

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 5th May, 2022

Present: Cllr M O Davis (Vice-Chairman in the Chair), Cllr Mrs A S Oakley (Vice-Chairman), Cllr R I B Cannon, Cllr R W Dalton, Cllr F A Hoskins, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr D W King, Cllr J R S Lark, Cllr H S Rogers, Cllr M Taylor, Cllr D Thornevell, Cllr F G Tombolis, Cllr A E Clark, Cllr D A S Davis, Cllr D Harman, Cllr M A J Hood and Cllr B J Luker.

Councillors A Clark, D Davis, D Harman, B Luker and M Hood were in attendance as substitute members in accordance with Council Procedure Rule No. 17.

Councillors Mrs P A Bates, R P Betts, T Bishop, M D Boughton, P Boxall, V M C Branson, G C Bridge, M A Coffin, N Foyle, D Keers, P J Montague, W E Palmer, M R Rhodes, K B Tanner and Mrs M Tatton participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No. 15.21.

Apologies for absence were received from Councillors J L Sergison, M C Base, C Brown, A Cope and N G Stapleton

PART 1 - PUBLIC

OS 22/17 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

Cllr A Clark – substitute for Cllr Cope
Cllr D Davis – substitute for Cllr Brown
Cllr D Harman – substitute for Cllr Base
Cllr B Luker – substitute for Cllr J Sergison (Chairman)
Cllr M Hood – substitute for Cllr N Stapleton

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 22/18 DECLARATIONS OF INTEREST

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

OS 22/19 CALL IN - DECISION NOTICE D220046CAB - REVIEW OF GOVERNANCE ARRANGEMENTS

The report of the Scrutiny Officer advised that in accordance with the Overview and Scrutiny Procedure Rules set out in the Constitution, three members of the Committee had raised a valid 'call-in' request in relation to the decision taken by the Leader of the Council on changes to executive arrangements.

Decision Notice [D220046CAB](#) (attached at Annex 1) had been published on 28 April 2022 and subsequently called-in by Councillors Oakley, Hoskins and Thornewell.

The grounds for call-in were set out in the report, at paragraph 1.1.2, and the decision was 'deferred' pending consideration by the Overview and Scrutiny Committee.

Members of the Committee considered the grounds for the call-in and had regard to the responses provided by the Leader of the Council. There was detailed discussion on the merits of the proposals and the concerns raised around changes to the call-in process, agenda setting and identifying items of business. In addition, concern was expressed about the risk of disenfranchising back bench councillors and removing their ability to influence decision makers. The Leader indicated that the introduction of scrutiny select committees would improve and enhance effective scrutiny of decisions.

It was proposed by Councillor Thornwell and seconded by Councillor Hoskins that the Leader be asked to consider:

- (i) that the number of members required to call in decisions be retained as 3; and
- (ii) that the Chair of Overview and Scrutiny Committee retain powers to call-in decisions

Following a formal vote this proposal was rejected with 11 Members voting against and 7 voting in favour.

It was proposed by Councillor Hudson and seconded by Councillor Harman that there be no further recommendations made to the Leader and that the decision should be implemented as taken.

Following a formal vote this proposal was supported with 12 Members voting in favour, 2 voting against and 2 abstaining.

As the Overview and Scrutiny Committee had no further recommendations to make to the Leader the grounds for call-in were not supported.

RECOMMENDED: That there were no further recommendations to make to the Leader and the decision would come into immediate effect. Therefore, the proposals in respect of governance would come into effect from 10 May 2022.

OS 22/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm