

05 November 2025



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www.maldon.gov.uk



APOLOGIES: Committee Services
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CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE

on **THURSDAY 13 NOVEMBER 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 W Stamp, CC
VICE-CHAIRPERSON	Councillor N D Spenceley
COUNCILLORS	M G Bassenger D O Bown S J Burwood J C Hughes M G Neall R G Pratt U G C Siddall-Norman M E Thompson
INDEPENDENT PERSON (non-voting)	Mr Derek Smith

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AGENDA
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
THURSDAY 13 NOVEMBER 2025

1. **Chairperson's Notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 20)

To confirm the Minutes of the Performance, Governance and Audit Committee held on 18 September 2025 (copy enclosed).

4. **Matters Arising** (Pages 21 - 28)

To note the Matters Arising from the last meeting of the Committee (copy enclosed).

5. **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).

6. **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 complete the online form at:
www.maldon.gov.uk/publicparticipation.

7. **External Audit - Progress of the Audit of the Accounts for the Financial Year 2024/25** (Pages 29 - 32)

To consider the report of the Director of Finance (copy enclosed, Appendix 1 to follow).

8. **Internal Audit Reports** (Pages 33 - 34)

To consider the report of the Chief Finance Officer (copy enclosed).

a) **Progress Report (November 2025)** (Pages 35 - 44)

b) **Follow-Up of Recommendations** (Pages 45 - 58)

c) **Waste and Recycling (Final Report)** (Pages 59 - 72)

d) **Corporate Governance (Final report)** (Pages 73 - 94)

For further information please see [the Council's website](#).

9. **Reference from the Overview and Scrutiny Committee - Scrutiny Watching Brief Item - Planning Enforcement** (Pages 95 - 98)

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

10. **Planning Committees Review** (Pages 99 - 112)

To consider the report of the Performance, Governance and Audit Working Group, (copy enclosed).

11. **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.

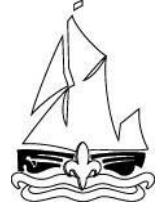
Closed-Circuit Televisions (CCTV)

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
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
18 SEPTEMBER 2025**

PRESENT

Chairperson	Councillor W Stamp, CC
Vice-Chairperson	Councillor N D Spenceley
Councillors	M G Bassenger, D O Bown, M G Neall, R G Pratt, U G C Siddall-Norman, M E Thompson, N J Swindle (Substitute for S J Burwood) and A Fittock (Substitute for J C Hughes)

1. CHAIRPERSON'S NOTICES

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

2. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICES

Apologies for absence were received from Councillors S J Burwood and J C Hughes. In accordance with notice duly given Councillor N J Swindle was attending as a substitute for Councillor Burwood and Councillor A Fittock as a substitute for Councillor Hughes.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 17 July 2025 be approved and confirmed.

4. MATTERS ARISING

Update on Members completing General Data Protection Regulations (GDPR)

The Chairperson provided an update from the Assistant Director - Resources advising that 12 Members had completed training, and this would be evidenced on the Balance Scorecard for this month. The GDPR Boxphish course completions would be reported to the next meeting of the Committee. In response to a question from the Chairperson, the Chief Executive suggested that an email from the Chairperson of this Committee and himself be sent to all Members as a gentle reminder to complete outstanding GDPR training.

Infrastructure Funding Statement

The Chairperson requested a further update on this matter arising from the meeting on 16 June 2024. In response Officers agreed to provide an update to the next meeting of the Committee.

Plan for the Audit of the Accounts for the Financial Year 2024 / 25

The Chairperson asked the Chief Finance Officer to provide an update on the Leisure Contract to a future meeting of the Committee as it was important for the Committee to scrutinise this contract which she described as high risk to the Council.

5. DISCLOSURE OF INTEREST

There were none.

6. PUBLIC PARTICIPATION

No requests had been received.

7. CORPORATE PERFORMANCE - QUARTER 1

The Committee considered the report of the Chief Executive which set out how the Corporate Performance Framework required the Committee to undertake a quarterly review of the Thematic Strategies performance, as assurance that performance was being managed effectively to achieve the corporate priorities as set out in the Council's Corporate Plan 2025 - 2028. Appendix 1 to the report provided an overview of the Corporate Plan as at the end of Quarter One (Q1) (April - June 2025).

It was reported that work was progressing positively with the performance delivery of the corporate plan on-track and although there were some conditional elements these were not currently of concern.

Following presentation of the report by the Chief Executive, Members discussed the report in dept and in response to questions raised, the following information was provided:

- Total number of subscribers to business communication channels – In response to a question regarding newsletters being read, the Assistant Director: Strategy, Partnerships and Communication advised that the Council encouraged people to sign up at every opportunity but was unable to influence whether a person read a newsletter or not. She explained that through marketing methods the target could be met, although additional funding would allow use of push campaigns, algorithms and other options to guarantee a higher response.

In response, the Chairperson proposed that the Assistant Director and her team met with the Chief Finance Officer and Chief Executive to discuss increasing budget levels. This proposal was duly seconded and agreed.

- The majority of physical and mental health activities took place in winter months, through the Council's partnerships. It was confirmed that funding had been received from Essex County Council.
- Support progress of Electric Vehicle (EV) charging – In response to a request regarding tracking this, the Assistant Director - Place and Community confirmed that there was a roadmap for the charging infrastructure, some of which was left by the Council and some by Essex County Council (ECC). The Assistant Director advised she would check this information and advise Members accordingly. The Chairperson advised that she would also speak to Councillor Stilts as she had been dealing with ECC as well. The Chief Executive suggested that Officers produced a short briefing, detailing the timescales, and funding.

- Affordable Housing units secured through planning policy – Members were advised that there were individual Key Performance Indicators regarding this, and the Council was working with third parties and registered providers, through the Council's Working Groups, with regards to securing affordable housing.

In response to a question regarding the missing data, Members were advised that although monitored this was reported on a six-monthly basis. It was agreed that Officers would discuss this with the performance team to look at presenting future reports differently to make this clearer. A Member requested additional details in future reports to identify the extent supply of houses against the number on the waiting list, the Chairperson advised that this would be noted.

The Assistant Director: Planning and Implementation confirmed that reference to 2014 was correct as the Local Development Plan ran from 2014 to 2029.

It was noted that there wasn't a separate Key Performance Indicator for empty homes, but Members were advised that the Council's Accommodation Officer would be working to bring these back onto the market. The Chairperson requested that it would be helpful to report this information to the Committee.

- Shellfish sampling – The Assistant Director - Place and Community confirmed that the Council was carrying out water testing as part of its statutory function and this information would be reported back to the Committee. In response to a comment regarding costs, the Assistant Director advised that she had spoken to the Chief Finance Officer regarding a potential growth for the next financial year to reflect the increase in sampling costs. The Chairperson requested that in addition to the normal quarterly reporting, a short report / update be brought back to the next meeting of the Committee regarding the samplings that had taken place.
- Community Safety Partnership engagements and activities – It was confirmed that this related to districtwide engagements and activities and was being delivered by the Community Safety Partnership Manager. Officers advised that they would engage with Members, if there was a need and provided further details regarding the 'Make Space for Girls programme' and the work being done as part of this programme. The Assistant Director - Customer Services and Operations advised that there was a plan supported by the Council along with a programme of events and activities. She agreed to request that a presentation on this be given to the next meeting of the Committee.

In response to comments regarding cutting the top off knives, the Chairperson advised that this comment would be noted and would be reviewed alongside into any initiatives that have / could have happened in the District in respect of knives and knife crime.

In response to the discussion, the Chief Executive advised how quarter one information can be limited however, he would ensure that for future reporting Officers would provide an update to highlight if delivery was expected later within a year.

The Chairperson then put the recommendations which were duly agreed.

RESOLVED

- (i) that the Assistant Director - Customer Services and Operations and her team meet with the Chief Finance Officer and Chief Executive to discuss increasing budget levels in respect of marketing methods relating to business communication;

- (ii) That Members reviewed the information as set out in the Quarter One 2025 / 26 Corporate Performance report and Appendix 1 to the report, with priority focus given to the Strategic Priority level performance;
- (iii) That Members confirmed they are assured through this review that corporate performance is being managed effectively.

8. REVIEW OF CORPORATE RISK - QUARTER 1

The Committee considered the report of the Chief Executive which set out the requirement for it to undertake a quarterly review of the Corporate Risk Register as assurance that corporate risks were being managed effectively. A table of the Corporate Risk Register latest ratings and Officer commentary was attached as Appendix 1 to the report.

It was reported that the risk rating for Risk 4 – Damage caused to the Council's reputation associated with delays to planned infrastructure delivery in the District by third parties which was due to mitigate approved development, had been decreased based on risk policy grading guidance. Closure of Risk 11 – Uncertainty of the cost of living crisis impacts was recommended due to there now being more national economical certainty and the continuation of any impact being managed within the services.

During the discussion that ensued, the following risks were discussed and information provided by Officers:

- Risk 4 – Damage caused to the Council's reputation associated with delays to planned infrastructure delivery in the District by third parties which was due to mitigate approved development: A number of Members expressed concern regarding this risk being reduced, acknowledging that although the Council didn't have direct responsibility for infrastructure the public's perception would directly impact on the Council. In response, the Assistant Director – Planning and Implementation noted the comments and agreed that future commentary of this risk would include any communications to identify where the Council was lobbying other organisations such as chasing delivery of the Heybridge health centre. Officers would also ensure that the Council's communications team were aware of these.

Members were advised that decreasing this risk was a result of the recently approved updated Risk Management Policy and the method contained within it. In response to a suggestion from the Assistant Director, the Chairperson requested that Officers discuss with the Assistant Director – Programmes, Performance and Governance whether the outcome of this risk changing may need reflecting in the Policy and its method, rather than the risk itself.

- Risk 6 – Failure to meet the affordable housing need: The figures relating to this risk were queried as the Council's housing register supply appeared to be good, when comparing with other Essex councils. The Assistant Director – Place and Community explained that this risk related to the volume of people on the housing register verses the amount of available property. The Assistant Director agreed to discuss the comments raised with the Housing Team to see if there was a more accurate way of reflecting this Risk.

There was some discussion about the need to have Key Performance Indicators relating to this risk in order to promote how well the Council was performing against it. It was commented that the risk itself would always be a

high level risk due to its potential impact to residents and the key was having a performance indicator to show how the Council was meeting its targets. Further to the discussion, the Chairperson advised that Officers would review this risk and consider whether it should be split.

The Chairperson referred to the proposed closure of Risk 11 and it was agreed that this would be closed. She then put the recommendations set out in the report and these were duly agreed.

RESOLVED

- (i) That Members confirmed review of the Corporate Risk Register (at Appendix 1 to the report);
- (ii) That Members confirmed review of the progress of Corporate Risk Mitigating actions set out in Appendix 2 to the report;
- (iii) That Members are assured through this review that corporate risk and is being managed effectively;
- (iv) That Members challenged risk where the Committee felt that the Council's corporate goals may not be achieved.

9. ANNUAL GOVERNANCE STATEMENT ACTIONS UPDATE

The Committee considered the report of the Chief Executive updating Members on the actions identified in the Annual Governance Statement (AGS).

Members were reminded that this Committee had approved the AGS in its current format on 10 June 2021. The Chief Executive presented the report which provided a progress update against key actions defined in the AGS along with Officer comments for Members' consideration.

In response to a request from the Chairperson, Councillor N D Spenceley provided the Committee with a verbal update following the last meeting of the Parish / Town Council Forum which he had attended. This had included a presentation from the Assistant Director - Strategy, Partnerships and Communications regarding Devolution and Local Government Reorganisation, along with external presentations, including an update on transport. In response to a question he confirmed that Connects were in attendance and he would share their contact details.

In response to a question regarding the Decision-Making Accountability methodology work and the commentary provided in the report, Members were advised that the commentary provided didn't wholly relate to this work. The Assistant Director – Planning and Implementation advised that the Planning and infrastructure Bill was still progressing through Parliament and the Council was awaiting the regulations. He noted that the Council had responded to the consultation and were waiting feedback and the outcome of that.

The Chairperson then put the recommendation which was duly agreed by assent.

RESOLVED that the Committee reviewed the Annual Governance Statements table and updates set out in the report.

10. BALANCE SCORECARD EXEMPTIONS REPORT

The Committee considered the report of the Chief Executive reporting any exceptions to operational service reporting for the Committee to review and discuss. This report sought to meet the Corporate Performance and Governance Framework requirement for this Committee to be provided with details of any identified Balance Scorecard Key Performance Indicators (KPIs) that had met their threshold, supported by an action plan to ensure targets were met. This would then give assurance that operational performance was being managed proactively and effectively.

The Chief Executive drew Members' attention to the areas of operational performance where exceptions were evident, which included both under and overperformance. The report identified two KPIs where closer monitoring was taking place and gave explanation for this, and further performance data was set out in appendix 1 to the report.

In response to a question regarding the Sickness Levels KPIs the Assistant Director - Customer Services and Operations advised that although the Council had a number of absences, including some long term it was very proactive in the way it worked to support staff and applied early intervention along with additional support, referral to occupational health, adjustments etc. where needed.

The Assistant Director – Planning and Implementation provided an update in respect of Planning Performance, reporting that general performance in a number of areas had increased. It was noted that current staffing levels and changes in staff had resulted in a reduction in some performance measures. The Assistant Director advised that ongoing investment in the Planning Service would be required for levels to be improved or maintained.

In response to a comment regarding non-determination of Planning Applications, the Assistant Director advised that this was always a risk, however the Council sought to mitigate this and there were a number of factors which influenced the determination of planning applications within the Governments' required target, such as timely responses from statutory consultees. The Council managed this through a number of methods, but the Assistant Director highlighted that the Council could only mitigate the elements within its control.

The Chairperson moved the recommendations set out in the report which were duly agreed.

RESOLVED

- (i) That the Committee reviewed and commented on exceptions to service reporting provided in the report;
- (ii) That Members noted the additional performance detailed in Appendix 1 to the report;
- (iii) That Members confirmed they were assured through this review, that operational performance was being managed effectively.

11. S106 OBLIGATIONS AND INFRASTRUCTURE FUNDING STATEMENT 2024 / 25

The Committee considered the report of the Assistant Director – Planning and Implementation providing Members with an update on the monitoring of Section 106 (S106) planning obligations. The report also sought approval of the Maldon District

Infrastructure Funding Statement for the financial year 2024 / 25 (attached as Appendix 1 to the report) in accordance with the Council's legal duties to publish an Infrastructure Funding Statement (IFS) by December each year.

The report detailed the addition funding the Council was expecting to be paid by developers for specific infrastructure requirements across the District and how the specific triggers to collect the funding associated with the S106 agreements were being monitored along with the process followed once they were met. A table within the report set out the present position regarding all funding. It was noted that S106 contributions could only be spent on new facilities or improvements to facilities where new development had, at least in part, contributed to the need for that facility or will have an impact on existing facilities.

In response to the debate and comments raised Members were advised that of the £1.8m S106 monies to be spent the majority of this was health money. The NHS were aware of what had to be spent and by when, but Officers were unable to make them spend the money and if the NHS went over the claw back period the monies would have to be returned to the respective developers. The Head of Service – Planning Policy and Implementation advised that the Council had a tracker for all potential projects and met with the NHS every six weeks during which these were reviewed to try and ensure that claw back periods were not exceeded.

The Assistant Director highlighted how Officers had been taking part in Maldon summits, which were a collaboration between Essex County Council, the NHS and Maldon District Council. At these meetings, the spend of S106 monies was always on the agenda. He highlighted that although the Council's role was more of a custodian in respect of the monies, Officers did collaborate with other colleagues to ensure monies were spent. The Head of Service highlighted that the remaining monies related to two main areas; youth facilities (being managed by the Council) and health (managed by the NHS) and agreed that any pressure to ensure spending of those health monies would be beneficial.

In response to further comments from Members, the Chief Executive advised that he met regularly with Tom Abell, Chief Executive of the Mid and South Essex Integrated Care Board and would ensure this matter was added to the agenda for their next meeting. He also agreed that a letter would be sent from the Council to the NHS to encourage spending of the S106 monies relating to health.

The Chairperson then put the recommendations set out in the report. This was duly seconded and upon a vote being taken agreed.

RESOLVED

- (i) That the Committee considered the update on Section 106 planning obligations;
- (ii) That the Maldon District Council Infrastructure Funding Statement for the financial year 2024 / 25 (as set out in Appendix 1 to the report) be approved for publication.

12. UK SHARED AND RURAL ENGLAND PROSPERITY FUNDS

The Committee considered the report of the Chief Executive updating Members on the progress of the UK Shared and Rural England Prosperity Funds (UKSPF) for the allocation period 2025 / 26.

Members were reminded that the Chancellor had confirmed the continuation of UKSPF for a further year, allowing local authorities to invest in local growth, in advance of wider funding reforms. The Council on 3 April 2025 had approved the proposed projects to be delivered and granted delegated authority to the Chief Executive, in consultation with the Leader of the Council, Chairperson of the Strategy and Resources Committee and Ward Members to identify projects for delivery.

The Council had submitted its forecast spend, outputs and outcomes for 2025 / 26 to the Ministry of Housing, Communities and Local Government (MHCLG) who had confirmed acceptance of the submission. It was noted that of the £738,369 funding £98,408.37 actual spend had been incurred and Appendix 1 to the report provided a progress update on the individual projects.

Members were advised that Officers would continue to deliver the projects over the funding period, submitting the required MHCLG returns, as required. Further progress updates would be reported to the Performance, Governance and Audit Committee throughout the municipal year.

The Chairperson put the recommendation set out in the report. This was duly seconded and agreed.

RESOLVED that the Committee acknowledged the update provided on Maldon District's UK Shared and Rural England Prosperity fund allocations for 25 / 26 and continues to monitor the delivery.

13. HEALTH AND SAFETY UPDATE - QUARTER ONE 2025 / 26

The Committee considered the report of the Deputy Chief Executive that provided an update on Health and Safety statistics and activity during Quarter One (Q1) 1 April to 31 June 2025.

The report provided details of accident, near miss, hazard and unacceptable behaviour reporting and actions as a result of these. Additional health and safety improvements were continuing and the improvements made within Q1 were detailed. Updates in respect of system resources, training, fire risk assessment, policies and procedures and health and safety inspections were set out in the report. The priorities for the next quarter were also detailed and noted by Members.

The Assistant Director - Place and Community presented the report, highlighting events reported by the Council's first aiders and shown in grey within the table set out in the report. The Assistant Director thanked Officers for being proactive and providing medical assistance to members of public.

In response to a question raised regarding the layout of the council chamber, the Assistant Director reported that this was being actively looked at along with other plans for the chamber.

The Chairperson put the recommendations to the Committee, and these were duly agreed.

RESOLVED

- (i) That Members considered the accident and incident statistics and incidences of unacceptable behaviour reported;

- (ii) That Members considered progress of key health and safety themes (as per Section 3.2 – Health and Safety Actions of the report).

14. COUNCIL CONSTITUTION - PLANNING APPEALS PROTOCOL

The Committee considered the report of the Chief Executive presenting a reference and recommendation from the Overview and Scrutiny Committee (O&S) to this Committee.

The Corporate Governance Project Officer presented the report, advising how at its meeting on 4 September 2025 the O&S had considered reports from its Working Group on two scrutiny reviews of a planning nature. In conclusion of both reviews the Working Group recommended that a revised and strengthened Planning Appeals Protocol be adopted and included in the Council's Constitution. These recommendations were accepted by the O&S for reference to this Committee.

The report set out the amendments that had been made to the Planning Appeals Protocol and a revised version was attached at Appendix A to the report.

A lengthy debate ensued, during which Members commented and asked questions of the Officers present, and in response the following information was provided:

- There would be training for all Members. The Member Training Working Group were recommending that a planning appeals training skills workshop be held for all Members. Part of the training would include carrying out this updated Protocol. Training and upskilling for Planning Committee Chairpersons was also being planned.
- The Chairperson and Vice-Chairperson of Planning Committees had, along with Officers, received training on the Constitutional Brake. The Assistant Director – Planning and Implementation invited any Planning Committee Chairperson or Vice Chairpersons to contact him should they feel they require further training.

In response to a query regarding the process and recommendation coming forward, the Corporate Governance Project Officer provided further background information regarding the two scrutiny requests, review of them and the recommendation coming forward. He explained that as this was a potential Constitutional change it required approval by this Committee.

The Chairperson put the recommendation set out the report. This was duly seconded and agreed. Councillor U G C Siddall-Norman requested that her vote against the recommendations be recorded. At this point, the Chairperson confirmed that this would be a recommendation to the Council.

RECOMMENDED that the Council endorses the revised and strengthened version of the Planning Appeals Protocol (attached as **APPENDIX 1** to these Minutes), and adopts it for inclusion in the Council's Constitution.

15. RECOMMENDATION FROM THE OVERVIEW AND SCRUTINY COMMITTEE - PLANNING ENFORCEMENT

The Chairperson referred to the agenda and a recommendation coming forward from the Overview and Scrutiny Committee (O&S), following its meeting on 4 September 2025, that this Committee consider reviewing Planning Enforcement as part of its performance monitoring.

The Corporate Governance Project Officer advised the Committee that Planning Enforcement had been on the O&S workplan as a watching brief for a while. When reviewed at the last meeting, it was felt more appropriate for performance of this to be monitored by this Committee which is why the request was coming forward.

In response to further comment, the Chief Executive suggested that Officers take this request away and report back to the next meeting of this Committee as to whether Planning Enforcement could be added as a Key Performance Indicator. He clarified that the agenda item was seeking the Committee's agreement that they would be prepared to have this as a measurement within the performance monitoring report.

The Chairperson then proposed that this matter be deferred to allow further consideration and reported back to the next meeting of this Committee for decision. This was duly agreed.

There being no other items of business the Chairperson closed the meeting at 9.42 pm.

W STAMP, CC
CHAIRPERSON

MALDON DISTRICT COUNCIL PLANNING APPEALS PROTOCOL

1. ROLE OF MEMBERS IN COMMITTEE PLANNING APPEALS

1.1 Householder Appeal

- 1.1.1 The Member role is a collective Committee responsibility given that the critical factor with householder appeals, which do not involve providing any additional supplementary statements, is to ensure that the Committee's reasons for overturning Officer report recommendations are clear and based on sound planning reasons.

1.2 Member Involvement in Written Representation, Informal Hearing and Public Inquiry Appeals

- 1.2.1 Where the Committee overturns an Officer recommendation, including where the Constitutional Brake has been invoked, in addition to agreeing the reasons for refusal the Committee will be asked to identify which Member(s) should be involved with any subsequent appeal to help strengthen the defence of the Council's case, and even appear at an inquiry as part of the Council's team. The Member(s) nominated by Committee to engage with any subsequent appeal may include the Chairperson or Vice-Chairperson, or another Member having proposed or supported the decision. Members will need to be aware that officers may or may not support the reason(s) for refusal depending on whether they consider that there will be conflict between the reason(s) and Officers' professional opinion having regard to the local plan and any other material considerations as set out in the Officers report. In this respect, Officers will need to be aware that the services of an external consultant would be sought in a timely manner and in accordance with procurement rules.
- 1.2.2 Where Members are nominated it is important that they understand the nature of the specific role as set out below, and that their appearance at a hearing or inquiry will be wholly as a representative of the Council, as a whole, to support the case made around the Committee's decision. In cases where an external consultant is procured, they would work with that consultant, with the support of Officers.

1.3 Written Representation Appeal

- 1.3.1 Written representation appeals are the quickest and simplest appeals requiring Member involvement. They require a Statement of Case to be prepared and a site visit with the Planning Inspector but these appeals are usually for smaller scale development such as a single dwelling or change of use.
- 1.3.2 Where the Committee overturns the Officer recommendation the Nominated Member(s) will be engaged with the following:
- A letter will be sent to advise the nominated Member(s) about the appeal, the name of the case officer and/ or planning consultant and the date the Statement of Case is due;
 - The Nominated Member(s) should liaise with the Case Officer/ consultant, as required, to discuss the policies used to refuse the application, the content to provide the outline for the Council's Statement and cost claim (if relevant). Members' comments need to be made in writing to the Case Officer/consultant in order to ensure there is a clear audit trail of the input provided by the Nominated Member(s).
 - A written draft Statement of Case, with any necessary appendices will then be prepared by the Case Officer/consultant.

- The Nominated Member(s) will review the Council's draft Statement and make amendments where required and send back to the Officer/consultant.
- A final check by the Case Officer/consultant and/or Senior Management of any Nominated Member(s) amendments will be made to ensure the contents are focused on the reasons for refusal given at Committee and do not inadvertently, in the quest to defend the Council's decision, imply new reasons for refusal. In the event of any concerns of this nature, the Senior Manager will speak to the Nominated Member(s) and confirm in writing any subsequent changes that would be necessary to ensure the Statement of Case stays within its remit.
- The Nominated Member(s) will be advised of the date of the site visit in order to accompany the Case Officer/consultant and Planning Inspector.
- The Nominated Member(s) will be notified of any internal consultation involving the Chair of the relevant Planning Committee undertaken prior to any Emergency Action decision being taken under the Scheme of Delegation (General Powers), e.g. response to a time-limited request from the Planning Inspectorate.

1.4 Informal Hearing Appeal

1.4.1 Where the Committee overturns the recommendation the Nominated Member(s) will be engaged with the following:

- A letter will be sent to advise the Nominated Member(s) about the appeal, the name of the case officer and/or planning consultant and the date the Statement of Case is due;
- The Nominated Member(s) should liaise with the Case Officer/ consultant if required, to discuss the policies used to refuse the application, the content to provide the outline for the Council's Statement of Case and cost claim (if relevant). Member comments, where required will need to be made in writing and forwarded to the Case Officer/ consultant in order to ensure there is a clear audit trail of the input provided by the Nominated Member(s).
- A written draft Statement of Case, with any necessary appendices will then be prepared by the Case Officer or consultant.
- The Nominated Member(s) will review the Council's draft Statement and make amendments where required and send back to the Officer/consultant.
- A final check by the Case Officer/consultant and/or Senior Management of any Nominated Member(s) amendments will be made to ensure the contents are focused on the reasons for refusal given at Committee and do not inadvertently, in the quest to defend the Council's decision, imply new reasons for refusal. In the event of any concerns of this nature, the Senior Manager will speak to the Nominated Member(s) and confirm in writing any subsequent changes that would be necessary to ensure the Statement of Case stays within its remit.
- Prior to the hearing, a meeting will be held between the Member(s) and Case Officer/consultant, alongside any external witnesses and solicitor (where necessary) to consider the issues/ tactics and the appellant's case.
- The Nominated Member(s) will attend the Informal Hearing either in an observer capacity, or as part of the Council team.
- The Nominated Member(s) will be advised of the date of the site visit in order to accompany the Case Officer/ consultant and Planning Inspector.

- The Nominated Member(s) will be notified of any internal consultation involving the Chair of the relevant Planning Committee undertaken prior to any Emergency Action decision being taken under the Scheme of Delegation (General Powers), e.g. response to a time-limited request from the Planning Inspectorate.

1.5 Public Inquiry

1.5.1 Where the Committee overturns the recommendation the nominated Member(s) will be engaged with the following:

- A letter will be sent to advise the Nominated Member(s) about the appeal, the name of the Case Officer and/or planning consultant and the date the Statement of Case is due.
- The Nominated Member(s) should liaise with the Case Officer/ consultant, to discuss the policies used to refuse the application, the content to provide the outline for the Council's Statement of Case and cost claim (if relevant). Member comments, where required, will need to be made in writing and forwarded to the Case Officer/ consultant to ensure there is a clear audit trail of the input provided by the Nominated Member(s).
- A written Statement of Case, with any necessary appendices will then be prepared by the Case Officer or consultant.
- The Nominated Member(s) will review the Council's draft Statement and make amendments where required and send back to the Officer/consultant.
- A final check by the Case Officer/consultant and/or Senior Management of any Nominated Member(s) amendments will be made to ensure the contents are focused on the reasons for refusal given at Committee and do not inadvertently, in the quest to defend the Council's decision, imply new reasons for refusal. In the event of any concerns of this nature, the Senior Manager will speak to the Nominated Member(s) and confirm in writing any subsequent changes that would be necessary to ensure the Statement of Case stays within its remit.
- Prior to the Public Inquiry, a meeting will be convened by the Council's legal representative between the Nominated Member(s), the Case Officer/consultant and any external witnesses / experts (where necessary) to consider the issues / tactics and the appellant's case.
- The Nominated Member(s) will attend the Public Inquiry either in an observer capacity, or as part of the Council team in presenting the case.
- The Nominated Member(s) will be advised of the date of the site visit in order to accompany the Case Officer/consultant and Planning Inspector.
- The Nominated Member(s) will be notified of any internal consultation involving the Chair of the relevant Planning Committee undertaken prior to any Emergency Action decision being taken under the Scheme of Delegation (General Powers), e.g. response to a time-limited request from the Planning Inspectorate.

2 MANAGEMENT OF THE PLANNING APPEAL PROCESS

2.1 In managing the Planning Appeal process in the Council's control the Assistant Director: Planning and Implementation will:

- determine on a case-by-case basis, as early as possible where it would be necessary to either seek the Nominated Member(s) and/or an external

planning consultant to represent the Council at either an Informal Hearing or Public Inquiry.

- Where unreasonable behaviour by the appellant is considered to have taken place, wherever practical, seek to recover the Council's defence costs from appellants in preparing for and undertaking an appeal.
- Where Nominated Member(s) have not been selected, reserve the right to request Ward Member assistance in circumstances where local knowledge is paramount and invaluable to the appeal, including appeals that may arise from planning enforcement action or a refusal of a Certificate of Lawfulness.

3 THE ROLE OF OFFICERS

- 3.1 In advance of hearings and inquiries, the Development Management Technical Support Team directly support the Planning Inspectorate to secure a suitable venue, including a secure office for the Inspector (if requested) and/or the appellant. On the day of hearings and inquiries, the team support the Inspector to ensure hearings and inquiries are held safely in accordance with any risk assessments and registration requirements, including assisting the public to observe either in the hearing or inquiry location or via any spillover space where capacity has otherwise been exceeded.
- 3.2 Planning Officers would normally appear as witnesses at planning appeals and other proceedings on behalf of the Council. The only exception would be in those instances where officers feel professionally conflicted having regard to the standards of their profession due to the reasons for refusal on an officer recommendation overturn. In some circumstances (such as where specialist evidence is required) it may also be necessary for other professional officers (such as Environmental Health) to attend, or for the Council to appoint specialist consultants to appear and give evidence for the Council's case.
- 3.3 In giving evidence, Planning Officers will present the best possible case on behalf of the Council, while complying with the Royal Town Planning Institute ("RTPI") Code of Professional Conduct. This Code requires that Planning Officers who are members of the Institute to not make statements purporting to be their own, but which are contrary to their bona fide professional opinion.
- 3.4 Planning and Legal Officers will support Members whether involved with the presentation of the Council's case or not, including those otherwise attending or wishing to make representations at appeals, and advise them in advance on how to prepare for speaking and/or delivering evidence.

4 THE ROLE OF MEMBERS AS PRIVATE INDIVIDUALS AND PARISH / TOWN COUNCILLORS

- 4.1 In situations where Members have clearly demonstrated a 'closed mind' on a planning application prior to consideration by Committee, they will not be permitted to be involved in the determination of that application or the subsequent appeal statement or process. In this case, or where a Member does not support the Council decision irrespective of the type of appeal, a Member may decide to make their submissions to an appeal which will be in either a personal capacity only or in their role as a Town / Parish Councillor.
- 4.2 It may be that on occasions electors may expect that their Ward Member(s) will attend a hearing or inquiry to further represent their interests and view. This can be

seen as part of the democratic process, and a Ward Member wishing to do so should take the opportunity of first being fully briefed by Planning Officers on all the issues the subject of the appeal.

5 REVIEW OF REASONS FOR REFUSAL

- 5.1 On occasions during the course of an appeal, the Council may formally be requested by or on behalf of the appellant to reconsider its reasons for refusal. Any review shall be undertaken at the level the original decision was made and on report of the Assistant Director: Planning and Implementation only.
- 5.2 Where a Committee has not formally reconsidered its reasons for refusal, and there is insufficient time to do so, then in order to ensure the Council minimises its exposure to unreasonable behaviour cost awards against it, the Assistant Director: Planning and Implementation, in managing the appeal process, will act in consultation with the Leader of the Council, the Chairperson of the relevant Planning Committee and any Nominated Member(s).

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Matters Arising from previous meetings of the Performance, Governance and Audit Committee

Meeting Date	Item (Title of Report)	Action	Lead Officer	Response / Update	Action response date
16-Jun-24	Infrastructure Funding Statement	Details regarding the allotments at Handley Green to be provided to Councillor J Driver	Head of Service - Planning Policy and Implementation	<p>Councillor Driver was emailed on 22 July 2024.</p> <p><u>November 2024 update</u> – Officers have written twice to the developer for an update on the allotments. The allotments should be delivered when the housing is complete on Phase 1 (the phase in which the allotments lie). As the housing is well on the way to be delivered Officers will continue to pursue this for the delivery timetable and who will be taking over the management of the allotments.</p> <p><u>29/10/25 Update</u> – The Head of Service - Planning Policy and Implementation advises that Maldon Town Council are / have adopted the allotments from the developer. Legal Services have confirmed that this is in accordance with the Section 106 Agreement. Councillor Driver has been informed of this.</p>	05/12/24 – The Chairperson requested that this item remained on the matters arising list.
17-Jul-25	Matters Arising	The Chairperson requested an update on the number of Members who had received General Data Protection Regulations (GDPR) training	Assistant Director - Resources	The Chairperson provided an update from the Assistant Director - Resources advising that 12 Members had completed training, and this would be evidenced on the Balance Scorecard for this month. The GDPR Boxphish course completions would be reported to the next meeting of the Committee.	Further update on GDPR BoxPhish training to come forward
18-Sep-25	Matters Arising	<u>Update on Members completing General Data Protection Regulations (GDPR)</u> - Details of GDPR Boxphish course	Chief Executive	Out of 31 Members, 16 have completed GDPR Training. The course was sent to Members again on 13 October 2025 allowing a further week for completion	24-Oct-25

Matters Arising from previous meetings of the Performance, Governance and Audit Committee

Meeting Date	Item (Title of Report)	Action	Lead Officer	Response / Update	Action response date
		completions to be reported to the next meeting of the Committee		Emailed to all Members	
18-Sep-25	Matters Arising	<u>Update on Members completing General Data Protection Regulations (GDPR)</u> - The Chief Executive suggested that an email from the Chairperson of this Committee and himself be sent to all Members as a gentle reminder to complete outstanding GDPR training.	Chief Executive	Email was sent to all Members on 10 October 2025 from the Chief Executive and Councillor W Stamp (Chairperson of the Committee) reminding them to complete their training	10-Oct-25
18-Sep-25	Matters Arising	<u>Infrastructure Funding Statement</u> - The Chairperson requested a further update on this matter arising from the meeting on 16 June 2024. In response Officers agreed to provide an update to the next meeting of the Committee.	Assistant Director - Planning and Implementation / Head of Service - Planning Policy and Implementation	Added to Committee tracker (01/10/25)	
18-Sep-25	Matters Arising	<u>Plan for the Audit of the Accounts for the Financial Year 2024 / 25</u> - The Chairperson asked the Chief Finance Officer to provide an update on the Leisure Contract to a future meeting of the Committee as it was important for the Committee to scrutinise this contract which she described as high risk to the Council.	Chief Finance Officer	Added to Committee tracker (01/10/25)	
18-Sep-25	Corporate Performance - Quarter 1	That the Assistant Director - Customer Services and Operations and her team are to meet with the Chief Finance	Chief Executive / Assistant Director - Customer Services and Operations /	The Assistant Director - Strategy, Partnerships and Communications met with the Chief Finance Officer and costs have been included in the growth template for	07-Oct-25

Matters Arising from previous meetings of the Performance, Governance and Audit Committee

Meeting Date	Item (Title of Report)	Action	Lead Officer	Response / Update	Action response date
		Officer and Chief Executive to discuss increasing budget levels in respect of marketing methods relating to business communication	Chief Finance Officer	2026 / 27. The Council is able to the Economic Development reserve during the year to promote the business newsletter and encourage sign-ups (Q3 and Q4).	
18-Sep-25	Corporate Performance - Quarter 1	<u>Support progress of Electric Vehicle (EV) charging</u> – The Assistant Director - Place and Community to confirm with the Technical Lead - Climate Action regarding the roadmap for the charging infrastructure and advise Members accordingly.	Assistant Director - Place and Community / Technical Lead Climate Action		
18-Sep-25	Corporate Performance - Quarter 1	<u>Support progress of Electric Vehicle (EV) charging</u> – The Chief Executive requested that Officers produce a short briefing, detailing the timescales on the levy projects, and funding etc. to provide further information for all Members on the current status. The Chairperson advised she would also speak to Councillor J C Stilts as she had also been dealing with Essex County Council.	Assistant Director - Place and Community / Technical Lead Climate Action / Chairperson of the Committee	An email was sent to Members of the Committee providing an update from Katie Pudney: Electric Vehicle and Charging Lead at Essex County Council	24-Oct-25
18-Sep-25	Corporate Performance - Quarter 1	<u>Affordable Housing units secured through planning policy</u> - It was noted that data was only available on a six monthly basis and it was agreed that Officers would discuss with the performance team regarding the missing data and presenting	Assistant Director - Place and Community / Assistant Director - Programmes, Performance and Governance	<u>Update from Head of Housing Operations:</u> Meeting scheduled with Performance Officer to review how affordable housing KPIs are presented in future reports to ensure clarity and consistency across text and visuals	21-Oct-25

Matters Arising from previous meetings of the Performance, Governance and Audit Committee

Meeting Date	Item (Title of Report)	Action	Lead Officer	Response / Update	Action response date
		reports differently to make it clearer where reporting was only every 6 months.			
18-Sep-25	Corporate Performance - Quarter 1	<u>Affordable Housing units secured through planning policy</u> - A Member requested details of the extant supply to project whether the Council was going to meet its needs against the Housing Register. (The Chairperson agreed that this would be noted)	Assistant Director - Place and Community	<u>Update from Head of Housing Operations:</u> Officers are currently reviewing the latest housing supply pipeline data and how this aligns with demand on the Housing Register. A briefing note will be produced to give Members a clearer picture of supply vs demand and how we're tracking against Local Plan and policy targets. Timelines TBC.	21-Oct-25
18-Sep-25	Corporate Performance - Quarter 1	<u>Affordable Housing units secured through planning policy</u> - Progress on bringing empty homes back onto the market would be reported to Members	Assistant Director - Customer Services and Operations	Officers are currently reviewing the latest housing supply pipeline data and how this aligns with demand on the Housing Register. A briefing note will be produced to give Members a clearer picture of supply vs demand and how we're tracking against Local Plan and policy targets. Timelines to be confirmed	21-Oct-25
18-Sep-25	Corporate Performance - Quarter 1	<u>Community Safety Partnership engagement and activities</u> - That Officers provide a presentation to the next meeting of the Committee regarding this and the contributions the Authority had made / was making to what areas of the District	Assistant Director - Customer Services and Operations	Added to Committee tracker (01/10/25)	
18-Sep-25	Corporate Performance - Quarter 1	<u>Knife Crime</u> - In response to comments regarding cutting the top off knives, the Chairperson advised that this comment would be noted and would be reviewed alongside into any	Assistant Director - Customer Services and Operations		

Matters Arising from previous meetings of the Performance, Governance and Audit Committee

Meeting Date	Item (Title of Report)	Action	Lead Officer	Response / Update	Action response date
		initiatives that have / could have happened in the District in respect of knives and knife crime			
18-Sep-25	Corporate Performance - Quarter 1	<u>Shellfish Sampling</u> - A short report / update would be brought to the next meeting on the samplings that had taken place to date.	Assistant Director - Place and Community	An update from the EH Commercial Manager was emailed to Members	24-Oct-25
18-Sep-25	Corporate Performance - Quarter 1	The Chief Executive agreed that for future reporting he would ensure that Officers would provide an updated to highlight if delivery was expected later within a year.	Chief Executive	Complete	10-Oct-25
18-Sep-25	Review of Corporate Risk - Quarter 1	<u>Risk 4 – Damage caused to the Council's reputation associated with delays to planned infrastructure delivery in the District by third parties which was due to mitigate approved development:</u> That future commentary of this risk would include any communications to identify where the Council was lobbying other organisations such as chasing delivery of the Heybridge health centre. Officers would also ensure that the Council's communications team were aware of these	Assistant Director - Planning and Implementation	Performance Officer has ensured with the risk owner that this has been considered as part of this risk when reviewing / updating each quarter going forward.	23-Oct-25
18-Sep-25	Review of Corporate Risk - Quarter 1	<u>Risk 4 – Damage caused to the Council's reputation associated with delays to planned infrastructure delivery in the</u>	Assistant Director - Planning and Implementation / Assistant Director -	<u>Update from Performance Officer / Head of Improvement and LGR:</u> The method hasn't changed nor criteria as to how we rate the risks. The policy refresh	22/10/2025

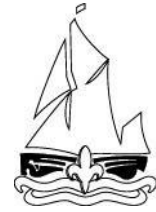
Matters Arising from previous meetings of the Performance, Governance and Audit Committee

Meeting Date	Item (Title of Report)	Action	Lead Officer	Response / Update	Action response date
		<u>District by third parties which was due to mitigate approved development:</u> The Chairperson requested that Officers discuss with the Assistant Director – Programmes, Performance and Governance whether the outcome of this risk changing may need reflecting in the Policy and its method, rather than the risk itself.	Programmes, Performance and Governance	at the beginning of the year triggered a register wide review and Risk 4 was one that was considered as a potential to be lowered. The impact was lowered to a 3, on the basis a 4 is national reputation coverage and 3 is local media and perception, and the likelihood lowered from a 5 to a 4 as the occurrence of reputational damage is not certain / constant	
18-Sep-25	Review of Corporate Risk - Quarter 1	<u>Risk 6 – Failure to meet the affordable housing need:</u> The Assistant Director agreed to discuss the comments raised with the Housing Team to see if there was a more accurate way of reflecting this Risk.	Assistant Director - Place and Community	This is being reviewed by the Head of Housing Operations / Director of Place, Planning and Growth. Any changes will be reflected in Quarter 2 reporting.	
18-Sep-25	Review of Corporate Risk - Quarter 1	<u>Risk 6 - Failure to meet the affordable housing need:</u> Further to the discussion, the Chairperson advised that Officers would review this risk and consider whether it should be split.	Assistant Director - Place and Community / Assistant Director - Planning and Implementation / Chief Executive	This is being reviewed by the Head of Housing Operations / Director of Place, Planning and Growth. Any changes will be reflected in Quarter 2 reporting.	
18-Sep-25	S106 Obligations and Infrastructure Funding Statement 2024 / 25	the Chief Executive advised that he met regularly with Tom Abell, Chief Executive of the Mid and South Essex Integrated Care Board and would ensure this matter was added to the agenda for their next meeting.	Chief Executive	Complete	10-Oct-25
18-Sep-25	S106 Obligations and Infrastructure Funding Statement	The Chief Executive agreed that a letter would be sent from the Council to the NHS to	Chief Executive		

Matters Arising from previous meetings of the Performance, Governance and Audit Committee

Meeting Date	Item (Title of Report)	Action	Lead Officer	Response / Update	Action response date
	2024 / 25	encourage spending of the S106 monies relating to health.			
18-Sep-25	Recommendation from the Overview and Scrutiny Committee - Planning Enforcement	That this matter be deferred to allow further consideration and reported back to the next meeting of this Committee for decision.	Assistant Director - Planning and Implementation / Corporate Governance Project Officer	Report being brought forward to the Performance, Governance and Audit Committee meeting on 13 November 2025	17-Oct-25

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REPORT of DIRECTOR OF FINANCE

to
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
20 NOVEMBER 2025

EXTERNAL AUDIT - PROGRESS OF THE AUDIT OF THE ACCOUNTS FOR THE FINANCIAL YEAR 2024/25

1. PURPOSE OF THE REPORT

- 1.1 This report presents the initial findings report provided by the appointed external auditor (KPMG) for their audit review of the accounts for the year 2024/25 (**APPENDIX 1**). At the time of publication, the KPMG report had not been finalised and so will be sent following publication of this agenda pack.
- 1.2 The key findings and recommendations from the review to date will be presented by the external auditor (KPMG). They will also provide an update on the timescale for issuing their opinion on the 2024/25 Statement of Accounts.

2. RECOMMENDATIONS

- (i) That Members consider the findings presented by the external auditors, (KPMG) and note the status of the report (draft, final or similar) and next steps arising;
- (ii) That Members note the good progress previously reported to the Finance Working Group based on the feedback received from KPMG as well as the significant pressure placed on officers in responding to queries.

3. SUMMARY OF KEY ISSUES

- 3.1 The majority of the substantive audit fieldwork relating to the 2024/25 Statement of Accounts is completed. However, and as previously reported to the Performance, Governance and Audit Committee (PGA), it is understood that a formal opinion will not be issued by KPMG in advance of the 'back-stop' date of 27 February 2026. The expected opinion will be a 'disclaimed opinion', as advised by KPMG colleagues, although officers are working to secure the most favourable opinion possible under the current circumstances.
- 3.2 As previously reported to the Committee, the Council has received disclaimed opinions from its external auditors for the accounts for the financial years 2021/22, 2022/23 and 2023/24. This is set out in the table below. The table also highlights the timing of the preparation of the accounts for recent financial years, with accounts for 2024/25 being successfully prepared within the required timescale.
- 3.3 The opinion on the accounts for the year 2024/25 is therefore being formed in that context which affects the auditors understanding of the balances brought into 2024/25 from previous years.

Financial year	PGA meeting receiving the draft (pre-audit) accounts	Months from year end to publication of draft accounts	Audit Opinion	Auditor
2020/21	Nov 2023	31	Unqualified.	Deloitte
2021/22	Dec 2024	33	Disclaimed.	Deloitte
2022/23		22	Disclaimed.	Deloitte
2023/24	Feb 2025	10	Disclaimed.	KPMG
2024/25	Jul 2025	3	Expected to be disclaimed.	KPMG (changed team)

- 3.4 It is anticipated that KPMG will carry out further work in the coming months to review prior years' balances and significant transactions in order to progress towards full assurance as rapidly as possible.
- 3.5 Another part of audit work covers the Value for Money (VFM). Significant work has been undertaken in this area. The report from KPMG will set out their findings along with their conclusion on the Council's VFM framework.

4. CONCLUSION

- 4.1 The Committee is invited to consider the findings of the report from the External Auditor for the audit of the 2024/25 accounts.

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

5.1 Smarter finances

- 5.1.1 A key objective of the Council's Corporate Plan is to continue to have good governance arrangements in place. The external audit opinion is one of the main sources of assurance of the achievement of this objective for the PGA. The lack of a clear opinion and its replacement with a 'disclaimed' opinion (due to lack of time and other resources required) is being replaced by reliance on other, robust, ways to provide Members with assurance on the accuracy of financial reporting.

6. IMPLICATIONS

- (i) **Impact on Customers** – Lower than planned assurance on the council's financial position.
- (ii) **Impact on Equalities** – None directly.

- (iii) **Impact on Risk** – Disclaimed opinions by independent external auditors reduces the effectiveness of internal financial controls and place greater reliance on internal controls and third party sources of assurance.
- (iv) **Impact on Resources (financial)** – The scale fee for the 2024/25 accounts audit have been reported to the committee. It is anticipated that additional work ('rebuilding assurance' per National Audit Office (NAO) Local Audit Reset and Recovery Implementation Guidance (LARRIG)) will be separately chargeable to the Council.
- (v) **Impact on Resources (human)** – Officers are being redirected from other planned work in order to address audit queries.
- (vi) **Impact on Devolution / Local Government Reorganisation** – Learning from other reorganisations has highlighted the importance of robust accounting information as part of the foundation of the new authorities. Delays in securing full assurance increases risks for successor organisations.

7. ATTACHMENTS

- 7.1 KPMG audit findings arising from the progress to date on the audit of the accounts for the year 2024/25 (to follow).

8. RELATED REPORTS

8.1 Maldon District Council reports

Audit Findings Report, Financial Year (FY) 2020/21 (Deloitte), PGA 16 November 2023 (item 7): [\(Public Pack\)Agenda Document for Performance, Governance and Audit Committee, 16/11/2023 19:30](#)

Audit Findings Report, FY 2021/22 and 2022/23 (Deloitte), PGA 5 December 2024 (item 8): [\(Public Pack\)Agenda Document for Performance, Governance and Audit Committee, 05/12/2024 19:30](#)

Audit Findings Report, FY 2023/24 (KPMG), PGA 20 February 2025 (item 7): [\(Public Pack\)Agenda Document for Performance, Governance and Audit Committee, 20/02/2025 19:30](#)

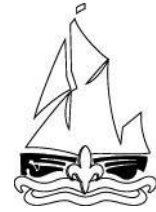
8.2 Other reports

Financial Reporting Council (FRC) accessible guide: [Local Audit Backlog Rebuilding Assurance](#)

Background Papers: See above.

Enquiries to: Ben Jay, Director of Finance (S151).

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REPORT of CHIEF FINANCE OFFICER

**to
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
13 NOVEMBER 2025**

INTERNAL AUDIT REPORTS

1. PURPOSE OF THE REPORT

- 1.1 To present for consideration, comment, and approval by the Committee the following reports issued by BDO LLP, the Council's Internal Audit service provider:
- Progress Report (November 2025) – at 8a;
 - Follow-Up of Recommendations Report (November 2025) – at 8b;
 - Waste and Recycling Report (September 2025) at 8c;
 - Corporate Governance Final Report (October 2025) – at 8d;

2. RECOMMENDATIONS

That the Committee considers, comments, and approves the following:

- (i) Progress Report (November 2025) – at 8a;
- (ii) Follow-Up of Recommendations Report (November 2025) – at 8b;
- (iii) Waste and Recycling Report (September 2025) at 8c;
- (iv) Corporate Governance Final Report (October 2025) – at 8d;

3. SUMMARY OF KEY ISSUES

- 3.1 BDO LLP are the Council's contracted Internal Audit Service provider. The Partner, Mr. Aaron Winter, fulfils an equivalent role to that of Head of Internal Audit for the Council.
- 3.2 The Internal Audit Service provides assurance to the Chief Finance Officer, management and Members of the adequacy of internal controls and checks in the organisation and highlights any risks that the Council may be exposed to in its operations.
- 3.3 As such, Internal Audit is independent of management and operates within the UK Public Sector Internal Audit Standards (PSIAS) issued by the CIPFA.

4. CONCLUSION

- 4.1 This report allows the Committee to fulfil its remit of overseeing governance.

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

5.1 Internal Audit cuts across the delivery of all priorities in the Corporate Plan.

6. IMPLICATIONS

- (i) **Impact on Customers** – Any impact on customers will be highlighted with the reports in the appendices.
- (ii) **Impact on Equalities** – Any impact on equalities will be highlighted with the reports in the appendices if it is within the scope of the audit work carried out.
- (iii) **Impact on Risk (including Fraud implications)** – Any risks identified as a result of the findings of the internal audit work are highlighted with the individual reports and summarised in the Progress Update and Follow Up of recommendations reports.
- (iv) **Impact on Resources (financial)** – Same comment applies here as for Impact on Risk above.
- (v) **Impact on Resources (human)** – Same comment applies here as for Impact on Risk above.
- (vi) **Impact on Devolution / Local Government Reorganisation** – None.

Background papers: None.

Enquiries to:

Ben Jay, Chief Finance Officer, Maldon District Council
Aaron Winter (BDO LLP)
Andrew Billingham (BDO LLP)

Maldon District Council
Internal Audit Progress Report
November 2025



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SECTOR UPDATE	4
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Summary of 2025/26 Work

Internal Audit

This report is intended to inform the Performance, Governance and Audit Committee of progress made against the 2025/26 internal audit plan. It summarises the work we have done, together with our assessment of the systems reviewed and the recommendations we have raised. Our work complies with Global Internal Audit Standards in the UK Public Sector. As part of our audit approach, we have agreed terms of reference for each piece of work with the risk owner, identifying the headline and sub-risks, which have been covered as part of the assignment. This approach is designed to enable us to give assurance on the risk management and internal control processes in place to mitigate the risks identified.

Internal Audit methodology

Our methodology is based on four assurance levels in respect of our overall conclusion as to the design and operational effectiveness of controls within the system reviewed. The assurance levels are set out in Appendix 1 of this report and are based on us giving either 'substantial', 'moderate', 'limited' or 'no' opinion. The four assurance levels are designed to ensure that the opinion given does not gravitate to a 'satisfactory' or middle band grading. Under any system we are required to make a judgement when making our overall assessment.



Internal Audit plan 2025/26

We are now making good progress in the delivery of the 6 audit plan approved on 20/02/2025.

We are pleased to present the following final reports to this Performance, Governance and Audit Committee meeting.

- ▶ **Waste and Recycling**
- ▶ **Corporate Governance**

Draft reports have been issued for the following audits and we await management responses:

- ▶ **HR System Review**
- ▶ **Safeguarding**

Fieldwork is in progress in respect of the following audit:

- ▶ **Management of Property**

Planning is underway in respect of the following audits:

- ▶ **IT Governance**
- ▶ **Food Safety**
- ▶ **Main Financial Systems**

We anticipate presenting these reports at future Audit Committee meetings.

Changes to the 2025/26 internal audit plan

The **Local Government Review** audit has been deferred from the 2025/26 plan at the request of management, given the current status of Local Government Reorganisation and the value a review would add at this point in time. This will be replaced with a review of the **Medium-Term Financial Strategy** with the scope currently being collated/discussed with management.

Review of 2025/26 Work

AUDIT	AUDIT COMMITTEE	PLANNING	FIELDWORK	REPORTING	DESIGN	EFFECTIVENESS
Waste and Recycling	November 2025	✓	✓	✓	S	M
Corporate Governance	November 2025	✓	✓	✓	S	M
HR System Review	March 2026	✓	✓	✓		
Safeguarding	March 2026	✓	✓	✓		
Management of Property	March 2026	✓	✓			
IT Governance	March 2026	✓				
Food Safety	March 2026	✓				
Medium Term Financial Strategy	June 2026	✓				
Main Financial Systems	June 2026	✓				

Sector Update

Our quarterly Local Government briefing summarises recent publications and emerging issues relevant to local authority providers that may be of interest to your organisation. It is intended to provide a snapshot of current issues for senior managers.

WARNING OVER LGR IMPACT ON SOCIAL CARE

Doubts have been cast over the future of social care following local government reorganisation, as a new report contests calculations made in some LGR business plans

It is the £360bn question that not enough people are asking: what happens to the Local Government Pension Scheme when the map of local government in England is redrawn?

Research **commissioned by the County Councils Network** questioned the credibility of business plans for new unitaries with fewer than 500,000 residents that promise significant savings once reorganised.

Data for the 21 two-tier regions due to undertake LGR was analysed by Newton through surveys, roundtable discussions with senior leaders and workshops with 19 county councils.

Officers told researchers the potential enhanced service integration through bringing housing services, currently managed by districts, together with adult and children's social care could "enable more coordinated support for vulnerable populations" but "only if reorganisation is delivered in the right way".

Their analysis of the cost of commissioning services by using deprivation as a gauge of need and population size as a measure for purchasing power found the conviction that smaller unitaries would drive savings is not clear cut.

The report states: "With existing county councils commissioning care worth many hundreds of millions of pounds per year, reductions in population scale will result in a very significant, material and absolute cost increase where disaggregation takes place."

The calculations suggest that if new unitary councils had a population below 300,000, this would result in additional unit costs of over £270m a year.

This is based on the assumption that smaller unitaries would have less purchasing power than those with a bigger population, despite the fact that having a higher population could mean more demand on services.

CCN chair Matthew Hicks (Con) said: "Put simply, reorganisation plans could make or break care services unless the government gets these reforms right."

Given that social care is one of the most expensive pressures on upper tier councils, he said it is "therefore vital" that "ministers must ensure they rigorously evaluate all proposals and heavily weight their decisions based on the risks to people-based services".

Cllr Hicks also warned that disaggregation could affect the quality of care for users during the "significant upheaval" when services are split into smaller units.

The CCN analysis projects larger authorities are "more likely" to receive better ratings from Ofsted for children's services based on the assumption that it is linked to their capacity for "practice development, quality assurance and attracting experienced leadership".

However Barnsley MBC, with a population of 244,600 in 2021, received an **"outstanding" rating from Ofsted** in November.

The CCN chair is also leader of Suffolk CC, which has submitted a plan for a county-wide unitary as part of the devolution priority programme.

Cllr Hicks said "reorganisation has the potential to deliver significant benefits for local taxpayers and improve every day services residents rely on," but added "at the same time, councils and local taxpayers could be loaded with substantive extra costs".

Devon CC released a statement supporting the report as it backs its ambition for a single unitary covering the current county footprint.

Portfolio holder for LGR, Paul Arnott (Lib Dem) said the "report indicates that maintaining a unified council structure at scale is vital to protect the services on which our most vulnerable residents rely" but also shared his sadness that the government "has forced us to abolish the districts and county councils".

Workforce challenges

Through dividing the 21 counties into smaller unitaries, each new authority would require additional directors of adult social care, children's services and their supporting leadership teams.

With existing vacancy rates in adult social care is at 8.3%, this raises doubts over how the sector would meet the “severe” challenge of recruiting sufficient qualified professionals to fill these roles.

This CCN report estimates it could result in additional total senior staffing costs of £1m to £3m per authority created, without taking into account the cost of IT, HR and finance to support these newly formed services.

It says that if all new unitary councils had a population below 300,000, this would require over 1,000 additional roles, with an estimated annual cost of £95m.

In contrast, it says that with unitary councils with a population above 500,000 there would be a net reduction in senior management.

Association of Directors of Adult Social Services president Jess McGregor said the research “reinforces concerns” raised with ministers about the “risks local government reorganisation poses to hundreds of thousands of people who are older-aged, disabled or in vulnerable situations that draw on care and support”.

Ms McGregor, who is the director of adult services at Camden LBC, said: “New councils must be financially sustainable from day one and able to meet their legal duties to provide care and support.”

She added the findings “highlight important issues government must address” such as recruitment of directors, “a plan to address disproportionate impacts of ordinary residence decisions, and ensuring adult social care can contribute to the shift from hospital to community care”.

She said it was therefore “vital” ministers engage adult social care leaders in the process and “help assess all proposals” because “many of the people our members serve rely on us getting this right.”

Counter view

The District Councils’ Network published an report in June that instead argued disaggregating adult social care services can be “done effectively with early planning, strong leadership and realism required to make it work”.

Its research, [undertaken by Impower](#), offered a more “optimistic” view on redesigning social care into a smaller footprint by highlighting the “strengths that districts and smaller councils bring through their proximity to place and focus on prevention”.

It also found evidence to counter arguments that size affects care services, stating “there is no clear link between scale and overall quality of adult social care”.

[Warning over LGR impact on social care | Local Government Chronicle \(LGC\)](#)

FOR INFORMATION

Audit and Governance Committee, Executive Directors, and Non-Executive Directors

OUTGOING DCN CHAIR WOULDN'T STAND FOR A "MEGA COUNCIL"

It is a role that was thrust upon him by local government reorganisation, and as Sam Chapman-Allen prepares to step down as chair of the District Councils' Network LGR is once again dominating the agenda

Speaking to LGC in his final weeks in the position, Cllr Chapman-Allen (Con) explained that when the position became vacant in 2020, there was a natural successor in the form of Selby DC leader Mark Crane (Con).

He said Cllr Crane was the "most senior, most well regarded" and "natural succession" to Lord John Fuller (Con).

However Cllr Chapman-Allen said Cllr Crane dropped out of the running due to plans for local government reorganisation in North Yorkshire.

Therefore "colleagues on the executive" came together to convince Cllr Chapman-Allen to "pick up the mantle from John and run with it".

He said: "At no point was that where I thought I was going to be when I joined the executive two and a half years earlier, but actually, I think local government is all about that."

He added: "I would say that of my colleagues: none of them ever thought they'd become a councillor, ever become a cabinet member or mayor and leader of the council. It was their colleagues who probably said, 'I think you'd be really good at this and you should do it'."

Now, as he prepares to step down from his DCN role on 14 October, LGR is back in the spotlight. The government has said all two-tier areas must unitarise, and Cllr Chapman-Allen's own authority of Breckland DC in Norfolk is on the devolution priority programme.

He said he would "probably not" stand for election in Norfolk if a county-wide unitary is formed following the LGR process.

He said he would not run in unitary elections, as "that's not something I believe in".

He said: "If government derive a decision on a mega council for Norfolk, that's not something I believe in. That's not something I believe can deliver the right services and therefore I think, as I'm sat here today, I probably wouldn't want to stand for election to a mega council."

However he admitted he has "changed [his] mind" in the past "as every good politician is entitled to do," so once the LGR has been decided he acknowledged his position may change again.

So what then is the future for the District Councils' Network in a world without any district councils?

Cllr Chapman-Allen said: "DCN will be there right up until the last district member exists, but we will metamorphosise into what the sector needs as it moves forward. And our early indication is that the sector absolutely wants the DCN to continue in a different name, in a different vein, but doing the same stuff."

He added the organisation is "punching above its weight" and will continue to do so.

Looking back on his four years as chair he said: "It has been an absolute privilege to see the incredible activity, the incredible stories, the incredible people who are operating a local government across across the country."

Their work is what "makes local government special", he said: "They are absolutely the backbone of the growth and the economy agenda, but more importantly that civic and place based leadership."

This has fuelled his ambition of "making sure that government understood that we're not a delivery arm of the government" and strive for "true devolution," not the "centre dictating" to districts.

He said: "It's always been about making sure that government understood that we're not a delivery arm of the government, that me and my fellow councillors and council leaders are elected."












"We are sovereign councils. We have a mandate and we've got a job to do."

Outgoing DCN chair wouldn't stand for a 'mega council' | Local Government Chronicle (LGC)

FOR INFORMATION





Audit and Governance Committee, Executive Directors, and Non-Executive Directors

Key Performance Indicators




QUALITY ASSURANCE	KPI	RAG RATING
1. Annual Audit Plan delivered in line with timetable	We remain on track to deliver this for 2025/26.	
2. Actual days are in accordance with Annual Audit Plan	We are on track to meet this KPI.	
3. Customer satisfaction report - overall score at least 3.5 for surveys issued at the end of each audit	Since 2021 the average score received on satisfaction surveys is 4.47.	
4. Annual survey to PGA committee to achieve score of at least 70%	This was issued following the presentation of the annual report. We are awaiting responses.	
5. At least 60% input from qualified staff	We are on target to meet this KPI during 2025/26.	
6. Issue of draft report within three weeks of fieldwork closing meeting	This KPI has been met for the two completed audits for 2025/26.	
7. Finalise internal audit report one week after management responses to report are received	This KPI has been met for the two completed audits for 2025/26.	
8. 90% of recommendations to be accepted by management	This KPI has been met for the two completed audits for 2025/26.	
9. Information is presented in the format requested by the customer	This KPI has been met for the two completed audits for 2025/26.	
10. High quality documents produced by the auditor that are clear, concise and contain all the information requested	This KPI has been met for the two completed audits for 2025/26.	
11. Positive result from external review	Following an External Quality Assessment by the Institute of Internal Auditors in May 2021, BDO were found to 'generally conform' (the highest rating) to the International Professional Practice Framework and Public Sector Internal Audit Standards.	

Appendix 1

OPINION SIGNIFICANCE DEFINITION

LEVEL OF ASSURANCE	DESIGN OPINION	FINDINGS FROM REVIEW	EFFECTIVENESS OPINION	FINDINGS FROM REVIEW
Substantial 	Appropriate procedures and controls in place to mitigate the key risks.	There is a sound system of internal control designed to achieve system objectives.	No, or only minor, exceptions found in testing of the procedures and controls.	The controls that are in place are being consistently applied.
Moderate 	In the main, there are appropriate procedures and controls in place to mitigate the key risks reviewed albeit with some that are not fully effective.	Generally, a sound system of internal control designed to achieve system objectives with some exceptions.	A small number of exceptions found in testing of the procedures and controls.	Evidence of non-compliance with some controls, that may put some of the system objectives at risk.
Limited 	A number of significant gaps identified in the procedures and controls in key areas. Where practical, efforts should be made to address in-year.	System of internal controls is weakened with system objectives at risk of not being achieved.	A number of reoccurring exceptions found in testing of the procedures and controls. Where practical, efforts should be made to address in-year.	Non-compliance with key procedures and controls places the system objectives at risk.
No 	For all risk areas there are significant gaps in the procedures and controls. Failure to address in-year affects the quality of the organisation's overall internal control framework.	Poor system of internal control.	Due to absence of effective controls and procedures, no reliance can be placed on their operation. Failure to address in-year affects the quality of the organisation's overall internal control framework.	Non-compliance and/or compliance with inadequate controls.

RECOMMENDATION SIGNIFICANCE DEFINITION

RECOMMENDATION SIGNIFICANCE	
High 	A weakness where there is substantial risk of loss, fraud, impropriety, poor value for money, or failure to achieve organisational objectives. Such risk could lead to an adverse impact on the business. Remedial action must be taken urgently.
Medium 	A weakness in control which, although not fundamental, relates to shortcomings which expose individual business systems to a less immediate level of threatening risk or poor value for money. Such a risk could impact on operational objectives and should be of concern to senior management and requires prompt specific action.
Low 	Areas that individually have no significant impact, but where management would benefit from improved controls and/or have the opportunity to achieve greater effectiveness and/or efficiency.

FOR MORE INFORMATION:

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The matters raised in this report are only those which came to our attention during our audit and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. The report has been prepared solely for the management of the organisation and should not be quoted in whole or in part without our prior written consent. BDO LLP neither owes nor accepts any duty to any third party whether in contract or in tort and shall not be liable, in respect of any loss, damage or expense which is caused by their reliance on this report.

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INTERNAL AUDIT FOLLOW UP OF RECOMMENDATIONS REPORT

Maldon District Council

November 2025

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SUMMARY

2023/24	Total Recs	H	M	L	To follow up	Previously Completed		Complete		In Progress		Overdue		Not Due	
						H	M	H	M	H	M	H	M	H	M
Homelessness and Temporary Accommodation	3	-	3	-	3	-	2	-	1	-	-	-	-	-	-
CIPFA Financial Management Code	2	-	1	1	1	-	-	-	1	-	-	-	-	-	-
Sub Total	5	-	4	1	4	-	2	-	2	-	-	-	-	-	-

2024/25	Total Recs	H	M	L	To follow up	Previously Completed		Complete		In Progress		Overdue		Not Due	
						H	M	H	M	H	M	H	M	H	M
Health and Safety	6	2	3	1	5	-	1	1	1	1	1	-	-	-	-
Capital and Commercial	3	-	1	2	1	-	-	-	-	-	-	-	-	-	1
Contract Management	2	-	1	1	1	-	-	-	-	-	-	-	-	-	1
Building Control	5	2	2	1	4	-	-	-	1	-	1	-	-	2	-
GDPR	4	-	3	1	3	-	-	-	2	-	-	-	-	-	1
Asset Management	4	-	1	3	1	-	-	-	-	-	-	-	-	-	1
Main Financial Systems	3	-	2	-	3	-	-	-	1	-	1	-	-	-	1
Sub Total	27	4	13	9	18	-	1	1	5	1	3	-	-	2	5
Total	32	4	17	10	22	-	3	1	7	1	3	-	-	2	5

Please note that the tables above only include audits where there are outstanding recommendations remaining. It does not include advisory reviews where we do not follow up the recommendations or reviews where all recommendations have been previously reported as completed.

SUMMARY

2023/2024

Please find below a summary of the status of implementation of recommendations arising from reports issued in 2023/24.

- ▶ One Medium priority rated recommendation for Homelessness and Temporary Accommodation and CIPFA Financial Management Code have been completed.
- ▶ As a result, there are no further recommendations outstanding or due from reports issued in 2023/24.

2024/2025

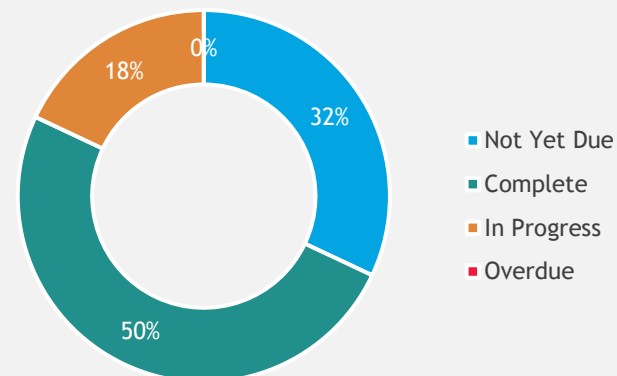
Please find below a summary of the status of implementation of recommendations arising from reports issued in 2024/25.

- ▶ Recommendations have been implemented for the following audits:
 - One High and one Medium priority rated recommendations for Health and Safety
 - One Medium priority rated recommendation for Building Control
 - Two Medium priority rated recommendations for GDPR
 - One Medium priority rated recommendation for Manin Financial Systems.
- ▶ Two recommendations for Health and Safety and one each for Building Control and Main Financial Systems have missed their original implementation dates. As work is progressing on these recommendations and a revised implementation date has been provided, they are classified as in progress. They will be followed up again ahead of the next Performance, Governance and Audit Committee.

REQUIRED AUDIT COMMITTEE ACTION:

We ask the PGA Committee to note the progress against the recommendations.

Cumulative implementation



RECOMMENDATIONS: COMPLETE SINCE LAST FOLLOW UP REPORT

AUDIT	RECOMMENDATIONS MADE	PRIORITY LEVEL	MANAGER RESPONSIBLE	DUE DATE	CURRENT PROGRESS
2023/24 Homelessness and Temporary Accommodation	<p>Rec 1</p> <p>1.1 To continue to monitor this case on a regular basis, and report areas of non-compliance against Government guidance as part of their monthly highlight report to the Council's Corporate Leadership Team.</p> <p>1.2 As per Government guidance the Council should consider including a plan to reduce or eliminate the use of B&B accommodation.</p> <p>1.3 Report any areas of non-compliance through the monthly highlight reports to the Corporate Leadership Team.</p>	Medium	Damien Ghela, John Swords and Helen Greengrass	January 2025 Closed	<p><u>Management update:</u></p> <p>A Strategic Housing Lead is being appointed to write a new Housing Strategy with supporting policies and these will set-out how the Council can reduce or eliminate the use of emergency B&B accommodation. The Council doesn't have anyone in B&B accommodation at the time of this update (17/09/2025) and they now have Stephens House operational, providing five additional units of temporary accommodation (TA). Other opportunities for TA are being assessed to increase this provision and stop the need for B&B going forward.</p> <p><u>Internal audit comment:</u></p> <p>We consider the recommendation to be materially complete. The plan outlined by management will help to address and lower the risk raised as part of the original report, thus supporting closure.</p>
2023/24 CIPFA Financial Management	<p>Rec 1</p> <p>The Council should consider developing a long-term financial strategy (10 years) to ensure that the Council's activities are aligned with the Council's long term development objectives.</p>	Medium	Ben Jay	June 2025 Closed	<p><u>Management update:</u></p> <p>Plans are in place to review and revise 2025/26 revenue and capital budgets and for revised budgets. This is necessary further to the outturn report on 24/25 performance against budget, which records a £853k (6.6%) variance to budget. This variation indicates that base budgets require a review to ensure that they are understood by budget holders and by finance and that the understanding is shared. This will help reduce any significant budget variation in 2025/26. Once in place, revised base budgets for the current year will provide a basis for an update to the MTFS outlook. In line with emerging thinking across greater Essex, local assumptions will be brought closer to those adopted by other Essex councils. LGR impacts mean that a 10-year plan is not so helpful as previously suggested - so the plan is likely to cover the period 2026/27 to 2028/29 (that is, the period for MDC to March 2028, and the first 'live' year of the impact on the successor council - this will ensure that there is an MTFS view in place should reorganisation be delayed).</p>

AUDIT	RECOMMENDATIONS MADE	PRIORITY LEVEL	MANAGER RESPONSIBLE	DUE DATE	CURRENT PROGRESS
					<p><u>Internal audit comment:</u></p> <p>Recommendation closed as it has been superseded by external factors i.e. local government reorganisation. We have also taken into account local factors as per the MTFS process, which we will be reviewing separately.</p>
2024/25 Health and Safety	Rec 1 1.1 Service areas should review overdue risk assessments where required. 1.2 The Council should prioritise the implementation of the risk assessment database across all service areas. This ensures each service area documents identified hazards, assessed risks, and implemented controls. This approach will enhance accountability, oversight, and appropriate monitoring of risks at the Council. 1.3 The Council should implement a monthly compliance report to monitor which teams have completed and updated their risk assessments. This will ensure that all teams stay on track and maintain up-to-date risk assessments.	High	Paul Baccarini	September 2025 Closed	<p><u>Management update:</u></p> <p>Overdue risk assessments have been updated. The requirement for a small number of additional assessments have been identified as part of the review process. These are ongoing. Risk assessment will require periodic review. This will be on a minimum cycle of every three years, or one year for higher risk/hazard tasks. It is for the manager of the service area to determine this.</p> <p>The risk assessment database (master list) has been updated and now records all risk assessments and their current status. There are a small number that require amendments but this is part of the natural cycle of updates that will be required from time to time. All staff have access to the master list.</p> <p>The completion of risk assessments are tracked through the service plans with performance reviewed at the monthly ELT meetings and six-weekly senior managers Health & Safety meeting</p> <p><u>Internal audit comment:</u></p> <p>Recommendation closed by Internal Audit following receipt of management confirmation and the provision of the stated information.</p>
2024/25 Health and Safety	Rec 4 The Council should assign a specific supervisor or manager from each department to review the training matrix monthly. Managers should confirm that their team members have completed the required training, run a compliance report and report this to the Corporate Health and Safety Manager. Alternatively, the Council's central team	Medium	Paul Baccarini	July 2025 Closed	<p><u>Management update:</u></p> <p>Corporate eLearning modules for H&S are now in place and their completion is tracked via the monthly balance-scorecard by heads of service. For department and team-specific H&S training, the matrix has been updated so that appropriate managers and supervisors can monitor compliance. Responsible managers are identified and a reminded of the need to review every six weeks during the senior managers H&S meetings. The</p>

AUDIT	RECOMMENDATIONS MADE	PRIORITY LEVEL	MANAGER RESPONSIBLE	DUE DATE	CURRENT PROGRESS
	could introduce independent regular reporting to ensure the matrix is up-to-date and non-compliance is identified and rectified accordingly.				<p>action is complete however; managers must now populate with relevant data as the training cycle proceeds.</p> <p><u>Internal audit comment:</u></p> <p>Recommendation closed by Internal Audit following receipt of management confirmation and the provision of the stated information.</p>
2024/25 Building Control	<p>Rec 3</p> <p>3.1 The Building Control Policy should be updated to include the following:</p> <ul style="list-style-type: none"> • Version control • The date of last review • Frequency of review • Responsible officer • How persons supporting the building control function are kept fully informed of changes in legislation/national practices. • Oversight mechanisms such as quality control / spot checks • Complaints/appeals process <p>3.2 The Building Control Policy should be saved in a central location so it can be accessed by all applicable officers whenever it is required.</p>	Medium	Michale Johnson and Steve Murray	September 2025 Closed	<p><u>Management update:</u></p> <p>All the recommended additional sections and information have been added into the Building Control Policy & Procedures 2025-2028, which was presented to Strategy & Resources Committee on 24 July 2025.</p> <p>The Control Policy & Procedures 2025-2028 is saved on the Planning & Implementation Sharepoint with access controls, data retention and file accountability built into its functions.</p> <p><u>Internal audit comment:</u></p> <p>Recommendation closed by Internal Audit following receipt of management confirmation and the provision of the stated information.</p>
2024/25 GDPR	<p>Rec 1</p> <p>1.1 Management, in conjunction with each individual business unit or department, should conduct a full and comprehensive review of all information processing activities that are undertaken by individual departments. With regard to personal data, this information should be captured within a dedicated RoPA,</p>	Medium	Emma Holmes	August 2025 Closed	<p><u>Management update:</u></p> <p>ROPA circulated with all Assistant Directors for Comment. Meetings held with Assistant Directors/Heads of Department to review ROPA. Changes have been made to ROPA following these discussions.</p> <p>ROPA reviewed and updated with all areas meeting notes and. A corporate policy database is currently being completed to cover</p>

AUDIT	RECOMMENDATIONS MADE	PRIORITY LEVEL	MANAGER RESPONSIBLE	DUE DATE	CURRENT PROGRESS
	<p>and these should capture, at a minimum, the information identified as missing by this review. The updated RoPAs should be presented to and approved by Senior Management.</p> <p>1.2 Following this understanding of data processing activities at the service department level, the Council should revise the centrally defined RoPA and ensure that this captures all the Council's data flows and processing activities. This should be completed and updated on an ongoing basis and there should be arrangements for it to be fully reviewed on at least an annual basis to ensure that it remains current and appropriate.</p> <p>1.3 As part of the RoPA review, the Council should consider reviewing the existing privacy notices and updating them in case of any changes to data processing activities, to ensure continued transparency of data processing with data subjects. The Council should ensure that its privacy notices provide clarity on retention periods (even if only indicative timelines) and review dates (ie date notice was last reviewed, date of next review, frequency of review).</p>				<p>all corporate policies which will include ROPA this is linked to service plans and will update the owner of the policy when a review is due to ensure that reviews are taken in a timely manner.</p> <p>Privacy Notices have been amended to reflect latest version and a review date added.</p> <p><u>Internal audit comment:</u></p> <p>Recommendation closed by Internal Audit following receipt of management confirmation and the provision of the stated information.</p>
2024/25 GDPR	<p>Rec 2</p> <p>For any third-party data transfers, the Council should ensure that these are being recorded within the applicable RoPA and that appropriate safeguards, such as Data Sharing Agreements, are in place. Arrangements should be made to ensure that the information sharing arrangements are subject to review on a regular basis.</p>	Medium	Emma Holmes	August 2025 Closed	<p><u>Management update:</u></p> <p>Meetings have been held in all departments and data sharing agreements were discussed. ROPA is up to date and on gong review and link with contracts will ensure that data sharing agreements are in place for future agreement.</p> <p><u>Internal audit comment:</u></p> <p>Recommendation closed by Internal Audit following receipt of management confirmation and the provision of the stated information.</p>

AUDIT	RECOMMENDATIONS MADE	PRIORITY LEVEL	MANAGER RESPONSIBLE	DUE DATE	CURRENT PROGRESS
2024/25 Main Financial Systems	<p>Rec 2</p> <p>2.1 The Council should ensure the reconciliation document includes details of the preparer, review and date in the reconciliation file for all completed reconciliations. This will ensure that segregation of duties and date of the exercise are consistently documented.</p> <p>2.2 The Council should ensure that backing documentation is embedded within the reconciliation files on separate tabs, to ensure ease of access and support the review process of balances.</p>	Medium	Ben Jay	September 2025 Closed	<p><u>Management update:</u></p> <p>This has been completed for key reconciliations documents.</p> <p><u>Internal audit comment:</u></p> <p>Recommendation closed by Internal Audit following receipt of management confirmation and the provision of the stated information.</p>

RECOMMENDATIONS: IN PROGRESS

AUDIT	RECOMMENDATIONS MADE	PRIORITY LEVEL	MANAGER RESPONSIBLE	DUE DATE	CURRENT PROGRESS
2024/25 Health and Safety	Rec 2 An inspection schedule frequency should be agreed with each service area head and with the Health and Safety team. A schedule of inspections should be maintained by the Corporate Health and Safety Manager and inspections completed in line with the determined frequency.	High	Paul Baccarini	July 2025 December 2025	<p><u>Management update:</u></p> <p>Recorded inspections and supervisions are now a requirement of specific teams as part of their service plan activities. Whilst heads of service have been invited to propose workable schedules for inspections and supervisions (to be conducted by their own teams), they are not yet in place. Inspections continue to be performed by the Corporate H&S Manager of larger assets both routinely and on an ad hoc basis. The Corporate H&S Manager will continue to work with the heads of service and assistant directors at the senior managers meetings to ensure timely completion. More time has been allocated to complete this work.</p> <p><u>Internal audit comment:</u></p> <p>New implementation date agreed. We will follow up the recommendation again ahead of the next Performance, Governance and Audit Committee.</p>
2024/25 Health and Safety	Rec 3 3.1 The draft Health and Safety policy should be ratified and approved by the appropriate governing committee. 3.2 All the out-dated supporting guidance documents identified in the Health and Safety Policy/Procedure Index should be reviewed and updated, ensuring they align to current statutory requirements and the Council's procedures. 3.3 Once the supporting guidance documents have been reviewed and updated, they should replace the existing versions on the Council's intranet. Then advertised to staff to ensure they are fully aware of any updates/changes that have been made.	Medium	Paul Baccarini	September 2025 April 2026	<p><u>Management update:</u></p> <p>The new H&S Policy was presented to the Strategy and Resources Committee on 2 occasions. It was approved, with requested amendments at Full Council on the 25th September 2025.</p> <p>A number of H&S procedures have been reviewed with each assigned a working group and a lead. The working groups and leads are reminded regularly that review is required. Whilst there has been good progress a number still require review. It is anticipated the restructure will delay progress. Lead officers have left the authority or have changed roles within it. Department structure and reporting lines have changed. A new date of April 2026 is put forward in an effort to accommodate this period of reorganisation. The support of the Corporate Leadership Team will be required to ensure timely completion.</p> <p>A system is in place where updated procedures are held in a central area. Old versions are saved in a superseded file for</p>

AUDIT	RECOMMENDATIONS MADE	PRIORITY LEVEL	MANAGER RESPONSIBLE	DUE DATE	CURRENT PROGRESS
					<p>reference. Reviewed procedures have adopted a standardised naming format.</p> <p><u>Internal audit comment:</u></p> <p>Parts 3.1 and 3.3 have been completed. A new implementation date has been agreed for 3.2. We will follow up the recommendation again ahead of the next Performance, Governance and Audit Committee to obtain an update on the progress being made.</p>
2024/25 Building Control	Rec 4 To ensure Building Control fees are set at the correct level, officers should compile a documented rationale for each of the fees based on the Building Control chargeable rate.	Medium	Matthew Winslow	September 2025 October 2025	<p><u>Management update:</u></p> <p>Initial discussion with S151 determines that we do need Finance and Building Control to work on this project together and that needs capacity in both teams to complete the work. Building Control has lost another officer and the remaining Building Control officer is stretched covering statutory and committed technical work. The Head of Service will work with the Assistant Director and S151 to focus the task input down for the Building Control officer.</p> <p>This is being included in the 26/27 budget planning process, so the cost assessment will be undertaken in October 2025.</p> <p><u>Internal audit comment:</u></p> <p>The cost assessment was not complete at the time of the follow up process but will be embedded into a process we know is happening in line with the revised timescales. We will follow up the recommendation again ahead of the next Performance, Governance and Audit Committee.</p>
2024/25 Main Financial Systems	Rec 1 1.1 The Council should ensure that documented evidence of role-based access reviews is retained for all staff granted access to the finance system. This should include confirmation that access levels are appropriate and that the review is completed and recorded prior to access being granted.	Medium	Ben Jay	September 2025 January 2026	<p><u>Management update:</u></p> <p>This is part of the revised structure and new delegations arising. This will include alignment of directors, cost centres, budget holders and purchase orders/WAP access plus debt reporting and use of reserves.</p> <p><u>Internal audit comment:</u></p> <p>We will follow up the recommendation again ahead of the next Performance, Governance and Audit and Governance committee</p>

AUDIT	RECOMMENDATIONS MADE	PRIORITY LEVEL	MANAGER RESPONSIBLE	DUE DATE	CURRENT PROGRESS
	1.2 Evidence of the quarterly access log reviews should be retained and reported to the Deputy S151 to confirm its completion to achieve a clear audit trail.				to confirm implementation following the restructure being embedded.

FOR MORE INFORMATION:**AARON WINTER**

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MALDON DISTRICT COUNCIL

INTERNAL AUDIT REPORT - FINAL

WASTE AND RECYCLING
SEPTEMBER 2025

Design Opinion



Substantial

Design Effectiveness



Moderate

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DISTRIBUTION






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REPORT STATUS

Auditors:	Aaron Winter - Partner and Chief Audit Executive Andrew Billingham - Internal Audit Manager Ollie Seabrook-Smith - Internal Auditor
Dates work performed:	02 June 2025 - 01 July 2025
Draft report issued:	03 July 2025
Management Responses Received:	7 August 2025
Final report issued:	1 September 2025

EXECUTIVE SUMMARY

Design Opinion	 Substantial	Design Effectiveness	 Moderate
Recommendations	 0	 2	 2

SCOPE

BACKGROUND

- ▶ Suez provide an outsourced waste and recycling service to Maldon District Council (“the Council”) through an eight year contract extension that was approved by Members on 30/03/2023. Suez has been the contractor since 02/02/2016 and the total value of the contract up to 31/01/32 is approximately £50m.
- ▶ Suez employs the Fleet Clear platform for its fleet management operations. This platform is a crucial tool in the management of the fleet, offering functionalities that include logging jobs, running reports, and capturing CCTV footage of vehicle movements. The Council has partial access to this platform, allowing it to monitor and oversee the operations effectively. This access ensures transparency and accountability, enabling the Council to keep track of the services provided and address any issues promptly.
- ▶ Suez collects various waste on behalf of the Council including general, recycling, garden, food and bulky waste.
- ▶ The Council’s waste management team is led by the Head of Environmental Health, Waste & Climate Action and the waste contract is managed by the Waste Contracts & Commissioning Manager.
- ▶ Regular contract monitoring meetings are held between the Council and Suez. These meetings are essential for discussing performance and ensuring that the service provided meets the expectations and requirements set out in the contract. They offer a platform for both parties to review progress, address any challenges, and explore opportunities for improvement.


PURPOSE


The purpose of the audit was to provide assurance around the governance and management arrangements of the Council’s refuse and kerbside waste collection service.

AREAS REVIEWED

- ▶ We reviewed the Suez contract to confirm roles and responsibilities are clearly defined and confirmed these were fulfilled.
- ▶ We reviewed the Suez contract to confirm there is a break clause.
- ▶ We tested a sample of monthly payments made to Suez to ensure they have been appropriately approved and have been made in line with the terms of the contract.
- ▶ We reviewed performance targets in the Suez contract and the performance monitoring reports produced to confirm these align. We also reviewed targets and confirm actions were raised to address non-compliance.
- ▶ We reviewed the contract meetings with Suez to confirm these are undertaken on a regular basis, sufficiently detailed and discuss performance.

	<ul style="list-style-type: none"> ▶ We reviewed whether the Council is monitoring landfill and recycling rates and acting on any identified issues or trends. ▶ We reviewed risk registers to confirm risks and their mitigations have been documented. ▶ We confirmed reviews of Suez routes are undertaken in order to facilitate effective and efficient waste collection. ▶ We tested a sample of complaints to confirm compliance with required procedures.
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 AREAS OF STRENGTH	<ul style="list-style-type: none"> ▶ We confirmed that the contract contains detail in relation to roles and responsibilities of both the Council and the Contractor and confirmed they are fulfilling their roles through reviewing meetings minutes and reviewing contract documentation as detailed in the contract under the listed responsibilities clause. The Council has received copies of Suez' business continuity plan and insurance for the current year. ▶ Under clause 35 of the contract, the Council may terminate the Contract at any time without cause by giving the Contractor no less than 12 month's notice. This provides the Council with flexibility in the event of devolution, should this occur in the future. ▶ We confirmed through reviewing three months of payments made, January, February and March 2025, that on a monthly basis, payment statements are issued by Suez and reviewed by the Council and subsequently approved and paid. The statements are interrogated to confirm that they are accurate, and they are amended if necessary to ensure accurate payments are made. We confirmed that the statements had been reviewed by the Waste Commissioning and Contract Manager who confirmed they were accurate before payments were made. ▶ Suez undertook a route review in 2024 due to the increased number of households within the contract area, which resulted in a streamlining of the process. This also included amending collection dates which was briefed to Members as part of the Waste Task and Finish Group including why these changes were necessary. The Council also completed ad hoc waste collections to ensure that this did not impact resident negatively. Monthly meetings are held between the Council and the Contractor and the Council routinely reports on the missed bin KPI. Meetings are minuted and based on an agenda. Clear evidence was available to show escalation of issues, with actions being raised and followed through to completion. However, note Finding 1 below in relation to performance reporting.
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 AREAS OF CONCERN	<ul style="list-style-type: none"> ▶ While performance reporting was completed on a monthly basis in relation to the missed bin KPI, it was not always documented as being discussed at the monthly meetings. (Finding 1, Medium) ▶ One complaint out of 20 reviewed did not detail the complaint resolution. KPIs could also be enhanced in this area through documenting the definition of a justified complaint. (Finding 2, Medium) ▶ We found some gaps in the January 2025 reporting and discussion of landfill and recycling performance rates as part of the monthly contract meetings and this was not raised as part of the subsequent meeting, however the data was included at this stage. (Finding 3, Low) ▶ There is no risk on the strategic or operational risk registers in relation to the contract failing, or a generic risk about key contracts failing. This is considered low risk due to the strong position the Council is in,
--	--

specifically owning the vehicles used by Suez, and has been assessed by an external consultant also identifying there is low risk of the contract failing, and no current issues at present but should be included as part of ongoing reflection. **(Finding 4, Low)**



CONCLUSION

- ▶ We have concluded Substantial assurance over the design and Moderate assurance over the operational effectiveness of controls relating to waste and recycling contract management.

Control Design


- ▶ Overall, we found that there are sound processes in place to monitor the contract effectively, including ensuring roles and responsibilities are defined and in place, with payments being paid correctly and on a monthly basis. A route review had been recently undertaken and enacted to ensure optimisation. This was supported by regular monthly meetings.
- ▶ We identified improvements to be made including ensuring performance and landfill and recycling rates are discussed on a monthly basis, and consideration is given to including the risk of contract failure on an operational risk register.

Control Effectiveness

- ▶ Our testing found that for one complaint, not all information was held in relation to the outcome of the issue identified, and that as part of the drive to report on complaints KPIs, a definition of a justified complaint should be formally recorded.
- ▶ It was not possible to benchmark the Council against audits completed at other clients because of the specific nature of the added value and reviews completed at other clients and the scope of those audits. Primary methods in reducing carbon footprints include streamlining routes, which Suez has completed, and using modern vehicles, and the Council has recently sourced new vehicles through Suez.

DETAILED FINDINGS

1 Performance on Missed Bins

TOR Risk:	Performance of Suez is not effectively monitored resulting in inadequate oversight of standards and lack of performance deductions being made, where applicable.
Significance	 Medium



FINDING

The primary KPI regarding waste collection is the number of missed bins. This is reviewed and discussed on a monthly basis at the contract management meetings.

We confirmed there is an agenda for these meeting and minutes are taken, through reviewing the January-April 2025 meetings, which confirmed they are undertaken on a regular basis and discuss performance targets. We also reviewed any targets which have been missed for evidence of actions raised to address non-compliance and found:

- In January 2025, missed bin performance did not meet the expected KPIs between April-November 2024 but records of discussions to identify the reasons why were not recorded. The target is 270 missed bins, and performance was between 280 and 490 per week. November was 168 missed bins.
- In February 2025, performance was discussed at the monthly contractor meeting in detail and noted that Suez requested a variation in the KPI, so as opposed to a specific target overall there will be a target per 1000 collections. Due to the increased number of properties the Council has informally agreed this and is in the process of finalising a variation to the contract.
- From March 2025 Suez is also expected to report on performance in relation to responding to complaints in a timely manner, however this is not a formal KPI within the contract.
- In April 2025, confirmed missed bins performance was satisfactory and confirmed the variation letter had been received. No discussions were held in relation to complaints, but this is not specifically an issue at this stage as these KPIs have not been formally agreed and added to the contract as part of a variation.

There is a risk that where performance is not discussed and poor performance identified and actions put in place that the contract will not be performing satisfactorily and the Council will not be achieving value for money.



RECOMMENDATION

1.1 A specific standing agenda item should be included on meeting agendas to ensure that all KPIs are discussed as part of the monthly contract meetings. When finalised, this should include complaints KPIs.


1.2 Where performance is unsatisfactory, it should be ensured that minutes formally detail discussions held in relation to action being taken by the contractor to improve these.

**MANAGEMENT RESPONSE**

Performance is always discussed at contract meetings although if no issues raised then I accept that this may not be minuted. Going forward the agenda items on performance will include both missed bins and complaints.

Responsible Officer:	Carol Love
Implementation Date:	13 August 2025

2 Complaints

TOR Risk:	Complaints/concerns regarding missed bins are not identified and acted upon impacting service delivery and the Council's reputation.	
Significance		Medium



FINDING

Complaints can come into the Council through a range of methods of communication. The team logs these on the Waste Customer Portal so they can be tracked effectively. A series of corporate complaints procedures are in place that are adhered to.

We conducted a walkthrough of the complaints process and tested a sample to confirm compliance with the procedure and found:

- We selected a sample of 20 complaints since April 2024 and found that 19 of these had full details of all action taken.
- One complaint from December 2024 did not detail the action taken so it was not possible to confirm this had been resolved correctly.
- It was also noted that two complaints had been cancelled as these were not "justified" complaints. For example, the first instance was regarding a missed bin where there is a separate process that should be followed and is not considered a complaint. Only habitual missed bins would form a complaint.
- We further noted that the definition of a justified complaint is not formally recorded, and KPIs in relation to complaints are currently proposed but not reported on.

There is a risk where complaints are not handled appropriately and effectively that continued service delivery issues will not be resolved and potentially damage the reputation of the Council.



RECOMMENDATION

2.1 On a quarterly basis management should undertake quality checks on complaints received to ensure these have been actioned correctly and all details are held on the system. Outcomes should be used to provide training and reminders to staff on issues identified.

2.2 The definition of a justified complaint should be formally recorded and checked as part of the quarterly checks.

2.3 KPIs in relation to complaints should be formally put in place and reported, on a monthly basis.




MANAGEMENT RESPONSE

Quality checks on complaints are now carried out by the Authorised Officer prior to contract meetings - at least one a month and more often if resources permit. Complaints are now recorded on a monthly basis in the service plan.

Responsible Officer:	Carol Love
Implementation Date:	Completed

3 Landfill and Recycling Rates

TOR Risk:	The Council is not monitoring their landfill and recycling rates to ensure the waste going to landfill is minimised, resulting in reputational damage.
Significance	 Low



FINDING

On a monthly and quarterly basis, landfill and recycling rates are reviewed and discussed with the contractor. On an annual basis, Essex County Council produces a report on the councils landfill and recycling rates across the County.

We reviewed whether the Council is monitoring landfill and recycling rates and acting on any identified issues or trends and found that:

- In January 2025, performance reporting data was not included in the minutes and it was not possible to confirm that discussions had been held in relation to landfill and recycling rates.
- In February, March and April 2025, landfill and recycling rates were reported and discussed and there had been fluctuations however it was noted that it was not possible to compare to other local authorities and whether this was a national trend.

There is a risk that where rates are not discussed and actions put in place that the Council will not be achieving its environmental goals and targets.



RECOMMENDATION

3.1 A specific standing agenda item should be included on meeting agendas to ensure on a monthly basis that landfill and recycling rates are discussed as part of contract meetings and where performance fluctuations are identified, the contractor should review their other waste clients and contracts to confirm whether this is a national or local issue.




MANAGEMENT RESPONSE

There is already a specific standing agenda item on recycling rates and a table detailing these rates is provided by MDC. There are natural performance fluctuations which are usually due to weather. MDC can use the Essex County Council system iWDMS to bench mark against other Essex Authorities and if no specific trend is identified then we will request that Suez do some benchmarking against other contracts.

A recent bench marking exercise was done as garden waste tonnage are lower than in previous year however this trend is clearly visible for all Essex Authorities.

Responsible Officer:	Carol Love
Implementation Date:	Completed

4 Risk Register

TOR Risk:	The Council is not monitoring their landfill and recycling rates to ensure the waste going to landfill is minimised, resulting in reputational damage.
Significance	 Low



FINDING

The Council confirmed that they do not currently have any risks recorded on their risk register in relation to the failure of the waste and recycling contract. The Contract is recorded on the Contract Register as having a value of £50m.

- An exercise was completed by an external consultant about the potential risk in relation to the contract failing, prior to the renewal in 2024. At that time it was noted there was minimal risk in the contractor failing and currently the Council owns all the vehicles so in the event of failure, staff would TUPE and they would be able to continue operating a service.
- The Council also noted the workers are not unionised so strike action is not likely to take place.
- Suez also now have a contract in Southend which increases the capacity of the company in Essex, should a bout of sickness occur or another incident.
- This is considered low risk due to the strong position the Council is in, specifically owning the vehicles used by Suez, and the above. Also there are no current issues at present but we would recommend this should be included as part of ongoing reflection.

There is a risk that should the Contract fail, there will not be appropriate risk mitigations and strategies in place to ensure a continued delivery of service.



RECOMMENDATION

4.1 Due to the high profile nature of waste contracts and potential reputational damage if the contract failed or if strike action took place, this should be recorded on a risk register and mitigations documented. This also includes any contingency or business continuity arrangements in place.



MANAGEMENT RESPONSE

This will be added to the service plan tasks.

Responsible Officer:	Carol Love
Implementation Date:	07/08/2025

APPENDIX I - DEFINITIONS

LEVEL OF ASSURANCE	DESIGN OF INTERNAL CONTROL FRAMEWORK		OPERATIONAL EFFECTIVENESS OF CONTROLS	
	FINDINGS FROM REVIEW	DESIGN OPINION	FINDINGS FROM REVIEW	EFFECTIVENESS OPINION
Substantial	Appropriate procedures and controls in place to mitigate the key risks.	There is a sound system of internal control designed to achieve system objectives.	No, or only minor, exceptions found in testing of the procedures and controls.	The controls that are in place are being consistently applied.
Moderate	In the main there are appropriate procedures and controls in place to mitigate the key risks reviewed albeit with some that are not fully effective.	Generally a sound system of internal control designed to achieve system objectives with some exceptions.	A small number of exceptions found in testing of the procedures and controls.	Evidence of non compliance with some controls, that may put some of the system objectives at risk.
Limited	A number of significant gaps identified in the procedures and controls in key areas. Where practical, efforts should be made to address in-year.	System of internal controls is weakened with system objectives at risk of not being achieved.	A number of reoccurring exceptions found in testing of the procedures and controls. Where practical, efforts should be made to address in-year.	Non-compliance with key procedures and controls places the system objectives at risk.
No	For all risk areas there are significant gaps in the procedures and controls. Failure to address in-year affects the quality of the organisation's overall internal control framework.	Poor system of internal control.	Due to absence of effective controls and procedures, no reliance can be placed on their operation. Failure to address in-year affects the quality of the organisation's overall internal control framework.	Non compliance and/or compliance with inadequate controls.

RECOMMENDATION SIGNIFICANCE	
High	A weakness where there is substantial risk of loss, fraud, impropriety, poor value for money, or failure to achieve organisational objectives. Such risk could lead to an adverse impact on the business. Remedial action must be taken urgently.
Medium	A weakness in control which, although not fundamental, relates to shortcomings which expose individual business systems to a less immediate level of threatening risk or poor value for money. Such a risk could impact on operational objectives and should be of concern to senior management and requires prompt specific action.
Low	Areas that individually have no significant impact, but where management would benefit from improved controls and/or have the opportunity to achieve greater effectiveness and/or efficiency.

APPENDIX II - TERMS OF REFERENCE



KEY RISKS

Based upon the risk assessment undertaken during the development of the internal audit operational plan, through discussions with management, and our collective audit knowledge and understanding the potential key risks associated with the area under review are:

- ▶ Risk 1: Roles and responsibilities are not clearly documented in the Suez contract leading to inadequate contract monitoring arrangements and poor implementation of the expected service by the contractor.
- ▶ Risk 2: There are inadequate checks in place to ensure payments to Suez are made in line with the contract performance resulting in financial overspend.
- ▶ Risk 3: Performance of Suez is not effectively monitored resulting in inadequate oversight of standards and lack of performance deductions being made, where applicable.
- ▶ Risk 4: Regular contract monitoring meetings are not held with Suez leading to performance issues not being raised and agreed actions not being taken to address them.
- ▶ Risk 5: The Council is not monitoring their landfill and recycling rates to ensure the waste going to landfill is minimised, resulting in reputational damage.
- ▶ Risk 6: Adequate risk management arrangements are not in place to ensure any disruption to key suppliers and the services they provide is kept to a minimum.
- ▶ Risk 7: Regular and robust review of driver routes to maximise efficiency is not conducted and implemented effectively.
- ▶ Risk 8: Complaints/concerns regarding missed bins are not identified and acted upon impacting service delivery and the Council's reputation.



SCOPE & APPROACH

The following areas will be covered as part of this review:

- ▶ Review the Suez contract to confirm roles and responsibilities are clearly defined. Test a sample of responsibilities to confirm they are being fulfilled. (Risk 1)
- ▶ Review the Suez contract to confirm there is a break clause which can be initiated should the devolution agenda dictate a change in provider. (Risk 1)
- ▶ Test a sample of monthly payments made to Suez to ensure they have been appropriately approved in line with the Scheme of Management and have been made in line with the terms of the contract and the performance. (Risk 2)
- ▶ Review performance targets in the Suez contract and the performance monitoring reports produced to confirm these align. We will review any targets which have been missed for evidence of actions raised to address non-compliance. (Risk 3)
- ▶ Review the contract meetings with Suez to confirm these are undertaken on a regular basis, sufficiently detailed and discuss performance. (Risk 4)
- ▶ Review whether the Council is monitoring landfill and recycling rates and acting on any identified issues or trends. (Risk 5)

- ▶ Review risk registers to confirm risks and their mitigations have been documented. We will also confirm contingency/business continuity arrangements are in place should the supplier fail. (Risk 6)
- ▶ Confirm reviews of Suez routes are undertaken in order to facilitate effective and efficient waste collection. (Risk 7)
- ▶ Walkthrough complaints process and test a sample to confirm compliance with procedures. (Risk 8)

The scope of the review is limited to the areas documented under the scope and approach. All other areas are considered outside of the scope of this review. However, Internal Audit will bring to the attention of management any points relating to other areas that come to their attention during the course of the audit.

We assume for the purposes of estimating the number of days of audit work that there is one control environment, and that we will be providing assurance over controls in this environment. If this is not the case, our estimate of audit days may not be accurate.

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The matters raised in this report are only those which came to our attention during the course of our audit and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. The report has been prepared solely for the management of the organisation and should not be quoted in whole or in part without our prior written consent. BDO LLP neither owes nor accepts any duty to any third party whether in contract or in tort and shall not be liable, in respect of any loss, damage or expense which is caused by their reliance on this report.

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Maldon District Council

Internal Audit Report - Final

CORPORATE GOVERNANCE

OCTOBER 2025

Design Opinion	 Substantial
Effectiveness Opinion	 Moderate



IDEAS | PEOPLE | TRUST

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REPORT STATUS

Auditors:	Aaron Winter - Partner Andrew Billingham - Internal Audit Manager Ollie Seabrook-Smith - Assistant Manager
Dates work performed:	08 August 2025 - 23 September 2025 (closing meeting)
Draft report issued:	09 October 2025
Final report issued:	14 October 2025

Executive Summary

Design Opinion	 Substantial	Effectiveness Opinion	 Moderate
Recommendations	 0	 2	 2

SCOPE

Background

- ▶ Corporate Governance refers to the systems, processes, and principles that guide how Maldon District Council (“the Council”) is directed and controlled. It ensures that the Council operates effectively, transparently, and accountably, serving the interests of the community it represents.
- ▶ The Council has adopted a local Code of Corporate Governance, which has been prepared in line with the seven principles of the Chartered Institute of Public Finance Accountancy (CIPFA), which are:
 1. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
 2. Ensuring openness and comprehensive stakeholder engagement
 3. Defining outcomes in terms of sustainable economic, social, and environmental benefits
 4. Determining the interventions necessary to optimise the achievement of the intended outcome
 5. Developing the Council’s capacity, including the capability of its leadership and the individuals within it
 6. Managing risks and performance through robust internal control and strong public financial management
 7. Implementing good practices in transparency, reporting and audit to deliver effective accountability.
- ▶ The Code of Corporate Governance sets out the arrangements it has in place to ensure that the Council conducts its business in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for and used economically, efficiently and effectively.
- ▶ There are three types of decision-making systems that councils can adopt, Leader and Cabinet, Committee System and Mayoral System. Maldon District Council has adopted a Committee System. Under this system the Council is divided into politically balanced committees that make key Council decisions. As such, councils who adopt the Committee System are not required to have an overview and scrutiny committee, although the Council does.
- ▶ The Committees are supported by numerous Working Groups, which examine specific issues in detail and then inform the deliberations of the committee.
- ▶ The Council currently has 13 Committees as part of its Corporate Governance framework, including four Planning Committees. On 24/06/2025, the Minister of State for Local Government and English

Devolution, unexpectedly announced plans to abolish the committee system although a date for this has not yet been set and the impact of this will not be covered by the review. The National Planning and Infrastructure Bill is also expected to remove the operation of Area Planning Committees.

- ▶ The Council also has a Scheme of Delegation, accessible on the Internet, which outlines how decision-making powers are distributed. Its purpose is to ensure that decisions are made efficiently and effectively by assigning specific responsibilities to various officers or committees. This helps streamline processes, allowing routine matters to be handled without needing Council approval. By clearly defining who is responsible for what, it also promotes accountability and transparency within the Council. This is crucial for maintaining smooth operations and ensuring that the Council can respond promptly to issues as they arise.

Purpose

- ▶ The purpose of the audit was to provide assurance over the operation of a sample of Working Groups (as detailed in Finding 2) to support the committee structure to ensure that it is fit for purpose and delivering the outcomes required by the Council. The audit also provided assurance over the Council's controls around the operation of the Scheme of Delegation to ensure all legislative requirements are met and being consistently applied.

Areas reviewed


- ▶ We reviewed the induction process to confirm it covered all roles and responsibilities, interviewed a sample of Members to confirm they received the induction and gathered feedback on the process.
- ▶ We sought to confirm for a sample of Members who are either Chairs of a Working Group or a Committee that they have received training for their role.
- ▶ We sought to confirm for a sample of Members that they have completed a declaration of interest form and that these were monitored during Working Group decision making.
- ▶ We sought to confirm for a sample of Working Groups that roles and responsibilities are defined within a terms of reference, decisions and actions are documented, and that there are regular interactions between Working Groups and the applicable Committee.
- ▶ We interviewed the Leader of the Council and Chair of the Performance, Governance and Audit (PGA) Committee and obtained their view on delegation decisions and Working Groups functionality.
- ▶ We reviewed the Scheme of Delegation and sought to confirm it is regularly reviewed and updated, sets out delegated responsibilities, it has been communicated to Members and that they have received briefings and training on it. We also tested a sample of delegated decisions to confirm if they were made in line with the Scheme.




AREAS OF STRENGTH

- ▶ A process map is in place that fully details the process for onboarding Members. Where Members are recruited via by-elections they are provided an induction and support is provided by officers as needed. A portal is in place that summarises key information and key members of staff, covering all aspects of their role and responsibilities, however we note possible improvements identified in the findings section below. We

	<p>confirmed that officers sought feedback after the last full Member onboarding session and training was received.</p> <ul style="list-style-type: none"> ▶ Every May, Chairs and Vice Chairs receive training in relation to chairing meetings. If they are unable to attend this training, or any other training delivered, videos are recorded and uploaded to a Sharepoint. The onus remains on the Members to ensure this training is completed. ▶ For a sample of five members, we confirmed all had completed their declarations of interest and were advised to review this on an annual basis. At the start of all Working Group meetings, there is a standing agenda item to declare any applicable interests. It is up to the Member to ensure they update their declaration and make any required declarations. ▶ Each Working Group had a terms of reference in place and templates available to record minutes and associated action logs, however note finding 2 below in relation to the use of these documents. ▶ A Scheme of Delegation is in place and was last reviewed and approved by Full Council in December 2024 and contains delegated responsibilities including Member approvals. ▶ We reviewed all three delegated decisions since April 2025 and confirmed they were approved in line with the Scheme and the information recorded online on the register of decisions was correct.
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 <p>AREAS OF CONCERN</p>	<ul style="list-style-type: none"> ▶ For one Member sampled it was not possible to confirm they had received the Chairing meetings training. The mandatory e-learning and cyber security training also showed non-compliance across several Members. (Finding 1, Medium) ▶ For a sample of Working Groups, the terms of reference were not up-to-date, it was also not clear that agreed actions were followed up, or in minutes reviewed that there was a documented link and communication with the applicable Committee. (Finding 2, Medium) ▶ Feedback was gathered from a sample of Members who had recently received an induction which identified several possible improvements the Council could make to the process. (Finding 3, Low) ▶ It was not clear that following the approval of the Scheme of Delegation that this was included as part of subsequent briefings. Differences were also identified between the approval levels between the Council and other Essex authorities. (Finding 4, Low)
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 <p>ADDED VALUE</p>	<ul style="list-style-type: none"> ▶ We benchmarked the Council's Scheme of Delegation limits with other Councils in the Essex area. A summary of this is below and more detail is included at Appendix II. ▶ Following the completion of this benchmarking activity we identified areas where the Council had lower levels of authority compared to other Essex authorities and required Member approval at an earlier stage than others. This included activity relating to: write offs, virements, asset disposals and contracts under seal.
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CONCLUSION

- ▶ We have concluded Substantial assurance over the design of the control framework and Moderate assurance over the operational effectiveness of controls relating to corporate governance.

Control Design


- ▶ Overall, we found that there are sound processes in place to monitor corporate governance effectively, including a process map documenting the roles and responsibilities of the onboarding process. Feedback has been sought by the Council following the full Member induction in May 2024, and actioned to ensure 2025 was further embedded
- ▶ We identified minor improvements to be made including considering increasing the information available to Members as part of the induction process and made available on the Member site.
- ▶ As part of our benchmarking we also identified several approval levels that were lower than other Essex authorities for the Council to consider that may help enhance or streamline decision making.

Control Effectiveness

- ▶ Our testing found that for one Member it was not possible to confirm they had attended or reviewed the Chair training session, and gaps were identified in relation to the mandatory training and compliance gaps with remaining members.
- ▶ For a sample of Working Groups reviewed there were out of date terms reference, gaps in action follow up and lack of documentation surrounding the communication with the applicable Committee.

Detailed Findings

1 Training

TOR Risk:	Chairs of Working Groups and Committees have not received adequate training to enable them to fulfil their roles and responsibilities leading to confusion and potentially decisions that are ultra vires.
Significance	 Medium



FINDING

Every May all chairs and vice chairs receive training around chairing meetings and expectations of committees and working groups. A training program is agreed on an annual basis and briefing sessions given, and copies of videos stored on a central sharepoint for those who could not attend the training.

From our testing of a sample of four Working Groups, Finance Member Group, Net Zero, LGR Devolution and Planning Policy, it was not possible to confirm the Chair of the planning policy member group has received training in relation to being a chair. For each additional course the Council tracks who attended and a Teams recording is maintained which is shared to the Member Sharepoint and its down to individuals to monitor for any sessions they missed.

For e-learning and Boxphish cyber security, the Council can specifically see who has completed what training and they review this monthly as part of management meetings. The Assistant Director - Programmes, Performance and Governance shares updates with group leaders so that they can encourage participation. These are compulsory courses and it has been noted by the Assistant Director that uptake has been slower than expected but that this is improving.

The most recent report provided confirmed that 10 Members have completed less than the 85% target of their Boxphish courses, and only 8% of all Member e-learning courses have been completed.

Root cause

There have been historic issues with getting Members to complete all required training, and while this is regularly chased it remains up to Members to ensure this is completed.

Implication

There is a risk where Chairs or Vice Chairs have not completed the required training, that the working groups will not be meeting in accordance with its terms of reference and not referring appropriate decisions within the governance framework.



RECOMMENDATION

1a. The Council should remind Members and leaders of political parties on the importance and requirements to complete and adhere to training requirements with continued reporting to the PGA. The Council could also consider: removing Member IT access if core training is not completed, or make changes to roles/committees/working groups if appropriate training is not completed.



MANAGEMENT RESPONSE

1a. As part of this report review, the PGA committee may consider to recommend to Council that non-compliance of training and possible sanctions such as removal of IT access are explored again. Officers will continue to monitor and report compliance as part of the Balance Scorecard process


Responsible Officer:

1a. Cheryl Hughes/ Emma Holmes

Implementation Date:

1a. December 2025

2 Working Groups

TOR Risk:	Roles and responsibilities of Working Groups are not defined and understood leading to confusion amongst Members regarding their purpose and the delivery of key strategic objectives.	
Significance		Medium



FINDING

Working Groups have a terms of reference in place, and notes are held of each meeting which details actions taken. These are followed up on each subsequent meeting. The Chair of the Working Group attends and interacts with each applicable Committee.

We confirmed for a sample of four working groups - Finance Member Group, Net Zero, LGR Devolution and Planning Policy:

- Roles, responsibilities, expectations and deliverables are clearly defined within an up to date terms of reference.
- Decisions and actions are clearly documented within minutes and action plans, with progress made clear, including escalation of concerns/delays.
- Through review of a sample of Committee minutes, the Chair of the Working Group regularly interacts with their applicable Committee and their recommendations are considered and discussed before Committee decisions are made and found that:

However we identified the exceptions with the following groups.

Finance Member Group:

- A terms of reference is in place that details roles and responsibilities, with expectations and deliverables, however it is not clear when it was approved and what version is current.
- In the April 2025 meeting notes, several actions were raised for updates to be provided. From reviewing the June and July 2025 notes it was not clear that responses to these actions were provided and discussed. At time of fieldwork the Group had not met again.
- It was not possible to confirm through reviewing minutes that this Member Group and associated recommendations had been considered and discussed at Strategy and Resources Committee.

Planning Policy Working Group:

- A terms of reference is in place that details roles and responsibilities, with expectations and deliverables. The terms of reference is dated 14 May 2021 and is therefore out of date and may not accurately reflect the current working practices of the group.

Local Government Reorganisation and Devolution Working Group:

- A terms of reference is in place that details roles and responsibilities, with expectations and deliverables, however it is not clear when it was approved and what version is current.

Root cause

There was no process in place to ensure this information was included within the meeting notes. We were advised dDiscussions from the Finance group were taken forward to the Committee but just not noted in the working group. Terms of reference have not been reviewed.

Implication

There is a risk where working groups do not adhere to their terms of reference they may not refer decisions appropriately within the governance framework.

**RECOMMENDATION**

2a. The Council should ensure terms of reference are up-to-date and version controlled so it is clear when the document was last reviewed and when it will be subsequently reviewed.
2b. The Council should ensure where a Working Group reports to a Committee the subsequent Working Group minutes note this and confirm the outcome for information purposes.

**MANAGEMENT RESPONSE**

2a. A note will be circulated to officers involved in working groups to highlight this recommendation. For the first meeting that takes place in the municipal year, we will ensure terms of reference are reviewed when each working group sits.
2b. A note will be circulated to officers involved in working groups to highlight this recommendation.


Responsible Officer:

2a. Cheryl Hughes
2b. Cheryl Hughes

Implementation Date:

2a. November 2025
2b. November 2025

3 Induction

TOR Risk:	The Member induction process is inadequate leading to Members not understanding the key roles and responsibilities they have in the decision making or corporate governance process.
Significance	 Low



FINDING

Inductions are completed on an ad hoc basis for by-elections and when individual Members join the Council. A full day of onboarding is delivered when there is a full election.

Our review of the Member induction process and discussions with a sample of two Members found the following:

- Formal records confirming who has received an induction and when are not maintained, as either this is completed for all members, or on an ad hoc basis when new members start, which is why this record is not maintained.
- Feedback had been sought by the Council after the full onboarding in May 2024, and completion of required training, and from the onboarding information provided this had been incorporated.

Below is some feedback received from the two councillors interviewed:

- A directory indicating who to contact for specific queries would have been beneficial. Queries from residents come in quickly, and knowing who to approach for issues like council tax would have been useful. The Councillor was conscious of sending emails to individuals not involved in the process. Everyone was very helpful and willing to assist, but the Councillor desired the knowledge to streamline processes.
- More explanation of working groups, governance layers, and report language would be beneficial.
- The induction process was unclear, with considerable back-and-forth required to set up a laptop and account. Issues persisted with Mod Gov, as it was initially set up via an external email address, causing syncing problems with the internal email address.
- Upon receiving the laptop and systems access, there was no induction meet-and-greet scheduled, nor guidance on what to do throughout the process.
- There was no information provided on using Freshserve, the portal for raising Member queries, which differs significantly from the process for a Town Councillor.
- There was uncertainty about the location of meeting rooms and Council procedures, leading to a sense of being lost. Emails were sent to officers and copied to other councillors, but Freshserve tickets should be used if the process was understood.
- Welcoming new councillors should involve an up-to-date website for training, with a current calendar of events for all members.
- These issues impact member/officer relationships across the Council.
- Residents contacted the Councillor regarding housing issues, and he reached out to other members to resolve these queries but was unsure how to proceed.
- Freshserve felt impersonal, reducing interactions to statistics rather than fostering relationships.

- A video summarising the planning team (for example), communication processes, and member referral/call-in procedures would be beneficial. Guidance has not been shared with the Councillor on raising questions with officers regarding planning applications.
- Communication routes and flow charts are needed to show how to raise queries without predetermining outcomes or using officers' time unnecessarily.
- The homepage should be kept up-to-date to maintain trust noting one officer has left, and another has taken over.
- A PowerPoint presentation of the structure was available, but numerous vacancies were off-putting. A corporate directory showing the head of department and reporting lines would be useful.
- Members knew they were able to approach other members of their party for assistance and guidance.

Root cause

Since the original website was put together, there has been capacity issues in keeping this up-to-date and being able to expand on this information effectively.

Implication

There is a risk that where Members are not fully inducted they will not be aware of their responsibilities and who to contact which may impact their ability to service their constituents.



RECOMMENDATION

3a. The Council should consider enhancing the induction process for new members by doing the following:

- Updating the website made available to Councillors with up to date information and ensuring this is reviewed regularly.
- Compiling a list of key officers involved in specific processes to assist in Members knowing who to contact when queries arise.
- Designing a series of flowcharts showing key processes and how Members are expected to approach these, for example in specific planning queries.
- Maintaining a record of all Members who have received an induction to ensure these are completed for all required joiners.



MANAGEMENT RESPONSE

3a. With the proposed Local Government Reorganisation it is unclear if any further elections of Councillors will take place. Until the position has been confirmed no immediate work will be undertaken on these recommendations.

The enhancements will be considered should further onboarding be required in the future


Responsible Officer:

3a. Emma Holmes

Implementation Date:

3a. May 2027

4 Scheme of Delegation

TOR Risk:	The Scheme of Delegation is not regularly reviewed and approved leading to an ineffective process, which does not facilitate efficient governance.	
Significance		Low



FINDING

There is a Member approved scheme of delegation which outlines the responsibilities that need Member approval. Decisions are made according to this scheme. We reviewed the scheme of delegation and found the following:

- We reviewed the training and briefings and noted that the scheme of delegation has not been formally shown to members except for its last approval by Full Council. . As above, it is understood that the reason members are given decision to make is due to the scheme of delegation requirements.

We also conducted a benchmarking activity of the Scheme of Delegation levels against other Essex authorities. The outcomes of this are documented as part of Appendix II below. The initial observations are that the Council has limits lower than other authorities in relation to write offs, virements, asset disposal and those contracts under seal.

Root cause

The Council has had the limits in place for some time due to the structure of Working Groups and Committees and these limits have not been formally reviewed or amended.

Implication

There is a risk where the scheme of delegation is not understood by members that decisions will not be made correctly and in accordance with the Council's constitution.

Also, if delegations are restricted and unclear, that leads to time-consuming escalations involving more senior officers or members and delays in responses to suppliers and residents.

Furthermore, ensuring that a clear approach to delegation is especially important as the Council moves to the new structure, along with clarity on the resources directors and other officers hold.



RECOMMENDATION

4a. Officers should ensure that the scheme of delegation is included as part of future briefings to Members to ensure they understand the requirements.

4b. The Council should review the outcomes of the benchmarking completed by Internal Audit and consider whether any changes need to be made to the Scheme of Delegation.



MANAGEMENT RESPONSE

4a. This recommendation will be highlighted to senior officers of the Council, so that they can reference the scheme of delegation where relevant

Decisions made by Members are supported by Officers, who advise when a matter falls within the delegated powers and can be determined without Committees involvement.

Officers are responsible for preparing reports for Committees and their oversight significantly reduces the risk of decisions being made outside the Constitutional framework

4b. The PGA committee as part of consideration of this report may want to recommend to Council, a review of the delegation levels and whether they are fit for purpose

Responsible Officer:	4a. Cheryl Hughes/ Emma Holmes 4b. Cheryl Hughes/ Emma Holmes
Implementation Date:	4a. November 2025 4b. November 2025

Appendix I - Definitions

LEVEL OF ASSURANCE	DESIGN OF INTERNAL CONTROL FRAMEWORK		OPERATIONAL EFFECTIVENESS OF CONTROLS	
	FINDINGS FROM REVIEW	DESIGN OPINION	FINDINGS FROM REVIEW	EFFECTIVENESS OPINION
Substantial	Appropriate procedures and controls in place to mitigate the key risks.	There is a sound system of internal control designed to achieve system objectives.	No, or only minor, exceptions found in testing of the procedures and controls.	The controls that are in place are being consistently applied.
Moderate	In the main there are appropriate procedures and controls in place to mitigate the key risks reviewed albeit with some that are not fully effective.	Generally a sound system of internal control designed to achieve system objectives with some exceptions.	A small number of exceptions found in testing of the procedures and controls.	Evidence of non compliance with some controls, that may put some of the system objectives at risk.
Limited	A number of significant gaps identified in the procedures and controls in key areas. Where practical, efforts should be made to address in-year.	System of internal controls is weakened with system objectives at risk of not being achieved.	A number of reoccurring exceptions found in testing of the procedures and controls. Where practical, efforts should be made to address in-year.	Non-compliance with key procedures and controls places the system objectives at risk.
No	For all risk areas there are significant gaps in the procedures and controls. Failure to address in-year affects the quality of the organisation's overall internal control framework.	Poor system of internal control.	Due to absence of effective controls and procedures, no reliance can be placed on their operation. Failure to address in-year affects the quality of the organisation's overall internal control framework.	Non compliance and/or compliance with inadequate controls.

RECOMMENDATION SIGNIFICANCE

High	A weakness where there is substantial risk of loss, fraud, impropriety, poor value for money, or failure to achieve organisational objectives. Such risk could lead to an adverse impact on the business. Remedial action must be taken urgently.
Medium	A weakness in control which, although not fundamental, relates to shortcomings which expose individual business systems to a less immediate level of threatening risk or poor value for money. Such a risk could impact on operational objectives and should be of concern to senior management and requires prompt specific action.
Low	Areas that individually have no significant impact, but where management would benefit from improved controls and/or have the opportunity to achieve greater effectiveness and/or efficiency.

Appendix II - Benchmarking

Authority	Expenditure/Contract Award Tiers	Debt Write-Off Limits	Virement Limits	Asset Disposal Thresholds	Planning/Leases/Licences Delegations	Contract Execution/Sealing	Procurement / Quotes / Tenders	Notes
Maldon District Council	£0-£5k: 1 written quote required, £5k-£50k 3 written quotes required, £50k-£100k 3 formal quotes in tender envelope, above £100k full tendering procedures.	Less than £2.5k Director of Resources, Less than £10k s.151 Officer with consultation, over £10k Finance and Corporate Services Committee.	Less than £50k Chief Executive, Directors or s.151 officer with portfolio holder consultation, 50k-100k Finance and Corporate Services Committee, over 100k Full Council.	Less than 10k per item Directors, less than 50k Finance and Corporate Services Committee, more than 50k Full Council.	Planning applications delegated to Director of Strategy, Performance and Governance, except where member call-in applies, or applications are Council-owned, major or controversial. Less than 10k pa rental or 50k capital value Directors with s.151 and Legal, above these limits Finance and Corporate Services Committee or Council.	Contracts over 50k must be under seal, less than 50k can be signed by Chief Executive, Directors or authorised officers.		MDC Constitution Part 4 Financial Regulations and Scheme of Delegation.
Braintree District Council		CD (Support Services) ≤£25k; Cabinet Member >£25k-£50k; Cabinet >£50k-£100k; Council ≤£100k. Exception: CD (Support Services) unlimited for bankruptcy/insolvency/ceased trading.	Revenue: HoS (with s151 & relevant CD) ≤£25k; Cabinet Member (with s151) ≤£50k; Cabinet £50,001-£100k; Council >£100k. Capital: s151 ≤£150k; Cabinet ≤£250k; Council ≥£250k.	Property disposals: HoS ≤£50k; CD £50k-£100k; CM £100k-£150k; Cabinet >£150k. Other property agreements (inc. leases/licences): HoS <£100k p.a.; CD £100k-£150k p.a.; CM £150k-£200k p.a.; Cabinet >£200k p.a. Non-property assets: HoS <£10k; CD £10k-£100k; CM £100k-£150k; Cabinet >£150k.	Covered under Other property agreements p.a. bands.	Contracts >£25k must be in writing; >£150k must be under seal.		From Constitution Financial Procedure Rules (Tables A-C) & Property Transactions.
Brentwood Borough Council	£0-£25k: 1 written/verbal quote; £25k-national thresholds: formal competitive tender; Above thresholds: GPA-compliant competition.	Sundry Debtors Manager ≤£1k; Senior Housing Manager ≤£1k (tenants/service charges); Strategic Director Finance ≤£10k (with Service/Budget Manager); >£10k SDF with Chair of Finance Committee.				Standing Orders for Contracts govern under/over £150k; sealed at higher values.		Debt write-offs from FR; procurement from 'Doing business with us' page.
Basilston Borough Council						Contracts ≤£75k executed by two authorised officers (CPR 14.3).	Opportunities ≥£25k advertised on Contracts Finder.	Execution rule from committee report; procurement advertising per council procurement page.
Castle Point Borough Council	Low ≤£10k (≥1 written quote); Medium £10k-£50k (≥3 written quotes); High ≥£50k (tender). If advertised and ≥£30k, publish on CDP.	Debts p.a.: Budget Holder ≤£5k; AD >£5k-£10k; Director >£10k-£25k; s151 >£25k-£50k; Service CM >£50k-£100k; CM Finance >£100k. Inventory: AD ≤£10k; Director >£10k-£25k.	Revenue: AD ≤£25k; Director >£25k-£50k; CM (Finance) >£50k-£100k; Cabinet >£100k.	Process/controls set (Asset Review Board, valuations, s123 notices for open space, undervalue needs s151 & MO). No explicit £ figure in policy.		Higher-value contracts sealed; execution per CPR/Constitution.	National thresholds (incl. VAT): Works £5,372,609; Supplies/Services £214,904.	Financial Regs & CPR (Feb 2025).
Harlow District Council	CSOs (Mar 2025, incl. VAT): <£30k quotation; £30k-£60k ≥3 quotations; ≥£60k tender.	AD Finance ≤£1k; Directors/Heads ≤£2k; CE & s151 ≤£5k; Portfolio Holder (with s151) ≤£20k; NDR ≥£20k to Cabinet.		Land disposal (Part 2): AD may sell land with no development potential and value <£10k; or with development potential and sale price <£10k with betterment provisions. Commercial Portfolio leases: Senior Officer approval.		Publish Contract Details Notice for contracts >£5m; signing per CSOs and Constitution.	Above-threshold (PA 2023): Goods/Services ≥£214,904; Works ≥£5,372,609. Award: £214,904-£350k PH; ≥£350k Cabinet key decision; Non-capital ≥£1m or ≥£350k outside budget - Cabinet/Full Council.	CSOs 28 Mar 2025; Debt Write-Off process & Cabinet reports.
Southend-on-Sea City Council		Accounts Receivable/Adult/HB O/P: Asst Manager <£5k; Manager ≤£10k; Director £10,001-£25k; Cabinet ≥£25k. NDR: Senior Officer ≤£2k; Team Leader ≤£5k; Manager ≤£10k; Exec Director (FR&R) £10,001-£25k; Cabinet ≥£25k. Parking: NPO & Section Leader <£5k; Section Leader £5,001-£10k; Group Manager £10,001-£25k; Cabinet ≥£25k. Housing Rents/Service Charges (South Essex Homes): Head of Service <£25k; Cabinet ≥£25k.		Property Procedure Rules apply (leases >7 years and other land). Specific £ thresholds held in Rules.	Leases/licences/disposals set in Part 7 Section 8 (Property Procedure Rules) - includes term-based rules (e.g., >7 years).		CPR (Part 7 Section 6): level-based thresholds; below-threshold notices (≥£30k) published on Contracts Finder.	From CPR/FPR/Property Procedure Rules & Cabinet report tables.
Thurrock Council	<£30k ≥1 written quote; £30k-£74,999 ≥3 quotes where not advertised; £75k-£213,477 competitively advertised tender.	Finance Procedure Rules & Financial Limits Annex: includes bands incl. stock write-off (e.g., up to £10k Budget Holder; higher tiers per annex).	Up to £25k by Responsible Budget Holder with AD agreement; higher bands in Financial Limits Annex; member approval above limits.	Financial Limits Annex sets disposal approval bands by value; Key Decision thresholds Revenue £500k / Capital £1m apply to route.	Leases/licences/easements/wayleaves/concessions & acquisitions/disposals require s151 agreement/sign-off.		Key Decisions: Revenue ≥£500k; Capital ≥£1m.	CPR & Financial Limits Annex (draft).
Essex County Council	Order/contract authorisation: L3 ≤£2m Directors; L4 ≤£500k HoS; L5 ≤£130k delegated officers.	≤£10k Service Manager (Income) or Head of Finance (Transactional); £10,001-£25k Director; £25,001-£50k Exec Director; £50,001-£100k s151; £100,001-£250k Service CM; >£250k CM Finance.	Director ≤£500k; Exec Director (with s151 & Service CM) >£500k-£2m; CM Finance >£2m-£5m; Cabinet >£5m.	Property: Operational/Surplus - HoS/HoP ≤£250k; Director >£250k-£500k; Exec Director >£500k-£2m; CM Finance >£2m-£5m; Cabinet >£5m. Investment properties - s151 ≤£250k; Exec Dir >£250k-£500k; CM Finance >£500k-£2m; Leader (with s151) >£2m-£5m; Cabinet >£5m. Other assets: HoS ≤£250k; Director >£250k-£500k; Exec Dir >£500k-£2m; CM Finance >£2m-£5m; Cabinet >£5m.		Contracts <£1m signable by authorised officer; ≥£1m signed by Executive Director/HoPS or sealed.	Up to £10k: no competition normally required; £10k-£100k: quotes expected; >£100k: tender expected.	ECC Financial Regulations (Feb 2025).
Chelmsford City Council			≤£25k Director; >£25k-£200k Director (consult s151 & Cllrs); >£200k-£1m Cabinet; >£1m Council.					Part 4.9 Financial Rules Appendix 1 (Virements).
Colchester City Council		Chief Finance Officer (s151) may write-off individual bad debts ≤£5,000.		Director of Estates delegated for routine lettings/licences/wayleaves (no explicit monetary cap stated).	Head of Planning determines most applications except specified categories.		≤£50k: normally 3 written quotes; £50k-national threshold: below-threshold notice or invite ≥3; thresholds: full procedure.	Scheme of Delegation to Officers (Mar 2025) & CPR.
Epping Forest District Council	Tender process from £25k (per 17 Mar 2025 Cabinet).	Housing former tenant arrears/credits ≤£2,500 (with Director of Resources).					≤£25k RFQ; >£25k tender (EPP-led).	Financial Regulations & Mar 2025 procurement update.
Rochford District Council		Sundry Debtors Manager ≤£1k; Senior Housing Manager ≤£1k (housing); s151 ≤£10k; >£10k with Chair of Finance Committee.						Financial Regulations 10.6.3.
Tendring District Council			GMD ≤£50k (Financial Procedure Rules).					FPR extract re virements.

Appendix III - Terms of Reference



KEY RISKS

Based upon the risk assessment undertaken during the development of the internal audit operational plan, through discussions with management, and our collective audit knowledge and understanding the potential key risks associated with the area under review (including those relevant to the IIA's [name] Topical Requirement), are:

- ▶ Risk 1: The Member induction process is inadequate leading to Members not understanding the key roles and responsibilities they have in the decision making or corporate governance process.
- ▶ Risk 2: Chairs of Working Groups and Committees have not received adequate training to enable them to fulfil their roles and responsibilities leading to confusion and potentially decisions that are ultra vires.
- ▶ Risk 3: Member Declarations of Interest are not recorded for all Members potentially resulting in decisions that favour personal gain over organisational goals, compromising trust in the Council.
- ▶ Risk 4: Roles and responsibilities of Working Groups are not defined and understood leading to confusion amongst Members regarding their purpose and the delivery of key strategic objectives.
- ▶ Risk 5: The Scheme of Delegation is not regularly reviewed and approved leading to an ineffective process, which does not facilitate efficient governance.
- ▶ Risk 6: Responsibilities in the Scheme of Delegation and governance mechanisms are not clearly defined and communicated to all staff, including Members, resulting in confusion about the decision making process and impairment of the decisions made.



SCOPE & APPROACH

The following areas will be covered as part of this review:

- ▶ Review the Member induction process to ensure it covers all aspects of their roles and responsibilities. We will also speak to a small sample of Members to confirm they have received the induction and gain feedback on what works well and what could be improved. (Risk 1)
- ▶ Test a sample of Members who are Chairs of either a Working Group or Committee to confirm they have received recent training that is relevant to their role or have been assessed as possessing the required skillset perform their role. (Risk 2)
- ▶ Test a sample of Members to confirm they have completed a recent declaration of interest form. We will also review the process to ensure declared interests are monitored and considered during Working Group decision making. (Risk 3)
- ▶ □ For a sample of Working Groups, confirm:
 - Roles, responsibilities, expectations and deliverables are clearly defined within an up to date terms of reference.
 - Decisions and actions are clearly documented within minutes and action plans, with progress made clear, including escalation of concerns/delays.
 - Through review of a sample of Committee minutes, the Chair of the Working Group regularly interacts with their applicable Committee and their recommendations are considered and discussed before Committee decisions are made. (Risk 4)
- ▶ Interview the Leader of the Council and the Chair of the Performance, Governance and Audit Committee to obtain their view on whether Delegated decisions and Working Groups are adequately functioning, fit for purpose and effectively support the Council's corporate governance framework. (Risk 4)
- ▶ Review the Scheme of Delegation and verify:
 - The scheme is regularly reviewed and updated
 - Clearly sets out the delegated responsibilities including any specific areas where Member approval is required
 - It has been communicated to and approved by Members
 - Whether Members have received briefings or training to ensure they understand the delegated framework and have been given the opportunity to provide feedback.
 - Test a sample of delegated decisions to confirm they are in line with the Scheme. (Risks 5 and 6)



ADDED VALUE

In addition to the above areas we will also:

- ▶ Benchmark the Council's Scheme of Delegation limits with other Councils in the Essex area.

Appendix IV - Responsibilities and Conformance

Management responsibilities

The Global Internal Audit Standards (GIAS) refer to the ‘board’ as ‘the highest-level body charged with governance, such as a board of directors, an Audit Committee, a board of governors or trustees, or a group of elected officials or political appointees.’ For the Council, ‘the board’ is the Performance, Governance and Audit Committee (PGAC acting on behalf of the Council.

The PGAC is responsible for determining the scope of internal audit work, and for deciding the action to be taken on the outcome of our findings from our work.

The AC is responsible for ensuring the internal audit function has:

- The support of the Council’s management team.
- Direct access and freedom to report to senior management, including the Chair of the PGAC.
- The PGAC is responsible for the establishment and proper operation of a system of internal control, including proper accounting records and other management information suitable for running the Council.

Internal controls covers the whole system of controls, financial and otherwise, established by the Council in order to carry on the business of the Council in an orderly and efficient manner, ensure adherence to management policies, safeguard the assets and secure as far as possible the completeness and accuracy of the records. The individual components of an internal control system are known as ‘controls’ or ‘internal controls’.

The PGAC is responsible for risk management in the organisation, and for deciding the action to be taken on the outcome of any findings from our work. The identification of risks and the strategies put in place to deal with identified risks remain the sole responsibility of the Council.

Limitations

The scope of the review is limited to the areas documented under Appendix III - Terms of reference. All other areas are considered outside of the scope of this review.

Our work is inherently limited by the honest representation of those interviewed as part of the review. Our work and conclusion is subject to sampling risk, which means that our work may not be representative of the full population.

Internal control systems, no matter how well designed and operated, are affected by inherent limitations. These include the possibility of poor judgment in decision-making, human error, control processes being deliberately circumvented by employees and others, management overriding controls and the occurrence of unforeseeable circumstances.

Our assessment of controls is for the period specified only. Historic evaluation of effectiveness may not be relevant to future periods due to the risk that: the design of controls may become inadequate because of changes in operating environment, law, regulation or other; or the degree of compliance with policies and procedures may deteriorate.

Conformance with the Global Internal Audit Standards in the UK Public Sector

This engagement has been conducted in accordance with Global Internal Audit Standards in the UK Public Sector, which encompass:

- ▶ The global Institute of Internal Auditors (IIA) *Global Internal Audit Standards* effective from January 2025
- ▶ The Internal Audit Standards Advisory Board (IASAB) *Application Note Global Internal Audit Standards in the UK Public Sector* effective from 1 April 2025.

FOR MORE INFORMATION:

Aaron Winter

Aaron.Winter@bdo.co.uk

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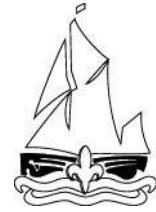
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The matters raised in this report are only those which came to our attention during our audit and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. The report has been prepared solely for the management of the organisation and should not be quoted in whole or in part without our prior written consent. BDO LLP neither owes nor accepts any duty to any third party whether in contract or in tort and shall not be liable, in respect of any loss, damage or expense which is caused by their reliance on this report.

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REPORT of CHIEF EXECUTIVE

PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE 13 NOVEMBER 2025

REFERENCE FROM OVERVIEW AND SCRUTINY COMMITTEE SCRUTINY WATCHING BRIEF ITEM – PLANNING ENFORCEMENT

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide background to the above reference from the Overview and Scrutiny Committee.

2. RECOMMENDATION

That the Committee receives and considers the Overview and Scrutiny Committee Working Group's report with a view to performance reporting on Planning Enforcement being added to the existing Balanced Scorecard Exemptions report.

3. SUMMARY OF KEY ISSUES

- 3.1 At its meeting on 4 September 2025, the Overview and Scrutiny Committee agreed that this Committee should be requested to consider reviewing Planning Enforcement as part its performance monitoring role.
- 3.2 The background to this is that the Overview and Scrutiny Committee has for some time had Planning Enforcement on its list of watching brief items which are monitored by its Working Group (WG). Regular updates on staffing and performance continue have been received, and at its meeting in March 2025 the WG was concerned to note that performance had started to deteriorate again after a period of good progress. The number of outstanding cases had increased again, and this was attributed wholly to renewed staffing difficulties, it being apparent that the team had never been able to operate at a full complement and lacked resilience. These difficulties together with the position on performance, although not as bad as before the team was restructured and given additional resources, was of sufficient concern to the WG for this to be brought to the attention of the Committee.
- 3.3 A further performance update together with an explanation of the staffing difficulties, and the impact this had on performance, was brought to the April meeting of the WG. At that time, the number of open cases was 321, 11 more than the March update figure. Out of those 321 – 29 had still to be assigned an Officer for investigation beyond the initial site visit. None of the cases were high priority, as defined by the Council's Planning Enforcement Policy in that they did not involve Tree Preservation Orders or Listed Buildings. Some of the Team's enforcement appeals had been running for nearly two years awaiting action by the Planning Inspectorate.

- 3.4 Regarding active formal enforcement action, the team was at that time processing the following:

Enforcement (Enf) Notices to be Served	12
Enf Notices at Appeal	5
Enf Notice waiting for compliance	2
Enf Notice Prosecution	1
Listed Building Consent (LBC) Enf Notices to be served	4
LBC Enf Notices at Appeal	0
LBC Enf Notice waiting for compliance	0
Breach of Condition Notices (BCN)s to be Served	5
BCN Prosecution	1
Temporary Stop Notices Served waiting for compliance	0
Tree Prosecution Pending	1
Tree Prosecution at court	0
Penalty Charge Notice (PCN) Prosecutions	1
Enf Warning Notice Pending	0
Enf Warning Notice Served	1

3.5 Staffing

- 3.5.1 At 1 April 2025, the establishment was reduced by one Enforcement Officer. The Enforcement Team now consisted of the following:
- one Team Leader
 - two Enforcement Officers – one vacant post
 - one Compliance Officer – new in post
 - one Technical Support Officer – vacant post
- 3.5.2 The Team was supported by the Head of Planning Policy and Implementation. A replacement Compliance Officer had now been appointed after the first one in the post left in February 2025. This does mean that site visits are being carried out in a timely way and there was not a backlog.
- 3.5.3 The Team still had two vacant posts - Enforcement Officer, and Technical Support Officer. The Team was therefore having to cover these vacancies, which was affecting capacity. In addition to the continued difficulty in recruiting to these posts, the Team's resources had been affected by sick leave absence.

3.6 Impact staffing issues on performance

- 3.6.1 The staffing issues have impacted on the Team's performance. The level of outstanding cases was still being maintained in the low 300s but was very slowly rising, and new cases were not being allocated to an officer unless they were priority cases (e.g. Tree Preservation Order matters, trees in Conservation Areas, Listed Buildings). The Team Leader and remaining Enforcement Officer both had over 100 open cases each, and the Head of Service had also picked up a small caseload. The cases previously allocated to officers who had left the authority needed to be reallocated, but only when the remaining Officers had capacity.
- 3.6.2 The Team had permission to recruit a consultant Enforcement Officer for a period of three months to try and work through some of the complex enforcement notices that require serving and the backlog of cases. The Head of Services monitors daily all cases where a site visit has been made and closes those where no further action is required.
- 3.6.3 The Enforcement Team has regular morning meetings to ensure consistency of working, enable discussion on complex cases, and enable quicker decisions on cases. The Team has also met to review the potential streamlining and effectiveness of processes.
- 3.6.4 The Planning Enforcement Team will in due course need to pick up implementing the permanent enforcement requirements originally introduced by the Business and Planning Act 2020 (BPA20) covering the placement of furniture for the consumption of food and drink on the street. Previously the responsibility of Essex Highways, following changes in the Levelling Up and Regeneration Act 2023 (LURA), which came into force on 31 March 2024, this now falls to local planning authorities. This will involve the processing of complaints and the taking of direct action in relation to unauthorised street furniture. Although still to be assessed, this is likely to further impact on the resources of the Team in terms of casework.

4. CONCLUSION

- 4.1 The content of section 3 above is intended to provide the Committee with the background to the reference made by the Overview and Scrutiny Committee. It is for this Committee to consider whether it wishes to receive future reports on the performance of the Planning Enforcement Team and, if so, how often and to what level of detail.
- 4.2 Reporting on this could be added to the existing quarterly performance reporting on planning applications and related matters. Officers have indicated however that the following data could be provided:
- Number of open cases
 - Notices served and type (on a quarterly basis)
 - Number of cases at appeal
 - Number of cases closed (on a half-yearly or yearly basis)
- 4.3 In light of the reference to this Committee the matter is no longer the subject of a watching brief by the Overview and Scrutiny Committee.

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

5.1 Delivering good quality services.

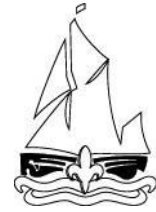
- 5.1.1 Thorough scrutiny processes support improved performance and efficiency which in turn will contribute to the quality of services provided, and functions undertaken by the Council.

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.
- (vi) **Impact on Devolution / Local Government Re-organisation** – None.

Background Papers: None.

Enquiries to: Stuart Jennings, Corporate Governance Project Officer.



REPORT of PERFORMANCE, GOVERNANCE AND AUDIT WORKING GROUP

**to
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
13 NOVEMBER 2025**

PLANNING COMMITTEES REVIEW

1. PURPOSE OF THE REPORT

- 1.1 To review planning committee arrangements in light of the Planning and Infrastructure Bill.

2. RECOMMENDATIONS

To the Council:

- (i) That the Terms of Reference for a single Planning Committee are adopted as at **APPENDIX A** with a suggested implementation date of the Statutory Annual Council meeting on 14 May 2026;
- (ii) That the public speaking protocol at **APPENDIX B** is adopted as a way to help continue Ward Member roles in planning decisions to come into effect from the date that the number of members on the committee number reduce to less than 31 either by a decision of Council or by legislation.
- (iii) That three weekly Planning Committee meetings, starting at 7pm are included as part of the 2026 / 27 Schedule of Meetings.

3. SUMMARY OF KEY ISSUES

- 3.1 As part of the Planning and Infrastructure Bill (the Bill), it is expected that Area Planning Committees will be removed from legislation. As of 21 of October 2025, the Bill is at report stage in the House of Lords [Planning and Infrastructure Bill Stages - Parliamentary Bills - UK Parliament](#)
- 3.2 In order that the Council is prepared for this work, the Performance, Governance and Audit Working Group (the Working Group) has reviewed officer timetables and options for being 'legislation ready' ahead of the next Statutory Annual meeting of the Council on 14 May 2026.
- 3.3 Although the Council could wait until the law is enforced, there is a lot of operational work to constitute and schedule planning committee meetings and overlapping work with the sign off of the Committee Schedule for 2026/27 for example. Officer recommendation to avoid disruption to the planning process delivery is that we should seek to move to a form of single planning committee as part of the 2026 May Statutory Annual process.
- 3.4 The Working Group has reviewed options for this, including a full implementation of the Bill proposals and removal of the call in process accordingly. Another option

reviewed is to combine planning committee terms of reference as they currently sit, but into one singular committee. The preferred recommendation of the Working Group, attached at **APPENDIX A** is that One Planning Committee of all 31 Members is first established

- 3.5 Once the legislation is enacted, a further update to this committee terms of reference and member numbers will need to be implemented. The public speaking protocol updates suggested at **APPENDIX B** are suggested to be implemented when this legislation reduces committee size number, to allow for a role of the Ward Members.
- 3.6 The Working Group has also recommended that the Planning Committee could be scheduled every three weeks and starting from 7pm to allow for the possibility of more agenda items. This is suggested to the Council, who consider the schedule of meetings.

4. CONCLUSION

- 4.1 The Performance, Governance and Audit Committee is asked to review the recommendations of the Working Group, so that the proposal for a single planning committee can be referred to the Council.

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

5.1 Delivering good quality services

- 5.1.1 Addressing upcoming planning legislation changes ahead of the statutory annual Council reset means that a disruption to planning service delivery is less likely.

6. IMPLICATIONS

- (i) **Impact on Customers** – Addressing upcoming planning legislation changes ahead of the statutory annual Council reset means that a disruption to planning service delivery is less likely.
- (ii) **Impact on Equalities** – There is a perception that local area representation may be reduced in removing Area Planning Committees. The suggested updates to the public speaking protocol allow for additional ward member representation where they may not sit on the Planning Committee.
- (iii) **Impact on Risk (including Fraud implications)** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – To implement the changes in year will have a significant impact on teams responsible for the planning process and committee management and delivery.
- (vi) **Impact on Devolution / Local Government Reorganisation (LGR)** – None.

Background Papers: None.

Enquiries to:

Emma Holmes, Director of Legal and Governance

Cheryl Hughes, Head of Performance, Improvement and LGR

PART 3 – RESPONSIBILITY AND FUNCTIONS

TERMS OF REFERENCE – ~~AREA~~ PLANNING COMMITTEE**CONTENTS****1. Terms of Reference**

To exercise on behalf of the Council the following functions:

- (A) The making of decisions or representations on planning and other applications falling to be considered by the District Council as a Local Planning Authority -
- (B) The making of decisions on enforcement and related planning control matters falling to be considered by the District Council as Local Planning Authority, save in those cases where such decisions are delegated to the Director of Place, Planning and Growth:

Provisos:

2. Operating Protocol

ANNEXE A

ANNEXE B

COMMITTEE	<u>AREA-PLANNING COMMITTEE</u>
MEMBERSHIP	Area-based – see below All 31 Members of the Council
LEAD OFFICER	Director of Place, Planning and Growth
OFFICERS / UNITS PRIMARILY REPORTING	Head of Service: Development Management and Building Control
SUB-COMMITTEE	None

~~There are three Area Planning Committees whose memberships comprise the Ward Members for the following Planning areas of the Maldon District:~~

- ~~**North-Western:**
Great Totham, Purleigh, Tollesbury, Tolleshunt D'Arcy, Wickham Bishops and Woodham Wards~~
- ~~**Central:**
Heybridge East, Heybridge West, Maldon North, Maldon South, Maldon East and Maldon West Wards~~
- ~~**South-Eastern:**
Althorne, Burnham-on-Crouch North, Burnham-on-Crouch South, Mayland, Southminster and Tillingham Wards~~

PART 3 – RESPONSIBILITY AND FUNCTIONS

1. TERMS OF REFERENCE

To exercise on behalf of the Council the following functions:

(A) The making of decisions or representations on planning and other applications falling to be considered by the District Council as a Local Planning Authority -

1. For residential development where the number of dwellings is nine or more, or where the number of dwellings is not given, the application site has an area of 0.2 hectares or more.
2. For all other development where the floor space to be built, or a change of use of a building is proposed for 1,000 sq. metres or more.
3. Where a Ward Member requests that an application in their Ward is referred to the Area Planning Committee for determination in accordance with **ANNEXE A**.
4. Where proposals which, in the opinion of the Director of Place, Planning and Growth in consultation with the Chairperson of the appropriate Area Planning Committee ~~or the Chairperson of the District Planning Committee are of significant public interest~~, would have a significant impact on the environment, or should otherwise be referred to Members.
5. Where proposals have been advertised as departures under the Town and Country Planning (Development Management Procedure) Order 2010 and where the Officers' recommendation is that permission should be granted. Except where the principle of the development has already been approved through an extant planning permission.
6. Where proposals require the submission of or are accompanied by an environmental statement in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988.
7. Where proposals require a planning obligation, or involve the variation of a planning obligation, under Section 106 of the Town and Country Planning Act 1990 to secure the payment of monies to the Council.

~~8. Where an application has been resubmitted following refusal by an Area Committee contrary to Officers recommendation.~~

~~9.8.~~ Applications submitted by Members and Officers of the Council. This includes:

- Spouses and Partners of a Member or Officer;
- Where it is clear that an application has been submitted on behalf of a Member or Officer, e.g. by an agent or other immediate family member;
- Where it is clear from the application and any subsequent discussion that a Member or Officer has a close association with the applicant such as might prejudice judgement of the public interest;
- In the interests of openness and transparency, the Director of Place, Planning and Growth in consultation with the Monitoring Officer shall have discretion in the matter of referring an application to a committee instead of determining it under delegated powers.

~~10.9.~~ Applications in respect of the Council's own development proposals or development on Council land.

PART 3 – RESPONSIBILITY AND FUNCTIONS

(B) The making of decisions on enforcement and related planning control matters falling to be considered by the District Council as Local Planning Authority, save in those cases where such decisions are delegated to the Director of Place, Planning and Growth:

1. To serve a Stop Notice under Section 183 of the Town and Country Planning Act 1990.
2. To seek injunctions under Section 187B or to commence any actions under Sections 94 (completion notices), 97 (revocation and modification orders) and 102 (discontinuance orders) of the 1990 Act.
3. To make and confirm directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, including the consideration of any representations received.
4. To make and confirm Orders involving public rights of way including the consideration of any representations received.
5. The making and confirmation of Tree Preservation Orders, and the consideration of any representations or objections received.

Provisos:

~~1. If any Area Planning Committee considers that a matter before it should be considered by either the District Planning Committee or the Council, it may refer the matter to that Committee or the Council for determination save for those matters on which they are required to report to the Council.~~

~~2.1.~~ The Director of Place, Planning and Growth has the discretion to refer to the ~~District~~ Planning Committee applications where a major policy decision is involved. In assessing whether a major policy decision is to be made the Director of Place, Planning and Growth shall have regard to the scale of development, whether it involves a major departure from policy and whether the application is the subject of widespread public interest.

~~3.2.~~ Proposals requiring reference to the Secretary of State for Transport Local Government and the Regions under the terms of the direction at Annex 1 of the Environment Circular 07/99 shall be referred to the District Planning Committee for determination.

~~4. Save for those cases described in 5 below in the event of a planning or related application falling to be determined by an Area Planning Committee but, due to the application site area, would involve more than one Committee, the following procedure shall apply:~~

~~(a) The application will be scheduled for determination by the District Planning Committee;~~

~~(b) In order to avoid undue delay in determination of the application a special meeting of the District Planning Committee will be arranged.~~

PART 3 – RESPONSIBILITY AND FUNCTIONS

~~5.3.~~ Meetings of the ~~District~~ Planning Committee will ~~be convened and held for the sole purpose of considering and determining~~ determine all applications for development of strategic interest as follows:

Development of Strategic Interest:

- Any development proposal which directly relates to one of the Garden Suburbs or Strategic Allocations (sites S2(a) – (k)) included within Policy S2 the Local Development Plan (LDP).
- Any residential or mixed-use development proposal which includes provision for 75 dwellings or more.
- Any large-scale renewable and low carbon energy projects, including:
 - Any wind energy proposals whose output capacity is 1Mw or more or which proposes three or more turbines of 30m or more.
 - Any Solar energy proposals whose output capacity is 1Mw or more or which proposes 4,000 or more solar panels.
 - Energy from Waste Scheme of 1MW capacity or more.
- Any development proposal which directly relates to identified *new* employment sites allocated by Policy E1 of the LDP.
- Any retail development of 1,000 square meters or more which is proposed to be beyond existing town centres as defined by Policy E2 of the LDP.
- Any proposals for a new Community Hospital or similar healthcare facility to serve the needs of the District as defined by Policy I2 of the LDP.

~~For the purpose of this proviso 5 “applications for development of strategic interest” shall include all applications establishing or varying the principle of development but shall not include variations to conditions or the approval of reserved matters unless in accordance with a decision of the Council or at the discretion of the Director of Place, Planning and Growth.~~ In all other respects, the existing provisions of the Scheme of Delegation will apply.

4. A development proposal not falling within the categories set out in paragraph ~~5-3~~ above may also be referred to a meeting of ~~District~~ Planning Committee at the discretion of the Director of Place, Planning and Growth in consultation with the Chairperson of the ~~District~~ Planning Committee ~~and the relevant Area Planning Committee~~ where the proposal is considered to be of particular strategic importance and interest to the District.

PART 3 – RESPONSIBILITY AND FUNCTIONS

2. OPERATING PROTOCOL

- 1 The Committee will meet in accordance with arrangements determined by the Council.
- 2 In all other respects and as appropriate, the Council and Committee Procedure Rules will apply, in particular Procedure Rule 13(1) which prevents a member of a Planning Committee from voting in connection with the determination of a planning application or related matter unless they have been present for the whole of the consideration at the meeting or has undergone fundamental induction training.
- 3 If, after debate, the Committee is minded to refuse an application contrary to the recommendation of Officers to approve and without having moved to a vote, then (unless it is agreed upon the advice of Officers that no useful purpose would be served) any further consideration **will** be deferred to enable Officers to consider all relevant implications of that proposed decision and report back to the Committee. This is known as the Constitutional Brake.
- 4 The Council has adopted the concept of members of Planning Committees being given information briefings / presentations by Officers on complex / technical issues arising from certain planning applications ahead of their formal consideration and determination. The guidelines set out **ANNEXE B** will be followed.

PART 3 – RESPONSIBILITY AND FUNCTIONS

ANNEXE A

Determination of Planning Applications – Member Call-In

- (i) The effect of this facility is to enable a Member to request that an application is referred to ~~an Area~~the Planning Committee for determination instead of being determined under powers delegated to the Director of Place, Planning and Growth.
- (ii) A Member may 'call in' an application from their Ward or another Ward ~~within the following areas:~~
 - Central Area Planning Committee:**
~~Call in area 1 – Maldon North, South, East, West Wards~~
~~Call in area 2 – Heybridge East and West Wards~~
 - South Eastern Area Planning Committee:**
~~Call in area 1 – Burnham-on-Crouch North and South Wards~~
~~Call in area 2 – Althorne, Mayland, Southminster and Tillingham Wards~~
 - North Western Area Planning Committee:**
~~Call in area 1 – Tollesbury, Tolleshunt D'Arcy, Great Totham Wards~~
~~Call in area 2 – Purleigh, Wickham Bishops and Woodham Wards~~
- (iii) Requests must be made in writing to the dedicated email address – and within 28 days of the date an application appears on a published Weekly List produced by Planning Services. When an application is amended, and the Parish or Town Council is re-consulted, requests can be made in writing to the dedicated email address provided it is within the consultation period provided to the parish or town Council.
- (iv) A Member must provide a reason based on planning policy to support a call-in request.
- (v) A Member is under no obligation to invoke this provision on the basis of any public representation or request they may have received, including town or parish council, but may wish to take this into consideration, as he or she may also wish to do when reviewing the request as set out below.
- (vi) Where a Member's request is the only reason for an application being referred to the ~~Area Planning~~ Committee, the Director of Place, Planning and Growth will notify the Member of their recommendation on the application following which the Member may withdraw their request.
- (vii) Due to the limited time available all responses to Certificates of Lawful Use for Proposed Development and prior notifications, including those in relation to agricultural buildings, telecommunications, hedgerows, trees in conservation areas and demolition are delegated to the Director of Place, Planning and Growth unless they consider that they should be referred to the ~~appropriate Area~~ Planning Committee, time permitting.

PART 3 – RESPONSIBILITY AND FUNCTIONS

ANNEXE B

INFORMAL TECHNICAL BRIEFINGS / PRESENTATIONS ON PLANNING APPLICATIONS

Operating Guidelines

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

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

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

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MALDON DISTRICT COUNCIL

PUBLIC QUESTION TIME AND PARTICIPATION AT COUNCIL AND COMMITTEE MEETINGS

The Scheme and How it Operates

At Council meetings

A period of 10 minutes will be set aside at an early point on the agenda for meetings of the Council only for public questions. Questions can be asked generally of the Leader of the Council or through the Leader to Chairmen of Committees. Prior notice is required of questions – in writing and to be received by the Programmes, Performance and Governance Manager (email: committee.clerk@maldon.gov.uk) no later than Noon two clear working days before the day of the Council meeting. The online [Public Access form](#) should be used for submitting questions and also requests to speak at other Committee meetings as dealt with below. In addition, questions at Council meetings must -

- relate to a matter within the local authority's responsibility or which affects the District;
- not be defamatory, frivolous, vexatious or offensive;
- not be the same or substantially the same as another question to the same meeting or anything so put in the last six months;
- not involve the disclosure of confidential or exempt information.

A formal and public record of requests to ask questions will be kept. Requests rejected, and the reasons for rejection will also be recorded. Questions to be received will be published and circulated at the meeting.

A period of two minutes will be allowed for the reading of each question (by the questioner if present, but not in the case of remote attendance) and the response.

There will be no discussion on questions put unless it is formally moved and agreed that the subject matter should be referred to a Committee, again without discussion.

At Planning Committee meetings

Members of the public have the opportunity to put their views on a planning application direct to meetings of the District Planning Committee and the three Area Planning Committees. This is intended to supplement rather than replace representations in writing. All representations on planning applications must first be made in writing and will continue to be taken into account with equal weight in the decision-making process.

Additionally, the Member(s) who is(are) the Ward Member(s) of the application will be allocated up to five minutes to speak on their views of the application.

This will apply only to those applications that are to be determined by Committee, which includes all applications for planning permission under Part III of the Town and Country Planning Act 1990 (as amended) and related legislation, and for Listed Building and Conservation Area Consent under the Planning (Listed Buildings and Conservation Areas) Act 1990.

The opportunity will be open to applicants and their agents, supporters, objectors, Ward Members and also appointed representatives of Parish / Town Councils. Where

consideration of an application is deferred (except where a Committee is minded to overturn an Officers' recommendation and the constitutional brake mechanism applied – see Planning Committees Operating Protocol) public speaking will be allowed again when the Committee resumes its consideration prior to a decision.

Planning Services will communicate with applicants / agents, Parish and Town Councils, and all persons who have submitted written representations to advise them of the relevant arrangements.

All requests to speak must be received by the Director of Legal and Governance (email: committee.clerk@maldon.gov.uk) by no later than Noon on the working day before the day of the meeting by completing the online [Public Access form](#).

The opportunity to speak will occur as part of the consideration of each planning application, and the normal way of proceeding will be as follows:

- a) The Planning Officer to present the application to the Committee and update as necessary.
- b) The Chairperson to announce details of those who wish to speak.
- c) Participants will be called in the following order:
 - Objector;
 - Supporter;
 - Representative of Parish / Town Council;
 - Applicant / Agent (or supporter in their absence)
 - Ward Member.
- d) Where there are several people wishing to express substantially the same, they will be invited to appoint a single spokesperson who may be able to cover all the points and will be asked to announce who it is he or she represents. In the absence of agreement over this, and in the interests of the proper and efficient conduct of the meeting, the Chairperson may decide to allow no participation at all.
- e) Each participant will be allowed no more than two minutes to make a statement, other than the Ward Member who will be allocated up to five minutes.
- f) Participants may not ask questions directly of individual Members or Officers.
- g) There will be no discussion between participants and the Committee Members. The Chairperson may however find it necessary on occasions to seek clarification from participants in relation to what they have said.
- h) Participants will not be allowed to distribute or display papers, plans, photographs or other material to accompany their submissions.
- i) Where an application for planning permission is followed on the agenda by a related application for listed building consent or conservation area consent, an opportunity to speak will be allowed provided participants confine their comments to the particular issues raised by that related application. The opportunity to speak will occur only once in relation to duplicate (often referred to as “twin track”) applications.
- j) All contributions will be conducted strictly through the Chairperson whose ruling on any point of procedure will be final. The Chairperson will indicate when the opportunity for public speaking on an application has finished, following which the Committee will continue with its deliberations without further public involvement.

Advice for participants (at Planning Committees)

Please think about what you propose to say and try to keep your statement brief and to the point. The Chairperson will not allow comments they consider to be abusive, defamatory, discriminatory or otherwise inappropriate.

It will help the Committee to receive views that are relevant to planning issues such as –

- *Impact on the character of the area;*
- *External design, appearance and layout;*
- *Impact on neighbouring properties;*
- *Highway safety;*
- *Planning policy and Government guidance.*

It will be unhelpful to the Committee to receive views on such issues as –

- *Business competition;*
- *Boundary disputes or private rights;*
- *Speculation / developers' motives;*
- *Moral arguments;*
- *Matters dealt with under separate legislation.*

Public participation at other Committee meetings

A period of ten minutes will be set aside at an early point on the agenda for meetings of the Strategy and Resources, Performance, Governance and Audit, Licensing and Overview and Scrutiny (including meetings of the Crime and Disorder Committee) Committees during which members of the public, for no more than two minutes each, may express views on matters of business due to be considered.

All requests to speak must be received by the Programmes, Performance and Governance Manager (email: committee.clerk@maldon.gov.uk) by no later than Noon on the working day before the day of the meeting by using the online [Public Access form](#).

It should be noted that participants will not be allowed to distribute or display papers, plans, photographs or other material.

Remote Attendance

All Council and Committee meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely.

As well as physical attendance public participants wishing to speak remotely at a meeting can do so via Microsoft Teams (by request to Committee Services) following submission of an online Public Access form.

The ultimate management of all public participation facilities, including time limits, will be entirely at the discretion of the Council or Committee Chairperson.

For further information please contact Committee Services via email committee.clerk@maldon.gov.uk.

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