

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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**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  
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11 April 2018

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 Thursday, 19th April, 2018 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

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| 1. | Apologies for absence    | 5 - 6 |
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3. Minutes 9 - 12

To confirm as a correct record the Minutes of the meeting of the Overview and Scrutiny Committee held on 23 January 2018

4. Any Executive Decisions which have been 'called in' 13 - 14

**Matters for Recommendation to the Cabinet**

5. Review of Constitution 15 - 26

*The report updates Members on a review of the Council's constitution and a number of proposed revisions are set out.*

*Due to their size Annexes 2 – 7 (the Constitution Parts 1 to 6) will be circulated as hard copy to Members of the Overview and Scrutiny Committee only and will be available online as supplemental papers for all other Members.*

**Matters for Information**

6. Scrutiny Review Work Programme - Update 27 - 28

*The report sets out dates for further reviews.*

7. Urgent Items 29 - 30

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

**Matters for consideration in Private**

8. Exclusion of Press and Public 31 - 32

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.

**PART 2 - PRIVATE**

9. Urgent Items 33 - 34

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

## **MEMBERSHIP**

Cllr A K Sullivan (Chairman)

Cllr Mrs A S Oakley (Vice-Chairman) and Cllr Ms S V Spence (Vice-Chairman)

Cllr Mrs J A Anderson

Cllr M C Base

Cllr P F Bolt

Cllr J L Botten

Cllr T I B Cannon

Cllr S R J Jessel

Cllr D Keers

Cllr Mrs F A Kemp

Cllr Mrs S L Luck

Cllr M R Rhodes

Cllr Miss S O Shrubsole

Cllr M Taylor

Cllr Miss G E Thomas

Cllr F G Tombolis

Cllr T C Walker

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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, 23rd January, 2018

**Present:** Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr Ms S V Spence (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr P F Bolt, Cllr J L Botten, Cllr T I B Cannon, Cllr Mrs F A Kemp, Cllr Mrs S L Luck, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr T C Walker and Mr D Still

Councillors O C Baldock, V M C Branson, N J Heslop, D Lettington, R V Roud and Miss J L Sergison were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D Keers and M R Rhodes and Mr P Drury

### PART 1 - PUBLIC

#### **OS 18/1 DECLARATIONS OF INTEREST**

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

#### **OS 18/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Overview and Scrutiny Committee held on 24 January 2017 be approved as a correct record and signed by the Chairman.

#### **OS 18/3 REVIEW OF THE SCRUTINY FUNCTION**

Consideration was given to a report by the Chairman of the Overview and Scrutiny Committee making suggestions as to how the Committee could add value to the delivery of the Council's Savings and Transformation Strategy. Reference was made to the concerns expressed at the recent meeting of the Finance, Innovation and Property Advisory Board about the need for Members to have a more active role in exploring areas of Council expenditure that could be reviewed and assessing opportunities for making the savings/increase in income needed.

For background information, a summary of the Savings and Transformation Strategy was provided including performance over the past three years regarding achievement of the savings targets. The Chairman put forward a suggested approach involving up to six formal meetings of the full Committee (rather than scrutiny panels) over the

coming year, each focusing on one or two potential savings or opportunities for increased income. It had been agreed with officers that the two outstanding reviews of the Gibson Building – Option Appraisal and the Council’s Constitution would be completed via special meetings of the Committee in March/April. A list of initial suggestions for review was set out and Members invited to contribute ideas.

**RESOLVED:** That the proposals set out in the report be endorsed.

### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **OS 18/4 REVENUE ESTIMATES 2018/19**

The report of the Director of Finance and Transformation referred to the responsibility of the Cabinet under the Constitution for formulating initial draft proposals in respect of the Budget. Reference was made to the role of the Committee in assisting the Cabinet and the Council in preparation of the Budget for 2018/19 within the context of the Medium Term Financial Strategy (MTFS) and the Council’s priorities.

Details were given of the provisional Local Government Finance Settlement and the position regarding New Homes Bonus funding. Members were advised that the Secretary of State had increased the threshold for triggering a referendum on council tax increase to the higher of 3% or £5.

The report indicated the factors to be taken into account when updating the MTFS and referred to the Savings and Transformation Strategy (STS) which provided a structure and focus for addressing the significant financial challenge facing the Council. Progress was reported on savings achieved and it was noted that the MTFS would continue to be updated as more information became available and the targets and timescales within the STS would be revisited and realigned with the latest projected funding gap during the budget setting process. Reference was also made to the successful outcome of the Kent and Medway authorities’ bid for pilot status in respect of 100% business rates retention.

The report suggested a mechanism for responding to the technical consultation announced by the Secretary of State, entitled “Fair funding review: a review of relative needs and resources” in view of the timescales involved.

**RECOMMENDED:** That

- (1) the draft Revenue Estimates contained in the Booklet be endorsed and commended to the Cabinet for its meeting on 8 February 2018;

- (2) the Savings and Transformation Strategy be updated to reflect the latest projected 'funding gap' as part of the budget setting process; and
- (3) delegated authority be given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property to respond to the technical consultation entitled "Fair funding review: a review of relative needs and resources".

**OS 18/5 CAPITAL PLAN REVIEW 2017/18**

Consideration was given to the report of the Director of Finance and Transformation which set out progress on the 2017/18 Capital Plan Review and sought endorsement of recommendations to the Cabinet. Particular reference was made to the reduction of £50,000 in the Council's funding of Disabled Facility Grants, arising from a review of spending and associated government grant funding, which would contribute towards the savings target.

**RECOMMENDED:** That

- (1) the recommendations of the Finance, Innovation and Property Advisory Board held on 3 January 2018, as set out at paragraph 1.3 of the report, be endorsed; and
- (2) the Capital Strategy, as set out at Annex 5 to the report, be endorsed for adoption and publication on the Council's website.

**OS 18/6 SELECT COMMITTEE REVIEW OF EFFECTIVENESS OF LOCAL AUTHORITY OVERVIEW AND SCRUTINY COMMITTEES**

The report of the Chief Executive summarised the Select Committee review of the effectiveness of local authority overview and scrutiny committees and considered the recommendations arising. Reference was made to the Council's approach to the overview and scrutiny function and it was noted that three of the five Select Committee recommendations were already implemented. The remaining recommendations advocated overview and scrutiny matters being reported to full Council rather than the Executive and that service users and the public should be more involved in the scrutiny process.

Members suggested that the circumstances and process for referring recommendations to the Council be considered fully during the review of the Constitution.

**RECOMMENDED:** That

- (1) the recommendations of the Select Committee regarding the effectiveness of Overview and Scrutiny Committees be noted; and
- (2) further consideration be given to
  - (i) the introduction of a process whereby recommendations of the Overview and Scrutiny Committee which are not accepted by Cabinet can then be referred to full Council;
  - (ii) where appropriate to the review being undertaken, opportunities to engage service users and the public be explored to assist with that review.

#### **MATTERS FOR CONSIDERATION IN PRIVATE**

##### **OS 18/7 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.31 pm

# Agenda Item 4

Any Executive Decisions which have been “called in”

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE

19 APRIL 2018

#### Report of the Director of Central Services & Monitoring Officer

#### Part 1 - Public

#### For recommendation to Cabinet/ Council

### 1 REVIEW OF CONSTITUTION

#### Summary

**This report updates Members on a review of the Council's constitution**

#### 1.1 Introduction

1.1.1 At a previous meeting of the Overview and Scrutiny Committee it was agreed that a review be undertaken into the operation of the Council's adopted Constitution.

1.1.2 This report outlines propose revisions to the Council's constitution which have arisen from a detailed review carried out with the aim of ensuring that all parts of the constitution are up-to-date and fit for purpose.

1.1.3 The review has also provided an opportunity to re-examine the format of the Constitution in order to avoid duplication and present its contents in a more usable and understandable way to those who read it, including not only Members but also members of the public who may wish to participate in Council business e.g. by attending meetings, making representations etc.

1.1.4 The review has been carried out by or in consultation with a number of officers across the Council, including the 3 Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Financial Officer), Management Team, Committee Services, Legal Services and any Officer to whom powers are delegated through the Constitution.

#### 1.2 Legal requirements

1.2.1 Section 9P of the Local Government Act 2000 requires that the Borough Council shall prepare and keep up-to-date a constitution containing

- A copy of its standing orders/ procedure rules;
- A copy of its code of conduct for members;
- Any information directed by the Secretary of State;

- Any other information considered appropriate by the local authority;
- In the case of a local authority operating the committee system, the constitution must also contain a statement as to whether it has an overview and scrutiny committee.

1.2.2 A local authority's constitution must be made available at its principal office to members of the public to inspect, and on request for a reasonable fee as determined by the local authority.

1.2.3 A Constitution Direction was issued by the Secretary of State in December 2000 that required around 80 matters to be included within constitutions, including members' allowances schemes, details of procedures for meetings and details of joint arrangements with other local authorities. A copy of that Direction is attached as **Annex 1**.

1.2.4 The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure business is carried out in a lawful, transparent and accountable manner. Some of the content of the Constitution is required by law, the remainder is for the Council itself to determine. However, if the Constitution does not follow the law, the law prevails.

### **1.3 The Constitution of Tonbridge & Malling Borough Council**

1.3.1 The present Constitution of Tonbridge & Malling Borough Council took effect on 1 January 2002. It has been modified on numerous occasions since e.g. when there have been legislative changes or changes in personnel/ departmental responsibility. However, a fundamental 'root and branch' review of the Constitution has not previously been undertaken.

1.3.2 The Monitoring Officer has a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. He also has delegated authority to make any necessary amendments to the Constitution to give effect to any decision of Council, Cabinet or a Committee, or consequential upon changes to operational arrangements. Any other amendments to the Constitution may only be approved by full Council.

1.3.3 The Constitution consists of 7 main parts. These are as follows

#### Part 1 – Summary and Explanation

This part provides a short summary of the Constitution and how the Council operates.

#### Part 2 – Articles of the Constitution

This part sets out the 16 Articles of the Constitution, which deal with a variety of matters including the composition of the Council, the Executive and the Overview



& Scrutiny Committee. It also sets out how decisions are made and how the Constitution may be reviewed.

### Part 3 – Responsibility for Functions

This part sets out the division of responsibilities between the Executive and Full Council, the portfolios of Cabinet Members, the terms of reference for Committees & Advisory Boards and the powers delegated to Officers.

### Part 4 – Procedure Rules

This part sets out 9 sets of detailed rules governing how the Council operates e.g. Council and Committee Procedure Rules, Financial Procedure Rules, together with the adopted Petition Scheme.

### Part 5 – Codes and Protocols

This part comprises the Members' Code of Conduct and associated protocols, the Officers' Code of Conduct and 3 protocols (Member/ Officer Relations, Responding to external consultations and Overview & Scrutiny Co-operation).

### Part 6 – Scheme of Members' Allowances

This part contains the Scheme of Members' Allowances and is reviewed annually to reflect any changes agreed by full Council.

### Part 7 – Management Structure

This part sets out the structure of the Council's Management Team, together with a breakdown of service responsibilities within each Directorate.

## **1.4 Scope of review**

1.4.1 As stated above, the review has been carried out by, or in consultation with, a number of officers across the Council. The review has sought to look at a number of key questions, such as

- What works well?
- What could be improved?
- Does it facilitate the efficient conduct of Council business?
- Is the structure right?
- Are decisions taken at the right level?
- Is the constitution sufficiently public facing?
- Is it up to date? i.e. new legislation, proper officer functions?

1.4.2 A copy of each revised Part of the Constitution is attached to the report as **Annexes 2 to 7** respectively and should be read in conjunction with the following summary of key changes that are proposed.

1.4.3 Further amendments to the formatting of the document may be required prior to producing a final version, in order to ensure that the constitution is accessible to the public and Members alike. It is therefore proposed that authority be delegated to the Director of Central Services to make any further amendments to the formatting of the constitution as he considers appropriate.

1.4.4 Members are asked to note that the review has not sought to re-evaluate the model of governance in operation at Tonbridge & Malling Borough Council.

## **1.5 Summary of key revisions**

### Part 1 – Summary and Explanation

1.5.1 The changes proposed to this Part are minor, with only limited updating required.

### Part 2 - Articles of the Constitution

1.5.2 In order to avoid repetition across other Parts of the Constitution, and to address any inconsistencies, the Articles have been amended and reduced in number from 16 to 11. This has led to the proposed deletion from this Part of the Articles relating to the roles of the Overview and Scrutiny Committee, Regulatory Committees, the Standards Committee, the Area Committees and Officers as all of these are set out in Part 3 of the Constitution.

1.5.3 Other drafting changes made to this Part include:

- The purpose of the Constitution has been updated to reflect the vision set out in the Corporate Strategy 2017-2019.
- The list of Plans and Strategies required to be adopted by Full Council has been updated (Article 4.01). A number of the policies listed in the existing version of the constitution have been repealed or superseded so it is appropriate to review the list to reflect these changes.
- The Policies which the Council can decide as a matter of local choice should be approved by full Council has similarly been reviewed to ensure it is up to date.
- The legal position in relation to the appointment of the Leader and Cabinet has been updated (Article 7)

### Part 3 - Responsibility for Functions.

1.5.4 This part has been extensively reviewed and updated, with the aim of ensuring that:

- All relevant information concerning the composition, terms of reference and functions of Boards & Committees can be found in one place, rather than in several Parts of the Constitution;
- The Boards and Committees are listed in alphabetical order, to make it easier for the reader to locate the information they require;
- Wherever possible the scheme of delegation has been simplified by reference to generic powers rather than specifying particular sections of legislation. For example, The Director of Central Services is authorised to exercise all functions of the Council in relation to Hackney Carriage and Private Hire licensing. Rather than specifying the legislation or specific sections thereof (which may, in time be amended or repealed), it is suggested that the constitution instead refers to broader responsibilities of the Council. This will obviate the need to update the constitution each and every time a new piece of legislation is introduced/ amended which relates to the specific service area in question and avoid situations arising where the Council is unable to act in a prompt and efficient manner simply because the constitution is silent on whether or not the authority to act fell within a specific Director's responsibilities.

### Part 4 – Procedure Rules

1.5.5 Council Procedure Rules - minor updating has taken place in order to remove any ambiguity between the operation of the Procedure Rules and the Petition Scheme. Some minor updating has also taken place in relation to the rules for public speaking in respect of planning applications.

1.5.6 Access to Information Procedure Rules – this section has been updated to ensure consistency with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1.5.7 Budget & Policy Framework Procedure Rules – no changes are proposed.

1.5.8 Executive Procedure Rules – no changes are proposed.

1.5.9 Overview & Scrutiny Procedure Rules – no changes are proposed.

1.5.10 Contract Procedure Rules – this section has been updated to ensure compliance with the requirements of the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016. Minor updating has also taken place to clarify officer delegations and a rule has also been inserted to allow the suspension of CPR on the authority of the Chief Executive and Monitoring Officer

where it is urgent and in the best interests of the Council which must be reported to the next meeting of the Executive. This insertion was to cover increased partnership working to ensure that due process can be followed when deadlines may become more challenging due to each partner having to follow their own administrative processes. The requirement for members to attend tender opening has also been deleted as tenders are usually returned electronically and there is an electronic record to show that due process has been followed.

- 1.5.11 Financial Procedure Rules – this section has been updated to comply with the Accounts and Audit Regulations (England) 2015. In addition new provisions have been inserted to cover issues such as granting emergency funding under statutory provisions, Partnership Working and the use of Corporate Credit cards.
- 1.5.12 Officer Employment Procedure Rules – no changes proposed. These rules were last updated on 14 July 2015 to reflect changes to the procedure for dismissal of statutory officers as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 1.5.13 Petition Scheme – the scheme has been updated to clarify the position in relation to electronic petitions and also to align the provisions relating to speaking rights at full Council with those set out in the Council and Committee Procedure Rules. Some minor updating has also taken place. Members are asked to note that the statutory requirement for the Council to have a Petition Scheme in place has now been repealed. However, it is considered appropriate to retain a scheme in order to provide a framework for the public to raise issues of local concern.

#### Part 5 - Codes and Protocols

- 1.5.14 Protocol C (Use of Council Resources by Members) has been updated and extended to include new sections relating to Data Protection & Freedom of Information, Use of the Council Logo, Information Security and Social Media.
- 1.5.15 The Members' Planning Code of Good Practice has been updated in a number of respects. These include
- The Code has generally been updated to ensure it reflects current best practice advice e.g. LGA/ Planning Advisory Service guide 'Probity in Planning';
  - The sections on Declaration of Interests and Pre-determination have been brought up to date;
  - The section on Site Inspections has been updated to bring it into line with the revised procedure.
- 1.5.16 The Members' Licensing Code of Good Practice has been reviewed, with the sections on Declarations of Interest and Pre-determination having been brought up to date.

## Part 6 – Scheme of Members’ Allowances

- 1.5.17 No changes are proposed to this section, which is updated annually in line with the decision taken by full Council.

## Part 7 – Management Structure

- 1.5.18 It is proposed to remove this section, as it duplicates information contained within Part 3 of the Constitution.

## **1.6 Financial and Value for Money Considerations**

- 1.6.1 None arising from this report.

## **1.7 Risk Assessment**

- 1.7.1 As set out above.

## **1.8 Equality Impact Assessment**

- 1.8.1 None arising from this report.

## **1.9 Recommendation**

- 1.9.1 Members are requested to consider the proposed revisions to the constitution and **RECOMMEND** to Cabinet & thereafter to Council that

(a) the amended constitution at **Annexes 2 to 7** be adopted; and

(b) authority be delegated to the Director of Central Services & Monitoring Officer to make any further changes to the formatting of the constitution as he considers appropriate.

contact: Adrian Stanfield

Background Papers:  
Nil

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### The Local Government Act 2000 (Constitutions) (England) Direction 2000

The Secretary of State for the Environment, Transport and the Regions, in the exercise of his powers under sections 37(1)(a) and 48(7) of the Local Government Act 2000 (c.22) (the Act) and all other powers enabling him in that behalf, hereby directs all local authorities in England to which Part II of the Act applies as follows:

#### Miscellaneous and interpretation

##### 1. In the direction:

"constitution" has the meaning given by section 37(1) of the Act,

"overview and scrutiny committee":

- a. in the case of a local authority which is operating executive arrangements has the meaning given by section 21(1) of the Act; or
- b. in the case of a local authority which is operating alternative arrangements means any committee or sub-committee appointed by the authority in accordance with regulations made under section 32(1)(b) of the Act to review or scrutinise decisions made, or other action taken, in connection with the discharge of functions of the authority.

##### 2. In complying with this direction a local authority must have regard to any guidance issued for the time being by the Secretary of State under section 38 of the Act.

##### The constitution

##### 3. The constitution prepared and kept up to date in accordance with section 37(1) of the Act by a local authority which is operating executive arrangements or, as the case may be, alternative arrangements must include:

- a. a summary and explanation of the purpose and content of the constitution;
- b. a description of the composition of the council, the scheme of ordinary elections for members of the council and their terms of office;
- c. a description of the principal roles and functions of the members of the council under executive arrangements or, as the case may be, alternative arrangements including the rights and duties of those members;
- d. the scheme of allowances for members of the authority drawn up in accordance with regulations made under section 18 of the Local Government and Housing Act 1989 (c.42);
- e. a description of the rights and responsibilities of inhabitants of the authority's area including:
  - i. their rights to vote in elections for the return of members of the authority;
  - ii. their rights to access to information about the authority's activities;
  - iii. their rights of access to meetings of the council, its committees and sub-committees and any joint committees established with any other authority; and
  - iv. their rights of access to meetings of the executive and committees of the executive,
- f. a description of the roles of the authority itself under executive arrangements or, as the case may be, alternative arrangements including:
  - i. the functions which may be exercised only by the authority itself or which may to some extent be exercised only by the authority itself (including, in the case of a local authority operating executive arrangements any plans and strategies which are subject to approval or adoption by the authority itself by virtue of regulation 5 of, and paragraph 1 of Schedule 4 to, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000/2853)); and
  - ii. any rules governing the conduct and proceedings of meetings of the authority itself whether specified in the authority's standing orders or otherwise,
- g. a description of the roles and functions of the chairman of the council (including a chairman entitled to the style of mayor);
- h. a description of the functions of the local authority executive which, for the time being, are exercisable by individual members of the local authority executive stating as respects each function, the name of the member by whom it is exercisable;
- i. a description of the functions of the local authority executive which, for the time being, are exercisable by the executive collectively or a committee of the executive, stating as respects each function, the membership of the body by who it is exercisable;
- j. a description of those powers of the executive which for the time being are exercisable by an officer of the local authority stating the title of the officer by whom each of the powers so specified is for the time being exercisable, other than any power exercisable by the officer for a specified period not exceeding six months;
- k. a description of the arrangements for the operation of overview and scrutiny committees including:

- i. the terms of reference and membership of those committees and any rules governing the exercise of their functions; and
- ii. any rules governing the conduct and proceedings of meetings of those committees whether specified in the authority's standing orders or otherwise'
- l. in the case of a local authority which is operating executive arrangements, a description of the roles of the executive, committees of the executive and members of the executive including:
  - i. the roles, functions, rights, responsibilities and duties of members of the executive;
  - ii. in the case of a local authority which is operating executive arrangements which include a leader and cabinet form of executive, any rules governing the election of the executive leader;
  - iii. any rules governing the appointment of members of the executive;
  - iv. any provisions in the local authority's executive arrangements with respect to the quorum, proceedings and location of meetings of the executive;
  - v. any provisions in the local authority's executive arrangements with respect to the quorum, proceedings and location of meetings of any committees of the executive;
  - vi. any provisions in the local authority's executive arrangements with respect to the appointment of committees of the executive; and
  - vii. in the case of a local authority which is operating executive arrangements which include a mayor and council manager form of executive, any roles of committees appointed by the elected mayor to advise the executive in accordance with paragraphs 3(14) and (15) of Schedule 1 to the Act,
- m. in the case of a local authority which is operating executive arrangements which include a mayor and council manager form of executive, a description of the roles, functions, rights, responsibilities and duties of the deputy mayor appointed in accordance with paragraph 3(3) of Schedule 1 to the Act;
- n. a description of the roles of any committees or sub-committees appointed by the authority in accordance with section 101 of the Local Government Act 1972 (c.70) including:
  - i. the membership, terms of reference and functions of such committees or sub-committees; and
  - ii. any rules governing the conduct and proceedings of meetings of those committees or sub-committees whether specified in the authority's standing orders or otherwise,
- o. a description of those powers of the council which for the time being are exercisable by an officer of the local authority stating the title of the officer by whom each of the powers so specified is for the time being exercisable, other than any power exercisable by the officer for a specified period not exceeding six months;
- p. a description of the roles of the local authority's Standards Committee and any parish council sub-committee of the Standards Committee appointed in accordance with sections 53 or 55 of the Act including:
  - i. the membership, terms of reference and functions of that committee or sub-committee; and
  - ii. any rules governing the conduct and proceedings of meetings of that committee or sub-committee whether specified in the authority's standing orders or otherwise;
- q. a description of the roles of any area committees appointed by the authority to exercise functions in accordance with regulations 16A of the Local Government (Committees and Political Groups) Regulations 1990 (SI 1990/1553) or, as the case may be, section 18 of the Act and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 (SI 2000/2851) including:
  - i. the membership, terms of reference and functions of such committees; and
  - ii. any rules governing the conduct and proceedings of meetings of those committees whether specified in the authority's standing orders or otherwise,
- r. a description of any joint arrangements made with any other local authorities under section 101(5) of the Local Government Act 1972 including:
  - i. the terms of those arrangements;
  - ii. the membership, terms of reference and functions of any joint committees established under those arrangements; and
  - iii. any rules governing the conduct and proceedings of meetings of those joint committees whether specified in the authority's standing orders or otherwise,
- s. a description of any arrangements made with another local authority for the discharge of functions by that other local authority or the executive of that other local authority in accordance with section 101(1)(b) of the Local Government Act 1972 or, as the case may be, Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000;
- t. a description of the roles of officers of the local authority including:
  - i. the management structure for officers of the authority;
  - ii. any arrangements made under section 101 of the Local Government Act 1972 or, as the case may be, section 14, 15 or 16 of the Act for the discharge of functions by officers of the authority;
  - iii. the roles and functions of the head of paid service, monitoring officer and chief finance officer;
  - iv. the code of conduct for local government employees issued by the Secretary of State in accordance with section 82 of the Act;



- v. any rules governing the recruitment, appointment, dismissal and disciplinary action for officers of the authority;
  - vi. any protocol established by the authority in respect of relationships between members of the authority and officers of the authority;
  - u. a description of the arrangements the authority has in place for access of the public, members of the authority and officers of the authority to meetings of the authority, committees and sub-committees of the authority, joint committees established with any other local authority, the executive and committees of the executive.
  - v. a description of the arrangements the authority has in place for access of the public, members of the authority and officers of the authority to information about the decisions made or to be made by in respect of local authority's functions and activities.
  - w. a register stating
    - i. the name and address of every member of the local authority executive for the time being and the ward or division (if any) which he represents; and
    - ii. the name of every member of each committee of the local authority's executive for the time being.
  - x. a description of the rules and procedures for the management of its financial, contractual and legal affairs including:
    - i. procedures for auditing of the local authority;
    - ii. the local authority's financial rules or regulations or such equivalent provisions as the local authority may have in place whether specified in the authority's standing orders or otherwise;
    - iii. rules, regulations and procedures in respect of contracts and procurement including authentication of documents whether specified in the authority's standing orders or otherwise; and
    - iv. rules and procedures in respect of legal proceedings brought by and against the local authority, and
  - y. a description of the register of interests of members and co-opted members of the authority required under section 81 of the Act, together with the procedures for publicising, maintaining and updating that register.
  - z. a description of the rules and procedures for review and revision of the authority's constitution and executive arrangements or, as the case may be, alternative arrangements.
4. This direction shall have effect from 19th December 2000.

Signed by authority of the Secretary of State  
for the Environment, Transport and the Regions

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE

19 April 2018

#### Report of the Chief Executive

#### Part 1- Public

#### Matters for Information

#### 1 SCRUTINY REVIEW PROGRAMME – UPDATE

To set out proposals for further reviews.

#### 1.1 The Review Programme

- 1.1.1 Following the review of the Council's Constitution, the programme for further reviews for the remainder of the calendar year is set out below. Some reviews will be preceded by a scoping report setting out the background to the review whilst others are to be reported direct to the Committee.

#### Review Programme

**24<sup>th</sup> May 2018** – Review of the Gibson Building; Public Conveniences (Scoping Report); Youth Engagement, Sports and Events Development (Scoping Report)

**21<sup>st</sup> June 2018** - Review of Youth Engagement, Sports and Events Development; Road Closures (Scoping Report)

**16<sup>th</sup> August 2018** – Review of Road Closures

**18<sup>th</sup> October 2018** – Review of Public Conveniences

**6<sup>th</sup> December 2018** – Customer Services Surgeries Review; Concessionary Users of Tonbridge Castle Review.

contact: Mark Raymond

Background papers:

Nil

Julie Beilby  
Chief Executive

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# Agenda Item 7

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 8

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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# Agenda Item 9

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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