



**MINUTES of
OVERVIEW AND SCRUTINY COMMITTEE
6 FEBRUARY 2025**

PRESENT

Chairperson	Councillor S J N Morgan
Vice-Chairperson	Councillor P L Spenceley
Councillors	V J Bell, L J Haywood, C P Morley, M G Neall, N J Swindle, M E Thompson and A Fittock (Substitute for N G F Shaughnessy)

520. CHAIRPERSON'S NOTICES

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

521. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE

Apologies for absence were received from Councillors N G F Shaughnessy and E L Stephens. It was noted that in accordance with notice duly given Councillor A Fittock was attending as a substitute for Councillor Shaughnessy.

522. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 15 October 2024 be approved and confirmed.

523. DISCLOSURE OF INTEREST

There were none.

524. PUBLIC PARTICIPATION

No requests had been received.

525. MEMBER SCRUTINY ITEM REQUEST - PLANNING APPEAL AT WOODHAM MORTIMER

The Committee considered the report of the Overview and Scrutiny Committee Working Group (the Working Group) presenting a Member scrutiny item request and the conclusions of the Working Group.

It was noted that this scrutiny request had been submitted by Councillor S J N Morgan and the pro-forma based on his request was attached at Appendix A to the report. The request sought a review of various issues including the Council's conduct in relation to an appeal against refusal of 22/00344/FULPP-11053774 for a travellers' site beside the A414 at Woodham Mortimer.

At this point, Councillor Morgan provided the Committee with further clarification on the purpose of the report and the extent of the Committee's involvement. He outlined the work undertaken by the Working Group, its consideration of the matters raised and conclusions together with a recommendation that the Committee decides the outcome of his request. An update note containing further information received by the Working Group following a reference back by the Committee in September 2024 was set out in Appendix B to the report.

The report advised that the Working Group had noted the initial Officer response to the questions raised along with the information received and sought further information on two points as referred to in the report. It had also received further Officer comments on representations from the Planning Agent for the local residents relating to the possible nuisance arising from the use of the site. Councillor Morgan referred to a letter received from the Planning Agent the day prior to this meeting and suggested, depending on how the Committee decided to deal with this scrutiny request, how Officers would be able to respond to the comments raised directly.

The Chairperson briefly referred to the Working Group being made aware of some on-going and live development management issues (referred to in paragraph 3.7 of the report). He advised that these were live and to be determined elsewhere within the Council and therefore beyond the scope for consideration by the Committee.

Councillor Morgan then proposed that this scrutiny now be put onto the scrutiny workplan for the Committee going forward. This was duly seconded and agreed by assent.

RESOLVED That this item be added to the Committee's scrutiny workplan and the Overview and Scrutiny Committee Working Group prepare further information for scrutiny by the Committee on the following issues:

- The chronology of what took place, identifying what went wrong and why;
- Issues and questions raised by the Planning Agent for local residents in a recent communication to the Chairperson;
- What the Council could do to avoid missing any future dates (in respect of submitting information relating to an appeal);
- If the Council had a specific policy which set out how an appeal against a design involving a Member overturn of an Officers' recommendation was processed.

526. MEMBER SCRUTINY ITEM REQUEST - CORPORATE PROJECT - LAND AT HEYBRIDGE

The Committee considered the report of the Overview and Scrutiny Committee Working Group (the Working Group) presenting the conclusions of the Working Group on the scrutiny workplan item.

Members were reminded that this Committee had originally received a report from the Working Group on this scrutiny item request submitted by Councillor A S Fluker. The

request sought review of various issues arising from the extensive history of the corporate project involving the potential acquisition of land by the Council with a view to providing affordable housing and generating a commercial return. It was noted that this corporate project had effectively been closed by Council decision in November 2023.

The Corporate Governance Project Officer provided the Committee with background information regarding this item and how the Working Group had looked at the various issues over several months. The Committee had received a number of reports, the last being in September 2024 when further clarity around how the project began and the engagement with local landowners was sought. The outcome of the further review by the Working Group was set out in the report along with some additional findings. It was noted that the Working Group had also received a detailed schedule of financial milestones associated with the project to provide better understanding.

The Working Group concluded that it had discussed and received enough information to understand and be clear on a wide range of issues. It therefore commended the lessons learnt report to the Council for future use along with emphasising the obligation on both Officers and Members to be clear on the objectives of similar projects at the outset. Members were advised that the best way to spread the messages arising from the Working Group's conclusions and recommendation was for the Committee to refer this to the Council.

In response to a question regarding the use of Commuted Sums, the Commercial Manager provided some background information, highlighting how these were time limited and had to be spent within a timescale otherwise there was opportunity for developers to claw back the monies, rather than them being invested in the District. He confirmed that, in relation to the corporate project subject of this request, through the project management process a business case had been presented to Members with various options for consideration as to how the funds were utilised by the Council. The corporate project had been discussed with the Corporate Leadership Team and Corporate Projects Board before a report was taken to the Strategy and Resources Committee to approve the original budget. As a further assurance the Commercial Manager highlighted that this project had also been audited by the Council's external auditors throughout the project.

The Commercial Manager highlighted some lessons learned from the project review which included ensuring that Officers worked collaboratively with Members. At this point he referred to the fact that the early engagement with Members on this project which had begun was interrupted by the membership changes resulting from the elections, and clearly this presented challenges to the Members.

The Chairperson referred to the recommendation set out in the report and moved this together with an additional recommendation that a report on this matter be put forward to a meeting of the Council. This was duly seconded and agreed.

RESOLVED

- (i) That the work undertaken by the Working Group to understand and clarify the various issues and points of concern raised is noted;
- (ii) That the Working Group's conclusions together with the findings contained in the 'lessons learned' report produced by the Project Team with a view to them influencing practice and process in relation to future corporate projects be endorsed;
- (iii) That a report on the Member Scrutiny Item Request – Corporate Project – Land at Heybridge be presented to a meeting of the Council.

527. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Committee considered the report of the Chief Executive which would be presented to the Council to give an annual update on the work of the Overview and Scrutiny Committee.

The Chairperson introduced the report, and the Corporate Governance Project Officer explained the background and highlighted that the report was largely factual and contained within Appendix 1. It would be updated to reflect the decisions taken at this meeting.

After a brief discussion, the Chairman put the recommendation as set out in the report. This was duly seconded and agreed by assent.

RESOLVED that the annual report of the Overview and Scrutiny Committee for 2024 / 25 be accepted for submission to the Council.

528. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRPERSON OF THE COMMITTEE DECIDES ARE URGENT

At this point the Chairperson advised that it was within the Committees remit to invite partner organisations to present to the Committee. The Overview and Scrutiny Committee Working Group (the Working Group) had suggested it might be helpful to hear from Anglian Water and Essex County Council Highways. These would be in addition to the ongoing request for health partners and the Crime and Disorder Panel to attend. The Chairperson advised that Officers were looking into this at this time and an update would be provided to the Committee in due course.

There being no other items of business the Chairperson closed the meeting at 7.59 pm.

S J N MORGAN
CHAIRPERSON