



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

DIRECTOR OF STRATEGY AND
RESOURCES
Paul Dodson

08 May 2024

Dear Councillor

You are summoned to attend the fifty second;

ANNUAL MEETING OF THE MALDON DISTRICT COUNCIL

on **THURSDAY 16 MAY 2024** 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.

To submit a question in writing or attend in person please complete a [Public Access form](#) (to be received no later than 12noon two clear working days before the Council meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully

Director of Strategy and Resources

Serving Members who are part Chairmen of the District Council are invited to wear their past Chairman's badges and medals.





AGENDA
STATUTORY ANNUAL MEETING OF THE MALDON DISTRICT COUNCIL
THURSDAY 16 MAY 2024

1. **Chairperson's notices**

2. **Election of Chairperson**

To elect the Chairperson of the Maldon District Council for the ensuing municipal year.

3. **Chairperson's Statutory Declaration of Acceptance of Office**

Chairperson to make the Statutory Declaration of Acceptance of Office.

4. **Appointment of Vice-Chairperson**

To appoint the Vice-Chairperson of the Maldon District Council for the ensuing municipal year.

5. **Vice-Chairperson's Statutory Declaration of Acceptance of Office**

Vice-Chairperson to make the Statutory Declaration of Acceptance of Office.

6. **Apologies for absence**

7. **Minutes - 21 March 2024** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Council held on 21 March 2024 (copy enclosed).

8. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B 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).

9. **Public Questions**

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

10. **Chairperson's Announcements**

11. **Minutes of Meetings of the Council**

To note that since the last meeting of the Council, up until Wednesday 8 May 2024 (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

North Western Area Planning Committee	3 April 2024
South Eastern Area Planning Committee	10 April
District Planning Committee (special meeting)	24 April
Overview and Scrutiny Committee	25 April

12. **Notice of Motions**

To consider the following Motions which have been received:

a) **Motion from Councillor J C Stilts (Motion 03/2024)**

In accordance with notice duly given under Procedure Rule 4, Councillor J C Stilts to move the following Motion, duly seconded by Councillor P L Spenceley.

Motion

“That Council resolves to agree that the Finance Member Group is constituted of ten Members of the Council and that it will be politically balanced. That substitution can be made from any member of their group.

The working group will consist of

- Leader of the council or Deputy
- Leaders of political groups or Deputies
- Chair of Strategy and Resources Committee
- Vice Chair of Strategy and Resources Committee
- Chair of Performance, Governance and Audit Committee
- Vice Chair of Performance, Governance and Audit Committee
- Up to 4 members of the council (dependent on the number of group leaders) to ensure political balance.”

Please note that this Motion relates to Agenda Item 20 – Appointment of Members to serve on Working Groups of the Council.

b) **Motion from Councillor R H Siddall (Motion 04/2024)**

In accordance with notice duly given under Procedure Rule 4, Councillor R H Siddall to move the following Motion, duly seconded by Councillor P L Spenceley.

Motion

“That the Constitution be amended with immediate effect, to permit members put forward by political groups that sit on the Strategy and Resources Committee (S&R) and the Performance Government and Audit Committee (PG&A) are also able to be put forward to sit on the Overview and Scrutiny Committee (O&S). This is subject to the requirement of maintaining political balance. This dispensation does not extend to the Chairs or Vice Chairs of S&R and PG&A, who will continue to be ineligible to sit on O&S.”

Please note that this Motion relates to Agenda Item 15 – Appointment to Membership of Committees of the Council.

13. **Questions in accordance with Procedure Rule 6 (2) of which notice has been given**

14. **Leaders and Composition of Political Groups** (To Follow)

- (i) To consider the report of the Head of Paid Service on the Leaders and composition of each political group (copy to follow).
- (ii) That the Council considers the ratification of the Leader-Designate as Leader of the Council.
- (iii) To elect the Deputy Leader of the Council.

15. **Appointment of Membership of Committees of the Council** (To Follow)

To appoint Members to serve on Committees, as required by Procedure Rule 15. (Report of the Director of Strategy and Resources on the nominations of the Leaders of all Groups to the places allocated to their respective Groups, copy to follow).

16. **Adjournment of meeting**

To adjourn the meeting to allow Committees of the Council and the Area Planning Committees to proceed to elect Chairperson and Vice-Chairperson.

Special Meeting of the Performance, Governance and Audit Committee

- (a) To elect a Chairperson of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairperson of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Strategy and Resources Committee

- (a) To elect a Chairperson of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairperson of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Licensing Committee

- (a) To elect a Chairperson of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairperson of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Overview and Scrutiny Committee

- (a) To elect a Chairperson of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairperson of the Committee for the ensuing Municipal Year
- (c) To appoint Members to the Overview and Scrutiny Committee Working Group for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Joint Standards Committee

- (a) To elect a Chairperson of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairperson of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Investigating and Disciplinary Committee

- (a) To elect a Chairperson of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairperson of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the District Planning Committee

- (a) To elect a Chairperson of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairperson of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Central Area Planning Committee

- (a) To elect a Chairperson of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairperson of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the North Western Area Planning Committee

- (a) To elect a Chairperson of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairperson of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the South Eastern Area Planning Committee

- (a) To elect a Chairperson of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairperson of the Committee for the ensuing Municipal Year

17. **Resumption of Business**

To continue with the business of the Statutory Annual Meeting of the Council.

18. **Appointment to Membership of Committees of the Council - continued**

To appoint Members to serve on the Appointments Board, as required by Procedure Rule 15. (Please see Agenda Item 15 for report of the Director of Strategy and Resources on the nominations from the Leaders of all Groups to the places allocated to their respective Groups.)

19. **Appointment of Representatives to Local Government and Outside Bodies** (To Follow)

To consider the report of the Director of Strategy and Resources (copy to follow).

20. **Appointment of Members to serve on Working Groups of the Council** (To Follow)

To consider the report of the Director of Strategy and Resources (copy to follow).

21. **Annual Report of the Overview and Scrutiny Committee** (Pages 15 - 20)

To consider the report of the Director of Strategy and Resources (copy enclosed).

22. **Procurement Strategy** (Pages 21 - 30)

To consider the decision of the Strategy and Resources Committee (1 February 2024) Minutes No. 458 refers:

- (i) That the Council approves the adoption of the Maldon District Council Procurement Strategy attached at **APPENDIX 1**;
- (ii) That delegated authority be granted to the Director of Strategy and Resources in consultation with the Chairperson of the Strategy and Resources Committee, to approve amendments to the Procurement Strategy where required.

23. **2024 / 25 Schedule of Meetings**

To consider the following amendment to the 2024 / 25 Schedule of Meetings:

- **Performance, Governance and Audit Committee** – The D-Day 80th Anniversary event in the Promenade Park is due to take place on Thursday 6 June 2024. It is therefore requested that the meeting of the Performance, Governance and Audit Committee scheduled for 6 June 2024 is moved to Thursday 20 June 2024.

24. **Business by Reason of Special Circumstances Considered by the Chairperson to be 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.

Closed-Circuit Televisions (CCTV)

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

Lift

Please be aware, there is not currently lift access to the Council Chamber.



**MINUTES of
COUNCIL
21 MARCH 2024**

PRESENT

Chairperson Councillor K M H Lagan

Vice-Chairperson Councillor R G Pratt

Councillors M G Bassenger, D O Bown, S J Burwood, J Driver, A Fittock,
A S Fluker, L J Haywood, J C Hughes, K Jennings,
W J Laybourn, N R Miller, S J N Morgan, C P Morley,
M G Neall, N G F Shaughnessy, R H Siddall, U C G Siddall-
Norman, N D Spenceley, P L Spenceley, W Stamp, CC,
E L Stephens, J C Stilts, N J Swindle, M E Thompson and
S White

671. CHAIRPERSON'S NOTICES

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

672. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, M F L Durham CC, A M Lay and L L Wiffen.

673. MINUTES - 15 FEBRUARY 2024

RESOLVED that the Minutes of the meeting of the Council held on 15 February 2024 be approved and confirmed.

674. DECLARATION OF INTEREST

There were none.

675. PUBLIC QUESTIONS

In accordance with the Council's public speaking protocol, it was noted that the following question had been received from Mr Stephen Rogers.

Question:

'Will the council ensure that any development of the St Peter's site will provide / facilitate the funds to allocate land and develop a building for a NHS Hub for all the current community services offered by St Peter's?'

The Leader of the Council had provided the following response which had been published on the Council's agenda.

Response:

The Council is unable to provide assurances in relation to any future development at the St Peter's site as the land is not owned by the Council.

The Council will support proposals for the current NHS community services to be retained in the Maldon District but is not directly responsible for the delivery of these services.

The Council is committed to working with the NHS for the foreseeable future to assist in the future options for these services, subject to commercial sensitivities.

In response to a suggested change by Mr Rogers to the second paragraph of the response, the Leader provided a brief update on the work the Council was doing with Essex County Council and discussions with the NHS. The Leader advised that if the possibility arose along with the appropriate funding, the Council would do whatever it could to ensure that all hospital services were on one site. He outlined his personal view was for the Council to ensure that at least outpatient services remained in the Maldon District and how the Council and all Members should work towards this so that residents were supported and could access services in an efficient and effective way.

676. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson highlighted the recent successful Homes for Ukraine event which along with himself the Vice-Chairperson and some Members had attended. He commended the Officers involved for their hard work in bringing the event together.

Having recently completed the Chelmsford half marathon to fundraise for the David Randall Foundation (the Chairperson's chosen charity), the Chairperson extended his thanks to all that had supported him and the charity.

The Chairperson informed the Council that he would be suspending Procedure Rule 4(8)3 the requirement to stand when addressing the Chairperson.

With the permission of the Chairperson, Councillor R H Siddall addressed the Council. Councillor Siddall advised that at the last Council meeting he had made a remark to Councillor Stilts which undermined her and her professional standard and apologised for this and any offence caused. He reported he had given her a written and informal apology and hoped they could move on from this. In response, Councillor Stilts thanked Councillor Siddall for his apology.

Councillor C P Morley thanked Members for the chocolates and flowers sent to his wife during her recovery from an injury. The Chairperson wished her a continued recovery.

677. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 7 MARCH 2024

The Council considered the following recommendations coming forward from the Performance, Governance and Audit Committee held on 7 March 2024.

Independent Person of the Performance, Governance and Audit Committee

In response to questions, Members were advised that there was an allowance available for this role and the Performance, Governance and Audit Committee would make a decision on that person.

RESOLVED

- (i) That the principle of co-opting an Independent Person onto the Performance, Governance and Audit Committee on a non-voting basis be approved;
- (ii) That the person specification attached at Appendix 1 to the report, be approved.

Contract Procedure Rules Extension

RESOLVED

- (iii) that the Contract Procedure Rules attached at Appendix 2 to the report, be extended for a further year.

Council Constitution – Scheme of Delegation – Service Delivery

Councillor A S Fluker highlighted point 9 on page 54 of the report pack relating to Officers consulting with Ward Members regarding enforcement cases and he provided some additional information in relation to this. The Chairperson thanked Councillor Fluker for highlighting this.

RESOLVED

- (iv) That the redistribution of the powers currently delegated to the Director of Service Delivery to the Assistant Directors - Service Delivery as proposed and shown at Appendix 3 to the Council Agenda, be agreed;
- (v) That the consequential changes referred to in paragraphs 3.6 and 3.7 of the report, namely to the list of Proper Officer designations set out in the Scheme of Delegation (General Provisions) document in the Constitution, and the transfer of the delegated powers in relation to Neighbourhood Planning from the Director of Strategy and Resources to the relevant Assistant Director - Planning and Implementation, be agreed.

678. STRATEGY AND RESOURCES COMMITTEE - 14 MARCH 2024

The Council considered the following recommendations coming forward from the Strategy and Resources Committee held on 14 March 2024.

Asset Management Strategy

RESOLVED

- (i) that the Asset Management Strategy 2024-29 (attached at Appendix 1 to the report) be approved.

Business Continuity Strategy 2024 – 26

RESOLVED

- (ii) That the adoption of the Maldon District Council Business Continuity Strategy 2024 – 26 (the Strategy) attached at Appendix 2 to the report be approved;
- (iii) That delegated authority be granted to the Director of Service Delivery in consultation with the Chairperson of the Strategy and Resources Committee to approve amendments to the policy during its lifetime;
- (iv) That this Strategy is presented for renewal to the Strategy and Resources Committee on a two-year cycle.

679. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Wednesday 13 March 2024 for which Minutes had been published.

680. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6(3) OF WHICH NOTICE HAS BEEN GIVEN

There were none.

681. GAMBLING ACT 2005 - STATEMENT OF GAMBLING POLICY

The Council considered the report of the Director of Service Delivery seeking Members' approval for the adoption of the reviewed Statement of Gambling Policy (attached as Appendix 1 to the report) in respect of the Gambling Act 2005 (as amended).

The report provided background information to the Gambling Act 2005 (the Act) which required each licensing authority to publish a Statement of Gambling Policy and review that Policy at least once every three years. The Head of Environmental Health, Waste and Climate Action in his presentation of the report advised that Statement of Gambling Policy (Appendix 1) had been reviewed and updated as required by law and no material changes to the Policy had been identified as part of this review. It was noted that a full review would take place once the Government published the proposed changes to the Act.

It was noted that the approval date listed on page 68 of agenda pack (Appendix 1 to the report) should refer to March 2024 and not 2025. The Head of Service advised that this amendment would be made.

The Chairperson moved the recommendation as set out in the report and this was duly agreed.

RESOLVED that the Statement of Gambling Policy (Appendix 1 to the report) be adopted.

682. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3)(M)

Councillor L J Haywood asked the Leader of the Council what was happening with the Council Offices and particularly if more space were to be let out whether this would result in Council staff having their contracts changed to work from home permanently? In response the Leader advised that there were no plans for the Council to move out of the building and staff contracts allowed both hybrid and flexible working, to remove this he felt would lead to staff leaving and recruitment difficulties. He hoped in the summer Members would have a discussion regarding the Council in terms of how and the way it worked and the buildings and assets the Council owned. The Leader referred to ensuring that the Council was working with staff flexibly to keep them motivated and building team spirit.

Councillor S White referred back to the previous question, advising of private sector information regarding home working and asked the Leader of the Council if the Council should take the advice of the private sector information. Councillor White then raised further questions to the Leader. In response to a question regarding treating all nature with respect and upholding all government guidance, particularly for nesting birds, the Leader advised that he fully supported any action to protect nesting birds and how the environment and nature were important to him. The Leader commented on the importance of ensuring that landowners did not damage trees and hedges at critical times of year. Councillor White referred to treating residents the same and asked if the Leader agreed that the Council should protect all trees covered by Tree Preservation Order (TPOs) and for the Council to take seriously any work done without permission. The Leader highlighted the need to ensure that TPOs were enforced, and any infringement followed up. He advised the Council that he would discuss the matters raised by Councillor White with the enforcement team.

Councillor A S Fluker referred to the Leader implying that the Council would be moving from the Council Offices and if this was the case that the Corporate Projects Working Group be informed of this and the reasons why. He then referred back to the last Council meeting and the response the Leader had given to comments from the Liberal Democrat Group Leader that Section 106 monies would be used to support local health care. Councillor Fluker sought clarification that the Leader meant in accordance with the conditions of 106 agreements. In response the Leader explained that it was not known what the future would bring and how this would impact on the location of the Council. He reminded the Council of previous discussions regarding the use of the Council building and the need to ensure it did not get the Council into debt. The Council would have to review its asset (the Council offices) to ensure it met the Council's need etc. He advised that the Council would always own the building it was in, whether that be at the current Council offices or elsewhere.

Councillor R Pratt referred to the High Sheriffs awards which he recently attended on behalf of the Chairperson. As no-one from the Maldon District had accessed the High Sheriff fund this year, he asked the Leader of the Council if he would help him identify volunteers in the District who could apply for some of the fund. The Leader agreed and commented how it was a shame that no-one had accessed the fund and suggested that some PR and work with the High Sheriff could assist with this.

683. BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERED BY THE CHAIRPERSON TO BE URGENT

There was none.

684. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

685. LEGAL ACTION

Councillor S White advised that having had a judicial review regarding the Council she would leave the meeting for this item of business. She then left the chamber at this point.

The Council considered the report of the Director of Service Delivery to advise the Council of two applications for judicial review made against the Council.

The Senior Specialist – Legal introduced each claim for Judicial Review, providing background information and a detailed update. She advised that Counsel advice had just been received in respect of both cases and provided Members with the details of this and Counsel's opinion on each case.

Members discussed Case 1, as detailed in the report along with the update provided by the Senior Specialist. In response to comments raised, the Officer advised she would look through the Counsel advice in respect how it might apply to future planning applications. The Director of Service Delivery agreed to pick up the comments raised by Members and would discuss them with Planning Services.

The Council then discussed Case 2, as set out in the report along with the update provided by the Senior Specialist.

Councillor A S Fluker then proposed that the Council accept the recommendations as set out in the report. This proposal was duly seconded and agreed by assent.

RESOLVED

- (i) That the Council continues to defend the claims for Judicial Review against the Council (set out in the report).
- (ii) That the Director of Service Delivery in consultation the Chairperson and Leader of the Council and a legal advisor, be granted delegated authority to respond to all legal representations, any directions of the Court and any other ancillary legal matters relating to this claim.
- (iii) That the Director of Service Delivery in consultation with Chairperson and Leader of the Council and legal advisor regularly review the legal case and be granted delegated authority to settle the claim should it be expedient to do so.

Councillor White returned to the chamber at this point.

686. COUNCIL ASSETS MEMORANDUM OF UNDERSTANDING

The Council considered the report of the Director of Strategy and Resources setting out the intended steps to be taken by Maldon District Council (MDC) in collaboration with the NHS to explore solutions to house services anticipated to be displaced from St Peter's Hospital, Maldon and to update on discussions with Essex County Council (ECC) to explore a joint approach to assist the NHS in the short and long term.

The Chairperson drew Members' attention to a report circulated earlier that day and superseded the report previously published.

The Leader of the Council presented the report and explained its purpose was to ascertain what the Council wanted to do next, particularly when the NHS consultation end and the results are published. The Director of Strategy and Resources provided the Council with some further detail and explained the recommendations set out in the report.

A debate ensued, during which a number of Members spoke at length regarding the report and outlined their views in light of the ongoing discussions particularly in relation to the solutions for house services anticipated to be displaced from St Peter's Hospital.

It was noted that the Leader of Essex County Council had held a summit in March 2024 to explore the challenges facing the NHS and delivery of enabling key infrastructure. A follow-up summit was being planned for April 2024.

The Director of Strategy and Resources explained that within existing Officer delegations (business as usual) Officers could have discussions with partners and bring opportunities forward, such as they were doing through this report. The report sought delegation if further discussions / negotiations were to take place along with an understanding of Members' views. In response to questions the Leader of the Council provided the Council with an update on recent discussions with the NHS.

Following further debate Councillor J C Stilts proposed that the Council put everything on hold until the outcome of the NHS consultation and summit, following which Officers bring a report back to the Council for debate to see where the way forward was. This proposal was duly seconded.

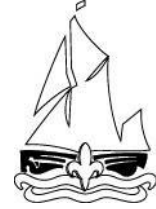
The Chairperson moved the proposal in the name of Councillor Stilts, and this was duly agreed.

RESOLVED that following completion of the NHS Consultation and Essex County Council summit that a report be brought back to the Council for debate and to consider the way forward.

There being no other items of business the Chairperson closed the meeting at 9.30 pm.

K M H LAGAN
CHAIRPERSON

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REPORT of DIRECTOR OF STRATEGY AND RESOURCES

to
ANNUAL COUNCIL
16 MAY 2024

ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to present to the Council an annual update on the work of the Overview and Scrutiny Committee.

2. RECOMMENDATION

That the annual report of the Overview and Scrutiny Committee for 2023 / 24 is accepted.

3. SUMMARY OF KEY ISSUES

- 3.1 The Overview and Scrutiny Committee was set up afresh under the Council's new Constitution with effect from October 2019. One of its responsibilities is to report to the Council on an annual basis, and the arrangements for this have been endorsed by the Council. Although the Committee also acts as the Council's Crime and Disorder Committee, its scrutiny remit in that role is quite specific and relates to outside bodies and agencies involved with crime and disorder. The Committee's annual report to the Council is therefore confined to its scrutiny role other than in relation to crime and disorder.
- 3.2 The Operating Protocol for the Committee offers a process for the consideration of potential scrutiny items to ensure efficiency and clear outcomes linked to strategic themes. The Protocol also reflects Government Guidance which needs to be heeded. This refines the role of the Committee as being positive and forward looking, providing more of a 'critical friend' challenge, and generally assisting the Council and its Committees by identifying improvements and making recommendations. The intention is that Committee time will predominantly be spent on the planning and carrying out of actual scrutiny work. It has established a Working Group, now made up of all members of the Committee, which can be used to manage items of a 'watching brief' nature or where information has been requested, and to assist with the planning of scrutiny.
- 3.3 In this municipal year, three direct referrals were received from the Member request form. All Members have access to make a referral through the following link <https://forms.office.com/r/zR5yjZZFf3>. In line with the process agreed by the Committee, the Working Group is tasked with the receipt and initial consideration of Member requests and then reports to the next available meeting of the Committee.
- 3.4 The annual report for 2023 / 24 at **APPENDIX 1** was agreed by the Committee at its meeting on 5 March 2024 and has been updated to reflect subsequent decisions.

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 are intended to ensure a degree of accountability of the Committee to the Council.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2023 - 2027

5.1 Provide good quality services.

- 5.1.1 Thorough scrutiny processes support improved performance and efficiency which in turn will contribute to the quality of services provided, and functions undertaken by the Council.

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 (including Fraud implications)** – 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.

Background Papers: None.

Enquiries to: Stuart Jennings, Corporate Governance Project Officer.

ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2023 / 24

1.0 Councillor S J N Morgan was elected Chairman of the Committee for the 2023 / 24 municipal year, with Councillor P L Spenceley elected as Vice-Chairman. All members of the Committee were appointed to serve on the Committee's Working Group. Councillor P L Spenceley was appointed as the Council's District Representative on the County Council's Health Overview Policy and Scrutiny Committee.

2.0 Over the past year the Committee has dealt with the following scrutiny items:

Subject	Status / Learning outcomes and actions	Update
<p>Notice of Motion relating to a successful planning appeal and award of costs against the Council – site at Burnham-on-Crouch (Councillor A S Fluker)</p> <p>Planning decision-making</p>	<p>This motion having been referred by the Council was accepted by the Committee at its meeting in July 2022 and added to its scrutiny workplan.</p> <p>Added to this scrutiny item is the reference from the July 2022 meeting of the Council. This arose from another appeal decision and an award of costs in relation to site at Burnham-on-Crouch. The Council having emphasised the need for more objective and evidence-based decision-making in the future.</p>	<p>The Committee and its Working Group have continued to look at two other matters. The first involves the concept of a constitutional 'brake' – the invoking of an automatic deferment when a Planning Committee reaches a position of being minded to refuse an application contrary to the recommendation of Officers.</p> <p>The second involves the proposed introduction of technical briefings / presentations to Members, outside of the formality of the Planning Committee setting, on certain complex applications.</p> <p>At a meeting of the Committee on 5 March 2024 it was agreed to recommend to the Council via the Performance, Governance and Audit Committee a change to the Constitution to include the proposed 'brake'. Improvements to the process for Officer presentations to Committees on planning applications were also endorsed.</p>
<p>Planning Enforcement – performance and processes</p>	<p>Scrutiny requests had previously been raised by Councillor M G Bassenger and also former Councillors K W Jarvis and C Swain. After an initial watching brief the Committee decided to add the item to its scrutiny workplan.</p>	<p>The Committee and its Working Group continued to receive information on resourcing, processes, and performance through the year. The number of open cases at the beginning of the year had been halved by mid-June.</p> <p>At its meeting in December 2023 the Committee decided that the matter need no longer be on the scrutiny workplan but should remain under a watching brief. Regular updates continue to be received by the Working Group and the</p>

APPENDIX 1

Subject	Status / Learning outcomes and actions	Update
		Committee is keen to work with Officers in connection with the pending review of the Planning Enforcement Policy.
Staff Exit Questionnaires	<p>Reference from the Performance Governance and Audit Committee in September 2022 that the Committee reviews the outcomes from these.</p> <p>The Committee in October 2022 agreed to add this to its scrutiny workplan.</p>	Due to the low take-up of Exit Questionnaires by staff leaving the Council there has been little or no evidence of particular themes that can be scrutinised to date.
Cyber Security Update	<p>Reference from the Performance, Governance and Audit Committee in September 2022 that the Committee reviews the audit and technical reports on this matter.</p> <p>The Committee in October 2022 agreed to add this to its scrutiny workplan.</p>	In the light of the audit and technical reports received at the time, and positive conclusions reached in a subsequent Internal Audit report, the Committee at its December 2023 meeting decided that this item be deleted from its scrutiny workplan.
Safeguarding of Children and Vulnerable Adults – corporate risk update	Reference from the Performance, Governance and Audit Committee in January 2023 for review to ensure that the Council is supporting this area of work appropriately together with the Officers undertaking the actual work. This was then added to the Scrutiny Workplan.	At its December 2023 meeting the Committee received a full update on the issues previously giving rise to the increased risk rating, in particular the operation of the Safeguarding Forum. Reporting processes and the Safeguarding Policy, the latter due for review, remain robust. At the March 2024 meeting of the Committee, it was decided that this matter required no further scrutiny but would be kept on a watching brief by the Working Group.
Maldon Citizens' Advice (MCA)	<p>This originated from a scrutiny request by Councillor S J Morgan following a Member visit to MCA. Arising from this, concerns were expressed as to whether the Council was doing enough to assist those customers without on-line access to Council services, or who found on-line access to services difficult to navigate.</p> <p>The Committee's Working Group in October received detailed information on these issues and the work of this</p>	<p>At the December 2023 meeting of the Committee, it was decided to endorse the findings of its Working Group and refer to the Council the findings of this scrutiny. In so doing, the Committee wished to draw Members' attention to the financial implications of the contractual arrangement with MCA and the excellent value for money delivered by way of supporting a wide range of services so that this is borne in mind when the contract is reviewed in 2024.</p> <p>At the February 2024 meeting of</p>

APPENDIX 1

Subject	Status / Learning outcomes and actions	Update
	organisation and its partnered arrangement to support the work of the Council.	the Council, the recommendations of the Committee were received and accepted.
Corporate Project – Land acquisition at Heybridge	<p>This originates from a scrutiny request by Councillor A S Fluker.</p> <p>Although this matter was the subject of a report to the Council in November 2023, the request seeks a closer look at the circumstances which led to this project being withdrawn, the Council's valuation, and also whether the management of the project was sufficiently robust.</p>	<p>In line with the process for considering scrutiny requests from Members, this matter received initial consideration by the Working Group in January 2024. Further information was requested as to the progression of the financial aspects that led to the project being withdrawn.</p> <p>At the February and March meetings of the Working Group further information was requested and considered to enable a fuller understanding of a range of issues raised, and also the history of this project. At the March meeting it was agreed to recommend to the Committee at its meeting on 25 April 2024 that further consideration of this scrutiny request be undertaken in the light of the completion and availability of a 'lessons learned' report compiled by the project team. This is with a view to making recommendations on possible improvements to process for similar projects in the future. This was agreed, and the Committee's Working Group will consider and report further on this when the 'lessons learned' report becomes available.</p>
Provision of 3+ bed affordable housing, especially social rented housing	<p>This originates from a scrutiny request by Councillor E L Stephens.</p> <p>The request sought to establish why there is a greater lack of 3+ bed homes than for smaller properties, to ensure that affordable housing numbers are being calculated correctly, and to reduce the waiting time for 3+ bed homes.</p>	<p>In line with the process for considering scrutiny requests from Members, this matter received initial consideration by the Working Group in February 2024. Additional information and clarification was received at the March 2024 Working Group meeting. As a result, the Working Group recommended to the Committee at its meeting on 25 April 2024 that a level of understanding and assurance having been received this item did not require to be added to the scrutiny workplan. It was felt that there were other avenues where issues of concern on this subject could be pursued. This was</p>

APPENDIX 1

Subject	Status / Learning outcomes and actions	Update
		agreed by the Committee with the matters of concern being referred to the Strategic Housing Board for further consideration.
Non-provision of improved facilities / adventure playground at Sensory Garden, Promenade Park, Maldon	<p>This originates from a scrutiny request from Councillor P L Spenceley.</p> <p>The request sought to establish why there this project had not progressed or been delivered following earlier public consultation. Various learning outcomes potentially applicable to the future similar projects were identified, including the need for improved communication with Members and the public.</p>	At the April 2024 meeting of the Working Group an Officer response was received. In the light of this the Working Group agreed to recommend to a future meeting of the Committee that a decision be made as to whether this should be added to the scrutiny workplan having regard to the level of assurance based on the Officer response and information received. Subject to that, it would be for the Committee to make recommendations on any improvements to process relating to future projects such as this.

- 3.0 While scrutiny of particular decisions and specific areas of work will form the bulk of the activity, the Committee has quite a wide remit which includes the monitoring and review of the performance of external bodies and stakeholders. At its December 2023 meeting the Committee decided to explore arrangements for a more focused engagement with representatives of local health service providers with a view to themed agenda items on future agendas. At a meeting of the Committee in March 2024 a presentation on a range of issues was received, with NHS colleagues in attendance. It is proposed that this is followed up at another meeting of the Committee in the near future.

Document Control Sheet

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Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document



MALDON DISTRICT COUNCIL

Commissioning and Procurement Strategy

2024 -2027

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1. INTRODUCTION

Maldon District Council ('the Council') spends approximately £8 million per annum on the procurement of goods, works and services. The impact of the increasing financial pressures upon local authorities has increased the importance of the role that procurement has to play, in ensuring services continue to be delivered at a high standard while balancing the need for greater value for money.

The Council uses its procurement processes to achieve the greatest benefit to the District economy and its residents and to ensure that the goods and services which it procures reflect the Council's values and priorities on climate change, fairness, tackling deprivation, and sustainable economic growth.

Commissioning – Commissioning can be defined as securing services that essentially address the needs and wishes of the service user as determined through research and planning. Commissioning is the process by which the Council decides whether or not to proceed with a programme or project.

Procurement – the acquisition of goods, works and services which meet the customers' and service users' needs, whilst ensuring value for money throughout the life of the product including disposal.

This Procurement Strategy (2024-2027) provides a framework against which procurement activity can be undertaken in line with the vision and priorities of the Council as expressed in the Corporate Plan (2023-2027);

Our Vision

*To be a sustainable Council, promoting growth and investment at every opportunity.
To support our communities through excellent partnership working and to maintain and improve quality of life.*

Our Priorities

- *Supporting our communities*
- *Enhancing and connecting our place*
- *Helping the economy to thrive*
- *Smarter finances*
- *A greener future*
- *Provide good quality services*

The Corporate Leadership Team (CLT) are responsible for ensuring that the principles of this strategy are embedded into practice and to promote its implementation within their own service area. Members are expected to use this strategy as a sense-check to review officer procurement decision-making through the relevant committees.

2. PURPOSE OF THE STRATEGY

This Procurement Strategy 2024–2027 establishes the Council's strategic approach to procurement. This strategy should be read in conjunction with the Council's Financial Regulation's, and the Contract Procedure Rules.

This Procurement Strategy also emphasises the increasing importance of using procurement to support wider social, economic, and environmental objectives, in ways that offer real long term benefits, including the promotion of apprenticeship roles through

our contractors.

The Council recognises that it has a vital role to play in furthering sustainable development and addressing the issue of climate change, through its procurement of goods, works and services. Procurement decisions have a major socio-economic and environmental implication, both locally and globally, now and for future generations. The Council understands the importance of a strong local economy and the role that it can play in stimulating local markets.

A Procurement Strategy is vital to;

- Secure best value;
- Support the Council's priorities;
- Address all elements of the Procurement Lifecycle, *see Figure 1*
- Provide best practise and support the Council's pathway towards being a Carbon Neutral Council by 2030;
- Provide a source of information on the Council's approach to procurement;
- To create a climate where all parties can contribute to achieving best value and value for money;
- To comply with the Public Contracts Regulations 2015, and any changes to Legislation, (including Procurement Reform due to be implemented in 2024), the Council's Financial Regulations and Contract Procedure Rules in addition to other associated legislative requirements.

The Procurement and Commissioning Life Cycle

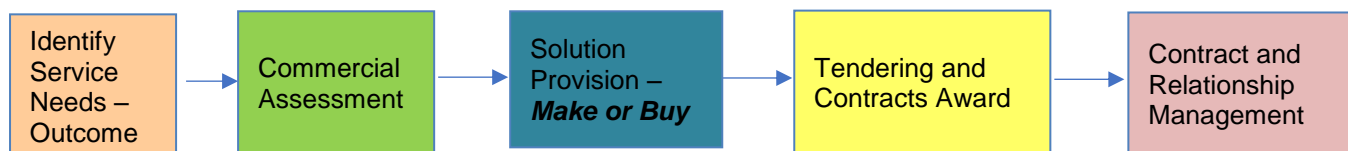


Figure 1 – The Procurement and Commissioning Life Cycle (note in reality it's not a straight line process but one which continually evolves)

We aim to manage each stage of the life cycle to help us achieve successful and sustainable outcomes and:

- increase our commercial leverage.
- consider within our service areas how we can operate more commercially.
- avoid cost overruns and sometimes poor contractor performance.
- achieve better outcomes through social value and our Corporate Priorities.
- build on relationships with our suppliers and stakeholders.

The Council intends to deliver commercially effective and compliant procurement which is responsive and adapts to the challenges presented. The Council will procure goods, services, and works by the most economic, efficient, and effective means, reflected in the resultant contracts, which will work harder to support the people of the district through the delivery of additional social value whilst promoting environmental and innovation in the context of combating climate change to help minimise environmental impact.

It is a legislative requirement that Social Value is considered and applied to each contract in a proportionate and appropriate way. The Council's priorities will be considered in this way pre-procurement, to ensure relevant to the contract.

In order to achieve this, the Council must remain committed to embracing change in working practices to ensure the benefits of legally compliant procurement approaches are realised. The Council will continue to refine its procurement practice by continually challenging itself, developing new innovative procurement approaches, and engaging in the wider procurement community. Good practices from both the public and private sectors will be utilised where they will add value to the procurement process.

3. SUSTAINABLE PROCUREMENT

Sustainable Procurement – The importance of sustainable procurement is emphasised; using procurement to support wider social, economic, and environmental objectives in a way that offers real long term benefits. This Strategy supports our commitment, to enable us to demonstrate improvement in delivering sustainable outcomes through effective procurement practices. To achieve Sustainability we will work in partnership with our suppliers and other stakeholders in creating more opportunities for Local Businesses & SME's, Social Enterprises and Third Sector Organisations. In this way we can work towards improving areas such as;

- Value and grow our relationship with Local and small businesses
- The Payment of Living wages
- Reducing the Carbon Footprint in our Supply Chain
- Ensuring Services are accessible

4. CLIMATE ACTION

The council's Climate Action Strategy sets out 8 key aspirations:

- To be a carbon neutral Council by 2030 and ensure that all our strategic decisions, budgets and approaches to planning and regulatory decisions are in line with a shift to net-zero carbon by 2030.
- To improve our flood resilience and defences, to protect the land and homes in the District.
- To lead by example as a local authority and encourage local businesses, residents, and parishes to make positive changes.
- To give our younger people a voice by launching the **Our Home, Our Future**, community engagement group.
- To challenge perceptions and encourage positive, long-term behaviour change leading to healthier, greener lives.
- To identify and deliver economic benefits, leading to sustainable businesses, energy and environment related skills and jobs.
- Give residents, businesses, and visitors the choice and opportunity to make greener, less harmful decisions.
- Reduce use of oil, natural gas, and coal. Support the energy sector generating green energy to secure, low cost and low carbon energy supply.

The Procurement Team are key stakeholders in supporting the ongoing targets, as set out in the Council's Climate Action Strategy.

5. STRATEGIC OBJECTIVES

This Procurement Strategy supports the Council's Corporate Plan. At a general level, procurement of goods, works and services assists in delivering the Council's strategic objectives and statutory responsibilities:

- consider the impact of all major procurements on the achievement of the strategic priorities of the Council identified within the Council's current and future Corporate Plan;
- the Council will apply the overriding principles of fairness, openness, and transparency to all procurement activities;
- by ensuring procurements reflect relevant sustainability, diversity and environmental issues and ensure procurement processes support and reflect the aim of protecting our environment for future generations;
- by supporting the Council's aim of becoming carbon net-zero by 2030 the Council will embed sustainable sourcing and procurement practices into its processes where permissible.
- by ensuring procurement guidance is clear and simple, and that relevant contracts are advertised and accessible to all. The procurement process used do not unfairly limit the opportunity for Social Enterprises/Third sector organisations;
- by encouraging an effective local supplier market and the promotion of local social value in contracts (such as the creation of apprenticeships)
- by ensuring robust performance indicators and contract management is carried out on relevant and proportionate contracts to ensure suppliers meet their obligations and that the Council achieves value for money.
- by ensuring Social Value benefits are monitored and reported by Contract Managers;
- by aiming for procurement to provide the best value solution for the District.
- using the procurement life cycle to assist in identifying improvements to services and support the delivery of value for money.
- by working closely with partner organisations such as the East of England Local Government Association (LGA), and the Procurement Agency for Essex and other partnership groups to deliver savings and efficiencies through collaboration

6. CORPORATE PRIORITIES

This Strategy supports our Corporate Priorities in the following way:

Enable communities: We will engage with all parts of our communities, including Parish Councils, businesses, and our residents to encourage the most efficient way to provide services by:

- Seeking to secure the best outcomes for the local community by making use of all available resources – without regard to whether services are provided in-house, externally or through partnership arrangements.

- Continuously improving services through the adoption of innovative and commercial practices so that service users see an improvement in both quality and value for money.
- Ensure we engage the diverse needs of the Community.
- Monitoring and reporting compliance with procurement policies and procedures.
- Improving understanding of procurement and commissioning for both internal and external stakeholders.
- Early intervention: We will promote the safeguarding of our young and vulnerable residents by;
 - ensuring that arrangements are in place with contractors to safeguard children and vulnerable adults in accordance with legislation (existing contracts).
 - ensuring that the Councils procurement process require suppliers to comply with Safeguarding requirements (new contracts).

7. MONITORING AND REVIEW

The aims, objectives, and key priorities of this strategy will be subject to reviews and monitoring on an ongoing basis.

Leadership commitment to delivering improvements through effective and efficient procurement is in place. Core principles for Procurement Leadership and Guidance are to:

- Maintain a clear corporate strategic leadership that covers all procurement activity
- Ensure objectives reflect and support the Council's core values, aims and objectives
- Clearly defined processes/procedures and delegation of authority for procurement are embedded in the Councils Contract Procedure Rules for Contracts and financial regulations.
- Implement and monitor the Council's Procurement Strategy.
- Ensure procurement procedures reflect developments in legislation and provide a robust framework to support the probity of Council spending.
- Protect the council from challenge by determining officer accountabilities and responsibilities in procurement activity, then monitoring and enforcing compliance.

8. CONTRACT AND SUPPLIER MANAGEMENT

Contract and Supplier Management is the responsibility of Services leading the contract. Monitoring will be the responsibility of the contract manager. Robust contract management from the start of the contract will enable;

- Strong supplier relationships
- Identification and management of cashable and non-cashable savings opportunities.
- Working with suppliers and contractors to identify risks at the earliest stage
- Manage potential increases in the cost of the contract.

- Procurement manage a contracts register, identifying key suppliers and supporting services in monitoring, and escalation of requirements.
- Procurement support Contract Managers across the lifecycle of contracts, as and when required including changes in circumstances and/or need.

9. EMBEDDING DELIVERY OF THE STRATEGY

The delivery of this Procurement Strategy will ensure procurement is delivered in a compliant and efficient manner, provide for improvement, and contribute to the wider Council and Service priorities.

By ensuring early engagement and clear communication with Service departments, we will assist in achieving best value for the Council.

We will ensure, where appropriate to the contract, all contractors and suppliers either have in place their own Safeguarding policy or confirm they will sign up to the Councils safeguarding policy.

- Where contracts are over £50,000 and following a tender process, contractors will need to provide their policy or confirm signing up to the Councils policy at tender stage and monitored during contract management.
- Where contracts are below £50,000 and following a quote process, then the officer will be responsible for confirming with the contractor and will update the Corporate list on SharePoint.¹

Deliver Value for money by:

- ensuring that Tenders are evaluated in terms of total life costs. Although the upfront cost may be higher, this could be offset by lower costs in subsequent years e.g. electric vehicles, reduction of waste through packaging, reusability, and disposal.
- measuring contract outputs and key performance indicators to ensure competitiveness over the lifetime of the contract.
- monitoring and enforcing compliance to 'on contract' spend
- reducing off contract spend
- maximising contracts to achieve the greatest value for money
- including appropriate Lots where practicable to promote and improve Local Businesses / SME (Small and Medium-sized Enterprises) and Third Sector opportunities to win business with the Council
- maximising the impact of each pound spent by including Social Value requirements in all relevant Procurements that are proportionate to the contract.
- supporting robust contract management

¹ [Contractor & Service Provider List 2022-2023.xlsx \(sharepoint.com\)](#)

Carry out in compliance our duty to treat relevant economic operators equally and without discrimination

The Council's Contract Procedure Rules relating to Contracts, Procurement Strategy & internal Governance apply to all contracts made by or on behalf of the Council for the execution of works, for the supply of goods and materials, or for the provision of services.

- All Procurement activity undertaken must comply with the Councils process and procedures which secures full compliance.
- All Procurements must be undertaken in compliance with its duty to act in a transparent and proportionate manner.

Support Sustainable, Social Value and diversity policies through Procurement processes

- Incorporate Sustainable/Green requirements in all relevant procurements.
- Improve focus on Social, and environmental wellbeing in the area.
- The Councils Social Value Policy will support the focus required in achieving more Social Value benefits across relevant Procurements.
- Support internal stakeholders and Local partners, in working to achieve Social Value benefits that are aligned with the Councils and Local area initiatives.
- Support the Councils Climate Action Strategy within its Procurements.

Promote compliance with Health and safety at work, to include supplier / sub-contractor compliance.

- Health & Safety criteria form part of the evaluation criteria for all relevant and appropriate contracts. These elements are scored on a Pass/Fail basis.
- The Procurement team will engage with the Councils Corporate H&S Advisor where appropriate to ensure legislative requirements are met within our contracts.

Payment of Invoices

- The Council intends to ensure so far as is reasonably practical that the payment of invoices are made no later than 30 days after receipt of invoice by the Council to a supplier and the suppliers potential sub-contractors.
- Payment clauses are within the legal Procurement documents.