

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Wednesday, 11th September, 2024

Present: Cllr Mrs A S Oakley (Chair), Cllr R I B Cannon (Vice-Chair), Cllr L Athwal (Vice-Chair), Cllr T Bishop, Cllr C Brown, Cllr A Cope, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr W E Palmer, Cllr D Thornewell, Cllr K S Tunstall and Cllr M R Rhodes (substitute)

In attendance: Councillors G C Bridge and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors D Keers, R V Roud and K B Tanner participated via MS Teams in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor C J Williams.

PART 1 - PUBLIC

OS 24/30 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of a substitute member was recorded as set out below:

- Councillor M Rhodes substituted for Councillor C Williams

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

OS 24/31 DECLARATIONS OF INTEREST

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

OS 24/32 MINUTES

RESOLVED: That the Minutes of the ordinary and extraordinary meetings of the Overview and Scrutiny Committee held on 4 April 2024 and 22 April 2024 respectively be approved as a correct record and signed by the Chair.

MATTERS FOR CORPORATE MONITORING**OS 24/33 CORPORATE KEY PERFORMANCE INDICATORS**

The report of the Chief Executive provided data on Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2023 – 2027 and monitored on a quarterly or annual basis. The data provided related to the period up to the end of June 2024 and aimed to provide analysis about the performance of the Council and support its improvement.

Members noted a number of positive trends in respect of MyAccount registrations, MyTMBC app downloads, vacancy rates and Customer handling. Conversely, sickness absence (medically signed-off) had seen a negative trend, despite the fact that short-term sickness absence had improved this quarter, although Members were assured that there was no trend or pattern identified which would cause any concern at present. Furthermore, the Chief Executive indicated his in-principle support of benchmarking sickness absence performance and indeed other KPIs against high performing local authorities nationally, where comparable data was available, as a best practice to support continuous improvement of the Council. Further details on these trends were set out at 1.1.2 to 1.1.6 of the report.

Attention was drawn to a number of proposed amendments in respect of KPI reporting process going forward, as set out in 1.2.2 of the report, with a view to streamlining the process and driving improvement within the organisation. It was clarified that under the proposed new arrangement, KPIs would continue to be reported to Members via Overview and Scrutiny Committee followed by the Cabinet on a quarterly basis, with an additional annual portfolio holder report to be presented to each of the three Scrutiny Select Committees respectively. Particular reference was made to a proposed rationalisation by reducing the number of KPIs being monitored from the current 72 to around 50 in order that monitoring could focus on those that were most closely aligned to the Council's Corporate Strategy and would therefore best measure the Council's performance. A complete list of the current KPIs would be circulated to Members of the Committee to assist them with consideration and providing feedback in respect of the KPI rationalisation. These proposals were anticipated to be reported to a future meeting of the Cabinet.

MATTERS FOR RECOMMENDATION TO THE CABINET**OS 24/34 CONSULTANT USE AT THE COUNCIL**

The report of the Chief Executive presented for Members' consideration the outcome of a review undertaken on the Council's use of consultants, with particular focus placed on the use of external expertise.

A summary of consultant use in Council services, where external expertise had been provided over the previous four financial years, was set out in Annex 2, where commendable practices and areas for further consideration by Members were highlighted. It was noted that some of the external support provided had resulted in cost savings and efficient project delivery, which would not have been possible without external experts.

During discussion, Members raised a number of questions over the use of consultants for certain projects, such as production of technical design for heat pump schemes at Larkfield Leisure Centre and Tonbridge Pool, reclaim of overpaid VAT in Leisure, treasury advice services, business support programme funded by UK Shared Prosperity Fund, waste consulting services, the development of a Borough Green Gardens brief and the project design and construction management of the eco café at Leybourne Lakes Country Park. Where possible responses were provided by Officer with further background information and positive outcomes achieved from these projects, whereas for questions that were unable to be responded to during the meeting, Members were advised to send in their questions for specific projects so that a follow up report could be prepared and presented to a future meeting of the Committee.

While recognising the difficulty and challenge in recruiting and retaining qualified and skilful staff in a number of service areas and supporting specialist resource sharing options to be explored with neighbouring local authorities, Members expressed their desire for a higher level of oversight on procurement process and post implementation value for money evaluation, and therefore proposed a threshold to be set on consultancy spend in order that any project in excess of a certain limit could be reported to the relevant committee or scrutiny select committee for consideration and approval. This proposal was supported by the Committee.

Having due regard to the financial and value for money considerations and the legal implications, Members acknowledged the benefits of engaging external expertise for certain project based works and sought further engagement in overseeing the Council's approach to future use of external experts while exploring collaboration opportunities with other local authorities and minimising the need for external consultancy going forward.

RECOMMENDED*: That

- (1) the information provided in the summary of consultancy spend at Annex 2, be noted;
- (2) further detail about consultancy spend on specific projects be provided to a future meeting of the Committee, with questions to be provided in writing to Officers to enable responses to be prepared;

- (3) the Council be requested to continue to closely manage future use of external experts and an ongoing review of consultant use at the Council be reported to the Overview and Scrutiny Committee on an annual basis;
- (4) officers be requested to continue to look for opportunities to collaborate with other councils;
- (5) the Council maintain its effectiveness at retaining specialist talent, to reduce the need for external experts going forward; and
- (6) any proposed consultancy spend in excess of £40,000 be reported to the relevant committee or scrutiny select committee for consideration and approval.

***Recommended to Cabinet**

MATTERS FOR DECISION UNDER DELEGATED POWERS

OS 24/35 SCOPING REPORT - REVIEW OF TONBRIDGE COMMUNITY FORUM

The Committee considered the scope of a potential review into the Tonbridge Community Forum in relation to its operation, the frequency, format and venue of its meetings and the criteria for joining the membership of the Forum.

Whilst welcoming the review as requested by the former Chair of the Tonbridge Community Forum, Members noted the potential capacity issues within Democratic Services and financial implications if additional meetings were to be added to the approved meeting programme of the Council and/or if more meetings were to be held in person and/or to be livestreamed. In general, Members felt the current frequency of the meetings to be reasonable, however, they were keen to review the venues where the meetings could be held in person with PA (Public Address) system facilities readily available, including the layout of the meeting room, in order that more local communities and residents could be encouraged to attend the meetings and contribute to the discussion.

Particular attention was drawn to a draft Application Form for the Forum, attached at Annex 1, and it was suggested that a survey could be undertaken to gather the views of the local communities so that their comments could also be taken into consideration as part of the review process.

Furthermore, Members supported that a similar review be undertaken for the Parish Partnership Panel, with particular reference made to the room layout for the meetings of the Panel. Suggestions about review of the Panel were invited to be sent to Officers for investigation.

RESOLVED: That

- (1) a review be undertaken on the frequency, format and criteria issues in respect of the Tonbridge Community Forum as identified in section 1.2 of the report, with further investigation to be made into associated costs of venues and staff resourcing issues; and
- (2) a review of the Parish Partnership Panel be undertaken alongside the review of the Tonbridge Community Forum, with options to be presented at the next meeting of the Overview and Scrutiny Committee.

MATTERS FOR INFORMATION**OS 24/36 REVIEW AND PROCUREMENT OF IT SYSTEMS**

The report of the Director of Finance and Transformation set out the approach the Council adopted in reviewing and procuring IT systems and contracts.

It was noted that the corporate process for review and procurement was followed for all projects and renewals across the Council to ensure consistency with a view to achieving the most competitive and effective solution. The key benefits of the procurement policies and the system reviews were set out in 1.2.3 of the report. It was however highlighted that a minority of systems provided by Kent County Council, central government agencies and other partners as part of the wider service provision were outside of the IT infrastructure managed by the Council's IT services, therefore the Council had no direct management of the system procurement or performance.

In addition, Members were assured that all procurements of IT systems were in compliance with the government procurement legislation and the Council's current procurement policy/ purchasing guide (Annex 2), and it was noted that the Council's procurement guidelines were currently being reviewed by the Mid-Kent Procurement Partnership for an update, alongside the development of a new procurement strategy. Members further noted that procurement training was being arranged for relevant staff members across the Council.

During discussion, particular reference was made to the implementation of the Agile system primarily used in Planning, Land Charges and other public protection services and the Huume system in Housing services for the housing register work. It was acknowledged that replacement of a major service system at a council involved not only business change but also cultural shift and therefore required significant commitment and time to embed.

In summary, Members welcomed a review report on IT systems, including cost information, to be presented to the Committee on a yearly basis to ensure Member oversight, given the increasingly important role technology would play in the operation of the Council.

OS 24/37 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - ANNUAL REVIEW LETTER

The Local Government and Social Care Ombudsman annual review letter was presented for information. Members noted the number of complaints dealt with for the period between 1 April 2023 to 31 March 2024 and the outcome of those complaints.

Reference was made to the ongoing review of the Borough Council's approach to complaint handling in light of the new Complaint Handling Code published by the Ombudsman in February 2024 and it was noted that a new complaint policy would be presented to Members for approval in due course.

OS 24/38 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

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

OS 24/39 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.

OS 24/40 IDENTIFICATION OF SAVING OPTIONS

Following discussion at Cabinet on 3 September 2024, Members of the three Scrutiny Select Committees and the Overview & Scrutiny Committee were invited to propose options for evaluation in the forthcoming months to assist in bridging the current funding gap identified in the Medium Term Financial Strategy.

The Chair invited Members of the Committee to propose options outside of the meeting.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 24/41 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.55 pm
with a break between 9.04 pm and 9.09 pm