

Public Document Pack



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11 May 2022

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **COUNCIL** on Wednesday 18 May 2022 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

- 11 **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE** (Pages 2 - 14)

To consider the attached report of the Monitoring Officer.

- 16 **RESTORATION OF MAISON DIEU, DOVER** (Pages 15 - 16)

To consider the attached report of the Strategic Director (Operations and Commercial).

The Cabinet recommendations to the Council are set out in decision CAB111(b). The part of the decision set out at CAB111(a) is an executive decision and only included for completeness.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive

Subject:	ANNUAL REPORT OF OVERVIEW AND SCRUTINY 2021/22
Meeting and Date:	ANNUAL COUNCIL – 18 MAY 2022
Report of:	DEMOCRATIC AND CORPORATE SERVICES MANAGER
Classification:	UNRESTRICTED

Purpose of the report:	Under the Council’s Constitution an Annual Report of Overview and Scrutiny is required to be presented to the Annual Meeting of the Council.
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Recommendation:	That Members note the report.
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1. Summary

This report summarises the activity of the Council’s Overview and Scrutiny Committee for the period 1 May 2021 to 30 April 2022.

2. Introduction and Background

3. Article 6 of the Constitution requires that an annual report be presented to Council on the workings of Overview and Scrutiny Committee, its work programme and any proposed amendments to working methods. Accordingly, the attached report provides the following information:

- (a) Statement by the Head of Governance and the Monitoring Officer
- (b) Performance Review Statistics
- (c) Work Programme
- (d) Amendments to Current Practices

4. Identification of Options

- 4.1 Option 1: To receive and note the report.
- 4.2 Option 2: To not note the report.

5. Evaluation of Options

- 5.1 Option 1 is the recommended option. The Delivering Good Governance in Local Government Framework identifies openness and engagement as a core principle. A sound governance arrangement, including an effective scrutiny process, underpins the achievement of all the Council's corporate objectives.
- 5.2 Option 2 is not the recommended option for the reasons set out above.

6. Resource Implications

- 6.1 None from this report

7. **Climate Change and Environmental Implications**

7.1 There are no climate change or environmental implications arising from the report.

8. **Appendices**

Appendix 1 – Annual Report of Overview and Scrutiny Committee 2021/22

9. **Background Papers**

9.1 Work Programme of the Overview and Scrutiny Committee 2021/22

Contact Officer: Rebecca Brough, Democratic and Corporate Services Manager, 01304 872304



Annual Report 2021/22

Overview and Scrutiny

Contents

1. **Head of Governance and Monitoring Officer Statement**
2. **Roles and Responsibilities**
3. **Performance Review**
4. **Work Programme**

Statement by the Head of Governance and the Monitoring Officer

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 is one Overview and Scrutiny Committee, with its own work programme, which met 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 one Overview and 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) 11 or more ordinary meetings of the Overview and Scrutiny Committee 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 would ordinarily have been considered by the executive within 4 weeks.
- (vi) The Overview and Scrutiny Committee has 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.

Harvey Rudd
Monitoring Officer

Louise May
Head of Governance

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 a single Overview and Scrutiny Committee which provides overview on the exercise and delivery of council services and functions and considers the impact of service delivery across the whole of the public and private sector on the local community.
- 2.4 The Overview and Scrutiny Committee is responsible for discharging the functions, some of which are conferred by legislation, in relation to the following matters:

Overview and Scrutiny Committee

- (a) Budget and Major Policy
- (b) Call-in
- (c) Performance Monitoring and Improvement
- (d) Petitions referred to the scrutiny committee
- (e) Community Reviews and Accountability
- (f) Public Health
- (g) Major Projects
- (h) Crime and Disorder

Policy Development and Review

- 2.5 The Overview and Scrutiny Committee 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 Committee will within its 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 operates a single scrutiny committee model. The number of scrutiny committees maintained by the Council is in line with the Kentish district council average of 1.22 scrutiny committees (for those authorities operating executive arrangements) with all apart from Dartford and Gravesham operating a single scrutiny committee.

Scrutiny Recommendations

- 3.3 During the municipal year 2021/22 a number of recommendations have been made by the Overview and Scrutiny Committee to Cabinet and Council, and a summary of the outcomes is shown below:

Overview	Executive Business	Council Business	Total
Overview and Scrutiny Committee	22	4	26

Executive Business	Approved	Amended or Deferred	Rejected	Total	PCT Approved
Overview and Scrutiny Committee	20	0	2	22	91%

Council Business	Approved	Amended or Deferred	Rejected	Total	PCT Approved
Number of Scrutiny Recommendations	4	0	0	4	100%

- 3.4 The average approval level of recommendations from the Overview and Scrutiny Committee by Cabinet was 91% (against a target of 80%) when including decisions where the original Cabinet decision was endorsed unchanged by Overview and Scrutiny. If only decisions are counted where the Overview and Scrutiny Committee made a recommendation other than that set out in the report, the approval rate is lower at 50%.
- 3.5 The total number of recommendations made to Cabinet decreased slightly from 23 in the municipal year 2020/21 to 22 in the municipal year 2021/22.

Frequency of Meetings

- 3.6 There has been a total of 12 meetings of the Overview and Scrutiny Committee, although 1 further meeting was cancelled due to bad weather in December 2021.

Call-In

- 3.7 There has been 0 Executive Decisions called-in for scrutiny during the course of the municipal year.
- 3.8 It should be emphasised that the number of times the call-in power is exercised has no direction 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

- 3.9 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 it does provide a method by which members of the public can directly express their views to decision-makers.
- 3.10 During the pandemic, this was amended to change the basis for speaking to a written statement of up to 500 words. This has been successfully utilised during the last year by a member of the public.

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 Overview and Scrutiny Committee has received 0 petitions during the preceding municipal year.
- 3.13 A review of the Council's petition scheme will be undertaken as part of the Review of the Constitution 2021/22 as it is based on statutory guidance that has since been repealed.

Budget Scrutiny

- 3.14 The Overview and Scrutiny Committee conducted its scrutiny of the budget at its 21 February 2022 meeting. The Committee received a detailed briefing from the Strategic Director (Corporate Resources) as part of the budget scrutiny meeting.

Work Programme

- 4.1 The Overview and Scrutiny 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 2021/22. These include Dover Harbour Board, representatives from the local Voluntary and Community Sector, Veolia and Kent Police.
- 4.3 The Overview and Scrutiny Committee invited representatives from local health services to attend a meeting to discuss Blood Services at Deal Hospital, but the invitation was declined. The Committee is waiting on a response to written questions submitted on the subject.
- 4.4 Any items not completed during the 2021/22 work programmes will be presented to the meeting of the Committee in June 2022 for consideration for inclusion in the rolling work programme for 2022/23.
- 4.5 The work programme is subject to regular review by the Scrutiny Committee having regard to the corporate objectives and priorities, public consultation, and other events that may require the Scrutiny Committee to reappraise its work programmes.

New Legislation

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

Work Programme – Overview and Scrutiny Committee (May 2021 – April 2022)

- Food Poverty Review
- Performance Report Q1-Q3 2021/22
- Performance Report Q4 2020/21
- Household Waste Collection & Litter
- Draft Dover District Council Homelessness and Rough Sleeping Strategy 2020-2024
- Household Waste Collection
- Angling at Admiralty Pier
- Food Poverty Review
- Release of Section 106 Monies from Aylesham Village Garden Public Realm Contributions
- Electric Heating and Photo-Voltaic Installations at Affordable Housing Developments at Kimberley Close and Stockdale Gardens
- Award of 5-Year Consultancy Contract for Heating, Water and Electrical Safety Works
- Southern Water Update
- Waste Service Update
- Your Leisure Covid Support Funding
- Public Toilet Provision
- Market Square, Dover
- Approval to enter into a design and build contract for development of interim housing at Poulton Close, Dover
- Dover District Council Local Development Scheme
- Open Golf - Costs
- Rural Car Parking
- Scrutiny of the Waste Service
- Responsive Repairs
- Crime and Disorder
- Greening of Urban Dover
- Award of 3-Year Contract for Cleaning and Routine Maintenance of Public Conveniences and Locking/Unlocking of Other Council Assets
- Budget 2022/23
- First Homes Sales and Resales Policy
- Review Of On- And Off-Street Parking Charges
- Climate Change Update
- Redevelopment of Stembrook Car Park and Former Co-op Building, Dover
- Future High Streets Fund

The Food Poverty Review was reported to the July 2021 meeting of the Council.

Future Work Programme

The Overview and Scrutiny Committee will set its work programme for the municipal year 2021/22 at its first meeting following the Annual Council meeting on 18 May 2022.

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 111 9.5.22 Exempt</p> <p>Key Decisions Yes</p> <p>Call-in to apply (a) Yes (b) No</p> <p>Implementation Date (a) 17 May 2022 (b) 19 May 2022</p>	<p><u>RESTORATION OF MAISON DIEU, DOVER</u></p> <p>(a) It was agreed:</p> <ul style="list-style-type: none"> (i) That the outcome of the tender process be noted. (ii) That the award of the main contract for the construction works to Coniston Ltd be approved. (iii) That the Strategic Director (Operations and Commercial) be instructed to identify additional grant funding opportunities from other sources, including project sponsors and other partners, opportunities for prudent borrowing against expected revenues, and potential savings up to £2.25 million in the Capital Programme, in consultation with the Leader of the Council, sufficient to offset the shortfall of funding for the Maison Dieu project, with a report to be presented to a subsequent meeting of the Council. <p>(b) It was agreed to recommend to Council:</p> <ul style="list-style-type: none"> (i) That the allocation of an increase of £2.25 million in the Capital Programme to finance the increased costs of the Maison Dieu project be approved. (ii) That the recommendation of the Section 151 Officer, as set out in paragraph 7.1.9 of the report, be approved, as follows: 	<p>Not to change recommendation (a) (iii).</p>	<p>The report appraises Cabinet of the outcome of the tender process and seeks agreement for the award of the contract for construction works to restore the Maison Dieu (Town Hall) in Dover.</p> <p>A competitive tender process was followed and three valid bids were received, highlighting a shortfall between the pre-tender estimate and bids received.</p> <p>Cabinet is requested to</p>	

	<p>“It is therefore the recommendation of the Section 151 Officer that, to maintain the Council’s financial position with regards to capital expenditure, projects totalling at least the additional cost of the Maison Dieu project, currently estimated to be £2.25 million, are removed from the programme.”</p>		<p>approve the revised specification and to recommend to Council that the additional resources needed to cover the shortfall are released.</p>	
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