

Public Document Pack

Date of meeting Monday, 15th June, 2015
Time 7.00 pm
Venue Committee Room 1, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Justine Tait

Finance, Resources and Partnerships Scrutiny Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included in the agenda
- 3 MINUTES OF PREVIOUS MEETING** (Pages 3 - 10)
To consider the minutes of the previous meeting 21st January 2015
- 4 CONSTITUTION REVIEW WORKING GROUP**
A verbal update to be provided by the Democratic Services Manager
- 5 FINANCIAL AND PERFORMANCE MANAGEMENT REPORT
QUARTER 4 (MARCH) 2015**
Report to follow.
- 6 Review of Changes to the Committee arrangements** (Pages 11 - 30)
- 7 WORK PLAN** (Pages 31 - 34)
To discuss and update the work plans to reflect current scrutiny topics
- 8 PUBLIC QUESTION TIME**
Any member of the public wishing to submit a question must serve two clear days' notice, in writing, of any such question to the Borough Council.
- 9 URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972.

- Budget Scrutiny Cafe

10 DATE AND TIME OF NEXT MEETING

Thursday 3rd September 2015, 7.00pm, Committee Room 1

Members: Councillors Fear, Huckfield, Loades, Pickup, Stubbs (Chair), Sweeney, Wallace (Vice-Chair), Waring, Wilkes and Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

FINANCE, RESOURCES AND PARTNERSHIPS SCRUTINY COMMITTEE

Wednesday, 21st January, 2015

Present:-	Councillor Paul Waring – in the Chair
Councillors	Fear, Mrs Hambleton, Huckfield, Jones, Mrs Peers, Rout, Stringer, Taylor.J, Holland (as substitute for Sweeney) and Wallace
	Portfolio Holder for Finance and Resources
Officers	Executive Director Resources and Support Services Executive Director Operational Services Head of Business Improvement, Central Services and Partnerships Business Improvement Officer (Performance and Procurement) for item 5 only Scrutiny Officer

1. **APOLOGIES**

Apologies were received from Councillor Sweeney.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES OF PREVIOUS MEETINGS**

The minutes of the meeting held on Tuesday 16th December 2014 were agreed as a true and accurate record.

4. **ELECTED MEMBER/OFFICER RELATIONS PROTOCOL**

The Committee received a document showing the revised Elected Member/Officer Relations Protocol.

The Chair of the Constitution Review Working Group presented a modification to the protocol as follows:-

Section 2.4 – add in reference to the specific legal protocols, this is covered in the rules in relation to PURDAH which are detailed separately in the constitution.

Section 3.10 (a) – clarification regarding the meaning of ‘interfere’

Section 4.2 – clarification regarding the meaning of ‘inappropriate involvement’.

With regards to 3.10 (a) and 4.2 – it is therefore suggested that the following footnote be added to the document to help clarify and define the wording used in both cases.

“This is not intended to prevent members questioning officers for the purposes of being able to fully understand an issue, but the level and extent of such questions needs to be reasonable.”

The reason for the last sentence on the modification was to enable all Members to feel free to ask questions, in detail, in order to understand a situation and it should be open to Members to challenge an Officer. Officers had a responsibility to all Members of the Council. This was seconded.

A Member asked if the word “fully”, on the last sentence could be moved to the right to read:-

“This is not intended to prevent members questioning officers for the purposes of being able to *understand fully* an issue, but the level and extent of such questions needs to be reasonable.”

Resolved:-

Committee agreed to the Elected Member/Officer Relations Protocol, with the slight change of wording to the modification as amended above.

5. QUARTER THREE FINANCIAL AND PERFORMANCE REVIEW

Quarter Three Performance Review 2014/2015

The Business Improvement Officer (Performance and Procurement) introduced the Quarter Three Performance Review report.

This quarter a total of seven indicators were off target but showed improvement from the previous quarter (nine off target in Quarter 2).

Ref 1.7 and 1.8 Residual Waste and Recycling

These waste indicators had been impacted by behavioural changes of residents, national trends impacting on what packaging was now being used and reductions in paper. Changes to what was included for recycling were also affecting the ability to meet the predicted targets as it was no longer possible to count street sweepings within the total.

Clarification was asked of the 8% difference between the result and target of household waste.

The Executive Director Operational Services explained it could be a combination of reasons, for example the decline in recycling by residents in the context of a national reduction in recycling, lighter and less packaging being used on products, reduced consumer purchasing and not counting street sweepings in the figures.

Ref 2.6 and 2.7 Planning

These indicators continued to be off target. Due to these being cumulative indicators, once there was an issue it was difficult to reverse this in the short term. However on comparing results for Quarter 2 and Quarter 3, a total of 25% (Minor) and 10% (other) more applications were determined than in the previous quarter.

A Member raised concern over the continued decline in the percentage of minor planning applications determined.

The Business Improvement Officer (Performance and Procurement) advised there had been a rise in this quarter; forty planning applications determined compared to thirty in the last quarter.

It was asked what was the workload with regard to the minor planning applications and whether the numbers had increased?

The Business Improvement Officer (Performance and Procurement) advised she would report the information back to the Committee.

All other areas such as economic, housing, customer service and sickness measures continued to do well.

Quarter Three Financial Position 2014/2015

The Executive Director Resources and Support Services introduced the financial position quarter three. At the end of quarter three the general fund budget showed an adverse variance of £90,810.00. The main reasons had been budgeted savings from overtime that had not yet been delivered, the closure of the small swimming pool at Jubilee 2 and income shortfall at Kidsgrove Sports Centre.

A Member asked how much income had the Council received in capital receipts since Jubilee 2 had been built? The Executive Director Resources and Support Services would report back with the information.

Resolved:-

- (a) That the Business Improvement Officer (Performance and Procurement) reports back on the workload with regard to the minor planning applications informing Members whether the number of applications had increased or not.
- (b) That the Executive Director Resources and Support Services report back on how much the Council had received in capital receipts since Jubilee 2 had been built.

6. TREASURY MANAGEMENT STRATEGY 2015/2016

The Executive Director Resources and Support Services introduced the Treasury Management Strategy 2015/16 report. The Strategy would be submitted to Full Council on the 25th February 2015.

A definition was attached at Appendix 1 and a glossary was produced within the report which tried to capture most of the acronyms and technical phrases.

A Member asked for clarification on the following points:-

Point 1

Had the increased likelihood of borrowing been observed over the period of this Strategy, particularly as an interim measure, to bridge the gap between expenditure being incurred and funds from asset sales being realised.

Response

FINANCE, RESOURCES AND PARTNERSHIPS SCRUTINY COMMITTEE

The Executive Director Resources and Support Services advised it was about temporary borrowing and the Strategy was produced before the Asset Management Strategy, which was approved at Cabinet on Wednesday 14th January 2015.

If a situation were to arise then the Council would probably have to borrow on a temporary basis, for example to assist with cash flow rather than prudential borrowing.

Point 2

The Borough Council may have to borrow at a time when interest rates start to rise. It was asked if £5,000,000 for investment was too high given the risks that still remain, and whether borrowing above 364 days would ever take place.

Response

The Executive Director Resources and Support Services advised that to invest funds above the 364 days would only occur in exceptional circumstances and likewise any investment above £5,000,000.

A Member advised that there is a restriction on the authority if this would occur and Members would be fully involved.

Resolved:-

That Committee approved the Strategy for submission to Full Council on the 25th February 2015.

7. **REVENUE AND CAPITAL BUDGETS 2015/2016**

The Executive Director Resources and Support Services introduced the Revenue and Capital Budgets 2015/16. The report had been presented to Cabinet on Wednesday 14th January 2015 and it was recommended that the Finance, Resources and Partnerships Scrutiny Committee be asked to consider what comments it wished to make on the draft Budget and Council Tax proposals before the final proposals are considered at Cabinet in February 2015.

The first draft savings plan was discussed at the Finance, Resources and Partnership Scrutiny Committee on the 16th December 2014 and there had been a Budget Scrutiny Café held on the 13th January 2015, which was an information gathering workshop, and gave Members a chance to ask any questions they had relating to the budget setting process.

An extract, from a draft report to be considered by Cabinet on the 4th February 2015, was tabled showing a number of changes since the last report considered by Cabinet on the 14th January 2015. The overall budget “gap” and the “Savings and Financial Strategies” to meet the “gap” have both decreased by a net total of £50,000.

Inflationary increase for fuel had been removed. New legislation regarding waste income had been reduced from £90,000 to £20,000. Insurance premiums had increased with a net increase of £10,000. There were minor changes on procurement, flexible retirement and the Keele Golf Course budget.

Business Rates Retention Scheme had increased to £300,000. It was originally anticipated that the minimum revenue provision would save money. There was some uncertainty regarding this and the S151 Officer felt it was prudent not to include this in the savings plan at this stage.

The following questions were raised by Members and answers provided:-

Q1: What was meant by Minimum Revenue Provision?

A1: The Executive Director Resources and Support Services advised in instances whereby Local Authorities have a positive Capital Financing Requirement, they are required to set aside a minimum amount from revenue to fund the repayment debt, this is known as the Minimum Revenue Provision. This means that the Council would be required to pay off an element of the accumulated General Fund capital spend each year through a revenue charge.

Q2: If the Borough Council freezes the Council Tax there would be a grant from the government, would this go into the base budget?

A2: The Executive Director Resources and Support Services advised it would go into the base budget until the next spending review but there was no guarantee after that. If the Council accepted the grant, deciding not to make any tax increase, an additional £63k of savings or additional income would have to be found. If a tax increase of 1.9% was implemented, there would be no need for further savings but if tax was increased by a lesser amount, there would be a need to find some saving to make good the shortfall.

Q3: How much more efficiency/economic savings could the Council continue to provide and what were the authority's future aspirations?

A3: The Executive Director Resources and Support Services advised there would be more savings through the 2020 project. The Council's concern was that the work force was reducing more and more with burdens being put on staff still employed. One of the sub projects was called "easing the burden" which was looking at ways in cutting back bureaucracy imposed on Officers by internal processes and procedures.

Q4: Would you feel the Council could still explore joint working with other authorities?

A4: The Executive Director Resources and Support Services advised that joint working had, and was, taking place in a number of services.

Q5: Would it be more beneficial to have the Waste and Recycling Service bought in-house?

A5: The Executive Director Operational Services advised that the management of the service would be easier to deal with rather than going through a contract, as at present.

The Chair of the Parish/Town Councils Review of Concurrent Funding Task and Finish Group advised of a cut in the S134 monies to the Parish/Town Councils was being considered by Cabinet before the Task and Finish Group presented the final report.

A Member informed the work Scrutiny Committee carried out was important. Cabinet needs to go back to Scrutiny before a decision was agreed.

The Chair advised that when Task and Finish Groups were established the timings to present the final report must be more accurate.

A Member voiced his opposition to the proposed 25% cut in S136 monies.

The Portfolio Holder for Finance and Resources explained that a decision had to be made at the last Cabinet but informed Cabinet had listened to Members concerns.

Resolved:-

Committee agreed that the final proposals are considered by Cabinet in February 2015.

8. SCALE OF FEES AND CHARGES

The Executive Director Resources and Support Services presented the Scale of Fees and Charges report which was presented to Cabinet on Wednesday 14th January 2015.

In the Medium Term Financial Strategy a 2% increase was built in the fees and charges. When the fees and charges were submitted it was evident there was a shortfall of approximately £27,000, in comparison to the assumed overall 2% increase. This shortfall, incurred as a result of below inflation increases and freezes in fees and charges (i.e. car parks and markets), would be addressed as an additional pressure in the 2015/16 preparation process.

A typo error was pointed out on the Deleted Charges – Description of Charge table of the report under the Classes section as follows “Anti natal – teaching pool” should read “Antenatal – teaching pool”

The following questions were raised and answers provided:-

Q1: Why had the bereavement/burial service and Jubilee 2 fees increased?

A1: The Executive Director Operational Services advised it was necessary overall to increase fees to allow for increases to the cost of providing the service. In respect of Jubilee 2, this is positioned within a competitive market. When the Borough Council prices are compared with budget gyms and private operators the Borough Council still provided a better offer and excellent value for money. The Council’s membership numbers were well ahead of target, this needs to be continued by marketing and promotional initiatives to attract new members and retention of existing members.

The cost to the bereavement/burial service was increased yearly due to contractor and staff costs. Benchmarking was carried out with other authorities.

Q2: Did the Council ask members why they were leaving Jubilee 2 or Kidsgrove Sports Centre, to enable these reasons to be rectified and also were new members asked they were joining?

- A2: The Executive Director Operational Services advised a feedback to existing members had recently been introduced and leisure staff endeavoured to ask members to complete an exit questionnaire but in some instances this proved difficult. Enquiries would be made to clarify whether the service carries out a survey of why members join.
- Q3: Are concessions included in the burial/bereavement service?
- A3: The Executive Director Operational Services advised concessions were not included but there was financial assistance to families who were in receipt of a certain benefits, could apply for. This information was held at Keele Cemetery and Bradwell Crematorium and advice was given to bereaved families by funeral directors.
- Q4: Was a fuel record being kept or was it bound by contractors?
- A4: The Executive Director Operational Services advised the Council buys fuel on a weekly basis from purchasing frameworks to ensure the best prices are obtained at the point of purchase. Records are kept in this respect.
- Q5: Does the Council use green fuel?
- A5: The Executive Director Operational Services advised this needed to be further developed before the Council would use it for its main fleet vehicles.
- Q6: Could a record be kept on how much the Council had saved.
- A6: Both the Executive Director of Operational Services and the Executive Director Resources and Support Service agreed to this.

Resolved:-

- (a) That a record is kept of how savings had been achieved by the Council.
- (b) That Committee agreed to the fees and charges proposed to apply from the 1st April 2015

9. **PUBLIC QUESTION TIME**

No questions had been received from the public.

10. **EXCLUSION OF THE PUBLIC**

11. **SCALE OF FEES AND CHARGES CONFIDENTIAL APPENDIX**

This was incorporated into item 8.

12. **WORK PLAN**

Resolved:-

The Portfolio Holder for Finance and Resources would be invited to attend the next meeting to be held on Monday 16th March 2015, 7.00pm in Committee Room 1.

FINANCE, RESOURCES AND PARTNERSHIPS SCRUTINY COMMITTEE

If Members wished for questions to be answered by the Portfolio Holder for Economic Regeneration, Business and Town Centres to inform the Scrutiny Officer and arrangements would be made for his attendance.

13. **URGENT BUSINESS**

No urgent business was raised.

14. **DATE AND TIME OF NEXT MEETING**

To be arranged

COUNCILLOR PAUL WARING
Chair

REPORT ON CHANGES TO COMMITTEE ARRANGEMENTS

Submitted by: Chief Executive

Portfolio: Communications, Policy & Partnerships

Wards affected: All

Purpose

To update Members on the outcome of a review undertaken by a Local Government Association peer review team of the democratic decision-making structures of the Council. To make recommendations to the Council to implement changes to the Council's Committee arrangements in line with the recommendations of the Peer Review report.

RECOMMENDATIONS:-

- (a) That the Council approves the following changes to the Committee arrangements
 - i. Merge the Audit and Risk and Standards Committees
 - ii. Disband the Staffing Committee
 - iii. Disband the Joint Parking Committee
 - iv. Disband the Member Development Committee
 - v. To create the Constitution Working Group as a Committee of the Council and to title it the Constitution Review Committee.
- (b) That the number of places on the Public Protection Committee be set at 15.
- (c) That the Constitution Working Party be asked to make recommendations for changes to the Council's Constitution to give effect to recommendation (a) above and make a report to the next meeting of the Council.
- (d) That the Council approves the Audit and Risk Committee and Standards Committees to operate as a combined Committee until the appropriate changes are made to the Council's Constitution as required consequentially by recommendation (a) above to request the Group Leaders to nominate the same named individuals to both the Audit and Risk Committee and the Standards Committee with immediate effect.
- (e) That the Group Leaders be requested to nominate the same named individuals to both the Licensing Committee and the Public Protection Committee with immediate effect.
- (f) That the Constitution Working Party be asked to undertake a review of the Council's scrutiny arrangements and to bring forward recommendations consistent with the objectives and recommendations of the Peer Review to improve the efficiency of the Council's democratic arrangements.
- (g) That the Council approves the transfer of the powers and duties of the Staffing Committee to the Head of Paid Service acting with the agreement of the Portfolio Holder for human resources with immediate effect and until the appropriate changes

are made to the Council's Constitution as required consequentially by recommendation (a) above.

- (h) That the Constitution Working Party be asked to consider recommending to the Council conventions which could be adopted to improve the efficiency of formal meeting which are consistent with promoting effective debate, efficient use of Member and officer time, and facilitate the involvement of the public, consultees and others in the work of the Council's formal meetings.

1. Context

- 1.1 In December 2014 the Council invited an LGA Peer Review team to conduct a review of its democratic decision making structures. The review reported in January 2015 and a copy of the report is contained in full at Appendix 1 of this report.
- 1.2 The review was commissioned as part of a wider organisational drive for further efficiency. It was specifically designed to help the council look at the way in which its various committees and panels are organised and identify potential options to consider.

2. Findings of the Peer Review

- 2.1 The Peer Review noted that the current democratic decision making arrangements demand a lot of time from both Members and officers. This arises from the extensive array of formally constituted committees and panels. The review team noted that the number of committees and committee positions is very large when compared with similar district and borough councils benchmarked by the team. They noted that the number of meetings (well over 100 per year) is amongst the highest of the benchmark authorities. Similarly the number of committee positions is 3.6 per councillor for this councillor compared to an average of 2.6 amongst the comparator councils.
- 2.2 The Peer Review team undertook a detailed analysis of the implications of these headline findings and these are set out in the report.

2.3 Peer Review recommendations

The Peer Review Report makes recommendations for a number of committees to be merged, combined or disbanded. The specific recommendations are as follows:

- Merge / amalgamate the Public Protection Committee and Licensing Committees
- Merge / amalgamate the Audit and Risk and Standards Committees
- Merge / amalgamate the Active and Cohesive Communities and Health and Well Being Scrutiny Committee
- Review the continued need for the Staffing Committee
- Review some of the historical / legacy arrangements, such as the Joint Parking Committee and Conservation Advisory Working Party, and whether the Council should continue to service these bodies

Each of these recommendations is considered in detail below.

Merge / amalgamate the Public Protection Committee and Licensing Committees

The Peer Review Report proposes that the Public Protection Committee and the Licensing Committee be amalgamated. It is noted that a single committee covering all of the functions of those two committees is common practice in other councils. However, it should be noted that these two Committees are responsible for two discrete areas of licensing working under two distinct sets of statutory provisions. The Public Protection Committee under the provisions of the local government Act 1972 and the Licensing Committee under the Licensing Act 2003 and Licensing Act 2005.

Given the semi-judicial nature of these Committees care needs to be taken to ensure that Members serving on them are given adequate training. Members will be aware that to facilitate the participation of businesses and their representatives where this is required sub-committees of the Licensing Committee have met during the daytime. It should be noted that on occasion, due to other commitments on the part of some Committee Members, it has been challenging for a suitable quorum of Members to be assembled. It may therefore be prudent in making changes to these committees to enlarge the size of the Public Protection Committee to standardise the number of Members on each Committee at 15 places. In making nominations, Group Leaders should advise their Members of the daytime meeting requirements of these roles.

Whilst the Peer Review recommendation to amalgamate the two committees has merit, some eminent legal authorities maintain that Parliament's intention under the Licensing Act 2003 was to create a standalone licensing committee. This being the case it may be prudent at this time for the Council to retain the separate entities of a Licensing Committee and a Public Protection Committee but that identical nominations be made to the two Committees and that meetings be scheduled so that they run sequentially on the same occasion. On the basis of the amount of business over recent years for the two committees this is considered to be a practical proposal. This arrangement would give efficiencies since the officer time required in supporting the meeting would be less where the businesses of the two Committees is conducted on a 'back-to-back' basis.

It is proposed therefore to accept the principle of Peer Review recommendation and to bring together the operation of two existing committees but to retain the two legally distinct Committee roles.

Merge / amalgamate the Audit and Risk and Standards Committees

The Peer Review report makes the case for the Audit and Risk and Standards Committees to be merged to create an Audit and Governance Committee. There is a high degree of synergy between the work of the two existing committees and it is therefore proposed to accept the Peer Review recommendation and to merge the two existing committees.

Merge / amalgamate the Active and Cohesive Communities and Health and Well Being Scrutiny Committee

In relation generally to the work of the Overview and Scrutiny Committees the Peer Review team observed that they “appear to operate like service committees”. However, the only proposed change to scrutiny arrangements made by the Peer Review team is the merger of the Active and Cohesive Communities and Health and Well Being Scrutiny Committee.

Feedback from Members has indicated a strong desire to retain a separate Health and Wellbeing Scrutiny Committee. In light of the experience of Stafford Borough and the comments made by the Francis Inquiry (in relation to Stafford General Hospital) it would be advisable at this time to recommend the retention of the separate Health and Wellbeing Scrutiny Committee. It is suggested that the Constitution Working Group should be asked to review and recommend the revision of the terms of reference of the Health and Wellbeing Scrutiny Committee to ensure that recommendations from the Francis Report and the experience of Stafford Borough Council have been embedded in this Council’s arrangements.

However, in light of the comments made by the Peer Review about the work of scrutiny committees it is recommended that the Constitution Working Group be asked to undertake a short task and complete piece of work to make recommendations for improvements to be made to the Council’s scrutiny arrangements particularly to ensure that these are efficient and effective and in line with best practice.

Review the continued need for the Staffing Committee

The Peer Review report states that the team was not certain of the role of the Staffing Committee and how it adds value to decision-making. Concerns were expressed that it may add unnecessary delay to the process of getting relatively minor policy updates approved, or escalates issues which might be resolved more quickly and collaboratively at a lower level. The team expressed the view that most of the functions of the Staffing Committee “appear to be in the remit of the Head of Paid Service”. It is therefore proposed to disband the Staffing Committee and to amend the Constitution to pass the functions currently performed by the Committee to be discharged by the Head of Paid Service in consultation with the Cabinet Portfolio Holder for human resources as appropriate. The Constitution Working Group will be asked to oversee the task of recommending the required changes to the Constitution.

Review some of the historical / legacy arrangements, such as the Joint Parking Committee and Conservation Working Group, and whether the Council should continue to service these bodies

The Joint Parking Committee has naturally come to an end with effect from 1 April 2015 as a result of the County Council’s decision to commission its Civil Parking Enforcement service through a single provider. It is therefore recommended that this Committee be disbanded.

The Conservation Advisory Working Party is an advisory Committee which makes comments to the Planning Committee on matters which affect the historic built environment and in particular on applications for planning permission in Conservation Areas, listed building consent, conservation area consent, consents for advertisements, passing comment on applications for historic building grants and to

recommend on conservation policy. It is held on a 3-weekly cycle in order to facilitate efficient decision-making on applications for permission or consent. Its members are drawn from Borough Councillors (5), 7 representatives of local organisations and a representative of each Parish Council.

In terms of officer resources it is supported by one specialist member of staff. In view of the importance of achieving good quality design in historically important parts of the built environment it is considered that there is merit in retaining this advisory group, particularly in view of the relatively modest demands placed upon the Council. It is proposed that the Conservation Advisory Working Party be retained in its current form.

The Member Development Committee was set up on a task and complete basis to advise on improvements to the support arrangements for elected Members. The Committee has reviewed the arrangements and recently made recommendation for the future use of ICT arrangements in line with those which exist for officers and in accordance with good practice. It may be considered that the Committee has now completed its task and should be disbanded.

The Constitution Working Group is technically a Committee of the Council. When this was first established it was done on a task and complete basis with the remit to update the Council's Constitution. Whilst the bulk of the substantive task was completed a year or so ago, the Council has subsequently retained the good practice of keeping the Constitution updated on a rolling basis and the Constitution Working Group has continued to undertake this work. The working group has been kept small and operated on a cross-party basis. It is proposed that this group should become a full Committee of the Council and that the Constitution should be amended to reflect this.

At its meeting on 26 November 2014 the Council established a Committee to look at the future of election cycles and the size of the council. This Governance Committee was established on a task and complete basis with a requirement to report its findings to the Council no later than September 2015. It is proposed that this Committee be retained for the duration of its current remit.

Timing of meetings

Although not considered as part of the brief of the Peer Review there has been discussion within the Council about the timing of meetings. By convention the majority of the council's formal meetings start at 7pm. As part of wider moves to ensure that the council is efficient in the way it conducts its business it has been suggested that consideration be given by Members about whether this is the most convenient time in view of the other demands on the time of both Members and officers.

It is suggested that the Constitution Working Party be asked to give this matter greater consideration and to make recommendations for whether there are ways in which meetings could be scheduled to be more efficient on the time of Members and officers. In doing this the Working Group would also be asked to make recommendations about other practices which could be adopted by convention which may assist the business management of meetings to promote efficient use of time and also to consider this in relation to meetings where members of the public, consultees or others are in attendance.

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A review of the democratic decision-making structures at Newcastle-under-Lyme Borough Council

January 2015

1. Introduction

Background and scope of the review

Like many other local authorities and other public sector organisations, Newcastle-under-Lyme Borough Council is facing financial challenges as a result of reduced Central Government funding to local government. In dealing with these challenges, the Council has introduced the 'Newcastle 2020' programme which is designed to identify efficiencies, cost savings and improvements across all aspects of the Council in terms of its organisation and also the services it delivers.

This review was commissioned as part of that wider drive for further organisational efficiency. It was specifically designed to help the Council look at the way in which its' various committees and panels are organised and identify potential options to consider. The review will feed into the planned local democracy review, and inform and complement the work the Council is already doing. As such the review has been commissioned as a 'light-touch' review focussing on improving current structures and arrangements, not a fundamental examination of the governance model.

Methodology and approach

The review has been undertaken by local government peers, drawing on the principles of sector-led improvement and informed by the following activity:

- Desk top analysis of Newcastle-under-Lyme Borough Council's committee terms of reference, committee membership, and agendas and reports.
- Benchmarking exercise, comparing Newcastle-under-Lyme Borough Council with other district and borough councils in terms of numbers of committees, numbers of committee positions, and frequency of meetings. (Appendix 1)
- Stakeholder engagement facilitated through an online survey to all councillors (and relevant officers) (Appendix 2), face-to-face engagement with committee chairs, vice chairs, senior management and democratic services staff onsite at Newcastle-under-Lyme, plus telephone conversations with other relevant officers (Appendix 3 provides a list of stakeholders engaged during the Review).

The peers who carried out the review at Newcastle-under-Lyme were:

Jane Burns – Director of Strategy and Challenge, Gloucestershire County Council
Councillor Michael Payne – Deputy Leader, Gedling Borough Council
Jeremy Thomas – Head of Law and Governance, Oxford City Council
Paul Clarke – Programme Manager (Local Government Support), LGA

The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and materials they read. This report provides a summary of the peer team's findings.

2. Review Findings

Our findings are divided into sections:

- Section 2.1 below summarises our key observations and recommendations about the current arrangements and practice at Newcastle-under-Lyme Borough Council. These are essentially the ‘quick wins’ that will help achieve efficiencies.
- In section 2.2 we summarise other areas we think need to be considered as part of the wider work on governance and culture the Council is already embarking on, or is planning to undertake.

2.1 Key Observations

The current democratic decision-making arrangements at Newcastle-under-Lyme demand a lot from both councillors in terms of their participation, and officer time to service an extensive array of formally constituted committees and panels. The numbers of committees and committee positions per councillor is high when compared to the other district and borough councils we benchmarked Newcastle-under-Lyme against (3.6 positions per councillor at Newcastle compared to an average of 2.6 positions per councillor in other councils), and we know there have been examples of you struggling to fill all positions on some committees.

The number of meetings per year (well over 100 meetings) is also amongst the highest in terms of the benchmarked authorities. The time and resource required to service and support these mean officers are stretched and are focused on ‘feeding the machine’ rather than ‘doing the day job.’ The sheer volume may also be compromising the quality of committee servicing and support, evidenced by the high number of supplementary papers and replacement reports correcting errors. This in turn puts additional pressure on those trying to read the reports in advance of meetings, and arguably diminishes the quality of discussion and debate.

We questioned whether demands on councillors in terms of the requirement to attend a high number of committee meetings has a detrimental effect on their time to effectively undertake their frontline councillor roles within communities. The councillors we engaged with did not cite this as an issue. In fact, some suggested they saw being involved in committee meetings as the key role of a councillor at Newcastle-under-Lyme. The perceived importance of having formal and public roles on committees is reinforced by the survey results (Appendix 2) which suggest that councillors highly value the principles of all debates and decision making being carried out in formally constituted committee meetings which meet in public and supported by formal agendas and minutes.

We think given the important role councillors have in the overall relationship between Council and community, lessening the demands of meeting attendance will allow these roles and relationships to develop further and crucially ‘free up’ reducing officer resources to focus on service delivery.

It appears the extensive structures, together with the relative low levels of delegated decision-making to officers and individual cabinet members, mean the Council is operating a de facto committee system alongside a Leader and Cabinet model of executive arrangements with all of the additional demands on officer time that that implies. Some of the Overview and Scrutiny Committees appear to operate like service committees (in that they perceive themselves to be directing the work of officers) and the existence of others, such as the Staffing Committee, are out of kilter with current practice in other authorities and seem focused on operational matters that are usually in the domain of officers.

In particular, given the existence of the Employee Consultative Committee, and the fact most of the powers and functions of the Staffing Committee appear to be in the remit of the Head of Paid Service, we do not fully understand or appreciate the role of the Staffing Committee and how it adds value to decision-making. There is a danger we think that the Committee adds unnecessary delays to the process of getting relatively minor policy updates approved, or escalates issues that might be resolved more quickly and collaboratively at a lower level.

All of the above combine to create a set of current arrangements and practice that puts an unnecessary and unsustainable demand on the organisation and its capacity and resources, which due to the financial challenges facing local government are continuing to decrease. There is definite scope to achieve more productivity and efficiency within the current set-up. For example, there are opportunities to reduce and rationalise the numbers of committees by merging those with complementary remits and functions.

In particular, the Public Protection Committee and Licensing Committee could be amalgamated. One committee covering all the functions of those two committees is common practice in other councils. There are other opportunities too, such as incorporating the functions of the Standards Committee into remit of the Audit and Risk Committee to create an Audit and Governance Committee. Another is to merge the Active and Cohesive and the Health and Well Being Scrutiny Committees. The Council may wish to consider being more radical in the reduction of the number of Scrutiny Committees. At the very least, scrutiny committee work-plans should not be agreed without some consideration of the Officer resources available to support them.

The responses to the survey we carried out suggest there is support from both officers and councillors for this. Combining/merging some committees was the type of change most likely to be supported by both councillors and officers (81% of respondents), and many of the specific suggestions for change are reflected in our recommendations. There is also a timely opportunity we suggest to review some of the historical legacy arrangements, such as the Joint Parking Committee and Conservation Working Group. The recent changes made to the arrangements regarding the Sports Council provides a precedent here.

In terms of overview and scrutiny, there are both standing committees and task and finish groups. Scrutiny arrangements need to be flexible enough to adapt

to changing circumstances. The principles of good scrutiny are that they should cover the issues that matter to local people, it should be 'narrow and deep' rather than 'broad and shallow' and that all scrutiny reviews should be properly scoped, task and finish, rather than on-going and have realistic timescales. There needs to be a discipline to ensure scrutiny doesn't drift.

There are also some aspects of how committees are serviced and supported that will benefit from modernising. For example, the way committee agendas are circulated. Currently any member can request to be added to a circulation list, enabling them to receive a hard copy of the committee meeting agenda. This potentially adds significant costs to the servicing of committees. This is something you have already identified and are beginning to address (as per the report 'Use of ICT and ICT Resources' to the Member Development Panel on 2nd October 2014). The recent rule changes enabling councils to send out committee papers electronically will help here too.

The length and style of committee reports was cited as an issue. Reports appear lengthy and many of the officers we spoke to feel they take a disproportionate time to produce. This issue may be being exacerbated by a tendency to establish formally constituted committees and sub-committees for areas and issues that may be served equally well by more informal bodies – especially where they are performing an advisory function (e.g. member development) - meaning a need to generate formal agendas, reports and minutes.

We know you are already looking at report writing and we agree this is an important exercise. Ensuring that report writing becomes more consistent across the organisation, is proportionate to the matter being considered, and that reports can be easily read and digested by councillors are all important facets. There may be an opportunity to also review the style of minutes as part of this work.

We think there are also some underlying organisational and cultural issues, including the perceptions and expectations of councillors that have evolved over time which now need addressing. In particular, the current arrangements appear to be seen by non-executive members as a range of opportunities to feel involved and informed, rather than part of a decision-making system. Our desktop analysis suggests more than 40% of the reports on agendas for meetings during September-November 2014 were 'for information'.

In short, councillors appear to rely heavily on committee meetings and agendas/reports for their information. We understand there used to be a Member's Information Bulletin and suggest it may be timely to consider re-introducing something that enables councillors to be kept informed on major developments so they don't feel the need to attend committee meetings and/or request committee agendas as a way of keeping in touch. There may also be scope to consider ward specific information and tailored briefings for councillors to better support them in their frontline roles.

Recommendations

1. **Merge/combine/disband some committees that appear to have a similar or complementary role and remit, or have roles that are effectively fulfilled elsewhere in the wider governance arrangements, in particular:**
 - Merge/Amalgamate the Public Protection Committee and Licensing Committees
 - Merge/Amalgamate the Audit & Risk Committee and Standards Committees
 - Merge/Amalgamate the Active and Cohesive Communities and Health & Well Being Scrutiny Committee
 - Review the continued need for the Staffing Committee
2. **Review some of the historical/legacy arrangements, such as the Joint Parking Committee and Conservation Working Group, and whether the Council should continue to service these bodies.**
3. **Consider re-introducing a Members' Information Bulletin and critically review any "for information" items on committee agendas.**
4. **Progress and implement the measures you are already considering to improve business practice, including report format and circulation of agendas.**
5. **Consider and progress the other issues and areas as identified in section 2.2 of this report (below) – including delegation - drawing on practice from other authorities. They will bring bigger gains and help address the underlying issues.**

2.2. Other observations and areas to consider

You have rightly identified there are potentially a number of other bigger benefits and savings to be gained. Reviewing the frequency of local elections (currently annual by thirds) for example, and reducing the numbers of councillors, (which at 60 is high compared to similar sized district authorities), are likely to result in more significant cost savings. But the bigger prize will be the political stability. All out elections every four years are likely to bring this, and enable more focus on the medium to longer term ambitions and strategic priorities of the Council. It is this vision for the future, including the future shape and function of the Council that will need to inform the wider review of democracy and governance.

We think this should include consideration of the scheme of delegation to individual Cabinet Members which can help manage business more effectively and speed up decision-making. We also think there could be a review of the scheme of delegation to officers with a view to increasing the levels of delegation. As we have alluded to, the levels of delegation to officers at Newcastle-under-Lyme seems low compared to many other authorities.

Reports to Cabinet tend to be presented in the name of the Executive Director and Scrutiny Committees tend to hold officers rather than executive members to account. Individual decision making and reports to Cabinet in the name of the portfolio holder are now common practice in many councils, and will help to reinforce and embed some of the key principles of a leader/cabinet model of governance. It may be something that warrants consideration at Newcastle-under-Lyme.

The principles of good scrutiny may need to be re-emphasised, so they are fully adopted and embedded, and drive how the overview and scrutiny function operates. It may be timely to review the key objectives of overview and scrutiny and consider where the emphasis needs to be to best support the Council in delivering its priorities – so there is a clearer understanding of the balance between holding to account and informing policy, and the focus on internal and external matters. Ensuring scrutiny is positioned to make a timely and effective contribution to strategic policy development and decision-making will become increasingly important as will an external focus, given that in the future the Council might well directly deliver less, and looks to influence and leverage more from external partners and the community.

There may be a need to consider a re-balancing of the role of councillors and the shape and structure of decision-making arrangements required to enable an emphasis on local community leadership in communities as well as attending and participating in formal committee meetings in the civic offices. The organisation will need to consider the best way of supporting councillors in these roles with the resources and capacity available.

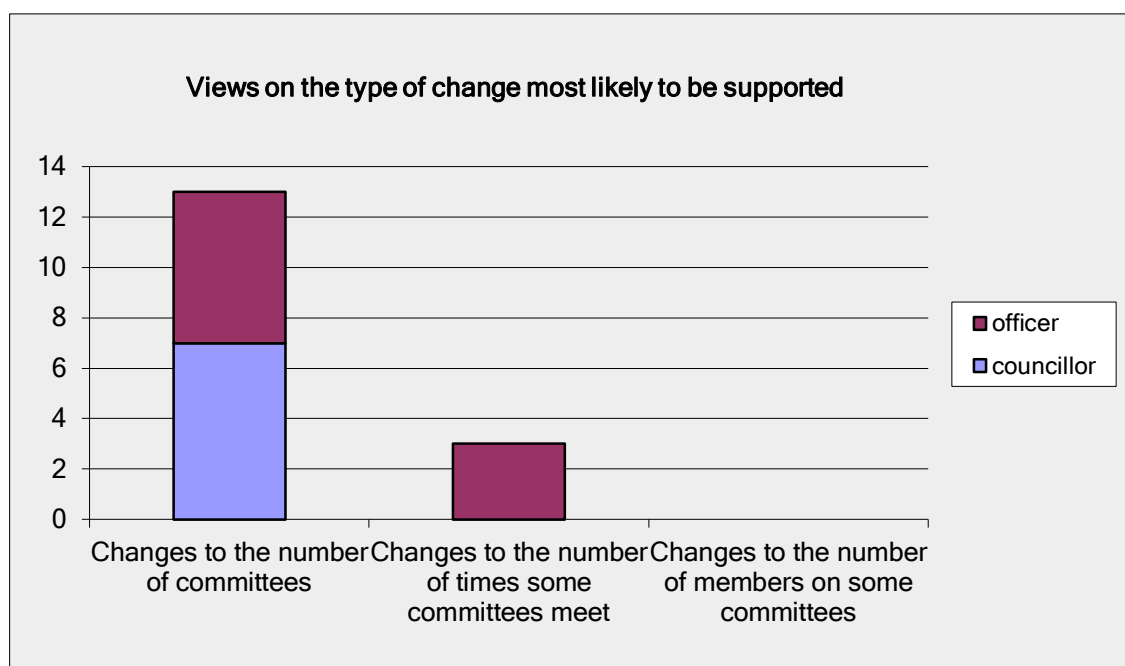
Appendix 1 - Comparison with other councils

	Cotswold DC	Forest of Dean DC	Stroud DC	Cheltenham BC	Tewkesbury BC	Gloucester City	Oxford City	Gedling BC	Ipswich BC	Cannock Chase DC	East Staffs BC	Newcastle-under-Lyme BC	AVERAGE
Current Political Control	Cons (C: 18 / L:9 / LD: 9)	NOC (C: 18 / L:17 / IND: 11 / LD:1 / UKIP:1)	NOC (C: 22 / L:20 / GR: 6 / LD: 3)	Lib Dem (LD 24 / C: 12 / IND: 4)	Cons (C:24 / LD:9 / IND: 5)	NOC (C: 18 / L:9 / LD:9)	Labour (L: 33 / LD: 8 / G: 6 / IND: 1)	Labour (L: 32 / C: 15 / LD: 3)	Labour (L: 35 / C: 10 / LD: 3)	Labour (L: 25 / UKIP: 6 / C: 5 / LD: 3 / IND: 2)	NOC (L: 16 / IND: 4 / C: 18 / LD: 1)	Labour (L: 32 / C:16 / LD: 6 / UKIP: 5/ G:1)	n/a
Total Number of Committees	7	14	9	10	8	11	15	9	12	23	15	16	12
No. of Ctee Positions:No of Members	60:44	114:48	110:40	118:40	82:38	103:36	104:48	95:50	138:48	199:41	45:39	156:60	-
Number of Committee Positions Per Member	1.4	2.4	2.8	3.0	2.2	2.9	2.2	1.9	2.9	4.9	1.2	3.6	2.6
Average Number of Positions Per Committee (Mean)	8.6	11.2	10.9	11.8	8.2	9.4	7	12	11.5	8.6	7.5	9.8	9.7
Total No of Committee Meetings Per Year	48	66	40	51	52	69	114	100	82	120	45	105	74
Average Number of Meetings Per Committee Per Year (Mean)	7	5	4	5	7	6	7	7	7	5	3	7	5.8
Governance Model	Cabinet 6	Cabinet 5	Committee System	Cabinet 8	Fourth option	Cabinet 5	Cabinet 10	Cabinet 7	Cabinet 9	Cabinet 9	Cabinet 6	Cabinet 7	-

Appendix 2 – summary of survey results

All members and a range of relevant officers (senior managers and democratic services staff) were invited to complete a short online survey between 26th November and 10th December 2014. 16 people (9 officers, 7 councillors) completed the survey.

Support for change: The survey responses suggest strong support (81% of respondents) for changing the number of committees, as opposed to changing the numbers of times committees meet (19%) or changing the numbers of members on committees (0%). All councillors (100%) who responded to the survey identified changes to the number of committees as the type of change they would be most likely to support:



Principles and features of governance and decision-making that councillors value the most:

- **Accountability** (which was defined as ‘all debates and decision making are carried out in formally constituted committee meetings with agendas and minutes’) was ranked by 72% of councillors as the principle of governance they value most.
- This contrasts sharply with **Involvement** (which was defined as ‘opportunities for councillors and other stakeholders to be involved in debates and decision making’) which no councillors (0%) ranked as the principle they value most.
- 28% of councillors considered **Transparency** (which was defined as ‘all debates and decision making are carried in meetings that are held in public’) as the principle they most valued.

Specific suggestions for change and consideration: A range of suggestions were put forward by respondents. These included:

- Reduce the number of committees by amalgamating those with obvious synergy
- Get rid of specific committees – e.g. Staffing Committee, Member Development
- Merge the Audit & Risk committee with Standards Committee
- Have less scrutiny committees and/or revisit their remits.
- Less committees and less meetings
- Review the types of agenda items to reduce the number of ‘information only’ items
- Consider the timescales for submission of items to Committee
- Ensure that meetings have a clear outcome/resolution

Appendix 3 – list of stakeholders engaged during the review

The peer team met and/or spoke with the following officers and councillors during the review:

John Sellgren – Chief Executive

Neale Clifton – Executive Director (Regeneration and Development)

David Adams - Executive Director (Operational Services)

Kelvin Turner – Executive Director (Resources and Support Services)

Mark Bailey- Head of Business Improvement, Central Services & Partnerships

Julia Cleary – Democratic Services Manager

Justine Tait – Democratic Services Officer

Geoff Durham – Member Training and Development Officer

Liz Dodd – Audit Manager and Monitoring Officer

Cllr Reginald Bailey – Chair, Active and Cohesive Communities Scrutiny Committee, and member of Health and Wellbeing Scrutiny Committee and Public Protection Committee

Cllr Colin Eastwood - Chair of Health and Wellbeing Scrutiny Committee, and member of Public Protection Committee and Planning Committee

Cllr Sandra Hambleton – Chair of Standards Committee and Staffing Committee and member of Planning Committee and Audit & Risk Committee

Cllr Derrick Huckfield - UKIP Group Leader

Cllr Hilda Johnson – Vice Chair of Health and Wellbeing Scrutiny Committee and member of Active and Cohesive Communities Scrutiny Committee

Cllr Nigel Jones - Liberal Democrat Group Leader

Cllr David Loades – Conservative member of two Scrutiny Committees and Audit & Risk Committee

Cllr Bert Proctor – Vice Chair of Public Protection Committee and Planning Committee and member of Member Development Panel

Cllr Elizabeth Shenton – Deputy Leader of the Council (and Cabinet Member)

Cllr David Stringer – Chair of Economic Development and Enterprise Scrutiny Committee and member of Finance, Resources and Partnerships Scrutiny Committee

Cllr Gill Williams – Chair of Cleaner Greener and Safer Communities Scrutiny Committee and member of Licensing Committee and Public Protection Committee

Cllr Mike Stubbs – Leader of the Council (and Cabinet Member)

Cllr Joan Winfield – Chair of Licensing Committee and member of Cleaner Greener and Safer Communities Scrutiny Committee and Member Development Panel

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Members: Ms Pickup, Stringer, Mrs Williams, Sweeney, Loades, Fear, Waring, Wilkes, Huckfield

FINANCE, RESOURCES AND PARTNERSHIPS SCRUTINY COMMITTEE WORK PLAN



Chair: Councillor Stubbs
Vice Chair: Councillor Wallace

Portfolio Holder(s) covering the Committee's remit:
Councillor Elizabeth Shenton (Policy, People and Partnerships)
Councillor Terry Turner (Finance, IT and Customer)
Councillor John Williams (Town Centres' Business and Assets)

Work Plan correct as at: Friday 5th June 2015

Remit:

Finance, Resources and Partnership Scrutiny Committee is responsible for:

- Communications and consultation
- Council structure and democracy and constitutional review
- Customer contact and customer service centres
- Member development and support
- Neighbourhood and locality working
- Partnerships: Newcastle Partnership Strategic Board
- Performance management and monitoring
- Revenues and benefits
- Putting people first
- Risk champion
- Transformation programme
- Accountancy
- Budget
- Capital and revenue expenditure
- Efficiency savings
- Financial monitoring
- Health and safety champion
- Human Resources
- Information and communication technology
- Procurement champion
- Treasury management
- Workforce development
- Co-operative Council

Date of Meeting	Item	Reason for Undertaking
15th June 2015 (agenda dispatch Friday 5th June 2015)	Financial and Performance Management Report to end of Quarter 4 (March) 2015	To provide Finance, Resources and Partnerships (FRAP) Scrutiny Committee with the Financial and Performance Review, Fourth Quarter 2014/2015
	Review of changes to the Committee arrangements	To update Members on the outcome of a review undertaken by a Local Government Association peer review team of the democratic decision-making structures of the Council.
	Constitution Review Working Group	To receive an update by the Democratic Services Manager
	Finance, Resources and Partnership Scrutiny Committee Work Plan	To discuss the work plan and potential topics that Committee Members would like to scrutinise over the forthcoming year
3rd September 2015 (agenda dispatch 21st August 2015)	Quarter One Financial and Performance Review	To provide Scrutiny with the Financial and Performance Review, Quarter One 2015/2016
	Portfolio Holder(s) Question Time	Opportunity for the Committee to question the Portfolio Holder(s) on their priorities and work objectives for the next six months and to address any issues or concerns that they may be facing
	Finance, Resources and Partnership Scrutiny Committee Work Plan	To discuss the work plan and potential topics that Committee Members would like to scrutinise over the forthcoming year
4th November 2015 (agenda dispatch 23rd October 2015)	Quarter Two Financial and Performance Review	To provide Scrutiny with the Financial and Performance Review, Quarter Two 2015/2016
	Medium Term Financial Strategy	An update to be provided on the Medium Term Financial Strategy for 2015/2016 and the following four years, indicating the projected budgets for these years and the shortfall compared to available resources
	Finance, Resources and Partnership Scrutiny Committee Work Plan	To discuss the work plan and potential topics that Committee Members would like to scrutinise over the forthcoming year

Date of Meeting	Item	Reason for Undertaking
3rd December 2015 (agenda dispatch 20th November 2015)	Revenue Budgets 2016/17 – First Draft Savings Plan	To review progress on the completion of the revenue and capital budgets for 2016/2017 to enable a robust and affordable budget for 2016/2017 to be approved
	Capital Strategy Update	An update to be provided on how the Council deploys its capital resources in order to assist it to achieve its corporate and service objectives
	Asset Management Strategy Update	An update to be provided on the finance and resource implications of the Asset Management Strategy 2014-2017
	Scale of Fees and Charges	Review of the fees and charges which the Council makes in order to keep them in line with the cost of service provision and to establish the amounts to be included in the 2016/2017 budget
	Finance, Resources and Partnership Scrutiny Committee Work Plan	To discuss the work plan and potential topics that Committee Members would like to scrutinise over the forthcoming year
13th January 2016 (agenda dispatch 24th December 2015)	Budget Scrutiny Café	The café is an information gathering workshop and will give Members a chance to ask any questions relating to the budget setting process
27th January 2016 (agenda dispatch 15th January 2016)	Quarter Three Financial and Performance Review	To provide Scrutiny with the Financial and Performance Review, Quarter Three 2015/2016
	Treasury Management Strategy 2016/2017	To approve the Strategy to be followed by the Council in carrying out its treasury management activity in the forthcoming year 2016/2017
	Revenue and Capital Budgets 2016/2017	To consider the final version of the Revenue and Capital Budget 2016/2017 before it is considered by Council on 24 th February 2016.
	Budget Scrutiny Café, 13 th January 2016	To consider feedback received from the Budget Scrutiny Café held on the 13 th January 2016
	Finance, Resources & Partnership Scrutiny Committee Work Plan	To discuss the work plan and potential topics that Committee Members would like to scrutinise over the forthcoming year

Date of Meeting	Item	Reason for Undertaking
14 th March 2016 (agenda dispatch 4 th March 2016)	Portfolio Holder(s) Question Time	Opportunity for the Committee to question the Portfolio Holder(s) on their priorities and work objectives for the next six months and to address any issues or concerns that they may be facing
	Annual Work Plan	To review outcomes, recommendations, feedback and further action required on items submitted over the past twelve months
15 th June 2016 (agenda dispatch 3 rd June 2016)	Financial and Performance Management Report to end of Quarter 4 (March) 2016	To provide Finance, Resources and Partnerships (FRAP) Scrutiny Committee with the Financial and Performance Review, Fourth Quarter 2015/2016
	Finance, Resources & Partnership Scrutiny Committee Work Plan	To discuss the work plan and potential topics that Committee Members would like to scrutinise over the forthcoming year

Task and Finish Groups:	
Future Task and Finish Groups:	
Suggestions for Potential Future Items:	<ul style="list-style-type: none"> • Constitution Review Working Group – Future Work Plans

DATES AND TIMES OF CABINET MEETINGS:	Wednesday 10 th June 2015, 7.00pm, Committee Room 1
	Wednesday 22 nd July 2015, 7.00pm, Committee Room 1
	Wednesday 16 th September 2015, 7.00pm, Committee Room 1
	Wednesday 14 th October 2015, 7.00pm, Committee Room 1
	Wednesday 11 th November 2015, 7.00pm, Committee Room 1
	Wednesday 9 th December 2015, 7.00pm, Committee Room 1
	Wednesday 20 th January 2016, 7.00pm, Committee Room 1
	Wednesday 10 th February 2016, 7.00pm, Committee Room 1
	Wednesday 23 rd March 2016, 7.00pm, Committee Room 1
	Wednesday 8 th June 2016, 7.00pm, Committee Room 1