

OVERVIEW & SCRUTINY COMMITTEE

Thursday, 14 June 2018

SCRUTINY ARRANGEMENTS AND FORWARD SCRUTINY WORK PROGRAMME (REP1807)

EXECUTIVE SUMMARY

- 1 This report updates Members on the scrutiny arrangements within Waveney District Council, including the provisions for making a suggestion for the Overview & Scrutiny Committee Work Programme, initiating a Call-In and submitting a Councillor Call for Action.
2. Members are also asked to consider and approve the Scrutiny Work Programme for the 2018/19 municipal year.

Is the report Open or Exempt?	Open
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Wards Affected:	None directly affected in relation to this report, but Councillor Calls for Action and scrutiny reviews can cover any Wards within the Waveney District.
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Lead Member:	Councillor Alison Cackett Chairman of the Overview & Scrutiny Committee
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Supporting Officer:	Chrissie Roberts Democratic Services Officer (01502) 523614 chrissie.roberts@eastsoffolk.gov.uk
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1 INTRODUCTION

- 1.1 Scrutiny activity within Waveney District Council is undertaken by one overarching Overview & Scrutiny Committee. The Committee undertakes strategic high-level reviews, but more detailed scrutiny activity and policy development may be carried out by appointed task and finish groups which are established for a specific purpose and are time bound. Where appropriate the Committee will also undertake joint reviews or involve partners in joint scrutiny.
- 1.2 The terms of reference under which the Overview & Scrutiny Committee operates are set out in Article 6 of the Council's Constitution. In addition, the Constitution's Overview and Scrutiny Committee Procedure Rules set out more precise arrangements for undertaking scrutiny activity.
- 1.3 The main elements for scrutiny activity are:
- Policy development and review
 - Overview and scrutiny of services or impact of services both within the Council and externally, including by post implementation review
 - Holding decision-makers (in particular the Cabinet) to account for decision-making through the 'Call-in' process.
- 1.4 Local authorities are also required to have a body in place to scrutinise crime and disorder issues in their local area. The Waveney Overview & Scrutiny Committee is the Council's designated crime and disorder committee and receives annual reports from the Waveney Community Safety Partnership, although it can call for reports on specific issues or concerning a given area if it wishes to do so.

2 SCRUTINY WORK PROGRAMME

- 2.1 Overview & Scrutiny within Waveney is based on the principle of being Member-led, thereby making the best use of the local knowledge and expertise that Councillors possess. Certain items of business are required to be brought annually to the Committee, and it is also good practice for annual reports from partner organisations to be scrutinised by the Committee. In some instances, scrutiny is undertaken in conjunction with the Audit & Governance Committee as the two Committees have complementary functions. Additionally, some reviews take more than one year to complete.
- 2.2 All these categories of report form the skeleton of the Committee's Work Programme to which additional items are added throughout the year, such as requests from Cabinet and Full Council, and suggestions from the Committee, officers and from individual Members.
- 2.3 The Committee sets its Work Programme for the year ahead based on those items that are considered annually, as well as specific topics that have been earmarked for scrutiny, some reviews ongoing from the previous year, and space for Members to suggest reviews as the year progresses, as well as to respond to requests from Cabinet and Full Council. The Work Programme has always been seen as a live document, and is updated on an on-going basis to take account of changing priorities and urgent issues.
- 2.4 Members are able to put forward specific items for scrutiny using the Scrutiny Scoping Form available on the Council's website and on its intranet, or on request from the Democratic Services Team. By asking Members to set out exactly what they wish to achieve from any piece of scrutiny, the Committee can ensure that any scrutiny review is targeted, timely, makes best use of resources and has the potential to generate tangible outcomes/improvements. The Scrutiny Scoping Form, and all scrutiny documentation are

regularly reviewed to ensure they are fit for purpose and to incorporate best practice where applicable.

3 THE WORK PROGRAMME FOR 2018/19

- 3.1 The Committee has taken a view that it would be a better use of the Committee's time, and make the work of scrutiny more flexible, if rather than setting a work programme one year ahead, a "rolling" work programme be adopted, with agendas planned only 2 or 3 meetings in advance (other than set annual reviews), thus allowing the Committee to be more responsive to changing needs.
- 3.2 The most important element of scrutiny scoping is to set out exactly what the Committee can hope to achieve through any piece of scrutiny. Issues which are unlikely to be able to be influenced, or which are already being dealt with in another arena, are not appropriate for scrutiny, and the scoping forms help to make it clear which reviews have the potential to add the most value. Members are also required to bear in mind their own, and officers' capacity to deliver any particular review.
- 3.3 The work programme will continue to leave space for the Committee to be reactive to changing needs and urgent issues. Members are able to submit scoping forms throughout the year, in order to ensure the Committee has a rolling forward work programme.

4 CALL-IN

- 4.1 Decisions made by the Cabinet, Joint Cabinet Committees, individual Cabinet Members or key decisions taken by officers exercising delegated powers may be 'called-in', thereby putting a temporary stop on the implementation of the decision(s) until such time as the Overview and Scrutiny Committee has had the opportunity to consider the matter.
- 4.2 Any five Councillors, any five members of the public, or a combination of a minimum of 7 Councillors and members of the public are able to activate the call-in process within 5 working days of publication of the decision notice for Cabinet level decisions, those of a Joint Committee exercising executive powers or officers' key decisions. The form to be completed to request a call-in is available on the Council's website and on its intranet, or on request from the Democratic Services Team.
- 4.3 The grounds for calling in a decision are quite specific and are set out below:
 - The decision was not taken in accordance with the principles of good decision-making
 - The decision may be contrary to the Council's agreed policy framework
 - The decision may be contrary to the Council's agreed budgetary framework.
- 4.4 On receipt of a valid call-in request, the Chairman of the Overview & Scrutiny Committee will determine the most appropriate arrangements for consideration of the matter. The Committee may, having had a full debate on the issue, agree that the original Cabinet decision should be implemented, request that the Cabinet give further consideration to the issue or refer an issue to Full Council (if it is deemed to be outside the approved policy or budgetary framework). Where the Cabinet disagrees with any recommendations from the Overview & Scrutiny Committee, the matter will automatically be referred to Full Council for consideration.

5 COUNCILLOR CALL FOR ACTION

- 5.1 Councillor Call for Action (CCfA) was introduced under Section 119 of the Local Government & Public Involvement in Health Act 2007 and came into force on 1 April 2009.
- 5.2 The Act enables any Member of the Council to refer to the Overview & Scrutiny Committee any local government matter or any crime and disorder matter which affects their ward. The form for requesting a CCfA is available on the Council's website and its intranet, or on request from the Democratic Services Team, and there is also a detailed CCfA Protocol available to guide Members through the process.
- 5.3 It is important to recognise that CCfA is not guaranteed to solve any given problem. CCfA can provide a method for discussing such problems and, through discussion, try to find a solution.
- 5.4 It is the responsibility of the Ward Councillor to provide evidence of the actions that have been taken so far to identify possible solutions to the issue(s).
- 5.5 The Overview & Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:
- Individual complaints concerning personal grievances or commercial issues;
 - Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:

Planning and licensing applications and appeals
Council Tax/Housing Benefits complaints and queries
Issues currently under dispute in a court of law;
 - Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the Overview & Scrutiny Committee.
- 5.6 A referral, provided it is not an excluded matter (see above), will ensure that the matter is included on the agenda of the Overview & Scrutiny Committee. It will not, however, be debated in full at that point; the purpose of the initial discussion is for the referring Member to present his or her evidence as to why the matter should be taken forward, and to evidence that they have done everything possible up to this point to resolve the matter. It will then be for the Members of the Committee to decide whether or not to take the matter forward to a full hearing.
- 5.7 A referral made to the Overview & Scrutiny Committee is seen as being at the end of the CCfA process (the last resort) and not the first step in resolving an ongoing issue.

6 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 6.1 Local authorities are able to establish arrangements for scrutiny activity under Section 21 of the Local Government Act 2000.
- 6.2 Sections 19 and 20 of the Police & Justice Act 2006 – Section 19 requires every local authority to have a crime and disorder committee in place with the power to review or scrutinise decisions made or other actions taken in connection with the discharge of their crime and disorder functions; the requirements under Section 19 apply to both County and District/Borough authorities. The Crime & Disorder (Overview & Scrutiny) Regulations 2009 complement the provision under Section 19 of the Police & Justice Act 2006.
- 6.3 The Overview & Scrutiny Committee exercises overall responsibility for the finances made available to it. For 2018/19, there is £4,000 in the scrutiny budget, which can be used, for

example, to engage specialist assistance, obtain evidence, carry out site visits or surveys for scrutiny reviews, to pay witnesses' travelling expenses, to pay for meeting accommodation outside of the Council's offices, and to pay for scrutiny specific training and development.

- 6.4 Any scrutiny activity needs to add value and so it needs to be clear from the outset which issues Members want to look at, the reasons why the matter would benefit from scrutiny and what positive outcomes could be generated from scrutiny activity.

7 OTHER KEY ISSUES

- 7.1 Equality and diversity issues will be considered as part of any scrutiny review and any relevant assessments undertaken at that time.

8 CONSULTATION

- 8.1 Consideration is given at the outset of any scrutiny review to the involvement of partners, local businesses, community groups or members of the public in order to ensure that a review is fully informed by the groups/individuals affected by the matter being discussed.

9 OTHER OPTIONS CONSIDERED

- 9.1 None. This report gives a summary overview of how scrutiny activity operates within Waveney and the draft Scrutiny Work Programme has been prepared for Member approval before being implemented. It is good practice for the Committee to be involved in the setting of its work programme, and to keep it under review, and therefore the option of not having a work programme to guide the Committee's programme of work was not considered.

10 REASON FOR RECOMMENDATIONS

- 10.1 This report aims to provide an overview of how the scrutiny function operates within Waveney District Council for all Members. The report also ensures that the Overview & Scrutiny Committee has ownership of and the ability to influence the Scrutiny Work Programme.

RECOMMENDATION

That the Overview & Scrutiny Work Programme for 2018/19 as set out in Appendix A to this report be approved.

APPENDICES

Appendix A

Overview & Scrutiny Work Programme for 2018/19

BACKGROUND PAPERS

Date	Type	Available From
August 2014	Councillor Call for Action Protocol Scrutiny Call-in Form Scrutiny Scoping Form	Democratic Services / Waveney District Council Website www.eastsuffolk.gov.uk

OVERVIEW & SCRUTINY COMMITTEE

WORK PROGRAMME 2018/19

Underlined items are annual reports

Yellow highlighting indicates joint reports with Audit & Governance Committee – O & S Meeting

Green highlighting indicates joint reports with Audit & Governance Committee – A & G Meeting

*Indicates subject to change due to the progression of the creation of East Suffolk Council

Meeting Date: Thursday 14 June 2018	Support Officer
<ul style="list-style-type: none"> Anglian Water's Capacity to deal with the increased housing demands (REP1865) Appointments to Outside Scrutiny Bodies (REP1806) Scrutiny Arrangements & 2018/19 Work Programme (REP1807) Information Bulletin – Progress update on Asset Management Service (REP1735) 	Chrissie Roberts Chrissie Roberts Chrissie Roberts Kerry Blair
Meeting Date: Thursday 5 July 2018	
<ul style="list-style-type: none"> <u>Food and Health & Safety Service Plan (REP1809)</u> <u>Waveney Norse Annual Progress Report (REP1810)</u> <u>Scrutiny Annual Report 2017/18 (REP1805)</u> Current Position of the Work Programme (REP1811) 	Phil Gore Kerry Blair Chrissie Roberts Chrissie Roberts
Meeting Date: Wednesday 25 July 2018	
O & S Members join meeting of Audit & Governance Committee to discuss the <u>Draft Annual Governance Statement</u>	
Meeting Date: Thursday 2 August 2018	
<ul style="list-style-type: none"> Keep free if possible 	
Meeting Date: Thursday 6 September 2018	
<ul style="list-style-type: none"> <u>Year End Community Safety Report (REP1813)</u> <u>Annual Partnership Report on Sentinel Leisure Trust (REP1814)</u> Current Position of the Work Programme (REP1815) 	Richard Best Kerry Blair/S Everett Chrissie Roberts
Meeting Date: Wednesday 26 September 2018 (TBC) (Joint Meeting with SCDC at High Lodge)	
<ul style="list-style-type: none"> Joint Extraordinary meeting with SCDC to review the Lowestoft Flood Risk Management Project and Coastal Partnership East objectives 	

Meeting Date: Thursday 4 October 2018	
<ul style="list-style-type: none"> Current Position of the Work Programme (REP1816) 	Chrissie Roberts
Meeting Date: Thursday 1 November 2018	Support Officer
<ul style="list-style-type: none"> Joint - Medium Term Financial Strategy (REP1786) Post implementation review of charges for the collection of Garden Waste (REP1742) Current Position of the Work Programme (REP1817) 	Homira Javadi Kerry Blair Chrissie Roberts
Meeting Date: Thursday 6 December 2018	
<ul style="list-style-type: none"> Annual review of St Peter's Court fire safety (REP1853) Current Position of the Work Programme (REP1818) 	Andy Jarvis Chrissie Roberts
Meeting Date: Thursday 3 January 2019	
<ul style="list-style-type: none"> Current Position of the Work Programme (REP1819) 	Chrissie Roberts
Joint A & G	
Meeting Date: Thursday 17 January 2019	
<ul style="list-style-type: none"> *Capital Programme (REP1787) *Housing Revenue Account Budget (REP1788) 	Homira Javadi/Simon Taylor Homira Javadi/Amber Welham
Joint O & S	
Meeting Date: Thursday 7 February 2019	
<ul style="list-style-type: none"> *Draft General Fund Budget 2019/20 (REP1794) Current Position of the Work Programme (REP1820) 	Homira Javadi Chrissie Roberts
Meeting Date: Thursday 14 March 2019	
<ul style="list-style-type: none"> Post Implementation update of the closure of Tourist Information Centres and replacement of Visitor Information Points (REP1763) Current Position of the Work Programme (REP1821) 	Jason Berry Chrissie Roberts

Reviews still to be programmed:

- Asset Management Service – Full Progress Report (Exempt) (REP1208) (Update via information bulletin requested)
- Update on Fire Risk Assessments and action plans for St Peter's Court (Update via information bulletin to all Councillors)
- Redevelopment of Chalets 1-58 at Jubilee Parade South, Lowestoft EXEMPT (REP1743)
- Possible Closure of Lowestoft Records Office (REP1870)