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Dear Sir/Madam

**OVERVIEW AND SCRUTINY COMMITTEE - THURSDAY, 12TH MAY, 2022**

Please find enclosed a report to be included for consideration at the meeting of Overview and Scrutiny Committee on Thursday, 12th May, 2022 .

**5 Overview and Scrutiny Committee Annual Report 2021-22 (Pages 3 - 12)**

To consider report DoR41/22 of the Chairman of the Overview and Scrutiny Committee which presents the work of the Committee and its Task and Finish Groups during the 2021-2022 Council year.

RECOMMENDED that the work of Overview and Scrutiny Committee and its Task and Finish Groups during the 2021-2022 Council year be noted, and that the report be considered by Council at its annual meeting on 26 May 2022.

*[Please note: this report will be sent 'to follow']*

Yours sincerely



Ian Frost  
Interim Chief Executive

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**Distribution**

1. Reports to all Members of the Overview and Scrutiny Committee for attendance.
2. Reports to Departmental Heads for information.
3. Reports to all remaining Councillors for information.

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Report DoR41/22

Eden District Council

Council

12 May 2022

## Overview and Scrutiny Committee Annual Report 2021-2022

<b>Report from:</b>	Chairman of the Overview and Scrutiny Committee
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### 1 Purpose

- 1.1 This report presents the work of the Council's Overview and Scrutiny Committee and its Task and Finish Groups during the 2021-2022 Council year.

### 2 Recommendation

That the work of Overview and Scrutiny Committee and its Task and Finish Groups during the 2021-2022 Council year be noted, and that the report be considered by Council at its annual meeting on 26 May 2022.

### 3 Report Details

- 3.1 This is the fourteenth annual report on Scrutiny in Eden District and describes the activities that the Overview and Scrutiny Committee and its Task and Finish Groups have been involved in during 2021-2022.
- 3.2 The report highlights Scrutiny work that has been undertaken during Scrutiny meetings such as receiving updates, gathering information and engaging in Scrutiny reviews.
- 3.3 The full Annual report can be found at Appendix 1 to this report.

### 4 Policy Framework

- 4.1 The Council has four corporate priorities which are:

- Sustainable
- Health, safe and secure;
- Connected; and
- Creative

- 4.2 This report meets the Sustainable corporate priority.

### 5 Consultation

- 5.1 Members of the Overview and Scrutiny Committee will have the opportunity to comment on this report.

## **6 Implications**

### **6.1 Financial and Resources**

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-23 as agreed at Council on 7 November 2019.
- 6.1.2 There are no proposals in this report that would reduce or increase resources.

### **6.2 Legal**

- 6.2.1 Article 6 of the Council's Constitution states that Scrutiny may report annually to full Council on their work.

### **6.3 Human Resources**

- 6.3.1 There are no direct Human Resource implications associated with this report. The Council does not have a dedicated Scrutiny officer and Scrutiny work is carried out by the Member Services officers against other priorities in the Member Services team.

### **6.4 Statutory Considerations**

<b>Consideration:</b>	<b>Details of any implications and proposed measures to address:</b>
Equality and Diversity	None arising from this report. Equalities implications are considered as part of each Scrutiny review undertaken by the Council before making any recommendations.
Health, Social Environmental and Economic Impact	None arising from this report.
Crime and Disorder	None arising from this report.
Children and Safeguarding	None arising from this report.

## 6.5 Risk Management

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
Reputational risk – Scrutiny has an important role in enhancing public transparency in democratic decision making, it is important that Scrutiny seeks to engage with the public.	Failure to carry out Scrutiny reviews and consult with the public may have a detrimental impact on the Council's reputation.	Scrutiny carries out an annual public consultation exercise to gain suggestions about possible scrutiny reviews and also seeks public opinions when undertaking reviews.
Legal – the Council has a legal duty to appoint at least one Scrutiny Committee.	Failure to appoint at least one Scrutiny Committee may result in legal challenge.	The Council has two Scrutiny Committees..

## 7 Other Options Considered

7.1 No other options have been considered.

## 8 Reasons for the Decision/Recommendation

8.1 In order to enable the Overview and Scrutiny function to make an annual report on its activities to Council.

### Tracking Information

<b>Governance Check</b>	<b>Date Considered</b>
<b>Deputy Chief Executive</b>	5 May 2022
<b>Monitoring Officer</b>	5 May 2022

**Background Papers:** None

**Appendices:** Scrutiny Annual Report 2021-2022

**Contact Officer:** Heather Donaldson, Democratic Services Officer

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# Scrutiny at Eden

## Overview and Scrutiny Committee Annual Report 2021-2022

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  - Devolution of Assets to Parish and Town Councils
  - Section 106 Planning Agreements
- 3 Question and Answer Sessions with Cabinet Members
- 4 Conclusion and Next Steps

## **1 Introduction**

- 1.1 Welcome to the Scrutiny Annual Report for 2021-2022. This report summarises Scrutiny's highlights and achievements over this past Council year, and takes in a little of the start of 2021 also, as we started to gain traction when emerging from Covid restrictions.
- 1.2 Since January 2021 we have had 9 public meetings, have considered 27 reports or presentations, have completed 2 Scrutiny reviews and have 1 review in progress. We left behind our virtual meetings and started to meet in the Council Chamber from May 2021 onwards. Throughout 2021-2022 the Overview and Scrutiny Committee was chaired by Councillor J Raine and Councillor D Ryland was Vice-Chairman.
- 1.3 The Committee has also held question and answer sessions with every Portfolio Holder in order to help fulfil Scrutiny's role of holding the Executive to account.
- 1.4 It has been another challenging year with the effects of the Covid pandemic still changing the way we work together, and with Local Government Reorganisation inevitably influencing decisions that will be made in the near future.

## **2 Scrutiny Reviews**

- 2.1 Scrutiny Reviews are short, time limited projects that are set up so that Non-Executive Members can investigate certain issues in detail and then make recommendations to the Cabinet for changes. This year the Overview and Scrutiny Committee has conducted 3 reviews, forming Task and Finish Groups in order to carry out the work. These Groups are made up of Members with an expertise or interest in the review subject and of Officers with specialist knowledge who have the role of advising and supporting Members. The Member Services Team has also supported the Groups by administering and co-ordinating their meetings.

### **Delivery of Waste and Recycling Collection Services**

- 2.2 Scrutiny of the Council's options for the delivery of waste and recycling collection services took place in July 2021.
- 2.3 Councillor M Eyles chaired a Task and Finish Group which also included Councillors P Baker, J Raine, D Ryland, A Ross and D Wicks. Supporting Officers were L Clark (Deputy Chief Executive) and H Donaldson (Democratic Services Officer).
- 2.4 The Group met with John Woodruff of Ricardo Energy and Environment, and considered his report which provided an update to Ricardo's initial consultation work carried out in 2019, on an analysis and cost comparison in respect of the various service delivery options for waste services in Eden District. The update had become necessary in the light of the possible effect of local government reorganisation, which would require the Council to re-consider its waste management contract options in the event of it forming a unitary authority with neighbouring authorities in the near future.
- 2.5 The Task and Finish Group made final recommendations that:  
  
The option of extending the existing contracts for waste services was the preferred option. In addition, the Group requested that the extension of contracts took

account of any service delivery improvements possible within the 'open book' accounting arrangement, and pressed for the maximum possible benefit in terms of sustainability and carbon footprint reduction in order to satisfy the Corporate Plan's 'sustainable' strategic priority.

- 2.6 The Overview and Scrutiny Committee discussed the Group's final report on 15 July 2021 and resolved that:

It be recommended that the Council agrees that the current contracts providers, with Urbaser Ltd and Cumbria Waste Recycling Ltd, for the delivery of waste, recycling and other front line services, be extended for a period of 5 years from April 2022, as provided for in the terms of the existing contracts.

- 2.7 The Group's final report and recommendation were endorsed by Cabinet on 20 July 2021 and were approved by Council on 29 July 2021.
- 2.8 On 1 March 2022, the Committee considered a report on the second part of the policy review on the configuration of waste and recycling collections with the recommendation that 'this Committee does not undertake a policy review on the configuration of waste and recycling collections and that Cabinet is informed of this decision' due to the delays in relevant statutory guidance and it being overtaken by the Local Government Reorganisation process. Cabinet agreed this recommendation on 15 March 2022.

### **Devolution of Assets to Parish and Town Councils**

- 2.8 The Devolution of Assets Task and Finish Group comprised Councillors J Raine (Chairing), D Banks, M Clark, M Eyles, M Hanley, S Lancaster, E Martin, G Nicolson and D Ryland. Members met on 21 September, 5 October, 27 October, 16 November and 15 December 2021. They were supported by N Buck (Contracts Manager), L Cadman (Assistant Director Delivery) and H Donaldson (Democratic Services Officer).
- 2.9 The Scrutiny review arose from a presentation to the Committee on 1 April 2021 giving an overview on the implementation of the policy. This highlighted an inconsistent take-up by Parish and Town Councils and limited progress over the last year in particular with the Council focusing resources on Covid response and recovery.
- 2.10 On 29 April 2021, Council considered a Motion on Notice on the subject of Devolution of Assets, resolved to rescind the original deadline for the devolution of assets, and asked the Overview and Scrutiny Committee to review the policy.
- 2.11 The Group agreed to consider the policy review based on the three main factors of:
- Those Parish and Town Councils who had adopted assets;
  - Those Parish and Town Councils who had not adopted assets; and
  - The possible and likely effects of Local Government Reorganisation in 2023 on the policy review work, and the position of the Council's partner Local Authorities in Local Government Reorganisation.
- 2.12 The Group looked in depth at the current situation with each Parish and Town Council in terms of the number and types of assets devolved to them, and gathered information on the position and progress of its partner Local Authorities in respect of devolution of assets.

- 2.13 The Group sent a questionnaire to all Parish and Town Councils within Eden District, aiming to capture the views both of those who had and had not had assets transferred to them.
- 2.14 The Overview and Scrutiny Committee considered the Task and Finish Group's final report at its meeting on 26 January 2022. The Group had noted substantial differences in the circumstance of transferring assets to numerous Parish and Town Councils. It is likely that the future of management and responsibility of assets will ultimately lie with the Shadow Authority of Westmorland and Furness, and given the proximity of Local Government Reorganisation, the Task and Finish Group recommended that a root and branch review of the Devolution of Assets Policy did not go ahead. The Committee resolved to request that Cabinet considered the following:
- That pending Local Government Reform, no changes to the transfer of assets policy are made at this time.
  - That no recharges in relation to the provision of footway lighting is levied in 2022/2023 as a good will gesture for those Councils who have adopted their footway lighting.
  - That provision is made to sustain the footway lighting contract until the end its current term in 2027 giving Parish Councils the option to complete on those already engaged in transfer process.
  - That a program is established to remove sodium lights without replacements as they cease to function.
  - That play areas and toilets are not agreed for transfer and remain as they are.
  - That £500 be paid in 2022/23 to the adopting Councils of public conveniences as an ex gratia payment towards running costs.
- 2.15 Cabinet will consider the Task and Finish Group's recommendations at its meeting on 24 May 2022.

### **Section 106 Planning Agreements**

- 2.16 The Section 106 Planning Agreements Task and Finish Group has held 2 meetings to date: on 26 April and 3 May 2022. It comprises Councillors D Wicks (Chairing), D Banks, D Holden, D Lawson, E Martin, G Nicolson, J Raine, D Ryland, and G Simpkins. It is supported by M Bastille (Assistant Director HR and Resources), H Donaldson (Democratic Services Officer), K Edmonson (Democratic Services Manager) R Fox (Development Management Manager), R Harrison (Solicitor), F McMorrow (Assistant Director Planning and Economic Development), M Whytlock (Housing Development Officer).
- 2.17 The Group's Terms of Reference are:
- To understand and review the current scope and process relating to Section 106 planning agreements/financial contributions applied by EDC, and to make recommendations to the O&S Committee, Cabinet and Council as required.
  - To consider the monitoring and review work relating to the current process carried out to date in relation to the collection, monitoring, reporting, and spending of Section 106 finances;

- To work with the newly appointed officers to review critically the current process, examine best practice from elsewhere and make recommendations on how the process can be improved;
- To report findings and recommendations to O&S Committee for further consideration at Cabinet and Council, as required.

2.18 This Scrutiny review is one of the suggestions from Members (Councillor G Nicolson) for the Committee's 2021-22 Work Programme. The Group will report its initial findings and recommendations to the Overview and Scrutiny Committee meeting to be held on 7 July 2022.

### **3 Question and Answer Sessions with Cabinet Members:**

3.1 The Overview and Scrutiny Committee has continued to scrutinise the work of the Leader and Portfolio Holders as part of its remit in holding the Executive to account. At all of its meetings since September 2021, the Committee has held a Question and Answer session with each of the Portfolio Holders in turn, and the Leader will be in attendance for her Q&A Session at the Overview and Scrutiny Committee on 12 May 2022. These sessions have been well-received, with the Committee engaging with and being able to find out a great deal about the work of the Portfolio Holders.

### **4 Conclusion and Next Steps**

- 4.1 Members have engaged in increasing amounts of Task and Finish work this year, and the Committee in general has seen an upturn in its business as Covid restrictions have lifted. I
- 4.2 Consideration will now be given to the consultation exercise for the 2022-2023 work programme, which will take us to the end of Eden District Council and the beginning of the new Westmorland and Furness Unitary Authority on 1 April 2023.

Councillor J Raine  
Chairman, Overview and Scrutiny Committee 2021-2022