



## Scrutiny Panel

Item  
**12**

21 July 2020

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 2019/20**

### 1. Executive Summary

- 1.1 This report sets out the work of the Scrutiny Panel during 2019/20 and requests that the Panel recommend the report to Council for approval on 21 October 2020.

### 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 Council for approval on 21 October 2020.

### 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 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 2019/20.

### 4. Standard and Strategic Plan References

- 4.1 Scrutiny and challenge is integral to the delivery of the Strategic Plan 2018-2021 priorities and direction for the Borough as set out under the four themes of growth, responsibility, opportunity and wellbeing.
- 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 2019-20**

# Scrutiny Panel Annual Report 2019-20

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 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 2019/20

The function of the Scrutiny Panel continues to be important, given the challenge of providing services with limited resources. This requires the Council to innovate and look for different ways to deliver the same level of service.

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 2019/20.

The low level of call-ins and matters of urgency on Scrutiny Panel agendas suggests that the governance arrangements within the Council are working effectively. No call-ins were received during the municipal year, and only one decision was noted as having been taken under urgency provisions (Contract for Fleet Maintenance – on 15 October 2019).

During 2019/20 the Scrutiny Panel were asked by Councillor Mike Lilley, as Portfolio Holder for Communities, Wellbeing and Public Safety, to conduct pre-decision scrutiny of a draft Parking Strategy for the Borough.

Portfolio Holders have continued regularly to attend to answer questions on items on the Scrutiny Panel's agendas that fall within their remits, to take a lead on major reviews and to discuss policy, spending and performance.

During 2019/20, Scrutiny Panel members have conducted training in areas to help assist their scrutiny and overview work. Such training areas included on Treasury Management and scrutiny of commercial bodies. A session was also held to review best practice within scrutiny and overview panels and committees and identify good operating practices from other authorities.

It should be noted that, owing to the outbreak of Covid-19, the meeting which was to be held on 17 March was cancelled and its business apportioned to later meetings in the 2020/21 municipal year.

Members are asked to consider whether the scrutiny and review process is a function that remains effective, ensuring the critical friend challenge to the executive policy and decision making that drives improvement in public services.

### **Prominent Reviews at Colchester Borough Council**

The Scrutiny Panel held a number of reviews during 2019/20.

At its 11 June 2019 meeting, the Panel reviewed the operation and progress of the North Essex Garden Communities (NEGC) Ltd company, which had been set up by the partner authorities (Braintree, Colchester, Tendring and Essex County Councils) to oversee the North Essex Garden Communities Project. The Panel questioned the Company's Group Manager, Richard Bayley, and the Council's Portfolio Holder for Resources, Cllr David King, on a wide range of subjects, including company finance arrangements, consultation, the interim business plan, shareholder authorities' oversight arrangements and decision-making regarding options for development vehicles and other matters. The Panel resolved to scrutinise NEGC Ltd at least annually, and to conduct training of members as to effective scrutiny of commercial entities. A number of recommendations were also made, calling for release of certain documents, more information and briefings to be provided to councillors and greater communication with the public in order to reduce negative perceptions and improve understanding.

The above review led to a further Scrutiny Panel review of the draft interim business plan of NEGC Ltd, conducted on 29 August 2019. This provided further information regarding decision making and overview of decisions by the partner local authorities, especially with regard for development options. Additional recommendations were made that further information be circulated to councillors prior to the next tranche of funding for NEGC Ltd being brought to Full Council for approval. In addition, the Panel recommended that work be carried out to ensure that contingency plans were in place, for use in the event that the Planning Inspector did not conclude that the Section 1 Plan of the Emerging Local Plan was sound and compliant with relevant legal requirements.

On 16 July 2019, the Panel concluded its review of bus services operating in the Colchester area. This review had collected a great deal of information from bus providers and bus users over the preceding year, and the Panel recommended that this be examined by Cabinet and that Cabinet be asked to consider drafting a Public Transport Strategy for the Borough, in line with priorities within the Strategic Plan 2018-21.

On 12 November 2019, the Scrutiny Panel reviewed the Council's works carried out in preparation for Brexit, and to meet changes in needs being caused by the UK leaving the EU. A briefing was given by Dan Gascoyne, Chief Operating Officer of the Council, and contingency measures and forward planning efforts were described and mitigations of risks were noted.

The operations, achievements and business planning of Colchester Commercial Holdings Limited (CCHL) and its subsidiaries were reviewed on 10 December 2019. The Panel noted the importance of scrutiny and oversight of CCHL to be conducted between the Scrutiny Panel, and the Governance and Audit Committee, which fulfilled the function of the shareholder committee for the Company, without the Scrutiny Panel emulating work of the Committee.

This led to members of the Scrutiny Panel being invited to participate (in a non-voting capacity) in the Governance and Audit Committee meeting of 21 January 2020, where the business plans of CCHL and its subsidiaries were reviewed.

At the direction of its members, the Scrutiny Panel held an additional meeting on 5 February 2020 in order to review the operation of task and finish groups by Colchester Borough Council. The Panel were briefed on the work of each of the three existing groups (Heritage and Tourism, Alternative methods of service delivery and Conservation and Environmental Sustainability) by their Chairmen and lead officers. The Panel noted the successes and progress made by the groups. The Panel recommended better focus and setting of outcomes and purposes for future task and finish groups, and the use of a protocol to set out all necessary information and parameters for each group in the future. It further recommended that the Conservation and Environmental Sustainability Task and Finish Group be replaced by a formal committee, that the Heritage and Tourism Task and Finish Group produce a final report and conclude, and that the recommendations of the Alternative methods of service delivery Group be taken up and examined by a formal Panel. It was also recommended that the work of such groups be better publicised in the future. Cabinet accepted all substantive recommendations made by the Scrutiny Panel.

### **Pre-Decision Scrutiny**

Pre-scrutiny enables the Scrutiny Panel to examine an issue in depth and make proposals to the Cabinet or portfolio holder in advance of that decision being taken.

The Scrutiny Panel each year undertakes pre-decision scrutiny of the budget, which was put to the Scrutiny Panel on 28 January 2020. The annual report on Performance and the Strategic Plan Action Plan was examined by the Panel at its meeting on 11 June 2019, when members examined closely a number of areas, including sickness rates, and requested more information on this subject. The six-monthly Performance Report for 2019/20 was scrutinised on 10 December 2019.

On 28 January 2020 the Panel scrutinised the work carried out by the Council towards the creation of a Climate Emergency Action Plan, as a result of the Council declaring a Climate Emergency on 17 July 2019. This was done prior to the Action Plan being put to Council for approval on 13 February 2020. The Panel heard of the Council's meeting and exceeding targets for controlling of emissions, its work with the Carbon Trust to make further improvements, challenges faced and the key areas in which emissions can be controlled, both directly within the organisation, and by exerting pressure on partners. The Panel emphasised the importance of identifying ways to address climate change throughout the Council's suite of policies. The Scrutiny Panel also recommended that SMART [Specific, Measurable, Attainable, Relevant and Time-limited] objectives be set for actions.

On 28 January 2020 The Panel also reviewed proposals for a draft Parking Strategy for the Borough, at the request of Councillor Mike Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety. Members were briefed by Richard Walker, Group Manager of the North Essex Parking Partnership, who had written the draft strategy. Questions were asked regarding the aims of the Strategy, its content and its wording. It was recommended that further information and data be sought, public expectations be managed and clarifications made to avoid ambiguity.

## **Partnership arrangements**

A review of Colchester Borough Homes (CBH) Performance 2018/19 took place at the meeting on 6 August 2019. The Chief Executive and Chair of Colchester Borough Homes attended with Councillor Fox, the Portfolio Holder with responsibility for housing. The Panel received a presentation on the performance of Colchester Borough Homes as well as information on the mitigations of corporate risk and remedial action being taken to address the few performance areas where targets had not been met. This included significant changes to procurement in order to reduce the risk of awarding contracts to bidding firms which then are unable to honour their contracts. It also included measures to address any fall in rent collection levels which might be caused by the roll-out of Universal Credit.

The Scrutiny Panel sat as the Crime and Disorder Committee to review the performance and operation of the Safer Colchester Partnership on 10 September 2019. An additional meeting was also scheduled for 23 March 2020 to look at performance data from the statutory partners within the Partnership, however this had to be cancelled, due to the onset of the Covid-19 pandemic. The review provided information on the work of the Safer Colchester Partnership during 2019/20, 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. The Panel thanked the representatives for attending the meetings and responding to members' questions and noted the work of the Partnership.

## **Call-in**

No Call-ins were received by the Scrutiny Panel in 2019/20.

## **Councillor Call for Action (CCfA)**

There were no CCfA issues brought to the attention of Scrutiny Panel during 2019/20.

## **Decisions taken as a matter of urgency**

There was one decision taken under urgency provisions during 2019/20. This decision related to the Contract for Fleet Maintenance and was reported to the Panel on 15 October 2019. Protracted negotiations had left insufficient time to carry out the usual decision-making process and call-in period before the date on which the current contract would elapse. The decision was noted, and the Chairman confirmed that she had signed off on the decision, however noting that limited time had been granted for her consideration and questioning of the decision.

## **Task and Finish Group**

There were no Task and Finish Groups commissioned by the Scrutiny Panel 2018/19.

## **Appendix**

Appendix A – Schedule of Meetings and Reviews for 2019/20.



## Schedule of meetings and reviews

### Scrutiny Panel 2019/20

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

<b>11 June 2019</b>	<ul style="list-style-type: none"> <li>• Financial Monitoring Report – End of Year 2018/19</li> <li>• Capital Expenditure Monitor 2019/20</li> <li>• Year End 2018/19 Performance Report including progress on Strategic Plan Action Plan 2018/19</li> <li>• North Essex Garden Communities Project</li> </ul>
<b>16 July 2019</b>	<ul style="list-style-type: none"> <li>• Bus Review: Further actions</li> <li>• 2020/21 Budget Strategy, Medium Term Financial Forecast and Budget Timetable</li> <li>• Treasury Management - Annual Report 2018/19</li> <li>• Annual Scrutiny Report</li> </ul>
<b>6 August 2019</b>	<ul style="list-style-type: none"> <li>• Colchester Business Improvement District</li> <li>• Review of Colchester Borough Homes Performance 2018/19</li> </ul>
<b>29 August 2019 (Additional Meeting)</b>	<ul style="list-style-type: none"> <li>• Draft Interim Business Plan of North Essex Garden Communities Ltd</li> </ul>
<b>10 September 2019 (Crime and Disorder Committee)</b>	<ul style="list-style-type: none"> <li>• Safer Colchester Partnership (Crime and Disorder Committee)</li> </ul>
<b>15 October 2019</b>	<ul style="list-style-type: none"> <li>• Decision taken under Special Urgency Provision: Fleet maintenance contract</li> <li>• Local Council Tax Support 2020</li> <li>• Business Rates Retention and future arrangements</li> </ul>
<b>12 November 2019</b>	<ul style="list-style-type: none"> <li>• Brexit – governance and business continuity</li> <li>• Capital Monitor Report: April 2019 – September 2019</li> <li>• Financial Monitoring Report: April 2019 – September 2019</li> </ul>
<b>10 December 2019</b>	<ul style="list-style-type: none"> <li>• Colchester Commercial Holdings Ltd Performance</li> <li>• 2020/21 Revenue Budget, New Strategic Priorities and the Medium-Term financial forecast</li> <li>• Half-year 2019/20 Performance Report including progress on 2018-21 Strategic Plan Action Plan</li> </ul>



<b>28 January 2020</b>	<ul style="list-style-type: none"> <li>• 2020/21 Revenue Budget, New Strategic Priorities and the Medium-Term financial forecast (pre-decision scrutiny)</li> <li>• 2020/21 Housing Revenue Account Estimates and Housing Investment Programme</li> <li>• Climate Emergency Action Plan (pre-decision scrutiny)</li> <li>• Colchester Positive Parking Review (pre-decision scrutiny)</li> <li>• Corporate Key Performance Indicator Targets for 2020/21</li> <li>• Colchester Borough Homes Performance Targets 2020/21</li> </ul>
<b>5 February 2020 (Additional Meeting)</b>	<ul style="list-style-type: none"> <li>• Task and Finish Groups at Colchester Borough Council</li> </ul>