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| Agenda Item No: | 11 |  |
| Committee: | Council | |
| Date: | 2 OCTOBER 2023 | |
| Report Title: | Overview and Scrutiny Annual Report | |

1 Purpose / Summary

- 1.1 Overview and Scrutiny Annual Report reflects what has been undertaken and achieved by the Overview and Scrutiny Panel during 2022/23 and takes a forward look at the programme of work and challenges in 2023/2024.

2 Key issues

- 2.1 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.
- 2.2 Article 6 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

- 3.1 That full Council acknowledges the broad scope of work undertaken by the Overview and Scrutiny Panel during 2022/23

| | |
|----------------------|---|
| Wards Affected | All |
| Portfolio Holder(s) | Councillor David Mason – Former Chairman - Overview and Scrutiny Councillor Alex Miscandlon – Former Vice Chairman - Overview and Scrutiny |
| Report Originator(s) | Amy Brown – Assistant Director Elaine Cooper - Team Leader, Elections, Land Charges and Member Services |
| Contact Officer(s) | Paul Medd - Chief Executive 01354 622202 paulmedd@fenland.gov.uk Peter Catchpole – Corporate Director 01354 622201 pcatchpole@fenland.gov.uk Amy Brown – Assistant Director abrown@fenland.gov.uk |
| Background Paper(s) | Overview and Scrutiny reports, Agendas and Minutes 2022/23 |

OVERVIEW AND SCRUTINY

ANNUAL REPORT 2022 - 2023

1 CHAIRMAN'S FOREWORD

In the delivery of my role as Chair of the Overview and Scrutiny Committee, I am required to present the Annual Report for 2022/23 albeit that during that time former Councillor Mason was fulfilling that role. Nevertheless, I have had the benefit of being able to review the activities of the last municipal year and am pleased to be able to present this information to you as well as providing a forward look to 2023/24.

The Overview and Scrutiny Committee has an important role to play in overseeing the performance and delivery of services within their portfolios. The Committee has and will continue to receive regular performance updates to ensure that services perform well.

The future work programme will be published with the Agenda for each meeting and will continue to focus on issues that are of paramount importance to local residents and businesses.

I am looking forward to undertaking my new role as Chairman of the Overview and Scrutiny Committee and am confident that the Committee which is comprised of both new and ongoing members can maintain the high standards expected of it in performing the most important role of Overview and Scrutiny.

Maureen Davis
Chairman, Overview and Scrutiny Committee 2023/24

2. THE OVERVIEW AND SCRUTINY PANEL 2022-2023

Councillor David Mason - Chairman
Councillor Alex Miscandlon - Vice Chairman
Councillor Gavin Booth
Councillor David Connor
Councillor Mike Cornwell (until August 2022)
Councillor Steve Count (until July 2022)
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:

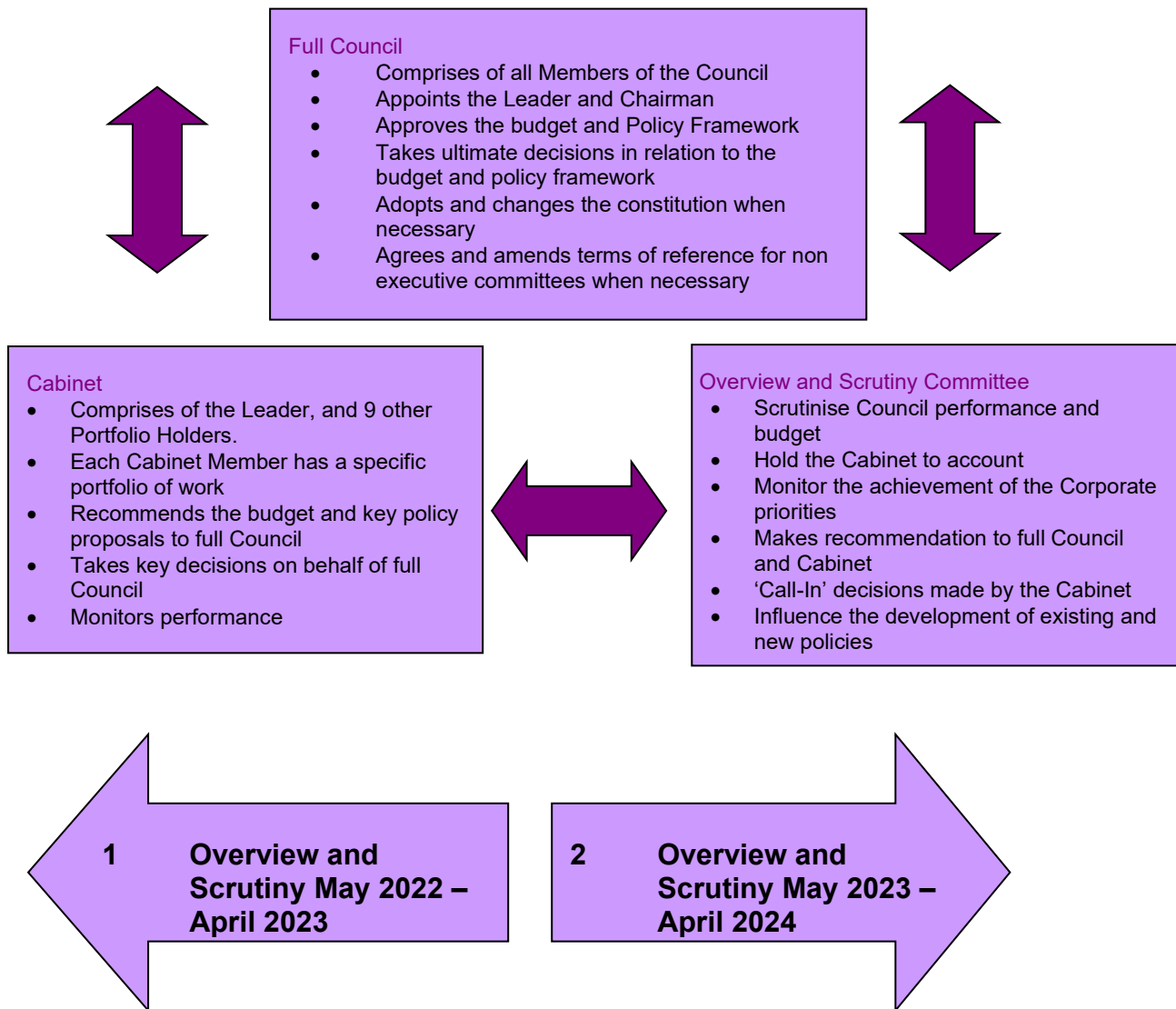
- Holding the Council's Executive and its statutory partners to account in the public interest. This enables more transparent and effective decision making.
- Supporting the development of effective policies and initiatives which have a beneficial impact on the community through policy overview and development.
- 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 2022-2023, 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 2022 - 2023

What the Overview and Scrutiny Panel achieved in 2022/2023

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 2022/23:

| Agenda item | External Advisor/Partner | Organisation |
|---|--|--|
| Public Health | Jyoti Atri Val Thomas | Public Health |
| Clarion Review | Sally Greetham Yvonne Ogden Dan Read John Ferman | Clarion Housing |
| Wisbech Rail Update | Tim Bellamy | Cambridgeshire and Peterborough Combined Authority |
| CPCA Growth Service and Impact on Economic Development in Fenland | Fliss Miller Jonathan Finley Rebecca Bekkenutte Richard Cuda Martin Johnson Gareth Preece Steve Clarke Nigel Parkinson Ed Colman | 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 2023/24.

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: Communities | | | | |
| Draft Overview and Scrutiny Annual Report 2021-22 | | | | |
| Public Health Presentation | | | | |
| Local Government Ombudsman – Annual Review of Complaints | | | | |

| Topic/Issue | C | Env | E | QO |
|--|---|-----|---|----|
| Annual meeting with the Leader, Deputy Leader and Chief Executive | | | | |
| Clarion Review | | | | |
| Wisbech Rail Update | | | | |
| Draft Business Plan 2023-2024 | | | | |
| Budget Report | | | | |
| Fees and Charges 2023/24 | | | | |
| CPCA Growth Service and Impact on Economic Development in Fenland | | | | |
| Progress against Corporate Priority - Economy | | | | |
| Progress against Corporate Priority – Transformation and Communication | | | | |

5 Specific reviews undertaken in 2022- 2023

- 5.1 A cross-party Task and Finish Group was formed 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 consisted of Councillors Booth, Connor and Miscandlon, with Councillors Hay and Wicks as substitutes. The Task and Finish Group met on four occasions and has reviewed the priorities of Environment, Economy and Quality Organisation but due to a combination of factors was unable to complete the review.
- 5.3 The Task and Finish Group still needs to review the Communities priority. Once this has been completed, a further meeting will be required to recap and review the previous discussion in relation to the other priorities.
- 5.4 The Task and Finish Group will continue during 2023-2024 with replacement members being appointed for those councillors who are no longer members of the Overview and Scrutiny Panel.
- 5.5 The Task and Finish Group will report its suggestions to the Overview and Scrutiny Panel at its meeting on 16 October 2023 to ensure that any resultant recommendations can be incorporated into the draft Business Plan for 2024/25.

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 2022/23. There were also no decisions taken by the Executive where the matter was deemed urgent during 2022/23.

7 A FORWARD LOOK TO 2023/2024

Fenland's Priorities

7.2 In Fenland's Business Plan 2023-2024 the Council's corporate priorities remain:

- Communities
- Economy
- Environment
- Quality Organisation

7.3 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 2023-2024

Strategic Priorities

- 7.4 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

- 7.5 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
- Road Safety Partnership
- Commercial Investment Strategy and Investment Board Update
- Overview and Scrutiny Annual Report
- Anglian Water
- Meeting with the Cambridgeshire and Peterborough Combined Authority Mayor

There will also be the continuation of 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:

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