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OVERVIEW & SCRUTINY PANEL

24 MAY 2016

A meeting of the Overview & Scrutiny Panel will be held at <u>7.00 pm on Tuesday, 24 May 2016</u> in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor: D Saunders (Chairman); Councillors: G Coleman-Cooke (Deputy Chair), Bambridge, Campbell, Connor, Curran, Dennis, Dexter, Dixon, Elenor, Falcon, Grove, Jaye-Jones, Martin and Parsons

AGENDA

<u>Item</u> <u>Subject</u>

1. APOLOGIES FOR ABSENCE

2. **DECLARATIONS OF INTEREST**

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest form attached at the back of this agenda. If a Member declares an interest, they should complete that form and hand it to the officer clerking the meeting and then take the prescribed course of action.

3. MINUTES OF PREVIOUS MEETING (Pages 1 - 2)

To approve the Minutes of the Overview and Scrutiny Panel meeting held on 26 April 2016, copy attached.

4. ESTABLISH THE OVERVIEW & SCRUTINY PANEL WORK PROGRAMME FOR 2016/17 (Pages 3 - 14)

Declaration of Interest form - back of agenda



Please scan this barcode for an electronic copy of this agenda



OVERVIEW & SCRUTINY PANEL

Minutes of the meeting held on 26 April 2016 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor David Saunders (Chairman); Councillors G Coleman-

Cooke, Campbell, Connor, Curran, Dennis, Dexter, Elenor, Falcon,

Jaye-Jones, Parsons and M Saunders

In Attendance: Councillor Taylor-Smith

50. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Martin:

Councillor Dixon:

Councillor Bambridge, substituted by Councillor M. Saunders.

51. <u>DECLARATIONS OF INTEREST</u>

There were no declarations of interest.

52. MINUTES OF PREVIOUS MEETING

Councillor Campbell proposed, Councillor Glenn Coleman-Cooke seconded and Members agreed the minutes to be a correct record of the meeting that was held on 09 February 2016.

53. REVIEW OF OVERVIEW & SCRUTINY PANEL WORK PROGRAMME FOR 2015/16

Speaking under Council Procedure Rule 20.1, one Member asked whether Members of the Panel had taken up the offer from the Chairman to raise questions that could be used as the basis for inviting Councillor Stummer-Schmertzing, Cabinet Member for Regeneration and Enterprise Services to make a presentation at the Panel meeting. She asked if there were any invitations to Cabinet Members that were lined up for the near future.

The Chairman said that Members could still submit such questions and these would be used to invite Portfolio Holders to Panel debates in the next municipal year.

Another Member suggested that the Panel could consider the Peer Review report that was produced as a result of the Peer Challenge that was carried out on 25-26 February 2016. The report observed the need to develop the scrutiny function further. In response Madeline Homer, CEx said that the Panel could scrutinise that report if it wanted.

Madeline Homer also said that the Panel should note the fact that the Corporate Performance Review Working Party had the mandate to monitor the Council's corporate performance and progress towards implementing the improvement plan that was drawn up by the Improvement Board. She advised the meeting that the work of the Board had come to an end, but that role would be assumed internally by a Member/Officer Strategy Board.

Madeline Homer advised that that the Panel could, bearing in mind the terms of reference of the sub group, ask it to monitor the implementation of the improvement plan that would now be overseen by Member/Officer Strategy Board. She also advised

Members that training for Members and Officers had been arranged for 8 June 2016 and was to be conducted by the Centre for Public Scrutiny (CfPS). This would help set the foundation for improved scrutiny function. The Chairman then suggested that this issue be picked in the next municipal year.

Members noted the report.

54. ANNUAL OVERVIEW & SCRUTINY PANEL REPORT TO COUNCIL FOR 2015/16

Some Members expressed some concern that the report did not include much detail on the activities of the some of the sub groups. They also felt that the report did not include responses to the questions that were raised in the questionnaire that had been used to collate Member contributions to the report.

At that point, it was suggested that the Panel Chairman met with the three sub group chairman after the meeting to agree amendments to the report before it is forwarded to Annual Council.

Councillor Campbell proposed, Councillor Curran seconded and Members agreed that subject to proposed amendments being made to the report, the Chairman presents the Annual Report to the next scheduled Full Council meeting.

55. FORWARD PLAN AND EXEMPT CABINET REPORT LIST FOR THE PERIOD 13 APRIL 2016 - 28 FEBRUARY 2017

In response to a Member query, Madeline Homer said that the item on 'Manston Airport Soft Market Testing' would be considered by Cabinet at the meeting on 16 June 2016. Members requested that the notes used as a foreword that was sent to all Members explaining how items are included onto the Forward Plan be re-sent to Members so they can remind themselves of the criteria used for Forward Plan items.

Members noted the report.

Meeting concluded: 7.30 pm

ESTABLISHING THE OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME FOR 2016/17

To: Overview and Scrutiny Panel – 24 May 2016

Main Portfolio Area: All Portfolios

By: Senior Democratic Services Officer

Classification: Unrestricted

Ward: All

Summary: This report sets out possible activities of the Overview and

Scrutiny Panel for 2016/17 and asks the Panel to determine the

priority areas of work for the new municipal year.

For Decision

1.0 Introduction and Background

1.1 This paper allows the Panel to establish and agree the Overview and Scrutiny Panel work programme for 2016/17. In scoping out its work, the Panel may wish to consider some of the suggestions from the previous year's Panel regarding developing a robust scrutiny function for Thanet District Council.

2.0 Setting up the Work Programme for 2016/17

- 2.1 In 2015/16, the Panel work programme was carried through by the Community Safety Working Party, Corporate Performance Review Working Party and Electoral Registration Review Task & Finish Group. Members may wish to reconstitute these sub groups whose membership size and terms of reference are highlighted in Annex 1 and Annex 2 to the report.
- 2.2 In setting up sub-committees to conduct more in-depth scrutiny on behalf of the Panel, Members ought to decide the following membership structure for them:
 - a. Unanimously agree to disregard political proportionality in setting up membership size and political representation for the sub-committees;

Or

- b. Agree political representation based on proportional political representation for each of the sub-committees to be established.
- 2.3 The political proportionality for sub group sizes between 5 and 13 members are shown in the table below. As you will see, a sub-committee of 13 members would be necessary to ensure all parties were represented.

Size of	UKIP	Conservative	Labour	DIG	Independent
sub group					Group
5	2	2	1	0	0
6	3	2	1	0	0
7	3	2	1	1	0
8	4	3	1	0	0
9	4	3	1	1	0
10	5	3	1	1	0
11	5	4	1	1	0
12	6	4	1	1	0
13	6	4	1	1	1

- 2.4 If Members opt to disregard political proportionality, the panel can choose any size of sub group and populate it with any combination of members it wishes. In order to do this the panel must vote unanimously to disregard proportionality, if just one Member abstains or fails to vote then the proposal will fail and proportionality will have to be applied to the sub groups.
- 2.5 It is worth noting that in previous years, Members have opted to disregard political proportionality when setting up the sub committees. This approach enabled all political groups to be represented on the sub groups and take part in scrutiny investigations. The Panel also agreed that non Panel Members could be appointed to the sub committees. However it was the expectation of the Panel that most of the members to the sub groups would be drawn from the Panel itself.
- 2.6 The Panel or any of sub committees can appoint up to three people who are not Members of the Council as non-voting co-optees as long as such individuals are not subject to circumstances that would disqualify them from being a councillor. They can also appoint up to three additional non Panel councillors with 'a particular skill, knowledge or experience' about the subject under review to assist with the scrutiny work.
- 2.7 Members are requested to consider whether to reconstitute the formal sub groups that had been undertaking scrutiny work in 2015/16 and whose work had not yet been completed. The structure of the previous year's work programme is reflected in Table 1 in Annex 1 of the report.
- 2.8 On the other hand, if the Panel wishes to establish new Working Groups, it will need to agree terms of reference that can govern the business of the subgroups and consider the work of the officers supporting them; this may mean ending some other working parties, in order to accommodate the new ones.
- 2.9 Each sub group would need to prepare a programme of their work, indicating the issues to be considered (in accordance with their assigned terms of reference) and the timetable for completing their tasks, where applicable.

3.0 Exploring Effective Scrutiny Approaches

- 3.1 In preparation for the 2015/16 Annual Panel report to Council, Members gave some feedback that the scrutiny work programme and approach did not lend itself to robust pre-decision scrutiny and as a result they felt that the Panel had a limited role to play in policy development.
- 3.2 Members indicated that the impact of scrutiny in the decision making process had been limited particularly with regards to 'holding decision makers to account' and acting as 'check and balance' to the executive.
- 3.3 In establishing the work programme for 2016/17, Members may wish to consider a recommendation that Cabinet supports the Panel undertaking a different approach to scrutiny to be influenced by the scrutiny training session run by the Centre for Public Scrutiny on 8th June. This could be through a discussion between the Leader, Chairman of the Panel and Officers on an alternative approach to scrutiny for the Council. This will then provide the framework for officers to produce a report for consideration by the Panel.

4.0 Some outstanding issues from the previous municipal year

Watching Brief Issue: QEQM Hospital Services Review by East Kent Hospitals University Foundation Trust (EKHUFT)

- 4.1 The Leader of Council set up a QEQM Hospital Cabinet Advisory Group (CAG) on the subject and their first meeting was held on 21 April 2016. At that meeting, Hazel Carpenter, Accountable Officer for Thanet CCG gave a presentation which confirmed that a coalition of four Clinical Commissioning Group Chairmen and other health and social care organisations set up a Strategy Board. This Board was responsible for developing proposals for a holistic approach that would change the way health services were delivered in South East Kent and were working towards a June 2016 deadline to get a plan ready for public consultation on the proposed changes.
- 4.2 Members were also advised that there was no likelihood of the A& E Department being moved away from QEQM Hospital. The sub group then recommended changes to the terms of reference to reflect the new information presented by Hazel Carpenter. These can be viewed in the QEQM Hospital Cabinet Advisory Group published minutes on the Council website via this link: http://democracy.thanet.gov.uk/ieListDocuments.aspx?Cld=630&MId=4420&Ver=4
- 4.3 The Panel may still want to keep a watching brief on this issue, which should now (in the light of this new information), be referred to as the 'proposed reorganisation of East Kent health services' and not 'QEQM Hospital Services Review by East Kent Hospitals University Foundation Trust.'

4.4 Watching Brief Issue: TDC Artefacts Collection Management Review at the Margate Museum

4.5 This issue was carried forward from the previous municipal years. The Panel received an officer report and on 18 July 2015 recommended to Cabinet that 'the application for external funding through the Heritage Lottery Fund be pursued as a matter of priority.

- 4.6 In response on 22 October 2015 Cabinet agreed 'that delegation is given to the Director of Community Services to make an application for external funding through the Heritage Lottery Fund for the total cost of the professional archivist post be pursued as a matter of priority.
- 4.7 Staff vacancies within the council meant that it was not possible to advance this bid but there was now a commitment for this issue to be taken forward by the new Director of Community Services, Rob Kenyon.
- 4.8 The Panel would need to agree the way forward regarding these 'watching brief issues.'

5.0 Corporate Implications

5.1 Financial

5.1.1 There are no financial implications arising directly from this report but elements of the suggested work programme may have financial and resource implications.

5.2 Legal

5.2.1 There are no legal issues arising directly from this report. However a robust scrutiny function that is set up in a positive critical friend environment effective decision making and policy development.

5.3 Corporate

- 5.3.1 The work programme should help to deliver effective policy decision making by scrutinising executive decisions before, and at times after, implementation.
- 5.3.2 The sub-committees assist the work of scrutiny as they would carry-out an indepth study of any issue referred to the groups under their terms of reference. An active Scrutiny programme is part of good governance.

5.4 Equalities

- 5.4.1 No implications arise directly but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.
- 5.4.2 It is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration had been given to the equalities impact that may be brought upon communities by the decisions made by Council.

6.0 Recommendations

Members are requested to consider the following recommendations:

6.1 Political proportionality

The Panel:

a) **Agrees** to establish the membership of sub groups with due regard to political proportionality.

Or

b) <u>Unanimously</u> Agrees to disregard political proportionality when setting up the sub committees;

6.2 Sub-Committees to be established

Determine which sub groups to establish; determine their composition between Political Groups (reflecting the decision above) and nominate Members to serve on them;

6.3 Terms of reference

- a) **Agree** terms of reference for any newly established sub-groups (*if applicable*);
- b) **Agree** the draft terms of reference (with highlighted changes) for the reconstituted sub committees in Annex 2;
- c) Agree that before any consideration of substantive business any re-established Groups would be required to review their respective terms of reference at their first meeting and report any suggested changes to the next available Overview and Scrutiny Panel for approval;
- d) **Agree** that before any consideration of substantive business all Groups would be required to complete the project template at their first meeting and report the details back to the next available Overview and Scrutiny Panel for approval;

6.4 Exploring Effective Scrutiny Approaches

6.5 With reference to comments in section 3.0 of the report, **Agree** that the Chairman engages the Leader of Council and Officers on behalf of the Overview & Scrutiny Panel to explore proposals for alternative scrutiny arrangements that includes decision scrutiny with a view to a report being produced on those proposals for consideration by a future meeting of both the Overview and Scrutiny Panel and Cabinet.

7.0 Decision Making Process

7.1 These are all decisions that can be taken by the Panel.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext: 7186
Reporting To:	Nick Hughes Committee Services Manager, Ext 7187

Annex List

Annex 1	Table 1 – OSP Work Programme used in 2015/16
Annex 2	Working Parties draft Terms of Reference 2016/17

Background Papers

Title	Details of where to access copy
None	None

Corporate Consultation Undertaken

Legal	Tim Howes, Director of Corporate Governance & Monitoring Officer
Finance	Joanna Miller, Head of Financial Services

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Table 1 – Work Programme used in 2015/16

Issue	Size of Group in 2015/16	Lead Officer	Suggestions for the Overview and Scrutiny Panel
Date of Establishment 01.10.09 Community Safety Partnership Working Party	7	Penny Button Jessica Bailey	The role of scrutinising performance of the Community Safety Partnership is statutory one that has to be undertaken by the main Panel. However it is up to the Panel to delegate such function to a sub-committee during each municipal year as it sees fit.
Date of Establishment: 28.05.08 Corporate Performance Review Working Party	7	Tim Willis Nicola Walker	The working party would need to be continued to work through 2016/17 and provide recommendations to improve the performance of the Council and any joint arrangements/partnerships that council is a part of.
Date of Establishment 10.01.12 Electoral Registration Process Review Working Party	7	Claire Hawken	The Individual Electoral Registration process was implemented in 2014 and the database was used for the 7 May 2015 General and Local Council Elections. It will now be used for the Police and Crimes Commissioner Elections on 5 May 2016 and the referendum on 23 June. The sub-group may wish to review how the process was managed and how the new system performed. The sub-group would therefore need to be reconstituted in 2016/17 to carry-out this review and offer recommendations as is appropriate.

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Agenda Item 4 Annex 2

COMMUNITY SAFETY PARTNERSHIP WORKING PARTY TERMS OF REFERENCE FOR 2016,17

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A. TERMS OF REFERENCE

General

The purpose of the working party was to scrutinise key community safety issues in Thanet and make recommendations to the Community Safety Partnership through the Overview & Scrutiny Panel.

Membership, Chairmanship and Quorum

Number of Members	Seven
Political Composition	3 UKIP
	2 Conservative
	1 Labour
	1 Democratic Independent Group
Substitute Members Permitted	Yes
Political Balance Rules apply	Yes
Appointments/Removals from Office	By the Overview and Scrutiny Panel
Restrictions on Membership	Non-Executive Members only
Restrictions on Chairmanship	None
Quorum	Four
Number of ordinary meetings per Council	Meetings will be called as required and
Year	as reflected in the work programme
	below

Terms of reference

The full terms of reference for the working party are given below under the Crime and Disorder (Overview & Scrutiny) Regulations 2009, hereby attached.

The scope of the group for 201,6/1,7 will be specifically to review the performance of the Community Safety Partnership with regards to implementing the following key priorities:

- 1. Safeguarding people vulnerable to committing or being a victim of crime;
- 2. Reducing Re-offending;
- 3. Tackling the drivers of crime and Anti-Social Behaviour;
- Engaging with partners and the community.

Delegations

None

Notes

This working party was established in principle by the decision of the Overview & Scrutiny Panel on 01 October 2009. These terms of reference are to be considered by the Overview & Scrutiny Panel on 24 May 2016.

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CORPORATE PERFORMANCE REVIEW WORKING PARTY TERMS OF REFERENCE FOR 201,6/17,

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Deleted: 6	

General

A Sub-Committee of the Overview & Scrutiny Panel was established to review and scrutinise issues related to Corporate Performance and the Council Budget

Membership, Chairmanship and Quorum

Number of Members	Seven	
Political Composition	3 UKIP	
1 chacar composition	2 Conservative	
	1 Labour	
	1 Democratic Independent Group	
Substitute Members Permitted	Yes	
Political Balance Rules apply	Yes	
Appointments/Removals from Office	By the Overview and Scrutiny Panel	
Restrictions on Membership	Non-Executive Members only	
Restrictions on Chairmanship	None	
Quorum	Four	
Number of ordinary meetings per Council	Meetings will be called as required and	
Year	as reflected in the work programme	
	below	

Terms of Reference

- To monitor half-yearly, the performance of the shared services or outsourced arrangements against set targets and conduct annual review of agreements for these arrangements to ensure value for money and savings; and propose action points for improvement;
- 2. To monitor the performance of the Medium Term Financial Plan;
- 3. To evaluate major projects Council is involved in;
- 4. To review the 2015-19 Corporate Plan to determine progress;
- To review the strategies of Council to overcome the impact of lack of income and other revenue shortfalls in forward budget, debt management strategies and provision of services to residents;
- 6. To review the Council's progress against the *Corporate* Improvement Plan.

Deleted: Peer Review

Delegations

Delegate authority by the Overview & Scrutiny Panel (on 13 January 2015) to make recommendations on the corporate performance report directly to Cabinet.

Notes

This working party was established in principle by the decision of the Overview & Scrutiny Panel on 28 May 2008. These terms of reference are to be considered by the Overview & Scrutiny Panel on 24 May 2016.

Deleted: 18 August 2015

ELECTORAL REGISTRATION PROCESS REVIEW WORKING PARTY TERMS OF REFERENCE FOR 201,6/1,7

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General

A Sub-Committee of the Overview and Scrutiny Panel was established to review certain matters relating to the electoral registration process.

Membership, Chairmanship and Quorum

Number of Members	Seven
Political Composition	3 UKIP
	2 Conservative
	1 Labour
	1 Democratic Independent Group
Substitute Members Permitted	Yes
Political Balance Rules apply	Yes
Appointments/Removals from Office	By Overview and Scrutiny Panel
Restrictions on Membership	Non-Executive Members Only
Restrictions on Chairmanship	None
Quorum	Four
Number of ordinary meetings per Council	Meetings will be called as required
Year	

Terms of Reference

- 1. To review the annual Canvass for 2015/16 in order to inform the electoral registration process for 2016/17;
- Receive the findings of any internal post-election review of the arrangements and administration of the May 2016 Police & Crime Commissioner Elections and the EU Referendum;
- 3. To contribute ideas for consideration by the Council's Electoral Registration Officer (through the Overview & Scrutiny Panel) on options for increasing public awareness of, and participation in, voter registration.

General

It is not within the Terms of Reference of the Panel or the working party to consider matters relating to the registration of an individual or a specific household. There are statutory processes for objecting to a new registration or reviewing an existing registration.

Deleted: Task & Finish Group

Deleted: <#>To review the implementation of Individual Electoral

printing and postal votes

Deleted: internal review regarding

Registration;¶

Notes

This <u>sub group</u> was first established in principle by the decision of the Overview & Scrutiny Panel on 10 January 2012. These terms of reference are to be considered by the Overview & Scrutiny Panel on <u>24 May 2016</u>.

Deleted: Task & Finish Group

Deleted: 18 August 2015

THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you <u>must</u> declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

- 1. Not speak or vote on the matter;
- 2. Withdraw from the meeting room during the consideration of the matter;
- 3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

- Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
- 2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you <u>must</u> declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

- 1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
- 2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
- 3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £100 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING		
DATE	. AGENDA ITEM	
DISCRETIONARY PECUNIARY INTEREST		
SIGNIFICANT INTEREST		
GIFTS, BENEFITS AND HOSPITALITY		
THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:		
NAME (PRINT):		
SIGNATURE:		

Please detach and hand this form to the Democratic Services Officer when you are asked to



declare any interests.