

## TUNBRIDGE WELLS BOROUGH COUNCIL

MINUTES of a meeting of the Tunbridge Wells Borough Council, duly convened and held virtually at 6.30 pm on Wednesday, 24 February 2021

### PRESENT:

**The Mayor Councillor Joy Podbury (Chairman)**

**Councillors Atkins, Atwood, Backhouse, Barrington-King, Bailey, Bland, Bruneau, Chapelard, Mrs Cobbold, Dawlings, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Hill, Holden, Lewis, Lidstone, Mackonochie, March, McDermott, Morton, Noakes, Ms Palmer, Poile, Pope, Pound, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Thomson, Warne, Williams, Willis and Woodward (Vice-Chairman)**

**IN ATTENDANCE:** William Benson (Chief Executive), Patricia Narebor (Head of Legal Partnership) and Mark O'Callaghan (Scrutiny and Engagement Officer)

### APOLOGIES FOR ABSENCE

FC51/20 Apologies were received from Councillors Neve, Stanyer and Mrs Thomas.

### MINUTES OF THE MEETING DATED 16 DECEMBER 2020

FC52/20 **RESOLVED** – That the minutes of the meeting dated 16 December 2021 be approved as a correct record.

### DECLARATIONS OF INTEREST

FC53/20 No declarations of pecuniary or significant other interest were made.

### ANNOUNCEMENTS

FC54/20 The Mayor made no announcements.

The Leader of the Council announced:

- The vaccination programme was performing well. All staff and volunteers involved were thanks for their efforts.
- Councillor Bland would be nominated for Deputy Mayor in 2021/22.

The Portfolio Holder for Communities and Wellbeing announced:

- Over 200 Community Hero certificates had been presented in recognition of the work of staff and volunteers during the first lockdown (March-June 2020). Recipients had been nominated by residents.
- From 8 March 2021 nominations for Community Hero certificates would reopen to recognise those involved in the second lockdown and the vaccination programme.

The Portfolio Holder for Sustainability announced:

- The Council's recent carbon audit had revealed that the Council's carbon footprint had been 43 per cent lower in 2018 than five years previous. The fall was due to the installation of LED lighting, more efficient building heating systems and Solar EV panels.

- Nationally, record amounts of energy was being generated from carbon-free sources. The carbon density of electricity was the lowest on record leading to 2020 being declared the greenest year on record and contributing further to the local target of carbon-neutrality.

## **QUESTIONS FROM MEMBERS OF THE PUBLIC**

FC55/20 The Mayor advised that eight questions from members of the public had been received under Council Procedure Rule 8.

### **1. Question from James Tansley**

“Given their close involvement with, and heavy responsibility for, the Calverley Square project, is it appropriate for Councillor Dawlings (Portfolio Holder for Finance and Governance since May 2019), Councillor Reilly (Portfolio Holder for Finance and Governance between May 2017 and May 2019) and Councillor Scott (Portfolio Holder for Property and Major Projects between May 2019 and May 2020) to be part of the working group looking into the lessons learnt from this Project?”

#### **Answer from Councillor McDermott**

“The composition of the group to look at developing a framework for major projects going forwards has yet to be confirmed.”

#### **Supplementary question from James Tansley**

“When deciding on the composition of the working group will you give an undertaking that no portfolio holder during the time that the Calverley Square project was in gestation will be part of the working party to avoid any potential conflict of interest.”

#### **Supplementary answer from Councillor McDermott**

“No.”

### **2. Question from James Tansley**

“On 6 December 2018, Cabinet agreed “savings” of £2.29 million a year, including cuts to the Council’s support for community groups and Environmental Grants, and increased charges to residents for the new recycling and waste collection contract, to meet the net revenue cost of the Calverley Square project. Given the project is no longer going ahead, what is this £2.29 million of “savings” currently being used for?”

#### **Answer from Councillor McDermott**

“Those saving which had already been implemented were included within the base budget and are being used to fund local services as the Council faces additional costs and reduced income from the pandemic.”

#### **Supplementary question from James Tansley**

“What additional services are being paid for by that £2.29 million saved as a result of the cancellation of the Calverley Square project?”

### **Supplementary answer from Councillor McDermott**

“It’s meaning we don’t have to cut any services, in the state of the economy at the moment.”

### **3. Question from James Tansley**

“In August, the Council launched a public consultation on setting the 2021/22 budget. The top response, according to para 4.9 of the update on the Council’s Five Year Plan, was for Council costs to be lowered by reducing the “number of councillors, staff and pay”. However, the same document goes on to say (para 4.10) that consideration of the public’s ideas should await “greater clarity on the national and local economy...likely to be towards the end of 2021”. By the same logic, should the Council not delay any increases in Council Tax until there is “greater clarity on the national and local economy...likely to be towards the end of 2021?”

### **Answer from Councillor McDermott**

“It is on an assessment of this Council’s spending power that the Government assumes that the Council will use the ability to increase Council Tax to help fund the delivery of essential local services during the pandemic.”

### **Supplementary question from James Tansley**

“I looked at the Council’s website earlier today and particularly the page which details changes to council services as a result of the covid-19 pandemic. Of the 34 services listed, 15 are listed as closed, 7 as being partially open and only 12 are actually open. It doesn’t seem that the council is fulfilling the mandate that Councillor McDermott just spelt out – to continue to provide services to the residents of this borough.”

I can’t provide a list of the specific services at the moment.”

### **Supplementary answer from Councillor McDermott**

“I can’t possibly answer the question unless you can give me the names of the services.”

### **4. Question from James Tansley**

“Given that the August “consultation” indicated that local residents’ preferred option to fill the hole in the Council budget was to cut the costs of the Council’s operation by reducing the “numbers of councillors, staff and pay”, why did the subsequent budget “consultation” which appeared on the Council website in December make no reference to this option?”

### **Answer from Councillor McDermott**

“The budget consultation was consistent with previous years and tested the public’s appetite for savings across a range of local services which included councillors and staff.”

### **Supplementary question from James Tansley**

“I’m afraid you haven’t answered my question. Can you try again please?”

### **Supplementary answer from Councillor McDermott**

“I think you’ll find the answer to some of your question will come in my answer to question 5a.”

### **5. Question from James Tansley**

“Please could the Council state whether it plans to pursue the following proposals to plug the hole in the Council’s budget for 2021/22, and if not, why not:

- a. Follow Tonbridge and Malling Borough Council’s lead and reduce the number of Councillors from 48 to 32. Estimated saving: £100,000 a year.
- b. Remove officials’ retention allowances. Estimated saving: £31,000 a year.
- c. Freeze staff pay in 2021/22 in line with Government guidance. Estimated saving: £309,000 a year.
- d. Recoup the money from the purchase of the Lodge in Calverley Grounds which appears to have gone ahead without appropriate authorisation. Estimated saving: £531,000.
- e. Halve the Council contribution to its defined benefit staff pension scheme to 6.85%. Estimated saving: £1 million a year.
- f. Scrap Local, the Council’s Town Hall Pravda. Estimated saving: £250,000 a year.”

### **Answer from Councillor McDermott**

“The number of councillors is not determined by the Council but by the Local Government Boundary Commission of England. By way of correction, Tonbridge and Malling presently has 54 members. This was an increase from 53 members determined following a Commission review in 2013. Tonbridge and Malling is presently being reviewed again, the timetable is to determine councillor numbers by April 2021. This is the beginning of the Commission’s review process and any recommended changes will be implemented for the May 2023 local elections. As an aside to that, Tunbridge Wells Borough Council is also about to be reviewed by the Commission. Colleagues and I met with the Commission last week. Any changes determined for this Council would be implemented in May 2024.

I refer you to the Pay Policy Statement where you can see that no officers are shown as receiving retention allowances.

Again, I recommend that you read the reports on the agenda as the Pay Policy Statement states that there will be no cost of living increases in 2021/22.

Your statement on the acquisition is inaccurate and the asset continues to produce a reliable rental income to support the delivery of local services.

The local government petition scheme is similar to that for Civic Services in that it is a statutory scheme where employers are required under national conditions to make the prescribe contribution rates.

I have no idea where you have come up with this figure as the publication has an annual net cost of £20k. It is a cost effective means of communicating with all residents, particularly those who do not use digital technology, and also

helps to reduce the cost of public notices with a new-look magazine continuing to be delivered to every household.”

**Supplementary question from James Tansley**

“In the budget, the Council is seeking an additional £309k to pay for additional staff costs. How is that compatible with Councillor McDermott’s statement that staff pay is not being increased?”

**Supplementary answer from Councillor McDermott**

“I would suggest that you change your consultants because every point you’ve made under question 5 has been incorrect.”

**6. Question from James Tansley**

“Given the crisis in the Council’s finances, why is it proposing to waste up to £100,000 on a “Citizen’s Assembly” to discuss the “Climate Emergency”?”

**Answer from Councillor McDermott**

“Full Council agreed a motion to deliver a Citizens’ Assembly and to lobby central government to provide additional funding. In other words, we will not be paying for it.”

**Supplementary question from James Tansley**

“I’m a tax payer and central government funds from the tax payer so please can you tell me why you are proposing to spend £100k of tax payer’s money?”

**Supplementary answer from Councillor McDermott**

“You will have to ask all the borough councillors who voted for it.”

**7. Question from James Tansley**

“If, as the Council argues, it is facing both a shortfall in funds and a “Climate Emergency”, why does it still provide dedicated free car parking places to Councillors and Council officials?”

**Answer from Councillor McDermott**

“The Town Hall has largely sat empty for the past 12 months and the Council is reducing the need for car journeys.”

**Supplementary question from James Tansley**

“I’ll say the same thing again as Councillor McDermott has failed to answer the question and I would be grateful if he could answer why does the Council still provide dedicated free car parking places to Councillors and Council officials?”

### **Supplementary answer from Councillor McDermott**

“Its quite interesting that you should bring this up because if you want to be a borough councillor you only get £100 a week. This works out at about £20 a week, if you had to pay for a season ticket it saves you £20 a week. So you’re talking about £120 a week to be a borough councillor to get insulted by anybody in the town if they wish.”

### **8. Question from James Tansley**

“Will the Council introduce a system of performance pay for officials to incentivise the more efficient delivery of services to the residents of the Borough?”

### **Answer from Councillor McDermott**

“Once again I would encourage you to read the reports on the agenda as the Pay Policy Statement explains that the Council uses a contribution related pay scheme where progression is based on contribution and the achievement of objectives.”

### **Supplementary question from James Tansley**

“Again Councillor McDermott is not answering my question and is preferring to use waffle to obfuscate. I would be grateful if he could now answer the question yes or no?”

### **Supplementary answer from Councillor McDermott**

“Maybe.”

## **QUESTIONS FROM MEMBERS OF THE COUNCIL**

FC56/20 The Mayor advised that no questions from members of the Council had been received under Council Procedure Rule 10.

## **MOTION WITHOUT NOTICE TO SUSPEND COUNCIL PROCEDURE RULE 11.4**

FC57/20 Councillor Hayward moved, and Councillor Pope seconded, a motion without notice under Council Procedure Rule 12.13, to suspend a particular Council Procedure Rule namely 11.4, Referral to Cabinet or Committee in so far as it applies to agenda item 14, Motion on Notice from Councillor Hayward (FC66/20). Comments included:

- The purpose of Council Procedure Rule 11.4 if it were used in respect of agenda item 14 would be to stifle legitimate scrutiny and prevent Full Council’s ability to make informed decisions.
- Transparency in proceedings was paramount.
- Council Procedure Rule 11.4 had been used in the past without notice affording little opportunity to fully consider the implications.

Debate included consideration of the following additional points:

- The purpose was to ensure transparency when discussing agenda item 14.
- It was concerning that one rule was being used to prevent the use of another rule.

- The use of Council Procedure Rule 11.4 would be voted upon without discussion and therefore it could be used to shut down debate.
- It was important to discuss agenda item 14 fully.

Councillor Pound raised a point of order that Councillor McDermott had been allowed to speak after the seconder had been invited to close the debate. The Mayor advised that the request to speak had been received but simply missed before inviting the seconder.

Councillor Pope raised a point of order that Councillor Pound's point of order did not constitute his speech on the motion. The Mayor advised that Councillor Pound's request to speak, separate to his point of order, came after the seconder had been invited to close the debate.

Councillor Chapelard requested a recorded vote.

Members who voted for the motion: Councillors Atkins, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Lidstone, Morton, Poile, Pope, Pound, Rands, Reilly, Rutland, Warne, Williams and Willis. (20)

Members who voted against the motion: Councillors Bailey, Bland, Dawlings, Fairweather, Hamilton, Holden, Mackonochie, March, McDermott, Noakes, Ms Palmer, Podbury, Scholes, Scott, Simmons, Mrs Soyke, Thomson and Woodward. (18)

Members who abstained from voting Councillors Atwood, Barrington-King, Bruneau and Dr Hall. (4)

**RESOLVED** – That Council Procedure Rule 11.4 be suspended in so far as it applies at this meeting to agenda item 14.

## **ASSET MANAGEMENT PLAN 2021/22**

FC58/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Debate included consideration of the following additional points:

- Support for the Plan did not imply support for the disposal of any particular asset, particularly the Town Hall or the Assembly Hall.
- Certain properties had not been well maintained, some of which were now liabilities.
- Any decision on selling properties must be subject to the full decision making process.
- Crescent Road Car Park and Meadow Road Car Park should be added to the list of properties under consideration for development.
- The Five Year Plan contained aspirations for the retention and redevelopment of the Town Hall and Assembly Hall sites, subject to public consultation.
- The Plan did not provide for the sale of any asset and there were separate procedures in place for doing so.

The Mayor took a vote by affirmation.

**RESOLVED** – That Asset Management Plan 2021/22, as set out at Appendix A to the report, be adopted.

## BUDGET 2021/22 AND MEDIUM TERM FINANCIAL STRATEGY UPDATE

FC59/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Debate included consideration of the following additional points:

- Considerable effort had gone into preparing the budget
- Year-by-year funding settlements by Government made it difficult to plan for the future
- The pandemic had caused extraordinary difficulties for the Council's finances.
- The Medium Term Financial Strategy set out a five-year forecast deficit of £24.9 million, which was increased from £5.4 million last year, this was more than the Council's reserves. If unaddressed it would leave the Council in an unviable position.
- Income would need to increase, income solely from population growth will be tempered by increased demand on services.
- Additional funding from Government following spending on the pandemic was unlikely.
- The Budget failed to address the cost model of the Council, further more fundamental changes would be needed.
- Benchmarking the cost of services should be undertaken to ensure value for money.
- Outsourcing of services had not delivered the cost savings hoped for and outsourced services were the predominant source of complaints from residents.
- Asset disposal would only provide short-term solutions
- The Council had access to significant borrowing but this should only be considered if sustainable.
- The Council needed a better plan to address the budget deficit.
- The public response to the budget consultation had been the highest yet but still proportionately small numbers.
- Housing and homelessness was a high priority for residents and more needed to be done to provide affordable housing including council housing.
- Inflation was forecast to be 4 per cent yet employment cost were only expected to increase by 2.4 per cent. This was not viable to attract and retain the best staff.
- The demand for services would increase and the economy falters.
- The budget lacked long-term plans.
- There was no provision for climate change.
- Procurement of future services should focus on quality over cost.
- The Council's response to the pandemic, particularly the distribution of business support, had been commendable.
- The Council was aware of the budget deficit and the issues raised by the speakers which could be addressed now the finances had been stabilised.

A recorded vote was taken in accordance with Council Procedure Rule 15.7.



Members who voted for the motion: Councillors Atwood, Backhouse, Bailey, Barrington-King, Bland, Bruneau, Chapelard, Mrs Cobbold, Dawlings, Ellis, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Holden, Lidstone, Mackonochie, March, McDermott, Morton, Noakes, Ms Palmer, Podbury, Poile, Pope, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Thomson, Warne, Williams and Woodward. (38)

Members who voted against the motion: Councillors Everitt, Hill, Lewis and Pound. (4)

Members who abstained from voting: Councillors Atkins and Willis. (2)

**RESOLVED –**

1. That changes to the base budget along with the assumptions and approach set out throughout the report be noted;
2. That the responses to the budget consultation set out at Appendix C to the report be noted;
3. That the rolling forward of the capital programme, including additional gross funding of £2,834,600 for new schemes listed within the report, be approved;
4. That the 2021/22 Pay Policy Statement set out at Appendix E to the report be approved; and
5. That an increase in the 'Basic Amount' of Council Tax of £4.99 per annum for a Band D property be approved.

**COUNCIL TAX 2021/22**

FC60/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

A recorded vote was taken in accordance with Council Procedure Rule 15.7.

Members who voted for the motion: Councillors Atwood, Backhouse, Bailey, Barrington-King, Bland, Chapelard, Mrs Cobbold, Dawlings, Ellis, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Holden, Lidstone, Mackonochie, March, McDermott, Morton, Noakes, Ms Palmer, Podbury, Poile, Pope, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Thomson, Warne, Williams and Woodward. (37)

Members who voted against the motion: Councillors Everitt, Hill, Lewis and Pound. (4)

Members who abstained from voting: Councillors Atkins, Bruneau and Willis. (3)

**RESOLVED –** That the Council Tax for 2021/22 as set out at Appendix A to the report be approved.

**TREASURY MANAGEMENT POLICY AND STRATEGY 2021/22**

FC61/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Lee Colyer, Director of Finance, Policy and Development, at the invitation of the Mayor to provide professional advice, commented that the report set out this Councils approach to managing its cash and investments. This did not extent to influencing other organisations in their investment decisions.

Councillor Warne requested a recorded vote.

Members who voted for the motion: Councillors Atkins, Atwood, Backhouse, Bailey, Barrington-King, Bland, Bruneau, Chapelard, Mrs Cobbold, Dawlings, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Hill, Holden, Lewis, Lidstone, Mackonochie, March, McDermott, Morton, Noakes, Ms Palmer, Podbury, Poile, Pope, Pound, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Thomson, Williams and Woodward. (42)

Members who voted against the motion: None.

Members who abstained from voting: Councillors Warne and Willis. (2)

**RESOLVED** – That the Treasury Management Policy and Strategy 2021/22, as set out in Appendix A to the report, be adopted.

### **CAPITAL STRATEGY 2021/22**

FC62/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Councillor Pound requested a recorded vote.

Members who voted for the motion: Councillors Atkins, Atwood, Backhouse, Bailey, Barrington-King, Bland, Bruneau, Chapelard, Dawlings, Ellis, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Holden, Lidstone, Mackonochie, March, McDermott, Morton, Noakes, Ms Palmer, Podbury, Poile, Pope, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Thomson, Warne, Williams and Woodward. (38)

Members who voted against the motion: None.

Members who abstained from voting: Councillors Everitt, Hill, Lewis, Pound and Willis. (5)

**RESOLVED** – That the Capital Strategy 2021/22, as set out in Appendix A to the report, be adopted.

### **AMENDMENTS TO THE CONSTITUTION: CORPORATE HEALTH AND SAFETY RESPONSIBILITIES**

FC63/20 Councillor McDermott moved, and Councillor Bailey seconded, the recommendations set out in the report.

The Mayor took a vote by affirmation.

#### **RESOLVED –**

1. That amendments to Part 3 the Constitution shown as track changes in Appendix A to the report be approved and adopted; and
2. That the additional Table shown in Appendix B to the report be approved and adopted to be added to Part 3 of the Constitution.

### **AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2019/20**

FC64/20 Councillor Barrington-King moved, and Councillor Reilly seconded, the recommendations set out in the report.

Debate includes consideration of the following additional points:

- The report related to financial year 2019/20.
- Whilst digital technology had benefits, remote working was not conducive to easy auditing.
- The Council had achieved eleven consecutive clean audits and was ahead of the pack in getting its accounts signed off.
- The Committee had done a good job in scrutinising the Council.
- The Committee ensured effective assurance arrangements were in place.
- The Committee had facilitated a review of the Local Government Ethical Standards Report which resulted in the commissioning of the Members' Code of Conduct training.
- A proposal for an independent audit of the Calverley Square project had been submitted to the Committee and a review was commissioned from the Council's external auditors Grant Thornton. Whilst the resultant report identified a number of reasons for the failure of the project there were other concerns relevant to the review process which were not highlighted within the report. A full understanding of all the issues was essential.
- The Committee recommended the setting up of a cross-party working group under the stewardship of the Portfolio Holder for Finance and Governance to widen the review of the Grant Thornton report. The working group would look at the timeline of decision making, key elements of the project delivery process and any supporting documentation. It would draw on the Grant Thornton report and other sources.
- It was hoped that the output from the working party would be a framework for what should be in place for any future major projects.
- Key project management documents in the Calverley Square project, intended for the executive and largely protected by commercial sensitivities, were not accessible to the Council's scrutiny functions and this needed to be avoided in future.
- The Council had an important role in the recovery from the pandemic but this should not be a cover of excessive financial risk. Constant review would ensure high quality decision making and financial controls.
- The contribution of the independent members of the Committee was commended.

The Mayor took a vote by affirmation.

**RESOLVED** – That the Audit and Governance Committee Annual Report for 2019/20, as set out at Appendix A to the report, be noted.

## **COUNCIL TAX HARDSHIP RELIEF SCHEME**

FC65/20 Councillor Dawlings moved, and Councillor McDermott seconded, the recommendations set out in the report.

Debate included consideration of the following additional points:

- The additional funding was welcomed.
- Those on low incomes had been disproportionately affected by the pandemic.

- The report was acknowledgement that the adopted Council Tax Scheme was insufficient. Support should be considered an investment as failure to support the most vulnerable would lead to greater demand on the Council's services.

The Mayor took a vote by affirmation.

**RESOLVED –**

1. That the additional funding to be provided by Kent County Council for the purpose of providing Council Tax relief be noted; and
2. That authority be delegated to the Head of Revenues and Benefits, in consultation with the Director of Finance, Policy and Development, to finalise and implement the necessary changes for the scheme as set out at paragraph 1.9 of the report.

**MOTION ON NOTICE FROM COUNCILLOR HAYWARD**

FC66/20 Councillor Hayward moved and Councillor Pope seconded, the motion set out in the notice on the agenda.

Debate included consideration of the following points:

- It was important to not only be open but be seen to be open to the voting public therefore it was necessary to go above and beyond minimum standards.
- There was a perception that too many documents were exempt from disclosure.
- The minutes of the Audit and Governance Committee meeting in November 2020 had been delayed and when this was brought to the attention of the Overview and Scrutiny Committee it was determined to be an internal matter for the Audit and Governance Committee. When they were eventually produced they were not entirely consistent with some recollections of the meeting. These types of issue reflect poorly and raises suspicions which needed to be resolved.

Councillor Bailey raised a point of order to question the relevance of previous comments. The Mayor ruled that the debate had been in order.

Councillor Bailey moved, and Councillor Dawlings seconded, an amendment to delete all words and replace with: "We thank members of the Overview and Scrutiny Committee for the additional work they have undertaken during the pandemic and note that TWBC has received positive external feedback on the way it delivers its Overview and Scrutiny functions. The Council asks the Overview and Scrutiny Committee to check that we are following the current best practice based on the latest guidance from the Centre of Public Scrutiny and the Ministry of Housing, Communities and Local Government. We request that the Committee reports the results of this review to Full Council later in 2021." Comments included:

- The Overview and Scrutiny Committee had undertaken a considerable amount of additional work during the pandemic to pick up the role usually performed by the three Cabinet Advisory Boards.
- Prior to the pandemic there had not been any concerns about the council's scrutiny functions and a Local Government Corporate Peer Review in 2016 found that the Overview and Scrutiny Committee was providing a good check and balance to the executive. A follow up report in 2019 confirmed good governance arrangements.

- No evidence of a failure in the Council's scrutiny functions had been provided.
- It was unclear whether the documents quoted in the motion were the definitive guide to best practice or the most up-to-date guidance.
- The Overview and Scrutiny Committee would be best placed to conduct a review.

Debate on the amendment included consideration of the following additional points.

- The amendment did not address the issues raised in the original motion.
- It was not appropriate for the Overview and Scrutiny Committee to review its own functions.

Councillor Chapelard raised a point of order that the amendment negated the motion (contrary to Council Procedure Rule 13.6.1(e)). The Mayor, on the advice of the Legal Officer, ruled that the amendment was in order as it only changed the effect of the motion and did not produce the opposite effect of the motion.

Debate on the amendment included consideration of the following additional points:

- There was no evidence of the issues implied by the original motion.
- The proposed use of a cross-party working group, rather than a politically balanced committee, simply sought to extend the influence of opposition parties.
- The original motion was about scrutiny in the broader sense rather than the functions of the Overview and Scrutiny Committee.
- Evidence to support the original motion was intended to have been included in the notice but was omitted.
- To disregard any concerns would be disingenuous and the best way to disprove them would be a open review.
- The Overview and Scrutiny Committee was cross-party, had requisition powers and had a duty to be open in its proceedings.
- Support officers for the Overview and Scrutiny Committee were aware of the latest guidance and provided assurance that the scrutiny functions were in line with current guidance.
- Reports highlighting issues relating to the Calverley Square project had not been made available to the Overview and Scrutiny Committee and therefore there clearly was a gap in the scrutiny function. The format set out in the original motion was the better way of addressing the problem.
- The amendment only highlighted what the Overview and Scrutiny Committee should already be doing.
- No significant changes had been made in the decision making processes since the cancelling of the Calverley Square project. The amendment would not bring about the necessary change to restore public trust in the Council.
- The Overview and Scrutiny Committee was not in the business of propping up the executive and had a healthy culture of challenge and review.
- The budget consultation had highlighted public desire to reduce spending on committee therefore the existing Overview and Scrutiny Committee should be used.

Councillor Pound requested a recorded vote.

Members who voted for the amendment: Councillors Bailey, Backhouse, Bland, Mrs Cobbold, Dawlings, Fairweather, Hamilton, Holden, Mackonochie, March, McDermott, Noakes, Ms Palmer, Podbury, Scholes, Scott, Mrs Soyke, Thomson and Woodward. (19)

Members who voted against the amendment: Councillors Atkins, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Lidstone, Morton, Poile, Pope, Pound, Rands, Reilly, Rutland, Warne, Williams and Willis. (20)

Members who abstained from voting: Councillors Atwood, Barrington-King, Bruneau, Dr Hall and Simmons. (5)

### **AMENDMENT NOT CARRIED**

Debate returned to the original motion.

Debate included consideration of the following additional points:

- A readily available model of effective scrutiny was available in the form of parliamentary select committees.
- The Overview and Scrutiny Committee had not provided effective scrutiny with majority group members remaining silent on many key issues.
- The make up of the Council was significantly different from 2 years ago, the Council did not have a robust culture of challenge that needed to be addressed.
- The motion lacked detail over the structure of the working-party, it should be politically balanced.
- The proposed working-group lacked terms of reference and operating procedures.
- There was no evidence of a failure in the systems, this was more a case of political grandstanding.
- The time and costs in setting up another group on such was not in the public interest.
- The Overview and Scrutiny Committee always sought improvement but this did not amount to a declaration of failure. The Committee remained the best place to address these issues.
- The motion was about doing the right thing for residents and time should be taken to undertake a review.
- Overview and Scrutiny Committee had been misled and may have unwittingly contributed to the delay in uncovering the issues. Regular reports to the Committee omitted critical information but were taken at face value. The Committee had failed to exercise its powers to discover the truth.
- A lack of transparency, obfuscation and a lack of effective scrutiny had cost the Council dearly.
- The Overview and Scrutiny committee was dominated by majority party members including the Chairman and Vice-Chairman of the Committee, contrary to best practice guidance.

Councillor Funnell requested a recorded vote.

Members who voted for the motion: Councillors Atkins, Bruneau, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Lidstone, Morton, Poile, Pope, Pound, Rands, Reilly, Rutland, Thomson, Warne, Williams and Willis. (22)

Members who against the motion: Councillors Bailey, Backhouse, Bland, Mrs Cobbold, Dawlings, Fairweather, Hamilton, Holden, Mackonochie, March, McDermott, Podbury, Scholes, Scott, Mrs Soyke, and Woodward. (16)

Members who abstained from voting: Councillors Atwood, Barrington-King, Dr Hall, Noakes, Ms Palmer and Simmons. (6)

**RESOLVED** – There are growing concerns about the impact a decreasing level of transparency and scrutiny is having on our borough's democratic processes.

If we are to expect respect and trust from the public with our handling of their services and money, then good standards of transparency and scrutiny need to be evident within the council.

We welcome the report from the Ministry of Housing, Communities and Local Government published on 7 May 2019 entitled "Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities" and the "The Good Scrutiny Guide" published by the Centre for Public Scrutiny on 19 June 2019.

This Council agrees to establish a cross-party Working Group reporting to Full Council to examine how the Statutory Guidance should be implemented and best practice followed at TWBC.

#### **COMMON SEAL OF THE COUNCIL**

FC67/20 Councillor Podbury moved, and Councillor Woodward 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**

FC68/20 The next scheduled meeting was Wednesday 21 April 2021.

#### **NOTES:**

The meeting concluded at 9.55 pm.