

Title page

Draft Overview and Scrutiny Committee Annual Report 2021-22

Contents page

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 start 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 has 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 is 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.

Purpose

The Centre for Governance and Scrutiny describes itself as “a social purpose consultancy expert in all aspects of governance and scrutiny”. It is widely respected as the pre-eminent body in the practice of local government scrutiny. The Centre considers that the principles of good scrutiny are:

- Provide constructive “critical friend” challenge
- Amplify the voice and concerns for the public

- Be led by independent people who take responsibility for their role
- Drive improvement in public services

More information on the Centre for Governance and Scrutiny'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 principles and wants to ensure that all members of the Council 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:

Statement of Principles

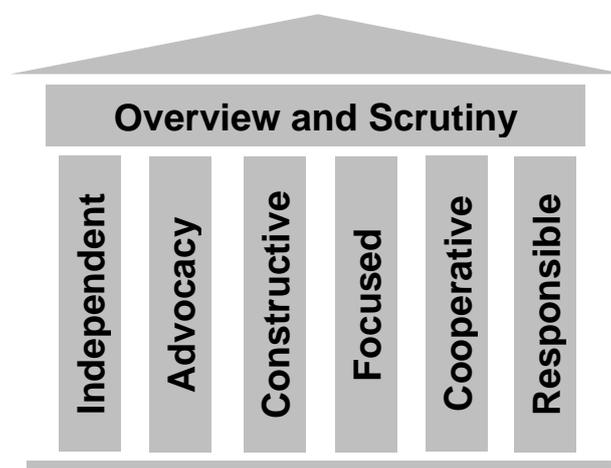
Overview

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.

Membership

In May 2021, at the start of the reporting period, the members of the committee were: Councillors Thompson (Chairman), Hills (Vice-Chairman), Bland, Chapelard, Everitt, Hayward, Hickey, Holden, Morton, Palmer, Pound and 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. Councillor Holden then returned to the committee on 14 January 2022 replacing Councillor Hamilton.

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 15 February 2022 confirmed several changes to the Committee. Councillor Holden was appointed Vice Chairman and Councillor Everitt left the committee. Councillors Knight and Bailey joined the committee.



At April 2021, the members of the committee were: Councillors Thompson (Chairman), Holden (Vice-Chairman), Bailey, Bland, Chapelard, Goodship, Hickey, Hayward, Knight, Morton, Palmer and Pound.

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 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

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.

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.

To be updated following the consideration of the Community Safety Partnership Plan in April

Health

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

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 2022.

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 2022 taking account of the issues raised by the Committee. The original decision was upheld.

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 one occasion during the reporting period:

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 was agreed by the Mayor.

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.

The use of any such urgency procedures is reported to the next available meeting of Full Council to ensure transparency and maintain oversight of the use of the powers.

There have been no uses of other urgency procedures during the reporting period.

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.

Portfolio Holder Reports

At the start of the reporting period the committee routinely received reports from Cabinet members with the intention of discussion 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)

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, referred the petition to Paddock Wood Town Council without prejudice.

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.

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 inevitably lead to an increase in noise and other pollution.

The committee, having heard from the speakers, noted that the Council had already passed a motion objecting to the expansion which would form the mandate for the Council’s response to the consultation.

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.

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.

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.**

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.**

5. Conclusions

To be updated following the April meeting.