

# Draft Overview and Scrutiny Committee Annual Report 2022-23

## 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 distribution and administration of Council Tax and Energy relief, as well as the local support for incoming Ukrainian refugees following the start of Ukraine's war with invading Russian forces.

Good governance is and will be key to meeting the challenges facing local government and the 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/>

## Statement of Principles

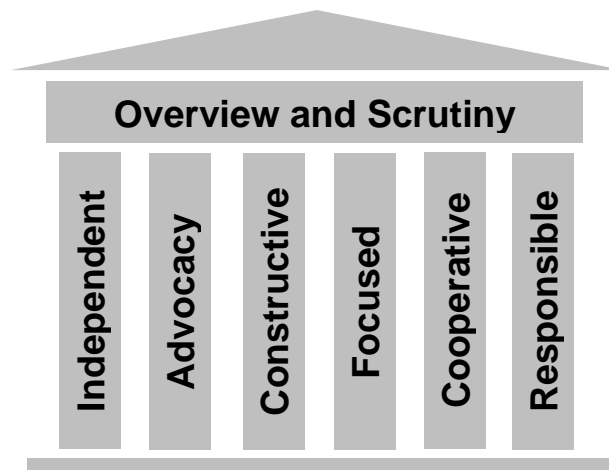
### Overview

The 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 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 2022, at the start of the reporting period, the members of the Committee were: Councillors Holden (Chairman), Morton (Vice-Chair), Ellis, Britcher-Allan, Goodship, Johnson, Knight, Le Page, McMillan, Morton, Rogers and Palmer.

In June 2022, Councillor Morton gave up the Vice-Chair to Councillor Ellis, but remained on the Committee.

### **Meetings**

Formal meetings were held on:

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

In a change from the previous administrative year, 'Programme Meetings' were cancelled and any items for the Overview & Scrutiny Work Programme were referred through the Chairman of the Committee.

## 3. Statutory Functions

The Committee has a number of functions which are delegated to it either by 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 meetings or decision notices.

### 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.

Following a review of the previous year's Community Safety Partnership Plan, at the meeting of 4 April 2022, a further report was requested and was brought to Committee on 27<sup>th</sup> July 2022 providing more data and analysis on: road traffic incidents involving young people; the ethnicity of victims of hate crimes; the practicability of separating town centre crime data from residential areas; and the efficacy of the Safer Streets tool and comparison to potential local tools. It was agreed at the meeting that the report resolved all outstanding matters and no further action was therefore required.

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

### Health

The Committee maintains a watching brief on any issues relating 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 implementation of the decision. 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 Call-in power may be requested by any three members of the Council or the Chairman of the Committee. The Council has three Cabinet Advisory Boards which scrutinise all reports and recommendations within their remit prior to Cabinet making decisions. Consequently, use of the Call-in power is rare.

There have been two Call-ins 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 Borough car park charges as set out within the relevant report.

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

Cabinet was represented by the Cabinet Members for Tunbridge Wells Town and Local Areas, Housing and Planning and 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 on the Call-in.

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

On 27 October 2022 Cabinet agreed to virement of £100k from the car park budget income to the Community Support Fund. Car parking increases were due to come into effect on 1 October 2022 but due to the Call-in this was delayed until 1 December 2022. However, there were sufficient anticipated funds between 1 December 2022 and 31 March 2023 to cover the cost.

Call-in requests from three members of the Council were duly received on 1 and 2 November 2022 and a hearing was arranged for 10 November 2022.

The Committee heard from all sides and debated several issues, with the opportunity to satisfy itself of all the facts of the matters put forward by discussion and questioning. A motion to refer the matter back to Cabinet for reconsideration was rejected by a majority vote.

## **Call-In and Urgency (Waiving Call-In)**

The Chairman of the 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:

### **Local Authority Housing Fund**

An urgent report will be brought to Cabinet on 14 March 2023 that will seek approval for the Council to participate in the Local Authority Housing Fund with the release of up to £3.2m of S106 commuted sums to provide affordable housing in the Borough.

Authority was sought and agreed by the Chair of Overview and Scrutiny that Call-in be waived in order for the Council to meet the Government's target of 15 March 2023 to submit a Memorandum of Understanding.

## **Other Urgency Procedures**

The Committee Chairman 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.

## **Petitions**

The Committee has a duty to consider petitions from members of the public, received in accordance with the Council's Petition Scheme, which are signed by

more than 500 people. (Petitions with fewer than 500 signatures receive an officer response, more than 1,000 signatures are referred directly to Full Council.)

No petitions were considered by the Committee 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.

### **Digital**

The Committee received a report and presentation from Ian Hirst, Head of Digital Services and Communications along with Andy Sturtivant, Digital Team Manager on 27 June 2022 reviewing the Council's digital services. Following questions from Committee members, more information was requested, and a further update was provided to the Committee on 16 January 2023.

At that meeting, the Committee received a live demonstration of the myTWBC system and accounts, as well as an update on the Council's digital strategy, asking questions of both officers, who were again present. Further information was requested to be distributed to members outside of the meeting and the Committee was satisfied with the service plans and delivery.

### **Budget Setting/Forecasting**

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

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

### **Planning Enforcement**

Following a presentation on Planning Enforcement given by the Head of Planning Services and the Development Manager at a 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 that the Council should seek measures to ensure that more information on what constituted a breach was disseminated so that breaches were avoided. Hopefully this would reduce

complaints coming forward. The report also gave confidence to the Committee that breaching in planning were being enforced.

## **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/updates were presented to the Committee on 27 July and 29 September 2022.

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

## **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 to allow the Committee to consider other opportunities and priorities.

## **Climate Emergency**

On 21 November 2022, the Cabinet Member for Environment, Sustainability and Carbon Reduction, and the 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 and made no recommendations to change the response. The report was noted.

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

On 16 January 2023, the Committee received the Leader of the Council, Councillor Chapelard, who presented the Borough Partnership Plan (which has since been renamed the Tunbridge Wells Borough Council Plan 2022-24) (the Plan).

The Plan was subjected to intense scrutiny and discussion. 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 that they would be given due consideration.



# 5. Conclusions

To be updated following the March meeting.