

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 16th August, 2018

Present: Cllr A K Sullivan (Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr P F Bolt, Cllr D Keers, Cllr Mrs F A Kemp, Cllr Mrs S L Luck, Cllr M R Rhodes, Cllr M Taylor, Cllr Miss G E Thomas, Cllr T C Walker and Mr D Still (Co-opted member)

Councillors O C Baldock, Mrs P A Bates and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs A S Oakley (Vice-Chairman), J L Botten, R W Dalton and Ms S V Spence

PART 1 - PUBLIC

OS 18/24 DECLARATIONS OF INTEREST

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

OS 18/25 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 21 June 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN BY THE COMMITTEE

OS 18/26 ROAD CLOSURES REVIEW - INITIAL REPORT

The report of the Chief Executive set out the legal, financial and operational issues involved when considering future road closures for events in the Borough. Details were given of the two sets of powers available to allow temporary road closures. It was noted that the purpose of the review was to explore whether the use of the Town Police Clauses Act 1847 (TPCA) remained the most appropriate legislation to use for all local events and, if not, the implications for the Borough Council and event organisers should the Road Traffic Regulation Act 1984 be used as an alternative.

Members were advised that Kent Police had concerns about the use of the TPCA for road closures for local events, especially those lasting a full day. It was therefore suggested that in order to take forward the review, both the Police and Kent County Council be consulted to

ascertain their views in relation to local road closures and information be obtained from other Kent district councils regarding their use of the TPCA or other procedures.

In expressing a general preference for retaining the use of the TPCA for local events, Members requested that a senior police officer be invited to the next meeting, together with a representative of the County Council, to explain and discuss their position. It was considered that this would also provide an opportunity to examine the process for managing road closures under the TPCA to ensure that it was as un-bureaucratic and cost-effective as possible.

RESOLVED: That the contents of the report be noted, a further report be presented to the next meeting of the Committee regarding the issues and consultations outlined in section 1.5 of the report and representatives of the Police and Kent County Council be invited to the next meeting to explain their views.

MATTERS SUBMITTED FOR INFORMATION

OS 18/27 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - ANNUAL REVIEW LETTER 2017/18

The report of the Chief Executive presented the annual report of the Ombudsman regarding complaints received and dealt with over the past year. Members were pleased to note that of the complaints dealt with by the Ombudsman, there were no judgements against the Council, with five complaints closed after initial enquiries, three referred back for local determination and one case formally considered by the Ombudsman but not upheld. The Chief Executive and Directors were commended for their care in handling complaints.

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/28 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm