

OVERVIEW AND SCRUTINY COMMITTEE

Monday, 20 January 2020

Present: Councillor Chris Woodward (Chairman)
Councillors Mrs Soyke (Vice-Chairman), Bruneau, Chapelard, Morton, Ms Palmer,
Pound, Reilly, Stanyer and Thomson

Officers in Attendance: Jane Clarke (Head of Policy and Governance), David Candlin (Head of Economic Development and Property), Paul Taylor (Director of Change and Communities) and Mark O'Callaghan (Scrutiny and Engagement Officer)

Other Members in Attendance: Councillor March

APOLOGIES FOR ABSENCE

OSC48/19 Apologies for absence were received from Councillor Hayward.

DECLARATIONS OF INTEREST

OSC49/19 There were no disclosable pecuniary or significant other interests declared at the meeting.

NOTIFICATION OF PERSONS REGISTERED TO SPEAK

OSC50/19 There were no members of the public or visiting members registered to speak.

MINUTES OF THE MEETING DATED 12 AUGUST 2019

OSC51/19 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 12 August 2019 be approved as a correct record.

MINUTES OF THE MEETING DATED 07 OCTOBER 2019

OSC52/19 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 07 October 2019 be approved as a correct record.

MINUTES OF THE MEETING DATED 18 NOVEMBER 2019

OSC53/19 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 18 November 2019 be approved as a correct record.

ITEMS CALLED IN UNDER OVERVIEW AND SCRUTINY PROCEDURE RULE 13

OSC54/19 There were no items which had been called-in.

PORTFOLIO HOLDER UPDATE - CULTURE, LEISURE AND ECONOMIC DEVELOPMENT

- OSC55/19 Councillor March (Portfolio Holder for Culture , Leisure and Economic Development) introduced the report which included the following comments:
- The report was shorter than in previous appearances in response to requests from the Committee for more concise information allowing a greater opportunity for questions at the meeting.
 - Royal Tunbridge Wells Together had issued its mid-term report, primarily for the benefit of Business Improvement District members, which was also available for councillors' information.

Discussion included the following matters –

Strategy Data:

- Whilst the presence of the various strategies was reassuring, there was a lack of information on the effectiveness of them. Figures on the take up of Go cards or how many athletes were picking up on the Kent fan scheme, for example, would be helpful for members of the Committee to assess the success, or otherwise, of the strategies. Figures would be provided.

Cultural Strategy:

- A comprehensive review of the Culture Strategy was expected in 2019. The review had not been completed but the Council had successfully applied for funding of £20k for the Cultural Compact which would be the start of a full review. Further work following to Compact would be on a cross-party basis.
- The current Five-Year Plan was based on the previous Cultural Strategy. Following the cancellation of the Calverley Square project a new Five-Year Plan would be needed which would be based on the new Cultural Strategy.
- Work was needed to establish what the residents of Tunbridge Wells really wanted to maintain the cultural status of the town.
- The Calverley Square business plan projected 400k visitors to the town. It was not possible to say whether this target was still achievable as the projected visitors would be based on the plans there were put in place.
- In previous years the Council had an economic development budget of approximately £70k, with the Business Improvement District (BID) there was an extra £500k over five years. The potential was very much greater. Plans included place branding, events and improved parking and online marketing.
- Future marketing of the Assembly Hall would be influenced by the outcomes of the Cultural Strategy, initial indications were expected around October 2020. The Assembly Hall had potential but work on the Strategy had to come first.

Sports Strategy:

- One of the eight key projects, to provide more sports facilities, was progressing and a number of sites had been included in the Draft Local Plan. One site in Pembury could not progress following objections from Highways England relating to access to the A21. Hawkenbury appeared to be the preferred site of a new hub facility but the Council was constrained by not being able to close pitches until the new ones were completed.

- The Local Plan consultation would help determine the relative popularity of the proposed sports sites. In the meantime, traffic and ecological pre-work was continuing.
- The intention of the sports strategy was to increase the overall number of youth pitches, for which there was greatest demand, and to provide the highest standard of 3G pitches. This was likely to be achieved at a central sports hub which could accommodate various local teams.
- No new pitches had yet been provided. Stakeholders appreciated that the likely timescale was up to 5 years.
- Tunbridge Wells Foresters Football Club preferred to retain their separate grounds. There were two pitches at Bayham, one of which was on ground earmarked for burials. The whole site could be improved through drainage works but the burial ground could not be brought up to 3G standard.
- TWBC were keen to support the Foresters and had recently provided a grant of £75k to improve their welfare facilities (including changing rooms and clubhouse).
- The likelihood of needing the extra burial ground was questioned given that the number of burials was declining in favour of cremations. Use as sports ground would be more beneficial, particularly during poor weather where neighbouring facilities were over capacity.
- Recent poor experience at the Foresters Club was due to extraordinary weather and even 3G pitches were likely to have been flooded. Provision of purpose-built facilities in Hawkenbury would be more likely to maintain provision.
- Demand for burials, particularly in 15-20 years time, was difficult to predict and the site at Bayham was the only viable land for this purpose.
- Other sites in the borough, notably St John's, also experienced flooding. The Council would assign resources based on usage, demand and likely effectiveness of remedial works. Currently work was focused in Bayham.
- The Council had a responsibility for: "health improvement and physical activity amongst disadvantaged and rurally isolated communities." Originally this was intended to be covered by the Sports Strategy but following attendance at a related conference the scope of the strategy was expanded to include active leisure to make it as accessible as possible. Many of the facilities in the rural areas were owned by the Town and parish councils and the borough was helping through capital grants to improve play area, sports facilities and community centres.
- Welfare Walks, run by the borough's Public Health Team and funded largely by Kent County Council (KCC), were a good example of community activity. The Strategy lacked figures. If the borough was responsible there should be measures as to the size of the problems and how successful it was at tackling them.
- Whilst the Strategy set out the high level objectives, teams such as Public Health delivered services including Family Weight Management programmes, Mental Health Awareness programmes, Targeted Physical Activity programmes and Workplace Health Checks. Figures would not usually be reported in the Strategy but were available from the delivery teams.

- Hawkhurst was developing a new community centre which was expected to include a rebuild of the sporting facilities. This was either a private project or under the control of the Parish Council, neither had approached the Borough for assistance. The Council would be happy to advise and may be able to do more if there was a specific proposal.
- There could be opportunities to partner with large sport and leisure firms to bring new facilities to the borough which could draw in visitors. The large fitness centre in Kings Hill, for example, attracted many patrons from Tunbridge Wells as there was no equivalent locally.
- Much of the work set out in the Sports Strategy was funded by the Football Association and this required the Council to have a more specific focus. Once the substantive elements of the Strategy had been delivered the Council could focus on other areas.

Parks and Grounds Maintenance:

- Performance of the current contractor was debateable. Some areas were well received so performance was mixed.
- The contract for the service was due for renewal. The Cabinet would be consulting friends groups and sports groups in the preparation of the tender documents.
- A balance between quality and cost had to be found

Economic Development:

- Businesses and residents had complained about the lacklustre lights this year.
- The Council was considering how to deliver the lights in future. This could be in-house or in partnership with the BID. The Economic Development team were looking into the questions and would report in due course.
- Karen Pengelly had been hugely successful in setting up the BID but had now moved on. Recruitment for a new BID Manager was underway. The BID term was for a further four years and there were many plans. The future of the BID was expected to be secure.
- Tunbridge Wells had weathered the economic downturn reasonably well and there were a number of important developments in progress, so it was disconcerting that there were so many critics.
- High Business Rates were often sited as a concern affecting prosperity. The ability to set Rates locally would have a significant impact on the local economy.
- The Council only collected Business Rates for the Government through the Valuation Office Agency (VOA); it could not set the rates. The Government provided opportunities for businesses to review their Rates and in a number of cases the businesses had received money back.
- Following the Public Realm works and Calverley Road car park renovations, a number of businesses had been assisted to request a Rate review. The Council could only advocate, and the onus was on businesses to engage with the Valuation Office Agency.
- Small Business Rate Relief was also available, full details would be available through the Council budget papers going to Cabinet and Full Council.

Tourist Services:

- Tourist Information demand had changed over the recent years to online sources, particularly the visittunbridgewells.com website. There were 23.5k visits and calls to the Tourist Information Centre – located in the Corn Exchange at The Pantiles – per year. Hits on the website were increasing month-on-month with November 2019 being the highest so far at 43,642 which was up 22 per cent on November 2018.
- The largest increase in online activity was from mobile devices. Mobile now accounted for 78 per cent of the online traffic.
- Website pages for specific events usually out-performed landing pages and editorial pages. 16.4 per cent of all hits on the website were on the ice skating page. ‘Christmas at Bedgebury’ received 5.5 per cent of all hits, making it the third most popular page. Events were expected to become the driver behind website use.

The Amelia Scott:

- Project management was complicated due to the partnership nature of the project. Mike Lee was the overall Programme Manager. Mr Lee was employed by Focus, a national, heritage, project management company. Focus had won the contract following a procurement process overseen by KCC and TWBC.
- Beneath the programme manager there were several technical project managers, including one from the Council.
- The project was previously a joint project of KCC and TWBC, the contracts had been novated and TWBC were now had sole responsibility.
- TWBC Programme Board received monthly updates from the project team, which also reported on a quarterly basis to the National Lottery Heritage Fund and Arts Council England.
- Confidential management reports were available to members and the Amelia Scott Management Oversight Panel which consisted of Councillors Bruneau, Hill, March and Rutland.

Future reports:

- Cabinet portfolios tended to cover a wide base and it was difficult to give effective scrutiny to the whole remit.
- There were elements of the various plans and strategies – including an aspiration around developing the creative industry in the borough, and the intended use of S.106 moneys from Knights Wood development – for which there was insufficient time to discuss.
- The Committee would welcome a further and separate discussion on Economic Development later in the year, even before the Cultural Compact was complete.
- The Committee needed to review how it functioned to allow greater in-depth scrutiny of the work of portfolio holders.
- When significant projects were reaching milestones, the relevant portfolio holders could be invited to discuss it, this could be in addition to regular business where the committee may wish to focus on certain aspects of the portfolio.
- A loss of key personnel at a time of significant change for the Council had contributed to a loss of direction for the committee. Changes to the composition of the committee had resulted in a loss of retained knowledge on many of the subjects under scrutiny so the Committee was in a position of having to re-educating itself before being able to effectively scrutinise. There were several

ways for members to keep informed on topics, one such way was All-Member Briefings. Topics could be suggested by the Committee.

- Portfolio's should, in future, be broken down into component parts to allow the Committee to identify which areas it wished to focus on.

RESOLVED – That, subject to the comments in the discussion, the report be noted.

VERBAL UPDATE ON THE CONSULTATION AND ENGAGEMENT TASK AND FINISH GROUP

- OSC56/19 Councillor Pound (member of the Task and Finish Group (TFG)) provided a verbal update which included the following comments:
- At the recent TFG meeting, members took on board advice not to rush to a solution before understanding the problem.
 - A series of questions were put to officers:
 - The most recent communication and engagement strategy was issued in 2013/14 and left a lot to be desired, it could be interpreted as a means to justify the actions of the Council rather than as a two-way interaction.
 - The most recent residents' survey was carried out in 2015 and a number of important messages from a quiet majority were missed.
 - No members' survey had been undertaken in the past few years, so the Council was not even consulting its own members on engagement.
 - Parish Chair's were meeting quarterly and this appeared to be a mechanism which was working.
 - The online consultation portal was withdrawn in 2018 on the grounds that it was costly, it was not actively used, and it was not effective in capturing views and opinions.
 - Local Magazine was a cost effective and popular method of communication. 46 per cent of people recalled seeing a copy, 18 per cent said it was their preferred method of communication.
 - 37 per cent of people said the website was their preferred method of communication. A lot of work was ongoing to improve the website.
 - Ward Walks stopped in 2013. They were popular with residents and many people said the Council should be more visible in that way.
 - The 'corporate compass' had become the 'corporate priorities' and the Overview and Scrutiny Committee could have a greater role in holding the Cabinet to account on its performance against its priorities.
 - A lot of engagement activity had stopped around 2013-14 and the Council no longer understood the views and opinions of the residents of the borough.
 - There was little two-way dialogue and no adequate portal for residents to set out what they wanted.
 - The TFG would next be looking at making communication more ward focused, so people could feedback what was important to them.

Discussion included the following comments:

- There were a number of online-based products which could help fill some of the gaps, but these had significant cost implications.
- The focus on identifying problems, rather than solutions, was welcomed.
- Councillor Scott, the Portfolio Holder with responsibility for engagement, was keen to share his plans with the TFG as a contributor to the review.
- Residents were pleasantly surprised to receive a visit when Ward Walks were running and usually involved a variety of people including officers, councillors and local councillors. Whilst popular, they were time intensive and those resources no longer existed.
- Resources of the Scrutiny function of the Council had significantly changed, previously there had been 3 separate Overview and Scrutiny Committees with a four-strong support team. Each Committee had a specific remit so could consider items in greater detail. The Scrutiny function had changed with the introduction of the Cabinet Advisory Boards.
- The Cabinet Advisory Boards were pre-scrutiny for matters going to Cabinet, this provided an opportunity for all members to consider the implications of specific Cabinet decisions. This freed the Scrutiny function to take a higher-lever overview.
- The Council had lost £4m in Revenue Support Grant and this inevitably required a cut to some services. Unfortunately, when asked, the public tended to favour cuts to democratic management and engagement as this function was generally not understood.
- If the Committee was inclined to recommend reversing the cuts to scrutiny and/or engagement, it would be for the Cabinet to balance the benefit against the cost.
- It was anticipated that the TFG would be in a position, at the end of the process, to recommend some form of investment to re-engage with residents.

RESOLVED – That the verbal update be noted.

VERBAL UPDATE ON THE PARKS AND GARDENS MAINTENANCE CONTACT TASK AND FINISH GROUP

OSC57/19 Councillors Morton and Woodward (members of the Task and Finish Group (TFG)) gave a verbal update which included the following comments:

- The TFG had not met since the previous Overview and Scrutiny Committee meeting, however conversations had been had with Gary Stevenson (Head of Housing, Health and Environment) about what input the TFG could have as the pre-tender process came to a close.
- The TFG was keen to ensure the lessons of the waste management contract were applied for the contract for the parks and gardens maintenance.

Discussion included the following comments:

- The Portfolio Holder had confirmed that the input of the TGF so far had influenced the process to be taken forward in the final stages of preparing the contract procurement. The key messages of ensuring consultation with stakeholders had been taken in to account.

- If the Committee was inclined to close the TFG, work on procuring the contract in cooperation with the relevant friends groups would continue under the guise of the Cabinet.
- There was a lack of volunteers to sit on the TFG and the group had run its course.
- Many of the town's parks were award winning and there was no major concern for continued success, the borough's contract managers had tackled problems in specific parks and replaced some of the wardens where necessary.
- The biggest issue with large contracts, such as parks and gardens maintenance, was sufficient resources to manage the contractors. Contract managers were confident that there were sufficient resources, but the continuation of some problems indicated there was still more to be done.
- Connected to the discussion earlier in the meeting, to deliver a quality service you needed people to do the work. This was increasingly difficult as budgets were constrained.
- There was concern that the lessons relating to the procurement process were not being learnt; problems with Urbaser were known two years before they were awarded the contract in Tunbridge Wells. There was too great a reliance on outsourcing and a general lack of resources to procure and manage contracts.
- The Committee was unable to scrutinise procurement properly due to a lack of understanding of the indices against which contracts were measured.
- Contracts contained various industry-standard clauses around management and penalties. There was often little opportunity to vary these terms whilst maintaining a viable contract for the contractor.
- Any contract which relied on penalties for enforcement must be balanced by reward for over-performance, the Council was unlikely to be able to offer the reward to make the potential penalties worth the risk for the contractor.
- Following the change of membership of the Committee since the TFG was established, the experience and knowledge of the members on the subject had been lost.
- Members of the committee were not expected to be experts on procurement or ground maintenance but were a common-sense check on whatever the topic of the day was.
- Time had run out before the Cabinet needed to commence the procurement process, there was little more the TFG could do.
- The officers responsible for the contract procurement could be invited to the Committee ahead of the Cabinet meeting which would give members an opportunity to contribute and scrutinise the recommendation to the decision makers without getting into the details of the procurement process at this stage.

RESOLVED –

1. That the Parks and Gardens Maintenance Contract Task and Finish Group be closed; and
2. That the officers responsible for the Parks and Gardens Maintenance Contract be invited to present their recommendations to the next meeting.

WORK PROGRAMME

OSC58/19 Discussion included the following comments:

- The next Portfolio Holder update would be Communities and Wellbeing. Following on from the discussion earlier in the meeting, details of the portfolio would be circulated to members with a request to narrow down the focus.
- Portfolio Holder reports should, in future, be more detailed and provided with sufficient notice.
- Members would not wish to have the previous report of the Portfolio Holder to avoid skewing the committee's focus, the responsibilities only would be sufficient.

RESOLVED –

1. That the work programme be noted.
2. That the responsibilities of the Portfolio Holder of the next update be circulated to members.

URGENT BUSINESS

OSC59/19 There was no urgent business.

DATE OF THE NEXT MEETING

OSC60/19 The next meeting was scheduled for Monday 06 April 2020.

NOTE: The meeting concluded at 8.35 pm.