

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

CHIEF EXECUTIVE
Doug Wilkinson

29 January 2025

Dear Councillor

You are summoned to attend the meeting of the;

OVERVIEW AND SCRUTINY COMMITTEE

on **THURSDAY 6 FEBRUARY 2025** 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



Chief Executive

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

THURSDAY 6 FEBRUARY 2025

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 15 October 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. **Member Scrutiny Item Request - Planning Appeal at Woodham Mortimer** (Pages 7 - 14)

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

7. **Member Scrutiny Item Request - Corporate Project - Land at Heybridge** (Pages 15 - 24)

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

8. **Annual Report of the Overview and Scrutiny Committee** (Pages 25 - 28)

To consider the report of the Chief Executive, (copy enclosed).

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

NOTICES

Recording of Meeting

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

Fire

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
15 OCTOBER 2024**

PRESENT

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

360. CHAIRPERSON'S NOTICES

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

361. APOLOGIES FOR ABSENCE

There were none.

362. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 24 September 2024 be approved and confirmed.

At this point the Chairperson welcomed Councillor J Driver, an 'in attendance' Member and the newly appointed Deputy Chief Executive to the meeting.

363. DISCLOSURE OF INTEREST

There were none.

364. PUBLIC PARTICIPATION

No requests were received.

365. MID AND SOUTH ESSEX NHS

The Chairperson introduced the Mid Essex NHS Alliance Director, Mr Daniel Doherty.

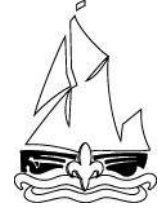
Mr Doherty provided Members with a detailed presentation and in response to questions from the Committee, provided the following information:

- The Integrated Care Board (ICB) is the main NHS organisation that distributes funds from NHS England to Mid and South Essex providers. The Mid and South Essex Foundation Trust operates several hospitals, including Broomfield Hospital in Chelmsford, Basildon University Hospital, and Southend University Hospital.
- Systems used by the NHS to store and access patient data were currently spread across multiple different systems in England, however there was an ambition across the whole of the NHS to start to unify these.
- There was a big emphasis on retaining staff up and down the country as many are leaving due to several factors one of them being low staff morale.
- To address the '8:00am rush', several GP surgeries in Essex have been using E-Consult services to ensure that as many patients can be seen as possible. This service allows patients to use their smart phone to send images or videos for GPs to assess.

The Chairperson thanked Mr Doherty for attending the meeting for and his detailed presentation.

There being no other items of business the Chairperson closed the meeting at 9.03 pm.

S J N MORGAN
CHAIRPERSON



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

to
**OVERVIEW AND SCRUTINY COMMITTEE
6 FEBRUARY 2025**

**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 Working Group.

2. RECOMMENDATION

That the Committee determines this scrutiny request in the light of the Working Group's conclusions following the further consideration of the issues raised as set out in this report.

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 two gypsy / traveller pitches comprising the siting of one mobile home and one 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 reported to the last meeting of the Committee on 24 September 2024 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. An update note containing this further information was received by the Committee and is again set out in **APPENDIX B** to this report as background information.
- 3.4 Additionally at the last meeting of the Committee an emailed communication from a Planning Agent acting for local residents had been sent to Members and Officers and set out further representations on the range of issues raised in this scrutiny request. It was therefore decided to refer the matter back to the Committee for further consideration and report.
- 3.5 The Working Group has looked at the scrutiny request again in the light of the representations received and comments on the various issues as follows:

3.5.1 Consideration of the Application

- 3.5.1.1 The letters of representation / objections from local residents were reported to Members in the usual way with the main points being summarised in the report, and the individual communications being available to view on the Council's website. Some 53 points arising from the representations in this case were set out in a clear and unambiguous way.

3.5.2 Conduct and outcome of the Appeal

- 3.5.2.1 It is acknowledged that the appeal statement and agreed Statement of Common Ground were not submitted by the required date. This was mainly due to the difficulty the Council had in engaging a planning consultant to take on the case due to the fact that Council Officers were professionally conflicted having regard to the decision being contrary to their recommendation. The matters contained in the draft Statement of Common Ground submitted by the appellant were uncontested.
- 3.5.2.2 The Inspector was clear as to the reason for the appeal. Officers did not attend the appeal as they could offer no support for the reason for refusal. The Environmental Health Officer did attend being familiar with the findings of his colleagues that there was no evidence of a statutory nuisance.
- 3.5.2.3 Upon notification of the appeal, a copy of the Officers' report on the application and a copy of the stated policies are sent to the Planning Inspectorate. The Officers' report clearly stated the number of objections received. The application had been assessed against the Council's current policy and was found to be satisfactory, and indeed the Inspector recorded in the decision that the proposal would accord with the relevant policy.
- 3.5.2.4 The issues raised regarding trees is not relevant to the determination of the appeal.

- 3.6 Further to what is set out in paragraph 3.2 above regarding the failure to seek compliance with a planning condition and the status of the application, the Council

has communicated with the legal representative of local residents, and the Planning Agent for the local residents is well of aware of the legal opinion supporting the Council's position on this point. Enforcement action for non-submission of a timetable remains an option should the developer commence work on the site in the absence of a timetable.

- 3.7 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, reflecting the responses to the issues around consideration of the application and conduct of the appeal outlined above. The matters relating to the status of the application, failure to seek compliance with a planning condition, and the scope for planning enforcement action are live and on-going development management matters for the Local Planning Authority and must be allowed to run their course.

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. It has also received further Officer comments on the representations from the Planning Agent for the local residents received at the time of the last Committee meeting for report to 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 2025 - 2028

5.1 Delivering 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 – July 2024Review of scrutiny item requests

Scrutiny request pro-forma	Request details
No. 22	
1. Member request	Councillor S J N 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	<p>Answers to the following questions:</p> <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

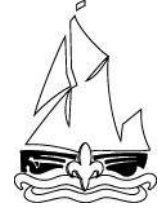
MEMBER SCRUTINY ITEM REQUEST – PLANNING APPEAL AT WOODHAM MORTIMER

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
6 FEBRUARY 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

The Committee is recommended to note the work undertaken by the Working Group to understand and clarify the various issues and points of concern raised, and by way of an outcome, endorse the Working Group's conclusions together with the findings contained in the 'lessons learned' report produced by the Project Team with a view to them influencing practice and process in relation to future corporate projects.

3. SUMMARY OF KEY ISSUES

- 3.1 At its meeting of the Committee on 25 April 2024 a report was received 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 and generating a commercial return. The Working Group considered that it needed to seek 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 also refer the matter back to the Working Group for a review of the 'lessons learned' report when available, together with other outstanding related issues, and recommend further to the Committee.
- 3.4 Over a period of time, the Working Group has sought to obtain clarity on issues around how the concept of this project began, the governance associated with

various steps taken in the early stages, the true ambition of the project, the timing of the involvement of Homes England, and the engagement with Registered Providers of affordable housing during the process. Information was provided on all of these issues to the satisfaction of the Working Group.

- 3.5 The Working Group had concluded that sufficient information on the points of concern had been received for examination and that this scrutiny item should now be brought back before the Committee for a final decision. The 'lessons learned' report had been noted and, having already been shared with Members, the Committee would be invited to note that it would inform practice and process for similar projects in the future. Whilst the report recorded the things the Council did well, it set out some areas for learning as follows:

3.5.1 Areas for learning on future projects:

3.5.1.1 Although the project did proceed initially on the basis of internal planning advice, it is felt that Maldon District Council (MDC) must ensure that any future development opportunities start with a robust and clearly documented assessment of site viability, taken forward via a series of 'approval gateways' overseen / agreed by both Officers and Members at each stage. The below process is recommended to ensure early identification of site viability / risks and engagement of Members:

- 1) Carry out an initial planning appraisal as to whether the Council is in a position to take forward / explore a proposal(s) for housing development in light of the Maldon Local Development Plan, the Spatial Strategy and where that development may be situated relative the settlement boundary.
- 2) Conduct a Planning Sustainability Assessment of identified site (including multiple site options (where these are available))
- 3) Develop a high-level Concept Design (in order to commence early-stage planning appraisal, land valuation and pre-app)
- 4) Land Valuation (Red Book)
- 5) Planning appraisal with key statutory consultees e.g., Essex County Council Highways and Education, Environment Agency etc.
- 6) Hold an early Pre-App with Members with a draft scheme to identify potential issues and secure a more collaborative culture between Members and Officers.

3.5.1.2 It is also felt that Members should be clear at the outset what the primary objective for any development is i.e. commercial return or policy objectives. Although it may be possible to achieve both, these objectives can conflict. A clear direction from Members on the relative importance of delivering the Corporate Plan objective of increasing the supply of affordable and temporary housing within the district may encourage further support for similar development projects and a greater appreciation of their complexities.

3.5.1.3 Although it was a deliberate strategy to use internal resource where possible to minimise costs, the use of MDC Planning Officer became complex when providing advice on its own application. It is advised that in future an external Planning Agent is used to ensure advice given is fully independent and to provide dedicated resourcing capacity. A risk remains that external advice could be in conflict with the Council's own internal planning advice and therefore access to internal planning advice via the Planning Performance Agreement (PPA) process is critical to provide steer when required in order to mitigate against this.

- 3.6 A report was brought back to the Committee at its meeting on 24 September 2024. This outlined the further discussion undertaken by the Working Group, focusing on how the project was instigated and perpetuated only to be found not to be commercially viable. Officers maintained that they had engaged with Members throughout and obtained approval to necessary important steps. This is evidenced by Council Minutes and Corporate Project Working Group meeting notes. In terms of whether the land value had been properly assessed at the outset, Officers said that it was evident from early discussions with Registered Providers that a 100% affordable scheme could have been delivered at the price the Council was asking which was advised to Members via Council. However, the alternative proposals based on the advice of the Council's Planning team (to include a mix of all four affordable tenures), ultimately proved to be unprofitable for the Registered Providers as two of the tenures would not have attracted grant funding.
- 3.7 The Committee at its September meeting debated this in detail, some Members being of the view that a deeper investigation was required to clarify the processes that were followed and to ensure that greater project governance needed to be in place in the future. It was decided however, in the light of the discussions, that the item should be referred back to the Working Group for further investigation / clarification as to the initial engagement with local landowners, and to provide a report back to the Committee which also included a range of financial milestones associated with the project.
- 3.8 The Working Group has made strenuous efforts to understand and establish clarity on the origin of this project and how it was initiated. As a result, the Working Group is able to conclude and report to the Committee as follows:
- a) the project was initiated by an Officer of the then Housing Department writing to two local landowners in 2020, as evidenced by two letters which have not been published due to their containing exempt information under the Local Government (Access to Information) Act 1985;
 - b) these two landowners were approached following advice from the Planning Department on their being known to the Council through the earlier through the earlier Local Plan Review process and the potential availability of land in a sustainable location;
 - c) the rationale for this approach was wholly justified by Officers' responsibility to seek opportunities in line with the approved Homelessness, Rough Sleeper and Housing Strategy 2018-2025, which states in particular:

"We have begun to look at new ways of working in partnership with housing associations, landowners, investors and others and will continue to do so to find out what the options are and the resources that are needed. P47"

"We shall work with local communities, landowners and other partners to support this type of development and monitor plans alongside the identified shortfall in affordable housing throughout the District. P45"
 - d) the initial approach was wholly founded on the need and desire to achieve the best affordable housing solution for the District and also reflected the opportunity to acquire land for development and get the best return from investment, which is clearly identified in the approved Commercial Strategy 2022 - 27. The Commercial Team staff were involved from the outset.
 - e) Matters proceeded with the one landowner who responded to approach in 2020 to the point when in July 2021 the Strategy and Resources Committee was approached to review and approve the value of the proposal and the entering into of the subsequent Options Agreement. The report to the

Committee made it clear that project would contribute to two strategic priorities:

These proposals will have a potentially significant impact, in delivering both the Place Theme outcomes, regarding delivery of the Districts housing needs, delivering sustainable growth, and with the allocation of receipts to support the delivery of the Heybridge Flood alleviation scheme, which would also support the resilience of the District to climate change.

The loss of the Councils Five Year Housing Land Supply is also a significant challenge for the Council and the delivery of this site will help to address. The project will also support the Councils Performance and Value outcomes, providing a commercial income source to enable the delivery of Council priorities

- 3.9 The Working Group also received a detailed schedule of financial milestones and commitments of the Section 106 money (ringfenced for affordable housing projects) spent throughout the course of the project, and this is at **APPENDIX A** to this report. All documents considered by the Working Group including those not available for publication due to their containing exempt information under the Local Government (Access to Information) Act 1985 are available to Members through the Council's Mod.Gov system.
- 3.10 In its further discussion, the Working Group did question whether the earlier involvement of Homes England might have been advantageous on this particular project, which was an identified 'lesson learned' by the Project Team. While noting that Homes England is primarily a funding body, no concerns over the preferred mix were identified but it later emerged that funding would not be available for two of the four housing types within the preferred mix. This affected what grant funding the Registered Providers would receive and therefore negatively impacted the sum that either of the interested Registered Providers would be willing to pay for the land. Further, a planning application for the preferred mix would have been outside of approved policy at the time, although the policy landscape was evolving. Officers advised that a number of other local authorities were having equally challenging conversations with Homes England at the time.
- 3.11 The Council engaged with two Registered Providers at the end of the process. Both presented options, one met the Councils preferred housing model but was not financially viable. The other option did not meet MDC planning policy requirements but would have given a financial return. It was difficult to understand or anticipate this until in detailed discussion with Registered Providers. The Working Group has discussed that this was a difficult risk to mitigate.
- 3.12 The Working Group has reflected that Corporate projects with investment will always carry some element of risk, and as an organisation the Council needs to take a measured approach to still encourage innovation. A suggestion in the Working Group discussion was that when releasing large chunks of funding, Committees could consider setting up gateways for a report to either a Committee or a Working Group. However, for this project a monthly Working Group with risk and spend updates is evidenced to have taken place.

4. CONCLUSION

- 4.1 The Working Group has established clarity on a number of issues and in updating the Committee on this draws attention to the lessons learned from this, including those

identified in the review report undertaken by the Project Team, so that the Committee may reach a conclusion on this scrutiny item and commend outcomes to the Council. In terms of being clear on the objectives of future corporate projects at their outset, the Working Group wishes to emphasise that this is an obligation on both Members and Officers. It is considered that together with the benefits of the Project Management Office processes now in place awareness of the lessons learned will assist practice and process in relation to future similar projects.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

5.1 Delivering 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.

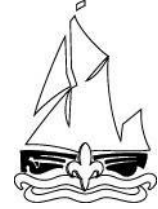
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Date	Milestone	Agreed Cumulative Budget	Cumulative Actual Project Spend plus initial option agreement fee	Cumulative Spend breakdown <i>(Note this only confirms at what point payments were made and NOT when the activities took place during the project)</i>
March 2019	Homelessness & Rough Sleepers & Housing Strategy 2018-2025 Maldon District Council Strategy agreed by Council NB: approved commercial strategy also includes opportunity to approach for land- agreed 2022	£0	£0	No committed spend
July 2020	Landowners approached to see if land for sale	£0	£0	No committed spend
August 2020	Council agreed to purchase plot	£0	£0	No committed spend
April 2021	Report to the Corporate Leadership Team (CLT) from Lead Specialist Place regarding bid for Options on land	£0	£0	No committed spend
June 2021	Specific site presented at Finance Working Group before option agreement recommendation at S&R	£0	£0	No committed spend
July 2021	The Strategy and Resources Committee agreed an options agreement agrees to enter into option agreement with Landowner and £15,000 paid as per terms of agreement	£15,000	£15,000	- £15,000 Option Agreement fee paid to Landowner from Commuted Sums (pre-project spend- excluded from project budget).
October 2021	First corporate projects working group briefed on the intentions of the project – quoted in pack as generating both new income for the Council and new affordable housing stock for our Districts residents. Proposed project spend £3.3M (£185k project costs + £3.15M land purchase)	£15,000	£15,000	- Option Agreement fee paid to Landowner (pre-project spend)
November 2021	Council enters the options agreement S&R agrees to draw down £185,000 for project spend . This become the project budget. This <u>excludes</u> the £15k paid to the landowner to enter into the Option agreement.	£200,000	£15,000	-Option Agreement fee paid to Landowner (pre-project spend)

Date	Milestone	Agreed Cumulative Budget	Cumulative Actual Project Spend plus initial option agreement fee	Cumulative Spend breakdown <i>(Note this only confirms at what point payments were made and NOT when the activities took place during the project)</i>
May 2022	Design team in place and work underway on scheme design. Strategy and resources agree to revised options agreement which expands the plot size to give access to right of way and greater green space for occupants – no impact to proposed purchase price as no additional housing is planned for the site (price per plot agreed with	£200,000	£64,613	<ul style="list-style-type: none"> - Option Agreement fee paid to Landowner (pre-project spend) - Invoices being paid to design team consultants for planning application: Architects/Planning/Topographical/Arboriculture/Archaeological & Heritage/Air Quality/ Contamination/ Ecology/Flood Risk/Highways/Landscape/Noise/Health Impact/Utilities
August 2022	Consultants appointed to look at financial modelling with the Council to assist with identifying Options for consideration and determine which may be the best route for this specific project options and financial benefits	£200,000	£79,731	<ul style="list-style-type: none"> - Option Agreement fee paid to Landowner (pre-project spend) -Invoices being paid to design team consultants for planning application: Architects/Planning/Topographical/Arboriculture/Archaeological & Heritage/Air Quality/ Contamination/ Ecology/Flood Risk/Highways/Landscape/Noise/Health Impact/Utilities
October 2022	S&R committee approves further drawdown of £53,000 from Commuted Sums to conclude additional due diligence work and for planning application fee. Project budget is now £238k (£185K + £53k)	£253,000	£110,491	<ul style="list-style-type: none"> - Option Agreement fee paid to Landowner (pre-project spend) - Invoices being paid to design team consultants for planning application: Architects/Planning/Topographical/Arboriculture/Archaeological & Heritage/Air Quality/ Contamination/ Ecology/Flood Risk/Highways/Landscape/Noise/Health Impact/Utilities - Legal fees for new Option agreement
January 2023	Council agreed to proceed with planning permission	£253,000	£191,189	<ul style="list-style-type: none"> -Option Agreement fee paid to Landowner (pre-project spend) - Invoices being paid to design team consultants for planning application: Architects/Planning/Topographical/Arboriculture/Archaeological & Heritage/Air Quality/ Contamination/ Ecology/Flood Risk/Highways/Landscape/Noise/Health Impact/Utilities - Maldon District Council (MDC) Resource costs (21-22) - Legal fees for new Option agreement
May 2023	Corporate Projects Working Group appointed	£253,000	£195,056	<ul style="list-style-type: none"> - Option Agreement fee paid to Landowner (pre-project spend) - Invoices being paid to design team consultants for planning application: Architects/Planning/ Topographical /Arboriculture/ Archaeological & Heritage/Air Quality/ Contamination/ Ecology/Flood Risk/Highways /Landscape /Noise /Health Impact/Utilities - MDC Resource costs (21-22) - Legal fees for new Option agreement

Date	Milestone	Agreed Cumulative Budget	Cumulative Actual Project Spend plus initial option agreement fee	Cumulative Spend breakdown <i>(Note this only confirms at what point payments were made and NOT when the activities took place during the project)</i>
June 2023	Interested parties meetings held	£253,000	£197,041	<ul style="list-style-type: none"> - Option Agreement fee paid to Landowner (pre-project spend) - All design team consultants fees paid - MDC Resource costs (21-22) - Legal fees for new Option agreement
July 2023	Bids/Offer received for land Member briefings held	£253,000	£197,041	<ul style="list-style-type: none"> - Option Agreement fee paid to Landowner (pre-project spend) - All design team consultants fees paid - Legal fees for new Option agreement
August 2023	Review of preferred housing model based on Member feedback (from Member Briefings July 2023) which called for a higher percentage of rented units	£253,000	£199,451	<ul style="list-style-type: none"> - Option Agreement fee paid to Landowner (pre-project spend) - All design team consultants fees paid - MDC Resource costs (21-22) - Legal fees for new Option agreement - Planning & Housing statement (external) - Essex County Council (ECC) S106 Pre-App fee
October 2023	One bid confirmed for required housing mix	£253,000	£237,493	<ul style="list-style-type: none"> - Option Agreement fee paid to Landowner - All design team consultants fees paid - MDC Resource costs (21-22) - Legal fees for new Option agreement - Planning & Housing statement (external) - ECC S106 Pre-App fee - MDC Resource costs (22-23)
November 2023	Pre-application meeting / Council decision paper	£253,000	£237,493	Project budget position reported in Council Decision paper 29/11
January 2023	Final total	£253,000	£242,509	<ul style="list-style-type: none"> - Initial option agreement fee paid to Landowner - All design team consultants fees paid - Legal fees for new Option agreement - Planning&Housing statement (external) - ECC S106 Pre App fee - ECC Highways Pre-App fee - MDC Resource costs (22-23) - Land Valuation Fee

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REPORT of CHIEF EXECUTIVE

to
OVERVIEW AND SCRUTINY COMMITTEE
6 FEBRUARY 2025

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 2024 / 25 is accepted.

3. SUMMARY OF KEY ISSUES

- 3.1 The Overview and Scrutiny Committee was set up afresh initially under the Council's new Constitution with effect from October 2019. One of its responsibilities is to report to the Council on an annual basis, and the arrangements for this have been endorsed by the Council. Although the Committee also acts as the Council's Crime and Disorder Committee, its scrutiny remit in that role is quite specific and relates to outside bodies and agencies involved with crime and disorder. The Committee's annual report to Council is therefore confined to its scrutiny role other than in relation to crime and disorder.
- 3.2 The Operating Protocol for the Committee offers a process for the consideration of potential scrutiny items to ensure efficiency and clear outcomes linked to strategic themes. The Protocol also reflects Government Guidance which needs to be heeded. This refines the role of the Committee as being positive and forward looking, providing more of a 'critical friend' challenge, and generally assisting the Council and its Committees by identifying improvements and making recommendations. The intention is that Committee time will predominantly be spent on the planning and carrying out of actual scrutiny work. It has established a Working Group which can be used to manage items of a 'watching brief' nature or where information has been requested, and to assist with the planning of scrutiny.
- 3.3 In this municipal year, two direct referrals were received from the Member request form. All members have access to make a referral through the following link <https://forms.office.com/r/zR5yjZZFf3>. An additional referral was received from the Corporate Leadership Team.
- 3.4 The Committee also agreed a process for the initial consideration and review of potential items of scrutiny requested by Members. The Working Group has been

tasked with this and has regard to the remit of the Committee and also the agreed operating protocol in identifying actual scrutiny items. It then reports to the next available meeting of the Committee.

3.5 The annual report for 2024 / 25 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 Council.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

5.1 Thorough scrutiny processes underpin the Performance and Efficiency Corporate Goal.

6. IMPLICATIONS

- (i) **Impact on Customers** – None directly, but individual scrutiny reviews will enable the impact on customers to be assessed.
- (ii) **Impact on Equalities** – Equalities are considered as part of the reporting on review work undertaken by Officers.
- (iii) **Impact on Risk (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 2024 / 25

1.0 Councillor S Morgan was elected Chairman of the Committee for the 2024 / 25 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
Corporate Project – Land acquisition at Heybridge	<p>This originated from a scrutiny request by Councillor A S Fluker.</p> <p>Although this matter was the subject of a report to the Council in November 2023, the request sought 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.</p>	<p>In line with the process for considering scrutiny requests from Members, this matter received initial consideration by the Working Group in January 2024. Further information was requested as to the progression of the financial aspects that led to the project being withdrawn, and this was reviewed at the February and March meetings of the Working Group.</p> <p>An interim report was made to the Committee at its April meeting, where it was decided not only to add the item to the scrutiny workplan but also refer it back to the Working Group to look at further and report in the light of the completion and availability of a 'lessons learned' report compiled by the project team.</p> <p>The Working Group has continued to look at this at subsequent meetings and at its December 2024 meeting endorsed its draft final report back to the Committee for consideration on 6 February 2025.</p>
Non-provision of improved facilities / adventure playground at Sensory Garden, Promenade Park, Maldon	<p>This originated from a scrutiny request from Councillor P L Spenceley.</p> <p>The request sought to establish why there this project had not progressed or been delivered following earlier public consultation. Various learning outcomes potentially applicable to the future similar projects were identified, including the need for improved communication with Members and the public.</p>	<p>At the April 2024 meeting of the Working Group an Officer response was received. In the light of this and the Working Group's recommendation, the Committee at its September 2024 meeting agreed that sufficient information and assurance had been received and that no further scrutiny was required. The item would however be kept on a 'watching brief' for review by the Working Group.</p>

APPENDIX 1

Subject	Status / Learning outcomes and actions	Update
Cemeteries Maintenance	This originated from a scrutiny request by Councillor W Stamp. Concern had been raised over the standards of maintenance at cemeteries in the Maldon District having regard to the operation of the new grounds maintenance contract.	In line with the process for considering scrutiny requests from Members, this matter received initial consideration by the Working Group in June 2024 with a briefing paper from Officers. At its September 2024 meeting the Committee agreed to accept the Working Group's conclusions that this item did not need to be added to the scrutiny workplan but that it be kept on a 'watching brief' with two reports to be made to the Working Group over a period of twelve months.
Planning Appeal re Land at Woodham Mortimer	This originated from a scrutiny request by Councillor S J N Morgan. Issues raised were based on concerns expressed locally as to the Council's conduct in relation to the appeal and also its failure to secure compliance with a condition attached to the permission granted on appeal which may have affected the status of that permission.	In line with the process for considering scrutiny requests from Members, this matter received initial consideration by the Working Group in July 2024 with initial briefing information from Officers. The Working Group has continued to look at this at subsequent meetings given the on-going development management issues associated with this site. The Working Group's response to the issues raised in the initial scrutiny request awaits a report to the Committee.
Splash Park, Promenade Park, Maldon – opening times	This was a reference from the Corporate Leadership Team on the apparent failure by Officers to interpret and implement the wishes of Members in relation to the opening of this facility earlier in the year.	The Committee at its September 2024 meeting received a report from its Working Group on this. In the knowledge that Officers had put in place robust steps around the recording of Council Minutes of meetings held in private session, and the communication and implementation of decisions arising from such sessions, the Committee was greatly reassured and saw no reason for any further action.

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 October special meeting a follow-up presentation was received from the Alliance Director of the Mid Essex NHS. The Committee will be looking to receive presentations from other key stakeholders and service providers in the District, including the areas of water, drainage/sewerage, and highways.