
OVERVIEW AND SCRUTINY PANEL ANNUAL REPORT 2012/13

To: **Overview and Scrutiny Panel – 23 April 2013**

By: **Councillor Driver, Overview & Scrutiny Panel Chairman**

Classification: **Unrestricted**

Summary: This agenda item allows the Chairman of the Overview and Scrutiny Panel to outline the achievements of the Panel covering the period 2012/13 and report to Council on the decision made by the Panel on possible work programme items for 2013/14.

For Decision

1.0 Introduction and Background

- 1.1 Thanet District Council's Overview & Scrutiny Panel is entitled to make an annual report to the Annual Meeting of Council. This report summarises the key achievements of the Overview & Scrutiny Panel during 2012/13 and indicates the Panels' suggested priorities for 2013/14.
- 1.2 The Panel unanimously agreed at the beginning of the 2012/13 to disregard political proportionality when setting out the membership of the working parties/task & finish groups. It is the intention of this report to show the significant contributions made by the scrutiny process to effective decision making by Thanet District Council.

2.0 Some Scrutiny Project Highlights in 2012/13

- 2.1 It should be noted that Cabinet re-affirmed its decision to grant the request of the Overview and Scrutiny Panel a policy development role at the earliest possible opportunity before the Executive makes decisions. As a result the Democratic Services Team was allocated an additional officer resource (0.5FTE) to support the work of Scrutiny in 2012/13 after which the situation would be reviewed.
- 2.2 A further review of proposed scrutiny arrangements for Thanet District Council was undertaken by the Overview & Scrutiny Panel on 12 February 2013. Members recommended the following:
 - 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;
 - 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.

- 2.3 The Constitutional Review Working Party then recommended to the Standards Committee the following:
- That no change to the current overview and scrutiny committee structure be endorsed.
- 2.4 The Standards Committee concurred with the recommendation from the working party. They agreed to recommend to Council:
- That no change to the current Overview & Scrutiny Committee structure be endorsed at this time.
- 2.5 It should be noted that the first attempt to recruit to the 0.5 FTE vacant post was unsuccessful and a second attempt at recruitment is now under way. This second attempt was delayed until the above review of overview and scrutiny had been completed, in order to assess whether such a review might have any implications for the recruitment process to be undertaken.
- 2.6 The OSP made a number of significant review findings on a number of matters of interest to the district and then made recommendations to Cabinet on both external scrutiny projects and internal executive decisions. These included a review of the contamination of Thanet beaches as a result of repeated sewage spillage incidents during the early part of 2012/13. The Thanet Beaches Contamination Review Task & Finish Group took the lead in carrying out this investigation. The review report with recommendations was submitted to Cabinet by the Panel and agreed by the Executive. This project involved taking evidence from members of the public, and representatives of the Environment Agency and Southern Water.
- 2.7 The external agencies fully cooperated with the work of the Overview & Scrutiny Panel and there was general agreement of the findings and recommendations that sought to ensure that similar contamination incidents would in future be handled more effectively by all the agencies concerned. Post decision implementation work was being arranged through the Operational Services Directorate of Council to put in place the measures agreed that fell within their operational responsibility.
- 2.8 These measures included that Thanet District Council work with the Environment Agency, other coastal Local Authorities, and partner organisations, to produce, agree and exercise a plan for marine & beach incident management response. This plan will provide a consistent framework for warning and informing people, businesses and others, with each organisation having a clearly defined set of remits and responsibilities and improved communication between Thanet District Council, Southern Water and the Environment Agency during emergencies.
- 2.9 The East Kent Hospitals Clinical Strategy Review Task & Finish Group engaged residents' representatives, East Kent Hospitals University Foundation Trust Board and related health care delivery services representatives in reviewing the development of the proposed East Kent Clinical Strategy. The Group was now awaiting the launch of the public consultation to which the Council was invited to participate by the Board.
- 2.10 The Minnis Bay Day Centre Review Task & Finish Group investigated the future of the Minnis Bay Day Centre in view of the concerns raised by Members about the possible closure of the Centre. The Group took evidence from the Kent County Council Cabinet Member for Adult Social Care and Public Health and senior KCC officers. They received assurances that there were no current plans to close the Day Centre. KCC suggested that more innovative approaches to operating the Centre had

to be identified. Thanet District Council received assurances from KCC that the decision regarding the future of the Minnis Bay Day Centre would be made only after a full and public consultation.

- 2.11 The Richborough Household Waste Recycling Centre Review Task & Finish Group was tasked with reviewing the Kent County Council decision to close the Richborough Household Waste Recycling Centre. Members of the Panel decided to set up this group in order to provide additional support to Cabinet. The Cabinet had tasked the Leader of Council to engage KCC leadership in reviewing the decision to close the Centre.

3.0 Report Preparation

- 3.1 The Panel Chairman requested that each Task & Finish Group/Working Party Chairman produced a brief summary of their work and achievements during 2012/13, taking into consideration any views put forward by Members from their respective working parties/task & finish groups. A questionnaire which is attached to this report as Annex 1 was produced to help with the process.

- 3.2 The task & finish group terms of reference in Annex 2, and the questionnaires were used by the Members of each group to prepare brief reports that contributed to the development of the Chairman's Annual Report for 2012/13.

4.0 Summaries of Working Party Achievements/Recommendations

4.1 Corporate Improvement & Budgeting Working Party

The Corporate Improvement & Budget Working Party has been set up to review and scrutinise issues related to corporate performance and the Council's budget. The goal of the working party is to review both service performance and budget processes on an ongoing basis, providing a critical friend challenge to officers if necessary, to ensure the Council provides fair value for the public's money and implements the most efficient and effective use of all resources.

The Working Party received considerable support from Council officers (most particularly from the Chief Executive and officers in the Finance department) through their attendance and contributions towards the committee's objectives during the year.

Concerns were raised regarding the Medium Term Financial Plan's assumption of budgetary reductions of around £4.7million from 2013-2017. Some of the responsibility for delivering this was assigned to the incoming Director of Corporate Services & Transformation. However, the brief tenure of this role prevented the committee from reviewing change-related issues or the likelihood that these reductions were achievable.

4.1.1 Key Highlights

- i. This Working Party has met 5 times in the past financial year and has reviewed the following:
 - a. Outturn position for 2011/2012 against the original budget
 - b. Detailed explanation of the localisation of council
 - c. Budget for 2013/2014
 - d. Medium Term Financial Plan 2013-2017

- ii. Members commented on the 2013/2014 budget, particularly the new tax base calculations, estimated collection rates and the initial proposal to raise council tax in 2013/2014. Both the tax base calculation and council tax were subsequently amended.

4.1.2 Working Party Recommendations for 2012/13

- i. If the Council is dedicated to transparency in its plans and operations, then this Working Party most definitely has a role to play. Service reviews, budget setting and outturns should be regular items on the agenda.
- ii. Other issues such as new initiatives that impact on the budget or provision of services should be brought to committee when appropriate.

4.2 East Kent Hospitals Clinical Strategy Review Task & Finish Group

4.2.1 Key Highlights

- i. Members engaged with representatives from the East Kent NHS Hospitals University Foundation Trust (EKHUFT) in discussion on the proposal for a new clinical strategy for the region, which would impact on the lives of Thanet residents. Of the two meetings that were conducted, one was reserved for a local key stakeholders' engagement.

Participants included a patients group, EK Coastal Ambulance Services, the Royal College of Surgeons and the Thanet Care Commission Group (Thanet CCG). This provided an opportunity for EKHUFT to share their views about the vision for new clinical strategy for East Kent and the process for developing such a strategy. Other stakeholders were also able to articulate their concerns and anxieties regarding the proposals. Members were invited to take part in the public consultation on the proposed clinical strategy that was due to take place in early 2013.

4.2.4 Task & Finish Group Recommendations for 2012/13

- i. There were no final recommendations forwarded to the Overview & Scrutiny Panel. However Members of the Group agreed that the Chairman of the task and finish group writes a letter to the EKHUFT Board expressing Members' concerns regarding the possible unintended negative consequences of the proposed clinical strategy for East Kent on Thanet residents.
- ii. Members would recommend for this group to keep a watching brief until the proposed clinical strategy has been finalised.

4.3 East Kent Spatial Development Company Review Task & Finish Group

4.3.1 Key Highlights

- i. The Group engaged the senior management from East Kent Spatial Development Company in discussion on the performance of the company and received an end of year report to be considered elsewhere on this agenda. Members agreed that there was no further need for the group to meet.

4.3.3 Task & Finish Group Recommendations for 2012/13

- i. There were no specific recommendations that were forwarded to the Overview & Scrutiny Panel.

4.4 Electoral Registration Process Review Working Party

4.4.1 Key Highlights

- i. The Task & Finish Group supported the request by Democratic Services Team to provide additional resources in order to increase the numbers of individuals that register on the electoral register during the canvass. This recommendation was supported by the Council's Electoral Registration Officer and the additional resources applied to the budget helped increase annual voter registration in 2012/13 to 87%.

4.4.2 Task & Finish Group Recommendations for 2012/13

- i. Other more recent recommendations are included elsewhere on this agenda.

4.5 Minnis Bay Day Centre Review Task & Finish Group

4.5.1 Key Highlights

- i. The group met on three occasions and engaged both Kent County Council and service user representatives in discussions on the future of day centres in Thanet in general (in the context of service provision by the County Council) and the future of Minnis Bay Day Centre in particular.
- ii. Members of the Group were able to obtain an undertaking from KCC to the effect that "there were no plans to close the Minnis Bay Day Centre. Instead there were plans to look at ways of expanding the service and usage of the day centre, which included considering youth services."¹
- iii. Further more definitive confirmation was provided in writing by KCC to the effect that "There are no current plans to close the centre (i.e Minnis Bay Day Centre); however I cannot guarantee that it will remain 'as is' for the next three years."²
- iv. The Group was awaiting a KCC response to a request by Members to visit the Minnis Bay Day Centre.

4.5.3 Task & Finish Group Recommendations for 2012/13

There were specific recommendations made by the Group to the Overview & Scrutiny Panel.

4.6 Richborough Household Waste Recycling Centre Review Task & Finish Group

4.6.1 Key Highlights

- i. The Group met once and generally agreed that the decision to close the Richborough Household Waste Recycling Centre was based on what was perceived to be a flawed process for conducting and/or analysing the information from the public consultation carried out by Kent County Council.

4.6.2 Task & Finish Group Recommendations for 2012/13

- ii. Members recommended to the Overview & Scrutiny Panel that using the information and analysis undertaken by the Richborough Action Group, officers prepare a letter with recommendations for submission to Kent County Council.

4.7 Shared Services Working Party

4.7.1 Key Highlights

- i. The Working Party met three times and considered performance reports from the East Kent Services, East Kent Human Resources Partnership and East Kent Housing.

4.7.2 Working Party Recommendations for 2012/13

There were no specific recommendations forwarded to the Panel.

4.8 Thanet Beaches Contamination Review Task & Finish Group

4.8.1 Key Highlights

- i. Members of the task and finish group met five times for formal meetings at which evidence was heard from representatives of the Environment Agency, Southern Water and Thanet District Council staff and local businesses and members of the public who were affected by the sewage spillages on Thanet Beaches.
- ii. All the recommendations of the Group were approved by the Overview and Scrutiny Panel and forwarded to Cabinet and they were agreed. Implementation meetings were arranged between Cabinet and Southern Water representatives to find an approach for implementing the decisions made by Cabinet in order to ensure that an appropriate and more efficient response system would be in place to mitigate any similar incidents in the future.

4.8.2 Task & Finish Group Recommendations for 2012/13

Having completed its review and submitted their recommendations to the Panel as reflected in Annex 3 to the report, the Panel has been requested to decommission the task and finish group.

4.9 Welfare Reform Review Task & Finish Group

At their only meeting of the year, Members were advised that guidance on the Welfare Reform were still to be released by Government. Until then it would be difficult for Members to consider any issues related to the Welfare Reform process in any meaningful way.

4.9.1 Key Highlights

In view of the above, it is not possible to report on this issue.

4.9.2 Task & Finish Group Recommendations for 2012/13

Members recommended to the Panel that an officer interim report be presented at the Overview and Scrutiny Panel on 23 October 2012; that the two local MPs and

representatives from voluntary organisations like Citizens' Advice Bureau, Shelter and Age UK, be invited to make representations to Panel Members at that meeting. Since no further policy direction was received from Government on how the Welfare Reform process would unfold, it was felt that there was no need to engage these stakeholders in discussion until after such guidance was made available to local Councils.

4.10 Airport Working Party

4.10.1 Key Highlights

- i. The group met twice

4.10.2 Working Party Recommendations for 2012/13

The Group did not make any specific recommendations to the Panel.

4.11 Crime & Disorder Reduction Partnership Working Party

4.11.1 Key Highlights

- i. The working party met four times and considered the Community Safety Plan Progress report for 2012/13 and Plan priorities for 2013/14.

4.11.2 Working Party Recommendations for 2012/13

Members recommended that the Draft Community Safety Plan for 2013/14 be adopted by Council. The group generally agreed that domestic violence was the key priority for Thanet and Council had to be seen to play its part in supporting efforts to reduce it. The Group then recommended that Council adds to the Outside Body list the Domestic Violence Forum and appoint a Council nominee for that Forum. They also recommended a change of name for the working party for 2013/14 to Community Safety Partnership Working Party.

5.0 Other Panel Work Activities in 2012/13

5.1 The Panel and its Task & Finish Groups/Working Parties continue to play a key role as a critical friend to the Executive. There were a number of important decisions that Council had to make in this last municipal year and the Panel played its part in advising Cabinet on such decisions. These included the proposals for a new Housing Allocations Policy, Equality Policy; Economic Development Strategy and the Council Budget for 2013/14, all of which were going out to public consultation. The current unfavourable economic environment continued to provide an added challenge to the Council's operating environment.

5.1 All these major policy matters, with the exception of the Economic Development Strategy, are policy framework issues that would be finalised by Council, of which only the Council Budget for 2013/14 has been finalised thus far. It is anticipated that the other outstanding policy development proposals would be concluded in the first quarter of the next municipal year (2013/14).

6.0 Cabinet Portfolio Presentations

6.1 The Panel continued to engage Cabinet by inviting Portfolio Holders to make presentations on subjects generated by the Panel, linking such presentations to the

portfolio holder's terms of reference and anticipated executive decisions as reflected in the published Forward Plan and Exempt Cabinet Report List.

- 6.2 These presentations provided an opportunity for the Overview & Scrutiny Panel to feed into the policy development process and support Cabinet Members to develop responsive and appropriate solutions for the economic and social wellbeing of Thanet residents. The Panel was able to engage Cabinet Members and lead officers in discussion on key scrutiny issues and this proved to be a useful platform for the Panel to play a "critical-friend" role to the Executive.
- 6.3 The Cabinet Members were able to share information and exchange views on a number of strategic issues that included the Allocations Policy, Economic Development Strategy, Housing Strategy, Ramsgate Port and Marina Master Plan and Tenancy Strategy.
- 6.4 Annex 3 has comments on Cabinet and or Council responses to recommendations that came from the Overview and Scrutiny Panel during 2012/13.

7.0 Call-Ins

- 7.1 There were a number of call-ins made by the Panel during this Municipal Year. These included the following
- i) Ramsgate Royal Sands;
 - ii) Notice on Motion referred by Council – Ramsgate Royal Sands;
 - iii) Introduction of Dog Control Order – Dumpton Gap.
- 7.2 The Overview & Scrutiny Panel made a number of significant recommendations to Cabinet in order to ensure compliance to the Royal Sands development agreement by the developer. These are listed in Annex 3 to the report. In response the executive set out a four month deadline for the developer to comply; with the possibility for a review of the Council's options in case of non- compliance. The deadline is to expire at the end of May 2013.
- 7.3 The Panel made a significant contribution to the improvement of the Petitions Scheme by suggesting the following recommendation to the Constitutional Review Working Party:
- 1. That the TDC Petition Scheme be amended so that when a second petition is rejected on the basis that it is generally similar to a previous valid one that has not yet been reported to Council, then the Council should be made aware of the second petition;
 - 2. That Ward Councillor(s) should be informed of all petitions that directly affect their ward once they have been received by Council, regardless of whether they were valid or not.
- 7.4 The Constitutional Review Working Party in turn recommended to the Standards Committee the following:
- 1. That the Petitions Scheme be amended so that when a second petition is rejected on the basis that it is generally similar to a previous valid one that has not yet been reported to Council, then the Council should be made aware of the second petition;

2. That Ward Councillor(s) should be informed of all petitions that directly affect their ward once they have been received by Council, regardless of whether they were valid or not; in the case of petitions that relate to the whole district of Thanet, then all Members should be informed;
 3. That Ward Councillors be informed of E-petitions only after the thresholds of signatures, as set out in the Petitions Scheme, have been reached.
- 7.5 Members of the Standards Committee agreed to recommend to Council all the recommendations from the Constitutional Review Working Party in addition to the following recommendation; that:
1. adding the words “, or counter to,” to paragraph 12.1 of the petitions scheme; this would have the effect that a second petition in support of, or opposed to, a first petition that has yet to be reported to Council, would be referred to in the report to Council.

8.0 Petitions referred to the Overview & Scrutiny Panel

- 8.1 The “No to Night Flights’ Manston” was the only petition that was referred to the Overview & Scrutiny Panel by Council. This petition had been overtaken by events as Council had already made a decision on the issue. The Council decision was based on public consultation responses received by Council.
- 8.2 The ‘Say No to the proposed Tesco superstore at Arlington, Margate’ petition was rejected by Council because this was a regulatory planning decision and was being considered by the Planning Committee.
- 8.3 The petition on ‘Support for’ Dumpton Gap Beach Dog Ban was rejected by Council because an earlier petition generally similar to this one had been received and considered by Council within the six months of receipt of this petition.
- 8.4 There was some debate by Panel Members on whether a petition adjudged to be invalid because a similar petition was due for consideration by Council should be referred to in the report on the valid petition.
- 8.5 This debate led to Members of the Panel recommending to the Constitutional Review Working Party and Standards Committee a review of the Council’s Petition Scheme to address this issue as reported in Section 7.0 of this report.

9.0 Looking Ahead to 2013/14

- 9.1 It is worth noting that although there had been extensive discussion of options for alternative scrutiny arrangements for TDC, leading to a report to the Standards Committee, the Standards Committee accepted suggestions presented to it to postpone any decision until after the processes for establishing the new Health & Wellbeing Boards at District level have been completed. Their recommendations are elsewhere in the agenda for this meeting. This delay is intended to offer Members the opportunity to determine whether there may be a need to make changes to the current scrutiny arrangements in order to assume possible additional scrutiny functions in relation to the Boards that may be devolved to District Councils at the discretion of Kent County Council. It must be added however that there are currently no indications that KCC would like to devolve such scrutiny functions

9.2 The approach of using task and finish groups appeared to have worked very well in 2012/13. Those groups that managed to carry out their assigned tasks were de-commissioned and thereby freeing officer resources to be deployed to other Council activities. It may be worthwhile for the Panel to continue with this approach in 2013/14.

9.3 Members may wish to reconstitute those groups that did not complete their work in 2013/14 and in instances where there is a clear need to refocus the work of the group; the terms of reference would need to be amended to reflect this.

9.4 There were no Member training activities specific to the work of the Overview & Scrutiny Panel in 2012/13. The Panel may wish to identify any Member training needs in relation to overview and scrutiny activities, determine training strategies and facilitate training for Panel members in order to improve their contribution to the scrutiny process. Any identified training needs could be included in the Council wide Member Learning & Development Programme for 2013/14.

10.0 Options

10.1 Members may wish to suggest some amendments to this report.

10.2 Members may choose to accept the report as the basis for the Chairman's 2012/13 Annual Report to Annual Council.

11.0 Corporate Implications

11.1 Financial

11.1.1 There are no direct financial implications arising from this report at this stage. However, requests for training would need to be considered within the context of the funds available for member learning and development.

11.2 Legal

11.2.1 There are no direct legal implications arising from this report.

11.3 Corporate

11.3.1 The Overview & Scrutiny Panel fulfils the Council's requirements under section 21 of the Local Government Act 2000, to establish one or more committees to discharge overview and scrutiny functions.

11.4 Equity and Equalities

11.4.1 There are no equity and equalities issues arising from this report.

12.0 Recommendation(s)

12.1 Members agree that this report forms the basis of the Panel Annual Report to be presented to Annual Council by the Chairman.

13. Decision Making Process

- 13.1 At the end of each Municipal Year, the Chairman of the Overview and Scrutiny Panel presents an annual report to Council for Members to note. The report highlights some of the key activities and outcomes of the work of the Panel and its sub-committees.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext 7186
Reporting to:	Glenn Back, Democratic Services & Scrutiny Manager, Ext 7187

Annex List

Annex 1	Questionnaire for OSP Working Parties for 2012/13
Annex 2	OSP Working Parties Terms of Reference, 2012/13
Annex 3	OSP Summary of Recommendations to Cabinet and Council – 2012/13
Annex 4	OSP Working Parties Membership Table for 2012/13

Background Papers

Title	Details of where to access copy
None	None

Corporate Consultation Undertaken

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

¹ Minutes Extract - Minnis Bay Day Centre Review Task & Finish Group – 03 September 2012

² Email Extract - KCC Cabinet Member for Adult Social Care & Public Health to the Minnis Bay Day Centre Review TFG – 28 January 2013