

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 25th January, 2024

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 D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr F A Hoskins, Cllr W E Palmer, Cllr D Thornewell, Cllr M R Rhodes (substitute), Cllr K S Tunstall (substitute) and Cllr C J Williams (substitute).

In attendance: Cllrs R P Betts, S Crisp, K B Tanner, M D Boughton*, M A Coffin*, D Keers*, M Taylor* and Mrs S Bell* participated via MS Teams in accordance with Council Procedure Rule 15.21.

*participated via MS Teams

Apologies for absence were received from Councillors S A Hudson, D W King and J R S Lark

PART 1 - PUBLIC

OS 24/6 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Rhodes substitute for Cllr Hudson
- Cllr Tunstall substitute for Cllr King
- Cllr Williams substitute for Cllr Lark

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 24/7 DECLARATIONS OF INTEREST

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

OS 24/8 MINUTES

RESOLVED: That the Minutes of the ordinary and extraordinary meetings of the Overview and Scrutiny Committee held on 16 November 2023 and 10 January 2024 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET**OS 24/9 REVENUE ESTIMATES 2024/25**

The report of the Director of Finance and Transformation and the Cabinet Member for Finance and Housing referred to the responsibility of the Cabinet under the Constitution for formulating initial draft proposals in respect of the Budget. Reference was made to the role of the Overview and Scrutiny Committee in assisting the Cabinet and the Council in preparation of the Budget for 2024/25 within the context of the Medium Term Financial Strategy (MTFS) and the Council's priorities.

Attention was drawn to the difficulties experienced within the budget setting process of incorporating the current economic impacts of inflationary effects and the ongoing conflict in Ukraine and its impact on global economic conditions both next year and over the medium term. Other financial considerations included the better than anticipated provisional local government finance settlement for 2024/25, an allocation for New Homes Bonus and the ability for district councils to increase council tax up to 3%, or £5 whichever was greater. However, the future financial position remained challenging as there was no indication of future core funding beyond 2024/25 or certainty around the future of New Homes Bonus.

In addition, business rates (NDDR) receipts were higher than originally expected and this, coupled with the 'one-off' release of business rates appeals provision, provided a rare opportunity to set aside a significant amount of funds in earmarked reserves to assist in delivering the Borough Council's key priorities. Therefore, additional reserve contributions totalling £4.495m to support temporary accommodation, regeneration of Tonbridge town centre, climate change, transformation and the Local Plan was proposed. The proposal was supported by Members as detailed in 1.10 of the report.

However, due to the threat of reducing external funding from Government (as detailed in 1.13.7) coupled with increased costs creating a 'funding gap' the need to deliver savings remained. Based on the provisional finance settlement, the MTFS had been remodelled and the 'funding gap' was estimated to be in the region of £1.78m, plus £200k to be delivered from office accommodation and £400k in respect of the cost of temporary accommodation.

Finally, to support scrutiny of the Revenue Estimates information had been provided as whether a service was mandatory or discretionary (attached at Annex 3) and this was welcomed by Members.

Careful consideration was given to the draft Revenue Estimates 2024/25 (detailed in Annex 1) and officers responded to questions raised by Members related to estimates/costs for temporary accommodation,

agency fees for staff; recycling credits and parking. There were no further recommendations in respect of the Revenue Estimates identified.

RECOMMENDED*: That

- (1) the draft Revenue Estimates (attached at Annex 1) be endorsed for consideration by Cabinet at its special meeting on 13 February 2024;
- (2) the additional earmarked reserve contribution, as set out in 1.10, be noted; and
- (3) the Savings and Transformation Strategy be updated to reflect the latest projected funding gap as part of the budget setting process.

***Recommended to Cabinet**

OS 24/10 CAPITAL PLAN 2023/24

The report of the Director of Finance and Transformation considered progress on the 2023/24 Capital Plan Review and requested endorsement of recommendations to the Cabinet. Members were reminded that any aspirations in respect of capital schemes needed to be set within the context of the difficult and challenging financial outlook.

Proposals for List C which included the addition of 'fast track' schemes in respect of food waste collections at communal properties, wet side changing room refurbishment and installation of air source heat pumps at Larkfield Leisure Centre and replacement boilers at the Angel Centre were outlined in 1.7.3 of the report. Funding arrangements and evaluated details for these schemes were set out in 1.7.3 to 1.7.4.

Careful consideration was given to the existing Capital Plan (List A) and List C (as detailed in Annexes 1 – 3) and officers responded to questions raised by Members related to the installation of solar panels, Gibson East refurbishment and a number of potential schemes in Tonbridge.

Particular reference was made to the proposed extension to the Upper Castle Field car park (as detailed in CP35 of the Schedule of List C schemes) and it was clarified that the inclusion of this scheme did not presuppose the outcome of the recent public consultation. It was, therefore, proposed by Cllr Hoskins and seconded by Cllr Thornewell, that this scheme should be 'subject to the decision of Council following the review of outcomes arising from the public consultation'. This proposal was supported by the Committee.

Members recognised the significant financial implications in respect of a number of schemes and were reassured that the costs, risks, works and valuations associated with the projects would be carefully monitored.

Finally, the Committee recorded appreciation to Officers in Finance Services for their contribution in preparing both the Revenue Estimates and the Capital Plan.

RECOMMENDED*: That

- (1) the Capital Plan (List A) position as set out in Annex 1 (attached to the report) be commended to Cabinet for endorsement;
- (2) List C be amended by Cabinet as detailed in 1.5.2 of the report and summarised above, subject to CP35 being amended to reflect that this was 'subject to the decision of Council following the review of outcomes arising from the public consultation;
- (3) the schemes listed in 1.6.4 of the report be selected for evaluation including where recommended for Fast Track evaluation;
- (4) the transfer of the four schemes shown in 1.7.3 of the report from List C to List B be commended to Cabinet for endorsement; and
- (5) the Cabinet be invited to endorse the Capital Strategy (attached at Annex 4) for adoption by the Council and publication on the Council's website.

***Recommended to Cabinet**

OS 24/11 CLIMATE CHANGE GAP ANALYSIS OF PROGRESS TOWARDS CARBON NEUTRAL 2030

The report of the Interim Chief Executive provided a gap analysis of progress being made towards carbon neutral by 2030. A number of actions that put 'recognising climate change as a corporate priority' were recommended and these were detailed in 1.3 of the report.

Good progress had been made by the Borough Council in reducing emissions and some of these had been sustained into 2023. However, the 2022/23 carbon audit found that total emissions from the organisations estate and operations were no longer reducing and grew slightly between 2021/22 and 2022/23. This evidence suggested that the Borough Council was at the end of easy win emissions reduction measures.

Members recognised the difficulties associated with achieving carbon neutral by 2030 and expressed concern that there was no clear pathway for the Borough Council identified. There was in-depth discussion around carbon offsetting, the emissions arising from the leisure centres

and whether a fundamental review of the Borough Councils assets was beneficial. However, the importance of educating, influencing and raising awareness in respect of climate change was also recognised.

RECOMMENDED*: That

- (1) climate change be included as a mandatory heading for all Committee and Scrutiny Select Committee report templates (as set out in 1.3.5 to 1.3.8);
- (2) an assessment of the potential of each Directorate and Portfolio to contribute to achieving carbon neutral by 2030 should be carried out (as set out 1.3.9 and 1.3.10);
- (3) the 2024/25 climate change action plan be prepared with significant further ambition and new commitments (as set out in 1.3.11); and
- (4) the corporate climate change function support teams in the delivery of recommended actions.

***Recommended to Cabinet**

MATTERS FOR DECISION TAKEN UNDER DELEGATED POWERS

OS 24/12 SCOPING REPORT - REVIEW OF THE COUNCIL'S USE OF CONSULTANTS

The Committee considered the scope of a potential review into the Borough Council's use of consultants.

Members welcomed this review and felt that a focus on consultancy work providing knowledge, techniques and assets to improve performance outside of the Borough Council's expertise and 'business as usual' was appropriate. In addition, procurement and value for money considerations should be part of the review.

To consider the issues raised it was suggested that a summary of the Borough Council's use of consultants over the past 4 years be presented as part of the next stage of this review. This to include who the consultants are, what the consultants provided, the cost of the appointment and the outcome of the appointment. Members also suggested that, for comparative purposes, neighbouring authorities be asked about their use of consultants and consideration should be given to utilising member expertise.

RESOLVED: That

- (1) the scope of the review to focus on consultants providing third party expertise not available in the Borough Council and not

persons employed to provide day to day operational resource be endorsed; and

- (2) the next steps of the review, looking at the engagement process, value for money issues and a summary of consultants used over the past 4 years, be agreed.

MATTERS FOR INFORMATION

OS 24/13 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

The decisions taken by the Cabinet and Cabinet Members during January 2024 were presented for information and noted by the Committee.

OS 24/14 NOTICE OF FORTHCOMING KEY DECISIONS

The Notice advised of key decisions anticipated to be taken during February and March 2024. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 at least 28 days before a key decision was expected to be taken, a Notice of Forthcoming Key Decisions should be published.

If there any issues that the Committee wished to scrutinise, they were invited to raise these with the Chair.

OS 24/15 WORK PROGRAMME

The Work Programme setting out potential matters to be scrutinised during 2024/25 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 24/16 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.35 pm