

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

15 September 2015

Report of the Peer Challenge Scrutiny Panel

Part 1- Public

Matters for Recommendation to Cabinet

1 PEER CHALLENGE REVIEW

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

1.1 Scope of the Review

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

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

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

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

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

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

1.2 Review of General Council Meetings

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

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

- (a) selectively reducing the number of non-essential meetings by identifying those specific Boards/Committees that perhaps do not need to meet so regularly which do not impact on regular Council business, and**
- (b) A protocol be developed which would enable any meeting likely to have insufficient decision items to be cancelled with the agreement of the Chairman.**

1.3 Style of Council Meetings

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

The format of Council meetings be reviewed with a view to holding some programmed meetings in more informal settings where this is appropriate and to hold informal Member briefings either as a separate meeting, or preferably, in place of a programmed meeting. Council meetings in the first week of each month should be avoided if the annual meeting programme allows.

1.4 Area Planning Committees

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

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

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

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

1.5 Legal Implications

- 1.5.1 As dealt with in the report and annexes.

1.6 Financial and Value for Money Considerations

- 1.6.1 As above.

1.7 Risk Assessment

- 1.7.1 n/a

1.8 Equality Impact Assessment

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

1.9 Recommendations

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

Background papers:

Nil

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