrutiny Select Committee)
- Development of the statutory Development Plan (Housing & Planning Scrutiny Select Committee)
- Key Performance Indicators (relevant Scrutiny Select Committee)

1.3.6 The identification of the above items within the protocol ensures that key strategic plans of the Council will be scrutinised by the relevant Scrutiny Committee. Other than key performance indicators (which are a standing item for all scrutiny committees), no standing items for the Communities and Environment Scrutiny Select Committee are listed in the protocol. The Housing & Planning Scrutiny Select Committee also only has 1 unique standing item. This does not of course mean that one scrutiny select committee is busier than another simply because of the number of standing items.

1.3.7 Members may wish to consider whether any other strategic plans should be included within the protocol.

1.3.8 Outside of the above, all members of the Committees can request items for the work programme. In practice these requests have initially been made to the Chair of the relevant scrutiny committee so that they may manage the meeting agendas. Members may wish to formalise this process of submitting requests for items to the Chair so that they may liaise with key officers to ensure that the work programme remains balanced throughout the year.

1.3.9 Overall, the approach towards the scrutiny work programme represents a significant departure from the previous advisory board regime – as the purpose of the advisory board was to advise the Executive the work programme was set in consultation with the relevant Cabinet Member(s). Members of the Executive may still invite one of the scrutiny committee committees to consider a matter within their portfolio but they will otherwise have no influence over the agenda.

- 1.3.10 Members may wish to consider the guidance issued by the Local Government Association on the setting of scrutiny work programmes. In the Councillor's workbook on scrutiny, it is suggested that the following are/ are not suitable for scrutiny: -

Topics are suitable for scrutiny when	Topics are not suitable for scrutiny when
-scrutiny could have an impact and add value	-the issue is already being addressed elsewhere and change is imminent
-the topic is of high local importance and reflects the concerns of local people	-the topic would be better addressed elsewhere (and will be referred there)
-the resources are available that would be required to conduct the review, in terms of manpower and budget	-scrutiny involvement would have limited or no impact upon outcomes
-it avoids work duplication elsewhere	-the topic may be sub-judice or prejudicial to the council's interest
-the issue is one that the committee can realistically influence	-the topic is too broad to make a review realistic
-the issue is related to an area where the council, or one of its partners, is not performing well	-new legislation or guidance relating to the topic is expected within the next year
-the issue is relevant to all or large parts of the local area	-the topic area is currently subject to inspection or has recently undergone substantial change.
-the review would be in the council's interests	

- 1.3.11 Members may wish to consider introducing criteria to ensure that only necessary items make it onto the work programmes for the scrutiny committees. This will help in making the scrutiny function as effective as possible. If Members were minded to take this approach, the recommendations of the LGA above could form the basis for the agreed criteria.

How do the 3 Scrutiny Select Committees impact upon the strategic role of the Overview and Scrutiny Committee? Are there issues of overlapping?

- 1.3.12 The terms of reference for each of the 3 Scrutiny Select Committees and the Overview and Scrutiny Committee are attached at **Annex 2**.
- 1.3.13 The terms of reference for the 3 Scrutiny Select Committees are subject specific, thus ensuring that matters relating to service delivery are considered by the appropriate committee. Conversely, the terms of reference for the Overview and Scrutiny Committee are more general in nature. This should result in broader strategic issues affecting the whole Council falling to the Overview and Scrutiny Committee. This review of governance is one such example; the Corporate Plan is another.

- 1.3.14 In practice, there have been a few items considered by the Overview and Scrutiny Committee that could (or perhaps should) have been considered by one of the Scrutiny Select Committees. For example, the Overview and Scrutiny Committee has recently considered several items relating to Planning Services e.g., Development Management Officer Protocol, Member call-in (Development Management) which fall within the terms of reference for the Housing and Planning Scrutiny Select Committee. The same point could be made in respect of the Housing Association Performance Framework.
- 1.3.15 Members may wish to consider whether regular agenda setting meetings should take place between the Chair of the Overview and Scrutiny Committee and the Chairs of the 3 Scrutiny Select Committees to assist in ensuring that potential issues of overlapping are minimised.

Is the Executive/ Scrutiny protocol fit for purpose or are revisions required?

- 1.3.16 The Executive/ Scrutiny protocol was agreed by Cabinet on 7 September 2022, following consideration by the Overview and Scrutiny Committee on 7 July 2022. The protocol is attached as **Annex 1**.
- 1.3.17 The protocol covers a number of areas, as follows: -
- Core principles
 - Development of the scrutiny work programme
 - Expectations of the Cabinet
 - Expectations of the Overview and Scrutiny Committee
 - Call-in
 - Compliance with the protocol
- 1.3.18 The development of the scrutiny work programme is considered at paragraphs 1.3.2 to 1.3.10 above.
- 1.3.19 In respect of call-in, Members are asked to note that the protocol predominantly deals with the procedure. Other matters, such as the number of members of the Overview and Scrutiny Committee required to trigger a call-in (currently 5), are dealt with in the Overview and Scrutiny Procedure Rules at Part 4 of the Constitution. For completeness these rules are also attached as **Annex 3**.
- 1.3.20 It is suggested that the protocol should be subject to annual review by the Overview and Scrutiny Committee and Cabinet in order to ensure that it remains fit for purpose.
- 1.3.21 Members are invited to consider the remaining areas of the protocol and make such recommendations as they see fit to the Executive.

1.4 Legal Implications

1.4.1 None arising from this report.

1.5 Financial and Value for Money Considerations

1.5.1 None arising from this report.

1.6 Risk Assessment

1.6.1 N/A

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Policy Considerations

1.8.1 Business Continuity/Resilience

1.8.2 Communications

1.9 Recommendations

1.9.1 Members are invited to consider the issues set out in this report and make such recommendations to the Executive as they see fit.

Background papers:

contact: Gill Fox

Nil

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

Overview & Scrutiny – Cabinet Protocol

This protocol sets out the relationship between the Council's Cabinet and its Overview & Scrutiny Committee/ Scrutiny Select Committees. This includes the processes that these bodies will follow, where they will interact with each other, and how they expect the other to conduct itself. The Protocol is in addition to requirements set out in the Council's Code of Conduct and the Officer/Councillor Protocol.

This Protocol will promote an effective role for Scrutiny and foster a good working relationship between the Overview & Scrutiny Committee and the Cabinet that will ensure the Committee makes a valuable contribution to the effective running of the Council.

In seeking agreement to this protocol, it is acknowledged that there are different rights and roles of both Overview and Scrutiny and Cabinet Members but that both are committed to developing an effective relationship. This will involve but not be limited to:

- Frequent and honest dialogue between Cabinet Members and Overview and Scrutiny Members, either individually or collectively,
- Regular discussions regarding Cabinet and Overview and Scrutiny work programmes/activities including establishing joint activities/projects where possible,
- Establishing effective and formal reporting structures, and
- Respecting the confidential nature of the discussions that may from time to time take place.

Principles

The following principles set out how the working relationship between the Cabinet and the Overview and Scrutiny Committee should operate.

- (a) The Cabinet and members of the Overview and Scrutiny Committee recognise that they each have different functions and responsibilities that contribute to securing the best outcomes for the people who live and work in the borough.
- (b) All participants in the working relationship between Cabinet and the Overview and Scrutiny Committee will do so in a spirit of mutual respect and constructive challenge.
- (c) Meetings of the Overview and Scrutiny Committee should be conducted in accordance with the statutory guidance (Annex 1)
- (d) The Cabinet recognises that the Overview and Scrutiny Committee has several rights, for example requiring Portfolio Holders to attend its meetings or calling-in Cabinet decisions which have not yet been implemented should they consider a decision to be reviewed. The Overview and Scrutiny Committee will exercise those rights responsibly.
- (e) One of the principal responsibilities of the Overview and Scrutiny

Committee is to hold the Cabinet to account. This enables non-Cabinet members to fully scrutinise important decisions made by the Cabinet whilst also allowing routine decision making to take place in a responsive manner. An important method to ensure accountability is through examining performance and decisions taken by the authority. To facilitate this challenge the Overview and Scrutiny Committee may:

- a. The Agenda for Overview and Scrutiny will include as an early standard item, Non-Key Decisions made by members of Cabinet and officers since the last Overview and Scrutiny Meeting.
 - b. Challenge the Cabinet about decisions (whether key or non-key) which have been taken by Cabinet
 - c. Require and consider Key Performance Indicators.
 - d. Query or ask for information about any item on the Notice of forthcoming Key Decisions.
- (f) In addition to their rights as councillors, members of the Overview and Scrutiny Committee and its working groups have additional rights of access to documents as included in the Access to Information rules in the Constitution. This allows the committee access to copies of any documents which are in the possession, or control, of the Cabinet or its committees. There are a few limits on this access, and these are identified in the rules.
- (g) Members of the Cabinet cannot be members of the Overview and Scrutiny Committee.
- (h) The Overview and Scrutiny Committee will report annually to Full Council to evaluate their work during the previous year and to summarise the programme for the forthcoming year.

Development of the Scrutiny Work Programme

Individual Portfolio Holders and Overview and Scrutiny Chairs should consider meeting regularly to identify and plan for policy development work in which all members can participate.

The intention should be to programme such work at an early stage in the development of a policy.

Each meeting of the Committees will include an opportunity to consider forthcoming key decisions. The relevant committee shall identify any forthcoming key decisions which are (i) relevant to the functions of that committee and that (ii) it may wish to scrutinise.

The Chair of the relevant committee will inform the Leader or relevant Cabinet portfolio holder and the Chief Executive of the matters which it may wish to scrutinize.

The Chief Executive in consultation with Management Team will determine the appropriate lead officers for the matter in question.

The relevant Chair, Leader and Chief Executive/ lead officers will discuss the parameters for scoping that matter and any appropriate timescales for the matter to be reported to the Committee, taking into account any key milestones for decision making, including time needed to obtain any advice which is required.

The Scrutiny Work Programme will also have the following standing items (Scrutiny Select Committee identified in brackets where relevant):

Development of the Annual Budget (Overview and Scrutiny Committee)

Corporate Plan (Overview & Scrutiny Committee)

The Medium-Term Financial Strategy (Finance, Regeneration and Property Scrutiny Select Committee)

Any Treasury/Investment/Capital Strategies (Finance, Regeneration and Property Scrutiny Select Committee)

Any property acquisition and/or Disposal Strategy (Finance, Regeneration and Property Scrutiny Select Committee)

Development of the statutory Development Plan (Housing and Planning Scrutiny Select Committee)

Key Performance Indicators (relevant Scrutiny Select Committee)

Expectations of the Cabinet

It is expected that Cabinet Portfolio Holders will attend meetings of the Overview & Scrutiny Committee, when requested, to present reports relevant to their portfolio and answer any relevant questions.

All Members should promote an atmosphere of openness at Scrutiny Committee Meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Scrutiny Committee Members, the Cabinet Member and other participants.

In order to notify Scrutiny Members of upcoming business and potential items to be added to the Committee's Work Programme, the Principal Democratic Services Officer will ensure that the Scrutiny Officer is kept updated of all new items that are added to the Cabinet Work Programme.

If necessary, the Leader will meet with the Scrutiny Officer, Principal Democratic Services Officer and the Chair of the Overview & Scrutiny Committee to consider the best way to deal with any forthcoming items of business.

Where the Overview and Scrutiny Committee (or Scrutiny Select Committee) has made recommendations to a decision-making body or person, that body or person will provide a written response to those recommendations setting out whether the recommendations are accepted or not, and the reasons for that decision.

Overview and Scrutiny Committee and the Scrutiny Select Committees are entitled to such information as is necessary to properly perform their functions. If the Overview and Scrutiny Committee or Scrutiny Select Committee request information from the Cabinet, the Cabinet will respond within 10 working days confirming whether the

information requested exists and, if so, provide the committee with access to that information.

Expectations of the Overview & Scrutiny Committee

The Committee will provide constructive 'critical friend' challenge to the Cabinet's proposals and decisions.

The Committee will remain non-political and be effectively led by Members who take responsibility in their role to drive service improvements.

The Cabinet's response to Scrutiny's recommendations will be published in the agenda of the next scheduled Overview & Scrutiny Committee meeting

The Overview & Scrutiny Committee will monitor the effectiveness of services and undertake regular reviews of performance in relation to the Council's services

Call-in

Call-in is the exercise of the Overview & Scrutiny Committee's statutory power in section 21(3) of the Local Government Act 2000, to review a Cabinet decision that has been made but not yet implemented.

Once made, Cabinet decisions will ordinarily be published by the Democratic Services Team within two working days of the meeting, with date of publication included. Five clear working days are given before the decision can be implemented, in which time the Call-in must be made.

Requests for Call-in can be made by any 5 Members of the Overview and Scrutiny Committee.

Cabinet Members will be expected to attend any meeting of a Scrutiny Committee at which it is intended to consider a call-in request in relation to his/her area of responsibility. Where the relevant Cabinet Member cannot attend a call-in meeting, the Leader of the Council or Deputy Leader should attend in their absence. In the event of both the Leader and Deputy Leader also being unavailable, they should nominate another Cabinet Member to attend and be accountable for the decision.

The following procedure shall take place at call-in meetings:

- The Members who called in the decision should speak first.
- The Chair will then invite the Cabinet Member (decision maker) to respond.
- The Committee can then ask questions of the decision maker who may ask a relevant officer to supply further information if necessary.

The Committee will debate the issue and vote on the outcome

The Overview & Scrutiny Committee cannot overturn the decision that has been called in. It may either agree with the decision/ decide to make no recommendations to the Decision Maker (in which case it will take immediate

effect) or refer it back to the Cabinet/ Leader/ Portfolio Holder (as applicable) for further consideration, including any recommendations from Scrutiny Members.

It is the aim of the Council that call-ins should only be used as a last resort for resolution, and that other less-confrontational means should always be pursued prior to this option.

Compliance with this protocol

The Scrutiny Officer is responsible for overseeing compliance with the protocol and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny. Matters relating to the protocol's success will be reported to full Council through the scrutiny annual report. The role also includes promoting the role of the authority's scrutiny committee, providing support and guidance to members and officers relating to the functions of the scrutiny committee and providing a link between the Cabinet and the Overview and Scrutiny Committee/ Select Committees.

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Scrutiny Select Committees – Membership and Terms of Reference

Title:	Communities and Environment Scrutiny Select Committee
Membership:	13 Members
Quorum:	4 Members
Terms of Reference:	
Communities	
Community Safety initiatives	
Environmental Strategy	
Matters related to: <ul style="list-style-type: none"> - The West Kent Partnership (LSP) - LA21 - Climate Change 	
Implementation, monitoring and future review of the: <ul style="list-style-type: none"> - Borough's Sustainable Community Strategy - Community Safety Strategy 	
Liaison with local voluntary groups	
Grant support to local voluntary groups	
Take a strategic view of issues affecting: <ul style="list-style-type: none"> - rural parts of the Borough; including the work of the Medway Valley Countryside Partnership, and make appropriate recommendations to the Executive and other agencies - older persons within the Borough, including assessing the impact of the projected increase in the number of older persons, and make appropriate recommendations to the Executive and other agencies 	
Public Health strategies and actions	
Health improvement and health inequalities strategies	
Strategies and actions for tackling youth related drug problems	

Leisure	
Provision, development, management and maintenance of informal and formal public open spaces	
Larkfield Leisure Centre	<i>NB: The Tonbridge & Malling Leisure Trust operates these facilities on behalf of the Borough Council</i>
Angel Centre, Tonbridge	
Tonbridge Swimming Pool	
Poult Wood Golf Centre, Tonbridge	
Leybourne Lakes Country Park	
Grounds Maintenance – Tonbridge Cemetery	
Children’s play provision	
Country Parks and access to the countryside	
Advisory and/or consultancy services on outdoor leisure and grant aid issues	
Water recreation	
Annual programme of sports coaching	
Parks patrolling and security	
Allotments liaison – Tonbridge	
Cemetery management and burial function	
Provision and promotion of Borough wide arts events	
Provision of public art	
Partnerships	
Support for arts marketing	
Tonbridge Gatehouse Exhibition	
Tonbridge Council Chamber functions (e.g. weddings)	
Tonbridge Castle Grounds – events programme	
Heritage interpretation throughout the Borough	

Youth Development Plan	
Youth activity programmes	
Youth consultation and engagement	
Young Achievers Award	
To advise the Council in respect of its twinning links with Le Puy-en-Velay and Heusenstamm and generally to promote twinning within the Borough.	
Environment	
Abandoned vehicles	Litter control
Animal welfare	Noise control
Air quality	Pest control
Climate Change	Private drains and sewers
Contaminated land	Public health and control of nuisances
Dog control	Public conveniences
Environment	Recycling
Environmental monitoring	Refuse collection
Fly-tipping	Street name signage maintenance
Fly-posting	Street cleansing
Food safety	Sunday trading
Graffiti removal	Verge/grass cutting
Health and safety at work	
CCTV operations	
Civil contingencies/ Emergency readiness and response	
Design, consultation and implementation of car parking action plan	

Engage with businesses to ensure compliance with food hygiene regulations
Kent Resource Partnership
Land drainage and flood attenuation
Management and maintenance policy for the off-street car parks
Matters relating to the development and delivery of co-ordinated street scene services, including partnership working with KCC Highways and other external bodies
Overall monitoring of the transport and highway activities including improvement programmes, street signage
Promotion of traffic management highway improvement and crash remedial schemes and works
Review and management of the on-street parking regime including enforcement procedures
The annual review of the charging structure for public car parking in the Borough

Title:	Finance, Regeneration & Property Scrutiny Select Committee
Membership:	13 Members
Quorum:	4 Members
Regeneration	
Attracting new business investment into the Borough	
Encouraging and supporting growth of existing businesses	
Engaging and listening to the local business community	
Promoting the Borough as a popular tourism destination/Tourism marketing	
Representing the Borough Council on the West Kent Partnership	
Supporting local entrepreneurship	
Working to improve the vitality of the Borough's town and local centres	
Economic Development Tasks	
Commission and fund: <ul style="list-style-type: none"> - Business support seminars - Free 1-2-1 business advice sessions 	
Ensure payments by the Council for services from local business are paid promptly	
Help to foster business networking via an online business directory	
Maximise use of the Council's own property portfolio to support local business	
Provide on-line advice for businesses in search of funding	
Signposting businesses to support provided by partner agencies	
Supporting Local Business	
Use the Council's own procurement processes to support local business	
Business Engagement	
Contribute to existing business networks and fora active in the Borough	

Holding regular engagement events for local business
Receive and act upon feedback from local businesses
Support locally held business award initiatives
Promoting Inward Investment
Promote, support and bring forward new sites for employment use
Engage with developers to ensure new employment-related development is well planned
Signpost to on-line advice for businesses in search of new premises/sites
Work with Locate in Kent to promote the take up of vacant business property
Partnership Working
Achieve a higher economic priority for the area in relation to the wider LEP
Assist with the delivery of the West Kent Investment Strategy
Contribute to the economic work of the West Kent Partnership
Rural Business Sector
Commission and fund support for: <ul style="list-style-type: none"> - home-based businesses - the land-based sector
Matters related to Farmers' Markets
Promote the enhancement of local broadband services in areas of need

Skills and Employability
Commission services to promote entrepreneurship in deprived communities
Develop and support Job Clubs in areas of particular need
Help promote: <ul style="list-style-type: none"> - the take up of local apprenticeships available in the Borough - work experience opportunities for young people with local businesses
Offer regular Borough Council apprenticeships to local young people
Work with Job Centre Plus and other partners to tackle local worklessness issues
Work with local schools and colleges to develop work-readiness skills
Supporting Town Centres
Allocation of Innovation Fund
Contribute to the promotional work of the Town Team in Tonbridge and in other local centres
Encourage the improvement of the environment and appearance of town and local centres
Support a major redevelopment of Tonbridge Town Centre
Support opportunities for additional retail activities e.g. Farmers Markets
Tackle the need to find new uses for empty shop premises
Supporting the Tourism Sector
Deliver an annual programme of cultural events
Manage Tonbridge Castle as a key visitor attraction
Operate the Tourist Information Centre at Tonbridge
Prepare online visitor information
Work with operators to help promote cultural and entertainment events
Work with Visit Kent to promote the Borough's visitor attractions and accommodation

Finance
Administration of Housing & Council Tax Benefits and Council Tax Reduction Scheme
Annual Estimates & the provision of medium term forecasts
All strategic and corporate matters relating to Information Technology and E-government (not within the direct purview of other portfolio holders)
Capital Planning including the management of new 'bids' and the preparation of a medium term plan
Collection of Council Tax and Business Rates
Day to Day financial operations, including debt recovery / management and payment of staff & creditors
Developing shared service arrangements
Development of the Council's procurement strategy
Financial management for the Council as a whole in accordance with proper practices, including the preparation of annual estimates and the provision of medium term forecasts
Property
Operational management of acquisition and disposal of land and property including leases, easements and other interests
Maintenance and improvement of Council property
Operational management of Council land and property not falling within the purview of other portfolio holders, specifically offices, depots, commercial and industrial holdings and vacant land and premises
Strategic management of land and property requirements, resources and allocation in line with the Asset Management Plan
Usage of Council offices and allocation of accommodation
Customer Services
Meeting the Council's targets for customer satisfaction

Development of a corporate customer charter
Development and implementation of a customer contact strategy encompassing a range of access channels including face-to face, telephone, website, letters and text messaging
<p>To consider:</p> <ul style="list-style-type: none"> - VFM (Value for Money) and Performance Reviews - Service delivery improvement for customers in support of the Council's Diversity Policy and Equality Act requirements in consultation with service users - Options for local service delivery across the Borough in response to identified need
All matters relating to Data Protection and Freedom of Information
Personnel issues that do not fall within the purview of the General Purposes Committee
Matters relating to skills education and training

Title:	Housing and Planning Scrutiny Select Committee
Membership:	13 Members
Quorum:	4 Members
Terms of Reference:	
Planning	
Conservation Area and Character Area appraisals and improvement schemes	
Countryside planning and transport initiatives	
Design and procedural guidance	
Evaluation, programming, consultation and implementation of projects on the Council's capital plan	
Improvement of operating systems	
Input into Regional Transport Strategy	
Liaison with the Cabinet Member for Housing over delivery of the Council's Strategic Housing Objectives	
Local transport projects (such as Tonbridge Transport Strategy, A228/A20 corridor, West Malling station)	
Major regional projects (e.g., A21, Rail Investment)	
Neighbourhood Plans/Village design statements	
Performance monitoring and review	
Planning enforcement - overview of performance, resources and priorities	
Preparation of development briefs	
Preparation of the statutory Development Plan (as defined in s.38 Planning and Compulsory Purchase Act 2004)	
Public transport initiatives (bus priority measures, Medway valley line)	

Housing
<p>To oversee the Council's:</p> <ul style="list-style-type: none"> - approach to Housing strategy, housing need and housing market assessment and housing investment programmes - Enabling role and promote new affordable housing, low-cost home ownership housing, key and essential worker housing and schemes for special housing needs - Comprehensive approach to housing options advice, homeless prevention, the management of the housing register - Approach to temporary accommodation arrangements - Disabled Facilities Grant and Housing Assistance Schemes
Liaison with the Cabinet Member for Strategic Planning & Infrastructure over delivery of the council's strategic housing objectives
Empty Homes
Liaison with Kent County Council and other partners in delivering housing related support programme
Enforcement of caravan site licensing
The Council's functions in home safety, energy efficiency, fuel poverty
Maintaining private sector housing standards and enforcement, including the housing, health and safety rating system, disrepair and defective housing
Houses in multiple occupation (HMO)

6.	Overview and Scrutiny Committee
Size and Membership: (Quorum: 4 Members of the Committee)	
To consist of 17 members and shall be politically balanced, none of whom may be a member of the Executive.	
The Overview and Scrutiny Committee will have the power to co-opt any person(s) it thinks appropriate (except for members of the Executive and officers of the Council) onto the committee, on whatever basis it thinks appropriate. Co-opted members may speak in debates but not vote. The Borough Council has approved a Scheme of Co-option as set out in Part 4, Overview and Scrutiny Procedure Rule 3.1	
The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.	
Terms of Reference:	
The Overview and Scrutiny Committee shall discharge the following general functions	
1.	review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive;
2.	make reports or recommendations to the authority or the Cabinet with respect to the discharge of any functions which are the responsibility of the Executive;
3.	review or scrutinise decisions (other than individual regulatory decisions) made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive;
4.	make reports or recommendations to the authority or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Executive;
5.	make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area; and
6.	exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive
The power of the Overview and Scrutiny Committee under 1 above to review or scrutinise a decision made but not implemented includes power:	
7.	to recommend that the decision be reconsidered by the person who made it; or
8.	to arrange for its function under subsection 1, so far as it relates to the decision, to be exercised by the authority.

Specific Functions:	
Policy Development and Review	
The Overview & Scrutiny Committee may	
9.	assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
10.	conduct research, community and other consultation in the analysis of policy issues and possible options;
11.	consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
12.	question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area;
13.	liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
Scrutiny	
The Overview & Scrutiny Committee may	
14.	review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;
15.	review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
16.	question members of the executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
17.	make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
18.	review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the committee and local people about their activities and performance;
19.	question and gather evidence from any person (with their consent).

Finance	
20.	The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it
Annual Report	
21.	The Overview and Scrutiny Committee must report annually to the full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
Officers	
22.	The Overview & Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support its work.
The Overview and Scrutiny Committee or a sub-committee of such a committee:	
(a)	may require members of the Executive, and officers of the authority, to attend before it to answer questions;
(b)	may require any other member of the Borough Council to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England); and
(c)	may invite other persons to attend meetings of the committee.
It is the duty of any member or officer mentioned in paragraphs (a) or (b) above to comply with any requirement mentioned in that paragraph. However, a person is not obliged to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.	
The Borough Council has designated the Policy, Scrutiny and Communities Manager as the Scrutiny Officer for the purposes of the Local Government Act 2000.	

OVERVIEW AND SCRUTINY PROCEDURE RULES

1.	Arrangements for Overview and Scrutiny Committee
	<p>The Council will have an Overview and Scrutiny Committee and three Scrutiny Select Committees (which are not sub-committees of the Overview and Scrutiny Committee) as follows:</p> <ul style="list-style-type: none"> - Housing & Planning Scrutiny Select Committee - Finance, Regeneration and Property Scrutiny Select Committee - Communities and Environment Scrutiny Select Committee <p>as set out in Part 3: Responsibility for Council Functions and will appoint to them as it considers appropriate from time to time.</p> <p>The Council has appointed a Scrutiny Officer whose functions are:</p> <ul style="list-style-type: none"> - To promote the role of the Council's scrutiny committees; - To provide support and training to the Council's scrutiny committees and the members of those committees; and - To provide support and any guidance to members of the Council, members of the Executive and Council officers in relation to the functions of the Overview and Scrutiny and Scrutiny Select Committees <p>The Overview and Scrutiny Committee may appoint sub committees which will also be subject to these Procedure Rules. Additional Overview and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.</p> <p>Overview and Scrutiny Committee and the Select Committees will have the power to investigate any matters they consider relevant to their work area, and to make recommendations to the Council, the executive or any committee or sub- committee of the Council as they see fit.</p> <p>The terms of reference of the Overview and Scrutiny Committee will be:</p>
(a)	the performance of all overview and scrutiny functions on behalf of the Council in relation to the areas of work allocated to that committee;
(b)	the appointment of such further Select Committees as is considered appropriate to fulfil those overview and scrutiny functions;
(c)	to approve an annual work programme, including the programme of the Scrutiny Select Committees and any further sub-committees appointed so as to ensure that time is effectively and efficiently utilised;
(d)	to receive requests from the executive and/or full Council for overview and scrutiny reports and to respond accordingly;

(e)	to put in place a system to ensure that referrals from overview and scrutiny to the executive, either by way of report or for re-consideration are managed efficiently; and
(f)	in the event of the volume of referrals creating difficulty for the management of executive business or jeopardising the efficient running of Council business, at the request of the Executive, to make decisions about the priority of referrals made
On adoption of this Constitution, Overview and Scrutiny Committee may appoint (and discontinue) sub-committees and amend their terms of reference, as appropriate, provided that consultation has been carried out with interested parties. Any changes will be reported to the Chief Executive and then to the next meeting of the Council by the Chair of the Overview and Scrutiny Committee, so that the Constitution may be amended accordingly.	
2.	Who may sit on Overview and Scrutiny Committee and the Scrutiny Select Committees?
All councillors except members of the Executive may be members of the Overview and Scrutiny Committee or Scrutiny Select Committees, the political composition of which will reflect as nearly as possible the political composition of the Council as a whole. No councillor may be involved in scrutinising a decision in which they have been directly involved.	
3.	Co-optees
The Overview and Scrutiny Committee and Scrutiny Select Committees and any sub-committees shall be entitled to recommend to Council the appointment to it of people as non-voting co-optees.	
3.1	Scheme of Co-option
(a)	At the initial 'scoping stage of each Scrutiny Review being undertaken Members of the Committee will agree if: <ul style="list-style-type: none"> - any co-option of external participants is necessary for that review; and - any co-option is needed, who might be most appropriate individual or organisation to invite to assist with that review.
(b)	There should be a maximum of 3 external co-optees for any one review taking place.
(c)	Any co-optees assisting the review are able to give their views on the matter under consideration but have no formal voting rights.
(d)	Any co-optees assisting the review would, where appropriate, be invited to review a final draft prior to its formal consideration by the Overview and Scrutiny Committee.

4.	Meetings of Overview and Scrutiny Committee and Scrutiny Select Committees
There shall be 5 scheduled meetings of the Overview and Scrutiny Committee and each of the Scrutiny Select Committees in each municipal year at times to be agreed by the Council. In addition, extraordinary meetings may be called as and when appropriate. The Overview and Scrutiny Committee or Scrutiny Select Committee meeting may be called by:	
(a)	the Chair of the relevant committee;
(b)	any three members of the relevant committee;
(c)	the Full Council; or
(d)	the Chief Executive if they consider it necessary.
5.	Quorum
The quorum for the Overview and Scrutiny Committee and the Scrutiny Select Committees shall be as set out for committees in paragraph 14.10 of the Committee Procedure Rules in Part 4 of this Constitution.	
6.	Chairing Overview and Scrutiny Committee meetings
<p>The Chair of Overview and Scrutiny Committee shall be the Leader of the largest minority (opposition) party. In the event of there being two (or more) minority parties of equal size, the position of Chair shall be rotated on an annual basis between the Leaders of each minority party.</p> <p>The Overview and Scrutiny Committee will appoint 2 Vice-Chairs. One Vice-Chair will be a member of a party which is not the political party of the Chair. At least one of the Vice-Chairs will be a member of the party forming the executive.</p>	
7.	Work Programme
The Overview and Scrutiny Committee will be responsible for setting their own work programme and the work programme of the Scrutiny Select Committees and in doing so they will take into account the views of members on the committee who are not members of the controlling political group(s) on the Council.	
8.	Agenda items
Any member of the Overview and Scrutiny Committee, Scrutiny Select Committee or sub-committee shall be entitled to give notice to the Chief Executive and Scrutiny Officer that they wish an item relevant to the functions of the relevant committee or sub-committee of which they are a member to be	

included on the agenda for the next available meeting of that committee or sub-committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

Any member of the Council may make a request to the Chief Executive or Scrutiny Officer that they wish an item relevant to the functions of the Overview and Scrutiny Committee or the Scrutiny Select Committees to be included on the agenda of the relevant committee. The request will be considered by the next available meeting of the Overview and Scrutiny Committee to determine whether it will accept the item.

In exercising its discretion, the Overview and Scrutiny Committee may have regard to any representations made by the member as to why it would be appropriate for the committee to accept the item.

If the Overview and Scrutiny Committee decides not to accept the item it must notify the member of its decision and the reasons for it.

The Overview and Scrutiny Committee may not accept items which relate to:

- Any matter relating to a planning decision;
- Any matter relating to a licensing decision;
- Any matter relating to a person in respect of which that person has recourse to a route of appeal; or
- Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda

The Overview and Scrutiny Committee and Scrutiny Select Committees shall also respond, as soon as their work programmes permit, to requests from the Council and, if considered appropriate, the Executive to review particular areas of the executive's functions. Where they do so, the relevant Committee shall report its findings and any recommendations back to the Executive and/or Council.

9.	Policy Review and Development
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(a)	The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
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(b)	In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee or Scrutiny Select Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
(c)	<p>The Overview and Scrutiny Committee and Scrutiny Select Committees may:</p> <ul style="list-style-type: none"> - hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process; - go on site visits, conduct public surveys, hold public meetings, carry out or commission research and do all other things that they reasonably consider necessary to inform their deliberations; - Consider and implement mechanisms to encourage and enhance community participation in the development of policy options; - ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. - Question members of the Executive and/or members of committees or Management Team about their views on issues and proposals affecting the area
A9	Other Powers and Duties
	<p>Overview and Scrutiny and the Select Committees may:</p> <ul style="list-style-type: none"> - Review and scrutinise the decisions made by and the performance of the Executive; - Undertake more general reviews of executive decisions made by committees and officers; - Review and scrutinise the performance of the Council generally in relation to its policy objectives, performance targets and/or particular service areas; - Make recommendations to the Executive, appropriate committees and/or the Council arising from the outcome of the scrutiny process;
10.	Reports from Overview and Scrutiny Committees and Scrutiny Select Committees ("Scrutiny Reports")
(a)	Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee or Scrutiny Select Committee will prepare a formal report and submit it to the Chief Executive and the Scrutiny Officer for consideration by the executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a

	departure from or a change to the agreed Budget and Policy framework).
(b)	If the relevant Committee cannot agree on one single final report to the Council or Executive as appropriate, then one minority report may also be prepared and submitted for consideration by the Council or Executive alongside the majority report.
(c)	The Scrutiny Report shall be considered by the Council or by the Executive at its next appropriate meeting following submission to the Chief Executive and Scrutiny Officer, or such longer time scale as the Chair of the Overview and Scrutiny Committee may agree.
11.	Making sure that Overview and Scrutiny reports are considered by the Executive
Scrutiny Reports of Committees which have not already been considered by the Executive shall be included in the next programmed executive agenda.	
If the Chief Executive refers a Scrutiny Report to Council, they shall also serve a copy on the Leader with notice that the matter is to be referred to Council. When the Council meets to consider any referral from the Overview and Scrutiny Committee or Scrutiny Select Committee on a matter which would have an impact on the Budget and Policy framework, it shall also consider the response of the Executive to the Committee's proposals.	
Overview and Scrutiny Committee and the Scrutiny Select Committees will have access to the Executive's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny/ Scrutiny Select Committee following a consideration of possible policy/service developments, the relevant committee will at least be able to respond in the course of the executive's consultation process in relation to any key decision.	
12.	Rights of Overview and Scrutiny Committee Members to documents
(a)	In addition to their rights as councillors, members of Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
(b)	Nothing in this paragraph prevents more detailed liaison between the executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

13.	Members and Officers giving Account	
(a)	The Overview and Scrutiny Committee, sub-committee or Scrutiny Select Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:	
	(i)	any particular decision or series of decisions;
	(ii)	the extent to which the actions taken implement Council policy; and/or
	(iii)	about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
	and it is the duty of those persons to attend if so required.	
	The appropriate “senior officer” shall be identified following consultation with the Chief Executive.	
(b)	Where any member or officer is required to attend a committee under this provision, the Chair of that committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least 10 working days’ notice of the meeting at which they are required to attend. (A shorter period of notice may be given with the agreement of the member or officer in question.) The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.	
(c)	Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the relevant committee shall in consultation with the member or officer arrange an alternative date for attendance.	

14.	Attendance by Others
	The Overview and Scrutiny Committee and Scrutiny Select Committees may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall notify the Chief Executive who will issue an invitation to such people to attend. Their attendance is entirely optional.
15.	Call-In
(a)	When a decision is taken by the Executive, an individual member of the Executive, a committee of the executive, or a 'key decision' is made by an officer with delegated authority from the executive, or an area committee or under joint arrangements, that decision shall be notified to all members of the Council as soon as possible after it is taken (normally within two working days) and shall be made available at the main offices of the Council.
(b)	That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented on the expiry of five working days after publication of the decision unless it is called in.
(c)	<p>During that period the Chief Executive shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by any five members of the Overview and Scrutiny Committee.</p> <p>Such a request must be made in writing and must state the reason the members believe call-in to be necessary. On receipt of such a request within five working days of publication of the decision, the Chief Executive shall notify the decision taker of the call in and a meeting of the Overview and Scrutiny Committee shall be called to take place where practicable within 10 working days of receipt of a valid request for call-in. Pending that meeting, the decision shall stand deferred and shall not be implemented.</p>
(d)	If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to Full Council. If referred to the decision maker they shall then reconsider it, amending the decision or not, before adopting a final decision.
(e)	If following a call-in of the decision, the Overview and Scrutiny Committee does not refer the matter either to Council or back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting.

(f)	If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.	
(g)	If the Council does not decide to refer the decision back to the decision-making body or person, the decision shall take effect on the date of the Council meeting.	
(h)	A decision-making person or body can be required to reconsider any particular decision only once.	
Call-In and Urgency		
(i)	The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interest. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The decision proposed shall be regarded as reasonable in all the circumstances and be treated as a matter of urgency unless the Chair of Overview and Scrutiny and the political group Leaders by simple majority, disagree. Decisions taken as a matter of urgency must be reported to the next appropriate meeting of the Council by the Chief Executive, together with the reasons for urgency.	
(j)	The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.	
16.	Procedure at Overview and Scrutiny Committee and Scrutiny Select Committee meetings	
(a)	Overview and Scrutiny Committee and the Scrutiny Select Committees and any sub-committees shall consider the following business:	
	(i)	minutes of the last meeting;
	(ii)	declarations of interest;

	(iii)	consideration of any matter referred to the committee for a decision in relation to call-in of decision (Overview and Scrutiny Committee only);
	(iv)	determination of whether any executive decisions published since the Committee last met (and not 'out of time') should be 'called in' for consideration or referred to Council; (Overview and Scrutiny Committee only);
	(v)	responses of the Council or Executive to reports of the Overview and Scrutiny Committee/ relevant Scrutiny Select Committee; and
	(vi)	the business otherwise set out on the agenda for the meeting.
(b)	Where the Committee conducts an investigation (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:	
	(i)	that the investigation be conducted fairly and all members of the committee not having a conflict of interest be given the opportunity to ask questions of attendees, and to contribute and speak;
	(ii)	that those assisting the committee by giving evidence be treated with respect and courtesy; and
	(iii)	that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
(c)	Following any investigation or review, the committee/sub-committee shall commission a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.	

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

14 September 2023

Report of the Chief Executive

Part 1- Public

Delegated

1 **SCOPING REPORT: TO REVIEW OUTSIDE BODIES**

To review the Council's list of Appointments to Outside Bodies

1.1 **Background**

- 1.1.1 At the annual meeting of Council held on 17 May 2023 several appointments to outside bodies were confirmed and agreed. Following notification of these appointments, the Borough Council were advised of some inaccuracies in respect of the number of representatives required and the status of some of the organisations.
- 1.1.2 The necessary changes were brought to the meeting of Council on 11 July 2023 where it was also agreed that the Overview and Scrutiny Committee undertake a review of appointments to outside bodies. This Scoping Report looks to consider the revised list of Appointments to Outside Bodies (attached at Annex 1) and the role of the Borough Councillors on these groups.
- 1.1.3 The majority of organisations on the list are based in the borough. Some organisations are located outside the borough but provide either support or services to borough residents.

1.2 **Suggested focus for the review**

- 1.2.1 Members may wish to review the role of the outside bodies to gain a better understanding of the aims and priorities of the organisations. A request could be made to each organisation to provide a short overview of their aims and objectives. This could be presented at the next meeting.
- 1.2.2 It may also be useful to further explore the role of the nominated Borough Councillors and how information can be brought back to the Council. Representatives could also be asked to provide a short update if this would be helpful?
- 1.2.3 Members will note that there are also several non-Councillors on the list. It has been accepted that these representatives have usually got local knowledge/experience and/or a previous relationship with the Council. Members

may wish to consider if this remains valuable and if feedback has been provided to the Council. There isn't currently a formal mechanism for these representatives to update the Council, which may be something that should be considered?

- 1.2.4 Most of the organisations do not receive any financial assistance from the Borough Council, however a small number on the list receive either a grant or request a payment for their services. Whilst it is not practical to invite all organisations into the meeting, it may be helpful to focus on those that receive either grants or payments to attend the next meeting. This would allow Members of the Overview and Scrutiny Committee to ask any questions regarding their operation and consider any value for money issues.
- 1.2.5 There may be other outside bodies who have approached the Council for nominated Borough Council representatives, which Members may want to consider. In addition, the Mayor is invited to some, but not all of the organisations AGM's. Members may wish to consider the merits of this.

1.3 Legal Implications

- 1.3.1 None

1.4 Financial and Value for Money Considerations

- 1.4.1 Levies made by the two drainage boards in our area under the Land Drainage Act, 1991 and the Internal Drainage Boards (Finance) Regulations are as follows:
- Lower Medway Internal Drainage Board – 2023-24 levy of £227,059.67
 - Upper Medway Internal Drainage Board – 2023-24 levy of £257,006.97
- 1.4.2 Organisations on the list who currently receive financial support from the Council via a grant or payment for services, are as follows:
- Citizens Advice in North and West Kent – Grant of £95,000 for 2023-24 Service Level Agreement
 - High Weald AONB – £1451 for 2023-24 – formal agreement in place
 - Kent Downs AONB - £4138 for 2022-23 (2023-24 invoice yet to be received) – formal agreement in place
 - Maidstone Mediation Scheme – Grant of £4,320 per year for 2020-2024 Service Level Agreement. (£2,500 is also provided via the Community Safety Partnership, with funding from the Police and Crime Commissioner)
 - Tonbridge & Malling Leisure Trust – No management fee, but there are financial responsibilities for the Council in relation to energy increases, pension fund increases (for staff who TUPE transferred) above a threshold.

- West Kent Partnership - £10,000 per annum staffing costs towards the West Kent Partnership Manager

1.5 Risk Assessment

- 1.5.1 Partnerships are included on the Council's Strategic Risk Register. Where outside bodies are appointed to deliver services, formal agreements or Service Level Agreements are in place.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Policy Considerations

- 1.7.1 Business Continuity/Resilience
- 1.7.2 Communications
- 1.7.3 Community

1.8 Recommendations

- 1.8.1 That Members **ENDORSE** the approach as suggested in 1.2 of the report, to undertake further evaluation of the issues raised.

Background papers:

Nil

contact: Gill Fox
Policy, Scrutiny &
Communities Manager

Julie Beilby
Chief Executive

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REPRESENTATIVES ON OUTSIDE BODIES 2023/24	
Annual Appointments	
Allington Community Liaison Group	Councillor Steve Hammond
Citizens Advice in North and West Kent	Councillor Matt Boughton
Gatwick Airport Noise Management Board Community Forum	Councillor Matt Boughton
High Weald Area of Natural Beauty	Councillor Mike Taylor
KCC Health Overview and Scrutiny	Councillor Kim Tanner
Kent and Medway Police and Crime Panel	Councillor Des Keers
Kent Downs AONB Joint Advisory Committee	Councillor Mike Taylor
Kent Flood Risk Management Committee	Councillor Matt Boughton
Internal Drainage Boards:	
Lower Medway	Councillor Dave Davis
Upper Medway	Councillor Dennis King Mr Howard Rogers Mr Mark Davis Mr Owen Baldock
LGA General Assembly	Councillor Matt Boughton Councillor Martin Coffin (substitute)
Maidstone Mediation Scheme	Mrs Ann Kemp
Parking and Traffic Regulations Outside London Adjudication Joint Committee	Councillor Dave Davis Councillor Dennis King (substitute)
Rochester Airport Consultative Committee	Councillor Des Keers
Rochester Airport Delivery Board	Councillor Robin Betts
Snodland Partnership	Councillor Paul Hickmott + 1 Town Council appointment (Sue Bell)
South East England Councils (Leaders' Forum)	Councillor Matt Boughton Councillor Martin Coffin (substitutue)
Tonbridge and Malling Leisure Trust	Councillor Tim Bishop Councillor Keith Tunstall

Annual Appointments	
West Kent Health Integrated Care Partnership Elected Members Forum	Councillor Kim Tanner
West Kent Partnership	Councillor Robin Betts
Youth and Community Centres/ Project Management Committees	Councillor Des Keers
Non-Annual Appointments	
Armed Forces Champions	Cllr Dave Davis Cllr Steve Hammond
Haysden Country Park User Panel (3 year appointment)	Councillor Mark Hood Councillor Dennis King <i>(Extended until May 2025)</i>
Hospital of the Holy Trinity, Aylesford	Mr David Lettington Councillor Colin Williams
Leybourne Lakes Country Park User Panel (3 year appointment)	Councillor Timothy Bishop Mr Brian Luker <i>(Extended until May 2025)</i>
Petley & Deakins Almshouse Charity	Ms April Clark Councillor Frani Hoskins
The Berry Housing Trust	Mr Paul Gurney Mr Richard Hogbin
Tonbridge Town Lands & Richard Mylles Charity	Mr Owen Baldock Mr David Davis Mrs Diane Huntingford Mr Eddie Prescott
Tonbridge United Charity	Mrs Diane Huntingford
William Strong Foundation	Mr Howard Rogers Mr David Aikman

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

14 September 2023

Report of the Chief Executive

Part 1- Public

Matters for Information

1 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN – ANNUAL REVIEW LETTER

To set out the annual report of the Ombudsman regarding complaints received and dealt with over the period 1 April 2022 to 31 March 2023.

1.1 The Annual Letter

1.1.1 Each year, the Ombudsman provides the Borough Council with a report of the formal complaints he has dealt with and the outcomes of those complaints. This report covers the period for 1 April 2022 to 31 March 2023.

1.1.2 The Ombudsman received 8 formal complaints over that period. The outcomes were as follows:

Complaints decided - 8

Complaints upheld – 3

Not upheld - 1

Complaints referred back for local resolution – 0

Complaints closed after initial enquiries - 2

Complaints incomplete/invalid – 2

Advice given - 0

1.1.3 A copy of the Ombudsman's letter is attached at **Annex 1**, together with details of the complaints at **Annex 2**.

1.1.4 The 3 complaints upheld by the Ombudsman all relate to garden waste services. Although all 3 of these complaints were decided by the Ombudsman in April 2022, they were all originally made to the Council during Sept/ Oct 2021.

1.1.5 In 2 out of the 3 complaints upheld by the Ombudsman, no further action was recommended as the Borough Council had already remedied the matter complained of.

1.2 Legal Implications

1.2.1 None

1.3 Financial and Value for Money Considerations

1.3.1 None

1.4 Risk Assessment

1.4.1 N/A

1.5 Policy Considerations

1.5.1 N/A

Background papers:

contact: Julie Beilby

Nil

Julie Beilby
Chief Executive

Local Government & Social Care OMBUDSMAN

19 July 2023

By email

Ms Beilby
Chief Executive
Tonbridge and Malling Borough Council

Dear Ms Beilby

Annual Review letter 2022-23

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with that of similar organisations, rather than previous years, to better understand your organisation's performance.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we were satisfied with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

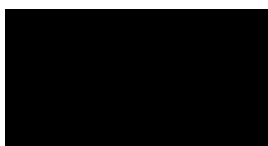
Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 26 July 2023. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

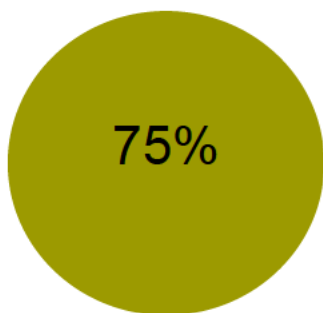
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

Yours sincerely,



Paul Najsarek
Interim Local Government and Social Care Ombudsman
Interim Chair, Commission for Local Administration in England

Complaints upheld



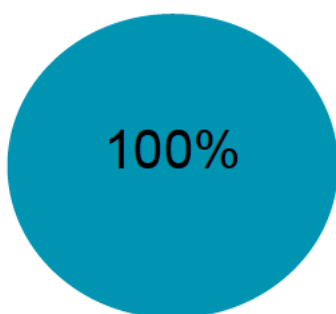
75% of complaints we investigated were upheld.

This compares to an average of **59%** in similar organisations.

3
upheld decisions

Statistics are based on a total of **4** investigations for the period between 1 April 2022 to 31 March 2023

Compliance with Ombudsman recommendations



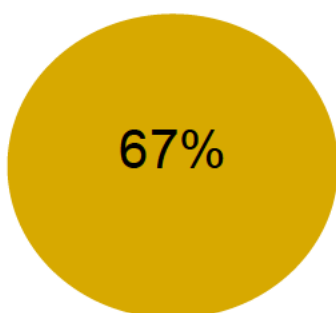
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **1** compliance outcome for the period between 1 April 2022 to 31 March 2023

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the organisation



In **67%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **15%** in similar organisations.

2
satisfactory remedy decisions

Statistics are based on a total of **3** upheld decisions for the period between 1 April 2022 to 31 March 2023

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Received

Reference	Authority	Category	Received
22003023	Tonbridge and Malling Borough Council	Planning & Development	08/06/22
22003714	Tonbridge and Malling Borough Council	Housing	20/06/22
22004997	Tonbridge and Malling Borough Council	Housing	28/03/23
22010070	Tonbridge and Malling Borough Council	Housing	21/10/22
22014711	Tonbridge and Malling Borough Council	Planning & Development	06/02/23
22015268	Tonbridge and Malling Borough Council	Planning & Development	09/02/23
22016759	Tonbridge and Malling Borough Council	Environmental Services & Public Protection & Regulation	09/03/23
22017965	Tonbridge and Malling Borough Council	Environmental Services & Public Protection & Regulation	30/03/23

Decided

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
21039419	Tonbridge and Malling Borough Council	Environmental Services & Public Protection & Regulation	27/04/22	Upheld	fault & inj - no further action organisation already remedied		
21013456	Tonbridge and Malling Borough Council	Environmental Services & Public Protection & Regulation	14/04/22	Upheld	fault & inj - no further action organisation already remedied		
21013847	Tonbridge and Malling Borough Council	Environmental Services & Public Protection & Regulation	14/04/22	Upheld	fault & inj	Apology;Financial redress: Avoidable distress/time and trouble;Financial redress: Loss of service;Provide training and/or guidance	The Council will remind its staff about the Council's garden waste service terms and conditions to ensure bins are delivered to users within one month from the date a request is made, and to accept requests for refunds if these are made before its bins have been delivered.
22003023	Tonbridge and Malling Borough Council	Planning & Development	16/06/22	Closed after initial enquiries	Not warranted by alleged fault		
22003714	Tonbridge and Malling Borough Council	Housing	12/07/22	Closed after initial enquiries	Not warranted by alleged fault		
22010070	Tonbridge and Malling Borough Council	Housing	19/01/23	Not Upheld	no fault		
22015268	Tonbridge and Malling Borough Council	Planning & Development	09/02/23	Incomplete/Invalid	Insufficient information to proceed and PA advised		
22017969	Tonbridge and Malling Borough Council	Environmental Services & Public Protection & Regulation	30/03/23	Incomplete/Invalid	Insufficient information to proceed and PA advised		

Compliance

Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
21013847	Tonbridge and Malling Borough Council	Environmental Services & Public Protection & Regulation	13-Apr-22	ApologyFinancial redress: Avoidable distress/time and troubleFinancial redress: Loss of serviceProvide training and/or guidance	13-Jul-22	27-Jul-22	Remedy complete and satisfied

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

14 September 2023

Report of the Chief Executive

Part 1- Public

Matters for Information

1 KEY PERFORMANCE INDICATORS

Following the Peer Challenge Review in 2022, the Council established a Corporate Performance Framework which provides visibility and a formal mechanism to track progress across a number of aspects of its work. This covering report and appendix provides data on Key Performance Indicators (KPIs) that are monitored on a quarterly or annual basis and made available to the select committees on an ongoing basis.

1.1 Overview of KPIs and Next Steps

- 1.1.1 The KPI dataset that is provided represents the key strategic indicators that the Council reports on to various Government departments and bodies. They are not designed to provide detailed service specific indicators.
- 1.1.2 The KPIs are provided in **Appendix 1**. A baseline covering April-June 2022 has been used, with the data for April-June 2023 representing the most up-to-date available statistics in most instances, although due to the lag in some statistics the previous quarter represents the most up to date figures.
- 1.1.3 Now that the KPIs have been collated and reported on for over a year, there are some trends that can be identified and highlighted in this report. These include:
 - The total number of licensed drivers, vehicle licenses and premises licenses all increased in Apr-June 2023.
 - Website content and social media engagement, and TMBC App downloads have all increased in this quarter. Myaccount registrations plateaued this quarter after considerable growth in previous quarters.
 - Staffing headcount and FTE both saw a drop in this quarter, along with a small increase in vacant posts.
 - Short term sickness absence has dropped from last quarter (down to 2.07 days). However, medically signed-off sickness absence has increased.

- 1.1.4 Unfortunately, there are some gaps in the data as things stand due to lags with certain datasets, however most KPIs provide indications of trends.
- 1.1.5 This current KPI reporting (as set out in Appendix 1) represents the first stage of a programme of activity to action the recommendation from the Peer Challenge Review. With the Corporate Strategy 2023-2027 (along with action plan and KPIs) now adopted, the planned changes to the KPIs will come into effect in the next quarterly cycle of reporting, resulting in them better reflecting our strategic priorities. The new suite of KPIs, as approved by Council will be reported on in the next quarter. For Overview and Scrutiny, the list of KPIs will be very similar, albeit slightly slimmed down as follows to minimise duplication:
- Removal of 'Website Top Tasks'
 - Removal of 'Staff Numbers (Headcount)' as 'Staff Numbers (Full Time Equivalent)' is provided and gives a better indication of the level of staff resources.
 - Removal of 'Gender Pay Gap – Mean' as 'Gender Pay Gap – Median' is provided.
- 1.1.6 At the same time, work is being undertaken to access background/raw data relating to KPIs in order to ensure data quality. This is an ongoing process.
- 1.1.7 Future steps, many of which will happen now the Corporate Strategy has been approved, are likely to include;
- Quarterly review of the KPIs at Management Team having been discussed at Service Management Teams in order to ensure that the KPIs are embedded within the organisation.
 - Where available, providing comparator baselines for other Kent districts and other similar authorities (for example, our CIPFA grouping).
 - Agreeing KPI targets relating to improvement or maintenance of service delivery standards.
 - Exploring opportunities for benchmarking offered by the LGA's performance management function.

Background papers:

Nil

contact: Jeremy Whittaker,
Strategic Economic
Regeneration Manager

Appendix 1 – Corporate Key Performance Indicators

	BASELINE				2022/23			2023/24		TREND	NOTES
	Value	Date	Frequency	Source	July-Sept	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept		
INDICATORS - Other											
Licencing											
Total number of licenced drivers	590	Jun-22	Quarterly	Reports from IDOX Uniform	598	593	596	601		↑	
Total number of vehicle licences	503	Jun-22	Quarterly	Reports from IDOX Uniform	535	529	538	558		↑	
Total number of premises licences	389	Apr-22	Quarterly	Home Office Return	398	398	398	403		↑	
Communications											
Social media clicks/engagement	5,178	Jul-Sept 22	Quarterly	Orlo	N/A	5,587	5,200	7,462		↑	Marked uptick in social media activity linked to election results and Summer In Tonbridge marketing campaign.

Website top tasks	1. Find bin collection days 2. Find planning applications 3. Pay council tax 4. Apply for a parking permit 5. Contact us	Sep-22	Quarterly	Google Analytics	N/A	1. My waste collection dates 2. My Account 3. Waste collection updates 4. View/comment on planning apps 5. Christmas waste collections 2022	1. My Account 2. My waste collection dates 3. View/comment on planning apps 4. Waste updates 5. Pay council tax	1. My Account 2. My waste collection dates 3. Ward results 4. View/comment on planning apps 5. Waste collection updates			
Website content engagement	42%	Sep-22	Quarterly	Google Analytics	N/A	43.5%	86%	91.96%		↑	
Website My account registrations	25,725	Sep-22	Quarterly	Jadu	N/A	28,421	31,387	31,161		→	
My TMBC app Downloads	3,827	Sep-22	Quarterly	One Signal	N/A	4,847	6,474	7,306		↑	
Human Resources											
Staff Numbers - Headcount	254	Sep-22	Quarterly	Chris 21 (Payroll System) Reports	N/A	252	256	250		↓	Natural turnover
Staff Numbers - FTE	234	Sep-22	Quarterly	Chris 21 (Payroll System) Reports	N/A	223	224	221.78		↓	Natural turnover

Vacant Posts (FTE)	14	Sep-22	Quarterly	Chris 21 (Payroll System) Reports	N/A	18	17	19	↓	A number of vacant post exists within the planning service, a recruitment campaign advertising the new market supplement and golden hello payments is underway during July & August 2023 which will hopefully address a large number of these vacant posts.
Sickness absence (days) - Short-term	3.06	2021/2	Quarterly	Chris 21 (Payroll System) Reports	N/A	3.48	3.5	2.07	↑	
Sickness absence (days) - Medically signed off	4.53	2021/2	Quarterly	Chris 21 (Payroll System) Reports	N/A	2.92	2.89	4.01	↓	MT monitor this on a monthly basis and are reassured that there is no underlying theme/reason for the increase.
Gender Pay Gap - Mean	19.80%	2021	Annually	Chris 21 (Payroll System) Reports	N/A	N/A	22.46%	22.46%	→	Gender pay gap reporting – Tonbridge and Malling Borough Council (tmhc.gov.uk)
Gender Pay Gap - Median	30.60%	2021	Annually	Chris 21 (Payroll System) Reports	N/A	N/A	29.89%	29.89%	→	Gender pay gap reporting – Tonbridge and Malling Borough Council (tmhc.gov.uk)

Customer Services											
Handled rate	72%	Apr-Jun 2022	Quarterly	AW365	80%	91%	93%	88%		→	Calls are impacted at different times of year by different factors, April can be annual billing / benefit changes, another month it can be a large summons run. Housing changing the allocation scheme and new housing system has driven calls to double. Staff turnover also impacts on call answering due to the high level of training for advisors that is required before they can take calls
% emails responded to within 24 hours	100%	Apr-Jun 2022	Quarterly	Outlook	100%	100%	100%	100%		↑	
% webchat answer rate	99%	Apr-Jun 2022	Quarterly	Webchat tool	99%	99%	99%	99%		↑	

Executive Decisions Record - July 2023

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Decision Number	Title	Cabinet Member	Date of Decision	Date Published	Call-in period ends	Called in	Scrutiny Committee Consideration	Referred back to Cabinet	Referred back to Council	Council referred to Cabinet	Date Decision Effective
D230056CAB	Household Support Fund	Cabinet	04.07.23	06.07.23	13.07.23						14.07.23
D230057CAB	New Local Development Scheme										
D230058CAB	Financial Planning and Control										
D230059CAB	TM UK Shared Prosperity Fund (UKSPF)										
D230060CAB	Community Development Grant Scheme										
D230061CAB	TMBC Owned Sites - Local Plan										
D230062CAB	Tree Safety Policy					10.7.23	1.08.23*	N/A	N/A	N/A	
D230063CAB	Events on Public Open Spaces										
D230064CAB	Litter and Fly Tipping Enforcement Pilot - 6 month review										
D230065MEM	Approval of the Food and Safety Team Service Plan 2023-2024	Climate Change, Regeneration and Property	10.07.23	10.07.23	17.07.23						18.07.23
D230066MEM	Kent Minerals and Waste - Local Plan	Cabinet Member for Planning	11.07.23	12.07.23	19.07.23						20.07.23
D230067MEM	Housing Strategy Update and Draft Year 2 Action Plan	Cabinet Member for Planning	18.07.23	20.07.23	27.07.23						28.07.23
D230068MEM	Fixed Penalty Notices for Waste Duty of Care Offences	Cabinet Member for Transformation and Infrastructure	19.07.23	24.07.23	31.07.23						01.08.23
D230069MEM	Leisure Trust	Cabinet Member for Communities Services									
D230070MEM	Climate Change Action Plan Year 4 and Carbon Audit 2022-23	Cabinet Member for Climate Change, Regeneration and Property									

Decision pending	Call in period	Key Decision	Private	Urgent
	Subject to call in			

URG - outside of budget and policy framework

*effective from 1 August 2023

Executive Decisions Record - August 2023

Decision Number	Title	Cabinet Member	Date of Decision	Date Published	Call-in period ends	Called in	Scrutiny Committee Consideration	Referred back to Cabinet	Referred back to Council	Council referred to Cabinet	Date Decision Effective
D230071MEM	Shopfront and Vacant Unit Improvement Grant Scheme	Climate Change, Regeneration and Property	08.08.23	08.08.23	15.08.23						16.08.23
D230072MEM	Overview and Scrutiny Procedure Rules - Amendment	Leader	21.08.23	22.08.23	30.08.23*						31.08.23

Decision pending	Call in period	Key Decision	Private	Urgent
	Subject to call in			

URG - outside of budget and policy framework

*reflects Bank Holiday

**TONBRIDGE AND MALLING BOROUGH COUNCIL
NOTICE OF FORTHCOMING KEY DECISIONS**

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, at least 28 days before a key decision is expected to be taken a Notice of Forthcoming Key Decisions will be published. A 'key decision' is an executive decision which is likely either

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or functions to which the decision relates.

'Significant' when applied to expenditure or savings shall mean a sum in excess of £100,000 or such other sum as may be specified in any enactment or other statutory provision.

or

- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

The Notice of Forthcoming Key Decisions sets out:

- (a) the matter in respect of which a key decision is to be made;
- (b) details of the decision taker and the date on which the key decision will be made;
- (c) a list of documents to be submitted to the decision taker for consideration in relation to the matter;
- (d) the address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from any document listed is available and the procedure for requesting details.

All key decisions will be made by the Cabinet on the dates specified unless otherwise stated. The agenda and documents to be submitted to the Cabinet (unless they contain exempt information) will be available for inspection at the Council Offices and on the website 5 clear working days before the meeting. Copies or extracts are available from committee.services@tmbc.gov.uk or Democratic Services, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling ME19 4LZ.

This document also gives notice of the Council's intention to hold a private meeting (or part thereof) of the Cabinet. It indicates any items where it is likely that the public will be excluded because public discussion would disclose confidential or exempt information and the reasons in each case. Any representations against the intention to hold a private meeting may be made to committee.services@tmbc.gov.uk or Committee Services, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling ME19 4LZ.

Members of the Cabinet and their areas of responsibility:

Councillor Matt Boughton (Leader)
Councillor Robin Betts (Climate Change, Regeneration and Property)
Councillor Martin Coffin (Transformation and Infrastructure)
Councillor Des Keers (Community Services)
Councillor Kim Tanner (Finance and Housing)
Councillor Mike Taylor (Planning)

NOTICE OF FORTHCOMING KEY DECISIONS

Description of Decision	Date of Cabinet	Who is to be consulted	Contact Officer	Documents to be submitted to Cabinet	Public or Private (reason if Private)
Car Parking Proposals	3 Oct 2023	Internal consultation via Communities and Environment Scrutiny Select Committee and Cabinet	Head of Technical Services	Officers report	Public
Biodiversity Net Gain Protocol	3 Oct 2023	Internal consultation via Housing and Planning Scrutiny Select Committee and Cabinet	Principal Planning Officer (Policy)	Officers report	Public
Review of Car Parking Fees and Charges	7 Nov 2023	Internal consultation via Communities and Environment Scrutiny Select Committee and Cabinet	Head of Technical Services	Officers report	Public
Contact: committee.services@tmhc.gov.uk Published: 5 September 2023					

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OVERVIEW AND SCRUTINY COMMITTEE

WORK PROGRAMME 2023- 2024

Standing items:

- Record of Executive (Cabinet and Cabinet Member) Decisions Taken;
- Record of Officer Decisions Taken (If any);

Meeting Date	Matter for Discussion	Requested by:	Director/Officer	
16 November 2023	Review of Governance Arrangements	Chair of Overview and Scrutiny	Adrian Stanfield/Gill Fox	
	Review of Outside Bodies (Final Report)	Chair of Overview and Scrutiny Committee	Gill Fox	
25 January 2024	Budget Setting 24/25			
4 April 2024				

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Agenda Item 15

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 17

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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