

7 June 2018	
<b><i>Draft Overview and Scrutiny Annual Report 2017/18</i></b>	
Lead Member:	Cllr Lloyd Bowen - Chairman, Scrutiny Committee
Report author:	Bob Pullen – Policy and Performance Officer
<b>Recommendations</b>	
That the Committee:	
1. <b>Considers</b> and <b>agrees</b> the draft Overview and Scrutiny Annual Report for 2017/18 for presentation to Council.	

**1 Purpose of report and executive summary**

1.1 The draft annual report at Appendix I provides details of the work of the Scrutiny Committee during 2017/18.

**2 Background**

2.1 It is common practice among local authorities for the work of their overview and scrutiny (O&S) committees to be reported and considered each year by the authority, usually in the form of an annual report. 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 Discussion and recommendations**

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 should be shared with residents via publication on the Council’s website.

**4 Appendices and background papers**

4.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Draft Overview and Scrutiny Annual Report 2017/18.

**6 Officer contact details**

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***Draft Overview and Scrutiny Annual Report 2017/18***

**Swale Borough Council**

## Foreword

Welcome to the overview and scrutiny report for 2017/18. The aim of this report is to reflect on the work that has been done in Swale this year.

2017/18 saw good progress made on a number of reviews including development management which produced an interim report and recommendations which have been submitted to Cabinet and housing services which has concluded with a report and recommendations which was considered at the first meeting of the Committee in 2017/18.

The Committee also had several sessions to consider progress of the Sittingbourne Town Centre regeneration, as well as considering the Cabinet's draft budget for 2018/19, fees and charges, and financial and performance monitoring reports.

2018/19 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 we will review, during the course of the year, how we can improve. It is four years since the Council last changed its overview and scrutiny processes and a further review of our systems and processes, to ensure we are as effective as the best in the country, is timely.

Overview and scrutiny will need to be at the very centre of the difficult decisions the Council will need to take during 2018/19 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.

The Committee will continue 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.

# 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, 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 always responds 'on the record' to 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 The Scrutiny Committee reviews a wide range of topics as well as regularly scrutinising financial and performance monitoring information.
- 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.
- 1.13 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 holding to account of corporate issues such as the budget, service performance and delivery of planned actions. Its full Terms of Reference during 2017/18 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 during 2017/18:

Councillor Andy Booth	Chairman
Councillor Lloyd Bowen	Vice Chairman
Councillor Derek Conway	
Councillor Mike Dendor	
Councillor Mick Galvin	
Councillor June Garrad	
Councillor Mike Henderson	
Councillor Lesley Ingham *	
Councillor Ken Ingleton	
Councillor Nigel Kay	
Councillor Samuel Koffie-Williams	
Councillor Roger Truelove	
Councillor Ben Stokes	

\*Councillor Ingham resigned from the Council in March 2018.

## 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 2017/18 are summarised below.

Work programme 2017/18			
Title	Frequency	Focus of discussion	Status
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>	Complete
Council budget	Annual review	<ul style="list-style-type: none"> <li>▪ The Cabinet’s annual budget proposals are scrutinised before these are ratified by the Council</li> </ul>	Complete

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 15 November 2017</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	Not applicable	Regular updates provided by Cabinet Member for Regeneration and Director of Regeneration	Ongoing.
Housing services	14/10/15	Draft report of Task and Finish Group agreed by the Committee on 5 July 2017 and submitted to Cabinet on 6 September 2017	Complete.
Development management	30/08/17	Task and Finish Group made visits to several local authorities to find out how they operated development management. Interim report on officer delegations issued to Cabinet. Review continuing into 2018/19	Ongoing.
Planning enforcement	Not applicable	The Cabinet Member for Planning and Head of Planning attended the Committee twice during 2017/18 to bring the Committee up to date on restructuring of the Planning Enforcement function	Complete.
Regeneration activity	22/03/18	This review would be looking at the non-Sittingbourne Town Centre aspects of regeneration activity which was taking place in Swale, either led by the Council or by other organisations.	Ongoing.
Waste	Not applicable	The Cabinet Member for Environment and Rural Affairs and members of the Waste and Cleansing Team attended the Committee on 18 April 2018 to outline what measures the Council were taking to encourage residents to recycle more of their household waste.	Complete.

## **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. 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.
- 3.4 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**

- 3.5 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 25 January 2018. The Committee Chairman opened the meeting up so that any Council Member could attend and make representations. The Deputy Cabinet Member for Finance and Performance, 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.
- 3.6 Cabinet noted the Committee's comments at their meeting of 7 February 2018.
- 3.7 The reports the Scrutiny Committee considered on the Council's draft budget are available here:

<https://services.swale.gov.uk/meetings/ieListDocuments.aspx?CId=139&MId=1884&Ver=4>

- 3.8 The Committee's consideration of the draft budget is available here:

<https://services.swale.gov.uk/meetings/documents/g1884/Printed%20minutes%2025th-Jan-2018%2019.00%20Scrutiny%20Committee.pdf?T=1>

## **Fees and charges**

- 3.9 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 Performance and Chief Financial Officer is available here:

<https://services.swale.gov.uk/meetings/documents/g1876/Printed%20minutes%2015th-Nov-2017%2019.00%20Scrutiny%20Committee.pdf?T=1>

## **Sittingbourne Town Centre regeneration proposals**

- 3.10 The Committee received updates throughout the year from the Cabinet Member for Regeneration and Director of Regeneration on the Sittingbourne Town Centre regeneration scheme.

### **Housing services**

- 3.11 This review had started in the 2014/15 Municipal Year.
- 3.12 The Committee resolved to refresh this review and take it forward in the 2016/17 Municipal Year. The Committee approved the report of the Task and Finish Group which had been set up to undertake the review and this is available here:  
<https://services.swale.gov.uk/meetings/documents/s7828/scrutiny%20committee%20work%20programme%202017-18.pdf>
- 3.13 The report and recommendations were subsequently submitted to Cabinet for their consideration and their response is available here:  
<https://services.swale.gov.uk/meetings/documents/s8364/Housing%20Response%20SMT%20120917%20cabinet%20response%20to%20Scrutiny%20on%20Housing%20v3.pdf>

### **Development Management**

- 3.14 This review was agreed by the Committee at the start of the previous Municipal Year and 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.
- 3.15 A Task and Finish Group had been formed to take the review forward and so far its focus has been on the determination of planning applications, including delegation levels and the operation of the Planning Committee. The Task and Finish Group visited three other district councils in Kent to discuss these matters with Members and officers and to observe how their Planning Committees operate.
- 3.16 The Committee issued an interim report produced by the Task and Finish Group in order to link it to the agenda of the General Purposes Committee who were considering changes to the Council's Constitution, including officer delegations. The Committee's report on this aspect is available here:  
<https://services.swale.gov.uk/meetings/documents/s10039/Interim%20TFG%20report%20on%20planning%20delegations%20-%20Revised%20after%20SC.pdf>
- 3.17 The report was subsequently submitted to Cabinet for consideration and their response is awaited.
- 3.18 Work on other aspects of the review will continue into 2018/19.

## **Planning enforcement**

- 3.19 The Committee had expressed concern about the performance of the Council's planning enforcement function and had requested reports from the Cabinet Member for Planning and Head of Planning. The Committee held two separate sessions on this area during the course of the year and the record of those sessions are available here:

<https://services.swale.gov.uk/meetings/documents/g1873/Printed%20minutes%2030th-Aug-2017%2019.00%20Scrutiny%20Committee.pdf?T=1>

<https://services.swale.gov.uk/meetings/documents/g1891/Printed%20minutes%2022nd-Mar-2018%2019.00%20Scrutiny%20Committee.pdf?T=1>

## **Regeneration review**

- 3.20 The Committee has begun a review looking at the non-Sittingbourne Town Centre activity occurring in the Borough. The Committee has established a Task and Finish Group to undertake the review and it has met once to scope the information it requires in order to start its work. Following changes to Committee membership agreed at Annual Council, membership of the Group will need to be revisited at the start of 2018/19.

## **Waste**

- 3.21 The Committee has long had concerns about the performance indicators relating to waste and recycling which it monitors on a quarterly basis through the Council's performance management system. Therefore the Cabinet Member for Environment and Rural Affairs and officers from the Council's Waste and Cleansing Team attended Committee towards the end of the year to explain the way they were encouraging residents to recycle more of their household waste. A record of this is available here:

<https://services.swale.gov.uk/meetings/documents/g1986/Printed%20minutes%2018th-Apr-2018%2019.00%20Scrutiny%20Committee.pdf?T=1>

## **Call-in**

- 3.24 The Committee has the power to call-in Cabinet decisions which have been taken but not yet implemented and request that Cabinet reconsider their decision. There were no call-ins during 2017/18.

## **4 Contact details**

- 4.1 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.

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

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

In writing to:

Scrutiny Team  
Policy and Performance Unit  
Swale Borough Council  
Room 318  
Swale House  
East Street  
Sittingbourne  
Kent  
ME10 3HT

By e-mail/telephone:

**Bob Pullen – Policy and Performance Officer**

[BobPullen@swale.gov.uk](mailto:BobPullen@swale.gov.uk)

01795 417 187

**Democratic Services**

[Democraticservices@swale.gov.uk](mailto:Democraticservices@swale.gov.uk)

01795 417 330

4.3 A full list of Committee meeting dates, times, venues and agendas is available on Swale Borough Council's website:

<http://services.swale.gov.uk/meetings/ieDocHome.aspx?bcr=1>

## Appendix I:

## Scrutiny Committee membership and attendance - 2017/18

Name	Role	5 Jul	30 Aug	11 Oct	15 Nov	11 Jan	25 Jan	22 Mar
<b>Committee members</b>								
Cllr Andy Booth	Chairman	√	√	√	√	√	√	√
Cllr Lloyd Bowen	Vice-Chairman	X	√	√	√	X	√	√
Cllr Derek Conway	Committee Member	√	√	√	X	X	√	X
Cllr Mike Dendor	Committee Member	√	X	√	√	√	√	√
Cllr Mick Galvin	Committee Member	√	√	√	√	√	√	X
Cllr June Garrad	Committee Member	X	√	√	X	√	X	√
Cllr Mike Henderson	Committee Member	√	√	√	√	X	√	√
Cllr Lesley Ingham	Committee Member	√	X	√	X	X	X	X
Cllr Ken Ingleton	Committee Member	√	√	√	√	√	√	√
Cllr Nigel Kay	Committee Member	√	√	√	√	√	√	√
Cllr Samuel Koffie-Williams	Committee Member	√	X	√	√	√	√	X
Cllr Ben Stokes	Committee Member	√	X	√	√	√	√	√
Cllr Roger Truelove	Committee Member	X	√	√	√	X	√	√
<b>Visiting members and *substitutes</b>								
Cllr Cameron Beart	Member	*√	*√	√	*√	*√	*√	*√
Cllr Monique Bonney	Member					*√		
Councillor Mike Cosgrove	Cabinet Member for Regeneration	√		√		√	√	√
Cllr Duncan Dewar-Whalley	Cabinet Member for Finance and Performance	√	√		√			√
Cllr Paul Fleming	Member				*√		*√	
Cllr Alan Horton	Cabinet Member for Safer Families & Communities	√	√		√		√	
Cllr Gerry Lewin	Deputy Leader and Cabinet Member for Planning				√			√
Cllr Peter Marchington	Member						√	
Cllr Bryan Mulhern	Deputy Cabinet Member for Planning						√	√

Name	Role	5 Jul	30 Aug	11 Oct	15 Nov	11 Jan	25 Jan	22 Mar
Cllr Colin Prescott	Member		*√					
Cllr Ken Pugh	Cabinet Member for Housing and Wellbeing						√	
Cllr David Simmons	Cabinet Member for Environment and Rural Affairs						√	
Cllr Ghlin Whelen	Member			√	√		√	
Cllr Ted Wilcox	Deputy Cabinet Member for Finance and Performance	√	√		√		√	√
<b>Swale Borough Council officers</b>								
Katherine Bescoby	Democratic and Electoral Services Manager						√	
Peter Binnie	Special Projects Manager	√		√		√		
Martyn Cassell	Head of Commissioning and Customer Contact	√			√		√	
David Clifford	Policy and Performance Manager	√	√		√		√	
Philippa Davies	Democratic Services Officer				√			
James Freeman	Head of Planning		√		√		√	√
Charlotte Hudson	Interim Head of Economy and Community Services						√	
Jo Millard	Senior Democratic Services Officer	√	√	√		√		√
George Mynehan	Planning Enforcement Contractor							√
Tony Potter	Business Improvement Officer				√			
Bob Pullen	Policy and Performance Officer	√	√	√	√	√	√	√
Mark Radford	Chief Executive						√	
Dean Radmore	STC Regeneration Scheme Manager			√		√		√
Graham Thomas	Area Planning Officer				√			
Nick Vickers	Chief Financial Officer	√	√		√		√	√
Emma Wiggins	Director of Regeneration	√		√		√		√
Phil Wilson	Financial Services Manager						√	