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| Agenda Item No: | 9 |  |
| Committee: | Council | |
| Date: | 30 September 2021 | |
| Report Title: | 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 Panel during 2020/21 and takes a forward look at the programme of work and challenges for the Overview and Scrutiny in 2021/2022.

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 2020/21.

| | |
|------------------------|---|
| 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) | Anna Goodall – Head of Transformation, Customer Service and Democracy Amy Brown - Head of Legal Services and Governance |
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| Background Paper(s) | Overview and Scrutiny reports, Agendas and Minutes 2020/21 |

OVERVIEW AND SCRUTINY

ANNUAL REPORT 2020 - 2021

1 CHAIRMAN'S FOREWORD

It gives me great pleasure to present to you the annual report in relation to the Overview and Scrutiny Panel. The report focuses on the work undertaken by the panel during the past twelve months as well as providing a forward look to 2021/22.

The continuation of the global COVID pandemic during 2020/21 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 the Community Hub, providing support 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. The District Council continues to ensure meetings are accessible online to continue to facilitate public engagement

The Overview and Scrutiny Panel continues to hold our Cabinet colleagues to account for the performance and delivery of services within their portfolios. The Panel 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 new and emerging policies and procedures are fit for purpose and can successfully achieve their objectives.

2020/21 was a busy year for the Overview and Scrutiny Panel as the District Council continues to have significant ambition to transform how 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.

I have been privileged to be able to work with a committee of elected members both past and present, who have all taken an active and enthusiastic role in the Overview and scrutiny process.

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 David Mason

Chairman of Overview and Scrutiny

2 THE OVERVIEW AND SCRUTINY PANEL 2020-2021

Councillor David Mason - Chairman

Councillor Alex Miscandlon - Vice Chairman

Councillor Gavin Booth

Councillor David Connor

Councillor Steve Count

Councillor Mike Cornwell

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?

- 3.2 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
- 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:

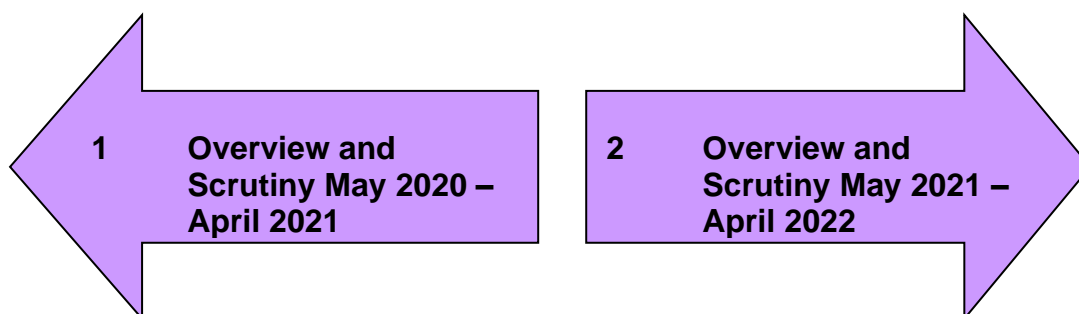
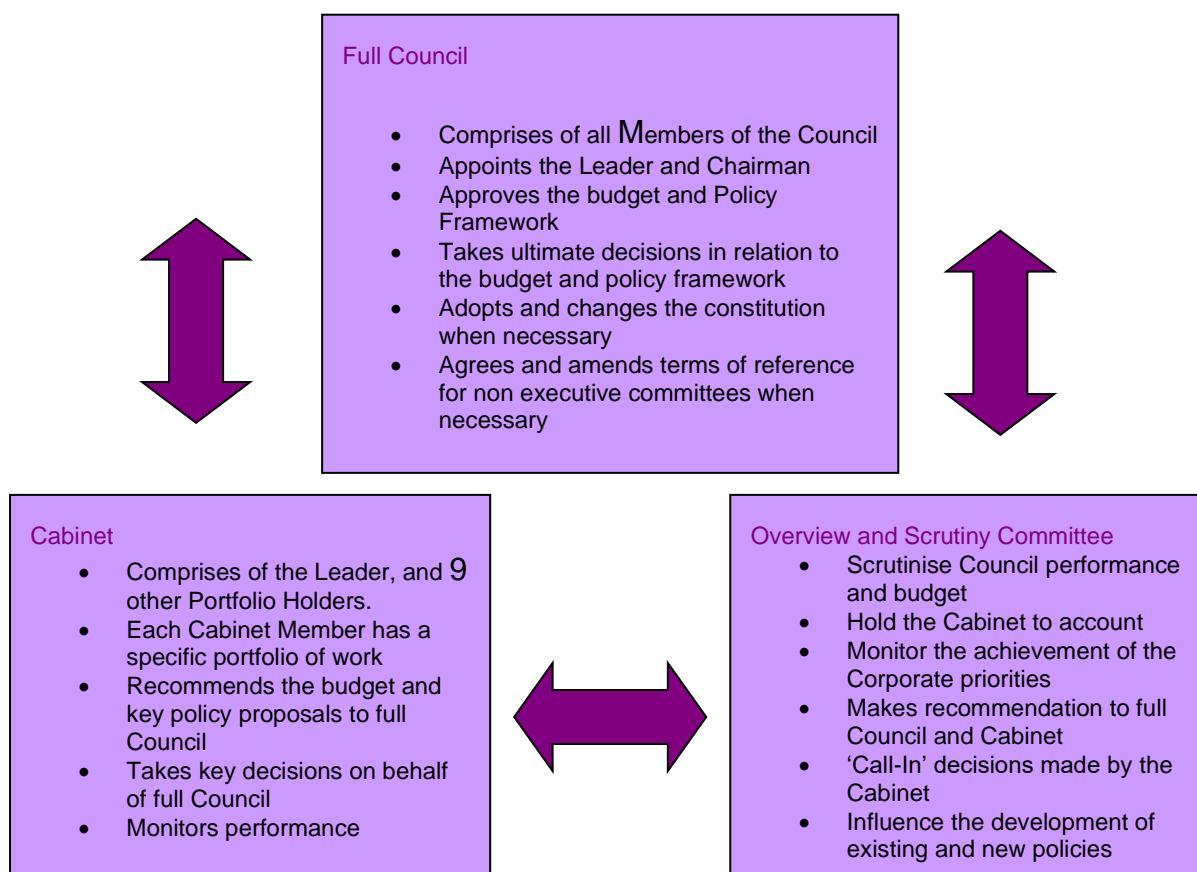
- Holding the Council’s Executive and its statutory partners to account in the public interest. This enables more transparent and effective decision making.
- Supporting the development of effective policies and initiatives which have a beneficial impact on the community through policy overview and development.
- 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 2020-2021, 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 2020 - 2021

What the Overview and Scrutiny Panel achieved in 2020/2021

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 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 2020/21:

| Agenda item | External Advisor/Partner | Organisation |
|--|------------------------------|--|
| Anglia Water | Briony Tuthill | Anglia Water |
| Wisbech Rail Project Update | Roland Potter | CPCA |
| Fenland Projects Update | Russell Beal | Anglia Water |
| CPCA Growth Service | Paul Webster Alan Downton | Gateley Economic Growth Service -Director CPCA Senior Responsible Officer |
| Freedom Leisure | Matt Hunt Dan Palframan | Freedom Operations Director Freedom Area Manager |
| Safer Fenland partnership (SFP): Annual Scrutiny | Inspector Ian Lombardo | Cambridgeshire Constabulary |
| Anglia Revenues Partnership - Annual Review | Paul Corney Adrian Mills | Anglia Revenues Partnership |

- 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 continue with this successful approach during 2021/22.

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

- 4.5 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.
- 4.6 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 | | | | |
| Fenland Community Safety Partnership (FSP) /Crime Disorder and Reduction partnership | | | | |
| Freedom Leisure | | | | |
| CPCA Economic Growth Service | | | | |
| Fenland Project Update | | | | |
| Annual meeting with the Leader, Deputy Leader and Chief Executive | | | | |
| Draft Business Plan and Budget | | | | |
| Council Tax Support Scheme | | | | |
| Fees and Charges | | | | |
| Anglia Water | | | | |
| Review of Anglia Revenues Partnership | | | | |
| Draft Medium Term Financial Strategy | | | | |
| Commercial Investment Strategy | | | | |
| Culture Strategy | | | | |
| Wisbech Rail Update | | | | |

5 Specific reviews undertaken in 2020- 2021

- 5.1 A Member Led Review of the Anglia Revenues Partnership was commenced during 2019-20. The review was initiated as Members had raised questions regarding the performance of the Anglian Revenues Partnership at a meeting of Full Council. In addition The Overview and Scrutiny considered the Annual Report in respect of Anglia Revenues Partnership (ARP) during their February 2020 meeting. During those discussions Members of the Overview and Scrutiny Panel agreed that as the partnership had been in existence for the past 6 years without a formal review it would be timely to conduct a Member Led Review of the Service to ensure the partnership continued to achieve value for money for Fenland in comparison with the other member Councils.

- 5.2 The aims of the review were as follows
- To examine the current Anglian Revenues Partnership including its structure, performance and governance arrangements.
 - To consider each constituent councils audit plan where relevant to the ARP including their respective findings and recommendations in relation to ARP.
 - To consider the current vision and aims of the partnership to ensure relevant and up to date.
 - To consider feedback from key internal and external stakeholders received in relation to the Anglian Revenues Partnership.
 - To consider the current and future direction of the partnership to ensure aligned to Fenland priorities.
 - To consider wider issues that might impact the performance of the partnership including the wider rollout of Universal Credit.
- 5.3 The Member led Review Group had two review meetings during which they received detailed performance metrics and feedback from audit reviews undertaken by other constituent Council members. Unfortunately, the review commenced immediately in advance of the COVID 19 pandemic, which adversely impacted the timescales for the formal completion of the review.
- 5.4 The Member Led Review of ARP recommenced in October 2020 and the resulting recommendations were presented to and full endorsed by the December 2020 Overview and Scrutiny Panel meeting.
- 5.5 The Review group identified the following findings:
- 5.6 that the COVID pandemic undoubtedly has had an impact on the work of the ARP. As a result the partnership is seeking to further improve the digital offering to customers therefore ensuring that those who can self-serve do so.
- 5.7 The use of 'friendly reminders' in terms of non-statutory reminders for council tax has shown that people can change their behaviour without receiving statutory notices, which are harsher in nature because of the legislative information they have to contain. Therefore, ARP have identified that more people respond positively and pay when targeted with the 'softer' approach and ARP are investigating that further
- 5.8 Regular data cleansing is required as during the work to provide business rates relief it is evident that ARP are not always notified when one business leaves a premise and another moves in.
- 5.9 ARP has taken a more holistic approach to help vulnerable customers who cannot engage digitally; it is therefore not a case of just ensuring these customers pay their council tax but also seeing how they can be signposted to other areas of support.
- 5.10 The COVID pandemic has resulted in FDC and the partnership working more closely together and in terms of the grants available, track and trace payments, hardship fund, council tax support consultation and the various reliefs. This close working partnership approach has made service delivery seamless to resident and business customers.
- 5.11 The review team learnt that good work is being done with the FDC empty homes officer and the staff at ARP to build a complete picture in relation to empty properties which has resulted in successfully bringing a number of these properties back into use within the district.
- 5.12 A disaster recovery process exercise had been undertaken just prior to the start of the initial national lockdown. One of the outcomes was the need to provide laptops for staff should a requirement arise for them to work from home if an office had to be shut down. As a result, and with the relevant IT teams working together, almost half the staff had

already been issued with the equipment before and there was already a programme in place to supply remaining staff with laptops before the pandemic peak hit the Country initially. ARP are now considering a longer-term series of projects in respect of what working arrangements for staff will look like as part of the 'new normal'. Staff have been consulted regarding the future and 75% would like to work more from home. ARP will be reviewing desk sharing and accommodation requirements, which could bring about further potential savings. Early indications are that people find the work/life home balance is better and where measurable, it has been found that productivity has been higher.

- 5.13 Members previously raised questions during the January 2020 Council meeting in relation to perceived performance issues within the partnership. ARP acknowledge that they had several vacant posts across the service, which was impacting performance in some areas. A successful recruitment exercise took place during the spring of 2020. All staff have been successfully inducted and trained electronically during the pandemic. In addition generic roles were created a year ago where colleagues are trained in benefits and council tax billing; this creates upskilling but also greater resilience and flexibility to deal with peaks and troughs of work. Feedback from staff is that they have welcomed that, and it has provided them with reassurance that as housing benefit claims reduced due to the onset of universal credit, there was no need for uncertainty in respect of their job security or the ability of the partnership to accommodate this change of focus.
- 5.14 Members of the review team noted that at one time Cambridgeshire County Council in addition to FDC provided funding in respect of Council tax debt recovery work as both organisations benefit from collecting any associated outstanding debts. Currently CCC do not fund debt recovery within Fenland which has impacted the approach to debt recovery in this area in spite of the fact that FDC do continue to fund this work.
- 5.15 The Recommendations resulting from the Member Led Review were as follows:
- 5.16 That the Overview and Scrutiny panel encourage the relevant Portfolio Holder and officers to continue to encourage the County Council to provide funding for the Council Tax debt recovery work. **(This Recommendation has now been successfully achieved with the implementation of the Cambridgeshire Fraud Hub)**
- 5.17 The group also recommend that when the Anglia Revenues Partnership is considered on an annual basis within the Overview and Scrutiny Panel that the Panel are provided with a broader context of the partnership to help inform their understanding and associated discussions.

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 2020/21.
- 6.7 Decisions made by the Executive where the matter was deemed urgent were taken on 4 occasions during 2020/21. The Overview and Scrutiny Panel were updated on these matters accordingly.
- 6.8 The urgency decision making powers were utilised in relation to the following matters and discussed at the next available meeting of the Overview and Scrutiny Panel
- Freedom Leisure, June 2020
 - Council Tax Support Scheme, September 2020
 - The purchase of land in Manea, December 2020.
 - Funding Agreement, December 2020

7 A FORWARD LOOK TO 2021/2022

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 2021-2022 the Council's corporate priorities are:
- 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 Our Cabinet members have selected a number of projects to contribute towards our '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 2021-2022

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:
- 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
 - Council for the Future Transformation Projects
 - Commercial Investment Strategy annual Update
 - Anglia Water
 - A key area of focus for the future will inevitably be the impact of the Coronavirus including its impact on services and the Council's finances. We will also need to look

at what lessons can be learnt from the Council's response to the crisis and plans for recovery both in the short, medium and longer term.

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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