

# TONBRIDGE AND MALLING BOROUGH COUNCIL

## OVERVIEW AND SCRUTINY COMMITTEE

### MINUTES

Thursday, 29th June, 2023

**Present:** Cllr Mrs A S Oakley (Chair), Cllr R I B Cannon (Vice-Chair), Cllr M A J Hood (Vice-Chair), Cllr T Bishop, Cllr C Brown, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr P M Hickmott, Cllr G B Hines, Cllr F A Hoskins, Cllr S A Hudson, Cllr J R S Lark, Cllr W E Palmer, Cllr A Mehmet (substitute), Cllr M R Rhodes (substitute) and Cllr R V Roud (substitute)

**In attendance:** Cllrs R P Betts, M D Boughton, and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Cllrs D Keers and Mrs M Tatton listened to the discussion via MS Teams in accordance with Council Procedure Rule No 15.21)

Apologies for absence were received from Councillors D Harman, D W King and D Thornewell

### PART 1 - PUBLIC

#### **OS 23/22 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

- Councillor Mehmet substitute for Councillor King
- Councillor Rhodes substitute for Councillor Harman
- Councillor Roud substitute for Councillor Thornewell

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 23/23 DECLARATIONS OF INTEREST**

For reasons of transparency, Cllr Bishop advised that he was one of the Borough Council's appointments to the Board of the Tonbridge and Malling Leisure Trust who were referenced in the report on decarbonisation and energy efficiency at Leisure Trust Sites (item 10). However, as this did not represent an Other Significant Interest on the grounds that the matter being discussed was for information only, he remained in the meeting and participated in the discussion.

**OS 23/24 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Overview and Scrutiny Committee held on 6 April 2023 be approved as a correct record and signed by the Chair.

**MATTERS FOR RECOMMENDATION TO THE COUNCIL****OS 23/25 MEMBER CALL IN PROTOCOL - DEVELOPMENT MANAGEMENT**

Careful consideration was given to an amended Development Management Protocol which had been retitled to Member Call-in. The amendments were aimed at making the process clearer for both Members and Officers and encouraged an open and collaborative approach.

The proposed amendments were set out in 1.1.3 of the report and the amended Protocol was attached at Annex 1. The Cabinet Member for Planning referred to the supplementary report of the Director of Planning, Housing and Environmental Health which proposed a minor change to the wording of paragraph 6.5 of the amended Protocol. This change provided further clarification to the call in procedure by confirming that in the event of conflicting views between the Director of Planning, Housing and Environmental Health and the Area Chair, the application should automatically be referred to the Area Planning Committee for consideration.

Members attention was drawn to the legal implications, outlined in 1.2.1, regarding delegation to a committee, sub-committee or officer as set out in s101 of the LGA 1972. This meant that it was not possible to delegate a decision to an individual Member as responsibility was in the remit of an officer. It was, therefore, proposed to amend DPHEH 100 of the Constitution (Part 3 – Responsibilities) so that the delegation remained with the Director of Planning, Housing and Environmental Health but subject to prior approval of the relevant Area Planning Committee Chair. Any changes to the Constitution required approval from Full Council.

Finally, to assist Members with identifying what was appropriate for call-in List B would be updated to include the material planning considerations set out in paragraph 4 of the Protocol and a direct link to the document.

Members welcomed the changes made to the Protocol which reflected comments made previously. Clarity was sought on the process for councillors in an adjoining Ward who wished to see an application considered at a committee and whether the process should be completed in the 21 days' notice period. It was confirmed that in this situation the adjoining Ward Member should contact the relevant Ward Member to ascertain whether they intended to call-in the application. If there was a legitimate reason why the Ward Members were not minded

to, or were unable to call-in the application, then adjoining Ward Members could request that the Director of Planning, Housing and Environmental Health considered the application for consideration at committee. There was an expectation that this process could be achieved within the 21 days call-in period. However, it was suggested that adjoining Ward Members make the case officer aware so that progress of the call-in period could be monitored.

The suggestion to set out clearly the reasons for refusal if a call-in was not accepted in the written briefing note summarising the discussion that took place (in accordance with paragraph 9 of the Protocol) was noted.

**RECOMMENDED\*:** That

- (1) the amended Protocol attached at Annex 1 and as updated in the supplementary report be endorsed;
- (2) the amended text in the Protocol be included in the Constitution as part of DPHEH 100 (Part 3 – Responsibilities); and
- (3) the Monitoring Officer be authorised to make any necessary consequential changes to the Constitution.

**\*Referred to Council**

**MATTERS FOR DECISION UNDER DELEGATED POWERS**

**OS 23/26 HOUSING ASSOCIATIONS PERFORMANCE FRAMEWORK - SCOPING REPORT**

The report of the Director of Planning, Housing and Environmental Health set out options in respect of a potential review into Housing Association performance. There was opportunity to develop and improve existing engagement and monitoring with these key organisations. In addition, the risk of exacerbating resident issues or missing trends of activity that could negatively impact on the Borough Councils financial position or the wellbeing of tenants/residents as a result of not having a robust approach to monitoring was noted.

Careful consideration was given to the scoping options set out in 1.3 of the report and Members were invited to indicate those that should be provided in more detail at a future meeting of the Committee.

Members welcomed the opportunity to review performance of Housing Associations and expressed concern at the lack of urgency of some organisations in addressing issues raised, the lack of responsibility in maintaining land in their ownership, the lack of an effective process for addressing anti-social behaviour and the difficulties experienced by non-tenants in reporting issues. There was also discussion on 'voids' and the delay in re-letting properties to new tenants. It was noted that delays

in re-letting properties had a financial implication for the Borough Council who had to place waiting households in temporary accommodation.

**RESOLVED:** That

- (1) the following should form part of the review into Housing Association performance:
  - performance data based on the information already gathered from Clarion Housing (as set out in 1.2.3) be gathered from all Housing Associations operating in the Borough;
  - the role of the Housing Association Liaison Panel (HALP) to be reviewed and clarified;
  - nomination agreements and process to be reviewed;
  - void and re-letting process and targets to be reviewed;
  - response to anti-social behaviour and reporting mechanisms for non-tenants;
  - response to concerns raised by residents and/or Councillors to be reviewed; and
  - land ownership and maintenance to be reviewed.
  
- (2) Clarion Housing, as the largest provider of affordable housing in the Borough, be invited to the next meeting of the Overview and Scrutiny Committee to advise of their work in the Borough and to detail performance

### **MATTERS FOR INFORMATION**

#### **OS 23/27 DECARBONISATION AND ENERGY EFFICIENCY AT LEISURE TRUST SITES**

Members received an update on energy efficiency measures and renewable energy installations at Leisure Centre sites and noted potential future options to reduce carbon emissions.

The Cabinet Member for Climate Change, Regeneration and Property recognised the significant challenge faced by the Borough Council in achieving the Conservative election pledge for leisure facilities in the borough to be carbon neutral by 2027. However, it was important to focus on these facilities as energy consumption, energy costs and associated greenhouse gas emissions at Larkfield Leisure Centre and Tonbridge Swimming Pool were significant and represented approximately 63% of total greenhouse gas emissions from the Borough Council estate and operations.

Further investment in renewables was progressing and there were plans to install solar panels on the roof at Tonbridge Swimming Pool and assess in more detail the possibility of installing air source heat pumps at Larkfield Leisure Centre and Tonbridge Swimming Pool. It was hoped that the Borough Council would be successful in bidding for two

decarbonisation grants to fund the works although it was recognised funds were heavily oversubscribed.

Finally, it was noted that some energy efficient measures had potential to generate savings and these should be explored for the future. It was also hoped that the less energy used would make it easier to introduce greener alternatives.

#### **OS 23/28 KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that were relevant to the Committee. A baseline covering April to June 2022 had been used, with the data for January to March 2023 representing the most up-to-date available statistics. The KPIs would be monitored quarterly and would be made available on an ongoing basis.

It was noted that there had been no questions or queries raised in advance of the meeting. However, reference was made to the gender pay gap data and it was clarified that this was looked at annually by the General Purposes Committee.

#### **OS 23/29 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE**

The decisions taken by the Cabinet and Cabinet Member during April, May and June 2023 were presented for information and noted by the Committee

#### **OS 23/30 WORK PROGRAMME**

The Work Programme setting out potential matters to be scrutinised during 2023 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

A number of suggestions raised from the floor would be reviewed by the Scrutiny Officer, in liaison with relevant Chairs and Officers.

#### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **OS 23/31 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.38 pm