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

07 October 2020

Dear Councillor

You are summoned to attend the meeting of the;

OVERVIEW AND SCRUTINY COMMITTEE

on **THURSDAY 15 OCTOBER 2020** at 6.00 pm.

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream on the Council's website:

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=134&MIId=2237>.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP	CHAIRMAN	Councillor M W Helm
	VICE-CHAIRMAN	Councillor R P F Dewick
	COUNCILLORS	V J Bell Mrs J L Fleming M S Heard C P Morley S P Nunn R H Siddall

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

The meeting will be streamed live via YouTube and available to view on the [Council's YouTube channel](#).

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 15 OCTOBER 2020

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 8)

To confirm the Minutes of the meeting of the Overview and Scrutiny Committee held on 5 March 2020 (copy enclosed).

4. **Public Participation**

To receive the views of members of the public, of which prior notification in writing has been received (no later than noon on the Tuesday prior to the day of the meeting).

Should you wish to submit a question please complete the online form at:

www.maldon.gov.uk/publicparticipation

5. **Disclosure of Interest**

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

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

6. **Committee Operating Protocol and Working Practices** (Pages 9 - 16)

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

7. **Mechanism for Submitting an Overview and Scrutiny Item** (Pages 17 - 22)

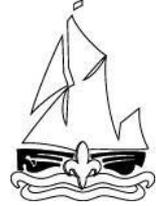
To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

8. **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 and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.



**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
5 MARCH 2020**

PRESENT

Chairman	Councillor M W Helm
Vice-Chairman	Councillor R P F Dewick
Councillors	V J Bell, Mrs J L Fleming, M S Heard, C P Morley, S P Nunn and R H Siddall
In attendance	Councillor E L Bamford, C Morris, C Swain and W Stamp

1. CHAIRMAN'S NOTICES

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

2. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 31 October 2019 be approved and confirmed.

3. PUBLIC PARTICIPATION

There was none.

4. DISCLOSURE OF INTEREST

There were none.

5. 2019/20 PROGRAMME OF WORK

The Committee received the report of the Director of Strategy, Performance and Governance providing an update to the Committee's programme of work for 2019 / 20 (attached as Appendix 1 to the report).

Councillor M S Heard raised concern regarding the size of the agenda for this meeting and how the last scheduled meetings of this Committee had been cancelled. He referred to a number of topics he felt the Committee should be considering and how he was planning to write a specific report in relation to them. In response to a comment, the Director of Strategy, Performance and Governance reminded Members that this was a

Member led committee and Members were able to highlight areas of scrutiny for the work programme. He advised that Officers were happy to review any areas of scrutiny raised and bring them forward. Some further discussion regarding the recent cancellation of meeting ensued.

The Committee then discussed each of the items of scrutiny as set out on the workplan, as follows:

Conduct Complaints:

The Director of Strategy, Performance and Governance highlighted the recommendation from Officers that this item of scrutiny be deleted in the absence of a specific area of work being identified. In response to a question regarding the number of complaints received since 2015, the Director of Strategy, Performance and Governance advised that he understood that this information had been provided to Members. The Chairman requested that Offices go back to the Monitoring Officer and ensure that the requested information was circulated. The Director explained that the information could be provided without it being an item of scrutiny. Councillor Heard advised that Members had concern regarding the records being kept and this piece of work would establish this.

Councillor S P Nunn proposed that this item of scrutiny remain on the Programme of Work until Members had received the report from the Monitoring Officer. This was agreed.

In response to concern raised regarding the number of conduct complaints requiring the Joint Standards Committee to meet this year it was agreed that benchmarking data from other Local Authorities would be sought and reported to Members to identify if there was an item for scrutiny.

Council Accounts:

It was noted that Officers were recommending that no further action be taken on this item of business. It was agreed that this item of scrutiny be removed from the work programme as the Performance, Governance and Audit Committee had received a report from the External Auditors regarding this matter.

In response to a question regarding the approval of revisions to the 2018 / 19 budgets it was agreed that Members would be provided with this information and any background to it.

Monitoring of Organisation Change Programme:

Councillor R H Siddall reported that he hoped to be working with the Director of Strategy, Performance and Governance on this matter in the next few months. It was therefore agreed to leave this item of scrutiny on the work programme.

Provision of Car Parking – Park and Ride Schemes within the District:

Some concern was raised regarding the Park and Ride Scheme, specifically the advertisement and promotion of the scheme both by Tesco and the Council. In response, the Director of Strategy, Performance and Governance suggested that he investigate the matter and bring a short report back to the Committee. This was agreed.

Scrutiny of the Application of the District Council’s Commercial Strategy:

In response to a suggestion that the council’s commercial decisions be reviewed with specific reference to Promenade Park, the Director of Strategy, Performance and Governance highlighted that a number of commercial decisions had been made by the Members through meetings of Council and the Strategy & Resources Committee. The Director requested additional details if, as suggested, a new piece of scrutiny on commercial decisions was undertaken. Councillor S P Nunn felt that Members should scrutinise decisions and referred to recent decisions relating to Maldon Yacht Club and barge mooring fees and the related views raised by the media and public.

It was further commented that the Committee should look to scrutinise the governance of the Strategy, how it was applied / operated through the Council and if there were improvements that could be made.

The Director of Service Delivery reported that within the Commercial Strategy there were a number of options available to increase / deliver targets and projects had been delivering against these. There were some questions raised by Members in respect of processes and the governance around the Commercial Strategy. In response, the Director outlined the process followed in respect of fees and charges (which related to the barge mooring fees), he then provided some detailed information in respect of Maldon Yacht Club and the ongoing governance arrangements regarding this subject. It was noted that in relation to the Promenade Park the Strategy contained a number of income opportunities and projects and Officers were exploring and delivering against these.

It was agreed that this item of scrutiny remain on the work programme.

Working Group: Overview of Corporate Leadership Team and Leader of the Council decision making:

In response to a question regarding the Smoke and Fire festival, Members were advised that the decision to move the location was a commercial decision from the operator and not the Council.

Councillor Nunn proposed that this item of scrutiny remain on the work programme. This was duly agreed.

RESOLVED that the Programme of Work be updated as detailed above.

6. OVERVIEW AND SCRUTINY COMMITTEE - THE ROLE AND WORK OF THE COMMITTEE

The Chairman advised that there was insufficient time for the Committee to receive this presentation.

7. ANY OTHER ITEMS OF SCRUTINY MEMBERS WISH TO CONSIDER

Councillor V J Bell referred to a matter discussed at the October meeting of the Committee where it was agreed that in respect of Due Diligence: Capita a briefing note would be circulated to Members on this matter. She noted that the briefing note had not

been sent and in response the Chairman advised that he would arrange for it to be sent out to Members.

In response to a further question regarding additional items of scrutiny, the Chairman advised Members to email either the Director of Strategy, Performance and Governance or Corporate Governance Project Officer who would look into them accordingly.

There being no further items of business the Chairman closed the meeting at 8.14 pm.

M W HELM
CHAIRMAN



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

to
OVERVIEW AND SCRUTINY COMMITTEE
15 OCTOBER 2020

COMMITTEE OPERATING PROTOCOL AND WORKING PRACTICES

1. PURPOSE OF THE REPORT

1.1 To seek approval of a revised operating protocol for the Committee .

2. RECOMMENDATIONS

- (i) That the revised operating protocol for the Committee is agreed and recommended to the Council for adoption by way of updating the Constitution
- (ii) That the Terms of Reference for the Overview and Scrutiny (O&S) Working Group are agreed as at **APPENDIX A**.
- (iii) To agree the use of the O&S Working Group as an operational mechanism to review and recommend workplan items, and a standing requirement for the working group to meet ahead of the Committee meeting.

3. SUMMARY OF KEY ISSUES

- 3.1 The workplan for the Committee was reviewed over a period when the last Committee meetings were held. On 31 October 2019 it was agreed to remove several items deemed to be ‘operational’ or where information could be provided via a briefing note to Members.
- 3.2 The Committee has only met once since due to lack of business, and then a subsequent close down of Committee meetings in March 2020 due to Covid-19.
- 3.3 Although the Committee has a general operating protocol alongside its Terms of Reference in the Council’s Constitution, the proposed revised operating protocol at **APPENDIX A** to this report aims to provide a deeper level of detail around agreed working practices for the Committee, and to drive a more robust Workplan based on actual scrutiny going forwards.
- 3.4 The revised Operating Protocol is based on the principles of advice previously given to the Committee which reflects the updated Government Guidance issued earlier last year. The Council must have regard to that Guidance in whatever arrangements it puts in place for scrutiny. A briefing note issued to the Committee at the time is now recirculated afresh at **APPENDIX B** to this report.

4. CONCLUSION

- 4.1 The revised protocol aims to give an agreed understanding for the working practices of the Committee and guide the Committee's approach to scrutiny in the future.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The working practices and role of the Committee help to underpin the Performance and Efficiency theme.

6. IMPLICATIONS

- (i) **Impact on Customers** – The protocol provides clarity for internal and external customers about the supportive work that the Overview and Scrutiny committee will provide.
- (ii) **Impact on Equalities** – N/A
- (iii) **Impact on Risk** – A robust working approach to Overview and Scrutiny would help to minimise organisational risks going forwards.
- (iv) **Impact on Resources (financial)** – N/A
- (v) **Impact on Resources (human)** – Clarity on the working practices and use of the Working Group to filter items for the workplan will lead to more efficient use of resources.
- (vi) **Impact on the Environment** – N/A
- (vii) **Impact on Strengthening Communities** – N/A

Background Papers:

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities – Ministry of Housing, Communities and Local Government – May 2019

Enquiries to: Cheryl Hughes, Programmes, Performance and Governance Manager

Purpose and Protocol / working practices for the Overview and Scrutiny committee

From November 2020, the Overview and Scrutiny Committee sits as 10 members, who are not serving on either the Performance, Governance and Audit or Strategy and Resources Committees.

The committee Terms of Reference can be found at:

<https://democracy.maldon.gov.uk/documents/s19942/Terms%20of%20Reference%20-%20Overview%20and%20Scrutiny%20Committee.pdf> .

The Working Group established and reporting to this committee will include Four members and:

- Review items of scrutiny suggested by members according to specific criteria and outcomes.
- Identify the details of scrutiny items e.g. specific outcomes, timescales and lead officers.
- Recommend a workplan for approval of the Committee.

The committee:

Will –

- Seek to confine its meetings to the carrying out of actual scrutiny work.
- Arrange for the review of Member suggestions for items and review validity of items based on set criteria, prior to inclusion in its Workplan.
- Be positive and forward looking including providing ‘critical friend’ challenge.
- Identify future improvements that will help the way the Council runs its business and provides public services.
- Seek to demonstrate added value from the scrutiny process.
- Review readiness for emerging strategy and future planning.
- Help Council and other Committees do their work better.
- Produce defined outcomes associated with each scrutiny item.
- Manage ‘watching brief’ items for areas of concern where the need for or the precise area of scrutiny has not been identified - to be picked up by the Working Group (e.g. lessons learned from Project Management Office).
- Refer potential scrutiny items to the working group for thorough review, and receive reports on items to be added to the workplan.
- Receive finalised Scrutiny reports and recommendations for review.
- Make recommendations to Council and other Committees on conclusions arising from scrutiny.

Won't –

- Develop a workplan based on 'pet projects' of individual Members or matters that should be properly dealt with elsewhere, e.g. via another Committee's remit.
- Duplicate review work being undertaken elsewhere, e.g. by another Committee.
- Look backwards or be focussed on blame, rather than come from a place of 'lessons learned'.
- Use Committee Meetings as a forum for receiving information, discussing/ planning the detail and validity of suggested scrutiny items.
- Accept items where Officers have not yet been approached and asked for response/ further detail on a matter.
- Accept items where they fall in the remit of another committee, and that committee hasn't made the referral, or first reviewed it within their Committee.
- Have a standing item for 'any other items of scrutiny members wish to consider' as under the proposed new process is designed to accommodate this.

**Terms of Reference
Working group of the Overview and Scrutiny Committee**

The working group will be made up of four Overview and Scrutiny committee members, and meet in the daytime in advance of the Committee meetings to consider, review and recommend to the Committee on:

1. Review new scrutiny item requests in accordance with the process and criteria established by the Committee and report to the Committee on valid and identifiable scrutiny items for inclusion in the Committee's Workplan.
2. Keep under review any other matters where the Committee has identified a need to seek information or to maintain a 'watching brief' pending the identification of a scrutiny item.
3. Support the Committee as directed in the planning of scrutiny work, including proposing timetables and expected Scrutiny Outcomes.

The Working Group meetings will include relevant officers where more detailed discussion can help inform these decisions.

N.B. in the March meeting, the agreed Members for this group were Councillors R H Siddall, V J Bell, M W Helm, and M S Heard.

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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 Section 151 Officer 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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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
OVERVIEW AND SCRUTINY COMMITTEE
15 OCTOBER 2020

MECHANISM FOR SUBMITTING AN OVERVIEW AND SCRUTINY ITEM

1. PURPOSE OF THE REPORT

- 1.1 To agree an approach to manage the identification of Overview and Scrutiny items and development of a Workplan for the Committee.

2. RECOMMENDATIONS

- (i) That the Committee agrees the proposed process set out at **APPENDIX A** to manage the way Overview and Scrutiny work is undertaken, to ensure efficiency and the delivery of clear outcomes;
- (ii) That the Committee agrees as part of the new process the form at **APPENDIX B** for use by all Members to submit a proposed scrutiny item;
- (iii) That the Committee's Working Group be convened ahead of scheduled meetings of the Committee to review submitted scrutiny requests and report to the Committee with a view to their inclusion in the Committee's Workplan.

3. SUMMARY OF KEY ISSUES

- 3.1 There is currently no proper process for reviewing Members' requests for scrutiny items prior to their inclusion in the Committee's Workplan. It is important that the Workplan includes only items of actual scrutiny, and a proper process will enable the actual area of scrutiny to be identified alongside a plan for how the scrutiny is to be undertaken together with a timescale and intended outcome.
- 3.2 The existing Workplan of the Committee has been under review in the recent meetings that have taken place. The question criteria suggested in **APPENDIX B** will help to identify items that should be referred to another Committee in the first instance or should otherwise first be picked up by Officers to provide any necessary clarification and information.
- 3.3 The suggested approach also aims to link in internal programmes such as the Project Management Office, to identify where the Outcomes from Scrutiny can link to future operational improvements. This also lines up our approach to Overview and Scrutiny with internal working practices.

- 3.4 The Committee has already established a Working Group and under the previous agenda item will have been asked to approve its terms of reference. Working Group notes will be available via Mod.Gov to all Members, which will enable the progress of scrutiny requests to be tracked, thus providing transparency in the approach to scrutiny work.
- 3.5 The proposed approach aims to bring our processes in line with best practice and reflect the principles set out in the latest Government Guidance.

4. CONCLUSION

- 4.1 The suggested process and detailed form are provided as a way to specify how we complete overview and scrutiny work, to ensure efficiency and clear outcomes are delivered from the Committee.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The working practices and role of the Committee help to underpin the Performance and Efficiency theme.

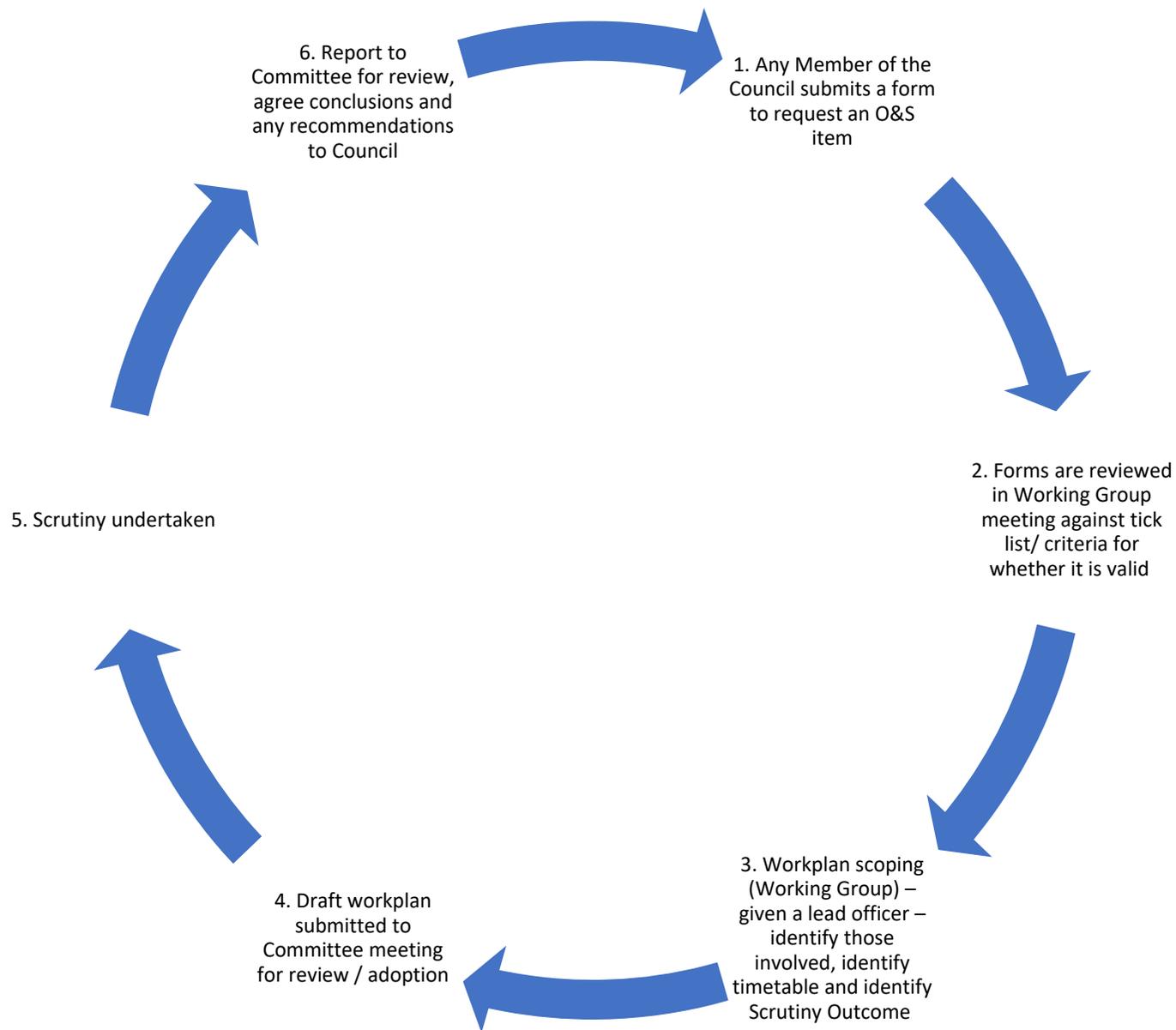
6. IMPLICATIONS

- (i) **Impact on Customers** – The process provides clarity for internal and external customers about the supportive work that the Overview and Scrutiny committee will provide by way of contributing towards efficiency and an improvement in public services.
- (ii) **Impact on Equalities** – N/A
- (iii) **Impact on Risk** – A robust working approach to Overview and Scrutiny would help to minimise organisational risks going forwards.
- (iv) **Impact on Resources (financial)** – N/A
- (v) **Impact on Resources (human)** – Clarity on the working practices and use of the working group to filter items for the workplan will lead to more efficient use of resources.
- (vi) **Impact on the Environment** – N/A
- (vii) **Impact on Strengthening Communities** – N/A

Background Papers:

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities – Ministry of Housing, Communities and Local Government – May 2019

Enquiries to: Cheryl Hughes, Programmes, Performance and Governance Manager



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Submission of an item for consideration by the Overview and Scrutiny Committee

Please note: this form will be built as a live link form once the detail is approved

Name of the member referring the item:

.....

Please describe the area of scrutiny you wish to be undertaken and the reasons for it:

.....

Please indicate where possible which aspects of the Committee’s remit your request falls within, for example:

- Matters relating to delivery of the Council’s Priorities;
- Matters relating to the review of Corporate Policy;
- Matters involving the review or scrutiny of decisions made or actions taken;
- Matters relating to Corporate risk;
- Matters affecting the Council’s area or the inhabitants of the area, including the draft budget;
- Other (please state).

Have you already raised this issue directly with Officers or another Committee?

.....

If yes, please give details of any feedback you have received

.....

What do you expect to be the outcome of this item / review?

.....

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