

Summons and Agenda



Town Hall
Royal Tunbridge Wells

Tuesday, 28 June 2022

To the Members of the Tunbridge Wells Borough Council

I request your attendance at a meeting of the Tunbridge Wells Borough Council to be held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, on Wednesday, 6 July 2022, at 6.30 pm, when the following business is proposed to be transacted.

- 1 **Apologies for absence** (Pages 5 - 6)
To receive any apologies for absence.
- 2 **Minutes of the meeting dated 27 April 2022** (Pages 7 - 20)
To approve the minutes of the meeting held on 27 April 2022 as a correct record. The only issue relating to the minutes that can be discussed is their accuracy.
- 3 **Minutes of the meeting dated 25 May 2022** (Pages 21 - 24)
To approve the minutes of the meeting held on 25 May 2022 as a correct record. The only issue relating to the minutes that can be discussed is their accuracy.
- 4 **Declarations of Interest** (Pages 25 - 26)
To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest; please contact the Monitoring Officer before the meeting.
- 5 **Announcements** (Pages 27 - 28)
To receive announcements from the Mayor, the Leader of the Council, members of the Cabinet and the Chief Executive.
- 6 **Questions from members of the public** (Pages 29 - 30)
To receive any questions from members of the public, of which due notice has been given in accordance with Council Procedure Rule 8, to be submitted and answered.
- 7 **Questions from members of the Council** (Pages 31 - 32)
To receive any questions from members of the Council, of which due notice has been given in accordance with Council Procedure Rule 10, to be submitted and answered.
- 8 **Overview and Scrutiny Committee Annual Report 2021/22** (Pages 33 - 50)
To consider and, if thought fit, to approve the recommendations set out in the report.
- 9 **Appointment of Vice Chair of the Overview and Scrutiny Committee** (Pages 51 - 54)
To consider and, if thought fit, to approve the recommendations set out in the report.

- 10 **Appointment of Independent Member to the Audit and Governance Committee** (Pages 55 - 58)
To consider and, if thought fit, to approve the recommendations set out in the report.
- 11 **Motion on Notice from Councillor Bailey** (Pages 59 - 60)
To consider and, if thought fit, to approve the Motion set out in the associated notice.
- 12 **Urgent Business** (Pages 61 - 62)
To consider any other items which the Mayor decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.
- 13 **Common Seal of the Council** (Pages 63 - 64)
To authorise the Common Seal of the Council to be affixed to any contract, minute, notice or other document arising out of the minutes, or pursuant to any delegation, authority or power conferred by the Council.
- 14 **Date of next meeting** (Pages 65 - 66)
To note that the date of the next scheduled meeting is Wednesday 5 October 2022.

William Benson
Chief Executive

Democratic Services Team

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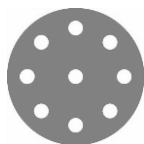
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Apologies for Absence

For Full Council on Wednesday 6 July 2022

Procedural Item

To receive any apologies for absence.

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TUNBRIDGE WELLS BOROUGH COUNCIL

MINUTES of a meeting of the Tunbridge Wells Borough Council, duly convened and held at the Town Hall - Town Hall, at 6.30 pm on Wednesday, 27 April 2022

PRESENT:

The Mayor Chris Woodward (Chair)

Councillors Allen, Atwood, Backhouse, Barrington-King, Bailey, Bland (Vice-Chair), Britcher-Allan, Chapelard, Dawlings, Ellis, Everitt, Fairweather, Fitzsimmons, Funnell, Goodship, Hall, Dr Hall, Hamilton, Hayward, Hickey, Hill, Holden, Knight, Lewis, Lidstone, March, McDermott, Morton, Ms Palmer, Poile, Pound, Rands, Roberts, Rutland, Sankey, Scholes, Scott, Simmons, Thomson, Warne, White, Willis and Wormington

IN ATTENDANCE: William Benson (Chief Executive), Mark O'Callaghan (Scrutiny and Engagement Officer), Renee Dillon (Democratic and Executive Support Manager) and Claudette Valmond (Head of Legal Partnership and Interim Monitoring Officer)

APOLOGIES FOR ABSENCE

FC87/21 Apologies were received from Councillors Atkins, Ms Palmer, Patterson, Pope and Rands.

MINUTES OF THE MEETING DATED 23 FEBRUARY 2022

FC88/21 Councillor Woodward moved, and Councillor Bland seconded, acceptance of the minutes subject to a series of corrections to the minutes which had been circulated under separate cover.

Councillor Everitt moved, and Councillor Pound seconded, an amendment to add a further correction.

Debate on the amendment included:

- The corrections moved by Councillor Woodward had been checked by Democratic Services against the recording.
- The correction moved by Councillor Everitt had not been checked by Democratic Services but accuracy was assured by the mover.
- The correction reflected the meaning of what had been said which had been lost in the minute.

Councillor Hamilton requested a recorded vote on the amendment.

Members who voted for the amendment: Councillors Allen, Atwood, Backhouse, Bailey, Barrington-King, Bland, Britcher-Allan, Chapelard, Dawlings, Ellis, Everitt, Fairweather, Fitzsimmons, Funnell, Goodship, C. Hall, Dr L. Hall, Hamilton, Hayward, Hickey, Hill, Holden, Knight, Lewis, Lidstone, March, McDermott, Morton, Poile, Pound, Roberts, Rutland, Sankey, Scholes, Scott, Simmons, Thomson, Warne, White, Willis, Woodward and Wormington. (42)

Members who voted against the amendment: None.

Members who abstained from voting: None.

AMENDMENT CARRIED

The motion as amended became the substantive motion.

The Mayor took a vote on the motion by affirmation.

RESOLVED –

1. That minute FC75/21, Questions from members of the public, supplementary question to question 9 from James Tansley, be amended to replace the wording with: “In Financial Year 2021, according to the Council’s Coronavirus dashboard, the Council was only delivering half of its services. It was rated worst in the country for delivering grants to small business. Your Chief Exec was quoted as saying he found it “appalling”. Tunbridge Wells also had the seventh worst bin collection record in the country. Meanwhile, delivery of both the Amelia Scott centre and the Local Plan are significantly behind schedule is running over building costs. And the Council was only able to balance its books with money provided by central government. In light of this, why is the council rewarding failure, or has the council lost control and allowing officers to pay themselves whatever they want?”;
2. That minute FC76/21, Questions from members of the Council, answer to supplementary question to question 2 from Councillor Everitt, be amended to replace the wording with: “I think we have to recognise what the Council is focused on and what it isn’t focused on. I suggest that maybe, maybe you’re right but our Housing team have plenty of things to deal with.”;
3. That minute FC77/21, bullet point 37, be amended to replace the wording with: “6 of the 8 big projects in the Five Year Plan had not been delivered.”;
4. That minute FC77/21, bullet point 42, be amended to replace the wording with: “Tunbridge Wells was found to be one of the lowest scoring councils in Kent in a study of the Council’s climate change action plan.”;
5. That minute FC77/21, bullet point 43, be amended to replace the wording with: “The Real Living Wage from April would be £9.90; the increase over the course of year was £780 for the average worker. The Council should require its contractors to pay the Real Living Wage, as many central government departments already did.”;
6. That minute FC77/21, bullet point 44, be amended to replace the wording with: “Residents across the borough were saying what was important to them: bin collections; a clean environment; a healthy, safe place to live; cheaper, accessible transport; more for young families and children; more housing for those in need; a more equitable, fair society in which we can all flourish. The Budget failed to address all these issues.”; and
7. That, subject to the above corrections, the minutes of the meeting dated 23 February 2022 be approved as a correct record.

DECLARATIONS OF INTEREST

FC89/21 No declarations of pecuniary or other significant interest were made.

ANNOUNCEMENTS

FC90/21 The Mayor made the following announcements:

- Advised a full list of his activities as Mayor is available and asked people to email him should they like a copy.
- Civic Dinner was a great success and managed to raise £1,490. for the Mayors Charity (Mental Health)
- The Mayor took this opportunity to thanks all that supported the event.

The Leader of the Council:

- Acknowledge the great support shown by William Benson in support of the Ukraine Refugee actions.
- TWBC role is focused on reviewing accommodation being offered, have set up a website in multiple languages
- KCC have been focused on DBS checks, education and health matters
- William has continued to supply support in other areas.
- 2 x Borough Councillors are a providing housing and are experiencing first-hand the issues faced such as opening bank accounts etc.

Portfolio Holder for Environment, Culture and Leisure announced

- Expressed her thanks to all of those who helped and support in the completion go the Amelia Scott
- The preview opening was well attended and received positive feedback.

Portfolio Holder for Communities and Wellbeing

- At the last Full Council meeting in February I was asked how many social housing units have been delivered over the last five years. I now have the figures so I would like to take this opportunity to confirm that 634 such dwellings have been provided.
- There is a very good reason as to why the numbers of social rented houses to be built are low.
- This all relates to the fact that the existing planning policies for affordable housing are too old.
- There are different tenures of affordable housing: affordable rent, social rent, and intermediate forms of housing, such as shared ownership.
- Most new affordable housing – including social rented housing – is delivered through planning policy requiring that a certain proportion of houses on new major residential developments are provided as such.
- The current planning policy in relation to affordable housing dates from 2010 – it is long in the tooth. There is no requirement in this policy, or in associated Supplementary Planning Documentation, for a particular mix of affordable housing. There is no requirement or ability for Officers to insist on social rented housing.
- The affordable housing policy in the new Local Plan will address this. It requires that for every 100 houses to be built on a greenfield site that 24 will be for social rent, 16 will be for intermediate forms of affordable housing such as shared ownership, and 60 will be for market sale.
- This will provide a significant boost to the amount of affordable housing.

- Ahead of the new Local Plan being adopted Officers have in recent years been able to exert more leverage, when negotiating on planning applications, to increase the amount of social rented housing in schemes. And as these start to be built out, so the delivery of social rented houses will increase in the short term.
- This all demonstrates why it is so important that we have a new Local Plan in place

QUESTIONS FROM MEMBERS OF THE PUBLIC

FC91/21 The Mayor advised that there were six questions from members of the public had been received under Council Procedure Rule 8.2.

Question 1 from Aaron Brand

“Will the developments in RTW help to rejuvenate the town centre?”

Answer from Councillor Scott

“There are a number of proposed and actual developments all currently being worked on and invested in by this Council and private developers and companies.

From the top of the hill down we have:

1. The Elite Leisure development in the BHS store and is designed to bring in people particularly younger adults which will add in younger footfall
2. The Amelia Scott which will be opening tomorrow to the general public with a range of events and exhibitions which will bring new activity and vibrancy to the town centre attracting up to 480,000 visits each year, with 18,000 learners coming to the centre per annum.
3. The Coworking Space, and facilities in this space, the Council Buildings. The Council have announced the selection of Town Square Spaces Limited as our partner and will be working with the provider to bring forward the planning application for the development of the co-working space over the next few months.
4. The AXA / Retirement Villages development of the ABC-Cinema site
5. The many shops, vacated during the pandemic and currently being redeveloped up and down our town centre. As an example Royal Victoria Place Shopping Centre are experiencing strong demand for space in the centre. As you would expect these take a while to convert. 12 business renewals, 7 new businesses and 6 other units under discussion of which 3 are businesses upsizing. In Ely Court potentially a new operator will see four of the businesses which are staying, joined by nine other units being filled.
6. The High Street scheme has been retained and new planters are being introduced to the Calverley Precinct.
7. And within The Pantiles, The Chalybeate Spring where a new opportunity is being developed and planning permission has recently been given.

So yes. Each of these developments will bring additional people to Tunbridge Wells town centre to spend money here. This will help not only these

developments but the many hospitality and shopping venues across the town in the day and evening economies. Each of the development will help substantially in the post-Covid rejuvenation of Royal Tunbridge Wells.”

No supplementary question.

Question 2 from James Tansley

“On 6 April, the Chair of Overview and Scrutiny claimed that the latest increase in the Amelia Scott budget could not be called in for debate as 'delay would seriously prejudice the Council's or the public's interest'. Please can Councillor Thomson explain to me, and other local taxpayers, how democratic scrutiny of the additional expenditure of £468,000 of public money – which is more than 5% of the money the Council will receive in Council tax this financial year – prejudices, seriously or otherwise, the public's interest?”

Answer from Councillor Dawlings

“I take the need for democratic scrutiny very seriously. The report and decision were subject to scrutiny at Cabinet on the 14 April which is a public meeting. As much of the report as possible, while protecting the Councils commercial position was in the public domain and published at the time of the full agenda. The professional advice was and remains that the council should ensure it had authority and capacity to enable it to finalise negotiation on the final account. The O&S Committee procedure can add a couple of weeks to the decision making process and with the Council finalising its legal position with the contractors delivering the Amelia Scott, it was therefore essential that prior to works completing the budget was in place.

As you will be aware the Amelia Scott is due to open tomorrow therefore ensuring final works were in place was essential to maintaining and securing the opening. At late notice the users of the Amelia Scott if it had not opened would have struggled to find alternative space and it should be noted the additional costs, over and above the construction costs which would be significant, would be borne by the Council.

The issues have been brought to wider members attention and discussed with councillors through the ASMOP (Amelia Scott Members Oversight Panel) and with the group Leaders. On this occasion the group Leaders reluctantly agreed to the approach. I recognise this is not ideal but there will be additional reports after the opening of the Amelia Scott and wider scrutiny of the delivery of the scheme once the contractual position is finalised.

I think I should also make clear that the funding is as outlined in the report is capital and not revenue funding and does not impact on the delivery of the Councils services.”

Supplementary question from James Tansley

“As councillors will be aware the Amelia Scott was originally scheduled to open in summer 2021, it is already more than 9 months late and some £8m over budget would it, given that this position would it not of made sense to have proper scrutiny of the significant under budgeted expenditure on the project, or was the primary consideration was to ensure the Amelia Scott was opened by the 5th may the date of the local election.”

Supplementary answer from Councillor Dawlings

“The opening of the Amelia Scott was to schedule to fit in with the opening of the summer term of the adult education which started sometime this week. The reference to Overview and Scrutiny was just a reference to withhold the call in facility and did not impact at all on the scrutiny of the decision. I think I probably ought to make clear the council secured over £9.5m of the costs of the Amelia Scott development from external sources the National Lottery Heritage Fund, the Arts Council, KCC and the Government ‘Get Building Fund.’”

Question 3 from Thomas Mobbs

“As part of the next generation, the climate emergency is an issue that I hold close. Internationally, nationally and locally, institutions are making important decisions to combat this. I have seen that the borough has been at work to spread awareness to this ever growing issue, with the formation of the TWBC Climate Action Website. Since it went live how many people have visited the TWBC Climate Action website?”

Answer from Councillor March

“The borough council has indeed declared a climate emergency and adopted a carbon descent plan. Since its launch at the end of February our Climate Action Website has had 632 visitors of which 158 are returning visitors to the site, with just over 1,400 pages being viewed. The website will continue to be updated and more interactive features will be included to encourage greater participation.”

Supplementary question from Mr Mobbs

“What has the reception been to the Website?”

Supplementary answer from Councillor March

“So far it has been very good that is why we have had so many people actually look at different pages, we have not asked for any consultation type of feedback yet, that will come later once we have put more and more pages onto the website and had more interaction. We will be reviewing this in at least six months.”

Question 4 from James Tansley

“The Council has claimed that it cannot respond to my freedom of information request reference F10683 asking for sight of the Council’s waste management contract with Urbaser within the statutory 20 working days on the grounds that ‘locating, retrieving and extracting’ the contract is complex.’ How does the council manage this contract if even finding it is so difficult?”

Answer from Councillor Fairweather

“The Council’s operation team has easy access to the contract documentation, but as you are aware from your correspondence with the FOI Team our position is based on the Information Commissioner’s guidance and a response will be provided in due course.”

Supplementary question from Mr Tansley.

“Just for councillors information I should say the answer was promised on the 7th May which is 2 days after the date of the election and 40 working days after the receipt of my original request. On 7th January the council announced that it intended it would trigger financial penalties, in light of poor performance by Urbaser please can you tell me the precise value of the penalties triggered.”

Supplementary answer from Councillor Fairweather

“As I have said a response will be provided to you in due course if that question was part of your request it will be answered in the response.”

Question 5 from James Tansley

“Tunbridge Wells Cricket week has been a key fixture for local cricket enthusiasts for over a hundred years, and used to attract thousands of visitors to the town. What reasons has Kent County Cricket Club given for deciding not to play any fixtures at the Neville Ground this year?”

Answer from Councillor March

“When this season’s fixtures were announced in late January, Simon Storey, Chief Executive of Kent County Cricket Club issued a statement to explain that ECB’s requirements for Covid contingency plans meant that unfortunately the Neville Ground couldn’t be considered as a venue for this summer. He went on to say that the scale of the plans meant it wasn’t possible to move a complex first-class cricket operation to support out-ground cricket at a third venue, after Beckenham and Canterbury. Mr Storey concluded by saying that he hoped to return to The Neville in 2023. The council will continue to work closely with Kent Cricket and Tunbridge Wells Cricket Club to enable fixtures to be held next summer.”

No supplementary question.

Question 6 from James Tansley

“Given that the country is facing a cost of living crisis, and that councils as diverse as Lewes, Dover and Bromley employ no one with a salary greater than £100,000, why does Tunbridge Wells Borough Council feel it needs to pay three Town Hall officials more than £100,000 a year (at a total cost to local residents of £426,852)?”

Answer from Councillor Dawlings

“I presume your source is the council rich list 2022 from which you have mistakenly taken a blank to mean no officer is paid over £100k. Information contained in accounts for the councils concerned shows that for Lewes Council which shares a Management Team with Eastbourne the total remuneration cost of the Chief Executive for 2019/20 was £168,753, Director of Regeneration and Planning £146,201 followed by three other Directors circa £100k.

For Dover District Council the total remuneration cost of the Chief Executive for 2019/20 was £131,000, and two Directors costing £114,000.

For Bromley Council the total remuneration cost of the Chief Executive for 2019/20 was £216,145 and eight other Directors costing between £118k and £201k.

The statement of accounts published for these three councils are from the most recent available for 2019/20. Tunbridge wells borough council has published it accounts for 2020/21 and was one of the first in the South East to be successfully audited and one of just 9 per cent of councils nationally to meet the statutory reporting date.

The council's pay policy for 2022/23 was approved at the meeting of Full Council held in February, my view is that we are fortunate in the Chief Executive and Directors we have in post and I think they are appropriately rewarded and I am grateful for their commitment to the council."

Supplementary question from James Tansley

"In November 2020 the conservative chancellor announced a public sector pay freeze for financial year 2021/2022. Did the council follow the government guidance, and if not why not? particularly giving the current state of the councils finances."

Supplementary answer from Councillor Dawlings

"I presumed the council followed its own pay policy."

QUESTIONS FROM MEMBERS OF THE COUNCIL

FC92/21 The Mayor advised that 5 questions from members of the Council had been received under Council Procedure Rule 10.6

Question 1 from Councillor Pound

"The detailed and well-constructed report 'Mind The Gap. Tunbridge Wells Borough: Health Inequalities Action Plan 2015-2019' report contains baseline figures (2014) for all but one of the six priorities the Council was going to address with partner agencies between 2015-2019. Can the Portfolio Holder please advise members when and at which CAB or Committee progress has been reported on these priorities and also provide an update on the 2014 baseline figures to confirm positive progress in each of them?"

Answer from Councillor Fairweather

"The action plan was developed by the local multi agency Health Action Team (HAT) and pre-dates my time as a councillor. The plan was monitored through the HAT rather than through specific reports to Cabinet or committees. Previous portfolio holders will have had the opportunity to highlight progress and answer questions as part of their annual updates to Overview and Scrutiny however I am not aware that took place as I was neither a portfolio holder at that time nor a member of the Overview and Scrutiny.

The HAT meetings were suspended during Covid with progress on actions to support vulnerable people being report to the Covid Member Panel.

As to any progress made, changes in national data collection means that comparable data isn't available across all themes but there have been improvements in the areas of adult obesity, smoking and alcohol misuse when compared with the England average.

As chairman of the HAT, the meetings have been reconvened and we will be working with KCC's Public Health to develop a new plan recognising that excess winter deaths and child obesity in particular continue to present challenges in our local area."

Supplementary question from Councillor Pound

"How do you align your statement this evening, that 634 units of social housing not all affordable housing, has been developed in the last 5 years, when on 3rd Nov 2021 I have an email from an officer of the council who had spoken to Cabinet on the 28 Oct confirming that of the 313 new units of affordable housing built in the last 5 years only 26 were for social rent."

Supplementary answer from Councillor Fairweather

"I can't see the correlation or relevance with the supplementary provided after my first response. That said, it is quite a lengthy supplementary and contains some quite complex data and if Councillor Pound should care to write his supplementary I will ensure its replied to in full."

Question 2 from Councillor Rutland

"Local residents, along with councillors of all parties, including members of the Joint Transportation Board, have expressed concerns about pedestrian safety in the new public realm in front of the War Memorial. These fears were confirmed on 9 April when there was an incident involving a motorbike and two pedestrians, in which two people were hospitalised. One year ago, a KCC review stated 'Road Safety Audits of the designs and the scheme as delivered have been completed in line with guidance and best practice. No material issues have been raised.'

Please can you explain:

- the disparity between our view and that of Kent Highways;
- what attempts have been made to lobby Kent Highways for safety improvements to this scheme, including the crossing at Monson Road; and
- why, in your opinion, have they failed thus far?"

Answer from Councillor Scott

"The disparity between our view and that of Kent Highways: KCC has been in constant dialogue with TWBC officers regarding the aims of the scheme and the need to remove the through traffic within the restricted periods to allow the scheme to function as intended. The signs review highlighted improvements that could be helpful in re-enforcing the message to drivers that they were entering a restricted area between 9.00am and 6.00pm. With reduced traffic flows (only buses, taxis, and cyclists) it is believed that the layout of the street would function as intended which was to improve the space to encourage more pedestrian activity and encourage business growth. The signing alterations along with the installation of CCTV

cameras are nearing completion (the majority of signs are in place and the cameras installed). To allow enforcement an agreement between KCC and TWBC needs completing which is with the relevant officers to progress.

What attempts have been made to lobby Kent Highways for safety improvements to this scheme, including the crossing at Monson Road: TWBC officers have had regular contact with KCC officers and discussed what, if anything could be done to improve the crossing facilities concentrating specifically on the Monson Road crossing although the main granite centrepiece in Mount Pleasant Road has also been discussed. Suggestions such as planters placed in the centre of the crossings to act as an island have been investigated however they themselves may add additional risks as they would need regular maintenance (watering and weeding) in the middle of a live road and could also hide small children or wheelchair users from drivers' views. It is not possible to install any type of island on the Monson Road granite table as the turning of vehicles heading down Mount Pleasant Road and turning left into Monson Road would be prevented from doing this manoeuvre if an island was in place (prior to the changes vehicles could exit Mount Pleasant Road via Church Road/Crescent Road which they are not able to do now between 9.00 and 6.00 so have to turn into Monson Road). In addition, any vehicle wishing to exit Civic Way (controlled by bollards but sometimes used) would be prevented from doing this if an island was placed further away from the Mount Pleasant Road junction with Monson Road.

Why, in your opinion, have they failed thus far:

We are working towards reducing traffic flows and getting the street to function as designed and then monitoring it to see if further engineering is required. This way forward has been agreed by TWBC. The project team highlighted that the restrictions would be difficult to enforce at the start of the project and was understood by all parties. The project has always relied on both authorities working together. We are confident that KCC takes road safety extremely seriously and will continue to work with TWBC to make sure the highway environment is as safe as can be and fit for purpose."

No supplementary question

Question 3 from Councillor Hamilton

"We are told that this Council has a deficit. What does that mean please and what is being done about it?"

Answer from Councillor Dawlings

"My intention is advise that the Council for ten years has operated with a revenue budget surplus which at the end of each financial year has been transferred to reserves. With Covid beginning to impact from February 2019, the Council's income was significantly affected and there were months during lockdowns when there were revenue shortfalls of over £1 million. With Government encouraging Council to maintain services and undertaking to help finance shortfalls (the scheme determined was for Council to bear the first 5% of the loss with the remained shared 75% government and 25% Council) and with good financial management, there was no need to draw on reserves at the end of the year to deliver the revenue budget in the years ended 31 March 2020, 2021, or 2022. The Government scheme to help with the loss of income ended in June 2021.

The budget for 2022-23 approved in February, forecasts a shortfall of £944k. This is a prudent budget, and we hope that this shortfall will be narrowed as activity in the town increases. It will certainly be narrowed significantly by the planned co-working arrangements for the Town Hall. The major loss is revenue from car parking and if this does not recover then there will be parts or entire car parks that can be repurposed and put to other income generating use.

For 2022-23, the Council was given a one year settlement by Government. Government has indicated that a multi-year settlement will be announced - this will almost certainly be towards the end of December. A multi-year settlement will help to align with our own medium term financial planning and use the post pandemic usage data to make informed decisions on service delivery."

Supplementary question from Councillor Hamilton

"How happy are our auditors with this?"

Councillor Hayward raised a point of order that under Council Procedure Rule 10.10 supplementary questions were without notice and it was clear from the prepared answer that the supplementary had been notified in advance. The Mayor ruled the question out of order.

Question 4 from Councillor Dr Hall

"Has Fusion delivered on their commitment to investing in the three leisure centres in the borough?"

Answer from Councillor March

"Following the Cabinet's decision to extend the sports centre management contract we have been working closely with Fusion on the delivery of their investment programme. The spin bike studios in The Weald and Putlands have been refurbished and all three centres will very shortly have new and upgraded spin bikes. The refurbishment of the fitness studios at all three centres will start in July and be completed by the end of September.

As part of the five year extension Fusion had offered to invest £425,000. The total investment in facilities and services will now be in the region of £800,000."

Supplementary question from Councillor Dr Hall

"Is that sum that you mentioned is that more or less than what they spent in the pre-covid period"

Supplementary answer from Councillor March

"I am sorry I do not have that figure to hand but will ensure I get this information and have it added to the minutes."

Question 5 from Councillor Dr Hall

"Has usage of the leisure centres recovered to their pre-covid levels?"

Answer from Councillor March

“Nationally the industry is still in recovery mode and there has been a steady increase in usage across all three of our centres. We expect the investment package will lead to an increase in memberships and usage of the centres to above pre-covid levels.

And if I might just add literally this afternoon I was given figures and graphs showing figures of usage up until end of March 2022 this year, obviously it is very difficult to explain graphs there are three of them but if I can look to democratic services I can hopefully will be able to include these graphs in the minutes, there are three of them which clearly show what the actual usage and how much it has gone up and they type of activity if that is acceptable in the minutes.”

Supplementary question from Councillor Dr Hall

“Additional to that thank you for telling us that they have the aspirations do we have any idea by which date this year next year, they will have brought the level up to the pre covid levels?”

Supplementary answer from Councillor March

“Well it should be by this year after all the different investment and refurbishment they are pretty close to finishing the refurbishments by Sept/Autumn very close getting there now which is shown by the graphs but once refurbishment is done it should then be Autumn I hope.”

NOTICE OF USE OF URGENCY PROCEDURE

FC93/21 Councillor Woodward moved and Councillor Bland seconded the recommendations set out in the notice on the agenda.

The Mayor took a vote on the motion by affirmation.

RESOLVED –

1. That the use of the Call-In and Urgency Procedure in accordance with Overview and Scrutiny Procedure Rule 14 in respect of Portfolio Holder decision: Garden Waste Services Reinstatement made on 10 March 2022 be noted; and
2. That the use of the Call-In and Urgency Procedure in accordance with Overview and Scrutiny Procedure Rule 14 in respect of Cabinet decision: Amelia Scott Budget and Update made on 14 April 2022 be noted.

COMMUNITY SAFETY PARTNERSHIP PLAN 2022/23

FC94/21 Councillor Scott moved, and Councillor Dawlings seconded, the recommendation set out in the report on the agenda.

Debate included consideration for the following points:

- TWBC places a high level of focus on the Community Safety Action Plan.
- Its main focus is to ensure Women and Girls are safe at home or in the streets.

- CSAP meet regularly to analyse data and trends to develop strategic action plans to ensure RTW is a low crime town.
- Violence against Women and Girls main priority.
- Issues that were left out of the report, where O&S raised 4 points
 - Further information on seeking data on road accidents including youths.
 - The data on ethnicity of hate crimes be enlarged.
 - Separated out data between Town Centre crimes from Culverden and Park wards.
 - Local v's National App for tracking crimes.
- Concern around anti-social behaviour increasing since Covid.
- Southborough and High brooms lacks strong police presence.
- Police are too reactive and taking too long to resolve.
- Too much pressure on police budgets which is having a serious impact on society.
- Drugs and drug dealing seems to be on increase however there are no data around amount of arrests and reports lacks the detail around this area.
- Volume of complaints continues to be on the rise from residents around anti-social behaviours.
- Traffic accidents not clearly distinguished between killed v's seriously injured data needs to be separated.
- Increase in road speeding.
- Air quality is getting worse due to increased traffic.
- Sexual offences are on the increase >19.9%.
- Not enough substance behind actions.
- Recommendations around safety of Women and Girls is not adequate and no coherent strategy.
- Home Office App/Police App No coherent strategy in place.
- Joined up intelligence is needed and joined up activities with police.
- Knife crimes are increasing and an increase in Cuckooing on vulnerable people.
- Community safety partnership unit are doing some amazing work and are being very proactive.
- Speed watch is in place and the burden is mainly being carries by Councillors, it is a priority that we engage the public especially with the increase of 20mph areas.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the Community Safety Partnership Plan 2022/2023 be approved.

MEMBERS ATTENDANCE DISPENSATION

FC95/21 Councillor Dawlings moved, and Councillor Scott seconded, the recommendation set out in the report on the agenda.

The report was taken as read.

The Mayor took a vote on the motion by affirmation

RESOLVED – That all Councillors, who during the period 10th December 2021 up to and including 26 January 2022 (Plan B Period) attended non-decision making Council meetings virtually and/or did not attend the Full Council Meeting on 15 December 2021 in person as a result of reduced numbers of those in attendance having been agreed between the Council's political Group Leaders (Group Leaders), receive a dispensation in respect of the six-month nonattendance rule as specified in Section 85 (1) of the Local Government Act 1972 due to the further safety measures introduced by the Government on 8 December 2021 ('Plan B') to address rising numbers in coronavirus cases as a result of the Omicron variant.

APPOINTMENT OF THE DEPUTY MAYOR 2022-23

FC96/21 Councillor Dawlings moved, and Councillor Chapelard seconded, the recommendation set out in the report on the agenda.

Members recorded their agreement and appreciation of Councillor Patterson.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That Councillor Hugh Patterson be appointed Deputy Mayor for the municipal year 2022/23.

MOTION TO RECORD THE COUNCIL'S APPRECIATION FOR THE MAYOR

FC97/21 Councillor Dawlings moved, and Councillor McDermott, moved the recommendation set out in the report on the report.

Members recalled the Mayor's achievements during their mayoral year and thanked him for his service.

The Deputy Mayor took a vote on the motion by affirmation.

RESOLVED – That Tunbridge Wells Borough Council records it's appreciation for the valuable services rendered by the Mayor, and the assistance given to them by the Mayoress, during their period in office.

URGENT BUSINESS

FC98/21 There was no urgent business.

COMMON SEAL OF THE COUNCIL

FC99/21 Councillor Woodward moved and Councillor Bland seconded the recommendations set out in the notice on the agenda.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the Common Seal of the Council be affixed to any contract, minute, notice or other document arising out of the minutes or pursuant to any delegation, authority or power conferred by the Council.

DATE OF NEXT MEETING

FC100/21 The next scheduled meeting was Wednesday 25 May 2022.

NOTES: The meeting concluded at 8.30 pm.

TUNBRIDGE WELLS BOROUGH COUNCIL

MINUTES of a meeting of the Tunbridge Wells Borough Council, duly convened and held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, at 10.00 am on Wednesday, 25 May 2022

PRESENT:

The Mayor Chris Woodward (Chair)

Councillors Allen, Atkins, Atwood, Bailey, Barrass, Barrington-King, Bland (Vice-Chair), Brice, Britcher-Allan, Chapelard, Dawlings, Ellis, Everitt, Fairweather, Fitzsimmons, Funnell, Hall, Dr Hall, Hayward, Hickey, Hill, Holden, Johnson, Knight, Le Page, Lewis, Lidstone, March, McMillan, Moon, Neville, Ms Palmer, Patterson, Poile, Pope, Pound, Rands, Roberts, Rogers, Rutland, Sankey, Wakeman, Warne and White

IN ATTENDANCE: William Benson (Chief Executive), Mark O'Callaghan (Scrutiny and Engagement Officer), Renee Dillon (Democratic and Executive Support Manager) and Claudette Valmond (Head of Legal Partnership and Interim Monitoring Officer)

APOLOGIES FOR ABSENCE

FC1/22 Apologies were received from Councillors Goodship, Morton, Willis and Wormington.

DECLARATIONS OF INTEREST

FC2/22 No declarations of pecuniary or other significant interest were made.

ELECTION OF THE MAYOR

FC3/22 Councillor Dawlings moved, and Councillor Pound seconded, that Councillor Godfrey Bland be elected Mayor.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That Councillor Bland be elected Mayor of the Borough for the ensuing municipal year ending on the date of the Annual Meeting 2023.

Councillor Bland made the declaration of acceptance of office.

Following the declaration, the meeting adjourned whilst the Mayor was robed and received the chain of office.

On the resumption of the meeting, Councillor Bland returned thanks for his election and announced:

- He would be supported by Mayoress Caroline Sampson.
- Reverend David Commander would be the Mayors Chaplain of Benenden and Sandhurst.
- The theme of the Mayoralty, would be Small Business.
- Hospice in the Weald would be appointed as the Mayor's Charity.

The Mayoress, Caroline Sampson received her badge of office.

PRESENTATION OF BADGE TO THE IMMEDIATE PAST MAYOR

FC4/22 Badges were presented to the immediate past Mayor, Chris Woodward and the past Mayor's Escort, Jenny Woodward in recognition of their service. In addition, a photo album was presented to them both containing memories of their year in office.

Chris Woodward returned thanks and announced that £5,195.64 had been raised for his charity Mental Health Resources (West Kent) and a cheque was presented to Jenny Williams from the Charity.

APPOINTMENT OF THE DEPUTY MAYOR

FC5/22 Councillor Chapelard moved, and Councillor Hill seconded, that Councillor Patterson be appointed Deputy Mayor.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That Councillor Patterson be appointed Deputy Mayor of the Borough for the ensuing municipal year ending on the date of the Annual Meeting 2023.

Councillor Patterson made the declaration of acceptance of office.

Following the declaration, the meeting adjourned whilst the Deputy Mayor was robed and received the chain of office.

On the resumption of the meeting, Councillor Patterson returned thanks.

The Deputy Mayoress, Sandra Patterson received her badge of office.

RETURN OF PERSONS ELECTED TO THE BOROUGH COUNCIL

FC6/22 The Chief Executive, as Returning Officer for the elections held on 5 May 2022, submitted the return of persons elected to the Borough Council as set out in the agenda report.

ELECTION OF LEADER OF THE COUNCIL

FC7/22 Councillor Hickey moved, and Councillor Warne seconded, that Councillor Chapelard be elected Leader.

The Mayor took a recorded vote on the motion

Members who voted for the motion: Councillors Atkins, Bailey, Barrass, Brice, Britcher-Allan, Chapelard, Ellis, Everitt, Fitzsimmons, Funnell, C. Hall, Hayward, Hickey, Hill, Johnson, Knight, Le Page, Lewis, Lidstone, McMillan, Moon, Neville, Patterson, Poile, Pope, Pound, Rogers, Rutland, Sankey, Wakeman and Warne. (31)

Members who voted against the motion: None.

Members who abstained from voting: Councillors Allen, Atwood, Barrington-King, Bland, Dawlings, Fairweather, Dr L. Hall, Holden, March, Ms Palmer, Rands, Roberts and White. (13)

RESOLVED – That Councillor Chapelard be elected Leader of the Council for the period ending on the date of the Annual Meeting 2026 in accordance with the requirements of the Constitution and the Local Government Act 1972 (as amended).

Councillor Chapelard returned thanks and announced:

- Thanks Councillor Dawlings for advice and support moving into new role.
- Announced the 'Borough Partnership' made up Councillors from the following parties Lib Dems, Labour, Tunbridge Wells Alliance, and Independent Councillor of Paddock Wood East focusing in the following 5 areas
 - Safeguarding Finances
 - Vibrant and Safer Towns and Villages
 - Carbon Reduction
 - Affordable Housing
 - Digital Access

Councillor Chapelard announced the following Cabinet:

- Councillor Warne - Rural Communities and Deputy Leader
- Councillor Rutland – Tunbridge Wells Town and Local Areas
- Councillor Everitt - Environment, Sustainability and Carbon Reduction
- Councillor Pound – Housing and Planning
- Councillor Fitzsimmons – Leisure, Wellbeing and Culture
- Councillor Hayward – Governance and Transparency
- Councillor Hickey – Finance and Performance

Councillor Chapelard also announced the following roles to help deliver on his 5 focus areas:

- Councillor Lidstone – Walking and Cycling Champion
- Councillor Sankey – Local Business Champion
- Councillor Britcher-Allan – Charities and Voluntary Sector Champion
- Councillor Ellis – Town market Champion

APPOINTMENTS TO COMMITTEES 2022/23

FC8/22 Councillor Chapelard moved, and Councillor Hayward seconded, the recommendations set out in papers tabled at the meeting and to be published as a supplement to the agenda.

The Mayor took a vote on the motion by affirmation.

RESOLVED –

1. That the allocation of seats to Committees (political balance) as set out at appendix A to the report be approved; and
2. That the appointments to the Committees as set out at appendix B to the report be approved.

URGENT BUSINESS

FC9/22 There was no urgent business.

COMMON SEAL OF THE COUNCIL

FC10/22 Councillor Bland moved, and Councillor Patterson seconded, the recommendation set out in the notice on the agenda.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the Common Seal of the Council be affixed to any contract, minute, notice or other document arising out of the minutes or pursuant to any delegation, authority or power conferred by the Council.

DATE OF NEXT MEETING

FC11/22 The next scheduled meeting was 6 July 2022.

NOTES:

The meeting concluded at 11.05 am.

Declarations of Interest

For Full Council on Wednesday 6 July 2022

Procedural Item

To receive any declarations of interest by members in items on the agenda in accordance with the Members' Code of Conduct. For any advice on declarations of interest, please contact the Monitoring Office before the meeting.

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Announcements

For Full Council on Wednesday 6 July 2022

Procedural Item

To receive any announcements from the Mayor, the Leader of the Council, members of the Cabinet and the Chief Executive.

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Questions from members of the public

For Full Council on Wednesday 6 July 2022

Procedural Item

To receive any questions from members of the public, of which due notice has been given in accordance with Council Procedure Rule 8, to be submitted and answered.

Details of any questions received will be set out in a supplementary pack to the agenda.

Notes on asking questions:

At an ordinary meeting of the Council, any member of the public may ask members of the Cabinet or the chairman of a committee or board a question on any matter within the power or remit of the Council or relevant committee.

Questions may be rejected if it:

- a) Is not about a matter for which the Council has responsibility
- b) Is defamatory, frivolous or offensive
- c) Is substantially the same as a question in the past six months
- d) Requires the disclosure of exempt information

Questions will be asked in the order in which notice of the question was received, except that the Mayor may group together similar questions. Where more than one question is received from a person and there are questions from other people, then the first question from each person will be received in turn before taking the second questions.

If a person asking a question cannot be present at the meeting the Mayor may have the question asked on their behalf or instruct that a written answer be provided.

Someone asking a question at the meeting may ask one supplementary question to clarify anything from the answer. A supplementary question must arise directly out of the original question or the reply.

The total time allocated for questions is 30 minutes, any question which cannot be dealt with during the question time will receive a written answer.

Questions may be submitted by email to committee@tunbridgewells.gov.uk at any time up until the deadline for consideration at the next meeting. The deadline for questions for this meeting is **midday on Thursday 30 June 2022**.

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Questions from members of the Council

For Full Council on Wednesday 6 July 2022

Procedural Item

To receive any questions from members of the Council, of which due notice has been given in accordance with Council Procedure Rule 10, to be submitted and answered.

Details of any questions received will be set out in a supplementary pack to the agenda.

Notes on asking questions:

At an ordinary meeting of the Council, any member of the Council may ask the Mayor, members of the Cabinet or the chairman of a committee or board a question on any matter within the power or remit of the Council or relevant committee.

Questions may be rejected if it:

- a) Is not about a matter for which the Council has responsibility
- b) Is defamatory, frivolous or offensive
- c) Is substantially the same as a question in the past six months
- d) Requires the disclosure of exempt information
- e) Contains expressions of opinion
- f) Relates to questions of fact

Questions will be asked in the order in which notice of the question was received, except that the Mayor may group together similar questions. Where more than one question is received from a member and there are questions from other members, then the first question from each member will be received in turn before taking the second questions.

Members are expected to be present at the meeting to ask their question and receive the answer.

Someone asking a question at the meeting may ask one supplementary question to clarify anything from the answer. A supplementary question must arise directly out of the original question or the reply.

The total time allocated for questions is 30 minutes, any question which cannot be dealt with during the question time will receive a written answer.

Questions may be submitted by email to committee@tunbridgewells.gov.uk at any time up until the deadline for consideration at the next meeting. The deadline for questions for this meeting is **midday on Thursday 30 June 2022**.

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Overview and Scrutiny Committee Annual Report 2021-22

For Full Council on 6 July 2022

Summary

Lead Member: Councillor Seán Holden – Chairman of the Overview and Scrutiny Committee

Lead Directors: Lee Colyer – Director of Finance, Policy and Development

Heads of Service: Jane Clarke – Head of Policy and Governance

Report Author: Mark O’Callaghan – Scrutiny and Engagement Officer

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Overview and Scrutiny Committee	4 April 2022
Overview and Scrutiny Committee	27 June 2022
Full Council	6 July 2022

Recommendations

Officer recommendations:

1. That the Overview and Scrutiny Committee Annual Report 2021-22 be noted.

1. Introduction and Background

- 1.1 The Constitution requires the Overview and Scrutiny Committee to prepare an annual report for consideration by Full Council (part 3 - Responsibility for Functions and Scheme of Delegations 8.6).
- 1.2 The Overview and Scrutiny functions provided by section 21 of the Local Government Act 2000, the Police and Justice Act 2006, the relevant provisions of the Local Government and Public Involvement in Health Act 2007, the Localism Act 2011 and associated rules and regulations are delivered at this Council by the Overview and Scrutiny Committee.
- 1.3 The Overview and Scrutiny Committee deals with issues that affect the borough at all levels. The Committee's annual report provides a summary of its work over the previous year and highlights areas where the Committee has been able, through member-led work, to have a positive impact on a number of borough-wide issues.

2. Outcomes

- 2.1 The Overview and Scrutiny Committee is obliged to report to Full Council. The report provides a thorough summary of the Committee's work throughout the reporting period.
- 2.2 The Overview and Scrutiny Committee approved its Annual Report, as set out at appendix A to this report, at its meeting on 27 June 2022.
- 2.3 Full Council is asked to note the report.

3 Appendices and Background Documents

Appendices:

- Appendix A: Overview and Scrutiny Annual Report 2021-22

Exempt appendices (if any):

- None

Background Papers:

- None

4 Cross Cutting Issues

A. Legal (including the Human Rights Act)

The Local Government Act 2000, section 21 enables an Overview and Scrutiny Committee to undertake the following functions:

- (a) Make reports and recommendations to the Executive or Council;
- (b) Review or scrutinise executive decisions;
- (c) Review or scrutinise non-executive decisions;
- (d) Report on any matter affecting the Council's area.

The arrangements outlined in this report are in accordance with functions permitted to be discharged by the Committee.

B. Other Implications

There are no significant cross-cutting implications as direct result of the options in this report.

Mark O'Callaghan, Scrutiny and Engagement Officer, 28 June 2022.

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Tunbridge Wells Borough Council

Overview and Scrutiny Committee Annual Report 2021-22

Agreed by the Overview and Scrutiny Committee on 27 June 2022



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1. Introduction

The Overview and Scrutiny Committee publishes an annual report and this report covers the period May 2021 to May 2022.

This reporting period is one still dominated by Covid-19 but one which, post-lockdowns, has seen some stabilisation and a move towards a relative sense of normality.

Elections in May 2021 returned the previous administration albeit now with no overall control and a projected budget deficit due to falling revenues as a result of the pandemic.

Throughout the year the Council had sought to maintain frontline services until the economy can recover at which time a new strategic direction will need to be considered.

Whilst still responsible for the distribution of Covid grants and the administration of energy cost relief, the Council was, at the end of the reporting period, gearing up to support the local response to the war in Ukraine.

Good governance is and will be key to meeting the challenges facing local government and the Overview and Scrutiny Committee is an important part of good governance. The Committee provides a check on the executive, a strong voice for 'backbench' members and a mechanism to influence future policy.

1.1 Purpose

The Centre for Governance and Scrutiny (CfGS) is widely respected as the pre-eminent body in the practice of local government scrutiny. The CfGS considers that the principles of good scrutiny are:

- Provide constructive "critical friend" challenge
- Amplify the voice and concerns of the public
- Be led by independent people who take responsibility for their role
- Drive improvement in public services

More information on the CfGS's four principles can be found on their website:

<https://www.cfgs.org.uk/revisiting-the-four-principles-of-good-scrutiny/>

In Tunbridge Wells, the Committee supports the CfGS's principles and wants to ensure that all members of the Council, members of the public and other stakeholders understand the intention of the Committee. To this end, at the meeting of the Committee on 7 February 2022, the Committee adopted its own Statement of Principles:

1.2 Statement of Principles

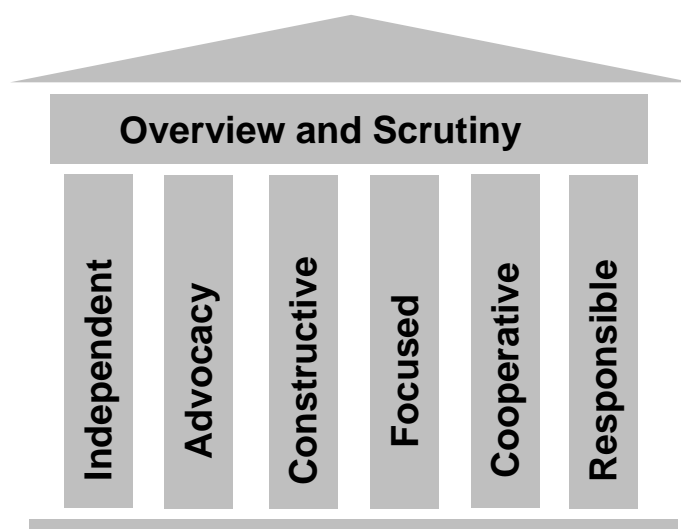
Overview

The Overview and Scrutiny Committee has a number of functions set out in the Council's Constitution and legislation but the way in which the Committee undertakes those functions is largely at the discretion of the Committee.

The Committee wants to be effective and add value to the workings of the Council.

In all cases the Committee will discharge its functions in accordance with the following principles:

- Independent – setting its own agenda free from party politics.
- Advocacy – concern for issues that affect the people of Tunbridge Wells over matters which may be convenient for the Council.
- Constructive – looking to improve performance for the future rather than criticising the past.
- Focused – detailed reviews of specific topics over broad oversight of themes
- Cooperative – working with the executive and officers to achieve the best outcomes
- Responsible – recognising the resource limitations of the Council and making recommendations taking account of any such implications.



Principles In Practice

The Committee will undertake the majority of its work through a programme of reviews of specific topics. The scope and format of the review may vary depending on the nature of the topic, however the Committee will identify the parameters and the objectives of the review in advance. The Committee will work collaboratively with officers at an early stage to define the scope and plan the timing of the review to ensure the work programme is as effective and productive as possible.

The committee will hold regular programme meetings to review the work programme and discuss upcoming topics.

Portfolio Holders will be automatically invited to attend every meeting where the subjects discussed fall within their portfolio. The Committee will work collaboratively with the Portfolio Holders to ensure their attendance.

The Committee is keen to hear from all levels of seniority within the Council and recognises the particular insights of those working on the front line. From time to time, junior officers may be invited to speak to committee members as part of a review which may include workshops held in private. However, the Committee will seek the views of the relevant Head of Service who, if asked, must attend its meetings. Junior officers are entitled to decline the offer.

The committee reserves the right to exercise the Call-In procedure (Overview and Scrutiny Procedure Rule 12) to scrutinise specific decisions of the executive as necessary.

Agreed by the Overview and Scrutiny Committee, 7 February 2022.

2. About the Committee

The committee is a politically balanced committee of the Council meaning that its make-up is representative of the Council as a whole. Whilst its members are from different parties, when sitting as a committee they should be impartial and act in the interests of the residents of the borough as a whole.

The committee consists of 12 members, none of whom may be the Mayor or a member of the Cabinet.

2.1 Membership

In May 2021, at the start of the reporting period, the members of the committee were:

- Councillor Patrick Thompson (Chairman)
- Councillor Bill Hills (Vice-Chairman)
- Councillor Godfrey Bland
- Councillor Ben Chapelard
- Councillor Luke Everitt
- Councillor David Hayward
- Councillor Andrew Hickey
- Councillor Seán Holden
- Councillor Marguerita Morton
- Councillor Ms Beverley Palmer
- Councillor Hugo Pound
- Councillor Julian Stanyer

Councillor Stanyer left the committee on 9 August 2021 at his request due to his failing health and was replaced by Councillor Goodship.

Councillor Stanyer sadly died later that year and the committee is grateful for his contribution and service.

On 19 November 2021 Councillor Holden left the committee and was replaced by Councillor Hamilton.

On 15 December 2021, following the Speldhurst by-election, a report to Full Council confirmed changes to the political balance of the council and therefore also the committee. One seat was reallocated from Labour to the Alliance. Councillor Everitt left the committee and Councillor Knight joined.

Councillor Holden then returned to the committee on 14 January 2022 replacing Councillor Hamilton.

Councillor Hills resigned from the Council on 20 January 2022 leaving a vacancy on the committee.

Following the resignation from the Council of Councillor Hills (Vice Chairman) and a number of other moves that affected the political balance of the Council, a report to Full Council on 23 February 2022 confirmed several changes to the Committee. Councillor Holden was appointed Vice Chairman and Councillor Bailey joined the committee.

At the end of the municipal year in May 2022, the members of the committee were:

- Councillor Patrick Thompson (Chairman)
- Councillor Seán Holden (Vice-Chairman)
- Councillor Matthew Bailey
- Councillor Godfrey Bland
- Councillor Ben Chapelard
- Councillor Lance Goodship
- Councillor David Hayward
- Councillor Andrew Hickey
- Councillor David Knight
- Councillor Marguerita Morton
- Councillor Ms Beverley Palmer
- Councillor Hugo Pound

2.2 Meetings

The regulations which temporarily allowed public meetings to be held remotely expired in May 2021 and all public meeting meetings have returned to being held in-person at the Town Hall. The Committee, along with many other bodies of the Council has continued to benefit from the flexibility of virtual meetings for its informal meetings.

Formal meetings of the committee were held on:

- 14 June
- 26 July
- 10 August (Call-In Hearing)
- 27 September
- 22 November
- 7 February
- 4 April

In addition to the formal meetings, the Committee started a regular 'Programme meeting' arranged shortly after each formal meeting to help coordinate the future work programme of the committee. The Work Programme includes both reoccurring items to facilitate the Committee's statutory functions and items suggested by Councillors or the public.

Programme meetings were held on:

- 14 December 2021
- 15 February 2022
- 13 April 2022

2.3 Attendance

Members of the committee's attendance at formal meetings was as follows:

	14 June 2021	26 July 2021	10 August 2021	27 September 2021	22 November 2021	7 February 2022	4 April 2022
Councillor Thompson	✓	✓	✓	✓	✓	✓	Apol
Councillor Hills	✓	✓	✓	✓	Apol		
Councillor Bland	✓	✓	✓	Apol	✓	✓	✓
Councillor Chapelard	✓	✓	Apol	✓	✓	✓	Apol
Councillor Everitt	✓	✓	✓	Apol	✓		
Councillor Hayward	✓	✓	✓	✓	✓	Apol	✓
Councillor Hickey	✓	Apol	Apol	✓	✓	✓	✓
Councillor Holden	✓	✓	✓	✓		✓	Apol
Councillor Morton	✓	✓	✓	Apol	✓	✓	✓
Councillor Ms Palmer	✓	✓	Apol	✓	Apol	✓	✓
Councillor Pound	✓	✓	✓	Apol	✓	✓	✓
Councillor Stanyer	✓	Apol					
Councillor Goodship			✓	✓	✓	✓	✓
Councillor Hamilton					✓		
Councillor Knight						✓	✓
Councillor Bailey							✓

Key: "✓" = Member of the committee present as expected; "Apol" = apologies received (i.e. the member was not present and this could be for a variety of reasons.); "Greyed out squares" = the councillor was not a member of the committee at the time of the meeting and therefore not expected to attend.

3. Statutory Functions

The Committee has a number of functions which are delegated to it either from legislation or the Council's constitution. The following sections provide a summary of the committee's activities in each area; details of which are available in the agenda and minutes of the respective meeting or decision notice.

3.1 Community Safety

The Committee has a duty to act as the Council's Crime and Disorder Committee under the Police and Justice Act 2006. It meets this duty by reviewing the Community Safety Partnership Plan each year as well as maintaining a watching brief on any issues related to policing, crime or community safety.

The Community Safety Partnership Plan provides a review of the previous year's priorities and proposes priorities for the forthcoming year. The committee heard from Terry Hughes the Council's Community Safety Manager presenting the report on behalf of the Community Safety Unit which included officers from Kent Police and several other agencies.

Following a debate the committee by majority vote supported the recommendations in the report.

3.2 Health

The Committee maintains a watching brief on any issues related to healthcare and public health.

The Committee continued with its Poverty Task and Finish Group which had been started the previous year. Poverty is inextricably linked to health inequalities.

3.3 Call-In

Call-in is the procedure by which the committee can examine a decision of the Cabinet, a Portfolio Holder or an executive decision of an Officer prior to the decision's implementation. This power should only be used in exceptional circumstances and may not be used in respect of day-to-day operational decisions or recommendations to, or decisions of Full Council.

Use of the power may be requested by any three members of the council or the Chairman of the Overview and Scrutiny Committee. The Council has three Cabinet Advisory Boards which pre-scrutinise all decisions of Cabinet, consequently, use of this power is rare.

There has been one Call-In during the reporting period.

Call-In of Cabinet Decision: Sports Centre Management Contract

On 29 July 2021 the Cabinet made a decision to extend the contract with Fusion Leisure, to implement enhanced performance measures, to rearrange financial investment and to start work on exploring alternatives for the future delivery of the service.

A Call-In request was duly received on 2 August 2021 and a hearing was arranged for 10 August 2021.

The committee heard from both sides, debated a number of issues and had the opportunity to satisfy itself of all the facts of the matter. The Committee decided by a majority to refer the matter back to the Cabinet for further consideration of the issues it had raised at the hearing.

The matter was reconsidered by the Cabinet on 16 August 2021 taking account of the issues raised by the Committee. The original decision was upheld.

3.4 Call-In and Urgency (Waiving Call-In)

The Chairman of the Overview and Scrutiny Committee (or the Mayor in the absence of the Chairman) has the power to waive the Call-In procedure prior to the decision being made if, to the satisfaction of the Chairman, any delay in implementing the decision would seriously prejudice the Council's or the public's interest.

Notice of the waiver must be set out in the associated report prior to a decision being made and in any record of the decision having been made. Use of the waiver is also reported to the next meeting of Full Council to ensure transparency and maintain oversight of the powers.

Call-in has been waived on three occasions during the reporting period:

PSPO 2021 – Three-month extension of two 2018 measures and formal approval of other three-year extensions

On 23 September 2021 the Cabinet approved an extension to several Public Space Protection Orders made three years ago. The matter was urgent as the original measures were due to expire the day after the Cabinet made its decision so any delay to the implementation of the decision would result in the old measures expiring and the process having to start anew.

Waiver of Call-In was agreed by the Chairman.

Portfolio Holder Decision: Garden Waste Service Reinstatement

On 10 March 2022 the Leader of the Council published a decision to provide additional funding to the Council's waste contractor Urbaser in order to facilitate the reinstatement of the Garden Waste service. The reason the matter was urgent was that the Council was in a live negotiation with Urbaser who needed confirmation of the decision in time to restart for the 14 March collection cycle.

The Chairman of Overview and Scrutiny was undergoing surgery at the time and so the Vice Chairman was consulted and the Waiver of Call-In was agreed by the Mayor.

Amelia Scott Budget and Update

On 14 April 2022 the Cabinet approved an increase in the budget for the Amelia Scott project and delegated authority to the S.151 officer to determine the source of the additional funding to ensure the timely completion of the project. The matter was urgent as delay could result in additional costs to the Council.

Waiver of Call-In was agreed by the Chairman.

This matter was also subject to the General Urgency procedure below (see section 3.5).

3.5 Other Urgency Procedures

The Chairman of Overview and Scrutiny also has responsibility for authorising the use of urgency procedures, such as waiving the notice periods or bypassing usual decision-making processes, where there is a clear and justifiable need and where delay would be prejudicial to the public interest.

Cabinet must normally give 28 days' notice of the intention to make a 'Key' decision or a decision in private (e.g. if it is confidential) and then a further 5 days notice prior to the decision being made. This is usually achieved by including the expected decision on the Forward Plan and the agenda of the meeting.

A 'Key' decision or a private decision may be made with less than 28 days' notice provided the Chairman of the Overview and Scrutiny Committee is advised and a notice of this published. This is known as the 'General Urgency' rule.

If 5 days' notice cannot be given then the decision may only be taken with the express permission of the Chairman of the Overview and Scrutiny Committee and notice of the Chairman's approval is published. This is known as the 'Special Urgency' rule.

Use of Special Urgency must be reported to the next available Full Council meeting to ensure transparency and maintain oversight of the use of the powers. There have been no uses of Special Urgency in the reporting period.

There has been one use of the General Urgency in the reporting period. Whilst it is not required to be reported separately from the aforementioned notice, it is included here for completeness.

Amelia Scott Budget and Update

The circumstances of the decision were outside the control of the Council and arose at short notice. The Chairman was advised that the decision would be urgent and could not reasonably be deferred. Notice of this was published on 05 April 2022, 9 days before the decision was made.

4. Scrutiny Work

The following sections summarise the various topics that have been considered by the Committee throughout the reporting period. The details are intentionally light and for reference only. Each section includes the meeting date at which the topic was considered and the respective agenda and minutes provide full details.

4.1 Portfolio Holder Reports

At the start of the reporting period the committee routinely received reports from Cabinet members with the intention of discussing plans and progress against the Council's priorities. The Committee felt that these reports covered too wide a remit and did not provide an adequate opportunity to investigate topics in detail. When the Committee adopted its Statement of Principles it also switched to a topic-based review in which the relevant Portfolio Holder would be invited to be an active participant.

Prior to the switch, the committee received the following reports, details of which are set out in the relevant agendas:

- 14 June 2021 – Planning and Transportation (Councillor McDermott)
- 26 July 2021 – Culture and Leisure (Councillor March)
- 27 September 2021 – Economic Development (Councillor Scott)

4.2 Petitions

The Overview and Scrutiny Committee has a duty to consider any petition from members of the public, duly received in accordance with the Council's Petition Scheme, which is signed by more than 500 people. (Petitions with fewer than 500 signatures receive an officer response, more than 1,000 signatures go straight to Full Council.)

The Committee considered such a petition at its meeting on 26 July 2021 titled Memorial Playing Field Paddock Wood. The Committee, having heard from the petitioners and other interested parties, felt that it was inappropriate for the borough council to interfere in a matter that was the responsibility of the town council and so referred the petition to Paddock Wood Town Council without prejudice.

Full details of all information received by the Committee was forwarded to Paddock Wood Town Council on 29 July 2021 and the Committee's duty was discharged.

4.3 Waste and Recycling Contract

The committee received a verbal update from the Head of Housing, Health and Environment regarding the waste and recycling contract at its meeting on 26 July 2021. The service was

felt to be failing and a number of issues were raised around the procurement and performance management of the contract. This, and other similar examples including issues highlighted by the Call-In of the Cabinet decision: Sports Centre Management Contract, ultimately lead to the Committee starting a review of Procurement practices (see section 4.7).

4.4 Gatwick Expansion

The Overview and Scrutiny Committee has within its functions: “to consider any matter which affects the Council’s area or its inhabitants”. Accordingly, the committee accepted a request by the Tunbridge Wells Anti-Aircraft Noise Group to speak to the committee at its meeting on 22 November 2021 regarding proposals for expansion at Gatwick Airport which would likely lead to an increase in noise and other pollution. The Committee was asked to actively monitor the situation and respond to the present consultation in opposition to the plan.

The Committee, having heard from the speakers, noted that the Council had already appointed Councillor McDermott, the portfolio holder for Planning and Transportation, to the Gatwick Noise Management Board and passed a motion objecting to the expansion which would, in due course, form the mandate for the Council’s response to the consultation. Satisfied that the Council was already doing all it could, no further action was taken.

4.5 Budget Setting

Noting that the detail of the Budget would be subject to scrutiny through the Cabinet Advisory Board, Cabinet and Full Council, the Committee focused its attention on the Budget setting process and received a presentation from Councillor Dawlings, Leader of the Council and Portfolio Holder for Finance and Governance, at its meeting on 22 November 2021.

The Committee made no recommendations to change the budget setting process.

4.6 Planning Enforcement

The Committee received a detailed presentation from the Development Manager and Head of Planning Services on the Council’s Planning Enforcement practices at its meeting on 22 November 2021.

The matter being satisfied, the committee took no further action.

4.7 Procurement

The Committee received a detailed presentation from the Procurement Manager and Head of Finance, Procurement and Parking on the Council’s procurement practices at its meeting on 4 February 2022.

The committee agreed to set up a Task and Finish Group to investigate further and look into both procurement and contract management, and the relationship between them. Terms of Reference were subsequently agreed at the April meeting with the review scheduled to start in the new municipal year.

4.8 Poverty

On 26 July 2021 the Poverty Task and Finish Group (established the previous year) presented an interim report setting out 4 recommendations to Cabinet which were approved by the Committee and referred to the Cabinet.

The recommendations were considered first at the Communities and Economic Development Cabinet Advisory Board on 14 November 2021 ahead of Cabinet on 2 December 2021. Details of the Cabinet's response was set out in a report which was considered by the Overview and Scrutiny Committee at the meeting on 4 February 2022.

The Committee agreed to resume the work of the Task and Finish Group, revised Terms of Reference were subsequently agreed at the April meeting.

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Appointment of Vice Chair of Overview and Scrutiny Committee

For Full Council on Wednesday 6 July 2022

Summary

Lead Member: Councillor Ben Chapelard – Leader of the Council

Lead Director: Lee Colyer – Director of Finance, Police and Development

Head of Service: Jane Clark – Head of Policy and Governance

Report Author: Mark O’Callaghan – Scrutiny and Engagement Officer

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Political Groups	June 2022
Full Council	6 July 2022

Recommendations

Recommendations as supported by the political group Leaders:

1. That Councillor Mark Ellis be appointed Vice Chair of Overview and Scrutiny Committee.

1. Introduction and Background

- 1.1 This report seeks approval of the appointment of Councillor Ellis as Vice Chair of Overview and Scrutiny Committee following the resignation of Councillor Morton.
- 1.2 The Constitution – Part 4 Rules of Procedure, Section 3 Overview and Scrutiny Procedure Rules, Paragraph 2.2 – states: “There shall be a Chairman and Vice-Chairman of the Overview and Scrutiny Committee who shall each be appointed by the Council.”
- 1.3 No changes to the political balance of the committee or any other changes to the membership of the committee are required at this time.

2. Options Considered

- 2.1 The post is currently vacant. The Vice Chair may be required to exercise the powers of the Chair in their absence therefore the post should not unduly be left vacant.
- 2.2 The Council can appoint any member of the Committee as Vice Chair.

3. Preferred Option and Reason

- 3.1 Political group leaders were consulted, and Councillor Mark Ellis has been nominated.

4. Consultation on Options

- 4.1 No public consultation has taken place on this matter but this report is publicly available and the public are encouraged to comment.

5. Implementation

- 5.1 The decision of the Council will be communicated to relevant persons and published through the minutes.
- 5.2 The appointment will take effect immediately and continue until the postholder resigns, ceases to be a member of the council or is replaced.

6. Appendices and Background Documents

Appendices:

- None

Exempt appendices (if any):

- None

Background Papers:

- None

7. Cross Cutting Issues

A. Legal (including the Human Rights Act)

The Local Government Act 2000 as amended by the Localism Act 2011 requires the Council to have an Overview and Scrutiny committee and the Council's Constitution sets out the rules for management of its Overview and Scrutiny responsibilities including the appointment of the Chair and Vice Chair. Acting on the recommendation is within the Council's power as set out in the above statutory provisions and the Council's Constitution.

Claudette Valmond – Interim Head of Legal Partnership – 28 June 2022

B. Finance and Other Resources

There are no financial implications as a direct result of this report. The post of Vice Chair of Overview and Scrutiny Committee does not attract a Special Responsibility Allowance.

Mark O'Callaghan, Scrutiny and Engagement Officer, 20 June 2022.

C. Other Implications (Staffing, Risk Management, Environment and Sustainability, Community Safety, Equalities, Data Protection, Health and Safety, Health and Wellbeing)

There are no significant cross-cutting implications as a direct result of this report.

Mark O'Callaghan, Scrutiny and Engagement Officer, 20 June 2022.

Appointment of Independent Member to the Audit and Governance Committee

For Full Council on 6 July 2022

Summary

Lead Member: All

Lead Director: Lee Colyer, Director of Finance, Policy and Development

Head of Service: Jane Clarke, Head of Policy and Governance

Report Author: Emer Moran, Democratic Services Officer

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Full Council	6 July 2022

Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That Mr Edward Elliott be appointed to the Audit and Governance Committee as an Independent Member for the term of four years.

1. Purpose of Report and Executive Summary

- 1.1 This report sets out a recommendation in respect of the appointment of an Independent Member to the Council's Audit and Governance Committee.

2. Introduction and Background

- 2.1 It is considered best practice by the Audit Commission to appoint Independent Members to the relevant Council Committee dealing with audit matters. At Tunbridge Wells Borough Council this Committee is the Audit and Governance Committee.
- 2.2 Appointments must be agreed at Full Council, and it is common practice for the appointments to be made for a four yearly term.
- 2.3 The term of one Independent Member of the Committee's term has come to an end, leaving a vacancy which was advertised and interviewed for on 3 May 2022.
- 2.4 The Chairman of the Audit and Governance Committee, in consultation with the Director of Finance, Policy and Development has conducted interviews for the role, and made an informal offer of appointment to Mr Edward Elliott, which is now subject to approval by Full Council.

3. Available Options

- 3.1 Unless the Council wishes to disband the Working Party, the only option is to appoint Members for the 2022/23 municipal year.

4. Preferred Option and Reason

- 4.1 That Mr Edward Elliott be appointed as an Independent Member to the Audit and Governance Committee for a term of four years.

5. Consultation on Options

- 5.1 The Chairman of the Audit and Governance Committee at the time had been consulted and participated in the selection process.

6. Next Steps: Communication and Implementation of the decision.

- 6.1 Once a decision has been made by the Full Council, an appointment letter will be sent to Mr Edward Elliott. This decision will also be recorded in the minutes of this meeting.

7. Appendices:

- None

8. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Approval of the appointment is a function of Full Council. The appointment is consistent with the provisions of the Council's Constitution and will be for a fixed period of four years starting on the date of appointment letter.

Claudette Valmond, Head of Legal Partnership

B. Other Implications (Finance, Staffing, Risk Management, Environment and Sustainability, Community Safety, Equalities, Data Protection, Health and Safety, Health and Wellbeing.)

This report does not propose any policy changes and therefore there are no significant implications as a result of the options with this report.

Emer Moran, Democratic Services Committee, 20 June 2022.

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Motion on Notice from Councillor Bailey

For Full Council on Wednesday 6 July 2022

Text of Motion

“Given the significant cultural and economic benefits the annual Local & Live music festival brings to the town of Tunbridge Wells and surrounding areas, this Council asks Cabinet to consider providing a grant to the organisers to enable the 2022 festival to go ahead and to consider how the Council could provide annual financial support for the festival going forward.”

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Urgent Business

For Full Council on Wednesday 6 July 2022

Procedural Item

To consider any other items which the Mayor decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

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Common Seal of the Council

For Full Council on Wednesday 6 July 2022

Procedural Item

To authorise the Common Seal of the Council to be affixed to any contract, minute, notice or other document arising out of the minutes, or pursuant to any delegation, authority or power conferred by the Council.

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Date of Next Meeting

For Full Council on Wednesday 6 July 2022

Procedural Item

To note that the next scheduled meeting is Wednesday 5 October 2022.

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