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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

24 September 2019

Dear Councillor

You are summoned to attend the meeting of the;

OVERVIEW AND SCRUTINY COMMITTEE

on **WEDNESDAY 2 OCTOBER 2019 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully



Head of Paid Service

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor M W Helm

VICE-CHAIRMAN

Councillor R P F Dewick

COUNCILLORS

E L Bamford
V J Bell
M S Heard
C P Morley
S P Nunn
R H Siddall

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting.
Electronic copies are available via the Council's website www.maldon.gov.uk.

Maldon District Council's Strategic Themes

- Front line services retained
- Best value procurement and project management ensured
- Customers' expectations exceeded
- Customer access through technology promoted
- An open and transparent organisation
- Fair funding proactively sought
- Outcome led engagement and smart partnering
- Continuing to work sustainably
- Resilience and autonomy maintained
- Increased income through commercialisation
- Current Local Development Plan reviewed
- Preparation for the next Local Development Plan period
- A clean and tidy District
- Reduced household waste
- Our open spaces maintained for the enjoyment of all
- Improved air quality
- Partnership working to protect our countryside and coastline
- Sound and tested environmentally friendly initiatives delivered
- A five-year housing land supply maintained
- Strategic sites delivered in accordance with the Local Development Plan brought forward
- Affordable housing targets in the Local Development Plan achieved
- Section 106 planning agreements are effectively discharged
- Partnerships are developed to maintain coastal defences
- Improved access to Superfast Broadband across the District
- Working with communities and partners to support our health and wellbeing priorities: obesity, mental health, social isolation and loneliness, and older people's health
- Partnership working to safeguard vulnerable adults, children and families
- Effective engagement to support strong and resilient communities
- Delivery of strategic employment sites in accordance with the Local Development Plan
- Partnership working to provide an Enterprise Centre
- Rural business and diversification supported
- Improved access to Superfast Broadband across the District
- Tourism supported and encouraged
- Efficient and effective engagement with businesses



AGENDA
OVERVIEW AND SCRUTINY COMMITTEE
WEDNESDAY 2 OCTOBER 2019

1. **Chairman's notices (please see overleaf)**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 18)

To confirm the Minutes of the meeting of the Overview and Scrutiny Committee held on 28 August 2019, (copy enclosed).

4. **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.

5. **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).

6. **Section 106 Agreement for Tesco Free Bus Service and the Maldon and Heybridge Central Area Masterplan's 'Parking Strategy'** (Pages 19 - 22)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

Supplementary to the report, Members are to receive a presentation from the Specialist – Local Plan on the following:

- Tesco Free Bus Service;
- Maldon and Heybridge Central Area Masterplan's 'Parking Strategy.'

7. **Conduct Complaints** (Pages 23 - 38)

To note the report of the Director of Strategy, Performance and Governance, (copy enclosed).

8. **Programme of Work** (Pages 39 - 48)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed).

9. **Any other items of scrutiny Members wish to consider**

10. **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. 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

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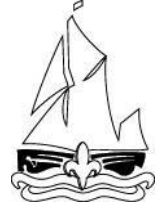
Health and Safety

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 is being monitored and recorded by CCTV.

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**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
28 AUGUST 2019**

PRESENT

Chairman	Councillor M W Helm
Vice-Chairman	Councillor R P F Dewick
Councillors	E L Bamford, V J Bell, M S Heard, C P Morley, S P Nunn and R H Siddall

329. CHAIRMAN'S NOTICES

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

330. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 17 July 2019 be received.

Minute No. 265 – Programme of Work

Councillor E L Bamford proposed that the following amendment was made to the minutes:

“Section 106

*A new S106 Officer was to be employed by the Council. Whilst candidates were being considered two ~~contractors~~ **consultants** would be employed to ensure business continuity.”*

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 17 July 2019 be confirmed.

331. PUBLIC PARTICIPATION

There was none.

332. DISCLOSURE OF INTEREST

There were none.

333. PRESENTATION FROM ANGLIAN WATER TO MEMBERS

The Committee welcomed Ms Hannah Wilson, Pre-Development Planning Manager, from Anglian Water (AW). Ms Wilson presented Members with a General overview of AW, their involvement at the pre-planning stage, and how capacity concerns are identified and subsequently mitigated.

A summary of the information presented to Members is detailed as follows:

- A large area of water networks is covered by AW, comprising of both foul water and surface water. This includes both independent (a dedicated network for either foul or surface water) and combined networks (foul and surface water).
- AW seek to encourage sustainable growth.
- AW are regulated by the following organisations:
 - The Water Services Regulation Authority (OfWat);
 - The Environment Agency (EA).
- There are two teams that input directly into the local planning process:
 - Spatial Planning Team:
 - Statutory consultees;
 - Respond to neighbourhood plans;
 - Recently rolled out a Green Water Programme – how developments can look to use water wisely.
 - Pre-Development Team:
 - Technical Team;
 - Tactical side of planning – looks at all planning applications and pre-planning reports;
 - Seeks to engage with Local Authorities – Members, town and parish councils;
 - Engagement with developers;
 - Market Insight Group look at growth strategically.
- **Pre-Planning Reports** – developer led (this is a paid for service and encouraged by AW).
 - Developers are expected to submit all relevant information and proposals, including connections and information on foul and surface water drainage.
 - In response AW produce a report which identifies any constraints and, where possible, instigates working together to develop a strategy to work with proposed growth.
 - Developers are under no obligation to approach AW for a pre-planning report. These generally assist in a smoother process and potentially mitigate the need to add conditions.
 - Pre-Planning Reports are covered by the Data Protection Act. The applicant owns the report, restricting the information that AW would be able to provide to the Local Authority. Maldon District Council (MDC) caseworkers are advising applicants to approach AW as part of the pre-application process.

- **Planning Applications**

- Under the Water Industry Act developers have the right to connect to a water network, therefore, AW are unable to reject applications on the grounds of capacity. Through liaising with applicants at the pre-application stage, a reactive approach can be mitigated.
- AW are not a statutory consultee, despite approaching Government to become one. All Local Planning Authorities (LPAs) are good at notifying AW of applications.
- Major applications, 10 or more dwellings or over 0.5 hectares, will receive a response from AW.
- Minor applications, less than 10 dwellings, are requested to approach AW for assessment.
- Comment on the discharge of conditions regarding the networks.
- AW have provided MDC with some standard text which will be provided to applicants at the pre-application stage.

- **Mapping Services:**

- Sewers can impact the layout of a development, diversion or building over sewers requires permission from AW.
- Easements regarding noise and odour around pumping stations can be recommended. Proximity to water recycling centres is advised against and odour assessments are recommended.
- Waste water treatment – capacity at the water recycling centre.
 - Will advise whether there is capacity or not, however AW are obliged to treat the flows from any development with permission.
 - These reports are informative only and Developers cannot increase the capacity. Spending on growth is determined by OfWat with the Environment Agency authorising permits.
 - Solutions could be an update of technology at the recycling centres, not necessarily a physical expansion.
- AW notify MDC of their comments, and once the application is approved any investment is planned.

- **Used Water Network:**

- AW looks at all the plans for the development. It is expected of developers to submit plans which indicate where they intend to connect to the network.
- The type of connection will have a different impact on the downstream network:
 - Pumped – used water is stored until a trigger point is reached, at which time it is released into the network;
 - Gravity – a slow continuous trickle into the network.
- AW have models of the existing networks. Where there are concerns or a lack of capacity AW would suggest conditioning, requesting the developer to engage with AW or, for larger developments, to request providing a phasing plan.
- AW communicate with Essex County Council, Highways, for information which aids the modelling of the network and to ensure that informed assessments are made.

- AW request that any flooding issues are reported directly to them. Where an issue affects multiple households, AW would prefer that this was reported multiple times. If AW can build a history on blockages etc they can better identify where issues have been resolved.
- AW are keen to educate the public on issues through campaigns, such as the Keep It Clear campaign (more information can be found [here](#)).
- **Surface Water:**
 - Developers are encouraged to engage with AW early in the application process to discuss SuDs applications. Where applicants have not done so it is probable that there will be conditions put in place.
 - Where engagement had taken place and SuDs was adopted, AW would look to take on the cost of future maintenance.
 - While it was more commonplace for developers to approach AW, they cannot insist that this happens as it is a developer led discussion - developers continue to be responsible for the design, but AW can suggest placement the of connections.
 - New sites are considered manageable due to being geared towards SuDs, whereas older sites which are connected to the network may not be known to AW.
 - Surface water being directed into the foul water network is governed by building regulations. Developers can fund new infrastructure for a site and connect to existing networks, which, due to legislation, AW have no power to prevent.
- **Zonal Charges:**
 - In April 2018 zonal charges were established to look at the growth and funding for mitigation. Previous applications were looked at in isolation, however the site and catchment area is now considered. MDC can look at future planning for a catchment area and how to get the developer involved. AW may fund an increase in the network.
 - Developers pay into a zonal charge pot. This is spent by AW across the region on mitigation and growth.
- **Next Steps:**
 - AW are looking 15 years into the future at housing and bill rates. The aim of this is to identify triggers and risk areas, with consideration toward development costs involved and the requirements of the developer. AW are looking to continue working with partners; the EA, Parish and Town Councils such as North Farnbridge, and the Local Flood Authority.
 - Water issues within the district are to be identified to enable AW to determine what they can do and how they can work with partners. It was noted that AW can only fund AW assets.

The Chairman, on behalf of the Committee, thanked Ms Wilson for a very comprehensive and informative presentation.

334. PROVISION OF HEALTH CARE SERVICES WITHIN THE DISTRICT

The Chairman welcomed Mr Robert Evans, Head of Operational Care from Mid-Essex Clinical Commissioning Group (CCG), and Dr Julie McGeachy, General Practitioner (GP) at Dengie Medical Partnership and Clinical Director of the Dengie Primary Care Network, to the Committee.

Mr Evans passed on apologies from Ms Kerry Harding, Director of Estates for CCGs in Mid & South Essex.

Both Mr Evans and Dr McGeachy delivered the following information to the Committee:

- NHS Long Term Plan is a ten-year investment plan which aims on expanding and developing primary and community services.
- **Primary Care Network (PCN):**
 - Groups of GPs with a population of 40-50,000 as an ideal, in order to retain a personal touch.
 - There are five PCNs within Mid-Essex, one of which is in the Dengie. These were formed 1 July 2019. Surgeries were formed to work together on an integrated basis in order to develop services and provide additional resource and linked into voluntary organisations, in addition to developing the role of clinical pharmacists.
- **Priorities for 2019/20:**
 - PCN Cycle – aims to identify and inform the public of alternative primary care workers, such as physiotherapists, nurses, pharmacists etc. This would be expected to release extra capacity to GPs for patients with more complex needs.
 - Additional capacity would be enabled through two services:
 - Extended Access Service (from October 2018):- This service is year-round including bank-holidays and weekends, and designed to provide additional capacity, creating around 738 additional appointments per week across the area. These are provided by four permanent hubs across Maldon, one of which is located at the Blackwater Medical Centre.
 - Enhanced hours:- Practices were looking to extend their opening hours, i.e. opening an hour earlier or closing an hour later. Every practice within the area has identified a way to accommodate this.
 - It is expected the integration of services would provide a more holistic approach.
 - CCG have been consulting with NHS England and is one of five to have formed a Sustainability and Transformation Partnership (STP).
- **Maldon District and Dengie:**
 - There is a population of approximately 55-56000 people.
 - There are seven practices within the area which offer primary care, these are regulated by the Care Quality Commission.
 - The CCG identified five outstanding practices, of which three are located within Mid-Essex. Two of these are situated within the Dengie.
 - Quality of service within the district is considered to be very good; a patient survey showed they were broadly satisfied, however there were

concerns regarding access to GPs.

- **Staffing of General Practices:**
 - Last year the Mid Essex CCG reinvested over £2.5million invested into primary care, for surgeries to use as they see fit.
 - The CCG are currently working towards a broader skill mix to navigate problems and identify the right care for patients.
- **Estates:**
 - The Trinity Medical Practice, Dengie: additional capital had been confirmed with a view to develop the site
 - William Fisher Medical Centre: the site is likely to stay, and expansion was being considered.
 - The Blackwater Medical Centre: it was noted that the site would eventually be relocated.
 - Redevelopment of St Peters Hospital: it was noted that a project team had been set up and MDC were involved. The project lead had advised that a business plan would be compiled within the next few months.
 - Heybridge: there was an intention to create a merged site to increase capacity. It was acknowledged that this was currently at the informative and planning stage.
- **Promotion of Primary Care Services:**
 - Promotional material was being developed by the CCGs communication team.
 - Members requested that a flyer be included with the annual billing. It was agreed that MDC would liaise with the CCG to develop this.
- **Patient Care:**
 - Current guidelines recommend 10-minute appointments with patients. A scheme under consideration within the Dengie would look to offer 15-minute appointments to patients requiring one.
 - Quality Care Commission examine practices every 5 years to ensure that the service delivered is appropriate and acceptable.
 - CCG Risk Review showed that future staffing levels could become a problem.
 - There is a National Resilience Scheme in place to help get over short term difficulties.
- **Overstretched Practices:**
 - Two previously oversubscribed GP Surgeries within the Maldon Town are once again accepting patients for registration.
 - It was noted that Receptionists frequently receive bad press as they should be seen to signpost patients towards the appropriate type of care and not demanding personal information.
 - There is a significant number of missed appointments. The CCG are currently considering ways to reduce this number.
- **Retention of General Practitioners:**
 - What encourages people to become GPs:
 - Work/life balance etc.
 - Current workforce is mature, this is being looked at.

- Survey of GP burnouts run by Anglia Ruskin University
 - New medical school at Anglia Ruskin University
 - Working towards a GP led service, rather than a GP provided service, responsible for the level of care not necessarily the delivery of the care.
- It was acknowledged that GPs were keen to spend more time with patients. Every surgery had replaced some ten-minute slots with fifteen-minute slots. The patients were identified by GPs who booked these appointments directly.
- **Primary Care Network within the Dengie:**
 - It was anticipated that PCN within the Dengie would adopt a *Buurtzorg* style of neighbourhood care. This would be expected to increase the level of service. It was noted that several locations within the UK had successfully adopted this style of practice. It was also acknowledged that this would take time to implement as the scheme would need to be adapted to suit the needs of the area.
 - The Committee was informed that the surgery within Southminster was at full capacity and had insufficient space to offer the required services. This was being mitigated by having a GP working out of the Mayland practice until a new building had been acquired.

RESOLVED:

- (i) The Director of Service Delivery to meet with the CCG to develop promotional material for inclusion with the annual council tax bills.
- (ii) Further information be requested from the Director of Estates for CCGs in Mid & South Essex on various sites within the district.

335. SECTION 106 AGREEMENTS - INTERIM UPDATE

The Director of Strategy, Performance and Governance presented his report which put forward the proposal to modify existing timelines for periodic reporting to the various Committees. In addition, an interim update on the status of the current day to day operations of Section 106 (S106) and the Community Infrastructure Levy (CIL) was provided for Members to review. It was noted that the report was an early draft of the report going to the September Planning and Licensing Committee with a more detailed update made available to the relevant Committees in September. This report would cover the complete activities of S106 and fully address the Committees' request for a CIL update.

Members were advised of the interim appointment of two consultants who were working through the S106 and CIL issues following the departure of the S106 Officer five months previously. These consultants had provided a clear update on work to be progressed and it was acknowledged that significant progress had been made. It was agreed that whilst CIL was great in principle it needed to be set at the right level if more money was to be requested.

Councillor S P Nunn proposed that the recommendations in the report be approved.

In response to questions on S106 funding, the Committee was advised that a report was expected to be brought to the October meeting which would focus on the collection of monies and limiting any clawback.

Members acknowledged that the consultants were a positive move following the absence of a dedicated S106 Officer.

RESOLVED

- (i) That the recommendations in the report be noted;
- (ii) That a detailed report on the S106 funding and clawback be provided at the 31 October 2019 meeting of the Committee.

336. REVIEW OF PERFORMANCE - QUARTER 1

The Director of Strategy, Performance and Governance presented his report to the Committee which provided details on performance for quarter one of 2019/20. Members were requested to challenge the performance or allocation of resources where Corporate Goals had not been achieved, and where appropriate identify what, if any, action would be required to bring performance back on track.

A discussion on the Review of Performance for Quarter 1 ensued with the following comments being made with regards to appendix 1 of the report:

Delivery of the strategic sites as set out in the adopted Local Development Plan for the Maldon District

The Director of Strategy, Performance and Governance advised that progress had been made on the Taylor Wimpey site, however the North Heybridge plans had been rejected. It was noted that the five-year housing plan was on schedule and that a second application was to be presented next month.

Co-ordinate delivery, management and maintenance of strategic infrastructure

This was behind schedule as due to staff shortages it was not progressed at the expected rate.

North Heybridge Flood Alleviation Scheme

Members were advised that due to figures being brought forward from the previous municipal period this item was showing as behind schedule. It was also noted that the Flood Liaison Awareness Group (FLA) had been discontinued.

In September 2019, the Environment Agency (EA) will be carrying out a full evaluation with the economically preferred option expected to have been identified by the EA in Autumn 2019. The recommendations will be circulated to Members upon receipt, however a date cannot be provided at this time.

Brickhouse Farm

This scheme is run by Essex County Council (ECC) and a start date for ecology works was yet to be confirmed.

Central Area Masterplan

The Director of Strategy, Performance and Governance advised the Committee that

funding for the High Street had been unsuccessful. It was acknowledged that Butt Lane Car Park required further funding and signage.

There were links from the Central Area Masterplan to high-street improvement:

- Project 1 related to the upper high-street; and
- Project 2 related to the lower high-street.

Revenues and Benefits

The processing of new claims had slipped outside of the target date by 0.9 days.

Figures were considered an improvement on the previous year, where the quarter 1 2018/19 figure was 35.2 days.

Change in Circumstances had slipped outside of the of targets but was also considered a significant improvement from quarter 1 2018/19.

Drops in performance had been identified and it was acknowledged by the Director of Strategy, Performance and Governance that this was partly due to staffing.

Planning Applications

It was noted that, at the behest of the Committee, indicators had been amended to reflect those used nationally. The Director of Strategy, Performance and Governance acknowledged that performance had slipped, however the department was considered vulnerable due to the restructure and staff losses. To mitigate this interim staff had been brought in to ensure business continuity.

Review of Performance

The Committee was advised that the current format of the report will be changed for the next meeting and it was acknowledged that this would be harder to compare against the previous quarter/tax year.

Members acknowledged the good work which continued to be carried out by Officers across the Council.

RESOLVED:

- (i) that the contents of the report be noted;
- (ii) that the actions detailed above be actioned.

337. PROGRAMME OF WORK

The Committee received the report of the Director of Strategy, Performance and Governance which provided an update on the Programme of Work for 2019/20 and requested that the content of the report be noted.

In addition to comments made by the Committee, both the Director of Strategy, Performance and Governance and Director of Service Delivery provided further information on the report as detailed below:

Monitoring of the Organisational Change Programme

Members were informed that the Director of Strategy, Performance and Governance had a productive meeting with Councillor R H Siddall on the Organisational Change Programme.

Councillor R H Siddall advised that a report on the first item identified would be brought back to the Committee.

Business Opportunities for the Council

In response to Members questions, the Director of Service Delivery advised that negotiations were underway with the Police. Their estates department had identified certain needs including additional parking and more space for lockers.

Communications were also underway with Blackwater Surgery who were considering leasing some of the Council's office space. The Director of Service Delivery acknowledged that in addition to available space, the age and efficiency of the building would also need to be considered.

Waste Contract – Reliability of the Contractor Vehicles

Members asked for a verbal update on any developments. The Director of Service Delivery advised that recent delays to service were a result of ongoing roadworks around the Dengie area.

RESOLVED that the points raised, as detailed above, be noted by Members and the Programme of Work updated accordingly with any further points for action.

338. ANY OTHER ITEMS OF SCRUTINY MEMBERS WISH TO CONSIDER

At the request of the Corporate Leadership Team (CLT) the following items were presented for inclusion in the Programme of Work:

Essex Highways

Members requested the opportunity to review the process undertaken by Essex Highways.

A short discussion ensued with CLT advising Members that highways were managed by Essex County Council (ECC), however they would invite ECC to present to Members at a future meeting of the Committee.

Self-Policing of Maldon District Council

Councillor M S Heard proposed that following a number of complaints to the Joint Standards Committee, the Council needed to demonstrate that they were policing themselves appropriately. This was duly seconded.

The Chairman put the proposal to the Committee and upon a vote being taken the addition of Self-Policing to the Programme of Work was agreed.

RESOLVED:

- (i) That the Director of Service Delivery approach Essex County Council with a request for a presentation on Highways to Members.
- (ii) That Self-Policing of Maldon District Council be added to the Programme of Work.

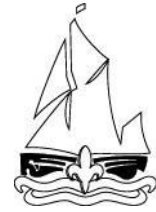
339. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

There were none.

There being no further items of business the Chairman closed the meeting at 9:36 pm

M W HELM
CHAIRMAN

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
OVERVIEW AND SCRUTINY COMMITTEE
2 OCTOBER 2019**

**SECTION 106 AGREEMENT FOR 'TESCO FREE BUS SERVICE' AND THE
MALDON AND HEYRBRIDGE CENTRAL AREA MASTERPLAN'S 'PARKING
STRATEGY'**

1. PURPOSE OF THE REPORT

- 1.1 A PowerPoint presentation has been requested for the Committee meeting and this report provides the background to PowerPoint slides.

2. RECOMMENDATIONS

- (i) That the Committee notes the report as background to the PowerPoint presentation.

3. SUMMARY OF KEY ISSUES

- 3.1 A Unilateral Undertaking to the Section 106 (S106) Agreement between Tesco Stores Limited, Essex County Council and Maldon District Council was signed on 18 February 2009 when the store was extended and includes details for a *Staff Travel Plan* and *Travel Plan Framework*; *Route Plan* [288 Stephenson's of Essex], '*Bus Service*', *Car Parking Spaces*, *Marketing Plan* and *Bus Review*.
- 3.2 The need for the 'free bus service' incorporating the Route Plan, Car Parking Spaces and Marketing Plan was intended to mitigate the impact of the Tesco Store on Maldon's High Street allowing for up to 50 car parking spaces available to park and take the free bus into the town to access the High Street. The Route Plan has 24 bus stops (route extended when store extended through 2009 Unilateral Undertaking) from Holloway Road, Heybridge via Market Hill to Mundon Road and Blackwater Leisure Centre allowing foot passengers to board the 288 Bus Service from Heybridge and Maldon to visit the High Street and the Tesco Store. The Bus Service operates from 09:00 to 18:00 on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday.
- 3.3 Staff working at the store are encouraged to consider sustainable modes of transport to and from the store and to disincentivise driving alone in the Staff Travel Plan and Travel Plan Framework and for the public through the Marketing Plan.
- 3.4 The Marketing Plan is a plan to promote the 'free bus service' through a marketing campaign to be agreed in writing between Tesco and the Maldon District Council.

- 3.5 The Schedule to the S106 Agreement states that the Bus Service is provided for a minimum period of 5 years from occupation of the development and the Bus Review has been carried out in cooperation with the Council after 5 years and to use best endeavours to operate the Bus Service in accordance with the conclusions of the Bus Review. The Bus Service shall be promoted at all times in accordance with the Marketing Plan and to promote the existing park and ride scheme (when the Tesco Store originally opened in the mid-1990s) within the store town centre and car parks to be implemented.
- 3.6 Since the S106 Agreement and Unilateral Undertaking, the Maldon and Central Area Masterplan SPD has been adopted by the Council in November 2017 and takes account of the existing free bus service in the Movement and Connections Framework on pages 18-19 and the Parking Strategy on pages 20-21 of the Masterplan document.
- 3.7 The Movement and Connections Framework focusses on sustainable modes of transport (public transport, walking and cycling) to reduce the use of the motor vehicle for short journeys and to manage the impact of motor vehicles within the historic town.
- 3.8 The Parking Strategy seeks to address the capacity issues within the Maldon town centre car parks (White Horse Lane, Butt Lane, Friary Fields and Maldon East) and to highlight the option of parking at the periphery of the town at the edge of town retail car parks and utilise the free bus service to the town centre. A 'park and stride' is outlined from the car park in the Leisure Quarter at Promenade Park that is a short walk to the Lower High Street plus a new 'Park and Ride' bus stop outside Blackwater Leisure Centre to pick up the free bus service.
- 3.9 Since the S106 Agreement and Unilateral Undertaking were signed, the North Heybridge Garden Suburb and South Maldon Garden Suburbs are under construction. The same sustainability principles apply to reduce the use of the motor vehicle for short journeys but to have the sustainable modes of transport available to make public transport, walking and cycling easier and effective to encourage use. There are also more retail outlets with large car parks in the proximity of the free bus service route.
- 3.10 Tesco Stores introduced automatic number plate recognition (APNR) cameras and associated advertisements related to the ANPR cameras within the car park in 2017 through planning applications FUL/MAL/17/00074 and FUL/MAL/17/0075.
- 3.11 An Air Quality Management Area has been declared on Market Hill December 2018 which is on the route of the 288 free bus service. An Air Quality Management Area Action Plan is being prepared for publication in December 2019 that may have implication on traffic management and traffic movement to and from the town centre.

4. CONCLUSION

- 4.1 The free bus service operates under the terms of the S106 Agreement and Unilateral Undertaking. The Local Plan Specialist has contacted Tesco Stores Limited regarding the Bus Review and Marketing Plan set out in paragraphs 3.4 and 3.5 above.

- 4.2 With the adoption of the Maldon and Heybridge Central Area Masterplan SPD, South Maldon Garden Suburb Masterplan SPD and endorsed North Heybridge Garden Suburb Masterplan since the S106 Agreement and Unilateral Undertaking were signed, there is an opportunity to review the delivery and scope of the service by the parties in partnership with new retail outlets, schools and developers through the travel plans for the garden suburbs via new marketing strategies. The declaration of the Air Quality Management Area is also a basis for review.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The adopted LDP and Supplementary Planning Documents support the Strategic Theme of Place as set out in the Corporate Plan for sustainable growth and new infrastructure and to ensure S106 Agreements are effectively discharged.

6. IMPLICATIONS

- (i) **Impact on Customers** – Delivery of key infrastructure through S106 Agreements is for the benefit of residents and businesses.
- (ii) **Impact on Equalities** – S106 Agreements mitigate development impacts in the provision of necessary infrastructure to benefit all sectors of the community.
- (iii) **Impact on Risk** – S106 Agreements must be monitored to ensure effective discharge and delivery of key infrastructure and mitigate the impacts of new development.
- (iv) **Impact on Resources (financial)** – The negotiation of S106 Agreements is through the planning services core budget. There is no monitoring fee for the 1991 S106 Agreement. A monitoring fee of £3,000 was paid to Essex CC under the 2009 Unilateral Undertaking (when the store was extended) to provide support and advice to the Travel Plan Co-ordinator at Tesco Stores.
- (v) **Impact on Resources (human)** – Monitoring S106 Agreements is an element of the role of the Local Plan Specialist.
- (vi) **Impact on the Environment** – S106 Agreements mitigate for the impacts of development of development on the local environment and consider the future social, environmental and economic aspects of sustainable development.

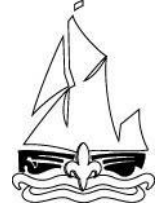
Background Papers:

Maldon and Heybridge Central Area Masterplan

https://www.maldon.gov.uk/info/20048/planning_policy/9226/urban_design/4

Enquiries to: Jackie Longman, Strategy Theme Lead Place 01621 875731
jackie.longman@maldon.gov.uk

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REPORT of DIRECTOR OF STRATEGY PERFORMANCE AND GOVERNANCE

**to
OVERVIEW AND SCRUTINY COMMITTEE
2 OCTOBER 2019**

CONDUCT COMPLAINTS

1. PURPOSE OF THE REPORT

- 1.1 To set out the procedures within the Council for dealing with conduct issues of Councillors within the Council.

2. RECOMMENDATIONS

- (i) For the information contained within the report to be noted.

3. SUMMARY OF KEY ISSUES

- 3.1 The Council has a written process for dealing with complaints (attached at **APPENDIX 1**) received by the Monitoring Officer which is available on the Council's website.
- 3.2 This process is attached for your information.
- 3.3 At the initial stages of a complaint the Monitoring Officer must decide if the complaint potentially relates to one of the areas of the code of conduct.
- 3.4 The focus of the Code of Conduct relates to allegations of:
- bullying;
 - failing to respect others;
 - misuse of the Council's resources;
 - failure to disclose pecuniary and non-pecuniary interests;
 - unlawfully disclosing confidential information; and
 - misuse of the office of Councillor to improperly benefit somebody.

The Full Code of Conduct is attached at **APPENDIX 2** for full details of all obligations.

- 3.5 Should a breach be found the following options are available to the Monitoring Officer:

- No Further Action;
 - Refer to political group leader for action (MOI / IP to reconsider if no action taken);
 - Informal resolution;
 - Refer to police (if potential criminal issues involved);
 - MO / IP decide to put straight to investigation (internal) and then Stage II hearing at Overview and Scrutiny Committee; or
 - Move to Stage II (with or without further discussion with parties to complaint).
- 3.6 If the complaint relates to behaviour between an officer and a member then a separate process is followed which initially involves a more informal process in an attempt to resolve the issue. Should no resolution be found then a complaint would proceed under the Council's complaints procedure or a Code of Conduct complaint depending on the nature of the complaint.
- 3.7 The code of conduct and complaint procedures are available on the Council's website.
- 3.8 In relation to non-disclosure of interests the localism Act 2011 makes it a criminal offence not to register or declare a pecuniary interest either in the register of interests or at any meeting. The Court has the power on conviction to fine or disqualify the Councillor for up to 5 years.
- 3.9 On finding a matter proved at committee in relation to any breach of the code of conduct the Committee has the following options open to it:
- A formal letter to the member found to have breached the code;
 - Formal censure by motion;
 - Removal of the member from a committee or committees;
 - Adverse publicity that may (or may not) reduce the electorate's confidence in the member so that they are not re-elected; or
 - Training.

4. CONCLUSION

- 4.1 The process set out is followed in all cases of receiving a written complaint relating to a Councillors breach of the code of conduct.
- 4.2 Any other complaints would be dealt with through the Council's complaints procedure.

5. IMPACT ON STRATEGIC THEMES

- 5.1 These policies impact on the theme of performance. By adhering to the process, the Council can be seen to be addressing issues of performance of its Councillors in a

clear and consistent manner.

6. IMPLICATIONS

- (i) **Impact on Customers** – Customers can see a clear process for how any complaints will be dealt with.
- (ii) **Impact on Equalities** – Having a clear code of conduct and process for complaints will ensure all complaints are dealt with consistently.
- (iii) **Impact on Risk** – None from this report.
- (iv) **Impact on Resources (financial)** – None from this report.
- (v) **Impact on Resources (human)** – None from this report.
- (vi) **Impact on the Environment** – None from this report.
- (vii) **Impact on Strengthening Communities** – Communities can see how the process works and make any relevant complaint in the correct format with clear expectations as to the time frame and options open to them.

Background Papers: Procedure Notes and Code of Conduct

Enquiries to: Emma Holmes, Deputy Monitoring Officer, (email: emma.holmes@maldon.gov.uk).

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CODE OF CONDUCT COMPLAINTS PROCESS – WRITTEN SUMMARY

Stage I

1. If a complaint has been made by an Officer of the District Council against a District Councillor it shall not normally be referred to the Monitoring Officer (MO) unless it has first been dealt with under the Member / Officer Relations Protocol.
2. Upon receipt of complaint, an initial assessment will be undertaken by the MO to establish the exact nature of the complaint and whether there is a potential breach of the Code of Conduct.
3. All complaints will be acknowledged and the Councillor complained of notified within five working days of receipt. The Leader of the Council will be notified of all complaints against District Councillors and generally kept advised.
4. The MO will seek further information as required from either the Councillor complained of or the complainant within 15 working days of receipt of the complaint. If the subject Councillor declines to co-operate with the MO without good reason, then the MO may move directly to consult with the Independent Person (IP) – this in itself could constitute a separate breach of the Code of Conduct.
5. The MO will then consider the complaint in discussion with the IP and reach a conclusion as to the likelihood of a breach of the Code and a way forward. A conclusion will normally be reached within 25 working days of receipt of the complaint, and the respective parties notified. Options for conclusion at this stage are:
 - No further action
 - Refer to Political Group Leader for action (MO / IP to reconsider if no action taken)
 - Informal resolution
 - Refer to Police (if potential criminal issues involved)
 - MO / IP decide to put straight to **investigation** (internal) and then Stage II **Hearing**
 - Move to Stage II (with or without further discussion with parties to complaint)

Stage II

1. Refer to Joint Standards Committee (JSC) – two possible decisions/outcomes –
 - **Investigation** (and Group Leader informed)
 - No further action (all parties including IP to be notified immediately and rationale / detailed reasoning to be provided within 10 working days of the decision)
2. **Investigation** outcomes –
 - NO BREACH
 - No further action

- Copy of report and findings to all parties including IP
 - Report to JSC for information
 - **BREACH**
 - MO / IP consider and pursue possible **informal resolution**
 - **JSC Hearing** (which may also be convened to hear outcome of Stage I investigation by MO or a failure to achieve informal resolution under Stage II)
3. **Hearing** findings to be notified to all parties immediately and any rationale/detailed reasoning for decision to be provided within 10 working days of the hearing. Decision notice to be published on Council's website as soon as is practicable after notification.



MALDON DISTRICT COUNCIL

LOCAL CODE OF CONDUCT

ORIGINALLY ADOPTED 5 JULY 2012

REVISED VERSION – ADOPTED 7 APRIL 2016

PART 1

GENERAL PROVISIONS

INTRODUCTION AND INTERPRETATION

As a Member you are a representative of Maldon District Council (“the Authority”) and the public will view you as such. Therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code as a whole is consistent with “Nolan Principles” which are set out in set out in paragraph 3.1 below and the provisions of S29(1) Localism Act 2011

In this Code:

- “meeting” means any meeting of:
 - (a) the Authority;
 - (b) any of the Authority’s committees, sub-committees, joint committees, joint sub-committees or areas committees;
 - (c) whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members;
 - (d) any briefings by officers and site visits organised by the Authority.
- “relevant period” means the period of 12 months ending with the day on which you give notification to the Authority’s monitoring officer of any disclosable pecuniary interests you had at the time of the notification.
- “profit or gain” includes any payments or benefits in kind which are subject to Income Tax
- “beneficial interest” means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale
- “Member” includes a co-opted member.

1. WHO DOES THE CODE APPLY TO?

- 1.1 This Code applies to all Members of the Authority including co-opted members.
- 1.2 It is your responsibility to comply with the provisions of this Code.

2. WHAT DOES THE CODE APPLY TO?

- 2.1 You must comply with this Code whenever you conduct the business of your authority (which includes the business of the office to which you are elected or appointed) or act, claim to act or give the impression you are acting as a representative of your authority.
- 2.2 Where you act as a representative of the Authority:

- (a) on another relevant authority, you must, when acting for that other Authority, comply with that other Authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. RULES OF CONDUCT

Principles of Public Life

- 3.1 As a Member of Maldon District Council you shall have regard to the Seven Principles of Public Life.

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

These general principles are the underlying principles behind the rules of conduct set out below.

General Obligations

- 3.2 You must treat others with respect.
- 3.3 You must uphold the law.
- 3.4 You must comply with any request of the authority's Monitoring Officer or Section 151 Officer, in connection with an investigation conducted in accordance with their respective statutory powers.
- 3.5 You must not:
- (a) do anything which may cause the Authority to breach any of the equality enactments;
 - (b) bully any person;

- (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings.
 in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
- (f) make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, the Authority.

Confidential Information

3.6 You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Authority;
- (b) prevent another person from gaining access to information to which that person is entitled by law.

Conferring an advantage or disadvantage

3.7 You must:

- (a) not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- (b) when using or authorising the use by others of the resources of the Authority:
 - (i) act in accordance with the Authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).

- (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

PART 2

MEMBERS INTERESTS

4. DISCLOSABLE PECUNIARY INTERESTS¹

4.1 You have a Disclosable Pecuniary Interest in any business of the Authority if it is of a description set out in 4.2 below and is either:

- (a) An interest of yours; or
- (b) An interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner (“known as Relevant Persons”).

4.2 A Pecuniary Interest is an interest which relates to or is likely to affect:

- (a) Any employment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain;
- (b) Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (c) Any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Authority or a body in which you or they have a beneficial interest;
- (d) A beneficial interest in any land in the Authority’s area;
- (e) a licence of any land in the Authority’s area (alone or jointly with others) that you or a Relevant Person occupy for a month or longer;
- (f) any tenancy where to your knowledge (a) the landlord is the Authority and (b) the tenant is a body in which you or a Relevant Person has a beneficial interest;
- (g) Any beneficial interest in securities of a body where:
 - 1. that body (to your knowledge) has a place of business or land in the area of the Authority and
 - 2. either:
 - a. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - b. the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

¹ The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the pecuniary interests specified for the purposes of Chapter 7 of Part 1 Section 30(3) of the Localism Act 2011

5. OTHER PECUNIARY INTERESTS

5.1 You have a pecuniary interest in any business of the Authority where it relates to or is likely to affect:

- (a) any person or body who employs or has appointed you;
- (b) any contract for goods, services or works made between the Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraph 4.2(g) which has been fully discharged within the last 12 months;

6. NON-PECUNIARY INTERESTS

6.1 You have a non-pecuniary interest in any business of the Authority where it relates to or is likely to affect:

- (a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;
- (b) any body:
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).of which you are a member or in a position of general control or management;
- (c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
- (d) a decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent that the majority of:
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of the Authority's area.

7. DISCLOSURE OF INTERESTS (DISCLOSABLE PECUNIARY INTERESTS, OTHER PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS)

7.1 Subject to sub-paragraphs 7.2 to 7.3, where you have a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

- 7.2 Sub-paragraph 7.1 only applies where you are aware or ought reasonably to be aware of the existence of the Relevant Person's Interest.
- 7.3 Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 7.1 but by virtue of paragraph 10 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interests and the interest is a Disclosable Pecuniary Interest you need not disclose the nature of the interest to the meeting

8. EFFECT OF INTERESTS ON PARTICIPATION

8.1 Disclosable Pecuniary Interests

- (a) If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and you are aware of that Interest:
- (i) You must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting;
 - (ii) You must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's proper officer.
- (b) If you have a Disclosable Pecuniary Interest in any business of the Authority you must not seek improperly to influence a decision about that business.

8.2 Other Pecuniary Interests

- 8.2.1 If you have an Other Pecuniary Interest in any business of the Authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement in the public interest and you are present at a meeting of the Authority at which such business is to be considered or is being considered you must:
- (a) disclose the existence and nature of the interest in accordance with paragraph 7.1 (but subject to paragraph 7.3); and
 - (b) withdraw from the room or chamber where the meeting considering the business is being held unless you have obtained a dispensation from the Authority's proper officer.

PART 3

REGISTER OF MEMBERS' INTERESTS

9. REGISTRATION OF MEMBERS' INTERESTS

9.1 Subject to paragraph 10, you must, within 28 days of:

- (a) this Code being adopted by or applied to the Authority; or
- (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Authority;

register in the Authority's Register of Members' Interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- (i) Disclosable Pecuniary Interests as referred to in paragraph 4 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time;
- (ii) Other Pecuniary Interests referred to in paragraph 5 that you have.
- (iii) Non-Pecuniary Interests referred to paragraph 6 that you have.

9.2 Subject to paragraph 12, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner or change to any Disclosable Pecuniary Interest registered under paragraphs 9.1 (i) or (ii) above by providing written notification to your Authority's Monitoring Officer

10. SENSITIVE INFORMATION

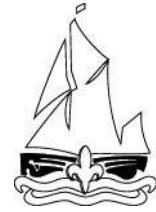
10.1 Where you have a Disclosable Pecuniary Interest referred to in paragraph 6 or pecuniary interest referred to in paragraph 7 and the nature of the interest is such that you and the Authority's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Authority's Register then copies of the register available for inspection and any published version of the Register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

10.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 10.1 is no longer sensitive information, notify the Authority's monitoring officer.

10.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

11. REGISTER OF GIFTS AND HOSPITALITY

- 11.1 You must within 28 days of receipt, notify the Authority's monitoring officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the Authority.
- 11.2 The monitoring officer will place your notification on a public register of gifts and hospitality
- 11.3 This duty to notify the monitoring officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose



REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

**to
OVERVIEW AND SCRUTINY COMMITTEE
2 OCTOBER 2019**

2019/20 PROGRAMME OF WORK UPDATE

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 2019/20. It is requested that the Committee reviews the position on items in the existing work programme with a view to either removal of items or setting deadlines for completion prior to the commencement of the new committee structure from 3 October 2019.

2. RECOMMENDATION

- (i) That items on the Programme of Work which are complete be identified and removed.
- (ii) That remaining items of scrutiny be made specific, and deadlines set for completion.

3. SUMMARY OF KEY ISSUES

- 3.1 The Committee has previously considered and agreed a programme of work for 2019/20; and other issues have been added subsequently. **APPENDIX 1** provides an update on each of the agreed scrutiny topics. **APPENDIX 2** lists the items under a watching brief.

- 3.2 It is suggested that the following items listed at **APPENDIX 1** are considered with a view to set a time frame for completion or to remove from the Programme of Work prior to the commencement of the new Committee Structure. This will assist the role and work of the Committee going forward under the new structure

3.2.1 Waste Water

- 3.2.1.1 The Committee is requested to identify what is outstanding/the objective for future or continued scrutiny. This item materialised following concerns over foul / surface water flooding within the district. During Anglian Water's (AW) presentation at the August 2019 meeting of the Committee, Members were advised that during the initial planning application stage, applicants are advised (especially with large developments) to consult with AW as this helps to identify considerations and can

limit the number of conditions.

- 3.2.1.2 Following the update from Anglian Water at the August 2019 meeting, it is recommended that this item is removed from the Programme of Work. Due to the nature of concerns previously raised by Members, it is recommended that further queries are referred to the relevant Committee in the first instance.

3.2.2 Health Care Provision

- 3.2.2.1 The Committee is requested to identify what is outstanding/the objective for future or continued scrutiny. Members have requested that a flyer is included with the Annual Billing in promotion of the services available. This is expected to be implemented by 31 January 2020.

- 3.2.2.2 Due to ongoing questions around Section 106 (S106) and funds allocated to National Health Service (NHS), it is suggested that the response from NHS Estates and future performance reports be provided to the Performance, Governance and Audit (PGA) Committee.

- 3.2.2.3 Following the update from the Clinical Commissioning Group at the August 2019 meeting, it is recommended that further queries on Health Care Provision are referred to the relevant committee in the first instance, and that this item is now removed from the Programme of Work.

3.2.3 Section 106 Update

- 3.2.3.1 The Committee is requested to identify what is outstanding/the objective for future or continued scrutiny. This item has been on the Committee's agenda since 2016 with a request for regular updates, originally sought for assurance purposes. While it is acknowledged that Members have requested updates on certain cases, it is not evident that the Committee has scrutinised any part of the S106 processes or mechanisms.

- 3.2.3.2 Unless there is a clear objective or area of scrutiny planned, and a timescale for conclusion, it is recommended that this matter should now revert to featuring in future performance management reports to Performance, Governance and Audit Committee.

3.2.4 Business Opportunities for the Council

- 3.2.4.1 The Committee is requested to identify what is outstanding/the objective for future or continued scrutiny. Where there is nothing further to be scrutinised, an outcome can perhaps be determined, and matters referred to the Strategy and Resource (S&R) Committee.

- 3.2.4.2 It is considered that the role of this Committee should not necessarily extend to looking at ways of achieving and delivering unless asked specifically by the relevant Committee. It is suggested that this item may be more suited for a working group of the S&R Committee.

3.2.5 Monitoring of the Organisational Change Programme

3.2.5.1 The Committee is requested to identify what is outstanding/the objective for future or continued scrutiny. It is acknowledged that Councillor Siddall is in the process of scrutinising a specific area of the Organisational Change Programme, with a report expected to be received at a future meeting of the Committee.

3.2.5.2 The Committee should therefore be able to conclude this item as the Programme nears completion at the end of October 2019.

3.2.5.3 It is recommended that any further items of scrutiny should be specific, with deadlines for completion.

3.2.6 **Provision of Car Parking**

3.2.6.1 Items of scrutiny under this heading should be considered for removal on completion of the following actions:

3.2.7 **Events at Promenade Park**

3.2.7.1 The South Essex Parking Partnership (SEPP) is undertaking a review on parking restrictions within the residential areas around Promenade Park, which will include a safety report.

3.2.7.2 Unless it is known when the outcome of the review is likely, the setting of a deadline for completion of this sub-item may be difficult. The Committee may agree to delete it subject to the Director of Service Delivery communicating the outcome of the review to Members..

3.2.7.3 ***Park and Ride Schemes within the District***

3.2.7.3.1 ***Tesco's Park and Ride Scheme*** – The Committee is to receive a presentation from the Specialist - Local Plan regarding the Tesco's Park and Ride scheme at the 2 October 2019 meeting. The Programme of Work will be updated following the identification of further items for scrutiny and a set deadline.

3.2.7.3.2 ***Identification of a Second Park and Ride Service within the District*** – The Committee is to receive a report from the Director of Service Delivery. Following receipt of the report, it may be more suited for a working group of S&R Committee.

3.3 It is suggested that the following items listed at **APPENDIX 2** are considered with a view to setting an end date for monitoring purposes or removal from the Programme of Work from the commencement of the new Committee Structure.

3.3.1 **Waste Contract**

3.3.1.1 The Committee is expected to receive a further update at the November 2019 meeting. Following receipt of the report, and unless any further area for scrutiny has been identified, it is recommended that the Committee agrees removal of this item from the Programme of Work.

3.3.2 **Review of Fire and Rescue Service provision within the Dengie**

3.3.2.1 Members had a private meeting with the Essex Police, Fire and Crime Commissioner (PFCC) on 7 February 2019, where the PFCC reassured Members that fire stations at Burnham and Tillingham would not be closing. Further information on the Fire Break Project will be circulated to Members once received.

3.3.2.2 It is recommended that this item is removed from the Programme of Work

4. CONCLUSION

4.1 Outstanding issues are to remain on the programme of work and be included for the commencement of the new committee structure from October 2019.

4.2 Any further or new items of scrutiny that are identified should now await commencement of the new committee structure. The first meeting of the Committee as part of the new structure is 31 October 2019.

5. IMPACT ON STRATEGIC THEMES

5.1 The work of the Overview and Scrutiny Committee supports an open and transparent organisation.

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:

Paul Dodson, Director of Strategy, Performance and Governance, (Tel: 01621 875726).

Overview and Scrutiny Committee
2019 / 20 Programme of Work

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Scrutiny Topic	Member Sponsor	Lead Officer	Scope of Scrutiny
Conduct Complaints		CLT	Following a number of complaints to the Joint Standards Committee (raised 28 August 2019), the Council needs to demonstrate that they are policing themselves appropriately. A report from the Deputy Monitoring Officer is to be presented at the 2 October meeting of the Committee.
Provision of Car Parking	Councillor M W Helm Councillor R P F Dewick	Director of Service Delivery	<p>Events at Promenade Park The Director of Service Delivery called a meeting with the South Essex Parking Partnership (SEPP) on 17 April. In attendance was Councillor S J Savage and The Senior Community Protection Officer. It was agreed to review parking restrictions in the area which are affected by seasonal parking difficulties. At the June 2019 meeting it was confirmed that SEPP would review parking restrictions within the residential areas around Promenade Park and undertake a safety report as part of this review.</p> <p>Park and Ride Schemes within the District: Members requested that the following points were investigated and fed back to the Committee:</p> <ul style="list-style-type: none"> • Promotion of the scheme • Designation of area with the Leisure Quarter. <p>The following points were covered in discussions between Members and Officers at the July 2019 meeting:</p> <p>1. Tesco Park and Ride</p> <ul style="list-style-type: none"> • A full review of S106 requirements is to be undertaken as a matter of urgency with an action plan progressed & reviewed as required. • Specialist – Area Plan to present to Members at the 2 October 2019 meeting of the committee. <p>2. Identifying a second Park and Ride Service within the district</p> <ul style="list-style-type: none"> • To consider/identify the creation of a second route within the District. • Areas for consideration include Heybridge and the Garden Suburbs. <p>The Director of Service Delivery will report back to the 2 October 2019 meeting.</p>
Section 106	Councillor M S Heard Councillor V Bell	Director of Strategy, Performance and Governance	<p>It was agreed that the Committee would receive an update on Section 106 Agreements on a six-monthly basis. A detailed report was submitted to the Committee for its February 2019 meeting which set out the progress on Section 106 projects delivered by Maldon District Council, NHS England, and Essex County Council.</p> <p>The Committee was advised in May 2019 that the monitoring and recording of Section 106 Agreements (S106) had significantly improved. It was agreed that:</p> <ul style="list-style-type: none"> • Provision of funds for allotments within the Garden Suburb will be reported back to the Committee. • Clarification on the spending of £12,000.00 to Burnham Town Council to be confirmed and provided to the relevant parties. <p>The next six-monthly report will be presented at the 31 October 2019 meeting.</p> <p>With the commencement of the new committee structure in October 2019, and subsequent to receipt of the report at the 31 October 2019 meeting, it is considered that performance management reports would be more suited going to the Performance, Governance and Audit Committee, therefore, Members are asked to consider the removal of this item from the programme of work.</p>

Business Opportunities for the Council	Councillor M S Heard	Corporate Leadership Team	<p>To look at the allocation of space within the foyer and identify business opportunities across all Council owned properties to generate income for the Council.</p> <p>Councillor M S Heard asked that an area that could be explored was the use by Police of an alcove area for confidential meetings with members of the public. This was to be discussed with the tenant at the next Landlord and Tenant Liaison meeting.</p> <p>Updates from previous meetings are as follows:</p> <ul style="list-style-type: none"> • May 2019 - Officers were already in talks with prospective clients and current tenants. • June 2019 - The item of scrutiny related to all Council owned sites and was not exclusive to the Princes Road offices. • July 2019 – A second Park and Ride scheme will be looked at to mitigate congestion. Areas for consideration will include Heybridge and the Garden Suburbs (please see Provision of Car Parking). <p>With the commencement of the new committee structure in October 2019, it is considered that this item may be more suited for a working group of the Strategy and Resources Committee, therefore Members are asked to consider the removal of this item from the programme of work.</p>
Monitoring of the Organisational Change Programme	Councillor R H Siddall	Corporate Leadership Team	<p>Following the decision by Council on 7th June 2018 to progress with Ignite's Future Council model, the Committee will monitor the implementation of this organisational change programme.</p> <p>An update on the implementation was provided to the Committee for its October 2018 meeting when it was agreed that Members will receive regular updates on the progress of the Council Transformation and that minutes of the Transformation Board will be available through the Modern.Gov application.</p> <p>The following information has been provided in response to Members concerns:</p> <ul style="list-style-type: none"> • Consideration would be given to holding training sessions with Members within business hours, a training session for Members would take place with Ignite and Officers in June 2019. • Agile working was to be encouraged throughout the authority and would be complimented by systems such as Skype. It was noted that work is an activity and not a place. • The Council would do as much as is reasonably practicable to ensure the safe agile working of staff, however staff were equally responsible for their individual safety. • Concerns over staff morale, motivation, welfare and the creation of an impersonal workforce were raised. <p>The Director of Service Delivery confirmed that a culture project was looking into addressing these issues. The verbal update provided to Members at the July 2019 meeting of the Committee included the following information:</p> <ul style="list-style-type: none"> • Font line services were continuing to be delivered, and where necessary contractors had been employed. • The Commercial Plan was expected to be provided to Members and the public in September 2019. • Members could find minutes from meetings of the Transformation Board on the internal iDrive. • Cllr Siddall will meet with the Director of SPG to identify milestones for scrutiny. <p>An update will be provided to a future meeting of this Committee.</p> <p>As the Organisational Change Programme nears completion at the end of October 2019, it should now be within the Committees ability to identify a date to close this item of scrutiny</p>

Waste Water	Councillor C P Morley	Director of Strategy, Performance and Governance	<p>The Committee raised concerns over the use of an experimental pumping system for foul water removal at new developments within the district, the lack of capacity at pumping stations, and the liability for any failure of foul water drainage which may occur. Members discussed the responsibility of foul water removal at new developments within the District and voiced frustration over conflicting reports from Anglian Water Authority (AWA). It was requested that Anglian Water attend a future meeting of the Committee and provide a report on the removal of foul water.</p> <p>Following on from the Committee's request, a meeting was held with Councillor Miss S White in attendance which identified two key issues and two work streams:</p> <ol style="list-style-type: none"> 1. consistency between Anglian Water Authority's consultation responses to planning applications and comments that have been made in meetings about capacity constraints; and 2. the wider issue of the long-term adequacy of the sewerage and surface water drainage systems (combined in many areas) to cope with growth and storms. <p>Officers have actioned the above matters as follows:</p> <ul style="list-style-type: none"> • The principle of a position statement has been requested from Anglian Water and officers are awaiting confirmation that this approach is feasible. It was confirmed that the scope of such a statement will be agreed directly. • The Coastal and Flooding meeting, on 26th February 2019, noted that the numerous issues raised by Members had been linked to Anglian Water who were not in attendance. A position statement was still outstanding, and discussions were expected to take place with senior contacts at Anglian Water. <p>A separate meeting has taken place with Essex County Council with regards to working in partnership to develop a district wide Water Cycle Study as a future project. In 2010 the Council commissioned a Scoping Water Cycle Study for Maldon Town & Heybridge only. Any future Study will extend the area across the whole district and will be aimed at a strategic approach to the management of all water streams alongside any proposed growth for the Maldon district. At the April 2019 meeting the Director of SPG advised that the results will be reported back to a future meeting.</p> <p>The Maldon Harbour Improvement Commissioners (MHIC) had started a water pollution watch group with a number of parties, including Northumbrian Water (Essex & Suffolk). Councillor Miss White requested that Maldon District Council work in partnership with other agencies to prevent pollution and protect the Blackwater and Chelmer rivers.</p> <p>At the July 2019 meeting the Director of SPG advised that Essex County Council had a vested interest in the Water Cycle Study and would be working with MDC in delivering their findings.</p> <p>Anglian Water presented to Members at the 28 August 2019 meeting. Members received a comprehensive report detailing the process followed by AW as consultants, offering advice on capacity and potential network issues at the pre-application stage. It was noted that under legislation they cannot refuse a connection to the network and that a number of issues could be a result of unknown connections to antiquated, unmapped networks.</p> <p>Following receipt of a comprehensive presentation from AW in August 2019, it is considered that this item of work is complete and, unless any further scrutiny can be identified, Members are asked to consider the removal of this item from the programme of work.</p>
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Provision of Healthcare Services - including the recruitment and retention of GP	Councillor E L Bamford	Director of Service Delivery	<p>Representatives from the Clinical Commissioning Group (CCG) attended the February 2019 meeting and provided Members with an update on the work of the CCG over the past twelve months and updates on the following current and future projects:</p> <ul style="list-style-type: none"> • Primary Care Foundations Project (Mid Essex); • NHS Long Term Plan; • GP Recruitment. <p>The Committee was informed of a visit to Holland in October 2018 where progressive work was identified and is being translated into working practice within the Dengie. Projects included the following:</p> <ul style="list-style-type: none"> • 15 Minute Project; • Neighbourhood Care. <p>At the May 2019 concern over the lack of Surgeries within Southminster was raised and the Director of Resources advised this would be raised in her next communication with the regional Head of Estates for NHS England.</p> <p>At the 28 August meeting, the CCG provided an update to Members which advised of looking towards a holistic way of working, extended access to services and enhanced office hours. It was noted that two practices within the Dengie were identified as outstanding. Members were advised that comments would be fed back to the regional Head of Estates for NHS England with a request for feedback to be provided. It was agreed that the CCG would work with MDC on a flyer for inclusion with the annual billing.</p> <p>With the commencement of the new committee structure in October 2019, unless any further scrutiny can be identified, Members are asked to consider the removal of this item from the programme of work.</p>
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Overview and Scrutiny Committee
2019 / 20 Programme of Work: Items with a Watching Brief

Scrutiny Topic	Member Sponsor	Lead Officer	Scope of Scrutiny
Waste Contract – reliability of the contractor vehicles	Councillor R P F Dewick Councillor M S Heard	Director of Service Delivery	<p>In response to questions raised, Members were advised that the waste contractor was being scrutinised following issues surrounding the reliability of vehicles and the impact on the delivery of service.</p> <p>Members were also seeking clarification/confirmation of where the Districts recycling is sent to following processing. A detailed report was provided to the Committee in October 2018 which updated Members on the collection of waste within the District and addressed concerns surrounding contractor vehicles and the end destination of recycling. The Recycling and Recovery UK Regional Manager from Suez was also in attendance.</p> <p>The following information on recycling was provided to Members at the October 2018 meeting:</p> <ul style="list-style-type: none"> • Officers were satisfied that waste is being sorted and disposed of properly. • A monthly return is provided to the Environment Agency on the end destination for all materials from the site and checked against Essex Reclamations permit. • The majority of waste that is sent abroad is from paper, whilst plastics remain within the UK: <ul style="list-style-type: none"> ▪ Paperlink exports the majority of paper waste. ▪ Monoworld – sorts the plastic waste. • Recycled material is sent abroad in sealed containers which are photographed prior to departure and on arrival to confirm no tampering has occurred. <p>Following discussions at the meeting, the content of the report and actions being undertaken were noted. No further action on this scrutiny topic is required.</p> <p>At the May 2019 meeting Councillor R P F Dewick advised that the vehicles used were not conducive to the nature of the work carried out so future problems were to be expected.</p> <p>This item remains on the agenda with a watching brief on performance, with a further update to be provided at the November 2019 meeting.</p>
Review of Fire and Rescue Service provision in the Dengie	Councillor M W Helm	Director of Service Delivery	<p>Concern was raised that the Fire Authority was looking into closing fire stations within the Maldon District.</p> <p>A public meeting with the Essex Police, Fire and Crime Commissioner (PFCC) took place on 8th January 2019. A private briefing for Members took place on 7th February 2019 where the PFCC reassured Members that Fire Stations at Burnham and Tillingham would not be closing.</p> <p>Further information on the Fire Break Project has been requested and will be shared with Members once received.</p>

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