



**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
31 OCTOBER 2019**

PRESENT

Chairman	Councillor M W Helm
Vice-Chairman	Councillor R P F Dewick
Councillors	V J Bell, Mrs J L Fleming, M S Heard, C P Morley, S P Nunn and R H Siddall
In Attendance	Councillors C Mayes, C Morris, W Stamp and C Swain

500. ELECTION OF CHAIRMAN

It was proposed by Council R P F Dewick and seconded by Councillor R H Siddall that Councillor M W Helm be elected. It was further proposed by Councillor M S Heard and seconded by Councillor V J Bell that Councillor S P Nunn be elected.

In accordance with Procedure Rule No. 13 (3) Councillor M S Heard requested a recorded vote and this was supported. The voting was as follows:

For Councillor Helm:

Councillors Dewick, Fleming, Siddall, Morley and Helm

For Councillor Nunn:

Councillors Bell, Heard and Nunn

Abstentions:

None

It was declared that Councillor M W Helm was elected as Chairman of the Committee for the remainder of the municipal year.

IN THE CHAIR : COUNCILLOR M W HELM

Before proceeding to the next item, the Chairman allowed Councillor M S Heard to make a short statement as to how he saw the need for the Committee to operate with Members having an independent mind-set with nothing to hide, acting in the public interest and without being politically led.

501. ELECTION OF VICE-CHAIRMAN

It was proposed by Councillor M W Helm and seconded by Councillor C P Morley that Councillor R P F Dewick be elected as Vice-Chairman of the Committee. It was further

proposed by Councillor M S Heard and seconded by Councillor V J Bell that Councillor V J Bell be elected.

In accordance with Procedure Rule No. 13 (3) Councillor M S Heard requested a recorded vote and this was supported. The voting was as follows:

For Councillor Dewick:

Councillors Dewick, Fleming, Siddall, Morley and Helm

For Councillor Nunn:

Councillors Bell, Heard and Nunn

Abstentions:

None

It was declared that Councillor R P F Dewick was elected as Vice-Chairman of the Committee for the remainder of the municipal year.

502. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

503. APOLOGIES FOR ABSENCE

None.

504. MINUTES OF THE LAST MEETING

The Minutes of the meeting of the Committee held on 2 October 2019 were received.

Minute 435 – Conduct Complaints

Councillor M S Heard pointed out that in the third line of the second paragraph the word ‘deferrals’ should read ‘referrals’.

Minute 437 – Any other items of scrutiny Members wish to consider

Councillor R P F Dewick sought the Committee’s review of the accuracy of resolution (ii) in terms of the reason for the setting up of this working group and for the wording to be made clearer. After discussion, it was generally agreed that the resolution should reflect the statement made in the Programme of Work on page 89 subject to making it clear that it was proposed to set up a working group. It would therefore read –

“(ii) that a working group be set up to review the decisions made by the Corporate Leadership Team (CLT) and the Leader of the Council, with a view to identifying items of scrutiny to be added to the Programme of Work.”

RESOLVED that subject to the above amendments, the Minutes of the meeting of the Committee held on 2 October 2019 be approved and confirmed.

505. DISCLOSURE OF INTEREST

There were none.

506. PUBLIC PARTICIPATION

There was none.

507. OVERVIEW AND SCRUTINY COMMITTEE - ROLES AND RESPONSIBILITIES

The Committee received a briefing note from the Director of Strategy, Performance and Governance on the role and responsibilities of the Committee as part of the Council's new committee structure. Circulated alongside the note was a copy of the most recent Government guidance for scrutiny committees. It was noted that in a structure as operated at Maldon, although there was no requirement for a scrutiny committee, where one was established regard should be had to the guidance.

The Committee agreed that a separate and more focused session on this would be welcomed as further training for Members. The Committee noted in particular that part of the guidance dealing with the planning of scrutiny work and the various options for how to undertake scrutiny. The guidance advocated that scrutiny committees should not be used simply to receive information and that watching brief items could be dealt with by a panel of members of the Committee.

The Committee was particularly interested in what the guidance said about contracts and contractors and the suggested good practice that a clause be put in contracts seeking compliance with any subsequent scrutiny of performance.

RESOLVED that the Performance, Audit and Governance Committee be recommended to consider checking whether the above guidance in relation to contracts and contractors is being followed and, if not, to implement it.

508. SECTION 106 AGREEMENTS - QUARTERLY UPDATE (JULY - SEPTEMBER 2019)

The Committee considered the report of the Director of Strategy, Performance and Governance giving an update on the status of the current day to day operational activities of Section 106, including the receipt and use of funds generated as well as expenditure for the last quarter to the end of September. Appendix 1 to the report provided an update on the status of individual strategic sites and the allocation of S106 contributions.

The Committee was advised, and the report recommended, that unless the Committee identified a specific topic for scrutiny on this subject then this would be the last update report in this form.

In response to a question from Councillor R P F Dewick on item H3 – Southminster West Business Park, Scots Hill, Southminster, the Director of Service Delivery

undertook to arrange for an update on the funding of the second footbridge crossing to be given to Members.

In response to a question from Councillor M S Heard, the Director also undertook to provide Members with details of any unallocated S106 monies generally.

In response to a question from Councillor V J Bell on item A6, and with the permission of the Chairman from Councillor W Stamp the Director undertook to provide to Members clarification of which particular allotment site was involved and whether the maintenance funding secured was to be passed to Burnham on Crouch Town Council.

RESOLVED

- (i) that the progress on S106 operational activities for the period April to September 2019 be noted;
- (ii) that in the absence of identification of any specific item of scrutiny, this will be the last report for information on this subject.

509. STANDARD COMPLAINTS

The Committee received the report of the Director of Strategy, Performance and Governance giving details of conduct complaints received and dealt with by the Monitoring Officer or the Joint Standards Committee in response to the Committee's request at the last meeting as follows:

- (i) the number of complaints raised since 2015;
- (ii) the number of referrals to Joint Standards;
- (iii) the outcome; and
- (iv) political affiliations of those involved in the aforementioned points.

Appendix 1 to the report provided a breakdown of complaints given to the Joint Standards Committee in 2017, and the report provided a summary of the complaints made in 2017, 2018 and to date in 2019 and the political affiliations where complaints had been made against District Councillors.

The Committee agreed with Councillor M S Heard that the information provided still did not meet the full terms of that requested. He explained that it was not the process proposed to be scrutinised but rather the matter of referrals since it appeared that most complaints had been dealt with by the Monitoring Officer under stage 1 of the process without reference to the Standards Committee. The information going back to 2015 was sparse on detail in terms of total numbers, names, those dealt with at stage 1 and political affiliations.

RESOLVED that Officers explore this further and liaise with Councillor M S Heard.

510. 2019 / 20 PROGRAMME OF WORK

The Committee considered the report of the Director of Strategy, Performance and Governance providing an update on the current programme of work. The Committee

was requested to review the position on each item with a view to removal or otherwise specifying the exact area of scrutiny and suggested deadlines for completion. The current programme of work was set out at Appendix 1 to the report.

Conduct Complaints

Following consideration of a separate report earlier in the meeting, this item would remain.

Council's Accounts

Despite the concerns of some Members as to why the Council had reached the position it had and the process behind or affecting it, it was accepted that this was a live item of business still to be brought back to and concluded by the Performance, Governance and Audit Committee. It was noted that the Auditors were due to complete their work and the matter brought to that Committee towards the end of November, and it was therefore agreed to await this outcome. Officers were asked to clarify the date of publication of the accounts and the period for public inspection. It was further agreed that Councillor Mrs J L Fleming be the Member sponsor for this scrutiny item.

Due Diligence: Capita

It was noted that this contract had already begun and that a briefing note would be prepared and circulated to Members outside of the meeting. This item would then be deleted.

Health Care Provision

No new or specific item of scrutiny was identified and therefore this item would be deleted.

Monitoring of the Organisational Change Programme

Councillor R H Siddall reported that he had met with the Director of Strategy, Performance and Governance who had made documents available. He advised that it may take a period of up to three meetings before he was in a position to report back with an identified area of scrutiny. This item would therefore remain until the new year.

Monitoring of the Organisation Change Programme: Monoworld

It was noted that a briefing note would be prepared and circulated to Members outside of the meeting. This item would therefore now be deleted.

Provision of Car Parking: Park and Ride Schemes within the District

It was noted that progress on Tesco meeting the requirements of the S106 agreement would be reported to the December meeting.

Provision of Car Parking: Identification of a second Park and Ride Scheme within the District

Since there was nothing in terms of an opportunity currently to be looked at, it was agreed that this item be deleted.

Scrutiny of the application of the District Council's Commercial Strategy:

It was noted that this was a new Strategy and that the Commercial Manager was due to start on 18 November 2019. It was suggested however that this might become a wider piece of work for the new year.

Of concern to Members was the process for agreeing commercial activity, decisions taken by Officers and the involvement of Members, the latter being important due to potential public reaction. It was pointed out that the Strategy detailed the process and it remained to be established whether it was being followed. The Director of Service Delivery pointed out that there was Member involvement through the Events Working Group and that Officers had financial targets to meet and were obligated to look to maximise potential revenue from the Council's activities.

It was agreed that this item should remain on the programme of work.

Section 106 (S106) Updates

In light of the decision taken earlier in the meeting this item would now be deleted. Officers were reminded of the previous request to clarify whether there were any unallocated monies, and following a question from Councillor W Stamp with the consent of the Chairman to identify how much might have been collected had CIL been implemented.

Working Group: Overview of Corporate Leadership Team and Leader of the Council Decision Making

Following a suggestion by Councillor R H Siddall it was agreed that the nominated Working Group members meet with the Lead Officer to establish the exact nature of decisions to be scrutinised and draft terms of reference for the Working Group. It was further agreed that the Chairman of the Committee joins the Working Group.

RESOLVED

- (i) that the Programme of Work be updated to reflect the matters and positions set out above;
- (ii) that no new items of scrutiny are identified arising from this review.

511. APPOINTMENT OF REPRESENTATIVE TO ESSEX COUNTY COUNCIL'S HEALTH, OVERVIEW POLICY AND SCRUTINY COMMITTEE (HOPSC)

RESOLVED that the Chairman of the Committee be nominated to serve as a co-opted non-voting member of Essex County Council's HOPSC for the remainder of the 2019/20 municipal year.

512. ANY OTHER ITEMS OF SCRUTINY MEMBERS WISH TO CONSIDER

No further or new items were identified.

513. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

There being no further items of business the Chairman closed the meeting at 8.31 pm.

M W HELM
CHAIRMAN