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| Council | |
| Meeting Date | 7 October 2020 |
| Report Title | Overview and scrutiny annual report 2019/20 |
| 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 2019/20 |

1 Purpose of Report and Executive Summary

- 1.1 The report at Appendix I provides details of the work of the Scrutiny Committee during 2019/20.

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 12 August, 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 2019/20.

8 Background Papers

8.1 None.

Overview and Scrutiny Annual Report 2019/20

Swale Borough Council

Foreword

Welcome to the overview and scrutiny report for 2019/20. 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 2020/21, fees and charges, and financial and performance monitoring reports.

2020/21 continues to present 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. Furthermore, we have the added pressure of recovering from the COVID-19 pandemic and the Committee will play its role in ensuring the Council responding to these challenges through proportionate and targeted scrutiny.

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 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 2020/21 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 2019/20

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 2019/20 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 2019/20:

| | |
|---------------------------|---------------|
| Councillor Lloyd Bowen | Chairman |
| Councillor Mike Dendor | Vice Chairman |
| Councillor Richard Darby | |
| Councillor Steve Davey | |
| Councillor Tim Gibson | |
| Councillor Alastair Gould | |
| Councillor James Hall | |
| Councillor Carole Jackson | |
| Councillor Elliott Jayes | |
| Councillor Denise Knights | |
| Councillor Lee McCall | |
| Councillor Pete Neal | |
| Councillor Ken Pugh | |

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 2019/20 are summarised below.

| Work programme 2019/20 | | | |
|--------------------------------------|---|--|----------|
| 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 on 6 November | Complete |

| | | 2019 | |
|---|------------------------------------|---|---------------|
| Scrutiny reviews | | | |
| Review | Date review template agreed | Report/recommendations submitted to Cabinet | Status |
| Sittingbourne Town Centre regeneration scheme | Not applicable | Regular updates provided by Cabinet Member for Economy and Property and Regeneration Director | Ongoing |
| 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. Activity paused as a result of snap General Election and COVID-19 pandemic | Paused |
| Infrastructure provision in Swale | Not applicable | Following an initial session in 2018/19, five utility companies were lined up to attend a Committee meeting in March 2020 when the COVID-19 pandemic broke. | Paused |
| Call-in | Not applicable | Consideration of Cabinet's decision not to proceed with Phase 2 of the Development Agreement between the Council and the Spirit of Sittingbourne. | 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 22 January 2020. The Committee Chairman opened the meeting up so that any Council Member could attend and make representations. The Leader and Cabinet Member for Finance, along with other Cabinet Members, Deputy 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 12 February 2020.
- 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=2204&Ver=4>
- 3.8 The Committee's consideration of the draft budget is available here:
- <https://services.swale.gov.uk/meetings/documents/g2204/Printed%20minutes%2022nd-Jan-2020%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 Leader and Cabinet Member for Finance and Chief Financial Officer is available here:
- <https://services.swale.gov.uk/meetings/documents/g2202/Printed%20minutes%2006th-Nov-2019%2019.00%20Scrutiny%20Committee.pdf?T=1>

Sittingbourne Town Centre regeneration scheme

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

Regeneration review

- 3.15 During the previous Municipal Year, 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. The new Committee decided to continue with the review and established a new Task and Review Committee. It met several times, both by itself and with lead

officers. However, the snap General Election and then the outbreak of the COVID-19 epidemic put paid to any further meaningful progress on the review.

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 had previously 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. A further session was arranged for 25 March 2020 at which five utility companies had agreed to attend. Unfortunately this coincided with the outbreak of the COVID-19 pandemic and the cancellation of all Council meetings.

Call-in

- 3.17 A call-in was held on 6 November 2019 to consider Cabinet’s decision to give delegated authority to the Director of Regeneration and Chief Financial Officer to determine a way forward on the Development Agreement between the Council and the Spirit of Sittingbourne in respect of the Sittingbourne Town Centre regeneration.
- 3.18 The Committee decide not to refer the decision back to Cabinet for reconsideration and as record of the consideration is given here:
<https://services.swale.gov.uk/meetings/documents/g2202/Printed%20minutes%2006th-Nov-2019%2019.00%20Scrutiny%20Committee.pdf?T=1>

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

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

<https://services.swale.gov.uk/meetings/uuCoverPage.aspx?bcr=1>

Scrutiny Committee membership and attendance - 2019/20

| Name | Role | 5 Jun | 3 Jul | 4 Sep | 2 Oct | 6 Nov | 15 Jan | 22 Jan | 27 Feb |
|--|---|-------|-------|-------|-------|-------|--------|--------|--------|
| Committee members | | | | | | | | | |
| Cllr Lloyd Bowen | Chairman | √ | √ | √ | √ | √ | √ | √ | √ |
| Cllr Mike Dendor | Vice-Chairman | √ | √ | √ | √ | √ | √ | √ | √ |
| Cllr Richard Darby | Committee Member | √ | X | √ | X | √ | √ | √ | √ |
| Cllr Steve Davey | Committee Member | X | √ | √ | √ | √ | √ | √ | √ |
| Cllr Tim Gibson | Committee Member | √ | √ | √ | √ | √ | √ | √ | √ |
| Cllr Alastair Gould | Committee member | X | √ | √ | √ | √ | √ | √ | √ |
| Cllr James Hall | Committee Member | X | √ | √ | √ | √ | √ | √ | X |
| Cllr Carole Jackson | Committee Member | X | X | √ | √ | √ | √ | √ | √ |
| Cllr Elliott Jayes | Committee Member | X | √ | √ | √ | √ | √ | X | X |
| Cllr Denise Knights | Committee Member | √ | √ | √ | √ | √ | √ | X | √ |
| Cllr Lee McCall | Committee Member | √ | √ | √ | √ | √ | √ | √ | √ |
| Cllr Pete Neal | Committee Member | √ | √ | √ | X | X | √ | X | X |
| Cllr Ken Pugh | Committee Member | √ | √ | √ | √ | √ | √ | √ | √ |
| Visiting members and *substitutes | | | | | | | | | |
| Cllr Mike Baldock | Deputy Leader and Cabinet Member for Planning | √ | | | | | | √ | |
| Cllr Cameron Beart | Member | √ | √ | √ | √ | √ | | √ | |
| Cllr Monique Bonney | Cabinet Member for Economy and Property | √ | √ | √ | | √ | √ | √ | √ |
| Cllr Derek Carnell | Deputy Cabinet Member for Finance | | | | | | | √ | |
| Cllr Roger Clark | Member | √ | | | √ | | √ | | |
| Cllr Mark Ellen | Member | *√ | *√ | | | | | | |
| Cllr Simon Fowle | Member | √ | √ | | *√ | √ | | √ | |
| Cllr Angela Harrison | Cabinet Member for Health and Wellbeing | | | | | | | √ | |
| Cllr Alan Horton | Member | √ | √ | √ | √ | √ | √ | √ | √ |
| Cllr James Hunt | Member | √ | | | √ | √ | | √ | |
| Cllr Ken Ingleton | Member | | | | | | √ | √ | |
| Cllr Peter Marchington | Member | √ | | | | *√ | | | |

