
OPTIONS FOR THE FUTURE OF OVERVIEW AND SCRUTINY IN THANET

To: **Council – 18 April 2013**

Main Portfolio Area: **Democratic Services**

By: **Harvey Patterson, Corporate & Regulatory Service Manager**

Classification: **Unrestricted**

Ward: **N/A**

Summary: **To consider options for the future of overview and scrutiny in Thanet based on the recommendations submitted by the Overview & Scrutiny Panel, Constitutional Review Working Party and Standards Committee.**

For Decision

1.0 Introduction and Background

- 1.1 At the request of the Overview & Scrutiny Panel, a review of the structure and operational role of overview and scrutiny within Thanet has been undertaken over the last year or so. This culminated in a report on the Overview and Scrutiny Panel's preferred option being considered at an extraordinary Overview and Scrutiny Panel meeting on 12 February 2013.
- 1.2 The Panel Members made recommendations to the Constitutional Review Working Party, who in turn considered these recommendations at their meeting on 7 March 2013.
- 1.3 The Constitutional Review Working Party then made their recommendations to the Standards Committee who met to consider these on 3 April 2013.

2.0 The Current Situation

- 2.1 The paper presented to the Overview and Scrutiny Panel on 12 February 2013 outlined four major options:
- (a) Not to change the structure of overview and scrutiny
 - (b) To establish three standing sub-committees of the Overview and Scrutiny Panel but to cease separate work involving task and finish sub-groups
 - (c) To establish three standing sub-committees of the Overview and Scrutiny Panel and to continue separate work involving task and finish sub-groups
 - (d) To establish three scrutiny committees to replace the Overview and Scrutiny Panel and to continue separate work involving task and finish sub-groups
- 2.2 The report contained a good deal of detailed information relating to the implementation of these options, and for convenience, that report is attached at Annex 1, italicised throughout to differentiate it from this main report.
- 2.3 The Overview and Scrutiny Panel made the following recommendations to the Constitutional Review Working Party:

- (a) To recommend to the Constitutional Review Working Party (then Standards Committee and Council) that the Overview & Scrutiny Panel be abolished and replaced by three Overview & Scrutiny Committees as is reflected in the officer report;
- (b) To recommend that Council approach the East Kent Joint Independent Remuneration Panel for advice regarding the amendment of the Special Responsibility Allowance Scheme to reflect the new scrutiny arrangements.

2.4 Constitutional Review Working Party Recommendations to Standards Committee

2.4.1 When it met on 7 March 2013 the Constitutional Review Working Party recommended the following:

- Option (a); which is “that no change to the current Overview & Scrutiny Committee structure be endorsed”.

3.0 Main Points Raised by the Constitutional Review Working Party and Standards Committee

- 3.1 An increased number of scrutiny committees may cause overlap of functions within such a structure;
- 3.2 Multiple scrutiny committees may lead to delays in decision making and would therefore not be efficient;
- 3.3 The current structure did not engender early pro-active scrutiny committee involvement in policy development and decision making;
- 3.4 A possible way forward would be for the Executive to consider setting up Cabinet advisory group system with cross party membership to undertake in-depth review of policy initiatives;
- 3.5 Any changes (if there were going to be any) should take into consideration the possibility of Kent County Council (KCC) delegating to the District Council the function of scrutinising the soon to be established Health & Wellbeing Boards. However, it must be noted that there have been no indications thus far from KCC that they may opt for this approach.

4.0 Standards Committee Recommendations

4.1 The Standards Committee on 3 April 2013 recommended the following:

- That no change to the current Overview & Scrutiny Committee structure be endorsed at this time.

5.0 Corporate Implications

5.1 Financial and VAT

5.1.1 There are no financial implications arising directly from this report if Council adopts the recommendation from the Standards Committee. However, there would be significant implications for the Democratic Services Team in supporting the new arrangements as proposed by the Overview & Scrutiny Panel. These are outlined in great detail in the report that was considered by the Overview & Scrutiny Panel, Constitutional Review Working Party and Standards Committee, (whose report is attached as Annex 1 to this report).

5.2 Legal

- 5.2.1 There are no legal implications arising directly from this report if Council adopts the recommendation from the Standards Committee that was referred to them by the Constitutional Review Working Party.
- 5.2.2 Were changes to be made to scrutiny arrangements as proposed by the Overview & Scrutiny Panel; there would be need to amend the Council's constitution to reflect these new arrangements, within Article 6, the Council Procedure Rules, the Overview Procedure Rules, the Petitions Scheme and the Protocol on the Councillor Call for Action as detailed in Annex 2 and Annex 3 to this report.

5.3 Corporate

- 5.3.1 The objective of reviewing scrutiny arrangements is largely to enhance the effectiveness of the contributions overview and scrutiny make to policy development and in turn will improve the quality of decisions taken by the Council.

5.4 Equity and Equalities

- 5.4.1 There are no equity and equality issues arising directly from this report.

6.0 Recommendations

- 6.1 That the recommendations of the Constitutional Review Working Party and Standards Committee be noted;
- 6.2 That no change to the current Overview & Scrutiny Committee structure be endorsed at this time.

7.0 Decision Making Process

- 7.1 This is a constitutional issue that has been referred by the Standards Committee to Council for a final decision. Council is the decision-making body, but the constitution requires such changes to be progressed via the Constitutional Review Working Party and Standards Committee beforehand.

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Annex List

Annex 1	Options for the future of Overview & Scrutiny in Thanet – Standards Committee Report – 3 April 2013
Annex 2	Overview and Scrutiny Procedure Rules in the Council's constitution – (Annex 3 to the Standards Report – 3 April 2013)
Annex 3	Suggested changes to the terms of reference of individual Scrutiny Committees (replacement Article 6 in the constitution) – (Annex 4 to the Standards Report – 3 April 2013)

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation Undertaken

Finance	Sarah Martin, Financial Services Manager
Legal	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer