

DOVER DISTRICT COUNCIL

REPORT OF THE MONITORING OFFICER

SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE – 20 APRIL 2009
SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE – 21 APRIL 2009
COUNCIL – 13 MAY 2009

ANNUAL REPORT ON OVERVIEW AND SCRUTINY

Recommendation

<i>That it be recommended to the Council that the annual report on overview and scrutiny arrangements 2008/09 be approved and adopted.</i>
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Contact Officer: Rebecca Brough, extension 2304.

Introduction

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.

Statement by the Monitoring Officer

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 Overview and Scrutiny Committees (the Council is required to have one or more Scrutiny Committees).
 - (ii) That work programmes have been set and approved and carried out.
 - (iii) That more than 12 ordinary meetings in total of Overview and Scrutiny Committees have been held during the year.
 - (iv) That policy review and development has been undertaken in accordance with the Budget and Policy Framework Procedure Rules.
 - (v) That reports to the Executive from Overview and Scrutiny Committees have been considered within four weeks.
 - (vi) That the Overview and Scrutiny Committees have exercised the call-in function in accordance with the provisions of the Constitution.
 - (vii) The urgency procedures have been properly exercised and reported.

- (viii) That Officers and Members have attended Overview and Scrutiny Committees to give evidence when required.
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) Public speaking at committee; and
 - (d) Officer support.
4. The Scrutiny Co-ordination Sub-Committee was established to act in a co-ordination role for work programmes and scrutiny reviews. The Sub-Committee comprises of the two Scrutiny Committee Chairmen, the two Scrutiny Committee Spokespersons, and an additional Scrutiny Committee member (historically the Chairman of the Governance Committee).

Performance Review

5. 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	44	70	114

Executive Business	Approved	Amended	Rejected	Total
Number of Scrutiny Recommendations	42	0	2	44

Council Business	Approved	Amended	Rejected	Total
Number of Scrutiny Recommendations	62	2	6	70

6. There have been a total of 12 meetings of the Scrutiny (Community and Regeneration) Committee and 12 meetings of the Scrutiny (Policy and Performance) Committee held during the municipal year. In addition, there were a further 2 joint meetings of both Committees.
7. The Scrutiny (Policy and Performance) Committee received two petitions during the course of the municipal year. The first concerned Litter in Deal, the second concerned access to Balmoral Surgery, Deal by public transport.
8. There have been 2 Executive Decisions called-in for scrutiny during the course of the year. These were CAB 10 (S106) (Procedure for reporting ward views on S106 allocations to Committee) and CAB 154 (Dover and Shepway Partnership Project).
9. The Centre for Public Scrutiny (CfPS) in its annual Survey of Overview and Scrutiny in Local Government for 2008 identifies the national average number as 2.5 call-ins

10. During the last municipal year the Cabinet has accepted recommendations from scrutiny in addition to its original recommendations on several occasions, covering a range of topics such as the joint recycling and waste contract, the youth strategy and the Council's budget.

Developments in Overview and Scrutiny 2008/09

11. The year 2008/09 has seen the introduction of two significant changes to the way in which overview and scrutiny engages with the public. These were introduced as part of an assessment of community engagement measures undertaken by scrutiny at other authorities.
12. The facility for the public to contribute to the Committees' work programmes was introduced from 1 January 2009. This has resulted in several enquiries from the public and resulted in one formal submission of a review topic.
13. The second measure was the introduction of public speaking at meetings of scrutiny that came into effect from 1 April 2009. The intention is that this will be operated on a similar basis to that of public speaking at Planning Committee in that members of the public will have three minutes to make a statement in relation to an item on the agenda.
14. These two measures will be reviewed during the municipal year 2009/10 to ensure that they are operating within acceptable parameters and adding value to the work of scrutiny.

Work Programmes

15. Each Committee has developed a one-year work programme and scrutinised a number of issues.

Scrutiny (Community and Regeneration) Committee	Review of Future Health Service Provision in the Dover District Review of Mental Health Service Provision in the Dover District
Items considered during the course of the year include:	
<ul style="list-style-type: none"> • Fair Trade • Choice Based Letting • Review of Future Health Service Provision in the Dover District (carry over from previous year) • East Kent Shared Landlord Services • Growth Point Status • Regeneration Update • Open Golf, Sandwich 2011 • Dover Town Investment Zone • Kent PFI5 Excellent Homes for All 	

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
Items considered during the year include:	
<ul style="list-style-type: none"> • Council budget and medium term financial plan • District Strategies for Sport and Recreation and Parks and Open Spaces • Performance Report • Asset Management Plan – Annual Report 2008 • Performance Report and Performance Indicators and Targets – Corporate Priorities 2008/09 • Dover District Youth Strategy 2008 – 2012 • Communication, Marketing and Community Engagement Policy • Strategic Housing Inspection Report and Action Plan • Free Swimming Programme • White Cliffs Careline – Alternative Providers • Youth Homelessness Strategy 2008-2011 • Website Advertising • Quarterly Budget Updates • 'Hands off Our Back Gardens' Campaign (referral from Council) • Performance Management – Staff Sickness Presentation • Performance Management – NI157 • Review of Training and Skills (Follow-Up Review) • East Kent Homelessness Strategy 2008-2013 • Review of Car Parking Across the District • Street Scene Strategy • Local Development Framework Core Strategy • Equality Scheme 2009-12 • Five Year MTC for Response Maintenance of PVC-U Aluminium and Composite Doors and Windows 2009/14 • Capital Appraisal Deal Indoor Tennis Centre • Public Conveniences in St Margaret's-at-Cliffe • The Potential Public Health Impact of Introducing Charging for Rats • Kent Waste Partnership – Inter Authority Agreement • Kent Landlord Accreditation Scheme (KLAS) • Charging for Pre-Application Advice for Planning Applications 	

16. There have been 17 external organisations involved in scrutiny (either as a witness or by providing documentary evidence) during the municipal year 2008/09, which compares with an average of 20 external witnesses in the CfPS annual survey. These include Kent County Council (both Executive Members and Health Overview and Scrutiny Committee), Eastern and Coastal Kent Primary Care Trust, East Kent Hospitals University Trust, Kent and Medway NHS and Social Care Partnership Trust, Rethink, Dover District Carers' Support, the Samaritans, Environment Agency, RSPCA, Port Lympne Wild Animal and Safari Park, Rare Species Conservation Centre and Zoological Gardens, Royal College of Physicians, CASE Kent, Stagecoach, Deal Town Council and Balmoral Surgery.

17. The Chairman and Controlling Group Spokesperson of the Scrutiny (Community and Regeneration) Committee both attended meetings of the Kent County Council Health Overview and Scrutiny Committee during the course of the municipal year to provide evidence in respect of health provision in Dover.
18. In terms of the work programme of the Scrutiny (Community and Regeneration) Committee, the impact of the run over from the Review of Future Health Service Provision in the Dover District has impacted to delay the work programme for 2008/09. Any unconsidered items from the 2008/09-work programme will be carried over into the 2009/10-work programme for completion.
19. 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.
20. The Animal Welfare Working Group is developing an animal welfare charter for the Council and it is expected that this group will report back in Summer 2009 with proposals. As part of this, the working group has considered the issue of the use of Council owned land by animal circuses.
21. The Review of Mental Health Service Provision in the Dover District will continue into the work programme for the Scrutiny (Community and Regeneration) Committee in 2009/10.
22. Cabinet references relating to items on the agenda are now 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. The intention of this is to ensure that when considering a report, the Scrutiny Committees have access to all relevant information pertaining to the decision.

Development of Overview and Scrutiny for 2009/10

(a) Councillor Call for Action

23. The work of Overview and Scrutiny Committee for the municipal year 2009/10 will be significantly affected by three pieces of government legislation – the Police and Justice Act 2006; the Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Bill 2009.
24. The two Acts have introduced a series of alterations to the Local Government Act 2000 and paved the way for the introduction of the 'Councillor Call for Action' facility. This is to be implemented during April 2009 subject to the publication of final guidance from the Home Office.
25. The Councillor Call for Action provides a process by which a Ward Councillor can act on behalf of their constituents to resolve issues of local concern in respect of a local government and crime and disorder matters that are beyond their capability to resolve and where all other methods of resolution have been exhausted.
26. A Councillor Call for Action is not a guarantee that the designated Overview and Scrutiny Committee will resolve the issue referred to it. It is however, recognition that the issue is significant enough to merit the time and resources required in the Committee attempting to resolve the matter.

27. A significant change is the requirement for an Overview and Scrutiny Committee to be designated as the 'crime and disorder' committee. This Committee will be required to consider crime and disorder matters a minimum of twice a year and have powers to require witnesses from responsible bodies to attend.

28. A separate report submitted to scrutiny in April 2009 outlines the constitutional implications of this legislation and how it will be implemented.

(b) New Legislation

29. The Local Democracy, Economic Development and Construction Bill 2009 contains provisions for a national model for the handling of petitions by local authorities. Currently, the Scrutiny (Policy and Performance) Committee is required to initially receive all petitions submitted to the Council. The key proposals relating to petitions in the Bill are:

- The requirement for each authority to have a Petitions Scheme.
- A formal definition for who can submit a petition.
- A definition of what constitutes a valid petition.
- A requirement to debate a petition and respond to it.
- A requirement to call a chief officer to account by a petition.
- A requirement to respond to a petition.
- A requirement that provision be made to receive petitions electronically.

30. If the Local Democracy, Economic Development and Construction Bill 2009 does not receive Royal Assent during the summer it is questionable whether all sections of it will be implemented during the 2009/10 municipal year due to the pressures in drafting regulations before the parliamentary elections which are due by spring 2010.

(c) Strengthening Relations with Local Community Groups

31. Another development for overview and scrutiny in the municipal year 2009/10 is the potential for the first joint review between a scrutiny committee and members of the community and voluntary sector. At present discussions are ongoing with CASE Kent to identify a suitable topic that can be included within the scrutiny work programme, subject to any topic fulfilling the appropriate selection criteria.

(d) Improving Community Engagement

32. An aspiration for the next municipal year is to improve engagement with the wider local community, and specifically those not actively engaged with interest/community groups or political parties. An important part of this will be to ensure that topics included in the work programme of the Scrutiny (Community and Regeneration) Committee have a wide community interest and encouraging members of the public to participate in proposing topics for scrutiny to review or speak at Committee meetings.

(e) Partner Relationships

33. An increasing part of the role of overview and scrutiny since 2007 has been the need to engage with partner organisations, such as NHS Trusts or other local authorities, to deliver effective scrutiny. This will only increase with the designation of a crime and disorder committee as part of the Councillor Call for Action initiative.

34. In order to effectively engage with organisations, some of whom have no requirement to attend meetings of Scrutiny Committees in any capacity other than voluntarily, the two Scrutiny Committees will need to build a reputation as fair and open minded bodies willing to work with all partners to resolve issues of contention. The responsibility for this goal rests with elected Members.

(f) East Kent (Joint Scrutiny) Committee

35. Dover District Council assumes chairmanship and responsibility as host authority for the East Kent (Joint Scrutiny) Committee during the municipal year 2009/10. This will place additional requirements on the time of the Chairman of the East Kent (Joint Scrutiny) Committee.

Background Papers

1. Overview and Scrutiny Work Programmes 2008/09
2. Forward Plans 2008/09
3. Agendas and Minutes of the Scrutiny (Community and Regeneration) Committee and the Scrutiny (Policy and Performance) Committee.

Resource Implications

None.

Consultation Statement

This report has been prepared in consultation with the Chairman and Controlling Group Spokesperson of the Scrutiny (Policy and Performance) Committee and the Chairman and Controlling Group Spokesperson of the Scrutiny (Community and Regeneration) Committee.

Impact on Corporate Objectives and Corporate Risks

A sound governance arrangement, including an effective scrutiny process, underpins the achievement of all the Council's corporate objectives.

Attachments

None.

DAVID RANDALL

Monitoring Officer

The officer to whom reference should be made concerning inspection of the background papers is the Democratic Support Officer, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 821199, Extension 2304.