

5 June 2019

Agenda Item 9

***Scrutiny Committee Work Programme for 2019/20***

Report author: Bob Pullen – Policy and Performance Officer

**Recommendations**

That the Committee considers which topics or services it should review during the course of the year.

**1 Purpose of report**

- 1.1 This report is concerned with the Committee's work programme for 2019/20. It considers how the Committee can exercise its terms of reference.

**2 Background**

- 2.1 Each year, the Committee decides which topics it should review and in what priority order.
- 2.2 The Committee's terms of reference were approved by Council on 19 February 2014 and are reproduced at Appendix I. The terms of reference form part of the Council's Constitution.
- 2.3 In summary, the purpose of the Committee is to exercise the statutory duties of overview and scrutiny for the Council by:
  - reviewing or scrutinising decisions made, and performance of the Cabinet, or officers under delegated authority;
  - reviewing or scrutinising the performance of the Council in relation to policy objectives, performance targets and/or particular service areas;
  - reviewing and scrutinising the performance of the other public bodies in the area about their activities.
- 2.4 The Committee is also responsible for considering monitoring reports on finance and performance and each year the Committee considers the Cabinet's draft Budget proposals.

2.5 The Committee also has certain formal powers which only it can exercise including:

- calling-in Cabinet decisions which have been taken but not yet implemented; and
- to act as the Council’s “Crime and Disorder Committee” in terms of reviewing and scrutinising decisions made, or other action taken, in connection with the responsible authorities discharge of their Crime and Disorder functions.

### 3 **Discussion**

3.1 It is traditional at the start of each new Municipal Year for overview and scrutiny committees to devise and agree a programme to plan the committees work for the next twelve months.

3.2 If the Scrutiny Committee is to be effective and bring real value, it will need to focus on where it can make the biggest impact. This means basing decisions on what topics or services to review on hard evidence. Anecdotal evidence, such as Members own experiences, or feedback from residents, can also be valuable.

3.3 There are also likely to be incidences throughout the year when the Committee will be invited to consider one-off issues.

3.4 The schedule at Appendix II lists those reviews which were either instigated or started in 2018/19 or before.

3.5 While it is expected that there will be ongoing activity from year to year (items 1 – 5 of Appendix II), the Committee has the ability to review anything it wants to.

3.6 Of the reviews or activities which were started during 2018/19 or earlier (items 6 – 8 of Appendix II), the Committee may wish to consider the following.

#### **Development Management**

3.7 This is a function that all district councils perform and the review was instigated partly because as a council performance monitoring had revealed we had the lowest levels of delegations for determining planning applications (i.e. we had proportionally more planning applications being determined at Planning Committee rather than under delegated authority by officers than other councils both in Kent and England).

3.8 Although the Committee had identified other elements of the development process to review, only the delegations part had been fully reviewed and reported on. If the Committee did want to continue with this review, I would recommend that a new Task and Finish Group is established, along with a coordinator, to see the review through to a conclusion in the form of a report with recommendations to Cabinet.

### **Regeneration**

3.9 This review was still in its preliminary stages when the previous Committee decided to pause it. Given the change of administration brought about by the recent local elections, and the different course they are likely to take over the economy and regeneration projects, the Committee may wish to reflect on whether it wants to: (a) take this review forward in its current form; (b) reconsider the purpose of the review; (c) continue to pause the review until the future direction of the new administrations plans become clearer; or (d) discontinue the review and concentrate on other priorities.

### **Infrastructure in Swale**

3.10 This arose partly through concerns over whether existing and planned infrastructure would meet the need of the development anticipated in the Local Plan, and incidences where the infrastructure had failed on several occasions (e.g. major interruption to the water supply in Sittingbourne and substantial water leak to mains pipe on Kingsferry Bridge).

3.11 Several of the utility companies we invited to the meeting on 27 February 2019 who were unable to attend indicated that would be happy to attend a future meeting.

3.12 Again, the new administration have indicated that they want an early review of the Local Plan, so would it be better to wait until matters around this are clearer before committing to pursue this activity?

### **Potential new reviews**

3.13 As previously mentioned, the Committee is free to review whatever topic it likes, but experience has shown that those reviews which have made the most impact have been those where:

- services have been under-performing: and/or
- the Council's or other local service providers' operations are of concern to residents.

- 3.14 The next meeting should include agenda items on both performance and financial monitoring which may give a clearer idea what the potential issues for review are.
- 3.15 The Committee may also want to consider inviting suggestions for review (e.g. from the Management Team or Cabinet).
- 3.16 The Committee should also be mindful of the resources needed to undertake reviews given the pressures on Members, officers and partners time.

#### **4 Conclusion**

- 4.1 That the Committee considers which topics or services it should review during the course of the year.

#### **5 Officer contacts**

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## **Appendix I**

### **Terms of reference of the Scrutiny Committee**

**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 the provision for the appointment of one or more committeees. 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 their 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 the of 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.

## **Appendix I**

### **Scrutiny Committee – Possible review activity 2019/20**

<b>Topic</b>	<b>Ongoing review/activity?</b>	<b>Commentary</b>
1 - Financial monitoring	Yes	The Committee will continue to receive quarterly financial monitoring reports during the course of the year to review.
2 - Performance monitoring	Yes	The Committee will continue to receive quarterly performance monitoring reports during the course of the year to review.
3 - Council Budget	Yes	The annual review of the Cabinet's budget proposals for 2020/21 will take place at the Scrutiny Committee meeting scheduled for 22 January 2019.
4 – Fees and charges	Yes	The Committee has traditionally reviewed the Cabinet's proposals for setting Fees and Charges for Council Services for the following financial year. This is likely to take place at the Scrutiny Committee meeting on 6 November 2019.
5 – Updates on Sittingbourne Town Centre regeneration	Yes	Updates on Sittingbourne Town Centre Regeneration are provided to the Committee alternately in person by the Cabinet Member for Economy and Property and relevant officers, and through written updates to each meeting.
6 – Development management	Paused	<p>This review was being taken forward by a Task and Finish Group. An interim report was submitted to Cabinet on 30 May 2018 on the delegation aspects of the planning application approval system (i.e. measures to reduce the number of applications needing to be determined by the Planning Committee) but the recommendations in the report were not accepted by Cabinet.</p> <p>Remaining aspects of the review include: role of parish and town councils in development management process; usefulness of reports received from statutory</p>

Topic	Ongoing review/activity?	Commentary
		<p>consultees; member involvement in planning applications and Section 106 agreements; adoption of parcels of land on developments; and planning appeals.</p> <p>This review was paused by the Committee during the latter part of 2018/19 with a view to the new Committee deciding whether or not it wished to pursue it during 2019/20.</p>
7 – Regeneration review	Paused	<p>This review was started in 2018/19 to look at the Council's approach to regeneration activity other than the Sittingbourne Town Centre scheme. The Committee had established a Task and Finish Group to undertake the review and it met several times to scope the information it required and meet with lead officers.</p> <p>However, impetus for the review waned during the year and the Committee took a decision to pause the review with a view to the new Committee deciding whether or not it wished to pursue it during 2019/20.</p>
8 – Infrastructure provision in Swale	Paused	<p>This review was intended to take the form of a one-off session where all of the major infrastructure providers in Swale would be invited in to discuss their plans for the future against the backdrop of substantial new housing development being foreseen in the Borough.</p> <p>In the event, only one infrastructure provider – Southern Gas Networks – were able to attend the meeting on 27 February 2019 (although several did send apologies and indicated they could attend at a future date).</p> <p>Again it is for the Committee to decide whether they want to pursue this activity during 2019/20.</p>