



Annual Report 2012/13

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 The Monitoring Officer states that he is satisfied that the statutory overview and scrutiny function is operating 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 correctly followed:
- (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) Chairmen'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. The Sub-

Committee comprises of the two Scrutiny Committee Chairmen, the two Scrutiny Committee Spokespersons and an additional Scrutiny Committee member (usually the Chairman of the Governance Committee where they are also a scrutiny member).

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)

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	31	3	34

Executive Business	Approved	Amended	Rejected	Total
Number of Scrutiny Recommendations	27	0	4	31

Council Business	Approved	Amended	Rejected	Total
Number of Scrutiny Recommendations	3	0	0	3

- 3.4 The average approval level of recommendations from Scrutiny (both committees) by Cabinet was 87% (against a target of 80%) and by Council was 100%.

Frequency of Meetings

- 3.5 There have been a total of 10 meetings of the Scrutiny (Community and Regeneration) Committee and 13 meetings of the Scrutiny (Policy and Performance) Committee held during the municipal year. There has been one simultaneous co-located meeting of both scrutiny committees to consider the issue of Council Tax Benefit Localisation.

Call-In

- 3.6 There have been no Executive Decisions called-in for scrutiny during the course of the municipal year.
- 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 the Committee.

Councillor Call for Action (CCfA)

- 3.9 There have been no Councillor Calls for Action in the preceding municipal year. In keeping with Department for Communities and Local Government (DCLG) guidance that the process be used as a method of last resort. In accordance with constitutional changes made following the introduction of the CCfA, 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

- 3.10 The Council has received four petitions during the preceding municipal year (which is the same number as received in each of the preceding two municipal years) and one recently concluded electronic petition that will be considered at the first meeting of the Scrutiny (Policy and Performance) Committee in the coming municipal year on 28 May 2013. A further petition relating to changing the name of the district was not accepted under the petition scheme when the petition organiser could not be reached to present it.
- 3.11 As it has been three years since the current petition scheme was introduced it is appropriate that a review will be conducted of the scheme in 2013/14.
- 3.12 The petitions received during the last year were as follows (all petition text as per the petition document):

Petition	“I/We the undersigned object to the increases in car parking charges by some 10% in most of the off-street car parks and the on-street parking areas which are to be introduced in April by Dover District Council and call on the Council not to introduce its proposed increases in charges and its proposed reductions in the length of time of parking times. These proposed charges are damaging to residents, visitors and businesses in difficult financial times”
Signatures	1030
Date Received	22 May 2012
Action Taken	The Committee agreed to wait for sufficient parking data for the year 2012/13 to gauge the impact of the parking charges on usage and considered the results as part of the budget scrutiny process.

Petition	"That the Council be asked to withdraw the green waste subscription service and reinstate the previous free green waste collection service with the green bag funded from Council Tax."
Signatures	5 (e-petition)
Date Received	19 June 2012
Action Taken	Report from the Director of Environment and Corporate Assets.
Petition	"I/We the undersigned consider the £40.00 annual charge for the collection of green waste to be an unacceptable additional tax on local people and call on Dover District Council to abandon this charge which will result in fly tipping of garden waste and is against the 3 current government's policy of ending additional charges for waste collection."
Signatures	962
Date Received	10 July 2012
Action Taken	Report from the Director of Environment and Corporate Assets.
Petition	A petition relating to fencing around a property relating to dangerous dogs.
Signatures	233
Date Received	15 January 2013
Action Taken	The Director of Environment and Corporate Assets was requested to investigate the matter and see what could be done by the Council. A further update report is due to be made to the Committee.

East Kent (Joint Scrutiny) Committee

- 3.13 The East Kent (Joint Scrutiny) Committee was dissolved with effect from 1 October 2012. As a consequence matters relating to shared services are now considered by the appropriate Dover District Council scrutiny committee.

Budget Scrutiny

- 3.14 The Scrutiny (Policy and Performance) Committee conducted its scrutiny of the budget at its February 2013 meeting. The Committee received a detailed briefing from the Director of Finance, Housing and Community prior to setting its key questions.
- 3.15 The success of the budget scrutiny process will be assessed and fed into the planning for the scrutiny of the council's 2014/15 budget.

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 Items considered during the course of the year include: <ul style="list-style-type: none"> • Regeneration and Major Projects Updates* • Fairtrade* • Discovery Park Local Development Order • Council Tax Benefit Localisation • Urban Renewal – Proposals for the Development of New Housing on Council Owned Land • Tenancy Strategy • Crime and Disorder Update (Rural Crime) • Revised Allocations Policy for Social Rented Housing • Tenancy Policy

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 (*) Denotes work initiated by the Committee from its work programme Items considered during the year include: <ul style="list-style-type: none"> • Council budget and medium term financial plan • Veolia Waste* • Olympic Torch Relay and Evening Event • Use of Fixed penalty notices to strengthen environmental enforcement powers • Performance indicators and targets – corporate priorities 2012/13 • Council Tax Benefit Localisation • Major Projects Partnerships Update* • Performance Report – Q4 2011/12 • Merger of Vista Leisure and Thanet Leisure Force • Green Waste Charge* (Arising from a petition) • New Hackney Carriage and Private Hire Licensing Policy (2 meetings) • Performance Report – Q1 2012/13 • Governance Arrangements – Whitfield Planning Application* (2 reports) • Ombudsman Report • Christmas arrangements 2012 • Dog and Litter Bins in the Mill Hill Ward (arising from Council) • Budget Scrutiny Methodology

Committee	Major Items within Work Programme
	<ul style="list-style-type: none"> • Refurbishment of Northbourne Avenue and Elms Vale Play Areas • Review of on and off street parking charges • Performance Report – Q2 2012/13 • Fees and Charges Report • Amalgamation of Walmer Science College and Castle Community College* • Climate Local Kent Commitment • East Cliff Toilet Refurbishment, Marine Parade, Dover • Veolia Waste Update* • Members ICT Provision* • Performance Report Template • Health and Safety Drugs, Substance and Alcohol at Work Policy Guidelines • Environmental Enforcement Service Delivery Options

5.4 There are additional areas in the work programme of a scrutiny committee that have yet to be actioned:

- Big Screen (expected September 2013)
- Effectiveness of Tree Preservation Orders (to be conducted in 2013/14)
- Portfolio for Public Health, Safety and Welfare / Community Health Services (to be conducted in early 2013/14)
- Kent Children's Fund Network (to be determined for 2013/14)
- Community Infrastructure Levy (at key milestones)
- Local Development Framework (at key milestones)

5.5 There have been several external organisations or community groups involved in scrutiny (either as a witness or by providing documentary evidence) during the municipal year 2012/13. The activities of shared service arrangements has led both Overview and Scrutiny Committees to focus efforts in this area. It is expected that the issue of shared services will continue to play a significant role in the work programme of the Scrutiny (Policy and Performance) Committee in 2013/14.

5.6 Any items not completed during the 2012/13 work programmes will be rolled as priorities for the 2013/14 work programme.

5.7 The Scrutiny (Policy and Performance) Committee continued to maintain an overview role in respect of contracts and tenders during the municipal year to ensure that costs were being controlled in a difficult economic and budgetary climate.

5.8 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.

5.9 Cabinet references relating to items on the agenda are extracted in full from the Record of Decision and included in the agenda as a standing item along with the Forward Plan of Key Decisions. This is to ensure that when considering a report, the Overview and Scrutiny Committees have access to all relevant information pertaining to the decision.

New Legislation

- 5.10 Any new legislation affecting overview and scrutiny will be considered and implemented as necessary.