



Chelmsford City Council

25 July 2023

Annual Report of the Overview and Scrutiny Committee

Report by: Overview and Scrutiny Committee from its meeting on 18 July 2023

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Purpose

To consider the Annual Report on the activity of the Scrutiny function for 2022/23.

Recommendation:

That the Annual Report of the Overview and Scrutiny Committee and the activity of the Scrutiny function in 2022/23 be approved for publication.

1. The Local Code of Corporate Governance was adopted by the Council on 23 April 2008 (M6.1, CL52, 2008). Under the Code's Core Principle 6 – Engaging with local people and other stakeholders to ensure robust public accountability - the Overview and Scrutiny Committee is required to produce an annual report on its work for consideration by the Council and subsequent publication.
2. At its meeting on 18 July 2023 the Overview and Scrutiny Committee considered its Annual Report on the Scrutiny Function for 2019/20 and recommended to Council that the Report be approved for subsequent publication.
3. The Report is attached at Appendix 1 to this report and covers the following matters:

- statutory provisions
 - terms of reference
 - membership
 - publication of information
 - work undertaken in 2022/23
 - future work for 2023/24
 - “call in” of Cabinet decisions
 - training and development
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Appendices

1. Annual Report on the Scrutiny function 2022/23

Background Papers

None



**CHELMSFORD CITY COUNCIL
ANNUAL REPORT ON THE SCRUTINY
FUNCTION
2022/23**

**Councillor R. Poulter
(Chair – Overview and Scrutiny Committee)**

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Background

(a) *Statutory Provisions*

Under the Local Government Act 2000 each local authority is required to establish at least one committee to review or scrutinise decisions taken by the Executive or any other part of the council and make reports to the council or to the cabinet. It can also report on any matters that affect the authority's area or its inhabitants. Its role includes both developing and reviewing policy and holding the Executive to account. The Committee has power to require Cabinet members and officers to attend before it to answer questions and it may also invite other people to attend its meetings.

Chelmsford Council chose, in 2005, to set up a single Scrutiny Committee. The Committee's first meeting was on 23rd May, 2005. It was later renamed the Overview and Scrutiny Committee by Council on 10th May, 2006.

New legislation came into effect in 2009 which placed additional duties on the Council and in respect of which it was required to make arrangements for their discharge. The legislation concerned was:

- The Police and Justice Act 2006 (Sections 19 -21), which placed a duty on all local authorities to scrutinise the activities of organisations comprising the local crime and disorder reduction partnership, and
- Section 119 of the Local Government and Public Involvement in Health Act 2007, which allowed councillors to ask for discussions to take place at an overview and scrutiny committee on issues of neighbourhood concern.

In December 2009 the Council agreed that the Overview and Scrutiny Committee take responsibility for those functions and that its terms of reference were amended accordingly.

The Local Democracy, Economic Development and Construction Act 2009 (Commencement No. 3) Order 2010 brought into force on 15th June 2010 the requirement for local authorities to have a scheme for responding to petitions from people who live, work or study in the area. Petition organisers who are dissatisfied with the Council's response can ask for a review by the Overview and Scrutiny Committee. A report on this matter was agreed by Cabinet on 8 June and Council on 9 June 2010 and the Committee's terms of reference were again amended to reflect this additional function.

(b) *Terms of Reference*

The Terms of Reference of the Committee are contained in Part 3 of the Council's Constitution. They are as follows –

General role

To act as a channel for public involvement in the activities of the Council and other bodies operating in the City; to oversee the proper and efficient administration of the Council; to review the effectiveness of its work and services; and to support and

complement the activities of the Cabinet, whilst at the same time scrutinising them and offering constructive comment or advice where appropriate.

Specific role

- monitor the performance of the Council's services, carry out detailed reviews of them where considered necessary and report any resulting recommendations to the Cabinet;
- review the decisions, decision-making processes and activities of the Cabinet, other Council bodies and in respect of the Committee's own work to ensure that they comply with the requirements of the Constitution and the policies of the Council;
- monitor the activities and performance of external bodies, liaising with them where necessary, and carry out detailed assessments of the effectiveness of services provided by them if any apparent shortcomings are identified;
- scrutinise the work of the community safety partnership (Safer Chelmsford) and the partners who comprise it, insofar as their activities relate to the partnership itself and exercise all the other functions of a crime and disorder committee pursuant to Section 19 of the Police and Justice Act 2006;
- consider Councillor Call for Action requests following agreement by the Chair and Vice-Chair of the Committee after consultation with the Director of Corporate Services
- consider and respond to petitions, requesting that officers appear before the Committee to answer questions on functions, services or decisions for which they are responsible
- review the Council's handling of or responses to petitions where the petition organiser is dissatisfied with the action taken.

The Committee will also be responsible for

- providing opportunities for officers to acquaint members with the operation of the Council.

(c) *Membership of the Committee*

The Committee had 13 members, all Members of Chelmsford City Council. They are appointed by the full Council at its Annual Meeting in May of each year on a proportionality basis. No member of the Cabinet may be a member of the Committee.

In 2022/23 the membership of the Committee comprised the following members:

LD Councillors L. Ashley, M. Bracken, J. Deakin, I. Fuller, J. Lager, C. Tron, and S. Young (Vice Chair)

CON Councillors R. Gisby, I. Grundy, R. Poulter (Chair), M. Sismey, and M. Steel

IND Councillor W. Daden

Following the Annual Council Meeting on 24th May 2023, the membership is as follows –

The Committee is currently chaired by Councillor J. Jeapes who is a member of the Opposition group on the Council (the Conservatives).

LD Councillors H. Clark, P. Davey, A. Davidson, J. Deakin, K. Franks, A. Thompson (Vice-Chair), and S. Young

CON Councillors V. Canning, S. Dobson, B. Knight, and M. Taylor

IND Councillor S. Davis

(d) Programme of Meetings

The Committee met on four occasions in the municipal year 2022/23. It has five meetings programmed for 2022/23. Additional meetings may be arranged as required, including any which may be necessary if any decisions of the Cabinet become subject to the ‘Call In’ procedure mentioned in Part 3 of this Report.

(e) Publication of Information

The agendas for the Committee’s meetings are published on the Council’s website not later than five clear days before the date of each meeting. The minutes of each meeting are also published on the website as soon as possible after each meeting has taken place.

Work Programme 2022-23

The main areas of activity considered by the Committee during the municipal year (May to May) 2022/23 were as follows –

| <u>Subject</u> | <u>Date(s) considered</u> |
|---|---------------------------|
| Cabinet Portfolio Updates – Leader of the Council | 21 June 2022 |
| Responding to Rough Sleeping | 21 June 2022 |
| Reports from Representatives in Outside Bodies | 21 June 2022 |
| Report on Decisions Taken under Delegation to the Chief Executive | 21 June 2022 |
| Annual Report of the Committee | 21 June 2022 |
| Cabinet Portfolio Updates – Deputy Leader of the Council | 26 September 2022 |
| Temporary Accommodation | 26 September 2022 |
| Climate Change and Ecological Emergency Action Plan Update | 26 September 2022 |
| South Essex Parking Partnership Presentation | 26 September 2022 |
| Annual Report from the Chelmsford Policy Board | 26 September 2022 |
| Terms of Reference for Task and Finish Group | 26 September 2022 |
| Cabinet Portfolio Updates – Cabinet Member for Fairer Chelmsford | 21 November 2022 |

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|---|------------------|
| Review of Our Chelmsford, Our Plan | 21 November 2022 |
| Revenue Monitoring 2022/23 | 21 November 2022 |
| Cultural Services Presentation and Terms of Reference for a Task and Finish Group | 21 November 2022 |
| Report on Decisions Taken Under Delegation to the Chief Executive | 21 November 2022 |
| Cabinet Portfolio Updates – Cabinet Member for Greener & Safer Chelmsford | 6 February 2023 |
| Annual Presentation by Safer Chelmsford Partnership and Essex Police | 6 February 2023 |
| Cabinet Portfolio Updates – Cabinet Member for Sustainable Development | 6 February 2023 |
| Annual Report on Housing Delivery | 6 February 2023 |
| Final Report from Task and Finish Group on Outside Body Appointments | 6 February 2023 |

The Overview and Scrutiny Committee took on the role of scrutinising Safer Chelmsford to meet the requirements of the Police and Justice Act 2006, which stated that there must be a formal place where community safety matters can be discussed. The presentations on the Safer Chelmsford Partnership and by the Essex Police are both made to the Committee annually at its February meeting, so that cross-cutting issues can be identified and discussed.

‘Call-in’ of Cabinet Decisions

This Council’s Executive Arrangements, made under Section 21 of the Local Government Act 2000, provide an opportunity for Members to require that the Overview and Scrutiny Committee review a decision taken by the Executive (Cabinet) but not yet implemented. Depending on its conclusion, that Committee could then request that the Cabinet reconsider, and possibly amend, that decision.

The procedure for “calling in” Cabinet decisions is set out in the Council’s Constitution (Part 4.5 – Overview and Scrutiny Rules – Rule 4.5.11). In brief this provides that at least five Members of the Overview and Scrutiny Committee must request the call-in in writing, setting out their reasons, and the request must be received by the Council’s Legal and Democratic Services Manager by 5 p.m. on the fourth working day after the Cabinet decision was taken.

During 2022-23, no decisions of the Cabinet were called in for consideration by the Overview and Scrutiny Committee.

Future Projects

The Committee keeps its work programme under constant review. The work programme is considered at the end of each meeting.

Training and Development

Members of the Overview and Scrutiny Committee form small “Task and Finish” groups to look into a particular subject or service where appropriate. They work with officers

to find out more about the service area and to identify possible improvements. They attend site visits, forums and meetings and undertake research as necessary in order to obtain further understanding and information to support the review. Their findings are fed back to the rest of the Committee in the form of a report and recommendations. In addition to ensuring value for money and that things are done correctly, 'Task and Finish' groups provide excellent development opportunities for Members, help to maintain good Member/Officer relations, raise awareness of issues and services amongst Members and can identify gaps in Member training.
