

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

06 October 2021

Dear Councillor

You are summoned to attend the meeting of the;

OVERVIEW AND SCRUTINY COMMITTEE

on **THURSDAY 14 OCTOBER 2021** at **7.30 pm**

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

Please Note that due to social distancing and space limitations, we require any members of the public or press who wish to attend physically and observe or speak under Public Participation rules at this meeting to complete [a request form](#) (to be submitted by 12noon on the working day before the Committee meeting). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Committee meeting will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP:

CHAIRMAN	Councillor V J Bell
VICE-CHAIRMAN	Councillor C Mayes
COUNCILLORS	M G Bassenger Miss A M Beale B S Beale MBE R P F Dewick M W Helm B B Heubner C P Morley N J Skeens





**AGENDA
OVERVIEW AND SCRUTINY COMMITTEE**

THURSDAY 14 OCTOBER 2021

1. **Chairman's Notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 10)

To confirm the Minutes of the meeting of the Overview and Scrutiny Committee held on 12 August 2021 (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 completed 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. **Report on Requested Scrutiny Items** (Pages 11 - 14)

To consider the report of the Overview and Scrutiny Committee Working Group, (copy enclosed).

7. **Any other items of business that the Chairman of the Committee decides are urgent**

NOTICES

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.

Fire

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

Health and Safety

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

Closed-Circuit Televisions (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

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**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
12 AUGUST 2021**

PRESENT

Chairman	Councillor V J Bell
Vice-Chairman	Councillor C Mayes
Councillors	M G Bassenger, Miss A M Beale, B S Beale MBE, B B Heubner and N J Skeens
In attendance	Councillor W Stamp

201. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

202. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R P Dewick and M W Helm.

203. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the Overview and Scrutiny Committee held on 15 April 2021 be approved.

204. DISCLOSURE OF INTEREST

Councillor W Stamp advised she was not a member of the Committee, but declared an interest as a Member of Essex County Council and advised that she was the Leader of the Council.

205. PUBLIC PARTICIPATION

No requests had been received.

206. TRANSFORMATION BOARD FULL REPORT

The Committee considered the report of the Programmes, Performance and Governance Manager providing a final report on the scrutiny item Transformation – Learning from what we have done for Committee discussion and discussion on any action / recommendations that they would like to take forward.

The report provided background information to the scrutiny item and it was noted that the final report was attached at Appendix A to the report. The final report included an analysis of the extent to which the original outcomes had been achieved, which in turn had helped identify potential learning points. In her presentation of the report to the Committee the Programmes, Performance and Governance Manager provided further background information and highlighted a number of key points. It was noted that section 3 of Appendix A identified areas where more work could be done to build on Transformation and Members were invited to reflect on this list and advise of any actions they wished to recommend to the Council or otherwise.

A debate ensued and in response to a number of comments and questions, the following information was provided:

- Staff turnover and the retention of staff had been added to the corporate risk register. The scoring had recently reduced due to it being less of a corporate risk than it was.
- The £337,000 pot of unachievable savings relating to a mixture of commercial items which had not been achieved and strategic savings. This had been accounted for by the Finance Team and already come forward as part of the Council's Medium-Term Financial Strategy.
- The transformation was modelled to achieve £1m of savings and it was noted that this amount had been put together by consultants. However, £892,940 of savings had been achieved with a variance of 12% and this related to where the Council had to add posts back into the establishment.

Councillor V J Bell raised a number of concerns specifically relating to residents, the District's aging population and digitalisation of the Council. She also highlighted concern that the staff satisfaction rates were very low. Councillor Bell then proposed that:

- staff satisfaction surveys be carried out half yearly – with a target of 90%+ to improve staff retention as well as appointments;
- residents satisfaction surveys be carried out yearly – with a target of 75%+ (using variety of methods not just online) to improve service delivery of the Council;
- an overhaul and revamp of website be undertaken to make navigation easier for public, members and staff; including relevance of information provided (Use of plain English);
- areas of organisational deficiency be identified including where there are already staff shortages;
- balanced customer journey be promoted incorporating digital and face to face experience;
- the Council ensures agile working is always focused on customer need, balanced with the health and wellbeing of staff.

With permission of the Chairman, the Leader of the Council congratulated the Corporate Leadership Team for delivery of the Transformation programme and raised concern at the redundancy figures, the effect on staff and true costs. She and other Members of the Committee referred to the Council's staff and thanked them for the continued work they did for the Council.

In response to a request for details of the number of staff employed by the Council before and after transformation, the Programmes, Performance and Governance Manager advised that she would circulate this to Members after the meeting.

The Chairman seconded the earlier proposal in the name of Councillor Mayes and put this to the Committee.

There was some discussion regarding the resident's satisfaction survey target figure and the Programmes, Performance and Governance Manager provided explanation. She suggested that rather than referring to specific figure this be amended to say higher than the average in Essex and the Council benchmark itself against other organisations. This amendment was duly agreed.

Members were advised that the residents' survey consisted of 40 questions and the Council would drill down into and complete detailed analysis on the results before creating a report which would be brought before the Council for consideration. It was noted that although a good number of responses were received it was difficult to get residents to engage with the surveys. A Member suggested that the Overview and Scrutiny Working Group should review how the Council could change surveys to increase the number of responses received.

The Chairman put to the Committee that this item of scrutiny be closed subject to the recommendations proposed by herself. This was duly seconded and agreed.

The Chairman thanked Officers for the work they had put into the report.

RESOLVED

- (i) That the Committee receives the updated report set out at Appendix A to the report;
- (ii) That the Committee confirms that subject to the following items the Transformation item of business be closed and removed from the Committee Work Programme:
 - (a) that staff satisfaction surveys be carried out half yearly – with a target of 90%+ to improve staff retention as well as appointments;
 - (b) that resident's satisfaction surveys be carried out yearly – with a target of 75%+ (using variety of methods not just online) to improve service delivery of the Council;
 - (c) that an overhaul and revamp of website be undertaken to make navigation easier for public, members and staff; including relevance of information provided (Use of plain English);
 - (d) that areas of organisational deficiency be identified including where there are already staff shortages;
 - (e) that balanced customer journey be promoted incorporating digital and face to face experience;
 - (f) that the Council ensures agile working is always focused on customer need, balanced with the health and wellbeing of staff.

207. WORKING GROUP OF OVERVIEW AND SCRUTINY

The Committee considered the report of the Programmes, Performance and Governance Manager seeking Members' agreement to establish a Working Group of the Overview and Scrutiny Committee.

The report outlined the agreed operating protocols for the Overview and Scrutiny Committee Working Group. It was noted that two Member forms had been submitted for review and meeting of the Working Group was now required.

The Working Group Terms of Reference required the Membership to be politically balanced and in accordance with this the Committee was asked to agree the Members to sit on the Working Group. It was confirmed that meetings of the Working Group would be virtual.

Councillor V J Bell proposed that Councillors R P F Dewick, B B Heubner, C Mayes and herself be appointed to the Working Group. This proposal was duly seconded. Councillor Bell then amended her proposal removing Councillor Dewick and replacing him with Councillor N J Skeens. This amendment was duly seconded and agreed.

RESOLVED that the following Members are appointed to the Overview and Scrutiny Committee Working Group:

- Councillor V J Bell;
- Councillor B B Heubner;
- Councillor C Mayes;
- Councillor N J Skeens.

208. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES

The Committee considered the report of the Director of Strategy, Performance and Governance seeking new appointments of representatives for 2021 / 22 to the Health, Overview and Scrutiny Committee, as set out in the report.

Councillor V J Bell proposed that Councillor C Mayes be appointed to the Health, Overview and Scrutiny Committee. This proposal was duly seconded and agreed.

The Committee gave its thanks to Councillor B S Beale and the work he had carried out for the Council.

RESOLVED that Councillor C Mayes be appointed as the Council's representative to the Health, Overview and Scrutiny Committee, for the ensuing municipal year.

209. DEBT RECOVERY WORKPLAN ITEM

The Committee considered the report of the Programmes, Performance and Governance Manager providing an update to the debt recovery workplan agreed by the Committee on 21 January 2021.

The Customer, Community and Casework Manager gave a presentation to the Committee setting out details of the Debt Recovery process. Following the presentation the Chairman thanked the Group Manager - Customers and her team for their hard work and that the Committee recognised the pressures they had been under.

A lengthy debate ensued and during the discussion the Group Manager - Customers clarified a number of points, including:

- Reductions relating to attachment of earnings / benefits could only be made once a liability order was received.

- The work done to identify vulnerable persons both by the Council and the Enforcement Agency.
- When the Council would engage with an Enforcement Agency
- Legislation set the fees to be charged to residents.
- The Council used a number of different methods it used to contact residents who were not engaging with the Council.
- The Council's Corporate Debt Strategy was due to be reviewed and brought before the Council in 2022. Any recommendations from this Committee could be fed into the review.

Councillor V J Bell proposed that the Council subject to the following matters the Scrutiny workplan item in relation to Debt Recovery be closed and removed from the workplan:

- the Council's website is updated to make it easier to find information regarding debt (with perhaps a button from the home screen);
- the feasibility of an additional step as part of the review of the Corporate Debt Strategy be considered to ensure that the Council was doing everything it could for vulnerable persons.

It was requested that in terms of the website, plain English was used, avoiding any jargon and ensuring it was easy for everyone to use.

The proposal was duly seconded and agreed by assent.

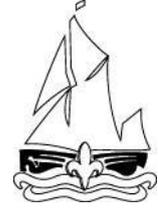
RESOLVED that subject to the following items, the Scrutiny workplan item – Debt Recovery be closed and removed from the workplan:

- the Council's website is updated to make it easier to find information regarding debt (with perhaps a button from the home screen);
- the feasibility of an additional step as part of the review of the Corporate Debt Strategy be considered to ensure that the Council was doing everything it could for vulnerable persons.

There being no other items of business the Chairman closed the meeting at 9.25 pm.

V J BELL
CHAIRMAN

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REPORT of OVERVIEW AND SCRUTINY COMMITTEE WORKING GROUP

to
OVERVIEW AND SCRUTINY COMMITTEE
14 OCTOBER 2021

REPORT ON REQUESTED SCRUTINY ITEMS

1. PURPOSE OF THE REPORT

- 1.1 To update the Committee on Working Group discussions and recommendations on two requested scrutiny items.

2. RECOMMENDATIONS

- (i) That the Committee receives and considers the recommendation of the Working Group on the requested scrutiny item (Councillor K Lagan) as set out in **APPENDIX A** for inclusion in the Scrutiny Workplan;
- (ii) That the Committee endorses the conclusions of the Working Group in relation to the request by Councillor C Swain that this item is not added to the Scrutiny Workplan but dealt with as set in paragraph 3.3 of this report.

3. SUMMARY OF KEY ISSUES

- 3.1 In accordance with the agreed initial review process for scrutiny items requested by Members, the Committee's Working Group met on 20 August 2021 to consider two new requests.
- 3.2 The first request by Councillor K Lagan regarding the decision-making processes associated with the proposed conversion of a seating shelter at Promenade Park, Maldon was supported by the Working Group for inclusion in the Committee's Workplan, and is detailed at **APPENDIX A**. The questions to be addressed through scrutiny have been drafted by Officers to reflect the views of the Working Group. In acknowledgement of the fact that it was not being asserted that the necessary delegated powers did not exist or that Officers had stepped beyond them, the Working Group concluded that in a wider context there were concerns over the actual exercise of these powers in relation to certain operational matters.
- 3.2 The second request was by Councillor C Swain in relation to flood risk in Heybridge. He noted that various agencies are involved with a variety of different assets and felt that the Council needed to be assured that each is maintaining its assets in a proper management scheme and what the latest assessment of the state of those assets is. Further, he wished to ascertain whether there are any disputed assets or assets with uncertain ownership. This had not been raised with any other Committee or with Officers, and the Working Group concluded that as presented this was essentially an information gathering exercise designed to provide a clearer understanding of the respective responsibilities and also a level of assurance that those responsibilities are being met.

- 3.3 The Working Group was advised that Officers had provided an explanatory note of the Council's responsibilities alongside those of its partners, the various liaison and joint working arrangements, and an updated management response to the issues raised in the Internal Audit Report on Flood Risk Management approved by the Performance, Governance and Audit Committee in September 2020. Further, Officers were prepared to run a Q&A information session for Members to promote greater understanding and assurance. In the absence of the identification of anything specific to be scrutinised, this approach was supported by the Working Group for endorsement by the Committee. The Working Group did however observe that despite all the plans, liaison, and joint working there was still a flooding problem in Heybridge and felt that the Council's understanding of the reason for this needed to be better communicated to the public.

4. CONCLUSION

- 4.1 The information set out is provided to update the Committee on the recent Working Group meeting and recommend an item for the Scrutiny Workplan that has been identified as a result.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The challenge and work of overview and scrutiny can help assure the organisation that we are working to our Strategic Themes.

6. IMPLICATIONS

- (i) **Impact on Customers** – Good scrutiny will provide assurance that our processes are effective for our customers.
- (ii) **Impact on Equalities** – Good scrutiny will provide assurance that we are working in a fair and equal way.
- (iii) **Impact on Risk** – Good scrutiny and processes help to minimise organisational risk.
- (iv) **Impact on Resources (financial)** – The investigations are not expected to incur any additional costs.
- (v) **Impact on Resources (human)** – The investigations will be carried out by existing officer resource.
- (vi) **Impact on the Environment** – Not Applicable (NA).
- (vii) **Impact on Strengthening Communities** – N/A.

Background Papers: None.

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

Overview and Scrutiny (O&S) item: initiation document	
Name of item Proposed conversion of seating shelter at Promenade Park Maldon into a service kiosk	Lead officer Stuart Jennings
Brief description of item A review of the delegations used by Officers and the procurement process followed in the proposed conversion of a shelter into a service kiosk at Promenade Park. Lack of proper application of the Council's Contract Procedure Rules – Part 4 – failure to apply procedures to ensure best value and no open tender process to allow transparency of process	Lead member Councillor C Mayes
Which of O&S remit item links to <ul style="list-style-type: none"> • Terms of reference – item 9 • Matters involving the review or scrutiny of decisions made or actions taken 	Officers already approached? Yes Service area(s) covered? Service delivery
Questions to address in the scrutiny item <ol style="list-style-type: none"> 1. How Officers exercised the requisite delegated powers. 2. Whether this proposal involve actual procurement of goods or services such as to require compliance with the Contract Procedure Rules. 3. How this proposal came about, what it involves, and how it was dealt with by Officers. 4. To what extent 'operational' matters in relation to Promenade Park should be dealt with solely by Officers without involvement by Members given the obvious public interest and in the absence of a management plan for Promenade Park. 5. To avoid reputational damage, how can the transparency of delegated decisions be improved by greater information and publicity. 	Outcomes for scrutiny item <ol style="list-style-type: none"> 1. Any conclusions requiring a change to Council procedures to ensure that the decision-making process is correctly allocated between Members and Officers. 2. A thorough look at the process used in the contract negotiation and award, and the decision-making process followed by Officers.
Expected outputs to committee (e.g.) written report, verbal update Written report to cover the questions identified	Expected timetable for item 6 weeks

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