



Annual Report 2016/17

Overview and Scrutiny

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Director of Governance and Monitoring Officer Statement

- 1.1 Article 6 of the Constitution requires that an annual report be presented to Council on the workings of Overview and Scrutiny Committees, their future work programmes and any proposed amendments to working methods. Accordingly, this report provides the following information:

- (a) Statement by the Monitoring Officer.
- (b) Performance Review Statistics.
- (c) Future Work Programmes.
- (d) Amendments to Current Practices.

- 1.2 The **Delivering Good Governance in Local Government Framework** (2016 Edition) identifies seven core principles of good governance, with associated sub principles. Of particular relevance is:

Core Principle F. Managing risks and performance through robust internal control and strong public financial management

Sub Principle: Managing Performance Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible

Action/Response: There are two Overview and Scrutiny Committees, with their own work programmes, which meet regularly. There is constructive scrutiny challenge. The use of programmed scrutiny in the decision-making process ensures that Overview and Scrutiny Committees have less need to call-in an item having already had the opportunity to express a view to the decision-maker. Scrutiny recommendations are considered in detail by the Cabinet. An annual report on the work of the committee is presented to the Council's Annual Meeting.

- 1.3 As the Monitoring Officer, I am satisfied that the statutory overview and scrutiny function is operating effectively and has been properly and lawfully exercised in accordance with the Constitution. and has contributed to the achievement of the core and sub principles.. This is evidenced by:

- (i) The Council has operated two Scrutiny Committees (the law requires one or more).
- (ii) Work Programmes have been set and approved and carried out and reported to the Council.
- (iii) More than 12 ordinary meetings in total of Overview and Scrutiny Committees have been held during the year.
- (iv) Policy review and development has been undertaken in accordance with the Budget and Policy Framework Procedure Rules.
- (v) Reports from Overview and Scrutiny Committees to the executive have been considered by the executive within 4 weeks.
- (vi) Overview and Scrutiny Committees have exercised call-in.
- (vii) The urgency procedures have been properly exercised and reported.
- (viii) Officers and Members have attended Scrutiny Committees to give evidence when required.

- 1.4 The scrutiny function has operated in accordance with guidelines/protocols to assist in respect of:

- (a) The call-in procedure;
- (b) Chairman's procedure for key question setting and chairmen's meetings;
- (c) The key stages for topic reviews;
- (d) Public submission of topics for review;
- (e) Petitions
- (f) Public speaking at committee; and
- (g) Officer support.

David Randall

Director of Governance and Monitoring Officer

The Role and Responsibilities of Scrutiny

- 2.1 The overview and scrutiny function is central to the constitution of the Council. It should act to promote accountability and transparency within the decision-making process.
- 2.2 The key agreed local principles forming the foundation of the overview and scrutiny function at Dover District Council are as follows:
- The focus for scrutiny must be based upon the achievement of outcomes rather than upon process and procedures in order to develop a function that can make a real difference to the Council and the district.
 - That Overview and Scrutiny be positive, objective and constructive, seeking to add value to any service that it considers. Scrutiny should acknowledge good practice where found and recommend improvements where necessary.
 - It is essential that the Council has an active and challenging scrutiny function that reflects corporate priorities regarding the provision of services.
- 2.3 The Council has two Overview and Scrutiny Committees – the Scrutiny (Policy and Performance) Committee and the Scrutiny (Community and Regeneration) Committee. The Scrutiny (Policy and Performance) Committee is predominantly customer focused, providing overview on the exercise and delivery of council services and functions. In contrast, the Scrutiny (Community and Regeneration) Committee is community focused, considering the impact of service delivery across the whole of the public and private sector on the local community.
- 2.4 The Overview and Scrutiny Committees are responsible for discharging the functions, some of which are conferred by legislation, in relation to the following matters:

Scrutiny (Policy and Performance) Committee

- (a) Budget and Major Policy
- (b) Call-in
- (c) Performance Monitoring and Improvement
- (d) Scrutiny Co-ordination (including the allocation of all overview and scrutiny functions not within the specific remit of the Scrutiny (Community and Regeneration) Committee)
- (e) Petitions referred to the scrutiny committees

Scrutiny (Community and Regeneration) Committee

- (a) Community Reviews and Accountability
- (b) Public Health
- (c) Major Projects
- (d) Crime and Disorder

Policy Development and Review

2.5 The Overview and Scrutiny Committees exercise the following functions in respect of policy development and review:

- (a) Assist the Council and the executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- (b) Conduct research and undertake community and other consultation in the analysis of policy issues and possible options;
- (c) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (d) Question members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area; and
- (e) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people.

Overview and Scrutiny

2.6 The Overview and Scrutiny Committees will within their terms of reference:

- (a) Review and scrutinise the decisions made by and performance of the Executive and/or Committees and Council officers both in relation to individual decisions and overall performance;
- (b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) Consider any matter affecting the area or its inhabitants;
- (d) Reconsider decisions made but not yet implemented by the Executive (following the exercise of the right of call-in).
- (e) Question members of the Executive and/or Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or relation to particular decisions, initiatives or projects;
- (f) Make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (g) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
- (h) Question and gather evidence from any person (with their consent). Overview and Scrutiny Committee have powers conferred by legislation in

respect of requiring certain bodies such as the Executive or Community Safety Partnership members to attend for the purpose of providing evidence in respect of their functions.

Performance Review

- 3.1 If overview and scrutiny is to be successful it needs to achieve tangible outcomes. These can be achieved through influencing executive decision-making – whether through scheduled scrutiny through the work programme or call-in, influencing partners and outside bodies or raising awareness of issues with members of the council and the wider public.

Structure

- 3.2 Dover District Council maintains a multiple scrutiny committee model. The number of scrutiny committees maintained by the Council is in line with the national district council average of two scrutiny committees.

Scrutiny Recommendations

- 3.3 During the municipal year 2016/17 a number of recommendations have been made by Scrutiny Committees to Cabinet and Council, and a summary of the outcomes is shown below:

Overview	Executive Business	Council Business	Total
Scrutiny (Policy and Performance) Committee	49	0	49
Scrutiny (Community and Regeneration) Committee	8	0	7
Total Number of Scrutiny Recommendations	57	0	56

Executive Business	Approved	Amended or Deferred	Rejected	Total	PCT Approved
Scrutiny (Policy and Performance) Committee	43	0	6	49	87%
Scrutiny (Community and Regeneration) Committee	4	2	1	7	50%
Total Number of Scrutiny Recommendations	47	2	7	56	82%

Council Business	Approved	Amended	Rejected	Total
Number of Scrutiny Recommendations	0	0	0	0

- 3.4 The average approval level of recommendations from Scrutiny (both committees) by Cabinet was 82% (against a target of 80%), down slightly against the previous municipal year.

Frequency of Meetings

- 3.5 There have been a total of 9 meetings of the Scrutiny (Community and Regeneration) Committee (plus 2 key question setting meetings). A further meeting would have

been held but was cancelled due to problems with scheduling the attendance of an external body.

- 3.6 There have been 15 meetings of the Scrutiny (Policy and Performance) Committee (plus 1 budget key question setting meeting) held during the municipal year.

- 3.7 There have been no simultaneous co-located meeting of both scrutiny committees during the year.

Call-In

- 3.8 There has been no Executive Decisions called-in for scrutiny during the course of the municipal year.

- 3.9 It should be emphasised that the number of times the call-in power is exercised has no direct correlation with the efficiency of the Council's overview and scrutiny functions. For example, the use of programmed scrutiny in the decision-making process can ensure that Overview and Scrutiny Committees have less need to call-in an item having already had the opportunity to express a view on a matter to the decision-maker.

Public Speaking at Overview and Scrutiny

- 3.10 The Council adopted a protocol for public speaking during the municipal year 2008/09. The conclusion drawn from the exercise of the public speaking protocol to date is that when combined with the power for members to request that items be added to the agendas of Overview and Scrutiny Committees it does provide a method by which members of the public can directly express their views to decision-makers. During the last municipal year no members of the public have registered to speak relating to an issue before a Committee. However, the Scrutiny (Policy and Performance) Committee and the Scrutiny (Community and Regeneration) Committee have between them on several occasions allowed by resolution for members of the public in attendance to speak on matters relating to petitions.

Scrutiny Agenda Setting

- 3.11 In accordance with Constitution any member of the Council can nominate an item within the remit of a scrutiny committee for the agenda, although the committee does not have to include any suggestions in its work programme.

Public Petitions

- 3.12 The Scrutiny (Policy and Performance) Committee has received 3 petitions during the preceding municipal year.

- 3.13 The Scrutiny (Policy and Performance) Committee usually acts as the committee to receive petitions referred to Members by the Head of Democratic Services. The petitions received by the Committee during the last year were as follows (all petition text as per the petition document):

Petition Title	Reopen the Regent
Petition	"We the undersigned petition the council to I/we, the undersigned, want to see the former Regent Cinema in Deal reopened as a cinema for the benefit of the residents and visitors, as was intended when Dover District Council originally sold the building, and call on Dover District Council to use the legal powers available to it to reopen the Regent

	as a cinema and community venue.
	This important building is rotting, its building use restrictions are being flouted, and many local people are keen to see a cinema open in Deal once more. The building was purposefully sold at a low price with the proviso it would be made into a cinema - not flats or a restaurant as per the current plans (not yet officially submitted)."
Signatures	47 (e-petition) plus over 2000 additional signatures via 38 degrees website.
Committee Date	13 September 2016
Action Taken	This matter is still on-going. A meeting was held at Deal Town Hall to receive the petition and a number of follow-up meetings have been held since. At the meeting of the Scrutiny (Policy and Performance) Committee held in April 2017 it was agreed that a further meeting would be held in Deal to consider the matter.
Petition title	No More Protest Marches in Dover
Petition	<p>"We the undersigned petition the council to use all its statutory and discretionary powers including working with the Chief Constable of Kent Police and national government to prevent and prohibit repeated and frequent demonstrations & protests causing severe disruption to community life in Dover.</p> <p>The rights to protest and of free speech are fundamental to our way of life but must be properly balanced with a community's right to go about its everyday business without disturbance, hinderance or economic loss. Organisers of protests should not be allowed to hold repeat events in the same location."</p>
Signatures	9 (e-petition)
Committee Date	Not Applicable
Action Taken	The petition organiser (Dover Town Council) withdrew the petition.
Petition Title	More Parking Spaces at Aycliffe
Petition	<p>"We the undersigned petition the council to provide more parking spaces at Aycliffe. This can be done by widening of roads where there are banks etc. A Survey and public consultation will be needed.</p> <p>Parking at Aycliffe is now at a premium. Where people park it makes it difficult for emergency vehicles to get pass. Therefore widening of roads would provide more parking spaces and better access for emergency services."</p>

Signatures	42 (e-petition)
Committee Date	23 May 2017
Action Taken	The Committee will receive this petition at its meeting to be held on 23 May 2017.

Budget Scrutiny

- 3.13 The Scrutiny (Policy and Performance) Committee conducted its scrutiny of the budget at its 1 February 2016 meeting. The Committee received a detailed briefing from the Director of Finance, Housing and Community prior to setting its key questions.

Work Programme

- 4.1 Each Committee has developed a one-year work programme and scrutinised a number of issues.
- 4.2 There have been several external organisations or community groups involved in scrutiny (either as an interviewee or by providing documentary evidence) during the municipal year 2016/17.
- 4.3 Any items not completed during the 2016/17 work programmes will be presented to the first meeting of the Committee in 2017/18 for consideration in the rolling work programme.
- 4.4 The work programmes are subject to regular review by the individual Scrutiny Committees having regard to the corporate objectives and priorities, public consultation, and other events that may require the Scrutiny Committees to reappraise their work programmes.

New Legislation

- 4.5 Any new legislation affecting overview and scrutiny will be considered and implemented as required.