



DISTRICT COUNCIL

Despatched: 24.09.14

SCRUTINY COMMITTEE

02 October 2014 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. London Vice-Chairman: Cllr. Brown

Cllrs. Mrs. Bracken, Brookbank, Davison, Grint, Neal, Orridge, Pett, Underwood and Walshe

	<u>Pages</u>	<u>Contact</u>
Apologies for Absence		
1. Minutes To approve the Minutes of the meeting of the Committee held on 15 July 2014, as a correct record.	(Pages 1 - 6)	
2. Declarations of Interest Any declarations not already registered		
3. Responses of the Cabinet to reports of the Scrutiny Committee a) Performance Monitoring (Minute 6 , Scrutiny Committee – 15 July 2014) (Cabinet – 17 July 2014)	(Pages 7 - 8)	
4. Actions from the last meeting of the Committee	(Pages 9 - 10)	
5. In-depth Scrutiny - Report of the Leisure Working Group		
6. Sencio Community Leisure Jane Parish, Chief Executive of Sencio Community Leisure, attending to answer questions		
7. Questions to the Portfolio Holder for Strategy & Performance	(Pages 11 - 12)	Councillor Peter Fleming Tel: 01732 227180
8. Questions to the Portfolio Holder for Finance & Resources	(Pages 13 - 14)	Councillor Brian Ramsay
9. Scrutiny Committee's Terms of Reference, Role and Powers	(Pages 15 - 20)	Christine Nuttall Tel: 01732 227245

10. **Performance Monitoring**

(Pages 21 - 30)

Lee Banks
Tel: 01732 227161

11. **Work Plan**

(Pages 31 - 32)

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

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The Democratic Services Team (01732 227241)

SCRUTINY COMMITTEE

Minutes of the meeting held on 15 July 2014 commencing at 7.00 pm

Present: Cllr. London (Chairman)

Cllr. Brown (Vice-Chairman)

Cllrs. Brookbank, Davison, Grint, Neal, Orridge, Pett and Underwood

Apologies for absence were received from Cllrs. Walshe

Cllrs. Mrs. Hunter and Ms. Lowe were also present.

CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded all Council Members that they could request that items be considered by the Scrutiny Committee under the Councillor Call for Action, however that Member would be responsible for presenting it to the Committee and for supporting any follow-up actions taken. The Committee would be considering the process behind any decisions taken and the impact the decision had.

He had asked Officers to prepare a report clarifying the role the Committee had in examining Cabinet decisions.

Quasi-judicial decisions would not be considered, though the processes behind them may be.

1. Minutes

Resolved: That the Minutes of the meeting of the Scrutiny Committee held on 2 April 2014, be approved and signed by the Chairman as a correct record.

2. Declarations of Interest

Cllr. Orridge declared in relation to Minute Item 5 that he was a Member of Edenbridge Town Council, as registered, who were trustees of the Edenbridge and Westerham Citizens Advice Bureau.

3. Responses of the Cabinet to reports of the Scrutiny Committee

There were none.

4. Actions from the last meeting of the Committee

Members noted the Officers' responses to the actions.

The Committee requested further information on the outcome of planning appeals to understand the proportion of appeals upheld where Members had overturned the Officer

recommendation and how this compared to Officer recommendations and Officer delegated decisions.

Action 1: Officers to provide further information on the proportion of Member and Officer planning decisions overturned on appeal.

5. Citizens Advice Bureaux

The Chairman welcomed Martin Wells and Angela Newey, Chairman and Manager at Sevenoaks & Swanley Citizens Advice Bureau (CAB), and Mike Musgrove and Jill Eyre, Director and Manager at Edenbridge & Westerham CAB. Martin Wells gave a presentation on behalf of both bureaux. He emphasised that the two bureaux worked closely together and with Gravesham and Tonbridge and Malling bureaux to reduce costs. As they provided a wide range of services the CABx could provide holistic solutions to customers for any underlying problems they faced. He believed that the CABx provided a £500,000 yearly return to the District from the investment the Council put in. The CABx had a 90% success rate in cases they took to tribunals.

The representatives of the CABx responded to Members questions.

The Vice-Chairman enquired whether they had relationships with local law faculties to bring law students in as volunteers and whether the increase in fees for employment tribunals had a significant impact on the number of cases taken forward. Angela Newey considered that a link with law students would be very helpful but most sought experience in east London or other perceived-challenging areas. The number of employment tribunal cases had fallen as the CABx could provide advice but not the fees.

A Member asked what trends the CABx noticed in their work and whether outreach offices stretched their resources. Jill Eyre advised there was an increase in work around medical assessments for the Employment and Support Allowance. Outreach offices were principally set up using Big Lottery funding but the CABx hoped to make the offices sustainable by eventually using only volunteer staff in them.

Another Member asked whether the move of the Swanley office to the Swanley Gateway would remove some pressures as voluntary groups would be acting together. Martin Wells advised that the existing building was shared by the DWP and the Swanley Foodbank, but this move would create further opportunities. Almost all customers were given a telephone appointment before meeting with an advisor and so also this reduced pressures on the first contact meeting.

Martin Wells had calculated as £23 the cost of the CABx per customer, excluding any monies spent on capital expenditure.

Some Members asked about comparisons between their service and the Council's HERO project. Martin Wells thought there were some overlaps between the services but they continued to work closely with the HERO project. The representatives added that the CAB trained advisors for six to nine months and the CABx were audited every three years to ensure they met national CAB standards.

A Member asked what joint working the Swanley office did with the Dartford CAB. Martin Wells saw the benefits of Gravesham, Dartford and Swanley offices working closely and

the improved performance of the Gravesham branch allowed them to contribute more to the customers in Swanley.

The representatives commented that if grants or donations were reduced then this would negatively impact service. However closure was not an option but there would need to be changes to staff structures including a reduction in staffing numbers which would result in fewer services being delivered. The service could apply for specific project funding but the core funding, as provided by the Council, was essential.

A Member asked what the criteria were when deciding where and when to deliver new outreach sites. Cost and locations based on need were always a priority and the availability of suitable community venues. Recently the CABx had been offered the library in Hartley on Mondays and had been in discussions with Westerham Town Council to move back to the town later in the year.

Martin Wells clarified the benefits from the CABx joining the national umbrella, including the brand, the IT systems and regular advice updates. Occasionally the national organisation failed to meet expectations, such as the Advice Line telephone service, which the bureaux replaced by using the same system as the Tonbridge branch.

The Vice-Chairman asked whether solicitors provided pro-bono assistance to the CABx. He was advised that Sevenoaks had relationships with firms who rotated every two weeks across the year.

The Chairman thanked the CAB representatives for attending the Committee.

6. Performance Monitoring

Members considered a report which summarised performance across the Council to the end of May 2014. Members were asked to consider three performance indicators which were performing 10% or more below their target with a commentary from Officers explaining the reasons and detailing any plans to improve performance. If actions taken were not deemed sufficient, the report recommended referring those indicators to Cabinet for further assessment.

The Committee noted that 73.6% of planning applications had been validated within 5 days in the period of April and May 2014, although the target was 87.5%. It was likely the significant increase in major planning applications received and the imminent introduction of the Community Infrastructure Levy were having a short term impact on performance. It was thought that an increase in major applications could have an impact upon the rest of the service. The Committee had concerns at the performance and wanted Cabinet to consider, in the context of reduced resources across the Council, what resources were available to deal with any increases in the number of applications, particularly major applications.

Resolved: That the Committee's concerns with LPI DC 001 be referred to Cabinet and that Cabinet be asked to consider what resources were available to deal with any increases in the number of planning applications, particularly major planning applications.

7. Reconstitution of Leisure In-Depth Scrutiny Working Group

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Scrutiny Committee - 15 July 2014

The Committee reviewed the Leisure in-depth scrutiny working group, its terms of reference and membership and whether it should be reconstituted for the present municipal year.

The Health and Community Services Manager updated the Committee on the progress of the working group. It had met twice, focussing on customer service, value for money and the Council's relationship with Sencio. They had been provided with financial and performance data (including the Council's asset maintenance costs), centre usage, membership retention and benchmarking across Kent.

The Chairman advised that Cllrs. Gaywood and Mrs. Morris were prepared to remain on the working group.

The Committee agreed it should continue and build on the work of the working group but should focus more on the question of value for money including whether alternative, private sector provision could provide services for a lower cost to the Council and the customer.

Resolved: That

- a) the following be added to the terms of reference of the Leisure In-Depth Scrutiny Working Group which are otherwise reconfirmed:

“vi) in the context of value for money to look at alternative provision by private providers”;

- b) Cllrs. Gaywood, Grint, Mrs. Morris and Pett be appointed members of the Working Group; and
- c) Cllr. Pett be appointed Chairman of the Working Group

8. Establishment of a Member Budget In-Depth Scrutiny Working Group

Members considered a report of the Chief Finance Officer which asked them to consider the constitution of a Budget Working Group to allow in-depth scrutiny of the budget decision making. The report advised that the Working Group would need to report by September 2014 in order to feed into the next budget setting process.

The Committee felt that there were sufficient other Committees who were already due to consider the substance of the budget. They also felt there were no identified deficiencies in the budget setting process which required in-depth scrutiny.

Resolved: That no Member Budget Working Group be set up.

9. Questions to the Portfolio Holder for Housing and Community Safety

The Portfolio Holder for Housing, Welfare and Community Safety presented a report on the successes and challenges facing her Portfolio. She added that the HERO project did not have a significant overlap with CABx. HERO officers focussed on finding appropriate types of housing and built close and trusting relationships with customers. HERO officers

referred customers to a CAB when appropriate. The HERO Project was an externally funded Council run project and may in future generate income for the Council.

The Vice-Chairman raised concerns at a clause put into the section 106 agreement for the West Kent Cold Store development where the developers could reduce the provision of affordable housing as it only had to be provided if able to be built at a fixed cost. The Portfolio Holder assured the Committee that such clauses would not be inserted into section 106 agreements in future.

The Chairman of the Audit Committee asked whether the Portfolio Holder was content all was being done to recover monies lost by fraud. She was concerned that the move to the Single Fraud Investigation Service would lose local knowledge. Fraud matters would likely move to the Finance and Resources Portfolio soon. Cllr. Firth was investigating whether funding for fraud services could be received from Kent County Council, Police and Fire & Rescue Service as they were major recipients of monies recovered from council tax fraud. The Anti-Fraud Team had discovered £288,000 of overpaid Housing Benefit, Council Tax Benefit and Council Tax Support in 2013/14, of which £135,000 was recovered in the year.

Action 2: The Committee to be provided with the number of customers the HERO Officers have seen in a year together with the relevant incomes and expenditures and therefore the cost per customer of the service.

A Member asked whether the Council had any landlord regulation schemes given a recent incident in Swanley. The Housing Policy Manager advised that HMOs were licensed but only large local authorities, particularly in London, had extended regulation to all landlords. The Portfolio Holder added that the Council operated a tenant accreditation scheme, so that landlords would be more willing to accept tenants on benefits who had a good record of making payments.

Action 3: Information on the Swanley property to be circulated to Members of the Committee, including its compliance with fire safety and development control.

A Member indicated that Community Safety meetings should be held more often within the community itself rather than in Council offices, to allow the public more confidence in the system and allow more people to attend.

Responding to a question the Portfolio Holder confirmed that it continued to be difficult to recruit staff for the Benefits Team due to the introduction of the Universal Credit system in the near future. The service was continuing at a level of under-staffing.

10. Work Plan

Members were asked by the Chairman to consider items which may require scrutiny. The Committee agreed that a working group be established to consider the investment strategy in property assets. The Committee noted that the investment strategy had only recently been approved by Cabinet and so the working group would need to clarify its terms of reference in due course, once more information was available. The working group was to provide an initial report to the meeting of the Committee on 2 October 2014.

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Scrutiny Committee - 15 July 2014

The Committee agreed to invite Ian Ayres of the West Kent Clinical Commissioning Group to the meeting of the Committee on 20 November 2014. County Councillor Gough should be invited to a future meeting in his role as Cabinet Member for Education & Health Reform to discuss school provision in the District, together with County Councillor Mrs. Crabtree.

Resolved: That

- a) an in depth scrutiny Members' working group be set up to consider the investment strategy in property assets;
- b) the working group be Chaired by Cllr. Davison and to include Cllrs. Brookbank and Underwood; and
- c) the terms of reference for the working group be drafted by the working group and confirmed by the Chairman and Vice Chairman of the Committee.

THE MEETING WAS CONCLUDED AT 9.25 PM

CHAIRMAN

RESPONSES OF THE CABINET TO REPORTS OF THE SCRUTINY COMMITTEE

**a) Performance Monitoring (Minute 6 , Scrutiny Committee – 15 July 2014)
(Cabinet – 17 July 2014, Minute 17)**

Scrutiny Committee referred their concerns with LPI DC 001 requesting that Cabinet consider what resources were available to deal with any increases in the number of planning applications, particularly major planning applications.

The Portfolio Holder for Local Planning and Environment advised that there had been more major planning applications than normal for this time of the year, partly as a result of applications attempting to be in before the Community Infrastructure Levy (CIL) came in. The Chief Planning Officer had advised him that the figure validating planning applications within 5 days for June had been 91% and July were already at 90%, which was above target.

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ACTIONS FROM THE MEETING HELD ON 15.07.14			
Action	Description	Status and last updated	Contact Officer
ACTION 1	Officers to provide further information on the proportion of Member and Officer planning decisions overturned on appeal. (Minute Item 4)	Information as attached as on 19.09.2014.	Alan Dyer 01732 227196
ACTION 2	The Committee to be provided with the number of customers the HERO Officers have seen in a year together with the relevant incomes and expenditures and therefore the cost per customer of the service. (Minute Item 9)	Email sent to Members of the Committee on 23.07.2014.	Pat Smith 01732 227355
ACTION 3	Information on the Swanley property to be circulated to Members of the Committee, including its compliance with fire safety and development control. (Minute Item 9)	Email sent to Members of the Committee on 16.07.2014.	Lesley Bowles 01732 227430

Action 1

Appeal decisions for the year to date (01/04 to 19/09) are as follows:

46 decisions, 13 allowed and 33 dismissed. Success rate of 72% (or 80% if five allowed Member overturns are excluded). Performance is just below the 75% target but above target if the overturns are excluded.

	Allowed	%	Dismissed	%	Total
All decisions	13	28	33	72	46
Delegated	7	17	33	83	40
Committee	6	100	0	0	6

There were six appeal decisions on applications determined by Committee all of which were allowed. Five of these were Member overturns and one was in accordance with an Officer recommendation to refuse.

In 2013/4 the overall appeals success rate was 58% dismissed which was disappointing but performance has since improved. The success rate on all applications determined by the Committee was 45% and the success rate on Member overturns was 44%.

Strategy & Performance Portfolio Report

Buckhurst 2.

Planning application is in.

Trading Company

Work is progressing

Communications Group

Work progressing on a number of fronts

Communications strategy and 2013/14

In place

Sevenoaks Switch & Save

Launched

Annual Complaint Monitoring 2013/14

Good news

Customer Experience Project

On going

Performance Indicators & Targets for 2014/15

In place

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Update from Portfolio Holder to the Finance & Resources Advisory Committee – 3 June 2014

The Chairman and Portfolio Holder for Finance and Resources welcomed new Members of the Committee. In the forthcoming year Cllr Scholey would focus on matters of IT, Facilities and Property and Cllr. Firth would have a particular role in the possible formation of a Council trading company and its structure. The Council had recently hired E C Harris to advise on the experience of other local authorities' trading companies. Together all three Councillors would consider property acquisitions and sales matters. For those parcels of land identified for possible disposal and presented to the Committee on 26 March 2014, consultants had since been asked to consider options for utilisation or disposal.

The Chairman was thankful that since 2009 his proposals for a slimmer Council had mostly been adopted as had his proposal for Deputy Portfolio Holders and for shorter, informal meetings between the Cabinet and senior Officers. The number of projects the Council was considering had been reduced from 20 to 10 and together these projects would help reduce the Council's dependence on grants from central government. It was hoped that, subject to approval, construction of a decked Buckhurst 2 car park could begin in January 2015.

Update from Portfolio Holder to the Finance & Resources Advisory Committee – 2 September 2014

The Chairman, and Portfolio Holder for Finance and Resources, updated the Committee on his work since the previous meeting of the Advisory Committee listed below:

- The planning application for the Buckhurst 2 car park proposal had been submitted and was due to be considered at the Development Control Committee on 6 November 2014. If approved the funding proposal would be brought to this committee on 11 November 2014.
- Dependant on any decision as to the use of land at Timberden Farm at Cabinet on 11 September 2014, it was planned to sell the land in lots.
- Meeting Point had been given notice to quit by 30 September 2014. No offers had been made for the building under the community right to buy scheme. Consideration was being given to applying for outline planning permission for retail offices on the ground floor and residential above in order to enhance the resaleable value.
- He had recently taken a Portfolio Holder decision to endorse the leasehold acquisition of the car park in London Road, Sevenoaks, adjacent to the new Marks & Spencer's store for operation of the pay and display car park. In response to a question he advised that the Council would be liable for any repairs under the lease, and the projected income was deemed sufficient
- The Statement of Accounts would be considered by the Audit Committee on 9 September 2014, he had sat in on the Committee's working group who had been reviewing the 2013/14 Draft Statement of Accounts.
- The main contractor and electrical consultants had been appointed for the new generator which would hopefully be installed within the next 6 months. The old generator would be put to use at Dunbrik.

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SCRUTINY COMMITTEE'S TERMS OF REFERENCE, ROLE AND POWERS

Scrutiny Committee – 2 October 2014

Report of Chief Officer Legal and Governance

Status: For information

Key Decision: No

Executive Summary: The report sets out the roles and powers of the Scrutiny Committee, taking into account its powers under the Local Government Act 2000 and the Council's Constitution.

Contact Officer(s) Christine Nuttall (Ext. 7245)

Recommendation to Scrutiny Committee:

That the report be noted.

Introduction and Background

- 1 Prior to 2000, decisions in all English local authorities were taken through council committees. These committees were governed by the Local Government Act 1972 and had power delegated to them directly from Full Council and also had power to arrange the discharge of their functions through sub-committees or officers.
- 2 The Local Government Act 2000 gave effect to the Government's plans to change the way that local authorities made decisions. The central feature of the new system was a division between executive elected members, who would make decisions and non-executive elected members who would scrutinise those decisions. The aim of separating the roles of executive and non-executive elected members was to improve efficiency, transparency and accountability.

A Summary of the Role and Powers of Scrutiny

- 3 The various roles that the Committee can play are laid out in its terms of reference:
 - review and scrutinise decisions (whether made by Cabinet, Portfolio Holders, Officers, Council or Committees)
 - review performance
 - scrutinise other public bodies
 - raise important local matters

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- to oversee the Council's compliance with the Police and Justice Act 2006

It should be noted that the Scrutiny Committee can only influence before a decision is made by way of delaying the decision making process in relation to "key decisions" in order to allow Cabinet time for reflection. The Scrutiny Committee cannot delay the decision making process in relation to any other sorts of decision apart from scrutinising the process in which a decision was made in relation to future decisions.

- 4 The Committee has been given special powers to carry out its unique duties. These are laid out in the Committee's Procedure Rules:
 - any Member of the Committee may add items to the agenda;
 - "Councillor call for action" which allows any Councillor to raise an important local matter;
 - requesting witnesses from outside bodies, residents or stakeholders;
 - requiring members of the Cabinet, the Chief Executive or Senior Officers to attend to explain decisions, how policy is being followed, or performance;
 - powers to "call in" Key Decisions before they are implemented; and
 - their additional rights to see documents relating to Cabinet decisions.
- 5 As with all Committees, the Scrutiny Committee may establish a small Working Group to direct itself and focus on a particular issue, if necessary.
- 6 All of these powers can be used to help with any of the Committee's roles set out above.
- 7 The outcomes from Scrutiny may then be reported to Cabinet, Council or outside bodies as is appropriate.

Scrutiny's Main Role

- 8 The main role of Scrutiny is to hold the Cabinet to account and this is why members of the Cabinet may not sit on a Scrutiny Committee as the Scrutiny Committee needs to be entirely independent.
- 9 The Scrutiny Committee can require Cabinet Members, and senior officers to attend meetings. However, an overriding principle of effective good scrutiny is to provide a "critical friend" challenge to executive policy makers and decision makers. Any person asked to attend a Scrutiny meeting to give information should be treated with respect and courtesy and should be given at least 7 working days notice by the Chief Executive indicating the nature of the item on which he or she is required to attend to give an account and whether any papers are required to be produced for the Committee. Where the account to be given to the Scrutiny 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. It is important that Scrutiny should not act in an adversarial manner by placing Members and Officers under cross examination.

The Power of “Call In”

- 10 The Scrutiny Committee has the power to “call in” key decisions which have been taken but not yet implemented in accordance with Appendix C – Scrutiny Committee Procedure Rules.
- 11 “Call in” takes place where it is felt that flaws have been made in the decision making process or where a decision is wholly unreasonable. The only decisions that can be called in are “key decisions”, which must be listed on the Council’s Notice of Key Decisions. A “key decision” will involve expenditure of more than £50,000 and will significantly affect two or more wards.
- 12 However, the Scrutiny Committee has no formal powers to stop the Cabinet doing something or to make it do something, although Scrutiny is far from toothless and can delay the decision making process if a “key decision” is “called in” to enable further consideration of the decision. However, the “call in” process should only be used sparingly when it is felt that there is a real problem with the decision making process. Members should work to build positive relationships with the Cabinet and External Partners, and make recommendations clearly based on evidence, thereby acting as a constructive, critical friend who is able to apply significant influence.

The “Councillor Call for Action”

- 13 The Local Government and Public Involvement in Health Act 2007 includes powers that enable all Councillors to ask for discussions at Scrutiny on issues where local problems have arisen and other methods of resolution have been exhausted. Please refer to Appendix C of the Constitution – Scrutiny Committee Procedure Rules.

Police and Justice Act 2006

- 14 The Police and Justice Act 2006 contains provisions requiring every local authority to have a committee (the “Crime and Disorder Committee”) to review or scrutinise decisions and actions by responsible authorities in connection with their crime and disorder functions. The Scrutiny Committee is the committee responsible for exercising the District Council’s powers in relation to this legislation (scrutiny of crime and disorder matters). A popular misconception of the legislation is that it gives Councillors the power to scrutinise the police. This task rests with the Police and Crime Commissioner, who is held to account by a Police and Crime Panel. The Act enables local authorities to scrutinise the formulation and implementation of crime and disorder reduction strategies. The Act also allows Members to refer any “local crime and disorder matter” raised with them by anyone living or working in their ward to the Crime and Disorder Committee. The Crime and Disorder Committee may then make a report or recommendation with respect to it. There is also the Crime and Disorder Act 1998 which requires responsible authorities to act in co-operation with a range of other bodies and persons in formulating and implementing strategies and this authority is part of a Community Safety Partnership. Crime and Disorder Committees shall meet as often as they consider

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appropriate to discharge their 2006 Act powers but regulations require that they meet at least once every 12 months to do this.

Reviewing Decisions

- 15 As can be seen from the above the main purpose for Scrutiny Committees is to be a watchdog for the Council and to keep an eye on decisions made by Cabinet and Portfolio Holders, where it is a small number of Councillors making the decisions.
- 16 The Committee has the power to look at most decisions, whether made by Cabinet or Council. However, given the general purpose of Scrutiny Committees and that all Councillors get a say in decisions of full Council, it is common and best practice for Scrutiny Committees to overwhelmingly scrutinise Cabinet decisions.
- 17 There are some decisions it is inappropriate for a Scrutiny Committee to get involved with. The Committee should not:
 - get involved in quasi-judicial decision making (e.g. planning, licensing) (unless looking at a systemic failure);
 - become involved where there is a statutory appeal system;
 - become a forum for individual complaints or appeals against the Council; or
 - pre-empt consultations (though the Committee is entitled to feed into a consultation).

In Depth Scrutiny

- 18 The work plan for Scrutiny should be connected to the priorities of the council or local residents. The Council has produced “A Guide to In-Depth Scrutiny” copies of which will be circulated to the Committee as Members new to the Committee may not have been provided with a copy. The guidance recommends that the Scrutiny Committee should aim to keep its work programme to a manageable size and it is probably appropriate that the committee should undertake no more than three major reviews in a year.
- 19 In depth scrutiny is aimed to improve and promote the economic, social and environmental well-being of the District; help to improve the Council’s performance; enable the voice and concerns of the public to be heard and help the Council to deliver services which are sensitive to local needs by involving local people; ensure decision making is clear, transparent and accountable; be carried out by Councillors who lead and own the scrutiny process and aims to improve public services.
- 20 The Scrutiny Committee can look at cross-cutting themes and has the power to work with External Partners to tackle cross cutting issues, particularly where changes are proposed to services and where those changes might have a particular impact on the Council and its inhabitants.

- 21 Topics to scrutinise should be picked where they can add most value to the authority and the wider community. Suggestions for in depth scrutiny can be taken from a variety of sources for example:
- Discussions with senior officers and cabinet members
 - Any forward work plans
 - Evidence from peer reviews or inspections
 - Major national trends and their policies, and how they might affect local services
 - Demographic information
- 22 Unlike Cabinet and its Advisory Committees, the Scrutiny Committee does not have the same duties to manage the day-to-day running of the Council. Scrutiny can therefore run over a longer time-frame and focus on particular matters which the Committee has considered need attention. This may either be matters which they feel have been overlooked by Cabinet and its advisory Committees, or the Committee may take the opportunity to use its powers to bring in and question outside organisations.
- 23 In some Councils the entire Committee will consider a theme over a series of meetings, building on evidence from one meeting to the next. In others Working Groups may be charged with looking at a matter.
- 24 Many Councils now carry out the bulk of their detailed scrutiny work in informal, time-limited task groups. These can carry out investigations into issues, collecting evidence from a wide range of sources. They make recommendations which, through a Scrutiny Committee, are sent to the Council's Cabinet for consideration.
- 25 For Members' information the Centre for Public Scrutiny sets out matters that have been recently considered by other local authorities at www.cfps.org.uk/Library.
- 26 As with all Committees in the Council, it is recommended that the Committee does not overlap with the work other Committees carry out. The recent introduction of Advisory Committees for each Portfolio Holder at the Council means that policy development may sometimes take place in these forums.

Key Implications

Financial

There are none arising from this report.

Legal Implications and Risk Assessment Statement

There are none arising from this report.

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Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	This report is for information only
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		This does not apply

Conclusions

The Committee can play a wide role, particularly in holding the Cabinet to account, questioning the impact of decisions, assessing the Council's relationship with partner organisations and in taking on in-depth projects.

Background Papers:

[Local Government Act 2000](#)

[Modern Local Government: In touch with the people](#)

[Sevenoaks District Council Constitution – Part 5 – Scrutiny Function](#)

[Sevenoaks District Council – Appendix C – Scrutiny Committee Procedure Rules](#)

Christine Nuttall
Chief Officer for Legal and Governance

PERFORMANCE REPORT

Scrutiny Committee – 2 October 2014

Report of Chief Executive

Status: For Information

Key Decision: No

This report supports the Council Promise to provide value for money

Portfolio Holder Cllr. Peter Fleming

Contact Officer(s) Lee Banks (Ext. 7161)

Recommendation to Scrutiny Committee:

- (a) Members note the contents of the report; and
- (b) If Members are dissatisfied by actions being taken to improve performance by either Officers, Advisory Committee or Cabinet, they consider areas of underperformance for scrutiny.

Reason for recommendation: To ensure that areas of under performance within services are considered and reviewed by Members.

Introduction and Background

- 1 Scrutiny Committee have requested a regular update at each of their meetings of any performance indicators which are not meeting their target level. Attached to this short introduction paper is an exceptions report with a commentary from officers explaining the reasons why performance is not within 10% of target and detailing any actions the service is planning to take to improve performance levels.

Performance Overview

- 2 The table on the following page summarises the performance levels as at the end of July 2014.

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	Current Month	Year To Date
Red <i>10% or more below target</i>	8 (14.6%)	4 (7.3%)
Amber <i>Less than 10% below target</i>	7 (12.7%)	10 (18.2%)
Green <i>At or above target</i>	40 (72.7%)	41 (74.5%)

- 3 Provided as Appendix A to this report are details of the 9 indicators where performance is 'Red' and missing the target level by 10% or more.

Other Options Considered and/or Rejected

- 4 None.

Key Implications

Financial

- 5 Effective performance management monitoring arrangements will assist the Council in diverting resources to areas or services where it is considered to be a greater priority.

Legal Implications and Risk Assessment Statement.

- 6 Robust arrangements are in place to ensure that the risk of inaccurate data being reported to Members is minimised and assurance can be placed on the accuracy of data used to assess performance. By reporting to Members and ensuring all Members are able to access the Council's performance management system the risk of poor performance not being identified or addressed is minimised.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The report provides information on the performance of services. The way in which those services are delivered are subject to their own Equality Impact Assessments.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable.

Conclusions

8 This report to Members summarises performance across the Council to the end of July 2014. Members are asked to consider 9 performance indicators which are performing 10% or more below their target and if the actions being taken by officers are not deemed sufficient are recommended to refer those indicators to the Cabinet for further assessment.

Appendices

Appendix A – Performance Data


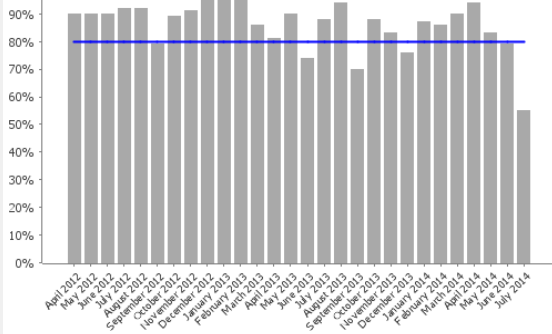


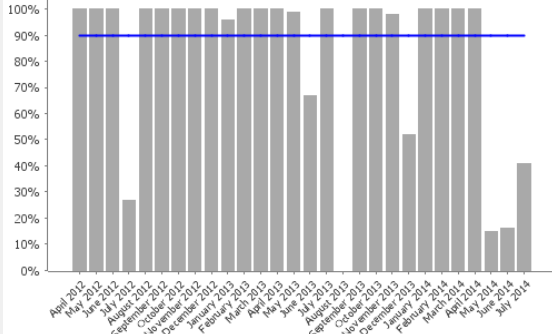

Background Papers:

None


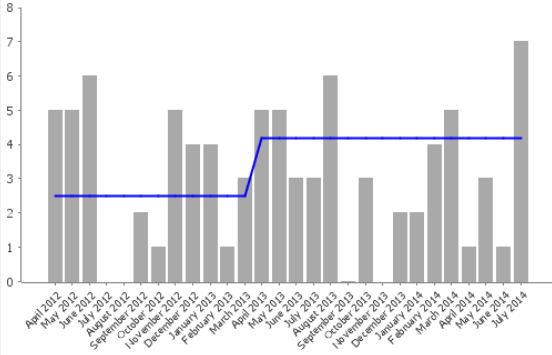


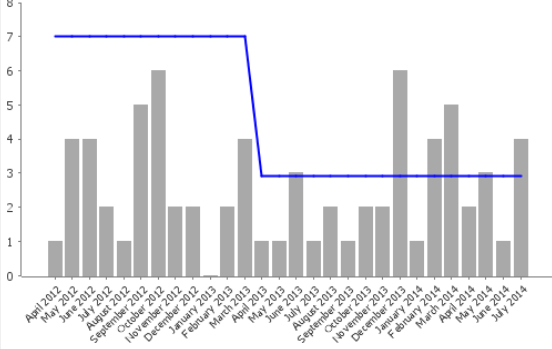

**Dr Pav Ramewal
Chief Executive**

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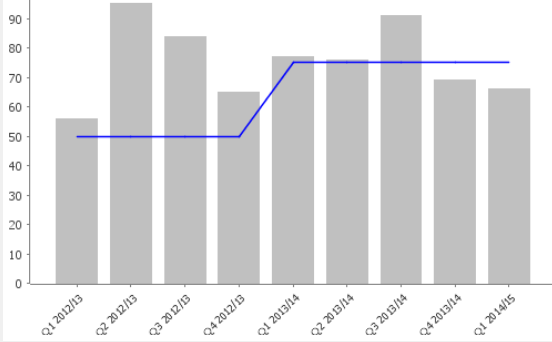


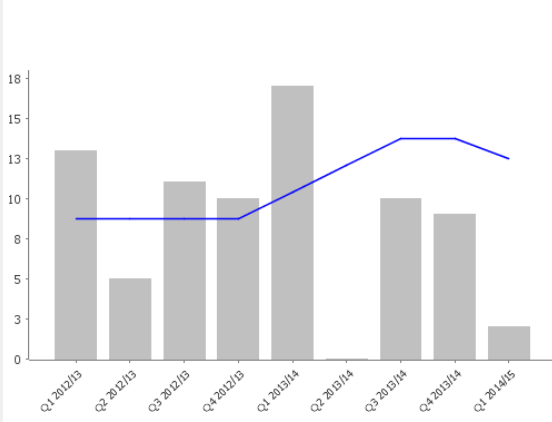

Scrutiny Committee – Performance Data (Data for July 2014)

Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2014/15			
						Value	Target	Status	
LPI BC 002	Percentage of full plans checked within 10 working days	55%	80%			77.75%	80%		Recent reduction in staffing (5 surveyors reduced to 4) has impacted performance. Joint working with TMBC to commence 1 st October will help to address resource issues.
Page 25 BC LC 002	The percentage of local land charge searches carried out within 10 working days	41%	90%			43%	90%		Recent loss of administration support to the team and increase in workload have culminated in a drop in performance. Higher workload has led to above budget income, some of which is being reinvested in additional resource. Recent workload has increased by just over 26% when compared with the volume of local land charges received at the same point last year.


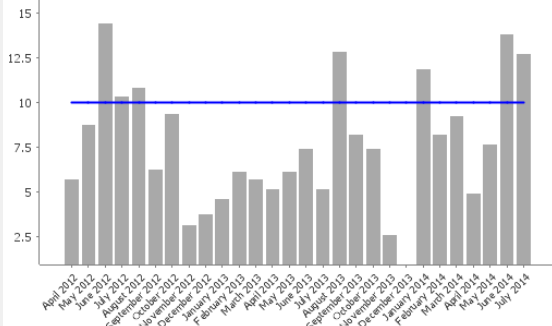


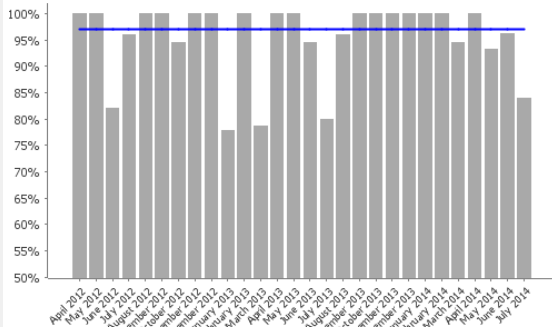

Scrutiny Committee – Performance Data (Data for July 2014)

Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2014/15			
						Value	Target	Status	
LPI HS A 003	Number Rent In Advance and Deposit Bonds completed	7	4			12	17		<p>The lower than anticipated number of properties secured in the private sector is a reflection of how the inaccessibility of home ownership and also social housing have combined with welfare reform has driven unprecedented demand for the private rented sector. The demand for more affordable private lets far outstrips supply.</p> <p>We have consulted with landlords and are creating a new landlord package which includes incentives for them to accept a tenant on benefits. This has involved bidding for funding. Decisions on these bids will be made early October.</p>
LPI HS A 002	Total number of homelessness acceptances	4	3			10	12		<p>Low acceptances are a good outcome. It can mean that the households homelessness has been alleviated or prevented and also that the Council is making robust decisions about who is entitled to emergency assistance.</p>

Scrutiny Committee – Performance Data (Data for July 2014)


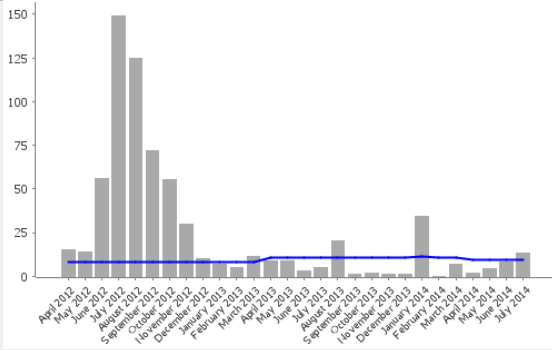

Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2014/15			
						Value	Target	Status	
LPI HS A 005	Number of households who considered themselves as homeless for whom housing advice casework resolved their situation	66	75			66	75		The fact this PI has come in slightly under target reflects the complexity of prevention cases and an increase in footfall in reception in the last quarter which has impacted on officers ability to progress prevention work. Steps are being taken to reduce the number of reception callers by working closely with partners. A vacant Team Leader post on the Team has also just been filled and we are waiting for the new post holder to obtain medical clearance and referencing.
LPI HS S 003	Number of private landlord scheme properties accredited	2	13			2	13		<p>This PI is closely linked to LPI HS A 003.</p> <p>The lower than anticipated number of properties secured in the private sector is a reflection of how the inaccessibility of home ownership and also social housing have combined with welfare reform has driven unprecedented demand for the private rented sector. The demand for more affordable private lets far outstrips supply.</p> <p>We have consulted with landlords and are creating a new landlord package which includes incentives for them to accept a tenant on benefits. This has involved bidding for funding. Decisions on bids will be made early October.</p>

Scrutiny Committee – Performance Data (Data for July 2014)

Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2014/15			
						Value	Target	Status	
LPI DS Waste 002	Number of missed collections per 100,000	12.7	10			9.7	10		<p>Collection performance in June and July was hampered by operational difficulties particularly on one round. The relevant round schedule was reviewed, some work was reassigned and team members were changed, which has resulted in improved performance for August.</p> <p>Overall we remain on track to meet the cumulative target.</p>
Page 28 DS Waste 003	Percentage of missed collections put right by the next working day	83.87%	97%			93.38%	97%		<p>26 of 31 the justified missed collections in July were put right by next working day. Unfortunately those five exceeding next working day reflect as a 16% discrepancy under this indicator.</p> <p>The 97% cumulative target for the year remains challenging. However comparison with the cumulative to date figure of 94% for July 2013, shows the cumulative target remains within range.</p>

Agenda Item 10

Scrutiny Committee – Performance Data (Data for July 2014)

Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2014/15			
						Value	Target	Status	
LPI DS Waste 004	Number of missed green waste collections	13	9			27	37		<p>The number of bin customers using the service has expanded again this year. In July an above average number of new customers were added to the schedules. Regrettably the crews overlooked a small number of these new customer addresses when undertaking the rounds in July.</p> <p>Overall we remain on track to meet the cumulative target.</p>

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Scrutiny Committee Workplan

Committee	15 July 2014	2 October 2014	20 November 2014	3 February 2015	28 April 2015
External Invitees	Sevenoaks & Swanley CAB Edenbridge & Westerham CAB	Jane Parish – Chief Executive - Sencio	West Kent Clinical Commissioning Group		
Scrutiny Committee	Performance Monitoring Michelle Lowe – Housing, Welfare and Community Safety	Performance Monitoring Peter Fleming – Leader, Strategy and Performance Brian Ramsay – Finance and Resources	Performance Monitoring Roddy Hogarth – Economic and Community Development Robert Piper – Local Planning and Environment	Performance Monitoring Peter Fleming – Leader, Strategy and Performance Michelle Lowe – Housing, Welfare and Community Safety	Performance Monitoring Roddy Hogarth – Economic and Community Development Brian Ramsay – Finance and Resources
In-Depth Scrutiny	Working Group 3 Leisure - Stages Two/Three/Four ¹ Working Group 4 – Investment in Property – Stage One	Working Group 3 Leisure - Stage Five ¹ Working Group 4 – Investment in Property - Stages Two/Three/Four ¹	Working Group 4 - Investment in Property - Stage Five ¹ Working Group 5 – TBC	Working Group 5 – TBC	Working Group 5 - TBC
Councillor Call for Action			Cllr Ms Lowe – Gypsies & Traveller Site Consultation – Shoreham Site		

¹ For detailed information on stages refer to “A Guide to In-Depth Scrutiny”

Past In-Depth Scrutiny Working Groups

Parking	Cllrs Clark, Cooke, Edwards-Winser, Eyre, Mrs Purves, Raikes (Chair)
Budget	Cllrs Abraham, Mrs Bracken, Butler, Gaywood, Maskell

Current In-Depth Scrutiny Working Groups

Leisure	Cllrs. Gaywood, Grint, Mrs. Morris, and Pett
Investment in Property	Cllrs. Brookbank, Davison (Chairman) and Underwood

Possible future areas for In-Depth Scrutiny

Highways
Housing – Welfare Reform

Possible External Invitees

Position	Name	Topic
KCC Cabinet Member – Community Services	Mike Hill	Libraries
KCC Cabinet Member – Community Services	Mike Hill	Housing
KCC Cabinet Member – Education and Health Reform	Roger Gough	Schools
KCC Vice Chairman - Children's Social Care and Health Cabinet Committee	Margaret Crabtree	Schools