



# **Annual Report 2014/15**

## **Overview and Scrutiny**

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## 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 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. In particular, the following parts of the overview and scrutiny function have been effectively delivered:
- (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.
- 1.3 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.
- 1.4 The Scrutiny Co-ordination Sub-Committee was established to act in a co-ordination role for work programmes and scrutiny reviews and is called as necessary.

**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 over time;
  - (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 year 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
Number of Scrutiny Recommendations	18	1	19

Executive Business	Approved	Amended	Rejected	Total
Number of Scrutiny Recommendations	18	0	1	19

Council Business	Approved	Amended	Rejected	Total
Number of Scrutiny Recommendations	1	0	0	1

- 3.4 The average approval level of recommendations from Scrutiny (both committees) by Cabinet was 94% (against a target of 80%) and by Council was 100% (against a target of 80%).

### Frequency of Meetings

- 3.5 There have been a total of 13 meetings of the Scrutiny (Community and Regeneration) Committee (plus 2 key question setting meetings) and 13 meetings of the Scrutiny (Policy and Performance) Committee (plus 1 key question setting meeting) held during the municipal year. There have been no simultaneous co-located meeting of both scrutiny committees during the year.

### Call-In

- 3.6 There has been 1 Executive Decisions called-in for scrutiny during the course of the municipal year, relating to Lifting of Overage Clauses at Station Field, Aylesham which was called-in by Councillor K Mills at the request of the Chairman of the Scrutiny (Community and Regeneration) Committee, Councillor Jim Hood.
- 3.7 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**

- 3.8 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 has on several occasions allowed by resolution for members of the public in attendance to speak on matters relating to the Dover Town Investment Zone, including at the special meeting held in July 2014.

### **Scrutiny Agenda Setting**

- 3.9 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. The Scrutiny (Policy and Performance) Committee included one item in its work programme that was suggested by a non-committee member (Council Tax Performance by Councillor B Gardner).

### **Public Petitions**

- 3.10 The Scrutiny (Policy and Performance) Committee has received 3 petitions (out of a total of 6 submitted to the Council) during the preceding municipal year. The petition concerning the Dover Town Investment Zone (DTIZ) was initially referred to Council by virtue of the number of signatures and at the request of the petition organiser.
- 3.11 As it has been over four years since the current petition scheme was introduced and following changes to the statutory guidance underpinning the current scheme by the Coalition Government, a review of the petition scheme will be undertaken during the municipal year 2015/16.
- 3.12 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):

<b>Petition Title</b>	Dover Town Investment Zone
<b>Petition</b>	“We the undersigned petition the council to , in the persons of a) the Leader and Cabinet, b) the Scrutiny Committee and c) the Chief Executive and the Head of Regeneration, call a public meeting and present , within 8 weeks of the closure of this petition, a full and detailed summary of costs incurred, progress made and forward plans to secure the completion of the Dover Town Investment Zone. The presentation should allow questions from the floor without notice and provide full disclosure of status, costs (capitalised and expensed), plans, accountabilities, timeframes and reasons for past inabilities to deliver. We respect the existence of certain commercial in confidence factors which should not be used as a shield to full and proper disclosure.”
<b>Signatures</b>	2070 (mix of e-petition and paper)



**Petition Dates** 16/01/2014 to 22/05/2014 (changed from 15/01/2015)  
**Committee Date** 14 May 2014 (Council) & 23 June 2014 (Discovery Centre)  
**Action Taken** A meeting was held by the Scrutiny (Policy and Performance) Committee at the Discovery Centre – located close to the DTIZ site – on 23 June 2015. The Committee resolved to allow members of the public to ask questions of representatives from the Council and the Developer.

Since that meeting the Scrutiny (Policy and Performance) Committee has met with the Head of Inward Investment on several occasions to follow up on the progress.

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**Petition title** Walmer Beach Huts  
**Petition** "We the undersigned petition the council to reduce the number of beach huts on the beach opposite the Sea View Café on Walmer Green."  
**Signatures** 459 (paper petition)  
**Petition Dates** Petition received  
**Committee Date** n/a  
**Action Taken** The petition was withdrawn prior to consideration by the Committee.

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**Petition Title** No to a badger cull on council land  
**Petition** "We the undersigned petition the council to call on Dover District and surrounding areas owned by the council to prohibit the culling of badgers on council-owned land and invest in vaccination programmes locally. We ask this because we believe culling to be inhumane, inefficient and unscientific."  
**Signatures** 69 (e-petition)  
**Petition Dates** 11 March 2014  
**Committee Date**  
**Action Taken** Acknowledging the comments of the Director of Environment and Corporate Assets that the Council had no intentions to conduct a cull and that it wasn't legally permissible anyway, the Committee requested a report on additional information to be made to a future meeting.

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**Petition Title** Swim School Programme – Tides Leisure Centre, Deal  
**Petition** "This petition, signed by 237 parents (representing 472 children) who are clients of the swim school programme at Tides Leisure Centre in Deal, is to express our displeasure at the proposed changes to times of our children's swimming lessons and/or the obligation to take lessons during the school holidays. Some parents also feel that by closing the swimming pool at Tides between 5 and 7pm during the school holidays, as is proposed, to accommodate the swim school, will affect not only Tides members, but all those in the town and the area who use the pool for leisure. This is particularly important because the general public associate the pool at Tides, in contrast to Dover, as a leisure/holiday pool, because of its design."  
**Signatures** 237 (Paper Only)  
**Petition Dates** Petition received

<b>Committee Date</b>	13 January 2015 and on-going
<b>Action Taken</b>	The Committee has met with representatives of Your Leisure to discuss the consultation being undertaken in respect of Swim School. A further meeting will be held to follow up on the outcome of the consultation.
<b>Petition Title</b>	Lighting to Seven Post Alley, Sandwich
<b>Petition</b>	"We the undersigned petition the council to We the undersigned petition the Council to reinstate the lamp standard at the High Street end of Seven Post Alley for reasons of security and safety."
<b>Signatures</b>	119 (Paper Only)
<b>Petition Dates</b>	Petition Received 02/02/2015
<b>Committee Date</b>	n/a
<b>Action Taken</b>	Petition withdrawn prior to consideration by the Committee
<b>Petition Title</b>	Petition for Repairs and Improvements to Deal Tides Skatepark
<b>Petition</b>	"We the undersigned petition the council to Provide at the site of Deal Skatepark at Tides Leisure Centre the following: -Bins that are fit for purpose (i.e. metal or concrete with metal liners) - Repairs to lighting surrounding the Skatepark - General repairs to the ramps - Some form of shelter from rain and harsh weather (a covering over the seating area for example) - A drinking fountain"
<b>Signatures</b>	0 (E-Petition only)
<b>Petition Dates</b>	23/12/2014 to 23/03/2015
<b>Committee Date</b>	Not Applicable
<b>Action Taken</b>	As the petition did not achieve any signatures no action was taken.

3.13 Where petitions are withdrawn, this may be due to the petition being resolved by other measures such as direct discussions with officers.

#### **Budget Scrutiny**

3.14 The Scrutiny (Policy and Performance) Committee conducted its scrutiny of the budget at its 10 February 2015 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.

Committee	Major Items within Work Programme
Scrutiny (Community and Regeneration) Committee	(*) Denotes work initiated by the Committee from its work programme
<p>Items considered during the course of the year include:</p> <ul style="list-style-type: none"> <li>• Council's newsletter*</li> <li>• Council Motion on Live Animal Exports (led to a Review)</li> <li>• Tenant representative arrangements</li> <li>• Lifting of overage clauses at Station Field, Aylesham</li> <li>• Crime and Disorder Update (x2)</li> <li>• District Regeneration Update (x2)</li> <li>• Homelessness Strategy</li> <li>• </li> </ul>	

Committee	Major Items within Work Programme
Scrutiny (Policy and Performance) Committee	All Budget and Policy Framework Items and Selected Key Decisions within the Forward Plan
<p>(*) Denotes work initiated by the Committee from its work programme</p> <p>Items considered during the year include:</p> <ul style="list-style-type: none"> <li>• Council budget and medium term financial plan</li> <li>• Petitions</li> <li>• Performance Report (x4)</li> <li>• Appointment of a representative on the LDF</li> <li>• Demolition of Centurion House and Future Plans for a 'Pay and Display' Car Park</li> <li>• Regeneration Communication Report</li> <li>• Review of On and Off-Street Parking Period</li> <li>• Badger Culling Petition – Follow Up Report*</li> <li>• Performance Report Targets</li> <li>• Kent Minerals and Waste Local Plan</li> <li>• Aycliffe Play Area</li> <li>• Sheltered Housing Service Review</li> <li>• Western Heights</li> <li>• Public Spaces Protection Order Consultation</li> <li>• Parking Strategy Review</li> <li>• Resident's Parking Permits*</li> <li>• Procurement of a Payroll System</li> <li>• DDC Annual Monitoring Report</li> <li>• Review of On and Off Street Parking Charges</li> </ul>	

Committee	Major Items within Work Programme
<ul style="list-style-type: none"> <li>• Performance of Council Tax Service*</li> <li>• Playing Pitch and Outdoor Sports Facility Strategy</li> <li>• Dover Leisure Centre</li> </ul>	

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 2014/15, and in particular as part of the Review of Live Animal Exports and the DTIZ scrutiny.

4.3 Any items not completed during the 2014/15 work programmes will be presented to the first meeting of the Committee in 2015/16 for consideration in the rolling work programme.

4.4 The work programmes are subject to regular review by the individual Scrutiny Committees and possible revision in liaison with the Scrutiny Co-ordination Sub-Committee 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.