

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

DIRECTOR OF STRATEGY AND
RESOURCES
Paul Dodson

16 September 2024

Dear Councillor

You are summoned to attend the meeting of the;

OVERVIEW AND SCRUTINY COMMITTEE

on **TUESDAY 24 SEPTEMBER 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	V J Bell L J Haywood C P Morley M G Neall N G F Shaughnessy E L Stephens N J Swindle M E Thompson





AGENDA OVERVIEW AND SCRUTINY COMMITTEE

TUESDAY 24 SEPTEMBER 2024

1. **Chairperson's Notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 6)

To confirm the Minutes of the meeting of the Overview and Scrutiny Committee held on 25 April 2024 (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.

6. **To appoint two Member representatives to support the work on the Process Improvement Framework.**

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

7. **Appointment of Representatives to Outside Bodies** (Pages 7 - 8)

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

8. **Member Scrutiny Item Request - Corporate Project, Land at Heybridge** (Pages 9 - 14)

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

9. **Member Scrutiny Item Request - Planning Appeal at Woodham Mortimer** (Pages 15 - 20)

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

10. **Member Scrutiny Item Request – Non Provision of Improved Facilities, Sensory Garden, Promenade Park, Maldon** (Pages 21 - 40)

To consider the report of the Overview and Scrutiny Committee Working Group (copy enclosed).
 11. **Member Scrutiny Item Request – Maldon Cemetery** (Pages 41 - 48)

To consider the report of the Overview and Scrutiny Committee Working Group (copy enclosed).
 12. **Reference From Corporate Leadership Team – Splash Park, Promenade Park, Maldon** (Pages 49 - 50)

To consider the report of the Overview and Scrutiny Committee Working Group (copy enclosed).
 13. **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

We do not have any fire alarm testing scheduled for this meeting. In the event of a fire, a siren will sound. Please use either of the two marked fire escape routes. Once out of the building please proceed to the designated muster point located on the grass verge by the police station entrance. Please gather there and await further instruction. If you feel you may need assistance to evacuate the building, please make a member of Maldon District Council staff aware.

Health and Safety

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

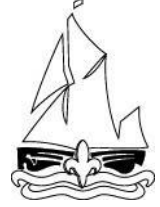
Closed-Circuit Televisions (CCTV)

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
25 APRIL 2024**

PRESENT

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 and N J Swindle

717. CHAIRPERSON'S NOTICES

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

718. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors U C G Siddall-Norman and L L Wiffen.

719. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 5 March 2024 be approved and confirmed.

720. DISCLOSURE OF INTEREST

There were none.

721. PUBLIC PARTICIPATION

No requests had been received.

722. 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 with a view to the Committee considering how best to take it forward in the light of the conclusions of the Working Group. A pro-forma based on the Member request together with the initial Officer response was attached at Appendix A to the report.

The Chairperson introduced the report and the recommendations coming forward from the Working Group which included consideration of the 'lessons learned' report by the project team once finalised. To avoid fragmented consideration at this stage, the Chairperson proposed that the Committee agree to add this item to its scrutiny

workplan and it be referred back to the Working Group to review the 'lessons learned' report, when it becomes available, together with any other outstanding related issues. Then, once reviewed, the Working Group would bring its recommendations back to this Committee. This was duly seconded.

The Chairperson also reminded members that previous consideration of the project has happened in private and confidential discussion. This report was made available publicly and scrutiny processes should be as transparent as possible. However, depending on the nature of detail in the following report this may have to be reviewed.

The Chairperson put his proposal to the Committee, and this was agreed by assent.

RESOLVED that the scrutiny item Corporate Project – Land at Heybridge be added to the Committee's scrutiny workplan and be referred back to the Overview and Scrutiny Committee Working Group to review the 'lessons learned' report (once available), together with any other outstanding related issues, and any recommendations from the Working Group be brought back to this Committee.

723. MEMBER SCRUTINY ITEM REQUEST – HOUSING MATTERS

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 Assistant Director - Programmes, Performance and Governance to provide the detail. A pro-form based on the Member request together with the initial Officer response was attached at Appendix A to the report and the Assistant Director explained the background to this. She advised that the Working Group, upon reviewing information supplied by Officers had confirmed assurance that the item did not require adding to the workplan. The Working Group concluded that any further discussion around the points raised could be pursued at meetings of the Strategic Housing Board.

Councillor P L Spenceley agreed with the Working Group's conclusion, but raised some further related queries, and then proposed that the Committee refer the report relating to this item of scrutiny to the Strategic Housing Board. This was duly seconded and when put to the Committee, agreed.

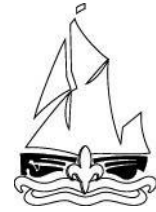
The Chairperson moved the recommendation as set out in the report and this was duly seconded and when put to the Committee, agreed by assent.

RESOLVED

- (i) that the Committee notes the Working Group's conclusion that the matters raised in this scrutiny request can be pursued elsewhere within the Council and agrees that there is no need to add this item to the scrutiny workplan;
- (ii) That the report relating to this item of scrutiny be referred to the Strategic Housing Board.

There being no other items of business the Chairperson closed the meeting at 7.41 pm.

S J N MORGAN
CHAIRPERSON



**REPORT of
DIRECTOR OF STRATEGY AND RESOURCES**

**to
OVERVIEW AND SCRUTINY COMMITTEE
24 SEPTEMBER 2024**

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 2025.

2. RECOMMENDATION

That the Committee appoints a representative to the body detailed below, for the municipal year, to May 2025.

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 2025.

Outside Body	To Be Appointed
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

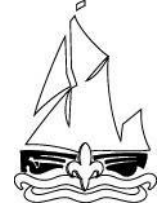
(i) **Impact on Customers** – None.

(ii) **Impact on Equalities** – None.

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

Background Papers: None.

Enquiries to: Cheryl Hughes, Assistant Director- Programmes Performance and Governance.



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

to
**OVERVIEW AND SCRUTINY COMMITTEE
24 SEPTEMBER 2024**

**MEMBER SCRUTINY ITEM REQUEST – CORPORATE PROJECT – LAND AT
HEYBRIDGE**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to inform the Committee of the Overview and Scrutiny Committee Working Group's (the Working Group) conclusions on this scrutiny workplan item.

2. RECOMMENDATION

- 2.1 The Committee is recommended to note the review of this Corporate Land Project scrutiny item undertaken by the Working Group with a view to influencing practice and process in relation to future corporate projects.

3. SUMMARY OF KEY ISSUES

- 3.1 At its meeting on 25 April 2024 the Committee received a report from the Working Group on this scrutiny item request submitted by Councillor A S Fluker. The request sought a review of various issues arising from the extensive history of this corporate project which was effectively closed by the Council by decision at its meeting in November 2023.
- 3.2 This project involved the potential acquisition of land by the Council with a view to providing affordable housing. The Working Group sought further information to understand the various issues raised by, and as a consequence of, the scrutiny request, so that it could reach an informed conclusion for report to the Committee.
- 3.3 The Working Group had at that stage already reviewed a range of information and documentation relating to this project and identified further areas where additional information/clarification was required. It also noted that the project team had undertaken a 'lessons learned' workshop and the resulting report prepared was awaiting sign-off by the Corporate Leadership Team following which it could be shared with Members. The Committee therefore resolved not only to add the item to its scrutiny workplan but refer the matter back to the Working Group for a review of the 'lessons learned' report when available, together with other outstanding related issues, in order to make recommendations to the Committee as required.
- 3.4 The Working Group has now reviewed the officer 'lessons learned' report and has sought to obtain clarity on how the project began, the ambition of the project, the governance undertaken, the timing of the involvement of Homes England, and the engagement with Registered Providers of affordable housing during the process.

- 3.5 As background information, a summary of the Corporate Project Decision History included in the closure report to the Council in November 2023 is set out at **APPENDIX A** to this report. At its last meeting also, the Working Group received further information from Officers by way of a response to additional questions raised by Members following the sharing with them of the 'lessons learned' report.
- 3.6 Discussion at the last Working Group meeting again focused on how the project was instigated and perpetuated but eventually deemed not to be commercially viable. Officers maintained that they had engaged with Members throughout and obtained appropriate approvals at every stage. In terms of whether the land value had been properly assessed at the outset, officers said that initial discussions with Registered Providers on a 100% affordable scheme showed that such a scheme could be viable. The proposed scheme was subsequently amended based on the advice of the Council's Planning team, to include a mix of affordable tenures, which ultimately proved to affect the viability of the scheme as this impacted on the availability of grant funding from Homes England.
- 3.7 The Working Group has now concluded that sufficient information on the points of concern has been received for examination and that this scrutiny item should now be brought back before the Committee for final decision. The 'lessons learned' report has been noted and having already been shared with Members the Committee is invited to note that it will inform practice and process for similar projects in the future. Although Members continued to have some concerns over process in relation to this particular project, it is acknowledged that Officers considered that all necessary governance had been applied and those concerns should not discourage Officers from being innovative and bringing forward ideas in the future. It was noted that the Council needed to be clear at the outset of future projects as to whether they are financially driven or have broader social objectives.

4. CONCLUSION

- 4.1 The Working Group has concluded that sufficient work has been done on this scrutiny workplan item and having received the 'lessons learned' report produced by the Project Team, which has already been shared with Members, now returns the item to the Committee for a final decision. It feels that the outcome from this scrutiny should be forward looking in that the findings of the 'lessons learned' report will assist practice and process in relation to future similar projects.

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.

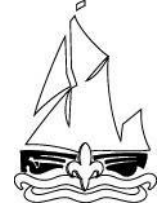
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Corporate Land Project – Summary of Decision History

- 1.1.1 In 2020 the Council was offered the opportunity to purchase a piece of land for the sole purpose of building affordable housing for the district's residents. In August 2020, the Council agreed to pursue the opportunity to purchase the plot of land in Heybridge. (Minute No.1132 refers).
- 1.1.2 The Council's Corporate Project Board agreed that the objectives of the project should be:
 - (i) providing a residential development which will bring much needed affordable housing to the district. and
 - (ii) providing a capital and/or revenue return for Maldon District Council to utilise for other district needs;
- 1.1.3 In July 2021, the Strategy and Resources Committee agreed to enter into a legally binding 'Option Agreement' to secure this arrangement (Minute No. 166 refers) and in November 2021 the Council entered into this Option Agreement. The Option Agreement permitted the Council a period of 24 months to conduct due diligence checks, after which time it should be confirmed in writing to the landowner the intention to purchase.
- 1.1.4 In May 2022, a revised option agreement was approved by the Strategy and Resources Committee which expanded the plot it intended to purchase, with a 24-month deadline to exercise this by May 2024 (Minute No.91 refers).
- 1.1.5 In August 2022 Consultants were appointed to assist the Council with identifying the options available regarding the financial benefits that could potentially be derived from both the site, and other future land opportunities. Based upon their analysis there was strong evidence the site would provide a financial return to the Council. This included a number of options which would allow the Council to develop the site itself, (either through setting up a company or by purchasing expertise to manage the project), and how this could be funded. On considering these risks and the financial benefits they would return; officers recommended that the option which would provide the lowest risk and highest return was to sell the site on to a Registered Provider (RP) to develop.
- 1.1.6 In January 2023, the Council resolved to proceed with the planning application for the project and agreed that following a planning decision further details should be brought back to the Council for determination (Minute No. 471 refers).
- 1.1.7 Following Council approval to proceed with planning in January 2023, the project team completed due diligence checks and engaged consultants for specialist advice to prepare a planning application.
- 1.1.8 In June 2023, meetings were held with the interested RPs and information was shared to provide more assurance on the quality of site and the due diligence completed. In response to the sharing of land due diligence reports, further offers were subsequently received in July 2023, but the bids for the preferred model were financially unviable for the Council; and whilst a range of alternative offers were also presented by the RPs on an adjusted housing model as previously, the proposed sale price was lower than in the first round.
- 1.1.9 In August 2023, MDC reviewed its preferred housing model based on Member feedback (provided during Member Briefings on the project in July 2023) which called

for a higher percentage of rented units, in line with the Council's assessed housing needs and a further round of bids was sought, which were received in October 2023.

- 1.1.10 The project team remained in communication with RPs to secure an appropriate sale agreement. This primarily centred around the proposed housing mix for the site, which was a major determinant of financial viability for the RPs.
- 1.1.11 As at October 2023, there was only one bid which was expected to meet the Council's required housing mix and other conditions. Once relevant costs were deducted (estimated Section 106 (S106) contributions, land purchase cost and project costs), this offer would require a net capital contribution from the council.
- 1.1.12 A planning pre-application meeting was held on 3 November 2023 to allow Members the opportunity to review the proposed plans and to ask questions in relation to the scheme.
- 1.1.13 In November 2023, although a planning application had not yet been submitted; following further Member feedback and engagement via the Corporate Projects Working Group since the election in May 2023, it was felt appropriate to seek further Council ratification to proceed with the project before committing additional costs associated with submitting a planning application.
- 1.1.14 In November 2023 a report was taken to Council to agree whether to proceed with the project, and a decision was taken to stop the project.



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

to
**OVERVIEW AND SCRUTINY COMMITTEE
24 SEPTEMBER 2024**

**MEMBER SCRUTINY ITEM REQUEST – PLANNING APPEAL AT WOODHAM
MORTIMER**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to bring to the attention of the Committee a Member scrutiny item request and the conclusions of the Overview and Scrutiny Committee Working Group (the Working Group).

2. RECOMMENDATION

That the Committee determines this scrutiny request in the light of the Working Group's conclusion and the requested further information as set out in the associated briefing (**APPENDIX B**).

3. SUMMARY OF KEY ISSUES

- 3.1 A scrutiny item request has been submitted by Councillor S J N Morgan. The pro-forma based on his request is at **APPENDIX A** to this report. The request sought a review of various issues including the Council's conduct in relation to an appeal against the refusal of application 22/00344/FULPP-11053774 for a travellers' site beside the A414 at Woodham Mortimer. Planning permission was granted on appeal, subject to conditions, on 21 August 2023 for the change of use of land for 2 gypsy/traveller pitches comprising the siting of 1 mobile home and 1 touring caravan per pitch on the site.
- 3.2 The Working Group received an initial response from Officers to the points of concern raised, which can be summarised as follows:
- Failure to secure and monitor compliance with a planning condition as part of the permission granted on appeal – the requirement for an implementation timetable alongside details of the work submitted is being pursued by Planning Services. It is not considered that the permission granted on appeal has lapsed and there remains a position of partial non-compliance with the condition in question. A subsequent application for an alternative layout to that approved on appeal was submitted but withdrawn. It is anticipated that it will be re-submitted with correct documentation and information to overcome the previous reasons for refusal and therefore it would be inappropriate to consider enforcement action at this time.
 - With regard to the presentation of the case on appeal against the refusal of the original application, it should be noted that the Council incurred costs on the basis that the first reason for refusal could not be reasonably substantiated. Although the Council's case was presented by planning consultants, due to the fact that Officers would have been professionally conflicted by virtue of their

original recommendation of approval, it was not possible for even professional planning consultants to counter certain facts. This meant it was difficult to demonstrate that the Council had met its statutory requirements in terms of Gypsy and Traveller Accommodation, that there was evidence of harm to amenity arising from the stationing of caravans, and that there was any form of nuisance.

3.3 The Working Group decided to refer this matter to the Committee without a specific recommendation as to the need for further scrutiny as such, but rather requesting further information and explanation around the issues of harm to amenity in the locality, and also the existence of any form of nuisance.

3.4 It was noted that this matter had caused much concern in the locality, and that whatever the outcome of this scrutiny request it would be necessary in the interests of openness for the concerns to be answered and explained better to the public.

4. CONCLUSION

4.1 The Working Group has noted the initial Officer response to the questions raised and the information received and sought further information on two points as referred to above for consideration by the Committee so that the Council's position can be better explained to the public and that some of the concerns expressed by local residents can be allayed.

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.

Overview and Scrutiny Committee Working Group – July 2024Review of scrutiny item requests

Scrutiny request pro-forma	Request details
No. 22	
1. Member request	Councillor S Morgan
2. Area of scrutiny requested and reasons for it	The Council's conduct in the relation to the appeal against application 22/00344/FULPP-11053774 for a travellers' site beside A414 at Woodham Mortimer, by way of a weak and ill-prepared submission, and the failure to monitor compliance with a time-limited condition imposed by the appeal Inspector even though a compliance certificate was issued.
3. Indicate which part of the Committee's remit the request falls within	Matters relating to the review or scrutiny of decisions made or actions taken.
4. If other, give further details	
5. Has the matter been raised directly with Officers or another Committee?	Yes
6. If yes to 5, give further details including dates and any response	
7. Expected outcome of this requested scrutiny item	Answers to the following questions: <ol style="list-style-type: none"> 1. Why a more robust defence of the Council's decision of refusal was not made. 2. Why no mention was made in the Council's case of the significant environmental damage that would occur, and of the anti-social behaviour exhibited by the occupiers of the site. 3. Why deadline for compliance with a condition imposed by the appeal Inspector was missed, and does this invalidate the original application and if not, why not. 4. What are the lessons learned and procedures being put in place to avoid this happening again.

Officer review and comments

1. These matters clearly fall within the remit of the Committee for potential review and scrutiny.
2. A briefing paper seeking to address the points of concern raised in this scrutiny item request is attached alongside this pro-forma to enable the Working Group to carry out an initial assessment.
3. It is for the Working Group to identify whether in the light of the above Officer response there are any issues requiring actual scrutiny and recommend accordingly to the Committee with a view to this being added to the scrutiny workplan.

OVERVIEW AND SCRUTINY COMMITTEE – 24 SEPTEMBER 2024

**MEMBER SCRUTINY ITEM REQUEST – PLANNING APPEAL AT WOODHAM
MORTIMER**

BRIEFING NOTE

1. The purpose of this note is to provide an update to the Committee on those matters previously considered by the Working Group and to provide the further information requested which has been supplied by the Environmental Health Team.
2. Environmental Health received complaints of noise from dog barking and generator use in March 2022, and then again in September 2022 regarding dog barking and bonfires. In both cases, following investigation, visits, and the collection of noise recordings, it was not found that there was evidence of a statutory nuisance that required further enforcement action. The site was then vacated and no further complaints arose.
3. Environmental Health was consulted on the planning applications that then followed. The principal concern was the ability for the development to provide suitable living conditions to future occupiers due to the road traffic noise from the A414. Site layout and caravan construction suggested that significant adverse impacts from noise and vibration could be avoided and that the aims of the national planning policy framework and noise policy statement for England could be met. Existing nearby residents were concerned by the potential loss of amenity caused by noise if the development went ahead. It was the view of Environmental Health however that there was nothing inherently noisy in the proposed residential use of the site that would significantly and adversely impact on amenity (such as plant and machinery). The proximity of the caravans to the site boundary was felt to have no bearing on residential amenity from an Environmental Health viewpoint, and obviously factors such as visual impact were taken account of by Planning Officers.
4. Noise or behaviour issues (including dog barking and loud music) arising from the potential occupation of the site would not have been a material planning consideration in so far as potential detriment to amenity was concerned. These are matters aside of the principle of development and can only be dealt with through the statutory nuisance regime.

Stuart Jennings
Corporate Governance Project Officer
September 2024

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

to
**OVERVIEW AND SCRUTINY COMMITTEE
24 SEPTEMBER 2024**

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

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to bring to the attention of the Committee a Member scrutiny item request and the conclusions of the Overview and Scrutiny Committee Working Group (the Working Group).

2. RECOMMENDATION

That the Committee notes the Working Group's conclusion and decides how it wishes to deal with this Member Scrutiny Request.

3. SUMMARY OF KEY ISSUES

- 3.1 A scrutiny item request was submitted by Councillor P L Spenceley. The pro-forma based on her request is at **APPENDIX A** to this report. The request sought a review of the circumstances and issues around the non-provision of a community project at Promenade Park, Maldon. This scrutiny request has been considered by the Working Group in the light of information and a briefing from Officers (**APPENDIX B**).
- 3.2 The project in question involved the redesign of the sensory play garden at Promenade Park. The scheme and original budget of £100,000 was approved in 2017/18 with an update on the project brought to Members in 2020. Due to various issues including resource pressures, a significant staff turnover within that team, impact of Covid on work plans and issues with appointing a contractor, the project was delayed.
- 3.3 Since then, it became evident that the existing play equipment in the sensory area had reached the end of its life, and it became necessary to prioritise its replacement in 2024/25. Unfortunately, the budget originally allocated to the sensory garden project was only sufficient to fund the replacement play equipment and not able to cover the full original scheme.
- 3.4 It was confirmed that the existing play equipment would be replaced this year, and in addition it was noted that the Galleon Replacement Project (also being delivered this year) would include additional sensory features and elements.
- 3.5 Officers confirmed that they were looking at options to fund the delivery of the other elements of the sensory garden scheme, and that a potential source had been found. Members would be kept informed of this in due course with the intention of bringing this updated project forward as part of the 2025/26 work programme.

- 3.6 Officers advised that they had established some key issues that had contributed to the scheme not having come forward earlier, namely Project Management, Communications and Resources (to be able to deliver larger projects). Largely historic, these had already been reviewed and corporate actions put in place, particularly around Project Management.
- 3.7 This scrutiny request had been made in the public interest given that the project had been the subject of public consultation in 2020 and it was understood that it was a capital project with Section 106 planning obligation funding. Members had been engaged on this at the time but had not subsequently been updated on the project. There had also been a lack of communication with the public whose reasonable expectation was that this project would be delivered. At the end of 2023, as mentioned in paragraph 3.3 above, it became clear that the budget originally allocated for the project would only fund the replacement of the existing equipment which had reached end of life.
- 3.8 The Working Group was mindful of the lessons learned from this and noted that various changes had been made to ensure far more robust project management including Member engagement generally in relation to larger corporate projects. It has also since received an Officer presentation on the Project Management Office, and this presentation is at **APPENDIX C** for the further information of the Committee.
- 3.9 The Working Group concluded that having regard to the level of assurance provided by Officers, including the detail of the Project Management Office processes now in place, this request be reported to and considered by the Committee in terms of whether it needs to be included in the workplan for further scrutiny or make any recommendations for further improvements to those processes.

4. CONCLUSION

- 4.1 The Working Group has considered this request and is largely re-assured by the initial Officer response. The Council needs to ensure that meaningful communication with the public takes place to provide both an update on this particular project, and assurance as to its processes now in place for managing large corporate projects.

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.

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Overview and Scrutiny Committee Working Group – March 2024**Review of scrutiny item requests**

Scrutiny request pro-forma	Request details
No. 20	
1. Member request	Councillor P L Spenceley
2. Area of scrutiny requested and reasons for it	Non-provision of youth facilities/adventure playground project at Promenade Park, Maldon
3. Indicate which part of the Committee's remit the request falls within	Matters relating to the review or scrutiny of decisions made or actions taken, and also affecting the Council's area and the inhabitants of the area.
4. If other, give further details	
5. Has the matter been raised directly with Officers or another Committee?	Yes
6. If yes to 5, give further details including dates and any response	With Directors/Managers/CLT
7. Expected outcome of this requested scrutiny item	The learning outcomes hoped to be achieved from this are recommendations around – <ol style="list-style-type: none"> a. An understanding of the challenges to Officers/resources in achieving such projects b. Evidence of the future consideration of project officer posts c. The achievement of this project which from public feedback at the time was clearly important to residents d. Possible revisions to process around such projects e. How problems/issues in achieving such projects can be communicated to Members more widely

Officer review and comments

1. These matters clearly fall within the remit of the Committee for potential review and scrutiny.
2. The initial response from Officers will follow or be reported at the meeting.
3. It will be for the Working Group to identify whether in the light of the initial Officer response there are any issues requiring actual scrutiny and recommend accordingly to the Committee with a view to this being added to the scrutiny workplan.

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OVERVIEW AND SCRUTINY COMMITTEE – 24 SEPTEMBER 2024

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

BRIEFING NOTE

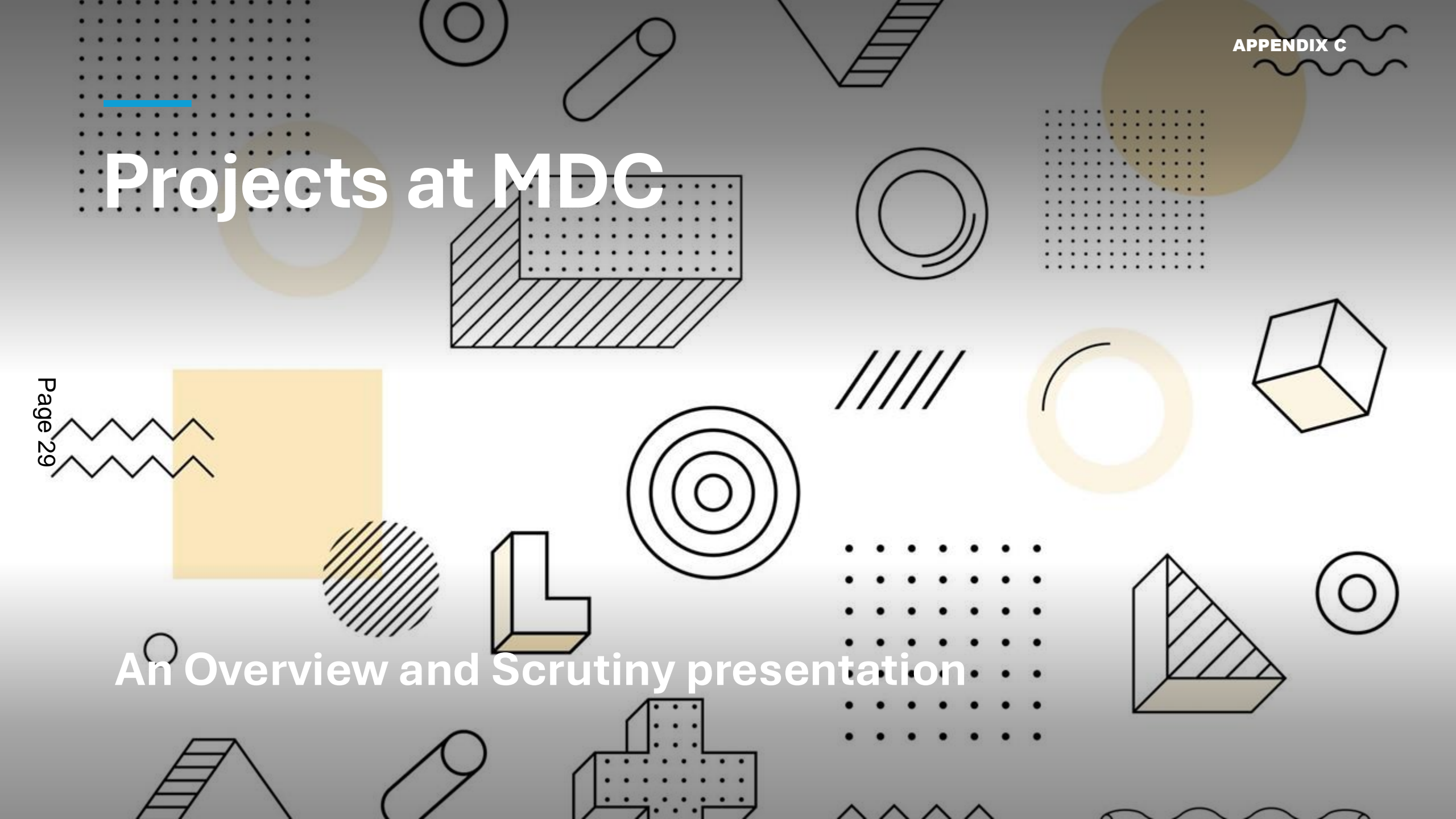
1. The purpose of this note is to provide an update to the Committee on those matters previously considered by the Working Group.
2. Since the matter was considered by the Working Group the improvement project will be delivered in to phases:
Phase 1 – to install the replacement play equipment by autumn 2024
Phase 2 – to deliver the balance of the scheme during 2025/26 subject to public and Member engagement on a revised scheme that meets the current budget provision of £93,000.
3. Through external funding the Council now has £93k of capital available to ensure completion of the remainder of the sensory play garden scheme, over and above the replacement equipment.
4. The project is a historic project previously approved, with funding currently in the 2024/25 capital programme for phase 1, and then for the remainder of the project to be delivered in 2025/26 following engagement on the revised scheme.
5. The project will be monitored and reported on through the Council's Project Management Office, and an appropriate communication plan will be in place to ensure that Members and the public are kept informed of progress.
6. The Committee is **recommended** to note this update by way of assurance on the planned delivery of this project.

Sue Green
Assistant Director – Customer Services and Operations
Service Delivery Directorate
August 2024

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Projects at MDC

An Overview and Scrutiny presentation



Context

- Following several O&S member items (commercial land and S106) members have requested detail about how projects work at MDC
- The aim is to give assurance that future projects have mechanisms in place to avoid 'lessons learned'
- Understanding of how some projects issues have informed project response is also key to this
- Context of LGA peer review guidance – small authority – pressures of projects
- There are 45 projects, 5 programmes and 2 portfolios reporting through PMO (61 live project activity)

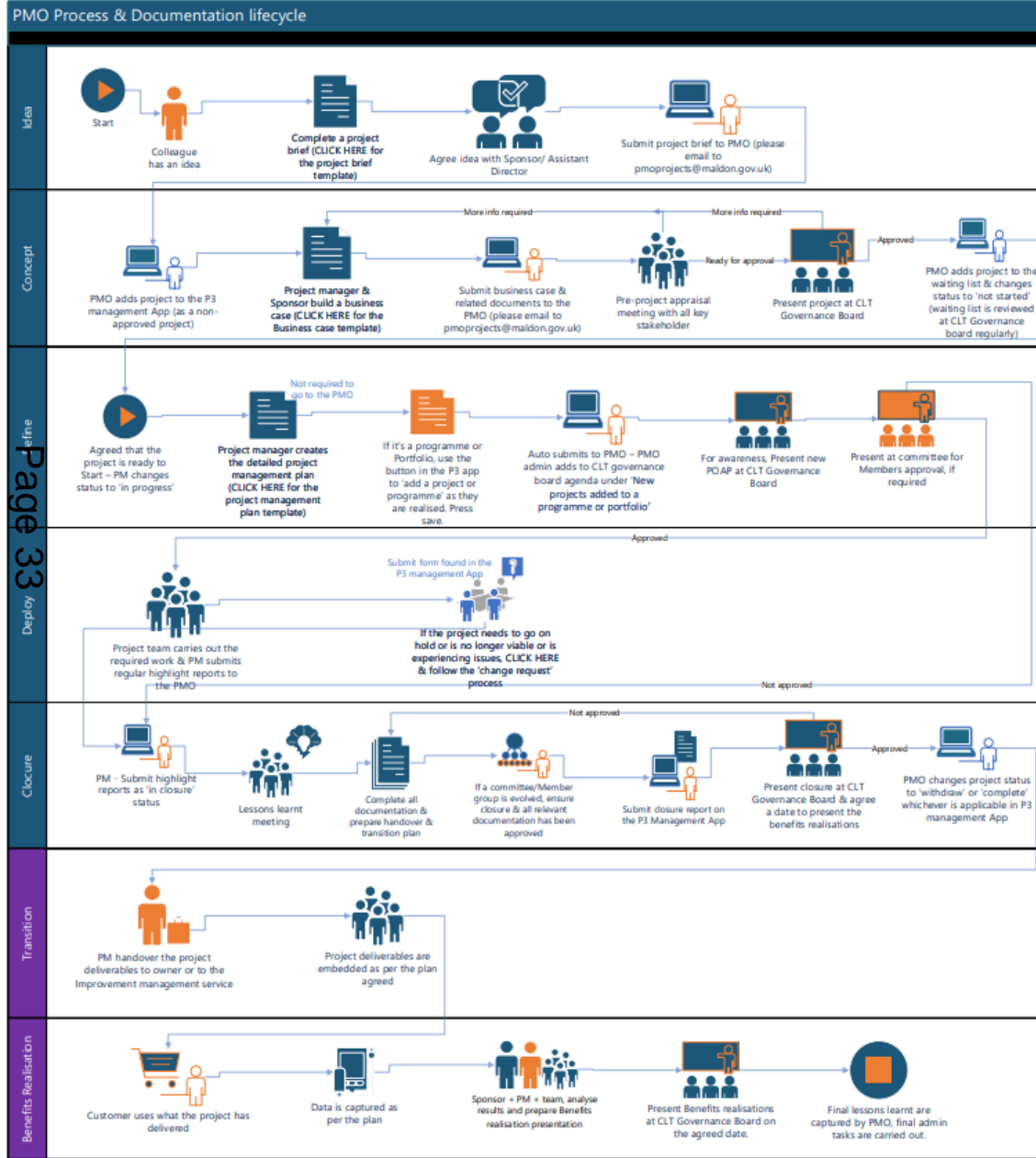
The Objectives of the PMO:

- To set standards in Project Management across the organisation and keeping in mind constraints such as Time, Cost, Quality, Risk, Benefit and Scope.
- Ensure all projects and programmes align with our corporate and strategic goals.
- Guide and support Project Managers.
- Ensure robust project governance is in place in line with best practices.
- Build a knowledge base of lessons learnt for Maldon District Councils future projects, to continue to embed practices that work well.
- Create project assurance for all Maldon District Councils' stakeholders.
- Ensure project outcomes are measured, so that organisationally we can realise benefits.
- Keep accurate records of all projects.
- One version of the truth - all documents to sit in the PMO only.

History of PMO at MDC

- Project Management Office was introduced as part of the 2019 full Council Transformation (previously not a council function)
- This came with 1 FTE staff resource, but without templates, framework and organisational awareness - the staff resource is responsible for creating governance and supporting project managers to ensure a corporate oversight of projects
- October 2023- PMO resource combined with process improvement resource- creates FTE saving and a change to reframe delivery
- October 23- April 24 – Further PMO improvements made eg pre project appraisal designed to challenge project deliverables and ensure that project delivery is more likely to be achievable.
- May S&R – PMO and improvements framework

Expectation of projects



Decision tree

Question 1: Is it a change? If yes please start in the orange circle

If in doubt contact PMO - pmoprojects@maldon.gov.uk

If you answer yes to any question in the circle go down the yes arrow



no

yes

Business As Usual

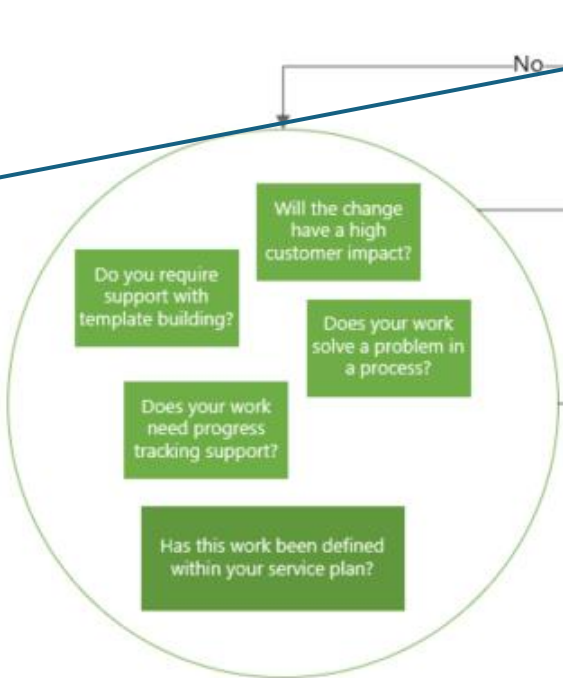
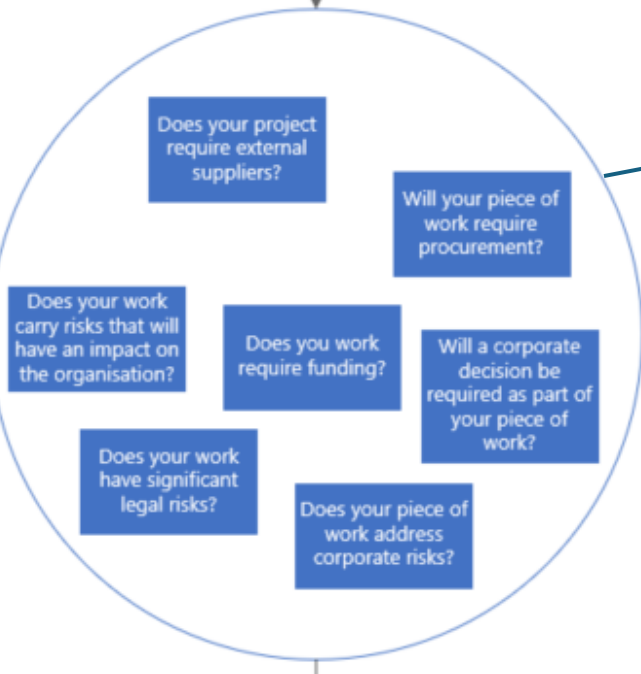
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You should manage your project through the:



PMO

yes



No

No

Yes



You should manage your project through the:

Process Improvement

Management and oversight of projects

Roles	What they do	Responsibilities
CLT Governance Board	The CLT Governance boards role is to approve changes to project deadlines. It is the escalation route to resolve issues and problems within projects. And to scrutinise and approve the initiation of new projects	<ul style="list-style-type: none"> •Scrutinise non reporting projects and approve new projects •Resolve issues that have arisen within the project <ul style="list-style-type: none"> •Approves Change Requests •Approves project closures •Approves the benefits realisation
ELT Project Board	The governance around project management. A platform for project sponsors to be able to have peer support in approving change requests, resolving issues, identifying risk and scrutinising everything	<ul style="list-style-type: none"> • Approving general project baseline Change Requests <ul style="list-style-type: none"> • Resolving Issues • Identifying risks • Scrutinising/act as a critical friend on all projects
Sponsor	The sponsor owns the business case, they sign off the project management plan and approve change requests for the scope baseline. They are also responsible for resolving issues and problems and managing and realising the benefits of the project/programme/portfolio.	<ul style="list-style-type: none"> • Accountable for reporting the measured benefits • Ensuring the business case is still viable and the project is still on track to deliver the objectives outlined in the business case <ul style="list-style-type: none"> • Approving the project management plan •Strategic planning to align with corporate goals <ul style="list-style-type: none"> • Putting effective project governance <ul style="list-style-type: none"> • Selecting the project manager • Supporting the project manager • Making sure the projects objectives are delivered <ul style="list-style-type: none"> • Resolve issues
Project Manager	<p>A project is defined as a sequence of tasks that must be completed to attain a certain outcome. Any temporary endeavour with a definite beginning and end</p> <p>The project manager owns the project, writes the project management plan, and delivers the project to time cost and quality (within scope). Managing risks, issues and change requests. Managing the project team, Leadership, managing conflict and managing stakeholders.</p>	<ul style="list-style-type: none"> • Delivering the project taking into consideration cost, quality and Scope. <ul style="list-style-type: none"> • Change control • Managing stakeholders (including conflict & negotiations) • Responsible for writing the project management plan • Ensuring procurement strategies and processes are followed <ul style="list-style-type: none"> •Managing requirements and scope <ul style="list-style-type: none"> • Scheduling the project • Optimise the resources available <ul style="list-style-type: none"> • Budgeting and cost planning <ul style="list-style-type: none"> • Risk & Issue management • Information & quality management •Progress monitoring and forecasting •Leading, managing and motivating the project team <ul style="list-style-type: none"> •Communication management

Management and oversight of projects

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<p>Project Team</p>	<p>They deliver the work packages (all the deliverables), keep project manager informed, identifying risks and issues, applying change control, reporting progress on work.</p>	<ul style="list-style-type: none"> • Deliverables (tasks) • Updating the Project manager • Attending Meetings • Reporting progress & potential risks (any)
<p>Project Management Office</p>	<p>Admin support: (attending meetings to capture actions and risks, and to assign owners.). Advice on project support (that will look like advice and guidance on projects and procedures). To embed best practices and give assurances. Provide project management methodologies tools and techniques. To coach and train new project managers.</p>	<ul style="list-style-type: none"> • Admin support: Attending meetings to capture actions and risks, and to assign owners to be handed over to the project manager <ul style="list-style-type: none"> • Embed best practice • Provide tools and techniques • Provide Advice
<p>Customer</p>	<p>To identify problems and opportunities. To provide feedback</p>	<ul style="list-style-type: none"> • Give Feedback • Identify risks & opportunities
<p>Programme Managers</p>	<p>A programme is a collection of projects that are managed as a group to achieve efficiencies of scale. Just as project management involves the coordination of individual tasks, program management is the coordination of related projects that are grouped together.</p> <p>Effective co-ordination of the programme's projects and management of their inter-dependencies including oversight of any risks and issues arising. It also includes the co-ordination of the new capability for the business to enable effective change and realisation of projected benefits.</p> <p>The role is crucial for creating and maintaining focus, enthusiasm and momentum.</p> <p>The programme manager is responsible for the overall integrity and coherence of the programme. They will develop and maintain the programme environment to support each individual project within it - often through an effective programme management office.</p>	<ul style="list-style-type: none"> • Oversight <ul style="list-style-type: none"> • Integrity and coherence of the programme • Develop and maintain the programme environment • Ensure that everything in each project aligns with programme • Delivering the project taking into consideration cost, quality and Scope. <ul style="list-style-type: none"> • Change control • Managing stakeholders (including conflict & negotiations) <ul style="list-style-type: none"> • Responsible for writing the project management plan • Ensuring procurement strategies and processes are followed <ul style="list-style-type: none"> • Managing requirements and scope • Scheduling the project • Optimise the resources available • Budgeting and cost planning • Risk & Issue management • Information & quality management • Progress monitoring and forecasting • Leading, managing and motivating the project team <ul style="list-style-type: none"> • Communication management

Reporting of projects and exceptions

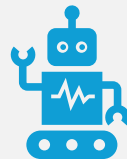
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Projects and sign off of
scope, deadline etc changes
– Monthly CLT board



Highlight and RAG and issues
reporting to monthly ELT
board



All managed through internal
P3 app, developed with
automation

Risks to PMO governance

- Governance control- some projects have been signed off/ taken to members before robust PMO review
- Management behaviours – responsibility to identify projects and ensure they report through PMO
- Viability of projects/ provision of resources – new projects through robust screening – reliant on information from services about capacity for project delivery
- 61 live project areas – CLT completing a review of this due to organisational/ BAU capacity



The PMO was further developed in August 2023 which saw new robust Governance processes and structure, more assurance for key stakeholders and well defined key performance indicators.



2019 projects loaded not scrutinised as robustly as in last six months (CLT review of all projects imminent)



Costs higher/ time longer for projects- expert advice, proper governance – but then better quality projects



System designed to reduce risks, can never remove risks around project delivery



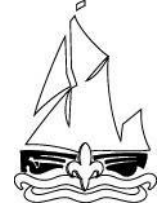
Internal audit planned to give further learning and assurance



Future plans –Manager insight for project volume and requirements – closing projects off, controlling resource

Closing points

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

to
**OVERVIEW AND SCRUTINY COMMITTEE
24 SEPTEMBER 2024**

MEMBER SCRUTINY ITEM REQUEST – MALDON CEMETERY

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to bring to the attention of the Committee a Member scrutiny item request and the conclusions of the Overview and Scrutiny Committee Working Group (the Working Group).

2. RECOMMENDATION

That the Committee notes the Working Group's conclusion and decides how it wishes to deal with this Member Scrutiny Request.

3. SUMMARY OF KEY ISSUES

- 3.1 A scrutiny item request was submitted by Councillor W Stamp. The pro-forma based on her request together with the initial Officer response briefing paper are at **APPENDICES A** and **B** to this report. The request sought a review of the new contractual arrangements for the cemetery maintenance.
- 3.2 The Working Group received an Officer presentation in support of the briefing paper and noted that the contractual arrangements had recently been changed in order to provide greater certainty and consistency given the resource limitations previously. Although there were set standards of care and maintenance, the Council had some 25 acres of cemeteries within the District and it would take a while for the new arrangements to become established. Officers did however accept that there was scope for improved communication with the public, particularly in seeking to advise of work being carried out in a cemetery. Although there had been some social media activity on this subject, only one formal complaint on standards of maintenance had been received.
- 3.3 Officers also wished to emphasise and bring out in the report to the Committee that the Council did not maintain individual graves or grave spaces as this was the responsibility of those who held the exclusive right of burial, or their representatives/successors.

4. CONCLUSION

- 4.1 The Working Group has noted the initial Officer response, and apart from emphasising a couple of points in relation to responsibility for maintenance, is content to leave a decision on this scrutiny request to the Committee.

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.

Overview and Scrutiny Committee Working Group – June 2024Review of scrutiny item requests

Scrutiny request pro-forma	Request details
No. 21	
1. Member request	Councillor W Stamp
2. Area of scrutiny requested and reasons for it	Standard of maintenance of Maldon Cemetery
3. Indicate which part of the Committee's remit the request falls within	Matters relating to the review or scrutiny of decisions made or actions taken, and also affecting the Council's area and the inhabitants of the area.
4. If other, give further details	
5. Has the matter been raised directly with Officers or another Committee?	Yes
6. If yes to 5, give further details including dates and any response	Emails to Service Delivery
7. Expected outcome of this requested scrutiny item	Review of maintenance contract

Officer review and comments

1. These matters clearly fall within the remit of the Committee for potential review and scrutiny.
2. A briefing paper seeking to address the points of concern raised in this scrutiny item request is attached alongside this pro-forma to enable the Working Group to carry out an initial assessment.
3. It is for the Working Group to identify whether in the light of the above Officer response there are any issues requiring actual scrutiny and recommend accordingly to the Committee with a view to this being added to the scrutiny workplan.

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Briefing Paper: Overview and Scrutiny Member Working Group 20 June 2024**Item:****Author: Sue Green – Assistant Director Service Delivery****1. Introduction**

Following a referral from Cllr Wendy Stamp, Officers agreed to report back to the working group with more information about the concerns raised about the condition of the Cemeteries Grounds Maintenance, the new Grounds Maintenance Contract.

2. Referral From Councillor W Stamp

This briefing paper is in response to Cllr. Stamps referral and the officer's response is at 3. which it hoped will provide information to reassure Members of the measures that are in place to manage the contract effectively.

3. Officer Response**3.1. Decision to Outsource**

- 3.1.1. Following the changes in the structure in 2019, leading to a reduction in resources, it has been a challenge to maintain a good level of grounds maintenance in our Cemeteries. The additional maintenance demands caused by climate change causing a longer growing season, and more exceptional weather patterns have made the situation even more challenging for staff to manage the amount of work, and therefore contractors have been supporting the grounds maintenance in our cemeteries for a number of years.
- 3.1.2. A vacancy within the Cemeteries team provided an opportunity to review how the grounds maintenance and grave digging services were being delivered and opportunities to increase consistency and resilience, resulting in a report to The Strategy and Resources (S&R) Committee on 23 November 2023 where Members approved the business case for the procurement of both Grave Digging and Cemeteries Grounds Maintenance services.
- 3.1.3. The report to the S&R Committee set out that the main benefit of the outsourcing of the service was to provide a greater level of resilience and consistency. The report set out the service standards as follows:
- 16 grass cuts per annum (pa)
 - Grass edges and borders to be trimmed flush to their defined edge
 - Mown litter and debris to be removed shortly after completion
 - Headstones, paths and hard standing areas to be left free of grass arisings
 - Well-managed hedges, shrub beds and climbing shrubs
 - Weeds within cremation and shrub beds to be managed to maintain a tidy and visually attractive appearance
 - Hedge bases to be maintained free of weeds through manual weeding and mulching wherever possible
 - All arisings to be cleared and disposed from site for recycling into compost
- 3.1.4. A robust procurement process led to the appointment of the Contractor, who was in fact the contractor that has successfully been helping to deliver the service for a number of years.

3.2. **The contract**

- 3.2.1. The contract for the Cemeteries Grounds Maintenance service sets out clearly the outcomes that are expected, as detailed at 3.3.1. A copy of the report to the Strategy and Resources Committee on 23 September 2023 is appended to this update.
- 3.2.2. These service standards mirror previous service standards, as the purpose of the outsourcing was to deliver a more consistent and resilient service. The outsourcing of the service was cost neutral; therefore, the service standards were not increased, but should be delivered in a more consistent way
- 3.2.3. The new contract came into effect from April 2024, and we have been working closely with the contractors to ensure delivery of the contract.

3.4. **Exceptional circumstances**

- 3.4.1. During May we have had the warmest and wettest May on record, creating unprecedented growth in all our open spaces and Cemeteries. Our contractors were directed to prioritise the cutting of grass to ensure that the majority of the Cemetery remained accessible and to a good standard, with the weeding of Cremation Beds and other areas to follow. The contractors have also allocated additional resources to bring the weeding up to date. The majority of the beds within Maldon cemetery have now been weeded and the beds within Burnham and Heybridge will follow.

3.5. **Contract going forward**

- 3.5.1. The contract provides for a specified number of grass cuts per year to keep the Cemeteries to a good standard, in line with the agreed budget. This will generally ensure the Cemeteries can be kept to that standard, however there may occasionally be periods of exceptional weather conditions that will result in that number of cuts not being enough. Should Members wish to review the service standards to increase the levels of service, but that would have an additional cost.
- 3.5.2. In respect of the cremation beds there will inevitably be a period at the start of every growing season where the seventy cremation beds will all require significant weeding as it has always been the ethos of the Cemetery not to use pesticides unless absolutely necessary. However we will continue to work with our contractors to ensure they are delivering against the contract and ensure that the weeding in the cremation beds is carried out promptly at the start of the growing season and maintained in accordance with the contract.
- 3.5.3. We will look at how we can improve the signage and communication with the Cemeteries to reassure visitors that work is being carried out.
- 3.5.4. We are currently delivering contract management training to all officers responsible for contracts to support the effective and efficient delivery of contracts.

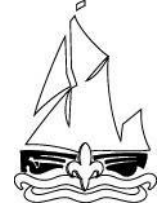
4. **Summary**

- 4.4.1. Whilst we accept that the cremation beds temporarily did not meet our normal expected levels of quality, this was due to very exceptional weather conditions at the start of the growing season. Very exceptional weather conditions had created rapid growth which is now back under control.

- 4.4.2. We are only a matter of weeks into new contract which we are managing robustly and will work to ensure that our contractors deliver the standards set out in the contract.
- 4.4.3. Our Contractor has provided additional resources to bring the cemeteries back to an acceptable standard as quickly as possible.
- 4.4.4. We will look at options for increasing our signage and communication to provide reassurance that contractors are working on the Cemeteries.
- 4.4.5. The Contractor appointed was also the previous contractor so has a good knowledge of delivering this service and is also a local business.
- 4.4.6. We will continue to monitor the contract robustly and will ensure that all complaints are investigated and addressed.

Queries to: Sue Green

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

**to
OVERVIEW AND SCRUTINY COMMITTEE
24 SEPTEMBER 2024**

**REFERENCE FROM CORPORATE LEADERSHIP TEAM – SPLASH PARK,
PROMENADE PARK, MALDON**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to receive and consider a recommendation from the Overview and Scrutiny Committee Working Group (the Working Group) on a matter referred to the Committee by the Corporate Leadership Team (CLT).

2. RECOMMENDATION

That the Committee receives and considers the referral from CLT in the light of the information provided to the Working Group as set out in this report.

3. SUMMARY OF KEY ISSUES

- 3.1 At a recent meeting of the Strategy and Resources Committee (S&R) consideration was given to operational issues relating to the opening of the Splash Park facility earlier in the year. Following this, CLT decided to refer an issue arising to the Overview and Scrutiny Committee. In line with usual practice, the Working Group has carried out an initial assessment.
- 3.2 The issue the subject of the referral is the apparent misinterpretation by Officers of the decision of S&R on 1 February 2024 reflecting the wish of Members to see the Splash Park facility ready and open from 1 May 2024 rather than at the bank holiday/school half term. It was evident that the contractors were instructed to commission the facility for the latter. This was a genuine misunderstanding for which Officers have expressed regret.
- 3.3 CLT has looked into ways of avoiding a situation like this occurring again in the future. It will be recalled that consideration of this matter by S&R in February was held in private session and therefore Minutes will have been prepared with greater brevity, with recorded decisions still needing to be clear and explicit.
- 3.4 Although the public streaming system is taken down at the point a meeting goes into private session, the intention now is that such sessions will continue to be recorded and maintained as an internal record for future reference purposes. These can be made available to Members to review should an approach be made to Officers. Minutes of closed sessions will be produced with sufficient detail to provide context for and to support the recorded decision, and Officers participating in meetings will be asked to check and provide input as necessary to draft minutes.

4. CONCLUSION

- 4.1 The Working Group is reassured by the response from Officers to this referral from CLT which is now forwarded to the Committee to consider on that basis.

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.
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- (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.