


Agenda Item No:	<b>8</b>	
Committee:	<b>Council</b>	
Date:	<b>3 October 2022</b>	
Report Title:	<b>Overview and Scrutiny Annual Report</b>	

## **1 Purpose / Summary**

The Overview and Scrutiny Annual Report reflects what has been undertaken and achieved by the Overview and Scrutiny Panel during 2021/22 and takes a forward look at the programme of work and challenges for the Overview and Scrutiny in 2022/2023.

## **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 Panel to be reported annually to the Council.

## **3 Recommendations**

That full Council acknowledges the broad scope of work undertaken by the Overview and Scrutiny Panel during 2021/22.

Wards Affected	All
Forward Plan Reference	-
Portfolio Holder(s)	Councillor David Mason - Chairman - Overview and Scrutiny Councillor Alex Miscandlon - Vice Chairman - Overview and Scrutiny
Report Originator(s)	Amy Brown - Head of Legal, Procurement and Member Services Elaine Cooper - Team Leader, Elections, Land Charges and Member Services
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Background Paper(s)	Overview and Scrutiny reports, Agendas and Minutes 2021/22

## OVERVIEW AND SCRUTINY

### ANNUAL REPORT 2021 - 2022

#### **1 CHAIRMAN'S FOREWORD**

It gives me great pleasure to present to you the Annual Report for 2021/22 in relation to the Overview and Scrutiny Committee.

The report focuses on the work undertaken by the panel during the past twelve months as well as providing a forward look to 2022/23.

The continuation of the global COVID pandemic during 2021/22 has brought about significant challenges to local residents and businesses. As a result the Council has changed its approach to service delivery as well as delivering new services, to ensure those most vulnerable in our communities receive support during these unprecedented times. These changes have included the introduction of a revised approach to the layout of services on the Fenland District Council website making it easier for individuals and organisations alike to access relevant information. In particular I would like to congratulate Cllr Steve Tierney for his hard work as Transformation Cabinet Member in driving this initiative forward.

Continual support has been given to individuals directly impacted by the pandemic, as well as delivering a wide suite of business grants to help support local businesses that have suffered a financial impact as a result of the pandemic.

One significant change arising from the coronavirus pandemic has been to the operation of the Council's public meetings. During 2020/21 the government temporarily removed the legal requirement for local authorities to hold public meetings in person. The District Council quickly adapted and made use of the technology available to hold public meetings virtually, therefore continuing to make critical decisions on the delivery of its services for Fenland residents in a way that was both transparent and accessible to the public. More recently the legal requirement to hold public meetings in person has been re-introduced in addition to ensuring meetings are COVID secure. This has resulted initially in hybrid meetings and latterly a return to full physical meetings. Consequently, the District Council has been able to continue to ensure meetings are accessible both online and in person, to continue to facilitate public engagement.

The Overview and Scrutiny Committee continues to hold our Cabinet colleagues to account for the performance and delivery of services within their portfolios. The Committee has received regular performance updates and have been reassured that services continue to perform well. The work programme remains ambitious and focusses on issues that are of paramount importance to local residents and businesses, as we remain steadfast in our approach of adding value to the decision-making process whilst utilising the Overview function to ensure that new and emerging policies and procedures are fit for purpose and can successfully achieve their objectives.

2021/22 was a busy year for the Overview and Scrutiny Committee, as the District Council continues to have significant ambition to transform the way services are delivered in order to secure sound outcomes for local residents whilst also being an effective, efficient Council that is fit for the future. As a committee we have reached beyond our usual remit to improve relations with outside bodies to address more directly public concerns. We are particularly obliged for the co-operation given by Anglian Water as an example of new partnerships.

I have been privileged to be able to work with a committee of elected members across the political parties who have all taken an active and enthusiastic role in the Overview and Scrutiny process and acted as a team in the best interests of our community.

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 Amy Brown, as our Monitoring Officer and Chief Advisor, and Member Services for their professionalism, in particular Niall Jackson for the meticulous recording of our pre-meet notes which are so valuable in examining the issues before us at regular meetings. Finally, thanks go to my Vice Chairman, Cllr Alex Miscandlon for his continued support and valuable advice.

I look forward to the coming year in the confident expectation that as a Committee we can maintain the high standards expected of us in performing the most important role of Overview and Scrutiny.

Cllr David K M Mason  
Chairman, Overview and Scrutiny Committee

## **2. THE OVERVIEW AND SCRUTINY PANEL 2021-2022**

Councillor David Mason - Chairman  
Councillor Alex Miscandlon - Vice Chairman  
Councillor Gavin Booth  
Councillor David Connor  
Councillor Mike Cornwell  
Councillor Steve Count  
Councillor Anne Hay  
Councillor Michael Humphrey  
Councillor Mark Purser  
Councillor Robert Skoulding  
Councillor David Topgood  
Councillor Bob Wicks  
Councillor Fred Yeulett

## **3 INTRODUCTION**

### **What is Overview and Scrutiny?**

- 3.1 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.
- 3.2 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.
- 3.3 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
- 3.5 All Overview and Scrutiny meetings are held in public session and attendance and involvement of the public is actively encouraged either via questions or suggestions for our work programme.

### **Main responsibilities of Overview and Scrutiny**

- 3.6 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.

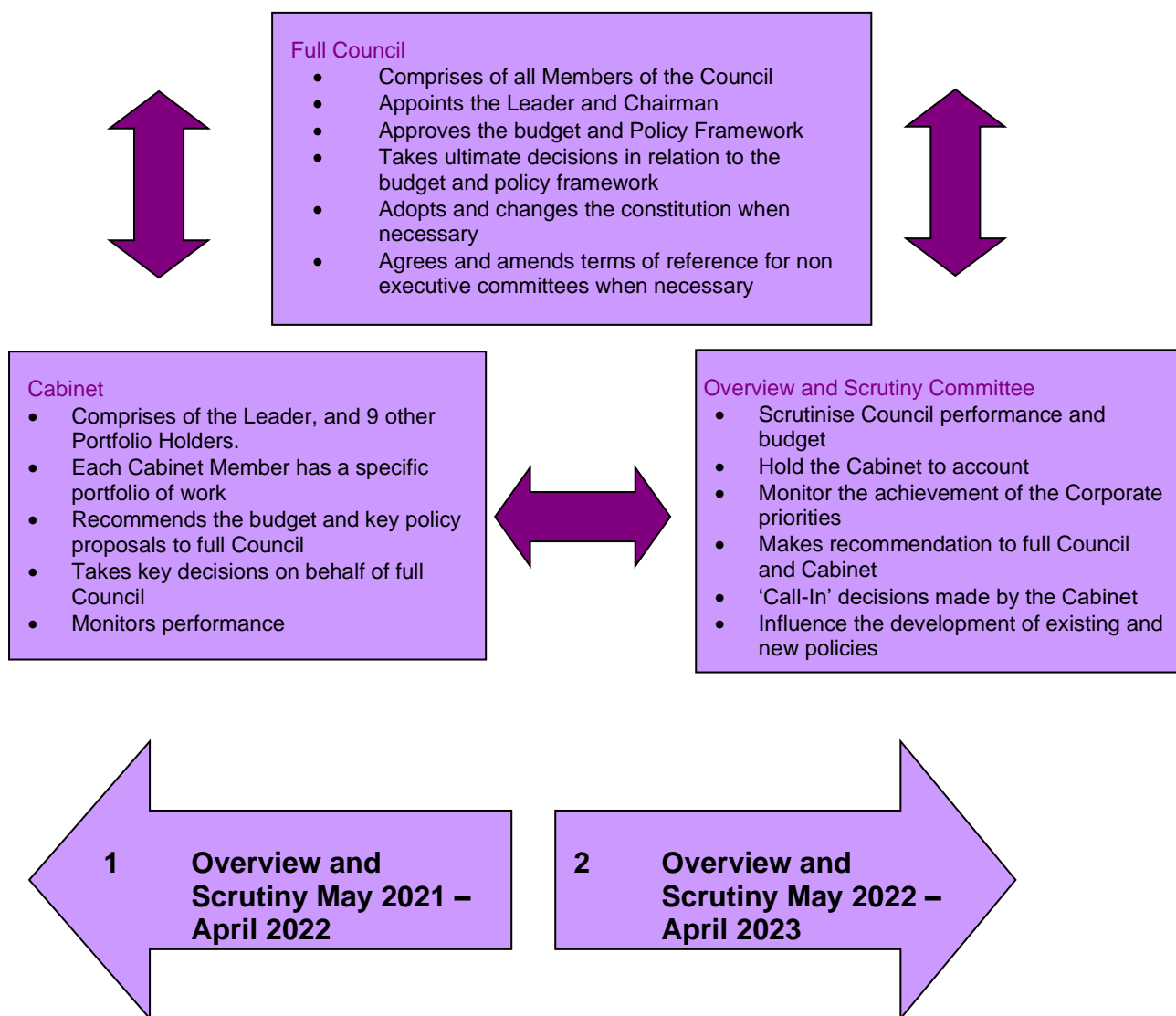
- Supporting the development of effective policies and initiatives which have a beneficial impact on the community through policy overview and development.
- Contributing to continuous improvement in the delivery of the Council's corporate priorities.
- Having a positive impact on the work and outcomes 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**

- 3.7 During 2021-2022, 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 Panel consisted of twelve 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 2021 - 2022

#### What the Overview and Scrutiny Panel achieved in 2021/2022

##### External advisors/partners

- 4.1 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.
- 4.2 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 Panel is already undertaking this partnership working in a positive spirit, demonstrating its collaborative approach. The table below highlights the external partners the Overview and Scrutiny Panel have already engaged with, when undertaking the scrutiny function during 2021/22:

Agenda item	External Advisor/Partner	Organisation
Council Tax Support - 2022/23 Scheme	Adrian Mills	Anglian Revenues Partnership
Discussion with Anglian Water	Rose Schisler Briony Tuthill Hannah Wilson Johnathan Glerum	Anglian Water
Discussion with Anglian Water	Hillary Ellis Quinton Carroll Martin Brooker	Cambridgeshire County Council
Freedom Leisure Review	Matthew Wickham	Freedom Leisure
Review of Clarion	Sally Greetham Yvonne Ogden Daniel Read	Clarion Housing Association
Annual Review of Anglia Revenues Partnership	Adrian Mills Lorraine King Matthew Waite Paul Corney	Anglian Revenues Partnership
Wisbech Rail Update	Rowland Potter	Cambridgeshire County Council
Update on CPCA Growth Service	Steve Clark Richard Cuda Ed Coleman Fliss Miller	Cambridgeshire and Peterborough Combined Authority

- 4.3 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 continue with this successful approach during 2022/23.

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

- 4.4 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 in meaningful priority areas is achieved.
- 4.5 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: Communities				
Transformation and Communications Portfolio Holder Update				
Progress on Housing Enforcement Policy				
Draft Overview and Scrutiny Annual Report 2020-21				
Council Response to COVID-19 - Future Implications				
Annual Ombudsman Letter and 3Cs Process				
Community Safety Partnership				
Freedom Leisure Review				
Clarion Review				
CPCA Economic Growth Service				
Annual meeting with the Leader, Deputy Leader and Chief Executive				
Draft Business Plan and Budget				
Council Tax Support - 2022/23 Scheme				
Fees and Charges				
Anglian Water				



Topic/Issue	C	Env	E	QO
2021 Planning Shared Service Annual Review				
Review of Anglia Revenues Partnership				
Draft Medium Term Financial Strategy				
Commercial Investment Strategy and Investment Board Update				
Culture Strategy				
Wisbech Rail Update				

## 5 Specific reviews undertaken in 2021- 2022

- 5.1 No Member Led Reviews have been undertaken during 2021-2022, however, it has been agreed that a cross-party Task and Finish Group be established to review the current Corporate Performance Indicators to ensure that they enhance the Council's corporate priorities and are both measurable and achievable in nature.
- 5.2 The Task and Finish Group will report its suggestions to the Overview and Scrutiny Panel on or before its final meeting of 2022/23 to ensure any resultant recommendations can be incorporated into the draft Business Plan for 2023/24.

## 6 Overview and Scrutiny Call – In

- 6.1 The Overview and Scrutiny Panel have the opportunity to scrutinise Executive decisions that have been made, but not implemented through the 'call-in' mechanism.
- 6.2 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 Panel or any 10 Members of the Council, ask for a decision to be called in for scrutiny, the Overview and Scrutiny Panel 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.
- 6.3 If, having considered the decision, the Panel 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 Panel decides not to refer the matter back, no further action is taken and the decision can take effect.

- 6.4 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. The Chairman of the Overview and Scrutiny Panel or in his/her absence the Chairman of the Council must agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Overview and Scrutiny Panel together with the reasons for the urgency.
- 6.5 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.
- 6.6 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 at all during 2021/22. There were also no decisions taken by the Executive where the matter was deemed urgent during 2021/22.

## **7 A FORWARD LOOK TO 2022/2023**

### **Policies and measures affecting scope of Overview and Scrutiny**

- 7.1 The profile of scrutiny is changing nationally and as a result much is expected of us in response to the Localism agenda, more so now in the wake of the global COVID 19 pandemic. 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 Combined Authority.

### **Overview and Scrutiny amending its role**

- 7.2 The Overview and Scrutiny Panel 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 Panel 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**

- 7.3 In Fenland's Business Plan 2022-2023 the Council's corporate priorities remain:
- Communities
  - Economy
  - Environment
  - Quality Organisation

- 7.4 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. In addition the current Business Plan outlines the fact that Cabinet members have selected a number of projects to contribute towards the 'Council for the Future' agenda. These projects have a variety of aims; from tackling areas of particular need within the district, to transforming services and the wider organisation sustainably to be fit for the future. The Overview and Scrutiny work programme will also be informed by the Council for the Future agenda.

### **What the Overview and Scrutiny Panel will achieve in 2022-2023**

#### **Strategic Priorities**

- 7.5 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**

- 7.6 The Overview and Scrutiny work programme is a detailed programme that indicates the topics that the Overview and Scrutiny Panel 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:

- Progress on Corporate Priorities
- Local Government Ombudsman Annual Review of Complaints
- 2022 Planning Service Annual Review
- Council Tax Support Scheme
- Clarion Review
- Portfolio Holder Updates - Transformation and Communications
- Road Safety Partnership
- Annual Meeting with the Leader and Chief Executive
- CPCA Growth Service and Impact on Economic Development in Fenland
- Annual Review of Anglian Revenue Partnership
- Freedom Leisure Review
- Wisbech Rail Update
- Draft Business Plan and Budget
- Fees and Charges
- Community Safety Partnership
- Enforcement Review

There will also be the Task and Finish Group to review the Council's current Performance Indicators.

## **8 CONTACTS**

- 8.1** Work of the Overview and Scrutiny Panel 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 we would very much welcome your input, please contact:

**Councillor David Mason - Chairman Overview and Scrutiny**

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**Councillor Alex Miscandlon - Vice Chairman Overview and Scrutiny**

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