

Report to the Constitution Working Group

Date of meeting: 16 March 2023



**Epping Forest
District Council**

**Subject: Discussion Paper - Overview & Scrutiny
Committee Structure 2023/24**

Responsible Officer: Gary Woodhall (01992 564470).

Democratic Services: Vivienne Messenger (01992 564243).

Recommendations/Decisions Required:

That the Constitution Working Group recommend their preferred option for the structure of the Council's Overview & Scrutiny committees for 2023/24:

Option 1:

- (1) That Overview & Scrutiny Committee be retained on the Council's committee list;**
- (2) That the Stronger Council Select Committee be removed from the Council's committee list and its work programme be absorbed by the Overview & Scrutiny Committee;**
- (3) That the Stronger Communities and Stronger Place Select Committees be retained on the Council's committee list and their work programmes continue to be aligned with the corresponding key themes within the Council's Corporate Plan;**
- (4) That nominations to the Overview & Scrutiny Committee continue to be undertaken by the Appointments Panel and recommended to the Annual Council meeting for approval each year, with the Overview & Scrutiny Committee continuing to appoint members to the two Select Committees; and**
- (5) That the Monitoring Officer be delegated authority to make the necessary revisions within the Constitution to implement the changes above; or**

Option 2:

- (6) That the Overview & Scrutiny Committee be removed from the Council's committee list and its work programme be absorbed by the remaining Select Committees;**
- (7) That the Stronger Communities, Stronger Council and Stronger Place Select Committees be retained on the Council's committee list and their work programmes continue to be aligned with the corresponding key themes within the Council's Corporate Plan;**
- (8) That nominations to the three Select Committees be undertaken by the Appointments Panel and recommended to the Annual Council meeting for approval each year; and**
- (9) That the Monitoring Officer be delegated authority to make the necessary revisions within the Constitution to implement the changes above.**

Report:

Introduction

1. The Council has faced a very challenging budgetary situation for 2023/24, which has required several difficult decisions to be taken. Within the Democratic and Electoral Services Team, this has necessitated a reduction of 2fte in the size of the team, with the Electoral Services section reduced by 0.5fte and the Democratic Services section reduced by 1.5fte. These reductions have been achieved through voluntary redundancies.

2. From 2023/24, the Democratic Services Section will only have three members of staff and therefore will not have the resources to support the Council in the manner that it has done over many years. As part of the budget setting process, the Service Director for Corporate Services had meetings with senior members of the Cabinet to not only agree the necessary cuts in the Democratic Services budget, but also proposals for a number of changes to the future service provision of the section. A reduction in the number of Scrutiny committees from the current four to three was one of those proposals.

3. A meeting was held between Senior Officers in February 2023 to determine the best way to progress the changes that had been agreed as part of the budget setting process. For this particular proposal, it was felt that an extra-ordinary meeting of the Constitution Working Group should be convened to consider the required changes and determine which one should be recommended to the Council for approval.

4. In addition, it is felt that there is a degree of overlap between the work programmes for the Overview & Scrutiny Committee and the Stronger Council Select Committee, which has reduced the amount of business carried out by the Overview & Scrutiny Committee in particular this year. Therefore, it is felt that the amalgamation of the two committees would not negatively impact the Council's Scrutiny function.

5. In further discussions between Officers and the Portfolio Holder for Internal Resources, two options have emerged as the most practical and these are detailed below for the Constitution Working Group to consider.

Option 1 – See Appendix 1

6. The first option is to retain the Overview & Scrutiny Committee as the parent committee, as well as the Stronger Communities and Stronger Place Select Committees but abolish the Stronger Council Select Committee. The Work Programme for the Stronger Council Select Committee would be absorbed by the Overview & Scrutiny Committee.

7. The Stronger Communities and Stronger Place Select Committees would be retained, with their work programmes aligned to the corresponding key themes in the Council's Corporate Plan, as they currently are. The appointment of members to these two Select Committees would be undertaken by the Overview & Scrutiny Committee as at present.

Option 2 – See Appendix 2

8. The second option is to retain the Stronger Council Select Committee, as well as the Stronger Communities and Stronger Place Select Committees but abolish the Overview & Scrutiny Committee. The Work Programme for the Overview & Scrutiny Committee would be absorbed by the three Select Committees and would be dependent on which of the three key themes within the Council's Corporate Plan each item related to.

9. Again, as highlighted above, it is felt that there is a degree of overlap between the work programmes for the Overview & Scrutiny Committee and the Stronger Council Select Committee, which has reduced the amount of business carried out by the Overview & Scrutiny Committee in particular this year. Therefore, it is felt that the amalgamation of the two

committees would not negatively impact the Council's Scrutiny function.

10. The work programmes of the three Select Committees would be aligned to the corresponding key themes in the Council's Corporate Plan, as they currently are. With the abolition of the Overview & Scrutiny Committee, the appointment of members to the Select Committees would be undertaken at the Annual Council meeting each year, following nominations from each group at the Appointments Panel meetings.

Further Discussion Points for the Group

11. It is also proposed the position of Chairmen for all Overview and Scrutiny Committees should be filled by a member outside of the majority group, regardless of which option above is chosen. The Group is also asked to consider whether this should also be extended to the Vice- Chairmen positions as well.

12. It is also proposed to hold quarterly meetings between the Chairmen and Vice-Chairmen of the Council's Scrutiny Committees to manage the work programmes of all three Committees. In addition, it is also proposed to hold regular joint meetings between Executive and Scrutiny Chairmen to manage the business passing between the two functions of the Council.

13. Briefings for the Chairman will take place prior to all meetings of Scrutiny Committees to ensure the Chairmen and Vice-Chairmen are fully prepared for all meetings. The relevant Lead Officer for the Scrutiny Committee will lead the briefing of the Chairman and Vice-Chairman.

14. In relation to the handling of call-ins, if option one is preferred then all called-in decisions will be considered by the Overview & Scrutiny Committee. If the preference is to have three Select Committees of equal standing then called-in decisions will be submitted to the relevant Select Committee depending upon the key theme of the Council's Corporate Plan that the decision relates to.

15. If option two is preferred then some consideration will also have to be given to the following issues:

- Public questions and requests to address the Overview & Scrutiny Committee.
- Scrutiny of the Cabinet' Forward Plan of Key Decisions.
- The Annual Report of Scrutiny Committees.
- Establishment of Task & Finish Scrutiny Panels.

16. Currently, none of the Select Committees offer the opportunity for the public to address the Committee or ask questions, nor can they establish Task & Finish Panels while the Annual Scrutiny Report is overseen by the Overview & Scrutiny Committee.

17. The simplest solution would be to allow the Select Committees to permit or undertake these activities in future, if option two is preferred. However, the Group may wish to consider alternative solutions. The Constitution would need to be revised accordingly.

Conclusion

18. The Constitution Working Group is requested to consider the two options above and the further discussion points to make their recommendations to the Council for approval. The Group will also be required to recommend that the Monitoring Officer be delegated authority to make the necessary changes to Article 6 within the Constitution (Overview and Scrutiny).

19. The Group should note that maintaining the current status quo is not an option, as the decision was taken through the budget process to reduce the Scrutiny Committees from four to three.