

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

DIRECTOR OF STRATEGY AND  
RESOURCES  
Paul Dodson

24 July 2023

Dear Councillor

You are summoned to attend the meeting of the;

**OVERVIEW AND SCRUTINY COMMITTEE**

on **TUESDAY 1 AUGUST 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.

To register your request to speak / attend in person please complete a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee 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

COMMITTEE MEMBERSHIP:

CHAIRPERSON	Councillor S J N Morgan
VICE-CHAIRPERSON	Councillor P L Spenceley
COUNCILLORS	L J Haywood J C Hughes C P Morley M G Neall U C G Siddall-Norman E L Stephens N J Swindle L L Wiffen





## **AGENDA OVERVIEW AND SCRUTINY COMMITTEE**

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**TUESDAY 1 AUGUST 2023**

1. **Chairperson's Notices**

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Overview and Scrutiny Committee held on 28 March 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. **Scrutiny Workplan Update** (Pages 11 - 14)

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

6. **Working Group of the Overview and Scrutiny Committee** (Pages 15 - 16)

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

7. **Appointment of Representatives to Outside Bodies** (Pages 17 - 18)

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

8. **Process Improvement Framework.**

To appoint two Members to represent the Committee to support the above work internally.

9. **Reference from the Performance, Governance and Audit Committee**

To receive a reference from the Performance, Governance and Audit Committee seeking a review of the management processes associated with the Splash Park at Promenade Park, Maldon.

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

## **NOTICES**

### **Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

### **Fire**

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### **Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber.

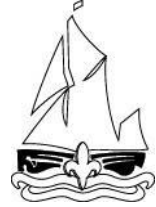
### **Closed-Circuit Televisions (CCTV)**

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.

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**MINUTES of  
OVERVIEW AND SCRUTINY COMMITTEE  
28 MARCH 2023**

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**PRESENT**

Vice-Chairman  
(In the Chair)

Councillor P L Spenceley

Councillors

P L Spenceley, Miss A M Beale, C Mayes, S J N Morgan and  
C P Morley

**656. CHAIRMAN'S NOTICES**

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

**657. APOLOGIES FOR ABSENCE**

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

**658. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 24 January 2023 be approved and confirmed.

**659. DISCLOSURE OF INTEREST**

There were none.

**660. PUBLIC PARTICIPATION**

No requests were received.

**661. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE**

The Committee considered the report of the Director of Strategy, Performance and Governance which would be presented to the Council to give an annual update on the work of the Overview and Scrutiny Committee.

The Chairman introduced the report and the Corporate Governance Project Officer explained the background and highlighted that the report was largely factual and contained within Appendix A. The Chairman then proposed that the recommendation should be that the annual report of the Overview and Scrutiny Committee for 2022 / 23 be accepted and this was seconded by Councillor C Mayes.

After a brief discussion, the Chairman moved the revised recommendation and this was agreed by assent.

**RESOLVED** that the annual report of the Overview and Scrutiny Committee for 2022 / 23 be accepted.

## 662. SCRUTINY WORKPLAN ITEM - PLANNING DECISION MAKING

The purpose of this item was to review the Committee's previous recommendations arising from this scrutiny item which had now been accepted by the Council without any decision as to how they might be implanted. The briefing note supporting this agenda item listed the individual matters accepted by the Council and suggested pathways for their implementation, as set out below. The endorsement of the Committee was requested.

Action	Implementation
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

The Chairman proposed a three-part recommendation as follows: i) That the Committee endorses the individual matters accepted by the Council and makes the suggested references for these actions. ii) That the Committee brings forward at a future date the other remaining conclusions arising from the scrutiny undertaken. iii) That the Committee retains planning decision making as a scrutiny workplan item going forward so that further work can be carried to add to that already completed and to facilitate bringing forward further recommendations to Council at a future date. This was duly seconded by Councillor C Mayes.

Councillor S J N Morgan then sought clarity around the chronology of the work being completed, particularly in view of the forthcoming elections, and it was noted that although the respective references could be made some preparatory work would be required on the review and refresh of the Planning Appeals Protocol.

After further discussion, Members were keen to see the 5 Year Housing Land Supply issue return to the Committee as a Scrutiny Workplan Item and a Member Scrutiny Request would be raised to achieve this.

There being no further discussion the Chairman put her proposal to the Committee and this was agreed by assent.

## **RESOLVED**

- i) That the Committee endorses the individual matters accepted by the Council and makes the suggested references (as set out above) for these actions.
- ii) That the Committee brings forward at a future date the other remaining conclusions arising from the scrutiny undertaken.
- iii) That the Committee retains planning decision making as a scrutiny workplan item going forward so that further work can be carried to add to that already completed and to facilitate bringing forward further recommendations to Council at a future date.

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

The Committee considered the report of the Overview and Scrutiny Committee Working Group which gave a further update on this potential scrutiny workplan item. The Chairman introduced the report and took Members through the key points arising from the Working Group's consideration of this matter and emphasised that staffing/resourcing was a critical factor in terms of performance.

A discussion ensued during which a number of points and continuing concerns were raised. In response, the Lead Specialist - Planning Policy & Implementation provided the following information:

- On staffing, permission has been granted to employ an additional officer. The job was designed to include the review of planning conditions and it was hoped that an experienced person could be appointed at an early date. Although a current contractor would be lost, the new structure would be a Principal Officer and three other Officers, with administrative support.
- Currently there are 562 open cases. 180 had been closed since the beginning of January, with another 83 prepared for closure. Much of the outstanding backlog was historic.
- On training, there would be a mandatory session on planning enforcement for all Members after the May elections, with the possibility of additional sessions throughout the year as Members wished. It may be beneficial to include a future session on planning conditions.
- The team did not currently undertake out of hours working, although on occasions slight variations to standard working hours were made to complete certain investigations.
- Work on the self-help Members mapping app was nearly finished and it would be rolled out around election time and will be included in the training sessions for Members on planning enforcement. This will mean that Members will have self-help access to enforcement cases, with weekly updates broken down to Parishes.
- A review of the Enforcement Policy review would not be started until after the elections.

The Chairman then proposed an amendment to the recommendation contained in the report as follows: that the Committee receives this report on the issues and concerns previously raised and adopts this item as a scrutiny work plan item, with a focus on

policy review, staffing resource and other ongoing performance review issues. This was duly seconded and agreed by the Committee

**RESOLVED** that the Committee receives this report on the issues and concerns previously raised and adopts this item as a scrutiny work plan item with a focus on policy review, staffing resource and other ongoing performance review issues.

#### **664. SAFEGUARDING OF CHILDREN AND VULNERABLE ADULTS**

The Committee considered a reference from the Performance, Governance and Audit Committee (PGA) at its meeting on 19 January 2023 seeking a review to ensure that the Council is supporting this area of work appropriately together with the Officers undertaking the actual work. A briefing note on this item provided some context for the reference made by PGA and included a link to an internal audit report on the subject considered at that Committee's last meeting. It was now open to this Committee to consider whether the item should be added to the Scrutiny Workplan.

Members sought clarity on the reason behind this reference and aired concerns regarding the internal audit report, in particular contractors and volunteers having Disclosure and Barring Service (DBS) checks completed prior to undertaking any work for Maldon District Council. The Chairman suggested it may be good to add this to the Committee's scrutiny workplan.

The Lead Specialist: Community, provided the following information to the points raised by Members:

- Members should be reassured that the raising of the risk rating was a pre-emptive measure due to Designated Officers being unable to attend the safeguarding forum meetings. This had not impacted on the ability to respond to and refer safeguarding issues. Every case continued to be reviewed by a lead Safeguarding Designated Officer.
- On DBS checking, work is currently being undertaken to address the issues flagged in the initial audit report to ensure that the contractors and volunteers that work with the Council have an up-to-date DBS check and a satisfactory safeguarding process in place. Where there is not a safeguarding process in place then the contractors or volunteers will need to adopt the Council's process.
- On timescales, the work being undertaken with contractors and volunteers should be completed by May. The list of Designated Officers was being reviewed with the intent that the new set of Designated Officers would be able to attend safeguarding forum meetings after six months. The review of the Safeguarding Strategy was likely to begin in the third quarter of the year.
- On Social Care, this was primarily a matter for the County Council, but the District Council was a referring partner along with other Districts. He believed that the processes in place were robust and that any weaknesses as to interaction and feedback were common to all Districts.

The Chairman proposed that the Committee adopts the Council's Safeguarding of Children and Vulnerable Adults as a scrutiny item and that it comes back to the Committee before the end of September 2023, and this was duly seconded and agreed.



**RESOLVED** that the Committee adopts the Council's Safeguarding of Children and Vulnerable Adults as a scrutiny item and that it comes back to the Committee before the end of September 2023.

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

There were none.

**666. 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 item of business on the grounds that it involves 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.

**667. SCRUTINY WORKPLAN ITEM - CYBER SECURITY UPDATE**

The Committee considered the report of the Director of Strategy, Performance and Governance, which updated the Committee on the work being undertaken as part of this on-going review. Attached to the report was the original Internal Audit report at Appendix A, a schedule of identified action points and progress at Appendix B, and the terms of reference of a further internal audit now under way at Appendix C.

**RESOLVED** that the Committee notes and accepts by way of reassurance the update on the various actions undertaken, and further reviews the item in the light of the pending Internal Audit reports.

The meeting closed at 8.34 pm.

P L SPENCELEY  
CHAIRMAN

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**REPORT of  
DIRECTOR OF STRATEGY AND RESOURCES**

to  
**OVERVIEW AND SCRUTINY COMMITTEE  
1 AUGUST 2023**

**SCRUTINY WORKPLAN UPDATE**

**1. PURPOSE OF THE REPORT**

1.1 The purpose of this report is to provide the new Committee at its first meeting with an update on the existing scrutiny workplan for review.

**2. RECOMMENDATION**

That the Committee reviews and endorses the existing scrutiny workplan, together with any updates, as a basis for the planning of its future meetings.

**3. SUMMARY OF KEY ISSUES**

3.1 At the end of the last municipal year, the existing workplan with outstanding actions was as follows:

<b>Subject</b>	<b>Status / Learning outcomes and actions</b>	<b>Update</b>
<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><b>Planning decision-making</b></p>	<p>In referring this and another related motion, 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; and</li> <li>• Review and improvement of</li> </ul>	<p>The Council at its meeting in February 2023 accepted the Committee’s recommendation which has been actioned and referred onwards.</p> <p>A previous conclusion of the Committee as part of its work on this item, but not recommended, was the concept of a ‘constitutional break’ where Planning Committees were minded to overturn an Officer’s recommendation.</p> <p>Although the need for a review and improvement of Officer reports on planning applications has already been identified, when previously looking at this item the suggestion was made that Members’ understanding of the issues associated with certain planning proposals could be improved by Officers providing technical</p>

<b>Subject</b>	<b>Status / Learning outcomes and actions</b>	<b>Update</b>
	Officer Reports.	<p>presentations prior to and outside the formality of the meeting itself.</p> <p>Both these items are therefore available for review, and the workplan item itself is quite wide and capable of ongoing scrutiny.</p> <p>With the agreed conclusions already being actioned, and further work being undertaken on the wider aspects of this item, an ultimate outcome could be the production of a new protocol on Planning Decision Making for inclusion in the Constitution.</p>
<b>Planning Enforcement – performance and processes</b>	<p>An interim report was considered at the January 2023 Committee 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 a further report on progress was received and it was agreed that this should be added to the scrutiny workplan, with a focus on policy review, staffing resource and other ongoing performance review issues.</p>	<p>Given the decision at the March meeting, it will be for the Committee to decide how it wishes to proceed with this item of scrutiny, and to what extent it wishes to further involve the Working Group in any scrutiny planning.</p> <p>In the meantime, more recent internal performance data indicates further progress in the closing of cases with the number of open cases at the beginning of the year having been halved by mid-June.</p>
<b>Staff Exit</b>	Reference from Performance	

<b>Subject</b>	<b>Status / Learning outcomes and actions</b>	<b>Update</b>
<b>Questionnaires</b>	<p>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>	
<b>Cyber Security Update</b>	<p>Reference from 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. At its March 2023 meeting, it agreed to accept by way of reassurance the update on the various actions undertaken, and to further review the item in the light of the pending Internal Audit reports.</p>	
<b>Safeguarding of Children and Vulnerable Adults – corporate risk update</b>	<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.</p> <p>At its March 2023 meeting the Committee received this reference and agreed to add the item to its scrutiny workplan. In the light of information received as to work in progress the Committee agreed to review the matter before the end of September 2023.</p>	<p>At the last meeting of the Performance, Governance and Audit Committee as part of the last quarter's performance reporting, it was stated that the Safeguarding Forum online reporting and case management continued to be robust. Dates for meetings of the Forum were due to be set, followed by adjustments to the online reporting tool and reviewing the wider Safeguarding Strategy.</p>

#### **4. CONCLUSION**

- 4.1 This report provides the Committee with the existing status of previously agreed items included in the scrutiny workplan together with updates as shown. It is open to

the Committee to review this and endorse the workplan as a basis for its future meetings.

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

### **5.1 Provide good quality services.**

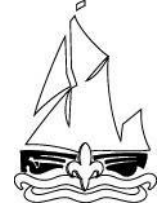
5.1.1 Thorough scrutiny processes support improved performance and efficiency which in turn will contribute to the quality of services provided, and functions undertaken by the Council.

## **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** – 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 (Email: [stuart.jennings@maldon.gov.uk](mailto:stuart.jennings@maldon.gov.uk))



**REPORT of  
DIRECTOR OF STRATEGY AND RESOURCES**

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**to  
OVERVIEW AND SCRUTINY COMMITTEE  
1 AUGUST 2023**

**WORKING GROUP OF THE OVERVIEW AND SCRUTINY COMMITTEE**

**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is review and establish a Working Group of the Committee.

**2. RECOMMENDATION**

That the Committee reviews these arrangements and appoints a Working Group of the Committee, together with its Chairperson, for the ensuing municipal year.

**3. SUMMARY OF KEY ISSUES**

- 3.1 At the meeting of the Committee on 15 October 2020 the terms of reference for a Working Group of the Committee were first agreed. These were as follows:

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

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

- 3.2 The Working Group has since continued to meet on that basis in the daytime ahead of Committee meetings and produce a report for consideration by the Committee, including the review of any Forms received where Members have requested an item for scrutiny and monitoring of agreed 'watching brief' items. Although the Committee has previously worked to political balance in forming the Group, this is not a requirement as such.

- 3.3 In early discussions with the Chairperson and Vice-Chairperson of the Committee the view has emerged that there would be significant benefit in increasing the size of the Working Group, even to include all Members of the Committee. This would enable those Members to be party to some of the detailed discussion and information gathering associated with potential scrutiny items, leaving the formal Committee sessions to be used for review of the Workplan and the actual scrutiny of the items included in it.

- 3.4 In readiness for an early meeting of the Working Group once appointed by the Committee, prospective arrangements have been made for 14 September 2023 at

11am (remotely via Teams), and consideration will be given to enabling future meetings of the Working Group to be held either remotely or at the Council Offices.

- 3.5 For information, one new Member Request form has been received from Councillor Morgan regarding access to online Council services, and the use of particular individual forms relating to Housing Benefit and Council Tax support. This has not previously been raised with Officers and therefore some background context and information can be provided for the Working Group to review this request.

#### **4. CONCLUSION**

- 4.1 It is open to the Committee to review the arrangements for its Working Group and appoint Members to serve on it. The Operating Protocol for the Committee within the Constitution provides for the Committee to also appoint the Chairperson of that Working Group.

#### **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.

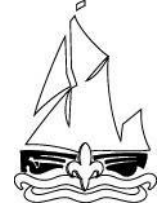
#### **6. IMPLICATIONS**

- (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** – 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 (Email: [stuart.jennings@maldon.gov.uk](mailto:stuart.jennings@maldon.gov.uk))





**REPORT of  
DIRECTOR OF STRATEGY AND RESOURCES**

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to  
**OVERVIEW AND SCRUTINY COMMITTEE  
1 AUGUST 2023**

**APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES**

**1. PURPOSE OF THE REPORT**

1.1 The purpose of this report is for new appointments to be made for the municipal year, to May 2024.

**2. RECOMMENDATION**

That the Committee appoints a representative to the body detailed below, for the municipal year, to May 2024.

**3. SUMMARY OF KEY ISSUES**

3.1 Members are asked to nominate a representative to serve on the following Liaison Committee, for the municipal year, to May 2024.

<b>Outside Body</b>	<b>To Be Appointed</b>
Essex County Council (ECC) Health Overview Policy and Scrutiny Committee (District Representative)	One Member of Overview and Scrutiny

3.2 The member appointed would sit as a non-voting member on the Essex Health Overview and Policy and Scrutiny committee. Details of meetings of this committee, and previous meeting minutes can be found on the ECC website at [EssexCmis5 > Committees > Health Overview Policy and Scrutiny Committee](#)

**4. CONCLUSION**

4.1 The detail is provided for Committee Members to appoint a District Representative on the aforementioned ECC Committee.

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

**5.1 Supporting our communities**

5.1.1 This Outside Body gives scrutiny oversight on health provision across Essex.

**6. IMPLICATIONS**

(i) **Impact on Customers** – None.

(ii) **Impact on Equalities** – None.

- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.

Background Papers: None.

Enquiries to: Committee Services.