

**Agenda Item No:** 5  
**Report To:** Overview and Scrutiny Committee  
**Date:** 22 April 2014  
**Report Title:** Overview and Scrutiny Annual Report  
**Report Author:** Senior Scrutiny Officer



<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 2013 – April 2014.
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**Key Decision:** No

**Affected Wards:** None

**Recommendations:** **The Committee is asked to note this report and to agree for it to be presented to Full Council later this year.**

**Policy Overview:** None

**Financial Implications:** None

**Risk Assessment** No

**Background Papers:** O&S Committee Agendas and Minutes from May 2013 – February 2014

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## **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 2013/14.

### **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. The O&S Committee has 16 members, representing all political groups on the council, who 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 2013**

5. Since May 2013 items considered by the main O&S Committee have included: -
  - ABC Business Plan quarterly performance report
  - Communication and Consultation strategy for the Core Strategy review
  - Sickness absence figures and information for 2012/13
  - An update of the Best Services Resources Allow
  - Procurement of Energy Saving Proposal for Civic Centre: LED Lighting and sub metering
  - An update on the Conningbrook Lakes Country Park
  - Fly posting and graffiti
  - Community safety partnership update
  - The council's draft 2014/15 budget
6. An additional item considered by the O&S Committee, not in the above list, was a Call-in. 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 June the O&S Committee had concerns about Cabinet Minute No.33 – Trading Companies, which gave approval for the creation of two Local Authority companies – a Property company ‘A Better Choice for Property Ltd.’, and a Building Consultancy Company ‘A Better Choice for Building Consultancy Ltd.’, both these companies would be fully owned by the Council. This decision was called in for scrutiny.
9. In July the Call-in meeting was held and the agenda consisted of the original report to Cabinet with its confidential appendices, plus minute No. 33 and the Call-in request.
10. Having reviewed and debated the report, the O&S Committee drew up seven recommendations which were agreed by Cabinet at its next meeting and then approved and adopted by full Council. The seven recommendations were as follows:
  - (i) No payment be made to any Director/Officer other than expenses and no Officer be paid other than contractual overtime.
  - (ii) Each Company will hold an AGM and all Councillors will be invited to attend (but not to have voting rights).
  - (iii) The Companies will have no right to appeal against Council planning decisions.
  - (iv) The Council to have an independent review of the financial model to include an opinion on being a going concern.
  - (v) The Section 151 Officer should not be a Director of either Company.
  - (vi) In respect of the Property Company, it should consider options to support home ownership models including stair-casing.
  - (vii) The release of each tranche of the £10m be subject to the approval of Council.

**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**

11. 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 2014/15 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.

12. By the end of the scrutiny process the Task Group were confident that the Budget was achievable. There was some concern over the use of New Homes Bonus to help meet the funding gap as it was considered that this was not the purpose for which it was intended. Members were advised that a grant from central government would also be part of the solution. Members also expressed dismay that the decision to freeze council tax had been made after the Task Group had finished its work on the draft budget. The Task Group suggested two Recommendations for O&S to put to the Cabinet, the full Committee agreed these and added one more Recommendation and a Note (about the timing of the decision on the level of council tax). At the subsequent Cabinet meeting it was explained that on the day in question the whole of the Administration had yet to meet to discuss Council Tax and therefore it would not have been appropriate to inform the Budget Scrutiny Task Group of any potential change until such time after that meeting had taken place. In view of this explanation it was agreed that the note would be withdrawn. All three Recommendations were then Resolved. These recommendations included:-
- It be noted that the Overview and Scrutiny Committee regards the Council's draft 2014/15 Budget as achievable.
  - The Risk Matrix and the risks identified within, especially those that fall within the shaded part of the Risk Matrix be endorsed.
  - New Homes Bonus be not habitually used to fund revenue gaps but instead be used to create legacy projects for the benefit of the Borough.
13. The Budget Scrutiny Task Group was also asked to consider the Council's HRA business plan – and the result of this is reported elsewhere on this agenda.

### **Fly Posting and Graffiti**

14. Fly posting and graffiti have a detrimental impact on the appearance of the borough and Members were interested to know what powers the Council had to deal with them.
15. Fly posting is the display of advertising material on buildings and street furniture without the consent of the owner. It can include adverts for local events (e.g. car boot sales) which may be attached to lampposts, railings and street furniture; posters advertising products of large organisations and put up by professional poster companies, often pasted on vacant buildings and signal control/telecoms boxes; and posters displayed by pressure groups or political bodies.
16. Some types of adverts are not illegal because they are allowed by advert regulations e.g. posters and signs for a local event of religious, cultural, political, social or recreational character as long as it was not carried on for commercial purposes.

17. If flyposting is causing any harm to public amenity or highway safety, then various powers are available to the Council to deal with it. These include: prevention (encouraging the use of other forms of advertising), negotiation - with the owner of the sign/owner of the site, removal by the Council (the highway authority also has powers to remove signs). Other powers include prosecution in the Magistrates court and the issuing of fixed penalty notices under the Antisocial Behaviour Act.
18. Graffiti – the painting, writing or carving of patterns, scribbles or messages on wall and other surfaces – is vandalism, a criminal act and illegal. There can be a difference of opinion as to what is graffiti as some ‘decoration’ on some buildings could be considered to be artwork by some and graffiti by others.
19. The Council removes graffiti from council owned property, but graffiti on private property is the owner’s responsibility. The Council uses a variety of methods to limit graffiti: prevention; removal by the Town Centre Action team (also available as a paid service for private landowners) and use of defacement notices to require removal.
20. Members were advised that more enforcement powers were expected later in the year, including more immediate action for dealing with fly posting, graffiti and other actions which impact on the appearance of the borough.

### **Procurement of Energy Saving Proposal for Civic Centre – LED lighting and sub metering**

21. In May 2013, approval was given by the Council for a £100k budget for energy saving measures for the Civic Centre. Prior to placing the orders for supplies and services, the procurement of retrofitting LED lighting tubes and the installation of a sub-metering solution to monitor and manage the electricity consumption in the Civic Centre was referred to O&S.
22. The Council had undertaken trials of LED tubes and emergency lighting and sought quotations from three local suppliers. For the installation, a specification was prepared and quotations sought from four installers (all from Kent) with whom the Council had worked previously.
23. The retrofit of the LED lights into the existing Civic Centre fittings also included the removal of the existing integrated emergency lights and their replacement with standalone emergency lighting units (these require fewer units to cover the same space, are easier to maintain and can be installed at a lower cost than traditional emergency lighting systems).
24. Six companies were approached for quotations for the sub-metering of the electricity supply. The sub-metering market is very active with new solutions arising all the time and the quotations detailed different technologies and approaches to delivery. The decision on which company to use was based on the Council’s requirement for easy access to easy-to-use performance reporting tools and affordable one-off and on-going costs.
25. The sub-metering system was expected to deliver at least 5% savings and possibly more if staff responded to the drive towards lower energy use.

Because the metering system would enable the charging for energy to be based on consumption rather than by head count, it was expected that services would be more likely to try and reduce their demand.

26. Having considered and discussed the report the O&S Committee were happy to advise Cabinet that they endorsed the procurement proposal.

### **Communication and Consultation Strategy for the Core Strategy review.**

27. Ashford Borough Council aims to encourage the public to be involved in its plan making through its consultation process. In all cases documents for consultation are published on the Council's website and an email sent to all parties logged on the consultee database. A notice would be placed in the local newspaper and copies of the document would be available to view at the libraries in the borough and both Ashford and Tenterden Gateways.
28. Additionally, there may be a series of exhibitions at accessible locations and these would be publicised in advance.
29. Ashford also has a Duty to Co-operate with other neighbouring Authorities during plan making processes to ensure that Authorities did not operate in isolation from one another.
30. For the Core Strategy review, it was decided to utilise the award winning consultation model used for Winchester's Local Plan. Plan-it Ashford aimed to get local communities to identify the things they particularly liked/disliked about their areas and to identify any challenges they thought would need to be addressed over the coming years. Discussions have been facilitated with a wide range of groups and organisations sometimes involving just parish councillors, sometimes members of the wider general public. All issues raised may not be able to be dealt with in the Local Plan but it is hoped that there would be ongoing dialogue with local communities to discuss what can/cannot be achieved.
31. Strong local feeling on specific site allocations can help officers to decide if particular sites should/should not be included in the development plan documents.
32. It was hoped that Parish councils and Urban forums could be encouraged to play a more proactive role in seeking the views of residents in their areas and ensuring those views are representative.
33. The Council was committed to consulting with the community during each stage of the Plan making process.

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

34. 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

- Housing Framework 2013-18 and Homelessness Strategy 2013-18
- Refurbishment of the Stour Centre
- Council play parks
- Update on Conningbrook project
- Update on new waste and recycling scheme
- Fly tipping
- Update on progress of Focus 2013 -15

## **The Future**

35. 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.
36. 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**

37. 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.

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