

Review of Overview & Scrutiny Panel Work Programme for 2022/23

Overview & Scrutiny Panel	17 January 2023
Report Author	Committee Service Manager
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

This report summarises activities of the Overview & Scrutiny Panel for 2022/23 and asks the Members to comment, make suggestions and note the OSP work programme.

Recommendation(s):

Members are being asked to comment on and note the report.

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report but elements of the suggested work programme may have financial and resource implications which would need to be managed within existing resources, or alternatively compensating savings found.

Legal

The role of scrutiny is set out in section 9F of the Local Government Act 2000. The council must also have regard to the statutory guidance on Overview and Scrutiny from the ministry of Housing, Communities and Local Government when exercising its functions.

Risk Management

There are risks arising directly from this report.

Corporate

The work programme should help to deliver effective policy decision making by scrutinising executive decisions before, and at times after, implementation.

The working parties assist with 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.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

1. To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
2. To advance equality of opportunity between people who share a protected characteristic and people who do not share it
3. To foster good relations between people who share a protected characteristic and people who do not share it.

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.

It was important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration has been given to the equalities impact that may be brought upon communities by the decisions made by Council.

CORPORATE PRIORITIES

This report relates to Communities.

1.0 Introduction and Background

- 1.1 This report allows the Panel to review, amend and note any progress regarding the implementation of its work programme for the 2022/23. This report follows on from the one that was considered by Members on 30 August 2022.
- 1.2 The current statutory guidance for the scrutiny function says, effective overview and scrutiny should:
 - Provide constructive 'critical friend' challenge;
 - Amplify the voices and concerns of the public;
 - Be led by independent people who take responsibility for their role; and
 - Drive improvement in public services
- 1.3 With this in mind, Members may wish to ensure that the Panel work programme for the year continues to provide opportunities for critical but constructive challenge to

the Executive, articulate any concerns about matters that are the business of the council and strive for improved service delivery by the Council and other public agencies working in Thanet.

2.0 The Current Situation

Scrutiny Review Topics

- 2.1 During 2022/23, the Panel has been working through a number of scrutiny review topics from the list that was carried over from 2021/22. The list of scrutiny review topics was prioritised using the matrix and is attached as Annex 2 to the committee report. Whilst some of the topics would continue to be considered through conducting reviews, others would be expedited through one off reports (where appropriate).

Memorial plaques and Monuments

- 2.2 The reviewing of memorial plaques and monuments in the district was initially given priority in order to expedite the review of what was then a topical issue nationwide. Cabinet then had expressed an interest to establish a policy for managing memorial plaques and monuments in the Thanet. The Panel was approached to contribute to the establishment of that policy by Cabinet.
- 2.3 However due to the anticipated new legislation which would include new guidance on how the council could address the issue of monuments and plaques in the district, it was not possible to continue with this work stream. On 20 April 2021, the Panel decided to temporarily halt and therefore keep in abeyance the work of the Memorial Working Party until an appropriate time.
- 2.4 Now that there is some guidance from the Government on the subject, the Panel agreed to resume the work of the working party in order to offer suggestions to the proposed council policy on managing memorial plaques and monuments in the district. This project is being led by the Council's Monitoring Officer. The Interim Monitoring Officer was now working with the sub group to conclude the review. The report is expected to be ready in the first quarter of 2023. Once the report is ready, the working party will then meet to discuss the draft policy before making any recommendations for consideration by the Overview and Scrutiny Panel.

TDC & Parish/Town Councils Collaboration Working Party

- 2.5 At the meeting on 26 May 2022, the Panel set up a working party to review the working relationship between Thanet District Council and Parish and Town Councils with a view to improving that relationship.
- 2.6 This topic came about as a result of the meetings held by the Coastal Waste Scrutiny Review Working and parish and town councils. It was during these sessions that representatives from parish and town councils called for closer working relationship to tackle a number of service delivery challenges relating to maintaining the district's coastal areas clean and welcoming to visitors.
- 2.7 The sub group met on 7 July 2022 and agreed on the approach for conducting the review. The working party agreed to hold separate hearing sessions to gather evidence from parish/town council representatives (Clerks/Council Chairs), TDC

officers, cabinet members (if required) and the Leader of Council. These meetings are currently ongoing.

- 2.8 The working party had three further sessions. One was with Cabinet on 27 October which was attended by the Leader of Council, Deputy Leader and Cabinet Member for Economic Development, Cabinet Member for Housing and Cabinet Member for Environmental Services and Special Projects. The other meeting was with parish and town council chairs and clerks held on 3 November and the last evidence gathering session was with TDC senior officers on 9 November. These sessions were quite useful in bringing forward some discussions that brought up a number of suggestions that will be shared by the working party in the report back to the Panel. The sub group met on 24 November 2022 and agreed on the findings that came out of this investigation and recommendations to forward to the Panel. The report will be presented to the Panel in the first quarter of 2023.
- 2.9 Annex 1 details the current work programme before any new work has been added. All the scrutiny review topics that the Panel identified as ongoing work streams that would spill over into multiple municipal year periods are detailed in the Annex 2 to the report.

Watching Brief

OSP Coastal Waste Recommendations to Cabinet

- 2.10 The Panel adopted all of the recommendations from the Coastal Waste Scrutiny Review Working and forwarded the report to Cabinet for decision. Cabinet considered the report on 16 June 2022 and made the following provisional decision that:

“Cabinet notes the report and instructs officers, in conjunction with the relevant portfolio holders, to undertake a comprehensive review of all the matters raised in the OSP report and to report back to Cabinet before the end of the year.”

- 2.11 The Panel will maintain a watching brief on the issue until Cabinet makes a final decision on this matter.

Planning Enforcement Review

- 2.12 Planning Enforcement Review: On 20 April 2021, the Panel set up the Planning Enforcement Working Party held one meeting in June and reported back to the July Panel on how best Scrutiny could contribute to the current review of the Planning Enforcement protocol for Thanet.
- 2.13 An update report was presented to the Panel on 21 July 2022 by the Corporate Director of Place and Members noted the progress made to date. The Panel was advised that the full review will be completed once The Levelling Up and Regeneration Bill was enacted into law, as the enforcement protocol would need to make reference to the provisions of this new Bill. As a result it is suggested that the Panel keeps a watching brief on this matter until the review is concluded.

Cabinet Presentations at OSP Meetings

- 2.14 The Leader of Council agreed to share her view and experience regarding “The Efficacy of using the CAGs Approach in policy development and decision making.”

The presentation has now been moved from the November Panel to a meeting in the first quarter of 2023.

- 2.15 Some of the presentation topics would arise as part of the Council Budget and Planning Framework and are on the forward Plan, whilst others may come from forthcoming cabinet decisions that are of significant public interest, where the Panel may feel that their contributions would enhance the decision making process.
- 2.16 Members may wish to make suggestions as to future topics for Cabinet presentations.

3.0 Options

- 3.1 Members are being asked to comment on and make suggestions to the OSP work programme for 2022/23.
- 3.2 Members may wish to simply note the report.

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Annex List

Annex 1: Draft Overview & Scrutiny Panel Work Programme for 2022/23
Annex 2: Scrutiny Review Topics with the Scoring Matrix
Annex 3: OSP Pre and Post Decision Reviews for 2022/23

Background Papers

None

Corporate Consultation

Finance: Chris Blundell (Acting Deputy Chief Executive & Section 151 Officer)
Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)