



**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
24 SEPTEMBER 2024**

PRESENT

Chairperson	Councillor S J N Morgan
Vice-Chairperson	Councillor P L Spenceley
Councillors	M G Neall, N G F Shaughnessy, E L Stephens, N J Swindle, M E Thompson and A S Fluker (Substitute for L J Haywood)

299. CHAIRPERSON'S NOTICES

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

300. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE

Apologies for absence were received from Councillors V J Bell, C P Morley and L J Haywood. In accordance with notice duly given it was noted that Councillor A S Fluker was attending as a substitute for Councillor Haywood.

301. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 25 April 2024 be approved and confirmed.

302. DISCLOSURE OF INTEREST

There were none.

303. PUBLIC PARTICIPATION

The Chairperson made the Committee aware that a request had been received but unfortunately it was out of time, however, he wanted to address this later in the Meeting.

304. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

The Committee considered the report of the Director of Strategy and Resources that sought appointment of one Member of the Overview and Scrutiny Committee to an Outside Body for the ensuing Municipal year 24/25.

The Chairperson then called for nominations to the below outside body.

RESOLVED that the Committee appoints one representative to the Outside Body as detailed below, for the ensuing municipal year.

Outside Body	APPOINTED 2024/25
Essex County Council (ECC) Health Overview Policy and Scrutiny Committee (District Representative)	Councillor P L Spenceley

305. TO APPOINT TWO MEMBER REPRESENTATIVES TO SUPPORT THE WORK ON THE PROCESS IMPROVEMENT FRAMEWORK.

The Committee considered the request to appoint two Member representatives to support the work on the Process Improvement Framework.

The Chairperson introduced the item and deferred to the Assistant Director - Programmes, Performance and Governance who gave some background to what the role would entail.

The Chairperson then nominated Councillors S J N Morgan and E L Stephens and these were agreed by assent.

RESOLVED that Councillors S J N Morgan and E L Stephens be appointed as the two Member representatives to support the work of the Process Improvement Framework.

The Chairperson then advised the Committee that in accordance with the Procedure Rules he would be varying the order of business and moving agenda Item 9 up the agenda to be considered next.

306. MEMBER SCRUTINY ITEM REQUEST - PLANNING APPEAL AT WOODHAM MORTIMER

The Committee considered the report of the Overview and Scrutiny Committee Working Group (the Working Group) on a Member scrutiny item request with a view to the Committee considering how best to take it forward in the light of the conclusions of the Working Group. Supporting further information together with the Member request proforma and initial Officer response were set out in Appendices A and B to the report.

The Chairperson introduced the report and the Corporate Governance Project Officer explained the background and highlighted that the Working Group had concluded that Officer responses to questions raised and the further information sought was sufficient for its consideration to date. It was thought that as a result the Council's position could be better explained to the public and hopefully allay some of the concerns expressed by local residents. Further information requested by the Working Group from the Council's Environmental Health Team was included in Appendix B to the report.

The Chairperson advised that an email had been sent Members of the Committee earlier that day from a member of the public, Mr Forde. Within the email there were several issues raised in relation to the subject of this scrutiny item and the Chairperson felt that these would need to be looked into further by the Working Group before a decision could be made on how best to move forward.

Councillor S J N Morgan proposed that the Committee refers this matter back to the Working Group for further consideration and report, taking in to account the points

raised in the letter from Mr Forde. This was duly seconded and when put to the Committee it was agreed by assent.

RESOLVED that this scrutiny request be referred back to the Working Group for further consideration, taking into account the points raised in the letter from Mr Forde.

The Chairperson then advised the Committee that in accordance with the Procedure Rules he would be varying the order of business and moving agenda item 10 up the agenda to be considered next.

307. MEMBER SCRUTINY ITEM REQUEST – NON PROVISION OF IMPROVED FACILITIES, SENSORY GARDEN, PROMENADE PARK, MALDON

The Committee received the report of the Overview and Scrutiny Committee Working Group (the Working Group) on a Member scrutiny item request and the conclusions of the Working Group.

The Chairperson introduced the report and deferred to the Corporate Governance Project Officer to provide the detail. A pro-forma based on the Member request together with the initial Officer response was attached at Appendix A to the report. A briefing note confirming the current budgetary position in relation to the project the subject of this scrutiny request was included at Appendix B to the report. The Working Group had simply referred this scrutiny request to the Committee for a decision without any specific recommendation.

At this point of the Meeting Councillor A S Fluker entered the Council Chamber.

The Assistant Director - Customer Services and Operations, gave Members a broad overview of the project such as the difficulties encountered in the early stages. She reassured Members that the project would be delivered in the next financial year and that it would be put through the Council's Project Management Office (PMO) to ensure proper governance was followed.

Councillor P L Spenceley thanked the Assistant Director for providing the overview of the project's past and present status. Councillor Spenceley expressed concerns about whether the way in which this project had progressed since the initial public consultation would have been apparent had she not identified it and sought scrutiny. She added that while the PMO now has a strong governance structure in place for new projects, there were still risk factors for projects that had been approved prior to that new process being introduced. She suggested that in order to reassure Members that something similar wouldn't happen in the future, a report on the process of how projects were approved and a list of the projects and their current status should be provided. Councillor Spenceley proposed that the Committee should be reassured but an update would need to be provided to the Working Group on this particular project.

Councillor M E Thompson confirmed that she would second Councillor Spenceley's earlier proposition.

The Chairperson then brought Members' attention to the PMO presentation found attached at Appendix C to the report.

The Chairperson then moved Councillor Spenceley's earlier proposition and added that if agreed the item should become a watching brief one, and when put to the Committee this was agreed.

RESOLVED that the Committee is reassured on this item without the need for further or specific scrutiny, and that progress on the project is the subject of a watching brief report back to the Working Group.

308. MEMBER SCRUTINY ITEM REQUEST - CORPORATE PROJECT, LAND AT HEYBRIDGE

The Committee received the report of the Overview and Scrutiny Committee Working Group (the Working Group) that brought to the attention of the Committee, a Member scrutiny item request and the conclusions of the Working Group.

The Chairperson introduced the report and deferred to the Corporate Governance Project Officer to provide the detail, in particular the conclusion of the Working Group that sufficient requests for information had been made and questions asked for Members to gain a clearer understanding of the issues raised. The Working Group was mindful of the outcomes identified in the 'lessons learned' report commissioned by the project team in the hope that these would inform and assist the process of similar projects in the future.

The Chairperson said that this scrutiny request raised issues which if discussed in detail might lead to the disclosure of confidential information and he proposed that the meeting moves to private session to allow this discussion to take place. This was not agreed by the Committee, the view being that a move to private session should only occur if required.

Councillor A S Fluker then spoke to his request and the reasons behind it given the history of this project. He made particular reference to the nature of the approach to local landowners, the changing ambition of the project, and the involvement of Members throughout, concluding that it should have been closed much earlier.

A debate ensued with particular focus on the initial contact with local landowners. Some Members felt that there should be deeper investigation into this matter to provide further clarity as to the processes that were followed and felt that greater project governance needs to be in place in the future.

Councillor E L Stephens proposed that this item be referred back to the Working Group for further investigation/clarification of the initial engagement with local landowners, and to provide a range of financial milestones associated with the project, and that a report be brought back to the Committee for discussion as necessary in private session. This was duly seconded.

The Chairperson then moved the proposal of Councillor Stephens and when put to the Committee this was agreed.

RESOLVED that the item is referred back to the Overview and Scrutiny Committee Working Group for further investigation/clarification on the points mentioned above, and that a report be brought back to the Committee for discussion as necessary in private session.

The Chairperson brought Members' attention again to the PMO presentation found attached at Appendix C to agenda item 10, Member Scrutiny Item Request – Non-Provision of Improved Facilities, Sensory Garden, Promenade Park, Maldon.

309. MEMBER SCRUTINY ITEM REQUEST – MALDON CEMETERY

The Committee received the report of the Overview and Scrutiny Committee Working Group (the Working Group) that brought to the attention of the Committee a Member scrutiny item request and the conclusions of the Working Group.

The Chairperson introduced the item and deferred to Corporate Governance Project Officer to provide the detail the detail. The pro-forma based on the Member request together with the initial Officer response briefing paper were attached at Appendices A and B to the report. The Working Group had been reassured by the information received without identifying the need for further scrutiny.

Although Members felt reassured by the improvement work completed by the Cemeteries Team however, there was still some concerns over on-going maintenance at the cemetery sites. Councillor P L Spenceley suggested that it would be good practice to have this item kept on a watching brief to ensure that the arrangements for and standards of maintenance were continuing satisfactorily.

The Assistant Director - Customer Services and Operations took Members through a presentation showing the improvements at Maldon Cemetery made between April and September 2024.

Councillor Spenceley proposed that the item be kept on a watching brief requiring two reports back (including reference to Burnham-on-Crouch cemetery) to the Working Group in the next six months. This was duly seconded.

Councillor Stephens proposed by way of an amendment that the watching brief be extended to a twelve-month period to include the next growing season.

The Chairperson then moved the amended proposition which was agreed by assent.

RESOLVED that the Committee accepts the Working Group's conclusion and that this item be kept as a watching brief for two reports to the Working Group over the next twelve months.

At this point in the meeting the Assistant Director - Customer Services and Operations, wanted to provide a point of clarification for Members regarding agenda item 9 (Sensory Garden Project, Promenade Park, Maldon). She made Members aware that whilst there is provision in the budget for this project within this financial year it was the delivery of the project that would be subject to approval by Council as part of the Capital Programme for next year.

310. REFERENCE FROM CORPORATE LEADERSHIP TEAM – SPLASH PARK, PROMENADE PARK, MALDON

The Committee received the report of the Overview and Scrutiny Committee Working Group (the Working Group) that brought to the attention of the Committee a reference from the Corporate Leadership Team (CLT) on an apparent failure by Officers to interpret correctly the wishes of Members in relation to the opening of this facility earlier in the year.

The Chairperson introduced the report and the Corporate Governance Project Officer explained the background and highlighted that since the issue arose robust steps had been taken to ensure this issue didn't happen again.

Councillor P L Spenceley proposed that the Committee is reassured by the matter and brings it to an end. She added that the Committee ought to be appreciative of the work that had been undertaken by Officers to bring this item forward.

Following questions raised by Members the Assistant Director - Programmes, Performance and Governance provided the following information:

- The draft Minutes prepared by Committee Clerks are signed off by Officers that were involved in the meeting to ensure that those Officers have had their chance to input their recollections and points they wanted to insure where included. The updated set of minutes would then be sent to the Chairperson of the Committee for sign off also and then taken back to the Committee for confirmation.
- Private and Confidential minutes taken are recorded at a high level with sufficient detail to inform the decision made. Any particular and relevant points of information or clarity given to the meeting would be included and Officers reviewing the draft Minutes were give particular attention to this.
- The Officer delivering the report is often responsible for ensuring that the decision is implemented and any resultant actions taken. The Performance Governance and Audit Committee also have a “Matters Arising” report that tracks actions that come out of the discussion during the meeting.
- There wasn’t any plan at this time to record the meetings of the Council’s Working Groups. It was made important to note that Working Group meetings are recorded by notes rather than formal Minutes.

Councillor E L Stephens felt that recording Working Group meetings would be highly beneficial and would ensure that if anyone missed the meeting, they could catch up later.

The Chairperson asked the Assistant Director - Programmes, Performance and Governance if the Chair of a Working Group wanted to have the meeting recorded would it be technically possible. She responded saying it would be technically possible due to the meetings being held on Microsoft Teams. A move to undertake this for all Working Group meetings would however be a matter for separate discussion.,

The Chairperson then proposed that the Committee receives the referral from CLT and that in the light of the information provided to the Working Group is reassured by the outcome, which was duly seconded. The Chairperson then put the proposal to the Committee and it was agreed.

RESOLVED That the Committee receives the referral from CLT and that in the light of the information provided to the Working Group is reassured by the outcome.

There being no other items of business the Chairperson closed the meeting at 8.50 pm.

S J N MORGAN
CHAIRPERSON