

## AGENDA

### COUNCIL MEETING

Date: Wednesday, 29 June 2016

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

#### RECORDING NOTICE

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Therefore by entering the Chamber and speaking at Committee you are consenting to being recorded and to the possible use of those sound records for training purposes.

If you have any queries regarding this please contact Democratic Services.

Quorum = 16

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|   | Pages |
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| 1. Emergency Evacuation Procedure   |       |
| <p>The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.</p> <p>The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.</p> <p>The Chairman will inform the meeting that:</p> <p>(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park; and</p> <p>(b) the lifts must not be used in the event of an evacuation.</p> |       |

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Prayers

3. Apologies for Absence

4. Minutes

To approve the Minutes of the Meeting of the Annual Council held on 17 May 2016 (Minute Nos.662 – 669) and 18 May 2016 (Minute Nos. 670 – 678) as correct records.

5. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that a Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

6. Mayor's Announcements

7. Questions submitted by the Public

To consider any questions submitted by the public. (The deadline for questions is 4.30pm the Friday before the meeting – please contact Democratic Services by e-mailing [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or call 01795 417330).

8. Questions submitted by Members

To consider any questions submitted by Members. (The deadline for questions is 4.30 pm the Wednesday before the meeting – please contact Democratic Services by e-mailing [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or call 01795 417330).

9. Leader's Statement

Members may ask questions on the Leader's Statement. (To follow).

10. Presentation of Petition from Faversham and Villages Refugee Solidarity Group

Members to note that a petition has been presented to the Leader from Faversham and Villages Refugee Solidarity Group.

|   |         |
|---|---------|
| 11. Audit Committee Annual Report                                 | 1 - 8   |
| 12. Policy Development and Review Committee Annual Report 2015/16 | 9 - 20  |
| 13. Overview and Scrutiny Annual Report 2015/16                   | 21 - 40 |
| 14. Recommendations for Approval                                  | 41 - 42 |

Council is asked to note the recommendations from the following meeting:

Audit Committee (8 June 2016), Minute No. 722.

## Issued on Monday, 20 June 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of Council, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

Director of Corporate Services, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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# **Audit Committee**

# **Annual Report**

## **2015/16**



## **Introduction by Chairman of Audit Committee**

*This report provides an overview of the Audit Committee's activity during the municipal year 2015/16.*

*I am pleased to report that the Audit Committee continues to make progress in terms of discharging its responsibilities to provide independent assurance on the adequacy of the Council's risk management framework and the associated control environment, and in providing robust scrutiny and challenge of the Authority's financial performance.*

*During 2015/16, the Audit Committee met four times and of particular note are:*

- 1. once again, a high quality statement of accounts and an unqualified value-for-money assessment from the external auditor;*
- 2. Swale is in the position of being the only authority covered by Mid Kent Audit Partnership with no weak/poor internal audit reports in 2015/16; and*
- 3. no instances of or suspected frauds or irregularities were indentified in the year.*

*The Audit Committee will continue to seek best practice to satisfy itself that the Council maintains effective systems of internal control, governance and risk management. In particular, the Audit Committee will continue to oversee the external audit arrangements with Grant Thornton.*

*Following a request from members, I am also pleased to report that regular briefing sessions appertaining to the work of the Audit Committee will take place moving forward and will further help members to discharge their responsibilities with the appropriate rigour that has been a feature of Audit Committee to date.*

A handwritten signature in black ink, appearing to read 'N Hampshire', with a long, sweeping underline.

*Councillor Nicholas Hampshire ACA, BA (Hons)  
Audit Committee Chairman*

## Introduction

Swale Borough Council has always supported and understood the value and benefits of having an independent Audit Committee.

The Audit Committee is an essential check on the corporate governance framework; providing an independent and high-level overview of the internal control, governance and risk management for the Council.

The Committee monitors internal and external audit activity, reviews and comments on the effectiveness of the Council's regulatory framework and reviews and approves the Council's annual statements of accounts.

The Committee is independent from the Council's Executive and Scrutiny functions and has clear reporting lines and rights of access to discharge its responsibilities in line with its Terms of Reference (Appendix 1). This includes direct access to the Council's Appointed Auditor and Head of Audit Partnership without the presence of other officers where appropriate.

The Committee is not a substitute for the Executive function in the management of internal or external audit, risk management, governance, or any other review or assurance function. It is the Committee's role to examine these functions, and to offer views and recommendations on the way the management of these functions is conducted.

Effective audit committees can bring many benefits to local authorities and these benefits are described in CIPFA's Audit Committees - Practical Guidance for Local Authorities as:

- Increased public confidence in the objectivity and fairness of Council financial and other reporting.
- Reinforcing the importance and independence of internal and external audit and similar review processes.
- Providing additional assurance through the process of independent review and challenge.
- Increasing emphasis and awareness of internal control, governance and risk management.

## Statement of Purpose

*The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.*

*Swale Borough Council  
Constitution*

## Membership

The Audit Committee for 2015/16 comprised of nine members:

- **Cllr Nicholas Hampshire** (Chairman)
- **Cllr Andy Booth** (Vice-Chairman)
- **Cllr Adrian Crowther**
- **Cllr Mick Galvin**
- **Cllr Angela Harrison**
- **Cllr Alan Horton**
- **Cllr Nigel Kay**
- **Cllr Samuel Koffie-Williams**
- **Cllr Peter Marchington**



## Meetings & Attendance



The Audit Committee met four times in 2015/16:

- 10 June 2015
- 21 September 2015
- 9 December 2015
- 9 March 2016

On all occasions the Committee was quorate and able to fulfil its duties.

The Audit Committee is supported by senior officers of the Council who are regularly present at meetings, including:

- Corporate Services Director
- Head of Finance (Section 151 officer)
- Head of Audit Partnership

In addition, the Council's External Auditors (Grant Thornton) attended each meeting of the Audit Committee during 2015/16.

All of the Audit Committee agenda papers and minutes are available on the Council's [website](#).

## Business

During the year the Committee has commented, examined and reviewed the following:

| <b>Audit Activity</b>                     |
|---|
| • Internal Audit Annual Report            |
| • Internal Audit Interim Report           |
| • Internal Audit Plan                     |
| • Internal Audit Charter                  |
| • Risk Management Update                  |
| <b>External Audit (Grant Thornton)</b>    |
| • Fee Letter                              |
| • Annual Audit Letter                     |
| • External Audit – Audit Committee Update |
| • Certification of Claims & Returns       |
| • Progress Report                         |
| <b>Finance</b>                            |
| • Annual Governance Statement             |
| • Annual Treasury Management Report       |
| • Annual Governance Report and Accounts   |
| • Treasury Management Half Yearly Review  |
| <b>Other</b>                              |
| • Benefit Fraud Annual Report             |
| • Work Programme                          |

## Conclusion

The Audit Committee, in partnership with the Council's Internal and External Auditors, and with the support of Officers has provided robust and effective independent assurance to the Council on a wide range of risk, governance and internal control issues (Appendix 2).

The Audit Committee can demonstrate that it has appropriately and effectively fulfilled its duties during 2015/16.

## What's next...?

The Audit Committee will continue to seek best practice to satisfy itself that the Council maintains effective systems of internal control, governance and risk management. In particular the committee will continue to oversee the external audit arrangements with Grant Thornton.

The Members of the Audit Committee will continue to enhance their skills, knowledge and experience through training and development to provide robust challenge throughout 2016/17.

## Audit Committee - Terms of Reference

### Purpose

The purpose of an audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

| Audit Activity  | Regulatory Framework   | Accounts  |
|---|--|---|
| To consider the Head of Audit Partnership's annual report and opinion, and a summary of audit activity (actual and proposed) and the level of assurance it can give over the council's governance arrangements, and any report from Internal Audit on agreed recommendations not implemented within a reasonable timescale. | To review any issue referred to it by the Chief Executive or a Director or any Council body.   | To review and approve the annual statement of accounts. Specifically, to consider whether there are concerns arising from the financial statement or from the audit that need to be brought to the attention of the Cabinet or the Council. |
|   | To monitor the effective development and operation of risk management and corporate governance in the Council.   |   |
| To consider reports dealing with the management and performance of Internal Audit Services, including consideration and endorsement of the 3 year Strategic Internal Audit Plan.  | To monitor council policies on 'Whistleblowing' and the 'Antifraud and Corruption Strategy'.   | To consider the external auditor's report to those charged with governance on issues from the audit of the accounts.  |
| To consider the external auditor's annual letter, the report to those charged with governance, and any specific reports as agreed with the external auditor.  | To consider and comment on the authority's Annual Governance Statement and agree its adoption as part of the approval of the annual accounts.  | To be responsible for ensuring effective scrutiny of the treasury management strategy and policies (Note: Council is responsible for adopting the Treasury Management strategy and policy).   |
| To liaise with the Audit Commission over the appointment of the Council's external auditor, comment on the scope and depth of external audit work and ensure that it gives value for money.   | To consider the council's arrangements for governance and whether adequate safeguards are in place to secure compliance with its own and other published standards and controls and best practice. |   |

## **Sources of Assurance**

In drawing the conclusion, the Audit Committee gained assurance from the following sources:

### ***The work of Internal Audit***

The Head of Audit Partnership issued an unqualified Head of Audit Opinion in 2014/15 which concluded that the Council was operating an effective sound system of internal control, governance and risk management. Throughout the year the Committee has been kept up to date with delivery of the Internal Audit plan, implementation of audit recommendations, and has been kept aware of any emerging risks.

The Internal Audit plan for 16/17 included a breakdown of internal audit assurance for the coming year, and the Committee were given the opportunity to comment on the work of internal audit prior to endorsing the plan for delivery.

There have been no significant issues raised for the Committee's attention during the year by the Internal Audit team. The Committee has continued to show its support to the Internal Audit team throughout the year, and has recognised the role, responsibility and authority of the service within the Audit Charter which was updated and agreed by the Committee in March 2016.

### ***The work of External Audit (Grant Thornton)***

The external auditors report back to the Audit Committee providing regular updates on their programme of work. During the year, the External Auditors presented an unqualified value for money conclusion and an unqualified opinion on the financial statements. Particularly, the External Auditors recognised high quality of the Council financial statements and supporting working papers.

The Audit Committee has provided effective challenge to the External Auditors as appropriate and gained assurance from the reports and updates provided during the year.

### ***Finance & Governance Reports***

The Council's accounts are reported to the Audit Committee for approval, along with the Annual Governance Statement. The Committee has provided challenge and questioning to the Section 151 Officer on the finance and governance matters.

The Committee specifically gains assurance from the Annual Governance Statement which is a statutory document that explains the processes and procedures in place to enable the council to carry out its functions effectively.

The statement is produced following a review of the council's governance arrangements and includes actions address any significant governance issues identified. The Committee reviewed and approved the 2014/15 Annual Governance Statement.

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|                        |  |                        |
|------------------------|--|------------------------|
| <b>Council</b>         |  | <b>Agenda Item: 12</b> |
| <b>Meeting Date</b>    | 29 June 2016   |                        |
| <b>Report Title</b>    | Policy Development and Review Committee – Annual Report 2015/16                                    |                        |
| <b>Cabinet Member</b>  | Councillor Lloyd Bowen, Chairman, Policy Development and Review Committee                          |                        |
| <b>SMT Lead</b>        | Abdool Kara, Chief Executive   |                        |
| <b>Head of Service</b> | David Clifford, Policy and Performance Manager   |                        |
| <b>Lead Officer</b>    | Bob Pullen, Policy and Performance Officer   |                        |
| <b>Key Decision</b>    | No   |                        |
| <b>Classification</b>  | Open   |                        |
| <b>Forward Plan</b>    | <b>Reference number:</b>   |                        |
| <b>Recommendations</b> | 1. That Council considers the Policy Development and Review Committee’s Annual Report for 2015/16. |                        |

## 1 Purpose of Report and Executive Summary

- 1.1 This report provides details of the work of the Policy Development and Review Committee’s during 2015/16.

## 2 Background

- 2.1 The Policy Development and Review Committee’s terms of reference require it to report annually to Council on its work, and to make recommendations for amended working methods if appropriate.

## 3 Proposals

- 3.1 It has been the practice in Swale for the Scrutiny Committee to report on their work to Council each year. The Policy Development and Review Committee is required by its terms of reference to also report on its work and the report at Appendix I fulfils that requirement.

## 4 Alternative Options

- 4.1 None.

## 5 Consultation Undertaken or Proposed

- 5.1 The Policy Development and Review Committee considered a draft of the annual report at its meeting on 1 June 2016, and resolved that it should be presented to Council for their consideration.

## 6 Implications

| Issue                                 | Implications   |
|---------------------------------------|--|
| Corporate Plan                        | The Committee reviews policies, strategies and plans across a wide number of issues across all corporate priorities, and more generally helps to improve and enhance decision-making in the Council, and so supports the Corporate priority of being 'A Council to be Proud of'. |
| Financial, Resource and Property      | None identified.   |
| Legal and Statutory                   | None identified at this stage. The Committee has not been established as a requirement of legislation, but it does conform to the Council's Constitution.  |
| Crime and Disorder                    | The Committee periodically reviews the Swale Community Safety Partnership's Community Safety Plan.   |
| Sustainability                        | The Committee has been actively involved in reviewing the Council's response to the Kent Environment Strategy.   |
| Health and Wellbeing                  | The Committee are expected to review policies, plans and strategies that encompass health and wellbeing.   |
| Risk Management and Health and Safety | None identified at this stage.   |
| Equality and Diversity                | The Committee has been actively involved in reviewing the development of the Council's new Corporate Equality Strategy.  |

## 7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Policy Development and Review Committee Annual Report 2015/16.

## 8 Background Papers

- 8.1 None.

**Policy Development and Review Committee Annual Report  
2015/16**

**Swale Borough Council**

## Policy Development and Review Committee Annual Report 2015/16

1. The Committee was established two years ago and held its inaugural meeting on 28 May 2014.
2. The report covering the Committee's programme of work for the year sought to summarise its purpose as follows:  
*"to assist the Cabinet in developing or reviewing either new or existing policies, strategies or plans. Its workload is expected to be driven by the natural cycle of considering existing policies, strategies or plans of the council as they come up for review or providing advice to Cabinet on proposals for new council policy referred by Cabinet, Council or the Scrutiny Committee".*
3. Membership of the Committee during 2015/16 was as follows:
  - Councillor Lloyd Bowen (Chairman)
  - Councillor Andy Booth (Vice-Chairman)
  - Councillor Mike Baldock
  - Councillor Monique Bonney
  - Councillor Katy Coleman
  - Councillor Alan Horton
  - Councillor James Hunt
  - Councillor Peter Marchington
  - Councillor George Samuel
  - Councillor Ben Stokes
  - Councillor Roger Truelove
4. Just under half of the members were newly elected onto the Council at the local elections held on 7 May 2015.
5. A schedule of meetings and the policies, plans and strategies considered by the Committee during 2015/16 is at Appendix II. This also provides a summary of what the Committee considered.
6. From the outset, as agendas were compiled, and policies, plans and strategies were identified for the Committee's consideration, the relevant Cabinet Member and Lead Officer(s) were invited to attend the meetings. This worked well and the minutes show that, except for on one or two occasions when they were unavailable, Cabinet Members attended all meetings to which they had been invited.

7. One aspect which did come to light during 2014/15, and continued throughout 2015/16, was that while the relevant Heads of Service were attending the meetings, they were being accompanied by relatively junior members of staff, and that these staff were being given the opportunity to present reports. This continued to have several benefits:
  - it enabled staff who can often bring a local rather than a corporate view of how a policy might work in practice to meet and discuss emerging policy with members other than the Cabinet;
  - it provided staff with an opportunity to develop their presentation skills;
  - non-executive members actually got to hear from officers who had led on the development of policies; and
  - this all took place in a forum which was less adversarial than overview and scrutiny can sometimes be.
  
8. A trawl of the Cabinet and Council agendas for the year shows that virtually all major policies, plans, and strategies had been considered by the Committee prior to their approval. The exceptions were the Local Plan and Licensing Policy, which are in any case the preserve of the Local Development Framework Panel and General Licensing Committee respectively. This reinforces the need to maintain a robust register of policies, and to liaise with Heads of Services regularly to ensure that the information held on the Policy Register is up to date.

## Policies considered by the Policy Development and Review Committee during 2015/16

| Date considered | Policy title                              | Summary of Committee considerations  |
|-----------------|---|--|
| 22 July 2015    | Planning Enforcement Charter and Strategy | <p>The draft Planning Enforcement and Charter sets out how the Council aims to:</p> <ul style="list-style-type: none"> <li>▪ be effective in dealing with breaches of planning control giving rise to unacceptable harm on public amenity and/or causing harm to land or buildings;</li> <li>▪ limit resources used in pursuing minor breaches causing no harm to amenity;</li> <li>▪ resolve complaints by persuasion and negotiation – however, when this is not possible then the Planning Enforcement Service has the power to commence enforcement actions;</li> <li>▪ operate in an equitable, proportionate and consistent manner and follow the advice in the Good Practice Guide for Local Planning Authorities; and</li> <li>▪ educate and inform stakeholders about the process, standards of service, procedures, and provide widely available information to all customers.</li> </ul> <p>The Committee considered the draft Charter and Strategy on two occasions, including a pre-consultation version on 22 July 2015. The Committee explored issues such as:</p> <ul style="list-style-type: none"> <li>▪ how the Development Management Team worked with other services, such as the Mid Kent Legal Services;</li> <li>▪ new performance indicators;</li> <li>▪ case monitoring and performance reporting; and</li> <li>▪ enforcement action ‘out of hours’.</li> </ul> <p>The Committee’s comments were considered in the revision of the Charter and Strategy before it was issued for consultation.</p> |

| Date considered   | Policy title                                    | Summary of Committee considerations  |
|-------------------|---|--|
| 16 September 2015 | Communications Strategy                         | <p>The Council had developed a Communications Strategy to set direction for the Council's communications throughout the year, to support and publicise the services and key programmes being delivered by the Council, and to enable more effective forward planning of resources and communication channel management.</p> <p>The Committee considered issues around:</p> <ul style="list-style-type: none"> <li>▪ webcasting meetings;</li> <li>▪ interaction with the Customer Service Centre;</li> <li>▪ low response rate to consultations; and</li> <li>▪ the importance of maintaining non-digital communications with residents, e.g. via Inside Swale.</li> </ul> |
| “                 | Kent Environment Strategy Consultation Response | <p>The Committee considered the Council's proposed response to Kent County Council's consultation on the Kent Environment Strategy, and made some suggestions for the Cabinet Member for Environmental and Rural Affairs to consider.</p>  |
| 28 October 2015   | Housing Allocations Policy                      | <p>The Council has a statutory obligation to keep under review its Housing Allocations Policy, and the Committee considered the impact of the changes which had been in place since 2014, and how the Policy may need to be amended. The Policy relates to the allocation of social housing.</p> <p>The Committee considered:</p> <ul style="list-style-type: none"> <li>▪ constraints to available accommodation;</li> <li>▪ eligibility criteria;</li> <li>▪ reviews and appeals; and</li> <li>▪ refusals.</li> </ul> <p>The Committee made a number of recommendations for the Cabinet Member for Housing to consider for the longer term.</p>                          |

| Date considered  | Policy title  | Summary of Committee considerations  |
|------------------|---|--|
| “                | Playing Pitch Strategy                                | <p>The draft Strategy sets out the Council’s intended approach and priorities for ensuring there is sufficient playing pitch provision to meet current and future demand across the Borough.</p> <p>The Committee explored:</p> <ul style="list-style-type: none"> <li>▪ the availability of school pitches for community use as required through planning conditions;</li> <li>▪ the Council’s Community Assets Transfer Policy; and</li> <li>▪ the availability of fit-for-purpose changing facilities.</li> </ul> <p>The Committee made a number of recommendations for consideration by the Cabinet Member for Localism, Sport, Culture and Heritage, which are due to be considered as part of the report to Cabinet on 13 July 2016.</p> |
| 18 November 2015 | Draft Indoor Sports Facility Strategy 2015 - 2025     | <p>The draft Indoor Sports Facilities Strategy had been produced to determine what swimming pool and indoor sports facilities were required post-2019 to help meet the aspirations of the residents of Swale, and the Council’s existing and developing core policies and objectives.</p> <p>The Committee considered:</p> <ul style="list-style-type: none"> <li>▪ participation rates;</li> <li>▪ links to regeneration projects;</li> <li>▪ use of village and community halls for sporting activities;</li> <li>▪ the use of school facilities by local communities; and</li> <li>▪ play equipment on new developments.</li> </ul>   |
| “                | Local Engagement Forums and Swale Rural Forum reviews | <p>The review of the Local Engagement Forums (LEFs) and Rural Forum had been requested by a member at Full Council in July 2015, and the Committee had been invited by the Cabinet Member for Localism, Culture, Heritage and Sport to consider the outcomes of the review.</p>  |

| Date considered | Policy title                  | Summary of Committee considerations  |
|-----------------|-------------------------------|--|
|                 |                               | <p>Kent County Council and Swale Borough Council established three LEFs across the Borough in 2009 to engage, inform and consult residents in order to achieve the ambition to create better services, build positive relationships with communities, and to create confident and skilled community members. As consultative forums, the LEFs sought to provide an opportunity for the public to meet with county, district and parish councillors, the Police, Fire and Rescue Service, and other public bodies such as AmicusHorizon.</p> <p>The Rural Forum was established in 2005 to discuss issues and make recommendations regarding rural problems, given the ambition to create better rural services and build positive relationships within the rural community.</p> <p>The Committee considered:</p> <ul style="list-style-type: none"> <li>▪ public attendance at the Forums;</li> <li>▪ the staff resources needed to service them; and</li> <li>▪ alternative methods of engaging with residents and local communities.</li> </ul> <p>The Committee recommended to Cabinet that the Forums should cease in their current form, and that other ways should be explored to engage with local residents. These recommendations were accepted by Cabinet and are being implemented.</p> |
| “               | Access Strategy/Digital First | <p>The Council had developed a draft Customer Access Strategy setting out its approach and priorities for providing effective and efficient ways of accessing and delivering services to its customers in ways which meet their needs and preferences.</p> <p>The Committee considered:</p> <ul style="list-style-type: none"> <li>▪ other social media to be used as channels of communication;</li> <li>▪ the Council’s website;</li> <li>▪ customers contacting the Council by telephone;</li> </ul>  |

| Date considered  | Policy title   | Summary of Committee considerations  |
|------------------|--|--|
|                  |  | <ul style="list-style-type: none"> <li>▪ response times to e-mails (following the initial acknowledgement);</li> <li>▪ correspondence tracking;</li> <li>▪ webcasting meetings; and</li> <li>▪ increasing the volume of transactions which could be undertaken online.</li> </ul>  |
| 20 January 2016  | Corporate Plan Action Plan   | <p>The Committee considered a high-level action plan which had been developed as a mechanism for linking the 15 medium-term objectives to departments' annual service plans, with the clear understanding that every action on the high-level action plan must be reflected each year in at least one service plan.</p> <p>The Committee made a number of recommendations to the Cabinet Member for Performance regarding changes to the wording of the Action Plan and these were considered as part of the reports which were submitted to Cabinet and Council.</p>  |
| 24 February 2016 | Complaints Policy and Unreasonably Persistent and Vexatious Contact Policy | <p>The Council had developed two new policies to provide a framework for both staff and customers to follow when making complaints, to ensure that all those associated with a complaint will know what is expected of them.</p> <p>The Committee made some suggested changes to the wording of each policy, which were accepted into the final version of the policies.</p>   |
| “                | Review of Council's Policy on use of Section 215 powers                    | <p>The Committee had requested that this Policy be brought before it in connection with the Planning Enforcement Charter and Strategy which had been considered earlier in the year. Section 215 notices provides a local planning authority with the power to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area.</p> <p>The Committee considered the following points:</p> <ul style="list-style-type: none"> <li>▪ the role of parish and town councils in the process;</li> <li>▪ liaison between the Planning Enforcement and other teams across the Council; and</li> </ul> |

| Date considered | Policy title   | Summary of Committee considerations  |
|-----------------|--|--|
|                 |  | <ul style="list-style-type: none"> <li>▪ demand for use of the powers.</li> </ul> <p>The Committee made a number of recommendations to the Cabinet Member for Planning, and requested that they had the opportunity to consider the policy once it had been developed by officers.</p>   |
| 23 March 2016   | Community Safety Plan  | <p>The Swale Community Safety Partnership annually refreshes its Partnership Plan, which is a rolling three year document highlighting how the Partnership plans to tackle community safety issues that matter to the community. The Committee were invited to comment on the latest iteration of the Plan.</p> <p>The Committee made a number of comments and suggestions around:</p> <ul style="list-style-type: none"> <li>▪ violence against women and girls;</li> <li>▪ crime;</li> <li>▪ anti-social behaviour;</li> <li>▪ safeguarding;</li> <li>▪ the Troubled Families programme; and</li> <li>▪ measures to reduce reoffending.</li> </ul> |
| “               | Voluntary Code of Conduct for Street Entertaining and Busking in Swale | <p>A voluntary Code of Conduct for street entertaining and busking had been developed as a ‘light touch’ approach to help create a more vibrant street scene in the Borough.</p> <p>The Committee considered:</p> <ul style="list-style-type: none"> <li>▪ the timings that street entertainment and busking should be permitted, and whether different times should apply throughout the seasons;</li> <li>▪ copyright issues; and</li> <li>▪ the types of entertainment that should be permitted.</li> </ul>   |

| Date considered | Policy title              | Summary of Committee considerations   |
|-----------------|---------------------------|---|
| “               | Corporate Equality Scheme | <p>The Committee were asked to consider the Council’s draft Corporate Equality Scheme 2016 – 2020. The Scheme sets out how the Council intended to discharge its specific and general duties under the Equality Act 2010.</p> <p>The Committee considered:</p> <ul style="list-style-type: none"><li>▪ the specific objectives that had been set;</li><li>▪ that the section on supporting Swale’s vulnerable residents should be expanded to reflect the difference in life expectancy in different parts of the Borough; and</li><li>▪ that more should be done to ensure that the Council make publications and other material available in different formats.</li></ul> |

|                        |  |                        |
|------------------------|--|------------------------|
| <b>Council</b>         |  | <b>Agenda Item: 13</b> |
| <b>Meeting Date</b>    | 29 June 2016   |                        |
| <b>Report Title</b>    | Overview and scrutiny annual report 2015/16                                |                        |
| <b>Cabinet Member</b>  | Cllr Andy Booth, Chairman, Scrutiny Committee                              |                        |
| <b>SMT Lead</b>        | Abdool Kara, Chief Executive   |                        |
| <b>Head of Service</b> | David Clifford, Policy and Performance Manager                             |                        |
| <b>Lead Officer</b>    | Bob Pullen, Policy and Performance Officer                                 |                        |
| <b>Key Decision</b>    | No   |                        |
| <b>Classification</b>  | <b>Open</b>  |                        |
| <b>Forward Plan</b>    | <b>Reference number:</b>   |                        |
| <b>Recommendation</b>  | 1. That Council considers the Overview and Scrutiny Annual Report 2015/16. |                        |

## 1 Purpose of Report and Executive Summary

- 1.1 The report at Appendix I provides details of the work of the Scrutiny Committee during 2015/16.

## 2 Background

- 2.1 It is common practice among local authorities for the work of the overview and scrutiny committees to be reported and considered each year by the authority, usually in the form of an annual report. In any case, the Scrutiny Committee's terms of reference require it to report annually to Council on its work, and make any recommendations for amended working practices if appropriate.

## 3 Proposals

- 3.1 The Scrutiny Committee made some good progress last year, as noted in the report. Recommendations previously accepted by Cabinet have been or are in the process of being implemented.
- 3.2 The annual report also serves as a useful summary of the Committee's work, which can be shared with residents via publication on the Council's website, and other social media and press releases.

## Alternative Options

- 4.1 This is largely a report for information, and so no alternative options are proposed.

## 5 Consultation Undertaken or Proposed

- 5.1 The Scrutiny Committee has considered the annual report at its meeting of 9 June, and resolved that it should be presented to Council for their consideration.

## 6 Implications

| Issue                                 | Implications  |
|---------------------------------------|---|
| Corporate Plan                        | The Committee scrutinises a wide number of issues across all of the corporate priorities, and more generally helps to improve and enhance decision-making in the Council, and so supports the Corporate priority of being 'A Council to be Proud of'. |
| Financial, Resource and Property      | The Scrutiny Committee's explicit remit is scrutiny of the preparation of the Council's annual budget, and to review and scrutinise the Council's performance in relation to budgetary management.  |
| Legal and Statutory                   | The Local Government Act 2000 (as amended by the Localism Act 2011) requires all local authorities to establish one or more overview and scrutiny committees.   |
| Crime and Disorder                    | The Scrutiny Committee has an explicit remit to consider crime and disorder matters.  |
| Sustainability                        | The Committee have received reports on the Council's progress on climate change in the past.  |
| Health and Wellbeing                  | The Committee has scrutinised health and wellbeing matters in the past.   |
| Risk Management and Health and Safety | None identified.  |
| Equality and Diversity                | None identified.  |

## 7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Overview and Scrutiny Annual Report 2015/16

## 8 Background Papers

- 8.1 None.

**Overview and Scrutiny Annual Report 2015/16**

**Swale Borough Council**

## Foreword

Welcome to the overview and scrutiny report for 2015/16. The aim of this report is to reflect on the work that has been done in Swale this year.

2015/16 was a transitional year for the Scrutiny Committee. Following the Borough Elections in May 2015, we saw a big change to the membership of the Committee, with many long-standing, experienced, former members standing down from the Council, and a large influx of new members who had no previous experience of overview and scrutiny and were completely new to Swale Borough Council.

All newly elected councillors had received comprehensive induction training, but it would have been too much to expect those members to have immediately taken on the role of 'scrutineers' before they had acclimatised themselves to the workings of Council, Cabinet and Committees.

The Scrutiny Committee is unique among the Council's committee structure in that it acts on powers set down in legislation in order to hold the Leader and Cabinet to account on behalf of the whole Council. It therefore operates quite differently from any other Council Committee, and has much more freedom to set its own work programme and agendas, and is able to require Cabinet Members and senior officers to appear before it.

As a result, it has taken us longer to get a number of reviews we identified earlier in the year up and running, although with renewed impetus three reviews are now under way, with reports and recommendations expected early in the new Municipal Year.

2016/17 presents a particularly challenging financial climate for the Council, and the Committee has to continually adapt and respond to meet the many challenges ahead. We need to give a particular focus to resources, and continually challenge whether the services the Council provide are being delivered in the most cost-effective and efficient ways.

The overview and scrutiny function at Swale should not be excluded from this continuous drive for efficiency and effectiveness, and during the course of the year we will review how we can improve. A refresh of the Swale Scrutiny Handbook will provide part of this impetus. It is two years since the Council last changed its overview and scrutiny processes, and consideration will be given on whether to 'Peer Review' our systems and process to ensure we are as effective as the best in the country.

Overview and scrutiny will need to be at the very centre of the difficult decisions the Council will need to take during 2016/17, and we stand ready to play our part in these considerations in order to ensure that decisions are taken in a transparent and evidence-based way.

I hope that all members will continue to fully engage in the Committee's reviews in order to ensure that the Council's decision-making processes are appropriately scrutinised in a systematic, transparent, and fair manner.

If you would like to contribute to the scrutiny process, or have ideas for areas which you think would benefit from scrutiny, we would welcome your suggestions. Please let us have your views by email [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or telephone on 01795 417 330.

Councillor Andy Booth  
Chairman of the Scrutiny Committee 2015/16

# 1 What is overview and scrutiny?

## Introduction

- 1.1 Overview and scrutiny is a function of all English local authorities with an executive form of governance. This includes those, such as Swale, where a leader and cabinet take day-to-day decisions, and only decisions which affect the overall budget or policy framework are taken by the whole council.
- 1.2 Overview and scrutiny's main role is to hold the leader and cabinet to account on behalf of the whole council. This includes monitoring how well the council manages its resources and runs its services, as well as scrutinising the cabinet's formal decisions before they are put into operation.
- 1.3 Overview and scrutiny committees also have powers to examine other public services not provided by the council, including some health and policing matters.

## Overview and scrutiny at Swale

- 1.4 Swale Borough Council has a single Scrutiny Committee which exercises all of the formal powers available to it under the Local Government Act 2000 (as amended).
- 1.5 The Scrutiny Committee comprises 13 councillors who are not members of the Cabinet. Whereas Cabinet members are usually drawn exclusively from the political group with a majority of seats on the Council, the Scrutiny Committee is made up of councillors from all groups, and seats on the Committee are allocated in accordance with the political balance considerations across the Council as a whole. The Chairman and Vice-Chairman are appointed at Annual Council at the start of each new Municipal Year.
- 1.6 The role of the Scrutiny Committee includes:
  - reviewing or scrutinising decisions made by, and performance of, the Cabinet and Committees and Council Officers, both in relation to individual decisions and over time;
  - reviewing or scrutinising the performance of the Council in relation to its policy objectives, performance targets, and/or particular service areas;
  - requiring members of the Cabinet and/or Committees and Chief Officers to attend before it to answer questions about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects; and
  - reviewing and scrutinising the performance of other public bodies in the area.

- 1.7 The Scrutiny Committee also has special responsibility for scrutinising the Cabinet's annual budget proposals as part of the Budget and Policy Framework Procedure Rules.
- 1.8 The Scrutiny Committee is not a decision-making body as such. Instead it makes recommendations to Cabinet, who can either accept or reject them. In either case, Cabinet must always respond 'on the record' to Scrutiny Committee recommendations, stating why they have or have not been accepted. The Committee can also make recommendations to other organisations beyond the Council, but their legal powers here are weaker.
- 1.9 The Committee has a power to 'call-in' a Cabinet decision which has been taken but not yet implemented. Once the Committee has 'called-in' a Cabinet decision, it will consider the decision and decide whether to refer it back to Cabinet for reconsideration.
- 1.10 As well as regularly scrutinising financial and performance monitoring information, the Scrutiny Committee reviews a wide range of other topics.
- 1.11 Swale has also established a Policy Development and Review Committee which reviews any new or revised council policies, and advises the relevant Cabinet member accordingly. This Committee does not have any formal overview and scrutiny powers, but it does have the power to make recommendations to the person or body that referred an item to it. A separate annual report for the Policy Development and Review Committee is prepared each year.

## **Principles**

- 1.12 The key local principles forming the foundation of the overview and scrutiny function at Swale Borough 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 Borough;
  - 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; and
  - it is essential that the Council has an active and challenging scrutiny function that reflects corporate priorities regarding the provision of services.
- 1.12 Overview and scrutiny plays an important role in the overall governance of the Council.

## 2 Scrutiny Committee

- 2.1 The Scrutiny Committee is responsible for focussing on scrutiny and the holding to account of corporate issues such as the budget, service performance, and delivery of planned actions. Its full Terms of Reference during 2015/16 were as follows:

**Preamble:** the Scrutiny Committee satisfies the requirement under legislation (S.9F of the Local Government Act 2000 as inserted by the Localism Act 2011) to include provision for the appointment of one or more committees. The Scrutiny Committee plays a particular role in scrutinising the Executive's annual budget proposals as part of the Budget and Policy Framework Procedure Rules (Part 4.3 of the Constitution refers).

**General role:** Within the terms of reference, the Committee will:

- (i) review or scrutinise decisions made, and performance of, the Cabinet and Committees and Council Officers both in relation to individual decisions and over time;
- (ii) review or scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) require Members of the Cabinet and/or Committees and Chief Officers to attend before it to answer questions about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Cabinet or appropriate Committee or Council arising from the outcome of the scrutiny process – it is expected that reviews of policy arising out of the work of the committee would be referred to the Policy Development and Review Committee;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;
- (vi) make reports or recommendations to the authority or the executive with respect to any functions which are not the responsibility of the executive;
- (vii) make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of the area;
- (viii) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive;
- (ix) consider Councillor Call for Action requests in accordance with the Councillor Call for Action Protocol contained in Part 5 of this Constitution; and
- (x) in accordance with Section 19 of The Police and Justice Act 2006, to act as the Council's "Crime and Disorder Committee" in terms of reviewing and scrutinising decisions made, or other actions taken, in connection with the responsible authorities discharge of their Crime and Disorder functions.

The Scrutiny Committee shall exercise overall responsibility for any finances made available to them.

Annual Report – the Scrutiny Committee must report annually to the full council on its work and make recommendations for amended working methods if appropriate.

## Membership

2.2 The following Councillors served on the Scrutiny Committee since May 2015:

- Councillor Andy Booth            Chairman
- Councillor Lloyd Bowen        Vice Chairman
- Councillor Mike Baldock
- Councillor Derek Conway
- Councillor Mike Dendor
- Councillor Mick Galvin
- Councillor Mike Henderson
- Councillor Ken Ingleton
- Councillor Samuel Koffie-Williams
- Councillor Peter Marchington
- Councillor Colin Prescott
- Councillor Ben Stokes
- Councillor Roger Truelove

## 3 Scrutiny work programme

3.1 The Scrutiny Committee’s work programme includes the oversight of many areas of Council business, such as the budget, service performance, and delivery of planned actions, as well as a number of dedicated reviews. Key areas of work for 2015/16 are summarised below.

| <b>Core work programme 2015/16</b>   |   |   |                 |
|--------------------------------------|---|---|-----------------|
| <b>Title</b>                         | <b>Frequency</b>                                    | <b>Focus of discussion</b>  | <b>Status</b>   |
| Performance and financial monitoring | Ongoing - reviewed periodically throughout the year | <ul style="list-style-type: none"> <li>▪ Indicators not achieving target</li> <li>▪ significant budget variances</li> </ul> | <b>Complete</b> |
| Council budget                       | Annual review                                       | <ul style="list-style-type: none"> <li>▪ The Cabinet’s annual budget proposals are scrutinised before these</li> </ul>      | <b>Complete</b> |

|   |                                    |  |                 |
|---|------------------------------------|--|-----------------|
|   |                                    | are ratified by the Council  |                 |
| Fees and charges  | Annual review                      | <ul style="list-style-type: none"> <li>▪ The Committee considered Cabinet's proposals for fees and charges at an extraordinary meeting of the Committee held on 9 December 2015</li> </ul> | <b>Complete</b> |
| <b>Scrutiny reviews</b>   |                                    |  |                 |
| <b>Review</b>   | <b>Date review template agreed</b> | <b>Report/recommendations submitted to Cabinet</b>   | <b>Status</b>   |
| Sittingbourne Town Centre regeneration proposals  | -                                  | -  | <b>Complete</b> |
| Council Tax support scheme  | -                                  | -  | <b>Complete</b> |
| Housing services  | 14/10/15                           | -  | <b>Ongoing</b>  |
| Leisure and tourism   | 14/10/15                           | -  | <b>Ongoing</b>  |
| Development management  | 14/10/15                           | -  | <b>Ongoing</b>  |
| Conduct of 2015 elections   | -                                  | -  | <b>Complete</b> |
| Call-in: Cabinet decisions on allocation of grant for S.106 software and reallocation of underspent member grants | -                                  | 9 December 2015  | <b>Complete</b> |
| Call-in: Cabinet decision on CCTV consultation  | -                                  | 5 January 2016.  | <b>Complete</b> |

### **Performance and financial monitoring**

- 3.2 The Committee receives reports on performance and financial monitoring at many of its meetings.
- 3.3 The Committee regularly considered those indicators where performance was not achieving targets, and discussed with Heads of Service their plans for turning performance around on these indicators.

- 3.4 The Committee plays a significant role in the Council's performance management arrangements in that indicators which consistently fall into the 'red' category are escalated up to the Scrutiny Committee for further investigation.
- 3.5 The Committee received regular financial monitoring reports that presented Members with the opportunity to highlight significant budget variances, and ask questions of officers and Cabinet members about their plans to address this.

### **Council budget**

- 3.6 One of the Committee's key responsibilities is to scrutinise the Cabinet's annual budget proposals before these are ratified by the Council, which took place at a specially convened meeting on 28 January 2016.
- 3.7 The Committee Chairman opened the meeting up so that any Council Member could attend and make representations. The Cabinet Member for Finance, along with other Cabinet Members and Senior Officers were present to respond to Members' questions. The Committee scrutinised the Cabinet's budget proposals line by line.
- 3.8 Cabinet noted the Committee's comments at their meeting of 3 February 2016.
- 3.9 The reports the Scrutiny Committee considered on the Council's draft budget are available here:  
<http://services.swale.gov.uk/meetings/documents/s4197/FINAL%20-%202016-17%20Budget%20Report%20for%20December%20Cabinet%20Final%20v4.pdf>
- 3.10 The Committee's consideration of the draft budget is available here:  
<http://services.swale.gov.uk/meetings/documents/g1594/Printed%20minutes%2028th-Jan-2016%2019.00%20Scrutiny%20Committee.pdf?T=1>

### **Fees and charges**

- 3.11 The Committee considered the Council's annual review of fees and charges separately from the Budget this year. A record of the Committee's discussions with the Cabinet Member for Finance and Head of Finance is available here:  
<http://services.swale.gov.uk/meetings/documents/g1657/Printed%20minutes%2009th-Dec-2015%2017.00%20Scrutiny%20Committee.pdf?T=1>

### **Sittingbourne Town Centre regeneration proposals**

- 3.12 The Committee received an update on 14 October 2015 from the Cabinet Member for Regeneration and the Director of Regeneration on the Sittingbourne Town Centre regeneration project.

3.13 A record of the discussion is available here:

<http://services.swale.gov.uk/meetings/documents/g1591/Printed%20minutes%2014th-Oct-2015%2019.00%20Scrutiny%20Committee.pdf?T=1>

### **Council Tax support scheme**

3.14 The Committee had been maintaining a watching brief on welfare reform for several years, and has periodically reviewed matters relating to the implementation of welfare reform at Swale.

3.15 The Committee heard from the Cabinet Member for Finance and the Revenues and Benefits Assistant Manager at their meeting of 14 October 2015, and were invited to consider the Council's proposals for the Council Tax support scheme to operate in 2016/17. A record of the Committee's discussion with the Cabinet Member and lead officer is available here:

<http://services.swale.gov.uk/meetings/documents/g1591/Printed%20minutes%2014th-Oct-2015%2019.00%20Scrutiny%20Committee.pdf?T=1>

### **Housing services**

3.16 This review had started in the 2014/15 Municipal Year, and the Committee had already discussed with the Cabinet Member for Housing, Head of Housing Services, and the Housing Options Manager on a range of issues relating to housing. At that meeting on 2 September 2014, officers gave an overview of housing issues, both in the national and local contexts, and members explored issues such as: shortage of suitable accommodation, temporary accommodation, affordable housing, and private rented accommodation.

3.17 The Committee heard from representatives of AmicusHorizon, the largest Registered Social Landlord operating in Swale, at their meeting on 11 November 2015. A record of the Committee's consideration is available here:

<http://services.swale.gov.uk/meetings/documents/g1592/Printed%20minutes%2011th-Nov-2015%2019.00%20Scrutiny%20Committee.pdf?T=1>

3.18 The Committee resolved to refresh this review and take it forward in the early part of the 2016/17 Municipal Year. A review coordinator and supporting Task and Finish Group have been appointed by the Committee.

### **Leisure and tourism**

3.19 This review was agreed by the Committee at the start of the Municipal Year.. Its purpose was to establish whether the Council was making the most of Swale's leisure and tourism offer in order to encourage people to visit the Borough.

- 3.20 The Committee had an initial discussion with the Cabinet Member for Regeneration and the officers who lead on tourism at their meeting on 10 February 2016. The key issues that were highlighted were:
- use of apprentices and internal partnership working;
  - budgets and resources;
  - investment in Swale and the support of local businesses;
  - use of social media to encourage visitors;
  - Visit Swale website;
  - performance monitoring of quality accommodation in Swale;
  - partnership agreement with Visit England;
  - The Faversham Society as an events provider and sole accredited museum in the Borough;
  - successful tourist projects in Swale;
  - planned projects in the future; and
  - funding by SBC of growth in tourism.
- 3.21 A record of the Committee's discussion is available here:  
<http://services.swale.gov.uk/meetings/documents/g1595/Printed%20minutes%2010th-Feb-2016%2019.00%20Scrutiny%20Committee.pdf?T=1>
- 3.22 A Task and Finish Group has been established to take this review forward, and it has already made significant progress in gathering evidence through issuing a questionnaire to local tourism facilities and serviced and non-serviced accommodation providers, and visiting key operators in Swale's tourism sector.
- 3.23 The Group is also planning to visit districts with a similar tourism profile to Swale in other parts of the country, to compare how councils promote tourism and encourage visitors to their areas, and whether the Council should consider adopting practice from elsewhere.
- 3.24 The Task and Finish Group will conclude the review early in the new Municipal Year, and present and report and recommendations to the Committee for initial consideration. Recommendations will subsequently be submitted to Cabinet.

### **Development Management**

- 3.25 This review was also agreed by the Committee at the start of the Municipal Year. Its purpose was to review the effectiveness of the Council's processes for deciding planning applications, and all of the various elements that that entails.

- 3.26 The Committee had an initial discussion with the Cabinet Member for Planning, the Head of Planning Services, and the Development Manager at their meeting on 13 January 2016. The key issues that were highlighted as areas to consider were:
- planning delegations and the volume of applications that were coming to the Planning Committee for decision;
  - the role of statutory consultees in the decision process;
  - the role of parish and town councils;
  - planning appeals;
  - unadopted land on new developments; and
  - Section 106 agreements.
- 3.27 A record of the Committee's discussion is available here:  
<http://services.swale.gov.uk/meetings/documents/g1593/Printed%20minutes%2013th-Jan-2016%2019.00%20Scrutiny%20Committee.pdf?T=1>
- 3.28 The Task and Finish Group will conclude the review early in the new Municipal Year, and present their report and recommendations to the Committee for initial consideration. Recommendations will subsequently be submitted to Cabinet.

### **Conduct of 2015 election**

- 3.29 The Committee had invited the Chief Executive/Returning Officer, Democratic and Electoral Services Manager, and Electoral Services Officer to provide a report on the conduct of the 2015 elections. This took place at the Committee's meeting on 11 November 2015, and the report is available here:  
[http://services.swale.gov.uk/meetings/documents/s3863/2015%20Elections%20Review\\_26.10.15.pdf](http://services.swale.gov.uk/meetings/documents/s3863/2015%20Elections%20Review_26.10.15.pdf)
- 3.30 The elections held on 7 May 2015 combined those for the Parliamentary, Borough and parish/town councils, and were the most complex ever held in Swale. They were also the first elections to be held since the introduction of Individual Electoral Registration, and had to take account of changes to ward and parish boundaries following reviews.
- 3.31 The Committee considered a number of factors including:
- Cross-boundary arrangements with the Returning Officer for Maidstone Borough Council for the Faversham and Mid Kent Parliamentary election;
  - resources and capacity in the Elections Team; and
  - the conduct of the verification and counting of votes.

3.32 A record of the Committee's consideration is available here:

<http://services.swale.gov.uk/meetings/documents/g1592/Printed%20minutes%2011th-Nov-2015%2019.00%20Scrutiny%20Committee.pdf?T=1>

### **Call-ins**

3.33 Call-ins were held on 9 September 2015 to consider Cabinet decisions on allocations of grant to (a) purchase Section 106/CIL software and (b) allocate underspend of Members' grant, with recommendation back to Cabinet to reconsider. The Committee only resolved to refer the decision on Member grant back to Cabinet. A record of the consideration is available here:

<http://services.swale.gov.uk/meetings/documents/g1670/Printed%20minutes%2005th-Jan-2016%2018.00%20Scrutiny%20Committee.pdf?T=1>

3.34 A record of the Cabinet's decision is available here:

<http://services.swale.gov.uk/meetings/documents/g1648/Printed%20minutes%2021st-Sep-2015%2017.30%20Cabinet.pdf?T=1>

3.35 A further call-in was considered at an extraordinary meeting of the Committee on 5 January 2016 regarding a proposed consultation on the siting of CCTV cameras. The decision was referred back to the Cabinet Member. A record of the consideration is available here:

<http://services.swale.gov.uk/meetings/documents/g1670/Printed%20minutes%2005th-Jan-2016%2018.00%20Scrutiny%20Committee.pdf?T=1>

3.36 A record of the Cabinet Member's is available here:

<http://10.201.65.162/documents/g1674/Printed%20minutes%2007th-Jan-2016%2019.00%20Cabinet%20Delegated%20Decisions.pdf?T=1>

## **4 Review of approach to overview and scrutiny in 2015/16**

4.1 We have taken this opportunity to review the way in which overview and scrutiny has worked in Swale during 2015/16, in order to build on our strengths and address any areas that could be identified for further development.

4.2 At Appendix I we set out a review of each of the major pieces of work that overview and scrutiny carried out during the year. Some common themes emerge from this review, as set out below.

4.3 Particular strengths that we would wish to build on during 2016/17 include:

- devoting sufficient time and resources to a few key issues which have major implications for residents, rather than reviewing areas where there is little or no evidence to suggest services are under-performing;

- continuing the practice of undertaking more of scrutiny’s work on a ‘Task and Finish’ basis, so that Committee time can be used more effectively; and
- urging Cabinet Members and officers to bring forthcoming decisions to scrutiny at an early stage.

4.4 Particular areas that have been identified as requiring further development during 2016/17 include:

- restricting reviews to issues where evidence suggests that they would benefit from scrutiny input;
- seeking opportunities to have an early input to issues, rather than being presented with a fait accompli; and
- being more diligent in ensuring reviews start as quickly as possible after the scope has been set, by appointing Task and Finish Groups quickly, and receiving regular reports from Task and Finish Group coordinators to ensure that reviews are progressing sufficiently.

4.5 The actions that we will put in place to address these include:

- revising the Swale Scrutiny Handbook, which was produced some years ago, to bring it up to date;
- exploring with the Member Development Group how members of the Scrutiny Committee can develop their scrutiny skills through training; and
- ensuring Swale BC’s overview and scrutiny processes mirror best practice elsewhere, including consideration of whether a ‘Peer Review’ of the function should be instigated.

## 5. Contact details

5.1 Scrutiny Committee meetings take place throughout the year and members of the public are welcome to attend. Dates, agendas, reports and minutes for these meetings can be found on the Council’s website: <http://www2.swale.gov.uk/dso/>. Alternatively, you can telephone Democratic Services on 01795 417 330.

5.2 The Scrutiny Team provides independent and professional support and advice to the Members of Scrutiny Committee.

5.3 You can contact the Scrutiny Team using one of the following methods:-

|                         |   |
|-------------------------|---|
| By e-mail/telephone to: | <p><b>Bob Pullen – Policy and Performance Officer</b><br/> <a href="mailto:BobPullen@swale.gov.uk">BobPullen@swale.gov.uk</a><br/> 01795 417 187</p> <p><b>Democratic Services</b><br/> <a href="mailto:Democraticservices@swale.gov.uk">Democraticservices@swale.gov.uk</a><br/> 01795 417 330</p> |
|-------------------------|---|

|                |  |
|----------------|--|
| In writing to: | Scrutiny Team<br>Policy and Performance Unit<br>Swale Borough Council<br>Room 310<br>Swale House<br>East Street<br>Sittingbourne<br>Kent<br>ME10 3HT |
|----------------|--|

- 5.4 A full list of Committee meeting dates, times, venues and agendas is available on Swale Borough Council's website: <http://www2.swale.gov.uk/dso/>

## Overview and Scrutiny Committees Review of 2015/16 major reviews

| Title                                | Overview  | Strengths  | Development Areas  |
|--------------------------------------|---|--|--|
| Performance and financial monitoring | Scrutiny Committee focuses on indicators not achieving target, and significant variations to the proposed budget  | <p>The Chairman and Vice-Chairman have held regular pre-meetings with the Policy and Performance Team and Head of Finance in order to thoroughly prepare for Committee meetings – particularly those involving performance and/or finance.</p> <p>The Committee plays a significant role in the Council's performance management arrangements.</p> <p>The Committee receives regular financial monitoring reports that present members with the opportunity to highlight significant variations to the proposed budget, and ask questions of officers and Cabinet members about their plans to address this.</p> | Develop Member skills through training on performance and financial management.  |
| Council budget/ Fees and charges     | The focus is to scrutinise Cabinet's annual budget proposals before these are ratified by Council. This is normally preceded by scrutiny of Cabinet's proposals for fees and charges. | <p>Review took place at a specially convened meetings on 28 January 2016.</p> <p>The Committee Chairman opened the meeting up so that any Council Member could attend and make representations.</p> <p>The majority of Cabinet Members and Heads of Service were present to answer questions and provide further information.</p>  | More could perhaps be done in the way of preparation by the Committee so that particular areas of the budget which give rise to concerns can be given greater focus, and possible recommendations for change be made to Cabinet. |
| One-off reviews and hearings         | The Committee considers a number of topics throughout the year on a one-off basis rather than   | These reviews provided the Committee for non-executive members to raise concerns with Cabinet Members and senior officers in an open and transparent   | It is imperative that Cabinet Members and senior officers ensure that the Cabinet Forward Plan is kept up to date with   |

| Title         | Overview   | Strengths  | Development Areas   |
|---------------|--|--|---|
|               | as part of an in-depth review. Examples this year include conduct of the 2015 elections and Sittingbourne Town Centre regeneration.  | forum.<br>The ability to discuss policy considerations and reasons for decisions in an open forum contributes to good governance.  | informative and timely information regarding forthcoming decisions, so that the Scrutiny Committee has sufficient notice of when decisions are to be made so they can play an appropriate and proportionate part in the pre-decision process.   |
| Major reviews | These are identified in the Committee's forward work programme at the beginning of each new Municipal Year. Examples this year include Housing Services, Development Management and Tourism and Leisure  | These reviews work best when they are conducted through Task and Finish Groups who undertake most of the activity outside of the Committee cycle and provide progress reports periodically to the Committee, which culminates in a report and recommendations for the Committee's consideration. | The Task and Finish Groups need to be formed soon after the scope of the review has been agreed by the Committee.<br>The Committee needs to pay particular attention to managing these reviews to ensure they provide evidence-based reports and recommendations in a timely manner.  |
| Call-ins      | The Scrutiny Committee is the only Council Committee that has the power to 'call-in' Cabinet decisions for consideration once they have been made, but not implemented.<br>The Committee is able to consider Cabinet decisions and refer the decision back to Cabinet for reconsideration. | There are clear guidelines on how call-in should be used, with safeguards against abuse of the powers available to the Committee.  | There have effectively been three call-ins during the course of the year. Two resulted in a recommendation to Cabinet to reconsider their decisions, but neither resulted in any change.<br>The Committee should carefully balance whether calling-in a Cabinet decision would make any difference to that decision against the time, effort and resource needed to hear the call-in. |

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## Recommendations for Council – 29 June 2016

### **Audit Committee – 8 June 2016 Minute No.722**

Council is asked to note Minute No. 722 from Audit Committee (8 June 2016).

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