

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 11th September, 2025

Present: Cllr Mrs A S Oakley (Chair), Cllr L Athwal (Vice-Chair), Cllr K B Tanner (Vice-Chair), Cllr Mrs S Bell, Cllr C Brown, Cllr R I B Cannon, Cllr L Chapman, Cllr A Cope, 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 D A S Davis (substitute) and Cllr Mrs T Dean (substitute)

In attendance: Cllrs A G Bennison, D Keers, A Mehmet, R P Betts*, M D Boughton*, M A Coffin*, M R Rhodes*, R V Roud* and M Taylor* were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

Apologies for absence were received from Councillors T Bishop and A McDermott

PART 1 - PUBLIC

OS 25/39 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr D Davis substitute for Cllr A McDermott
- Cllr T Dean substitute for Cllr T Bishop

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 25/40 DECLARATIONS OF INTEREST

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

OS 25/41 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 26 June 2025 be approved as a correct record and signed by the Chair.

OS 25/42 SOUTH EAST COUNCILS - OUTSIDE BODY UPDATE

The Borough Council's outside body representative on South East Councils, (Councillor M Boughton) explained that the organisation united local authorities across the region, advocated for regional priorities and sought to attract increased investment to benefit the area.

Additionally, it oversaw collaborations such as the Migration Partnership and administered the All-Party Parliamentary Group for the Southeast.

OS 25/43 MOTION WITHOUT NOTICE

In accordance with Council Procedure Rule 5.30 (c), the Chair proposed that the order of business on the agenda be changed and the Annual Service Delivery Plan 2025/26 – Quarter 1 (item 9) be considered before the Angel Leisure Centre Replacement Project. This was seconded by Cllr Cope and the Committee

RESOLVED: That the order of business on the agenda be changed as proposed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET**OS 25/44 ANNUAL SERVICE DELIVERY PLAN 2025/26 - QUARTER 1**

The report of the Chief Executive provided data on the performance of the Borough Council during quarter 1 of 2025/26 in relation to the milestones and Key Performance Indicators (KPIs) set out in the Annual Service Delivery Plan 2025/26.

A strong level of performance had been achieved with 70% of activities making good progress. Overall, only 2 activities were red rated and these both related to delays caused by Government.

A satisfactory level of progress had been achieved for 52% of KPIs and included reduced number of complaints, reduced number of Anti-social Behaviour cases reported and 99.6% of invoices paid within the 30-day deadline. Due to some longstanding issues and recent dips in performance 26% of KPIs were red-rated.

Members appreciated the opportunity to assess performance and identified several matters for discussion:

- It was clarified that the managed return to IDOX was making positive progress and that project management was now handled by the Transformation Manager at the Borough Council;
- Questions were raised about the increase in fly tipping incidents and the implementation of higher fines. It was noted that the Borough Council received a share of paid fines. Plans would be

made to provide Members with updated data on enforcement and to ensure new signage about fines was displayed.

- Members discussed the need for improved communication with community groups and made particular reference to recent changes at Barden Lake and the use of new substrates on footpaths. Officers committed to providing more information and ensuring that future works were communicated effectively, especially in the absence of a user group.
- Work was ongoing to identify locations for the installation of Digital Information Boards and contractual provisions for the prompt restoration of out-of-action sites would be considered.
- Clarification was sought on targets for crime statistics and fly tipping and the cumulative nature of targets and the rationale behind amber ratings was explained.
- Members suggested that questions be submitted in advance of meetings to allow for more comprehensive responses.

The Chair proposed, seconded by Cllr Hudson and the Committee

***RECOMMENDED:** That

- (1) appreciation be recorded for the overall progress made during Quarter 1;
- (2) appreciation be recorded for the achievements made during Quarter 1; and
- (3) the areas needing focus be noted.

***Recommended to Cabinet**

OS 25/45 ANGEL LEISURE CENTRE - REPLACEMENT PROJECT

Members were advised that good progress had been made with the Angel Leisure Centre replacement project as part of the RIBA Stage 2.

The public engagement exercise had commenced and would run until 24 September 2025. Currently, over 1,000 responses had been received and reflected a strong public interest in the project. Members queried how many of these responses were outside of Tonbridge and it was indicated that this information could be collated once the consultation had finished. It was also suggested that the consultation could be promoted wider throughout the Borough via Larkfield Leisure Centre, other suitable locations and parish/town councils.

The selection of the main contractor was progressing alongside RIBA Stage 2 and Officers and the Cabinet Members for Infrastructure and Tonbridge Regeneration; and Finance, Waste and Technical Services would be involved in the procurement process.

Particular reference was made to the importance of meeting deadlines due to anticipated local government reorganisation and potential future borrowing controls. The potential for a new unitary authority to deprioritise local leisure facilities was identified as a risk by Members and it was reiterated that the project timeline was designed to address these risks and that timely decision-making was critical.

Whilst the final design was currently being developed it was expected to include a larger gym, group exercise studios, dedicated spin studio, soft play and café, multiple use community facilities and a sports hall, together with changing rooms and flexible multi-purpose rooms.

Members highlighted the need for the new centre to serve both leisure and broader community purposes and referred to feedback from the Tonbridge Civic Society and past uses of the centre. The Committee was assured that the proposed facility mix included three community rooms, flexible spaces and that community use was a key consideration in the design.

On the grounds that Members wished to discuss commercially sensitive financial information, the Chair proposed, Cllr Tanner seconded and the Committee

RESOLVED: That the press and public be excluded from the remainder of the consideration of this matter to avoid the disclosure of exempt information.

(The recommendations arising from this discussion are set out in OS 25/51)

OS 25/46 EXECUTIVE/SCRUTINY PROTOCOL

Members were invited to review the effectiveness of the Executive-Scrutiny Protocol (attached as Annex 1) to ensure that it remained fit for purpose.

The Chair of the Overview and Scrutiny Committee had been consulted and had requested that the section of the Protocol dealing with the Scrutiny Work Programme be amended to include reference to IT Strategies within the standing items for consideration. The Protocol attached at Annex 1 had been amended to include this reference.

It was clarified that the proposed amendment related to IT Policies and Strategies rather than individual projects. Members recognised the importance of regular scrutiny of IT matters, citing the anticipated impact

of technological changes such as AI over the next decade and the need for the Borough Council to proactively address these developments.

On the grounds of the increasing importance and reliance on IT, the Chair proposed, Cllr King seconded and the Committee

***RECOMMENDED:** That the revised Protocol (at Annex 1) be approved.

***Recommended to Cabinet**

MATTERS FOR DECISION UNDER DELEGATED POWERS

OS 25/47 INFORMATION RIGHTS REQUEST - UPDATE

The report of the Director of Central Services provided an update on the discharge of the Borough Council's duties in managing requests for information made under the Freedom of Information Act 2000 (FOI), the Environmental Information Regulations 2004 (EIR), the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA).

Members were advised of the increasing volume and complexity of information rights requests, which had risen from approximately 720 three years ago to over 1,223 last year. This increase was attributed to greater public awareness, more requests from organisations and the frequent use in contentious matters e.g., planning applications.

Requests for information were currently managed by devolving responsibility to individual service co-ordinators, which had led to increased workloads and pressure on these services especially as requests were increasingly complex. In addition, the current system was manual, lacked efficiency and with no dedicated Information Governance Officer there was a potential risk of non-compliance with statutory response deadlines and data protection legislation.

It was clarified that while the Information Commissioner had the power to levy significant fines for non-compliance, there was generally a reluctance to fine local councils and other enforcement actions were preferred. However, the maximum fine could be up to £17.5 million or 4% of turnover.

A dedicated resource could help manage the increasing volume and complexity of requests more effectively, support transparency and mitigate risk. Due to the growing demand and burden of requests, the Committee supported reviewing options for managing information requests with any proposals to be considered by the General Purposes Committee in the first instance.

The Chair proposed, Cllr King seconded and the Committee

RESOLVED: That

- (1) the contents of the report be noted; and
- (2) a review of resources for the management of information requests be supported, subject to any proposals being considered by the General Purposes Committee and the Council.

MATTERS FOR INFORMATION**OS 25/48 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE**

The decisions taken by the Cabinet and Cabinet Members during August 2025 were presented for information and noted by the Committee.

OS 25/49 WORK PROGRAMME

The Work Programme setting out potential matters to be scrutinised during 2025/26 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE**OS 25/50 EXCLUSION OF PRESS AND PUBLIC**

The Chair moved, it was seconded by Cllr Tanner and

RESOLVED: That as public discussion would disclose exempt information the remainder of the Angel Leisure Centre replacement project be considered in private.

(The public discussion is reflected in OS 25/45)

OS 25/51 ANGEL LEISURE CENTRE - REPLACEMENT PROJECT

(Reasons: Part 2 Private – LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

There was detailed and robust discussion on financial and value for money considerations, the potential risks in respect of local government reorganisation, asset disposal, borrowing of funds, potential loss of investment and repayment of loans.

A concern was also raised regarding the lack of a detailed and costed business case. Members were reassured that a business case had been developed as part of the feasibility study and was continually reviewed and refined as the project progressed. It was anticipated that a final costed business case could be presented to Members in 2026 when seeking approval for the final construction.

The Chair proposed, Cllr Athwal seconded and the Committee

***RECOMMENDED:** That

- (1) the Tonbridge Town Centre Programme Board give consideration to potential options around how any proceeds arising from the redevelopment of the current Angel Centre site could be used to offset any debt incurred in relation to the provision of the new leisure centre; and
- (2) the intention to present a fully costed business case to Members in advance of seeking approval for the final construction of the Angel Leisure Centre replacement be noted; and
- (3) the progress being made on the replacement of the Angel Leisure Centre, Tonbridge be noted.

***Recommended to Cabinet**

The meeting ended at 9.46 pm