

OVERVIEW AND SCRUTINY COMMITTEE

Monday, 26 July 2021

Present: Councillor Patrick Thomson (Chairman)
Councillors Bland, Chapelard, Everitt, Hayward, Hills (Vice-Chairman), Holden, Morton, Ms Palmer and Pound

Officers in Attendance: Jane Clarke (Head of Policy and Governance), Denise Haylett (Head of Facilities and Community Hubs), Gary Stevenson (Head of Housing, Health and Environment), Paul Taylor (Director of Change and Communities) and Mark O'Callaghan (Scrutiny and Engagement Officer)

Other Members in Attendance: Councillors Atkins, Bailey, Hamilton and March

APOLOGIES FOR ABSENCE

OSC13/21 Apologies were received from Councillor Hickey. Councillor Stanyer was not present.

DECLARATIONS OF INTEREST

OSC14/21 There were no disclosable pecuniary or other significant interests declared at the meeting.

NOTIFICATION OF PERSONS REGISTERED TO SPEAK

OSC15/21 The following members of the public were registered to speak under OSC18/21:

- Mr Jeremy Thompson
- Ms Wendy Morris
- Mr Fred Lemond
- Ms Joan Bryant
- Mr Chris Wise
- Mr John Haffenden
- Ms Heather Atkins

The following Visiting Members were registered to speak under OSC18/21:

- Councillor Atkins
- Councillor Hamilton

Councillor March, as the Portfolio Holder for Culture and Leisure, was in attendance to present under OSC20/21.

MINUTES OF THE MEETING DATED 14 JUNE 2021

OSC16/21 No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 14 June 2021 be approved as a correct record.

ITEMS CALLED-IN

OSC17/21 There were no items which had been called-in.

PETITION: MEMORIAL PLAYING FIELD PADDOCK WOOD

OSC18/21 Mr Jeremy Thompson (Resident of Paddock Wood and Chairman of Friends of the Memorial Playing Field) and Ms Wendy Morris (Resident of Paddock Wood and Founder of Friends of the Memorial Playing Field) presented the petition to the committee on behalf of the petitioners. This was accompanied by a visual presentation and was followed by questions from members of the committee.

The following persons addressed the committee:

- Mr Fred Lemond (Resident of Paddock Wood and Member of Community Centre Working Group)
- Ms Joan Bryant (Resident of Paddock Wood)
- Mr Chris Wise (Resident of Paddock Wood and Secretary of Paddock Wood Cricket)
- Mr John Haffenden (Resident of Paddock Wood and Chairman of Paddock Wood Cricket)
- Ms Heather Atkins (Resident of Paddock Wood)
- Councillor Meryl Flashman (Chairman of Paddock Wood Town Council)

The following Visiting Members addressed the committee:

- Councillor Atkins
- Councillor Hamilton

Discussion included:

- The Parish Council had recently been elected, the next was not due until 2025.
- This was a project of Paddock Wood Town Council and was not the place of the Borough Council to interfere.
- It would be fair to provide all information provided to the committee to Paddock Wood Town Council so that it may be taken into account.
- The committee should refrain from providing a recommendation to Paddock Wood Town Council on an appropriate response.
- Public engagement could have been better on the project.

RESOLVED – To forward to Paddock Wood Town Council, without prejudice, the petition and all submissions made to the Overview and Scrutiny Committee on 26 July 2021.

WASTE AND RECYCLING CONTRACT

OSC19/21 Gary Stevenson, Head of Housing, Health and Environment, provided a verbal report on the status of the Waste and Recycling Contract.

Discussion included:

- The contract performance was unsatisfactory.
- Contracts should be for shorter periods.
- An in-house service would allow direct management of problems.
- The council would need to gear up for a full procurement and recruitment process in order to demonstrate the seriousness of bringing the service in-house.

- The council had strong legal advice that Covid-19 would not be a valid claim of force-majeure and therefore the contractor had no legal mechanism to end the contract.
- The service was provided in partnership with Tonbridge and Malling Borough Council and any changes would need to be made in agreement.
- Re-provisioning the service would likely take 2-3 years and not address the fundamental problem of a lack of drivers.
- The last minute suspension of the garden waste service was regrettable but necessary to support critical waste collections.
- In-house provision was not a cure-all. Canterbury had similar problems and the situation had gotten worse.
- Personalised updates through the e-newsletters was welcome.
- The Council closely monitored service levels and worked with the contractor where trends were identified.
- The Portfolio Holder and senior officers constantly reassessed the situation and were considering all options.
- Significant changes within the contract period would be costly and at the Council expense.
- The contract was due to expire in 2027.
- There were no viable alternatives at this time.
- The contract was competitively priced and performing reasonably well given the difficulties which were outside the control of the contractor.
- The contract had been under-priced from the start.
- Tendering had been weighted too much towards costs and not enough to quality.
- Financial penalties had been levied on the contractor, the same as in Tonbridge and Malling. The council was only penalising the contractor for failures in the quality of service, not for issues outside their control.
- The contract was delivering increased quantities of recycling.
- The contract was managed through an initial notice of rectification or “yellow card” which allowed the contractor to respond. Further failure would lead to a notice of default or “red card” which included financial penalties. Cards were issued for either a significant occurrence or an accumulation of minor instances.
- The contractor had less than half the required number of drivers with significant losses of drivers to other industries and a large number of staff required to self-isolate.
- Carbon emissions had not been a significant consideration at the time the contract was granted with particulate pollution being the major concern. Carbon emissions would factor when the contract was re-tendered.
- New electric vehicles were being trialled but current prototypes were expensive and there was no information on their long-term reliability.
- Further scrutiny of the issue was required with involvement of contractor and Tonbridge and Malling Borough Council.
- Issues would likely continue until Covid-19 and driver shortage abated.
- Garden waste could be taken to the Household Waste and Recycling Centre. Vehicles would need to be unloaded by the householder. Those unable to do so could ask for assistance,

compost at home or store within their garden until the service resumes.

- The garden waste service was not charged as part of the waste contract. Costs of the suspension would be borne by the council.

RESOLVED – That the verbal update be noted.

PORTFOLIO HOLDER UPDATE: CULTURE AND LEISURE

OSC20/21 Councillor March, Portfolio Holder for Culture and Leisure, introduced the report. Comments included:

- Current focus was on The Amelia. On target to complete construction works by 15 August to allow commencement of interior fittings.
- No significant delays in early stages of Covid-19 pandemic as majority of work was external, difficulties more recently as work moved on to the interiors.
- Work the Grounds Maintenance contract and Leisure contract progressing with the Leisure contract due at Cabinet in August.
- Work on the Sports Strategy would follow.

Discussion included –

The Amelia:

- Shortage of HGV drivers had not significantly impacted work on The Amelia so far.
- The Amelia would provide new exhibition space and integrated service delivery.
- The Amelia was expected to welcome 500k visitors per year inclusive of the various integrated services.

Leisure Contract:

- Problems with the Leisure contract had been ongoing for a number of years.
- Bringing the service in-house would allow direct management of problems.
- Leisure centres were subject to regular spot-checks, most recently centres were found to be tired but clean.
- Customers were returning to the centres.
- A spike in complaints was largely due to difficulties in reopening centres following lockdown where problems had accumulated and staff had left during the closure. The contractor was addressing the issues.
- Details of the Leisure contract remained exempt. The Communities and Economic Development Cabinet Advisory Board had had the opportunity to consider the except information in private but chose not to. The options in the report represented the contractor's offer to the council.
- An extension to the leisure contract would allow time to consider all options, including an opportunity to review changing demands, and secure significant long-term investment by the contractor.
- Plans for the Hawkenbury sports hub were based on a demand for more playing pitches. Levels of demand was under constant review.

Cultural Strategy:

- The Cultural Strategy referred to a cultural leaders group which

was now lead by TW Culture, formerly Cultural Compact. The group was chaired by the Council's theatre director JJ Almond and included Councillor Scott on the Board.

- TW Culture had been started by the council but was now independent.

Other matters:

- A Cabinet reshuffle resulted in the Economic Development element of the portfolio being split into a separate portfolio. Culture and Leisure portfolio was manageable.

RESOLVED – That the Portfolio Holder's report be noted.

POVERTY TASK AND FINISH GROUP

- OSC21/21 Councillor Pound, Chairman of the Poverty Task and Finish Group, introduced the report. Comments included:
- The Group was delayed by Covid-19 but had had regular meetings more recently.
 - The Group had been impressed by improving services and better co-ordination.
 - Much work was being undertaken by the council but this could be better co-ordinated and publicised.

Discussion included:

- There was a need to examine not just the extent of poverty but the true causes behind it.
- There was a desire to understand why there were pockets of deprivation often near the most affluent areas.
- Whilst the borough had proportionately low poverty there were still a significant number of individuals who were in poverty.

RESOLVED – That the interim recommendations set out in the report be supported.

WORK PROGRAMME

- OSC22/21 Comments included:
- Members should have the opportunity to discuss priorities in private.
 - The Leader of the Council should be asked to provide greater resources to the committee.
 - More comprehensive reports from portfolio holders would reduce time on discussing basic issues and allow the committee to focus and provide greater value.

URGENT BUSINESS

- OSC23/21 There was no urgent business for consideration.

DATE OF THE NEXT MEETING

- OSC24/21 The next meeting was scheduled for Monday 27 September 2021.

NOTE: The meeting concluded at 10.15 pm.