

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 15th September, 2015

Present: Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr M C Base, Cllr P F Bolt, Cllr J L Botten, Cllr R W Dalton, Cllr Mrs F A Kemp, Cllr D Lettington, Cllr M R Rhodes, Cllr M Taylor, Cllr T C Walker and Mr D Still (Co-opted Member)

Councillors D A S Davis, N J Heslop, S C Perry and F G Tombolis were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Miss S O Shrubsole (Vice-Chairman), Ms J A Atkinson, S M Hammond, S R J Jessel, P J Montague, Miss J L Sergison and Ms S V Spence

PART 1 - PUBLIC

OS 15/16 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

OS 15/17 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 7 July 2015 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 15/18 PEER CHALLENGE REVIEW

Further to Minute OS 15/14, consideration was given to a report on the issues discussed and conclusions reached by the Peer Challenge scrutiny review panel which had met on 23 July and 25 August. The panel had focussed on a review of the number and style of Council meetings including the issue of three Area Planning Committees. Given the degree of interest in these matters, reports on the remaining areas raised by the Peer Challenge including scoping of the Council's draft Transformation Strategy and a review of the Council's key priorities would be presented directly to a future meeting of the Overview and Scrutiny Committee.

Members considered the recommendations of the panel in respect of achieving a reduction in the number of Council meetings and holding more informal meetings where appropriate. Considerable discussion

ensued on the panel's recommendation that a single planning committee structure be developed. Some Members expressed serious concerns about replacing the current system and removing the voting rights of a majority of councillors in the planning process. They remained to be convinced of the effectiveness of other councils which had a single planning committee, given the quality of decision making and record of success in appeals in Tonbridge and Malling since its inception.

However, in support of the panel's recommendations, other Members emphasised the changing planning environment, the challenges of being both a committee member and a community advocate in respect of planning applications, the importance of meeting the statutory determination period and opportunities for direct and indirect savings offered by a single planning committee structure. In the event that this course of action was pursued, a number of issues were highlighted for further consideration including size of the committee to ensure appropriate political balance and speaking rights for Ward Members, improvements to site inspections and the venue for meetings.

RECOMMENDED: That the recommendations of the Peer Challenge Review Panel, as set out at paragraphs 1.2.3, 1.3.4 and 1.4.10 of the report be endorsed and commended to the Cabinet for its further consideration as follows:

- (1) a reduction in the number of Council meetings could best be achieved by
 - (i) selectively reducing the number of non-essential meetings by identifying those specific Boards/Committees that perhaps do not need to meet so regularly which do not impact on regular Council business; and
 - (ii) a protocol be developed which would enable any meeting likely to have insufficient decision items to be cancelled with the agreement of the Chairman;
- (2) the format of Council meetings be reviewed with a view to holding some programmed meetings in more informal settings where this is appropriate and to hold informal Member briefings either as a separate meeting or, preferably, in place of a programmed meeting. Council meetings in the first week of each month should be avoided if the annual meeting programme allows; and
- (3) a single planning committee structure be developed to meet the particular needs of the Council.

DECISIONS TAKEN BY THE COMMITTEE**OS 15/19 SCRUTINY REVIEW PROGRAMME**

Members considered the report of the Chief Executive which provided an update to the programme and proposed the next set of reviews to be undertaken. It was noted that the review of community engagement focusing on the Parish Partnership Panel and Tonbridge Forum had been delayed to meet a request for an extension of the consultation period. A further meeting of the review panel was being arranged for 6 October with its recommendations reported to the Overview and Scrutiny Committee in January 2016.

Details were given of suggested arrangements for the next scheduled reviews of charges and grants to voluntary bodies together with a proposal that the planned review of holiday activity programmes be brought forward. To accommodate the changes it was suggested that a report on the review of grants be made direct to the next meeting of the Committee in January to inform the budget setting process. Proposed arrangements were set out for informal panels to consider the reviews of the holiday activity programme and charges (scoping reports at Minutes OS 15/20 and 21 respectively).

RESOLVED: That the revised review programme and suggested meeting arrangements be approved as set out in the report subject to the substitution of Councillor Lettington for Councillor Sullivan in the membership of the holiday activity programme review panel.

OS 15/20 REVIEW OF HOLIDAY ACTIVITY PROGRAMME FOR YOUNG PEOPLE

The report of the Management Team set out for approval the suggested scope of the review of holiday activity programmes in the context of the significant financial challenge facing the Council. The review would be progressed by an informal panel the first meeting of which would be held on 2 November 2015. It was agreed that any changes arising from the review should be implemented in time for the summer 2016 holidays with the forthcoming Easter Activate programme proceeding as planned.

RESOLVED: That the proposed scope of the review of holiday activity programmes for young people be endorsed.

OS 15/21 REVIEW OF FEES AND CHARGES

The report of the Management Team set out for approval the suggested scope of the review of fees and charges currently levied for the provision of a range of services across Council departments. It was proposed that investigations only take place into discretionary fees and charges, rather than those set by statute, including areas where the Council did not currently charge but there was potential to do so. The review would be

progressed by an informal panel the first meeting of which would be held on 4 November 2015.

RESOLVED: That the proposed scope of the review of fees and charges be endorsed.

MATTERS SUBMITTED FOR INFORMATION

OS 15/22 LOCAL GOVERNMENT OMBUDSMAN - ANNUAL REVIEW LETTER

The report of the Chief Executive referred to the requirement in the Constitution for an annual report to be made to the Committee on the outcome of complaints to the Local Government Ombudsman. The annual review letter and accompanying information covering the year to 31 March 2015 were accordingly presented and indicated that none of the eight complaints made to the Ombudsman had been upheld. The positive outcome confirmed that the Council continued to operate an effective complaints process and there were no specific recommendations from the Ombudsman for the Committee to consider.

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 15/23 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

MATTERS FOR RECOMMENDATION TO CABINET

OS 15/24 LARKFIELD LEISURE CENTRE HEALTH SUITE - USE OF URGENCY PROCEDURES

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

The report of the Director of Street Scene, Leisure and Technical Services explained the circumstances leading to the use of the urgency procedure under Financial Procedure Rule 14.2 to approve additional funding to enable the project for refurbishment of the health suite at Larkfield Leisure Centre to proceed.

It was noted that the Leisure Trust had agreed to contribute 50 per cent of the shortfall in funding from its own capital reserves and the Management Team had identified virements from two existing List A

schemes in the Capital Plan. Given the timescale for the works, urgent approval had been sought from the Leader and Chairman of the Overview and Scrutiny Committee and the Cabinet Members for Finance, Innovation and Property and Community Services and the Leader of the Opposition were also consulted.

RECOMMENDED: That

- (1) the action taken in accordance with Financial Procedure Rule 14.2 to fund the refurbishment of the Health Suite at Larkfield Leisure Centre be endorsed; and
- (2) the funding in List A of the Council's Capital Plan for the project be adjusted accordingly.

The meeting ended at 8.48 pm