



Annual Report 2013/14

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) 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.

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	41	8	49

Executive Business	Approved	Amended	Rejected	Total
Number of Scrutiny Recommendations	32	8	1	41

Council Business	Approved	Amended	Rejected	Total
Number of Scrutiny Recommendations	8	0	0	8

- 3.4 The average approval level of recommendations from Scrutiny (both committees) by Cabinet was 78% (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 12 meetings of the Scrutiny (Community and Regeneration) Committee (plus 2 key question setting meetings) and 12 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 Land at St Martin's Road, Deal which was called-in by Councillor K Mills.
- 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 Scrutiny (Policy and Performance) Committee has received 3 petitions during the preceding municipal year. A further petition concerning the Dover Town Investment Zone (DTIZ) was referred to Council by virtue of the number of signatures and at the request of the petition organiser.
- 3.11 As it has been 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 2014/15.
- 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):

Petition Title	Sale of Brookfield Place Car Park
Petition	“Dover District Council has advertised the sale of the Car Park at Brookfield Place, along with the adjacent toilet. It is proposed that the Council and their agents cease the planned sale of the car park and retain the area for use by local residents and businesses and the medical centre.”
Signatures	103 (mix of e-petition and paper)
Petition Dates	18 December 2012 – 18 April 2013
Committee Date	28 May 2013
Action Taken	The Committee made recommendations to Cabinet that the site be retained for community use and not sold. The car park site was withdrawn from sale prior to the recommendations from the Committee and Cabinet agreed to designate it for residents parking subject to there being no legal impediment to doing so.

Petition title	Parking in the Vicinity of River School
Petition	"The residents of River Parish, and other concerned

	individuals, seek urgent support from Dover District Council in their attempts to avoid injury or fatality near and around River School, during the busy arrival and departure time slots for the children. We urge Dover District Council to allocate parking attendants to work regularly in the school's vicinity, at appropriate times, in order to issue penalty notices to offending drivers."
Signatures	558 (paper petition)
Petition Dates	Petition received 1 October 2013
Committee Date	15 October 2013
Action Taken	Recommendations to Cabinet and the Portfolio Holder for Access and Property Management in respect of (a) the regular use of parking attendants in the vicinity of the school and the linking of this for River and other schools as part of the enforcement programme and (b) liaising with the Head Teacher at River School to suggest the introduction of a school run safe crossing programme.

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	27 November 2013 – 03 March 2014
Committee Date	11 March 2014
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.

Budget Scrutiny

- 3.13 The Scrutiny (Policy and Performance) Committee conducted its scrutiny of the budget at its February 2014 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
Items considered during the course of the year include:	
<ul style="list-style-type: none"> • Revised Allocations Policy for Social Rented Housing • Tenancy Policy • Shaping the Future of Children's Centres in Kent (with KCC Cabinet Member)* • Health Scrutiny – South Kent Coast CCG and East Kent Hospitals Trust on the subject of Buckland Hospital and future local health services* • Scrutiny Report on Hydraulic Fracturing (more commonly known as 'Fracking') for Council • East Kent Housing – Tenant Groups Update • Regeneration Update* • Crime and Disorder Update* • Tenancy Agreements • Scrutiny Report on Live Animal Exports (On-going – resuming in June 2014 following the European elections) • Youth Service Arrangements (With KCC Cabinet Member)* • Scrutiny of DDC's Council Newsletter (May 2014)* 	

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"> • Council budget and medium term financial plan • Land at St Martin's Road, Deal (Call-In) • Petition – Brookfield Place, Car Park • Performance Report – Quarter 4, 2012-13 • Performance Report Target 2013/14 • Appointment of LDF Representative • Dover District Heritage Strategy • Installation of LED Energy Efficient Lighting at the Whitfield Offices • Big Screen • Performance Report – Quarter 1, 2013-14 • Parks and Open Spaces Strategy 	

Committee	Major Items within Work Programme
	<ul style="list-style-type: none"> • Petition – Parking in the vicinity of River School • Release of Funds from the Medium Term Capital Programme for Plant Replacement and Legionella Prevention work at the Leisure Centres • Performance Report – Quarter 2, 2013-14 • Biggin Hall and Public Toilets, Maison Dieu, Dover • Modern Apprenticeships Report* • SIMALTO Consultation Feedback • Budget Scrutiny Options Report* • Enforcement Policies* • ICT Update (Business Plan and PC Refresh)* • Review of On and Off Street Parking Charges • Dover District Local Development Scheme • Members ICT (iPads) • Fees and Charges • Performance Report – Quarter 3, 2013-14 • Planning Appeals – Award of Costs • Procurement of a Payroll Service and System • Kent Minerals and Waste Local Plan Pre-Submission Consultation Draft • Review of On and Off Street Parking Charge Period • Dover District Local Development Scheme • Gypsy, Traveller and Travelling Showpeople Development Plan • To seek approval for the implementation of an updated Dover District Playing Pitch and Outdoor Sports Facilities Strategy 2013-2026

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

- Scrutiny of the Dover Town Investment Zone (23 June 2014)
- 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 an interviewee or by providing documentary evidence) during the municipal year 2013/14.

5.6 Any items not completed during the 2013/14 work programmes will be rolled as priorities for the 2014/15 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 from the Record of Decision and included in the agenda as a standing item along with the Notice of Forthcoming 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 required.