



**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
28 MARCH 2023**

PRESENT

Vice-Chairman Councillor P L Spenceley
(In the Chair)

Councillors P L Spenceley, Miss A M Beale, C Mayes, S J N Morgan and
C P Morley

656. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

657. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B S Beale MBE, V J Bell, M S Heard, and B B Heubner.

658. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 24 January 2023 be approved and confirmed.

659. DISCLOSURE OF INTEREST

There were none.

660. PUBLIC PARTICIPATION

No requests were received.

661. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Committee considered the report of the Director of Strategy, Performance and Governance which would be presented to the Council to give an annual update on the work of the Overview and Scrutiny Committee.

The Chairman introduced the report and the Corporate Governance Project Officer explained the background and highlighted that the report was largely factual and contained within Appendix A. The Chairman then proposed that the recommendation should be that the annual report of the Overview and Scrutiny Committee for 2022 / 23 be accepted and this was seconded by Councillor C Mayes.

After a brief discussion, the Chairman moved the revised recommendation and this was agreed by assent.

RESOLVED that the annual report of the Overview and Scrutiny Committee for 2022 / 23 be accepted.

662. SCRUTINY WORKPLAN ITEM - PLANNING DECISION MAKING

The purpose of this item was to review the Committee’s previous recommendations arising from this scrutiny item which had now been accepted by the Council without any decision as to how they might be implanted. The briefing note supporting this agenda item listed the individual matters accepted by the Council and suggested pathways for their implementation, as set out below. The endorsement of the Committee was requested.

Action	Implementation
Review and refresh of the Planning Appeals Protocol	Reference to the Performance, Governance and Audit Committee via its Working Group as this document is a component of the Council’s Constitution
Views and conclusions on Member Training – limited to concentrating on bespoke and specialised training	Reference to the Member Training Working Group, and for the attention of Directors in the preparation for and delivery of Member Training after the May elections
Review and improvement of Officer reports – including the possible introduction of technical presentations	Reference to the Director of Service Delivery and kept on a watching brief

The Chairman proposed a three-part recommendation as follows: i) That the Committee endorses the individual matters accepted by the Council and makes the suggested references for these actions. ii) That the Committee brings forward at a future date the other remaining conclusions arising from the scrutiny undertaken. iii) That the Committee retains planning decision making as a scrutiny workplan item going forward so that further work can be carried to add to that already completed and to facilitate bringing forward further recommendations to Council at a future date. This was duly seconded by Councillor C Mayes.

Councillor S J N Morgan then sought clarity around the chronology of the work being completed, particularly in view of the forthcoming elections, and it was noted that although the respective references could be made some preparatory work would be required on the review and refresh of the Planning Appeals Protocol.

After further discussion, Members were keen to see the 5 Year Housing Land Supply issue return to the Committee as a Scrutiny Workplan Item and a Member Scrutiny Request would be raised to achieve this.

There being no further discussion the Chairman put her proposal to the Committee and this was agreed by assent.

RESOLVED

- i) That the Committee endorses the individual matters accepted by the Council and makes the suggested references (as set out above) for these actions.
- ii) That the Committee brings forward at a future date the other remaining conclusions arising from the scrutiny undertaken.
- iii) That the Committee retains planning decision making as a scrutiny workplan item going forward so that further work can be carried to add to that already completed and to facilitate bringing forward further recommendations to Council at a future date.

663. POTENTIAL SCRUTINY WORKPLAN ITEM - PLANNING ENFORCEMENT

The Committee considered the report of the Overview and Scrutiny Committee Working Group which gave a further update on this potential scrutiny workplan item. The Chairman introduced the report and took Members through the key points arising from the Working Group's consideration of this matter and emphasised that staffing/resourcing was a critical factor in terms of performance.

A discussion ensued during which a number of points and continuing concerns were raised. In response, the Lead Specialist - Planning Policy & Implementation provided the following information:

- On staffing, permission has been granted to employ an additional officer. The job was designed to include the review of planning conditions and it was hoped that an experienced person could be appointed at an early date. Although a current contractor would be lost, the new structure would be a Principal Officer and three other Officers, with administrative support.
- Currently there are 562 open cases. 180 had been closed since the beginning of January, with another 83 prepared for closure. Much of the outstanding backlog was historic.
- On training, there would be a mandatory session on planning enforcement for all Members after the May elections, with the possibility of additional sessions throughout the year as Members wished. It may be beneficial to include a future session on planning conditions.
- The team did not currently undertake out of hours working, although on occasions slight variations to standard working hours were made to complete certain investigations.
- Work on the self-help Members mapping app was nearly finished and it would be rolled out around election time and will be included in the training sessions for Members on planning enforcement. This will mean that Members will have self-help access to enforcement cases, with weekly updates broken down to Parishes.
- A review of the Enforcement Policy review would not be started until after the elections.

The Chairman then proposed an amendment to the recommendation contained in the report as follows: that the Committee receives this report on the issues and concerns previously raised and adopts this item as a scrutiny work plan item, with a focus on

policy review, staffing resource and other ongoing performance review issues. This was duly seconded and agreed by the Committee

RESOLVED that the Committee receives this report on the issues and concerns previously raised and adopts this item as a scrutiny work plan item with a focus on policy review, staffing resource and other ongoing performance review issues.

664. SAFEGUARDING OF CHILDREN AND VULNERABLE ADULTS

The Committee considered a reference from the Performance, Governance and Audit Committee (PGA) at its meeting on 19 January 2023 seeking a review to ensure that the Council is supporting this area of work appropriately together with the Officers undertaking the actual work. A briefing note on this item provided some context for the reference made by PGA and included a link to an internal audit report on the subject considered at that Committee's last meeting. It was now open to this Committee to consider whether the item should be added to the Scrutiny Workplan.

Members sought clarity on the reason behind this reference and aired concerns regarding the internal audit report, in particular contractors and volunteers having Disclosure and Barring Service (DBS) checks completed prior to undertaking any work for Maldon District Council. The Chairman suggested it may be good to add this to the Committee's scrutiny workplan.

The Lead Specialist: Community, provided the following information to the points raised by Members:

- Members should be reassured that the raising of the risk rating was a pre-emptive measure due to Designated Officers being unable to attend the safeguarding forum meetings. This had not impacted on the ability to respond to and refer safeguarding issues. Every case continued to be reviewed by a lead Safeguarding Designated Officer.
- On DBS checking, work is currently being undertaken to address the issues flagged in the initial audit report to ensure that the contractors and volunteers that work with the Council have an up-to-date DBS check and a satisfactory safeguarding process in place. Where there is not a safeguarding process in place then the contractors or volunteers will need to adopt the Council's process.
- On timescales, the work being undertaken with contractors and volunteers should be completed by May. The list of Designated Officers was being reviewed with the intent that the new set of Designated Officers would be able to attend safeguarding forum meetings after six months. The review of the Safeguarding Strategy was likely to begin in the third quarter of the year.
- On Social Care, this was primarily a matter for the County Council, but the District Council was a referring partner along with other Districts. He believed that the processes in place were robust and that any weaknesses as to interaction and feedback were common to all Districts.

The Chairman proposed that the Committee adopts the Council's Safeguarding of Children and Vulnerable Adults as a scrutiny item and that it comes back to the Committee before the end of September 2023, and this was duly seconded and agreed.

RESOLVED that the Committee adopts the Council's Safeguarding of Children and Vulnerable Adults as a scrutiny item and that it comes back to the Committee before the end of September 2023.

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

There were none.

666. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

667. SCRUTINY WORKPLAN ITEM - CYBER SECURITY UPDATE

The Committee considered the report of the Director of Strategy, Performance and Governance, which updated the Committee on the work being undertaken as part of this on-going review. Attached to the report was the original Internal Audit report at Appendix A, a schedule of identified action points and progress at Appendix B, and the terms of reference of a further internal audit now under way at Appendix C.

RESOLVED that the Committee notes and accepts by way of reassurance the update on the various actions undertaken, and further reviews the item in the light of the pending Internal Audit reports.

The meeting closed at 8.34 pm.

P L SPENCELEY
CHAIRMAN