



# **Annual Report 2018/19**

## **Overview and Scrutiny**

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## 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 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.

**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 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 2018/19 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	4	0	4
Scrutiny (Community and Regeneration) Committee	5	0	5
Total Number of Scrutiny Recommendations	9	0	9

Executive Business	Approved	Amended or Deferred	Rejected	Total	PCT Approved
Scrutiny (Policy and Performance) Committee	0	0	4	4	0%
Scrutiny (Community and Regeneration) Committee	1	0	4	5	20%
Total Number of Scrutiny Recommendations	1	0	8	9	11%

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 11% (against a target of 80%), down against the previous municipal year (73%). The total number of recommendations made to Cabinet decreased from 107 in the municipal year 2017/18 to 9 in the municipal year 2018/19. This decrease is in part due to the Scrutiny (Policy and Performance) Committee not recommending to Cabinet where it was only noting the Cabinet decision.

### **Frequency of Meetings**

- 3.5 There have been a total of 9 meetings of the Scrutiny (Community and Regeneration) Committee. A further 1 scheduled meeting was cancelled.
- 3.6 There have been 11 meetings of the Scrutiny (Policy and Performance) Committee (plus 1 budget key question setting meeting) held during the municipal year.
- 3.7 This gives a combined total of 20 scheduled meetings during 2018/19.

### **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 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**

- 3.10 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.

### **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 0 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 Democratic Services Manager.

### **Budget Scrutiny**

- 3.13 The Scrutiny (Policy and Performance) Committee conducted its scrutiny of the budget at its 12 February 2019 meeting. The Committee received a detailed briefing from the Strategic Director (Corporate Resources) as part of the budget scrutiny meeting.

## **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 2018/19.
- 4.3 Any items not completed during the 2018/19 work programmes will be presented to the first meeting of the Committee in June 2019/20 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.

## Work Programme – Scrutiny (Policy and Performance) Committee

- Repairs to Parks, Gardens and Churchyards
- Dover Leisure Centre Update and site visit
- Options appraisal and feasibility study for Tides Leisure & Indoor Tennis Centre and seek approval to progress to the detailed design phase
- Short Term Proposal For The Former Co-Op Building, Castle Street, Dover
- Public Spaces Protection Order
- Planning Enforcement Plan
- Statement of Community Involvement
- Performance Report Quarter 1
- Launch of a Local Authority Lottery
- Update on Universal Credit
- Accommodation Charter Update
- East Kent Waste 2021
- Establishment of a Property Company
- Performance Report Quarter 2
- Dover Town Centre Update
- BREXIT report on implications for the Dover District
- Update on Universal Credit
- Civic Key Performance Indicators
- Homelessness Act Update
- Review of on and off street parking charges
- Restoration of Maison Dieu
- Community Facility: Maison Dieu Car Park
- Award of Grant Funding – Triangles Community Centre
- Performance Report Quarter 3
- Budget Scrutiny
- Fees and Charges
- Matthews Close, Deal
- Gender Pay Gap Report
- Award of Contract – Asbestos Survey, Testing and Removal Works
- Award of Contract – Fire Precaution Works

## Work Programme – Scrutiny (Scrutiny and Community) Committee

- Environmental Health - Noise Nuisance
- East Kent Housing
- Gypsy, Travellers and Travelling Showpeople Accommodation Assessment
- Redevelopment of William Muge and Snelgrove House Sites
- Local Health Services
- Private sector landlords
- Works to retail units at Market Square, Aylesham
- S106 Agreements Presentation
- Regeneration Update
- Aylesham Village Expansion – Acquisition of third-party land