



A G E N D A

OVERVIEW AND SCRUTINY COMMITTEE

Monday 27 November 2023 at 6.30 pm
Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS

Members: Councillor Dawlings (Chair), Councillors Knight (Vice-Chair), Bland, Curry, Ellis, Fitzsimmons, Hayward, Le Page, Lewis, Morton, Ms Palmer and Pope

Quorum: 3 Members

- 1 Apologies for Absence** (Page 4)
To receive any apologies for absence.

- 2 Declarations of Interest and Party Whip** (Page 5)
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 Officer before the meeting.

To receive any declarations by members of instruction given by or on behalf of a political group as to how that member should speak or vote on any items on the agenda. For any advice on declarations of a party whip, please contact the Monitoring Officer before the meeting.

- 3 Notification of Persons Registered to Speak** (Page 6)
To note any Visiting Members or members of the public wishing to speak, of which due notice has been given in accordance with Council Procedure Rule 18 or 19, and which item(s) they wish to speak on.


- 4 Minutes of the meeting dated 25 September 2023** (Pages 7 - 14)
To approve the minutes of a previous meeting as a correct record. The only issue relating to the minutes that can be discussed is their accuracy.

- 5 Items Called- In** (Page 15)
To consider any items 'Called-In' under Overview and Scrutiny Procedure Rule 13, details of which will have been circulated to Members under separate cover.

- 6 Presentation by South East Water**
To receive a presentation from South East Water.
- 7 Presentation from the Cabinet Member for Finance and Performance**
To receive a presentation from the Cabinet Member for Finance and Performance and to consider any further actions.
- 8 Work Programme** (Pages 16 - 17)
To consider the Committee's future work programme.
- 9 Urgent Business** (Page 18)
To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.
- 10 Date of the next meeting** (Page 19)
To note that the next scheduled meeting is Monday 29 January 2024 at 6:30pm.

Caroline Britt
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Tunbridge Wells Borough Council
 Town Hall
 ROYAL TUNBRIDGE WELLS
 Kent TN1 1RS

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Members of the public are encouraged to participate and may speak to the Council directly on any item on the agenda for up to 3 minutes. Members of the public (and any members of the Council who are not members of the committee) will need to register with Democratic Services in advance. Please see the agenda item titled **Notification of Persons Registered to Speak** for more details.

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Apologies for Absence

For Overview and Scrutiny Committee on Monday 27 November 2023

Procedural Item

To receive any apologies for absence.

Declarations of Interest & Party Whip

For Overview and Scrutiny Committee on Monday 27 November 2023

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.

To receive any declarations by members of instruction given by or on behalf of a political group as to how that members should speak or vote on any items on the agenda. For any advice on declarations of interest, please contact the Monitoring Office before the meeting.

Notification of Persons Registered to Speak

For Overview and Scrutiny Committee on Monday 27 November 2023

Procedural Item

To note any Visiting Members or members of the public wishing to speak, of which due notice has been given in accordance with Council Procedure Rule 18 or 19, and which item(s) they wish to speak on.

Information for members of the public wishing to speak

Members of the public are encouraged to participate and those wishing to comment on an agenda item will need to register with Democratic Services in advance. Registration opens when the agenda is published and closes at 4pm on the last working day before the meeting.

There may be up to 4 speakers per agenda item and speakers have up to 3 minutes each.

Places are allocated on a first come first serve basis except that if there are several speakers from the same group they may be asked to nominate someone to represent their collective view.

Once registered, speakers will need to attend the meeting in person. Comments should be in the form of a statement giving your opinion on the matter. Members of the committee may not answer questions or get into a debate with you.

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Registrations may be sent by email to committee@tunbridgewells.gov.uk at any time during the registration period. The deadline for registering to speak at this meeting is: **4pm on Friday 24 November 2023.**

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, 25 September 2023

Present: Councillor Tom Dawlings (Chair)

Councillors Knight (Vice-Chair), Bland, Curry, Ellis, Le Page, Lewis and Rogers

Officers in Attendance: Paul Taylor (Director of Change and Communities), Carlos Hone (Head of Planning), Jane Fineman (Head of Finance and Procurement), John Strachan (TWBC Parking Manager) and Caroline Britt (Senior Democratic Services Officer)

Other Members in Attendance: Councillors Chapelard, Pound and Rutland

APOLOGIES FOR ABSENCE

OSC21/23 Apologies were received from Councillors Pope, Palmer and Morton.

DECLARATIONS OF INTEREST AND PARTY WHIP

OSC22/23 It was noted that Councillor Lewis worked for Adult Education at Kent County Council so would not partake in any discussion about the Amelia Scott.

NOTIFICATION OF PERSONS REGISTERED TO SPEAK

OSC23/23 There were no members of the public or visiting Members registered to speak.

MINUTES OF THE MEETING DATED 31 JULY 2023

OSC24/23 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 31 July 2023 be approved as a correct record.

ITEMS CALLED- IN

OSC25/23 There were no items which had been called in.

PRESENTATION FROM THE CABINET MEMBER FOR HOUSING AND PLANNING

OSC26/23 Councillor Pound, Cabinet Member for Housing and Planning, supported by Carlos Hone, Head of Planning gave a presentation on planning enforcement including an update on recruitment/appointment of Planning Enforcement Officers.

Discussion and questions from Members included the following:

- Planning Conditions were required to be compliant and proportionate in order for them to be included on the planning decision notice.
- Because the Council issued approximately 3,000 planning consents every year, it was not possible to keep track of all of them. The Council was therefore reliant on members of the public to alert the

- planning department if they felt a development was in breach of a planning condition. Once received, the issue would be investigated.
- The Planning Enforcement Plan sets out how the Council prioritised complaints. There were four different levels of priority:
 - o 1st Level (Top Priority) – unauthorised work to buildings that would cause irreversible damage e.g. listed buildings, ancient monuments trees and hedgerows. Action would be taken within 24 hours of notice being given.
 - o 2nd Level – unauthorised work but of less harm. The Council would still act promptly and within 5 working days.
 - o 3rd Level – unauthorised development that caused limited harm e.g. impact to a neighbouring property. This would be dealt with through the triage process, but still within 10 working days.
 - o 4th Level – Least impact. This would still be triaged with an expectation of being visited within 15 working days.
 - Approximately 50% of complaints received by the Council were not breaches of planning. This caused delays in dealing with those that were in breach. If this number could be reduced, the time it took to undertake the initial investigation would be less.
 - Planning enforcement was not there to be punitive to individuals who had not complied with planning regulations, but to mitigate any harm caused. Applying retrospectively was part of the planning process.
 - If a retrospective planning application would resolve the matter, then it was likely this would be the route taken.
 - Planning applications would be considered in the same way, regardless of whether the matter was current or retrospective.
 - Planning enforcement was not about punishing those who failed to comply (whether by accident or deliberately), it was about ensuring that applications were compliant.
 - If a breach had been reported, the first action was for the planning enforcement officer to undertake a site visit and establish that there had in fact been a breach of planning conditions.
 - If a breach had been committed, the planning enforcement officer will discuss the issue with the relevant planning officer to see whether the matter could be resolved via a retrospective planning application.
 - If the matter could not be resolved then the Council would then ask the applicant to 'undo' the element(s) that were in breach of planning conditions.
 - If the applicant failed to comply, the Council could then go down the planning enforcement notice process.
 - The applicant had the option to appeal that notice, at which point it would be referred to planning inspectorate for consideration.
 - If the enforcement notice was upheld by the planning inspectorate, the applicant would be given a period of notice in which to comply. If the applicant failed to comply, the Council would then go through the legal process.
 - The planning enforcement process was a 4 year period. A process to recover costs was included in the appeals process.
 - The Council currently had 2 Planning Enforcement Officers and one Agency member of staff who was on a rolling contract. There remained 1 vacancy which was being actively recruited to.
 - The Council aimed to ensure that all enforcement activity was seen through from start to finish and the outcomes adhered to. If there were instances where Members believed this had not been the case,

they should speak direct to a member of the planning team.

- The reasons why the previous Planning Enforcement Officers left the Council were not known.
- Developer contributions through S106 were reviewed and monitored by the S106 officers at the Council. An Infrastructure Funding Statement was written annually which gave details of the amount of money that had been secured and how much had been spent. Details of which could be found on the TWBC website.

RESOLVED – That the report and update be noted.

PRESENTATION FROM THE CABINET MEMBER FOR ECONOMIC DEVELOPMENT

OSC27/23 Councillor Rutland, Cabinet Member for Economic Development, supported by Paul Taylor, Director of Change and Communities, Jane Fineman, Head of Finance, Procurement and Parking and John Strachan, Parking Manager. A presentation and update was given on the Amelia Scott and Assembly Hall Theatre, followed by a discussion on parking matters.

Culture/Amelia Scott/ Assembly Hall Theatre

Discussion and questions from Members included the following:

- Budgets and the need to deliver the services in the most cost effective way was an ongoing issue for the Council.
- The focus was on driving income rather than cost savings or cutting back on services.
- The Theatre team had embraced the challenge, and were working hard to generate income.
- The Amelia didn't lend itself as easily to commercial activities but the team were doing their best to use the resources available and to operate as efficiently as possible.
- Efficiency savings of £75k had been made, but that do not affect the service.
- The public should see more shows being delivered at the Assembly Hall Theatre.
- The Amelia would continue to deliver a high quality facility offering a large and varied demographic.
- The Council had no appetite to cut services as these were valuable resources for all of the Borough's residents.
- It was reassuring that both the Amelia Scott and the Theatre were not seen as soft targets when looking for efficiency savings.
- The teams at both the Amelia and Assembly Hall Theatre were thanked for their continued hard work in driving business.
- The theatre was restricted in terms of what could be done to make better use of the facility that would help drive business and increase income.
- Some consideration had been given to reopening the box office, and perhaps to sell drinks in the foyer area.
- Consideration was also being given as to the viability of improving the F&B area at the Theatre. Expanding the bar was unlikely to be cost effective.
- Investment had been made in installing a new till system and improved Wi-Fi at the Theatre.
- The key driving factor was to increase the number of people who

- attended the theatre by delivering more of the right quality shows.
- The more people who attended the theatre, the more income would be received in both ticket sales and bar sales.
- Income had increased at the Theatre during this financial year compared with last financial year. This was due in part to having some sold out shows.
- It was likely that income had increased year on year since Covid.
- One of the issues with Covid was the lack of product. The industry had now started to recover so a better quality of performance was now available.
- The Theatre Team were actively trying to increase the number of performances.
- Better advertising would help bring more artists into the Borough. Also using other areas within the Theatre might offer opportunities for smaller gathering.
- Taking events outside of the Theatre would also be worth considering, including shops, parks etc.
- The Borough needed to tap into these resources because the more events that could be staged, the more people would come into the Borough and better still, see it as a hub for music and culture.
- In order to accommodate the Observation Wheel in Calverley Grounds, a flower bed would be removed to allow the equipment needed to be brought in safely. The removal of this bed, would then allow the possibility of having an outdoor theatre in the Grounds.
- Events should be brought together and publicised in the form of a programme.
- Guildford would be a good example of what could be done in terms of artists and the variety of venues used.
- For the most part, the Council was not in control of ticket prices at the Theatre. The promoter dictated the cost and the process was quite complicated. The key was to get the balance right.
- The cost of tickets hadn't changed significantly since Covid.
- Enhancing facilities at the Theatre was always a possibility but there was always a cost attached to it. The courtyard and kitchen area would be difficult to change due to fire exit requirements.
- Opening up the kitchen area into the courtyard would be difficult and expensive due to listed building constraints.
- Comic Con was successful and should be expanded across the town. What made it more successful was that it brought people in that wouldn't normally come into the town.
- Bringing the signing outside the Theatre back into use was something the Council were investigating. The current plan was to bring it back into use, but without the lighting. This work should be completed in the near future.

Parking

An update was given on the three major projects, Public Realm 2, the introduction of charges in Dunorlan Park and the installation of EV Chargers in the Council's car parks.

Discussion and questions from Members included the following:

Public Realm 2 (PR2)

- Enforcement had to date generated just over £1.1m in income.
- The money received was allocated into different 'pots' (salaries, CCTV etc.). Work was being undertaken to extract the figures to establish what the cost of enforcement was to TWBC.
- TWBC would be able to keep any surplus money received from enforcement.
- Any surplus funds received would be subject to a set of strict criteria as to what it could be used for. Legislation was very specific about what on street enforcement surpluses could be spent on.
- There was no air quality monitoring in the PR2 area, but the reduction in vehicles numbers from 1,000 to 100 per day would result in a reduction in pollution and noise.
- PR1 and PR2 were good news stories and this should be communicated.
- In terms of investment, TWBC had leased the cameras so these would be returned and Kent County Council would then buy their own cameras. Outside of this, there wasn't any other significant investment. Staff would return to their normal duties, and the additional temporary staff would be let go.
- Being able to keep the surplus income from PR2 enforcement was a big improvement on the terms agreed for PR1 where Council only received 5% of the income.
- The legislation would apply to KCC in the same way as it applied to TWBC. However, they wouldn't have to spend any surplus money in the Borough, they would be free to spend it anywhere in the County.
- KCC were responsible for the signage of PR2.
- TWBC were waiting for new additional signs from KCC for a number of months. It was understood that the delay rested with the manufacturers.
- That said, when appeals were being considered at the traffic penalty tribunal, the adjudicators had confirmed the current signing was adequate.
- Signing had been discussed with Kent Officers a number of times. The issue around Crescent Road and Mount Pleasant had been raised. However, as it wasn't a 24/7 scheme KCC were limited as to what changes could be introduced.
- It was noted that all signing issues and road markings were a matter for KCC.

Dunorlan Park Parking Charges

- The permits given to the Friends of Dunorlan Park were only for active volunteers, not for all members.
- The Council was endeavouring to encourage people to pay by Ringo, rather than having to install machines. However, following feedback from the residents survey and the formal consultation, it was clear that residents wanted a machine in both locations.
- Instead of buying new machines, the Council would be taking two from other car parks. The only cost would be the cost of moving them, setting them up and installing solar panels. This meant the overall cost would stay within budget.
- The machines were card only. There was no cash option available.
- Each business within the park would be given 2 permits, but the

- option to put more than one vehicle per permit was available.
- The permits were only valid for existing businesses. If they were sold on, the new owner would not be entitled to a permit.
- The organisers (and volunteers) involved with Park Run would also be eligible for a parking permit.
- There was no limit to the length of time someone could park – the full day charge was £5.00 and was applicable between 8am and 6pm, 7 days a week.

EV Charging

- Currently, the only rapid charger in the town centre was located at the taxi rank by the station (there was one at Paddock Wood).
- There were chargers in some of the other car parks including Crescent Road and Yew Tree Road.
- The chargers in Great Hall car park no longer worked and needed to be replaced.
- The Chargers located in Yew Tree Road were currently sited on Southborough Town Council land which had not yet been transferred over to TWBC. The agreement with the developers of the Southborough Hub was that they would maintain the Chargers for a period of 5 years. Unfortunately, this had not been done and so these Chargers also no longer worked.
- At the moment, demand for EV chargers was not that great. So there remained quite a lot of uncertainty as to the value of their use and the extent by which they should be installed.
- There would be a total of 32 charging points which would be located in the multi storey car parks, Mount Pleasant Road, Paddock Wood and Yew Tree Road car parks.
- Electric vehicles were heavier so each car park would have to be surveyed to ensure they were suitable.
- Different options were available, including re-enforcement or a reduction in the number of parking spaces.
- As the car parks came forward for maintenance and/or refurbishment, these considerations would be taken into account.
- It was suggested that the chargers within the town were not used was because the cars were charged up overnight so there was no need to charge them for short journeys to and from the town centre.
- £850k had been approved in the Capital Programme for the Great Hall car park.
- It was noted that the Royal Victoria Place and Meadow Road car parks were not included as they were not open 24 hours and therefore not eligible for grant funding.
- The Council were looking at providing charging for residents, but this was not an easy fix, especially for those residents in terrace housing with no off street parking provision.
- KCC were currently bidding for funding, but it was not known yet whether they had been successful and if successful, how they might distribute the money.
- It was difficult to gauge what the current demand was for charging points. But the market was moving continually and the Council needed to keep abreast of improvements and changes in technology.
- Reducing the number of cars on the road would help. Also improvements in public transport and working with supermarkets and train companies to ensure the Council worked collaboratively.

- The units were not inherently unreliable, it was a commercial model, so if the suppliers wanted to make money, then they had to keep the Chargers in working order.
- It was more likely that the number of Chargers now exceeded the number of staff employed to maintain them, so if they went wrong, it took longer to fix.
- The Council were looking to arrange a Service Level Agreement (SLA) that would include a requirement to fix Chargers within a certain time period.
- The tariff would be BP Pulses national tariff. Details were available on the BP Pulse website.
- Cabinet made a decision that they would not be asking for a surplus to be charged. The charge would be set by BP Pulse with no element of profit.
- The Council had the opportunity to buy into a framework set by KCC for Chargers. The Council decided to opt out because the term was for 13 years and included a requirement to include a profit margin.
- The Council were concerned that this period was too long especially in a market that was moving quickly. The Council found a framework that was only for 7 years which was sufficient for BP Pulse to make their capital costs back.
- The reports that the Council were going to sell 5 of its car parks was not true.
- Mount Pleasant Road car park was on the market. This car park was used by AXA during the week, and therefore only open to the public on Saturday and Sunday.
- The other car parks were being reviewed but no decisions had been taken.

RESOLVED – That the report and update be noted.

WORK PROGRAMME

OSC28/23 The Work Programme was presented for information.

Comments included:

- For the next meeting in November, the Finance and Performance Cabinet Member will be in attendance to present on the budget.
- Also in November, there will be a presentation from South East Water.
- The Contracts Task and Finish Group was still ongoing, but it was confirmed that a final report would be included at the next meeting.

URGENT BUSINESS

OSC29/23 There was no urgent business.

DATE OF THE NEXT MEETING

OSC30/23 The next meeting is scheduled for Monday 27 November 2023 at 6:30pm.

NOTE: The meeting concluded at 9.15 pm.

Items Called-In

For Overview and Scrutiny Committee on Monday 27 November 2023

Procedural Item

To consider any items 'Called-In' under Overview and Scrutiny Procedure Rule 13, details of which will have been circulated to Members under separate cover.

Overview and Scrutiny Committee Work Programme

Monday 25 September 2023

Scheduled meetings

~~19 June 2023~~ (Agenda publication: 9 June 2023)

- ~~• Final Annual Report of the Overview and Scrutiny Committee 2022/23~~

~~31 July 2023~~ (Agenda publication: 21 July 2023)

- ~~• To agree the work programme for 2023/24~~

~~25 September 2023~~ (Agenda publication: 15 September 2023)

- ~~• Presentation from Cabinet Member for Economic Development (Cllr Rutland)

 - ~~○ Performance and Plans for the Amelia Scott~~
 - ~~○ Performance and Plans for the Assembly Hall Theatre~~
 - ~~○ Update on TWBC's Parking Strategy~~
 - ~~○ Policy on Parking Charges and reasons for differences~~~~
- ~~• Presentation from Cabinet Member for Housing Planning (Cllr Pound)

 - ~~○ Report on Planning Enforcement including an update on recruitment/appointment of Planning Enforcement Officers~~~~

~~27 November 2023~~ (Agenda publication: 17 November 2023)

- ~~• Presentation from Cabinet Member for Finance and Performance (Cllr Hall)

 - ~~○ Budget Setting 2024/25~~~~
- ~~• Presentation from South East Water (confirmed)~~

~~29 January 2024~~ (Agenda publication: 19 January 2024)

- ~~• To be confirmed - Cabinet Member for Sustainability (Cllr Sharratt)~~
- ~~• To be confirmed - Cabinet Member for Environmental Services (Cllr Neville)~~
- ~~• To be confirmed – Cabinet Member for Communities & Deputy Leader (Cllr Warne)~~
- ~~• To be confirmed – Cabinet Member for Sport, Leisure and Health (Cllr Wilkinson)~~

25 March 2024

(Agenda publication: 15 March 2024)

- *To be confirmed - Presentation from Leader of the Council (Cllr Chapelard)*
 - *Development of the Five-Year Plan*
 - Community Safety Partnership Plan 2024-25
 - Draft Annual Report 2023-24
-

Unscheduled topics

- ~~Invitation to South-East Water~~
- Presentation from Town Square
- Review of Joint Transportation Board

Task and Finish Groups

- Contracts Task and Finish Group

Urgent Business

For Overview and Scrutiny Committee on Monday 27 November 2023

Procedural Item

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

Date of the Next Meeting

For Overview and Scrutiny Committee on Monday 27 November 2023

Procedural Item

To note that the next scheduled meeting is Monday 29 January 2024.