

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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

15 March 2022

Dear Councillor

You are summoned to attend the meeting of the;

OVERVIEW AND SCRUTINY COMMITTEE

on **WEDNESDAY 23 MARCH 2022** at **7.30 pm**

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

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

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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**

WEDNESDAY 23 MARCH 2022

1. **Chairman's Notices**

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 20 January 2022 (copy enclosed).

4. **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).

5. **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.

6. **Annual Report of the Overview and Scrutiny Committee** (Pages 9 - 14)

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

7. **Review of Recent Scrutiny Requests by Members** (Pages 15 - 18)

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

8. **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.

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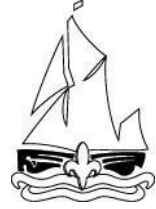
Health and Safety

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

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**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
20 JANUARY 2022**

PRESENT

Chairman	Councillor V J Bell
Vice-Chairman	Councillor C Mayes
Councillors	M G Bassenger, Miss A M Beale and M W Helm
In attendance	Councillors C Morris and K M H Lagan

463. CHAIRMAN'S NOTICES

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

464. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B B Heubner, C P Morley and R P F Dewick.

465. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 14 October 2021 be received.

Minute No. 334 – Apologies for Absence

That apologies of absence were received from Councillor A M Beale.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 14 October 2021 be confirmed.

466. PUBLIC PARTICIPATION

No requests had been received.

467. DISCLOSURE OF INTEREST

There were none.

468. REVIEW OF RECENT SCRUTINY REQUESTS BY MEMBERS

The Committee considered the report of the Overview and Scrutiny (O&S) Working Group that updated the Committee on recent Working Group meetings and recommended courses of action on recent Member requests for scrutiny items.

The Chairman introduced the report and took the Committee through the detail. She advised that the O&S Working Group had met on two occasions last year, in November and December 2021, and considered five Member suggestion forms.

Section 3.3 of the report provided a high-level summary of the five items together with suggestions from the O&S Working Group. Two items in particular, Parks Team Culture and Planning Enforcement were recommended for watching brief review as work was already underway to address issues. Members were encouraged to feedback on the information they would like to see by way of assurance on these areas. The Committee agreed that in respect of parks team culture qualitative data around satisfaction, and information about what forums are given for staff feedback, would be helpful.

It was further noted that, under the Learning from a Recent Tribunal item, (attached at Appendix B, pages 16/17) the learning outcomes from the recent review led by Human Resources had been endorsed by Corporate Leadership Team and a full response had been provided to the O&S Working Group, therefore, no further scrutiny was required. There were no additional items recommended for inclusion on the Committee Workplan.

The Chairman put the duly seconded recommendations to the Committee, and they were agreed by assent.

RESOLVED

- (i) That the Committee reviewed the detailed forms attached as Appendix B and is assured that the Working Group process is happening effectively;
- (ii) That the Committee approved the recommended courses of action suggested by the Working Group as set out in section 3.3 of the report.

469. PROCESS IMPROVEMENT REPRESENTATIVES

The Committee considered the report of the Director of Strategy, Performance and Governance that sought to appoint two Members to work alongside the Process Improvement Team for website and customer feedback.

The Chairman deferred to the Programmes, Performance and Governance Manager who introduced the report. The Chairman then opened the debate and nominated herself. Councillor M W Helm then nominated Councillor C Mayes. Both these nominations were duly seconded.

The Chairman put the nominations to the Committee for approval and they were agreed by assent.

RESOLVED that the following Members were appointed to work alongside the Process Improvement Team:

- Councillor V J Bell;
- Councillor C Mayes.

470. SCRUTINY WORKPLAN ITEM - PROPOSED CONVERSION OF SEATING SHELTER AT PROMENADE PARK MALDON INTO A SERVICE KIOSK

The Committee considered the report of the Director of Strategy, Performance and Governance that required the Committee to receive and consider information in response to the agreed scrutiny questions to be addressed in relation to the proposed conversion of seating shelter at Promenade Park Maldon into a service kiosk.

The Chairman introduced the report and deferred to the Programmes, Performance and Governance Manager to present the detail. She took the Committee through the report and advised that the Committee had agreed to include this in the Overview and Scrutiny workplan in October 2021. The Corporate Governance Project Officer had since conducted an investigation, and this was set out in 2.2 of the report. The findings confirmed that Officers acted within delegated powers.

It was noted that whilst the information provided assurance that Officers acted appropriately the report also highlighted a wider finding that 'more could be done to improve the transparency of delegated decisions'. A new internal process for recording delegated decisions had been introduced, with the aim of publishing a quarterly list to the website by April 2022.

A lengthy debate ensued where Members discussed both the emotional and financial dimensions to be considered when managing assets. Further issues were raised about the status of various management plans and whether this item of business was appropriate for closure at this point in time or further scrutiny was required.

In response to issues raised by Members, Officers provided the following information:

- That the recommendation on this item was that it be closed as covered in Section 2.2 of the report. Officers were happy to bring a separate report back to Committee to clarify the delegated decision process.
- That the Annual Report to the Overview and Scrutiny Committee will include an overview of progress on all actions taken across the year.
- That should the outstanding work on the management plans, namely, Promenade park, Riverside park and Cemeteries Services require external support due to capacity issues, additional funding would be sought through the Strategy and Resources Committee.

Councillor Lagan who had originally submitted this scrutiny item then addressed the Committee. He said he was disappointed at the level of communication with Members during the delegated decision-making process and felt that with earlier and better intervention different decisions may have come about. It was agreed that transparency was paramount.

In response to concerns expressed Officers responded as follows:-

- That Officers were acting within the scheme of delegation, no procurement process was required therefore there was no need to go out to tender. Decisions were taken within the delegated powers process, above market valuation was reached, thus achieving best value for money.
- That whilst communication could have been better, it was noted that Member briefings and one to one briefings were organised, however attendance was low due to a lack of availability.
- That the work being undertaken on this and other assets was supporting the Council's Commercial Strategy that Members have signed up to.

- That the delegated powers had been followed correctly, an approach had been made by a local successful business operator which had now resulted in an income generating project for the Council.
- As previously mentioned, Officers reiterated that they were happy to bring a separate report back to Committee to highlight the delegated decision process.
- That an update on the delegated decisions, as well as other actions that have come out of workplan items of the committee will be included in the annual report of overview and scrutiny that is delivered for the municipal year.

There being no further discussion the Chairman put the recommendation, duly seconded by Councillor Mayes, to the Committee and it was agreed by assent.

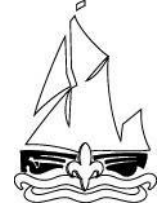
RESOLVED that the responses to the specific scrutiny questions to be addressed provided sufficient assurance and understanding of the background to this matter so as to enable the Committee to conclude its work on this item.

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

There were none.

The meeting closed at 8.12 pm.

V J BELL
CHAIRMAN



**REPORT of
OVERVIEW AND SCRUTINY WORKING GROUP**

**to
OVERVIEW AND SCRUTINY COMMITTEE
23 MARCH 2022**

ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide the basis of the annual report to Council on the activities of the Committee over the past year.

2. RECOMMENDATION

That the Committee endorses the proposed annual report for 2021/2022 for submission to the Council.

3. SUMMARY OF KEY ISSUES

- 3.1 Under its remit the Committee is required to report to the Council annually, and the Council agreed in May 2021 that this should be received at its statutory annual meeting. Although the Committee also acts as the Council's Crime and Disorder Committee, its scrutiny remit in this respect is quite specific and relates to outside bodies and agencies involved with crime and disorder. The Committee's annual report to Council will therefore be confined to its scrutiny role rather than in relation to crime and disorder.

- 3.2 At the time of the last annual report the Committee had two actual scrutiny items in its programme of work:-

3.2.1 The Council's Transformation Programme – learning from what has been done

This item was developed out of regular reports the Committee had previously been receiving while the Programme was being implemented and reviewing progress against expected outcomes. A full and final report was received by the Committee at its August 2021 meeting when, subject to the following items, it was agreed that the scrutiny item be closed and removed from its workplan:

- (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 a variety of methods not just online) to improve service delivery of the Council;
- (c) that an overhaul and revamp of the 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.

An update on these points is given in the table below

3.2.2 A review of the Council's Debt Recovery Process and its impact on local residents

A wide remit and set of outcomes were agreed by the Committee in January 2021. An interim report by way of response to these was considered by the Committee in April. While the Committee noted that the existence of a corporate policy and related processes, it wished to see more detailed information in relation to the enforcement stages of debt recovery, supported with relevant and analysed data. Given the resource pressure on the Revenues and Benefits Team, an extension of time to the end of August was granted for this further information to be provided, and with a view to a redefinition of this scrutiny item.

At its August 2021 meeting the Committee received a further report and presentation and agreed that subject to the following items this scrutiny item be closed and removed from its 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.

An update on these points is given in table below

3.4 Councillor V J Bell was elected Chairman of the Committee for the 2021/22 municipal year, with Councillor C Mayes elected as Vice-Chairman. Those two Councillors together with Councillors B B Heubner and N J Skeens were appointed to serve on the Committee's Working Group.

3.5 Over the past year the Committee has dealt with the following requests:

Subject	Status/Learning outcomes and actions	Update
Decision-making processes associated with proposed conversion of seating shelter at Promenade Park, Maldon (Councillor K Lagan).	Included in workplan and full report addressing agreed scrutiny questions received at January 2022 meeting, and item closed. This scrutiny highlighted the need for a Management Plan for Promenade Park/Parks, Member involvement/awareness relating to actions involving sensitive assets, and greater openness and transparency on delegated decisions.	The identified need for a Parks Management Plan has been included as a priority objective for a proposal to be brought forward and reported to the Strategy and Resources Committee. Delegated decisions published on the website as of 4 March 2022 and updated quarterly
Flood risk in Heybridge –	At October 2021 meeting dealt with as	Not applicable.

Subject	Status/Learning outcomes and actions	Update
assessment of assets and maintenance responsibilities (Councillor C Swain).	request for information/greater understanding for assurance. Not included in workplan.	
Inaccurate record keeping for statutory registers for self-build (Councillor S White).	As at January 2022 no actual area of scrutiny defined and therefore not included in workplan.	Not applicable.
Parks Team Culture and Health and Safety Concerns (Councillor V Bell).	As at January 2022 no further scrutiny required at this stage and on the basis of information submitted to be kept under review by the Working Group and a further report submitted in six months. Watching brief to include: Qualitative data around staff satisfaction What opportunities staff are given for feedback.	HR supported one to ones, with a set template to raise concerns took place in January. Action plan was developed from this meeting feedback and fortnightly meetings to go through progress now take place. Full report on watching brief to come back to the Committee.
Learning from a recent Employment Tribunal decision (Councillor V Bell).	At January 2022 meeting assurance received without the need for further scrutiny, and the item was closed.	Not applicable.
Planning Enforcement, lack of action and backlog of unresolved items (Councillor M Bassenger).	At January 2022 agreed little merit in scrutinising this process while steps are being taken to increase the resourcing of Planning Enforcement in line with a Policy review undertaken last year.	Not applicable.
Follow up/compliance with planning conditions (former Councillor K Jarvis).	At January 2022 received mainly as a request for further information/clarification linked to a planning decision. Agreed that the process for the following up of planning conditions can be linked to any future scrutiny of the wider planning enforcement issue.	Not applicable .
Five-year land supply – lack of resilience and robustness of process (Councillor W Stamp).	Request supported and further defined by the Working Group for consideration by the Committee at its March meeting.	Awaiting decision of the Committee at its March meeting.
Transformation (2021 item)	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 residents' satisfaction surveys be carried out yearly – with a target of 75%+ (using a variety of methods not just online) to improve service delivery of the Council;	Staff survey results being analysed Proposal to add 6 month 'pulse' survey Resident survey results being analysed

Subject	Status/Learning outcomes and actions	Update
	<p>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);</p> <p>d) that areas of organisational deficiency be identified including where there are already staff shortages;</p> <p>e) that balanced customer journey be promoted incorporating digital and face to face experience;</p> <p>f) that the Council ensures agile working is always focused on customer need, balanced with the health and wellbeing of staff.</p>	<p>Web improvements and web redesign projects have been initiated. Members have appointed four testers to feed into this process and first changes to be seen from May 2022</p> <p>Balance scorecard exceptions has highlighted operational pressures and these have been accounted for in 22/23 budget setting and post requests</p> <p>Customer access strategy in development and will take account of this</p> <p>Future ways of working staff group have accounted for this and HR are doing a review of all posts and whether they are suitable for hybrid working</p>
Debt recovery (2021 item).	<p>the Council's website is updated to make it easier to find information regarding debt (with perhaps a button from the home screen);</p> <p>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.</p>	<p>Review of website undertaken to make it easier for residents and businesses to use and include a comprehensive list of organisations who are able to provide help and advice. Good progress has been made, and further work is planned.</p> <p>An additional step was introduced for all customers facing enforcement action as a result of arrears that accrued during Covid. Payment arrangements continue to be offered and customers are encouraged to make contact at the earliest opportunity to avoid debts accruing.</p> <p>We continue to provide funding to and work closely with the Maldon Citizens Advice (MCA) to ensure that all residents and businesses have access to free impartial advice and support. This includes support for the most vulnerable</p>

Subject	Status/Learning outcomes and actions	Update
		<p>residents through a range of specialist and professional advice. In particular it is possible to agree payment arrangements and a way forward which can include temporary suspension of action.</p> <p>The Corporate Debt Strategy is due for review during 2022/23 and any proposed changes to the current Strategy will to Members for consideration.</p>

4. CONCLUSION

- 4.1 The Council has established a sound basis for the operation of its Overview and Scrutiny Committee and the annual reporting arrangements ensure a degree of accountability of the Committee to Council.

5. IMPACT ON STRATEGIC THEMES

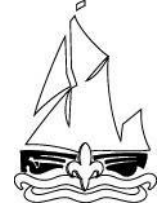
- 5.1 Thorough scrutiny processes underpin the Performance and Efficiency Corporate Goal.

6. IMPLICATIONS

- (i) **Impact on Customers** – None directly, but individual scrutiny reviews will enable the impact on customers to be assessed.
- (ii) **Impact on Equalities** – Equalities are considered as part of the reporting on review work undertaken by Officers.
- (iii) **Impact on Risk** – Scrutiny reviews enable potential Corporate Risks to the organisation and their mitigation to be identified.
- (iv) **Impact on Resources (financial)** – Scrutiny reviews offer the potential for an assessment of financial impact to the organisation.
- (v) **Impact on Resources (human)** – Scrutiny reviews offer the potential for an assessment of any resource impact to the organisation.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Enquiries to: The Overview and Scrutiny Working Group.

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**REPORT of
OVERVIEW AND SCRUTINY WORKING GROUP**

**to
OVERVIEW AND SCRUTINY COMMITTEE
23 MARCH 2022**

REVIEW OF RECENT SCRUTINY REQUESTS BY MEMBERS

1. PURPOSE OF THE REPORT

- 1.1 To update the Committee on a recent Working Group meeting and recommend a course of action on a further Member request for a scrutiny item.

2. RECOMMENDATION

That the Committee reviews the scrutiny request form attached as **APPENDIX A** and approves the recommended course of action suggested by the Working Group as summarised in section 3.2 below.

3. SUMMARY OF KEY ISSUES

- 3.1 The Working Group met on 2 March 2022 to review a fresh Member scrutiny request in relation to the current inability to provide a five-year housing land supply.
- 3.2 A pro-forma for the new requested item together with brief Officer comments by way of background explanation and context is set out in **APPENDIX A** to this report, and the Committee is asked to adopt the approach recommended, which is that the following should be explored in greater detail -
- i) A clearer understanding of what has led to the present position, and why this issue was not identified and reported earlier;
 - ii) What is proposed to resolve the present difficulty, and,
 - iii) What impact this has on the Local Development Plan and the impending Review.

4. CONCLUSION

- 4.1 In line with the agreed process for review of possible Overview and Scrutiny workplan items, the feedback and recommendations from the recent Working Group meeting are presented for the Committee's consideration at **APPENDIX A**.

5. IMPACT ON STRATEGIC THEMES

- 5.1 Robust overview and scrutiny work and learning from what comes out of it contributes to the performance and value theme of the Corporate Plan.

6. IMPLICATIONS

- (i) **Impact on Customers** – The concerns raised through this scrutiny request include the potential speculative development to be approved on sites not allocated for new housing in the Local Development Plan.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – Items outlined in **APPENDIX A** are linked to Corporate Risk.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

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

Scrutiny request pro-forma	Request details
No. 16	
1. Member request	Councillor Mrs W Stamp
2. Area of scrutiny requested and reasons for it	5 year land supply. The lack of it has put Council and residents at risk. This was raised at various meetings when the local development plan was inspected. A full explanation of how this happened/was allowed to happen/what was done when it became clear (sadly after the event) and who is responsible, or what circumstances are responsible for this. A full open and transparent explanation is required. I appreciate it will go back a few years. Thank you – I have mentioned this before but a full explanation is required please.
3. Indicate which part of the Committee's remit the request falls within	Matters involving the delivery of the Council's Priorities, relating to the review of corporate policy, the review or scrutiny of decisions made or actions taken, relating to corporate risk, and affecting the Council's area or the inhabitants of the area, including the draft budget.
4. If other, give further details	.
5. Has the matter been raised directly with Officers or another Committee?	Yes
6. If yes to 5, give further details including dates and any response	At various meetings.
7. Expected outcome of this requested scrutiny item	To identify where mistakes/errors were made giving a full explanation for all Members and residents, but more importantly not allowing it to happen in the future. Obviously some market forces or central government changes may affect this but resilience and robustness must be identified for future.

Officer review and comments

1. It is confirmed that the nature of this request relates to an area within the remit of the Committee.
2. The Government's requires Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years. The Council reports on this annually in a published statement. Although in November 2020 it was assessed that just under a 5 year supply could be demonstrated, by the time of the Statement published in April 2021 this had fell to 3.26 years worth of supply. These statements set out Maldon District Council's housing land supply and identify specific sites which are considered to meet the criteria set out in the National Planning Policy Framework (NPPF) (MHCLG, 2019) and contribute to the five years provision.

3. There are several factors affecting the supply and its delivery year on year, and this includes the underlying strategy of the Local Plan for meeting the housing target and the existence of detailed planning consent. The implications of this have previously been explained at Member Workshops and further such workshops were held on 21 February and 1 March 2022.
4. Although the Workshops provided Members with information to gain a better understanding of the present position, including the process for assessing the supply year on year, the Working Group concluded that the following needed exploring in greater detail -
 - i) A clearer understanding of what has led to the present position, and why this issue was not identified and reported earlier
 - ii) What is proposed to resolve the present difficulty, and
 - iii) What impact this has on the Local Development Plan and the impending Review.