

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

4 September 2015

To: MEMBERS OF THE OVERVIEW AND SCRUTINY COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Overview and Scrutiny Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 15th September, 2015 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

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MEMBERSHIP

Cllr A K Sullivan (Chairman)
Cllr Mrs A S Oakley (Vice-Chairman)
Cllr Miss S O Shrubsole (Vice-Chairman)

Cllr Ms J A Atkinson
Cllr M C Base
Cllr P F Bolt
Cllr J L Botten
Cllr R W Dalton
Cllr S M Hammond
Cllr S R J Jessel
Cllr Mrs F A Kemp
Cllr D Lettington

Cllr P J Montague
Cllr M R Rhodes
Cllr Miss J L Sergison
Cllr Ms S V Spence
Cllr M Taylor
Cllr T C Walker

Mr P J Drury (co-opted Member)
Mr D Still (co-opted Member)

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 7th July, 2015

Present: Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr Miss S O Shrubsole (Vice-Chairman), Cllr Ms J A Atkinson, Cllr M C Base, Cllr P F Bolt, Cllr J L Botten, Cllr R W Dalton, Cllr S M Hammond, Cllr Mrs F A Kemp, Cllr D Lettington, Cllr P J Montague, Cllr Miss J L Sergison, Cllr M Taylor and Cllr T C Walker

Councillors Mrs J A Anderson, O C Baldock, Mrs S M Barker, Mrs P A Bates, M A Coffin, D J Cure, N J Heslop, S C Perry and F G Tombolis were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor M R Rhodes

PART 1 - PUBLIC

OS 15/10 DECLARATIONS OF INTEREST

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

OS 15/11 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 27 January 2015 be approved as a correct record and signed by the Chairman.

OS 15/12 APPOINTMENT OF CO-OPTED MEMBERS

RESOLVED: That pursuant to Article 6.05 of the Council's Constitution, Mr P Drury and Mr D Still be co-opted to the Overview and Scrutiny Committee for the current municipal year.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 15/13 CORPORATE PERFORMANCE PLAN

The report of the Chief Executive presented for endorsement the final version of the Council's Corporate Performance Plan (CPP) pending the development of a new Corporate Strategy for 2016/17 in the light of recommendations of the Peer Challenge which took place in 2014. The CPP, set out as an annex to the report, addressed past performance achieved in 2014/15 which it was noted had been good overall.

Members were advised that the Cabinet had recently agreed a timetable for consideration of the new Corporate Strategy which would be slimmer in content than the CPP and focus on transformation issues, the Council's financial position and delivery against a smaller set of key priorities. A draft of the Strategy would be reported to a future meeting of the Committee for consideration prior to formal adoption.

RECOMMENDED: That the final version of the Corporate Performance Plan, as set out at Annex 1 to the report, be approved by the Cabinet.

DECISIONS TAKEN BY THE COMMITTEE

OS 15/14 SCRUTINY REVIEW PROGRAMME

The report of the Chief Executive set out a suggested programme of scrutiny reviews to be undertaken by the Committee together with proposed arrangements for taking forward the initial reviews by means of informal scrutiny panels chaired by the Vice-Chairmen.

Two reviews were suggested for immediate consideration: the mechanisms through which the Council engaged with parish/town councils and community groups in Tonbridge, focusing on the roles of the Parish Partnership Panel and Tonbridge Forum; and a review of the recommendations of the Council's Peer Challenge. Topics for the longer term programme included a review of grants to the voluntary sector and a review of charges, both of which would inform the 2016/17 budget cycle.

RESOLVED: That

- (1) the suggested programme of scrutiny reviews, as set out in section 1.2 of the report, be approved subject to expansion of the scope of the review of grants to the voluntary sector and other third parties to include parish councils and the Council's subscriptions to associations and other bodies; and
- (2) informal scrutiny review panels be formed to take forward the reviews of Community Engagement and Peer Challenge Recommendations on the basis set out in the report but chaired respectively by Councillors Mrs Oakley and Miss Shrubsole and with provisional dates for their first meetings of 21 July and 23 July 2015.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 15/15 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.46 pm

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Agenda Item 4

Any Executive Decisions which have been “called in”

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

15 September 2015

Report of the Peer Challenge Scrutiny Panel

Part 1- Public

Matters for Recommendation to Cabinet

1 PEER CHALLENGE REVIEW

To set out the issues discussed by and conclusions reached by the Peer Challenge Scrutiny Panel.

1.1 Scope of the Review

1.1.1 The Peer Challenge Review Panel were initially tasked to address three issues arising from the Council's Peer Challenge which took place in April 2014. The Panel were invited to investigate three issues raised by the Peer Challenge:

- A review of the number of Council meetings that are currently held
- Scoping of the Council's draft Transformation Strategy
- A review of the Council's Key Priorities.

1.1.2 At the first meeting of the Panel held on 23rd July 2015, the main focus on comment and debate related to the first of these issues. In summary, the Panel felt that:

- There was good reason to seek to reduce the number of Council meetings held each year.
- Meetings need to have a clear purpose and introduce genuine decision items. Many meetings only seem to involve 'rubber stamping' of officer recommendations without any real debate.
- The frequency of meetings could be reduced unless there is a statutory or other need to have them. A substantial reduction in the number of meetings could generate budget savings.
- If programmed meetings are not needed, for example, because there is insufficient genuine business, there should be a clear policy that such meetings should be cancelled.

- To enable Members to engage with Parish Councils, we should avoid having Council meetings on the first Monday/Tuesday of each month as these are Parish Council meeting days (could possibly also include all of the first week of the month)
- Meetings should not have lots of information items. These could be disseminated separately.

- 1.1.3 The Panel also discussed the issue of three Area Planning Committees and agreed that a review of these should also be undertaken. Members of the Panel raised a number of issues regarding the current approach including the potential conflicts arising as both a ward member and member of the area planning committee, a potential need for additional training and a need for some members to 'specialise' in planning matters, and a number of detailed issues including procedures for holding site visits. Member of the Panel therefore requested a further report on this issue to include a summary of practices elsewhere in the county.
- 1.1.4 Given the degree of interest shown in both the general issues regarding Council meetings and Area Planning Committees, the Panel were invited, at the subsequent meeting held on 25th August, to focus on these issues only. Reports on the draft transformation strategy and the Council's key priorities would instead be made direct to a future meeting of the main Overview and Scrutiny Committee.

1.2 Review of General Council Meetings

- 1.2.1 A report was presented to the second Review Panel meeting held on the 25th August 2015 dealing with scope to reduce the number of Council meetings held each municipal year. A copy of this report is attached as Annex 1.
- 1.2.2 As set out in that report, a number of options to achieve a reduction in Council meetings, including a reduction in the number of meeting cycles from 4 to 3, were rejected. Two options were presented for the Panel to consider as follows:
- 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; or,
 - retaining all programmed meetings as at present, but develop an agreed protocol which would enable any meeting likely to have insufficient decision items to be cancelled with the agreement of its Chairman.
- 1.2.3 Following further discussion by the Panel, it was agreed that both 'options' were worthy of consideration but were not mutually exclusive. On this basis, it was agreed that:

A reduction in the number of Council meetings could best be achieved by:

- (a) 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**
- (b) A protocol be developed which would enable any meeting likely to have insufficient decision items to be cancelled with the agreement of the Chairman.**

1.3 Style of Council Meetings

- 1.3.1 The Panel also expressed the strong view that there should be scope to review the style of Council meetings which are held and that some could be made more informal and in more relaxed settings to engender more debate and discussion. It was also suggested that Council meetings in the first week of each month should best be avoided to enable better engagement with Parish Councils.
- 1.3.2 The report to the second Panel meeting suggested two approaches to achieve this aim: to hold Board meetings in more informal settings such as the Committee Room rather than the Council Chamber; and, to organise more informal Member Briefings on key issues of interest (perhaps in place a formal Board meeting) to look an issue in more depth. It was also agreed that, if the meeting programme allowed, that the first week of each month should be kept generally clear of Council meetings to allow Member attendance at Parish Council meetings.
- 1.3.3 The Panel agreed the above suggestions subject to the following additional points:
- Certain meetings, for example, those likely to attract members of the public, should continue to be held in the Council Chamber as an AV system is required and additional seating
 - Informal briefings would be helpful but they needed to be carefully selected to avoid then having to have an additional formal meeting leading to an increase in the number of meetings
 - Informal briefings could not, as suggested in the Panel report, be used to 'seek and informal steer' on future decisions as such decisions always needed to be made in public
 - Only relevant presentations from outside bodies should be made at Council meetings and these should not be used just to 'fill out' meeting agendas where there are insufficient decision items.
- 1.3.4 Subject to the above points, the Panel agreed that:

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.

1.4 Area Planning Committees

- 1.4.1 The Panel received a report on Area Planning Committees at its meeting held on 25th August 2015. The report and appendices are attached as Annex 2 to this report.
- 1.4.2 As set out in the report at Annex 2, two options were presented for the Panel to consider as follows:
- No change to the existing area planning committee structure
 - Develop a single planning committee structure to meet the particular needs of the Council – this can include committee membership, ward councillor representations, presentations and site inspections
- 1.4.3 In considering the merits of a different approach, Panel Members recognised the value of local representation at the Area Planning Committee, but clearly appreciated the challenge of being both a Committee Member and a community advocate in respect of planning applications. The particular risks associated with pre-determination and perceived pre-determination was also identified in association with this, insofar as it would be considerably reduced for many Members with a single committee. It was considered that a single committee would allow Councillors to get more involved in making a case and represent local communities more freely if they were not Members of the committee.
- 1.4.4 Panel Members appreciated the importance of a Planning Committee operating in a quasi-judicial way and that there should be clearer procedures for all aspects of the process. Regular training and updates are very difficult to coordinate with 54 Councillors. A smaller single committee would make this much easier to deliver. It was recognised that the time commitment for the Members of a single committee would be greater and that would need to be reflected in terms of other commitments and responsibilities.
- 1.4.5 In the context of comparative information presented to the Panel, consideration was given to the potential membership of a single committee. It was considered that in the region of 13 Members was the optimum practical number in order to achieve efficiencies and manageable meetings. However, there are a number of options and matters to be taken into account in the composition of any single planning committee, not least the need to reflect political balance. Panel Members also identified the need for clarity in meetings and, for example, it would be

necessary to identify who are the decision making Members in the meetings by clearly delineated seating.

- 1.4.6 Speakers at Planning Committee were identified as a very important part of the process and there was universal support for this to be continued. It was agreed that the number of speakers should not be limited, but that the time limit of 3 minutes generally worked and should remain. However, in a single committee regime, it was also considered that Councillors not on the planning committee, but making representations to it, should have a longer time period, for example 5 or 6 minutes, recognising that they would be representing local communities in an advocacy role.
- 1.4.7 The Panel Members identified that site inspections are carried out frequently and that this can cause significant delay to the determination of planning applications. They supported the view that officers could give short presentations on each application which would be illustrated with photographs of the sites and surrounds, as well as relevant plans and drawings, and that this could reduce the need for site inspections.
- 1.4.8 Panel Members recognised that a single planning committee structure would offer both direct and indirect savings. There would be direct financial savings in the region of £20,000 pa, together with the indirect saving in officer time that would equate approximately to one full time post. This would mean that officers could put this time to other essential duties and focus on service standards and performance.
- 1.4.9 Should a single committee structure be adopted it was considered appropriate to put a review period in place of 1-2 years.
- 1.4.10 Subject to the points above and to further work on the detailed operation and protocols for the practical working of a single committee system, the Panel agreed that:

A single planning committee structure should be developed to meet the particular needs of the Council.

1.5 Legal Implications

- 1.5.1 As dealt with in the report and annexes.

1.6 Financial and Value for Money Considerations

- 1.6.1 As above.

1.7 Risk Assessment

- 1.7.1 n/a

1.8 Equality Impact Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.9 Recommendations

- 1.9.1 That the recommendations of the Peer Challenge Review Panel as set out at paras 1.2.3, 1.3.4 and 1.4.10 of this report **BE ENDORSED** and **BE COMMENDED** to the Cabinet for its further consideration.

Background papers:

Nil

contact: Adrian Stanfield
Steve Humphrey
Louise Reid
Mark Raymond

Julie Beilby
Chief Executive
On behalf of the Management Team

**TONBRIDGE & MALLING BOROUGH COUNCIL
PEER CHALLENGE SCRUTINY REVIEW PANEL**

25 August 2015

Report of the Management Team

1 PEER CHALLENGE SCRUTINY REVIEW

1.1 Update from the Initial Panel Meeting

1.1.1 The first meeting of the peer challenge scrutiny review panel took place on the 23rd July. The main purpose of the meeting was to scope the review in more detail to identify those specific areas that the Panel might want to investigate in more detail. It was agreed that the following three areas would provide the focus for the review:

- A review of the number of Council meetings that are currently held
- A review of a draft of the transformation strategy
- A review of the Council six key priorities as a precursor to the preparation of a new corporate strategy.

1.1.2 Discussions at the Panel meeting focused mainly on the first of these issues and a wide range of views were expressed on the overall number of Council meetings and their individual remits. These discussions covered both council meetings in general and, more specifically, the role of the Area Planning Committees.

1.1.3 Given the considerable interest shown in the Council meetings issue, we suggest that the scrutiny review panel now focuses on this issue in more detail. The two remaining issues regarding the transformation strategy and the key priorities could best be dealt with by way of reports direct to the Overview and Scrutiny Committee.

1.1.4 This report will therefore focus on the suggested general review of Council meetings. A separate paper deals specifically with the Area Planning Committees.

1.2 Review of Council Meetings

1.2.1 A number of issues were raised at the first meeting of the Panel which can be summarised as follows:

- Whilst the premise that Council meetings need to be reduced in number to enable Members to better engage with their communities was not accepted, it was felt that there was a case to review the meetings programme to free up time and ensure meetings are not held just because they are already programmed. More thought needs to be given as to whether all of the programmed meetings are actually needed.
- The frequency of meetings could be reduced unless there is a statutory or other need to have them. The Council's Constitution might need to be revisited to achieve this. A reduction in the number of meetings could generate budget savings.
- There is perhaps too much rubber stamping of officer recommendations and rarely much informed debate at formal Council meetings. Members only tend to ask questions of fact/clarification which could be done direct with officers outside of formal meetings.
- Meetings should be held only when there are substantive decisions to be made. If there are none, meetings could be cancelled. At times, meeting agendas are dominated by information items.
- Meetings with a more informal format (such as the O&S panel meetings) could be used at times in place of more formal meetings to enable Members to have more input in to the issues under discussion.
- It would be useful to avoid having any Council meetings on the first Monday/Tuesday of each month as these are Parish Council meeting days. This would enable members to engage more with their Parish Councils.

1.2.2 The Panel now needs to consider what specific recommendations that they may wish to agree for consideration by the Overview and Scrutiny Committee and, subject to its formal endorsement, to the Cabinet.

1.3 Next Steps

1.3.1 It is suggested that the recommendations of this Panel could seek to address two key issues:

- The overall number of Council meetings held annually
- The style of meetings and specific arrangements.

1.3.2 At its initial meeting, the Panel expressed a clear view that a reduction in the current number of Council meetings held annually should be explored both to free up Member and Officer time and to save administrative costs. Some Council

meetings should perhaps, however, be considered 'essential' and should therefore not be included in any future review: These could include Council, Cabinet and the Overview and Scrutiny Committee.

- 1.3.3 In 2009/10, a reduction in the number of meeting cycles from 5 per year down to 4 was implemented. A further reduction in the number of cycles, for example, from 4 to 3 would, however, create difficulties for programming and accommodating formal Council business such as the budget setting process, the policy framework and approval of the Accounts. A further option would be to have no non-essential meetings in the annual programme at all but invite officers to call meetings on an ad-hoc basis but only when substantive decision items are needed. However, this is not favoured. It would be problematic to agree meeting dates with all participants and would cause problems for lead-in times and timetabling.
- 1.3.4 It is therefore suggested that a reduction in the number of non-essential meetings could be achieved via either of the following:
- by 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; or,
 - retaining all programmed meetings as at present, but develop an agreed protocol which would enable any meeting likely to have insufficient decision items to be cancelled with the agreement of its Chairman.
- 1.3.5 **The Panel is therefore invited to agree the above options and to recommend to the Overview and Scrutiny Committee that they be commended to the Cabinet for its further consideration.**
- 1.3.6 The Panel also expressed a wish for the format of some Council meetings to be reviewed to enable greater Member discussion and debate. Suggestions included a less formal, more round-table approach involving a smaller group of Members focusing on a specific issue or topic.
- 1.3.7 There are two ways in which this objective might be achieved. For programmed meetings such as Advisory Boards, there may be scope to hold these in more informal settings (for example in the Committee Room rather than the Chamber) with a revised room layout to help engender additional discussion and debate. In addition, informal Member meetings and briefings could be held, either as a separate meeting or, where appropriate, as a replacement to a formal Board meeting, to deal with a specific topic or issue of interest which required more in-depth review and/or for an informal steer to be obtained from Members prior to the issue being considered formally.
- 1.3.8 The suggestion that fewer Council meetings should be held on the first Monday/Tuesday of each month to avoid conflicts with Parish Council meetings is also worthy of further consideration given that the Peer Challenge review

indicated a need for greater community engagement including liaison with Parish Councils.

- 1.3.9 **The Panel is invited to agree the above suggestions regarding the format and style of Council meetings and informal Member briefings and to recommend to the Overview and Scrutiny Committee that these be commended to the Cabinet for its further consideration.**

contact: Mark Raymond
Chief Corporate Policy Officer

Julie Beilby
Chief Executive
On behalf of the Management Team

**TONBRIDGE & MALLING BOROUGH COUNCIL
PEER CHALLENGE SCRUTINY REVIEW PANEL**

25 August 2015

Report of the Management Team

1 AREA PLANNING COMMITTEE REVIEW

1.1 Update from the Initial Panel Meeting

1.1.1 The first meeting of the Peer Challenge Scrutiny Review Panel took place on the 23rd July. The Panel identified specific areas that they wanted to investigate in more detail and this included the Area Planning Committee Structure. In particular, Members of the Panel identified the following as matters to be considered further:

- Comparison with other local authorities with regard to planning committee structures
- Difficulty in managing dual ward member status and planning committee membership
- Delays through the current site inspection process
- Level of business for each area planning committee is often low with meeting sometimes cancelled
- Consider reviewing call in procedure

1.2 Review of the Area Planning Committee Structure

1.2.1 The current structure comprises three area planning committees. The membership of the committees is made up of councillors from all the wards in the designated area. Therefore each of the area committees has a membership of 18 councillors, a total of 54 Councillors on all three committees, which comprises all councillors for the Borough.

1.2.2 The Association of Democratic Services Officers has produced a briefing note to provide guidance on planning committee management. In particular they advise that:

“The appropriate size of a committee will reflect the overall size of the council and the number of members. Best practice would generally err on the side of smaller rather than large”

- 1.2.3 All local authorities in Kent, with the exception of Tonbridge and Malling, operate a single planning committee structure and this is a reflection of the wider picture nationally. Membership of the single planning committees varies from 9 to 18 Councillors and the cycle is usually 4 weeks, with a number of authorities operating a 3 week cycle. Appendix 1 sets out this information in more detail.
- 1.2.4 Area planning committees do enable a wealth of local knowledge to be made available to the committee through local representation. However, this does mean that it can be difficult for a ward councillor, who is also a member of the area planning committee, to decide how to best represent their community without risking predetermination or perceived predetermination. It is also the case that planning decisions, whilst taking into account local matters, must be made on the basis of policy application and requires a certain detachment, reflecting the strict legal duties placed upon the Council as a local planning authority in determining planning applications and related matters.
- 1.2.5 Single planning committees can be formed from a selection of councillors from across the borough. This could comprise councillors drawn from each area to reach an operationally efficient and appropriate number, subject, of course, to the representation requirements.
- 1.2.6 The single committee structure would mean that the majority of councillors would be able to openly express views with regard to a planning proposal, both in their communities and at the planning committee meeting, taking advantage of the speaking opportunities. Under the current Constitution councillors can call an application to committee as long as there are sound planning reasons for doing so. The call-in procedure for ward councillors would ensure that they have full opportunity to express their views and the views of their community without the probity requirements which would otherwise constrain this were they members of an area planning committee.
- 1.2.7 Transparent processes for ward councillors to call in applications could be included in the committee terms of reference for planning committee and set out in the Council’s constitution. The speaking rights at committee could also be included, along with more efficient approach to site inspection protocols, in the Constitution.
- 1.2.8 National guidance provided by the Planning Advisory Service strongly advocates regular training for planning committee members. This is particularly important, mindful that the planning committee is a quasi-judicial process and decisions can be subject to challenge (by way of judicial review in the courts) if the appropriate procedures are not clearly established and followed. There are currently 54 Councillors who are members of the area planning committees and this presents

significant training challenges. A reduced membership, as would be the case with a single planning committee, would mean that training and updates could be provided more effectively and consequently risk and uncertainty, and the cost consequences associated with such risk, would be reduced for the Council.

- 1.2.9 Central Government have recently emphasised the importance of making planning decisions quickly and effectively, and are currently introducing new monitoring regimes for 'Minor' applications (which include applications for 1-9 dwellings; up to 999 m² of office/light industrial/general industrial/retail floor space and 1-9 pitches for traveler sites) similar to the existing monitoring for Major applications. Failure to meet the monitoring requirements can lead to penalties and ultimately intervention by Government and the loss of local decision making.
- 1.2.10 The current area planning committees meet on a six week cycle. Mindful that the majority of planning applications have a statutory determination period of eight weeks, it is not often currently possible to meet these decision deadlines for applications that are put before committee. A single planning committee could meet more frequently, for example every three or four weeks, which would increase the likelihood that applications could be determined within the statutory period and thereby meet Government targets.
- 1.2.11 Currently, there are between 25-28 area planning committees each year. Each area committee requires in the region of seven days of officer time on general committee preparation, excluding individual report checking, regardless of the length of the agenda. Therefore, the current area committee structure requires approximately 175-203 officer days per year.
- 1.2.12 A single planning committee meeting every four weeks would have 13 meetings a year. The general committee preparation time would remain the same, at around seven days, but the overall officer time needed for the year would be approximately 91 days. The saving in officer time on committee preparation would assist greatly with capacity in Planning, Legal and Committee Services. This would also mean that other areas of work could be delivered more effectively, providing a better service for residents, businesses and councillors, for example faster registration and validation. Whilst the performance of the service is generally well regarded, we are aware that due to the growth in complexity of the planning process and the way in which the Council has, rightly, wished to deliver the service in a consultative and inclusive way, there are areas where improvement can be identified.
- 1.2.13 The average running time of committees is 2 hours 50 minutes per calendar month. This average is based on committee duration for full years 2013/14 and 2014/15 and for year 2015/16 April-July. Appendix 2 gives further details on average committee duration per month over the last two years. It should be noted that a number of committees have been cancelled in both years due to the lack of business.

1.2.14 The annual average on a four week cycle i.e. 13 meetings a year rather than 12, would be closer to 2 hours 35 minutes per meeting. Therefore, based on the levels of business for the area planning committees over the last 2 years, a 4 week cycle for a central planning committee would be practical.

1.2.15 Committee site inspections are currently identified at the individual area planning committees. Mindful that the current committee cycle is six weeks, a site inspection can considerably delay the determination of an application for several weeks, or even months, particularly if meetings are cancelled. This uncertainty can cause distress and worry, not only to the applicant, but also for local residents and to other interested parties. In addition, current legislation and national policy requires that applications are determined as soon as possible and without undue delay.

1.2.16 With regard to committee site inspections the Planning Advisory Service (Probity in Planning for Councillors and Officers 2013) provides the following guidance:

- Inspections should only be used where the benefit is clear and substantial; officers will have visited the site and assessed the scheme against policies already
- The purpose, format and conduct should be clear at the outset and adhered to throughout the inspection
- Where a site inspection can be triggered by a request from the ward councillor, the 'substantial benefit' test should still apply
- Keep a record of the reasons why an inspection visit is called

The Planning Advisory Service consider a site inspection is only likely to be necessary if:

- The impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers
- The comments of the applicant and objectors cannot be expressed adequately in writing
- The proposal is particularly contentious

1.2.17 Therefore, taking account of the guidance above, a formal procedure setting out the grounds for requesting site inspections, together with protocols for how and when the site inspection should be carried out, would be beneficial. This could be incorporated into the Council's Constitution. In addition, a more illustrative and helpful presentation of proposals at committee by officers, to include photographs and explanations, may go some way to addressing the need for site inspections.

1.2.18 There are a number of direct costs related to the current area planning committee structure, where it may be possible to achieve savings should this be changed to a single committee structure. One example would be the current room hire, catering and visual display and sound arrangements for Area Planning Committee 1. This has a total annual cost of approximately £5,000, based on an average of 8-9 meetings a year. There is the potential to make overall savings in the region of £15,000-£20,000

1.3 Next Steps

There are two recommendations that the Panel can consider:

1. No change to the existing area planning committee structure
2. Develop a single planning committee structure to meet the particular needs of the Council – this can include committee membership, ward councillor representations, presentations and site visits

1.3.1 There are benefits and draw backs to both options. However, option 2 offers the greatest level of benefits in terms of efficiency, effectiveness, probity, reduced cost and improved customer service. Compared with option 1, option 2 would have a lower level of local representation actually on the Committee, but would provide the ability for many ward councillors to represent their community in other ways, for example in making representations to the planning committee. Option 2 also presents a more transparent decision making framework than option 1.

1.3.2 The Panel is therefore invited to agree one of the above two options and to recommend to the Overview and Scrutiny Committee that they be commended to the Cabinet for its further consideration.

contact: Louise Reid
Head of Planning

Steve Humphrey
Director of Planning, Housing
and Environmental Health

Julie Beilby
Chief Executive
On behalf of the Management Team

Appendix 1

Local Planning Authorities – Kent Committee Details						
Authority	Single Committee	Area Committee	Number of Councillors on Committee	Cycle	Meeting day	Start Time
Ashford	Planning Committee		17	4 weeks	Wednesday	7.00pm
Canterbury	Planning Committee		12	4 weeks	Tuesday	6.30pm
Dartford	Development Control Board		18	4 weeks	Thursday	7.00pm
Dover	Planning Committee		10	4 weeks	Thursday	6.00pm
Gravesham	Regulatory Board		9	4 weeks	Wednesday	7.00pm
Maidstone	Planning Committee		13	3 weeks	Thursday	6.00pm
Medway	Planning Committee		15	4 weeks	Wednesday	6.30pm
Sevenoaks	Development Control Committee		18	3 weeks	Thursday	7.00pm
Shepway	Development Control Committee		13	4 weeks	Tuesday	7.00pm
Swale	Planning Committee		18	3 weeks	Thursday	7.00pm
Thanet	Planning Committee		12	4 weeks	Wednesday	7.00pm
Tonbridge and Malling		Area Planning Committee 1	20	6 weeks	Thursday	7.30pm
		Area Planning Committee 2	17	6 weeks	Wednesday	7.30pm
		Area Planning Committee 3	20	6 weeks	Thursday	7.30pm
(TOTAL)			57			
Tunbridge Wells	Planning Committee		16	3 weeks	Wednesday	5.00pm

Appendix 2

Year	Month	Area Committees	Total number of DC cases	Total number of Enforcement cases	Total duration hours.minutes	
May 2015 – July 2015	July					
	June	3	2	0	1.00	
	May	1 (cancelled), 2	2	0	1.18	
May 2014-April 2015	April	1, 2, 3	10	3	3.57	
	March	2 (cancelled), 3	7	1	2.30	
	February	1, 3 (cancelled)	4	0	1.19	
	January	1, (cancelled), 2, 3	7	1	0.59	
	December	1 (cancelled), 2	5	0	2.15	
	November	3	3	1	1.15	
	October	1, 2, 2 (extraordinary),3	10	0	7.46 (3.46 less extraordinary meeting)	
	September	1, 2	7	0	4.20	
	August	2, 3	5	0	1.49	
	July	1, 2, 3	10	1	5.12	
	June	1, 3 (cancelled)	4	1	3.02	
	May	1, 2, 3	8	0	3.58	
May 2013-April 2014	April	1, 2	6	0	3.35	
	March	2, 3 (cancelled)	5	0	2.30	
	February	1, 3	7	1	4.01	
	January	1 (cancelled), 2 (cancelled), 3	3	0	1.25	
	December	1, 2	8	0	4.35	
	November	3	4	0	2.02	
	October	1, 2, 3	8	1	3.24	
	September	1, 2	5	0	3.10	
	August	1, 2, 3	8	0	2.09	
	July	2, 3	7	1	3.20	
	June	1	4	0	1.42	
	May	1, 2	8	1	3.05	
	AVERAGES			6.1	0.46	2.5 (including extraordinary meeting)

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

15 September 2015

Report of the Chief Executive

Part 1- Public

Delegated

1 SCRUTINY REVIEW PROGRAMME

To provide an update to the programme and agree the next set of reviews to be undertaken.

1.1 Reviews in Progress

1.1.1 As reported elsewhere on this agenda, recommendations from the Panel undertaking the Peer Challenge review have now been reported. Recommendations from the Panel dealing with community engagement and focusing on the Parish Partnership Panel and Tonbridge Forum have had to be delayed to meet a request for the consultation period to be extended beyond the August holiday period. A further meeting of that Panel is now scheduled to take place on 6th October and its recommendations will be reported to the next meeting of the Overview and Scrutiny Committee in January 2016.

1.2 The Next Scheduled Reviews

- 1.2.1 As reported to the previous meeting of the Committee, the next two reviews to be undertaken are a review of charges and a review of grants awarded to key voluntary bodies.
- 1.2.2 Whilst the review of charges will proceed as planned, it is recommended that the planned review of holiday activity programmes, originally scheduled for later consideration, should now be brought forward in the programme. Scoping reports for both reviews appear later on this agenda.
- 1.2.3 In order to accommodate these changes, it is suggested that a report on the review of grants to key voluntary sector bodies be made direct to the next meeting of Overview and Scrutiny Committee in January 2016 to enable any recommendations to be built into the budget setting process. This will involve prior consultation with the groups concerned to enable their views to be taken into fully account before any final decision is made.

1.3 Proposed Panel Membership

1.3.1 Scrutiny Panels now need to be agreed for the holiday activity programme and the charges review. As previously undertaken, each Panel will meet informally to consider the review issues and to agree recommendations to the Overview and Scrutiny Committee. Each Panel is drawn from the membership of the Committee and are chaired by its two Vice Chairmen. The Chairman of the Overview and Scrutiny Committee is a member of both Panels.

1.3.2 The suggested panel memberships are as follows:

Holiday Activity Programme Review

Anita Oakley (Chairman)
 Allan Sullivan
 Trevor Walker
 Jean Atkinson
 Mark Rhodes
 Peter Bolt
 Michael Base
 Steve Hammond
 Simon Jessel
 Paul Drury (co-opted)

Charges Review

Sophie Shrubsole (Chairman)
 Allan Sullivan
 Janet Sergison
 Jon Botten
 Roger Dalton
 Piers Montague
 Ann Kemp
 Mike Taylor
 Sarah Spence
 Derek Still (co-opted)

1.3.3 Provisional dates for the first meeting of each Panel, held in the Committee Room both with a 6.30pm start, are:

Holiday Activity Programme Review – 2nd November 2015

Charges Review – 4th November 2015

1.4 Legal Implications

1.4.1 None

1.5 Financial and Value for Money Considerations

1.5.1 Matters to be addressed as part of each review.

1.6 Risk Assessment

1.6.1 n/a

1.7 Equality Impact Assessment

1.8 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.9 Recommendations

1.9.1 That the revised review programme and suggested meeting arrangements **BE APPROVED.**

Background papers:

contact: Mark Raymond

Nil

Julie Beilby
Chief Executive

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

15 September 2015

Report of the Management Team

Part 1- Public

Delegated

1 REVIEW OF HOLIDAY ACTIVITY PROGRAMMES FOR YOUNG PEOPLE - SCOPING REPORT

To set out and agree the scope of the proposed review.

1.1 Background

1.1.1 Members of the Committee will be aware from the agreed work programme that later in the year a review of holiday activity programmes will be undertaken. Due to the need to secure venues, appointment of staff well in advance and registration of Ofsted, it is recommended that a review of the summer play scheme and holiday activity programmes for older children (Activate and Y2Crew) should be brought forward. Holiday programmes have all now been completed for 2015/16 and it is therefore timely undertake a value for money review to inform how such programmes could be delivered in 2016/17 and future years. This review will, in part, link to the wider Scrutiny review of charges across all Council services which is also being undertaken.

1.1.2 The provision of holiday activity programmes for young people is a discretionary service. All three programmes have now been running for a number of years. Reviews of the programme have been undertaken previously which have resulted in significant changes including the introduction of charging, a reduction in the number of play scheme venues, reduction of the play scheme from 4 weeks to 3 and the use of external partners to operate venues on the Council's behalf. A further review is now needed to assess the scope to provide the programmes in the context of the significant financial challenge faced by the Council.

1.2 The Current Programmes

1.2.1 For 2015, the summer play scheme ran for three weeks at 13 venues across the borough, catering for children between 4 and 11 years. The Council funds two weeks of the play scheme, with contributions for one further week being provided by Parish/Town Councils. A number of partners are involved in helping to deliver the programme. Approximately 55 members of staff (mainly temporary) were employed to work on the play scheme this year.

- 1.2.2 The 2015 Easter Activate programme ran from Tuesday 7 April to Friday 17 April. This programme offers young people aged 8-16 the chance to try out a range of more unusual activities including sport, creative arts, life skills and outdoor activities. Additional activities are offered in partnership with Rock UK, Caroty Wood. The summer Activate programme ran from Monday, 27 July to Friday, 21 August with a similar range of activities and programmes.
- 1.2.3 The Y2crew 2015 scheme (a programme which seeks to focus on engaging with harder to reach young people) ran from Monday, 27 July to Friday, 21 August and included trips, courses and activities with a number of key agencies offering information, advice and guidance throughout. The Y2 Crew programme also aims to ensure its inclusiveness with the option for young people with disabilities to attend with a support assistant. The scheme is organised and funded by a number of partner agencies including KCC's Kent Integrated Adolescent Support Service (KIASS). Funding is also received from some Parish Councils following requests.
- 1.2.4 Copies of the brochures for each of the holiday activity programmes are available for Members to view on the Council's website.
- 1.2.5 Expenditure provision for youth and play development in 2015/16 totals £218,000 with projected income (charges and partner contributions) of £52,600 giving a budget estimate of £165,450. The majority of this budget is used to fund the Summer play scheme and Activate programmes although other costs such as those for the Youth Forum are also part of this cost centre. Costs of the Y2Crew programme is accounted for separately. A more detailed financial analysis relating to Y2Crew and the holiday activity programme element of the budget will be provided as part of the review process.

1.3 Suggested Issues for Review

- 1.3.1 The review of the activity programmes could usefully address the following issues:
- the overall objectives of the three programmes and the extent to which these should be regarded either as a universal service for all, one targeted to certain areas of need, or perhaps more closely linked to other Council objectives such as health improvement and community development;
 - value for money and the sustainability of the schemes in their current form when weighed against the financial landscape and competing priorities;
 - the current market place for activity programmes and how users could be signposted to schemes operated by the private and voluntary sectors as an possible alternative to direct provision;
 - the potential to make greater use of information technology in the administration and marketing of the schemes; and,

- feedback from the users of each programme (both parents and young people) and the views of partner organisations to help inform the above issues and choices.

1.4 Suggested Review Process

- 1.4.1 As with other reviews recently undertaken, it is suggested that this review should be taken forward by an informal panel drawn from the membership of the Overview and Scrutiny Committee. The Panel will be asked to consider the above issues and make recommendations to the next full meeting of the Overview and Scrutiny Committee on 26th January 2016.
- 1.4.2 Work to begin development of holiday programmes for 2016/17 starts in November/December 2015. In order that planning work can continue whilst this review is in progress, it is recommended that the Easter Activate programme in 2016 should proceed as planned. Therefore any changes resulting from this review will be implemented in time for the summer 2016 holiday programmes.

1.5 Legal Implications

- 1.5.1 Any arising will be addressed as part of the review.

1.6 Financial and Value for Money Considerations

- 1.6.1 As above.

1.7 Risk Assessment

- 1.7.1 As above.

1.8 Equality Impact Assessment

- 1.8.1 It is likely that the review will involve a review of current legislation and safeguarding issues which may require an impact assessment to be undertaken.

1.9 Recommendation

- 1.9.1 That the proposed scope of the review of holiday activity programmes for young people **BE ENDORSED**.

Background papers:

Nil

contact: Mark Raymond
Chief Corporate Policy Officer

Julie Beilby
Chief Executive
On behalf of the Management Team

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

15 September 2015

Report of the Management Team

Part 1- Public

Delegated

1 REVIEW OF FEES AND CHARGES

To set out and agree the scope of the proposed review.

1.1 Background

1.1.1 The aim of this review is to evaluate existing fees and charges currently levied for the provision of a range of services across Council departments. A value for money review will be undertaken along with an assessment to help guide the budget setting process for 2016/17.

1.2 Suggested Issues for Review

1.2.1 The fees and charges currently imposed fall into two main categories:

- 1) those which are set by statute and therefore the amount charged cannot be altered locally
- 2) those which are discretionary and are set locally by the Council

1.2.2 As the charges for services within (1) above cannot be altered, these will not be investigated as part of this review. The services provided that fall into the second category can be reviewed further. However it is important to note that many of the locally set fees have limits placed upon them. When setting these charges we can at most only recover the costs associated with providing the service. Examples of this include building control, land charges and licensing.

1.2.3 It is suggested that work is undertaken to list the charges which are set locally, splitting them into those which are cost recovery only and those where we have full discretion to set the level of charge. This may highlight some opportunities to increase future income to assist with the Council's overall budgetary position.

1.2.4 In addition to the above investigation, it is also suggested that work is undertaken across services to look at areas where there is the potential to charge, but we are currently not doing so. This could also generate additional future income.

1.2.5 Fees and charges associated with rental income for shops/land/industrial estates etc and those relating to the Leisure Trust, will not be investigated as part of this review, as legal agreements have already been set for these areas.

1.3 Suggested Review Process

1.3.1 It is suggested that this review be taken forward by an informal panel drawn from the membership of the Overview and Scrutiny Committee. If the suggestions within this report are agreed, the details of all the different charges will be collated and split into the relevant categories to allow the Panel to consider options and make recommendations to the next full Overview and Scrutiny Committee on 26 January 2016.

1.4 Legal Implications

1.4.1 Any arising will be addressed as part of the review.

1.5 Financial and Value for Money Considerations

1.5.1 As above.

1.6 Risk Assessment

1.6.1 As above.

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

1.8.1 That the proposed scope of the review of Fees and Charges **BE ENDORSED**.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive
On behalf of the Management Team

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

15 September 2015

Report of the of Chief Executive

Part 1- Public

Matters for Information

1 LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW LETTER

To report on the annual letter and the outcome of complaints made to the Ombudsman over the previous year.

1.1 Background

1.1.1 The Borough Council's Constitution requires that an annual report is made to the Overview and Scrutiny Committee on the outcome of complaints made to the Local Government Ombudsman. The annual letter and accompanying information covering the year to 31st March 2015 is attached as Annex 1.

1.1.2 Over this period, there have been eight complaints made to the Ombudsman. None of these have been upheld. Two have been closed after initial enquiries and the remaining six were referred back for local resolution. This positive outcome confirms that Council continues to operate an effective complaints process and there are no specific recommendations from the Ombudsman for the Committee to consider.

Background papers:

Nil

Julie Beilby
Chief Executive

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18 June 2015

By email

Ms Julie Beilby
Chief Executive
Tonbridge and Malling Borough Council

Dear Ms Beilby

Annual Review Letter 2015

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

Supporting local scrutiny

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published *'My Expectations'* a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of *'My Expectations'* are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

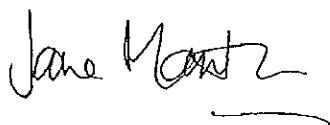
Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely



Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Tonbridge and Malling BC
Decisions made in period (Apr 2014 - Mar 2015)

Ref	Authority	Category	Decision date	Decision
1	Tonbridge & Malling	Housing	09/Apr/2014	Referred back for local resolution
2	Tonbridge & Malling	Planning & Development	28/May/2014	Referred back for local resolution
3	Tonbridge & Malling	Environmental Services & Public Protection & Regulation	13/Jun/2014	Referred back for local resolution
4	Tonbridge & Malling	Housing	19/Nov/2014	Referred back for local resolution
5	Tonbridge & Malling	Benefits & Tax	10/Dec/2014	Referred back for local resolution
6	Tonbridge & Malling	Corporate & Other Services	16/Dec/2014	Referred back for local resolution
7	Tonbridge & Malling	Planning & Development	27/Feb/2015	Closed after initial enquiries
8	Tonbridge & Malling	Environmental Services & Public Protection & Regulation	16/Mar/2015	Closed after initial enquiries

Agenda Item 10

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 11

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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Agenda Item 13

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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