



Scrutiny Panel

Item
13

20 July 2021

Report of	Assistant Director, Corporate and Improvement Services	Author	Owen Howell Tel. 282518
Title	Annual Scrutiny Report		
Wards affected	Not Applicable		

This is a report setting out the work of the Scrutiny Panel during 2020/21

1. Executive Summary

- 1.1 This report sets out the work of the Scrutiny Panel during 2020/21 and requests that the Panel recommend the report to Full Council for approval on 20 October 2021.

2. Action Required

- 2.1 The Panel is asked to consider and comment on the draft Annual Scrutiny Report.
- 2.2 The Panel is asked to recommend this report to Full Council for approval on 20 October 2021.

3. Background Information

- 3.1 The Constitution states the Scrutiny Panel shall report annually to the Full Council on its work and make recommendations for future work programmes and amended working methods if appropriate.
- 3.2 The purpose of the report is to inform the Council of the work undertaken by the Scrutiny Panel, and for the Full Council to form an opinion of the effectiveness of the scrutiny function. The final report will be submitted to Full Council for consideration and approval following endorsement by Scrutiny Panel members.
- 3.3 This Scrutiny Report is a descriptive record of the scrutiny reviews undertaken by the Scrutiny Panel in 2020/21.

4. Standard and Strategic Plan References

- 4.1 Scrutiny and challenge is integral to the delivery of the Strategic Plan 2020-2023 priorities and direction for the Borough as set out under the strategic themes of:
- [Tackling the climate challenge and leading sustainability](#)
 - [Creating safe, healthy and active communities](#)
 - [Delivering homes for people who need them](#)
 - [Growing a fair economy so everyone benefits](#)
 - [Celebrating our heritage and culture](#)

- 4.2 The Council recognises that effective local government relies on establishing and maintaining the public's confidence, and that setting high standards of self-governance provides a clear and demonstrable lead. Effective governance underpins the implementation and application of all aspects of the Council's work.

5. Appendices

- 5.1 Appendix A – Draft Scrutiny Panel Annual Report 2020-21.

Scrutiny Panel Annual Report 2020-21

This Annual Report demonstrates the contribution made by the Scrutiny Panel at Colchester Borough Council.

Scrutiny Panel Role

The role of the Scrutiny Panel is to examine the policies and strategies from a Borough-wide perspective and ensure that the actions of the Cabinet accord with the Council's policies and budget. The Panel also reviews corporate strategies that form the Council's Strategic Plan, Council partnerships and the Council's budgetary guidelines, and scrutinises Cabinet or Portfolio Holder decisions which have been called in.

The Scrutiny Panel in 2020/21

The function of the Scrutiny Panel continued to be important, given the challenges faced by the Council in addressing the impacts of the Covid-19 pandemic. This required the Council to address reductions in income and to continue to provide services in a safe but successful manner under very difficult circumstances. As a consequence the Council was required to innovate and look for different ways which enabled the continued delivery of vital services throughout the Borough.

In addition to its work examining the Council's responses to the Covid-19 pandemic, the Panel continued to carry out its annual programme of scrutinising the Council's financial affairs, budget setting and performance against its Strategic Plan.

The success of Scrutiny Panel reviews depended on the involvement of Councillors, Council officers, partner organisations, expert witnesses and members of the public, and the Chairman of the Scrutiny Panel would like to thank everyone for their contribution to the work of the Scrutiny Panel in 2020/21.

Call-ins

The general low level of call-ins and matters of urgency on Scrutiny Panel agendas suggests that the governance arrangements within the Council are working effectively.

One call-in was received during the 2020-21 municipal year, relating to the Council's response to a consultation on the Bradwell B Project [proposed new nuclear power station]. Members raised concerns that:

- The Council did not carry out sufficient consultation of residents, owing to the Covid 19 pandemic.
- The Council's response did not reflect decisions made and views expressed by full Council regarding its opposition to any building of a new nuclear facility at Bradwell.

The Scrutiny Panel recommended that the decision be referred back to the Portfolio Holder for Communities, Well Being & Public Safety and that an extraordinary meeting of Full Council be considered in order to formally discuss and approve a policy regarding the Council's opposition to the building of a new nuclear facility at Bradwell.

In response to the Panel's recommendations, an extraordinary meeting of the Full Council was convened, at which a unanimous decision was made to make clear the Council's ongoing views in opposition to the building of a new nuclear facility at Bradwell. A new consultation response was also drafted; however this was not able to be submitted until after the consultation deadline had ended and therefore was not accepted by the Bradwell Project. The Bradwell Project gave assurance that future rounds of consultation would be open for submissions from the Council.

Decisions taken under urgency provisions

Certain decisions were noted as having been taken under urgency provisions within the Constitution, with these decisions relating to the Council's response to the Covid-19 pandemic. Decisions taken by Cabinet or Portfolio Holders under urgency provisions are decisions made to take immediate action on urgent matters, which must then be reported on to the Scrutiny Panel at the earliest possible meeting. Such decisions are not subject to the usual decision making/call in process.

During the first lockdown of 2020, the Leader of the Council agreed to interim scrutiny arrangements being put in place, to reflect the then impossibility of holding Panel meetings. These stated that urgent decisions were to be made in consultation with all Party Group Leaders and the Chairman of the Scrutiny Panel, who would then report back to the Panel itself at the earliest Panel meeting possible. These scrutiny arrangements were in place until remote meetings of Council formal decision-making meetings became permissible by virtue of temporary Regulations brought in by Government.

Decisions taken under special urgency provisions during 2020-21 related to:

- Disbursement of Government funds allocated to the Council for issuing to support economically vulnerable people and households within the Borough to mitigate the detrimental effects of the pandemic and the related lockdown measures [reported to Panel on [1 June 2020](#)].
- Decisions relating to the Council's work on validation and disbursement of Government Discretionary Business Grants, as a support for businesses during lockdowns [reported to Panel on [1 June 2020](#)].
- The mechanism used to oversee the payment of Discretionary Business Grants [reported to Panel on [15 December 2020](#)]

Pre-decision scrutiny of decision making.

During 2020/21 the Scrutiny Panel was asked to conduct proactive scrutiny of key areas of decision making by Cabinet, including the setting out of Council's strategy and actions in response to the Covid-19 pandemic. The Panel conducted reviews and offered recommendations to Cabinet and individual portfolio holders.

Covid-19 response

At an additional meeting held on 1 June 2020 the Panel examined the Council's early response to the Covid-19 pandemic and lockdown:

- The Council's community leadership response;

- Actions taken to assist residents, businesses and communities;
- Actions taken to adapt, continue and where required, reduce service provision;
- Decisions taken under urgency provisions;
- Interim Scrutiny and planning arrangements;
- The proposed amended Budget Strategy and Medium-Term Financial Forecast for 2020-21

The Scrutiny Panel made a number of recommendations to Cabinet, to improve the transparency of emergency decision making and reporting of effects upon service provision, from Covid-19 and the related lockdown measures. The Panel also offered recommendations on clarifying the Council's financial position and the Cabinet's evolving Budget Strategy.

Garden waste collections

At an additional meeting held on 7 July 2020, the Scrutiny Panel considered Cabinet's proposals for making changes to the Council's garden waste collection service. These changes would see an introduction of charging for the collection of garden waste, as part of a raft of measures to address the major reduction of income forced upon the Council by Covid-19.

The Panel made a number of recommendations to Cabinet, including the pausing of plans to introduce new charges and the formation of a group to examine waste service costs and plans, and for consultations to be held wherever any new roll-out of wheelie bins is proposed.

Council's Recovery Programme

At its meeting on 18 August 2020, the Scrutiny Panel examined the Council's proposed Recovery Programme relating to Covid-19. A comprehensive review was held, with senior officers and Councillor David King, Portfolio Holder for Business and Resources explaining the plans for returning to full levels of service provision, and to mitigate the harmful effects of the pandemic on the Council's finances.

Business Case for Council's Efficiency and Transformation Project

The Panel used its meeting on 13 October 2020 to consider a report due to be considered by Cabinet and regarding the setting of a new Budget Strategy which would deliver a balanced budget and make necessary savings in the face of great financial upheaval. This included measures to increase efficiency, review service delivery models and increasing the effectiveness of commercial operations.

Councillor Mark Cory, Leader of the Council, brought this item to the Panel for their consideration. The Panel conducted questioning regarding the measures proposed, alternatives which may have been considered but rejected, and looked at ways to find new ways of working and providing services. As a result of this, the Panel laid out its intention to examine alternative ways of working and providing services, and to review the Council's use of its property portfolio.

Prominent Reviews at Colchester Borough Council

The Scrutiny Panel held a number of reviews during 2020/21.

On 17 August 2020, the Scrutiny Panel reviewed the Council's financial contributions to the North Essex Garden Communities [NEGC] Project and NEGC Ltd's finances. Following a full scrutiny session, the Panel recommended

that the Council should not write off any carried costs owed to the Council by NEGC Ltd and that an independent external audit and/or peer review should be carried out on the NEGC Project, with all shareholder local authorities being asked to participate. This was investigated by Cabinet, and Cabinet invited the Council's partner authorities to consider such a review or audit. There was not found to be enough support from the shareholder partners for such an audit or review to be pursued.

On 18 August 2020, the Panel received review reports on the pandemic/lockdown recovery operations carried out by Colchester Borough Homes and the Council's wholly owned companies.

Gareth Mitchell, Chief Executive of Colchester Borough Homes, introduced the Panel to the project principles and structure of their operations to address the effects of Covid-19, both on the business but also on the tenants, leaseholders and those seeking housing support from CBH. The operations of CBH were found to have been quickly moved to operate within the restrictions introduced to prevent Covid-19 being spread.

The Council's Amphora companies had been significantly affected by the lockdown, and the Scrutiny Panel examined their recovery and mitigation operations, clarifying how the companies would continue until revenue and work streams could be normalized.

The 2020/21 Half Year Performance Report, received on 15 December 2020 gave the Panel an opportunity conduct a detailed scrutiny of the effects of Covid-19 on the Council during the first half of that municipal year and was an opportunity for the Panel to make a number of recommendations to Cabinet, including a prioritisation of Key Performance Indicators [KPIs] which involved the parts of Council's work which had the largest life-enhancing effect on residents of the Borough, and a recommendation to maintain KPI targets, rather than alter them, until the widespread uncertainty and effects on services caused by Covid-19 had stabilised and reduced.

Review of Bus Service Provision

In response to a request from Councillor Lee Scordis, the Panel used its meeting on 16 March 2021 to hold a review into the provision of bus services across the Borough. This review drew together Borough and County Council officers, alongside bus operators to review the situation facing the bus network, the effects of the pandemic and the plans being formed for the future of bus services, including a pilot project to provide new services in a currently unserved part of central Essex.

The Panel were briefed on the underlying pressures and difficulties within the bus sector and on the specific challenges caused by having to introduce Covid-19 safety measures and by the critical fall in passenger numbers caused by furlough and home working.

After in in-depth discussion of ways in which the Borough Council and its members could support Essex County Council, as the relevant authority, and local bus service providers, the Panel made the following recommendations to Cabinet:

RECOMMENDATION to CABINET that: -

- (a) Cabinet encourages councillors to take up the ‘#UseTheBus challenge’, to invest in local communities, jobs and the environment by championing bus travel.
- (b) Cabinet uses the powers available to a Tier Two authority to enhance and highlight modal shift from car use. Powers of Planning, redevelopment of Town Centre and a boroughwide Parking Strategy being examples (but not an exhaustive list) of these powers.
- (c) Cabinet investigates incentives and offers, through the Business Improvement District [BID] and business partners, in developing a level playing field for bus passengers, when compared to parking deals, thus promoting sustainable transport options.
- (d) Guidance be issued to all elected members as to the options available regarding use of Section 106 funds from new developments, potentially to support bus infrastructure and routes.
- (e) Cabinet directs officers to investigate the possibility of working with partners to create a Borough-wide travel app, to support and encourage use of sustainable and active travel options.

Financial scrutiny

The Scrutiny Panel, during 2020-21, conducted an informal review of its approach to scrutinising the financial affairs and position of the Council. Over past years, a large number of regular reports had been added to the Panel’s work programme which gave annual updates on different elements of the Council’s finances. It was found that a number of these reports covered areas which were already scrutinised by the Governance and Audit Committee and that the matters covered should more correctly sit with that Committee, except in instances where performance diverges significantly from expectations, or when members identify causes for concern which would benefit from consideration by the Scrutiny Panel.

Working in conjunction with the Governance and Audit Committee, the Scrutiny Panel identified the financial reviews which should remain on the Panel’s work programme each year [items for scrutinising the Council’s proposed budget before it is voted upon and to review annual budget performance after each financial year]. The building of a closer working relationship with the Governance and Audit Committee has seen invitations extended by that Committee to Scrutiny members to participate (in a non-voting capacity) in its work to scrutinise different financial and governance aspects of the Council and its wholly owned companies.

Partnership arrangements

Colchester Business Improvement District

On 18 August 2020 the Scrutiny Panel discussed and examined the work of the Colchester Business Improvement District [BID]. Joined by Simon Blaxill, BID Chairman, and Sam Good, District General Manager, the Panel examined the work of the BID to promote local businesses, town centre footfall, online

marketing, assist town centre firms in instituting Covid-19 security measures and recovering from lockdowns. The BID laid out their four-stage framework for recovery and their partnership working with the Council and other key partners.

North East Essex Health & Wellbeing Alliance

At the meeting on 21 July 2020, Mark Jarman-Howe, Chairman of the North East Essex Health & Wellbeing Alliance, and Pam Donnelly, Strategic Director of Customer and Relationships, presented the work of the Alliance. Benefits had been gained from working with partners across North Essex, including local authorities, NHS organisations, the Mental Health Trust, Community360 and other charities. The main challenges being faced by the Alliance included suicide, alcohol-related conditions and violent crime.

The Panel discussed the Alliance's response to the Covid-19 crisis and the model of partnership and stakeholder co-operation which had proved to be very successful in co-ordinating the partners engaged in health and wellbeing work in the area.

Review of Arts Organisations in receipt of Council funding.

The Scrutiny Panel holds an annual session to hear from the local arts organisations which receive Council funding, namely The Mercury Theatre, FirstSite and the Colchester Arts Centre. This had been forced to be delayed, due to the impact of Covid-19, but was held on 18 March 2021.

Representatives of the three organisations briefed the Panel on the effects of Covid-19 on their operations, the outreach work they had conducted during the year and on specific highlights, such as the Mercury Rising Project to renovate and redesign the Mercury Theatre. They also briefed members on the current financial difficulties facing their organisations, including the recent withdrawal of funding from Essex County Council.

Following an in-depth question and answer session, the Panel made the following recommendations to Cabinet:

RECOMMENDATION to CABINET that: -

- (a) Cabinet formally recognises the importance of the three art organisations, built on trust and partnership working;
- (b) Cabinet explore whether the procurement model used for the 'Mercury Rising' project can be used more widely by the Council to boost the local economy;
- (c) All councillors be kept informed of all outreach work and events by the arts organisations, to ensure that they can share the great work undertaken within the cultural sector and ensure that those who could benefit from them have the opportunity so to do.

Scrutiny Panel operating as Crime & Disorder Committee

The Scrutiny Panel sat as the Crime and Disorder Committee to review the performance and operation of the Safer Colchester Partnership on 15 September 2020. An additional meeting was also scheduled for 16 February 2021 to provide an update from the Council's partners in the Partnership, and to

give members a briefing by the charity 'Next Chapter' on the specific issue of domestic abuse and violence, and the work being done by that organisation and its partners to tackle this problem, which had increased during the Covid-19 lockdowns. Members were informed of the ways in which services and support for victims continued to be provided, in a Covid-secure fashion.

The reviews held by the Crime and Disorder Committee provided information on the work of the Safer Colchester Partnership during 2020/21, progress on the Town Centre Action Plan, the work of the Community Safety Team and provided updates from partner organisations covering their work over the year. Additional detail was given on policing efforts in the Town Centre, residential areas and rural communities. Furthermore, they gave an opportunity for the Panel and the public to learn more about how the Safer Colchester Partnership members had adapted their work to ensure that services and support options were maintained through the difficulties and restrictions resulting from the pandemic.

The Panel thanked the representatives for attending the meetings and responding to members' questions and noted the work of the Partnership.

Councillor Call for Action (CCfA)

There were no CCfA issues brought to the attention of Scrutiny Panel during 2020/21.

Task and Finish Groups

There were no Task and Finish Groups commissioned by the Scrutiny Panel 2020/21. The Panel did recommend that Cabinet commission a Task and Finish Group to examine matters relating to waste collection. Cabinet commissioned such a Group to report back to it.

Appendix

Appendix A – Schedule of Meetings and Reviews for 2020/21.

Schedule of meetings and reviews

Scrutiny Panel 2020/21

Councillor Davies (Chairman)*, Councillor Bentley (Deputy Chairman)*, Councillor Bourne, Councillor Dundas, Councillor Hayter, Councillor Hogg, Councillor McCarthy, Councillor Whitehead.

NB: Following the meeting on 1 June 2020, Councillor Davies retired from the Council. At the Scrutiny Panel meeting on 7 July Councillor Bentley was appointed as new Chairman, and subsequent to that Councillor Barber was nominated to join the Panel and was elected Deputy Chairman.

1 June 2020	<ul style="list-style-type: none"> • Finance and Council Response Reports relating to Covid-19
7 July 2020 (Additional Meeting)	<ul style="list-style-type: none"> • Pre-Scrutiny of Proposed changes to Garden Waste Collection
21 July 2020	<ul style="list-style-type: none"> • Year End 2019/20 Performance Report and Strategic Plan Action Plan 2018-21 • N.E. Essex Health and Wellbeing Alliance • Annual Scrutiny Report
27 July 2020 (Call-in Meeting)	<ul style="list-style-type: none"> • Call-in of Bradwell B Consultation response
17 August 2020 (Additional Meeting)	<ul style="list-style-type: none"> • North Essex Garden Communities Project and NEGC Ltd Update and Financial Information
18 August 2020	<ul style="list-style-type: none"> • Recovery work by CBC, CBH and CCHL relating to the Covid-19 situation • Colchester Business Improvement District
15 September 2020 (Crime and Disorder Committee)	<ul style="list-style-type: none"> • Safer Colchester Partnership (Crime and Disorder Committee)
13 October 2020	<ul style="list-style-type: none"> • Local Council Tax Support – Year 2021/22 (Provisional) • Budget Strategy for 2021-22
15 December 2020	<ul style="list-style-type: none"> • Half Year 2020-21 Performance Report & Strategic Plan Action Plan progress
26 January 2021	<ul style="list-style-type: none"> • 2021-22 Revenue Budget, Capital Programme, Medium Term Financial Forecast and Treasury Management Investment Strategy • Housing Revenue Accounts Estimate and Housing Investment Programme
16 February 2021 (Crime and Disorder Committee)	<ul style="list-style-type: none"> • Safer Colchester Partnership (Crime and Disorder Committee)

16 March 2021	<ul style="list-style-type: none"> • Alternative ways of working and service provision involving partners and communities [initial verbal briefing on how this would be brought back to the Panel in 2021-22 with focus on areas identified by the Panel] • Bus Service Provision in Colchester Borough
18 March 2021 (Additional Meeting)	<ul style="list-style-type: none"> • Arts Organisations receiving Council Funding • Corporate Key Performance Indicator Targets for 2021-22 – moved from 26 January 2021 • Colchester Borough Homes: Key Performance Indicator Targets for 2021-22