

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 19th April, 2018

Present: Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr Ms S V Spence (Vice-Chairman), Cllr Mrs J A Anderson, Cllr P F Bolt, Cllr T I B Cannon, Cllr Mrs F A Kemp, Cllr M R Rhodes, Cllr Miss G E Thomas, Cllr F G Tombolis and Cllr T C Walker

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

Apologies for absence were received from Councillors M C Base, J L Botten, D Keers and M Taylor, Mr P J Drury and Mr D Still

PART 1 - PUBLIC

OS 18/8 DECLARATIONS OF INTEREST

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

OS 18/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 23 January 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 18/10 REVIEW OF CONSTITUTION

The Director of Central Services and Monitoring Officer presented the outcome of a detailed review of the operation of the Council's adopted Constitution and outlined a number of proposed revisions which aimed to ensure that all parts of the constitution were up-to-date and 'fit for purpose'. It was noted that the review had provided an opportunity to re-examine the format of the Constitution in order to avoid duplication and to present its contents in a more usable and understandable way. Members' attention was drawn to the revised Parts of the Constitution, set out at Annexes 2 to 7 of the report, and to the summary of key changes to the current constitution. Particular attention was drawn to 'Part 3 – Responsibility for Functions' which had been extensively reviewed and updated to provide greater clarity, avoid duplication and simplify references to generic powers rather than specifying particular sections of legislation. Members noted that further amendments to the

formatting of the document would be required prior to production of the final version.

Members acknowledged that the proposed changes would make the document more accessible to all users and would allow decisions to be made more efficiently. The comprehensive discussion of the report centred on two particular issues, firstly the addition of a provision requiring the agreement of the Chairman of an Area Planning Committee to a request from a Ward member that a Planning Application be 'called in' for consideration by the committee (Part 3: Responsibilities, Section 6 Functions Delegated to Officers, DPHEH 100(iv)(c) refers) and, secondly, the fifteen minute time limit on Member discussions at Council following the receipt of a petition (Part 4: Rules, Section 1 Council and Committee Procedure Rules, 5.17.6). In response to the concerns raised by Members in relation to the call-in of applications to the Area Planning Committee the Director of Central Services confirmed that further information on the rationale for the proposed changes would be included in the supporting papers when this matter was reported to Cabinet.

RECOMMENDED: That

- (1) subject to further consideration of the points raised by Members, Cabinet be invited to approve (and thereafter recommend that Council adopt) the amended constitution as set out at Annexes 2 to 7 of the report; and
- (2) authority be delegated to the Director of Central Services and Monitoring Officer to make any further changes to the formatting of the constitution as considered appropriate.

OS 18/11 SCRUTINY REVIEW WORK PROGRAMME - UPDATE

The report of the Chief Executive set out details of the Review Programme for the remainder of the calendar year. Members were advised that the meeting scheduled for 24 May 2018 would be preceded by a tour of the Gibson Building commencing at 6.30pm in the Civic Reception.

RESOLVED: That the report be received and noted

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.58 pm