

Member Briefing Note: planning committee considerations, and other opportunities to make efficiencies to meet the MTFs “Costs of Democracy” savings.

1. Introduction

2. The July meeting of Council considered a report which proposed the Terms of Reference for the reduction of planning committees from three to two. It deferred the matter for consultation to take place with planning committee Chairs. Council must now consider the deferred recommendation further, in the light of the consultation responses.
3. As part of the MTFs process, Council had previously approved the proposal to realign the planning committees, to revert to three committees would be change the budget as agreed by Full Council and create a budget deficit.

4. Summary of consultation responses

5. Whilst there were a small number of members in favour of the planning committee proposals, the majority wished to see the existing structure preserved due to the workload of the committees and backlogs. One Group objected to the realignment of committee functions. One supporter of the proposals felt that the SPB workload could be redistributed to the others. One political group supported the realignment. One favoured retaining the existing structure, with the frequency of meetings being reduced.

6. Officer responses to planning chairs’ and vice chairs’ submissions

7. Officer responses:

- Having fewer meetings of the three committees does not deliver the same administrative saving as having fewer committees.
- Travelling to and from meetings creates cost, and there is an £8,000 cost in allowances.
- Vacant post in the committee team: not filling this vacancy, together with other proposals (some of which already being in place), would deliver a permanent saving of over £50,000.
- Statutory requirement to determine applications in a timely manner to meet Govt targets. Also, the “planning guarantee”: this will add considerable pressure to meet performance targets and retaining access to regular committees, not more than four weeks apart will be key. If not, the Council is at risk of being required to return the application fee to the applicant. If performance falls below the Govt thresholds, it is possible that the Council may lose the right to determine some applications and for the application to bypass local decision making and go to the Secretary of State.
- There are also considerations relating to the number of Members involved in determining planning applications, and conflicts of interest relating to their work on service committees.
- Currently, there are 78 service committee places, almost one for each member of the Council, should it be the case that Members sat only on one committee. There are 36 planning committee places at present, with a significant incidence of potential conflicts of interest relating to service committee work. Such conflicts of interest create a significant amount of legal work which might be reduced by as much as one third, if the planning committee membership reduced by one third, through the loss of one planning committee.

8. Conclusions on the planning committee structure

9. Council has the option of agreeing the revised terms of reference giving effect to Council earlier decision. Not agreeing the terms of reference effectively preventing the decision progressing. Or proposing a further option/amendment.

10. Other opportunities to make efficiencies to meet the MTFS “Costs of Democracy” savings.

11. The Corporate Policy Committee on 30 November 2023, recommended to Council that the functions of the Scrutiny Committee be incorporated into those of the Audit and Governance Committee.

12. Officers were called upon to explore whether the tier of “minor” and other Council committees and sub-committees might be rationalised:

13. Incorporating the functions of the Scrutiny Committee into those of the Audit and Governance Committee

14. Committee system authorities are not required to have a bespoke scrutiny committee, nor required to allocate all scrutiny functions to a single committee. There is no legal prohibition to incorporating a Scrutiny function into another committee. The scrutiny of the external functions required¹ could be allocated to Audit & Governance or the relevant service committees.

Responses to proposal

15. The Chair of the Scrutiny Committee offered a number of comments, including *We are all aware of the enormous budgetary pressures facing us. However, the loss of the Scrutiny Committee, in my opinion will be a crushing blow to the democracy we represent as a committee.*

16. Members of the Audit and Governance Committee raised concern at its meeting on 7 December:

17. *“The Audit and Governance Committee request that Full Council note our concerns and defer the decision relating to the proposals recommended by the Corporate Policy Committee to merge the functions of the Audit and Governance and Scrutiny Committees, which is contrary to advice from CIPFA and the Centre for Governance and Scrutiny. The Audit and Governance Committee request that the decision of Full Council relating to the merger of the functions of the Scrutiny Committee into the Audit and Governance Committee be deferred to allow further consideration to be given as to the impact, risks, efficacy and value for money of merging the functions of the Committees, with a report back to the Audit and Governance Committee to consider the proposal further.”*

¹ The discharge of the Council’s responsibilities under section 19 of the Police and Justice Act 2006, section 244 of the National Health Service Act 2006, and section 9JA and 9JB of the Local Government Act 2000 in relation to flood risk management

National Guidance

18. CIPFA guidance on Audit Committees² recommends that the audit committee should be “established so that it is independent of executive decision making and able to provide objective oversight” and “...in local authorities be independent of both the executive and the scrutiny functions”. This guidance is supported by DHLUC and the Home Office.
19. The Centre for Governance and Scrutiny guidance 2021 “Audit committees and scrutiny committees: working together”. This guidance recommends practical ways of the two committees working together to complement the roles of each committee but ensuring clear distinction in responsibilities and resources. The report recognised the concerns that a single committee risks conflicts of interests, spreading the resource of both councillors and officers too thinly and losing clarity over the distinct statutory functions of each function; “blurring the roles of these functions puts a council at significant risk of weak governance”.³

Administration

20. The practical administration of transferring the Scrutiny function to Audit and Governance is being developed. The issue identified so far are:
- The skills and knowledge desirable for an effective Audit and Governance Committee are not identical to those needed by scrutiny committee members; further training may be required or changes to membership.
 - The new committee will need to consider if a single function meeting is required for Scrutiny or Audit. This may require the new committee schedule retaining or combining the meeting schedules of the previous committees.
 - The role of the two co-opted independent members of the Audit and Governance Committee in a “combined” committee would need to be subject to policy and guidance development.

Savings

21. The savings associated with the transfer of the Scrutiny Committee to the Audit and Governance Committee would include;
- The special responsibility allowance (Scrutiny Committee Chair) - £7,959
 - Potentially associated meeting expenses: mileage claims, some administrative resource dependent upon how the new committee chooses to administer itself.
22. A scrutiny officer would still be required to support the delivery of the scrutiny function through preparation of reports etc; this expertise/capacity is not available in the services which the support Audit and Governance Committee.
23. The potential cost of additional training may reduce the saving in the initial years.

² [Audit Committees: practical guidance for local authorities and police](#) (CIPFA, 2022)

³ [Audit committees and scrutiny committees: working together](#) (CfGS, 2021)

24. Council should have appropriate consideration on any perceived governance impact or the practical impacts for Members and officers.
25. Whether the tier of “minor” and other Council committees and sub-committees might be rationalised
- Licensing Committee structure could be rationalised. The law requires the Council to have at least one committee, so this could be looked into in detail.
 - Local Authority School Governor Nomination Sub-Committee: the functions could be aligned with those of the Children and Families Committee or be delegated to an officer.
26. Making efficiencies in officer, member of the public and Member time, travelling time and allowances, associated with in-person attendance at meetings, where “virtual” opportunities are available to do so.
27. Member decision-makers must be present, and members of the public have the legal right to attend, in person, at meetings. But visiting Members and officers are not obliged to be present in most cases.