

# Public Document Pack



Date: **18 May 2018**  
Our ref: **Finance, Budget & Performance Scrutiny Panel/Agenda**  
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## FINANCE, BUDGET & PERFORMANCE SCRUTINY PANEL

**29 MAY 2018**

A meeting of the Finance, Budget & Performance Scrutiny Panel will be held at **7.00 pm on Tuesday, 29 May 2018** in the Council Chamber - Council Offices.

### Membership:

Councillor L Piper (Chairman); Councillors: Campbell (Vice-Chairman), Connor, Dexter, Falcon, Martin, Parsons and S Piper

## AGENDA

| <u>Item</u> | <u>Subject</u> |
|-------------|----------------|
| No          |                |

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATION OF INTERESTS**

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. **FINANCE, BUDGET & PERFORMANCE SCRUTINY PANEL DRAFT TERMS OF REFERENCE** (Pages 3 - 8)

**Declaration of Interest form - back of agenda**



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## FINANCE, BUDGET & PERFORMANCE SCRUTINY PANEL DRAFT TERMS OF REFERENCE

Finance, Budget & Performance  
Scrutiny Panel

**29 May 2018**

Report Author

**Senior Democratic Services Officer**

Portfolio Holder

**Councillor Savage, Deputy Leader and Cabinet Member for Corporate Governance & Coastal Development**

Status

**For Decision**

Classification:

**Unrestricted**

Key Decision

**No**

Ward:

**Thanet Wide**

### **Executive Summary:**

This report sets out the draft terms of reference of the Finance, Budget & Performance Scrutiny Panel. The Panel is one of two scrutiny panels that were established to replace the former Overview & Scrutiny Panel on 10 May 2018.

Members are being asked to provide comments on the proposed draft terms of reference before they are considered by the Constitutional Review Working Party, Standards and Full Council (in July 2018).

### **Recommendations:**

Members are requested to consider the following recommendations:

- a) To note the draft terms of reference for the Finance, Budget & Performance Scrutiny Panel;
- b) To forward key comments on the draft terms of reference to the Constitutional Review Working Party for onward submission to the Standards Committee and Council.

### **CORPORATE IMPLICATIONS**

|                                      |  |
|--------------------------------------|--|
| <b>Financial and Value for Money</b> | There are no financial implications arising directly from this report as the report is meant to introduce the draft terms of reference for a newly created scrutiny panel.   |
| <b>Legal</b>                         | 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.                         |
| <b>Corporate</b>                     | Once the terms of reference are confirmed, the Panel would need to come up with their first work programme which should help to deliver effective policy decision making by scrutinising executive decisions after implementation. |

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|  |  |  |  |   |                                     |  |                          |   |                          |
|--|--|--|--|---|-------------------------------------|--|--------------------------|---|--------------------------|
|  | <p>The committee would conduct in-depth study of issues that fall under their remit. An active scrutiny programme is part of good governance.</p>  |  |  |   |                                     |  |                          |   |                          |
| <b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>   | <p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td style="padding: 5px;">Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="padding: 5px; text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td style="padding: 5px; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td style="padding: 5px; text-align: center;"><input type="checkbox"/></td> </tr> </table> <p>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.</p> <p>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.</p> | Please indicate which aim is relevant to the report. |  | Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, | <input checked="" type="checkbox"/> | Advance equality of opportunity between people who share a protected characteristic and people who do not share it | <input type="checkbox"/> | Foster good relations between people who share a protected characteristic and people who do not share it. | <input type="checkbox"/> |
| Please indicate which aim is relevant to the report.   |  |  |  |   |                                     |  |                          |   |                          |
| Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,              | <input checked="" type="checkbox"/>  |  |  |   |                                     |  |                          |   |                          |
| Advance equality of opportunity between people who share a protected characteristic and people who do not share it | <input type="checkbox"/>   |  |  |   |                                     |  |                          |   |                          |
| Foster good relations between people who share a protected characteristic and people who do not share it.          | <input type="checkbox"/>   |  |  |   |                                     |  |                          |   |                          |

| <b>CORPORATE PRIORITIES (tick those relevant)</b> ✓ |   |
|---|---|
| A clean and welcoming Environment                   |   |
| Promoting inward investment and job creation        |   |
| Supporting neighbourhoods                           | ✓ |

| <b>CORPORATE VALUES (tick those relevant)</b> ✓ |   |
|---|---|
| Delivering value for money                      | ✓ |
| Supporting the Workforce                        |   |
| Promoting open communications                   | ✓ |

## 1.0 Introduction and Background

- 1.1 This paper allows the Finance, Budget & Performance Scrutiny Panel to consider its draft terms of reference as the first substantive item of business before setting out its work programme for 2018/19 in a subsequent meeting.
- 1.2 Any key comments emerging from this Panel meeting would be forwarded to the Constitutional Review Working Party for onward recommendation to Standards Committee and Full Council.
- 1.3 It is anticipated that Council would finalise the decision on the terms of reference for the Panel on 12 July 2018, in time for the second meeting of the Finance, Budget & Performance Scrutiny Panel.

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## 2.0 Draft terms of reference of the Finance, Budget & Performance Scrutiny Panel

- 2.1 At Annual Council this May, Council agreed a new approach to the scrutiny function and established two scrutiny panels. One of the panels would focus on monitoring the budget and performance of the Council, East Kent Services and East Kent Housing, whilst the other would lead scrutiny on policy development, community safety matters and exercise the call-in function.
- 2.2 The purpose of this report is to assist the Finance, Budget & Performance Scrutiny Panel to consider and comment on the draft terms of reference for their allocated work area before these terms of reference are finalised by Council in July 2018.

## 3.0 Options

- 3.1 Members could either provide key comments to be considered by the Constitutional Review Working Party;

Or

- 3.2 They could opt to note the report only.

|                  |  |
|------------------|--|
| Contact Officer: | Charles Hungwe, Senior Democratic Services Officer, Ext: 57186 |
| Reporting to:    | Nick Hughes, Committee Services Manager, Ext 57208             |

## Annex List

|         |   |
|---------|---|
| Annex 1 | Finance, Budget & Performance Scrutiny Panel draft terms of reference |
|---------|---|

## Background Papers

| Title | Details of where to access copy |
|-------|---------------------------------|
| None  | N/A                             |

## Corporate Consultation

|         |  |
|---------|--|
| Finance | Ramesh Prashar, Head of Financial Services                       |
| Legal   | Tim Howes, Director of Corporate Governance & Monitoring Officer |

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## Annex 1

### **FINANCE, BUDGET & PERFORMANCE SCRUTINY PANEL DRAFT TERMS OF REFERENCE**

#### **Membership, Chairmanship and Quorum**

|  |  |
|--|--|
| Number of Members                            | Eight  |
| Political Composition                        | 3 Conservative;<br>2 Independent and UKIP;<br>2 Thanet Independent Councillors<br>1 Labour |
| Substitute Members Permitted                 | Yes  |
| Political Balance Rules apply                | Yes  |
| Appointments/Removals from Office            | By Council   |
| Restrictions on Membership                   | Non Cabinet Members only   |
| Restrictions on Chairmanship                 | Non Cabinet Members only   |
| Quorum                                       | Four   |
| Number of ordinary meetings per Council Year | Seven  |

#### **General role**

Within their terms of reference, the Finance, Budget & Performance Scrutiny Panel will:

- (a) Review and/or scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) Within the remit of the Panel, make reports and/or recommendations to the Cabinet, Council or any appropriate Committee in connection with the discharge of any functions;
- (c) Review matters relating to the Council budget;
- (d) Review the corporate performance of Thanet District Council and joint arrangements in delivering services to residents; and
- (e) Within the remit of the Panel, consider any matter affecting the area or its residents.

#### **Specific functions**

#### **Terms of Reference**

1. To review the Council budget process, budget proposals and budget performance (monitoring) and make recommendations to Cabinet;
2. Considering the Council's Forward Plan with regards to post decision scrutiny;

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### Annex 1

3. To undertake a review of the delivery of the corporate plan and any action plans arising, including progress on their implementation;
4. To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet;
5. Consider petitions that require reviewing or rescinding of a Cabinet or Council decision;
6. To review external partnership working and the performance of external service providers;
7. Within the remit of the Panel, to make reports or recommendations to the authority or the Cabinet (where appropriate) with respect to the discharge of any functions which are not the responsibility of the Cabinet;
8. Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
9. Within the remit of the Panel, to make reports or recommendation to the authority or the Cabinet on matters which affect the authority's area or the inhabitants of the area.

#### **Annual Report**

The Finance, Budget & Performance Scrutiny Panel will report annually to Full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

## **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 **must** 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:

1. 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 **must** 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.

