OVERVIEW AND SCRUTINY COMMITTEE

Monday, 12 June 2017

Present: Councillor Tom Dawlings (Chair)
Councillors Hills (Vice-Chairman), Chapelard, Hannam, Hill, Huggett, Mackonochie, Ms Palmer, Uddin and Woodward

Officers in Attendance: David Candlin (Head of Property and Economic Development), Jane Clarke (Head of Policy and Governance) and Paul Taylor (Director of Change and Communities)

Other Members in Attendance: Councillors Jukes, Heasman and Weatherly

APOLOGIES FOR ABSENCE

OSC1/17 Apologies for absence were received from Councillor Claire Stewart and Nathan Gray.

DECLARATIONS OF INTEREST

OSC2/17 There were no declarations of interest made, within the provisions of the Code of Conduct for Members.

MINUTES OF PREVIOUS MEETING

OSC3/17 The minutes of the meeting dated 10 April 2017 were submitted.

RESOLVED – That the minutes of the Committee meeting dated 10 April 2017 be agreed.

ITEMS CALLED IN UNDER OVERVIEW AND SCRUTINY PROCEDURE RULE 13

OSC4/17 There were no items which had been called-in under Overview and Scrutiny Procedure Rule 13.

CHAIRMAN'S INTRODUCTION

OSC5/17 The Chair confirmed the order of the agenda.

PORTFOLIO HOLDER PLANS AND PROGRESS - LEADER OF THE COUNCIL

OSC6/17 Councillor David Jukes, Leader of the Council, highlighted his achievements in 2016-2017 as detailed in appendix A to the report and his ambitions for 2017-18. Councillor Jukes referred in particular to the following areas of his portfolio:

The Council started the financial year with usable reserves of £21 million and invested £4 million in the St Johns Road car park development which included the building of five flats, three shops and a car park. The development provided an immediate revenue stream of £150,000 per annum, with all the units let and the car park near capacity.

The Council bought the freehold of Ask in Monson Road which provided a good return and bought the Town & Country Building in Paddock Wood.
(Dowding House), which the Council would use for temporary accommodation needs and some privately let units. The Dowding House project also provided a return as the Council received an allowance for each homeless individual. More importantly, the project provided a much needed facility for vulnerable people.

As a result of investments the Council’s balance sheet had increased from £102 million to £112 million and financially the Council was in a positive position, with a surplus of £1 million placed back into the earmarked reserves. This was important as the Council’s revenue support grant would cease entirely in 2018/2019.

The Cultural Hub was now in RIBA Stage 2 and coming to the end of the design period. It was hoped that the Hub would be open in three years and provide a cultural centre for Tunbridge Wells including an improved library, museum, and adult education facility, as well as an art gallery. There were a number of historic items in the basement of the existing building that would be put on display in the new facility. The Cultural Hub would attract visitors to the top of the town and increase economic activity in that area.

The Council’s Five Year Plan was currently out for consultation and many of the comments received referred to highways issues. Unfortunately, these were not within the control of the borough council and were a matter for Kent County Council (KCC), as the highways authority. Discussions had taken place with the Leader of KCC, Paul Carter, with a view to the borough council taking over more responsibility and it was hoped that, with five out of the six county councillors also working as borough councillors, further progress for the borough as a whole could be made.

The government’s devolution agenda had slowed considerably and did not appear to be as strong a priority for the Department for Communities and Local Government (DCLG).

Members expressed the following views:

Councillor Woodward asked what progress had been made towards a unitary authority covering the whole of West Kent. Councillor Jukes advised that, whilst there was not an appetite for a West Kent unitary authority, there would be further work on the joining up of services across West Kent, in a similar vein to those services already included within the Mid Kent Services. Councillor Jukes added that the services of the Partnership were being sold to other authorities and there was a possibility of a more corporate approach being taken.

Councillor Woodward also asked if progress had been made on identifying the provision of a further education facility. Councillor Jukes advised that the progress was slow. He added that discussions had been held with the vice-chancellors of two universities who were interested in the proposals; however, it was unlikely that a facility would be offered for at least the next five years. He further added that Christchurch University had a faculty of psychology in Tunbridge Wells.

Councillor Mackonochie expressed concern that, as highways was currently underfunded, taking over responsibility from KCC would be an expensive proposition. Councillor Jukes advised that the Council would not take over
strategic responsibility but would take over more operational elements such as traffic orders, potholes and some road markings. He added that there were certain issues such as single lane traffic through the bridge at North Farm Lane that he would like to see resolved.

Councillor Hannam asked if the Leader had a view on the charging for garden waste as part of the review of the Council’s Recycling/Household Waste contract. Councillor Jukes advised that the entire contract was under review including providing kerbside collection of glass and an option for green waste. He added, however, that the details of the tender had not yet been determined and he was therefore unable to comment further.

Councillor Woodward referred to the lack of investment in highways and the general disrepair of roads in the borough. Councillor Woodward asked if there was any additional funding to address the issue. Councillor Jukes advised that the only source of funding currently, was through the Local Growth Fund and this could only be achieved by an authority demonstrating that it was providing housing and employment. Councillor Jukes added that he had discussed the issue at a Local Growth Fund meeting with a representative from the DCLG and had asserted that the Council was meeting this criteria.

**RESOLVED** to note the portfolio holder’s update.

**CIVIC COMPLEX DEVELOPMENT**

OSC7/17 The Chairman, Councillor Dawlings, introduced the item which was an update on the Civic Development. Prior to discussion by the Committee, the Head of Economic Development and Property, David Candlin, gave Members a presentation which highlighted the key stages of the development, amendments to internal and external elements of the designs and the progress to date. Mr Candlin advised that a timetable for the development would be provided to a future meeting of the Committee.

Following the presentation by Mr Candlin Members expressed the following views:

Councillor Woodward asked for clarification on the timeframe for the Council having to make a final decision on whether to proceed with the development, which he thought had been agreed as November 2017. Mr Candlin advised that, although it was not currently on the Council’s Forward Plan, and there had been some slippage, including the consultants putting their timetable back, it was likely that a report would be considered by the Cabinet and then Full Council towards November 2017. He added that the report cycle would include consideration by the Finance and Cabinet Advisory Board and an all-member briefing. He further added that the Council had not changed its own timetable as yet.

Councillor Uddin said that, having received Mr Candlin’s presentation, he was encouraged and excited to see what the development would deliver, particularly in terms of economic growth, investment and regeneration for the wider borough. Councillor Jukes said that, although the tangible benefits to the town could not be currently measured - the Canterbury experience, following the development of the Marlowe Theatre, had resulted in an estimated £35 - £37 million economic impact on the town over the last two years. He added that a conservative estimate for the economic benefit to
Tunbridge Wells, following commissioning of a theatre, was £14 - £20 million. Councillor Jukes went on to refer to a letter from the Secretary of State for Communities and Local Government which stated that, by 2020, local authorities would be able to retain all revenue raised from business rates in their areas, allowing local people and businesses to benefit from growth locally.

Councillor Hannam asked what progress had been made towards establishing the total cost of the development and how the Council would manage the annual cost of servicing the debt and any new costs associated with subsidising the theatre. Mr Candlin advised that he had not included reference to the financial elements of the development in detail, as the Director of Finance, Policy and Development, Lee Colyer, was not in attendance. Mr Candlin was able to advise that the Council was looking at a potential loan of £72 million and Mr Colyer was undertaking further work in this area including a number of presentations to Members which had looked at how the loan could be funded. Mr Candlin added that the Chartered Institute for Public Finances and Accountancy (CIPFA) had been invited to undertake an independent audit of the plan put forward which would look at how the Council would achieve, manage and then deliver funding for the scheme.

Mr Candlin said the audit by CIPFA would confirm whether the Council was in a robust position to deliver the funding.

Councillor Hannam said that during his tenure as a Councillor he had been advised year-on-year that the Council had to be efficient due to reductions in budgets and grants. He expressed concern that under these circumstances the Council was now considering the servicing of a £72 million loan. Councillor Hannam understood that there were other projects, such as the renting out of future office space that would mitigate part of the debt, but with reference to that project in particular, he was not aware that a tenant had yet been identified. Mr Candlin confirmed that although a tenant had not been signed up yet, discussions had been held with a number of organisations and some soft-marketing had also been carried out. Mr Candlin said the Council was aware that there was a demand for quality office space in Tunbridge Wells, however, the size of the companies looking for space meant a lead-time of 8-9 months, which was not currently a realistic time-frame. Mr Candlin added that this element represented a risk that would need to be identified as part of the total costings and clearly communicated to Members. Councillor Jukes advised Members that there were three major office blocks in Tunbridge Wells which were being converted to residential use, resulting in the loss of several thousand square feet of office space. Councillor Jukes went on to say that he had recently attended a meeting of professionals – lawyers, architects and accountants, where the need for the type of development being proposed by the Council, including provision of a theatre, was considered by those who attended to be important for Tunbridge Wells.

Councillor Huggett asked what the Council’s response to the petition asking for the Civic Development to be stopped was. Councillor Jukes advised that the petition was due to be considered by Full Council on 26 July.

Councillor Chapelard referred to the £2.4 million the Council would need to identify in order to service the £72 million loan, which he considered could only be facilitated either by cuts to Council services, or by an increase in
Council tax. Councillor Chapelard asked what progress had been made since the Member briefing in February 2017 - presented by Mr Colyer, and whether a list of those services that would be impacted upon was available. Councillor Chapelard expressed concern that the list would not be provided in time for Members to respond. Mr Candlin advised that the next meeting of the Development Advisory Panel would be an opportunity for Members to consider the issue further and be provided with an update on the Council’s financial position. Mr Candlin added that the Council had not moved from its current position in terms of the overall amount needed to be borrowed, or from how the debt would be serviced. He did say, however, that Mr Colyer was optimistic that the maintaining of current interest rates might offer a more favourable loan rate than previously predicted. Councillor Jukes confirmed that the Council would not be raising council tax any higher than it was legally able to. Councillor Chapelard felt that a list of those services that faced potential cuts should be provided to the public. Councillor Chapelard also felt that the number of community groups being consulted with by the Council on the development, represented only a small percentage of the borough’s population – all of which would be impacted upon by the cost of the development. Councillor Jukes referred to a meeting recently held with the residents of Calverley Grounds and Calverley Park. Councillor Jukes said the proposals had been positively received by those who attended and it demonstrated the difference between the Council’s intentions being clearly communicated and the impact of rumour and anecdotal comments. Councillor Jukes advised that the local groups being communicated with was a direct response to the receipt of the petition. Mr Candlin advised that a number of stakeholder groups had been consulted regarding the broader impact of the development. He added that, a six week public consultation was being undertaken on the development planning framework, along with a number of open sessions which allowed the public to attend and discuss the proposals. Mr Candlin further added that information would be provided in Local and engagement was also being undertaken with local businesses.

Councillor Chapelard asked if there would be further consultation once the final costings had been identified. Mr Candlin advised that engagement would continue at the interim stage and during future stages. He added, however, that ultimately it was a decision for Full Council to make based on the information provided.

Councillor Bill Hills expressed concern that any economic benefit from the development would remain town-centric whereas the cost would be borne by all residents in the borough either through council tax or through a reduction in services. Councillor Hills felt that if sufficient information was not provided to residents, either directly through engagement, or via a referendum, this would be reflected at the next borough elections. Councillor Jukes considered the role of councillors was to make decisions that reflected the views of their constituents and that residents should not be asked to make the decisions themselves via a referendum. He reiterated that council tax would not be increased beyond the level the Council was legally able to set. Councillor Jukes further added that the schedule of savings would be placed in the public domain. Councillor Jukes said that separate business plans would be provided for the new office proposals and the new theatre. Councillor Bill Hills felt there could be an appetite in the borough amongst some residents, particularly outside of the town, to increase council tax above the two percent threshold, rather than potentially lose services important to them. He added that a referendum could be considered that dealt with both an increase in council tax and the civic development proposals. Mr Candlin said the Council
had a broad asset base that was dealt with in the Asset Management Strategy and this would feed into the discussion on funding. He said the impact on services was not the only consideration. He added that it was a conversation best held with Mr. Colyer in attendance also.

Councillor Huggett felt that a referendum was expensive and that Members were elected to represent residents. She also considered that the provision of a theatre was a facility open to all areas of the borough and that, economically, it could be a more attractive proposal than having to travel to London or further afield.

Councillor Lawrence Heasman, a visiting Member, asked the Committee to note that, despite the reduction in the Revenue Support Grant, the Council remained one of the few authorities that had not reduced service levels. He added that the efficiency demonstrated so far could continue into the future.

Councillor Dawlings felt that, although the funding of the development was an important issue and he was happy for questions to be asked, those that had regard to the financing of the development did not form part of the report being considered, and should be explored with Mr. Colyer also being able to contribute to the discussion.

Councillor Hannam asked that consideration be given to concerns expressed by residents in Sissinghurst regarding an unpopular development in the parish and fears that the new homes bonus resulting from the development was being earmarked for the civic development. Councillor Hannam added that, the notion that the optional charge for garden waste (considered as part of the Recycling/Household Waste Contract) was also being used to fund the development, may prove unpopular with those same residents. Councillor Jukes said that section 106 funds were available for facilities in Sissinghurst.

Councillor Uddin felt that the Leader was taking a long-term view on behalf of the council and it was appropriate to look at the proposals. Councillor Uddin felt the development would provide a catalyst for growth and investment into Tunbridge Wells. He further added that the key to engaging with residents in the borough was to get the communications strategy right.

Mr. Candlin thanked the Committee for its input and assured Members that the comments received would be given serious consideration and the issues raised looked at thoroughly.

The Director of Change and Communities, Paul Taylor, advised the Committee that the final decision of the development was not necessarily a binary choice and the current facility, having already benefited from a £1.5 million investment, had a limited lifespan and would not be fit for purpose in 15 years time and cease to be viable. The cost of building a new theatre on the same site was £32 million. He added that a new, 1200 seater theatre stood a chance, over the longer term of being cost neutral.

**RESOLVED** to note the report.

**FIVE YEAR PLAN - VERBAL UPDATE ON CONSULTATION RESPONSES**

OSC8/17 The Head of Policy and Governance, Jane Clarke, provided an update on the public consultation responses to the review of the Council’s Five Year Plan.
Ms Clarke highlighted the following points:

The consultation ran from the 25 April to 5 June and had been advertised to the Council's 9000 followers on Twitter. Additionally, it had been advertised through Facebook and Linkedin. Articles and links had been provided to the local press but unfortunately there had not been any take-up. The Consultation had been highlighted to the Town Forum on 11 May and stands were included at two consultation events in May, at Matfield and Cranbrook.

A larger scale consultation had not been undertaken as this was a refresh of the current Five Year Plan which had been extensively consulted on previously. A presentation was due to be made to a meeting of town and parish councils the following evening and they would be given until the end of June to respond. Two parish councils had already responded and Benenden and Frittenden Parish Councils and Southborough Town Council had confirmed that they would provide a response by the deadline. It was hoped that other local councils would follow suit.

There was a mixture of both positive and negative responses with traffic and congestion raised as popular responses and it was already known that these two issues were important to residents in the borough. It was not within the gift of the Council to be able to resolve those issues directly, however, it was hoped that the Council could influence Kent County Council as the decision maker. Furthermore, there were elements of Devolution that it was hoped would come under the control of the Council and allow positive change.

Members expressed the following views:

Councillor Dawlings asked if Local would be a suitable medium to advertise the consultation. Ms Clarke said it was intended that the consultation would be advertised through local, however the publication dates for the magazine and the consultation did not allow for it on this occasion. Ms Clarke added that the consultation had been advertised widely on social media.

Ms Clarke advised that any further comments from Members could be provided by email and ideally before the end of June, when a report would be produced.

**RESOLVED** to note the update.

**REPORT OF THE TACKLING EXCESSIVE SPEEDS IN RURAL AREAS TASK AND FINISH GROUP - TO FOLLOW**

OSC9/17 The Chairman of the Tackling Excessive Speeds in Rural Areas Task and Finish Group, Councillor Bill Hills, presented the final report of the Group and made the following additional comments:

There had been support in the past, through the Council’s Joint Transportation Board, for 20 mph zones in the borough, subject to the necessary funding being identified. There was a case for Paddock Wood being a testing area for a 20mph scheme, although this would need the support of the police and would need road engineering to be self enforcing.

An email response to the report had been received from Kent County Council’s Road Safety Team Leader providing some technical clarification.
Community Speedwatch teams in the borough did valuable work and in particular Hawkhurst Speedwatch and it was hoped that the findings in the report would support their efforts. There should be more sharing of speedwatch data nationally.

Members expressed the following views:

Councillor Woodward noted that some of the recommendations related to the police force and he asked what level of involvement the force had had in the work of the Task and Finish Group. Councillor Hills advised that Sergeant Ross Shearing, from Kent Police, had attended both meetings of the Group. Councillor Hills felt there was a case for removing the policing of roads away from the police and using civil enforcement. Councillor Hills said that public perception was that fines for speeding were treated as a revenue stream. He added however, that in order to avoid the fines, motorists needed to adhere to speed limits and the roads would be safer as a result. Councillor Woodward felt the recommendations in the report should be tailored to gain support from decision makers. Councillor Hills advised that letters could be sent to a number of stakeholders who were able to directly influence, for example, the criteria for fixed speed cameras.

Councillor Dianne Hill referred to recommendation 2) and expressed concern that police community officers (PCSOs) were already under resourced and would not be able to take on the additional responsibility of issuing speeding tickets. She added that, in certain parts of Southborough and High Brooms, the roads were narrow and the parking of vehicles on pavements was unavoidable. Councillor Hills suggested that an additional recommendation could be to support the provision of additional PCSOs by the police.

Councillor Hannam felt that a review of speed limits should also be considered. Councillor Hills said the Group had discussed this issue but the focus of its work had been in response to the criteria for siting of fixed speed cameras. He added that he supported reductions in speed limits and in particular on country roads.

Councillor Chapelard highlighted the difficulties Speedwatch groups had in retaining volunteers as there appeared to be little impact as a result of the work done. He said he would like to see some level of enforcement applied following the receipt of warnings letters resulting from Speedwatch monitoring. He also agreed that letters from the Committee should be sent to the MP for Tunbridge Wells, Greg Clark and the MP for Maidstone and the Weald, Helen Grant.

It was agreed that the recommendations in the report would be circulated separately to Members for further comment and that, subject to the comments received and amendments to the report, it would be sent with a covering letter to the relevant stakeholders and decision makers.

RESOLVED to note the report.

CCTV REVIEW CALL-IN CABINET RESPONSE - VERBAL UPDATE

OSC10/17 The Chairman, Councillor Dawlings, introduced the item which updated Members on the result of the Cabinet consideration of the CCTV Call-In.
Councillor Dawlings advised Members that the Cabinet’s decision following a review of the original decision and consideration of the call-in, which was to retain active monitoring of CCTV cameras, was detailed on the front page of the agenda. Councillor Dawlings said he considered the whole process to have been a worthwhile exercise.

Members expressed the following views:

Councillor Bill Hills referred to part of the final decision by the Cabinet, which was to review the CCTV monitoring service and asked if a programme had been started for the review. The Director of Change and Communities, Paul Taylor, advised Members that the Council was in the process of putting a plan together including engagement with the three main stakeholders. Mr Taylor said letters had been drafted for distribution to local councils and other stakeholders with a view to looking at other funding arrangements. Mr Taylor said the Council had already engaged with a number of technology companies that used machine-learning and automatic face recognition to identify and then track individuals. Mr Taylor advised that these were costly solutions and would not necessarily fit with the Council’s requirements. Mr Taylor also advised that consultation on the appropriateness and usage of the cameras currently in place was also being undertaken. Mr Taylor confirmed that the intention was for the consultation period to run up to the 28 July.

Councillor Dianne Hill asked what level of consultation was being undertaken with local councils. Mr Taylor said the Council was trying to ascertain the usage of each camera and would then discuss its appropriateness with the relevant local council. A further discussion would be held regarding funding.

Councillor Mackonochie referred to the Camera in Capel parish and stated that Capel Parish council did not receive any funding for its operation.

RESOLVED to note the update.

DRAFT 2017-2018 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

OSC11/17 The Chairman, Councillor Dawlings, introduced the item which provided Members with a draft list of topics for the Committee’s 2017/18 work programme. Councillor Dawlings advised Members that the Committee was able to facilitate up to two task and finish groups.

Councillor Woodward suggested that the list of topics be circulated to the Committee and Members asked to rank the topics in order of popularity.

Councillor Bill Hills advised that it was not always necessary for a task and finish group to be appointed to look at topics and the issues could be resolved through consideration of a report. Councillor Hills asked for clarification on whether a task and finish group had been appointed to look at the planning application process. The Chairman confirmed this task and finish group was being formed. The Chairman went on to say that one of the Committee’s previous task and finish groups had looked at infrastructure provision in the borough and in particular at the lack of response from Southern Water on infrastructure issues. Councillor Dawlings said that the Head of Planning was due to meet representatives from Southern Water and there was an opportunity for some joined up work.
RESOLVED to note the update on the Committee’s draft work programme for 2017/18.

URGENT BUSINESS

OSC12/17 There was no urgent business.

DATE OF THE NEXT MEETING

OSC13/17 It was noted that the next scheduled meeting of the Committee would take place on Monday 14 August 2017.

NOTE: The meeting concluded at 8.30 pm.