

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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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: Democratic Services
committee.services@tmbc.gov.uk

29 April 2022

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 Council Chamber, Gibson Drive, Kings Hill on Thursday, 5th May, 2022 commencing at 7.30 pm

Members of the Committee are reminded that social distancing measures will be in place for this meeting. Other Members are required to participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

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PART 1 - PUBLIC

2. Apologies for absence

3. Notification of Substitute Members

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Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

5. Call In - Decision Notice D220046CAB - Review of Governance Arrangements 9 - 74

This Decision (attached at Annex 1) has been called in. In accordance with "Call In" Procedure, three members of the Overview and Scrutiny Committee have raised a valid "Call In" request in relation to this Decision.

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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.

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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 J L Sergison (Chairman)

Cllr Mrs A S Oakley (Vice-Chairman) and Cllr M O Davis (Vice-Chairman)

Cllr M C Base

Cllr C Brown

Cllr R I B Cannon

Cllr A Cope

Cllr R W Dalton

Cllr F A Hoskins

Cllr S A Hudson

Cllr Mrs F A Kemp

Cllr D W King

Cllr J R S Lark

Cllr H S Rogers

Cllr N G Stapleton

Cllr M Taylor

Cllr D Thornewell

Cllr F G Tombolis

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GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

Declarations of interest

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

05 May 2022

Report of the Scrutiny Officer

Part 1- Public

1 CALL IN – DECISION NOTICE D220046CAB – REVIEW OF GOVERNANCE ARRANGEMENTS

The above Decision (attached at Annex 1) has been called in. In accordance with “Call In” procedure, three members of the Overview and Scrutiny Committee have raised a valid “Call In” request in relation to this decision.

1.1 Background

1.1.1 On 27th April the Leader published Decision Notice D220046CAB relating to changes to executive arrangements. A Joint report of the Leader and the Director of Central Services and Deputy Chief Executive went to Council on 27 April 2022 (Annex 2) setting out those changes in detail. The recommendations at paragraph 1.7.1 (a) to (g) were “Noted” at the meeting, in addition Members approved the recommendation at paragraph 1.7.1 (h) of the report.

1.1.2 In accordance with paragraph 15 of the Overview and Scrutiny Procedure Rules, either three members of Overview and Scrutiny Committee or the Chair of Overview and Scrutiny Committee can request a Call In. In this case, Councillors Oakley, Thornewell and Hoskins, have made this request. The grounds of the call-in request (dated 28 April 2022) are set out below:-

- The members seeking call in do not agree that five members of Overview and Scrutiny Committee should be required to call in decisions;
- All members of the authority deserve an opportunity to discuss the significant changes at Overview and Scrutiny Committee and gain a greater understanding of them by doing so; and
- That members have a proper understanding of how it is proposed the new system will work, in particular how ordinary “back benchers” will fit into the system and how they can influence decision making.

1.1.3 Pending further consideration by the Overview and Scrutiny Committee at this meeting, the decision at Annex 1 stands deferred.

- 1.1.4 If, having considered the decision, the Overview and Scrutiny Committee wishes to make recommendations to the Leader, then it may refer it back to the Leader for reconsideration, setting out in writing the nature of those recommendations. If referred to the Leader he shall then reconsider it, amending the decision or not, before adopting a final decision.
- 1.1.5 It is important to note that as the decision under consideration relates exclusively to matters which fall within the powers of the executive, there is no lawful scope to refer any recommendations to Full Council.
- 1.1.6 If following a call-in of the decision, the Overview and Scrutiny Committee does not refer the matter back to the Leader, the decision shall take effect on the date of this Overview and Scrutiny meeting i.e. 5 May 2022.
- 1.1.7 In accordance with paragraph 15(h) of the Overview and Scrutiny Procedure Rules, the Leader can be required to reconsider any particular decision only once. No further call-ins are permitted of that particular decision.

1.2 Legal Implications

- 1.2.1 In compliance with Overview and Scrutiny Procedure rules, a meeting has convened within five working days of the initial "Call In" request.
- 1.2.2 The appropriate legal references relating to the Review of Governance Arrangements are set out in the initial Report to Council (Annex 2)

1.3 Financial and Value for Money Considerations

- 1.3.1 As set out in the Report to Council (Annex 2)

1.4 Risk Assessment

- 1.4.1 As set out in the Report to Council (Annex 2)

1.5 Equality Impact Assessment

- 1.5.1 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.

1.6 Recommendations

- 1.6.1 Members to **CONSIDER** the changes to executive arrangements set out in Decision Notice D220046CAB together with the Review of Governance Arrangements Report dated 27 April 2022 and the request for call-in, and;
- 1.6.2 Following further consideration, if Members remain concerned about any aspects of the decision **REFER** the decision back to the Leader of the Council for reconsideration.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

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TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: The Leader

Decision No:

D220046CAB

Date: 27 April 2022

Decision(s) and Reason(s)

Review of Governance Arrangements

As set out in detail in the report to Council dated 27 April 2022, the Leader resolved to make the following changes to the Council's adopted governance arrangements. References to annexes below are references to the numbered annexes to the report to Council:

- (a) changes to the Rules for making decisions by Executive Members as set out at **Annex 5**
- (b) changes to the Executive Procedure Rules at **Annex 6**
- (c) changes to Part 3 of the Constitution (Panels and Boards to advise the Executive) set out at **Annex 7**
- (d) the reduction of the financial threshold for Key Decisions from £250,000 to £100,000 as set out in **Annex 4**
- (e) the creation of 3 new Scrutiny Select Committees as set out at paragraph 1.3.6 of the report, each being programmed to meet on 5 occasions per municipal year and each containing 15 members
- (f) changes to the Overview and Scrutiny Procedure Rules set out at **Annex 3** and the terms of reference for the Scrutiny Select Committees at **Annex 8**

The arrangements set out above will come into effect on 10 May 2022.

Reasons: As set out in the report submitted to Council of 27 April 2022.

Signed Leader:

M Boughton

Signed Chief Executive:

J Beilby

Date of publication:

28 April 2022

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

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TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

27 April 2022

Joint Report of the Leader and the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters For Information / Decision

1 CHANGES TO GOVERNANCE ARRANGEMENTS

Summary

This report asks Members to (a) note revisions to the Council’s executive governance arrangements and (b) approve the creation of new Scrutiny Select Sub-Committees in light of the recommendations from the recent Peer Review by the Local Government Association (LGA) and the publication of the final recommendations of the Local Government Boundary Commission for England (LGBCE).

1.1 Introduction

Recommendations from the Peer Review

- 1.1.1 On 12 April 2022, the Feedback Report from the LGA Corporate Peer Challenge was reported to Cabinet.
- 1.1.2 Paragraph 4.3 of the Feedback Report considered governance and culture within the Council. The passages relevant to the governance structure are reproduced below: -

‘TMBC’s hybrid governance structure may have served the authority well historically, but it is resource intensive, and impedes the council’s ability to respond to the changing landscape as governance requires many decisions go through the advisory boards prior to being considered by cabinet, with sometimes up to five months wait between meetings. The peer team heard from a number of sources that there were “far too many boards, meetings and committees.” In addition, the peer team repeatedly heard that having three planning committees, is resource intensive with planners’ time being used to generate lots of reports and attend meetings, limiting their capacity to focus on the day job and manage applications. Not only is this out of sync with other councils, it makes it hard to keep good planning officers and impedes TMBC’s ability to accelerate its regeneration plans. The paperless reports have generally been welcomed by members.

The council's advisory boards also create a challenge around the scrutiny function which is devoid of having any real impact. The peer team observed that scrutiny is struggling to find a place and a role, and is disempowered by the advisory boards, evidenced by the lack of call ins over the last 20 years. There is no apparent scrutiny work programme where members can examine in greater depth a topic of interest or concern to the community bringing recommendations to the council and no pre-development work. As a result, scrutiny has become officer led who suggest what is discussed. Members do not see its value with very little debate or questions being asked. The peer team suggests increasing the status of scrutiny within the council and the role of the chair, to address this.

TMBC operates an inclusive structure and the new leader's collaborate cross party approach is welcomed across the groups. However, there is a concern that in the current structure, where everyone is involved in the decision making, it presents a risk of going to the lowest common denominator as that is the only option members can all agree on. Good governance is making effective and timely decisions that serve the local community's needs. Therefore, it is important to create a system where there's leadership and a clarity of roles, and those roles will be different across different members and officers. If TMBC is to move forward and make change at the pace required, it is recommended that the council reviews the current governance structure.

In reference to the boundary review and the 18 per cent proposed reduction in members, there is a real risk that the current advisory board system will become unsustainable with a source commenting that "lower numbers won't sustain the current format". There is an opportunity to reset before the next election and enable that administration to make a strong stride forward in the new direction it wants to take.

The peer team observed that TMBC has had fewer cabinet meetings than expected in the last 12 months. The expectation would usually be once a month. In not meeting regularly, cabinet is missing opportunities to demonstrate its leadership, to set the tone for the organisation and articulate its ambitions for TMBC. It would also be an opportunity to celebrate the council's achievements and promote any good work that is being done.

- 1.1.3 Recommendation 10 of the report therefore advised that the Council should review its current governance structure –

'Review the council's governance arrangements, with particular attention to area planning committees and the impact of advisory boards on decision making and the role of overview and scrutiny'

Recommendations of the Local Government Boundary Commission for England (LGBCE)

- 1.1.4 The recommendations from the LGBCE do not directly relate to the executive governance arrangements for the Borough Council. However, in light of the

recommendation from the LGBCE to reduce the number of councillors from 54 to 44 with effect from the 2023 local elections, it is appropriate to consider whether the existing governance arrangements will remain fit for purpose in the post 2023 landscape. Indeed, the necessity to review the Advisory Board system in light of the proposed reduction in councillor numbers was highlighted by the Peer Review team in their report submitted to Cabinet on 12 April 2022 (see 1.1.2 above).

1.1.5 This report brings forward proposals for reform of the council's governance arrangements, with specific reference to the role of (a) the overview and scrutiny committee and (b) Executive Members within the existing executive governance model. The role of Area Planning Committees will be dealt with in a separate report that will come to a future meeting of Council.

1.1.6 This report does not seek to review the operation of non-executive committees of the Borough Council i.e., Audit Committee/ General Purposes Committee/ Joint Standards Committee/ Joint Transportation Board.

1.2 Existing governance arrangements at Tonbridge & Malling Borough Council

1.2.1 The existing models of governance open to local authorities are prescribed in the Local Government Act 2000 (as amended by the Localism Act 2011). These are: -

- Executive arrangements (see 1.2.2 below).
- A committee system.
- Prescribed arrangements, as made by the Secretary of State in regulations.

1.2.2 An executive may be either

A leader and cabinet executive - a councillor of the authority (executive leader) elected as leader of the executive by a local authority (full council) and two or more councillors of the authority appointed by the executive leader; or

Mayor and cabinet executive - an elected mayor of the authority and two or more councillors of a local authority appointed by the elected mayor.

1.2.3 All local authority functions not specified in regulations made by the Secretary of State will be the responsibility of the executive, rather than the full council, where a local authority operates under executive arrangements. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out the division of responsibility between the executive and full council for certain functions of a local authority.

1.2.4 Where a local authority operates under executive arrangements then it must also have at least one Overview and Scrutiny Committee, which will be responsible for overseeing and scrutinising the local authority's decisions, for example, scrutinising the financial arrangements and performance of the local authority including its budget and accounting processes. Members of the executive cannot

be members of a scrutiny committee. An Overview and Scrutiny Committee may be split into several select committees dealing with the scrutiny of different areas such as planning and housing etc.

1.2.5 The Local Government Act 2000 (as amended) specifies how executive functions may be discharged. It allows for the elected mayor or leader to determine how functions which are the responsibility of the executive should be carried out. In the case of a leader and cabinet executive, the Leader —

(a) may discharge any executive functions, or

(b) may arrange for the discharge of any executive functions—

(i) by the executive,

(ii) by another member of the executive,

(iii) by a committee of the executive,

(iv) by an area committee, or

(v) by an officer of the authority.

1.2.6 Since 2002 the Borough Council has operated under executive arrangements, with a leader and cabinet executive being the chosen form of such arrangements.

1.2.7 Given the wide discretion afforded to the Leader (as set out above), there is no prescribed way in which a leader and cabinet executive should perform its day-to-day functions and practice does vary from authority to authority. Typically, executive arrangements fall within one of the broad categories below: -

- Individual decision-making powers mainly reserved to executive leader.
- Individual decision-making powers available to all executive members.
- Decision-making reserved to whole executive.

1.2.8 Within Kent those authorities with executive arrangements generally fall within the latter 2 categories above, with the majority opting to provide for individual decision making by all executive members.

1.2.9 At Tonbridge & Malling Borough Council the existing arrangements within the Constitution may be summarised as follows: -

- The executive is comprised of 7 Councillors (Leader plus 6).
- Meetings of the executive (Cabinet) are ordinarily held on 8 occasions per municipal year. The Constitution provides that Cabinet shall meet on 'at

least' 5 occasions per year but in practice the frequency of meetings has been higher.

- Cabinet is supported by 5 Advisory Boards e.g., Communities & Housing Advisory Board and 2 Advisory Panels (Parish Partnership Panel/ Tonbridge Community Forum). These do not align directly with the Cabinet Portfolios and Cabinet Members are not appointed to the Boards.
- Individual members of the executive can take non-key decisions* within their portfolios, but all such decisions are subject to specific conditions as set out in paragraph 4 of the Rules for making of decisions by executive members, as reproduced in italics below: -

A decision made by an Executive Member shall not have effect unless

- (a) there has been a written report circulated to all Members prior to the meeting of an Advisory Board or an Area Planning Committee from the appropriate Chief Officer(s) stating that the decision is in conformity with the Council's budget and policy framework and that any reports are not substantially altered by supplementary reports circulated at the meeting.*
- (b) the report has been considered by an Advisory Board or an Area Planning Committee, which has recommended that the decision be made.*
- (c) the decision has been recorded in writing in the manner specified by the Monitoring Officer; and*
- (d) the decision has been counter-signed by the Leader of the Council and the Chief Executive (save for a decision made by the Leader of the Council, which shall be counter-signed only by the Chief Executive).*

Key Decisions

Key decisions of the Council are defined in Article 8 of the Constitution. These are decisions which are likely either

- to result in the Council incurring expenditure which is, or the making of savings which are, significant (i.e., in excess of £250,000) having regard to the local authority's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Borough.

Key Decisions may not be taken by individual executive members but must instead be referred to a meeting of Cabinet for a decision. **Members are asked to note that the threshold of £250,000 is a locally set figure.**

Whilst there is currently no statutory guidance in this regard, previous guidance issued under S38 of the Local Government Act 2000 makes clear that the local authority should agree as a full council, limits above which items are significant and publish these limits, which the Borough Council has done via its Constitution. A local authority can set different thresholds for different services or functions, bearing in mind the overall budget for those services and functions and the likely impact on communities of each service or function.

- If a Cabinet Member does not agree with a recommendation from an Advisory Board, then their only course of action is to refer the matter to Cabinet for a collective decision.
- The Council has a single Overview and Scrutiny Committee, scheduled to meet 5 times per municipal year.
- Certain non-key executive decisions are delegated to officers (Part 3 of the Constitution).
- Decisions of the executive (whether taken at meetings of Cabinet/ by individual executive members or by officers under delegated powers) may be called-in for scrutiny by the Overview & Scrutiny Committee.

1.2.10 The existing Executive Procedure Rules, together with the Rules for making of decisions by executive members are attached as **Annexes 1 & 2**, respectively.

1.2.11 The 'hybrid governance structure' referred to by the LGA Peer Review Team (see para 1.1 earlier) arises from the local constitutional requirement that any decision taken by the Cabinet Member must be the subject of a prior recommendation from the relevant Advisory Board. In other words, a Cabinet Member cannot exercise any delegated decision-making power unless and until the specific decision has been considered and approved by an Advisory Board. It is this aspect of the Borough Council's arrangements that creates a hybrid structure, with the Advisory Boards effectively exercising a 'pre-scrutiny' function prior to any decisions being taken by a Cabinet Member (or by Cabinet if the Cabinet Member disagrees with the recommendation).

1.3 Proposals for change

1.3.1 The Leader welcomes the report of the LGA Peer Review team, which contains thoughtful and constructive reflections and recommendations. Underpinning these recommendations are several identified issues with the existing arrangements, which are summarised below: -

- The operation of the Advisory Board system disempowers the Overview and Scrutiny Committee, leaving the Committee with no clear sense of purpose and direction.

- Cabinet Members are not able to exercise any independent decision-making powers, with any decisions taken by them little more than a ‘rubber-stamping’ of an Advisory Board recommendation. This impedes Cabinet Members from making timely and effective decisions within their respective portfolios and from transforming key services within the Council.

1.3.2 To address these issues, the Leader has undertaken a review of our executive governance arrangements with the following principal aims and objectives: -

- To increase the scope, role, and responsibility of the Overview & Scrutiny Committee so that it can effectively discharge its functions
- To ensure that Cabinet members are empowered to take decisions within their portfolios
- To ensure that Cabinet meetings are held at an appropriate frequency

1.3.3 The Leader’s intended actions in response to the report of the Peer Review team/ the LGBCE’s recommendations are set out below.

Role of Overview and Scrutiny Committee

1.3.4 Para 11(b) of the Statutory guidance on overview and scrutiny in local and combined authorities issued by the Ministry of Housing, Communities & Local Government in May 2019 advises that authorities can establish a strong organisational culture by taking steps to ensure ‘*scrutiny has a clear role and focus within the organisation i.e., a niche within which it can clearly demonstrate it adds value*’.

1.3.5 The observations of the Peer Review team in 1.1.2 above indicate that the Council needs to address the role and focus of our existing scrutiny arrangements. In particular, the operation of the Council’s Advisory Board system has been identified as a central issue with our existing executive arrangements, creating a tension with the effectiveness of the scrutiny function and disempowering Cabinet Members from leading within their respective portfolios

1.3.6 To address the recommendations of the Peer Review team, it is proposed by the Leader that the Council establishes 3 new scrutiny select committees, as follows

Housing & Planning Scrutiny Select Committee

Finance, Regeneration & Property Scrutiny Select Committee

Communities and Environment Scrutiny Select Committee

1.3.7 It is proposed that the above new scrutiny select committees will replace the existing Advisory Boards and will each meet 5 times per municipal year. Each scrutiny select committee will contain 15 Members. The existing Overview and Scrutiny Committee will remain with 18 Members. Members are asked to note that

Executive Members will not be permitted to serve as members of the Overview and Scrutiny Committee nor any of the Select Committees.

- 1.3.8 It is further proposed that the position of Chair of the Overview and Scrutiny Committee would be offered to the Leader of the largest minority group within the Council. If there were 2 (or more) minority groups with equal number of Members, then it is proposed that the Leaders of these groups would alternate on an annual basis as Chair of the Overview and Scrutiny Committee. This will assist in maintaining the independence of the Scrutiny function.
- 1.3.9 Proposed revisions to the Overview and Scrutiny Procedure Rules to bring the above into effect are attached as **Annex 3**. Terms of reference for the new Scrutiny Select Committees are attached as **Annex 8**.
- 1.3.10 To ensure that there is a constructive relationship between the executive and the Overview and Scrutiny Committee it is also proposed to introduce in due course an Executive-Scrutiny Protocol. In accordance with the 2019 statutory guidance on overview and scrutiny this will be the subject of initial dialogue between the Leader and the Chair of the Overview and Scrutiny Committee before coming to Members for approval.

Call-in of executive decisions

- 1.3.11 The existing provisions relating to call-in of executive decisions are set out in Rule 15 of the Overview and Scrutiny Procedure Rules. An executive decision may be called in within 5 working days of publication of the decision if a request is made to the Chief Executive by the Chair of the Overview and Scrutiny Committee or any 3 members of the Overview and Scrutiny Committee.
- 1.3.12 It is proposed by the Leader to amend the existing provisions so that at least 5 members of the Overview and Scrutiny Committee are required to trigger a valid request for call-in. All call-ins will be referred to the Overview and Scrutiny Committee for consideration.

Role of Cabinet Members

- 1.3.13 The inability of Cabinet Members to take decisions within their portfolios without a prior recommendation from an Advisory Board effectively leaves them disempowered and impedes their ability to effectively lead the key services for which they are responsible.
- 1.3.14 It is proposed by the Leader that Cabinet Members should be able to take decisions within their respective portfolios except for: -
- Key Decisions
 - Decisions which are outside the Budget and Policy Framework i.e., are recommended to Council for approval
 - Decisions which cut across 2 or more portfolios

- Proposals for new or amended policies or strategies

Individual Cabinet Members can ask for a decision to be referred to the full Cabinet e.g., if potentially controversial.

- 1.3.15 In respect of Key Decisions, it is proposed that the current financial threshold of £250,000 is reduced to £100,000. Any key decisions which are likely to result in the Council incurring expenditure which is, or the making of savings which are, more than £100,000 will therefore need to be taken by Cabinet. This will require a consequential change to Article 8 of the Constitution, shown at **Annex 4**.
- 1.3.16 It is further proposed that the Executive Procedure Rules are amended so that Cabinet will be scheduled to meet at least 8 times per municipal year.
- 1.3.17 Revised rules for making decisions by Executive Members and to the Executive Procedure Rules are attached as **Annexes 5 & 6**. Members are asked to note that the changes to these rules may be authorised by the Leader alone.
- 1.3.18 The abolition of the Advisory Boards will require consequential changes to Part 3 of the Constitution. Revisions to Part 3 (Panels and Boards to advise the Executive) are attached as **Annex 7**.

1.4 Legal Implications

- 1.4.1 The appropriate legal references are set out within the body of the report.
- 1.4.2 Section 9E of the Local Government Act 2000 sets out how executive functions are to be discharged. The Executive Leader (referred to as the ‘Senior Executive Member’) has responsibility for the discharge of all executive functions and under Section(2)(e) may delegate any or all of these functions to:
- (i) the Executive as a whole.
 - (ii) a committee of the Executive.
 - (iii) an individual member of the Executive.
 - (iv) an officer.
 - (v) an area committee.
 - (vi) joint arrangements or
 - (vii) another local authority.
- 1.4.3 Whether the Leader has power to discharge a function under section 9E(2)(a) depends on whether it is a function which, under executive arrangements, is the responsibility of the executive. The default position under Section 9D of the 2000

Act is that if a function is not specified in regulations made by the Secretary of State under subsection (3) of that section then (subject to other legislative provision), it is to be the responsibility of an executive under executive arrangements. The regulations made by the Secretary of State under subsection (3) are the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the Regulations”).

- 1.4.4 None of the functions that the Leader seeks to exercise in this report are specified in the Regulations. Nor are we aware of any provision in the Local Government Act 2000 or any other enactment providing that they may not be exercised by the executive. That means, by virtue of section 9D(2) of the 2000 Act that they are each functions which are “to be the responsibility of [the] executive [...] under executive arrangements” and are each functions which the Leader has the power to discharge himself.
- 1.4.5 Members are asked to note that the changes proposed by the Leader are, in so far as he seeks to make the changes himself without the approval of Council, inconsistent with Article 4.02(a) of the Constitution. This states that only the Council (i.e., Full Council) will exercise the function of changing the Constitution (except where the Monitoring Officer exercises delegated authority to do so). On the face of the Constitution therefore, most (at least) of the changes proposed cannot be made by the Leader alone. However, this provision must be read together with Article 1.05 of the Constitution, which provides that in the event of any conflict between the provisions of the Constitution and the statutory position the latter will prevail. The extent of the Leader’s statutory powers cannot therefore be restricted by the Constitution. Consequential changes to the Constitution will be required to address this inconsistency.
- 1.4.6 A local authority which operates executive arrangements may vary those arrangements so that they—
- (a) differ from the existing arrangements in any respect, but
 - (b) still provide for the same form of executive.
- (Section 9KB Local Government Act 2000).*
- 1.4.7 Statutory guidance on overview and scrutiny in local and combined authorities was issued by the Ministry of Housing, Communities & Local Government in May 2019 - [Overview and scrutiny: statutory guidance for councils and combined authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/804222/Overview_and_scrutiny_statutory_guidance_for_councils_and_combined_authorities_-_GOV.UK_(www.gov.uk).pdf)

1.5 Financial and Value for Money Considerations

- 1.5.1 The creation of 3 new Scrutiny Select Committees and abolition of the existing Advisory Boards will have an impact upon the total allowances paid to Members.

The special responsibility allowance paid to each of the 5 Chairs of the Advisory Boards (currently £1656 pa) will cease to be paid. No special responsibility allowance is currently paid to Vice-Chairs of the Advisory Boards. Special responsibility allowances are currently payable to the Chair (currently £2589 pa) and Vice-Chairs (currently £648 pa) of the Overview & Scrutiny Committee. The proposed creation of 3 new Select Committees will need to be considered by the Independent Remuneration Panel in due course.

- 1.5.2 The changes set out in this report will reduce the number of Council meetings (8 fewer scheduled meetings overall per municipal year), which will have a positive impact upon the costs associated with delivery of the democratic function e.g., costs of producing agendas/ utility costs associated with meetings.

1.6 Risk Assessment

- 1.6.1 The Peer Review report identifies the risks associated with continuing with the existing governance arrangements. The risks of taking no action in advance of the changes recommended by the Boundary Commission are explicitly considered by the Peer Review Team, who commented as follows

In reference to the boundary review and the 18 per cent proposed reduction in members, there is a real risk that the current advisory board system will become unsustainable with a source commenting that "lower numbers won't sustain the current format".

1.6.2 Equality Impact Assessment

- 1.6.3 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.

1.7 Recommendations

1.7.1 **RECOMMENDED** that Members

- (a) **NOTE** the changes to the Rules for making decisions by Executive Members set out at **Annex 5**.
- (b) **NOTE** the changes to the Executive Procedure Rules at **Annex 6**.
- (c) **NOTE** the changes to Part 3 of the Constitution (Panels and Boards to advise the Executive) set out at **Annex 7**.
- (d) **NOTE** the reduction of the financial threshold for Key Decisions from £250,000 to £100,000 as set out in **Annex 4**.
- (e) **NOTE** the creation of 3 new Scrutiny Select Committees as set out at paragraph 1.3.6 of the report, each being programmed to meet on 5 occasions per municipal year and each containing 15 members.

- (f) **NOTE** the changes to the Overview & Scrutiny Procedure Rules set out at **Annex 3** and the terms of reference for the Scrutiny Select Committees at **Annex 8**.
- (g) **NOTE** that the arrangements in paragraphs (a) to (f) will come into effect on 10th May 2022.
- (h) **AUTHORISE** the Monitoring Officer to make any consequential amendments to the Council's constitution to reflect the changes set out in this report and to ensure that it is consistent with the current legislative position.

Background papers:

contact:

Nil

Matt Boughton
Leader

Adrian Stanfield
Director of Central Services and Deputy Chief Executive

EXECUTIVE PROCEDURE RULES

1.	How Does the Executive Operate?
1.1	Who may make executive decisions
<p>The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:</p>	
(a)	The executive as a whole;
(b)	A committee of the executive;
(c)	An individual member of the executive;
(d)	An officer;
(e)	An area committee;
(f)	Joint arrangements; or
(g)	Another local authority.
1.2	Delegation of Functions
<p>At the annual meeting of the Council, the leader will present to the Council for adoption a written statement of recommended delegations for inclusion in the Council's scheme of delegation in Part 3 of this Constitution. The document presented by the Leader will contain the following recommendations about executive functions in relation to the coming year:</p>	
(a)	the extent of any authority to be delegated to executive members individually, including details of the limitation on their authority;
(b)	the terms of reference and constitution of such executive committees as the leader recommends be appointed and the names of executive members to be appointed to them;
(c)	the nature and extent of any intended delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those executive members to be appointed to any joint committee for the coming year; and

(d)	the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.
1.3	Sub-delegation of Executive Functions
(a)	Where the executive, a committee of the executive or an individual member of the executive is responsible for executive functions, they may delegate further to an area committee, joint arrangements or an officer
(b)	Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated
1.4	The Council's Scheme of Delegation of Executive Functions
<p>Article 7 and Part 3 of this Constitution set out the delegation arrangements currently in force in the authority. These will be subject to adoption by the Council and may only be amended by the Council other than in relation to the nature and extent of, and limitation on delegation to officers which may be amended by the Leader at any time. The Leader must give written notice of such officer delegation amendments to the Chief Executive who will present a report to the next meeting of the Council setting out the changes made by the Leader.</p>	
1.5	Conflicts of Interest
Unless a dispensation to vote has been given:	
(a)	Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
(b)	If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
(c)	If the exercise of an executive function has been delegated to a committee of the executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6	When and where Executive meeting will be held
The executive will be scheduled to meet at least five times per year at times to be agreed by the Council. The executive shall meet at the Council's main offices or any other location to be determined by the Chief Executive in consultation with the Leader.	
1.7	Public Access to meetings of the Executive
All meetings of the executive will be open to the public, unless the item under discussion is considered exempt or confidential – see the Access to Information Procedure Rules in this part of the Constitution for further information.	
1.8	Quorum
The quorum of a meeting of the executive, or a committee of it, shall be three members of the executive.	
1.9	How are Decisions to be taken by the Executive?
(a)	Executive decisions which have been delegated to the executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
(b)	Where executive decisions are delegated to a committee of the executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.
(c)	Key decisions (as defined in Article 8.03 in Part 2 of the Constitution) may only be made where the provisions of paragraphs 13-16 of the Access to Information Procedure Rules have been complied with.
2.	How are Executive Meetings Conducted
2.1	Who presides?
If the Leader is present they will preside. In their absence, then a person appointed to do so by those present shall preside.	
2.2	Who may attend?
Any member of the Council may attend any executive meeting. Members of the public may attend any executive meeting, except when confidential or exempt information is being discussed. Save as expressly permitted by rules 5.21 to 5.24 of the Council and Committee Procedure Rules (Petitions) public speaking shall not be permitted at meetings of the Executive and/or any committee of the Executive.	

Members of the Council who are not members of the executive may attend meetings of the executive and any committee of the executive. With the agreement of the Leader any such member may address the executive on any item on the agenda, but may not vote.

Notwithstanding the above, Members of the Council who are not members of the executive may attend a meeting of the executive to which a Petition has been referred in accordance with the Council and Committee Procedure Rules. Members shall be entitled to address the meeting on the matters raised in the Petition provided that no speech may exceed five minutes without the consent of the Chairman.

The Chief Executive, the Chief Finance Officer and the Monitoring Officer and their nominees are entitled to attend any meeting of the executive or a committee of the executive.

2.3	What business
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At each meeting of the executive the following business will be conducted:

- | | |
|-----|---|
| (a) | Consideration of the minutes of the last meeting; |
| (b) | Declarations of interest, if any; |
| (c) | Matters referred to the executive (whether by the Overview and Scrutiny committee or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution; |
| (d) | Issues arising from Overview and Scrutiny; |
| (e) | Receipt of written representations from Members of the Council; and |
| (f) | Matters set out in the agenda for the meeting, and which shall indicate which key decisions are and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution. |

2.4	Consultation
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All reports to the executive from any members of the executive or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation carried out with stakeholders and the Overview and Scrutiny Committee and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5	Who can put items on the Executive agenda?
(a)	Any member of the executive may require the Chief Executive to ensure that an item is placed on the agenda of the next available meeting of the executive for consideration whether or not authority has been delegated to the executive, a committee of the executive, any individual member of the executive, or officer in respect of that matter.
(b)	The Chief Executive will ensure that an item is placed on the agenda of the next appropriate meeting of the executive where the Overview and Scrutiny committee or the Full Council have resolved that an item be considered by the executive.
(c)	The Chief Executive may include an item for consideration on the agenda of an executive meeting in pursuance of their statutory duties or where they are of the opinion that an executive decision is required on any matter.
If the volume of business for any one meeting appears excessive, the Leader, in consultation with the Chief Executive, may defer consideration to the next appropriate meeting except that items placed on the agenda by the Council may not be deferred if the Council requires them to be considered at that meeting.	

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RULES FOR THE MAKING OF DECISIONS BY EXECUTIVE MEMBERS

1.	Subject to the following rules, an Executive Member may make a decision in respect of any matter falling within their portfolio, except a Key Decision.								
2.	The powers of an Executive Member shall be exercised by them personally save where they are unable to act owing to absence or illness, when they may be exercised on their behalf by another Executive Member who has been nominated for the purpose by the Leader and the Chief Executive has been given written notice of such nomination.								
3.	If a matter which the Executive Member would normally deal with under this delegated authority is in their opinion likely to give rise to unusual difficulty or controversy, they shall refer it for determination by the Cabinet.								
4.	A decision made by an Executive Member shall not have effect unless: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; vertical-align: top;">(a)</td> <td>there has been a written report circulated to all Members prior to the meeting of an Advisory Board or an Area Planning Committee from the appropriate Chief Officer(s) stating that the decision is in conformity with the Council's budget and policy framework and that any reports are not substantially altered by supplementary reports circulated at the meeting;</td> </tr> <tr> <td style="text-align: center; vertical-align: top;">(b)</td> <td>the report has been considered by an Advisory Board or an Area Planning Committee, which has recommended that the decision be made;</td> </tr> <tr> <td style="text-align: center; vertical-align: top;">(c)</td> <td>the decision has been recorded in writing in the manner specified by the Monitoring Officer; and</td> </tr> <tr> <td style="text-align: center; vertical-align: top;">(d)</td> <td>the decision has been counter-signed by the Leader of the Council and the Chief Executive (save for a decision made by the Leader of the Council, which shall be counter-signed only by the Chief Executive).</td> </tr> </table>	(a)	there has been a written report circulated to all Members prior to the meeting of an Advisory Board or an Area Planning Committee from the appropriate Chief Officer(s) stating that the decision is in conformity with the Council's budget and policy framework and that any reports are not substantially altered by supplementary reports circulated at the meeting;	(b)	the report has been considered by an Advisory Board or an Area Planning Committee, which has recommended that the decision be made;	(c)	the decision has been recorded in writing in the manner specified by the Monitoring Officer; and	(d)	the decision has been counter-signed by the Leader of the Council and the Chief Executive (save for a decision made by the Leader of the Council, which shall be counter-signed only by the Chief Executive).
(a)	there has been a written report circulated to all Members prior to the meeting of an Advisory Board or an Area Planning Committee from the appropriate Chief Officer(s) stating that the decision is in conformity with the Council's budget and policy framework and that any reports are not substantially altered by supplementary reports circulated at the meeting;								
(b)	the report has been considered by an Advisory Board or an Area Planning Committee, which has recommended that the decision be made;								
(c)	the decision has been recorded in writing in the manner specified by the Monitoring Officer; and								
(d)	the decision has been counter-signed by the Leader of the Council and the Chief Executive (save for a decision made by the Leader of the Council, which shall be counter-signed only by the Chief Executive).								
5.	A decision by an Executive Member shall be published in accordance with Rule 15 of the Overview and Scrutiny Procedure Rules and may be called-in in accordance with those Rules. A decision which has been called-in and considered by the Overview and Scrutiny Committee shall, if the Committee is still concerned about it, be referred to the Cabinet for consideration, and the Cabinet shall consider the Overview and Scrutiny Committee's report before making a final decision.								

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OVERVIEW AND SCRUTINY PROCEDURE RULES

1.	Arrangements for Overview and Scrutiny Committee
<p>The Council will have an Overview and Scrutiny Committee and three Scrutiny Select Committees (which are not sub-committees of the Overview and Scrutiny Committee) as follows:</p> <ul style="list-style-type: none"> - Housing & Planning Scrutiny Select Committee - Finance, Regeneration and Property Scrutiny Select Committee - Communities and Environment Scrutiny Select Committee <p>as set out in Part 3: Responsibility for Council Functions and will appoint to them as it considers appropriate from time to time.</p> <p>The Council has appointed a Scrutiny Officer whose functions are:</p> <ul style="list-style-type: none"> - To promote the role of the Council's scrutiny committees; - To provide support and training to the Council's scrutiny committees and the members of those committees; and - To provide support and any guidance to members of the Council, members of the Executive and Council officers in relation to the functions of the Overview and Scrutiny and Scrutiny Select Committees <p>The Overview and Scrutiny Committee may appoint sub committees which will also be subject to these Procedure Rules. Additional Overview and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.</p> <p>Overview and Scrutiny Committee and the Select Committees will have the power to investigate any matters they consider relevant to their work area, and to make recommendations to the Council, the executive or any committee or sub- committee of the Council as they see fit.</p> <p>The terms of reference of the Overview and Scrutiny Committee will be:</p>	
(a)	the performance of all overview and scrutiny functions on behalf of the Council in relation to the areas of work allocated to that committee;
(b)	the appointment of such further Select Committees) as is considered appropriate to fulfil those overview and scrutiny functions;
(c)	to approve an annual work programme, including the programme of the Scrutiny Select Committees and any further sub-committees appointed so as to ensure that time is effectively and efficiently utilised;
(d)	to receive requests from the executive and/or full Council for overview and scrutiny reports and to respond accordingly;

(e)	to put in place a system to ensure that referrals from overview and scrutiny to the executive, either by way of report or for re-consideration are managed efficiently; and
(f)	in the event of the volume of referrals creating difficulty for the management of executive business or jeopardising the efficient running of Council business, at the request of the Executive, to make decisions about the priority of referrals made
<p>On adoption of this Constitution, Overview and Scrutiny Committee may appoint (and discontinue) sub-committees and amend their terms of reference, as appropriate, provided that consultation has been carried out with interested parties. Any changes will be reported to the Chief Executive and then to the next meeting of the Council by the Chair of the Overview and Scrutiny Committee, so that the Constitution may be amended accordingly.</p>	

2.	Who may sit on Overview and Scrutiny Committee and the Scrutiny Select Committees?
All councillors except members of the Executive may be members of the Overview and Scrutiny Committee or Scrutiny Select Committees, the political composition of which will reflect as nearly as possible the political composition of the Council as a whole. No councillor may be involved in scrutinising a decision in which they have been directly involved.	
3.	Co-optees
The Overview and Scrutiny Committee and Scrutiny Select Committees and any sub-committees shall be entitled to recommend to Council the appointment to it of people as non-voting co-optees.	
3.1	Scheme of Co-option
(a)	At the initial 'scoping stage of each Scrutiny Review being undertaken Members of the Committee will agree if: <ul style="list-style-type: none"> - any co-option of external participants is necessary for that review; and - any co-option is needed, who might be most appropriate individual or organisation to invite to assist with that review.
(b)	There should be a maximum of 3 external co-optees for any one review taking place.
(c)	Any co-optees assisting the review are able to give their views on the matter under consideration but have no formal voting rights.
(d)	Any co-optees assisting the review would, where appropriate, be invited to review a final draft prior to its formal consideration by the Overview and Scrutiny Committee.
4.	Meetings of Overview and Scrutiny Committee and Scrutiny Select Committees
There shall be 5 scheduled meetings of the Overview and Scrutiny Committee and each of the Scrutiny Select Committees in each municipal year at times to be agreed by the Council. In addition, extraordinary meetings may be called as and when appropriate. The Overview and Scrutiny Committee or Scrutiny Select Committee meeting may be called by:	
(a)	the Chair of the relevant committee;
(b)	any three members of the relevant committee;
(c)	the Full Council; or

(d)	the Chief Executive if they consider it necessary.
5.	Quorum
The quorum for the Overview and Scrutiny Committee and the Scrutiny Select Committees shall be as set out for committees in paragraph 14.10 of the Committee Procedure Rules in Part 4 of this Constitution.	
6.	Chairing Overview and Scrutiny Committee meetings
<p>The Chair of Overview and Scrutiny Committee shall be the Leader of the largest minority (opposition) party. In the event of there being two (or more) minority parties of equal size, the position of Chair shall be rotated on an annual basis between the Leaders of each minority party.</p> <p>The Overview and Scrutiny Committee will appoint 2 Vice- Chairs. One Vice-Chair will be a member of a party which is not the political party of the Chair. At least one of the Vice-Chairs will be a member of the party forming the executive.</p>	
7.	Work Programme
The Overview and Scrutiny Committee will be responsible for setting their own work programme and the work programme of the Scrutiny Select Committees and in doing so they will take into account the views of members on the committee who are not members of the controlling political group(s) on the Council.	
8.	Agenda items
<p>Any member of the Overview and Scrutiny Committee, Scrutiny Select Committee or sub-committee shall be entitled to give notice to the Chief Executive and Scrutiny Officer that they wish an item relevant to the functions of the relevant committee or sub-committee of which they are a member to be included on the agenda for the next available meeting of that committee or sub-committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.</p> <p>Any member of the Council may make a request to the Chief Executive or Scrutiny Officer that they wish an item relevant to the functions of the Overview and Scrutiny Committee or the Scrutiny Select Committees to be included on the agenda of the relevant committee. The request will be considered by the next available meeting of the Overview and Scrutiny Committee to determine whether it will accept the item.</p> <p>In exercising its discretion, the Overview and Scrutiny Committee may have regard to any representations made by the member as to why it would be appropriate for the committee to accept the item.</p>	

If the Overview and Scrutiny Committee decides not to accept the item it must notify the member of its decision and the reasons for it.

The Overview and Scrutiny Committee may not accept items which relate to:

- Any matter relating to a planning decision;
- Any matter relating to a licensing decision;
- Any matter relating to a person in respect of which that person has recourse to a route of appeal; or
- Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda

The Overview and Scrutiny Committee and Scrutiny Select Committees shall also respond, as soon as their work programmes permit, to requests from the Council and, if considered appropriate, the Executive to review particular areas of the executive's functions. Where they do so, the relevant Committee shall report its findings and any recommendations back to the Executive and/or Council.

9.	Policy Review and Development
(a)	The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

(b)	In relation to the development of the Council’s approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee or Scrutiny Select Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
(c)	<p>The Overview and Scrutiny Committee and Scrutiny Select Committees may:</p> <ul style="list-style-type: none"> - hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process; - go on site visits, conduct public surveys, hold public meetings, carry out or commission research and do all other things that they reasonably consider necessary to inform their deliberations; - Consider and implement mechanisms to encourage and enhance community participation in the development of policy options; - ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. - Question members of the Executive and/or members of committees or Management Team about their views on issues and proposals affecting the area
A9	Other Powers and Duties
	<p>Overview and Scrutiny and the Select Committees may:</p> <ul style="list-style-type: none"> - Review and scrutinise the decisions made by and the performance of the Executive; - Undertake more general reviews of executive decisions made by committees and officers; - Review and scrutinise the performance of the Council generally in relation to its policy objectives, performance targets and/or particular service areas; - Make recommendations to the Executive, appropriate committees and/or the Council arising from the outcome of the scrutiny process;
10.	Reports from Overview and Scrutiny Committees and Scrutiny Select Committees (“Scrutiny Reports”)
(a)	Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee or Scrutiny Select Committee will prepare a formal report and submit it to the Chief Executive and the Scrutiny Officer for consideration by the executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy

	framework).
(b)	If the relevant Committee cannot agree on one single final report to the Council or Executive as appropriate, then one minority report may also be prepared and submitted for consideration by the Council or Executive alongside the majority report.
(c)	The Scrutiny Report shall be considered by the Council or by the Executive at its next appropriate meeting following submission to the Chief Executive and Scrutiny Officer, or such longer time scale as the Chair of the Overview and Scrutiny Committee may agree.
11.	Making sure that Overview and Scrutiny reports are considered by the Executive
Scrutiny Reports of Committees which have not already been considered by the Executive shall be included in the next programmed executive agenda.	
If the Chief Executive refers a Scrutiny Report to Council, they shall also serve a copy on the Leader with notice that the matter is to be referred to Council. When the Council meets to consider any referral from the Overview and Scrutiny Committee or Scrutiny Select Committee on a matter which would have an impact on the Budget and Policy framework, it shall also consider the response of the Executive to the Committee's proposals.	
Overview and Scrutiny Committee and the Scrutiny Select Committees will have access to the Executive's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny/ Scrutiny Select Committee following a consideration of possible policy/service developments, the relevant committee will at least be able to respond in the course of the executive's consultation process in relation to any key decision.	
12.	Rights of Overview and Scrutiny Committee Members to documents
(a)	In addition to their rights as councillors, members of Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
(b)	Nothing in this paragraph prevents more detailed liaison between the executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.
13.	Members and Officers giving Account
(a)	The Overview and Scrutiny Committee, sub-committee or Scrutiny Select Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require

	any member of the executive, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:
(i)	any particular decision or series of decisions;
(ii)	the extent to which the actions taken implement Council policy; and/or
(iii)	about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
	and it is the duty of those persons to attend if so required.
	The appropriate “senior officer” shall be identified following consultation with the Chief Executive.
(b)	Where any member or officer is required to attend a Committee under this provision, the Chair of that committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least 10 working days’ notice of the meeting at which they are required to attend. (A shorter period of notice may be given with the agreement of the member or officer in question.) The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
(c)	Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the relevant committee shall in consultation with the member or officer arrange an alternative date for attendance.
14.	Attendance by Others
	The Overview and Scrutiny Committee and Scrutiny Select Committees may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall notify the Chief Executive who will issue an invitation to such people to attend. Their attendance is entirely optional.
15.	Call-In
(a)	When a decision is taken by the Executive, an individual member of the Executive, a committee of the executive, or a ‘key decision’ is made by

	<p>an officer with delegated authority from the executive, or an area committee or under joint arrangements, that decision shall be notified to all members of the Council as soon as possible after it is taken (normally within two working days) and shall be made available at the main offices of the Council.</p>
(b)	<p>That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented on the expiry of five working days after publication of the decision unless it is called in.</p>
(c)	<p>During that period the Chief Executive shall call-in a decision for scrutiny by the Overview and Scrutiny committee if so requested by any five members of the Overview and Scrutiny Committee.</p> <p>Such a request must be made in writing and must state the reason the members believe call-in to be necessary. On receipt of such a request within five working days of publication of the decision, the Chief Executive shall notify the decision taker of the call in and shall within five working days of the decision to call-in, call a meeting of the Overview and Scrutiny Committee. Pending that meeting, the decision shall stand deferred and shall not be implemented.</p>
(d)	<p>If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to Full Council. If referred to the decision maker they shall then reconsider it, amending the decision or not, before adopting a final decision.</p>
(e)	<p>If following a call-in of the decision, the Overview and Scrutiny Committee does not refer the matter either to Council or back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting.</p>
(f)	<p>If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before</p>

	reaching a final decision and implementing it.
(g)	If the Council does not decide to refer the decision back to the decision-making body or person, the decision shall take effect on the date of the Council meeting.
(h)	A decision-making person or body can be required to reconsider any particular decision only once.
Call-In and Urgency	
(i)	The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interest. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The decision proposed shall be regarded as reasonable in all the circumstances and be treated as a matter of urgency unless the Chair of Overview and Scrutiny and the political group leaders by simple majority, disagree. Decisions taken as a matter of urgency must be reported to the next appropriate meeting of the Council by the Chief Executive, together with the reasons for urgency.
(j)	The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

16.	Procedure at Overview and Scrutiny Committee and Scrutiny Select Committee meetings	
(a)	Overview and Scrutiny Committee and the Scrutiny Select Committees and any sub-committees shall consider the following business:	
	(i)	minutes of the last meeting;
	(ii)	declarations of interest;
	(iii)	consideration of any matter referred to the committee for a decision in relation to call-in of decision (Overview and Scrutiny Committee only);
	(iv)	determination of whether any executive decisions published since the Committee last met (and not 'out of time') should be 'called in' for consideration or referred to Council; (Overview and Scrutiny Committee only);
	(v)	responses of the Council or Executive to reports of the Overview and Scrutiny Committee/ relevant Scrutiny Select Committee; and
	(vi)	the business otherwise set out on the agenda for the meeting.
(b)	Where the Committee conducts an investigation (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:	
	(i)	that the investigation be conducted fairly and all members of the committee not having a conflict of interest be given the opportunity to ask questions of attendees, and to contribute and speak;
	(ii)	that those assisting the committee by giving evidence be treated with respect and courtesy; and
	(iii)	that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
(c)	Following any investigation or review, the committee/sub-committee shall commission a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.	

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ARTICLE 8 – DECISION MAKING

8.01	Responsibility for Decision Making
The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of the Constitution.	
8.02	Principles of Decision Making
Under the Constitution decisions are likely to be taken by the full Council, the Executive (collectively and/or by individual members of the Executive), committees and sub-committees and by officers. Whichever body or individual is responsible for taking a decision, all decisions of the Council will be made in accordance with the following principles:-	
<ul style="list-style-type: none">- decisions should be taken reasonably, with regard to relevant considerations and ignoring irrelevant factors;- realistic alternatives should be evaluated prior to decisions being taken;- there should be a presumption in favour of openness and transparency with members of the public being afforded effective access to relevant information and the processes by which decisions are taken;- due consultation should take place with those likely to be affected by a decision, especially where the decision is likely to have a wide ranging or significant impact on the community;- decision making should, so far as practicable, be planned in advance with due public notification of forthcoming decisions;- decisions should have regard to proportionality – i.e. the action must be proportionate to the desired outcome;- appropriate professional advice should be obtained from suitably qualified officers of the authority;- decisions should be taken on the basis of clear aims and desired outcomes from the resultant actions;- decisions should have regard to relevant approved policies and adopted procedures of the Council; they must be lawful, and sufficient budgetary provision should exist;	

<p>- decisions taken must be formally recorded in accordance with the requirements of the Constitution; in respect of executive decisions, the formal record should state what options were considered and give the reasons for the decision taken.</p>	
<p>In some cases (e.g. where urgent action is necessary or where confidential matters are under discussion) it may not be possible to fully comply with all of the above principles. Decision makers should satisfy themselves that they have been complied with so far as reasonably practicable in the circumstances.</p>	
8.03	Types of Decision
(a)	Decisions reserved to Full Council
<p>Decisions relating to the functions listed in Article 4.02 (Functions of the Full Council) will be made by the full Council and not be delegated.</p>	
(b)	Key Decisions
(i)	<p>A 'key decision' means an executive decision which is likely either:</p> <ul style="list-style-type: none"> - to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or - to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority
(ii)	<p>A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.</p>
<p>For the purpose of subsection (b) (i) above, the term 'significant' when applied to expenditure or savings shall mean a sum more than £100,000 or such other sum as may be specified in any enactment or other statutory provision.</p>	
8.04	Decision making by the Full Council
<p>The Council meeting will follow the Council and Committee Procedures Rules set out in Part 4 of this Constitution when considering any matter, subject to Article 8.08</p>	
8.05	Decision making by the Executive
<p>The Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter, subject to Article 8.08</p>	

8.06	Decision making by Overview and Scrutiny Committee
Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.	
8.07	Decision making by other committees and sub-committees established by the Council
Other Council committees and sub-committees will follow those parts of the Council & Committee Procedures Rules set out in Part 4 of this Constitution as apply to them, subject to Article 8.08	
8.08	Decision making by Council bodies acting as tribunals
The Council, a councillor or an officer acting as tribunals or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a lawful procedure which will be made available to all parties.	

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RULES FOR THE MAKING OF DECISIONS BY EXECUTIVE MEMBERS

1.	<p>Subject to the following rules, an Executive Member may make a decision in respect of any matter falling within their portfolio, except</p> <ul style="list-style-type: none"> (a) Key Decisions; (b) Decisions outside of the Budget & Policy Framework; (c) Decisions which cut across two or more portfolios; (d) Proposals for new or amended policies or strategies 								
2.	<p>The powers of an Executive Member shall be exercised by them personally save where they are unable to act owing to absence or illness, when they may be exercised on their behalf by another Executive Member who has been nominated for the purpose by the Leader and the Chief Executive has been given written notice of such nomination.</p>								
3.	<p>If a matter which the Executive Member would normally deal with under this delegated authority is in their opinion likely to give rise to unusual difficulty or controversy, they shall refer it for determination by the Cabinet.</p>								
4.	<p>A decision made by an Executive Member shall not have effect unless:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td></td> </tr> <tr> <td style="width: 5%;"></td> <td></td> </tr> <tr> <td style="width: 5%; text-align: center;">(a)</td> <td>the decision has been recorded in writing in the manner specified by the Monitoring Officer; and</td> </tr> <tr> <td style="width: 5%; text-align: center;">(b)</td> <td>the decision has been counter-signed by the Leader of the Council and the Chief Executive (save for a decision made by the Leader of the Council, which shall be counter-signed only by the Chief Executive).</td> </tr> </table>					(a)	the decision has been recorded in writing in the manner specified by the Monitoring Officer; and	(b)	the decision has been counter-signed by the Leader of the Council and the Chief Executive (save for a decision made by the Leader of the Council, which shall be counter-signed only by the Chief Executive).
(a)	the decision has been recorded in writing in the manner specified by the Monitoring Officer; and								
(b)	the decision has been counter-signed by the Leader of the Council and the Chief Executive (save for a decision made by the Leader of the Council, which shall be counter-signed only by the Chief Executive).								
5.	<p>A decision by an Executive Member shall be published in accordance with Rule 15 of the Overview and Scrutiny Procedure Rules and may be called-in in accordance with those Rules. A decision which has been called-in and considered by the Overview and Scrutiny Committee shall, if the Committee is still concerned about it, be referred to the Cabinet for consideration, and the Cabinet shall consider the Overview and Scrutiny Committee's report before making a final decision.</p>								
6.	<p>The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive and to the person, body or Committee concerned. The notice must set out the extent of the</p>								

	amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Executive as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
7.	Where an Executive member would normally exercise executive functions delegated to him/ her in respect of any matter but has a Disclosable Pecuniary Interest or Other Significant interest as defined in the Members' Code of Conduct then he/ she shall not exercise delegated powers in respect of that matter. A decision on the matter shall be taken by the Cabinet.

EXECUTIVE PROCEDURE RULES

1.	How Does the Executive Operate?
1.1	Who may make executive decisions
The Leader has responsibility for the discharge of all executive functions and may delegate any or all of these functions to:	
(a)	The executive as a whole;
(b)	A committee of the executive;
(c)	An individual member of the executive;
(d)	An officer;
(e)	An area committee;
(f)	Joint arrangements; or
(g)	Another local authority.
1.2	Delegation of Functions
At the annual meeting of the Council, the leader will present to the Council a written statement of delegations for inclusion in the Council's scheme of delegation in Part 3 of this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:	
(a)	the extent of any authority to be delegated to executive members individually, including details of the limitation on their authority;
(b)	the terms of reference and constitution of such executive committees as the leader recommends be appointed and the names of executive members to be appointed to them;
(c)	the nature and extent of any intended delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those executive members to be appointed to any joint committee for the coming year; and

(d)	the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.
1.3	Sub-delegation of Executive Functions
(a)	Where the executive, a committee of the executive or an individual member of the executive is responsible for executive functions, they may delegate further to an area committee, joint arrangements or an officer
(b)	Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated
1.4	The Leader's Scheme of Delegation of Executive Functions
	The Leader may amend the scheme of delegation relating to executive functions at any time. In doing so the Leader will give written notice to the Chief Executive and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
(b)	Where the Leader seeks to withdraw delegation from a committee of the Executive, notice will be deemed to be served on that committee when they have served it on its Chair.
1.5	Conflicts of Interest
Unless a dispensation to vote has been given:	
(a)	Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
(b)	If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
(c)	If the exercise of an executive function has been delegated to a committee of the executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6	When and where Executive meeting will be held
The executive will be scheduled to meet at least eight times per year at times to be agreed by the Council. The executive shall meet at the Council's main offices or any other location to be determined by the Chief Executive in consultation with the Leader.	
1.7	Public Access to meetings of the Executive
All meetings of the executive will be open to the public, unless the item under discussion is considered exempt or confidential – see the Access to Information Procedure Rules in this part of the Constitution for further information.	
1.8	Quorum
The quorum of a meeting of the executive, or a committee of it, shall be three members of the executive.	
1.9	How are Decisions to be taken by the Executive?
(a)	Executive decisions which have been delegated to the executive as a whole, will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
(b)	Where executive decisions are delegated to a committee of the executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.
(c)	Key decisions (as defined in Article 8.03 in Part 2 of the Constitution) may only be made where the provisions of paragraphs 13-16 of the Access to Information Procedure Rules have been complied with.
2.	How are Executive Meetings Conducted
2.1	Who presides?
If the Leader is present they will preside. In their absence, then a person appointed to do so by those present shall preside.	
2.2	Who may attend?
Any member of the Council may attend any executive meeting. Members of the public may attend any executive meeting, except when confidential or exempt information is being discussed. Save as expressly permitted by rules 5.21 to 5.24 of the Council and Committee Procedure Rules (Petitions) public speaking shall not be permitted at meetings of the Executive and/or any committee of the Executive.	

Members of the Council who are not members of the executive may attend meetings of the executive and any committee of the executive. With the agreement of the Leader any such member may address the executive on any item on the agenda, but may not vote.

Notwithstanding the above, Members of the Council who are not members of the executive may attend a meeting of the executive to which a Petition has been referred in accordance with the Council and Committee Procedure Rules. Members shall be entitled to address the meeting on the matters raised in the Petition provided that no speech may exceed five minutes without the consent of the Chair.

The Chief Executive, the Chief Finance Officer and the Monitoring Officer and their nominees are entitled to attend any meeting of the executive or a committee of the executive.

2.3	What business
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At each meeting of the executive the following business will be conducted:

- | | |
|-----|---|
| (a) | Consideration of the minutes of the last meeting; |
| (b) | Declarations of interest, if any; |
| (c) | Matters referred to the executive (whether by the Overview and Scrutiny committee or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution; |
| (d) | Issues arising from Overview and Scrutiny; |
| (e) | Receipt of written representations from Members of the Council; and |
| (f) | Matters set out in the agenda for the meeting, and which shall indicate which key decisions are and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution. |

2.4	Consultation
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All reports to the executive from any members of the executive or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation carried out with stakeholders and the Overview and Scrutiny Committee and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5	Who can put items on the Executive agenda?
(a)	Any member of the executive may require the Chief Executive to ensure that an item is placed on the agenda of the next available meeting of the executive for consideration whether or not authority has been delegated to the executive, a committee of the executive, any individual member of the executive, or officer in respect of that matter.
(b)	The Chief Executive will ensure that an item is placed on the agenda of the next appropriate meeting of the executive where the Overview and Scrutiny committee or the Full Council have resolved that an item be considered by the executive.
(c)	The Chief Executive may include an item for consideration on the agenda of an executive meeting in pursuance of their statutory duties or where they are of the opinion that an executive decision is required on any matter.
If the volume of business for any one meeting appears excessive, the Leader, in consultation with the Chief Executive, may defer consideration to the next appropriate meeting except that items placed on the agenda by the Council may not be deferred if the Council requires them to be considered at that meeting.	

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PANELS TO ADVISE THE EXECUTIVE

1.	The rules set out in Part 4 (Council and Committee Procedure Rules) of the Constitution shall, so far as applicable, apply to the advisory panels, save that meetings of the bodies marked '[Private]' in the tables shall not be subject to the Access to Information Procedure Rules.
2.	Advisory panels may be chaired by a member of the Executive and their purpose is to advise the Executive in connection with specific projects or to act as liaison bodies with other organisations and partners.
4.	(a) The following tables set out the titles, terms of reference and membership of the advisory panels.
	(b) Except where otherwise indicated, the membership of the advisory panels shall be politically balanced.
5.	(a) The advisory panels marked [P] in the table will be programmed to meet at least twice per year.
	(b) The advisory panels marked [NP] in the table will not be programmed to meet, but meetings will be convened as and when necessary for the efficient discharge of business. It will be for the Leader to determine if a meeting is necessary in consultation with the Chair of the relevant advisory panel.
	(c) Where a matter falls to be reported to an advisory panel for which meetings are not programmed the matter may, with the concurrence of the chair of the advisory panel concerned, be reported to a meeting of an appropriate programmed advisory panel or board.

Table 1: Advisory Panels

Title:	Parish Partnership Panel [P]
Membership:	14 Members; not politically balanced.
Quorum:	N/A
Terms of Reference:	A vehicle for the exchange of information, consultation and a structured dialogue between the Borough Council and the parish councils in the Borough.

Title:	Tonbridge Community Forum (previously Tonbridge Forum) [P]
Membership:	15 Members representing Tonbridge wards; not politically balanced.
Quorum:	N/A
Terms of Reference:	A vehicle for the exchange of information, consultation and a structured dialogue between the Borough Council and those Tonbridge-based organisations with a shared interest in enhancing the well-being of the town through the identification of problems and joint working towards solutions.

Table 3: Other Member Groups

Title	Terms of reference	Membership
Housing Associations Liaison Panel [NP] 'Private'	Liaison with housing providers as necessary	5 Members, including the Executive Member for Housing as Chair
Joint Employee Consultative Committee [NP] 'Private'	<p>To promote the closest understanding and co-operation between the Council and its employees, through their representatives.</p> <p>To provide a systematic means of communication between the Council and its employees, through their representatives.</p> <p>To give employees, through their representatives, the opportunity to discuss and express views about Council decisions which affect them.</p>	Membership and Chair determined in accordance with the JECC Constitution
<p>Joint Transportation Board [P]</p> <p><u>Quorum:</u> 4 Members of the Board (comprising 2 Borough and 2 County Members)</p>	<p>To advise the KCC Executive on:</p> <ul style="list-style-type: none"> - capital and revenue funded works programmes within limits set by the KCC Executive - the Highway Unit's Annual Business Plan <p>To advise the TMBC Executive on:</p> <ul style="list-style-type: none"> - Any decisions to be taken by the Executive in relation to functions delegated to TMBC under the agreement - Parking orders, taxi rank locations and street management schemes 	Membership and Chair alternating between KCC and TMBC

	<p>(management schemes do not include street trading consents)</p> <p>And to:</p> <ul style="list-style-type: none"> - review the progress and out-turn of works programmes - review the performance of Kent Highway Services in the Borough - be a forum for consultation between KCC and TMBC on policies, plans and strategies related to highways, road traffic and public transport 	
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Title:	Communities and Environment Scrutiny Select Committee
Membership:	15 Members
Quorum:	4 Members
Terms of Reference:	
Communities	
Community Safety initiatives	
Environmental Strategy	
Matters related to: <ul style="list-style-type: none"> - The West Kent Partnership (LSP) - LA21 - Climate Change 	
Implementation, monitoring and future review of the: <ul style="list-style-type: none"> - Borough's Sustainable Community Strategy - Community Safety Strategy 	
Liaison with local voluntary groups	
Grant support to local voluntary groups	
Take a strategic view of issues affecting: <ul style="list-style-type: none"> - rural parts of the Borough; including the work of the Medway Valley Countryside Partnership, and make appropriate recommendations to the Executive and other agencies - older persons within the Borough, including assessing the impact of the projected increase in the number of older persons, and make appropriate recommendations to the Executive and other agencies 	
Public Health strategies and actions	
Health improvement and health inequalities strategies	
Strategies and actions for tackling youth related drug problems	

Leisure	
Provision, development, management and maintenance of informal and formal public open spaces	
Larkfield Leisure Centre	<i>NB: The Tonbridge & Malling Leisure Trust operates these facilities on behalf of the Borough Council</i>
Angel Centre, Tonbridge	
Tonbridge Swimming Pool	
Poult Wood Golf Centre, Tonbridge	
Leybourne Lakes Country Park	
Grounds Maintenance – Tonbridge Cemetery	
Children’s play provision	
Country Parks and access to the countryside	
Advisory and/or consultancy services on outdoor leisure and grant aid issues	
Water recreation	
Annual programme of sports coaching	
Parks patrolling and security	
Allotments liaison – Tonbridge	
Cemetery management and burial function	
Provision and promotion of Borough wide arts events	
Provision of public art	
Partnerships	
Support for arts marketing	
Tonbridge Gatehouse Exhibition	
Tonbridge Council Chamber functions (e.g. weddings)	
Tonbridge Castle Grounds – events programme	
Heritage interpretation throughout the Borough	

Youth Development Plan	
Youth activity programmes	
Youth consultation and engagement	
Young Achievers Award	
To advise the Council in respect of its twinning links with Le Puy-en-Velay and Heusenstamm and generally to promote twinning within the Borough.	
Environment	
Abandoned vehicles	Litter control
Animal welfare	Noise control
Air quality	Pest control
Climate Change	Private drains and sewers
Contaminated land	Public health and control of nuisances
Dog control	Public conveniences
Environment	Recycling
Environmental monitoring	Refuse collection
Fly-tipping	Street name signage maintenance
Fly-posting	Street cleansing
Food safety	Sunday trading
Graffiti removal	Verge/grass cutting
Health and safety at work	
CCTV operations	
Civil contingencies/ Emergency readiness and response	
Design, consultation and implementation of car parking action plan	
Engage with businesses to ensure compliance with food hygiene regulations	

Kent Resource Partnership
Land drainage and flood attenuation
Management and maintenance policy for the off-street car parks
Matters relating to the development and delivery of co-ordinated street scene services, including partnership working with KCC Highways and other external bodies
Overall monitoring of the transport and highway activities including improvement programmes, street signage
Promotion of traffic management highway improvement and crash remedial schemes and works
Review and management of the on-street parking regime including enforcement procedures
The annual review of the charging structure for public car parking in the Borough

Title:	Finance, Regeneration & Property Scrutiny Select Committee
Membership:	15 Members
Quorum:	4 Members
Regeneration	
Attracting new business investment into the Borough	
Encouraging and supporting growth of existing businesses	
Engaging and listening to the local business community	
Promoting the Borough as a popular tourism destination/Tourism marketing	
Representing the Borough Council on the West Kent Partnership	
Supporting local entrepreneurship	
Working to improve the vitality of the Borough's town and local centres	
Economic Development Tasks	
Commission and fund: <ul style="list-style-type: none"> - Business support seminars - Free 1-2-1 business advice sessions 	
Ensure payments by the Council for services from local business are paid promptly	
Help to foster business networking via an online business directory	
Maximise use of the Council's own property portfolio to support local business	
Provide on-line advice for businesses in search of funding	
Signposting businesses to support provided by partner agencies	
Supporting Local Business	
Use the Council's own procurement processes to support local business	

Business Engagement
Contribute to existing business networks and fora active in the Borough
Holding regular engagement events for local business
Receive and act upon feedback from local businesses
Support locally held business award initiatives
Promoting Inward Investment
Promote, support and bring forward new sites for employment use
Engage with developers to ensure new employment-related development is well planned
Signpost to on-line advice for businesses in search of new premises/sites
Work with Locate in Kent to promote the take up of vacant business property
Partnership Working
Achieve a higher economic priority for the area in relation to the wider LEP
Assist with the delivery of the West Kent Investment Strategy
Contribute to the economic work of the West Kent Partnership
Rural Business Sector
Commission and fund support for: <ul style="list-style-type: none"> - home-based businesses - the land-based sector
Matters related to Farmers' Markets
Promote the enhancement of local broadband services in areas of need

Skills and Employability
Commission services to promote entrepreneurship in deprived communities
Develop and support Job Clubs in areas of particular need
Help promote: <ul style="list-style-type: none"> - the take up of local apprenticeships available in the Borough - work experience opportunities for young people with local businesses
Offer regular Borough Council apprenticeships to local young people
Work with Job Centre Plus and other partners to tackle local worklessness issues
Work with local schools and colleges to develop work-readiness skills
Supporting Town Centres
Allocation of Innovation Fund
Contribute to the promotional work of the Town Team in Tonbridge and in other local centres
Encourage the improvement of the environment and appearance of town and local centres
Support a major redevelopment of Tonbridge Town Centre
Support opportunities for additional retail activities e.g. Farmers Markets
Tackle the need to find new uses for empty shop premises
Supporting the Tourism Sector
Deliver an annual programme of cultural events
Manage Tonbridge Castle as a key visitor attraction
Operate the Tourist Information Centre at Tonbridge
Prepare online visitor information
Work with operators to help promote cultural and entertainment events
Work with Visit Kent to promote the Borough's visitor attractions and accommodation

Finance
Administration of Housing & Council Tax Benefits and Council Tax Reduction Scheme
Annual Estimates & the provision of medium term forecasts
All strategic and corporate matters relating to Information Technology and E-government (not within the direct purview of other portfolio holders)
Capital Planning including the management of new 'bids' and the preparation of a medium term plan
Collection of Council Tax and Business Rates
Day to Day financial operations, including debt recovery / management and payment of staff & creditors
Developing shared service arrangements
Development of the Council's procurement strategy
Financial management for the Council as a whole in accordance with proper practices, including the preparation of annual estimates and the provision of medium term forecasts
Property
Operational management of acquisition and disposal of land and property including leases, easements and other interests
Maintenance and improvement of Council property
Operational management of Council land and property not falling within the purview of other portfolio holders, specifically offices, depots, commercial and industrial holdings and vacant land and premises
Strategic management of land and property requirements, resources and allocation in line with the Asset Management Plan
Usage of Council offices and allocation of accommodation
Customer Services
Meeting the Council's targets for customer satisfaction

Development of a corporate customer charter
Development and implementation of a customer contact strategy encompassing a range of access channels including face-to face, telephone, website, letters and text messaging
<p>To consider:</p> <ul style="list-style-type: none"> - VFM (Value for Money) and Performance Reviews - Service delivery improvement for customers in support of the Council's Diversity Policy and Equality Act requirements in consultation with service users - Options for local service delivery across the Borough in response to identified need
All matters relating to Data Protection and Freedom of Information
Personnel issues that do not fall within the purview of the General Purposes Committee
Matters relating to skills education and training

Title:	Housing and Planning Scrutiny Select Committee
Membership:	15 Members
Quorum:	4 Members
Terms of Reference:	
Planning	
Conservation Area and Character Area appraisals and improvement schemes	
Countryside planning and transport initiatives	
Design and procedural guidance	
Evaluation, programming, consultation and implementation of projects on the Council's capital plan	
Improvement of operating systems	
Input into Regional Transport Strategy	
Liaison with the Cabinet Member for Housing over delivery of the Council's Strategic Housing Objectives	
Local transport projects (such as Tonbridge Transport Strategy, A228/A20 corridor, West Malling station)	
Major regional projects (e.g., A21, Rail Investment)	
Neighbourhood Plans/Village design statements	
Performance monitoring and review	
Planning enforcement - overview of performance, resources and priorities	
Preparation of development briefs	
Preparation of the statutory Development Plan (as defined in s.38 Planning and Compulsory Purchase Act 2004)	
Public transport initiatives (bus priority measures, Medway valley line)	
Housing	

<p>To oversee the Council's:</p> <ul style="list-style-type: none"> - approach to Housing strategy, housing need and housing market assessment and housing investment programmes - Enabling role and promote new affordable housing, low-cost home ownership housing, key and essential worker housing and schemes for special housing needs - Comprehensive approach to housing options advice, homeless prevention, the management of the housing register - Approach to temporary accommodation arrangements - Disabled Facilities Grant and Housing Assistance Schemes
Liaison with the Cabinet Member for Strategic Planning & Infrastructure over delivery of the council's strategic housing objectives
Empty Homes
Liaison with Kent County Council and other partners in delivering housing related support programme
Enforcement of caravan site licensing
The Council's functions in home safety, energy efficiency, fuel poverty
Maintaining private sector housing standards and enforcement, including the housing, health and safety rating system, disrepair and defective housing
Houses in multiple occupation (HMO)

Agenda Item 6

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 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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