

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 23rd April, 2026

Present: Cllr Mrs A S Oakley (Chair), Cllr L Athwal (Vice-Chair), Cllr K B Tanner (Vice-Chair), Cllr Mrs S Bell, Cllr T Bishop, Cllr C Brown, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr D Thornevell, Cllr D A S Davis (substitute), Cllr S Pilgrim (substitute), Cllr M R Rhodes (substitute) and Cllr K S Tunstall (substitute)

In attendance: Councillors B Banks, A G Bennison, R P Betts, M D Boughton*, Mrs M Tatton* 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 R I B Cannon, L Chapman, A Cope, S A Hudson, D W King, A McDermott and W E Palmer*

(*participated via MS Teams)

PART 1 - PUBLIC

OS 26/13 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor S Pilgrim substituted for Councillor A Cope
- Councillor K Tunstall substituted for Councillor S Hudson
- Councillor D Davis substituted for Councillor D King
- Councillor M Rhodes substituted for Councillor A McDermott

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 26/14 DECLARATIONS OF INTEREST

Councillors T Bishop and K Tunstall declared an Other Significant Interest in 'New Angel Leisure Centre – Financial Review' (Agenda Item 16) as they were Borough Council appointees to the Tonbridge and Malling Leisure Trust. They withdrew from the meeting during consideration of the item and took no part in the discussion and voting.

For reasons of transparency, Councillor L Athwal indicated that in relation to 'New Angel Leisure Centre – Financial Review' (Agenda Item 16) she was on the Payroll undertaking part-time coaching for the Tonbridge and Malling Leisure Trust. However, as Councillor Athwal did not consider this to represent either a Disclosable Pecuniary or Other Significant Interest in the item, she did not withdraw from the meeting.

OS 26/15 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 22 January 2026 be approved as a correct record and signed by the Chair.

OS 26/16 OUTSIDE BODY UPDATE - KENT COUNTY COUNCIL HEALTH OVERVIEW AND SCRUTINY

An update was provided by Councillor K Tanner, as the Borough Council's appointee to the Kent County Council Health Overview and Scrutiny, on recent activities of the organisation, including work being undertaken in response to the National Health Service ten-year plan and associated cost saving targets.

Reference was made to governance changes involving the West Kent Health and Care Partnership integrating into the Kent and Medway partnership with a view to achieving synergies and savings.

It was also reported that the Health Action Team had received additional funding and that local organisations would have an opportunity to bid for funding to deliver projects supporting priority groups.

With regard to the Borough Council's One You Service, Members were pleased to note that the Kent County Council would continue to fund the service, which provided a broad range of support services to residents, including those with addictions, weight loss needs, and housing or benefits queries.

Finally, it was noted that discussion continued nationally on a range of health service changes, including children's cancer care services.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 26/17 SECTION 106 PROCESSES AND CONSIDERATIONS

The report of the Director of Planning, Housing and Regulatory Services provided the Committee with an overview of the current approach to the management and monitoring of section 106 (s106) funding and proposed process improvements.

A proposed set of Terms of Reference for the s106 Strategic Monitoring Group was attached at Annex 1, a set of Terms of Reference for the

Officer Monitoring Group at Annex 2, and a breakdown detailing the spend on projects relating to contributions held by the Borough Council and how these had been distributed and allocated were attached at Annex 3.

An explanation was provided on the monitoring approach, including the role of the external legal adviser, the use of a pro forma agreement, and the revised monitoring process intended to improve oversight and progress tracking. Reference was made to Parish Infrastructure Statements and the timetable for review, together with work underway to develop a Tonbridge Infrastructure Statement. It was also reported that a further update would be provided to the Committee in due course on the delivery status of various health infrastructure projects with s106 funding associated, given the impact that organisational changes across the county had on project delivery timescales.

In discussion, while recognising the success of utilising s106 contributions to assist the delivery of a significant number of local infrastructures, Members raised issues including clarity over health-related contributions, time limits on contribution spends, cumulative impacts of phased or multiple developments, and the relationship between health commissioning arrangements and delivery of primary care infrastructure. It was explained that the Borough Council was not a Community Infrastructure Levy charging authority and that s106 contributions were a funding collection mechanism rather than a delivery mechanism. However, officer engagement with partner bodies was ongoing to support delivery.

Furthermore, Members discussed parish engagement and communication, including the updating of Parish Infrastructure Statements and the practicalities of obtaining updated cost information. It was noted that consideration was being given to a more flexible approach with a view to improving engagement with parishes, subject to identification of a clear and sustainable operational process. Members also raised concerns regarding bus-related contributions, the sufficiency of funding, and the time taken to progress variation agreements, and noted the responsibility for legal work and constraints on the use of contribution funds to meet legal fees.

Overall, Members acknowledged the improvements in the availability and clarity of section 106 data for monitoring group members and supported the suggestion to align wider data reporting with scrutiny committee cycles going forward.

On the grounds of supporting an improved s106 monitoring process, Councillor T Bishop proposed, Councillor L Athwal seconded, and the Committee

RECOMMENDED*: That

- (1) the information provided in this report, including the next steps proposed for developing the Borough Council's approach to section 106 obligations as set out at Section 11 of the report, be noted; and
- (2) the proposed Terms of Reference for the Member and Officer Monitoring Groups, attached at Annex 1 and Annex 2 respectively, be endorsed and commended to Cabinet for adoption.

***Recommended to Cabinet**

OS 26/18 ANNUAL SERVICE DELIVERY PLAN QUARTER 3 (2025/26) REPORTING

Consideration was given to a quarterly update on the Annual Service Delivery Plan, providing data on performance during Quarter 3 of 2025/26 in relation to milestones and Key Performance Indicators (KPIs), as set out in Annex 1. It was reported that 71% of the key activities were rated Green at the end of Quarter 3 and that 66% of the KPIs were rated Green, with highlights set out in 5.3 and 6.4 of the covering report.

During discussion, Members raised issues including the measurement of some KPIs as outputs rather than outcomes, clarification of annual carbon audit data and reporting frequency, and ongoing concerns regarding fly-tipping and the interpretation of reported incidents. In response an explanation was provided regarding a significant rise of organised criminal activity reported recently and the distinction between commercial and domestic fly-tipping, alongside comments on bulky waste collection arrangements and possible approaches to education and enforcement.

In addition, Members also noted positive progress made in relation to clearance of the housing register application backlog, empty homes work including the intended use of case studies to illustrate the complexity of bringing empty properties back into use, temporary accommodation levels, and the historic backlog in relation to Tree Preservation Order applications.

Councillor S Pilgrim proposed, Councillor F Hoskins seconded, and the Committee

RECOMMENDED*: That

- (1) the overall progress, including achievements to date and areas needing focus, as detailed in the report and the attached Annual Service Delivery Plan 2025/26 Quarter 3 update, be recorded.

***Recommended to Cabinet**

MATTERS FOR INFORMATION**OS 26/19 PROPERTY OWNED AND RENTED OUT BY TMBC**

The report of the Director of Central Services and Deputy Chief Executive set out the properties owned and rented out by the Borough Council, including information on annual rental income, asset valuations and maintenance costs.

The total income currently generated from the Council's rented properties was reported as over £502,000 per annum, with an additional income from rental increase of around £350,000 over the previous four years. Members welcomed the presentation of a full list of rented properties.

With regard to information on land holdings not included within the report, in particular land without buildings, Members noted that a full list of land holdings was available on the Council's website. Additionally, work was ongoing to identify potential sites for the purposes of delivering Biodiversity Net Gain.

OS 26/20 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

The decisions taken by the Cabinet and Cabinet Members during the period February to April 2026 were presented for information and noted by the Committee.

OS 26/21 NOTICE OF FORTHCOMING KEY DECISIONS

The Notice setting out Key Decisions anticipated to be taken during the period April to June 2026 was noted.

OS 26/22 WORK PROGRAMME

The Work Programme setting out potential matters to be scrutinised during 2026 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

An additional item on 'Annual Review of Use of Consultants' was identified to be added to the agenda for the next Committee meeting scheduled for 25 June 2026.

MATTERS FOR CONSIDERATION IN PRIVATE**OS 26/23 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE**MATTERS FOR RECOMMENDATION TO THE CABINET****OS 26/24 NEW ANGEL LEISURE CENTRE - FINANCIAL REVIEW**

(Reason: Part 2 Private: LGA 1972 - Sch 12A Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information))

The report of the Director of Street Scene, Leisure and Technical Services considered the potential financing arrangements of the new Angel Leisure Centre facility.

Members received an update on progress, including current cost information and the approach to refining figures through the Royal Institute of British Architects (RIBA) stages, recognising the importance of securing a viable and high-quality facility for residents. It was reported that work was ongoing to minimise any borrowing requirement.

Information was provided on borrowing considerations, including reference to Public Works Loan Board (PWLB) requirements and the need to demonstrate a feasible and realistic repayment approach. It was noted that the intention was to present Members with further updated information at full Council in October 2026, including alternative options and associated costs, thereby facilitating an informed decision by Members.

Questions were raised regarding potential future asset disposal and the factors affecting valuation, including planning considerations and site constraints, were explained, with reference made to the implications of the Local Government Reorganisation and associated timing.

On the grounds of supporting minimising borrowing and ensuring Members were kept informed through regular updates and were able to maintain effective oversight throughout future stages given the strategic significance of the project, the Committee

RECOMMENDED*: That

- (1) Officers continue to work to minimise the requirement for borrowing as part of their preparations for the submission of final project details to full Council on 20 October 2026 and thereafter;
- (2) monthly updates be provided to all Members of the Borough Council on project progress ahead of full Council on 20 October 2026, together with an all-Member briefing on 22 July 2026; and
- (3) the Overview and Scrutiny Committee maintain oversight of the future stages of the project and receive an update report on the

progress at future meetings following full Council on 20 October 2026.

***Recommended to Cabinet**

The meeting ended at 9.53 pm
with a break between 9.05 pm and 9.10 pm