
ESTABLISHING THE OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME FOR 2015/16

To: **Overview and Scrutiny Panel – 26 May 2015**

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 2015/16 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 2015/16. Ordinarily, this report would have been produced in consultation with the Chairman of the Panel. However at the stage of producing the report there was no Chairman in post, due to the May elections.
- 1.2 Members are requested to consider whether to reconstitute the formal Task & Finish 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 as are the recommendations of the outgoing Overview and Scrutiny Panel as at the end of 2014/15.

2.0 Some outstanding issues from the previous municipal year

- 2.1 In deciding which sub-groups to reconstitute, Members may wish to note the following activities from the end of the previous municipal year:
- 2.2 Members are advised that, towards the end of the municipal year; on 29 April 2014; a request by a non-Panel Member to consider the role of twin hatted Councillors in Planning decision making at both parish/town and district Council levels was debated at the meeting. Panel Members agreed to include the issue on the work programme for 2014/15, set-up a sub-group which met for their last meeting of the previous municipal year on 15 April 2015 and considered the following action points that had been raised at a previous sub group meeting:
- a) The district Planning Committee Chairman to announce just before planning applications are considered at meetings that although the comments received from interested groups, including parish and town councils, would

be taken into consideration, those comments would not pre-determine, nor would they in any way fetter, the discretion of the committee.

- b) A form of words to be included in planning officers' reports to clarify the point made at (a) above;
 - c) An opportunity to be offered to parish and town councillors to receive "soft touch" training on planning principles.
 - d) Training for district councillors to clarify how they can avoid giving the impression at town or parish meetings that their minds are "closed" in relation to a planning application.
- 2.3 With authority from the Overview and Scrutiny Panel meeting on 26 March 2015, the sub-group then agreed recommendations that they forwarded directly to the Planning Committee. They recommended the following:
- i) That the matter relating to Action Points (a) and (b) set out above; be referred to the Chairman of the Planning Committee for information. It may be necessary in particular cases for clarification of the materiality of Parish or Town Councils comments to be made to Committee members to consider;
 - ii) That the matter relating to Action Points (c) and (d) be addressed through the provision of Member training after the 7 May 2015 Elections and that this training be extended to cover Town/Parish as well as District Councillors.
- 2.4 The Planning Committee is still to sit for their first meeting in 2015/16 to consider these proposals. Once the recommendations have been considered by the Planning Committee, feedback will be reported to the Panel.
- 2.5 Towards the end of the previous Municipal Year, the Panel reported to Council on 23 April 2015 that Members had found it difficult to review the issues pertaining to the petition that had been referred to them by Council regarding the perceived changes to the Queen Elizabeth Queen Mary Hospital Accident and Emergency Services due to the lack of cooperation by the appropriate external agencies.
- 2.6 The Panel recommended that 'Full Council gives its consent to the Overview & Scrutiny Panel to refer the key questions of the petition on the perceived 'changes to the QEQM Hospital A&E Services' to the Kent County Council's Health Overview & Scrutiny Committee.' That was because KCC had a statutory health scrutiny function, whereas the District Council does not.
- 2.7 The Chairman of the 2014/15 Panel called-in a Cabinet decision on Fort Road Hotel. The Cabinet decision was as follows:
- a. To transfer the Fort Road Hotel from the general fund to the housing revenue account;
 - b. To allocate the property for housing purposes;
 - c. The use of HRA balances and 141 receipts where appropriate to undertake the development works up to £950K;

- d. The use of repairs reserve to fund the General Fund costs already incurred prior to transfer.
- 2.8 The reason for the call-in was that the Chairman 'believed that not all the options for the site had been considered.' At the extraordinary Overview & Scrutiny Panel meeting held on 28 April to consider the call-in, Members agreed to refer a recommendation on the issue to the 2015/16 Panel, that a sub-group be set up to review the issue in greater detail.
- 3.0 Recommendations agreed by the outgoing 2014/15 Overview & Scrutiny Panel to be forwarded to the Overview and Scrutiny Panel in 2015/16**
- 3.1 To maintain a watching brief on the issue regarding the Royal Sands negotiation between Council and Cardy;*
- 3.2 To recommend to the incoming Overview and Scrutiny Panel in 2015/16; the reconstitution of the following sub-groups;
- a. Community Safety Partnership Working Party;
 - b. Corporate Performance Review Working Party;
 - c. Electoral Registration Process Review Task & Finish Group;
 - d. Members Planning Protocol Review Task & Finish Group;
 - e. TDC Artefacts Management Review Task & Finish Group.
- 3.3 At an extraordinary Overview & Scrutiny Panel meeting on 28 April 2015 Members agreed to recommend to a future Panel the following:
- 3.4 That a sub-group be set up to review the Cabinet decision on the Fort Road Hotel to undertake "post-hoc" review. A post-hoc review is a scrutiny investigation that does not affect the specific decision that was taken, but rather seeks to develop general recommendations from the processes and circumstances surrounding that decision.
- 3.5 It must be noted that the new Overview & Scrutiny Panel is not under any obligation to adopt the recommendations made by the outgoing Panel towards the end of 2014/15. On the other hand, the Members may well find those suggestions helpful in determining the Panel's work programme.
- *NB** It should be noted that since the Panel meeting on 26 March 2015, it is now known that Cardy Construction Ltd completely bought out SFP Ltd and will now proceed with the construction on the former Pleasurama site on the Ramsgate seafront. It might be then that the Overview and Scrutiny Panel maintains a watching brief to ascertain if the construction work has actually started in earnest.
- 4.0 Suggested approach to the work of scrutiny for 2015/16**
- 4.1 For information, Table 1 in Annex 1 shows the number and size of Working Parties in 2014/15 that could be suggested for 2015/16. The structure of groups in 2015/16 will be informed by the Panel's decision on proportionality (amongst other things).
- 4.2 If the Panel is agreeable to re-establishing the formal Working Parties /Task & Finish Groups from the previous Municipal Year, then Members should reconsider the 2014/15 terms of reference for the groups that are being proposed for 2015/16, as reflected in Annex 2 of the report, to confirm that they remain appropriate for 2015/16.

- 4.3 On the other hand, if the Panel wishes to establish new Working Parties /Task & Finish Groups, it will need to agree terms of reference that can govern the business of the sub-groups and direct the work of the officers supporting them.
- 4.4 Each Task and Finish 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.
- 4.5 When setting up Groups, Members need to decide whether to waive the application of political proportionality as the Panel has done in previous years.

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.

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 Task and Finish Groups assist the work of scrutiny as they would carry-out an in-depth 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.

6.0 Recommendations

Political proportionality

- 6.1 With regard to the application of political proportionality to Task & Finish Groups/Working Parties, the Panel:
 - a. Agrees to establish the membership of Working Parties /Task & Finish Groups with due regard to political proportionality, or
 - b. Unanimously agrees to disregard political proportionality when setting up the Working Parties / Task & Finish Groups.
- 6.2 The implications of the above decision on the possible composition of sub-groups will be presented to the Panel following an analysis of the result of the District election.

Sub-groups to be established

- 6.3 Determine which Task and Finish Groups to establish; determine their composition between Political Groups (reflecting the decision above) and nominate Members to serve on them.

Terms of reference

- 6.4 Agree terms of reference for any newly established sub-groups.
- 6.5 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.
- 6.6 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.

7.0 Decision Making Process

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

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Annex List

Annex 1	Table 1 – OSP Draft Work Programme for 2015/16
Annex 2	Task & Finish Groups/Working Parties Draft Terms of Reference for 2014/15

Background Papers

Title	Details of where to access copy
None	None

Corporate Consultation Undertaken

Legal	Steven Boyle, Head of Legal and Democratic Services & Monitoring Officer
Finance	Nicola Walker, Interim Head of Financial Services