

**Agenda Item No:** 12  
**Report To:** Council  
**Date:** 16 July 2015  
**Report Title:** Overview and Scrutiny Annual Report - 2014/15  
**Report Author:** Head of Legal and Democratic Services



<b>Summary:</b>	The Council's Constitution requires the O&S Committee to make an annual report to full Council. This is the report for the Municipal Year May 2014 – March 2015.
-----------------	--

**Key Decision:** No

**Affected Wards:** None

**Recommendations:** **The Council is asked to note the report.**

**Policy Overview:** None

**Financial Implications:** None

**Risk Assessment** No

**Background Papers:** O&S Committee Agendas and Minutes from May 2014 – March 2015

**Contacts:** [keith.fearon@ashford.gov.uk](mailto:keith.fearon@ashford.gov.uk) 01233 330564

## **Report Title: Overview and Scrutiny Annual Report**

### **Purpose of the Report**

1. The Council's constitution requires the O&S Committee to make an annual report to full Council on the work they have undertaken during the year.
2. This report will give an overview of the work the O&S Committee and its Task Groups have been involved in during 2014/15.

### **Background**

3. Under Section 21 of the Local Government Act 2000, the Overview and Scrutiny Committee has power to make reports and/or recommendations either to the Cabinet or to the Authority on any aspect of Council business. The Overview and Scrutiny Committee also has the power to make reports and/or recommendations about other matters which affect the authority's area or its population.
4. In the Municipal Year 2014/15 the O&S Committee had 16 members, representing all political groups on the Council. Members of the Committee work together to ensure that the Council and its Services are acting effectively and efficiently. Reviews may be undertaken by the whole Committee or a Task Group.

### **Issues Scrutinised by the Committee since May 2014**

5. Since May 2014 items considered by the main O&S Committee have included: -
  - ABC Business Plan quarterly performance report
  - Sickness absence figures and information for 2013/14
  - Update on the new Waste and Recycling Contract
  - An update on the Conningbrook Lakes Country Park
  - Fly tipping
  - Community Safety Partnership update
  - The Council's draft 2015/16 budget
  - The HRA business plan
  - S106 agreements
  - Portas Pilot Project
  - Housing Strategy Action Plan Monitoring Report & Annual Review of Homelessness Strategy
  - Update and progress report on ABC Commercial companies and the O&S Call-in recommendations
  - Purchase of International House - update
6. An additional item considered by the O&S Committee, not covered by the above list, was the Call-in of Cabinet Minute 397 regarding the M20 J10A. If the Chairman and two other members, or any five members of the O&S Committee object to a decision made by the Cabinet, or an individual Member

of the Cabinet, or to a Key Decision made by an Officer with delegated authority from the Cabinet, and this objection is lodged before the expiry of 5 working days after the publication of the decision, then an O&S meeting will be called and the Committee have the opportunity to examine the issue.

7. If, having considered the issue, if the O&S Committee still has concerns it may set out these concerns and refer the decision back to the decision making body (or to full Council) for reconsideration. The decision making body will then reconsider the report and may amend its original decision, or not. The final decision thus taken is not subject to Call-in.
8. In April the O&S Committee had concerns about Cabinet Minute No.397 – M20 Junction 10a. The decision of the Cabinet had been to resolve that:-
  - (i) support be given in principle to the delivery of the SELEP funded scheme for Junction 10A by 2019
  - (ii) support in principle be given to the subsequent delivery of an enhanced SELEP scheme to create a new, all movements Junction 10A in the same location when funding permits.

This decision was called in for Scrutiny.

9. In June the Call-in meeting was held. The agenda consisted of the original report to Cabinet, plus a copy of Minute No. 397, the Call-in request, an extract from Minutes 412 and 413 (Council 24.4.14), the report to O&S which included answers to questions raised by Members in advance of the meeting, Highways Agency traffic flow data for Junction 10A and a Portfolio Holder note of a briefing on Junction 10A held in January 2014.

Since the report to Cabinet and the instigation of the Call-in there had been developments in relation to the full J10A scheme – an announcement had been made that the Highways Agency investment board were to recommend that the full J10A scheme be brought back into the government programme (this has since had ministerial approval).

Having reviewed and debated the report, the O&S noted the following:

- (a) The interim scheme is fundamentally different from the full scheme for 3 reasons:-
  - 1 Highfield Lane
  - 2 Hythe Road
  - 3 Single carriageway rather than dual carriageway
- (b) The interim scheme poses a risk to the council because it is so different and could have a negative effect on the quality of life of the residents of the whole Borough
- (c) Council policy is for a full scheme at Junction 10A

and decided to refer the Cabinet's decision to full Council for further consideration which should include the following items:-

- independent traffic data
- a report on alternative options for Junction 10A

- a traffic census on the impact of the interim scheme
- details of compulsory purchase
- details of the funding scheme
- full and detailed consultation with affected residents borough-wide (only if a planning application for the interim scheme is submitted)

Council considered the report from the O&S Committee at its meeting in July 2014. The Council had two options when considering the report and its recommendation:–

1. If Council raised no objection to the original Cabinet decision then that decision would be effective from the date of the Council meeting.
2. If Council did object to the original decision, then it should refer it back to Cabinet together with its reasons for objecting. Cabinet would then have to decide whether to amend its decision.

The decision of the Council was to raise no objection to the decision of Cabinet, so therefore original decision stood.

**Further information about some issues reviewed by the main Committee/Task Groups** (to read the full reports please see [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees) for agendas, reports and minutes of O&S meetings).

### **Budget Scrutiny**

10. The Overview and Scrutiny Committee has a duty to scrutinise the Council's draft Capital and Revenue budget. The Budget Scrutiny Task Group's remit was to ensure that the draft 2015/16 budget was achievable and in line with the Council's 5 year business plan and the priorities for delivering the final two years of that plan (Focus 2013-15: the Corporate Plan and supporting Financial Plans) as adopted by Cabinet in October 2014.
11. By the end of the scrutiny process the Task Group were confident that the Budget was achievable; though there was concern that continued budget reductions posed a risk to service delivery, Council performance and the public's perception of the authority. As the Council became increasingly dependent on New Homes Bonus as a source of revenue, this needed to be used prudently.
12. The Task Group made two recommendations which the main committee supported and relayed to the Cabinet.
13. The Cabinet supported both recommendations which are set out below-
  - It be noted that the Overview and Scrutiny Committee regards the Council's draft 2015/16 Budget as achievable.
  - The Risk Matrix and the risks identified within it, especially those that fall within the shaded part of the Risk Matrix be endorsed.

14. The Budget Scrutiny Task Group was also asked to review the report of Council's Housing Revenue Account (HRA) business plan 2014 – 2044 which was presented to Cabinet in November 2014.
15. The council is required to have a 30 year business plan for the HRA. To support this a 30 year financial model is maintained which forecasts the cash flows for the HRA and allows the long term viability of the service to be modelled and tested. This plan has to be redrawn afresh each year and is updated according to the current outturn for the year.
16. With the help from Officers from Housing and Finance and the support of the Portfolio Holders for Social, Local Needs & Special Care Housing, and Finance, Budget & Resource Management; the Task Group gave careful consideration to the Business Plan report and were satisfied that they could commend the HRA Business Plan 2014 - 2044 to the full Committee and to Cabinet. This recommendation was reported to the Cabinet on 11 June 2015.

### **Fly tipping**

17. Fly tipping: the depositing of controlled waste or knowingly causing/permitting controlled waste to be deposited on or in land unless a waste management licence authorising the deposit is in force or the deposit is in accordance with the licence.
18. The Committee received an overview of the legislation relating to fly tipping. Current issues and considerations for Ashford were discussed including the impact of the new waste management service. The incidence of fly tipping had not increased significantly and the new contract included the automatic removal of small scale fly tipping (up to 2m<sup>3</sup>) from public land.
19. Residents needed to be responsible for managing their own waste and if a disposal contractor was employed it was their responsibility to check the status of that contractor.
20. The Committee considered that the use of covert camera traps could be a useful tool, especially at fly tipping 'hot spots' and recommended the same to Cabinet.

### **Update on the new Waste and Recycling service**

21. In 2012/13 Ashford Borough Council's recycling rate was 12%, resulting in it being at the bottom of Defra's table for that year. In April 2013 the Council entered into a new waste and recycling contract with Biffa (in a partnership arrangement with Swale, Maidstone and KCC). Ashford was the first of the partners to roll out the new service and this commenced in July 2013.
22. In 2013/14 the Council increased its overall recycling rate to 42% (figure for April 2013 – March 2014, included 3 months of Ashford's old service), making it the most improved council for the year and moving it to 33<sup>rd</sup> place in the league table (an improvement of more than 300 places). Figures for the first 12 months since the service began showed a recycling rate of 55% with a high point of 60% in June 2014.

23. The new service moved rubbish collection from a weekly 'black bag' collection, plus a fortnightly recycling 'blue box' collection (of a limited range of recyclables) to a fortnightly, alternate week, recycling/residual waste collection, plus a weekly food waste collection. A paid for green waste collection was also available.
24. The introduction of the new service, which involved a comprehensive communication, advice and education campaign; the delivery of over 200,000 wheeled containers, food bins food caddies and communal bins; a new fleet of service vehicles, and the realignment of collection rounds and associated arrangements; did not go without a hitch and there were challenges, particularly associated with the number of customer enquiries. However, even during the first month the 'right first time' collection rate was 99.4% (representing about 600 missed collections out of 100,000), and it was difficult to determine whether the collection failure was due to contractor error, customer error or both. This rate then settled to between 30 & 40 missed collections per 100,000, a rate of 99.96%.
25. Customer satisfaction with the service has been high and all aspects of the new collection services offered have been successful and supported by Ashford residents. The Council's performance has been the best of the three partner councils. Compared with the arrangements in 2012/13, the new contract package is saving the Council around £500,000 a year. Biffa have been using Ashford as an example of success when pursuing new business.

### **Annual update from the Community Safety Partnership**

26. At least once a year the O&S Committee operates as the designated Committee responsible for Crime and Disorder issues (under the Police and Justice Act 2006). The annual update report from the Community Safety Partnership about CSP activity in the Borough comes under this designation.
27. In February 2015, the Borough Council's Head of Health, Parking and Community Safety along with Chief Inspector Fox, and the Council's Health Parking and Community Safety Manager, presented the annual report.
28. There was a lot of good news in the report including:
  - a significant drop in reported Anti Social Behaviour incidents which saw a 42% reduction from 2012/13 to 2013/14 – this gave Ashford the lowest number of reported ASB incidents in the county;
  - the Ashford One-Stop-Shop for victims of Domestic Abuse continued to be well used and the Council contributed significant funds to support the work of the Kent Domestic Abuse consortium to provide a Domestic Abuse Coordinator to support the One Stop Shop and delivery of the Freedom programme;
  - the many multi-agency operations that had taken place, for example Cleansweep, which raise awareness of community safety and thus help reduce acquisitive crime.
29. There were also some issues that were still challenging including fly tipping, and road safety. It was noted that the number of Killed & Seriously Injured who are under 16 years old had increased to the extent that Ashford has the

highest number in the county. These were part of the six recommended CSP priorities for 2015/16: Domestic Abuse; Substance Abuse, Anti-social Behaviour and Environmental Crime; Acquisitive Crime; Road safety; Violent Crime.

30. During the discussions about the report there was a lot of support expressed for the CSP acknowledging its hard work and Members were pleased to note:
  - the contribution of the Street Pastors
  - the Fire service's success in terms of fire prevention enabling them to support a wider community safety agenda
  - the important contribution to community safety made by PCSOs – with a request that they be protected from any resource cuts
  - the reduction in anti-social behaviour around St Mary's church since the gate was installed
  - the low levels of crime in the Borough
  - the intention of the CSP to broaden its membership
31. Members also expressed support for Pubwatch; Police and partner activity in relation to legal highs; the focus on fly tipping and use of covert CCTV, and Neighbourhood Watch -combined with the desire for it to be more widely promoted.
32. Some concerns were raised which Members wished the partnership to be made aware of:
  - that the switching off of street lights resulted in people feeling less safe even if the crime figures indicated no increase in crime
  - inconsiderate parking outside schools caused real tension
  - rural crime, particularly burglary and oil theft
  - the importance of giving feedback to victims of crime in terms of action taken
  - any further reduction in Police resources - though partnership working and modernisation of policing practice would help
  - to encourage the removal of graffiti in order to discourage others and enforce the message that graffiti is not tolerated
  - that the partnership be careful not to have too many priorities
33. Members were pleased that there was well established and effective collaboration between the community safety partners which resulted in a very positive 'can do' approach.
34. Members considered that this was an excellent report and wanted it to be drawn to the attention of the wider public to publicise the work of the CSP and the outcomes presented in the report. To this end a recommendation was made to the Cabinet :-

**That the Cabinet promote the 'Community Safety Partnership: an update on the Community Safety Partnership activity in the Borough' report as an excellent example of successful partnership working.**

35. At their subsequent Cabinet meeting, members of the Cabinet were happy to agree and resolve this recommendation. The Chairman of the Cabinet also commented that at a presentation Ann Barnes, the Police Commissioner had

given to Members, she had made the point that Ashford was leading in terms of its partnership work.

### **Reviews on the Forward Plan**

36. The Overview and Scrutiny Committee sets its own work programme. Future reviews/other items on the Forward Plan include:-
- Quarterly Updates on the ABC Business Plan performance
  - Annual report on Housing Framework
  - Three year review of Mayoralty
  - Council play parks
  - Community Safety Partnership annual update
  - Disabled Adaptations

### **The Future**

37. The Overview and Scrutiny Committee's work is aimed at ensuring the effective and efficient provision of Council services for the residents of the Borough. However the O&S Committee can also act as a 'critical friend' in reviewing the services of other 'partner' organisations e.g. KCC.
38. With the agreement of the Chairman, items can be put on the O&S agenda following a request from Cabinet or another Committee (e.g. Audit). Members of the O&S Committee are also able to submit suggested items in writing to the Chairman – such items must represent a Borough wide perspective and provide the opportunity to influence, to improve services or contribute to policy development. The Chairman will then decide if the item is appropriate for O&S to consider and, if so, is there room on the work programme.

### **Conclusion**

39. The Overview and Scrutiny Committee has received reports, commented on and made recommendations to Cabinet on a variety of issues which directly affect the Council or residents of the borough. Should the Committee consider that a decision made by the Cabinet is unwise then Members are always able to Call-in that decision.

**Contact:** Keith Fearon

**Email:** keith.fearon@ashford.gov.uk