



## Overview and Scrutiny Committee

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane,  
Ashford, Kent TN23 1PL on Tuesday 23<sup>rd</sup> June at 7.00 pm.

---

The Members of this Committee are:-

Cllr Chilton (Chairman)

Cllr Michael (Vice-Chairman)

Cllrs. Adby, Burgess, Farrell, Feacey, Howard, Knowles, Krause, Link, Sims, Wedgbury.

### Agenda

- |   | <b>Page<br/>Nos.</b> |
|---|----------------------|
| 1. <b>Apologies/Substitutes</b> – To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii)                             |                      |
| 2. <b>Declarations of Interest:-</b> To declare any interests which fall under the following categories, as explained on the attached document: | (i)                  |
| a) Disclosable Pecuniary Interests (DPI)  |                      |
| b) Other Significant Interests (OSI)  |                      |
| c) Voluntary Announcements of Other Interests   |                      |
| See Agenda Item 2 for further details   |                      |
| 3. <b>Minutes</b> – to approve the Minutes of the Meetings of this Committee held on the 24 <sup>th</sup> March 2015                            | 2-8                  |

### **Part I – Matters Referred to the Committee in Relation to Call-In of a Decision made by the Cabinet**

None for this meeting

### **Part II – Responses of the Cabinet to Reports of the Overview and Scrutiny Committee**

None for this Meeting

### **Part III – Ordinary Decision Items**

- |  |      |
|--|------|
| 4. Overview and Scrutiny Annual Report 2014/15 | 9-16 |
|--|------|

5. Sickness Absence 2014/15

17-20

**Part IV – Information/Monitoring Items**

6. Future Reviews and Report Tracker.

21-37

KF  
15 June 2015

---

**Declarations of Interest (see also “Advice to Members” below)**

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

**Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/240134/Openness\\_and\\_transparency\\_on\\_personal\\_interests.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf)
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, with revisions adopted on 17.10.13, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Head of Legal and Democratic Services and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

## Overview and Scrutiny Committee

Minutes of a Meeting of the Overview and Scrutiny Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **24<sup>th</sup> March 2015**.

### Present:

Cllr. Chilton (Chairman);  
Cllr. Davison (Vice-Chairman);

Cllrs. Apps, Bartlett, Buchanan, Feacey, Hodgkinson, Miss Martin, Mrs Martin, Mortimer, Sims.

### Apologies:

Cllr. Hicks.

### Also Present:

Cllrs. Robey, Shorter, Smith.

David Adams, Area Education Officer – KCC, Bryan Fitzgerald, Planning Manager, Statutory & Strategic Services - KCC

Head of Community and Housing, Senior Commercial Development Manager, Head of Finance, Policy Manager, Principal Solicitor - Strategic Development, Member Services and Scrutiny Manager, Member Services & Scrutiny Support Officer.

## 410 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a 'Voluntary Announcement' as he was a Director of British Land, a former owner of International House.	414
Chilton	Made a 'Voluntary Announcement' as he was a Governor of Beaver Green Primary School.	412
Davison	Made a 'Voluntary Announcement' as he had been a Governor of Hamstreet Primary School.	412
Hodgkinson	Made a 'Voluntary Announcement' as she	413

was a Council tenant and in receipt of Housing Benefits.

Shorter

Made a 'Voluntary Announcement' as he was a Director of Kent Play Clubs, 412

And

Made a 'Voluntary Announcement' as he was a Director of A Better Choice for Building Consultancy Ltd, which was not related to any item on the agenda.

## 411 Minutes

### Resolved:

**That the Minutes of the Meeting of this Committee held on the 24<sup>th</sup> February 2015 be approved and confirmed as a correct record.**

## 412 S106 Agreements and Education Provision

David Adams introduced his report and said he wished to thank the Council for its support in obtaining valuable S106 contributions. Ashford was a growth area and successful educational planning was dependent upon these contributions. He said his report outlined the historical approach to home-to-school distances, as defined in legislation. However, the reality was that this was now an outdated method and it was necessary to consider whether this was still an appropriate approach for today's requirements. It was also important to recognise that the Community Infrastructure Levy (CIL) would not secure the same levels of income as S106 contributions had done in the past. It would be necessary for KCC to work with districts to secure sustainable contributions in order to realise the necessary infrastructure. Partners would need to work together to align service capacity with anticipated development. KCC would work on a system of identifying projects in order to seek contributions. However various factors could result in these projects not coming to fruition, and one of the challenges was to manage these intervening factors.

The Chairman opened up the discussion and the following points were raised:

- In response to a question, David Adams explained that the historical position was based on a two and three mile 'walking distance' for children under and over the age of eight respectively. This was now considered to be an outdated mechanism. It was important to consider

where pressure was likely to be due to local demand, but also where pressure might be caused due to parental wishes.

- A Member asked about the new academy for Finberry, which would be located off-site initially. David Adams advised that a sponsor had been identified to run the academy and it was hoped the funding agreement would be finalised before the start of the pre-election period. The academy would initially be housed in part of the old Ashford South building, and would take Reception, Year 1 and Year 2 pupils. The academy would be relocated in September 2016 to new buildings.
- One Member noted that KCC had a statutory duty to ensure that there were sufficient school places. He said Hamstreet Primary School had been told there were no funds available to enlarge the school because there was no current population pressure. This had led to oversized classes. The same was true at Furley Park School where mobile units had been introduced to cater for the pupil pressure. He considered that KCC forecasts were incorrect in the case of these two schools and he questioned who had the final decision on the spending of S106 funds. David Adams responded that within the Kent Commissioning Plan the accuracy of forecasts was closely scrutinised. KCC aspired to achieve an accuracy rating of as close to zero percent as possible, and the county-wide forecasts were broadly meeting this aspiration. However, in Ashford, between October 2012 and October 2013, demand for primary school places had risen by 370 pupils. Half of this number was related to in-migration of families only, and the other half was from larger birth-rate cohorts attaining school age. The significant uplift in migration pressure had led to an under-forecast. It was not yet known whether this was a one-off situation or likely to be an annual trend, but it had led to a lack of current capacity. At Furley Park School the situation had been dealt with on a temporary basis by providing modular units, although permanent buildings had now been established. Hamstreet School had received a negative Ofsted report which led to a drop in the demand for places. This in turn diminished the justification for investment in the school. Increased pressure on secondary schools would see the establishment of a new secondary school in Ashford in 2022/23.
- In answer to a question, David Adams confirmed that parental opinion was influenced by Ofsted reports, and it could take a while for a school to regain its reputation following a poor Ofsted report. This echoed his earlier point that KCC could identify projects for investment, but factors such as Ofsted reports, might preclude the investment finally taking place. He confirmed that figures for migration were factored into forecasts and were based on moderated trends as well as various other factors.
- One Member asked about Repton Primary School and said that the estate had only been half built by the time the school was ready for two form entry. David Adams explained that Repton was designed as a hybrid school, where the infrastructure for a two form entry school was

established initially, although only classrooms for one-form entry were erected. Further classrooms were intended at a later date, once the school pupil numbers justified further building. However, it had then been decided to deliver Repton School in one phase only.

- David Adams advised that the Government had recently shrunk the space standards required for schools, which meant that smaller buildings were acceptable. The Government had also removed the space standards around green space. One Member commented that he considered it inappropriate that the Government had shrunk space standards and he urged KCC to continue to seek adequate sites for development as schools. He also emphasised the importance of focusing on the growth of the community aspect within cohorts of children and parents, not just the educational aspect.
- A Member asked what would happen to the children in the years above Year 2 at Finberry. David Adams replied that he considered there would mainly be younger children at Finberry development initially, and these children would be catered for by the temporary provision at the old Ashford South School. However, if it appeared that there were enough families with older children, then it would be necessary to consider schooling provision for them too. He said KCC would invest as necessary in improving Ashford South School as it was only a temporary measure and some parts of the site would remain unsuitable for use.
- One Member asked about Chilmington Green and the suggestion that the first brick of the school should be laid at the same time as the first brick of the housing. David Adams responded that in reality he did not consider this was deliverable. It would not be possible for the developer to begin on the school infrastructure until enough revenue was coming in from the sale of housing.
- A Member also asked about the current pressure on the pre-school at Great Chart Primary School. David Adams said that the intake for this school would be restricted back to 60 pupils as there was not sufficient permanent accommodation for 90 pupils. Unfortunately, there would inevitably be some disappointed families.
- A Member asked about how much communication there was with Ofsted to ensure that there was sufficient commitment to a school to justify investment. David Adams responded that in new schools Ofsted inspected within the first two years, whereas for academies, which were funded by central Government, not KCC, Ofsted undertook a pre-opening check.
- David Adams said he would be willing to attend a future meeting if requested to do so.

**Resolved:**

**That the report be received and noted.**

### **413 Report of the Budget Scrutiny Task Group on the HRA business account 30 year business plan**

The Chairman explained that the Budget Scrutiny Task Group had reviewed the HRA Business Plan 2014 – 2044 and were content with it. They invited the full O&S Committee to join with them in commending it to Cabinet.

**Resolved that:**

- i) The Overview and Scrutiny Committee receive an update report in about 18 months' time on the effect of the roll-out of Universal Credit on the Council;**
- ii) The Cabinet be advised that the O&S Committee has reviewed and is happy with the HRA Business Plan.**

### **414 Purchase of Commercial Property – International House – Update Report**

The update report sought to provide Members of the Overview & Scrutiny Committee with information on the current position following the acquisition of International House, particularly with regard to asset and building management, current voids and budget forecast. The Chairman opened up this item for discussion and the following questions and comments were raised:

- A Member questioned the Cabinet report of 13<sup>th</sup> February 2014, which had been appended to the response to Members' questions contained in the appendices to the update report. In particular, he drew attention to paragraph 26, which referred to the former Crouch's Garage site needing significant investment. He then noted paragraph 52 of the 2014 report and said that according to his calculations the net yield would be barely 4%, which he felt was an unacceptable return on a Council investment. The Head of Finance said he thought the Member might have double counted bad debt provision and that the net return was higher than 4%.
- A Member expressed his dissatisfaction that the Committee had not been provided with a copy of the lettings schedule for International House despite this being specifically requested in the Members' questions. He also asked why the exempt appendices to the 2014 report had not been included in the agenda papers. The Chairman explained that he had met with the Chief Executive previously and agreed a 'questions and answers' format for the update report. It was agreed that Member Services would provide the specific Member with a copy of the exempt appendices to the 2014 report, and the Member Services and Scrutiny Manager advised that these were available on the intranet system for any Members to view.



- The Chairman said he would raise the issue of the missing lettings schedule through the usual channels. He suggested that the Overview and Scrutiny Committee could revisit this item after the elections and ask for any required information to be provided at a future meeting, possibly in July.
- Other Members also expressed concern that vital information appeared to be missing, and that figures provided in the 2014 report were estimates, rather than precise figures. The Chairman explained that there appeared to be a misunderstanding, and a Member noted that the report to Cabinet in February 2014 had only provided budget forecasts prior to the Council having acquired International House. In his update report the Senior Commercial Development Manager had provided an update on International House since its purchase and the response to Members' questions had been provided by the Strategic Housing and Property Manager.
- The Portfolio Holder for Town Centre Focus and Commercial Property said that it was intended to produce a report after one year's trading giving the actual outturn figures. He explained that this update report by the Senior Commercial Development Manager was in response to a request from the O&S Committee for information regarding International House, short of the full year's trading. He advised that the building was showing very good revenue returns at present and was helping to reinforce ABC's financial position. The report to Cabinet in February 2014 had been supported by full Council afterwards. He added that trading was currently producing an 8 or 9% net return.
- One Member expressed her concern that O&S Committee often appeared to be criticising Cabinet and finding fault, when their purpose was to support Cabinet. However, on this occasion she felt this item had been handled badly.
- Another Member said that the Council was becoming increasingly entrepreneurial and was likely to purchase more property from now on. In view of this fact several Members felt that O&S Committee should always be involved in consultation and examination before reports were submitted to Cabinet.

**Resolved that:**

- (i) Member Services would provide the relevant Member with a copy of the exempt appendices to the Cabinet report of 13<sup>th</sup> February 2014.**
- (ii) The report be received and noted, with a further report to be received early in the new Municipal Year to provide more precise financial information following the completion of a full year's trading.**

## **415 Future Reviews and Report Tracker**

**Resolved:**

**That the report be received and noted.**

## **416 Last Meeting of the Committee prior to the elections**

The Chairman advised that this was the last O&S Committee meeting before the elections, and training would be provided post-elections for new Committee Members. He thanked Officers and Members for their hard work over the current term and offered his best wishes to all those Members who were standing down.

---

Queries concerning these Minutes? Please contact Rosie Reid:  
Telephone: 01233 330565 Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk)  
Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)

**Agenda Item No:** 4  
**Report To:** Overview and Scrutiny Committee  
**Date:** 23 June 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 Committee is asked to note this report and to agree for it to be presented to Full Council on 16<sup>th</sup> July 2015.**

**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

**Agenda Item No:** 5  
**Report To:** OVERVIEW AND SCRUTINY COMMITTEE  
**Date:** 23 June 2015  
**Report Title:** Sickness absence 2014/15  
**Report Author:** Ian Smith, Personnel Officer.



<b>Summary:</b> This report provides information on sickness absenteeism for 2014/15.
---

**Key Decision:** No

**Affected Wards:** None

**Recommendations:** That the committee consider the information provided in this report and advise officers:

- If any further information is required
- If the committee would wish to receive a further update in a year's time

**Contacts:** [ian.smith@ashford.gov.uk](mailto:ian.smith@ashford.gov.uk) – Tel: (01233) 330411

## Report Title: Sickness Absence –Annual Report 2014/15

### Purpose of the Report

1. This report provides the level of sickness absence incurred by employees of Ashford Borough Council for the financial year 2014/15.

### Background

2. The reported figures for the council have been obtained from all sickness absences recorded on the iTrent Payroll and HR system.
3. The figures are presented as the average number of working days lost per FTE (full time working equivalent) employee during the reported period.
4. The council's level of annual sickness absence is compared with previously reported figures, nationally reported figures and with some of our neighbouring authorities.
5. Members have requested not to receive detailed analysis on the level of reported sickness absences; where there has been no significant change in the level reported from the previous year.

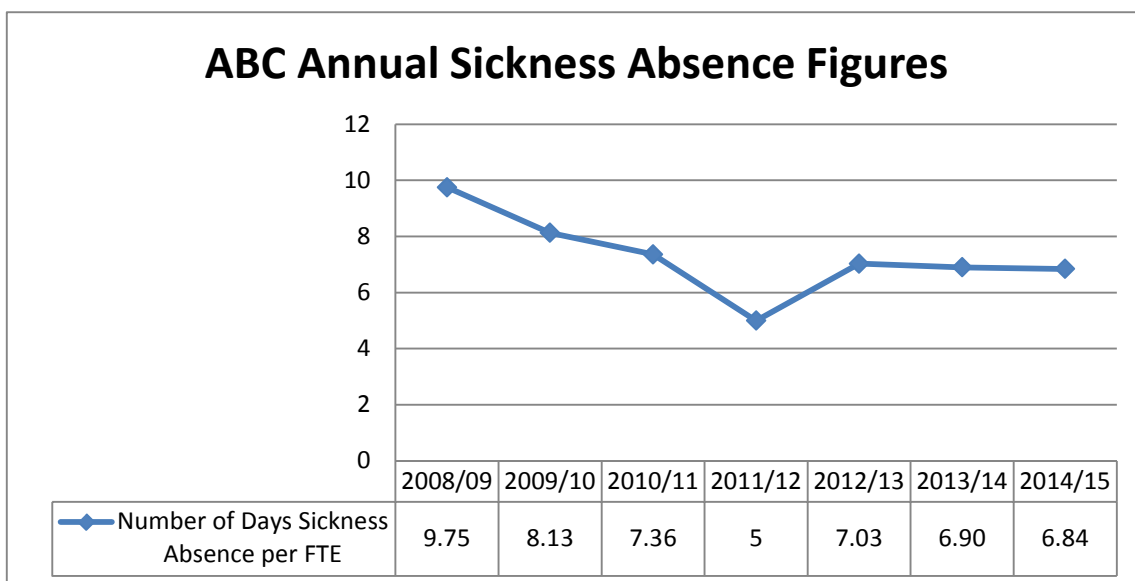
### Sickness Absence 2014/15

6. Based on the average number of 384.18 FTE employees, the total amount of working days (2,628.90) lost due to sickness equates to 6.84 days per FTE. This figure represents a marginal decrease of 0.06 days reported for 2013/14.
7. Long term cases (20 continuous days or more) - There were 32 cases which represents 56% (1449 days) of the total number of sickness absence days. The average period of absence per employee within this category was 45.30 days; the longest individual period being 158 days.

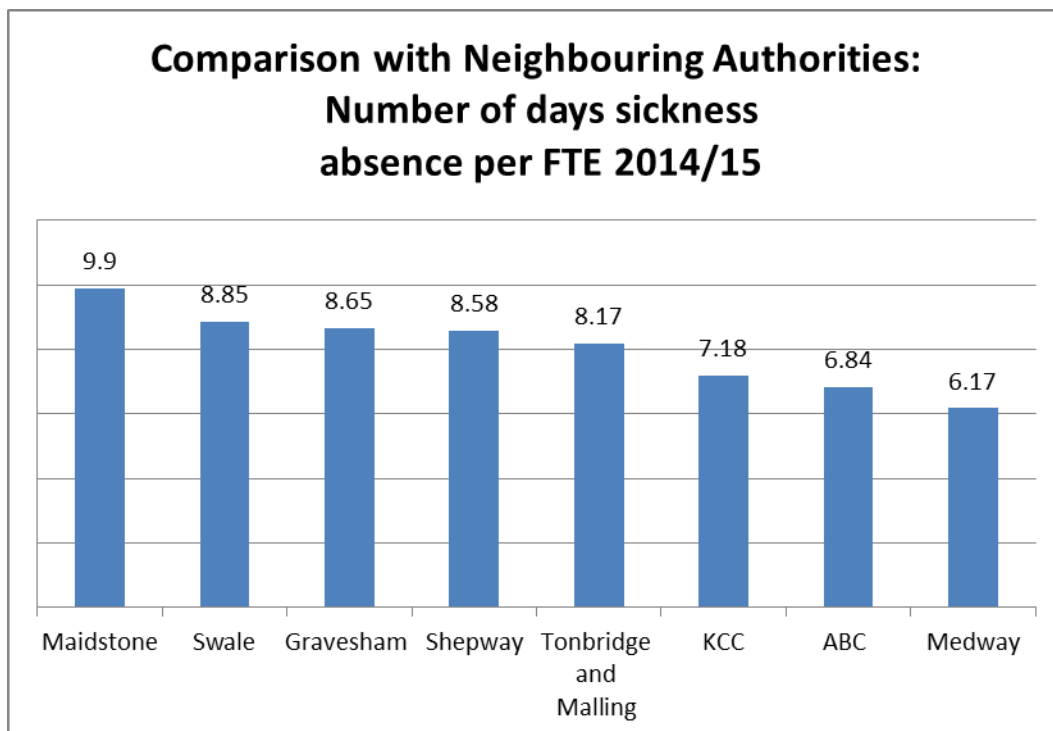
### Comparisons

8. The last Local Government Workforce Survey (2012/13) highlighted that the average sickness absence level in English local authorities was 8.8 days per employee.
9. The 2014 survey report produced by the Chartered Institute of Personnel and Development showed that there was a sickness absence rate of 8.7 days per employee in whole of the UK Public sector with 7.2 days in the private sector.

10. **Chart 1** - shows the number of day's sickness absence per employee (FTE) for each financial year since 2008/9.



11. **Chart 2**- shows how the council compares with some of our neighbouring authorities.



## Summary

12. It is encouraging to report that the council continues to see a reduction in its level of sickness absence. The reported figure for 2014/15 is well below that of the last reported national figures for the public sector and compares very favourably with those reported by some of our neighbouring authorities.
13. The emphasis given to our managers on the importance of conducting and completing combined return to work interviews and sickness notification forms, has proved to be an effective tool in the management of sickness absence. These provide the framework for discussions between the manager and employee to consider reasons for the absence, explore any underlying issues or trends and moreover to identify any adaptations or supportive interventions where appropriate to promote and sustain the employees' return to work.

**Contact: Ian Smith Personnel Officer**

**Email: [ian.smith@ashford.gov.uk](mailto:ian.smith@ashford.gov.uk)**

**Tel: 01233 330411**

23 June 2015

## **Introduction to Overview and Scrutiny, Future Reviews and Report Tracker**

### **Introduction**

1. This is the first meeting of the new Overview and Scrutiny Committee following the May elections. The membership of the Committee has been reduced from 16 Members to 12 Members from the start of this Municipal Year following a suggestion from the Leader of the Council who considered that by reducing the number of members it would enable the Committee to operate more akin to the Government Select Committee arrangements when undertaking its scrutiny role. This will also enable the whole committee to meet around the oval table in the Council Chamber and therefore aid discussion.
2. Attached as an appendix to this report is a copy of the Overview and Scrutiny Procedure Rules from the Council's Constitution. These rules explain the role of the committee in terms of setting its own work programme and also sets out in detail how the Call-In process works by which the Chairman and any two members of the committee or a minimum of five members of the committee can call-in a decision of the Cabinet before it can be implemented. From reading the Annual Report 2014/15 earlier on in this agenda Members can see the nature of the various topics scrutinised by the committee over the past year together with information regarding the one item which was subject to Call-in.
3. The Chairman and three other Members of this Committee and four non committee Members were able to attend the Overview and Scrutiny Training session on Friday 5 June 2015 which was well received. Members of the Committee who were unable to attend the training have been supplied with a copy of the slides and other presentational material used on the day.

### **Future Meeting Arrangements**

4. Meetings of the Committee have traditionally been held at 7.00pm and dates are set for the whole of the Municipal Year. As external witnesses and indeed Officers from the Council are required to attend meetings the Chairman wishes to seek the Committees views on whether they would be supportive of the meetings being held during the day, in either the morning or the afternoon. If the Committee is

mindful to agree to the Chairman's suggestion suitable times can be identified for the meetings and Members advised accordingly.

5. In terms of the programmed meeting dates for the year, the committee was next due to meet on 28 July 2015, however the Chairman has agreed to bring this forward a week to Tuesday 21 July 2015 to take account of the start of the school holiday period.
6. The dates for the rest of the year are: 25 August; 22 September, 27 October; 24 November; 15 December 2015; 26 January, 23 February; 22 March and 26 April 2016.

### **Future Reviews and Report Tracker**

7. The current Year Plan for 2015/16 and the report tracker is attached to this report. The Committee is asked to consider whether there are any items they wish to suggest that the Committee considers for review as part of its 2015/16 work programme, or if there are any items on the current list that they would prefer not to be carried forward.
8. The Committee will need to agree any items put forward for review.
9. If Members wish to make any suggestions for review following the meeting these can be sent to Keith Fearon who will liaise with the Chairman and present them to a future meeting for consideration by the whole committee.

### **Recommendations**

**The Committee has asked to consider:-**

- **Whether the committee should change the times of its meetings to during the day or to continue to meet at 7.00pm.**
- **To agree the change of date of the July meeting from 28 July to 21 July.**
- **Items for future review or report and whether any items on the existing tracker should be deleted.**

Keith Fearon  
Member Services and Scrutiny Manager  
01233 330564 keith.fearon@ashford.gov.uk



## Year Plan 2015/16

Month	items	Task Group
June	O&S Annual Report 2015/15 Sickness and Absenteeism Annual Report	
July	Formation of Budget Scrutiny Task Group Annual Report on the Housing Framework	
August		
September	3 Year Review of Mayoralty ABC Business Plan Performance Report International House – report on full years trading Disabled Adaptions	
October		
November	ABC Business Plan Performance Report	
December		<b>Council's draft 2016/17 budget - Budget Scrutiny TG meetings</b>
January	Budget Scrutiny Report	<b>Budget Scrutiny TG meetings</b>
February	ABC Business Plan Performance Report Community Safety Partnership – Annual Update	
March		
April		
May	ABC Business Plan Performance Report	

## O&S Committee – Report Tracker – Current position

Minute No.	Report Title	Officer	Date due	Current position	Recommended action
405/04/14	Overview and	Member Services	May/June	On the agenda for June 2015	Timetable for

	Scrutiny Annual Report	and Scrutiny Manager	2015		May/June each year
142/09/12	O&S Review of Mayoralty – Further Review - 2015	Member Services and Scrutiny Manager	Sept 2015	In 2010 the O&S Task examined the Mayoralty and put forward changes to make savings in line with Business Plan at that time. The operation of the service following the changes was reviewed in September 2012. A further review was requested in 3 years.	
431/04/12	ABC Business Plan performance reports – 2013/14	Policy & Performance Officer	Sept/Nov/ Feb/ May	The report comes before the O&S Committee following consideration by the Cabinet.	
398/03/13	Refurbishment of the Stour Centre	TBA	TBA	Final Report from Task Group to be presented to O&S	
367/02/15	Community Safety Partnership – annual update	Health, Parking & Community Safety Manager	February 2016	Annual update for the Committee in fulfilling its Crime and Disorder responsibilities	
216/11/13	Council play parks	TBA	TBA	Awaiting confirmation of date of report	
102/07/14	Annual report on Housing Framework	Housing Strategy Manager/Head of Housing	July 2015	Report will be on the agenda for the July meeting.	

103/07/14	Sickness and Absenteeism – annual report	Head of Personnel & development	June/July 2015	Report on agenda for June meeting.	
301/12/14	Disabled Adaptations	Head of Communities and Housing	September 2015	Report to include the current policy, scheduled programme of works, spending for the last two years and planned spend and benchmarking against other authorities.	
413/3/15	Report of Budget Scrutiny Task Group on HRA Business Plan – Universal Credit	Head of Communities and Housing	September 2016	The O&S Committee wishes to have an update report on the roll out of Universal Credit.	
414/3/15	Purchase of Commercial Property – International House – Update report	Head of Communities and Housing	September 2015	O&S requested a further report when the full years trading figures are available.	

## **Overview and Scrutiny Procedure Rules**

Part 4  
Rules of Procedure -  
Overview and Scrutiny Procedure Rules

## **Overview and Scrutiny Procedure Rules**

### **1. What will be the Number and Arrangements for Overview and Scrutiny Committees?**

The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint to them, as it considers appropriate from time to time. Such Committees may appoint Sub-Committees and Task Groups (Minute No. 568/5/04, 54/6/04 and 602/5/08). Overview and Scrutiny Task Groups and Sub-Committees may be appointed for a fixed period, on the expiry of which they shall cease to exist.

The Overview and Scrutiny Committees appointed by the Council will perform all Overview and Scrutiny functions on behalf of the Council. The number of Members of each Overview and Scrutiny Committee will be set out in the terms of reference as contained in Part 3 of this Constitution. Overview and Scrutiny Committees and Sub-Committees may appoint co-optees.

Task Groups will comprise between five and seven Members from the Overview and Scrutiny Committee, selected on the basis of their expertise in a particular area. The Task Groups will be established for a specific purpose and will be disbanded once the task has been completed. There is a presumption that the Task Groups are 'open meetings' unless discussing subjects that would not be open to the press and public if being discussed in a Committee (exempt).

### **2. Who may Sit on Overview and Scrutiny Committees?**

All Councillors except Members of the Cabinet (Executive) may be Members of an Overview and Scrutiny Committee. No Member may, however, be involved in scrutinising a decision in which s/he has been directly involved.

### **3. Co-optees**

Each Overview and Scrutiny Committee or Sub-Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees as it considers appropriate. When acting as the Crime and Disorder Committee additional non voting members may be co-opted to serve on the Committee in accordance with the Regulations.

### **4. Meetings of the Overview and Scrutiny Committees**

The Overview and Scrutiny Committee will hold at least six ordinary meetings in each year and shall carry out its function as the Crime and Disorder Committee at no less than one meeting in every 12 month period. In addition, extraordinary meetings may be called from time to time as and

Part 4  
Rules of Procedure -  
Overview and Scrutiny Procedure Rules

when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman and two Members of the Overview and Scrutiny Committee, or by a minimum of five Members of the Overview and Scrutiny Committee. The Proper Officer may also call a meeting of an Overview and Scrutiny Committee if s/he considers it necessary or appropriate.

5. **Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out in the Terms of Reference of the individual Committees and Sub-Committees as appended to the General Procedure Rules in Part 4 of this Constitution.

6. **Who Chairs Overview and Scrutiny Committee Meetings?**

The Chairman and Vice Chairman of the Overview and Scrutiny Committee shall be appointed by the Full Council at its Annual Meeting as detailed in the General Procedure Rules.

7. **Work Programme**

The Overview and Scrutiny Committee will be responsible for setting their own work programme and in doing so they shall take into account the wishes of all Members on the Committee.

8. **Agenda Items**

Any Member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Proper Officer that he wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

Furthermore, Councillors are entitled to give notice to the Proper Officer that they wish an item relating to their Ward, which is relevant to the functions of the Overview and Scrutiny Committee of which they are not a Member, to be included on the Agenda for the next available Meeting of the Overview and Scrutiny Committee as a Councillor Call for Action (CCfA). On receipt of such a request the Chairman of the Overview and Scrutiny and Proper Officer (Head of Legal and Democratic Services) will determine whether to take the CCfA forward. If it is agreed that the item is to be progressed then the Proper Officer will ensure it is included on the next available Agenda in accordance with the CCfA protocol. In putting forward such a request the Councillor must have regard to the CCfA protocol (Appendix A(i), attached to the Overview and Scrutiny Procedure Rules) and government guidance. The Councillor concerned will be able to make representation to the Committee when it considers whether to take the item further. If the matter is a Crime and Disorder issue,

responsible authorities (Crime and Disorder Reduction Partnership Members) must be notified by the Proper Officer. (See Appendix A(ii): Additional Procedure Rules of the Overview and Scrutiny Committee when acting as the Crime and Disorder Committee).

The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet (Executive) to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet (Executive) and/or the Full Council. The Full Council and/or the Cabinet (Executive) shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

## 9. Policy Review and Development

- (a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee or Sub-Committees may make proposals to the Cabinet (Executive) for developments in so far as they relate to matters within their terms of reference.
- (c) The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## 10. Reports from the Overview and Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet (Executive) (if the proposals are consistent with the existing budgetary and Policy Framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).



- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet (Executive) as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet (Executive) with the majority report.
- (c) The Council or Cabinet (Executive) shall consider the report of the Overview and Scrutiny Committee within one month of it being submitted to the Proper Officer.

**11. Making Sure that Overview and Scrutiny Reports are Considered by the Cabinet (Executive)**

- (a) Once an Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Cabinet (Executive) and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the Proper Officer refers the matter to Council, he will also serve a copy on the Leader with notice that the matter is to be referred to Council. From the date of receipt of the report by the Leader, the Cabinet (Executive) will have four weeks in which to respond to the Overview and Scrutiny report, and the Council shall not consider it within that period unless not to do so, (and the Cabinet's (Executive) response is available earlier) would adversely affect the Council's budget setting timetable. When convened five clear days notice of the Extraordinary Meeting of the Council will be given pursuant to Rule 6 of the General Procedure Rules. When the Council does meet to consider any referral from an Overview and Scrutiny Committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the Cabinet (Executive) to the Overview and Scrutiny proposals.
- (b) Where an Overview and Scrutiny Committee or Sub-Committee prepares a report for consideration by the Cabinet (Executive) in relation to a matter where the Leader or Council has delegated decision making power to another individual Member of the Cabinet (Executive), then the Overview and Scrutiny Committee will submit a copy of their report to that individual for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Proper Officer and the Leader. If the Member with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee then s/he must refer the matter to the next available meeting of the Cabinet (Executive) for debate before exercising his decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Cabinet (Executive) Member to whom the decision making power has been delegated

will respond to the Overview and Scrutiny Committee within four weeks of receiving it. A copy of his written response to it shall be sent to the Proper Officer and the Cabinet (Executive) Member will attend a future meeting of the Overview and Scrutiny Committee to respond.

- (c) Reports may be submitted by an Overview and Scrutiny Committee to the Cabinet (Executive) under this section as necessary.
- (d) The Overview and Scrutiny Committee will in any event have access to the Cabinet's (Executive) Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Cabinet's (Executive) consultation process in relation to any key decision.

## 12. **Rights of Overview and Scrutiny Committee Members to Documents**

- (a) In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet (Executive) and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

## 13. **Members and Officers Giving Account**

- (a) Any Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet (Executive), the Head of Paid Service, Head of Service or other members of staff on Ashford Management Grade 8 or above to attend before it to explain in relation to matters within their remit.
  - (i) any particular decision or series of decisions;
  - (ii) the extent to which the actions taken implement Council policy; and/or
  - (iii) their performance.

and it is the duty of those persons to attend if so required.

- (b) Where any Member or Officer is required to attend an Overview and Scrutiny Committee under this provision, the chairman of that Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing giving at least five working days notice of the meeting at which s/he is required to attend. The notice will state the nature of the item on which he is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Member or Officer arrange an alternative date for attendance, to take place within a maximum of twenty one days from the date of the original request.

**NB:** Council employees below Management Grade 8, may be invited to attend but may not be required to attend.

#### 14. **Attendance by Others**

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend. Attendance is entirely optional.

#### 15. **Call-In**

- (a) When a decision is made by the Cabinet (Executive) or an individual Member of the Cabinet (Executive) or a Committee of the Cabinet (Executive), or a key decision is made by an Officer with delegated authority from the Cabinet (Executive), or an Area Committee or under Joint Arrangements, the decision shall be published and shall be available at the main offices of the Council in hard copy and on the website normally within 3 working days of being made.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless an Overview and Scrutiny Committee objects to it and calls it in.

- (c) During that period, the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by the Chairman of that Committee and two other Members or any five Members of the Overview and Scrutiny Committee, and shall then notify the decision-taker of the call-in. He shall call a meeting of the appropriate Overview and Scrutiny Committee on such date as he may determine, where possible after consultation with the Chairman of that Committee, and in any case within 5 days of the decision to call-in. Five clear working days notice of the meeting must be given.
- (d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision maker they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision (which shall not be subject to call-in).
- (e) If following an objection to the Cabinet (Executive) decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting or at the expiry of that further five working day period from the decision to call in the matter.
- (f) If the matter is referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. If the Council does object, however, it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet (Executive) as a whole or a Committee of it, a meeting of the Cabinet (Executive) or the Cabinet (Executive) Committee as the case may be will be convened to reconsider the original decision within five working days of the Council request. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of

Part 4  
Rules of Procedure -  
Overview and Scrutiny Procedure Rules

the period in which the Council meeting should have been held, whichever is the earlier.

- (h) Where an executive decision has been taken by an Area Committee, then the right of call-in shall extend to a group of at least half the total number of voting Members of another Area Committee if they are of the opinion that the decision, made but not implemented, will have an adverse effect on the area to which their Committee relates. In such cases, those Members may request the Proper Officer to call-in the decision. He shall call a meeting of the Overview and Scrutiny Committee on such a date as he may determine, where possible after consultation with the Chairman of the Committee, and in any case within five days of the decision to call-in. All other provisions relating to call-in shall apply as if the call-in had been exercised by Members of the Overview and Scrutiny Committee.

### Exceptions

- (i) The Council has not adopted a procedure to avoid abuse of the 'call-in system' but will monitor its operation with a view to adopting a control procedure if the call-in provision is abused to the extent that it prevents the effective operation of the Cabinet (Executive)
- (j) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet (Executive) is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Overview and Scrutiny Committee, the Mayor will be asked if s/he considers the decision urgent. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Proper Officer or his nominee's consent shall be required, and in the absence of the Overview and Scrutiny Chairman, his nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (k) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## 16. The Party Whip

The Party Whip is defined as follows:

**“Any instruction given by or on behalf of a political group to any Councillor who is a Member of that Group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the Group in respect of that Councillor should s/he speak or vote in any particular manner”.**

When considering any matter in respect of which a Member of an Overview and Scrutiny Committee is subject to a party whip, the Member must declare the existence of the whip, and the nature of it before the commencement of the committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## 17. Procedure at Overview and Scrutiny Committee Meetings

- (a) Overview and Scrutiny Committees and Sub-Committees shall consider the following business:
  - (i) Minutes of the last meeting;
  - (ii) Declarations of Interest (including whipping declarations);
  - (iii) Consideration of any matter referred to the Committee for a decision in relation to call-in of a decision made by the Cabinet (Executive);
  - (iv) Responses of the Cabinet (Executive) to reports of the Overview and Scrutiny Committee; and
  - (v) The business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (eg with a view to policy development) the Committee may ask people to attend to give evidence. Such meetings are to be conducted in accordance with the following principles:
  - (i) the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) those assisting the committee by giving evidence be treated with respect and courtesy; and

- (iii) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee or Sub-Committee shall prepare a report, for submission to the Cabinet (Executive) and/or the Council as appropriate, and shall make its report and findings public.

18. **Matters Within the Remit of More than One Overview and Scrutiny Committee**

- (a) If the Council constitutes more than one Overview and Scrutiny Committee the following paragraph details how matters falling within the remit of more than one Committee should be dealt with.
- (b) Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee, before submitting its findings to the Cabinet (Executive) and/or the Council for consideration, the report of the reviewing Overview and Scrutiny Committee shall be submitted to the other Overview and Scrutiny Committees for comment. That Committee's comments shall be incorporated into the report which is then referred back to the other Overview and Scrutiny Committee for consideration.