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## **OPTIONS FOR THE FUTURE OF OVERVIEW AND SCRUTINY IN THANET**

To: **Standards Committee – 3 April 2013**

Main Portfolio Area: **Democratic Services**

By: **Glenn Back, Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **N/A**

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**Summary:** *To consider options for the future of overview and scrutiny in Thanet and the recommendations submitted by the Constitutional Review Working Party.*

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1 *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 recommendations from that Extraordinary Overview & Scrutiny Panel meeting were then considered by the Constitutional Review Working Party on 7 March 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 comprehensive information relating to the implementation of these options. That Overview & Scrutiny Panel report and the one considered by the Constitutional Review Working Party are attached at Annex 1 and Annex 2 respectively and are italicised throughout to differentiate them 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 *Members may wish to note that in producing the report that was considered by the Overview & Scrutiny Panel; Officers approached Dover District Council, which manages the East Kent Joint Independent Remuneration Panel, seeking advice on the best way of discussing with the Panel options relating to the level of Special Responsibility Allowances under the proposed scrutiny arrangements.*

2.5 *Annex 3 provides the current version of the Overview and Scrutiny Procedure Rules within the Council's Constitution which Members may need to refer to get a complete picture of the likely implications associated with any proposed changes to scrutiny arrangements.*

### **3.0 Main Points Raised by the Constitutional Review Working Party**

3.1 *When the Constitutional Review Working Party considered the issue on 7 March 2013; Members raised the following points:*

- a) *the current overview & scrutiny structure seemed to be working effectively, although there seemed to be further scope for earlier pre-decision scrutiny and reviews of the effectiveness of executive decisions, say, 12 months to 2 years after decisions had been made;*
- b) *in the proposed 3-committee model, overlapping of functions and problems arising from cross-referencing would be inevitable;*
- c) *the role of the proposed committees would not be dissimilar to that of cabinet advisory groups;*
- d) *the cost of implementing the new structure, in terms of additional Special Responsibility Allowances and democratic services staffing resources would be hard to justify, especially in the light of current budgetary constraints.*

### **4.0 Options**

4.1 *Member's views are sought regarding which of the four options highlighted in Section 2.1 (a) to (d) they would prefer.*

4.1 *Members may want to note that Members of the Constitutional Review Working Party recommended Option (a); which is "that no change to the current Overview & Scrutiny Committee structure be endorsed".*

### **5.0 Corporate Implications**

#### **5.1 Financial and VAT**

5.1.1 *There are no financial implications arising directly from this report if the Standards Committee adopts the recommendation from the Constitutional Review Working Party. 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 both reports that were considered by the Overview & Scrutiny Panel and Constitutional Review Working Party, attached as Annex 1 and Annex 2 of this report.*

## **5.2 Legal**

5.2.1 *There are no legal implications arising directly from this report if the Standards Committee adopts the recommendation from 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.*

## **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 Recommendation**

6.1 *In view of the recommendation from the Constitutional Review Working Party which is highlighted in Section 4.1, Members' guidance is sought regarding which of the options to adopt as presented in Section 4.0 of the report.*

## **7.0 Decision Making Process**

7.1 *If the Standards Committee endorses the recommendation from the Constitutional Review Working Party, no report will be submitted to Council.*

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Reporting to:	<i>Harvey Patterson, Corporate &amp; Regulatory Services and Monitoring Officer</i>

## **Annex List**

Annex 1	<i>Options report presented to the Extraordinary meeting of the Overview and Scrutiny Panel on 12 February 2013</i>
Annex 2	<i>Options for the future of Overview &amp; Scrutiny in Thanet –Constitutional Review Working Party Report – 7 March 2013</i>
Annex 3	<i>Overview and Scrutiny Procedure Rules in the Council's constitution</i>
Annex 4	<i>Suggested changes to the terms of reference of individual Scrutiny Committees (replacement Article 6 in the constitution)</i>

## **Background Papers**

<b>Title</b>	<b>Details of where to access copy</b>
None	N/A

## **Corporate Consultation Undertaken**

Finance	<i>Sarah Martin, Financial Services Manager</i>
Legal	<i>Harvey Patterson, Corporate &amp; Regulatory Services Manager and Monitoring Officer</i>