



REPORT of CHIEF EXECUTIVE

**to
COUNCIL
2 NOVEMBER 2017**

COMMITTEE STRUCTURE REVIEW

1. PURPOSE OF THE REPORT

- 1.1 This paper follows on from the Council meeting on 5 April 2017 when the Council considered a report of the Chief Executive on the subject of the Committee Structure Review undertaken by BDO (Minute No. 1161 refers). An extract from the Minutes of this meeting is set out below:

“It was noted that both the BDO review and the recent Peer Review had concluded that there were changes which could be made to the Council’s governance arrangements. The report sought approval to set up a Member and Senior Officer Task and Finish Working Group to plan for and manage future challenges and deliver the Council’s corporate goals.”

- 1.2 The Leader of the Council advised that the best means of delivery of this would be through Member Led Activity and it was resolved that a report be produced for the Council in October 2017.
- 1.3 The Deputy Leader of the Council has held a series of meetings with Group Members during June and July 2017. Output from these meetings has been used to compile a series of recommendations which have been detailed in Section Two below.

2. RECOMMENDATIONS

- (i) That Committee reports are presented by either the appropriate Director or their deputy at each programme Committee meeting to minimise the cost of officer time at meetings. Other officers should only be in attendance at the request of, or with the approval of, the Committee Chairman with the exception of Area Planning Committee and Extraordinary Council meetings where senior planning officers, in conjunction with the Committee Chairman, will decide which officers attend to present reports and take questions;
- (ii) That reports for noting and information will be brought to the attention of all Members but will not be included in the agenda of Committees / the Council. Members wishing to debate such reports can apply to the appropriate Committee Chairman or Leader of the Council;

Where reports concern Corporate Risk and Staff Statistics, these will still be presented to Committees by way of a recommendation ‘for review and comment’;

- (iii) That where a decision is required by more than one Committee and such decisions are not aligned the final decision will be made at the next meeting of the Council;
- (iv) That the current Town and Parish Council Trigger be replaced by member call in to Area Planning Committees, as detailed below:

Members Call in to Area Planning Committees

The process of Members calling in planning applications to the Central Area Planning Committee remains unchanged.

The process of Members calling in planning applications to the South Eastern and North Western Area Planning Committees is changed to allow for Ward Members to call in any planning application that falls within their call in area, as follows:

South Eastern Area Planning Committee

Call in area 1Burnham-on-Crouch North and Burnham-on-Crouch South

Call in area 2Althorne, Mayland, Southminster and Tillingham

North Western Area Planning Committee

Call in area 1Tollesbury, Tolleshunt D’Arcy and the Tothams

Call in area 2Purleigh, Wickham Bishops and the Woodhams.

- (v) That the Council delivers additional IT training to Members and carries out a full review of technology and hardware to ensure it is fit for purpose;
- (vi) That the Council will fully implement Mod.Gov and achieve paperless meetings, save for extraordinary individual circumstances, by May 2019;
- (vii) That Officers bring forward a proposal to improve the ability to screen Committee meetings in the Northey Room (formerly the Training Room at the Council Offices) through improved cameras and sound recording equipment and present a proposal to live stream meetings for consideration;
- (viii) That the Director of Resources in conjunction with the Leader of the Council, Deputy Leader of the Council, Chairmen and Vice Chairman of the programme Committees reviews both the scope of Directorships and the terms of reference of programme Committees to align the Corporate Leadership Team (CLT) roles better with those of the programme Committees;
- (ix) That mandatory training is provided to all Area Planning Committee members no later than the Statutory Annual meeting of the Council in May 2018. This training should cover core planning regulations and guidance to support and inform Members when making decisions on planning applications;

- (x) That the Director of Resources reviews the outcome of these changes and reports back to Members no later than the end of quarter one 2018 / 19.

3. SUMMARY OF KEY ISSUES

3.1 Officer Attendance at Committee Meetings

- 3.1.1 There have been a number of examples recently when the appropriate Director, Committee Clerk and five additional officers have attended meetings of both the Community Services Committee and Finance and Corporate Services Committee. When staff below the level of Director attend committee meetings they are able to claim Time Off In Lieu (TOIL) which generates an indirect cost to the Council.
- 3.1.2 Attendance and presentation at committee meetings provides valuable exposure and experience for members of staff progressing through the ranks of the organisation, but this should take place on an exception only basis with agreement from, or at the request of, the Committee Chairman.
- 3.1.7 It is recognised that the same does not apply to Area Planning Committee meetings where Members may have detailed questions that only the Planning Officer dealing with the application would be able to answer. Therefore, the proposed recommendation should not be applied to Area Planning Committees or extraordinary meetings of the Council (dealing with planning applications).

3.2 Reports for Noting and Information

- 3.2.1 Review of Committee meeting agendas between 1 April and 31 July 2017 demonstrated that 23 reports for noting and information were presented, discussed and debated by the main programme Committees and Audit Committee.
- 3.2.2 It might be considered more efficient that rather than present these reports they are listed for information and made available to Members via the shared I drive and email on request, and also copies will be made available in the Members' Room. If a member of a Committee specifically wants the report to be discussed and debated they can do this by giving notice to the Chairman of the Committee or Leader of the Council. This would prioritise the time of the Committee to be spent on decision making. Exception is to be made for reports concerning corporate risk and staff statistics which will remain presented but the recommendation will change so that the reports are to be reviewed and commented on.

3.3 Alignment of the Decisions of Different Committees

- 3.3.1 There are currently a number of areas which require the input of more than one committee before a decision can be taken. An example of this is that the policy to charge individuals to park on Council-owned car parks is the responsibility of the Community Services Committee but the responsibility setting the level of fee rests with the Finance and Corporate Services Committee. In Quarter One 2017 / 18 the Council experienced such an issue regarding car parking arrangements which led to confusion during the meetings at which there were a number of residents present. The

resolution for such a dispute should be by the Council where it can be debated by all Members and voted for accordingly.

3.4 Replacement of the Parish Trigger and Extending the Member Call in Area

- 3.4.1 In recent years, there have been instances where planning applicants have been democratically disenfranchised when a Member has rejected a request to call in their application. Arrangements currently exist for Burnham-on-Crouch North and South Wards, Maldon South and West Wards and Heybridge East and West Wards where Members can call in across their neighbouring wards but in the main the only Member that can call in an application is the Member(s) for that particular ward. The Council does have some single member Wards and this Member may not be available during the call in period. In the best interests of democracy, openness and transparency it is considered appropriate to allow Ward Members to call in any application within the “call in” area of the Area Planning Committee within which their Ward falls.
- 3.4.2 Currently, where a Parish / Town Council objects to a planning application which had been recommended for approval by an Officer, the application is determined by the relevant Area Planning Committee. There have been concerns when this has happened that the objection has not been based on sound planning reasons. The Council has introduced a form to be completed by the Parish / Town Council which has alleviated some of the issues but there still remains a large amount of applications coming to Committee as a result of the Parish Trigger. In the period since 1 January to 18 August 2017 there have been 52 instances of the parish trigger being invoked. Each time this takes place there will be a requirement for an additional report to be prepared and presented which takes approximately two additional hours of a planning Officer’s time per trigger invoked, this is costed at £48.16 per hour including overheads.
- 3.4.3 The Council could consider replacing the Parish Trigger by a call in by an appropriate Area Planning Committee Member. Parish / Town Councils with concerns could contact an Area Planning Committee Member who could then agree to call in the application, or not, to the relevant Area Planning Committee. In such cases the Member would need to provide sound planning reasons for the call in. Any Member on an Area Planning Committee can call in any application within the ‘call in area’ of the Committee they sit on.
- 3.4.4 This improves the Council’s basis for evidence based decision making, increases efficiency and further connects Ward Members with their respective Parish / Town Councils and their residents.

3.5 Paperless Committee Meetings

- 3.5.1 In 2015, Members and Directors were issued with iPads and the Council implemented the Mod.Gov application so that Members could use iPads or laptops rather than paper for Committee meetings. To date there has not been consistent use of this technology by all Members. The Council has recently appointed a Committee Services Supervisor; part of the remit of this role will be to develop the Mod.Gov application further to make it easier for Members to use, to hold more Member training sessions and also to work with IT to find the best hardware solution for our

Members. It is also anticipated that regular Member to Member and Officer to Member IT surgeries will be held for Members to resolve IT issues.

3.6 Screening of Committee Meetings

- 3.6.1 The Council's facilities for live broadcasting of meetings in other rooms in the Council Offices are currently poor. Significant planning applications attract a large gathering of residents and it is important that they are able to see and hear what is being debated and by whom in the Council Chamber. The current sound recording and broadcasting system is ineffective and the camera used to record the Council Chamber is a very old CCTV camera. There are a number of options that can be put in place which range from basic hardware upgrades to live streaming options. Members and Officers will review a range of these options, analyse costs and benefits and report back to Members of the Council in Quarter Three of 2017 / 18 for decision.

3.7 Review of Area Planning Committees

- 3.7.1 It is recognised that the cost of providing three Area Planning Committees is high. However there are pros and cons for retaining these committees and until such time as the full effect of the Local Development Plan (LDP) is embedded we are unable to confirm that demand on these Committees will fall. It is proposed that a Member led review of the current arrangements will take place over the coming months with a report to the Council coming forward no later than May 2018.

3.8 Structure of Committee Services

- 3.8.1 As the requirements on the Committee Services team change to reflect advances in technology the structure of the team should be continually reviewed. The Council no longer has a Committee Services Manager but a Committee Services Supervisor delivering a saving to the Council and placing more emphasis on the implementation of Mod.Gov through a revised job description.

3.9 Linking of Director Roles with Key Programme Committees

- 3.9.1 The Council has three Directors with defined responsibilities and three main programme Committees. The programme Committees are broadly aligned with the role of each Director but there are some exceptions. The BDO review commented on this and therefore it is suggested that the Director of Resources reviews both the defined responsibilities of each Director and the Terms of Reference of the three Committees. Following this review, potential changes will be presented to CLT and Members showing where more consistency might be achieved.

3.10 Training for Members of Area Planning Committees

- 3.10.1 It is essential and best practice for all Members to have up to date knowledge and training for them to be confident in their role as decision makers. Due to the significant responsibility and complexities of planning law it is recommended that a regular programme of mandatory training is delivered to all Members for their roles on the Area Planning Committees.

4. CONCLUSION

- 4.1 Both the BDO report and the recent Peer review have concluded that there are changes that could be made to the Council's governance arrangements in the interests of balancing the needs of efficiency, strategic focus, and political robustness. These recommendations seek to free up Member and Senior Officer capacity to plan for and manage future challenges and effectively deliver our corporate goals.

5. IMPACT ON CORPORATE GOALS

- 5.1 Increasing efficiency and effectiveness in the way we present and deliver our decisions supports the corporate goal of 'delivering good quality, cost effective and valued services'.

6. IMPLICATIONS

- (i) **Impact on Customers** – Improvements in the effectiveness and efficiency of decision making provides benefits to all stakeholders.
- (ii) **Impact on Equalities** – None noted.
- (iii) **Impact on Risk** – Recommendations arising from this submission would potentially reduce risk by increasing transparency and ensuring that decisions made are evidence based.
- (iv) **Impact on Resources (financial and human)** – Efficiencies identified in this submission will assist in reducing costs and officer time involved in the current decision making process. When fully implemented it is expected to deliver savings of up to £35,000.
- (v) **Impact on the Environment** – The recommendation relating to the Council becoming paperless reduces the amount of paper utilised in preparing committee reports and agendas.

Background Papers: BDO report 4 April 2017.

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