

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 16th November, 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 A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr J R S Lark, Cllr W E Palmer, Cllr D Thornewell, Cllr K Barton (substitute) and Cllr K S Tunstall (substitute).

In attendance: Councillor M Taylor, Mrs S Bell*, R P Betts*, M A Coffin*, M R Rhodes*, R V Roud* and K B Tanner* were also present pursuant to Council Procedure Rule No 15.21.

*participated via MS Teams

Apologies for absence were received from Councillors C Brown and G B Hines

PART 1 - PUBLIC

OS 23/49 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor Barton for Councillor Hines
- Councillor Tunstall for Councillor Brown

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 23/50 DECLARATIONS OF INTEREST

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

OS 23/51 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 14 September 2023 be approved as a correct record and signed by the Chair.

OS 23/52 PRESENTATION: INTERNAL DRAINAGE BOARDS

Representatives of the Lower and Upper Medway Internal Drainage Boards provided a comprehensive explanation of the organisations role as public bodies managing water levels and ditch maintenance within the Borough. Funding arrangements under Section 36 of the Land Drainage Act 1991 were also explained.

There was in-depth discussion on a range of issues including the Drainage Boards Nature Recovery Strategy and how they could support environmental objectives within the Borough; how to encourage a co-ordinated approach from the Environment Agency, Kent County Council and other agencies to ensure water courses remained clear; how to improve communication between key partners and the type of work undertaken by the Boards.

Maintenance plans outlining progress against set objectives were available on Drainage Boards website. However, Members were assured that as much as possible was being done with the resource and funds available.

The Committee also heard from the Borough Council appointees to the Lower and Upper Medway Internal Drainage Boards, Cllr D Davis, Cllr D King and former councillors Mr O Baldock and Mr M Davis who all felt that their representation was an important and interesting function. They also offered to take any Member questions to the Boards for a detailed response. However, any site specific issues should be raised with the Boards independently.

MATTERS FOR RECOMMENDATION TO THE CABINET**OS 23/53 REVIEW OF OUTSIDE BODIES**

The report of the Chief Executive provided an update on the recent review of appointments to outside bodies. A short survey had been distributed to external organisations and whilst there was a relatively low response rate, those that did respond felt that the Borough Council appointments were beneficial.

A summary of the perceived benefits of local authority representation was provided at 1.1.3 of the report. As the external organisations all operated very differently, with varied requirements from their nominated representative, it was difficult to draw any fixed conclusions from the responses received. However, there was consensus that the perceived benefits were being achieved although it was apparent that there was a lack of consistent reporting back to the Borough Council.

Members recognised the impracticability of inviting all outside bodies to address the Overview and Scrutiny Committee to explain the role of their organisations. It was, therefore, recommended that the list of annual

appointments to outside bodies be distributed between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees. Each Committee could then decide on the best way to gain feedback from the organisations. The Scrutiny Officer was asked to reconsider the distribution of the outside bodies organisations between the Committees with particular reference made to the Leisure Trust which might fit better with the Overview and Scrutiny Committee.

There was detailed discussion on the role of outside bodies and the Chair invited Mr M Davis and Mr O Baldock to share their views as Borough Council appointees, who felt these appointments provided an opportunity to see how the funding offered by the Borough Council was being used; provided an opportunity for useful and valuable feedback and the use of former Councillors meant that experience wasn't lost. Reference was also made to the issues around conflicts of interest in respect of some appointments which meant that serving Members had to leave a debate in which they could have made a valuable contribution. The Committee asked that options around best practice on this issue be explored.

On the grounds of allowing Group Leaders sufficient time to identify and nominate suitable candidates, especially in an election year, Councillor Hood proposed, seconded by Councillor Cope that nominations for appointments to outside bodies should be considered at the second meeting of Full Council in a municipal year rather than Annual Council. Whilst this proposal was supported in principle, it was explained that Council Procedure Rule 1.2 (i) would need to be revised and this would be considered further by Cabinet and the Monitoring Officer.

RECOMMENDED*: That

- (1) the approach of distributing the annual appointments to outside bodies list between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees, as set out in 1.2.3 of the report, be endorsed by Cabinet;
- (2) each Scrutiny Committee be invited to consider how to receive feedback from the outside bodies assigned to them; and
- (3) subject to revising CPR 1.2 (i) in Part 4 of the Constitution and the views of Cabinet and the Monitoring Officer, nominations for appointments to outside bodies should be considered at the second meeting of Full Council in a municipal year.

***Recommended to Cabinet**

MATTERS FOR INFORMATION**OS 23/54 KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that had been adopted by the Borough Council to measure progress on its priorities, as set out in the Corporate Strategy 2023-2027. In order to improve effectiveness, trend analysis and targets were also included. Data on KPIs relating to the period up to the of September 2023 was provided.

It was noted that there had been no questions or queries raised in advance of the meeting.

OS 23/55 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

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

OS 23/56 NOTICE OF FORTHCOMING KEY DECISIONS

The Notice advised of key decisions anticipated to be taken during January and February 2024. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 at least 28 days before a key decision was expected to be taken, a Notice of Forthcoming Key Decisions should be published.

It was noted that currently the Notice was a draft and might be subject to change in advance of the publication date if decisions were added or removed. If there were any issues that the Committee wished to scrutinise they were invited to raise these with the Chair.

OS 23/57 WORK PROGRAMME

The Work Programme setting out potential matters to be scrutinised during 2023/24 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE**OS 23/58 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.05 pm