



RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

DATE:	Tuesday, 27 June 2023
TIME:	7.30 pm
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor P Honeywood (Chairman)
Councillor M Cossens (Vice Chairman)
Councillor Bensilum
Councillor Codling
Councillor Griffiths

Councillor Newton
Councillor Smith
Councillor Steady
Councillor Thompson

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DATE OF PUBLICATION: Monday, 19 June 2023

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 12)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Monday 13 March 2023.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 38

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District and which falls within the terms of reference of the Committee.

5 Work Programming including Monitoring of Previous Recommendations and Scrutiny of Forthcoming Decisions (Pages 13 - 40)

The report provides the Committee with an update on its approved Work Programme for 2022/23 (including progress with enquiries set out in its Work Programme), feedback to the Committee on the decisions in respect of previous recommendations from the Committee in respects of enquiries undertaken and a list of forthcoming decisions for which notice has been given since publication of the agenda for the Committee's last meeting.

The report also provides an update of the current position on the development of the work programme for 2023/24. This Committee is specifically invited to submit a proposed Work Programme to the meeting of Council on 11 July 2023 for consideration.

6 Joint Annual Scrutiny Report (Pages 41 - 42)

To provide the Committee with a draft copy of the Joint Annual Scrutiny Report and invite its comments on the report prior to submission to Council on 11 July 2023.

The Draft Annual Scrutiny Report to follow.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Resources and Services Overview and Scrutiny Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 7.30 pm on Tuesday, 12 September 2023.

Information for Visitors

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Public Document Pack Agenda Item 2

Resources and Services Overview and
Scrutiny Committee

13 March 2023

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 13TH MARCH, 2023 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors M Stephenson (Chairman), Scott (Vice-Chairman), Allen, Amos, Barry, Codling, Griffiths, Morrison and Skeels Jnr.
Also Present:	Councillor Baker
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer) Gary Guiver (Assistant Director Planning) Keith Simmons (Head of Democratic Services and Elections) and Keith Durran (Committee Services Officer)

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

No apologies for absence were submitted on behalf of Councillors on this occasion.

11. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meetings of the Committee held on 15 November 2022, 11 January 2023 and 1 February 2023, be approved as a correct record.

12. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any item on the agenda for this meeting.

13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

14. A.1 REVIEW OF THE WORK PROGRAMME

The Committee heard an update on the Work Programme item from the Head of Democratic Services and Elections (Keith Simmons).

Work Programme

It was reported that there were only 2 outstanding items on the work programme. The first was Waste and Recycling and it was felt that a body of evidence had already been collected that could be put to the Committee for the next years' work programme, 2023/24.

The second was the Customer Service enquiry through its own Task and Finish group. The Chairman of that Task and Finish Group apologised for the absence of a final report and said he hoped to have it to the Committee for the new municipal year, 20223/24.

Monitoring Report

The Committee heard the Councillor Guglielmi, as Portfolio Holder for Corporate Finance and Governance, said that he would supply the answers raised at that budget scrutiny meeting held on Wednesday 11 January 2023, directly to the Committee at a later date.

The Committee thanked the Officer and **NOTED** the contents of the report.

15. A.2 COUNCIL PROCUREMENT AND CONTRACT MANAGEMENT

The report to the Committee detailed the outcome of the informal review of procurement and contract management at the Council ensuring it was functioning as it should and was fit for purpose.

The Members heard from Lisa Hastings, Deputy Chief Executive – Assistant Director for Governance and lead officer for the topic presenting the report. The report outlined that Informal meetings of this Committee were held on 17 October and 7 December 2022, where the Members received a range of information around the subject of Council Procurement and Contract Management, most of which was contained within the report to this meeting. Senior Officers across the Council, involved in the subject area and the specific contracts referred to within the scope supported the first informal meeting in October.

Members also heard that Full Council at its meeting on 12th July 2022 agreed (Minute 29) the Committee's Work Programme for the 2022-23 Municipal Year, for the Resources and Services Overview and Scrutiny Committee, that included:

Council procurement and Contract Management – using potential exemplars from:

- *“The housing maintenance contract awarded to Rapid, its delivery of work and the management of it.*
- *The management of the previous cremator maintenance contract, the need to stop the use of those cremators and the process for securing replacement cremators given the sensitivity around this service and the budgetary implications for the Council while these cremators are out of action.*
- *The Leisure Centre Investment – specifications, securing contractors and delivery of those works and maintenance of the equipment at the Centres”.*

It was reported to the Committee that the Procurement Team consisted of 2 FTE posts, both vacant (that was increased through the restructure in 2022 by 3 additional posts, all remained vacant – see below). The budget for those service consisted of salaries and £22,670 for computer software. At its meeting on 17th September 2021, Cabinet considered in Section 2 of its Financial Performance Update 2021/22 a small number of in-year budget adjustments to the Portfolio Holder's report, one of which reflected a proposed service level agreement being entered into with Essex County Council (ECC) to enable the Council to 'buy in' procurement services from them.

The report outlined that following the last vacancy, discussions commenced with ECC in terms of a shared service / collaborative approach as a way of providing a more comprehensive procurement service to the Councils internal departments. This approach would involve the Council purchasing a range of procurement services from ECC on a proposed 'hourly rate' basis via a service level agreement. Appendix B to the Cabinet Report set out a proposed adjustment, which would see budgets transferred from direct employee costs to 'contract' payments to ECC. That approach would also support the accelerated delivery programme where the Council would have access to specialist / expert advice along with additional procurement capacity e.g. supporting the procurement of replacement cremators. That arrangement would be kept under wider review as it may form part of a longer-term solution, where the Council could continue to have access to such advice as part of the future delivery of projects and activities along with 'usual' operational requirements expected of a procurement function / service.

The Committee heard that paragraph 2.3 of the Council's Procurement Procedure Rules set out in Part 5 of the Council's Constitution required alternative delivery options for whole or part of services to be achieved in accordance with the Council's Procurement Strategy. The Strategy expressly referred to 'Our Partners in Procurement' and that the Council sought to work with a number of partners to maximise any procurement opportunities and provide best practice. That included other public bodies and shared services. Because the in-house procurement service had 100% vacancies, there were no employment issues to address and the Public Contract Regulations 2015 permit public sector shared service and collaboration arrangements within certain criteria, which were observed in any Service Level Agreement arrangement. The Council's Procurement Procedure Rules were observed in any bids or tender exercises managed by ECC on behalf of TDC.

Subsequently, Cabinet agreed in September 2021 that:

“(2) That, in respect of the Council's Financial Performance for 2021/22, Cabinet:

(c) agrees an exemption to the Council's procurement rules in order to enable a Service Level Agreement to be entered into with Essex County Council to enable the Council to 'buy in' various procurement services from them to support its day-to-day operational activities and the delivery of one-off projects, as necessary; and

(d) authorises the Assistant Director (Finance and IT) and the Deputy Chief Executive to agree the terms of the Service Level Agreement, in consultation with the Portfolio Holder for Corporate Finance and Governance”.

It was reported to the Committee that following consultation with the Portfolio Holder for Corporate Finance and Governance, a Partnership Agreement was completed in August 2022; the services however commenced in October 2021 and would continue until October 2023 for an annual payment of £60,000. The agreement can be renewed annually for up to 5 years.

Both Councils had obligations and responsibilities. Schedule 1 to the Agreement had set out the Key Procurement Activities, split into three areas:

- Category Planning

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- Market Management
 - Sourcing

Procurement 2022 Deliverables had been identified within the Partnership Agreement. In December 2021 and May 2022, an Introduction to Procurement and the collaboration arrangements were presented to Council Officers as part of its Senior Managers Forum. The reasons why the Councils were working in partnership were covered:

- Increase resilience
- Increase expertise
- Enable collaborative savings
- Market influence
- Reduction of duplication
- Staff retention

Potential Category Areas had already been identified:

- Vehicles
- Facilities Management (inc. cleaning and security)
- Corporate spend for e.g. stationary

The Presentation Slides included a summary of the Procurement Process covering:

- Basics
 - The Regulations
 - Value for Money
 - Processes for different values of TOTAL spend
- Low Value Procurement - £10K to £50K
- Request for Quote Process - £10K to £50K
- Tender process - £50K +

Members heard that it was important to highlight that there were various elements to the overall procurement process, with responsibilities being spilt across the Council, some functions were devolved into services, with others being undertaken centrally by the procurement team:

- Project approval and budget allocation - services
- Specification – services
- Market analysis - central
- Identify suitable contract/framework – centrally with consideration by services
- Prepare procurement documentation – central in consultation with services
- Publication – central
- Collate tenders for evaluation – central
- Evaluation – services with central support if required
- Due diligence - centrally together with services
- Contract awards to suppliers – centrally together with services

PART 5 CONSTITUTION - PROCUREMENT PROCEDURE RULES

The report before the Committee explained that the Council's Procurement Procedure Rules stated the following:

"Before undertaking any procurement, Departments should satisfy themselves that:

- *The works, goods or services are required and a need can be demonstrated*
- *There are no reasonable alternatives e.g. sharing or utilising spare capacity/inventories elsewhere within the Council*
- *Where relevant, they have considered the requirements of the Public Services (Social Value) Act 2012 and have recorded/evidenced the outcomes against the associated requirements:-*
 - *how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area*
 - *how, in conducting the process of procurement, it might act with a view to securing that improvement.*

Use of Local Suppliers: All Procurement should be in line with the Council's Procurement Strategy, which includes the recognition of the use of local suppliers and providing a fair basis for them to compete for the provision of goods, works or services required by the Council".

CONTRACT MANAGEMENT

The Members of the Committee heard that contracts management was undertaken by the services and Key Personal and Contract Administrators and were named within the contract documentation and were added onto their individual and existing roles. In some projects, contract management was commissioned as part of the project. The Council had produced a standard TDC Contract for Services, which covered the terms and conditions for suppliers to adhere to when entering into a contract with the Council for values above £25,000. That must be used unless an exemption was sought. JCT and NEC suite of contracts were also used for construction works and engineering projects with widely recognised and accepted clauses within the industry, with differing options to be selected. Understanding the structure of those documents and arrangements was essential for contract management. Contract management required a commercial understanding, appropriate skills and capacity to be undertaken with maximum potential. Presently services were conducting contract management alongside their usual service delivery requirements, which could be extremely time consuming.

Within the agreed Scope, the Committee had requested certain information and are detailed below:

1. Confirmation of procurement and contract management requirements:

"These are contained within the following documents: Council's Procurement Strategy and under Part 5 of the Constitution Procurement Rules of Procedure, which set out the policy and rules, the Council has adopted to be followed".

2. The procurement project pipeline:

“Is an evolving piece of work and relies on the input of services to ensure that it is a useful exercise, in terms of allocating procurement resource and identifying budgets. The exercise will also benefit service areas in managing the process and subsequent contract management”.

After a brief discussion the Committee **RESOLVED** to give consideration and endorse those actions already identified as improvements and deliverables for the procurement and contract management framework, monitoring progress through a future work programme for the Committee.

The Committee also **RECOMMENDED** to **CABINET** that:

- a) the Council’s Contract Register is brought up to date as soon as possible, with services across the Council providing the necessary data on contracts held within their respective areas; and
- b) a Social Value Policy for Procurement Purposes be produced for consultation with the Resources and Services Overview and Scrutiny Committee at a future meeting.

16. **A.3 TASK AND FINISH GROUP - PLANNING ENFORCEMENT**

The Committee was reminded that its work programme included an enquiry into the Council’s Planning Enforcement function in relation to current powers, policies, procedures, data on the use of current enforcement powers, effectiveness of approach and assessment of how cases should be prioritised. This enquiry was conducted through a Task and Finish Group established by this Committee.

Members of the Committee heard that effective regulation and enforcement was one of the key priorities in the Council’s Corporate Plan 2020-2024, under the heading of ‘Delivering High Quality Services’. The decision to include Planning Enforcement as a subject for a Scrutiny review function came about following concerns being raised by a number of Councillors in different parts of the District about its effectiveness in responding to a range of different planning enforcement related matters. Having drawn on the key headings within the terms of reference for the Task & Finish Working Group, the aims and objectives of the inquiry were developed through discussion at the group’s inaugural meeting on Monday 3rd October 2022 and evolved as the inquiry proceeded.

The aims and objectives were summarised as follows:

Current Powers

- *“To review the full set of powers available to the Council for the carrying out of planning enforcement, having regard to the fact that any action is discretionary on the Council and is always expected to be proportionate and appropriate.*

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- *To gain a better understanding of the range of tools available to the Council's enforcement team to resolve complaints – ranging from no action, negotiation or minor interventions, through to formal enforcement action and legal prosecution.*
 - *To explore how the powers and tool available to the Council can be better communicated to those with an interest, including District Councillors, Town and Parish Councils and members of the public”.*

Policies

- *“To review the Council's Planning Enforcement Policy which sets out the available powers and the approach that the Council will take when receiving, investigating and, where appropriate, taking action against alleged breaches of planning control.*
- *To review the associated ‘harm risk assessment’ which is used by Officers to prioritise the investigation of cases and to inform decisions about appropriate levels of action going forward.*
- *To recommend improvements to the Planning Enforcement Policy and harm risk assessment as deemed necessary to improve the effectiveness of approach”.*

Procedures

- *“To review the full process of dealing with enforcement complaints including the initial receipt of a complaint, responding to the complainant, visiting the premises, identifying and establishing any breaches, carrying out harm risk assessment, choosing a course of action and formal processes thereafter.*
- *To review the approach to communication with complainants, those the subject of action and other interested parties; and how this might vary depending on the nature of the issue.*
- *To explore how third parties, such as Town and Parish Councils, might be able to assist the District Council by exchanging information at a local level.*
- *To recommend improvements to procedures with the aim of improving the effectiveness of approach”.*

Data

- *“To gain an understanding, through the interrogation of data, of the scale and nature of enforcement issues in Tendring, including number of complaints/cases received, resolved or outstanding and how they are recorded and monitored – both for internal purposes and for public reporting.*
- *To develop and recommend a framework for reporting enforcement data and performance to the Planning Committee”.*

Effectiveness of Approach

- *“To invite honest feedback from Councillors and other interested parties on the effectiveness of the planning enforcement function based on experiences and issues in their areas.*
- *To review the resources available to the planning enforcement team when set against the scale and nature of the task – particularly in relation to management structure, number of Officers and skills, knowledge and experience.*
- *To explore and identify areas where improvements can be made to the effectiveness of the approach and to consider alternative ways in which the enforcement function could be undertaken”.*

Prioritisation of Cases

- *“To review the approach to prioritising the inspection of alleged breaches of planning control and determining the level of action required thereafter – having regard to the harm risk assessment.*
- *To recommend improvements to the harm risk assessment and the approach the Council takes in determining priorities for action.*
- *Reviewing the decision-making process and the level within the Council that key decisions are taken”.*

After a detailed discussion the Committee **RECOMMENDED** to **CABINET** that:

- 1) To note that in recent months, following the establishment of the Working Group and the introduction of a new Planning Manager and a new Planning Enforcement Team Leader, and with the full cooperation of the Planning Portfolio Holder and key Officers, notable improvements in Council’s planning enforcement function have already been made in response to issues raised and suggestions put forward. These include:
 - the update and subsequent adoption of a new Planning Enforcement Policy and associated harm risk assessment to replace the previous version that had not been reviewed or updated since 2010;
 - an initial review, update and tidying of the Council’s database of live enforcement cases to remove cases that have been closed, incorrectly recorded or otherwise superseded by events in order to establish a more accurate baseline of information;
 - more positive engagement of Planning and Planning Enforcement Officers in the Council’s Corporate Enforcement and Operation Enforcement Groups to improve working across services on a wide range of enforcement matters;

- a notable improvement in the willingness of Officers to engage and communicate with Councillors, members of the public and other interested parties in recognition of the concerns raised previously;
 - a notable reduction in the Planning Enforcement Team's reliance on the Council's legal Officers for advice and assistance in carrying out planning enforcement duties; and
 - a concerted effort to recruit new Officers to the Planning Enforcement Team on a permanent basis and by utilising channels to attract ex Police and armed services personnel with relevant transferable skills.
- 2) For the Council to retain the planning enforcement function in-house and to support continued efforts to reduce the Council's reliance on temporary staff employed through agencies and to recruit permanent staff to the Planning Enforcement Team – utilising channels aimed at targeting ex Police and armed forces personnel with transferable skills and with the offer of on-the-job training and development;
 - 3) To require Officers to undertake a specific and immediate update to the Planning Enforcement Policy and associated harm risk assessment to incorporate changes, as detailed in Appendix 1 to this report, that are aimed at improving clarity, relevance and effectiveness and for the updated version to be reported to the Planning Committee for its consideration and approval at the earliest meeting practicable;
 - 4) To thereafter require Officers to undertake an automatic review of the Planning Enforcement Policy and associated risk harm assessment every four years for the Planning Committee's consideration and approval to ensure it is kept up to date and responds accordingly to changes in law, policy, circumstances and trends in enforcement-related activity – allowing for earlier reviews where necessary;
 - 5) To empower the Director of Planning, in consultation with the Chairman of the Planning Committee and the Monitoring Officer, to escalate and expedite (as appropriate) enforcement action where there are considered to be exceptional matters of public interest with implications for the reputation of the Council that are not necessarily identified through the standard scoring approach in the harm risk assessment;

- 6) For Officers to prepare quarterly reports on enforcement caseload and performance to go to the Planning Committee, for information, which will contain data on:
 - number of complaints received/registered in the quarter;
 - number of cases closed in the quarter;
 - number of live cases presented by category, electoral ward and time period since receipt; and
 - enforcement-related appeal decisions;
- 7) To support the continued work of the Council's internal Corporate Enforcement Group and Operational Enforcement Group in considering cross-service and cross-body enforcement matters;
- 8) For Officers to continue the process of reviewing cases recorded on the database system to remove closed/irrelevant cases and re-categorising them to provide an accurate baseline for case management and reporting of data going forward;
- 9) That Officers provide an annual training session, held in person, for all District Councillors covering the powers, policy and processes around planning enforcement together with case-study examples and exercises – with the first training session to be held within the two months following the May 2023 local elections (and following subsequent local elections);
- 10) That any Councillor who is a member of the Planning Committee (either as a permanent or designated substitute Member) to attend the planning enforcement training as a mandatory requirement;
- 11) That the Director of Planning be asked to offer or facilitate similar training sessions for Town & Parish Councils;
- 12) For Officers to incorporate within internal systems, reminders to automatically update complainants, interested Ward Councillors and other relevant parties (where appropriate) every 21 days with information on the progress of cases – even if it is to advise of no or limited progress – unless earlier or more frequent updates can be given or are required (these 21-day reminders will follow the initial 21-day notification currently in place following the receipt of a complaint);
- 13) For Officers to respond within 48 working hours, to emails from Councillors relating to planning enforcement matters so they can be suitably informed when advising members of the public;
- 14) To note that a significant proportion of live enforcement cases in the District relate to breaches of occupancy conditions at caravan and holiday parks, many

of which are complex, sensitive and long-standing with a variety of issues to be taken into account. To resolve these breaches in full and deal with the implications thereafter would require significant additional and dedicated resources. It is therefore recommended that the Planning Policy and Local Plan Committee is asked to consider developing a strategy or policy to guide a coordinated and long-term approach to the application and enforcement of occupancy conditions across the District having regard to matters such as impact on the tourism industry, flood risk, health and safety, quality of life, ecology, disability and homelessness;

- 15) That for site inspections, Officers;
 - i. must always use Council equipment for capturing photographs and other data;
 - ii. and are supplied with hi-visibility clothing (preferably labelled 'Tendring District Council Enforcement')
- 16) For Officers to pro-actively monitor compliance with planning conditions and obligations wherever practical and where resources allow – and work constructively with owners, developers and applicants to identify and resolve potential future compliance issues before they give rise to a breach of planning control and possible enforcement action;
- 17) For the Planning Service to consider incorporating standard advice into pre-application responses and validation requirements for applications setting out, and seeking agreement to, the Council's expectations for development to be carried out with the necessary consents and compliance thereafter with any planning conditions or obligations imposed;
- 18) For Officers to review and update the form on the Council's website for reporting enforcement complaints to make it more user-friendly and to allow complainants to provide as much information as they can to describe the issue they wish to report; and
- 19) For the Director of Planning to consider, on a case-by-case scenario and in liaison with the Council's Communications Manager, publicising successful enforcement outcomes to demonstrate the Council's commitment to planning enforcement.
- 20) That the Monitoring Officer be requested to consider the appropriate body to which individual recommendations are/should be directed and, where appropriate, refer those recommendations to those bodies. The outcome of this process shall be reported to Cabinet when it receives the reference report from this Committee on the outcome of this enquiry.

The meeting was declared closed at Time Not
Specified

Chairman

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

27 JUNE 2023

REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS

A.1 WORK PROGRAMMING – INCLUDING MONITORING OF PREVIOUS RECOMMENDATIONS AND SUMMARY OF FORTHCOMING DECISIONS

(Report prepared by Keith Durran)

PURPOSE OF THE REPORT

The report provides the Committee with an update on its approved Work Programme for 2022/23 (including progress with enquiries set out in its Work Programme), feedback to the Committee on the decisions in respect of previous recommendations from the Committee in respects of enquiries undertaken and a list of forthcoming decisions for which notice has been given since publication of the agenda for the Committee's last meeting.

The report also provides an update of the current position on the development of the Work Programme for the years 2023/24. The Committee is invited to determine the proposed Work Programme to submit to the Council meeting on 11 July 2023 for consideration/adoption at that meeting.

INVITEES

None.

BACKGROUND

The Council commissioned the Centre for Governance and Scrutiny (CfGS) to undertake an 'Overview & Scrutiny Development Review' in 2021 as a way of further improving that function at the Council. Two relevant recommendations arising from that review were:

“Further strengthening the annual process for developing work programmes for each O&S committee - Engaging Members, Officers, partners and the public to prioritise the topics for review. This could include a selection criteria to identify appropriate topics for the work programme. Currently the work programme is also the last item on the agenda at O&S meetings, we would recommend bringing it to the beginning, so it can be given greater priority and benefit from more considered discussion, rather than being subject to the inevitable end of meeting fatigue.

Reviewing how the recommendations are made and how impact is measured – This could include putting the ‘recommendations monitoring report’ at the beginning of agendas to orientate O&S towards outcomes-focused meetings, alongside an emphasis on finding strong recommendations from questioning to present to Cabinet (or partners) as improvement or challenge proposals.”

The inclusion of the matters set out in the “purpose of this report” section above seeks to further re-inforce the inter-relationship of the matters referred to. As such, it is designed to further support consideration of work programming of the Committee and contribute to addressing progress with the Corporate Plan.

DETAILED INFORMATION

WORK PROGRAMME 2022/23

The detailed matters relating to the following matters are set out in the relevant Appendix identified:

- (1) Work Programme for 2022/23 – See Appendix A;
- (2) feedback to the Committee on the decisions in respect of previous recommendations from the Committee in respects of enquiries undertaken – see Appendix B; and
- (3) a list of forthcoming decisions for which notice has been given since publication of the agenda for the Committee’s last meeting – See Appendix C.

In considering work programming matters, the Committee is further reminded of the other recommendations from the CfGS review undertaken in 2021:

“Considering greater use of task and finish groups – This more informal type of O&S can allow improved cross-party working and detailed investigation of a single issue focussed on producing substantive recommendations.

Improved agenda planning and management - Committees should focus on one or two substantive items per agenda to allow for cross-cutting themes to be properly identified and explored, and different insights brought to bear on critical issues.

Considering how to engage the public in the work of O&S - This could include O&S going on more site visits in the community, inviting the public to offer ideas for work programmes, and greater use of social media channels for resident input and communicating the progress and impact of scrutiny work.

A clearer focus on democratic accountability - Scrutiny of Cabinet Members should form a key part of the work programme, providing an opportunity to hold the Leader and portfolio holders to account for delivery of the corporate plan and any other issues O&S feel is important.”

Work Programme 2023/24

The Resources and Services Overview and Scrutiny Committee is one of two overview and scrutiny committees established by the Council to specifically focus on the following areas of Council work (as detailed in Article 6.02(i) of the Council’s Constitution):

“To perform the role of Overview and Scrutiny and its functions in relation to:

- *The Chairman and the Vice-Chairman of the Committee will normally be Members of a political group that is not represented on the Cabinet. The Committee will hold 8 scheduled meetings per year but with the Chairman able to call additional formal meetings. Meetings of Task and Finish Groups can be called as required, following the terms of reference being agreed by the Committee.*

- *To perform the role of Overview and Scrutiny and its functions in relation to the effective use of the Council's resources including approval of discrete researched and evidenced reviews on the effectiveness.*

Financial Forecast Budget setting and monitoring (including General Fund & Housing Revenue Account)

- *Service Delivery and Performance (where not delegated to the Community Leadership Overview and Scrutiny Committee)*
- *Procurement and Contract Management*
- *Transformation and Digital Strategies*
- *Customer Service and Standards*

The Constitution provides for the two overview and scrutiny committees to submit a work programme to full Council for approval. Rule 7 of the Overview and Scrutiny Procedure Rules sets out the position as follows:

“Each Overview and Scrutiny Committee will submit a work programme for the year ahead and a review of the previous year’s activities to the full Council for approval. In addition it will be responsible for co-ordinating and prioritising its work programme on an ongoing basis.

In preparing, co-ordinating and prioritising its programme, each Overview and Scrutiny Committee will take into account:-

- *The General Role and Principles of undertaking its functions, as set out in Part 2 Article 6;*
- *The planned work on the preparation of elements of the Budget and Policy Framework, as set out in the Council’s Business Plan;*
- *The need for statutory timetables to be met;*
- *The wishes of all members of the committee;*
- *Requests from the Cabinet to carry out reviews; and*
- *Requests from Group Leaders in accordance with Rule 8.”*

In considering the Work Programme of enquiries, the Committee must have regard to the Corporate Plan 2020-24 and the themes of that Corporate Plan are:

- Delivering High Quality Services
- Building Sustainable Communities
- Strong Finances and Governance
- A Growing and Inclusive Economy
- Community Leadership through Partnerships

The Committee should be aware that at present the Corporate Plan for 2024-28 is currently being worked on and provisions may have to reviewed once the new Plan is adopted.

An invitation was sent to Councillors on 16 May 2023 asking for input into the development of both Overview and Scrutiny Committees Work Programmes.

We received responses from three Councillors that included the following suggestions in relation to this Committee :

- Enforcement
- Refuse and Recycling
- Street cleaning
- Leisure centres

An Informal meeting of the members of the Resources and Services Overview and Scrutiny Committee was held on Tuesday 13 June 2023 at which time suggestions set out in Appendix D.

A meeting of the Committees Chairman with the Chairman of the Community Leadership Overview and Scrutiny Committee and the Councils Leader and their Deputy Leader is scheduled for 20 June 2023 by virtue of the Cabinet-Scrutiny Protocol of the Council. The outcome of this meeting will be reported at the Committees meeting on 27 June 2023.

RECOMMENDATION

That the Committee:

- (a) Considers and notes the progress with enquiries set out in its Work Programme 2023/23, feedback to the Committee on the decisions in respect of previous recommendations and the list of forthcoming decisions; and**
- (b) Considers the proposals for the Committees Work Programme (as set out at Appendix D) and approve a recommended Work Programme to be submitted to Council on 11 July 2023.**

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RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE FOR ENQUIRIES TO BE UNDERTAKEN IN 2022/23

Work Programme

[Detailed Work Programme for 2022/23 outlining the progress made and otherwise planned for enquiries set out in the Work Programme. The report also details an update of the Task and Finish groups appointed by the Resources and Services Overview and Scrutiny Committees.]

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
Customer Service Particularly face to face, telephone and email contact across a range of services including Council Tax, Waste-Recycling and Leisure	Not completed	Delivery of High Quality Services	Customer Service Commitments Visitor and Call statistics Complaint handling Ombudsman focus report on equal access	Relevant Portfolio Holders Relevant Directors	To provide an opportunity to assess the level of customer service provided against policies and provide recommendations around both of these matters. In addition to ensure reasonable adjustments are in place to reflect the needs of those with disabilities.
Waste, recycling and litter beyond 2026.	Not undertaken	Delivery of High Quality Services	The Specification for the current contacts to 2026.	Relevant Portfolio Holders	To identify what a high quality waste, recycling and litter should look like for

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<p>To consider how best to balance the expectations of residents, cost and service provision.</p>			<p>The key milestones in the development of specification for the service provision beyond 2026.</p> <p>The budget income, recycling credits and expenditure over the most recent five years.</p> <p>Relevant comparator data for waste, recycling and litter over time and in other comparator councils.</p>	<p>Relevant Directors</p>	<p>Tending District beyond 2026.</p>
COMPLETED ITEMS					
<p>Planning Enforcement – Review of current powers, policies, procedures, data on the use of current enforcement powers, effectiveness of approach and assessment of how cases should be prioritised.</p>	<p>Completed Recommendations</p> <p>Going to Cabinet on 23 June 2023</p>	<p>Delivery of High Quality Services</p>	<p>Current Planning Enforcement Policy. Casework examples (i.e. priority and non-priority cases)</p>	<p>Portfolio Holder for Planning,</p> <p>Chairman of the Planning Committee,</p> <p>Director of Planning,</p> <p>Assistant Director of Planning</p>	<p>To ensure that the Planning Enforcement Service efficiently prioritises enforcement cases ensuring timely closure of casework.</p>
<p>Council procurement and Contract Management –</p>	<p>Completed Recommendations</p>	<p>Delivery of High Quality Services</p>	<p>The Procurement Strategy</p>	<p>Management Team</p>	<p>To ensure that procurement and contract</p>

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<p>using potential exemplars from: -The housing maintenance contact awarded to Rapid, its delivery of work and the management of it. - The management of the previous cremator maintenance contract, the need to stop the use of those cremators and the process for securing replacement cremators given the sensitivity around this service and the budgetary implications for the Council while these cremators are out of action. - The Leisure Centre Investment – specifications, securing contractors and delivery of those works and maintenance of the</p>	<p>Going to Cabinet on 23 June 2023</p>	<p>Effective and positive Governance</p>	<p>Confirmation of procurement and contract management requirements</p> <p>Details of the procurements in the exemplars</p> <p>Details of the contract management in the exemplars</p> <p>Details of measures to improve procurement and contract management at the Council</p> <p>Procurement Project Pipe Line for programming future projects</p>		<p>management at the Council is functioning as it should and is fit for purpose.</p>
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equipment at the Centres.					
Carbon Neutral by 2030. The assessment of measures to progress towards the policy unanimously agreed by Full Council and adopted into the Council's Policy Framework. How will these carbon reduction measures affect the Council and its r partners financially (and is there a consequence for job numbers/skills of the individual measures)?	Completed	Delivering High Quality Services/ A7 - Carbon Neutral by 2030	To be scoped by the Committee in August 2022	Not applicable	To ascertain progress against the Action Plan 2020-2023 prior to the end of the period of the Action Plan and inform a process of informing the development of the Action Plan for the next period towards the 2030 net zero policy objective.
Cyber Security for the Council. Looking at the threats, our approach to those threats and the future vulnerabilities. There was agreement that this might be a good	Completed	Strong Finance & Governance	<ol style="list-style-type: none"> 1. Copy of All Member Cybersecurity Briefing Presentation 23/02/22. 2. Cyber incident log examples explained. 	<p>Deputy Leader, Portfolio Holder for Corporate Finance and Governance,</p> <p>Head of IT & Resilience,</p>	To challenge/ better understand the cybersecurity risks, defences and mitigations the council has in place.

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subject for scrutiny.				Cybersecurity & Systems Manager	
Scrutiny of the Council's proposals to review the Beach Hut Strategy	COMPLETED	Delivering High Quality Services (Public Spaces to be Proud of)	A copy of the 2013 Beach Hut Strategy and the proposals for the review, which will be subject to consultation with stakeholders.	Portfolio Holder for Leisure and Tourism Interim Corporate Director - Projects Delivery Assistant Director, Economic Growth and Leisure	To feed the committees views into the review of the Beach Hut Strategy, prior to consideration by Cabinet.
Post decision scrutiny of the decision of the Portfolio Holder for Environment & Public Space (as follows): (a) To give consent for the use of the section of Frinton Greensward identified between 14 August 2022 and 5 September 2022	17 October 2022 DONE	Not specified	A link to the decision on the Council's website is here: Decision - Frinton Summer Theatre - Application for Consent to use Frinton Greensward (tendringdc.gov.uk) In addition to the decision itself, the objections received to the application are available at the same link; together with the	Portfolio Holder for Environment and Public Space Assistant Director – Building and Public Realm	To review the consultation with all the parties that will be affected by the decision along with the Councillors whose wards will be affected. To determine the residual cost falling on the Council in respect of additional demand for public

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<p>by the Frinton Summer Theatre subject to any necessary licences being obtained and conditions being adhered to; and (b) That the details of any consents given make it clear that consent is given for this event only and that future events will be evaluated on their merits at the time.</p> <p>The decision followed an application from Frinton Summer Theatre to provide a tented theatre for the production of plays for four weeks on the Greensward at Frinton-on-Sea in the summer of 2022.</p> <p>The request from the Leader of the Tendring First</p>			<p>report of the Assistant Director – Building and Public Realm who advised the Portfolio Holder on the application.</p> <p>The report considered by the Portfolio Holder prior to the decision to authorise the use of the Greensward references issues raised in the consultation undertaken in respect of concerns about residual costs falling on the Council in respect of additional demand for public lavatories, additional parking, remedial work on the Greensward following the end of the Summer Theatre’s use of it.</p>		<p>lavatories, additional parking, remedial work on the Greensward following the end of the Summer Theatre’s use of it.</p>
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<p>Group is that the decision made by Portfolio Holder be brought to the Committee to be scrutinised as he believes it was made without a full and thorough consultation with all the parties that will be affected by the decision along with the Councillors whose wards will be affected.</p>					
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In addition, there was scrutiny for the 2023/24 Budget proposals and this work was undertaken on for 4 and 11 January 2023

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Resources and Services Overview and Scrutiny Committee 27 June 2023

RECOMMENDATIONS MONITORING REPORT (Prepared by Keith Durran)

Recommendation(s) Including Date of Meeting and Minute Number	Actions Taken and Outcome	Completed, follow-up work required or added to Work Programme
<p><u>This Committees meeting on 13 March 2023 (Minute 16 refers)</u></p> <p><u>PLANNING ENFORCEMENT</u></p> <p><u>ENQUIRY RECOMMENDED</u></p> <p>That Cabinet be requested -</p> <p>1) To note that, in recent months, following the establishment of the Working Group and the introduction of a new Planning Manager and a new Planning Enforcement Team Leader, and with the full cooperation of the Planning Portfolio Holder and key Officers, notable improvements in the Council’s planning enforcement function have already been made in response to issues raised and suggestions put forward. These include:</p> <ul style="list-style-type: none"> • the update and subsequent adoption of a new Planning Enforcement Policy and 	<p><u>These recommendations are submitted to Cabinet to be heard on 23 June 2023.</u></p> <p><u>The Cabinet report included the proposed response of the Portfolio Holder as follows:</u></p> <p><i>“I look forward, as the new Portfolio Holder for Planning, to working with the Planning Service to bring forward an action plan to deliver on the recommendations in this report. That action plan will be brought back to the Resource and Services Overview and Scrutiny Committee, working alongside the Audit Committee. We have already seeing big improvements in the work of our Planning Enforcement team in the last few months and I am</i></p>	

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<p>associated harm risk assessment to replace the previous version that had not been reviewed or updated since 2010;</p> <ul style="list-style-type: none">• an initial review, update and tidying of the Council's database of live enforcement cases to remove cases that have been closed, incorrectly recorded or otherwise superseded by events in order to establish a more accurate baseline of information;• more positive engagement of Planning and Planning Enforcement Officers in the Council's Corporate Enforcement and Operation Enforcement Groups to improve working across services on a wide range of enforcement matters;• a notable improvement in the willingness of Officers to engage and communicate with Councillors, members of the public and other interested parties in	<p><i>confident that we can build upon these going forward.”</i></p> <p><u>An update will be provided at the Committees meeting on 27 June 2023.</u></p>	
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<p>recognition of the concerns raised previously;</p> <ul style="list-style-type: none">• a notable reduction in the Planning Enforcement Team's reliance on the Council's legal Officers for advice and assistance in carrying out planning enforcement duties; and• a concerted effort to recruit new Officers to the Planning Enforcement Team on a permanent basis and by utilising channels to attract ex Police and armed services personnel with relevant transferable skills. <p>2) to act to retain the planning enforcement function in-house and to support continued efforts to reduce the Council's reliance on temporary staff employed through agencies and to recruit permanent staff to the Planning Enforcement Team by utilising channels aimed at targeting ex Police and armed forces personnel with transferable skills</p>		
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<p>and with the offer of on-the-job training and development;</p> <p>3) To require Officers to undertake a specific and immediate update to the Planning Enforcement Policy and associated harm risk assessment to incorporate changes, , that are aimed at improving clarity, relevance and effectiveness and for the updated version to be reported to the Planning Committee for its consideration and approval at the earliest meeting practicable;</p> <p>4) To thereafter require Officers to undertake an automatic review of the Planning Enforcement Policy and associated risk harm assessment every four years for the Planning Committee's consideration and approval to ensure it is kept up to date and responds accordingly to changes in law, policy, circumstances and trends in enforcement-related activity – allowing for earlier reviews where necessary;</p> <p>5) To empower the Director of Planning, in consultation with the Chairman of the</p>		
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<p>Planning Committee and the Monitoring Officer, to escalate and expedite (as appropriate) enforcement action where there are considered to be exceptional matters of public interest with implications for the reputation of the Council that are not necessarily identified through the standard scoring approach in the harm risk assessment;</p> <p>6) To require Officers to prepare quarterly reports on enforcement caseload and performance to go to the Planning Committee, for information, which will contain data on the:</p> <ul style="list-style-type: none">• number of complaints received/registered in the quarter;• number of cases closed in the quarter;• number of live cases presented by category, electoral ward and time period since receipt; and• enforcement-related appeal decisions;		
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<p>7) To support the continued work of the Council's internal Corporate Enforcement Group and Operational Enforcement Group in considering cross-service and cross-body enforcement matters;</p> <p>8) To require Officers to continue the process of reviewing cases recorded on the database system to remove closed/irrelevant cases and re-categorising them to provide an accurate baseline for case management and reporting of data going forward;</p> <p>9) To require Officers to provide an annual training session, held in person, for all District Councillors covering the powers, policy and processes around planning enforcement together with case-study examples and exercises – with the first training session to be held within the two months following the May 2023 local elections (and following subsequent local elections);</p> <p>10) To reiterate that any Councillor who is a member of the Planning Committee (either as a permanent or designated</p>		
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substitute Member) must attend the planning enforcement training as a mandatory requirement;

11) To request the Director of Planning offer or facilitate similar training sessions for Town & Parish Councils;

12) To ensure that Officers incorporate within internal systems, reminders to automatically update complainants, interested Ward Councillors and other relevant parties (where appropriate) every 21 days with information on the progress of cases – even if it is to advise of no or limited progress – unless earlier or more frequent updates can be given or are required (these 21-day reminders will follow the initial 21-day notification currently in place following the receipt of a complaint);

13) To ensure that Officers respond within 48 working hours, to emails from Councillors relating to planning enforcement matters so they can be suitably informed when advising members of the public;

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14) To note that a significant proportion of live enforcement cases in the District relate to breaches of occupancy conditions at caravan and holiday parks, many of which are complex, sensitive and long-standing with a variety of issues to be taken into account. To resolve these breaches in full and deal with the implications thereafter would require significant additional and dedicated resources. It is therefore recommended that the Planning Policy and Local Plan Committee be asked to consider developing a strategy or policy to guide a coordinated and long-term approach to the application and enforcement of occupancy conditions across the District having regard to matters such as impact on the tourism industry, flood risk, health and safety, quality of life, ecology, disability and homelessness;

15) To ensure that for site inspections, Officers:

- i. must always use Council equipment for capturing photographs and other data;

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<p>ii. and are supplied with hi-visibility clothing (preferably labelled 'Tendring District Council Enforcement')</p> <p>16) To ensure that Officers pro-actively monitor compliance with planning conditions and obligations wherever practical and where resources allow – and work constructively with owners, developers and applicants to identify and resolve potential future compliance issues before they give rise to a breach of planning control and possible enforcement action;</p> <p>17) To ensure that the Planning Service consider incorporating standard advice into pre-application responses and validation requirements for applications setting out, and seeking agreement to, the Council's expectations for development to be carried out with the necessary consents and compliance thereafter with any planning conditions or obligations imposed;</p> <p>18) To ensure that Officers review and update the form on the Council's website</p>		
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for reporting enforcement complaints to make it more user-friendly and to allow complainants to provide as much information as they can to describe the issue they wish to report; and

19) To request the Director of Planning considers, on a case-by-case scenario and in liaison with the Council's Communications Manager, publicising successful enforcement outcomes to demonstrate the Council's commitment to planning enforcement.

20) To request the Monitoring Officer to consider the appropriate body to which individual recommendations are/should be directed and, where appropriate, refer those recommendations to those bodies. The outcome of this process shall be reported to Cabinet when it receives the reference report from this Committee on the outcome of this enquiry.

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<p><u>This Committees meeting on 13 March 2023 (Minute 15 refers)</u></p> <p><u>PROCUREMENT AND CONTRACT MANAGMENT</u></p> <p><u>ENQUIRY RECOMMENDED</u></p> <p>RECOMMENDED TO CABINET THAT:</p> <p>a) the Council's Contract Register is brought up to date as soon as possible, with services across the Council providing the necessary data on contracts held within their respective areas; and</p> <p>b) a Social Value Policy for Procurement Purposes be produced for consultation with the Resources and Services Overview and Scrutiny Committee at a future meeting.</p>	<p><u>These recommendations are submitted to Cabinet to be heard on 23 June 2023.</u></p> <p><u>The Cabinet repot included the proposed response of the Portfolio Holder as follows:</u></p> <p><i>“Thank you to the Resources and Services Overview and Scrutiny Committee for its review in this area and to the previous Portfolio Holder for Corporate Finance and Governance being responsible for the Council's procurement function. I endorse and support the recommendations from the Committee, the existing arrangement with Essex Council Council's Procurement Team and the identified wider Shared Procurement Service project reported to Cabinet in March 2023, and I will update Cabinet and Members further throughout the year. We are committed to the Social Value Policy for Procurement Purposes, and this will form a work-stream for the team with our colleagues across Essex and workshops will be discussed”.</i></p> <p><u>An update will be provided at the Committees meeting on 27 June 2023.</u></p>	
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Recommendations monitoring for those recommendations from earlier meetings of the Committee have been previously reported to the Committee and, as such, are not repeated here as there is no further update to be provided on them.

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Resources and Services Overview and Scrutiny Committee
27 June 2023

OVERVIEW AND SCRUTINY PROCEDURE RULE 13 – SCRUTINY OF PROPOSED DECISIONS

(Prepared by Keith Durran)

The below forthcoming decisions are those published since 13 March 2023 – the publication date for the Committee’s last ordinary meeting.

In presenting the following, the Committee’s attention is drawn to the agenda item notes in respect of Overview and Scrutiny Procedure Rule 13.

DESCRIPTION OF DECISION	KEY DECISION – YES/NO	DECISION MAKER	Decision Due Date
Petition: Suspend Property Dealing and Development of TDC Land Parcels in Great and Little Oakley and Offer the Land to the Parish Councils	NO	Cabinet	23/06/23
Financial Outturn 2022/23 and Proposed Allocation of the General Fund Variance for the Year	YES	Cabinet	21/07/23
Installation of Swimming Pool Covers for the Main Pools at Clacton Leisure Centre, Dovercourt Bay Lifestyles and Walton on the Naze Lifestyles	YES	PfH - Leisure and Public Realm Portfolio Holder	23/06/23
Release of Section 106 Money to Weeley Parish Council	YES	PfH - Leisure and Public Realm Portfolio Holder	23/06/23
Release of Section 106 Money to Weeley Parish Council Clacton Civic Quarter Levelling Up Fund (LUF) Bid, Dovercourt Town Centre Improvement Corridor Capital Regeneration Project (CRP) Bid	YES	Cabinet	23/06/23
Events on Council Land Policy	YES	Cabinet	21/07/23
EV Charging Points Plan	YES	Cabinet	21/07/23

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RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE FOR ENQUIRIES TO BE UNDERTAKEN IN 2022/23

Work Programme

[Draft Work Programme for 2023/24 outlining the progress made and otherwise planned for enquiries set out in the Work Programme. The report also details an update of the Task and Finish groups appointed by the Resources and Services Overview and Scrutiny Committees.]

Item	Date of Enquiry	Relevant Corporate Plan Theme/Annual Cabinet Priority	Information to be provided in advance	Those to be invited to attend	Articulated value of undertaking the review
Enforcement – All elements of the enforcement in TDC	TBC	TBC	TBC	TBC	TBC
Budget Scrutiny – with a view to making this Scrutiny more efficient and effective.	TBC	TBC	TBC	TBC	TBC
Sunspots Jaywick- to look at the Sunspots project in Jaywick and its rising costs.	TBC	TBC	TBC	TBC	TBC
Carbon Neutral - To look at the New Climate Change Action Plan	TBC	TBC	TBC	TBC	TBC
Self-Funding Operations – To	TBC	TBC	TBC	TBC	TBC

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identify and scrutinise operations at TDC that should be self-funding.					
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In addition, there will be scrutiny for the 2023/24 Budget proposals and this work will be undertaken at a date yet still to be confirmed

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

27 JUNE 2023

REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS

A.2 ANNUAL SCRUTINY REPORT FOR 2022/23

(Report prepared by Keith Durran)

PURPOSE OF THE REPORT

To review the Draft Annual Scrutiny Report in so far as it relates to the work undertaken by this Committee during the Year 2022/23. If satisfied the Committee is invited to endorse this report for submission as a record of the work undertaken in 2022/23.

BACKGROUND

This Committee is one of two overview and scrutiny committees established by the Council.

Since 2020/21 a joint annual report covering the full Scrutiny function of the Council has been submitted to Full Council outlining the work undertaken for the previous year through both of the Councils Scrutiny Committees.

RECOMMENDATIONS

That the Committee considers the draft version of the Annual Scrutiny Report, set out in Appendix A for submission to Council on 11 July 2023.

[NOTE] It may be appropriate to delegate to the Head of Democratic Services and Elections, in consultation with the Committees Chairman, to make minor alterations to the appended draft and to correct any spelling and grammatical errors or stylistic inconsistencies.

BACKGROUND PAPERS FOR THE DECISION

There are none.

APPENDICES

Appendix A – Draft Annual Scrutiny Report (To Follow)

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