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| Agenda Item No: | 5 |  |
| Committee: | Overview and Scrutiny | |
| Date: | 05 June 2017 | |
| Report Title: | Draft Overview and Scrutiny Annual Report | |

1 Purpose / Summary

The Overview and Scrutiny Annual Report reflects what has been undertaken and achieved by the Overview and Scrutiny Committee during 2016/17 and takes a forward look at the programme of work and challenges for the Overview and Scrutiny in 2017/2018.

2 Key issues

The Local Government Act 2000 sets out the requirements of a modernised democratic structure for local authorities. The Act includes the establishment of an Overview and Scrutiny Panel or Committee.

Article 6 (3.4) of the Council's Constitution sets out the Overview and Scrutiny Panel's terms of reference. There is a stated requirement for the work and working methods of the Overview and Scrutiny Committee to be reported annually to the Council.

3 Recommendations

Members of the Overview and Scrutiny Panel to note that at the time of writing the Paperless Review report had not been considered by the Overview and Scrutiny Committee and therefore any recommendations identified were not fully articulated in the report. It is therefore recommended that

- 3.1 Members delegate to Officers the responsibility to, update the Overview and Scrutiny Annual Report to reflect the final agreed recommendations arising from the review of the Paperless Project, following consideration of the same at the meeting on 05 June 2017
- 3.2 For the Overview and Scrutiny Panel to approve the annual report for forwarding to Council, subject to the delegated responsibility identified above.

| | |
|------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Wards Affected | All |
| Forward Plan Reference | - |
| Portfolio Holder(s) | Councillor Fred Yeulett Chairman - Overview and Scrutiny Councillor Anne Hay Vice Chairman - Overview and Scrutiny |

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|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Report Originator(s) | Councillor Fred Yeulett Chairman - Overview and Scrutiny Councillor Anne Hay Vice Chairman - Overview and Scrutiny |
| Contact Officer(s) | Carol Pilson – Corporate Director 01354 622360 cpilson@fenland.gov.uk Anna Goodall – Head of Legal and Governance 01354 622357 agoodall@fenland.gov.uk |
| Background Paper(s) | Overview and Scrutiny reports, Agendas and Minutes 2016/17 |

OVERVIEW AND SCRUTINY

ANNUAL REPORT 2016-2017

1 CHAIRMAN'S FOREWORD

It gives me great pleasure to present to you the annual report in relation to the Overview and Scrutiny Committee. The report focuses on the work undertaken by the committee during the past twelve months as well as providing a forward look to 2017/18.

These are exciting times for Fenland as well as Cambridgeshire and Peterborough as a whole following the implementation of the devolution deal and resulting Combined Authority and newly elected Mayor. The pace of change across public services continues to be a challenge as well as being the catalyst for new and innovative initiatives and therefore the need for strong purposeful and effective Overview and Scrutiny has never been more important. Fenland District Council has a successful history in relation to achieving tangible benefits as a direct result of Overview and Scrutiny. As such the Committee remains motivated and ambitious as well as continuing to be committed to supporting the District Council to deliver the very best outcomes for local residents.

2016/17 has seen the delivery of a comprehensive work programme for the Overview and Scrutiny Committee with all members of the panel, both past and present, taking an active and enthusiastic role in the Overview and scrutiny process. All committee members have contributed to the work plan of the panel ensuring a diverse range of subjects have been considered and explored. The Committee have increasingly focussed on the overview of emerging policies therefore supporting the Council deliver savings targets identified in the Comprehensive Spending Review. Scrutinising performance and over-viewing new policies enables the panel to be both pro-active and reactive in our approach to holding decision makers to account. In addition the Committee have also worked with various partners who provide a key role in supporting the delivery of services to Fenland Residents to ensure satisfactory performance but also to ensure sound governance arrangements are in place. Further more the Overview and scrutiny Committee have also considered important issues which are relevant to the whole district namely Health and Community Safety matters.

I would like to take this opportunity to thank all Members and officers for their ongoing support and co-operation with the Overview and Scrutiny function this year. I would also like to thank the many representatives of partner organisations that have taken the time to contribute so positively to our work.

Councillor Fred Yeulett

Chairman of Overview and Scrutiny

2 THE OVERVIEW AND SCRUTINY COMMITTEE 2016-2017

Councillor Fred Yeulett - Chairman

Councillor Anne Hay - Vice Chairman

Councillor Gavin Booth

Councillor Mark Buckton

Councillor Steve Count

Councillor Maureen Davis

Councillor Dee Laws

Councillor David Mason

Councillor Mrs Kay Mayor

Councillor Andrew Pugh

3 INTRODUCTION

What is Overview and Scrutiny?

- 3.2 The Local Government Act 2000 requires Councils to have a committee with the power to review or scrutinise decisions or actions affecting the authority's area or residents. Scrutiny is an essential part of ensuring that local government remains effective and accountable. Scrutiny ensures that executives are held accountable for their decisions, that their decision-making process is clear and accessible to the public and that there are opportunities for the public and their representatives to influence and improve Council policies.
- 3.3 The power to scrutinise was further expanded by the Police and Justice Act 2006, which provided powers to scrutinise the work of Crime and Disorder Reduction Partnerships, known locally as the Safer Fenland Partnership.

The Local Government and Public Involvement in Health Act 2007 provides more powers to local government to scrutinise other partner organisations. It also brings in other provisions that affect how scrutiny committees work, including powers over the creation of joint committees.

- 3.4 More recently, The Localism Act 2011 consolidated the wide range of scrutiny legislation into a single place, largely unamended from previous legislation. This aims to increase local accountability and transparency of public services as well as enhancing the involvement of local service users

Main responsibilities of Overview and Scrutiny

- 3.5 The role of Overview and Scrutiny has five broad functions:

- Holding the Council's Executive and its statutory partners to account in the public interest. This enables more transparent and effective decision making.

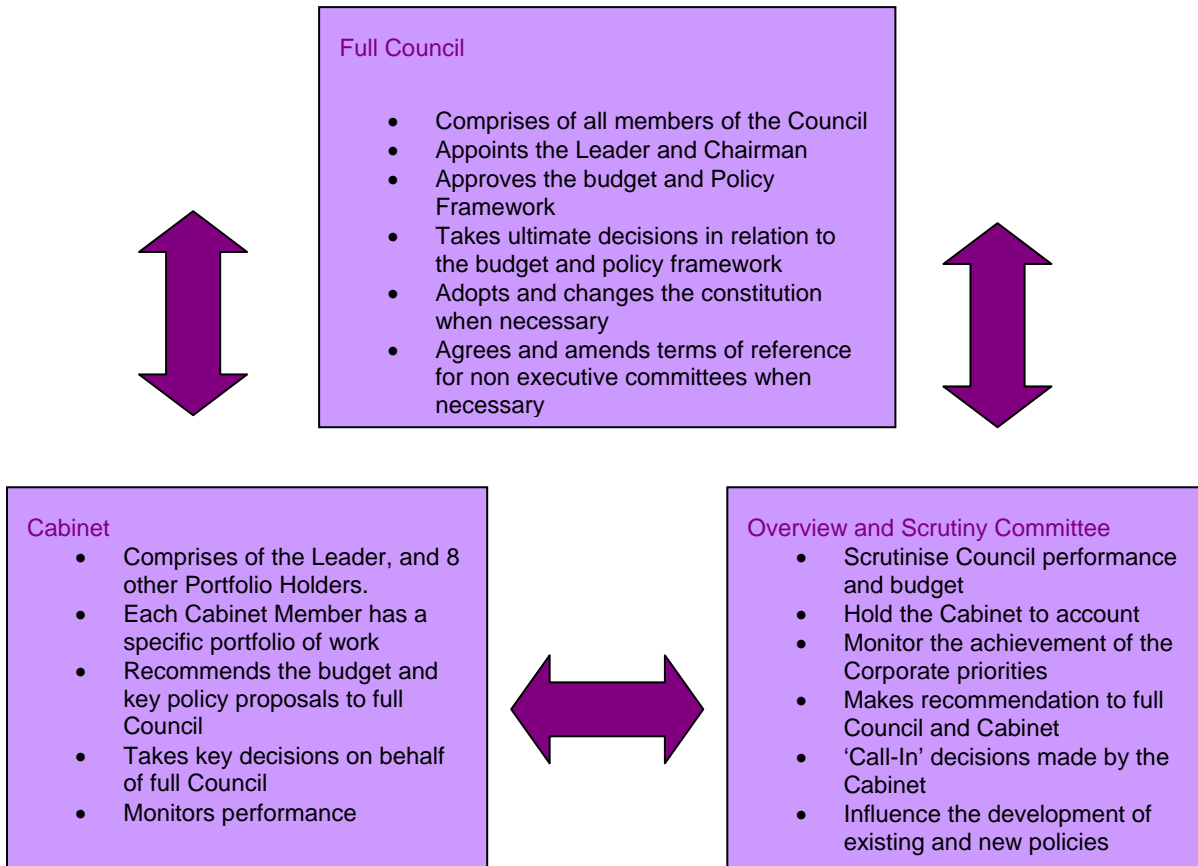
- Supporting the development of effective policies and initiatives which have a beneficial impact on the community through policy overview and development.
- Contributing to continuous improvement in the delivery of the Council's corporate priorities.
- Having a positive impact on the work and outcomes of external agencies and providers of public services.
- Aiding Councillors in engaging with their communities and undertaking the role of community representatives and leaders.

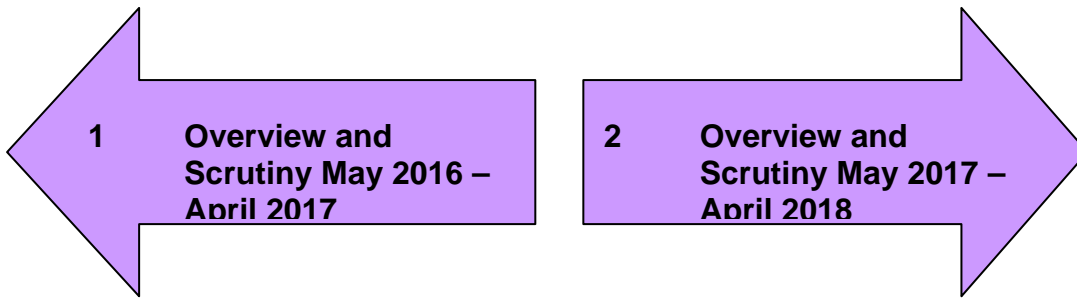
| Overview | Scrutiny |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| Advising on the development of policies. | Ensuring that the Council's policies have been effectively implemented by the Cabinet. |
| Recommending how the Council's corporate priorities can be delivered. | Helping to monitor and drive improvements within the Council's corporate priorities. |
| Bringing a wider perspective to problem solving. | Holding decision makers to account |
| Examining broader issues affecting local communities. | Ensuring all service providers within a local community are providing 'value for money' |

Appointing Members onto Overview and Scrutiny

3.6 During 2016-2017, following a recommendation by the Leader of the Council, it was the responsibility of the full Council to appoint an Overview and Scrutiny Panel at their annual meeting in May. The Overview and Scrutiny Committee consisted of eleven members drawn from the political groups in the same proportion as they are represented on the Council as a whole.

Relationship between Overview and Scrutiny, Cabinet and Full Council





4 A BACKWARD LOOK TO 2016 - 2017

What the Overview and Scrutiny Panel achieved in 2016/2017

External advisors/partners

- 4.2 The panel looked at an array of different topic areas; most could be dealt with by drawing on the knowledge and expertise of Fenland District Council Councillors and Officers. However, sometimes there is a need to call in external advisors to help the panel with their knowledge and to provide a different vantage point.
- 4.3 As will be explained later, a greater emphasis has been placed on Local Authority scrutiny, of and with partner agencies. Fenland's Overview and Scrutiny Committee is already undertaking this partnership working in a positive spirit, demonstrating its forward thinking. The table below highlights the external partners the Overview and Scrutiny Committee have already engaged with, when undertaking the scrutiny function during 2016/ 17:

| Agenda item | External Advisor/Partner | Organisation |
|-------------------------------------------------------|----------------------------------------|---------------------------------------------|
| Asset of Community Value - The Carpenters Arms Coates | Mr and Mrs Baxter | The Carpenters Arms Public House Land Lords |
| Update on Roddons Housing Association | Jerry Harkness, Jodie Cunnington-Brock | Roddons Housing Association |
| Safer Fenland partnership (SFP): Annual Scrutiny | Chief Inspector Mike Hills | Cambridgeshire Constabulary |

- 4.4 As well as working with individual partners, the panel have also scrutinised other elements of partnership working through each of the respective corporate priority areas. The panel will build on this further in 2017/2018.

Recommendations resulting from the Overview and Scrutiny in 2016/2017

- 4.5 In order that the work of Overview and Scrutiny is increasingly transparent and that any resulting recommendations are monitored, the panel are articulating recommendations and monitoring their success in relation to their endorsement and adoption by the final decision makers.
- 4.6 The table below highlights the key recommendations resulting from Overview and Scrutiny during 2016/2017.

| Meeting Date | Key Recommendation | Progress |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/04/2016 | Members of the Overview and Scrutiny Panel recommend that Members have a single point of contact with Circle Roddons regarding any problems members become aware of in relation to social housing provision. | Circle Roddons have launched a new dedicated members email address as a single point of contact for elected members to raise any social housing issues they become aware of |
| 17/10/2016 | Community Right to Bid and Assets of Community Value Policy - The Overview and Scrutiny Committee reviewed the emerging revised Policy to ensure increased levels of transparency whilst also ensuring applications were valid and were reflective of Community value and use. | The majority of the recommendations in relation to the revised Policy were endorsed and reflected in the final published policy. |
| 16/01/2017 | Members of the Overview and scrutiny Panel recommended that a review of the corporate consultation strategy is undertaken. | A review of the Fenland District Council Consultation Strategy is underway and is on the Overview and scrutiny work programme to be considered in September 2017. |

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| 06/06/2017 | Recommend that the Operations Team proceed with a public consultation in relation to changes to the garden waste scheme, which could result in the service becoming self-funding. | A comprehensive district wide public consultation exercise was completed in relation to proposed changes to the garden waste scheme |
| 20/02/2017 | Members recommended that the actions and objectives associated with the Fenland Community Safety partnership be overt in the outcomes they aim to achieve including the number of Officers trained as part of the restorative justice programme and the impact the programme has had. | Fenland Community Safety Partnership fully support and endorse the recommendations made by the Overview and Scrutiny Committee and will reflect the increased transparency in relation to performance indicators in future plans |
| 06/03/2017 | Members recommended that the Portfolio Holder for Neighbourhood Planning with support from the Leader of the Council work with the Combined Authority to address the skills gap in the North of Cambridgeshire | The Portfolio Holder in conjunction with the Leader of the Council continues to influence the newly elected Mayor and Combined Authority in relation to engaging with local businesses in order to recognise the skills requirements now and in the future. |

How the work of Overview and Scrutiny is linked to the Council's corporate priorities

4.7 Fenland District Council's Business Plan is the vision for the future of Fenland clearly setting out a series of priorities that will be the focus of the organisation for the next twelve month period. To ensure these priorities are correct, deliver on targets and achieve outcomes, the Overview and Scrutiny work programme reflects the Council's priorities to ensure robust scrutiny can be delivered.

4.8 The table below illustrates how agenda items link in with Fenland's priorities:

C – Communities

Env – Environment

E – Economy

QO – Quality Organisation

| Topic/Issue | C | Env | E | QO |
|---------------------------------------------------------------------------|---|-----|---|----|
| Progress against corporate priority: Environment | | | | |
| Progress against corporate priority: Economy | | | | |
| Progress against corporate priority: Communities | | | | |
| Safer Fenland partnership (SFP) /Crime Disorder and Reduction partnership | | | | |
| Customer Services Spending Review | | | | |
| Community Right to Bid Policy Revision | | | | |
| Annual meeting with the Leader, Deputy Leader and Chief Executive | | | | |
| Progress against corporate priority: Quality Organisation | | | | |
| Draft Business Plan and Budget | | | | |
| Council Tax Support Scheme | | | | |
| Fees and Charges | | | | |
| Selective Licensing Scheme for Wisbech | | | | |
| Draft Medium Term Financial Strategy | | | | |
| Garden Waste scheme | | | | |
| Planning Shared Service Review | | | | |
| Leisure Strategy Review and future Management options | | | | |
| Asset Management Plan | | | | |
| Comprehensive Spending Review - Increase Sewage Treatment Works Charges | | | | |
| Comprehensive Spending Review – Wisbech Port | | | | |

5 Specific reviews undertaken in 2017- 2018

5.1 Review of the Paperless Project

- 5.2 In 2016/17 Cabinet requested that Overview and Scrutiny set up a working group to review the paperless Cabinet pilot in order to consider the potential options for further extending the scheme. As a direct result of that review Overview and Scrutiny made a recommendation which was subsequently endorsed by Cabinet that all elected Members should commit to becoming paperless from the start of the new municipal year in 2016.
- 5.3 The Paperless project has been operational for twelve months and therefore it seemed appropriate that a further review be undertaken to evaluate the benefits achieved to date to ensure they are aligned to the original objectives. Members of the Overview and scrutiny Committee also wanted to explore if the paperless project had any unintended consequences and undertake a comprehensive consultation exercise to establish Members experiences of being paperless to date.
- 5.4 The review team, Chaired by Councillor Mrs Hay, undertook an electronic survey which was circulated to all Members and in addition attended every different Committee meeting to gain members views in relation to being paperless. The consultation exercise has been extremely informative regarding lessons learnt as well as providing an understanding of the issues experienced as a result of the initiative.
- 5.5 Whilst the review is currently being finalised with the draft report being considered by the full Overview and scrutiny Committee on 05/06/ 17 initial findings have confirmed that the savings targets identified at the outset of the review have been achieved and in the majority of cases members have made a smooth transition into being Paperless.

6 Review of the Overview and Scrutiny Call-In procedure

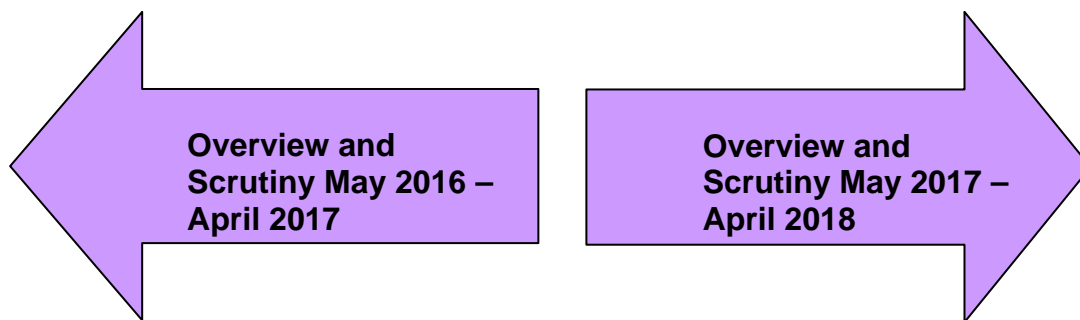
- 6.1 A question arose during the December 2016 meeting of Full Council regarding whether or not a review of the existing Call-In procedure should be conducted in order to align the Fenland District Council Call-In procedure more closely with our neighbouring authorities.
- 6.2 The District Council constitution states that the Chief Executive shall Call-In a decision for scrutiny by the appropriate panel if so requested by: a Chairman or Vice Chairman of any panel, or any three members who are members of the Overview and scrutiny Function, or any 10 members of the Council and shall then notify the decision maker of the Call-In.
- 6.3 Members conducted research in relation to the Call-In criteria for our neighbouring authorities and identified that all have a very different approach established as different Councils have different requirements regarding who can exercise Call-In powers. Members identified that there appears to be no trend relating to these requirements.
- 6.4 Members of the Overview and Scrutiny Panel agreed that the number of Councillors required to facilitate a Call-In should reduce from 10 down to 5. They agreed this as a recommendation to Full Council as recognise that the panel place a greater emphasis on the Overview of emerging policies and efficiency projects, this allows Scrutiny to be increasingly proactive in its approach therefore lessening the need for Call-In
- 6.5 The recommendation to reduce the number of members required to facilitate a Call-In was put to Council however the recommendation was not endorsed by the majority of Members and therefore the Call-In criteria remains unchanged.

7 Overview and Scrutiny Call – In

- 7.1 The Overview and Scrutiny Committees have the opportunity to scrutinise Executive decisions that have been made, but not implemented through the 'call-in' mechanism.
- 7.2 In accordance with the Council's constitution, decisions of the Executive or a Portfolio Holder decision are published within 3 working days. There is then a further 5 working day period prior to the implementation of the decision in which Members are able to call

in the decision. If the necessary number of Members, either the Chairman or Vice Chairman of any panel, or any 3 members of the Overview and Scrutiny Committee or any 10 Members of the Council, ask for a decision to be called in for scrutiny, the Overview and Scrutiny Committee has to meet within 15 working days to consider the issue. Whilst this process takes its course, the decision taking process is suspended. If no call-in occurs, the decision is adopted.

- 7.3 If, having considered the decision, the Committee remains 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, in exceptional circumstances, refer the matter to full Council. If referred back, the decision maker shall then reconsider the matter within a further 10 working days and amend the decision or not, before adopting a final decision. If however the Committee decides not to refer the matter back, no further action is taken and the decision can take effect.
- 7.4 The call-in procedure does not apply where the decision being made by the Executive is deemed to be urgent i.e. where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. This should be clearly stated in the record of the decision.
- 7.5 Because of the nature of the call-in procedure, it is generally recognised as a mechanism of last resort. Indeed Government guidance states that it would clearly be detrimental to efficient decision making if every individual decision of the Executive were called in for overview and scrutiny as a matter of course.
- 7.6 The call-in procedure is therefore utilised when other means of influencing decision making have failed. Fenland District Council did not utilise the call in procedure during 2016/17. The reduction on the number of key decisions subject to Call-In within fenland is reflective of a reduction in Call-In's nationally.



8 A FORWARD LOOK TO 2017/2018

Policies and measures affecting scope of Overview and Scrutiny

- 8.2 The profile of scrutiny is changing nationally and as a result much is expected of us in response to the Localism agenda. This could include community involvement, scrutiny of and with partners, scrutiny of crime and disorder issues, supporting the scrutiny of health services as well as supporting the scrutiny of the newly formed Combined Authority.

Overview and Scrutiny amending its role

- 8.3 The Overview and Scrutiny Committee remains committed to achieving value for money and ensuring the Council is efficient and cost effective in the delivery of its corporate priorities. The Overview and Scrutiny Committee are also keen to focus on areas where they are able to add the greatest value being forward focused therefore making recommendations to Cabinet whilst also having a positive impact on the future direction and future focus of the Council and its policies.

Fenland's Priorities

- 8.4 In Fenland's Business Plan 2017-2018 the Council's corporate priorities are:
- Communities
 - Economy
 - Environment
 - Quality Organisation
- 8.5 It is important that the work of Overview and Scrutiny complements these priorities to ensure services are being delivered to highest quality and any scrutiny work adds value.

What the Overview and Scrutiny Panel will achieve in 2017-2018

Strategic Priorities

- 8.6 We will aim to raise the profile of the Council's Overview and Scrutiny work by better communicating our successes. The Overview and Scrutiny Panel will continue to articulate recommendations associated with the work plan and monitor how effectively the recommendations have been received and endorsed by the associated decision making bodies.

Work Programme

- 8.7 The Overview and Scrutiny work programme is a detailed programme that indicates the topics that the Overview and Scrutiny Committee will scrutinise. The work programme will be developed early in the new Council year setting out what the key areas of focus will be. Topics already identified for inclusion include:
- Crime Disorder and Reduction Partnership
 - Local Health Partnership update
 - Review of Anglia Revenues Partnership
 - Planning shared service review
 - Council Tax Scheme
 - Draft Business Plan and Budget
 - Progress of Corporate Priorities: Economy, Environment, Communities and Quality Organisation
 - Comprehensive Spending Review

- Scrutiny of the Local Enterprise Partnership (LEP)

9 CONTACTS

9.1 Work of the Overview and Scrutiny Committee is enhanced by the involvement of Fenland residents, service users, our partners and local businesses as they bring an alternative perspective whilst also providing external challenge. If, therefore, you would like further details about any of the work mentioned in this report, or on how residents and partner organisations can contribute to the work of Overview and Scrutiny within Fenland, please contact:

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