

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

1 November 2011

Report of the Chief Executive

1 ELECTORAL REVIEW – COUNCIL SIZE
PRE-COUNCIL AMENDMENTS

1.1 Introduction

1.1.1 Following further informal consultation with the Local Government Boundary Commission for England, a number of amendments to our Council Size submission have been suggested.

1.1.2 Whilst they have said that the overall Submission is good, the Commission have highlighted a few areas for further changes.

1.2 Amendments to the Submission

1.2.1 In response to comments from the Commission, the proposed changes are outlined in Annex 1.

David Hughes
Chief Executive

Annex 1

All changes are in **bold**. Paragraph numbers refer to those in version 3.0, as prepared for Council.

4. Based on the evidence set out in this Submission, Tonbridge & Malling Borough Council propose that the number of elected Councillors for this Borough should be 53. **It should be noted that the Submission should be considered in its entirety, rather than as a series of smaller sections.**

[NEW SECTION TO BE ADDED AFTER 'INTRODUCTION']

Council Vision and Priorities

The 'Vision' reflects Tonbridge & Malling Borough Council's role and purpose within the local community and is designed to convey what the Council is striving to achieve through all of its work. Its key priorities reflect national and local issues, planned improvements to services and feedback from local people.

The Vision

"An organisation that provides excellent public services, good value for money and effective community leadership."

Key Priorities

Tonbridge & Malling Borough Council focuses on the following six key priorities:

- 1) **Manage the Council's financial resources and performance to meet the challenges of the recession and its impact on public finances.**
- 2) **Promote and support the sustainable regeneration and economic development of Tonbridge town centre (the focus will be on attracting investment in high quality development and an improved range of retail, leisure and community facilities).**
- 3) **Secure a continuing supply of affordable housing across all tenures and work to prevent homelessness (with an emphasis on tackling homelessness at its root causes through prevention measures including timely advice, debt counselling, mediation and identify housing options).**
- 4) **Involve, safeguard and meet the needs of children and young people.**
- 5) **Achieve a cleaner, smarter and better maintained street scene and open space environment.**
- 6) **Work with partners to:**
 - **Reduce crime, anti-social behaviour and the fear of crime.**
 - **Promote, encourage and provide opportunities for healthy living.**

- Make a positive local contribution to tackling the causes and effects of climate change.

- Achieve further shared priorities to improve residents' quality of life in Tonbridge and Malling.

26. In line with previous Government requirements the majority of all planning applications, for example, are delegated. However, if an elected Member feels that they have grounds for a particular application to be determined by Committee, they can request this. In addition, officer-led submissions to Committee are made for applications considered more complex, high-profile or potentially contentious. Over recent years, there has been a steady increase in the number of applications being submitted to Committee for consideration **due to an increase in the number of larger and more complex applications. Therefore, although a robust scheme of delegation is in place and works effectively, the planning-related workload of Councillors has continued to increase.**

35. Almost uniquely, all ward Councillors attend one of the three Area Planning Committees in Tonbridge. All major and controversial planning applications are reviewed by the appropriate Committee, and Officer-based decisions are reported to Committees. Members have considered this arrangement a number of times over the years (**see paragraphs 43-45**), and each time have decided to retain it as it allows all Members to have an active say in planning issues and matters that affect their communities. **The three Area Planning Committees reflect the diverse geography and range of different planning issues throughout the Borough.**

40. The Planning Committees are required to spend a considerable time in reviewing and determining major planning applications. In addition to the residential developments in Kings Hill, Peters' Village, Leybourne Grange, Holborough and Tonbridge, Committees have recently had to determine the largest planning application for PolyTunnels in the UK, an exercise that required substantial Councillor involvement. In addition, the Local Development Framework has identified a number of additional sites for further development, for which applications have not yet been received. **The Chief Planning Officer meets with developers on a regular basis and, on the basis of those discussions, the planning applications for these additional sites** are anticipated in the coming 5-7 years and, given their nature, site and scale, will be determined by Committee. Therefore, it is anticipated that the involvement that Councillors have in planning decisions will increase.

48. Further, there are differences between local communities, even those geographically near to each other. For example, the recent poly-tunnels planning application saw two neighbouring communities taking opposing sides in the debate. There is therefore a very local link needed for planning issues. Very local knowledge is required of relatively small areas. If there were fewer Councillors overall, they would need to represent a larger number of communities, making representation more difficult. This would be particularly apparent where an application is likely to benefit one

community at the detriment of another; one Councillor representing both sides would find this task impossible. This would be disingenuous to all affected communities as their interests could not be adequately represented. **We therefore consider that any decrease in the number of Councillors overall will reduce the effectiveness of the Council, particularly when the wider implications thereof are considered – for example, a reduction in the number of Councillors would increase planning-related workloads alongside committees and advisory board workloads, direct representation workloads, parish and community group representation and so on.**

76. Given the regular reviews of the number and remit of Boards and Panels, the council consider that they currently represent the most effective and convenient way to deliver local government in Tonbridge & Malling. The number of appointments and meetings for each Councillor have also been reviewed and are considered to be both acceptable and appropriate; **indeed this review has identified these appointments as being essential to the effective running of the Council.** Reducing the number of councillors would increase the number of appointments and meetings, and this is not considered appropriate **as it would reduce effectiveness.**

79. Any reduction in the overall size of Council would increase the number of appointments and meetings of Panels and Boards that the remaining Members would need to attend. This would increase the workload of Councillors, and so reduce their effectiveness in researching, consulting and discussing topics at Board meetings due to their reduced time outside of meetings. **It would result in Members being less able to undertake their duties effectively.**

129. As can be seen, attendance varies from 9% to 100%. Of the 53 Councillors, 11 achieved 90% attendance or greater during the municipal year 2010/11, compared to 15 who did not attend at least 70% of their scheduled meetings. Excluding those former Councillors not re-elected in May 2011, the attendance ranges from 50% to 100%, **with just 10 not attending at least 70% of their scheduled meetings.** The charts below show the distribution of attendance. **It should be noted that these figures do not reflect the fact that a number of Councillors attend meetings that they are not required to, but who have done so through choice.**

134. **The overall attendances of some of these bodies has been adversely affected by low attendance by one or two individuals (who are no longer elected Members); this has the effect of suggesting a lower overall turnout in some cases than would otherwise be the case. However,** of those bodies with less than 70% attendance:

- a. The Scrutiny Committee (67%) and Policy Overview Committee (68%) have since been merged to reduce overlap of the Committee remits. This is likely to have the effect of increasing attendance overall. There are statutory functions undertaken by this Committee.

- b. Community Development Advisory Board (56%) has now been replaced by the Communities Advisory Board. With its wider remit, attendance is likely to be higher.
- c. Local Environmental Management Advisory Board (53%) has a wide remit on high profile issues affecting all local communities. The Council enjoys a reputation for innovation nationally which will increase the need to engage with other agencies and for meetings of the Board. **The Board receive significant numbers of reports to keep Members aware of the council's position and of updates to government policy and guidance. As such, it is important that the Board meet regularly to ensure the most recent information is available and discussed promptly, allowing changes to be discussed and made if necessary in an effective and timely manner. The Environment is one of the Council's Key Priorities, and it is therefore important to maintain a forum for elected Members to consider the pertinent issues.**
- d. General Purposes Committee (57%) has a wide remit and important role for the Council. Owing to the fact that the Council has delegated key responsibilities to the General Purposes Committee, and due to its important roles in personnel and staffing establishment, and the formal signing of accounts, the Committee is required and cannot be materially amended. The General Purposes Committee undertakes statutory functions. **Consideration has been given to reducing the number of meetings of this Committee, but this would not be feasible due to the need for decisions to be made in a timely manner on the matters before the General Purposes Committee. In addition, it is considered that attendance on this Committee will increase in the coming months as the number of strategically important decisions being considered by the Committee increases.**
- e. Community Safety Scrutiny Sub-Committee (56%) is required by law to scrutinise the Community Safety work undertaken by TMBC. **This body meets only as required, and hence reductions in the frequency of meeting are not possible. The work from this Sub-Committee is reported to the Scrutiny Committee, and so meetings must necessarily be within a suitable timescale of each other. Community Safety is one of the Council's Key Priorities, and it is therefore important to maintain a forum for elected Members to consider the pertinent issues.**
- f. Licensing and Appeals Committee (58%) is required to meet to record and confirm decisions made by the Panel, and to determine broader strategic licensing matters. **The Committee discharges statutory functions under the Licensing Act 2003 together with other responsibilities of the Council as a licensing authority. It has fifteen members, in line with legislation. Committee meetings take place on a quarterly basis to consider policy issues affecting a wide range of licensable activities. It would be impractical, and less effective, to reduce the number of meetings as this would delay decision making processes.**
- g. Tonbridge Forum (63%) is a key vehicle for engaging with partners and residents in Tonbridge, similar in role to the Parish Partnership Panel. The

importance of the meeting remains in the attendance of others (rather than all appointed Councillors). As with all Advisory Boards, membership is set at 13 Councillors. **Meetings take place around the same time as the Parish Partnership Panel, to ensure both the parishes and the community groups in the non-parished areas of the Borough receive the same information in a timely manner.**

h. Electoral Review Working Group (67%) meets as and when required. Over the past year, matters discussed have been largely technical rather than opportunities for detailed debate hence the lower turnout. However, the Electoral Review and other planned items over the coming year are likely to have a higher attendance.

i. Finance and Property Advisory Board (67%) has a broad remit covering all aspects of financial planning, reporting and assessment, including the detailed assessment of the revenue and capital estimates. **Elements of the remit are quite technical.** It is important that this consultative group remains to ensure a fair balance of views can be represented and considered in the decision-making process. **In addition, the Board considers applications for discretionary rate relief at each meeting, and has responsibility for approving write-offs over £1000. The Board has a crucial role in monitoring financial matters, ensuring the Council is aware of the financial position and allowing it to take any necessary measures to address concerns promptly and in a timely manner. Therefore, the Board cannot meet less regularly as it has an important role throughout the year.**