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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

02 January 2018

Dear Councillor

You are summoned to attend the meeting of the;

OVERVIEW AND SCRUTINY COMMITTEE

on **WEDNESDAY 10 JANUARY 2018 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Fiona Marshall', enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor M W Helm

VICE-CHAIRMAN

Councillor R P F Dewick

COUNCILLORS

Mrs P A Channer, CC
P G L Elliott
M S Heard
N R Pudney
S J Savage
Mrs M E Thompson

Maldon District Council's Corporate Goals

- Strengthening communities to be safe, active and healthy;
- Protecting and shaping the District;
- Creating opportunities for economic growth and prosperity;
- Delivering good quality, cost effective and valued services;
- Focusing on key projects.



AGENDA
OVERVIEW AND SCRUTINY COMMITTEE
WEDNESDAY 10 JANUARY 2018

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes - 4 October 2017** (Pages 5 - 8)

To confirm the Minutes of the Overview and Scrutiny Committee held on 4 October 2017 (copy enclosed).

4. **Minutes of the last meeting** (Pages 9 - 14)

To confirm the Minutes of the meeting of the Overview and Scrutiny Committee held on 22 November 2017 (copy enclosed).

5. **Public Participation**

To receive the views of members of the public on items of business to be considered by the Committee (please see below):

1. A period of ten minutes will be set aside.
2. An individual may speak for no more than two minutes on a specific agenda item, the time slots to be allocated on a "first come first served" basis.
3. Participation may take the form of a statement, or alternatively a question to be addressed to the Chairman. There will be no discussion on questions put unless it is formally moved. In line with the current scheme applied to other Committees, the questions must:
 - not be defamatory, frivolous, vexatious or offensive;
 - not be the same or substantially the same as another question to the same meeting or anything so put in the last six months;
 - not involve the disclosure of confidential or exempt information.
4. Anyone wishing to speak must notify the Committee Clerk between 7.00pm and 7.20pm prior to the start of the meeting.

6. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

7. **Primary School Education in the Maldon District** (Pages 15 - 18)
To consider the report of the Director of Customers and Community (copy enclosed).
8. **Recruitment of GPs in the Maldon District** (Pages 19 - 20)
To consider the report of the Chief Executive (copy enclosed).
9. **Review of the Council Decision on the Petition to Reinstate the Marine Lake, Promenade Park, Maldon** (Pages 21 - 30)
To consider the report of the Director of Customers and Community, (copy enclosed).
10. **Final Report - Procurement and Delivery of the 2016 / 17 Capital Programme**
(Pages 31 - 50)
To consider the report of the Director of Resources, (copy enclosed).
11. **2017 / 18 Programme of Work** (Pages 51 - 56)
To consider the report of the Director of Resources, (copy enclosed).
12. **Any other items of scrutiny Members wish to consider**
13. **Any other items of business that the Chairman of the Committee decides are urgent**

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

This meeting will be monitored and recorded by CCTV.



**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
4 OCTOBER 2017**

PRESENT

Chairman	Councillor M W Helm
Vice-Chairman	Councillor R P F Dewick
Councillors	Mrs P A Channer, CC, P G L Elliott, M S Heard, N R Pudney, S J Savage and Mrs M E Thompson

488. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

489. APOLOGIES FOR ABSENCE

There were none.

490. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 30 August 2017 be received.

Minute No. 352 – 2017 – 2018 Programme of Work

The declaration under **Provision of Healthcare Services** should read “Councillor Mrs P A Channer declared that she was a member of the Maldon Health Hub Partnership Board”.

The reference under **Provision of Healthcare Services** to “John Ryland” should read “John Niland”.

The declaration under **Planning Enforcement** should read “At this point Councillor Mrs P A Channer CC reiterated her earlier declaration being the Chairman of the Planning and Licensing Committee and a member of the South Eastern Area Planning Committee”.

Councillor S J Savage declared a non-pecuniary interest as a Member of the Central Area Planning Committee and provided an update on how the Central Area Planning Committee dealt with the quarterly planning enforcement reports.

Minute No. 355 – Election Update

Councillor Channer had asked that it be noted, that the Council were lucky to have Lynda Elsegood, a very experienced Election Officer, who was always very helpful and knew her field very well, but this had not been recorded in the Minutes.

RESOLVED

- (ii) that subject to the above amendments the Minutes of the meeting of the Committee held on 30 August 2017 be confirmed.

491. PUBLIC PARTICIPATION

There were none.

492. DISCLOSURE OF INTEREST

There were none.

493. 2017 / 18 PROGRAMME OF WORK

The Chief Executive provided an update on the work programme of this Committee for 2017 / 18 on behalf of the Director of Resources.

Councillor Mrs P A Channer declared an interest as the Chairman of Planning and Licensing Committee and as a member of the South Eastern Area Planning Committee.

Councillor S J Savage declared an interest as a member of the Planning and Licensing Committee.

There was some discussion around what the Council could do with regards to the district surgeries advising they couldn't take on any more patients on their own register but could accept more patients that were funded differently.

Councillor Mrs Channer declared an interest as a patient of the Burnham Surgery.

The Chief Executive advised that she would invite GPs, the Clinical Commissioning Group (CCG) and National Health Service (NHS) England to the December Overview and Scrutiny (O&S) Committee meeting.

In response to a question, the Director of Customers and Community explained that the Primary School Education report had been moved to the January 2018 meeting as Tim Elbourne couldn't attend the October meeting. It was important for Mr Elbourne to attend so that the schools and the Council could work closely together.

Councillor Mrs Channer declared an interest as she was an Essex County Councillor.

In response to a question, the Chief Executive explained that the Council was still waiting for a response from the Royal Mail with regards to their investigation on postal

votes not being delivered for the General Election in June 2017, and that once this was received it would be bought back to the committee.

The Chairman informed the committee that Simon Quelch, the Senior Solicitor, was completing a review of the enforcement action process and would this would be brought to the committee in spring 2018.

494. PROJECT UPDATE - PROCUREMENT AND DELIVERY OF THE 2016 / 17 CAPITAL PROGRAMME

The Director of Customers and Community updated Members on the Overview and Scrutiny Committee project reviewing the procurement and delivery of the 2016 / 17 Capital Programme, on behalf of the Director of Resources.

There was a robust discussion around the St Cedd's project and the level of overspend on the project. Various Members of the Committee raised their serious concerns at the £60,000 (60%) overspend and criticised the apparent poor management of the contract leading to this overspend. The Chief Executive stated that no-one was to blame for this.

Concern was also voiced at the reduction of capital reserves over the last few years from £12 million to under £4 million. The Chief Executive stated that these reserves would soon be spent and then it would be necessary to borrow money to continue funding capital projects.

A member asked for clarification on whether the Council had permission for lighting, as the original planning consent did not include lighting.

The Chief Executive advised the committee that a full in-depth report on the St Cedd's project, with recommendations, would be bought to the Committee in December.

The Committee ~~advised~~ requested they would also like to see the original St Cedd's project brief.

It was agreed that the Committee would ~~like to~~ receive a further more detailed report about the Capital Projects. This report should include details of capital projects from previous years with related figures, including historic projects, and a review of the controls and processes for capital projects and details of the related investment, so that the authority does not get into a similar situation as St Cedd's. It was questioned how those projects transferred over from a previous year were prioritised and details of the individual costs related to such projects were requested.

495. ANY OTHER ITEMS OF SCRUTINY MEMBERS WISH TO CONSIDER

It was requested that a report be brought back to the Committee to show a breakdown in the moorings and berths in the ownership of the Council at Burnham-on-Crouch, fees chargeable for each, whether they had been collected and whether the vessels had the necessary insurance cover. It was agreed that Councillor P G L Elliott would be the leader Member for this piece of scrutiny.

It was requested that a report be brought back to this Committee to cover the Council's approach to Internal and External Communications. The scrutiny will include the Email System, telephone communications via the Council's contact centre; how the Council could improve its website and include some examples of other authorities' approach to communication and the Council's Digital strategy. It was agreed that Councillors M S Heard and S J Savage would be the lead Members for this piece of scrutiny.

There being no further items of business the Chairman closed the meeting at 8.56 pm.

M W HELM
CHAIRMAN



**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
22 NOVEMBER 2017**

PRESENT

Chairman	Councillor M W Helm
Vice-Chairman	Councillor R P F Dewick
Councillors	Mrs P A Channer, CC, P G L Elliott, M S Heard, S J Savage and Mrs M E Thompson
Substitute Member	Councillor A T Cain

613. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

614. APOLOGY FOR ABSENCE AND SUBSTITUTION NOTICE

An apology for absence was received from Councillor N R Pudney and in accordance with notice duly given Councillor A T Cain was attending as a substitute for Councillor Pudney.

615. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 4 October 2014 be received.

Minute No. 493 – 2017 / 18 Programme of Work

Councillor S J Savage proposed an addition to the fourth paragraph of this Minute, adding to the end of the sentence “on their own register but could accept more patients that were funded differently”. This was agreed.

Minute No. 494 – Project Update - Procurement and Delivery of the 2016 / 17 Capital Programme

Councillor R P F Dewick proposed that the following be added to the end of paragraph two of this Minute:

“Various Members of the Committee raised their serious concerns at the £60,000 (60%) overspend and criticised the apparent poor management of the contract leading to this overspend. The Chief Executive stated that no-one was to blame for this.

Concern was also voiced at the reduction of capital reserves over the last few years from £12 million to under £4 million. The Chief Executive stated that these reserves would soon be spend and then it would be necessary to borrow money to continue funding capital projects.”

The above addition was agreed.

Councillor Mrs P A Channer raised a number of concerns regarding the accuracy of the Minutes and felt that they were not representative of the meeting that took place. There was a discussion regarding suggested amendments and Councillor Mrs Channer advised she was happy for the Chairman to agree suitable wording with the Director of Resources.

Councillor Savage advised that in respect of paragraph three of this Minute the lighting had been part of a separate planning application. He also suggested that paragraph five should read “The Committee *requested* they would...”. He proposed that a copy of the corrected Minutes be presented to the Committee for approval.

Following further discussion it was agreed that the Minutes not be agreed but amended and brought back to the next meeting of this Committee.

RESOLVED

- (ii) that the Minutes of the meeting of the Committee held on 4 October 2017 be further amended and brought back to the next meeting of this Committee for confirmation.

616. PUBLIC PARTICIPATION

In accordance with the Council’s public participation scheme Mr Horner of Woodcraft, Bacons Chase, Bradwell on Sea addressed the Committee in respect of Agenda Item 8 – Final Report: Procurement and Delivery of the 2016 / 17 Capital Programme.

617. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer declared a non-pecuniary interest as an Essex County Councillor and Essex County Council was referred to within the reports before the Committee. She made particular reference to Agenda Item 6 – Review of Performance – Quarter Two 2017 / 18 and in relation to this declared that she was the Chairman of the Maldon Youth Strategy Group and the report made reference to Chelsea’s choice. Councillor Mrs Channer also declared an interest as the Chairman of the Planning and Licensing Committee and that she was the Council’s representative on the Police, Fire and Crime Panel.

618. REVIEW OF PERFORMANCE - QUARTER TWO 2017 / 18

The Committee considered the report of the Chief Executive which provided details of performance against targets set for 2017 / 18 (attached at Appendix 1 to the report) and

to ensure that progress was being achieved towards overall corporate goals and objectives set out in the Corporate Plan 2015 – 19.

Members' discussed the report in detail focussing on those activities behind schedule or at risk. In response to a number of questions the following information was provided:

- Medium Term Financial Strategy – The Director of Resources explained the process Officers were going through as part of the budget for 2018 / 19 and 2019 / 20, including considerations regarding fees and charges and reserves.
- Bradford Score (sickness absence trigger) – Members were provided with information regarding the Bradford score and the Director of Resources advised that she would provide Members with further details including the triggers for review.
- Adopt the Maldon District Design Guide – It was noted that the Appendix incorrectly referred to this as having been submitted to the Council in November 2015.
- Maldon Health Hub – It was confirmed that the Chief Executive attended meetings of the Health Hub Project.
- ICT Strategy Projects – Members were advised that the Digital Strategy would be included as part of the workstream relating to the Committees next item of scrutiny.
- Empty Homes - It was clarified that the Council did charge full council tax against all empty properties. It was noted that the number of long term empty properties returned to use had plateaued. In response to a comment raised, the Director of Resources advised that she would discuss this with the Chief Executive and Strategic Housing Manager and seek to obtain further information, including focus for the remainder of the year.

The Director of Customers and Community advised that he would speak to the Strategic Housing Manager and seek clarification as to what rigorous interventions referred to in respect of bringing empty homes back into use.

- Sickness Absence – In response to questions, the Director of Resources provided the Committee with statistics regarding sickness absence. Members were advised that the Finance and Corporate Services Committee would be receiving the quarterly statistics at its next meeting. Improvement had been seen in relation to long term sickness. It was noted that of the reasons for sickness absence stress made up 1%. The Director of Resources agreed to provide the reasons for long term absence to Members outside of the meeting.

RESOLVED that the report on performance for quarter one 2017 / 18 be noted.

619. PROGRAMME OF WORK

The Committee received the report of the Director of Resources confirming the Committee's Work Programme for 2017 / 18, attached as Appendix 1 to the report.

Members were provided with the following updates and commented on the scrutiny items detailed on the 2017 / 18 programme of work:

- **Provision of Healthcare Services** – The Director of Customers and Community explained that the Homes First Programme had to be worked through before a decision on the hospital could be made. The Chief Executive would be seeking clarity on the provision of beds.
- **Section 106** – It was noted that this was scheduled to be considered at the February meeting.
- **Planning Enforcement** - It was noted that this was scheduled to be considered at the March meeting.
- **Primary School education in the District** – It was noted that this was scheduled for the January meeting and education providers would be in attendance.
- **Administration of Council River Moorings** – The Director of Customers and Community advised that there was a scoping meeting taking place this week and he would raise comments made by Members regarding leases and licences.
- **Internal and External Communication** – The Director of Customers and Community sought clarification from the Committee regarding the Council’s website and if it was Members intention to include examples from other websites in terms of communication. In response to comments Members were advised that a comparison could be undertaken between other authorities and how the Council compared with them. It was noted that the proposed digital strategy would link into the customer strategy. A number of Members commented on the Council’s new website and the improvements it had brought.

In respect of Communications, concern was raised regarding the Planning Department in particular and in response the Director of Customers and Community advised that he would feed this back to the Chief Executive.

Councillor P G L Elliott proposed that a piece of scrutiny be undertaken on the Council’s policies on empty homes and how they were being implemented. This proposal was duly seconded and agreed.

Councillor Mrs P A Channer requested that sickness absence be added to the Committee’s Work Programme and that sickness absence reports along with information regarding Bradford scoring be received by the Committee. The importance of the Council’s staff was also raised at this point. Councillor Mrs Channer explained how it was necessary to have comparison between the old and new policy and ensure it was a working in the best way for the Council and its staff. This proposal was duly seconded and agreed.

In relation to the two new areas of scrutiny the following Members were appointed as lead Members:

- Sickness absence – Councillors Mrs PA Channer and N R Pudney.
- Empty Homes – Councillor P G L Elliott

RESOLVED that the Programme of Work for 2017 / 18 be updated in accordance with the discussions above including the addition of scrutiny items relating to Sickness of Absence and Empty Homes.

620. FINAL REPORT - PROCUREMENT AND DELIVERY OF THE 2016 / 17 CAPITAL PROGRAMME

The Committee considered the report of the Director of Resources, setting out findings on the procurement and delivery of the 2016 / 17 capital programme with particular reference to Project 180 (St Cedd's and car park). Within the report were a number of recommendations arising from the conclusions raised and it was noted that they were for immediate implementation.

A number of comments were raised regarding the report and in response the following information was provided:

- The Director of Resources agreed to provide Members with detailed financial information regarding the St. Cedds project.
- In response to a query regarding the constitution of the Asset Management Working Group (AMWG), its Terms of Reference and duplication of work, Members were advised that the AMWG would provide challenge and review rather than scrutiny. It was noted that the Terms of Reference for the AMWG were to be agreed at its first meeting. The Director of Resources advised that recommendation 2 could be amended to ensure when the Terms of Reference were agreed that there was no overlapping or conflict of interest.
- The Council had an outsourced procurement support from Braintree District Council who reviewed the issuing of tenders using a comprehensive standard document.
- Members were advised that in relation to the St. Cedds project there had been some work carried out by Council staff and the Director of Resources provided details of this. It was requested that this work by those Members of staff be recognised.
- The Director of Resources informed Members of a back office review of services to identify how the Council could become more efficient. Officers were also looking to appoint a Contract Procurement Officer.

Councillor S J Savage commented that he felt the report should not be noted. He proposed that the contents of the report be actioned as set out in paragraph 4.1 of the report, assurances provided and reported back to this Committee in December. The Chairman advised that the next meeting of the Committee was in January and Councillor Savage amended his proposal accordingly. This proposal was duly agreed.

RESOLVED that Officers continue to complete the detailed review of this project with the final report and assurances reported to this Committee in January 2018.

621. ANY OTHER ITEMS OF SCRUTINY MEMBERS WISH TO CONSIDER

Councillor R P F Dewick commented on the recording of Committee meetings and it was noted that this would be a future item of scrutiny.

621A ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

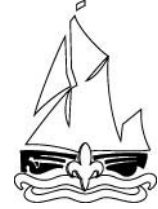
In response to a question regarding the sound recording for the last meeting of this Committee, the Director of Customers and Community advised that he had undertaken and submitted the results of an investigation into this matter requested by the Leaders' office. He provided a detailed verbal update to Members on this matter and the steps put in place following his investigation to address areas of concern.

A number of concerns were raised by Members following to the information provided and in response to questions further information was provided by the Director of Customers and Community.

The Director of Customers and Community advised that the Leader of the Council would be reporting back to Members regarding this investigation and he agreed to feedback to the Leader of the Council that this should be to all Members.

There being no further items of business the Chairman closed the meeting at 9.30 pm.

M W HELM
CHAIRMAN



**REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY**

**to
OVERVIEW AND SCRUTINY COMMITTEE
10 JANUARY 2018**

PRIMARY SCHOOL EDUCATION IN THE MALDON DISTRICT

1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to update an item of scrutiny relating to primary school education in the Maldon District previously considered in January 2017.

2. RECOMMENDATIONS

- (i) that the Committee notes the update on progress in relation to recommendations made in January 2017;
- (ii) that the Committee notes the performance update of primary education within the Maldon District;
- (iii) that the Committee makes recommendations to the relevant educational providers on key findings and makes recommendations to this Council on initiatives to assist the educational providers in improving performance within the Maldon District as follows:
 - a. the Council offers the Diocese of Chelmsford and Essex County Council use of district promotional materials to aid recruitment of Teachers and School Governors within the Maldon District;
 - b. that the Council provides details of local Town and Parish Councils to the Diocese of Chelmsford and Essex County Council to enable sharing of Governor recruitment issues by specific area to raise awareness and assistance in recruitment;
 - c. the Council facilitates dialogue between Town and Parish Councils with schools within their locality to encourage greater joint working.
- (iv) that future updates relating to progress on the above recommendations are made to the Locality Board and this matter is now concluded by the Overview and Scrutiny Committee.

3. SUMMARY OF KEY ISSUES

3.1 In January 2017 Members scrutinised primary level education (Minute No.853 refers) in particular, the scrutiny sought to:

- determine what the current situation is and how this compares to the County and national pictures;
- evaluate the trends in standards and how the District compares with other local authorities in Essex or whether there are factors that are particular to the Maldon District;
- examine what is being done to ensure that the standards improve. (What are the relevant current policies, procedures and practices that are in place; how successful have they been and how they will make an impact in the future?);
- exert local influence and support to drive up the quality of primary education across the whole District where possible.

3.2 The Recommendations made by this Committee in January 2017 were as follows;

- (i) that the Council encourages collaborative partnerships to ensure best outcomes and that best practice is shared between schools regardless of Local Education Authority (LEA), faith or academy background;
- (ii) that the Council looks to assist in the recruitment and retention of teachers through investigation of affordable housing provision;
- (iii) that the Council assists in finding and recruitment of quality governors for local schools;
- (iv) that this scrutiny is re-visited by this Committee to monitor progress at a future date.

3.3 **Update**

3.3.1 In preparation for this item of scrutiny meetings have been held with representatives of the Diocese of Chelmsford and Essex County Council to further explore some of the issues included within the recommendations detailed above.

3.3.2 At the meeting of this committee a short joint presentation will be made by representatives of the Diocese of Chelmsford and Essex County Council to update Members on educational performance. The representatives will also be available to answer any questions Members may have as a result of the information provided.

3.4 A key area of concern common to both education providers is the recruitment and retention of teachers in our rural district. The lack of the provision of affordable housing for teachers is seen as a major barrier particularly in small rural schools and this is hampering recruitment. In addition the peninsular nature of the area also has an impact upon recruitment. Mr Gayler (Strategic Housing Manager) has been asked to look at options which may help to ease the housing issue and has made the following comments:

3.4.1 At a time when there is a housing crisis and recognition by the government that the broader housing market is ‘broken’, the impact of this will be felt by a wide range of people within the District and further afield as an unfortunate but inevitable consequence of the current housing problems faced by many. The Council is already struggling to meet its statutory duties to those who are homeless, as evidenced by the rising number of households in temporary accommodation and it is not feasible or advisable at this moment to consider allocating homes to others if this compromises

the Council's ability to give preference to those in greatest need. This includes households who have children in local schools and need to remain close to their local area so as to minimise disruption to their children's education.

- 3.4.2 In the short term, the implementation of the Homeless Reduction Act in April 2018 is likely to place extended duties on the Council's Housing Service which will make it even more challenging to allocate homes to any other groups until such time as plans to improve supply begin to deliver an adequate supply. This may help those teachers who find themselves at risk of becoming homeless but hopefully this will be a very small number and we recognise that this is a different side to the same issue.
- 3.4.3 The Council's Strategic Housing Service has worked with local parish Councils and other partners to identify and help meet the need for affordable housing in rural areas to meet the need of those who live or work in the area. This is now covered by Policy H5 and could also be delivered through the Council's Community Led Housing programme if sites are identified and brought forward for this purpose as an exception to other policies. Officers would be willing to discuss with the LEA, local diocese and others any opportunities for bringing forward land for this purpose. If willing, this can be developed through the Council's Housing Strategy that is currently being drafted.
- 3.4.4 Whilst affordability is recognised and understood as a problem facing many local households and local employers, especially smaller businesses, the cost of smaller homes to buy or rent compares favourably with other neighbouring areas, especially Chelmsford. There are possible options that could be linked to additional supply of homes that would not detract from the Council's legal duties but there would need to be a policy based approach to this. Officers will therefore also look to the LEA and other possible employers of key workers to see if it is possible to obtain more detailed information on housing need and the risk of essential services failing that can be used to develop a policy as part of the Housing Strategy.
- 3.5 Whilst recognising that staff recruitment can be difficult for local schools, particularly those located on the Dengie Peninsula for the above reasons, the District Council can offer support in promoting the merits of the Maldon District as a place to live and/or work. As part of the Council's own staff recruitment campaigns, high quality internet based and printed recruitment material is now produced. The generic material promoting the quality of life that the District offers, the transport links and the proximity to London, for instance, could be used by schools directly and/or the Education Authority. If Members were minded, this level of support could be offered and access given to some of the Council's photographic library and Sense of Place materials.
- 3.6 It is thought that if the Diocese of Chelmsford and Essex County Council could share information with the Council in a timely manner relating to both Teacher and School Governors shortages by area, some local targeting could then be undertaken. This could be particularly effective to attract School Governors through joint work with the local Town and Parish Councils for example. Perhaps key to this issue is to reinforce the position of the local school at the heart of the community and this could be achieved in a number of ways. In discussion options including using schools for wider community use were explored. An example being Southminster Primary School which at the moment has spare capacity and resultant accommodation surplus.

It may be possible in the interim period, until pupil numbers are expected to recover, that facilities could be utilised by the community. As a result some local residents may feel better able to engage with the schools and offer to become Governors for example.

4. CONCLUSION

- 4.1 The aim of this review is to see how this Council can assist the educational providers within the Maldon District to ensure good standards of education are being achieved for students in primary education.

5. IMPACT ON CORPORATE GOALS

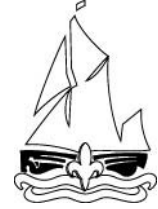
- 5.1 The Council states its corporate goals and high level outcomes in the Corporate Plan for 2015 - 19. An objective under the corporate goal 'Creating opportunities for economic growth and prosperity' is 'raise aspirations and improved skills and training provision'. The start in life that is provided to the primary school pupils in the District is a crucial foundation on which to build in terms of achieving this goal and outcome given that comparatively poor attainment levels may affect their outcomes in later life.

6. IMPLICATIONS

- (i) **Impact on Customers** – None identified.
- (ii) **Impact on Equalities** – No issues identified.
- (iii) **Impact on Risk** – No issues identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – No issues identified.

Background Papers: None.

Enquiries to: Richard Holmes, Director of Customers and Community, (Tel. 01621 875752) or Linda Weeks, Corporate Policy Officer, (Tel. 01621 875875).



REPORT of CHIEF EXECUTIVE

**to
OVERVIEW AND SCRUTINY COMMITTEE
10 JANUARY 2018**

RECRUITMENT OF GPs IN THE MALDON DISTRICT

1. PURPOSE OF THE REPORT

1.1 This report sets out the background to scrutiny on GP (General Practitioner) recruitment in the District.

2. RECOMMENDATION

That the Committee:

- (i) pose questions to NHS representatives to seek assurance on the issues set out in paragraph 3.2 to the report;
- (ii) agree recommendations arising from the outcome of the scrutiny process.

3. SUMMARY OF KEY ISSUES

3.1 At the June 2017 meeting the Committee agreed to add GP recruitment and retention as a new item of scrutiny. Councillor N R Pudney was agreed as the scrutiny lead.

3.2 The Clinical Commissioning Group (CCG) and two Maldon GP practices have confirmed that they will be sending representatives to the meeting to respond to the Committee's questions on the subject. They have been informed of a number of potential questions that the Committee may like to ask, as follows:

- Are any of the Maldon District GP lists closed to new entrants?
- If yes, what alternatives do patients have to get to the GP services that they require?
- What are the reasons for the lists closing?
- Are surgeries able to allocate a named doctor to patients?
- Is there a problem in recruiting to GP posts?
- How many vacancies are there District wide?
- Do the CCG and practices have a joint strategy on how to address this?
- What does it involve?

- How is success measured?
- Are there any barriers to success and is there scope for a partnership approach to address them?
- Are there innovative solutions that are being implemented elsewhere that could be looked at?
- Will BREXIT impact on the problem and are any actions being taken to address this?

4. IMPACT ON CORPORATE GOALS

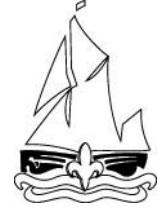
- 4.1 Strengthening communities to be safe active and healthy is one of the Council's corporate goals.

5. IMPLICATIONS

- (i) **Impact on Customers** – Access to GP Services is a fundamental requirement of residents of the Maldon District.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial and human)** – None.
- (v) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Fiona Marshall, Chief Executive, (Tel: 01621 875711).



**REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY**

to
**OVERVIEW AND SCRUTINY COMMITTEE
10 JANUARY 2018**

**REVIEW OF THE COUNCIL DECISION ON THE PETITION TO REINSTATE
THE MARINE LAKE, PROMENADE PARK, MALDON**

1. PURPOSE OF THE REPORT

1.1 To review the decision made by Council on 2 November 2017 on the petition calling for the reinstatement of the former Marine Lake at Promenade Park submitted by the Prom Swimming Committee.

2. RECOMMENDATIONS

- (i) that Members consider if the Council's response and consideration of the petition to reinstate the Marine Lake, Promenade Park, Maldon was carried out in line with its petition scheme;
- (ii) that having reviewed the seven points for review against the decision of the Council as stated by the petition organisers (and set out in sections 3.4.1 – 3.4.7 of this report), Members consider if any of the stated points require further investigation;
- (iii) that Members made recommendations to the Council as required.

3. AREA FOR DECISION / ACTION

3.1 Background

3.1.1 At the meeting of the Council on 2 November 2017 Members considered the response to the petition calling for the reinstatement of the former Marine Lake at Promenade Park. Council resolved not take the action requested by the Petition (to reinstate Maldon Prom Swimming Lake and Paddle Boats) for the follows reasons:

- the proposal to reinstate the Maldon Swimming Lake and paddle boats would effectively require this Council to construct an artificial lake.
- this would mean that the Council would then fall under the Health and Safety Executive guidance managing Health and Safety in Swimming pools.
- guidance suggests that a higher duty of care is required for children and young adults particularly if they are unsupervised.

- the risk levels associated with the reinstatement of the lake are unacceptable for the public and this Council to manage
- 3.1.2 The organisers of the petition were subsequently informed of the Decision of Council and on the 8 November a complaint was received via email from the organisers. A copy of the email is set out at **APPENDIX 1** to this report.
- 3.1.3 The email complaint was responded to by the Council seeking further clarification into the specific reasons why a review of the decision should be carried out.
- 3.1.4 On 20 November the petition organiser set out their ‘reasons for complaint’ which have been interpreted as reasons for a review of the decision made by the Council. The seven reasons are set out with **APPENDIX 2** to this report.

3.2 **Review of the Decision by the Overview and Scrutiny Committee**

- 3.2.1 The Council’s Petition Scheme allows for a review should the organisers feel that the Council has not dealt with a petition properly. The Scheme gives an organiser the right to request that the Council’s Overview and Scrutiny Committee review the steps that the Council has taken in response to a petition.
- 3.2.2 The Petition Scheme specifically states that ‘the petition organiser must provide a short explanation of the reasons why the Council’s response is not considered to be adequate. The Overview and Scrutiny Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council and arranging for the matter to be considered at a meeting of the full Council’.

3.3 **Criteria for Review**

- 3.3.1 Essentially the reasons for review should focus upon whether the Council has followed procedures properly in making a decision and it is not about the merits of a decision itself. The dislike of the decision is not a ground for asking for a review. However, the idea of dealing with the petition properly can go wider than just procedural matters. There are two other reasons where a decision may not have been made properly;
- Where the decision-maker has not considered an important piece of information or has seriously misunderstood it;
 - Where no reasonable decision maker could have made the decision in the light of the information available.
- 3.3.2 Members of the Overview and Scrutiny Committee are advised to look at each of the seven points requested for review to see whether any of them merit a detailed scrutiny in the light of these three reasons stated in paragraph 3.3.1 above.
- 3.4 To assist Members, Officers have applied the three reasons for review against the seven points detailed in **APPENDIX 2** as set out below.

3.4.1 **Point 1**

3.4.1.1 *We believe the Council did not read the information provided 2 weeks prior to the meeting, if they had, they would be fully aware that a decision in high court was made in April 2005 in favour of the river and lake swimming association, Richard Holmes assured us the study would be done by them also to satisfy. The questions raised in debate by councillors in the meeting had already been answered by the information sent, therefore proving that it had not been read.*

Officer's view – It is understood that the Petition organisers sent an email directly to Members. This email was also provided for inspection within the Members' Room as background information to the report to the Council on 2 November. On that basis Officers feel Members had the necessary information to reach a proper decision and not highlight any issues for further scrutiny.

3.4.2 **Point 2**

3.4.2.1 *Bob Boyce took over half the allotted full council debate time stating reasons to not support the petition that had been covered and answered in our speech and via the documents which answered his questions, thus leaving little time for a full debate within the council - again documents not read*

3.4.2.2 Officer's view – The Chairman of the Council specifically extended the allocated 15 minutes set aside for the debate (as detailed within the Petitions Scheme) to allow for full and proper consideration of the matter before Members. Officers believe this matter was dealt with properly and does not highlight any issues for further scrutiny.

3.4.3 **Point 3**

3.4.3.1 *The risk level to the council is proved to be "minimal" when a full honest risk assessment is done and appropriate signage erected as demonstrated by the high court decision (which the council were aware of in 2005) and recent swimming lake incidents (again evidenced in attachments). It was stated as "minimal risk" because if the risk assessment is not done, or the signage is not erected and maintained then there would be risk - as was demonstrated when MDC were prosecuted for failing to remove a broken post; as a risk assessment was not done and all risks were not removed. Therefore why is "risk" being questioned, when it has been proved numerous times now that the swimming lake would not pose a legal risk to the council or councillors, any more than what the council are currently managing*

3.4.3.2 Officer's view – Members had full access to the information necessary to form an opinion on risk therefore Officers believe this matter was dealt with properly and does not highlight any issues for further scrutiny.

3.4.4 **Point 4**

3.4.4.1 *The petition was not considered seriously at the meeting as 670 signatures were not counted at all due to being outside the Essex area, even though these people originally came from Maldon; so are the council saying they do not want visitors from outside Maldon?*

3.4.4.2 Officer's view – Whist noting the petition did not fully meet the requirements of the Petition Scheme this petition was accepted by Officers and put before Members in accordance with the requirements of the scheme. Officers believe this matter was dealt with properly and does not highlight any issues for further scrutiny.

3.4.5 **Point 5**

3.4.5.1 *How do the council manage the risk and run Wood up at Tollesbury which is exactly the same as Maldon as they DO NOT have lifeguards, (they have signage and regular risk assessments) if they can manage this (via the Parish Council) then I'm sure MDC can manage a swimming lake at the Prom as they have previously done so for nearly 100 years successfully.*

3.4.5.2 Officer's view - This Council has no responsibility for operating the Tollesbury Lake and it is for the owner to satisfy themselves into the safe operation of the facility and not this Council. Officers believe this matter does not highlight any issues for further scrutiny.

3.4.6 **Point 6**

3.4.6.1 *We do strongly believe that the MDC should have created the working party to seriously consider the implications and the pros and cons of the lake, and instigated their own thorough research including the revenue potential to the town, before making a decision based on the same reasons as were given in 2002 (without considering changes in guidance or documentation provided to the council) instead it was unfairly majority voted out on the night. A working party would have shown consideration to the views of the Maldon residents, it would offer an opportunity to meet with the Committee to share in depth the proposals they had and to share the research already done, and an opportunity to work together with the committee to come to a resolution, or a way forward with the proposal. Instead the views of the Maldon people have been overruled and ignored which is a dictatorship of the council not a democracy for the people.*

3.4.6.2 Officer's view – The original Officer recommendation was considered by Members of the Council but was not agreed to. Instead following debate the Council decided not to take the action requested by the Petition (to reinstate Maldon Prom Swimming Lake and Paddle Boats) and set out clear reasons for this decision. The decision was one of three which it could have reached. The adopted Petitions Scheme indicates that at the meeting of the Council to which the matter is brought, the Council will decide how to respond to the petition. It may decide to:

- take the action the petition requests;
- not to take the action requested for reasons put forward in the debate; or
- commission further investigation into the matter, for example by a relevant committee.

Officers believe this matter was dealt with properly and does not highlight any issues for further scrutiny.

3.4.7 Point 7

3.4.7.1 *There have been more deaths at the indoor swimming pool (Blackwater Leisure Centre) than the one death that closed the lake. How can the council justify that centre to continue operating and remain open; and this is a lifeguarded facility where swimmers do not do so at their own risk? This is double standards of the council.*

3.4.7.2 Officer's view - The operation of the Blackwater Leisure Centre is not comparable with the operation of the former or proposed swimming lake. This fact has no bearing on the decision made by Members and does not highlight any issues for further scrutiny.

4. IMPACT ON CORPORATE GOALS

4.1 This report supports the corporate goals of 'creating opportunities for economic growth and prosperity' and 'delivering good quality cost effective services'.

5. IMPLICATIONS

- (i) **Impact on Customers** – Promenade Park is visited by hundreds of thousands of people each year. The Promenade Lake is a central feature of the park and enjoyed by many for the vista and wildlife setting. Just over 3,000 persons have expressed a view the lake should change into a bathing facility.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – Members clearly set out in their reasons for not accepting the petition on 2 November that the risk levels associated with the reinstatement of the lake are unacceptable for the public and this Council to manage.
- (iv) **Impact on Resources (financial)** – The Promenade Lake was constructed between 2004 and 2006 utilising funding from this Council and the Office of the Deputy Prime Minister through grant funding (Liveability). In considering whether to reinstate the Promenade Lake into the Marine Lake a number of cost issues arise including:
 - the costs associated with developing a feasibility scheme which will explore the design, construction and operation of the lake.
 - the costs of constructing the new facility and all associated fees and the Council's commitment to fund or match fund future bids to external funding bodies.
 - the revenue implications of implementing a scheme.
- (v) **Impact on Resources (human)** – The Council does not have the resources or skills to manage this project internally. As part of the Liveability Project Officers were recruited to oversee the project and external technical support in the form of Water Safety Experts, Civil Engineers, Quantity Surveyors etc. were engaged to deliver the project. The reinstatement of the Marine Lake

will be complex and require similar levels of support if it is to be managed appropriately.

- (vi) **Impact on the Environment** – The Promenade Lake is now an established wildlife area. In re-creating a Marine Lake habitat will be lost and statutory partners will have to be consulted on the proposal. In addition, extraction and discharge of water from the River Blackwater will need consent and health matters will need to be addressed.

6. CONCLUSIONS

- 6.1 In November 2017 Members considered a petition calling for the reinstatement of the former Marine Lake at Promenade Park submitted by the Prom Swimming Committee. Council resolved not take the action requested.
- 6.2 The Prom Swimming Committee has subsequently called for a review of the decision of Council by the Overview and Scrutiny Committee in accordance with the Council's Petition Scheme.
- 6.3 Officers have reviewed the seven reasons stated by the Prom Swimming Committee and believe this Council has considered the matter properly. Members are asked to review the decision and note the views of officers in compiling this report.

Background Papers:

Petition from the Prom Swimming Committee and related papers circulated to Members (available for inspection within the Members' Room).

Enquiries to: Richard Holmes, Director of Customers and Community, (Tel: 01621 875752).

From: lisa cullumbine
Sent: 08 November 2017 14:00
To: Customer Services
Cc:
Subject: Complaint and Appeal letter

To whom it may concern

Following the full council meeting on the 2nd of November at 7.30pm we are putting forward this letter of complaint, and we would like to request an Appeal as we provided the councillors with 20 attachments which ranged from the Inland bathing guide from the Outdoor Swimming Society, legal duties as a landowner and case studies of other outdoor swimming lakes that are run by councils with safety signage and therefore meet all health and safety legalities and negate legal prosecution.

The committee had to prove to them that if they did consider to run a swimming lake facility again that they would not be prosecuted both as a council or individually for any future accidents that may occur.

Rising to the challenge, we did indeed prove that MDC would not be prosecuted for any accidents that may occur if they carry out an honest risk assessment of the lake & install safety signage warning users of the risks associated with swimming in the lake.

We had 5 minutes to put our petition to the council, which reminded them of what we had sent them, The leader of the council Cllr Mark Durham outlined the petition and **unprofessionally** gave his opinion before any debate or voting had taken place.

The Councillor Bob Boyce then took 7.46 minutes of the 15 to put his objections forward, which repeated the reasons they shut the lake in the first place, and did not take into consideration any of the proven facts and documentation that had been provided prior to the meeting.

In the Council papers the agenda item 9 was a report of the Director of Customers and Community.

The purpose of the report was to consider the petition.

The recommendations were as follows:-

- 1 That members note the petition as submitted by the Prom Swimming Committee.
- 2 That a promenade lake working group of the council be formed to consider the response to the petition
- 3 That the draft terms of reference for the working group appended to this report be agreed
- 4 That the promenade lake working group reports back to the council in December with recommendation for the council to consider.

Instead Bob Boyce moved proceedings to a no vote, and he managed to persuade the council to not even consider the above 4 recommendations; but to not accept the petition; the only councillor to support the petition was Cllr Mark Heard.

670 signatures were not counted due to them not being from within Essex, these should have been considered as those signatures are from former residents of Maldon who used to swim in the lake, and still care about their towns future. Also Maldon and the district rely upon visitors from outside Essex to bring tourism to our area. If we have no visitors then the town will eventually die. Maldon is

well known world wide for their Mud Race, Thames barges and Maldon Salt, we find it impertinent to say that the signatures should not be considered.

We the committee believe that we did not receive a fair hearing for the petition and that the council should give the petition the consideration it deserves, as there are over 4,000 signatures (10% of the district) and to have a working party to consider the opportunities of bringing the lake back to its former glory.

Regards

Lisa Cullumbine/Marie Ellis

From: lisa cullumbine
Sent: 20 November 2017 14:38
To: Tara Bird
Subject: Fwd: Reasons for our complaint

From: lisa cullumbine
Date: 20 November 2017 at 3.38

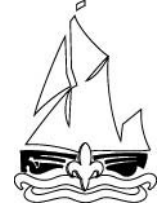
Subject: Reasons for our complaint

- 1- We believe the Council did not read the information provided 2 weeks prior to the meeting, if they had, they would be fully aware that a decision in high court was made in April 2005 in favour of the river and lake swimming association, Richard Holmes assured us the study would be done by them also to satisfy. The questions raised in debate by councillors in the meeting had already been answered by the information sent, therefore proving that it had not been read.
- 2- Bob Boyce took over half the allotted full council debate time stating reasons to not support the petition that had been covered and answered in our speech and via the documents which answered his questions, thus leaving little time for a full debate within the council - again documents not read.
- 3- The risk level to the council is proved to be "minimal" when a full honest risk assessment is done and appropriate signage erected as demonstrated by the high court decision (which the council were aware of in 2005) and recent swimming lake incidents (again evidenced in attachments). It was stated as "minimal risk" because if the risk assessment is not done, or the signage is not erected and maintained then there would be risk - as was demonstrated when MDC were prosecuted for failing to remove a broken post; as a risk assessment was not done and all risks were not removed. Therefore why is "risk" being questioned, when it has been proved numerous times now that the swimming lake would not pose a legal risk to the council or councillors, any more than what the council are currently managing ?
- 4- The petition was not considered seriously at the meeting as 670 signatures were not counted at all due to being outside the Essex area, even though these people originally came from Maldon; so are the council saying they do not want visitors from outside Maldon?
- 5- How do the council manage the risk and run Wood up at Tollesbury which is exactly the same as Maldon as they DO NOT have lifeguards, (they have signage and regular risk assessments) if they can manage this (via the Parish Council) then I'm sure MDC can manage a swimming lake at the Prom as they have previously done so for nearly 100 years successfully.
- 6- We do strongly believe that the MDC should have created the working party to seriously consider the implications and the pros and cons of the lake, and instigated their own thorough research including the revenue potential to the town, before making a decision based on the same reasons as were given in 2002 (without considering changes in guidance or documentation provided to the council) instead it was unfairly majority voted out on the night. A working party would have shown consideration to the views of the Maldon residents, it would offer an opportunity to meet with the Committee to share in depth the proposals they had and to share the research already done, and an opportunity to work together with the committee to come to a resolution, or a way forward with the proposal. Instead the views of the Maldon people have been overruled and ignored which is a dictatorship of the council not a democracy for the people.

- 7- There have been more deaths at the indoor swimming pool (Blackwater Leisure centre) than the 1 death that closed the lake. How can the council justify that centre to continue operating and remain open; and this is a lifeguarded facility where swimmers do not do so at their own risk? This is double standards of the council.

Regards

Lisa Cullumbine/Marie Ellis



REPORT of DIRECTOR OF RESOURCES

**to
OVERVIEW AND SCRUTINY COMMITTEE
10 JANUARY 2018**

FINAL REPORT – PROCUREMENT AND DELIVERY OF THE 2016 / 17 CAPITAL PROGRAMME

1. PURPOSE OF THE REPORT

- 1.1 To provide Members of the Overview and Scrutiny Committee with a report providing conclusive findings on the procurement and delivery of the 2016 / 17 capital programme with particular reference to Project 180, the demolition and remediation of the St Cedd's temporary building.
- 1.2 This report contains seven recommendations arising from the conclusions raised in Section 3 - Summary of Key Issues. These actions are for immediate implementation.

2. RECOMMENDATION

That the contents of this report be presented for review and comment and assurance is provided to this Committee by 31 March 2018 that all of the recommendations contained in sections 3.3 – 3.11 of this report have been fully implemented.

3. SUMMARY OF KEY ISSUES

- 3.1 This report is for Members' review and comment.
- 3.2 This purpose of this project has two key themes; the first element is to review the overall delivery of the 2016 / 17 capital programme to fully understand why the capital programme underspend by approximately £900,000 when these schemes were approved on the basis it was essential that they were delivered in 2016 / 17. The second element is a review of the procurement and delivery of Project 180 (also known as St Cedd's and car park). Project 180 overspend in total has required approximately £60,000 of expenditure in addition to what was originally budgeted.
- 3.3 **Size of Capital Programme 2016 / 17**
 - 3.3.1 The 2016 / 17 Capital Programme approved by the Council on 4 February 2016 consisted of schemes to the value of £889,000 (Minute No. 875 refers). All of these schemes were deemed to be essential due to service failure implications, or were included in the capital programme as they offered the potential to generate additional revenue streams for the Council. In itself the level of this capital programme should have been deliverable considering the resources available.

- 3.3.2 However, due to underperformance of the 2015 / 16 capital programme, additional schemes to the value of an additional £1.3m were added to the scheme. This then created a capital programme of approximately £2.2m which included in excess of 30 different schemes, the large majority sitting with the Customer and Communities directorate. Looking back, it is clear to see that the resource in place within this directorate was never sufficient to deliver this level of capital expenditure.

<Recommendation One>

Corporate Leadership Team (CLT) review the following year's capital programme and provide assurance over deliverability of it in entirety before it is proposed to Members as part of the Budget setting exercise. As part of providing this assurance CLT need to consider any underspends within the current year's capital programme.

3.4 Monitoring and Review

- 3.4.1 Review of the 2016 / 17 reports represented to the Finance and Corporate Services Committee demonstrated that Capital Expenditure was reported to the Members on 26 September 2016 and 29 November 2016 but was not reported after this date and there is no evidence that the Capital Programme was reviewed by Members after this date. At the end of November 2016, a number of projects had not yet been started and therefore it could be concluded that these would not be delivered by year end.
- 3.4.2 Quarterly reviews should take place with lead officers for each project, where schemes are not deliverable by the end of the year they should be removed from the capital programme and re-bid for in the following year. The Council has foregone investment income due to cash flows being held for schemes that would not be delivered in 2016 / 17.
- 3.4.3 **APPENDIX ONE** to this report provides the Capital Outturn reports provided to Finance and Corporate Services Committee reporting the levels of capital expenditure in 2014/15 and 2015/16 and also the carry forward of these items into future year's capital programmes.
- 3.4.4 As at 31 March 2015, a number of capital projects were still on-going and the following budget amounts were requested to be carried over into 2015 / 16:

Capital Project	14 / 15 Budget	14/ 15 Expenditure	Budget to carry forward
	£	£	£
New HR System	45,000	32,997	12,000
Hythe Quay Stabilisation	443,500	24,827	418,700
St Cedds Project	75,000	33,668	41,300
Beach Huts, Prom Park	40,000	0	40,000
Parks Vehicles & Mowers	20,000	0	20,000
New Service and Splash Park Kiosk	160,000	0	160,000
Leisure Centre Planned Maintenance	384,100	63,286	320,800
Leisure Centre Contract	2,000,000	968,839	1,031,200
Replacement Car Parking Equipment	10,000	8,336	1,700
Adventure Golf	30,000	0	30,000
TOTAL	3,207,600	1,131,953	2,075,700

3.4.5 As at 31 March 2016, a number of capital projects were still on-going and the following budget amounts were requested to be carried over into 2016 / 17:

Capital Project	2015 / 16 Budget	2015 / 16 Expenditure	Budget to carry forward
	£	£	£
Leisure Centres	1,402,000	1,105,000	297,000
St Cedds House	276,000	172,000	104,000
Adventure Golf - Prom Park	30,000	0	30,000
Parks Vehicles & Mowers	59,000	39,000	20,000
Drain Surveying Equipment	10,000	9,000	1,000
Waste Contract Purchase of Bins	600,000	0	600,000
Parks / Tourist Information Centre (TIC) Network Upgrade	14,000	6,000	8,000
New Service and Splash Park Kiosk	160,000	0	160,000
Telephony Upgrade	15,000	10,000	5,000
Road Repairs / Entrance - Prom Park	50,000	0	50,000
Close Circuit Television (CCTV) Upgrade	25,000	11,000	14,000
Footpaths / Signage - Riverside Park	31,000	2,000	29,000
Coastal Communities Fund	18,000	0	18,000
TOTAL	2,690,000	1,354,000	1,336,000

3.5 Project Management

3.5.1 The Council has a project management framework in place. Due to the size of the St Cedd's project it should have followed and complied with stringent Prince II style project management methodology. From review of the limited documentation in place there is no evidence that the Council's project management methodology was complied with. The methodology requires detailed status reporting, project plans, financial reporting, performance indicators and risk management. Compliance with the project management framework would have ensured that adequate risk management, budget management and project dependencies were identified at an

early stage and could have been managed to ensure delivery within budget and timescale.

<Recommendation Two>

All capital schemes follow the required project management framework and report risks, performance and updates on budget to the Asset Management Working Group.

3.6 Tender Evaluation Process

- 3.6.1 Review of the documentation around the tender evaluation and scoring process for the St Cedd's process raised significant concerns. The specification was prepared by the Essex Procurement Hub, it was clear and contained all of the standard items. However, there was no detailed scoring methodology for tenders received and there appeared to be no review by the Director of the tender packs or scores allocated. Potential contractors were required to provide method statements and risk registers but only one contractor provided this and this was not the contractor that was awarded the work. This meant that the work was awarded to a contractor that provided no evidence or methodology of how they were going to carry out the work. In addition the contractor that carried out the work did not provide any information around the remediation element of the contract which they had sub-contracted to another organisation. Full evidence of this process has not been retained and as a result of this the Section 151 Officer has tried to obtain further information on this from the previous Section 151 Officer. At the current date the previous Section 151 Officer has not responded to requests.

<Recommendation Three>

Detailed scoring methodology is provided in advance of tender evaluation. If method statements and risk assessments are not provided then an automatic fail shall be applied to the tender. A specific section should be included within tenders around any sub-contracting taking place and the head contractor must provide assurances and guarantees where any sub-contracting is in place. The Tender Evaluation Process should be fully retained and reviewed and authorised by the relevant Director.

3.7 Contract Award

- 3.7.1 Essex Procurement Hub advised that a Joint Contracts Tribunal (JCT) contract be issued to the organisation delivering the work but officers at the Council used a letter of award. The advantage of using a JCT contract it would have set out the responsibilities of all parties within the construction process and their obligations so as to be clear as to what work needed to be done, who was doing it, and when they were doing it by. Instead we provided a contract of award to the lead contractor and had no direct relationship with the sub-contractor. In the case of St Cedd's only the demolition was done by the lead contractor with the remediation provided by a sub-contractor who the Council had no relationship with and no recourse available when the sub-contractor failed to deliver.

<Recommendation Four>

JCT Contracts used for all construction contracts in excess of £10,000 as previously considered by the Finance and Corporate Services Committee on 31 January 2017.

3.8 Ring-fencing of budgets

- 3.8.1 Review of actual expenditure demonstrated that within the project there were a number of sub-budgets and expenditure codes. Expenditure on office furniture was over budget which led to a lack of budget for the remediation and demolition.
- 3.8.2 There is a concern that the shortfall in capital spend led the Officers to focus too heavily on reducing the price for demolition and remediation to a level where quality delivery was not possible. Review of the evidence available has shown that Officers removed a number of items from the specification after they had received the initial price in an effort to reduce the amount payable for the demolition and remediation.
- 3.8.3 If each work stream had its own ring-fenced budget then sufficient budget would have been made available for the remediation and demolition.

<Recommendation Five>

Where project budgets include a number of work streams, each work stream is itemised and allocated a separate budget. If virements are required these are authorised by the relevant Director and can only be authorised where the quality of delivery is not significantly adversely impacted.

3.9 Director oversight

- 3.9.1 Review of documentation and discussion with both the Procurement Hub and Council Officers has not demonstrated a robust level of review and oversight by the Director of Resources at the time of contract award. The current Section 151 Officer has attempted to obtain further documentation to demonstrate oversight and review at the time of procurement but this to date has not been successful.

<Recommendation Six>

Each Director is responsible and accountable for the quality and timely delivery of capital projects within their directorate.

3.10 Estimations and Professional Fees

- 3.10.1 Where a project involves construction a professional estimator should be used at the time of the requesting the budget to ensure that the level of expenditure approved in the budget process is sufficient to deliver the project. In addition a contingency should be employed as agreed by the professional estimator.
- 3.10.2 This did not take place on the St Cedd's car park project and very early in the procurement process it was identified that sufficient budget had not been allowed for in the business case when Officers estimated the level of budget required.

<Recommendation Seven>

Professional Estimators are used to ascertain costs for all capital construction projects with budgets greater than £10,000.

3.11 Use of Council staff to carry out work on capital schemes

3.11.1 Council office caretakers carried out some work to complete the scheme. Part of this work was carried out as overtime and part of this work was during normal working hours. It is essential that where caretakers are doing this work it is included in their job description so that they can be paid at the correct rate for such work being carried out. Human Resources are in the process of reviewing the job descriptions to ensure that they reflect the actual work being carried out.

4. CONCLUSION

4.1 Officers implement the recommendations by 31 March 2018 and provide assurance in April 2018 that this has taken place.

5. IMPACT ON CORPORATE GOALS

5.1 This report links to the corporate goal of ‘delivering good quality, cost effective and valued services’.

6. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – Accurate allocation of capital funding enables maximum investment income to be obtained.
- (v) **Impact on Resources (human)** – Within existing resources.
- (vi) **Impact on the Environment** –None.

Background Papers: None.

Enquiries to: Emma Foy, Director of Resources (Tel: 01621 875762).

**REPORT of
DIRECTOR OF RESOURCES**

to
FINANCE AND CORPORATE SERVICES COMMITTEE
28 JULY 2015

FINANCIAL OUTTURN 2014 / 15**1. PURPOSE OF THE REPORT**

- 1.1 To provide Members with information in relation to the outturn position for the 2014 / 15 financial year.
- 1.2 To inform Members of movements in relation to the Council's Earmarked Reserves and Capital Commitments as at 31 March 2015.

2. RECOMMENDATIONS

- (i) That the information in relation to the outturn position for the 2014 / 15 financial year is noted, including movement in earmarked reserves and capital commitments.

3. SUMMARY OF KEY ISSUES**3.1 Performance against the net revenue budget****3.1.1 Out turn position**

3.1.1.1 The Draft Statement of Accounts was signed off by the s151 officer on 30th June 2015. Information from these accounts have been used in this report; please note that the accounts are currently being audited by the external auditors and some figures may be subject to change.

3.1.1.2 At the Council meeting held on 5 February, the Council approved the Revised budget estimates (Agenda item 9, Appendix 1 refers). These estimates for Net Cost of Services totalled in the region of £9,115,000, with overall expenditure to be funded totalling £6,984,000 (once statutory adjustments and other income sources had been taken into account).

3.1.1.3 The following table provides an overview of the outturn position for the 2014 / 15, comparing the actual expenditure and income to the revised budget estimates:

	Revised budget	Actuals	Variance
	£000	£000	£000
Central Services to the Public	1,099	1,003	96
Cultural and Related Services	1,855	1,937	(82)
Environmental and Regulatory Services	2,605	2,291	314
Housing Services	693	787	(94)
Planning and Development Services	1,244	1,013	231
Transport Services	(258)	(283)	25
Corporate and Democratic Core	1,885	1,781	104
Non Distributed Costs	14	(220)	234
Net Cost of Services	9,137	8,309	828
Investment, Trading and Rental Income	(237)	(246)	9
Statutory Adjustments	(706)	(670)	(36)
General Grants and Other Income	(986)	(1,011)	25
Council Tax Receipts	(5,039)	(5,039)	0
Revenue Support Grant	(1,538)	(1,538)	0
Business Rate Income	(1,365)	(1,932)	567
Collection Fund Adjustment	(64)	(78)	14
Parish Precepts and LCTS Grant	1,115	1,115	0
Transfer to / (from) Earmarked Reserves	(147)	701	(848)
Transfer to / (from) General Fund	(170)	389	(559)

* please note that the Net Cost of Services revised budget has been adjusted in relation to the following (these adjustments are in line with how expenditure and income is reported in the 14 / 15 Statement of Accounts):

- Exclusion of expenditure totalling £94,000 in relation to the LCTS parish grant, which has been included in the 'Parish Precepts & LCTS Grant' line
- Exclusion of income totalling £116,000 in relation to rental income on investment properties and trading income, which has been included in the 'Investment, Trading and Rental Income' line.

3.1.1.4 The above table highlights that the Council has underspent against budget estimates, with funds being transferred into specific Earmarked Reserves as suitable and outstanding balances being transferred to the General Fund. This has resulted in the following usable revenue reserve balances as at 31 March 2015:

- General Fund: £3,561,000
- Earmarked Reserves: £2,244,000

3.1.2 Salaries

3.1.2.1 **APPENDIX 1** provides details of the salary budgets and actual expenditure as at the end of the 2014 / 15 financial year. This demonstrates an underspend of over £180,000. This exceeds the original budget vacancy allowance of £70,000 (equivalent to 1% of all staffing budgets).

3.1.2.2 The underspend relates to a number of vacancies during 2014 /15 and also some changes brought about as part of the Senior Management Restructure.

3.1.3 Major Sources of Income

3.1.3.1 The Council is dependent upon a number of large income sources in order to balance the budget. The following table details the main income budgets and income received for the 2014 / 15 financial year.

Budget Heading	2014 / 15	2014 / 15	2014 / 15	2013 / 14
	Budget	Actual	Variance	Actual
	£	£	£	£
Land Charges	154,500	143,418	11,082	139,610
Development Control	832,800	884,082	(51,282)	512,727
Pre Application Advice	31,800	35,209	(3,409)	56,366
Building Control	153,200	180,792	(27,592)	193,616
Investment Income	121,000	131,548	(10,548)	145,538
Town Centre Car Parks	512,000	514,922	(2,922)	497,359
Prom Car Parks	287,700	279,132	8,568	279,972
Splash Park	62,800	63,073	(273)	82,618
TOTAL	2,155,800	2,232,176	(76,376)	1,907,806

3.1.3.2 Actual income has exceeded budgeted estimations by over £76,000 (equivalent to 3.5%). Increased planning application and building control inspections contributed significantly to the level of increased income.

3.1.3.3 For those areas where income levels have not met budget estimations, it is worth noting that income levels are in line with or have seen an increase when compared to the prior year

3.2 Movement in Earmarked Reserves

3.2.1 As outlined in paragraph 3.1.1.3 above, Earmarked Reserves balances as at 31 March 2015 totalled £2,224,000. This balance included some draw down from Reserves to fund expenditure incurred during the 2014 / 15 year, as well as some additions to reserves to fund expenditure due to be incurred in future years.

3.2.2 **APPENDIX 2** provides information in relation to the purposes of the various Earmarked Reserves and the movements in 2014 / 15.

3.2.3 During the 2014 / 15 financial year, the Council received a number of grants or contributions in relation to specific projects. Where these projects have not completed and funds have not been fully utilised, outstanding balances have been set aside in an Earmarked Reserve to be drawn down to support project expenditure in future years. This has resulted in over £400,000 being transferred to Earmarked Reserves at the end of the 2014 / 15 financial year.

3.2.4 Revenue commitments as at 31 March 15 total nearly £200,000. This reserve recognises that there are timing differences between monies being earmarked to fund expenditure from the annual revenue budget and the expenditure actually being incurred.

3.2.5 Under the Business Rate scheme, the Council is able to retain 100% of business rates sourced from Renewable Energy; in 2014 / 15 this income totalled just over £400,000. The Council has set aside 25% of these receipts in the Localisation of Council Tax and Business Rates reserve. This reserve exists to mitigate against the impact of

changes brought about through the new Business Rate funding and Council Tax Localisation regimes.

- 3.2.6 Following the statement issued by the Secretary of State in relation to the Council's Local Development Plan (LDP), in which he directed that the emerging local plan be submitted to him for his approval, budget underspends were moved into the LDP reserve to support any future costs that may be incurred; the closing balance of this reserve totals £500,000.

3.3 Capital Commitments

- 3.3.1 The Council approved a capital programme totalling over £3,500,000 in 2014 / 15. A large majority of this budget related to capital works at the Leisure Centre following the awarding of a new Leisure Centre Management contract.
- 3.3.2 As at 31 March 2015, a number of capital projects were still on-going and the following budget amounts were requested to be carried over into 2015 / 16:

Capital Project	14 / 15 Budget	14/ 15 Expenditure	Budget to carry forward
	£	£	£
New HR System	45,000	32,997	12,000
Hythe Quay Stabilisation	443,500	24,827	418,700
St Cedds Project	75,000	33,668	41,300
Beach Huts, Prom Park	40,000	0	40,000
Parks Vehicles & Mowers	20,000	0	20,000
New Service and Splash Park Kiosk	160,000	0	160,000
Leisure Centre Planned Maintenance	384,100	63,286	320,800
Leisure Centre Contract	2,000,000	968,839	1,031,200
Replacement Car Parking Equipment	10,000	8,336	1,700
Adventure Golf	30,000	0	30,000
TOTAL	3,207,600	1,131,953	2,075,700

4. CONCLUSION

- 4.1 Income and expenditure levels came in under the revised budget estimates. This was as a result of salary savings, goods and services underspends and additional income and contributions. Some of these underspends have been moved into Earmarked Reserves to help support specific projects in future years.
- 4.2 The salary underspends have arisen due to a number of vacancies across all departments at the Council; these savings exceed the 1% vacancy saving built into the 2014 / 15 original budget.
- 4.3 A number of capital projects have been completed in year, however, some projects have slipped and budgets haven't been committed at year end accordingly.

5. IMPACT ON CORPORATE GOALS

- 5.1 This report links to the corporate goal of ‘delivering good quality, cost effective and valued services’.

6. IMPLICATIONS

- (ii) **Impact on Customers** – None directly.
- (iii) **Impact on Equalities** – None identified.
- (iv) **Impact on Risks** – There are no corporate risk issues associated with this report.
- (v) **Impact on Resources (financial)** – The outturn position will impact upon the level of reserves available in the future.
- (vi) **Impact on Resources (human)** – None.
- (vii) **Impact on the Environment** – None.

Background Papers: None

Enquiries to: Veronica Wilson, Finance Manager (Tel: 01621 875799)

SALARIES

APPENDIX 1

Cost Centre	Budget	Total Paid	(Saving)/Overspend
CHIEF EXECUTIVE			
Corporate Core			
101 Corporate Core	379,600	335,503	(44,097)
Service Area Total	379,600	335,503	(44,097)
Customer & Democratic Services			
102 Legal & Admin	57,000	57,500	500
108 Committee Services	148,000	145,151	(2,849)
109 General Office Support	45,800	40,375	(5,425)
110 Customer Services	451,200	443,749	(7,451)
121 Council Offices	87,500	87,049	(451)
213 Electoral Registration	11,800	11,429	(371)
325 Tourist Information Centre	63,200	61,428	(1,772)
606 Commercial Events	34,900	34,911	11
Service Area Total	899,400	881,591	(17,809)
Financial Services			
113 Finance	339,700	344,136	4,436
Service Area Total	339,700	344,136	4,436
Housing, Revenues & Benefits			
114 Revenues & Benefits	675,700	669,054	(6,646)
134 Housing	452,400	447,126	(5,274)
Service Area Total	1,128,100	1,116,180	(11,920)
Organisational Development			
103 Policy & Comms	135,000	135,499	499
105 Human Resources	148,600	138,252	(10,348)
111 Internal Audit & Perf Review	214,800	197,755	(17,045)
119 IT Services	363,000	362,974	(26)
Service Area Total	861,400	834,481	(26,919)
Directorate Total	3,608,200	3,511,890	(96,310)
COMMUNITY SERVICES			
Environmental Services			
132 Environmental Health	415,300	412,262	(3,038)
133 Environmental Waste	155,400	144,268	(11,132)
Service Area Total	570,700	556,529	(14,171)
Leisure & Community Services			
107 Coast & Countryside	248,700	218,837	(29,863)
118 Leisure & Community	232,000	225,116	(6,884)
141 Parks Operational Services	413,600	411,192	(2,408)
153 Parks Rangers	169,600	164,846	(4,754)
154 Car Park Enforcement	37,800	37,797	(3)
523 Highway Rangers	43,700	44,255	555
563 Community Safety LAA	63,700	64,112	412
567 FITSTEPS	8,000	5,541	(2,459)
Service Area Total	1,217,100	1,171,696	(45,404)
Planning Services			
165 Planning Policy Services	324,500	328,305	3,805
166 Planning Admin Services	161,700	159,674	(2,026)
167 Development Control Services	519,000	515,018	(3,982)
168 Building Control Services	139,200	113,377	(25,823)
Service Area Total	1,144,400	1,116,374	(28,026)
Directorate Total	2,932,200	2,844,599	(87,601)
TOTAL	6,540,400	6,356,489	(183,911)

Earmarked Revenue Reserve	Purpose	Financial Level	Balance as at 31 March 14	Transfers From Reserves	Transfers To Reserves	Balance as at 31 March 15
			£000	£000	£000	£000
Repairs & Renewals Fund	To provide funds to support additional revenue / capital costs arising from the need to maintain the Council's Asset base	Maximum £500,000	70	0	15	85
Insurance	The Council maintains external insurance policies to cover major risks. In many cases the policies have excess clauses that require the Council to meet the first part of each claim. The Council has established this reserve to cover its liabilities under policy excesses and finance any claims for small risks not insured externally.	Maximum £200,000	60	0	0	60
Revenue Commitments	This reserve exists to smooth out the timing differences between monies being earmarked to fund expenditure from the annual revenue budget and the expenditure actually occurring	Limit of liability in annual accounts	121	(121)	199	199
Efficiency Fund	To provide funds to meet the one off costs of achieving efficiency savings or service reductions in order to realise efficiency savings/service reductions in future years	Maximum £1,000,000	617	(142)	0	475
Heritage Projects	The Council gives grants in support of environmental initiatives and historic buildings. The time limits on these grants exceed the financial year in which budget provision is made, necessitating a reserve to cover outstanding liabilities	Limit of liability in annual accounts	31	(16)	6	21
Community Grants	The Council previously had schemes for awarding grants. The time limits on these grants exceed the financial year in which budget provision is made, necessitating a reserve to cover outstanding liabilities.	Limit of liability in annual accounts	1	0	0	1
Local Development Plan (LDP)	The Council has budgeted for large costs associated with developing a Local Development Plan (LDP). Money has been put aside from unspent budgets to support the creation and adoption of the delayed LDP.	Maximum £500,000	161	(148)	487	500
Land Charges	Government Grant received and has been put aside to support the cost of resolving the legal dispute concerning refunds of local search fees	Maximum £100,000	78	(14)	0	64
Business Continuity	To provide funding for emergency requirements such as salt, sand bags or other business continuity requirements	Maximum £15,000	10	0	0	10
Preventing Repossessions	A grant was received from the Government in 2011/12. This funding has been set aside to support future work to be undertaken as part of the Council's Strategic Homeless strategy.	Maximum £35,000	32	0	0	32
Community Sport Network	A grant was received from the Government in 2011/12 to support sports networks; this is expected to be spent in future years.	Limit of liability in annual accounts	19	(6)		13
Making Our Future	The Council is looking to change the way in which it works internally and also how it delivers its services to others. This reserve will enable up-front investment in these projects.	Maximum £500,000	100	(10)	0	90
Localisation of Council Tax and Business Rates	The new business rate funding and council tax localisation regime provides significant risk to the authority especially in the first few years whilst funding cuts are experienced. This reserve has been set up to mitigate the impact of these changes.	Maximum £500,000	123	0	100	223
Sports Development	Reserve set aside to fund Sports Development activities.	Limit of liability in annual accounts	7	(1)	0	6
Community Safety	Reserve set aside to fund Community Safety activities.	Limit of liability in annual accounts	91	(24)	7	74
Economic Development	Reserve set aside to support Economic Development activities in the District.	Limit of liability in annual accounts	16	(15)	60	61
Electoral Registration	Reserve set aside to support Electoral works.	Limit of liability in annual accounts	6	(4)	18	20
LSIP Capacity	Reserve set aside to support Large Scale Infrastructure Projects.	Limit of liability in annual accounts	0	0	69	69
Neighbourhood Plan Applications	Funding to be utilised in the preparation of neighbourhood plans.	Limit of liability in annual accounts	0	0	26	26
Waste Contract Implementation	Contributions towards the procurement and mobilisation of the new waste contract.	Limit of liability in annual accounts	0	0	215	215
TOTAL			1,543	(501)	1,202	2,244

**REPORT of
DIRECTOR OF RESOURCES**

to
FINANCE AND CORPORATE SERVICES COMMITTEE
26 JULY 2016

FINANCIAL OUTTURN 2015 / 16**1. PURPOSE OF THE REPORT**

- 1.1 To provide Members with information in relation to the outturn position for the 2015 / 16 financial year.
- 1.2 To inform Members of movements in relation to the Council's General Fund / Earmarked Reserves and Capital Commitments as at 31 March 2016.

2. RECOMMENDATION

That the information in relation to the outturn position for the 2015 / 16 financial year be noted, including movement in general / earmarked reserves and capital commitments.

3. SUMMARY OF KEY ISSUES**3.1 Performance against the net revenue budget****3.1.1 Outturn position**

3.1.1.1 The Draft Statement of Accounts was signed off by the Section 151 (S151) Officer on 30 June 2016. Information from these accounts has been used in this report; please note that the accounts are currently being audited by the external auditors and some figures may be subject to change.

3.1.1.2 The revised 2015 / 16 estimates for Net Cost of Services totalled in the region of £9,544,000 and the table overleaf provides an overview of the outturn position for the 2015 / 16, comparing the actual expenditure and income to the revised budget estimates:

	Revised budget	Actuals	Variance
	£000	£000	£000
Central Services to the Public	1,193	991	202
Cultural and Related Services	1,675	1,540	135
Environmental and Regulatory Services	2,858	2,693	166
Housing Services	667	696	(29)
Planning and Development Services	1,569	1,221	348
Transport Services	(354)	(414)	60
Corporate and Democratic Core	1,936	1,904	32
Non Distributed Costs	0	26	(26)
Net Cost of Services	9,544	8,657	888
Investment, Trading and Rental Income	(314)	(352)	38
Statutory Adjustments	(762)	(935)	173
General Grants and Other Income	(1,193)	(1,154)	(40)
Council Tax Receipts	(5,196)	(5,196)	0
Revenue Support Grant	(1,061)	(1,061)	0
Business Rate Income	(1,391)	(1,466)	75
Collection Fund Adjustment	(205)	(237)	32
Parish Precepts and Localising Council Tax Support (LCTS) Grant	1,153	1,153	0
Transfer to / (from) Earmarked Reserves	(525)	(109)	(416)
Transfer to / (from) General Fund	(50)	700	(750)

3.1.1.3 The above table highlights that the Council has underspent against its budget, with funds being transferred into specific Earmarked Reserves as suitable and remaining balances being transferred to the General Fund Reserve. This has resulted in the following usable revenue reserve balances as at 31 March 2016:

- General Fund..... £3,961,000
- Earmarked Reserves..... £2,435,000

3.1.2 Salaries

3.1.2.1 **APPENDIX 1** provides details of the salary budgets and actual expenditure as at the end of the 2015 / 16 financial year. This shows an underspend of £284,000 which exceeds the original budget vacancy allowance of £70,000 (equivalent to 1% of all staffing budgets).

3.1.2.2 The underspend relates to a number of vacancies during 2015 / 16.

3.1.3 Major Sources of Income

3.1.3.1 The Council is dependent upon a number of large income sources in order to balance the budget. The table overleaf details the main income budgets and income received for the 2015 / 16 financial year.

Budget Heading	2015 / 16	2015 / 16	2015 / 16	2014 / 15
	Budget	Actual	Variance	Actual
	£	£	£	£
Land Charges	154,500	147,116	7,384	143,418
Development Control	792,500	723,757	68,743	884,082
Pre Application Advice	31,800	30,516	1,284	35,209
Building Control	191,100	199,566	(8,466)	180,792
Investment Income	166,000	188,317	(22,317)	131,548
Town Centre Car Parks	543,800	560,983	(17,183)	514,922
Prom Car Parks	286,000	294,290	(8,290)	279,132
Splash Park	70,000	66,867	3,133	63,073
TOTAL	2,235,700	2,211,412	24,288	2,232,176

3.1.3.2 Actual income has fallen below budgeted estimations by just over £24,000 (equivalent to 1.1%). This is largely due to a significant drop in Development Control income year on year, which was partly anticipated in the reduced 2015 / 16 budget.

3.1.3.3 Investment income has been boosted by the decision to invest in the Local Authorities Properties Fund managed by the CCLA (Churches, Charities and Local Authorities).

3.2 Movement in Earmarked Reserves

3.2.1 As outlined in paragraph 3.1.1.3 above, Earmarked Reserves balances as at 31 March 2016 totalled £2,435,000.

3.2.2 **APPENDIX 2** provides information in relation to the purposes of the various Earmarked Reserves and the movements in 2015 / 16.

3.2.3 During the 2015 / 16 financial year, the main use of Earmarked Reserves has been to finance previous year's identified committed expenditure and some specific projects including Repairs & Renewals, Local Plan Development and Large Scale Infrastructure Projects (LSIP).

3.2.4 Revenue commitments as at 31 March 2016 total nearly £321,000. This reserve recognises that there are timing differences between monies being earmarked to fund expenditure from the annual revenue budget and the expenditure actually being incurred.

3.2.5 Under the Business Rate Retention scheme, the Council is able to retain 100% of business rates sourced from Renewable Energy; in 2015 / 16 this income totalled just over £486,000. The Council has set aside £223,000 of the receipts in past years in the Localisation of Council Tax and Business Rates reserve. This reserve exists to mitigate against the impact of risk and changes brought about through the new Business Rate Retention and Council Tax Localisation schemes. The reserve was added to during 2015 / 16 from monies earned due to efficiencies recognised in the Council Tax Collection Agreement with Essex County Council and other Preceptors. The Agreement is being reviewed by County and this addition to the reserve will help towards any uncertainties going forward.

3.3 Capital Commitments

- 3.3.1 After taking in account carried over commitments from 2015 / 16 and supplementary estimates, the Council's capital programme totalled just under £3,800,000 in 2015 / 16. A large majority of this budget related to capital works at the Leisure Centres following the award of a new Leisure Centre Management contract.
- 3.3.2 As at 31 March 2016, a number of capital projects were still on-going and the following budget amounts were requested to be carried over into 2016 / 17:

Capital Project	2015 / 16 Budget	2015 / 16 Expenditure	Budget to carry forward
	£	£	£
Leisure Centres	1,402,000	1,105,000	297,000
St Cedds House	276,000	172,000	104,000
Adventure Golf - Prom Park	30,000	0	30,000
Parks Vehicles & Mowers	59,000	39,000	20,000
Drain Surveying Equipment	10,000	9,000	1,000
Waste Contract Purchase of Bins	600,000	0	600,000
Parks / Tourist Information Centre (TIC) Network Upgrade	14,000	6,000	8,000
New Service and Splash Park Kiosk	160,000	0	160,000
Telephony Upgrade	15,000	10,000	5,000
Road Repairs / Entrance - Prom Park	50,000	0	50,000
Close Circuit Television (CCTV) Upgrade	25,000	11,000	14,000
Footpaths / Signage - Riverside Park	31,000	2,000	29,000
Coastal Communities Fund	18,000	0	18,000
TOTAL	2,690,000	1,354,000	1,336,000

4. CONCLUSIONS

- 4.1 Income and expenditure levels came in under the revised budget. This was as a result of salary savings, goods and services underspends and reduced income and contributions. Some underspends have been moved into Earmarked Reserves to help support specific projects in future years.
- 4.2 The salary underspends have arisen due to a number of vacancies across various departments of the Council; these savings exceed the 1% vacancy saving built into the 2015 / 16 original budget.
- 4.3 A number of capital projects have been completed in year, however, some projects have slipped and budgets haven't been committed at year end accordingly.

5. IMPACT ON CORPORATE GOALS

- 5.1 This report links to the corporate goal of ‘delivering good quality, cost effective and valued services’.

6. IMPLICATIONS

- (i) **Impact on Customers** – None directly.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risks** – There are no corporate risk issues associated with this report.
- (iv) **Impact on Resources (financial)** – The outturn position will have a favourable impact upon the level of reserves available in the future.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Ray Inns, Finance Manager, (Tel: 01621 875799).

SALARIES

APPENDIX 1

Cost Centre	Budget 2015/2016	Actual 2015/2016	(Saving) / Overspend
<u>Chief Executive</u>			
101 Corporate Core	488,700	484,682	(4,018)
Service Area Total	488,700	484,682	(4,018)
<u>Resources Directorate</u>			
102 Election Management	57,400	56,381	(1,020)
103 Policy & Comms	177,800	177,481	(319)
105 Human Resources	165,600	158,069	(7,531)
108 Committee Services	191,800	189,422	(2,378)
109 General Office Support	46,100	43,402	(2,698)
111 Audit & Performance Management	88,100	63,655	(24,445)
113 Finance	308,300	307,795	(505)
119 ICT Services	354,600	356,793	2,193
121 Council Offices	144,500	135,878	(8,622)
Service Area Total	1,534,200	1,488,875	(45,325)
<u>Customer & Communities Directorate</u>			
110 Customer Contact Centre	435,000	404,131	(30,869)
114 Revenues & Benefits	684,800	619,000	(65,800)
118 Leisure and Countryside Management	270,400	266,339	(4,061)
133 Environmental Waste	168,200	168,328	128
141 Parks Operational	454,300	442,544	(11,756)
153 Community Rangers	284,800	247,971	(36,829)
Service Area Total	2,297,500	2,148,313	(149,187)
<u>Planning Services Directorate</u>			
132 Environmental Health	463,800	457,523	(6,277)
134 Housing	453,700	421,174	(32,526)
163 Enforcement	147,800	146,323	(1,477)
164 Economic Development	76,800	77,211	411
165 Planning Policy Services	309,700	298,440	(11,260)
166 Planning Admin Services	212,000	197,366	(14,634)
167 Development Control	506,400	486,666	(19,734)
168 Building Control	138,700	138,674	(26)
Service Area Total	2,308,900	2,223,376	(85,524)
TOTAL	6,629,300	6,345,247	(284,053)

Earmarked Reserves Movements						
Earmarked Revenue Reserve	Purpose	Balance as at 31 March 2015	Transfers From Reserves	Transfers To Reserves	Balance as at 31 March 2016	
Business Continuity	To provide funding for emergency requirements such as salt, sand bags or other business continuity requirements	10	0	0	10	
Community Grants	The Council previously had schemes for awarding grants. The time limits on these grants exceed the financial year in which budget provision is made, necessitating a reserve to cover outstanding liabilities.	1	0	0	1	
Community Safety	Reserve set aside to fund Community Safety activities	74	-4	1	71	
Community Sport Network	A grant was received from the Government in 2011/12 to support sports networks. This is expected to be spent in future years.	13	-4	0	9	
Economic Development	Reserve set aside to support Economic Development activities in the District	61	-41	0	20	
Efficiency Fund	To provide funds to meet the one off costs of achieving efficiency savings or service reductions in order to realise efficiency savings/service reductions in future years	475	0	0	475	
Electoral Registration	Reserve set aside to support Electoral works	20	0	0	20	
Heritage Projects	The Council gives grants in support of environmental initiatives and historic buildings. The time limits on these grants exceed the financial year in which budget provision is made, necessitating a reserve to cover outstanding liabilities	21	-7	0	14	
Insurance	The Council maintains external insurance policies to cover major risks. In many cases the policies have excess clauses that require the Council to meet the first part of each claim. The Council has established this reserve to cover its liabilities under policy excesses, finance any claims for small risks not insured externally.	60	0	0	60	
Land Charges	Government Grant received in 2010 / 11 has been put aside to support the cost of resolving the legal dispute concerning refunds of local search fees	64	-46	0	18	
Local Development Plan (LDP)	The Council has budgeted for large costs associated with developing a Local Development Plan(LDP). Money has been put aside from unspent budgets to support the creation and adoption of the delayed LDP	500	-36	0	464	
Localisation of Council Tax and Business Rates	The new business rate funding and council tax localisation regime presents significant risk to the authority especially in the first few years whilst funding cuts are experienced. This reserve has been set up to mitigate the impact of these changes.	223	0	113	336	
Large Strategic Infrastructure Projects Capacity	Reserve set aside to support large scale infrastructure projects	69	-69	0	0	
Making Our Future	The Council is looking to change the way in which it works internally and also how it delivers its services to thers. This reserve will enable up-front investment in these projects.	90	0	200	290	
Neighbourhood Plan Applications	Funding to be utilised in the preparation of neighbourhood plans.	26	0	0	26	
Preventing Repossessions	A grant was received from the Government in 2011/12. This funding has been set aside to support future work to be undertaken as part of the Council's Strategic Homeless strategy.	32	0	0	32	
Repairs & Renewals Fund	To provide funds to support additional revenue / capital costs arising from the need to maintain the Council's Asset base	85	-21	0	64	
Revenue Commitments	This reserve exists to smooth out the timing differences between monies being earmarked to fund expenditure from the annual revenue budget and the expenditure actually occurring	199	-199	321	321	
Sports Development	Reserve set aside to fund Sports Development activities	6	-3	4	7	
Waste Contract Implementation	Money set aside towards the mobilisation of the new Waste contract	215	-18	0	197	
		TOTAL	2,244	-448	639	2,435



REPORT of DIRECTOR OF RESOURCES

to
**OVERVIEW AND SCRUTINY COMMITTEE
10 JANUARY 2018**

2017 / 18 PROGRAMME OF WORK

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this paper is to provide an update on the work programme of this Committee for 2017 / 18.

2. RECOMMENDATION

That the contents of this report be noted.

3. SUMMARY OF KEY ISSUES

This report is for Members' information only.

- 3.1 The Committee considered and agreed a programme of work for 2017 / 18 at its meeting on 22 June 2017 and **APPENDIX 1** provides an update on each of the various agreed scrutiny topics.

4. CONCLUSION

- 4.1 The work programme for 2017 / 18 is progressing in line with expectation.

5. IMPACT ON CORPORATE GOALS

- 5.1 The work of the Overview and Scrutiny Committee supports the Corporate Goal of: "Delivering good quality, cost effective and valued services".

6. IMPLICATIONS

- (i) **Impact on Customers** – Scrutiny work may aid in improvements to service to the public by the Council and external authorities.
- (ii) **Impact on Equalities** – None identified.

- (iii) **Impact on Risk** – Recommendations arising from scrutiny could assist in mitigating corporate risks.
- (iv) **Impact on Resources (financial)** – Officer time in preparing the reports and supporting information.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background papers: None.

Enquiries to: Emma Foy, Director of Resources (Tel: 01621 876762).

Overview and Scrutiny Committee

2017 / 18 Programme of Work

Scrutiny topic	Member Sponsor	Lead Officer	Scope of Scrutiny
Provision of Healthcare Services - Maldon Health Hub	Councillor S J Savage Councillor Mrs M E Thompson	Chief Executive	<p>The Mid Essex Clinical Commissioning Group (CCG) has now concluded their engagement programme to talk about their Home First plans. Conclusions from this will be provided as a verbal update to the meeting.</p> <p>Work is now underway to progress work on the procurement strategy and the options appraisal for the facilities to be delivered on the proposed Health Hub site.</p> <p>The Outline Business Case is due to be completed by March and the Council are in discussion with the CCG to begin to assess the business case for the Council to fund and develop the new facility.</p> <p>Mid Essex Health Trust (MEHT) are now more proactive in their involvement in the project. Two senior officers are now directly involved in project delivery.</p> <p>An update report is scheduled to go before the January 2018 Finance and Corporate Services Committee (F&CS) and Community Services Committee meetings.</p>
Provision of Healthcare Services - recruitment and retention of GPs)	Councillor N R Pudney Councillor Mrs M E Thompson	Chief Executive	<p><u>Heybridge Surgery</u> An update is awaited from the CCG's Project Manager on delivery of the Heybridge primary care estate project.</p> <p><u>Maldon Surgery</u> This development is to be located within the new Health Hub, so is contingent upon progress of this project.</p> <p><u>Dengie Surgeries</u> An update is awaited from the CCG on delivery of primary care estate projects for the Dengie Peninsula.</p> <p><u>GP Recruitment</u> Representatives of the Mid Essex CCG and both Maldon primary care practices are scheduled to attend the January meeting of the Committee to provide an update on GP recruitment.</p>

Scrutiny topic	Member Sponsor	Lead Officer	Scope of Scrutiny
Section 106	Councillor Mrs M E Thompson	Chief Executive	It was noted that the Committee would receive an update on Section 106 Agreements on a six monthly basis – next report due in February 2018 .
Planning Enforcement	Councillor M W Helm with assistance from Councillor R P F Dewick	Chief Executive	<p>The scope of the review for planning enforcement is a review of the Council’s approach to initiating legal action on enforcement cases, sign off of that action and the Council’s approach to risk assessment on cases at the outset and as they progress.</p> <p>This will be reported at the meeting in March 2018.</p>
Primary school education in the District	Councillor Mrs M E Thompson	Director of Customers and Community	<p>To understand the standards of education being provided in the Maldon District at primary level, the Committee received a report at its meeting in January 2017 and a presentation from education providers including Essex County Council. The Committee agreed at this meeting that the scrutiny should be re-visited at a future date.</p> <p>Following a meeting with the scrutiny sponsor, Councillor Mrs Thompson, it was decided to defer the item until January 2018 as the Revd. Elbourne (Chelmsford Diocese) was unavailable for the October meeting. The delay will enable both the County Council and the Church to update Members on educational performance in the Maldon District during 2017.</p>
Procurement and Delivery of the 16/17 Capital Programme	Councillor M W Helm	Director of Resources	<p>The Chairman proposed a new item of scrutiny be added to the work programme to incorporate all capital projects to review whether they were being delivered on time and on budget along with any issues regarding procurement.</p> <p>See report on the agenda (January 2018).</p>
Administration of Council River Moorings, Leases and Licenses	Councillor P G L Elliott	Director of Customers and Community	<p>It was requested that a report be brought back to the Committee to show a breakdown in the moorings and berths in the ownership of the Council, fees chargeable for each, whether they have been collected, and whether the vessels had the necessary insurance cover.</p> <p>The report will be prepared for the March 2018 meeting of the Committee.</p>

Scrutiny topic	Member Sponsor	Lead Officer	Scope of Scrutiny
Internal and External Communication	Councillor S J Savage Councillor M S Heard	Corporate Leadership Team	It was requested that a report be brought back to the Committee on the Council's approach to internal and external communications. The scrutiny will include: <ul style="list-style-type: none"> • the email system; • telephone communication via the Council's contact centre; • how the Council can improve the website; • some examples of other authorities' approach to communication; • the Council's Digital strategy. <p>The report will be prepared for the February 2018 meeting of the Committee.</p>
Empty homes returned to use	Councillor P G L Elliott	Strategic Housing Manager	It was requested that a report be brought back to the Committee on the Council's approach to returning empty homes to use for the February 2018 meeting of this committee.
Staff Sickness	Councillor N R Pudney Councillor Mrs P A Channer	Director of Resources	Following receipt of the Quarter 2 Performance Report members with particular reference to levels of sickness absence of the Committee requested that this item is looked at again. A meeting has been arranged to discuss this further with Members and Officers.

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