



**MINUTES of  
OVERVIEW AND SCRUTINY COMMITTEE  
7 DECEMBER 2023**

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**PRESENT**

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

**382. CHAIRPERSON'S NOTICES**

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

**383. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor J C Hughes.

**384. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 1 August 2023 be approved and confirmed.

The Chairperson asked if there was an update available regarding *Minute 202 Process Improvement Framework* and Councillor E L Stephens said she would provide feedback outside of the meeting.

**385. DISCLOSURE OF INTEREST**

There were none.

**386. PUBLIC PARTICIPATION**

There was none and at this point the Chairperson welcomed Councillor S White, an 'in attendance' Member, to the meeting.

**387. SCRUTINY WORKPLAN ITEM- PLANNING DECISION-MAKING**

The Committee received the report of the Director of Strategy and Resources that considered concluding two further aspects of this scrutiny workplan item for reference to another Committee or Council.

The Chairperson introduced the report and deferred to the Corporate Governance Project Officer to present the detail. He advised that the matters covered in this report had received detailed consideration previously at both Overview and Scrutiny

Committee (the Committee) and the Overview and Scrutiny Working Group (the Working Group). The first matter involved the introduction of a constitutional intervention or brake, to include in the constitution something that established as a matter of procedure the opportunity of a deferment when consideration of a planning application should Members be minded to overturn the Officers' recommendation. This intervention/brake would enable the Committee to seek further technical, legal or other constitutional advice on the matter which could then be brought back to another meeting at a later date, or, to avoid delay possibly a special meeting of the relevant Committee for final determination of the matter. It was noted that the preferred option of the Working Group in this instance was deferment.

The second item was the introduction of technical briefings on applications, separately organised briefings for Members of planning committees when dealing with complex issues. This was separate to the Committee meeting itself and Appendix A to the report provided guidelines on the procedure which could be included in the operational protocol for the respective Committee. This was presented to Committee from the Working Group for onward referral to Council via the Performance, Governance and Audit Committee.

In response to issues raised the Corporate Governance Project Officer advised that in terms of the practical application of the constitutional brake at Committee there would need to be a clear mindset on the part of the Committee to overturn the Officers' recommendation and the brake could be implemented by the Chairperson which would defer a final decision and afford Members the opportunity to receive further key information. The idea for the process had been drawn from similar practices elsewhere however it was difficult to provide clear comparisons given the different structures across individual councils.

It was noted that this workplan item had emanated from a request by a councillor for a review of decisions made and the costs involved and that this idea of a constitutional brake was meant to strengthen the existing guidance in the Constitution on deferment.,

Councillor S White, in attendance at the meeting and with the permission of the Chairman, spoke against the principle of the introduction of this mechanism into the Constitution.

Following further discussion around the potential cost implications of additional meetings and the process for deferment the Chairperson proposed that a decision be deferred subject to more work being undertaken on the practicalities of a constitutional brake and that the recommendations on the report be brought back to a future meeting once that work was completed. This was seconded by Councillor Spenceley.

The Chairperson put the duly seconded proposal to the Committee and this was agreed by assent.

**RESOLVED** that a decision be deferred subject to more work being undertaken on the practicalities of a constitutional brake and that the recommendations on the report be brought back to a future Committee once that work was completed.

### **388. SCRUTINY WORKPLAN ITEM - PLANNING ENFORCEMENT**

The Committee considered the report of the Director of Strategy and Resources that sought the Committee's agreement to delete this item from its scrutiny workplan.

The Chairperson introduced the report and deferred to the Corporate Governance Project Officer to present the detail. He took the Committee through the report and advised that both the Working Group and the Committee had looked at Planning

Enforcement over several months and received a lot of information. The enforcement work was now on a better track in terms of both resources and performance and no further areas had been identified that required closer scrutiny. The report was recommending removal from the Scrutiny Workplan but retention of a 'watching brief'.

Clarity was sought on how the 'watching brief' would operate in practical terms and it was agreed that was a matter for the Committee and Working Group to decide. The Assistant Director, Planning and Implementation advised that in terms of the metrics around enforcement Officers would provide /produce a monthly report for submission to Working Group meetings. He further advised that the Enforcement Policy would be updated and submitted to the Working Group for initial review and discussion early next year.

There being no further discussion the Chairperson put the recommendation to the Committee and it was agreed by assent.

**RESOLVED** that Planning Enforcement be removed from the scrutiny workplan but kept on a watching brief with monthly reports to the Working Group and periodic review by the Committee, including initial consideration of the review of the Planning Enforcement Policy.

### **389. MEMBER SCRUTINY REQUEST - MALDON CITIZENS' ADVICE (MCA)**

The Committee received the report of the Director of Strategy and Resources to consider the outcome of the Committee's Working Group's examination of the background to this request for and the scoping of potential scrutiny.

The Chairperson introduced the report and deferred to the Corporate Project Officer to present the detail. He informed the Committee that this item was the result of a Member request and the detailed report the Working Group had received set out how Maldon Citizens' Advice (MCA) supported access to a range of Council services, and included the financial implications of its contractual arrangements with the Council. This had resulted in the Working Group commending the work of MCA to both this Committee and onward to the Council to endorse the excellent value for money MCA represented by way of supporting Council Services. The principal reason for commending this to Council was that the contract was due for renewal early next year and the Working Group felt there was much to be borne in mind when considering renewal.

The Assistant Director, Service Delivery then provided some examples from the 12,000 people supported last year which included; assisted local residents to obtain £1.7m additional income through benefits etc.; 500 supported in fuel poverty; 850 supported in accessing online services; 238 supported with homelessness advice. In conclusion she informed the Committee that the current level of support required from the Council and/or Essex County Council was now 33% compared to 90% ten years ago. This demonstrated how much hard work MCA had undertaken in seeking alternative funding streams to provide essential services to residents.

There being no further discussion the Chairperson put the recommendations to the Committee and they were agreed by assent.

### **RECOMMENDED**

- (i) That the Council receives and endorses the findings of this scrutiny item as detailed in the briefing paper at Appendix A to this report;

- (ii) That Members' attention is drawn to the financial implications of the contractual arrangement with MCA and the excellent value for money delivered by way of supporting a wide range of Council services, so that this is borne in mind when the contract is reviewed next year.

**390. FUTURE HEALTH PROVISION IN MALDON/PROPOSED NEW MALDON HEALTH HUB**

The Chairperson introduced this item and provided the Committee with the context. He advised that there used to be specific overview and scrutiny meetings set for partner challenge, including NHS and health, but this hadn't taken place for some time. However it was within the terms of reference of this committee to "*Receive reports and other evidence from public bodies, organisations and individuals which the Committee or a working group considers relevant to its work*".

Given Members' concerns around the loss of healthcare provision and future health provision coming forwards for the District he proposed that the Committee approves the addition of NHS and Health to the Overview and Scrutiny Workplan as a standing item and suggested as a starting point to invite NHS representatives to the next working group meeting to highlight the information required and then set up an additional Overview and Scrutiny meeting focusing on health scrutiny.

There being no further discussion the Chairperson put the aforementioned proposal to the Committee and it was agreed by assent.

**RESOLVED** that NHS and Health issues be included on the Overview and Scrutiny Workplan as a standing item.

**391. SCRUTINY WORKPLAN ITEM- CYBER SECURITY UPDATE**

The Committee considered the report of the Director of Strategy and Resources that provided the Committee with an update and sought agreement to remove this item from its scrutiny workplan.

The Chairperson introduced the report and deferred to the Corporate Governance Project Officer to present the detail. He informed the Committee that this item originally came to Committee as a referral from the Performance, Governance and Audit Committee (PGA) with a request that the audit and technical reports be reviewed. Having now seen the progress made as demonstrated in the audit report considered at PGA on 16 November 2023 which provided the Council with substantial assurance that all matters had been addressed, it was considered that this item can be removed from the workplan.

There being no further discussion the Chairperson put the recommendation to the Committee and it was agreed by assent.

**RESOLVED** that Cyber Security be deleted from the scrutiny workplan.

**392. SCRUTINY WORKPLAN ITEM - SAFEGUARDING OF CHILDREN AND VULNERABLE ADULTS - CORPORATE RISK UPDATE**

The Chairperson introduced the item and deferred to the Head of Service, Housing and Community Safety to provide a verbal update to the Committee on this scrutiny workplan item.

He took the Committee through the last Safeguarding Audit recommendations to assure Members on the progress achieved to date. The list of Volunteers and

Contractors had been compiled with the advice of the Procurement Team and were available to all Officers on the website with overall responsibility for updates resting with departmental managers. A tiered approach with all designated trained Safeguarding Officers had been adopted for attendance at the Safeguarding Forums and having monitored the situation, this was now working well with good attendance levels and an action tracker in place for these meetings. The back office management system was working well with 62 safeguarding referrals processed and successfully completed over the past six months. Ongoing work included staff training, refresh of policies together with continuous improvement on the website. He assured Members that the Safeguarding Policy was reviewed at all meetings and a full review scheduled to take place in 2024/25.

The Committee noted that there had not been any actual safeguarding issues involving children and that the recommendations from the audit requiring further work related to managing risk and potential issues, not actual incidents.

Members commended the Head of Service, Housing and Community Safety for the work undertaken, and noted the update.

There being no other items of business the Chairperson closed the meeting at 8.20 pm.

S J N MORGAN  
CHAIRPERSON

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