
ESTABLISHING THE OVERVIEW AND SCRUTINY PANEL WORK PROGRAMME FOR 2016/17

To: **Overview and Scrutiny Panel – 24 May 2016**

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 2016/17 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 2016/17. In scoping out its work, the Panel may wish to consider some of the suggestions from the previous year's Panel regarding developing a robust scrutiny function for Thanet District Council.

2.0 Setting up the Work Programme for 2016/17

2.1 In 2015/16, the Panel work programme was carried through by the Community Safety Working Party, Corporate Performance Review Working Party and Electoral Registration Review Task & Finish Group. Members may wish to reconstitute these sub groups whose membership size and terms of reference are highlighted in Annex 1 and Annex 2 to the report.

2.2 In setting up sub-committees to conduct more in-depth scrutiny on behalf of the Panel, Members ought to decide the following membership structure for them:

a. Unanimously agree to disregard political proportionality in setting up membership size and political representation for the sub-committees;

Or

b. Agree political representation based on proportional political representation for each of the sub-committees to be established.

2.3 The political proportionality for sub group sizes between 5 and 13 members are shown in the table below. As you will see, a sub-committee of 13 members would be necessary to ensure all parties were represented.

Size of sub group	UKIP	Conservative	Labour	DIG	Independent Group
5	2	2	1	0	0
6	3	2	1	0	0
7	3	2	1	1	0
8	4	3	1	0	0
9	4	3	1	1	0
10	5	3	1	1	0
11	5	4	1	1	0
12	6	4	1	1	0
13	6	4	1	1	1

- 2.4 If Members opt to disregard political proportionality, the panel can choose any size of sub group and populate it with any combination of members it wishes. In order to do this the panel must vote unanimously to disregard proportionality, if just one Member abstains or fails to vote then the proposal will fail and proportionality will have to be applied to the sub groups.
- 2.5 It is worth noting that in previous years, Members have opted to disregard political proportionality when setting up the sub committees. This approach enabled all political groups to be represented on the sub groups and take part in scrutiny investigations. The Panel also agreed that non Panel Members could be appointed to the sub committees. However it was the expectation of the Panel that most of the members to the sub groups would be drawn from the Panel itself.
- 2.6 The Panel or any of sub committees can appoint up to three people who are not Members of the Council as non-voting co-optees as long as such individuals are not subject to circumstances that would disqualify them from being a councillor. They can also appoint up to three additional non Panel councillors with 'a particular skill, knowledge or experience' about the subject under review to assist with the scrutiny work.
- 2.7 Members are requested to consider whether to reconstitute the formal sub 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.
- 2.8 On the other hand, if the Panel wishes to establish new Working Groups, it will need to agree terms of reference that can govern the business of the sub-groups and consider the work of the officers supporting them; this may mean ending some other working parties, in order to accommodate the new ones.
- 2.9 Each sub 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, where applicable.

3.0 Exploring Effective Scrutiny Approaches

- 3.1 In preparation for the 2015/16 Annual Panel report to Council, Members gave some feedback that the scrutiny work programme and approach did not lend itself to robust pre-decision scrutiny and as a result they felt that the Panel had a limited role to play in policy development.
- 3.2 Members indicated that the impact of scrutiny in the decision making process had been limited particularly with regards to 'holding decision makers to account' and acting as 'check and balance' to the executive.
- 3.3 In establishing the work programme for 2016/17, Members may wish to consider a recommendation that Cabinet supports the Panel undertaking a different approach to scrutiny to be influenced by the scrutiny training session run by the Centre for Public Scrutiny on 8th June. This could be through a discussion between the Leader, Chairman of the Panel and Officers on an alternative approach to scrutiny for the Council. This will then provide the framework for officers to produce a report for consideration by the Panel.

4.0 Some outstanding issues from the previous municipal year

Watching Brief Issue: QEQM Hospital Services Review by East Kent Hospitals University Foundation Trust (EKHUFT)

- 4.1 The Leader of Council set up a QEQM Hospital Cabinet Advisory Group (CAG) on the subject and their first meeting was held on 21 April 2016. At that meeting, Hazel Carpenter, Accountable Officer for Thanet CCG gave a presentation which confirmed that a coalition of four Clinical Commissioning Group Chairmen and other health and social care organisations set up a Strategy Board. This Board was responsible for developing proposals for a holistic approach that would change the way health services were delivered in South East Kent and were working towards a June 2016 deadline to get a plan ready for public consultation on the proposed changes.
- 4.2 Members were also advised that there was no likelihood of the A& E Department being moved away from QEQM Hospital. The sub group then recommended changes to the terms of reference to reflect the new information presented by Hazel Carpenter. These can be viewed in the QEQM Hospital Cabinet Advisory Group published minutes on the Council website via this link: <http://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=630&MId=4420&Ver=4>
- 4.3 The Panel may still want to keep a watching brief on this issue, which should now (in the light of this new information), be referred to as the 'proposed re-organisation of East Kent health services' and not 'QEQM Hospital Services Review by East Kent Hospitals University Foundation Trust.'

4.4 Watching Brief Issue: TDC Artefacts Collection Management Review at the Margate Museum

- 4.5 This issue was carried forward from the previous municipal years. The Panel received an officer report and on 18 July 2015 recommended to Cabinet that 'the application for external funding through the Heritage Lottery Fund be pursued as a matter of priority.

- 4.6 In response on 22 October 2015 Cabinet agreed 'that delegation is given to the Director of Community Services to make an application for external funding through the Heritage Lottery Fund for the total cost of the professional archivist post be pursued as a matter of priority.
- 4.7 Staff vacancies within the council meant that it was not possible to advance this bid but there was now a commitment for this issue to be taken forward by the new Director of Community Services, Rob Kenyon.
- 4.8 The Panel would need to agree the way forward regarding these 'watching brief issues.'

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. However a robust scrutiny function that is set up in a positive critical friend environment effective decision making and policy development.

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 sub-committees 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.
- 5.4.2 It 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.

6.0 Recommendations

Members are requested to consider the following recommendations:

6.1 Political proportionality

The Panel:

- a) **Agrees** to establish the membership of sub groups with due regard to political proportionality.

Or

- b) **Unanimously Agrees** to disregard political proportionality when setting up the sub committees;

6.2 Sub-Committees to be established

Determine which sub groups to establish; determine their composition between Political Groups (reflecting the decision above) and nominate Members to serve on them;

6.3 Terms of reference

- a) **Agree** terms of reference for any newly established sub-groups (*if applicable*);
- b) **Agree** the draft terms of reference (with highlighted changes) for the re-constituted sub committees in Annex 2;
- c) **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;
- d) **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;

6.4 Exploring Effective Scrutiny Approaches

- 6.5 With reference to comments in section 3.0 of the report, **Agree** that the Chairman engages the Leader of Council and Officers on behalf of the Overview & Scrutiny Panel to explore proposals for alternative scrutiny arrangements that includes decision scrutiny with a view to a report being produced on those proposals for consideration by a future meeting of both the Overview and Scrutiny Panel and Cabinet.

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 Work Programme used in 2015/16
Annex 2	Working Parties draft Terms of Reference 2016/17

Background Papers

Title	Details of where to access copy
None	None

Corporate Consultation Undertaken

Legal	Tim Howes, Director of Corporate Governance & Monitoring Officer
Finance	Joanna Miller, Head of Financial Services