

Council	
Meeting Date	24 July 2019
Report Title	Overview and scrutiny annual report 2018/19
Lead Member	Cllr Lloyd Bowen, Chairman, Scrutiny Committee
SMT Lead	David Clifford, Head of Policy, Communications and Customer Services
Head of Service	
Lead Officer	Bob Pullen, Policy and Performance Officer
Key Decision	No
Classification	Open
Recommendations	1. That Council considers the Overview and Scrutiny Annual Report 2018/19

1 Purpose of Report and Executive Summary

- 1.1 The report at Appendix I provides details of the work of the Scrutiny Committee during 2018/19.

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.

4 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 5 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 'delivering the Council of tomorrow'.
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, Statutory and Procurement	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 under provisions in Section 19 of the Police and Justice Act 2006.
Environment and Sustainability	The Committee have received reports on the Council's progress on climate change in the past.
Health and Wellbeing	None identified.
Risk Management and Health and Safety	None identified.
Equality and Diversity	None identified.
Privacy and Data Protection	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 2018/19.

8 Background Papers

8.1 None.

Overview and Scrutiny Annual Report 2018/19

Swale Borough Council

Foreword

Welcome to the overview and scrutiny report for 2018/19. The aim of this report is to reflect on the work that has been done in Swale this year.

The Committee had several sessions to consider progress of the Sittingbourne Town Centre regeneration, as well as considering the Cabinet's draft budget for 2019/20, fees and charges, and financial and performance monitoring reports.

2019/20 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. The forthcoming constitutional reform review proposed by the new administration could have major implications for the overview and scrutiny function.

Overview and scrutiny will need to be at the very centre of the difficult decisions the Council will need to take during 2019/20 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 or telephone on 01795 417 330.

Councillor Lloyd Bowen
Chairman of the Scrutiny Committee 2018/19

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. The Policy and Performance Officer provides supports the work of the Committee.
- 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 2018/19 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 2018/19:

Councillor Lloyd Bowen	Chairman
Councillor Mike Dendor	Vice Chairman
Councillor Mike Baldock	
Councillor George Bobbin	
Councillor Roger Clark	
Councillor Derek Conway	
Councillor Mick Galvin	
Councillor Mike Henderson	
Councillor Ken Ingleton	
Councillor George Samuel	
Councillor Ben Stokes	
Councillor Lynd Taylor	
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 2018/19 are summarised below.

Work programme 2018/19			
Title	Frequency	Focus of discussion	Status
Performance and financial monitoring	Ongoing - reviewed periodically throughout the year	<ul style="list-style-type: none"> ▪ Indicators not achieving target ▪ significant budget variances 	Complete
Council budget	Annual review	<ul style="list-style-type: none"> ▪ The Cabinet’s annual budget proposals are scrutinised before these are ratified by the Council 	Complete
Fees and charges	Annual review	<ul style="list-style-type: none"> ▪ The Committee considered Cabinet’s proposals for fees and charges at on 7 	Complete

		November 2018	
Scrutiny reviews			
Review	Date review template agreed	Report/recommendations submitted to Cabinet	Status
Sittingbourne Town Centre regeneration proposals	Not applicable	Regular updates provided by Cabinet Member for Regeneration and Director of Regeneration	Ongoing
Development Management	Not applicable	The purpose of this review was to look at all aspects of the Council's development management function.	Paused
Regeneration activity	22/03/18	The purpose of this review was to look 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.	Paused
Previous scrutiny reviews: (i) Leisure and tourism; (ii) Housing services	Not applicable	The Committee invited the relevant Cabinet Members and officers to update them on progress made in implementing recommendations which had been accepted by Cabinet on previous reviews.	Complete
Infrastructure provision in Swale	Not applicable	The Committee invited various utility companies to attend a session in February. Only one company – SGN – were able to attend	Paused

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 23 January 2019. The Committee Chairman opened the meeting up so that any Council Member could attend and make representations. The 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 6 February 2019.
- 3.7 The reports the Scrutiny Committee considered on the Council's draft budget are available here:

<https://services.swale.gov.uk/meetings/documents/s11623/Item%205.pdf>

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

<https://services.swale.gov.uk/meetings/documents/g2063/Printed%20minutes%2023rd-Jan-2019%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/g2061/Printed%20minutes%2007th-Nov-2018%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.

Development Management

- 3.11 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.
- 3.12 A Task and Finish Group had been formed to take the review forward and it focussed on the determination of planning applications, including delegation levels and the operation of the Planning Committee.

- 3.13 Following an interim report and recommendations issued by the Committee on the delegation aspects of development management (which were not accepted by Cabinet), work on the review was intermittent until the Committee decided to pause it towards the end of the year.
- 3.14 The new Committee for 2019/20 will need to consider whether they wish to carry the review over to the new Municipal Year.

Regeneration review

- 3.15 The Committee had begun a review looking at the non-Sittingbourne Town Centre activity occurring in the Borough. The Committee had established a Task and Finish Group to undertake the review and it has met several times to scope the information it required and met with lead officers to gain an initial understanding of the issues. Impetus for the review waned during the year and the Committee again resolved to pause any further work on the review and enable the new Committee in 2019/20 to decide whether or not to pursue it.

Infrastructure provision in Swale

- 3.16 As Swale is an area which is seeing a rapid growth in its population, and with the new housing developments appearing in many parts of the Borough, the Committee decided to embark on a review of infrastructure in Swale. The Committee invited a number of utility companies to attend an initial session in February 2019, but unfortunately, only one company was able to attend – SGN – who provide and maintain the gas infrastructure network in Swale. Nevertheless, this session provided a huge insight into the issues and members gained a great deal of knowledge.
- 3.17 It will be for the new Committee in 2019/20 to decide whether they want to pursue this review into the new Municipal year.

Call-in

- 3.18 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 2018/19.

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:

Policy and Performance Team
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

01795 417 187

Democratic Services

Democraticservices@swale.gov.uk

01795 417 330

4.4 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 - 2018/19

Name	Role	7 Jun	4 Jul	3 Oct	7 Nov	15 Jan	23 Jan	27 Feb
Committee members								
CLlr Lloyd Bowen	Chairman	√	√	√	√	√	√	√
CLlr Mike Dendor	Vice-Chairman	√	√	√	√	√	√	√
CLlr Mike Baldock	Committee Member	√	X	X	X	√	√	X
CLlr George Bobbin	Committee Member	√	√	X	√	√	√	X
CLlr Roger Clark	Committee Member	X	X	X	√	√	√	√
CLlr Derek Conway	Committee member	√	X	√	√	X	√	√
CLlr Mike Henderson	Committee Member	X	X	X	√	√	√	√
CLlr Mick Galvin	Committee Member	X	√	X	√	X	√	X
CLlr Ken Ingleton	Committee Member	√	√	√	√	√	X	X
CLlr George Samuel	Committee Member	√	X	√	√	X	√	X
CLlr Ben Stokes	Committee Member	√	√	√	√	X	X	X
CLlr Lynd Taylor	Committee Member	√	√	√	√	√	√	√
CLlr Roger Truelove	Committee Member	√	X	X	√	√	√	X
Visiting members and *substitutes								
CLlr Sarah Aldridge	Cabinet Member for Health and Wellbeing						√	
CLlr Cameron Beart	Deputy Cabinet Member for Regeneration						√	
CLlr Andy Booth	Deputy Cabinet Member for Housing and Safer Communities						√	
CLlr Andrew Bowles	Leader						√	
CLlr Mike Cosgrove	Cabinet Member for Regeneration	√		√		√		
CLlr Duncan Dewar-Whalley	Cabinet Member for Finance and Performance		√	√	√	√	√	
CLlr Alan Horton	Cabinet Member for Housing and Safer Families		√		√	√	√	
CLlr James Hunt	Deputy Cabinet Member for Planning Services						√	√

Name	Role	7 Jun	4 Jul	3 Oct	7 Nov	15 Jan	23 Jan	27 Feb
Cllr Nigel Kay	Deputy Cabinet Member for Finance and Performance			√	√		√	
Cllr Peter Marchington	Member				*√			
Cllr David Simmons	Cabinet Member for Environment and Rural Affairs				√		√	
Cllr Ghlin Whelan	Member	√						
Cllr Ted Wilcox	Deputy Cabinet Member for Finance and Performance				√	√	√	
Swale Borough Council officers								
Anne Adams	Head of Property						√	
Katherine Bescoby	Democratic and Electoral Services Manager				√		√	
Martyn Cassell	Head of Commissioning, Environment and Leisure				√		√	
David Clifford	Policy and Performance Manager		√				√	
James Freeman	Head of Planning Services						√	
Charlotte Hudson	Head of Economy and Community Services	√					√	
Jo Millard	Senior Democratic Services Officer		√	√		√		√
Lyn Newton	Economy and Community Services Manager	√				√		
Tony Potter	Business Improvement Officer		√			√		
Bob Pullen	Policy and Performance Officer	√	√	√	√	√	√	√
Mark Radford	Chief Executive						√	
Dean Radmore	STC Regeneration Scheme Manager	√		√		√		
Roxanne Sheppard	Housing Options Manager		√					
Nick Vickers	Chief Financial Officer		√	√	√		√	
Rebecca Walker	Strategic Housing and Health Manager		√					
Emma Wiggins	Director of Regeneration	√		√		√	√	