

Tunbridge Wells Borough Council

Overview and Scrutiny Committee Annual Report 2022-23

Agreed by the Overview and Scrutiny Committee on 19 June 2023



Contents

- 1. Introduction
 - 1.1 Purpose
 - 1.2 Statement of Principles
- 2. About the Committee
 - 2.1 Membership
 - 2.2 Meetings
 - 2.3 Attendance
- 3. Statutory Functions
 - 3.1 Community Safety
 - 3.2 Health
 - 3.3 Call-In
 - 3.4 Call-In and Urgency (Waiving Call-In)
 - 3.5 Other Urgency Procedures
- 4. Scrutiny Work
 - 4.1 Digital
 - 4.2 Budget Setting/Forecasting
 - 4.3 Planning Enforcement
 - 4.4 Contracts Task and Finish Group
 - 4.5 Poverty
 - 4.6 Climate Emergency
 - 4.7 Tunbridge Wells Borough Council Plan

1. Introduction

The Overview and Scrutiny Committee publishes an annual report, and this report covers the period May 2022 to May 2023.

Elections in May 2022 brought in a new administration – a Borough Partnership made up of three political parties and an Independent Councillor – and a projected budget deficit due to falling revenues and rising costs due to the changing economic climate following the Covid-19 pandemic, inflation, and surging energy costs. Throughout the year, the Council has sought to maintain frontline services while making strategic financial decisions in order to ensure a balanced budget.

The Council has been responsible for the distribution and administration of Council Tax and Energy Relief payments, as well as providing local support for Ukrainian and Afghan refugees.

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) 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 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/>

1.2 Statement of Principles

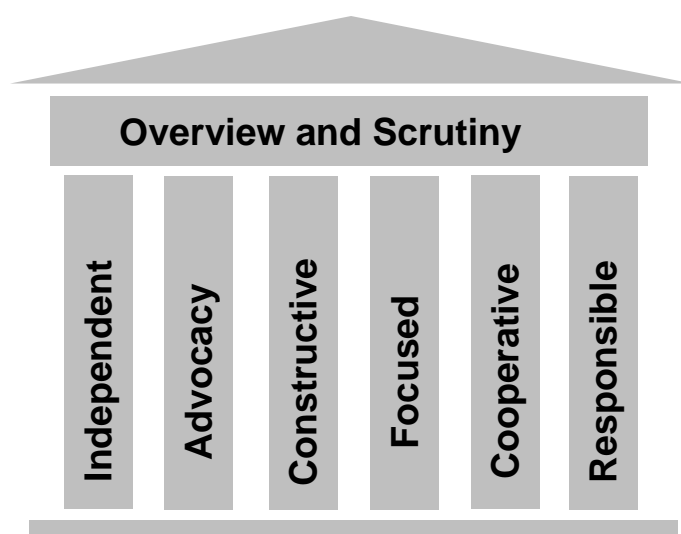
Overview

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 most 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 be organised as dictated by the Chair of the Committee) to review the work programme and discuss upcoming topics.

Cabinet Members responsible for the relevant topics will be automatically invited to attend every meeting where the subjects discussed fall within their area of responsibility. The Committee will work collaboratively with the Cabinet Members 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.

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 2022, at the start of the reporting period, the members of the Committee were:

- Councillor Seán Holden (Chair)
- Councillor Marguerita Morton (Vice-Chair)
- Councillor Rodney Atkins
- Councillor Alex Britcher-Allan
- Councillor Mark Ellis
- Councillor Lance Goodship
- Councillor Jamie Johnson
- Councillor David Knight
- Councillor Brendon Le Page
- Councillor Steve McMillan
- Councillor Beverley Palmer
- Councillor Shadi Rogers

In June 2022, Councillor Marguerita Morton resigned as Vice Chair but remained on the Committee. Councillor Mark Ellis was duly elected as Vice Chair.

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:

- 27 June 2022
- 27 July 2022 (Including a Call-In Hearing)
- 29 September 2022
- 10 November 2022 (Call-In Hearing)
- 21 November 2022
- 16 January 2023
- 13 March 2023

In a change from the previous administrative year, programme meetings were disbanded and instead the Committee were asked to submit their suggestions direct to the Chair of Overview and Scrutiny for consideration.

2.3 Attendance

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

	27 June 2022	27 July 2022	29 September 2022	10 November 2022	21 November 2022	16 January 2023	13 March 2023
Councillor Holden	Apol	√	√	√	√	√	√
Councillor Morton	√	√	Apol	√	√	√	√
Councillor Atkins	√	√	√	Apol	√	√	√
Councillor Britcher-Allan	Apol	√	Apol	√	Apol	√	√
Councillor Ellis	√	Apol	√	√	√	Apol	√
Councillor Goodship	√	Apol	Apol	√	√	√	√
Councillor Johnson	√	Apol	Apol	√	√	Apol	√
Councillor Knight	√	√	√	√	√	√	√
Councillor Le Page	√	√	√	√	√	√	√
Councillor McMillan	√	Apol	√	√	√	√	√
Councillor Palmer	√	√	√	√	√	Apol	√
Councillor Rogers	Apol	√	√	√	√	√	√

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.).

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. Terry Hughes the Council's Community Safety Manager, along with Inspector Ian Jones, Kent Police, attended the meeting on Monday 13 March 2023. The report was presented and the Committee asked a number of questions, following which there was a very healthy and constructive debate.

Following the debate, the Committee unanimously voted to support the recommendations in the report.

3.2 Health

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

3.3 Call-In

Call-In is the procedure by which the Committee can examine a decision of the Cabinet, a Cabinet Member 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 two Call-In's during the reporting period.

Call-In of Cabinet Decision: Sales, Fees and Charges (including Car Parking) 2022-23

On 20 July 2022 Cabinet resolved on a number of recommendations regarding price increases in the Borough car parks.

A Call-In request was made by the Chairman of the Overview and Scrutiny Committee and duly received on 21 July 2022. A hearing was arranged to take place within the scheduled meeting of the Committee on 27 July 2022.

Cabinet was represented by the Cabinet Member for Tunbridge Wells and Local Areas, the Cabinet Member for Housing and Planning and the Cabinet Member for Governance and Transparency. They presented the reasons why Cabinet had taken the decision to introduce increases in car parking charges. The issue was then debated, and the Committee had the opportunity to satisfy itself of all the facts of the matter by discussion. The Committee decided by a majority vote not to refer the matter back to Cabinet and that no further action be taken.

Call-In of Cabinet Decision: Budget Update 2023/24

At the in-year budget review (20 July 2022), Cabinet agreed the principle of an allocation to the Community Support Fund. In light of the improving financial position from car parking income, it was recommended that Cabinet approve the virement of £100k from the car park income budget to the Community Support Fund. This would allow the commencement of the fund, with terms of reference to be agreed. At the Cabinet meeting held on 27 October 2022, this recommendation was approved.

Call-In requests from 3 Members of the Council were duly received on 1 and 2 November 2022 and a hearing was arranged for 10 November 2022.

One of the Members of Council who had requested the Call-In presented the case to the Committee. It was then followed by a response from the Leader of the Council, the Deputy Leader of the Council, the Cabinet Member for Governance and Transparency and the Cabinet Member for Housing and Planning.

The Committee were then able to ask questions and debate the issue in order to satisfy themselves of all the facts. A motion to refer the matter back to Cabinet for reconsideration was rejected by a majority vote and no further action was taken.

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

The Chair of the Overview and Scrutiny Committee (or the Mayor in the absence of the Chair) 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:

Local Authority Housing Fund

An urgent report was taken to Cabinet on 14 March 2023 that sought approval for the Council to take advantage of a capital grant scheme from Central Government that would allow the Council to obtain and refurbish properties in order to provide sustainable housing initially for

Ukrainian and Afghan refugees but would then be transferred to house residents within the Borough of Tunbridge Wells. The scheme had a tight deadline of 15 March 2023 to submit the Memorandum of Understanding to the Department of Levelling Up, Housing and Communities. A delay would therefore seriously prejudice the Council's ability to participate in the scheme.

Waiver of Call-In was agreed by the Chair.

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.

Local Authority Housing Fund

The circumstances of the decision were outside the control of the Council and arose at short notice. The Chair was advised that the decision would be urgent and could not reasonably be deferred. Notice of this was published on 15 February 2023.

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 Digital

The Committee received a report and presentation from Ian Hirst, Head of Digital Services and Communications along with Andy Sturtivant, Digital Teams Manager on 27 June 2022. Following questions from Committee Members, further information was requested and a follow up presentation was given at the meeting held on 16 January 2023.

At the meeting on 16 January 2023, Members received a live demonstration of the myTWBC system and account, as well as an update on the Council's Digital Strategy. Additional information was then provided to Committee Members after the meeting.

4.2 Budget Setting/Forecasting

On 21 November 2022, the Director of Finance, Policy and Development and the Cabinet Member for Finance and Performance were invited to present the Draft Budget for 2023/24 as part of the Committee's Scrutiny functions.

The Committee made no recommendations other than to note the budget.

4.3 Planning Enforcement

Following a presentation on Planning Enforcement given by the Head of Planning Services and the Planning Development Manager at the meeting held on 22 November 2021, an update was received at the meeting held on 29 September 2022.

The Committee welcomed the report and suggested the Council should seek measures to ensure that more information on what constituted a breach was disseminated so that breaches could be avoided. Hopefully this would reduce complaints coming forward. The report also gave confidence to the Committee that planning breaches were being enforced by the Council.

4.4 Contracts Task and Finish Group

Following previous Committee decisions to set up a Task and Finish Group to investigate procurement and contract management, and the relationship between them, reports and updates were presented to the Committee on 27 July 2022 and 29 September 2022.

A final report is in progress, led by Vice-Chair, Councillor Mark Ellis.

4.5 Poverty

At a meeting held on 27 June 2022 it was resolved that the Poverty Task and Finish Group had largely delivered on the objectives agreed at its inception in 2020. The Committee therefore decided to close the subject and allow the Committee to consider other opportunities and priorities.

4.6 Climate Emergency

On 21 November 2022, the Cabinet Member for Environment, Sustainability and Carbon Reduction, and the Council's Sustainability Manager were invited to provide an update on the Council's response to the climate emergency and carbon reduction for the Committee to review.

Committee Members asked a variety of questions. The recommendations were supported and the Report was noted.

4.7 Tunbridge Wells Borough Council Plan 2022-24 (Formerly the Borough Partnership Plan)

On 16 January 2023, the Committee welcomed the Leader of the Council, Councillor Chapelard, who presented The Plan.

Committee Members discussed The Plan in detail. A motion to refer the Plan back to Cabinet Members for reconsideration was rejected by the majority of the Committee. However, the comments raised during the meeting were noted by the Cabinet Members in attendance with an agreement they would be given due consideration.