

MINUTES

of the

OVERVIEW AND SCRUTINY COMMITTEE

held on 19 October 2023 at 7pm

Present:

Councillor J. Jeapes (Chair)
Councillor A. Thompson (Vice-Chair)

Councillors, V. Canning, H. Clark, A. Davidson, C. Davidson, S. Davis, S. Dobson, K. Franks, M. Steel, M. Taylor and S. Young

Also in attendance:

Councillors M. Goldman, S. Goldman, R. Moore, S. Robinson, and P. Wilson

1. Apologies for Absence and Substitutions

No apologies were received for this meeting.

2. Chairs Announcements

No announcements were made for this meeting.

3. Minutes

The minutes of the meeting held on 18 July 2023 were agreed as a correct record.

4. Decision and Action Sheet

The decisions and action sheet were noted by the Committee. It was advised that the Planning Enforcement Inform and Debate session had been moved to the April 2024 meeting.

5. Declaration of Interests

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. Any declarations are recorded in the relevant minute below.

6. Public Question Time

No questions were asked or statements made.

7. Decisions Called-In

To report on any Cabinet decisions called in and to decide how they should be progressed.

7.1. Public Spaces Protection Order – Hylands Park

The Committee considered the decision taken by Cabinet to approve a Public Spaces Protection Order for Hylands Park (Hylands PSPO) on 12th September 2023. The decision had been called in by five members of the Committee on 13th September 2023.

The Chair reminded members, officers, contributors, and other councillors present that the purpose of the call-in was to examine if the decision had been taken properly and that everyone should remain apolitical in the meeting. The call-in was to encourage discussion and that it might be considered in the future to include the Overview and Scrutiny Committee in relation to Cabinet decisions and reports, highlighting an element of accountability in the process.

The Chair gave the following reasons below why the Cabinet decision regarding the Hylands PSPO had been called in:

- 1. Questions about why Hylands Park, of the approximately 25 Parks controlled by Chelmsford City Council was selected for the Public Spaces Protection Order, (PSPO) were not adequately addressed. The data and statistics referred to did not appear to highlight Hylands Park as having a significant issue or being the priority for this type of action and the potential Criminalisation of dog walkers.*
- 2. If it is shown that public safety from dogs off the lead and multiple dogs being walked by one person, is a real issue at Hylands, it was clear from the general debate during cabinet, that enforcement will be key to the success of any PSPO in providing any meaningful impact on the issue.*
- 3. Given that there is to be no increase in enforcement officers and the refusal by the council at the meeting to engage in self-funding enforcement resources the introduction of the PSPO, at some public expense, does not appear to be value for money. Elsewhere it was stated that PSPOs in relation to litter were not impacting on the issues and an increase was being experienced.*
- 4. The public consultation results and feedback did not appear to have been adequately addressed. This approach was further reinforced when the request by a member of the Public to have his question read out in full was not met. Nor was it appropriately answered as the specifics about the five-year figures and criminal convictions were not responded to, nor was there any commitment to provide the information.”*

Cllr Rose Moore, the Cabinet Member for a Greener and Safer Chelmsford and whose Cabinet decision was under their responsibility, was then introduced to explain the decision to approve the Hylands PSPO. The Committee received a report detailing why the Cabinet had approved the decision. Cllr Moore also introduced their contributors, Inspector Samuel Girdlestone for Essex Police, and the Deputy Leader of the Council, Cllr Marie Goldman.

Cllr Moore explained to the Committee that there had been a voluntary code of conduct for visitors in place for Hylands Park but it had not been easy to enforce. It was emphasised that dog attacks were a huge issue both locally and nationally. Hylands Park had been chosen to have the PSPO enforced due to the extensive use and size of the park. There had been reports of dangerous dog incidents over previous years at Hylands Park. It was also emphasised that everyone had a duty of care to park users and that the bar was set high to dog ownership as well. It was repeated that a PSPO would be one of the most effective methods to ensure a safe space from dangerous dogs. It was also noted that a dog did not have to be dangerous to cause alarm or distress but only needed to be perceived to be dangerous or out of control. Regarding the public consultation, it was emphasised that this helps inform the approach but was not a referendum on whether a PSPO should be put in place or not. Some amendments to the PSPO were made in response to the consultation. Members were advised that the Hylands PSPO would only allow four dogs per dog as these were in line with RSPCA recommendations. It was also stated that 85% of the parkland would still be available for dog walkers to provide exercise for their dogs. Officers who were requested for the call-in, the Director for Public Spaces and the Public Health Protection Services Manager, also reiterated the need for the Hylands PSPO as highlighted in the report and Cllr Moore's explanation.

Inspector Girdlestone from Community Policing, Essex Police added a few points in support of the Cabinet decision to implement the Hylands PSPO. Members were informed that the Community Safety Partnership had approached their team regarding the Hylands PSPO and continued to work with the dangerous dog manager. It was advised that the statistics showed that attacks were increasing including some in Hylands Park. It was noted that there were twelve investigations of out-of-control dogs in Hylands Estate with four related to dangerous dogs. They advised that the Hylands PSPO would be an effective and tactical option to safeguard the public. The Community Policing team would then proceed with prosecutions where required

Cllr Goldman then explained their support for the Hylands PSPO and thanked the Committee for being given an opportunity to speak about this in the call-in. It was emphasised that it was explained at the Cabinet meeting why the Hylands Park was selected as it had the capacity to apply the PSPO. The Hylands PSPO would provide a safe space for everyone to enjoy and that only 15% of the park would be restricted. It was stated that criminalisation of dog walkers was a misleading statement as the main purpose was to create safe spaces. It was recognised that enforcement was key to the PSPO. It was observed that some would comply with the voluntary code of conduct but some would also chose not to. The Hylands PSPO would have consequences and irresponsible dog owners would be fined and prosecuted for ignoring the rules. It was also emphasised that the Hylands PSPO looked out for the best interest of the park users. Regarding enforcement, it was noted that the idea of the PSPO was not to simply issue fines.

After Cllr Moore, officers, and contributors have explained their position on the decisions, the Committee then had an opportunity to ask questions and for clarifications.

In response to the questions and concerns raised by the Committee, it was advised that;

- The point of the PSPO was to stop anti-social behaviour. In the officer's view, it would be difficult to keep track of more than four dogs at the same time. It was noted that the Council support local businesses and, as the PSPO was to be enforced on Hylands, there were options for other professional walkers to select other parks and they would be able to carry on with their business.
- The reason why the RSPCA's guidance regarding the number of dogs per person was chosen was because it was believed that the charity was also considering the welfare of dogs. The Kennel Club have a more direct interest.
- Officers were also concerned regarding the behaviour of some dog walkers in confrontations.
- The Council currently had five PSPOs including dog fouling, Creamfields, fly posting, and specific ones for city centre and car parks. It was noted that public consultations do not usually receive a high number of positive feedback.
- It was also reiterated that Hylands Park was for the enjoyment for all, and no one would be restricted from walking their dogs except for small exceptions, such as the children's play area and grazing fields, highlighted in the proposed PSPO map. It was also reiterated that dog walkers would be questioned if the dog did not have a good recall.
- There was a misconception that the PSPO would ban dogs in the park. Officers would be available in the park to discuss the PSPO with the public and what it would entail.
- Regarding enforcement, it was noted that this would be initially advisory unless it was confrontational. It was reiterated that the aim of the Hylands PSPO was not to criminalise but to enforce the voluntary code of conduct that was already in place in Hylands Park. It was also noted that this was to deter anti-social behaviour.
- Regarding unintended consequences of the Hylands PSPO, it was advised that these had not been identified so far, and further amendments could be made in the future to ensure that these unintended consequences were managed.
- It was suggested that so far licensing had not been applied for professional dog walker, but this might be on the horizon at a national level given that this was a category of business.
- It was advised that the dog-friendly café area next to the Stables would permit dogs on lead as already implemented on the voluntary code of conduct. Members were informed that the Stables courtyard had in the past experienced a lot of anti-social behaviour including dog on dog attacks, or dog on people attacks. There were already signage indicating these restrictions.
- Regarding enforcement, it was advised that this could be done retrospectively but officers advised that it was difficult to identify perpetrators. However, the CCTV in the park would be identify certain individuals, particularly if they were regulars.
- Regarding whether the Hylands PSPO could be seasonal, it was advised that Hylands park was being used all the year around and the risks that the PSPO was trying to mitigate would still be present.
- It was advised that there were bylaws in place but as they were dated, they were virtually impossible to enforce whilst the PSPO would be enforceable immediately.

It was also noted that the Committee could not amend the Cabinet decision. The decision would be referred back to the Cabinet and any recommendations identified by the Committee would be taken into consideration by the Cabinet. The Chair then

put forward two options for decisions. The Committee then voted on the two below proposals:

- a.) To accept the Cabinet decision regarding the Hylands PSPO without any amendments, or;
- b.) To refer the decision back to the Cabinet to include a recommendation to amend the Hylands PSPO in terms of seasonality.

The Committee took a vote, and the majority chose to accept the Cabinet decision regarding the Hylands PSPO without any amendments.

RESOLVED that;

1. to the Committee accepted the Cabinet decision surrounding Hylands PSPO and that it needed no amendments.

(7.04pm to 8.24pm)

8. Cabinet Portfolio Report – Leader of the Council

The Committee received a portfolio update from the Leader of the Council, Cllr Robinson, highlighting their work from their last twelve months. The report outlined the various roles he undertook and the regular meetings which he attended. The Committee were referred to the [written report](#) which detailed each of these roles and what they entailed.

The Chelmsford Garden Community had been a huge part of Cllr Robinson's portfolio. Members were informed of the current discussions taking place regarding two planning applications. Cllr Robinson also informed the Committee of the current discussions regarding Devolution which was noted to be on the agenda often and the Council was briefed on the latest proposal for a "level Two" deal.

In relation to housing, Cllr Robinson highlighted the challenges faced in relation to homelessness and temporary accommodation. There were discussions with the CEO and Director of CHP in seeking out ways to tackle the challenges. Meetings with registered social landlords were also facilitated.

Cllr Robinson also updated the Committee regarding "Our Chelmsford, Our Plan" which the current version from January 2020 could be accessed via the website. The plan was currently in review and an updated draft would be presented to Policy Board on 2nd November 2023 and then to be reported to Council on 6th December 2023. Members of the Committee were also informed of a summary of the different responsibilities and liaisons carried out with various internal functions as well.

In response to the questions by members of the Committee, Cllr Robinson advised that;

- CHP have processes with regards to improving and maintaining dwellings that were empty for too long. They were advised to have these processes to be looked at further to ensure that the void period would be halved. It was also advised that this would be depending on how long these dwellings were empty and what kind of dilapidations there were. There were also issues on getting the suppliers.

- It was advised that the City Council do not have a formal role with regards to devolution and it was observed that there was a southern orientation to devolution.

RESOLVED that;

1. The Cabinet Portfolio Report be noted

(8.24pm to 8.30pm)

9. Cabinet Portfolio Update – Deputy Leader and Cabinet Member for a Connected Chelmsford

The Committee received a portfolio update from the Deputy Leader of the Council and Cabinet Member for a Connected Chelmsford, Cllr Goldman, highlighting all the work that had been done in the last twelve months. Cllr Goldman also thanked officers in the services under their portfolio for the hard work they have done. Cllr Goldman gave updates regarding the achievements and current work in the following services under her portfolio.

With regards to revenue and benefits, Cllr Goldman reported that there had been big challenges facing the service. Members were advised of the grants that were received from the government such as the two Energy Support grants but they would need to be utilised. The Revenue & Benefits team had also successfully incorporated two new parish councils and their Council Tax liabilities for 2023/24 annual billing process.

In relation to Procurement services, Cllr Goldman reported the successful continuation of delivery of procurement services for Uttlesford District Council and this evidenced the two councils working together. Members were also informed of the new staffing within the Risk & Insurance Team as well as the successful defence of a high value insurance claim.

Within Human Resources, Cllr Goldman informed the Committee of the internal work that the team had achieved. Members were informed of the launch of the new friendly and accessible recruitment site and of the vacancies that were advertised there as well as on job sites. They were also informed of the challenge with regards to retaining staff and that payment was a main factor. Cllr Goldman reported the pay award that had been implemented for staff and it was ensured that the Council was advertised as a good place for work. Members were also advised of the recent recruitment of the new Director of Sustainable Communities.

Regarding the services in the Legal & Democratic team, Cllr Goldman reported the successful delivery of the 2023 Local Elections, both parish-tier and city, and that it was an achievement of the whole council. With regards to the legal services, it was reported that the new legal case management system had helped streamline processes and was now fully functional. Cllr Goldman also informed members of the information requests received and that 90% were processed within statutory timescales.

In relation to Digital Services, Cllr Goldman informed that the team had six apprentices and it was reported that three had since joined the Council permanently. It was stated that the Council would continue to invest in apprenticeships. Members were also

informed of the roll out of the Windows 11 devices as well as website migration. It was noted that the main website had been moved to ensure that it was easier to update and that the inhouse development would lead to savings. Cllr Goldman also informed members of the several releases of Dynamics and that the current development roadmap would not be delivered until October 2024.

Members of the Committee were advised of the work by the Marketing team including advertisement and email listings. Cllr Goldman updated the Committee of the achievements within the Marketing team including the increase in engagements to the new Hylands Estate Weddings website including an increase in unique visitors and repeat visitors. Increase in engagements had also been noted in the Chelmsford Museum Facebook page.

Cllr Goldman then updated the Committee of the work within the Communications Team. It was reported that 2,500 people including journalists received push notifications when a new story appears on the CityLife website. This was an increase of circa 500 in the last 12 months. Members were also updated regarding e-shots and that the open rate was around 48% which was above the benchmark from GovDelivery. The team would then continue to work with Marketing and ensure that relevant content continued to be advertised.

With regards to the Customer Services team, it was reported that they received around 94,000 calls in 2022 with majority involving Council Tax, Housing, and Benefits. Public had been encouraged to use the online system and that some calls were found to be distressing for staff.

In relation to Cultural Services, it was noted that the Council was in a process of a rebranding exercise and how it presented itself to the public. Cllr Goldman informed members of the events by Chelmsford Museum including the Behind the Rainbow exhibition which kick-started an ongoing relationship with Essex Pride, Carnival Finale, and school education sessions. Members were also informed of the Cultural Partnerships especially with Ignite where there were regularly monthly meetups. The Committee were also informed of the festivals and events including the Science Festival at ARU and Concrete Canvas. There was also a new events space at the refurbished Tindal Square. Cllr Goldman also gave updates with regards to the refurbished Chelmsford Theatre which had been completed in January 2023. It was noted that there had been excellent feedback and that the sold-out shows had doubled since re-opening including two weeks of West End Touring Shows.

A member of the Committee queried regarding the freedom of information requests and what trends were emerging from these. It was advised that they varied and that the increase was largely due to awareness of these information requests. Some of the requests were from journalists but that there were also many from members of the public.

RESOLVED that;

1. The Cabinet Portfolio Update be noted

(8.30pm to 8.51pm)

10. Work Programme

The Committee considered a report on its work programme for the year 2023/24 which had been updated following the last meeting on 18th July 2023.

Members were informed that the Theatre Task & Finish Group would be reformulated. It was noted that the terms of reference for the Task & Finish Group was also ready in existence and it was suggested for the existing membership to be continued. There were also further volunteers who would be interested in joining the Task & Finish Group.

The following councillors volunteered to join the Theatre Capital Refurbishment Task & Finish Group:

- a) Cllr S. Young (as the continuing Chair of the Task & Finish Group)
- b) Cllr A. Thorpe-Apps
- c) Cllr C. Davidson
- d) Cllr. D. Clark
- e) Cllr M. Taylor
- f) Cllr. S Dobson
- g) Cllr H. Clark

It was also advised that there would be an Independent member to be included in the Task & Finish Group as well. It was also noted that the current terms of reference for the Task & Finish Group was to be circulated to members and that it was reminded that the meetings of the Task & Finish Group would happen outside of the Overview & Scrutiny Committee.

RESOLVED that;

1. The Theatre Task and Finish Group to be reformulated;
2. The Work programme be noted.

(8.51pm to 8.57pm)

11. Urgent Business

There were no matters of urgent business.

The meeting closed at 8.57pm.

Chair