

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

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

21 March 2023

Dear Councillor

You are summoned to attend the meeting of the;

**OVERVIEW AND SCRUTINY COMMITTEE**

on **TUESDAY 28 MARCH 2023** 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 M W Helm      |
| VICE-CHAIRMAN | Councillor P L Spenceley |
| COUNCILLORS   | Miss A M Beale           |
|               | B S Beale MBE            |
|               | V J Bell                 |
|               | M S Heard                |
|               | B B Heubner              |
|               | C Mayes                  |
|               | S J N Morgan             |
|               | C P Morley               |





## **AGENDA OVERVIEW AND SCRUTINY COMMITTEE**

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**TUESDAY 28 MARCH 2023**

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 24 January 2023 (copy enclosed).

4. **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).

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](http://www.maldon.gov.uk/publicparticipation).

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

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

7. **Scrutiny Workplan Item - Planning Decision Making** (Pages 15 - 16)

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

8. **Potential Scrutiny Workplan Item - Planning Enforcement** (Pages 17 - 20)

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

9. **Safeguarding of Children and Vulnerable Adults** (Pages 21 - 22)

To receive and consider a reference from the Performance, Governance and Audit Committee, (briefing note enclosed).

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

11. **Exclusion of the Public and Press**

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

12. **Scrutiny Workplan Item - Cyber Security Update** (Pages 23 - 58)

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

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**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**

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**Health and Safety**

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**Closed-Circuit Televisions (CCTV)**

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**MINUTES of  
OVERVIEW AND SCRUTINY COMMITTEE  
24 JANUARY 2023**

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**PRESENT**

|               |  |
|---------------|--|
| Chairman      | Councillor M W Helm                                  |
| Vice-Chairman | Councillor P L Spenceley                             |
| Councillors   | Miss A M Beale, C Mayes, S J N Morgan and C P Morley |
| In attendance | Councillor W Stamp                                   |

**1. CHAIRMAN'S NOTICES**

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

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B S Beale MBE, V J Bell and M S Heard.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 26 October 2022 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

There were none.

**5. PUBLIC PARTICIPATION**

No requests had been received.

**6. REVIEW OF SCRUTINY WORKPLAN ITEM - PLANNING DECISION-MAKING**

The Committee considered the further report of the Overview and Scrutiny Working group together with recommended courses of action for the Committee to consider or scrutinise in further detail should it be considered necessary.

The Chairman introduced the report and summarised the actions taken to date in respect of the item of business. He advised the Committee that this workplan item

derived from a Motion by Councillor A S Fluker which was referred by Council to this Committee. An associated reference from Council in July 2022 on Planning Decision-Making had also been added to the workplan item. He drew Members' attention to the Committee's decision at its previous meeting in October 2022 where the Committee had accepted the Working Group's initial findings/conclusions and had asked for these to be worked up in greater detail for consideration at the next meeting when it was hoped the Committee would be in a position to conclude and make a response and any recommendations to Council or the relevant Committee. He then deferred to the Corporate Governance Project Officer to go through the detail. The Working Group's submission was at Appendix A to the report.

The Officer reiterated that this was the second time the Committee had reviewed this item and the report in front of them dealt in more detail with the comments from the previous meeting. He referred to section 3.3. of the report that outlined the main conclusions of the Working Group which contained initiatives that could be referred back to Council or the relevant Committee. He drew Members' attention to the final bullet point around a 'New Planning Protocol on Planning Decision Making which he felt was a logical conclusion to reach. This would provide an opportunity to bring together all the various documents currently in different parts of the Constitution into one single planning decision-making document that could be referred to Council for adoption and inclusion in the Constitution afresh.

A debate ensued around the initiatives outlined in section 3.3. Some Members emphasised the need to follow protocols and policies and that diagrams would be helpful when presenting detailed information. Other Members felt that more support and guidance was required from Officers regarding the existing Planning Appeals Protocol, an annexe to Planning Guidance document in the Constitution. In response to a query regarding the suggestion of a constitutional break the Officer advised that a 'Constitutional Break' would strengthen planning decision-making and provide a rule for the relevant Committee to follow, should the same circumstances arise as outlined in the motion.

Following further discussion where Members outlined their preferred initiatives as listed in section 3.3, Councillor Spenceley proposed the following from the original list be recommended to Council: a review and refresh of the Planning Appeals Protocol; Views and conclusions on Member Training – limited to concentrating on bespoke and specialised training (no references to related committee structure/decision making arrangements), together with a review and improvement of Officer Reports. This was seconded by Councillor Mayes

The Chairman then moved the revised recommendations, taking account of the proposals and issues raised in the debate and they were agreed by assent.

**RECOMMENDED** that the Council adopts and pursues the following initiatives:

- Review and refresh of the Planning Appeals Protocol;
- Views and conclusions on Member Training – limited to concentrating on bespoke and specialised training (no references to related committee structure/decision making arrangements);
- Review and improvement of Officer Reports

## 7. **POTENTIAL SCRUTINY WORKPLAN ITEM - PLANNING ENFORCEMENT**

The Committee considered the report of the Director of Strategy Performance and Governance originating from a scrutiny request from Councillor C Swain which reflected similar concerns from other Members regarding planning enforcement.

The Chairman introduced the report and deferred to the Corporate Governance Project Officer to present the detail. The Officer advised that this was before the Committee previously following concerns regarding the historic backlog. Further information had been requested on performance and the enforcement policy, and this was now provided having been notified to the Working Group. Although this had previously been a 'watching brief' item, there was an opportunity for Members now to request actual scrutiny of the issues raised.

A debate ensued where concerns were raised regarding the presentation of enforcement cases in the monthly list to Members, which was being addressed, members also raised concern around delays in taking action and the perception that enforcement is not working. Councillor Mayes raised that was necessary to establish a timeline for completion of an enforcement issue and to reassure residents that the Council will take appropriate action.

## 8. **ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting be adjourned at 8:08pm to deal with a technical fault.

## 9. **RESUMPTION OF BUSINESS IN OPEN FORUM**

**RESOLVED** that the meeting resumed in open session at 8:10pm.

## 10. **POTENTIAL SCRUTINY WORKPLAN ITEM - PLANNING ENFORCEMENT (CONTINUED)**

Further debate ensued around resources and process, and Councillor Mayes proposed that the item be referred back to the Working Group to focus on the following areas:- Prioritisation of enforcement cases; Baseline study/pathways for specific categories of enforcement processes; Protocols for Member involvement in enforcement processes; Arrangements for after-office hours work to assist with investigating and monitoring enforcement cases ;Arrangements for the closing of enforcement cases and the Concept of Compliance Officers for the checking of planning conditions particularly on new residential developments, new builds and extensions. This was seconded by Councillor Morgan.

The Chairman then moved the recommendations in the report, taking account of the proposal by Councillor Mayes and these were agreed by assent as follows:

**RESOLVED** that the Working Group prepares further information for scrutiny by the Committee on the following detailed issues:

- Prioritisation of enforcement cases
- Baseline study/pathways for specific categories of enforcement processes
- Protocols for Member involvement in enforcement processes
- Arrangements for after-office hours work to assist with investigating and monitoring enforcement cases
- Arrangements for the closing of enforcement cases
- Concept of Compliance Officers for the checking of planning conditions particularly on new residential developments, new builds and extensions etc.

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

The Chairman wished the Committee to note that the Performance, Governance & Audit Committee at its meeting on 19 January 2023 had referred the following item to the Overview and Scrutiny Committee for inclusion on its Workplan 'That the Safeguarding of Children and Vulnerable Adults be referred to O&S for review to ensure that the Council is supporting this area of work appropriately together with the Officers undertaking the actual work'. This will form part of the agenda for the next meeting and the Working Group will make a start on the work involved.

**12. EXCLUSION OF THE 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 2 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

**13. NOTICE OF MOTION REFERRAL - CONDUCT ISSUE**

The Committee considered the report of the Director of Strategy, Performance and Governance on a reference from the Council of a Motion as a potential scrutiny workplan item and the initial response and recommendations of the Overview and Scrutiny Working Group.

The Council at its meeting on 3 November 2022 received and considered a Motion on notice from Councillor A S Fluker in relation to a planning appeal at Burnham-on-Crouch and associated correspondence relating to a potential Councillor conduct issue. The motion sought a review of whether the Council acted properly, openly and correctly.

Following a debate on the Motion and having regard to the initial feedback from the Overview and Scrutiny Working Group, Councillor Morgan proposed that the Committee agree the recommendations as set out in the report. This proposal was seconded by Councillor Mayes.

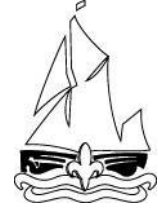
The Chairman then put Councillor Morgan's proposal to the Committee and this was agreed by assent.

**RECOMMENDED** that the Council was informed of this Committee's conclusion that the matters raised in the motion do not require to be added to the Committee's scrutiny workplan for the reasons as set out in the report.

The meeting closed at 8.56 pm.

M W HELM  
CHAIRMAN





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

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to  
**OVERVIEW AND SCRUTINY COMMITTEE**  
**28 MARCH 2023**

**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**

To the Council: That the annual report of the Overview and Scrutiny Committee for 2022 / 23 be accepted.

**3. SUMMARY OF KEY ISSUES**

- 3.1 The Overview and Scrutiny Committee was set up afresh initially 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 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 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, two 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> . Additional referrals were also received from the Council and Committees.
- 3.4 The Committee also agreed a process for the initial consideration and review of potential items of scrutiny requested by Members. The Working Group has been tasked with this and has regard to the remit of the Committee and also the agreed operating protocol in identifying actual scrutiny items. It then reports to the next available meeting of the Committee.

3.5 The annual report for 2022 / 23 was agreed by the Committee at its last meeting on 28 March 2023, and is now set out at **APPENDIX 1** to this report.

#### **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 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.

Background Papers: None.

Enquiries to: Stuart Jennings, Corporate Governance Project Officer.

**ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2022 / 23**

1.0 Councillor M W Helm was elected Chairman of the Committee for the 2022/23 municipal year, with Councillor P L Spenceley elected as Vice-Chairman. Those two Councillors together with Councillors V J Bell and B B Heubner were appointed to serve on the Committee's Working Group.

2.0 Over the past year the Committee has dealt with the following matters:

| <b>Subject</b>   | <b>Status / Learning outcomes and actions</b>  | <b>Update</b>  |
|--|--|--|
| Parks Team Culture and Health and Safety Concerns.<br>(Councillor V J 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.<br><br>Watching brief to include: <ul style="list-style-type: none"> <li>• Qualitative data around staff satisfaction</li> <li>• What opportunities staff are given for feedback.</li> </ul>  | The Working Group received an update report in August 2022 and agreed that the issues having been highlighted had largely been resolved. |
| Five-year land supply – lack of resilience and robustness of process.<br>(Councillor W Stamp). | Committee added this to its scrutiny workplan in March 2022, and received a detailed report in July 2022 addressing the following issues: <ol style="list-style-type: none"> <li>i) A clearer understanding of what has led to the present position, and why this issue was not identified and reported earlier;</li> <li>ii) What is proposed to resolve the present difficulty, and,</li> <li>iii) What impact this has on the Local Development Plan and the impending Review.</li> <li>iv) Details of the strategic site planning applications coming forward and the predicted time for reaching the housing plan.</li> </ol> It was agreed to recommend that the Council pauses the current review methodology of the LDP, all Members be invited to an extraordinary meeting of the Council to consider options with regard to the methodology used and considers a partial | The Council accepted the Committee's recommendation and set up a Working Group to deal with this.  |

| Subject   | Status / Learning outcomes and actions  | Update  |
|---|---|---|
|   | review of the LDP as required rather than a full change to the Council's current Strategy.  |   |
| <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>Following an interim report in October 2022 the Committee considered a report from its Working Group in January 2023 identifying a range of measures to help improve planning decision making. The Committee recommended to the Council the following:</p> <ul style="list-style-type: none"> <li>• Review and refresh of the Planning Appeals Protocol;</li> <li>• Views and conclusions on Member Training – limited to concentrating on bespoke and specialised training;</li> <li>• Review and improvement of Officer Reports</li> </ul> | <p>The Council at its meeting in February 2023 accepted the Committee's recommendation.</p> |
| Planning Enforcement –  | Scrutiny requests had   |   |

| Subject                   | Status / Learning outcomes and actions   | Update |
|---------------------------|--|--------|
| performance and processes | <p>previously been raised by Councillors Bassenger and Swain, and also former Councillor Jarvis. The matter had been the subject of a 'watching brief', but in October the Committee sought a report providing full information on performance and processes. An interim report was considered at the January 2023 when it was decided to seek further information on the following detailed issues:</p> <ul style="list-style-type: none"> <li>• Prioritisation of enforcement cases</li> <li>• Baseline study/pathways for specific categories of enforcement processes</li> <li>• Protocols for Member involvement in enforcement processes</li> <li>• Arrangements for after-office hours work to assist with investigating and monitoring enforcement cases</li> <li>• Arrangements for the closing of enforcement cases</li> <li>• Concept of Compliance Officers for the checking of planning conditions particularly on new residential developments, new builds and extensions etc.</li> </ul> <p>At the March meeting of the Committee (to be updated)</p> |        |
| Staff Exit Questionnaires | <p>Reference from 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 and further detail behind high level data on responses will be brought to the Committee in due course.</p>   |        |
| Cyber Security Update     | Reference from Performance, Governance and Audit   |        |

| Subject  | Status / Learning outcomes and actions  | Update  |
|--|---|---|
|  | <p>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 and is due to consider this further at <b>its March 2023 meeting.</b>(to be updated)</p>   |   |
| <p>Notice of Motion by Councillor A S Fluker on a potential Councillor Conduct Issue</p> | <p>Referred by the Council in November 2022 to review and report</p> <p>The Committee in January 2023 formally received the reference from the Council and also a draft response to the motion from its Working Group. The Committee agreed that the matters raised in the motion did not require to be added to the Committee's scrutiny workplan.</p> | <p>The Council at its meeting in February 2023 accepted the Committee's response.</p> |
| <p>Safeguarding of Children and Vulnerable Adults – corporate risk update</p>            | <p>Reference from 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. To be received and considered by the Committee <b>at its March 2023 meeting.</b>(to be updated)</p>                           |   |

## **SCRUTINY WORKPLAN ITEM**

### **Planning Decision Making**

The Committee's recommendations on this scrutiny workplan item were accepted by the Council at its last meeting, however no decision was made as to how these might be implemented.

The individual matters now accepted by the Council and suggested pathways for their implementation are set out below for the Committee's endorsement.

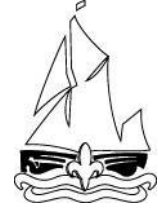
| <b>Action</b>  | <b>Implementation</b>   |
|--|---|
| Review and refresh of the Planning Appeals Protocol  | Reference to the Performance, Governance and Audit Committee via its Working Group as this document is a component of the Council's Constitution                  |
| Views and conclusions on Member Training – limited to concentrating on bespoke and specialised training    | Reference to the Member Training Working Group, and for the attention of Directors in the preparation for and delivery of Member Training after the May elections |
| Review and improvement of Officer reports – including the possible introduction of technical presentations | Reference to the Director of Service Delivery and kept on a watching brief  |
|  |   |

Since the Committee retains ownership of this overall scrutiny item, it may wish to keep in mind, and possibly consider bringing forward at a future date the other remaining conclusions arising from the scrutiny undertaken.

Stuart Jennings  
Corporate Governance Project Officer

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## **REPORT of OVERVIEW AND SCRUTINY COMMITTEE WORKING GROUP**

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**to  
OVERVIEW AND SCRUTINY COMMITTEE  
28 MARCH 2023**

### **POTENTIAL SCRUTINY WORKPLAN ITEM - PLANNING ENFORCEMENT**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To present to the Committee a further update report on this potential scrutiny workplan item.

#### **2. RECOMMENDATION**

That the Committee receives this report on the issues and concerns previously raised and accepts the conclusion of the Working Group that this item remains the subject of a 'watching brief' for further review after May.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 At the last meeting of the Overview and Scrutiny Committee, following consideration of a full report on a range of identified issues, it was agreed that the Working Group prepares further information for scrutiny by the Committee on the following detailed issues:

- Prioritisation of enforcement cases
- Baseline study/pathways for specific categories of enforcement processes
- Protocols for Member involvement in enforcement processes
- Arrangements for after-office hours work to assist with investigating and monitoring enforcement cases
- Arrangements for the closing of enforcement cases
- Concept of Compliance Officers for the checking of planning conditions particularly on new residential developments, new builds and extensions etc.

- 3.2 The Working Group has looked at this on two further occasions. The Lead Specialist (Local Plans and Implementation) is currently overseeing the Planning Enforcement Team and has provided updates to the Working Group on progress being made towards reducing the historic backlog of cases. It was reported in early February that there were some 590 open cases, a considerable reduction in the number over recent months. A master spreadsheet was being prepared on which all cases would be entered including detail down to individual Officer actions. This would assist with the nature of the information provided to Members in the future, and the idea of a Self-Help Mapping App to provide Members with accessing up to date information was being explored.

- 3.3 It was clear that individual Officer caseload was too high and unmanageable – the master spreadsheet would help manage this. Internal training would be provided for Officers to ensure a consistent approach to the 'housework' necessary with proper

case notes, reference to the expediency test, and the process telling a much clearer story. It had been identified that a decision on the expediency of taking action needed to be taken much earlier in the process.

- 3.4 It was also clear that the existing team resource was sufficient only to deal properly with new cases coming forward, and innovative ways needed to be found to work on closing some of the older cases, e.g. a quick 'drive-by' visual inspection. At the date of the Working Group meeting 68 cases were scheduled for closure, and some 43 had been closed in the previous week. A revised procedure had been introduced for closing cases, a separate list being reviewed daily. The staffing was at the full complement, although two were contractors with administrative support being part-time at present.
- 3.5 Process-mapping for the life of cases would be developed, however this was likely to be rather 'ideal world' and therefore represent an aspiration in the present circumstances. Linked to this would be a further review of the Enforcement Policy which would need to align with the process map and better reflect degrees of any prioritisation. A more accurate assessment and a recommendation as to resources should ideally await completion of the master spreadsheet since this would give a truer picture of the overall workload.
- 3.6 While the concept of a Compliance Officer would be an ideal component of any enforcement team, to have a Conditions Monitoring Officer to dovetail in with the work of Development Management might be a better solution. A critical look at the extent and enforceability of planning conditions imposed generally would be a useful exercise. Changes to the NPPF were likely to provide greater clarification in this respect. Planning Committee Members had a role to play here – looking critically at Officer reports and recommendations as to conditions.
- 3.7 By way of response to other points raised previously by the Committee it was confirmed that every site is visited, and specialist Officers are consulted in relation to trees, conservation and listed buildings etc. Enforcement in relation to trees was perhaps more urgent since issues could at times be difficult to resolve without an in-house Tree Officer whose brief could include dealing with tree-related planning applications. The Working Group asked for information around the expenditure on specialist tree consultations.
- 3.8 Officers acknowledged the need to communicate with Members more regularly and clearly, and specific training on Planning Enforcement and the various processes together with the role of Members would be provided as part of the compulsory training after the elections in May.
- 3.9 The Working Group was reassured by the work now being undertaken and was confident in being able to recommend to the Committee that this matter remains the subject of a watching brief, with regular updates being given to the Working Group and pending a clear picture of the situation being available for presentation to the new membership after May.

#### **4. IMPACT ON STRATEGIC THEMES**

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

## 5. IMPLICATIONS

- (i) **Impact on Customers** – None directly, although helping to ensure that the Council’s approach to Planning Enforcement is robust and effective will be of benefit to the residents of the District.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None
- (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: Stuart Jennings, Corporate Governance Project Officer.

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## **POTENTIAL SCRUTINY ITEM REFERRED FROM PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE (PGA)**

### **Safeguarding of Children and Vulnerable Adults**

The PGA at its meeting on 19 January 2023 (Minute 493(v)) referred this matter to the Overview and Scrutiny Committee for review to ensure that the Council is supporting this area of work appropriately together with the Officers undertaking the actual work. The reference has now to be received by the Committee for consideration as to whether it should be added to the Scrutiny Workplan.

Background information to assist Members in dealing with this reference confirms that there is a structure of wide-ranging Designated Safeguarding Officers in place throughout the service areas of the Council.

In the last quarterly performance reporting on corporate risks to the PGA Committee it was reported that Safeguarding risks continued to be well served via the Council's online Freshserve reporting tool and its Safeguarding leads.

In addition to this, the Council's Safeguarding Forum continued to meet for discussion, sharing information, and case reviews. However, a concern had been expressed as to Officer capacity to attend.

The commentary in the last quarterly report outlined some measures proposed to be undertaken, including a review of the internal list of Designated Safeguarding Officers in a more concise way, reflective of the expertise in the various fields and the capacity to support the workstream.

As a pre-emptive measure, Officers adjusted the risk factor to reflect the review taking place and the possibility of the Safeguarding Forum not being able to meet.

Members were reassured that, while cases tended to be more complex in nature, the Council has in place a robust reporting mechanism and there was no shortage of expertise internally to deal with them, with cases regularly escalated to Essex County Council (where required).

Discussions around carrying out this review have already begun. Upon conclusion, attendance at the Safeguarding Forum will be monitored via future meetings to gauge success.

Recent recommendations from the internal audit review will also feed into a review of the Council's Safeguarding Policy scheduled to take place in 2023/2024. In all other respects, good controls remained in place without the need for any further mitigating measures.

At a meeting of the Committee's Working Group on 9 March 2023, Members were mindful of the internal audit report to be considered by the PGA later that day, and concerns were expressed as to safeguarding in relation to volunteering and contractors. Here is a link to that report -

<https://democracy.maldon.gov.uk/documents/s30244/6d%20-%20Safeguarding%20Final%20-%202022.23Report.pdf>

Stuart Jennings  
Corporate Governance Project Officer

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