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DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

23 October 2019

Dear Councillor

You are summoned to attend the meeting of the;

OVERVIEW AND SCRUTINY COMMITTEE

on **THURSDAY 31 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



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP

COUNCILLORS	
	V J Bell
	R P F Dewick
	Mrs J L Fleming
	M S Heard
	M W Helm
	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
THURSDAY 31 OCTOBER 2019

1. **Election of Chairman**

To elect a Chairman of the Committee for the remainder of the municipal year.

2. **Election of Vice-Chairman**

To elect a Vice-Chairman of the Committee for the remainder of the municipal year.

3. **Chairman's Notices (please see below)**

4. **Apologies for Absence**

5. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Overview and Scrutiny Committee held on 2 October 2019, (copy enclosed).

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. **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.

8. **Overview and Scrutiny Committee - Roles and Responsibilities** (Pages 17 - 50)

To receive a briefing note from the Director of Strategy, Performance and Governance (copy enclosed).

9. **Section 106 Agreements - Quarterly Update (July - September 2019)** (Pages 51 - 74)

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

10. **Standard Complaints** (Pages 75 - 84)

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

11. **2019 / 20 Programme of Work** (Pages 85 - 90)

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

12. **Appointment of Representative to Essex County Council's Health, Overview Policy and Scrutiny Committee (HOPSC)**

To nominate a representative from the Committee to serve as a co-opted non-voting member on Essex County Council's HOPSC for the remainder of the 2019 / 20 municipal year.

Essex County Council has invited Maldon District Council to nominate a member to the above Committee. This invitation has come about because the administrative area of Maldon is currently unrepresented on the Committee from amongst County Councillors. The Council has been advised that a similar invitation has gone out to four other District Councils and with there being only four co-opted seats available appointment will be on a first come, first served basis.

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

14. **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.

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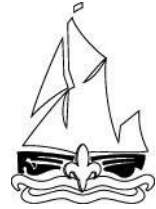
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**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
2 OCTOBER 2019**

PRESENT

Vice-Chairman	Councillor R P F Dewick (in the chair)
Councillors	E L Bamford, V J Bell, M S Heard, C P Morley, S P Nunn and R H Siddall
Substitute Councillor(s)	K W Jarvis

429. CHAIRMAN'S NOTICES

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

430. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor M W Helm.

In accordance with Procedure Rule 17 (9, 10), Councillor K W Jarvis attended as substitute for Councillor M W Helm.

431. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 28 August 2019 be approved and confirmed.

432. PUBLIC PARTICIPATION

There was none.

433. DISCLOSURE OF INTEREST

It was noted that, with reference to Agenda Item 7, Conduct Complaints, Councillor W Stamp (who was in attendance) stated that had she had an ongoing complaint.

434. SECTION 106 AGREEMENT FOR TESCO FREE BUS SERVICE AND THE MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN'S 'PARKING STRATEGY'

Members of the Committee received a presentation from the Strategic Theme Lead on the Section 106 (S106) Agreement between Tesco Stores Limited, Essex County Council (ECC) and Maldon District Council (MDC). This covered a schedule of requirements to be provided by Tesco Stores Limited including a free Bus Service.

The Strategic Theme Lead advised Members that whilst the bus service had been provided the outstanding requirements had yet to be delivered by Tesco Stores Limited.

In accordance with the presentation and in response to Members' questions, the Strategic Theme Lead provided the following update:-

Tesco Stores Limited Free Bus Service

In 1999 a S106 was signed agreeing to the extension of the store. The terms required Tesco Stores Limited to secure transportation improvements in the guise of a free bus service to improve access to the Town Centre.

This included up to 50 free car parking spaces were allocated for the free bus service. Restrictions included a maximum of 4 hours free parking with the exclusion of bank holidays and Christmas. It was noted that the onus was on Tesco Stores Limited to determine how this was monitored and enforced.

The agreement included a review clause, requiring Tesco Stores Limited to appropriately display the route information, ensure effective operation of the service through regular monitoring, and encourage use through various initiatives.

As part of the agreement Travel Plan Co-Ordinator (TPC) should have been employed to survey and monitor the scheme, which included the roll out of staff and public incentives. The TPC was expected to have liaised with MDC and ECC on an annual basis to review the scheme.

Of the planning obligations which were part of the S106 agreement it was noted that highway works on the Fullbridge crossing and River Chelmer embankment works were complete, the 50 free carparking spaces remained available at Tesco's and that Tesco Stores Limited were exercising their right to enforce the 4-hour time limit.

It was also acknowledged that the 5-yearly review of the bus service has not been actioned since 2001 and the marketing plan for the free bus route remained outstanding.

THE MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN'S (CAMP) PARKING STRATEGY

Objectives of the Maldon and Heybridge Central Area Masterplan (CAMP) SPD (adopted November 2017) were to actively manage traffic, visitors and parking within the town centre, and provide enhanced public transport. It was previously noted that the town centre car parks were near capacity with limited space for extension.

Since CAMP was adopted, an additional 400 spaces were being provided at the peripheral of the town centre and the site for the new Travelodge Hotel. The free bus service operated by Tesco had been incorporated and included a new Park and Ride facility to be connected to the current Free bus route at the Blackwater Leisure Centre.

The LDP had been prepared and considered management of the air quality on Market Hill, with policies around growth informed through consultations.

In conclusion, it was noted that the LDP had been prepared with stakeholder consultation, which was used to inform the strategic policies relating to housing, economic growth and highway transportation. As part of the CAMP consultations, improvement to connectivity and movement for pedestrians and cyclists had been identified.

S106 Obligations to ongoing development within the Garden Suburbs required the provision of new bus stops, shelters and services. It was noted that a national bus strategy was recently launched, and it was anticipated that this could provide further funding for local authorities on sustainable transport.

Next Steps

Communications with Essex County Council and Sustainable Travel Team have advised that there had been no response on the application had been received since 24 October 2008. While it was suspected that Tesco Stores Limited and Stephenson's of Essex negotiated changes to the route independently of ECC and MDC, no monitoring had been undertaken by ECC on the travel plan for the Tesco site.

ECC would be looking to identify why the aforementioned obligations had not been actioned. It was noted that ECC had contributed £3000.00 towards the review.

The Local Plan Specialist had liaised with Tesco Stores Limited to understand the service delivered by Stephenson's of Essex.

As Market Hill is on the bus route, the Air Quality Management Area Action Plan Steering Group would be consulted.

The Maldon and Heybridge Central Area Plan had started delivering on projects which would ensure that parking strategy, movement, connectivity framework was considered in future negotiations. It was expected that Tesco Stores Limited would demonstrate the usage of the bus route.

The brief discussion which followed had Members concur that Tesco Stores Limited had neglected their obligations.

RESOLVED

- (i) that an update be provided to the December meeting of this Committee.
- (ii) that the Committee notes the report as background to the PowerPoint presentation.

435. CONDUCT COMPLAINTS

The Director of Strategy, Performance and Governance presented Members with the report which set out the Council's procedures for dealing with issues relating to Members' Code of Conduct. The process for dealing with complaints was set out in appendix 1, and the full code of conduct was attached at appendix 2.

Councillor M S Heard stated that the report did not answer the original request, which was to provide the Committee with statistics from 2015 to date detailing the number of complaints received by the council, the number of deferrals, and the political affiliations respectively. The Director of Strategy, Performance and Governance confirmed that he was happy to go through the Terms of Reference with Councillor M S Heard and bring the report back to a future meeting of the committee.

In response to further questions to the Corporate Leadership Team (CLT), with support from the Chairman, the following information was provided:

- Were a complaint to be made against the Leader of a Group it would be investigated with the results being referred to the Joint Standards Committee subject to the advice of the independent person;
- The Leader of the respective group is advised as it would be anticipated that the group would wish to support their member through any complaints process. It was noted that the conclusions outlined in appendix 1, Stage 1, Section 5 were options that could be taken at that stage of the process; and
- When a complaint is made this can go to the Monitoring Officer, who will investigate confidentially.

A discussion ensued where Members expressed concern that the procedures and Terms of Reference were unclear and not fit for purpose. The Director of Service Delivery advised the Committee that the report contained options for referral, and the Chairman commented that the process had improved in recent years.

Members requested that information on the whistleblowing process was made available as part of the Maldon District Council Member Training and included in the Code of Conduct.

RESOLVED:

- (i) That a further report is provided detailing the following information:
 - a. the number of complaints raised since 2015;
 - b. the number of referrals to Joint Standards;
 - c. the outcome; and
 - d. political affiliations of those involved in the aforementioned points.
- (ii) That Member Training include information on the whistleblowing policy; and
- (iii) That the whistleblowing policy be included in the Code of Conduct.

436. PROGRAMME OF WORK

The Director of Strategy, Performance and Governance Presented the Programme of Work to the Committee advising that with the commencement of the new structure from 3 October 2019 the Committee would be working toward the new Terms of Reference. Members were asked to review the current programme of work with a view to removing standing items, those which could not be progressed further, or alternatively add timelines for completion.

Waste Water

Following the presentation from Anglian Water at the 28 August 2019 meeting, it was acknowledged that no further work could be done on this item and therefore it was agreed that it be removed from the Programme of Work.

Health Care Provision

A portion of the Committee believed that this item ought to remain as it was considered crucial.

Councillor E L Bamford, the Member Sponsor, requested that the item be retained. She concurred with the Officers report that specifics on the S106 monies be designated as part of that item and that performance reports form part of the Performance, Governance and Audit Committee (PGA) agenda. However, other aspects covered as part of this item of scrutiny should remain.

The Chairman put Councillor E L Bamford's suggestions to the Committee and, following a vote, it was agreed this item remain on the Programme of Work.

Section 106 (S106) Updates

A discussion ensued with the majority Members requesting that this item remain.

The Director of Strategy, Performance and Governance confirmed that S106 Updates would be reported to PGA, however any items going to this Committee should be on how S106 was reviewed or reported. Members were reminded that this item of work had evolved from the recording of S106's to scrutinising specific items on the database, and that a lot of prior concerns had been dealt with. A percentage requested that the Committee retain a watching brief.

It was agreed that this item remain subject to review following receipt of the report due at the 31 October 2019 meeting.

Business Opportunities for Maldon District Council

Councillor S P Nunn expressed concern that this item specifically related to a request from Essex Police for additional space at the Council's Princes Road offices and requested that this should form part of a wider brief to scrutinise decisions on the Council's commercial operations.

In response to questions, the Director of Service Delivery confirmed that an accommodation offer had been made, but it remained under consideration by Essex Police.

The Chairman reminded the Committee that it was not their responsibility to identify business opportunities, but instead to scrutinise decisions taken by the Council. Several

Members suggested that this item remain on the Programme of Work with a wider brief so long as projects were reviewed effectively. The practicality of monthly updates was considered, followed by a short discussion as to whether this would be more suited to a working group of the Strategy and Resource Committee (S&R) with this item revisited for specific projects.

Councillor M S Heard expressed concern that Independent Members had been denied access to Working Groups, suggesting that Overview and Scrutiny had been formed to provide public reassurance, and this item should be retained to ensure that Independent Members remain informed. The Chairman confirmed that Members had access to the minutes of working groups which would evidence the appropriate handling of items of work.

The Corporate Leadership Team (CLT) confirmed that the Commercial Strategy would be taken forward by S&R, with concerns open to scrutiny by this committee. It was further advised that this Committee should only be looking at specific occurrences requiring investigation, and a reminder that the role of the Committee was retrospective, and that duplication of work should be avoided.

The Chairman confirmed that the Committee had a duty to identify problematic operations and considered the work plan for the previous twelve months was too non-specific. The Director of Strategy, Performance and Governance confirmed that quarterly performance reports go to PGA Committee with issues being scrutinised by this committee as supplement to the Programme of Work.

Councillor S P Nunn proposed that scrutiny of the Application of the Council's Commercial Strategy be added to the Programme of Work, and this was duly seconded.

The Chairman put Councillor S P Nunn's proposal to the committee, and upon a vote being taken it was agreed that this item be added to the Programme of Work.

Subsequent to the vote, it was agreed that Councillor S P Nunn and Councillor M S Heard be the Member Sponsor, and that *Business Opportunities for Maldon District Council* be removed from the Programme of Work.

Monitoring of the Organisational Change Programme

Councillor R H Siddall confirmed that an issue had been identified and requested that this item remain on the Programme of Work until the outcome had been fed back to Committee.

The Director of Strategy, Performance and Governance confirmed that either specifics and deadlines be provided to the 31 October 2019 meeting of this committee or it be confirmed that this item be closed.

Provision of Car Parking

Events at Promenade Park

The Director of Service Delivery confirmed that the review by South Essex Parking Partnership (SEPP) was in hand, and would be an ongoing item of work for S&R.

The Committee agreed that, subject to the Director of Service Delivery circulating the completed review, *Events at Promenade Park* could be removed from the Programme of Work.

***Park and Ride Schemes within the District and
Identification of a Second Park and Ride Scheme within the District***

Councillor E L Bamford stated that this was a valid item of scrutiny and requested that this remain with a report identifying any links to items that may have similar failings as the Tesco Stores agreement. The Director of Strategy, Performance and Governance advised this would result in a duplication of work and requested that Members avoid generalising and identify specific items.

The Committee agreed that the items relating to Park and Ride Schemes be retained as an item on the Programme of Work.

Waste Contract

A brief discussion confirmed that the item was complete as the issue regarding the reliability of contractor vehicles had been fully investigated. The Director of Service Delivery confirmed that the contract with SUEZ was under review, and should any further concerns raised this could be reinstated.

Councillor V Bell raised concerns on recycling and waste disposal within the district and was advised by the Chairman that this should be raised under Agenda Item 8, *Any other items of scrutiny Members wish to consider*.

The Committee agreed that this be removed from the Programme of Work.

Review of Fire and Rescue Service Provision within the Dengie

The Committee agreed that following the presentation from the Police, Fire and Crime Commissioner (PFCC) and no subsequent concerns being raised this item of work had been completed and could be removed from the programme of work.

RESOLVED

- (i) That the following items be removed from the Programme of Work:
 - Business Opportunities for Maldon District Council;
 - Provision of Car Parking:
 - Events at Promenade Park;
 - Review of Fire and Rescue Service Provision within the Dengie;
 - Waste Contract;
 - Waste Water.
- (ii) That the following items remain on the Programme of Work:
 - Health Care Provision;
 - Monitoring of the Organisational Change Programme
 - Provision of Car Parking:
 - Park and Ride Schemes within the District;
 - Identification of a Second Park and Ride Scheme within the District;
 - Section 106 Updates.

- (iii) That the following items be added to the Programme of Work:
- Scrutiny of the Application of the District Councils Commercial Strategy

437. ANY OTHER ITEMS OF SCRUTINY MEMBERS WISH TO CONSIDER

The Committee considered the following items of work to be added to the Programme of Work:

Due Diligence

Capita – Following comments relating to Capita's track record and capability, Councillor V Bell requested that a report was provided to the Committee to identify what due diligence went into the Council's decision to partner with Capita.

The Director for Strategy, Performance and Governance advised that this would be more suited to review as part of the Monitoring of the Organisational Change Programme.

Monoworld – Concerns were raised by Councillor V Bell that partnering with a company who had previously been fined for illegal exporting of waste and numerous health and safety issues would reflect badly on the Council.

Councillor V Bell proposed that this item be added to the Programme of Work, this was duly seconded. Upon a vote being taken this was agreed. A report would be brought to a future committee outlining all waste destinations.

It was also confirmed that Councillor V Bell be the Member Sponsor for this item.

Council's Accounts

Councillor K W Jarvis said that the Council's accounts were still unpublished and suggested that a review be undertaken.

The Chairman reminded Councillor K W Jarvis that as the accounts were in the process of being prepared this was a pre-emptive request. The Director of Strategy, Performance and Governance confirmed that the overarching audit report was already being prepared by the external auditors, for consideration at Performance, Governance and Audit Committee.

Councillor K W Jarvis proposed that an independent review around the Resources Directorate processes. This was duly seconded.

Both Directors expressed concern that this represented duplication of work given that the external auditors report, in the process of completion, would be considered at the Performance, Governance and Audit Committee. On that basis Councillor K V Jarvis withdrew his proposal.

Councillor R H Siddall, referring to the aforementioned concerns, proposed that this item be added to the Programme of Work following completion of the Council's accounts and production of the internal report, to identify where delays occurred and any additional issues. This was duly seconded and agreed by the Committee.

Overview of Corporate Leadership Team and Leader of the Council Decision Making

Councillor R H Siddall proposed that, in relation to the Overview and Scrutiny Committees Terms of Reference, 2, the Programme of Work include the above item. This would afford the Committee an opportunity to review and question decisions e.g. around new council offices etc. and potential items emanating from the new committee structure that may have fiscal impacts going forward. This was not seconded.

Following a lengthy discussion, Councillor R H Siddall suggested that a working group be formed consisting of Councillors R H Siddall, V Bell and M S Heard. The brief for this group would be to determine the relevant issues within this item of scrutiny for consideration by Committee.

Member Training

Councillor R H Siddall requested that, in accordance with procedures, all Members be trained appropriately on the Overview and Scrutiny related matters to ensure Members can bring a valuable contribution to the committee.

RESOLVED

- (i) that the following items be added to the Programme of Work:
 - Due Diligence;
 - Council's Accounts
- (ii) That a working group be set up to determine issues within Overview of Corporate Leadership Team and Leader of the Council Decision Making.

There being no further items of business the Chairman closed the meeting at 10.05 pm.

COUNCILLOR R P F DEWICK
VICE-CHAIRMAN (IN THE CHAIR)

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OVERVIEW AND SCRUTINY COMMITTEE – ROLE AND RESPONSIBILITIES

1. The Council in approving and adopting a new Constitution agreed revised terms of reference for this Committee as part of the new structure, together with some operating principles. This had regard to the recent publication by the Government of statutory guidance on Overview and Scrutiny in Local and Combined Authorities, which at the time Members felt should be reviewed.
2. Local authorities must have regard to statutory guidance in the arrangements it makes for overview and scrutiny even though with the system this Council operates there is no requirement for such a committee. The Guidance appears largely to update existing guidance and has particular regard to the conclusions of a House of Commons Select Committee which reported in December 2017.
3. The Guidance rehearses the same good principles of scrutiny and explains how it can be fostered and developed within the culture of the organisation. Poor scrutiny can have a negative effect on the organisation and its reputation. Financial matters are best dealt with through audit, and the S151 will have a key role to play in advising on how to manage the dynamic of looking at financial matters through both the scrutiny and audit functions.
4. On resourcing, this is clearly a matter for individual authorities, although the Guidance emphasises the need for impartial advice and the role of the statutory officers in providing timely, relevant and high-quality advice to the scrutiny process. The Guidance also stresses the importance of communicating the scrutiny role within the authority and to the public, and for Council to retain an interest in and be kept informed of scrutiny work.
5. Members of a scrutiny committee having an independent mindset is fundamental to the process. Chairmen of scrutiny committees need to work proactively to identify contentious issues and how to manage them. Members should receive induction training on how scrutiny is operated by the authority.
6. The Guidance also deals with the process for scrutinising organisations which receive public funding to deliver goods and services, in particular contractors engaged by the Council. It is suggested as good practice that a clause be put in contracts seeking compliance with any subsequent scrutiny of performance.
7. Finally, the Guidance details how to plan and undertake scrutiny work in terms of shortlisting projects, approaches for information, evidence sessions and preparing recommendations. It makes the point that committee sessions should not be used simply to receive information - arrangements should be made to provide information to Members separately.
8. The accountability of the Committee to Council is important. The Committee should have regard to the Guidance in approaching its work and should perhaps be asked to consider the Guidance document at its first meeting.

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Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.

A handwritten signature in blue ink, reading 'Rishi Sunak'.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.¹

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

Expiry or review date

This guidance will be kept under review and updated as necessary.

¹ A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers² to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

² Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
 - rights of access to documents by the press, public and councillors;
 - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
 - delegated decisions by the Mayor;
 - whistleblowing protections for both staff and councillors; and
 - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,³ someone whose role is to:
 - promote the role of the authority's scrutiny committee;
 - provide support to the scrutiny committee and its members; and
 - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

³ Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:
- Committee – officers are drawn from specific policy or service areas;
 - Integrated – officers are drawn from the corporate centre and also service the executive; and
 - Specialist – officers are dedicated to scrutiny.
21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.
22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,⁴ the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny⁵.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.⁶ Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.⁷ This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

⁴ See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

⁵ See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

⁶ Section 9FA(3) of the Local Government Act 2000.

⁷ 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.
30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives⁸. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person⁹.
32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair¹⁰.

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.
34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

⁸ A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

⁹ See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

¹⁰ Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation¹¹. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

¹¹ Section 9FA(4) Local Government Act 2000

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information¹². In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision¹³. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

¹² Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹³ Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member¹⁴. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request; and
- Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions¹⁵. It is the duty of members and officers to comply with such requests.¹⁶

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

¹⁴ Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹⁵ Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

¹⁶ Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

Following ‘the Council Pound’

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
 - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
 - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
 - Voluntary sector partners;
 - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
 - In parished areas, town, community and parish councils;
 - Neighbouring principal councils (both in two-tier and unitary areas);
 - Cross-authority bodies and organisations, such as Local Enterprise Partnerships¹⁷; and
 - Others with a stake and interest in the local area – large local employers, for example.
- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

¹⁷ Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.
66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:
- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
 - ii. the development of those findings, which will set out some areas on which recommendations might be made; and
 - iii. the drafting of the full report.
67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.
68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

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

SECTION 106 AGREEMENTS - QUARTERLY UPDATE (JULY - SEPTEMBER 2019)

1. PURPOSE OF THE REPORT

- 1.1 This report provides an update on the status of the current day to day operational activities of Section 106 (S106). As this is the first formal quarterly update on S106 operational activities since February 2019, the report includes all updates since 1 April 2019.

2. RECOMMENDATIONS

- (i) That the progress on S106 operational activities for the period April to September 2019 is noted;
- (ii) That Members note this will be the last report of this type, as only for information, subject to identification of any specific item of scrutiny by the Committee.

3. SUMMARY OF KEY ISSUES

- 3.1 The aim of the report is to update the Committee on the Council's Section 106 progress made since the report on 5 September 2019 to the Planning and Licensing Committee (P&L). The update covers the following key matters:
- On-going work relating to Section 106 (S106) Monitoring;
 - Summary of financial sums received and spent;
 - Update and summary of S106 programme of works.
- 3.2 Planning agreements under Section 106 of the Town and Country Planning Act 1990 (the Act), are generally used to mitigate harm and to make a development acceptable in planning terms. These contributions are negotiated as part of the planning application process. The Act allows for the Council and developers to negotiate a range of obligations such as financial and non-financial contributions.
- 3.3 The strategic sites will be the main sources of income from planning contributions in accordance with the Local Development Plan (LDP) to 2029. The table below provides an update on the monitoring and status of Maldon District Council (MDC)

expenditure and income over the last quarter (July to September 2019). Also, **APPENDIX 1** gives an update on the status of the strategic sites and allocation of S106 contributions.

Total S106 Expenditure (Q3 - 2019) = £2,200.00

<i>S106 Expenditure Breakdown</i>		
Fenn Wright (Chelmsford)	17/07/2019	£750.00
Fenn Wright (Chelmsford)	17/07/2019	£1,450.00
	TOTAL	£2,200.00

Total S106 Contributions Collected (Q3 - 2019) = £182,103.33

<i>S106 Income Breakdown</i>			
Planning Application / Site	S106 Contribution	Agreement	Amount Due
FUL/MAL/14/00356 - S2(i) Land Between Chandlers and Creeksea Lane Maldon Road Burnham-On-Crouch Essex	Health	£40,480.00	£42,109.00
	TOTAL		£42,109.00
Planning Application / Site	S106 Contribution	Agreement	Amount Due
FUL/MAL/16/00093 - S2(j) Land south of Green Lane and north of Maldon Road, Burnham-on-Crouch	Allotments	£8,000.00	£8,000.00
	Monitoring	£4,630.00	£4,630.00
	Health	£15,623.58	£15,623.58
	TOTAL		£28,253.58
Planning Application / Site	2nd and 3rd Payment (Final Amount)	Agreement	Amount Due
FUL/MAL/15/00885 - S2(f) Land West of Broad Street Green Road Heybridge Essex	Health Care Facility Contribution	£31,972.40	£36,264.00
	Neighbourhood Equipped Areas for Play (NEAPs) / Local Equipped Areas for Play (LEAPs)	£11,191.68	£12,693.92
	North Heybridge Allotments Contribution	£4,640.61	£5,263.51
	Heybridge Youth and Teen Facilities (£522 per dwelling)	£50,712.30	£57,519.32
	TOTAL		£111,740.75

4. CONCLUSION

- 4.1 The Maldon District Council is well prepared in terms of monitoring S106s, forecasting S106 income and preparing PID (Project Initiation Document) for its existing projects. Regular meetings and communication are in place with all MDC service managers to share the latest information on S106 income and discuss possible

funding for identified projects. The Council has set up a communication channel to the NHS England and the Essex County Council (ECC) to ensure that all relevant information on S106 income is provided as soon as possible.

- 4.2 The requirement for all charging authorities to keep their charging schedules under review is emphasised in para. 2.2.6.3 of the Community Infrastructure Levy (CIL) Guidance, February 2014. Therefore, should the Council choose to implement its charging schedule, it will need to demonstrate that the 2014 “levy charges remain appropriate over time”.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The use of Section 106 agreements to prescribe, compensate and mitigate the impacts of development enables the Council to enhance services to meet new local demands, which supports the Strategic Theme of Place as set out in the Corporate Plan for sustainable growth and new infrastructure.

6. IMPLICATIONS

- (i) **Impact on Customers** – Plans to work in partnership with ECC and NHS England to ensure the delivery of key infrastructure within the Maldon District Council for the benefit of residents.
- (ii) **Impact on Equalities** – S106 projects are delivered to all sectors of the community in the District. All projects will go through the consultation of the local community and will be subject to an Equality Impact Assessment.
- (iii) **Impact on Risk** – The Maldon District Council needs to ensure that all contributions from S106 agreements are spent as per the specification in the legal agreement. It is important that the Council delivers key infrastructure, in a timely manner, to sustain the level of growth within the District.

Most S106 agreements are time limited by the developer in terms of allocating and spending the contribution. If a developer pays a contribution and the Council fails to allocate within the time period specified, the Council runs the risk that the developer might seek to clawback the contribution. The nearest clawback periods run until 2021 and programming has started to ensure that the risk of clawback is minimised.

Delays in getting projects underway as soon as possible after the contributions are received lead to additional risks. Once the S106 contributions have been received they are not protected against cost inflation, which can result in insufficient funding to provide facilities in full. Therefore, the programme of works needs to be closely aligned to the receipt of the contributions. All Maldon District Council’s projects need to be delivered on time to minimise the Council’s potential financial exposure.

- (iv) **Impact on Resources (financial and human)** – The negotiation of Section 106 agreements remains part of the planning services core budget. Also, the

developer pays for the Council's costs in drafting and completing the agreements.

Regular monitoring of S106 is essential to enable the delivery of infrastructure and new S106 / CIL regulations will introduce a monitoring fee. This new fee will provide an additional source of funding for monitoring more complex S106 applications. Particularly, where triggers for the obligations might be phased over long periods.

- (v) **Impact on the Environment** – Agreements can seek to compensate and mitigate for the impacts of development on the local environment. Infrastructure design and concept should respect the future social, environment and economic aspects of sustainable development. Infrastructure Delivery Programme will enable the Council to endorse sustainable development and safeguard the local environment.

Background Papers: None.

Enquiries to:

Georgina Button, Strategy, Policy and Communications Manager, (Tel: 01621 875872).

S106 INCOME STREAMS

Project No	Site / Planning Re	Purpose	Projects	Financial	Trigger	Amount	Amount Received
A1	(S2a) Eastern Parcel - Land South of Wycke Hill and Limebrook Way OUT/MAL/14/01103	Provision of onsite Allotment (0.46 Hectare) specification as per Appendix 6	Taylor Wimpey	Non-monetary contribution	Eastern Parcel - Completion of adjacent phase	£0	£0
	(S2a) Western Parcel - Land South of Wycke Hill and Limebrook Way OUT/MAL/14/01103		(S2a) Western Parcel - Crest Nicholson to provide allotment onsite		(S2a) Western Parcel - Outline permission and submission of reserve matters is expected this autumn		
A2	(S2b) Wycke Hill North OUT/MAL/15/01327	Towards the provision of allotments in the vicinity of the Development	(S2b) Resolution to Grant subject to S106 – to be spent on South Maldon School sites for allotment provision	sum of £14,520 Indexed from May 2014	50% contribution prior to first occupation of 1 st Residential Unit Remaining 50% prior to first occupation of the 80 th Residential Unit	£14,520	£0

Project No	Site / Planning Re	Purpose	Projects	Financial	Trigger	Amount	Amount Received
A3	(S2d) Land at Broad Street Green Road, Maypole Road And Langford Road Great Totham / Heybridge Essex OUT/MAL/15/00419	Provision of onsite allotment (0.5 Hectares) specification as per Appendix 3 - To cover any construction, surfacing, fencing, equipment, litter bins and costs associated with designing, surveying, setting out and installation of allotment and associated facilities at the Allotment	Countryside Properties (CP) to provide allotment onsite	Allotment site Cost Cap - £49,460 sum of forty-nine thousand four hundred and sixty pounds	Will be spent by CP for onsite allotment The Owners shall provide the Allotment Site in accordance with the triggers set out in the Phasing Plan	£49,560	£0

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
A4	(S2e) Land North of Holloway Road OUT/MAL/14/00990	(S2e) Allotments Contribution towards the provision of allotment gardens within the area of the North Heybridge Garden Suburbs.	Under Construction - Reserved Matters - Heybridge School sites for allotment provision	(S2e) sum of (£4,720.00) Index linked	(S2e) Prior to occupation of 65th market dwelling	£11,647	(S2e) £4,364
	(S2f) Land West Of Broad Street Green Road FUL/MAL/15/00885	(S2f) Provision /maintenance of the North Heybridge allotments	(S2f) Request sent for 2 nd and 3 rd payments	(S2f) – the sum of £6,926.65	(S2f) 33% contribution to be paid prior to first occupation of any dwellings, prior to occupation of 50% of the dwellings further 33% will be paid and remaining balance will be paid prior to occupation of 80% dwellings		(S2f) - 1 st payment received (S2f) Invoice sent for payment 02/10/2019 (£5,263.51)

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
A5	(S2i) Land Between Chandlers And Creeksea Lane Maldon Road Burnham-On-Crouch Essex FUL/MAL/14/00356	Provision of onsite allotment (0.5 Hectares)	Under Construction (Full Permission) - Barratt David Wilson Homes to provide onsite allotment	Non-monetary contribution	No trigger	£0	£0
A6	(S2j) Land south of Green Lane and north of Maldon Road, Burnham-on-Crouch FUL/MAL/16/00093	(S2j) Provision/maintenance of allotments in Burnham-on-Crouch	Pass to Burnham Town Council for maintenance of allotment	(S2j) the sum of £8,000.00	(S2j) No to occupy more than 35% of the dwellings until the Allotment Contribution has been paid to the District Council	£12,000	
	(S2k) North of Burnham on Crouch	(S2k) To be agreed		(S2k) to be agreed in the region of £4,000	(S2k) to be agreed		(S2j) £8,000.00

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
YF1	(S2a) Land South of Wycke Hill and Limebrook Way OUT/MAL/14/01103	Provision of Youth facilities- can include skateboarding park and teen shelter, to be provided within and/or in the vicinity of the development	Onsite construction of Community Hall, Adi zone, MUGA (Multi use Gaming Area) and remaining funds will be spent to improve Tennis Court in promenade park	Sum of £541,667 indexed	50% Prior to first occupation of a residential unit, remaining 50% prior to first occupation of the 250th residential unit	£541,667	£0

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
YF2	(S2b) Wycke Hill North OUT/MAL/15/01327	(S2b) - Provision of Youth facilities- can include skateboarding park and teen shelter, to be provided within and/or in the vicinity of the development	(S2b) Resolution to Grant subject to S106 - Invest in West Maldon Community Centre	(S2b) – Sum of £162,500	(S2b) - 50% contribution prior to first occupation of a Residential Unit Remaining 50% prior to first occupation of the 80 th Residential Unit	£203,125	
	(S2c) Land East of Wycke Hill OUT/MAL/13/00763	(S2c) - Provision of teen shelters and skateboard facilities and access to shared community facilities to serve the South Maldon Garden Suburb Masterplan Area	(S2c) Nearing Completion - Reserved Matters	(S2c) sum of £40,625	(S2c) - 50% Contribution prior to First Occupation, remaining 50% prior to occupation of more than 50% of the total number of residential dwelling units		(S2c) £56,822.64

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
YF3	(S2d) Land at Broad Street Green Road, Maypole Road and Langford Road Great Totham / Heybridge Essex OUT/MAL/15/00419	Submit Youth Facilities Specification to the Council	Provision of Youth Facility by Countryside Properties Consultation to be carried out to identify the needs of the community	Youth Facilities Cost Cap - £560,625	Will be spent by CP for onsite Youth Facilities	£0	
YF4	(S2e) Land North of Holloway Road OUT/MAL/14/00990	(S2e) Provision of a shelter for use by local teenagers; a skateboard facility and access to shared community facilities provided within the area of the parish Heybridge	Under Construction - Reserved Matters – could be spent in Plantation Hall	(S2e) sum of £54,167	(S2e) Prior to occupation of 65th market dwelling	£129,947	
	(S2f) Land West Of Broad Street Green Road FUL/MAL/15/00885	(S2f) Provision of teen shelters and skateboard facilities and access to shared community facilities provided within the area of the Heybridge Parish Council		(S2f) sum of £75,779.90	(S2f) sum of £522.62 per dwelling indexed (£75,779.90)		(S2f) £29,931.60 (S2f) Invoice sent for payment 02/10/2019 (£57,519.32)

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
AF1	Various sites within the District	Provision of affordable housing and/or the provision of social rented housing	Purchase of a land for affordable housing	From 7 sites – sum £469,025		£469,025	£406,425.00
L&N1	(S2a) Land South of Wycke Hill and Limebrook Way OUT/MAL/14/01103	(S2a) Provision of 2 LEAPs and 1 NEAPs	Taylor Wimpey and Crest Nicholson to provide onsite 2 LEAPs and 1 NEAP	Worth £160,000 Non-monetary contributions		£0	£0
L&N2	(S2b) Wycke Hill North OUT/MAL/15/01327	Provision of a LEAP	(S2b) DPE to provide a LEAP	Worth £40,000 Non-monetary contributions		£0	£0
L&N3	(S2b) Wycke Hill North OUT/MAL/15/01327	Provision of a Neighbourhood Equipped Area of Play (NEAP) in the vicinity of the Development;	(S2b) Resolution to Grant subject to S106 – could be spent on improvement to existing play area in West Maldon	Sum of £34,560 indexed	50% contribution prior to first occupation of a Residential Unit. Remaining 50% prior to first occupation of the 80 th Residential Unit	£34,560	£0

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
L&N4	(S2g) Park Drive FUL/MAL/14/00581	Improvement and enhancement of local equipped area (LEAP) in Promenade Park in Maldon	Imminent consultation – will be spent on Improvement to Promenade Park play area	Sum of £52,830	Prior to occupation of 50% of the dwellings	£52,830	£52,830.00
L&N5	(S2d) Land at Broad Street Green Road, Maypole Road and Langford Road Great Totham/Heybridge Essex OUT/MAL/15/00419	Provision of 2 NEAPs and 3 LEAPs	Countryside to provide onsite LEAPs and NEAPs	Will re-evaluate the cost, Non-monetary contributions	With the relevant phase	£0	£0

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
L&N6	(S2e) Land North of Holloway Road OUT/MAL/14/00990	(S2e) NEAPS and LEAPS contribution towards the provision of NEAPS and LEAPS within the area of the North Heybridge Garden Suburbs	(S2e) Under Construction - Reserved Matters – could be spent on improvement to Play Area in Oak Tree Meadows	(S2e) sum of £11,520	(S2e) Prior to occupation of 65th market dwelling (S2f) 33% to be paid prior to occupation of any dwellings on site, prior to 50% occupation further 33% contribution to be paid, remaining balance to be paid prior to occupation of 80% of the dwellings,	£28,224	(S2e) £6,597.70
	(S2f) Land West Of Broad Street Green Road FUL/MAL/15/00885	(S2f) Provision of NEAPs and LEAPs in accordance of the IDP within the North Heybridge Garden Suburb		(S2f) £16,704			
L&N7	(S2i) Land Between Chandlers and Creeksea Lane Maldon Road Burnham-On-Crouch Essex 14/00356/FUL	(S2i) Provision of 2 LEAPs – onsite	Barratt David Wilson Homes to provide 2 LEAPs	(S2i) worth £80,000	With the relevant phase	£0	£0

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
	(S2j) Land south of Green Lane and north of Maldon Road, Burnham-on-Crouch FUL/MAL/16/00093	(S2j) Provision of a LEAP - onsite	Persimmon to provide a LEAP	(S2j) worth £40,000 Non-monetary contributions			
E1	Land west of Fambridge Road, North Fambridge OUT/MAL/14/01016	a) The production of an information leaflet relating to the blue house farm nature reserve, the production and installation of interpretation boards and information signs within the Blue House Farm reserve. C) improvements to the existing parish field/playground at Fambridge road to include additional seating in consultation with North Fambridge Parish	Maintenance of Blue House Farm	Sum of £44,025	Prior to commencement	£44,025	£0

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
		<p>Council</p> <p>d) construction of a fence adjacent to public footpath 13 within the blue house farm nature reserve to contain walkers within the public footpath.</p> <p>e) monthly monitoring (for a 5year period) of bird numbers and species within the blue house farm nature reserve and the adjacent special protection area and monitoring of the recreational usage of the additional recreation footpaths throughout and on land adjacent to the site</p>					

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
H1	(S2c) Land East of Whyke Hill Maldon OUT/MAL/13/00763	Provision of additional health care facilities within 3 miles of the development	(S2c) Nearing Completion - Reserved Matters	Sum of £22,550	50% Prior to Commencement, remaining 50% to be paid prior to first occupation	£22,550	£24,222.64
H2	(S2g) Land off Park Drive Maldon Essex FUL/MAL/14/00581	To expand existing or provide new general practitioner medical surgeries that serve or will serve the resident within the development	Completed	Sum of £43,080	Prior to occupation of the first dwelling	£43,080	£43,080.00
H3	Southminster West Business Park Scots Hill Southminster Essex OUT/MAL/12/00437	Provision of healthcare projects within the GP catchment area of Southminster	Digitalisation of records for the Trinity medical Practice	Sum of £33,600	Prior to occupation	£33,600	£33,600.00
H4	(S2j) Land south of Green Lane and north of Maldon Road, Burnham-on-Crouch FUL/MAL/16/00093	(S2j) To be used by NHS England towards improvements at GP Practices within Burnham-on-Crouch	– Full Permission for Housing and outline for other matters – under construction	(S2j) Sum of £59,040	(S2j) Prior to commencement of the development in any phases to pay the Health Care Facilities Contribution for	£83,040	(S2j) £59,040

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
					the dwellings in that phase to the District Council		
	Land South of Marsh Road, BoC OUT/MAL/14/00108	(Pippins) the enhancement of healthcare facilities and services at Burnham Surgery Foundry Lane Burnham on Crouch which serves the development		(Pippins) sum of £24,000	(Pippins) -Upon commencement of development		(14/00108/OUT) £25,461.27
H5	(S2a) Land South of Wycke Hill and Limebrook Way – OUT/MAL/14/01103	Improvements to health care facilities within the vicinity of the site including the improvements of Longfield Medical Centre and Blackwater Medical Centre or such other facilities	Under Construction - Outline	Sum of £329,160	Prior to first occupation of 150th residential unit	£329,160	£0

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
H6	(S2b) Land North Wycke Hill Maldon OUT/MAL/15/01327	Improvements to health care facilities within the vicinity of the Site including the improvement of Longfield Medical Centre and Blackwater Medical Centre or such other facilities as shall be agreed between the parties (Land to be reserved and made available to NHS)	(S2b) Resolution to Grant subject to S106	Sum of £99,290	Prior to first occupation of the 50th Residential Unit	£99,290	£0
H7	Land west of Fambridge Road, North Fambridge OUT/MAL/14/01016	Enhancement of healthcare facilities and services at Anson Close Bring Surgery, South woodham Ferrers (including the main Practice at Kingsway Surgery, South Woodham	Under Consultation	Sum of £17,900	Upon commencement of development	£17,900	£0

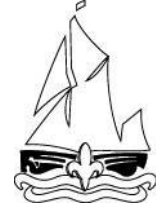
Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
		Ferrers) which serves the development					
H8	(S2d) Land at Broad Street Green Road, Maypole Road and Langford Road Great Totham/Heybridge Essex OUT/MAL/15/00419	(S2d) Improvements to health care facilities within the vicinity of the Site or such other facilities or purposes as shall be agreed between the Parties	(S2d) Outline Permission (19/00741/OUT)	(S2d) sum of £340,200	(S2d) within 30 Working Days of receipt of a written notice PROVIDED THAT the Healthcare Facility Option Period has not expired; or within 30 Working Days of expiry of the Healthcare Facility Option Period (S2d) PROVIDED THAT a leasehold interest for up to 20 years in the Healthcare	£420,320	

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
					Facility or within 30 Working Days of the grant of a leasehold interest for up to 20 years in the Healthcare Facility Site to NHS England (or its nominee)		
	(S2e) Land North of Holloway Road, Heybridge, Essex OUT/MAL/14/00990	(S2e) Capital expenditure to provide new medical healthcare facilities or improve and/or increase the provision (or capacity)	(S2e) Under Construction - Reserved Matters	(S2e) sum of £32,400	(S2e) Prior to occupation of 65th market dwelling		(S2e) £19,138.10
	(S2f) Land West of Broad Street Green Road Heybridge Essex FUL/MAL/15/00885	(S2f) Use of the Health Care Facilities Contribution towards improvement at the Blackwater Medical Centre and/or other NHS primary care		(S2f) sum of £47,720	(S2f) 37% prior to occupation of any dwellings, 21% prior to occupation of 50% dwellings, remaining balance prior to occupation of 75% dwellings		(S2f) Invoice sent for payment 02/10/2019 (£36,264)

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
		health facilities which serves the North Heybridge Garden suburb of existing medical health care facilities to serve the ...					
H9	(S2i) Land Between Chandlers And Creeksea Lane Maldon Road FUL/MAL/14/00356	(S2i) Provision of additional capacity at the health centre within the Parish of Burnham on Crouch	Under Construction - Full Permission	(S2i) sum of £67,480	(S2i) £40,480 (forty thousand and four hundred and eighty pounds) to be paid prior to 18 th occupation, remaining £27,000 (Twenty-seven Thousand pounds) to be paid prior to occupation of 100th dwelling	£148,620	(S2i) £67,480
	Land at Southminster Road BoC OUT/MAL/14/00108	(Gladman) Health care services to serve the development within Burnham on Crouch		(Gladman) sum of £26,340	(Gladman) Prior to Occupation		

Project No.	Site / Planning Ref.	Purpose	Projects	Financial	Trigger	Amount	Amount Received
	(Theedhams) Farm, Steeple Road Southminster OUT/MAL/14/00613	(Theedhams) Provision of health care projects within the GP catchment area of Southminster		(Theedhams) sum of £31,000	(Theedhams) Deposit prior to occupation		
	Land West of Bridgemans Green Latchingdon Essex OUT/MAL/15/00396	(Latchingdon) Provision of resources to enhance healthcare at the Trinity medical Centre in Mayland.		(Latchingdon) sum of £16,800	(Latchingdon) Prior to occupation		
	Land at Junction of Steeple Road and Mill Road Mayland Essex OUT/MAL/12/00452	(Mayland) Provision of additional healthcare services arising directly from the development to be used within General Practitioner catchment areas of Mayland and Southminster		(Mayland) sum of £7,000	(Mayland) Prior to occupation		

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REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

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

STANDARD COMPLAINTS

1. PURPOSE OF THE REPORT

- 1.1 To set out details of previous conduct complaints made to the Joint Standards Committee.

2. RECOMMENDATION

That the information contained within this report be noted.

3. SUMMARY OF KEY ISSUES

- 3.1 At its meeting on 2 October 2019 this Committee, having considered a report on the Council's procedures for dealing with issues relating to Members' Code of Conduct, agreed that a further report be provided detailing the following information:
- (i) the number of complaints raised since 2015;
 - (ii) the number of referrals to Joint Standards;
 - (iii) the outcome; and
 - (iv) political affiliations of those involved in the aforementioned points.
- 3.2 In requesting a breakdown of the make up of complaints the Council is able provide details from 2017 in relation to the complaints which were referred to the Joint Standards Committee.
- 3.3 In relation to previous years, it has not been possible to identify details of the complaints and the political party which they represent. However, attached at **APPENDIX 1** is a breakdown of complaints which was considered by the Joint Standards Committee in 2017.

3.4 2017

- 3.4.1 In relation to Complaints made in 2017 against District Councillors we can confirm the following:

Complaints made against District Councillors:

Conservatives	3
Independents	2
Other (whole Committee)	1

Complaints made by...

Conservative Councillor	1
Independent Councillor	1
Chief Executive	1
Members of the Public	3

3.5 2018

- 3.5.1 In relation to 2018 no matters in relation to District Councillors were placed before the Joint Standards Committee. Only 2 matters were brought in relation to Heybridge and Althorne Parish Council.

3.6 2019

- 3.6.1 In relation to 2019 only 2 matters have been heard by the Joint Standards Committee to date. One in relation to a Parish Council matter and the second involved a complaint against an independent member which was received by a Conservative member and members of the public.

4. CONCLUSION

- 4.1 The Monitoring Officers during these periods will have dealt with issues throughout the year and may have informally dealt with enquiries and made decisions that there was no breach of the code.
- 4.2 These figures reflect the matters that were only deemed to have passed the threshold and required a decision by the Joint Standards Committee.

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, Senior Legal Specialist, (Tel: 01621 875749).

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SUMMARY OF COUNCILLOR CONDUCT COMPLAINTS AND QUERIES – 2012 TO 2017**BACKGROUND:**

The majority of conduct complaints stem from complaints around the planning process and discussions, whether at District or at Parish level. In some cases once the process has been clarified nothing specific in relation to member conduct has emerged. Similarly, conduct complaints around interests have largely been able to be clarified and resolved prior to commencement of Stage 1 of the complaints process.

In some other cases, the conduct complained of can at best be categorised as showing disrespect, which can be largely down to perception. In one or two cases, there may have been greater cause for action if the Code of Conduct had included the disrepute provision as it does now or indeed in two cases the failure to respond to the Monitoring Officer (MO). Again in some of these instances Officers have sought to deal with these situations informally and in some cases as a precursor to commencement of Stage 1 of the complaints process.

The fact that the vast majority of conduct complaints received over the last four years have been concluded at either prior to or at Stage 1 of the Conduct Complaints Process can broadly be interpreted as one of the following:

- A complaint about process alluding to conduct
- A complaint about conduct that cannot be defined in relation to the Code
- A defined complaint in relation to the Code on which an initial assessment is made and the view of the Independent Person is sought
- Informal resolution achieved or a conclusion being reached, without further investigation or reference to the Standards Committee, that no further action should be taken.

For the most part, or unless the facts suggest otherwise, a decision to take no further action under Stage 1 of the Complaints Process will be based on a conclusion reached as to the lack of engagement of or likelihood of a breach of the Code of Conduct having occurred. Any firmer conclusion than that may only be reached in the light of an investigation when evidence can be sought and tested.

KEY TO TABLE:

Black = being progressed

Blue = on hold or otherwise awaiting info from the complainant or the member concerned in order to consider further steps

Green = concluded (whether via member officer protocol, prior to or at Stage I or Stage II)

2017

Overall Total = 13

DISTRICT COUNCIL - 6			PARISH / TOWN COUNCIL - 7		
	Complaints and Queries	Status		Complaints and Queries	Status
1.	Publication of personal data by member	Concluded at or prior to Stage 1 – advised to contact Councillor direct.	1.	Complaint concerning alleged failure to declare an interest in relation to two planning applications before the Parish Council (PC) for comment.	Stage 1 – clarification and advice provided. Matter considered concluded.
2.	Behaviour towards others	Concluded at or prior to Stage 1.	2.	Complaint relates to PC operation not individual members at this time, but being dealt with by MO / Deputy Monitoring Officer (DMO) given issues raised	Meeting held with Parish Members in order to bring matter to an informal resolution.
3.	Further detail not forthcoming	No further action.	3.	Complaint concerning actions of member: causing potential professional damage and victimising the complainant. Further detail not forthcoming.	No further information forthcoming and no further action taken.
4.	Complaint about actions of member in connection with planning appeal.	Stage I – resolved and no evidence of breach provided.	4.	Concern/ query over conduct of member at Council meeting.	Awaiting further information from complainant in order to make initial assessment.
5.	Complaint about conduct at council mtg.	Informal resolution achieved: apology accepted.	5.	Concern over failure to declare interest. Not formal complaint.	Dealt with via reminder to all members being sent via Clerk.
6.	Query re declaration of interest given at APC.	Not a complaint. Query raised and explanation provided to complainant and advice provided to member. Matter considered resolved.	6.	Complaint over member conduct at council mtg.	Mtg held and matter brought to informal resolution at Stage I.

APPENDIX 1

			7.	Query in relation to planning and pre-determination/bias due to social media posts. Not a complaint.	Advice provided and matter concluded.
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2016 Overall Total = 13					
DISTRICT COUNCIL - 7			PARISH / TOWN COUNCIL - 6		
	Complaint relating to...	Status		Complaint relating to...	Status
1.	Complaint relating to handling of planning application	Concluded Stage 1	1.	Complaint relating to handling of planning matter.	Concluded Stage 1.
2.	Complaint relating to behaviour of member towards officer	Referred to Joint Standards Committee (JSC) – decision taken by JSC not to investigate and no further action	2.	Complaint relating to conduct of member of committee.	Concluded Stage 1.
3.	Complaint relating to member advice provided to a planning applicant (in opposition of Maldon District Council (MDC) position)	Dealt with via Member / Officer protocol and therefore no formal complaint submitted to MO.	3.	Complaint relating to conduct of member of committee.	Concluded Stage 1.
4.	Complaint relating to the members parking in / otherwise obstructing part of the highway.	Complaint related to conduct not covered by the Code and therefore not progressed as formal complaint. Advised complainant to contact Councillor direct. Concluded Stage 1	4.	Complaint relating to conduct of member of committee.	Concluded prior to Stage 1.
5.	Complaint relating to handling of planning application	Stage 1 - informal resolution obtained.	5.	Complaint relating to handling of planning matter.	Concluded prior to Stage 1.

APPENDIX 1

6.	Complaint relating to member comments about member of public	Stage 1 - informal resolution obtained.	6.	Complaint relating to handling of planning matter.	Concluded prior to Stage 1.
7.	Complaint relating to member behaviour towards officers, and potential impact on end service users.	Stage II - Informal resolution reached.			

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2015					
Overall Total = 6					
DISTRICT COUNCIL - 2			PARISH / TOWN COUNCIL - 4		
	Complaint relating to...	Status		Complaint relating to...	Status
1.	Complaint regarding process of voting at committee.	Concluded by JSC in February 2017 – no breach.	1.	Complaint relating to handling of planning matter.	Concluded Stage 1
2.	Complaint about Cllrs conduct	Actions identified as being outside scope of Conduct Complaints procedure.	2.	Complaint relating to conduct of member of committee.	Concluded Stage 1.
			3.	Complaint relating to conduct of member of committee	Concluded Stage 1
			4.	Complaint relating to disclosure of interests.	Concluded Stage 1.

2014					
Overall Total =3					
DISTRICT COUNCIL - 2			PARISH / TOWN COUNCIL - 1		
	Complaint relating to...	Status		Complaint relating to...	Status
1.	Cllr complained of being spoken to rudely.	Stage 1 – informal resolution obtained.	1.	Complaint relating to conduct of member of committee	Concluded Stage 1.

2.	Cllr complained of being spoken to rudely.	Stage 1 – informal resolution obtainen.			
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2013					
Overall Total =7					
DISTRICT COUNCIL - 6			PARISH / TOWN COUNCIL - 1		
	Complaint relating to...	Status		Complaint relating to...	Status
1.	Details unavailable	Concluded Stage 1	1.	Details unavailable	Not proceeded with
2.	Details unavailable	Process not conduct			
3.	Details unavailable	Concluded Stage 1			
4.	Details unavailable	Concluded Stage 1			
5.	Details unavailable	Concluded Stage 1			
6.	Details unavailable	No complaint materialised.			

2012					
Overall Total =2					
DISTRICT COUNCIL - 6			PARISH / TOWN COUNCIL - 1		
	Complaint relating to...	Status		Complaint relating to...	Status
			1.	Details unavailable.	Concluded Stage 1.
			2.	Details unavailable.	Concluded Stage 1.

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REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

to
OVERVIEW AND SCRUTINY COMMITTEE
31 OCTOBER 2019

2019 / 20 PROGRAMME OF WORK UPDATE

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report 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 remove or specify items for scrutiny and suggest deadlines for completion.

2. RECOMMENDATIONS

- (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;
- (iii) that any new items for scrutiny be advised following the review of the Programme of Work at **APPENDIX 1**.

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 a brief outline on the agreed items of scrutiny.
- 3.2 At the meeting on 2 October 2019, Members were advised that items for scrutiny should not be generalised. This meeting also saw the removal of items which could not be progressed any further.
- 3.3 Where items are added to the Programme of Work, Members are reminded that areas for scrutiny are to be specific. It is suggested that items on the Programme of Work will, on being of a task and finish nature, normally be completed within a period covering two to three meetings in line with Government guidance pending identification of any further scrutiny being required.

4. CONCLUSION

- 4.1 Outstanding issues are to be specific in order to remain on the Programme of Work.
- 4.2 Members are asked to identify any items which can be removed from the Programme of Work.

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).

2019 / 20 Programme of Work

Conduct Complaints	Member Sponsor	Lead Officer	Date Added:	Update Due:
	To be confirmed	Monitoring Officer	28/08/2019 Last Update: 02/10/2019	31/10/2019
<p>A report on the Council's complaints procedure was brought to 2 October meeting of the committee. Members requested that a further report come to the 31 October meeting which covers the following:</p> <ul style="list-style-type: none"> the number of complaints raised since 2015; the number of referrals to Joint Standards; the outcome; and political affiliations of those involved in the aforementioned points. <p><u>Officer comment:</u> Following receipt of this information the Committee is requested to confirm removal of this item from the Programme of Work.</p>				

Council's Accounts	Member Sponsor	Lead Officer	Date Added:	Update Due:
	To be confirmed	Section 151 Officer	02/10/2019	To be advised
<p>A report to be brought to a future meeting of the Committee following publication of the Council's Statement of Accounts.</p> <p>The report is expected to cover the following:</p> <ul style="list-style-type: none"> To identify where delays in publication occurred; and To identify any ongoing concerns. <p><u>Officer comment:</u> It is felt that this piece of work is premature as the Statement of Accounts is still a live item of business and yet to be reviewed by the Performance, Governance and Audit Committee.</p>				

Due Diligence: Capita	Member Sponsor	Lead Officer	Date Added:	Update Due:
	Councillor V Bell	Corporate Leadership Team	02/10/2019	23/01/2020
<p>A report to be provide to a future meeting of the Committee which confirms the following information:</p> <ul style="list-style-type: none"> What considerations were made in selecting Capita as a contractor; <p><u>Officer comment:</u> A briefing note will be prepared and circulated to members of the Committee outside of the meeting.</p>				

2019 / 20 Programme of Work

Health Care Provision	Member Sponsor	Lead Officer	Date Added:	Update Due:
	Councillor E L Bamford	Director of Service Delivery	Update – 28/08 2019	To be advised

Following a review on the Programme of Work at 2 October 2019 meeting, it was requested that this item remain on the Programme of Work.

Officer comment: Members are requested to specify what this item is to scrutinise to aid completion of a report to a future meeting of the Committee.

Monitoring of the Organisational Change Programme	Member Sponsor	Lead Officer	Date Added:	Update Due:
	Councillor R H Siddall	Corporate Leadership Team	Update – 02/10/2019	To be advised

Following a review on the Programme of Work, Councillor R H Siddall had advised that an identified issue of scrutiny would be confirmed at 31 October meeting of the Committee or alternatively confirm that this item can be closed and removed from the Programme of Work.

Monitoring of the Organisational Change Programme: Monoworld	Member Sponsor	Lead Officer	Date Added:	Update Due:
	Councillor V Bell	Corporate Leadership Team	02/10/2019	23/01/2020

A report to be provided to a future meeting of the Committee which confirms the following information:

- What considerations were made in selecting Monoworld as a contractor; and
- What are the end destinations of the district's waste, including recycling?

Officer comment: A briefing note will be prepared and circulated to members of the Committee outside of the meeting.

Provision of Car Parking: Park and Ride Schemes within the District	Member Sponsor	Lead Officer	Date Added:	Update Due:
	Councillor M W Helm Councillor R P F Dewick	Director of Service Delivery	Update – 02/10/2019	12/12/2019

An update on the Tesco Park and Ride Scheme was provided to the meeting on 2 October 2019. Following the presentation of the Strategic Theme Lead it was confirmed that progress on Tesco Stores Limited meeting the requirements of the Section 106 agreement would be provided to the December meeting.

2019 / 20 Programme of Work

Provision of Car Parking: Identification of a Second Park and Ride Scheme within the District	Member Sponsor	Lead Officer	Date Added:	Update Due:
	Councillor M W Helm Councillor R P F Dewick	Director of Service Delivery	Update – 02/10/2019	To be advised

An update on the Maldon and Heybridge Central Area Masterplan was provided to the meeting on 2 October 2019.

Officer comment: Members are requested to specify what this item is to scrutinise to aid completion of a report to a future meeting of the Committee.

Scrutiny of the Application of the District Council's Commercial Strategy	Member Sponsor	Lead Officer	Date Added:	Update Due:
	Councillor S J Nunn Councillor M S Heard	Corporate Leadership Team	02/10/2019	To be advised

Officer comment: It is felt that this piece of work is premature as the Commercial Strategy has only just been approved. The Committee is requested to specify items within the Commercial Strategy requiring scrutiny.

Section 106 Updates	Member Sponsor	Lead Officer	Date Added:	Update Due:
	Councillor M S Heard Councillor V Bell	Director of Strategy, Performance and Governance	Update – 28 August 2019	31 October 2019

Officer comment: Having been provided with updated information at this meeting, the Committee will have been asked to agree removal of this item from the Programme of Work subject to no specific item of scrutiny being identified.

Working Group: Overview of Corporate Leadership Team and Leader of the Council Decision Making	Members:	Lead Officer	Date Created:	Update Due:
	Councillor R H Siddall Councillor V Bell Councillor M S Heard		02/10/2019	23/01/2020

A Working Group has been set up to review the decisions made by the Corporate Leadership Team (CLT) and the Leader of the Council, with a view to identifying items of scrutiny to be added to the Programme of Work.

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