

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

DIRECTOR OF STRATEGY AND  
RESOURCES  
Paul Dodson

26 February 2024

Dear Councillor

You are summoned to attend the meeting of the;

**OVERVIEW AND SCRUTINY COMMITTEE**

on **TUESDAY 5 MARCH 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 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 5 MARCH 2024**

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 Committee held on 7 December 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 working day the day before the Committee meeting).

Should you wish to submit a question please complete the online form at [www.maldon.gov.uk/publicparticipation](http://www.maldon.gov.uk/publicparticipation).

6. **Mid and South Essex NHS** (Verbal Report)

To receive a presentation from Mr Daniel Doherty, Mid Essex NHS Alliance Director.

7. **Scrutiny Workplan Item - Planning Decision Making** (Pages 11 - 16)

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

8. **Scrutiny Workplan Item - Safeguarding of Children and Vulnerable Adults - Corporate Risk Update** (Verbal Report)

To consider whether, in the light of the report to the last meeting which was accepted and noted, this item can now be removed from the Committee's Scrutiny Workplan and be kept on a watching brief by the Working Group.

9. **Annual Report of the Overview and Scrutiny Committee** (Pages 17 - 22)

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

10. **Any other items of business that the Chairperson of the Committee decides are urgent**
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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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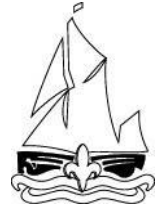
#### **Closed-Circuit Televisions (CCTV)**

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**MINUTES of  
OVERVIEW AND SCRUTINY COMMITTEE  
7 DECEMBER 2023**

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**PRESENT**

Chairperson	Councillor S J N Morgan
Vice-Chairperson	Councillor P L Spenceley
Councillors	L J Haywood, C P Morley, M G Neall, E L Stephens, N J Swindle and L L Wiffen
In attendance	Councillor S White

**382. CHAIRPERSON'S NOTICES**

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

**383. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor J C Hughes.

**384. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 1 August 2023 be approved and confirmed.

The Chairperson asked if there was an update available regarding *Minute 202 Process Improvement Framework* and Councillor E L Stephens said she would provide feedback outside of the meeting.

**385. DISCLOSURE OF INTEREST**

There were none.

**386. PUBLIC PARTICIPATION**

There was none and at this point the Chairperson welcomed Councillor S White, an 'in attendance' Member, to the meeting.

**387. SCRUTINY WORKPLAN ITEM- PLANNING DECISION-MAKING**

The Committee received the report of the Director of Strategy and Resources that considered concluding two further aspects of this scrutiny workplan item for reference to another Committee or Council.

The Chairperson introduced the report and deferred to the Corporate Governance Project Officer to present the detail. He advised that the matters covered in this report had received detailed consideration previously at both Overview and Scrutiny

Committee (the Committee) and the Overview and Scrutiny Working Group (the Working Group). The first matter involved the introduction of a constitutional intervention or brake, to include in the constitution something that established as a matter of procedure the opportunity of a deferment when consideration of a planning application should Members be minded to overturn the Officers' recommendation. This intervention/brake would enable the Committee to seek further technical, legal or other constitutional advice on the matter which could then be brought back to another meeting at a later date, or, to avoid delay possibly a special meeting of the relevant Committee for final determination of the matter. It was noted that the preferred option of the Working Group in this instance was deferment.

The second item was the introduction of technical briefings on applications, separately organised briefings for Members of planning committees when dealing with complex issues. This was separate to the Committee meeting itself and Appendix A to the report provided guidelines on the procedure which could be included in the operational protocol for the respective Committee. This was presented to Committee from the Working Group for onward referral to Council via the Performance, Governance and Audi Committee.

In response to issues raised the Corporate Governance Project Officer advised that in terms of the practical application of the constitutional brake at Committee there would need to be a clear mindset on the part of the Committee to overturn the Officers' recommendation and the brake could be implemented by the Chairperson which would defer a final decision and afford Members the opportunity to receive further key information. The idea for the process had been drawn from similar practices elsewhere however it was difficult to provide clear comparisons given the different structures across individual councils.

It was noted that this workplan item had emanated from a request by a councillor for a review of decisions made and the costs involved and that this idea of a constitutional brake was meant to strengthen the existing guidance in the Constitution on deferment.,

Councillor S White, in attendance at the meeting and with the permission of the Chairman, spoke against the principle of the introduction of this mechanism into the Constitution.

Following further discussion around the potential cost implications of additional meetings and the process for deferment the Chairperson proposed that a decision be deferred subject to more work being undertaken on the practicalities of a constitutional brake and that the recommendations on the report be brought back to a future meeting once that work was completed. This was seconded by Councillor Spenceley.

The Chairperson put the duly seconded proposal to the Committee and this was agreed by assent.

**RESOLVED** that a decision be deferred subject to more work being undertaken on the practicalities of a constitutional brake and that the recommendations on the report be brought back to a future Committee once that work was completed.

### **388. SCRUTINY WORKPLAN ITEM - PLANNING ENFORCEMENT**

The Committee considered the report of the Director of Strategy and Resources that sought the Committee's agreement to delete this item from its scrutiny workplan.

The Chairperson introduced the report and deferred to the Corporate Governance Project Officer to present the detail. He took the Committee through the report and advised that both the Working Group and the Committee had looked at Planning

Enforcement over several months and received a lot of information. The enforcement work was now on a better track in terms of both resources and performance and no further areas had been identified that required closer scrutiny. The report was recommending removal from the Scrutiny Workplan but retention of a 'watching brief'.

Clarity was sought on how the 'watching brief' would operate in practical terms and it was agreed that was a matter for the Committee and Working Group to decide. The Assistant Director, Planning and Implementation advised that in terms of the metrics around enforcement Officers would provide /produce a monthly report for submission to Working Group meetings. He further advised that the Enforcement Policy would be updated and submitted to the Working Group for initial review and discussion early next year.

There being no further discussion the Chairperson put the recommendation to the Committee and it was agreed by assent.

**RESOLVED** that Planning Enforcement be removed from the scrutiny workplan but kept on a watching brief with monthly reports to the Working Group and periodic review by the Committee, including initial consideration of the review of the Planning Enforcement Policy.

### **389. MEMBER SCRUTINY REQUEST - MALDON CITIZENS' ADVICE (MCA)**

The Committee received the report of the Director of Strategy and Resources to consider the outcome of the Committee's Working Group's examination of the background to this request for and the scoping of potential scrutiny.

The Chairperson introduced the report and deferred to the Corporate Project Officer to present the detail. He informed the Committee that this item was the result of a Member request and the detailed report the Working Group had received set out how Maldon Citizens' Advice (MCA) supported access to a range of Council services, and included the financial implications of its contractual arrangements with the Council. This had resulted in the Working Group commending the work of MCA to both this Committee and onward to the Council to endorse the excellent value for money MCA represented by way of supporting Council Services. The principal reason for commending this to Council was that the contract was due for renewal early next year and the Working Group felt there was much to be borne in mind when considering renewal.

The Assistant Director, Service Delivery then provided some examples from the 12,000 people supported last year which included; assisted local residents to obtain £1.7m additional income through benefits etc.; 500 supported in fuel poverty; 850 supported in accessing online services; 238 supported with homelessness advice. In conclusion she informed the Committee that the current level of support required from the Council and/or Essex County Council was now 33% compared to 90% ten years ago. This demonstrated how much hard work MCA had undertaken in seeking alternative funding streams to provide essential services to residents.

There being no further discussion the Chairperson put the recommendations to the Committee and they were agreed by assent.

### **RECOMMENDED**

- (i) That the Council receives and endorses the findings of this scrutiny item as detailed in the briefing paper at Appendix A to this report;

- (ii) That Members' attention is drawn 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 Council services, so that this is borne in mind when the contract is reviewed next year.

### **390. FUTURE HEALTH PROVISION IN MALDON/PROPOSED NEW MALDON HEALTH HUB**

The Chairperson introduced this item and provided the Committee with the context. He advised that there used to be specific overview and scrutiny meetings set for partner challenge, including NHS and health, but this hadn't taken place for some time. However it was within the terms of reference of this committee to *"Receive reports and other evidence from public bodies, organisations and individuals which the Committee or a working group considers relevant to its work"*.

Given Members' concerns around the loss of healthcare provision and future health provision coming forwards for the District he proposed that the Committee approves the addition of NHS and Health to the Overview and Scrutiny Workplan as a standing item and suggested as a starting point to invite NHS representatives to the next working group meeting to highlight the information required and then set up an additional Overview and Scrutiny meeting focusing on health scrutiny.

There being no further discussion the Chairperson put the aforementioned proposal to the Committee and it was agreed by assent.

**RESOLVED** that NHS and Health issues be included on the Overview and Scrutiny Workplan as a standing item.

### **391. SCRUTINY WORKPLAN ITEM- CYBER SECURITY UPDATE**

The Committee considered the report of the Director of Strategy and Resources that provided the Committee with an update and sought agreement to remove this item from its scrutiny workplan.

The Chairperson introduced the report and deferred to the Corporate Governance Project Officer to present the detail. He informed the Committee that this item originally came to Committee as a referral from the Performance, Governance and Audit Committee (PGA) with a request that the audit and technical reports be reviewed. Having now seen the progress made as demonstrated in the audit report considered at PGA on 16 November 2023 which provided the Council with substantial assurance that all matters had been addressed, it was considered that this item can be removed from the workplan.

There being no further discussion the Chairperson put the recommendation to the Committee and it was agreed by assent.

**RESOLVED** that Cyber Security be deleted from the scrutiny workplan.

### **392. SCRUTINY WORKPLAN ITEM - SAFEGUARDING OF CHILDREN AND VULNERABLE ADULTS - CORPORATE RISK UPDATE**

The Chairperson introduced the item and deferred to the Head of Service, Housing and Community Safety to provide a verbal update to the Committee on this scrutiny workplan item.

He took the Committee through the last Safeguarding Audit recommendations to assure Members on the progress achieved to date. The list of Volunteers and



Contractors had been compiled with the advice of the Procurement Team and were available to all Officers on the website with overall responsibility for updates resting with departmental managers. A tiered approach with all designated trained Safeguarding Officers had been adopted for attendance at the Safeguarding Forums and having monitored the situation, this was now working well with good attendance levels and an action tracker in place for these meetings. The back office management system was working well with 62 safeguarding referrals processed and successfully completed over the past six months. Ongoing work included staff training, refresh of policies together with continuous improvement on the website. He assured Members that the Safeguarding Policy was reviewed at all meetings and a full review scheduled to take place in 2024/25.

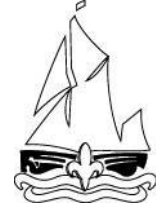
The Committee noted that there had not been any actual safeguarding issues involving children and that the recommendations from the audit requiring further work related to managing risk and potential issues, not actual incidents.

Members commended the Head of Service, Housing and Community Safety for the work undertaken, and noted the update.

There being no other items of business the Chairperson closed the meeting at 8.20 pm.

S J N MORGAN  
CHAIRPERSON

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

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**to  
OVERVIEW AND SCRUTINY COMMITTEE  
5 MARCH 2024**

### **SCRUTINY WORKPLAN ITEM - PLANNING DECISION-MAKING**

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

- 1.1 The purpose of this report is to consider concluding two further aspects of this scrutiny workplan item for reference to another Committee or the Council.

#### **2. RECOMMENDATION**

That the Committee endorses the proposals for a 'constitutional intervention or brake' by way of a deferment, and also for technical briefings/presentations, both as set out in this report for reference to the Council via the Performance, Governance and Audit Committee to enable consideration of the constitutional implications.

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

- 3.1 The Committee earlier this year made recommendations to the Council on certain aspects of this scrutiny workplan item. The Committee's Working Group has subsequently picked up the two outstanding issues, namely the concept of a 'constitutional intervention/brake' where Members are minded to overturn a Planning Officer's recommendation, and also the proposed introduction of technical briefings / presentations.
- 3.2 **Constitutional intervention or brake upon overturning the Officer's recommendation**
- 3.2.1 This concept arose from consideration of potential mechanisms for improving decision-making, particularly where Members wish to overturn the Planning Officer's recommendation. The perceived need for this stemmed from the upholding of planning appeals and the award of costs against the Council where the appeal Inspector concluded that the Council's action in refusing the application and defending its position on appeal was wrong and amounted to unreasonable behaviour.
- 3.2.2 Although the overriding objective is to improve the quality of decision-making, the context will continue to be the need to strike a balance between the speed of determination and quality of decisions. Should the overturning of an Officer's professional recommendation be involved, it is important that this can be substantiated having understood the implications.
- 3.2.3 Depending on the approach taken, the position of being 'minded to approve / refuse comes into play, in other words the determining Committee's inclination to take a

particular decision and the reasons for it, alongside a clearly stated reason for actually overturning the Officer's recommendation.

- 3.2.4 There is much advice / guidance on best practice around ensuring that planning committees are advised of the potential risks on appeal and of a costs award. Equally there are several legal cases from which some important messages have emerged:
- the importance of planning authorities not allowing the potential consequences of a decision for their own resources to influence the exercise of planning judgement;
  - while it was appropriate for officers to advise members on the potential cost and reputational implications of refusing permission, this should not be confused with or taken into account as material considerations in the planning analysis or in the exercise of planning judgement. Any such advice should be provided distinct from the planning assessment.
- 3.2.5 Planning Policy Guidance states that the aim of the costs regime is in part to encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which will stand up to scrutiny on the planning merits of the case (supported by robust evidence), not to add to development costs through avoidable delay.
- 3.2.6 This Council's own adopted Planning Guidance included in the Constitution reflects much of the key messages set out above, and states that *"Depending on the circumstances and complexity of the case it may be that Officers will need to consider those implications in greater detail and report back. Any proposal for deferment must be disposed of ahead of any conclusion being reached on the decision itself."*
- 3.2.7 Following a deferment at the last meeting of the Committee, the Working Group has looked again at how the proposed 'brake' might work in practice, and the following clarification is offered:
- It will only apply when the Committee is minded to overturn an Officers' recommendation **of approval**
  - The Committee may only reach a point of being 'minded to refuse' rather than approve, based on the potential harm the Committee feels cannot be adequately mitigated by the conditions or s106 agreement etc. It would not be able to decide whether the 'brake' should be invoked. The brake would, under the Constitution, be the automatic outcome of a 'minded to refuse' decision of the Committee.
  - The 'brake' would allow Officers to return to the Committee at the next meeting (or a special meeting should it be necessary) to provide further advice on whether the reasons of harm it considers are relevant and the policies it feels the reasons for refusal should quote can be connected and justified by the Committee as the decision-maker, which could include considering legal advice on those reasons if the Committee felt it was necessary to have it.
  - There may be instances where Officers at the meeting consider the proposed reasons for refusal offered by the Committee at the time are acceptable and that no useful purpose will be served by invoking the 'brake' through a 'minded to refuse' decision.

- There is an element of risk involved with a deferment. This opens up an opportunity for an applicant to lobby Members during the intervening period before the Committee is reconvened. The 'brake' being invoked could also have implications for the timing of the decision and expose the Council to the risk of an appeal against non-determination.
  - While there exists within existing Planning Guidance in the Constitution advice around deferring consideration of an application, prior to a decision, for a review, the idea of the 'brake' introduces more certainty into the process given a position being reached by a Committee, unless it is evident that no useful purpose will be served by a deferment.
- 3.2.8 Of the potential options for providing an intervention or brake the Working Group confirmed its support for deferment which will enable a review to be undertaken and reported back to the original Committee. Provided that the application is presented and considered afresh at the meeting following the deferment there would be no constitutional or probity implications in terms of Member participation and voting. Any change to the Constitution to accommodate this proposal should make it clear that the intervention or brake should only occur once as part of an individual application decision process.
- 3.3 Officer reports and presentations on planning applications**
- 3.3.1 The Council receives some very complex applications that can have some very technical challenges for the decision maker to wrestle with when coming to the determination of the planning application. It is accepted that the traditional approach to presenting items at a Planning Committee, supported by a presentation and an Officer's report, at times might not be the best method to assist Members in their ability meaningfully and effectively to engage in the decision-making process.
- 3.3.2 The Working Group has explored the potential to allow for a 'technical' presentation to Members prior to the Committee meeting that may be able to deal with some of the more pertinent and salient questions on technical matters. This would provide Members with an opportunity to raise and understand some of the technical complexities (as opposed to controversies) of an application, and also the Officer's recommendation, outside of the formality of the Committee meeting. It is envisaged that this could, when used, improve the working of the Committees and in certain cases reduce the potential for deferments and consequent delays. This would however need to be balanced against the need to have an effective and transparent debate at the Committee meeting itself – there being no debate as such at the briefings.
- 3.3.3 The Working Group while supportive of the general idea accepted that this might need to be backed by an agreed procedure/protocol. It was anxious that the views of the Monitoring Officer should be sought, particularly in terms of probity and whether there were any constitutional implications.
- 3.3.4 Provided that prior briefings/presentations are not used for imparting information that will not otherwise be repeated or made available at the Committee meeting the Monitoring Officer accepts the good intent of the idea. Clearly if such briefings were used to impart different information to promote a deeper understanding of the application, then it would be essential that Members attended both the briefing and the Committee meeting in order to be able to vote on the matter. The intention of Officers would be that nothing less than is presented to the briefing will be presented to the Committee meeting. Beyond that the Monitoring Officer is satisfied that there are no other constitutional implications.

- 3.3.5 It is therefore proposed that such briefings will not be a regular feature but held only by exception to deal with issues as identified by Officers following publication of the Committee agenda and once the Officer recommendation is known. It is thought that they could be conducted remotely with attendance only by those Members of the relevant decision-making Planning Committee. It is proposed that the workings of such briefings/presentations be covered in the Operating Protocol for the Planning Committees and also in the Council's own Planning Guidance included in the Constitution. A draft set of guidelines has been prepared and is at **APPENDIX A** to this report. Officers should also be asked to ensure that there is consistency of approach to their presentations to the Area Planning Committees.

## **4. CONCLUSION**

- 4.1 It is concluded that the introduction of a 'constitutional brake' in the form of a deferment option as described above should be commended to the Council via reference to the Performance, Governance and Audit Committee to consider and recommend on the necessary constitutional implications.
- 4.2 It is further concluded that that the proposed introduction of technical briefings/presentations be commended to the Council via reference to the Performance, Governance and Audit Committee to consider ensuring that the operation of such briefings is suitably covered in relevant Constitutional documentation.

## **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.

## **INFORMAL TECHNICAL BRIEFINGS/PRESENTATIONS ON PLANNING APPLICATIONS**

### **Operating Guidelines**

For certain complex and/or major applications, where there are difficult or technical issues such as to consider, it may be appropriate to hold informal briefings for members before an application comes before a committee for formal consideration and determination.

Following publication of the agenda containing the report and Officer recommendation on the particular application, the Director of Service Delivery will decide whether an informal briefing is required to be held, provided the following guidelines are adhered to:-

- Members should understand that an informal briefing is distinct from the committee meeting and therefore no decisions will be taken at the briefing
- The informal briefing is to provide an opportunity for Members to receive information and ask questions to help them understand more about the proposal before formal consideration of the applications at the Committee meeting.
- The informal briefing is not a forum for debate or for stating opinions about the development and certainly not for Members to indicate how they will vote at the Committee meeting.
- Whilst Members can begin to form views about the proposed, it is important that they seek to avoid reaching a firm view or decide how they will vote in advance of the Committee meeting since this will mean that they have pre-determined the application. In that event, they will have compromised their involvement in the subsequent Committee meeting. It is essential that an open mind is kept in order to hear all the information presented, and discussion held, at the Committee meeting itself
- The informal briefing will not be held in public, and only those Members of the determining Committee and relevant Officers will be present. Although attendance by Members will be encouraged, non-attendance at informal briefings will not prevent their subsequent participation in deciding an application when it comes before the Committee. Nothing less than is presented to the briefing will be presented to the Committee meeting.
- A record will be kept of the fact that the meeting took place and who attended the meeting but formal minutes or notes of the meeting will not be made or published.

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**REPORT of  
DIRECTOR OF STRATEGY AND RESOURCES**

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**to  
OVERVIEW AND SCRUTINY COMMITTEE  
5 MARCH 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**

To the Council:

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 is 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 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 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><b>At a meeting of the Committee on 5 March 2024 it was decided:</b></p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>
<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 Committee is keen to work with Officers in connection with the pending review of the Planning Enforcement Policy.</p>

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Subject	Status / Learning outcomes and actions	Update
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	<p>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.</p>	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. <b>At the March 2024 meeting of the Committee it was decided ...</b>
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 organisation and its partnered arrangement to support the work of the Council.</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 the Council, the recommendations of the Committee were received and accepted.</p>
Corporate Project – Land acquisition at Heybridge	<p>This originates from a scrutiny request by Councillor A S Fluker.</p>	In line with the process for considering scrutiny requests from Members, this matter received initial consideration by the Working

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Subject	Status / Learning outcomes and actions	Update
	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.	Group in January 2024. Further information was requested as to the progression of the financial aspects that led to the project being withdrawn.  At the February meeting of the Working Group it was agreed that further information including a detailed timeline of events over the course of the project was requested to assist with Members' understanding.
Provision of 3+ bed affordable housing, especially social rented housing	This originates from a scrutiny request by Councillor E L Stephens.  The request seeks 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.	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 sought for a future meeting.

- 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 .....**

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