

TUNBRIDGE WELLS BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES of the meeting held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, at 6.30 pm on Monday, 16 January 2023

Present: Councillor Seán Holden (Chair)

Councillors Atkins, Britcher-Allan, Goodship, Knight, Le Page, McMillan, Morton and Rogers

Officers in Attendance: Claudette Valmond (Head of Legal Partnership and Monitoring Officer), Ian Hirst (Head of Digital Services and Communications), Andy Sturtivant (Digital Services Team Manager) and Louise Kellam (Democratic Services Officer)

Other Members in Attendance: Councillors Chapelard, Pound, Hall and Fitzsimmons

APOLOGIES FOR ABSENCE

OSC55/22 Apologies were received from Councillors Ellis, Palmer and Johnson.

Councillor Le Page was not present at the start of the meeting, but arrived at 6.45PM.

DECLARATIONS OF INTEREST

OSC56/22 There were no disclosable pecuniary or other significant interests declared at the meeting.

DECLARATIONS OF A PARTY WHIP

OSC57/22 There were no declarations that any member was subject to a party whip.

NOTIFICATION OF PERSONS REGISTERED TO SPEAK

OSC58/22 Councillors Chapelard and Pound were in attendance as the responsible Cabinet Members on item OSC61/22. There were no members of the public or Visiting Members registered to speak.

ITEMS CALLED- IN

OSC59/22 There were no items which had been called-in.

FURTHER UPDATE ON DIGITAL

OSC60/22 Ian Hirst, Head of Digital Services and Communications, and Andy Sturtivant, Digital Services Team Leader, provided a presentation and live demonstration of myTWBC and the ongoing digital strategy.

Questions and Discussion from Members included the following:

- The Contact Centre team were consulted extensively about myTWBC, especially during the development of The Amelia, where the Customer Service Hub was used.
- The Contact Centre team were able to recommend myTWBC accounts to customers who contacted them but were under no

- obligation to do so while they got used to the system themselves.
- Data was stored at the Maidstone Server Centre as well as with the relevant software company. Data was backed up overnight.
- Election results were unlikely to be made available on myTWBC as they were already readily available on the Council's website.
- Notification on bin delays etc. were already available to those subscribed to the weekly Council newsletter and adding this feature to myTWBC was being explored, but required different levels of consent.
- There were approximately 1600 myTWBC accounts, with approximately 500 linked to Council Tax accounts. There nearly 15,000 subscribers to the weekly newsletter.
- It was not currently possible for a resident to reverse their Single Person Allowance on their own account but it was something that could be considered.
- Information from external organisations was kept up-to-date online by means of Application Programming Interfaces (API) which created connections between 2 different websites e.g. the British Heart Foundation website for defibrillator locations.
- The webchat function to be included on the website was planned to be live chat but with initial 'canned' questions to filter answers. This webchat function was to be only available in certain areas of the website, and not across the entirety of it.
- It would be possible to extract data that would show the breakdown of hits on the website for each Ward. This would allow Councillors to see how many of their constituents were accessing the site and details of the issues raised.
- The Election page on the Council website received approximately 81,000 views on election day.
- The ongoing Community Wi-Fi scheme was funded by KCC who had been assessing deprived areas of Tunbridge Wells. The costs of the scheme were very high and while KCC covered installation and initial costs, TWBC or its partners (such as Town and Country Housing) would have to fund ongoing maintenance.
- The myTWBC project was started in July 2022.

BOROUGH PARTNERSHIP PLAN: BUILDING A BETTER BOROUGH

OSC61/22 Councillor Ben Chapelard, Leader of the Council, presented the Borough Partnership Plan as set out in the agenda.

Answers to questions to Councillor Chapelard and Councillor Hugo Pound, Cabinet Member for Housing and Planning along with other discussion included:

- In relation to the £100,000 Community Support Fund, the application window had closed on Wednesday 11th January. Those applications were in the process of being reviewed before going to the Community Grants Panel.
- In response to comments regarding the perceived lack of detail and the vagueness of the plan, as well as a lack of clarity regarding actions undertaken by the Borough Partnership and not as a continuation of the previous Administration's work.
- It was pointed out that Parking fee increases were not enacted until December '22 but the Plan showed a £200,000 reduction in the deficit prior to then which could be due to the previous administration's work. Cllr Chapelard responded that in May 2022 when he was elected Council Leader there had been a forecast deficit of £944,000, and by

the end of Q2 of this financial year they predicted that the deficit was to reduce to £820,000, which included action which the Partnership had had to take within the in-year budget review. He also claimed that the forecast deficit for the budget year 2023/24 had been drastically reduced through the actions of the in-year budget review. Cllr Chapelard agreed that inflation was running high, especially in relation to waste and recycling, which added £620,000 to bin collection on last April's costs.

- It was noted that the reduction in deficit was due to officers taking advantage of raised interest rates on assets accrued by previous administrations.
- A total of 3 active transport schemes had been put forward for funding: A Cycle lane between Rusthall and Pembury; a low traffic area in St John's; and, a low traffic area in St James'. When asked why none of the schemes were in rural areas, Cllr Chapelard stated that there had been no political will at Kent County Council to deliver broader schemes, but that he hoped that in the future the active travel network would branch out to the rural areas.
- A point raised that social housing targets were vague and lacked detail was explained by the responsible Cabinet Member Councillor Pound as being due to there being no Local Plan in place, it had been difficult to hold developers to account to provide social and affordable housing in both town and rural areas. Once the Local Plan had been approved, social housing numbers would be propelled.
- Approx. 24 units of social housing on 2 separate sites were to be delivered before May 2024, but had not been included in the Plan to avoid being overly specific and running the risk of the projects not being delivered. These 24 units equalled two thirds of the social housing units the previous administration had delivered in 5 years.
- Developers were noted to have been taking advantage of the absence of a Local Plan, to which Councillor Pound responded that a small number of developers had pushed forward plans hoping to seek approval before the Local Plan was in place. Cllr Pound stated that these developers who the Council felt were trying to circumvent the system to their own advantage would jeopardise their long-term relationship with TWBC.
- Cllr Pound was asked to clarify this statement, as it was the Committee's understanding that every planning application was assessed on its' own merits, regardless of how developers delivered (or failed to deliver) previous projects. Cllr Pound agreed that every large application was seen by the Planning Committee whom made their decisions based solely on local and national planning policies and each application was judged on its own as to whether it was reasonable or not, but that when the Planning Department were talking to Developers about new sites and other opportunities and the ways in which conditions were to be met in subsequent applications, he hoped that officers and Members would be more stringent in their demands for delivery. It was difficult to demand these expectations until a Local Plan was in place. When Cllr Pound was further pressed on how this put relationships in 'jeopardy', Cllr Pound stated that if opportunistic Developers were trying to circumvent the system currently while the Local Plan was still not in place, then when the Plan was in place the Developers would be reminded that they had not been helpful and that their relationship and expectations would be altered.

- The definition of social housing was clarified as being housing available at social rent, which was up to 60% of market rate, and was different to the term 'affordable housing'. When asked why Officers had supplied a figure of 272 units of social housing delivered by the previous administration, Cllr Pound clarified that officers had acknowledged their inclusion of all forms of affordable housing in that figure, which they apologised for.
- When asked for an update on co-working at the Town Hall, it was confirmed by the Director of Finance, Policy and Development Lee Colyer that work was ongoing, with the lease to be signed imminently. It was felt that the Council was in a strong position as demand for co-working was high, and the benefits to the Council were a monetary return in terms of rent, as well as a reduction in occupation costs i.e. heating, electricity etc.
- It was noted that the format for 'Cabinet on Tour' needed changing. While more residents had been attending Cabinet as a result of the Tour, there was a lot to learn from the process. Discussions were ongoing on how to get back out to all corners of the Borough in ways that increased resident participation but would not include formal Cabinet meetings, which would go back to the Town Hall.
- The Parish Chair Convention had been formulated by Deputy Council Leader Cllr Nancy Warne to engage parish councils and show greater engagement between the Borough Council and its parishes, beyond the usual quarterly Parish Chairs meetings.
- In relation to tourism development, Cllr Rutland had plans she wished to pursue for events to generate footfall for the local economy and there were efforts underway to bring Kent County Cricket Club back to Tunbridge Wells. Rural areas were to benefit from Rural England's prosperity fund, and it was hoped that money from this fund could be used to support rural economies with tourism development, but specific information was unavailable.
- Lee Colyer was asked whether any update had been received from central Government regarding any settlement as set out in the press. Mr Colyer confirmed that in December the provisional local government settlement had been published, allowing Councils to increase Council Tax to 5%, but this did not apply to district councils such as TWBC, whose cap remained at 3%. There had been changes to grant funding, which ensured a 3% increase in spending power. Overall this meant that the settlement was better than previously feared. This settlement was subject to consultation, which Mr Colyer had responded to, lobbying for greater discretion for district councils in raising council tax.
- Within the Plan's 'actions completed' list, it was noted that a number seemed to include ongoing actions and initiatives and whether there was capacity and plans in place to keep these initiatives going. Cllr Chapelard agreed that this list included priorities which had been trimmed due to financial sustainability issues and the need to safeguard the Council's finances.
- When questioning his comments regarding applications for active travel and his wish for an A26 cycle route, the Chair asked Cllr Chapelard if he was aware the project was deemed unsafe. Cllr Chapelard responded that he thought there were two sides to the story as he had met with David Brazier and Peter Oakford at KCC who did not support the project. As it was one of the most congested A-roads in the country and an air quality management area, Cllr

Chapelard felt it was in the Council's best interests to develop the active travel options in the area.

- When asked whether residents had been consulted about Local Traffic Neighbourhoods (LTNs), Cllr Chapelard stated that they would do at the right moment, but that following their submission to KCC for the tranche of funding they were still waiting for news of if their application had been successful. Once this was confirmed then residents affected by the area would be spoken to. Cllr Chapelard was challenged that since local residents hadn't been consulted, if they rejected the LTNs then the opportunity had been missed to submit other active travel schemes for the KCC funding. He responded that LTNs were controversial with residents as the town had been built for the past 100 years around cars, but that the climate change emergency meant people needed to be encouraged out of vehicles to greener methods of travel around town. He pointed out that previously enacted LTNs in other areas had always faced initial opposition but as people changed the way they lived their attitudes changed to support LTNs.
- There was to be a 5-Year Housing Land Supply set out in the emerging Local Plan, but this was currently not available.
- Surprise was further expressed that Cllr Pound, as a Cabinet member, would speak of putting Developers at 'jeopardy' and he was requested to give the actions he took so exception to and what exactly the consequences would be to his threats. Cllr Pound responded that he didn't believe he was threatening them but that it was well known that the Borough needed more social housing as well as other affordable housing and that the relationship the Council had with Developers was important and about mutual respect and understanding of what both sides could deliver. If a Developer came forward not being able to supply the correct level of social housing, once the Local Plan was in place TWBC could afford to be firmer and refuse planning.
- It was noted that social housing requirements were sometimes waived due to the viability of sites being called into question and by forcing social housing requirements on Developers it was likely to stop any development on the site. Cllr Pound disagreed with this.
- In relation to the cost of the 'Cabinet on Tour' scheme, Cllr Chapelard did not have those figures to hand. When asked for the number of people who attended, he stated 35 attended the Cranbrook meeting, 32 at the Sandhurst meeting, 12 at the Pembury meeting and 7 attended Southborough. Cllr Chapelard noted that given Cabinet meetings used to be held during the day with usually a maximum of 1 member of the public attending, the tour had engaged more residents than previously.
- Cllr Chapelard was asked to concede by the Chair that many of the projects within the Plan had initially been started by the previous Administration, such as the co-working space within the Town Hall. Cllr Pound reminded the Chairman that the decision regarding the Town Hall had been made within a cross-party working group which still continued to meet. The Chairman disputed this, stating it had been led by the Conservatives, accusing the Borough Partnership of hijacking Conservative initiatives.
- When questioned about the growth in revenue during the period since the Borough Partnership administration came into effect and defining the point which the Borough Partnership's actions and policies increased revenue instead of relying on a rise in interest rates and

business rates, Cllr Chapelard responded that the Partnerships took an in-year budget review decision to raise fees and charges in order to safeguard the Council's finances. This income reduced the deficit in 2023-24.

- When the Chairman disputed the Borough Partnership's figures and highlighted their links to the previous administration's work, Cllr Le Page attempted to raise a point of order, citing that the Overview and Scrutiny Committee was required to keep all party politics out of discussion. He requested that the Chairman stop trying to score political points on behalf of the Conservative Party. The Chairman denied this was a valid point of order and stated that Cllrs Chapelard and Pound were referencing their party politics and the previous administration. Cllr Rogers further added to Cllr Le Page's point of order, stating that Cllrs Holden and Goodship had asked repeatedly about the finances and received the same answers and thus were wasting the Committee's time. Again, Chairman Cllr Holden denied this was a point of order, stating he had not been satisfied with the answers. The Monitoring Officer, Claudette Valmond, accepted that this was not a point of order but agreed that the discussion needed to be brought back to the Paper which was being discussed, as the discussion had become too political.
- In relation to recruitment policy and the wording regarding creating a new structure and framework for recruitment, it was clarified that this would be achieved with a new People Strategy and the recruitment of a new Head of Human Resources to look at how the Council supported staff to try and retain those who were being attracted to higher wages and benefits in London. It was also clarified that it was the responsibility of William Benson as Head of Paid Service to both develop and approve the HR strategy.

Debate included:

- Cllr Goodship put forward a motion to refer the Borough Partnership Plan back to Cabinet to be revised prior to being presented to Full Council. This was seconded by Cllr Holden. The rationale Cllr Goodship gave was that there was no People Strategy outlined which was felt to be critical to whether the plan could be delivered and executed. He also stated there was very little of the Plan which was not already approved prior to the last election. He noted that given the expansion of the Cabinet from 5 to 8 Members, there was ample opportunity to address this. He moved that the Paper be returned to Cabinet to be rectified with more specifics.
- Monitoring Officer Claudette Valmond clarified that the report had not yet gone to Cabinet, as it would be going to the February Cabinet meeting, therefore it could not go 'back' to Cabinet, but rather needed to go through the Cabinet schedule to then be presented at Full Council in March.
- Cllr Goodship then amended his original motion which was seconded by Cllr Holden to refer the report back to Cabinet Portfolio Holders for reconsideration before resubmitting to the formal decision process..
- The Plan received support as it was felt that it had done good work in tackling the financial situation taken on by the Borough Partnership.
- It was clarified that this Overview and Scrutiny Committee was the first public consideration of the Plan, and any comments Overview and Scrutiny wished to make could be recorded and relayed to Cabinet, as Cabinet Advisory Boards would do, prior to Cabinet sending the

document to Full Council.

- It was questioned whether it would not be more efficient to pass the paper forward as per the recommendation with specific areas flagged requesting more detail for constructive review, as it was to go through CABs as well, rather than just rejecting it.
- The Chair gave a statement that the Plan held nothing of substance and spoke again of the finances and the lowering of the deficit being due to rise in rates and charges rather than the Car Park Fees which the Partnership had enacted, which had not had an effect yet. He also questioned the safeguarding of finances when the Partnership rejected moving to all-out elections once every 4 years and nearly doubling the size of the Cabinet. He stated the Plan and Partnership claimed successful policies of the previous administration as their own and routine financial management as innovation. He also mentioned that the Plan was out-of-touch with the rural areas and the towns of Cranbrook, Southborough and Paddock Wood.
- A verbal disagreement broke out during and in response to Cllr Holden's speech and the Monitoring Officer asked that the meeting be brought back to order to discuss the matter of the report, rather than digressing into the realms of politics.
- The Chairman continued and criticised the Plan's mention of a Parish Chair's Convention as well as the lack of public safety plans under their priorities for safer towns and villages. He also commented on the Plan's mention of an empty home strategy, questioning whether this would be a fully independent strategy they were planning to develop or whether they intended to become part of KCC's No Use Empty initiative.
- Cllr Le Page spoke again about his point of order highlighted irregularities in the meeting's procedures because of the discussion of political parties and questioned the Chairman's conduct. The Monitoring Officer clarified that a point of order had to specify the Constitution rule believed to have been broken. She stated that the meeting had fallen into chaos, with issues on all sides. The Chairman disagreed with this assessment.

Councillors LePage and Morton left the meeting at 8.30PM and were not present to vote on the item

By majority vote, the Committee rejected Councillor Goodship's motion.

The recommendation as set out within the report was then put to Members. It was amended by the Monitoring Officer and Chair that it would be referred to Cabinet on 9th February rather than Full Council as set out in the report. This was agreed by majority vote.

RESOLVED - That the Borough Partnership Plan at appendix A is noted and referred to Cabinet on 9 February 2023.

WORK PROGRAMME

OSC62/22 The Work Programme was presented for information.

No topics were identified or discussed.

URGENT BUSINESS

OSC63/22 There was no urgent business for consideration.

DATE OF THE NEXT MEETING

OSC64/22 The next meeting was scheduled for Monday 13th March 2023.

NOTE: The meeting concluded at 8.35 pm.