


Agenda Item No:	9	
Committee:	Overview and Scrutiny	
Date:	3 June 2019	
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 2018/19 and takes a forward look at the programme of work and challenges for the Overview and Scrutiny in 2019/2020.

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

- 3.1 For the Overview and Scrutiny Panel to approve the annual report for forwarding to Council.

Wards Affected	All
Forward Plan Reference	-
Portfolio Holder(s)	Councillor Alex Miscandlon, Chairman - Overview and Scrutiny Councillor Anne Hay, Vice Chairman - Overview and Scrutiny
Report Originator(s)	Councillor Chairman Alex Miscandlon - Overview and Scrutiny Councillor Anne Hay, Vice Chairman - Overview and Scrutiny
Contact Officer(s)	Peter Catchpole – Corporate Director 01354 622201 PeterCatchpole@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 2018/19

OVERVIEW AND SCRUTINY

ANNUAL REPORT 2018 - 2019

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 2019/20.

These continue to be exciting times for Fenland as well as Cambridgeshire and Peterborough as a whole following the implementation of the Combined Authority and elected Mayor. The need for strong purposeful and effective Overview and Scrutiny has never been more important. Fenland District Council Overview and Scrutiny Committee is committed to adding value to the decision making process whilst holding our decision makers to account. We remain focussed in our objective to achieve tangible benefits as a direct result of Overview and Scrutiny. As such the Committee remains motivated and ambitious in supporting the District Council to deliver the very best outcomes for local residents.

2018/19 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.

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 like to express particular thanks to Councillor Chris Boden the previous Chairman for his significant contribution to the past success of the committee. 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 Alex Miscandlon
Chairman of Overview and Scrutiny

2 THE OVERVIEW AND SCRUTINY COMMITTEE 2018-2019

Councillor Chris Boden - Chairman

Councillor Michael Humphrey - Vice Chairman

Councillor Gavin Booth

Councillor Sam Clark

Councillor Steve Count

Councillor David Hodgson

Councillor Mrs Kay Mayor

Councillor Kit Owen

Councillor Steve Tierney

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.

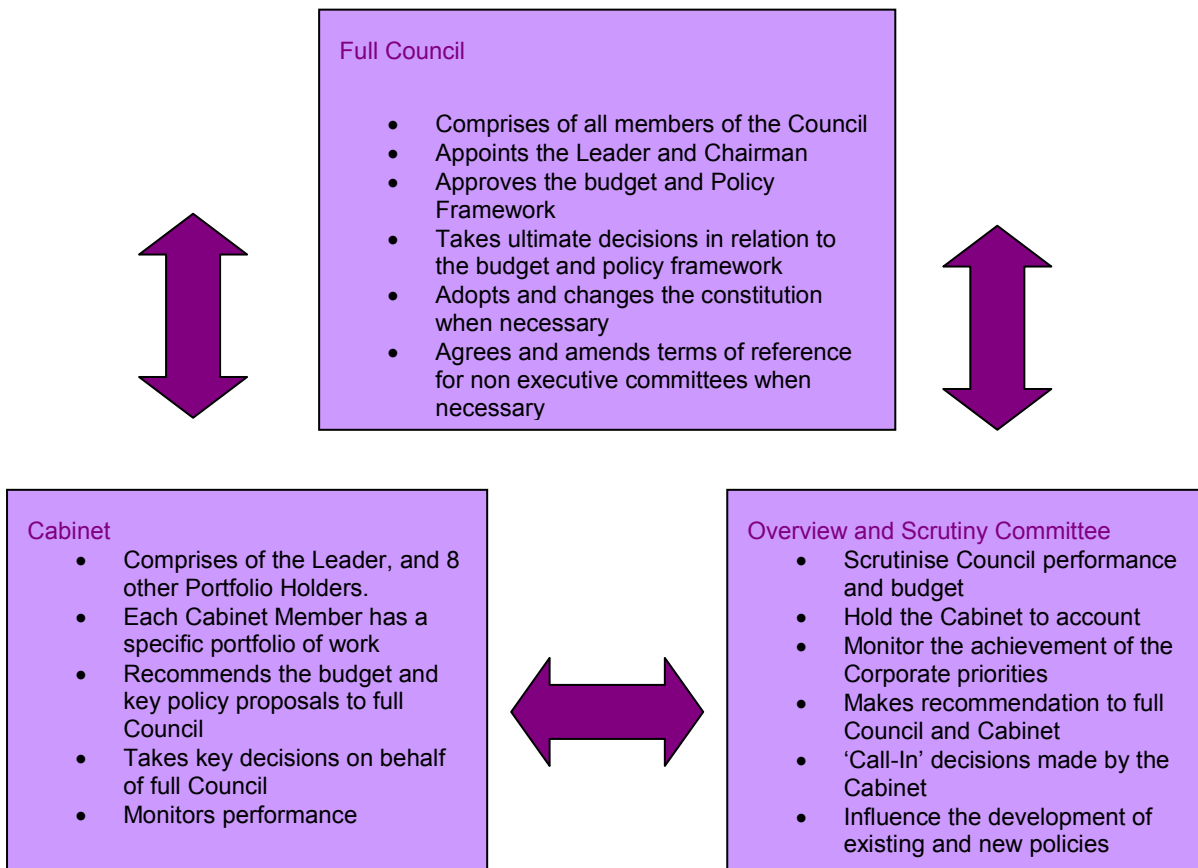
- Having a positive impact on the work and outcomes of external agencies and providers of public services.
- Aiding Councillors in engaging with their communities and undertaking the role of community representatives and leaders.

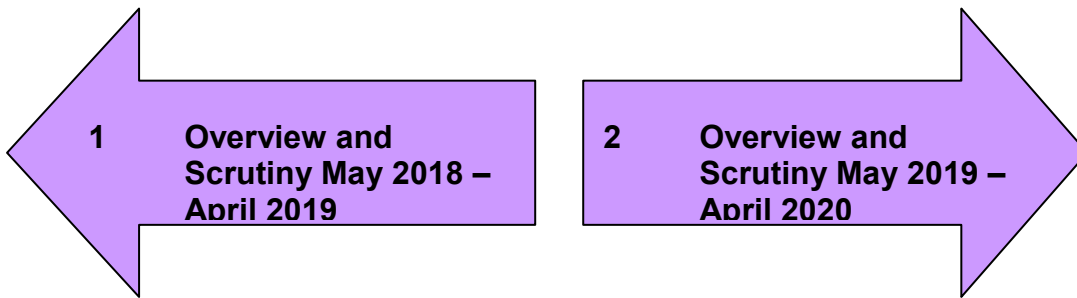
Overview	Scrutiny
Advising on the development of policies.	Ensuring that the Council's policies have been effectively implemented by the Cabinet.
Recommending how the Council's corporate priorities can be delivered.	Helping to monitor and drive improvements within the Council's corporate priorities.
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 2018-2019, 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 2018 - 2019

What the Overview and Scrutiny Panel achieved in 2018/2019

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 2018/ 19:

Agenda item	External Advisor/Partner	Organisation
Planning Shared Service Annual Review	Cllr Hiller	Peterborough City Council
Wisbech 2020 Update	Russell Beal	Anglian Water

Economic Development Review	Dan Thorp Mike Emmerich Daniel Timms Toby Bartlett Tony Sinkinson Jo Evans Councillor Brian Long	The Cambridgeshire and Peterborough Combined Authority Metro Dynamics Alan Bartlett and Sons Regional Manager Jack's Supermarket ECDC Economic Development Team Leader of Kings Lynn and West Norfolk Borough Council
Clarion Housing Review	Sue Stavers Fiona Coulson	Clarion Housing Association
Safer Fenland partnership (SFP): Annual Scrutiny	PC David Arnold	Cambridgeshire Constabulary
Anglia Revenues Partnership - Annual Review	Stuart Philpott	Anglia Revenues Partnership
Fenlands Health and Wellbeing Strategy	Cath Mitchell	Cambridgeshire and Peterborough CCG

- 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 2019/2020.

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 can be delivered.
- 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				
Housing Enforcement Policy				
Corporate Enforcement Policy				
Wisbech 2020 Vision Update				
Annual meeting with the Leader, Deputy Leader and Chief Executive				
Draft Business Plan and Budget				
Council Tax Support Scheme				
Fees and Charges				
Review of the Planning Shared Service				
Review of Anglia Revenues Partnership				
Draft Medium Term Financial Strategy				
Clarion Housing				
Update on the Fenland Comprehensive Spending Review				

5 Specific reviews undertaken in 2018- 2019

5.1 Review of the Economic Development Service

- 5.2 Members previously considered a report (Cabinet/Council May 2018) in relation to Economic Development followed by a meeting of Overview and Scrutiny. The report outlined a shared service proposal for the Economic Development Team in conjunction with the Borough Council of Kings Lynn and West Norfolk (BCKLWN). The proposal required some additional investment from Fenland however this investment would result in a larger team with a wider skill set than Fenland could potentially achieve in isolation.
- 5.3 The proposal would have seen the team expand its resources to include a shared Head of Service, a dedicated account manager to work much more closely with Fenland businesses, together with a shared intelligence officer and a shared inward investment officer.
- 5.4 The report proposals did not meet with general member approval and therefore it was proposed by Cabinet that an Economic Development Member Led Review, headed by selected members (the review team) of the Overview and Scrutiny Committee, be undertaken to consider the wider entirety of the Economic Development service and the Council's Economic Development activities. The review was tasked with examining the primary economic and growth objectives of the Council and the service priorities as well as the resources and skills which are required in order to achieve these objectives.
- 5.5 The agreed original Aims and Objectives were as follows
1. To examine the current Fenland economic landscape, including the different issues and opportunities across the four market towns and rural areas. Examine the Councils' and partners future aspirations and objectives for both the region and Fenland.
 2. To consider Economic Development opportunities in Fenland, the role the Council wishes to take and how and future service provision can support the realisation of these opportunities.
 3. To consider feedback from key internal and external stakeholders received in relation to the Economic Development Service.
 4. To examine the current approach to Economic Development of other equivalent Local Authorities and the associated performance metrics and outcomes.
 5. To consider the key service objectives and the skills and resources requirement to deliver those objectives.
- 5.10 In November 2018 the Chairman of the Overview and Scrutiny Panel, Councillor Chris Boden, received a letter from the Chairman of the Corporate Governance Committee, Councillor John Clark. The letter requested that the Overview and Scrutiny Panel consider the fact that four of the five trading accounts disclosed in the Council's accounts, namely Markets, The Port, Economic Estates as well as the Light Industrial Units and Business Centres appear to require financial subsidy rather than being cost neutral. The Overview and Scrutiny Panel considered a report in relation to the trading accounts during their meeting on 10 December 2018. During that meeting the panel agreed that due to the close links with the Fenland Economy the Trading Account considerations should be included in the scope of the Economic Development Member Led Review. The scope of the Review was expanded to include a sixth point namely
- 5.11 6. To include the consideration of the Trading Accounts and what if any action is required to address the apparent financial subsidy.

- 5.12 Following a comprehensive review timetable in which the Review Panel interviewed internal Officers and a wide range of external experts and stakeholders the resulting recommendations arising from the Review of Economic Development were identified;
- 5.13 Whilst it is accepted that at the outset of the Review the emphasis was on Economic Development, however as the Review has progressed and the Review Group have received evidence from a number of sources it has become increasingly evident that the organisation should have a greater focus and emphasis on Economic Growth across the district as opposed to Economic Development. Evidence obtained as part of this review has clearly indicated that there is more added value to be gained within Fenland from focussing more on intrinsic economic growth from our current position. Such an approach can align to the delivery of housing and infrastructure along with jobs/skills creation therefore taking a more proactive approach to improving economic prosperity in the district. Intrinsic Economic Growth can be led from within Fenland District Council by utilising an appropriate Investment Strategy, which needs to align with the wider Economic Growth ambition for the area.
- 5.14 The Investment strategy could benefit from two approaches namely a purely commercial element focussed on raising revenue for the Council, with the second element having a greater focus on regeneration therefore having a positive impact on the local community that a public sector organisation can leverage as opposed to a purely commercial focussed business.
- 5.15 The Review Team acknowledge that the emergence of the CPCA has the capacity to bring with it significant opportunities for the area not least because of the scale, capability and significant funding streams available. It is vital therefore that Fenland proactively influence the development of the Local Industrial Strategy (LIS), Skills Strategy, Mayoral Development Corporation and Growth Fund to maximise the potential benefits for the area.
- 5.16 The Council needs to align any future Economic Growth Service with the CPCA to ensure the realisation of any mutual benefits in addition to the avoidance of any duplication of effort.
- 5.17 The Review Team recommends that future structures for the delivery of an Economic Growth Service should be explored including consideration of a closer alignment with the planning team to ensure a greater focus on Economic Growth.
- 5.18 The CPIER Report provides a shared common understanding of the position from which to work in promoting Economic Growth in Fenland.
- 5.19 Whilst the CPIER Report highlights the difference between the economic drivers in Whittlesey and those in the rest of the District, it is important to recognise that all parts of the District are distinct and that a "one size fits all" approach to Economic Growth in Fenland would be sub-optimal and potentially counter-productive. The Council should engage with local partners to help inform the solutions to ensure a non-standard approach reflective of each area is achieved
- 5.20 The Review Group recognises that the impending review of the Local Plan is of crucial importance in fostering medium and long term Economic Growth in Fenland as the extension of the current economic base will involve land that is not currently used for industry or homes.
- 5.21 The Review Group is aware that there is advantage to the Council and district of having larger-scale commercial developments within the area as they have the scope to contribute significantly to Economic Growth across Fenland whilst also supporting the financial security of the Council.
- 5.22 The Review Group understands that there are few if any medium sized office space within the district therefore providing less opportunity for small office-based businesses in

Fenland to expand without moving away. There are opportunities to include this consideration within the Investment Strategy.

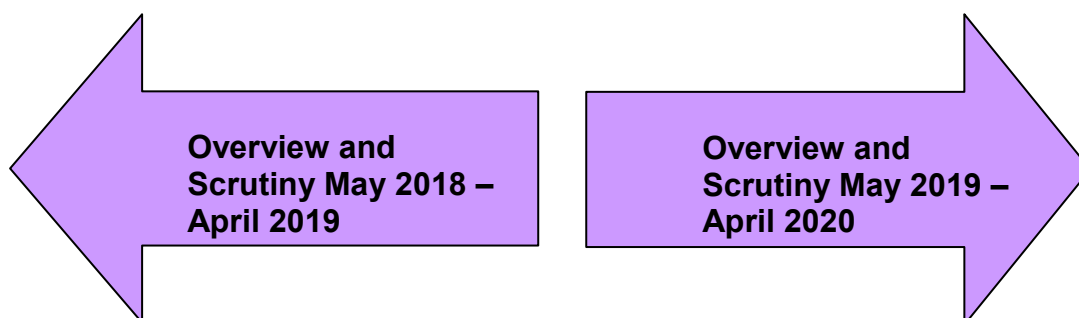
- 5.23 A future Economic Growth Service could more actively target, encourage and support initiatives in agriculture-related industries, including processing, manufacture and transport being the leading sector in the district.
- 5.24 Fenland can benefit from its geographical proximity to the growth area of Peterborough with its industrial base and the evolving University. Whilst the district is further away from the growth area around Cambridge, the much greater quantity of Economic Growth in Cambridge with the problems associated with 'over heating' which have arisen provides opportunities in Fenland, which should be exploited in terms of business relocation, skills and homes.
- 5.25 In relation to the matter raised by the Chairman of the Corporate Governance Committee in relation to the Trading Accounts regarding Markets, The Port, Economic Estates as well as The Light Industrial Units and Business Centres, The Review Team recognises that because the Trading Account disclosures in the financial statements are prepared in accordance with accounting standards, the figures shown will differ from those included in the Council budget and internal in-year reporting. This is principally because the financial statements include charges for depreciation and some of the movements in the value of land and property used to deliver those services associated with each Trading Account. In Local Authority accounts legislation requires that such charges are reversed out at the year-end so that they do not impact on the Council's General Fund balance or the Council Taxpayer.
- 5.26 The Review Team considers that the support costs attributed to the Markets, Light Industrial Units and Business Centres appears high and therefore a review of how support costs are attributed should be undertaken by Officers to inform decision making in 2020/2021 onwards.
- 5.27 The Review Team accept that further options in relation to the Port will be presented to Cabinet later this calendar year.
- 5.28 The provision of the Markets service represents an economic opportunity and as such should be considered by the Council and our partners and included within the scope of the future Transformation and Efficiency Plan (TEP) regarding the future provision of the service

The Overview and Scrutiny Review of Economic Development was consider by Cabinet during their meeting on 18 April 2019. All of the review recommendations were endorsed by Cabinet and will be reflected in the future Investment Strategy and Business Plan accordingly.

6 Overview and Scrutiny Call – In

- 6.1 The Overview and Scrutiny Committees have the opportunity to scrutinise Executive decisions that have been made, but not implemented through the 'call-in' mechanism.
- 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 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.

- 6.3 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.
- 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.
- 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 during 2018/19. The fact that that Call In procedure was not utilised during the last municipal year is reflective of a reduction in Call-In's nationally.



7 A FORWARD LOOK TO 2019/2020

Policies and measures affecting scope of Overview and Scrutiny

- 7.2 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

- 7.3 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

- 7.4 In Fenland's Business Plan 2019-2020 the Council's corporate priorities are:
- Communities
 - Economy
 - Environment
 - Quality Organisation
- 7.5 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 2019-2020

Strategic Priorities

- 7.6 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

- 7.7 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
 - Transformation and Efficiency Plan (TEP)

8 CONTACTS

- 8.1 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 we would very much welcome your input, please contact:

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