

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

07 October 2015

Report of the Management Team

Part 1- Public

Executive Non Key Decisions

1 RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

To receive recommendations from the meeting of Overview and Scrutiny Committee held on 15th September 2015

1.1 Peer Challenge Scrutiny Review

- 1.1.1 The Overview and Scrutiny Committee was invited to investigate a number of outstanding issues related to the Council's Peer Challenge held in 2014. An informal scrutiny panel was formed to take this forward and their chosen focus was on the number and style of Council meetings and reviewing the Area Planning Committees.
- 1.1.2 At the meeting of the Overview and Scrutiny Committee on 15 September considerable discussion ensued on the Panel's recommendation that a single Planning Committee structure be developed. Some Members expressed serious concerns about replacing the current system and removing the voting rights of a majority of Councillors in the planning process. They remained to be convinced of the effectiveness of other councils, the majority of which had a single Planning Committee, given the quality of decision making and record of success in appeals in Tonbridge and Malling since its inception.
- 1.1.3 However, in support of the Panel's recommendations, other Members emphasised the changing planning environment, the challenges of being both a committee member and a community advocate in respect of planning applications, the importance of meeting the statutory determination period and opportunities for direct and indirect savings and service improvements offered by a single Planning Committee structure. In the event that this course of action was to be pursued, a number of issues were highlighted for further consideration. This included the size of the committee to ensure appropriate political balance, arrangements for call-in and speaking rights for Ward Members, improvements to site inspections and the venue for meetings.

- 1.1.4 Mindful of the considerable debate at Overview and Scrutiny Committee with regard to a single Planning Committee structure, Cabinet's attention is drawn to the findings set out in the Peer Challenge report, which was one of the main drivers for the review. Of particular relevance is the following observation:

"Given the very many positive aspects of the way the Council is operating and what is being achieved, the question 'so why transform?' arises. By way of an answer, what we would suggest is that given how significantly the context in which the Council is operating is altering the 'Tonbridge and Malling way' risks being compromised if the Council doesn't drive change. In driving change, the Council would maximise the opportunity to determine the future in line with its values and what drives it. The alternative is to have the future dictated on different terms by others. By not acting imminently, there is a real risk that the strengths of the 'Tonbridge and Malling way' inadvertently come to hold the authority back or even translate into weakness."

The report goes on to comment on the changing financial climate:

"There has been successful delivery of the financial savings challenge to date. A strategic approach to financial management is reflected in the Council's medium term financial strategy which looks 10 years ahead and is focused on avoiding having to make 'knee-jerk decisions'. The Council places an emphasis on delivering high quality services and uses its medium term financial strategy to shape the allocation of resources in order to maintain this. We see the current approach to the Council's finances as a carefully managed and prudent one but we also see benefit in the authority looking to expedite its savings agenda. The funding gap projected by the Council through to 2019 means it is highly likely that the Council will need to review its ambitions and approach – within a more tightly defined set of priorities."

- 1.1.5 The above observations of the Peer Challenge should be considered alongside the significant changes made to the planning system by the current Government since 2010. In general terms there is a move away from the control of small developments, illustrated by the continuing extension of permitted development rights, and a focus on the effective delivery of major schemes. In particular, the Government publication "Fixing the Foundations: Creating a more prosperous nation" (July 2015) sets out the planning framework for the future in Chapter 9 – 'Planning freedom and more houses to buy'. Nevertheless, although the push is towards reducing intervention, that initiative has brought with it many examples of increased complexity in the planning process and in the consideration of planning applications. The planning system is also under increasing scrutiny in terms of matters of procedure and probity. Consequently, training and updates for those Members involved in planning committees is becoming ever more important.

- 1.1.6 Notwithstanding the observations of the Peer Challenge report and the direction of national planning policy, some Members have raised very serious concerns with regard to the prospect of moving to a single Planning Committee structure. Mindful of these views an alternative approach for the Council at the moment would be to keep the existing Area Committee structure but in so doing review some of the existing procedures to ensure they accord with best practice, as set out in the Local Government Association/Planning Advisory document “Probity in Planning for Councillors and Officers” (April 2013, updated November 2013). Such a review could look, for example, at public speaking, Member site inspections and officer presentations and other operational matters.
- 1.1.7 The following recommendations to the Cabinet were agreed by the Overview and Scrutiny Committee:

Number of Council Meetings

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.

Style of Council Meetings

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.

Area Planning Committees

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

1.2 Next Steps

- 1.2.1 It is envisaged that Cabinet will wish to consider the recommendations of the Overview and Scrutiny Committee part by part; first taking the more general matters and then, separately, the issues raised around the Area Planning Committee arrangements. More detailed work on the practical implementation of these recommendations would be needed if they are to be pursued. It is suggested that any such work should be undertaken by the Overview and Scrutiny

Committee and that a further report should be made following completion of that Committee's deliberations. In summary, the further work required is as follows:

1. Identifying those Council meetings which could potentially meet less frequently;
2. Developing a detailed protocol to enable programmed meetings to be cancelled where there is judged to be insufficient business;
3. Further work to explore how more informal Council meetings could be introduced;
4. Should the proposition of a single Planning Committee be supported at any stage the following issues would need to be investigated:
 - (a) Size/composition of the Committee;
 - (b) Frequency of meetings and venues;
 - (c) Committee protocols including those for Member speaking; public and Parish Council speaking, site visits and officer presentations;

1.2.2 In the event that Cabinet was not minded to accept the recommendations of the Committee in so far as they relate to a single Planning Committee, it is suggested that, as an alternative way forward, a review of the Area Committee operational process is undertaken to ensure that it accords with best practice, including those issues outlined at paragraph 1.1.6 above. This could also be undertaken by the Overview and Scrutiny Committee.

1.3 Legal Implications

1.3.1 As set out in the review papers

1.4 Financial and Value for Money Considerations

1.4.1 As above

1.5 Risk Assessment

1.5.1 Not applicable

1.6 Equality Impact Assessment

1.6.1 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.

1.7 Recommendations

- 1.7.1 The Overview and Scrutiny Committee **BE INVITED** to give further consideration to the detailed issues as set out at para 1.2.1 of this report, as far as the general matters of meeting arrangements are concerned.
- 1.7.2 Cabinet are asked to consider whether to agree the recommendations of the Overview and Scrutiny Committee in respect of Area Planning Committee arrangements and **INVITE** the Overview and Scrutiny Committee to undertake the appropriate further work in accordance with either paragraph 1.2.1 or 1.2.2

Background papers: Nil

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On behalf of the Management Team