

# COUNCIL

11 JULY 2023

## JOINT REFERENCE FROM THE COMMUNITY LEADERSHIP AND THE RESOURCES & SERVICES OVERVIEW AND SCRUTINY COMMITTEES

### A.3 OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2023/2024 AND REVIEW OF WORK UNDERTAKEN IN 2022/23

(Report prepared by Keith Simmons and Keith Durran)

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To seek the Council's approval of the respective proposed work programmes for the Community Leadership and the Resources & Services Overview and Scrutiny Committees for the remainder of 2023/24. Through the report Council is also asked to receive the proposed 'Annual Report 2022/23' for overview and scrutiny work undertaken through those Committees.

##### **EXECUTIVE SUMMARY**

At this Council, the overview and scrutiny function is facilitated through two separate Committees. These are the Community Leadership and the Resources & Services Overview and Scrutiny Committees. Together, their work comprises the whole overview and scrutiny function.

Under the Council's Overview and Scrutiny Procedure Rules, the Constitution states, in relation to the Work Programme (Rule 7), that:

*"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 Council for approval. In addition, it will be responsible for coordinating and prioritising its work programme on an ongoing basis.*

In submitting their proposed work programmes for 2022/23, the Overview and Scrutiny Committees have taken 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.*

Under Article 6.02 of the Constitution the separate Overview & Scrutiny Committees (OSCs) perform the role of overview and scrutiny in relation to:

##### **Resources and Services OSC**

*"the effective use of the Council's resources including approval of discrete researched and*

evidenced reviews on the effectiveness of:

- *Financial Forecast and Budget setting and monitoring (including the General Fund and the 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”*

### **Community Leadership OSC**

- *Community Leadership - developing the external focus of overview and scrutiny on ‘district-wide issues’ (and where appropriate sub-regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.*
- *Approval of discrete researched and evidenced reviews on the effectiveness of partnership operating in the area with particular focus on:*
  - *Community Safety*
  - *Health and Well-being*
  - *Economy, Skills and Educational Attainment*
  - *Community engagement, development and empowerment*
  - *Leisure and Tourism (except matters relating to budgets)*
  - *Housing Strategy and Homeless Service (except the Housing Revenue Account)*
  - *Emergency Planning*

In considering the Work Programme of enquiries to submit for approval to Council, the separate Overview and Scrutiny Committees have had regard to the Corporate Plan 2020-24 and the themes of that Corporate Plan. These themes are:

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

It should be made 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.

The Overview and Scrutiny Committees each formally reviewed the work carried out in 2022/23 and considered items for inclusion in their respective proposed Work Programmes for 2023/24 as follows:

Resources and Services Overview and Scrutiny Committee – 27 June 2023; and  
Community Leadership Overview and Scrutiny Committee – 3 July 2023.

This formal approval follows informal development of concepts by Members of the two Committees. All Councillors on Tendring District Council were provided with the opportunity to contribute proposals for Work Programme items for 2023/24.

Both Committees received a report on a meeting between the Chairmen of those Committees, the Leader of the Council, the Deputy Leader, the Chief Executive, Deputy Chief Executive and Head of Democratic Services & Elections held on 20 June 2023. A

number of suggested possible enquiries were identified at this meeting.

Having considered all of the above, the two Overview and Scrutiny Committees determined their proposed Work Programmes for 2023/24 and these are now submitted for approval by Council along with a review of the scrutiny function at the Council in 2022/23 as performed through the two Committees. This has been developed in dialogue with the Chairmen of the two Committees and a draft was submitted at the Committee meetings already referenced above.

Appendix Ai to this report sets out the proposed work programme for the Community Leadership Overview and Scrutiny Committee, Appendix Aii sets out the proposed work programme for the Resources and Services Overview & Scrutiny Committee and Appendix B sets out the review of the scrutiny function in 2022/23. All are submitted for consideration by Council.

Both of the Overview and Scrutiny Committees have approved arrangements for the appointment of relevant Task and Finish groups to take forward enquiries to be confirmed prior to the next respective Committee meetings.

## RECOMMENDATIONS

**That Council –**

- (a) approves the proposed work programmes for the Community Leadership and the Resources & Services Overview and Scrutiny Committees for the 2023/24 Municipal Year, as set out in Appendices Ai and Aii respectively; and**
- (b) notes the work carried out by those Committees in the year 2022/23, as set out in Appendix B.**

## BACKGROUND

The Council's Corporate Plan 2020-23 Themes are set out earlier in this report.

The General Role and Functions of the Overview and Scrutiny Committees (as set out in Article 6.01 of the Council's Constitution) are to:-

1. *Review or scrutinise executive decisions made by the Cabinet (including those delegated to Portfolio Holders and Officers) or are due to be made by the Cabinet or a Portfolio Holder including performance in relation to individual decisions over a period of time;*
2. *Act as a consultee on policy development and review of policies;*
3. *Submit to Full Council for approval an annual overview and scrutiny work programme;*
4. *Make reports or recommendations to the Cabinet or the Council as appropriate, with respect to the discharge of any Council function or on any matter affecting the authority's area or its inhabitants.*
5. *Prepare and present an annual performance report to Full Council covering the outcomes of the overview and scrutiny functions by each committee;*
6. *Deal with any call-in of Cabinet decisions (including those delegated to Portfolio Holders and Officers (key decisions only)) in accordance with the Overview & Scrutiny Procedure Rules; and*
7. *Consider requests for scrutiny reviews under the Councillor Call for Action process and petitions as referred under the Petitions Scheme and Council*

### *Procedure Rules.*

In undertaking the General Role, the following principles apply:-

- (i) The focused co-ordination of all overview and scrutiny functions on behalf of the Council including the performance reporting on the Corporate Plan, Priorities and Projects;*
- (ii) Appoint, where appropriate, and in accordance with its agreed work programme, a group to undertake researched and evidenced reviews on a specific topic, on a task and finish basis. The terms of reference of any Task and Finish group must be agreed by the relevant Overview and Scrutiny Committee prior to its commencement; and*
- (ii) Consideration of the Council's priorities and resources when making researched and evidenced recommendations and referral decisions as an outcome of the scrutiny and prioritising those referrals in a timely manner.*

In supplement to the provisions of the Council's Constitution elsewhere referenced in this report, on 21 March 2021, Council approved and incorporated into the Constitution, a Cabinet and Overview and Scrutiny Protocol which includes the following in respect of work programming by the two Overview and Scrutiny Committees:

*“9.1 Around the start of each Municipal Year, the Overview & Scrutiny committees will hold a work planning workshop. As part of this workshop the views of the relevant Cabinet Member(s) will be inputted alongside the views received from others. The Cabinet's adopted priorities in support of the Corporate Plan will be considered, areas of planned policy development over the relevant Municipal Year (and the next) will be provided and they will be asked to highlight any areas where overview & scrutiny may be specifically invited to assist in work (including Community Leadership areas).*

*9.2 The Chairmen and Vice-Chairmen of the Overview & Scrutiny Committees will meet quarterly with representatives of the Cabinet in order to ensure ongoing opportunities for Cabinet input into Overview & Scrutiny Committee work plans, ongoing opportunities for Overview & Scrutiny to input into Cabinet policy development or to address performance issues and to build on the positive working relationship between the two functions.*

*9.3 Overview & Scrutiny Committees may legitimately expect to receive a written report with relevant details for each item on its work programme and, where possible, this report should always be circulated with the agenda for the meeting.”*

### **BACKGROUND PAPERS FOR THE DECISION**

Minutes of the meeting of the Resources and Services Overview and Scrutiny Committee on 12 June 2023.

Minutes of the meeting of the Community Leadership Overview and Scrutiny Committee held on 3 July 2023.

### **APPENDICES**

Appendix Ai - Proposed Work Programme for 2023-24 for the Community Leadership Overview and Scrutiny Committee

Appendix Aii – Proposed Work programme for 2023-24 for the Resources and Services Overview and Scrutiny Committee

Appendix B - Review of the work carried out by the overview and scrutiny committees in the period 2022 to 2023

## A.3 APPENDIX Ai

### COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE FOR ENQUIRIES TO BE UNDERTAKEN IN 2023/24

#### Work Programme

[Proposed Work Programme for 2023/24 outlining intended enquiries.]

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
<p><b>School Age Education provision and specifically:</b></p> <p>(a) Safeguarding of children and support for those who elect to home educate their children.</p> <p>(b) The rate of absenteeism in schools and consideration of the underlying reasoning for a rise and good practice to reverse the rise.</p> <p>(c) Use of parenting, education</p>	<p>Summer 2023 to start – through the creation of a Task and Finish Group.</p> <p>[A delegated power exists to constitute this Task and Finish Group should Council approve this Work Programme]</p>	<p>Community Leadership Through Partnerships - Education - for improved outcomes</p>	<p>Numbers of children electively home educated over the past five years.</p> <p>Absenteeism rates for individual schools in the District over the past five years.</p> <p>Use of enforcement action over the past five years</p> <p>Numbers of children (of compulsory school age) who cannot go to school and who the Upper Tier Council has a responsibility for.</p> <p>Details of the Mental Health Hub model at Great Bentley Primary</p>	<p>Anita Patel-Lingam (Statutory Education Compliance Manager, Essex County Council),</p> <p>Michael O'Brien (Head of Specialist Education Services, Essex County Council)</p> <p>Individuals who home educate their children (such as those who attended the Committee's meeting on 7 March 2023)</p>	<p>To be reassured on the provision for children in Tendring who struggle to cope with full-time education. This can be because they have health issues.</p> <p>Helping to ensuring that local services do not exacerbate mental health issues for children in this category.</p>

**A.3 APPENDIX Ai**

<p>supervision and school attendance orders and other enforcement action</p> <p>(d) The legal responsibilities of the Upper Tier local authority, and actions taken in Essex, in respect of children (of compulsory school age) who cannot go to school, the Upper Tier local authority must find out why.</p> <p>(e) Mental Health arrangements in both primary and secondary phases and evidence of success</p> <p>(f) Would a free school in the District help to improve</p>			<p><b>School and its replication across other schools in the District. Identification of any schools not adopting this model and an understanding of why this has been and evidence of use and success of this model.</b></p>	<p><b>Teachers represented on the Tendring education Strategic Board to outline the Board's measures to address absenteeism.</b></p> <p><b>Others who may volunteer to attend on the elements of the scope set out.</b></p> <p><b>The Portfolio Holder for Partnerships</b></p> <p><b>Assistant Director (Partnerships)</b></p>	
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**A.3 APPENDIX Ai**

<p><b>attendance and raise attainment?</b></p>					
<p><b>Mainstream and community transport provision in the District – looking at the provision, the extent to which it supports inter-modal exchanges, provides a meaningful alternative to private car usage for work, leisure and medical journeys including links between the various population centres in the District.</b></p>	<p><b>Summer 2023 to start – through the creation of a Task and Finish Group.</b></p> <p><b>[A delegated power exists to constitute this Task and Finish Group should Council approve this Work Programme]</b></p>	<p><b>A Growing and Inclusive Economy - Support existing businesses/More and better jobs</b></p> <p><b>Building Sustainable Communities for the Future</b></p> <p><b>Community Leadership Through Partnerships</b> - Joined up public services for the benefit of our residents and businesses</p>	<p><b>Details of mainstream public transport across the District including bus routes and frequency.</b></p> <p><b>Issues being experienced with mainstream public transport as outlined to Councillors</b></p> <p><b>Details of Essex County Council’s subsidised bus services in the District and the associated funding.</b></p> <p><b>Details of community transport provision across the District and the funding for them from Councils in Essex.</b></p> <p><b>Publicly available data on car ownership in the District and use of public transport.</b></p>	<p><b>Representatives of the local Bus and Railway Operators and of community transport providers.</b></p> <p><b>Representative from Essex County Council in relation to subsidised bus services where there are no commercial services and where the County Council think it appropriate.</b></p> <p><b>Deputy Leader (Portfolio Holder for Economic Growth, Regeneration and Tourism)</b></p>	<p><b>To consider the network of public transport provision (commercial and subsidised) and invite providers/commissioners to review those with the Council based on evidence identified.</b></p> <p><b>To look at community transport provision and where best practice could be shared to extend the network.</b></p>

**A.3 APPENDIX Ai**

			<p><b>Transport East’s East of England Transport Strategy that sets out its vision for a future of inclusive and sustainable transport over the next 30 years.</b></p>	<p><b>Representatives of transport users.</b></p> <p><b>Portfolio Holder for Partnerships</b></p> <p><b>Corporate Director of Place and Economy</b></p> <p><b>Assistant Director (Partnerships)</b></p>	
<p><b>Active Essex/Sport England Local Delivery Pilot in the District of Tendring – seeking to tackle the issues of inactivity and develop best practice</b></p>	<p><b>Off-Agenda Briefing Note by the end of July 2023</b></p>	<p><b>Community Leadership Through Partnerships – Sport England and Active Essex- for physical activity and wellbeing</b></p>	<p><b>An outline of the 2017 bid by Essex Health and Wellbeing Board to Sport England</b></p> <p><b>Details of actions since 2017 and what measurable results have been achieved. This should also cover micro grants, Prevention and Enablement Model, Essex pedal power, Wheels for All, Street Tag/Gamification and Essex ActivAte school</b></p>	<p><b>The Portfolio Holder for Partnerships to be approached to supply the off-agenda briefing</b></p> <p><b>Assistant Director (Partnerships) to support the Portfolio Holder</b></p>	<p><b>The off-agenda briefing is a way of providing information to the Committee Members and enable them to consider what further areas for scrutiny need to be taken forward using the briefing note as the evidential basis.</b></p>



**A.3 APPENDIX Ai**

			<p>holiday programme as they apply to Tendring.</p> <p>The overall funding and how that has been spent in Tendring.</p> <p>What best practice has been identified and extended beyond the pilot scheme.</p> <p>What are the remaining plans for the pilot and, what is the exit strategy for the pilot to achieve its stated vision of “Hardwiring physical activity into the system for sustainable change.”</p>		
<p>The extent to which Health inequalities present themselves for Tendring and the steps being taken to address those inequalities.</p>	<p>Off-Agenda Briefing Note by the end of September 2023</p>	<p>Community Leadership Through Partnerships</p> <ul style="list-style-type: none"> <li>- Joined up public services for the benefit of our residents and businesses</li> <li>- Health and wellbeing - for effective services</li> </ul>	<p>ONS data on healthy people, lives and places in respect of the residents of Tendring.</p> <p>Essex’s Joint Strategic Needs Assessment data sets in respect of Tendring from 2022 (The JSNA is a process through which local authorities and NHS</p>	<p>The Portfolio Holder for Partnerships to be approached to supply the off-agenda briefing</p> <p>Assistant Director (Partnerships) to support the Portfolio Holder</p>	<p>To identify the measures being taken to address health inequalities and the sustainability of those measures going forward.</p>

**A.3 APPENDIX Ai**

		<p><b>and improved public health</b></p>	<p><b>organisations assess the current and future health, care and wellbeing needs of the local community to inform the decisions they make.)</b></p> <p><b>Details of funding received by the Council from North East Essex Clinical Commissioning Group (NEECCG) and East Suffolk and North Essex NHS Foundation Trust (ESNEFT), its purpose, the use of the funding to date, proposed schemes going forward with time lines and exit strategy.</b></p>		
<p><b>As the Crime and Disorder Committee of the Council</b></p> <p><b>Crime and disorder. To consider the Police, Fire and Crime Commissioner’s revised Police and</b></p>	<p><b>17 October 2023 meeting of the Committee.</b></p> <p><b>(Arrangements will be sought for a visit to a local Police Station as part of the</b></p>	<p><b>Community Leadership Through Partnerships/ Law and Order - for a safer community</b></p>	<p><b>The Commissioner’s Police and Crime Plan.</b></p> <p><b>Data on recorded crime (including domestic abuse), crime survey data and anti-social behaviour</b></p>	<p><b>Roger Hirst, Police, Fire and Crime Commissioner.</b></p> <p><b>Essex Police’s District Commander</b></p>	<p><b>To help inform the Delivery of the Police and Crime Plan/ consider the implications of the Plan for the District and to examine ways to support</b></p>

**A.3 APPENDIX Ai**

<p><b>Crime plan and its application to the District. The review will also look at anti-social behaviour and domestic abuse in the district. Anti-social behaviour including community speed watch schemes and the allocation of additional Police Officers to the area</b></p>	<p><b>evidence gathering and development of key lines of enquiry)</b></p>		<p><b>levels over the last five years.</b></p> <p><b>Numbers of Police and PCSOs over the same period for the District of Tendring.</b></p> <p><b>Details of measures specifically taken on the issue of domestic violence.</b></p> <p><b>Details on local watch schemes including home watch and community speed watch.</b></p> <p><b>Information on the extent of County Lines/Cuckooing activities and the measures in place to disrupt those activities, detect and pursue the perpetrators.</b></p>	<p><b>Representatives from relevant organisations and watch schemes including Home watch.</b></p>	<p><b>community schemes to address violence in a domestic setting and anti social behaviour.</b></p>
<p><b>Partnerships Finance - examine and enquire into the spend in relation</b></p>	<p><b>11 January 2024 meeting of the Committee</b></p>	<p><b>Strong Finances and Governance - Use assets to support priorities</b></p>	<p><b>Details from the proposed budget for 2024/25 in respect of grants etc</b></p>	<p><b>Assistant Director Finance and IT</b></p>	<p><b>To consider the extent of grant etc support provided and the support provided for the</b></p>

### A.3 APPENDIX Ai

<p>to grants etc to statutory and voluntary sector partners</p>				<p>Assistant Director Partnerships</p>	<p>delivery of the Council's Corporate Plan priorities and to make recommendations thereon.</p>
<p>On street parking arrangements in the District – and parking PCNs, Permits, Traffic Regulation and enforcement. The Council's participation in the North Essex Parking Partnership (NEPP), the work and business model of the Partnership.</p>	<p>To be allocated.  [However on 23 January 2024 at the Committee's meeting the Portfolio Holder for Leisure and Public Realm will be invited to outline their approach to issues concerning the NEPP]</p>	<p><b>Community Leadership Through Partnerships</b> - Joined up public services for the benefit of our residents and businesses</p> <p><b>Strong Finances and Governance</b> - Use assets to support priorities</p>	<p>The business Model of the NEPP. The agreement for the NEPP.</p> <p>The use of Tendring District Council Officers to undertake enforcement of on-street parking restrictions.</p> <p>The current position in relation to the use of camera enforcement cars in the District.</p> <p>Information on scrutiny undertaken or proposed in the other partners of the NEPP – including Epping Forest, Harlow, Uttlesford, Braintree and Colchester Councils.</p>	<p>Representatives of Councillors on the NEPP</p> <p>Councillor Lee Scott, Essex County Council's Portfolio Holder for Highways Maintenance and Sustainable Transport.</p> <p>This Council's Portfolio Holder for Leisure and Public Realm</p> <p>This Council's Corporate Director for Operations and Delivery</p>	<p>To consider this partnership and the role of the Council within the Partnership, the overall financial risks to the Council and the work of the Partnership to support road safety e.g. outside of schools and short term parking in shopping areas and its contribution to the economic success of those shopping areas.</p>

**A.3 APPENDIX Ai**

			Briefing Paper from the Portfolio Holder for Leisure and Public Realm.		
<p>Improving access to NHS Dentistry for residents in Tendring and specifically those who should have such access free of charge -</p> <p>(a) Under 18s and under 19s in full time education</p> <p>(b) Those on Income Support, Income-based Jobseeker's Allowance and Income related Employment and Support Allowance</p> <p>(c) Those below the income threshold and in receipt of child tax credits, working tax credit (including a</p>	<p>23 April 2024 meeting of the Committee</p>	<p>Community Leadership Through Partnerships - Health and wellbeing - for effective services and improved public health</p>	<p>1. The number of dentists in the area now compared with 5-10 years ago, reasons for growth/decline. Public versus private.</p> <p>2. Legislative changes over the last 10 years that affected the service the NHS was obliged to provide, if any.</p> <p>3. Costs for procedures both public and private, waiting times.</p> <p>4. How many people are without a dentist in the district?</p> <p>5. How does Tendring sit against the rest of the UK in relation to the above questions?</p>	<p>Lizzie Mapplebeck, Associate Director of Strategic Change, Suffolk and North East Essex Integrated Care Board</p> <ul style="list-style-type: none"> <li>• Greg Brown, Senior Performance Improvement Manager, Suffolk and North East Essex Integrated Care Board</li> <li>• Professor Nick Barker, Oracle Dental Group The Portfolio Holder for Partnerships</li> </ul> <p>Assistant Director (Partnerships)</p>	<p>To look at the provision of NHS dental provision in the District since the local Integrated care Board took responsibility for its commissioning and consider how the significant adverse health implications from poor dental health and gum disease in respect of:</p> <ul style="list-style-type: none"> <li>• Respiratory infections</li> <li>• Diabetic complications</li> <li>• Cardiovascular problems</li> <li>• Kidney disease</li> <li>• Rheumatoid Arthritis</li> </ul>

**A.3 APPENDIX Ai**

<p>disability element)  <b>(d) Pregnant women and those who have had a baby in the last 12 months</b>  <b>(e) Those in receipt of a war Pension/Armed Forces Compensation scheme payments</b></p>			<p><b>6. What steps are being taken to improve things?</b></p>		<p><b>And thereby seek to ensure that the steps being taken by commissioners of NHS dentistry are seeking to mitigate against such issues.</b></p>
<p><b>Policy on Events on Council Land</b></p>	<p><b>Yet to be allocated</b></p>	<p><b>Delivering High Quality Services</b>  <b>- Public spaces to be proud of in urban and rural areas</b>   <b>and</b>   <b>Strong Finances and Governance - Use assets to support priorities</b></p>	<p><b>The proposed policy set out in the forthcoming decisions record for submission to Cabinet on 21 July 2023</b>   <b>Summary details of events held on the Council's Land over the past five years – sufficient to enable the Committee to consider the basis of the decision to permit the event, the impact on the Council and the area in which the event</b></p>	<p><b>Portfolio Holder for Leisure and Public Realm</b>   <b>Corporate Director (Operations and Delivery)</b></p>	<p><b>To consider the proposed/adopted Policy and consider whether it addresses the corporate plan themes and needs of the District</b></p>

**A.3 APPENDIX Ai**

			<p><b>was held and whether there was any local opposition to the events.</b></p> <p><b>What restrictions have been applied to proposed events prior to the policy and what applications have been refused.</b></p>		
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## A.3 APPENDIX Aii

### RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE FOR ENQUIRIES TO BE UNDERTAKEN IN 2023/24

#### Work Programme

[Proposed Work Programme for 2023/24 outlining the intended enquiries.]

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
<p><b>Council Enforcement arrangements, including:</b></p> <p><b>(a) Planning Enforcement (and other areas) where decisions are taken ‘in the public interest’ whether to take particular enforcement action. To look at written statements to support the basis of such judgements and the matters demonstrably weighed up in reaching such decisions,</b></p>	<p><b>Summer 2023 to start -through the creation of a Task and Finish Group.</b></p> <p><b>[A delegated power exists to constitute this Task and Finish Group should Council approve this Work Programme]</b></p>	<p><b>Delivering High Quality Services - Effective regulation and enforcement</b></p>	<p><b>Details of the adopted Corporate Enforcement Policy and the intended review date for that policy, training to officers on common elements of enforcement and relevant service area enforcement policies.</b></p> <p><b>Details of the extent to which the Corporate Enforcement Group has provided the route to ensuring a corporate consideration to utilising different enforcement powers to address e.g. problem premises.</b></p> <p><b>Written statements on the judgement to be</b></p>	<p><b>Portfolio Holder for Planning and Housing</b></p> <p><b>Director of Planning</b></p> <p><b>Portfolio Holder for Environment</b></p> <p><b>Corporate Director for Operations and Delivery</b></p>	<p><b>To identify the extent to which here are further steps that can be taken to further achieve a fair and equitable use of enforcement powers, taking account of relevant information and that the resources made available for enforcement are used to best effect.</b></p>



**A.3 APPENDIX Aii**

<p><b>(b) The existing and possible opportunities for information to be provided by Ward Councillors in respect of matters which may attract enforcement action and decisions to not take enforcement (given the unique role of Councillors in representing their Ward).</b></p> <p><b>(c) The extent to which enforcement powers are looked at in a silo or corporate way to ensure that (within the purposes of particular enforcement powers) the Council considers the ability to address non-compliances robustly.</b></p>			<p><b>applied when determining whether it is or is not in the public interest and example records where that weighed judgement has been set out (suitably redacted).</b></p> <p><b>Numbers of fly tipping instances recorded by the Council by quarter for the past five years in respect of public land and the measures taken to deter fly tipping.</b></p> <p><b>The policy and experience of the use of deployable CCTV cameras as part of enforcement (including covert and overt use).</b></p>		
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**A.3 APPENDIX Aii**

<p>(d) The experience of fly tipping on public land and the actions to deter such fly tipping</p> <p>(e) The use of mobile CCTV cameras overly and covertly to identify offences and, potentially, offenders.</p>					
<p>Post delivery scrutiny of the Sunspot commercial workspace in Brooklands, Jaywick Sands. The development consists of up of 24 low-cost business units, including six seafront shopfronts, as well as a covered market and event hall. It will also include a café, public toilet and community garden, along with new</p>	<p>12 September 2023 meeting of the Committee (looking predominantly at the funding, costings and project management around the project to the build point)</p> <p>[Consideration then to be given to management of the facility at the Committee’s meeting on 5 March 2024)</p>	<p><b>A Growing and Inclusive Economy</b></p> <ul style="list-style-type: none"> <li>- Develop and attract new businesses</li> <li>- More and better jobs</li> </ul> <p><b>Building Sustainable Communities for the Future</b></p> <ul style="list-style-type: none"> <li>- Jaywick Sands - supporting the community</li> </ul> <p><b>Strong Finances and Governance</b></p>	<p>Details of the funding arrangements for the development of - £2.39million from the Government’s Getting Building Fund (through, the South East Local Enterprise Partnership), £2.04million from Essex County Council and £816,000 from Tendring Council.</p> <p>The initial costings for the development and the reasons for increases in the costings and the extent of project management around the development.</p>	<p><b>Deputy Leader (Portfolio Holder for Economic Growth, Regeneration &amp; Tourism)</b></p> <p><b>Corporate Director (Place and Economic Growth)</b></p>	<p>To look at the original plans for the development, how those plans changed and the extent to which the objectives of the development have been/will be met.</p> <p>To conduct a cost-benefit analysis related to the financial investment in the development.</p> <p>To look at lessons learned around the management of this development project for wider project</p>

### A.3 APPENDIX Aii

<p>pavement provision and covered bus stop along Brooklands. The development, which is in partnership with Essex County Council and the South East Local Enterprise Partnership.</p>		<p>- Use assets to support priorities</p>	<p>Arrangements for the management of the development – initially and then subsequently – and the reasoning for the changes.</p> <p>Details of lettings of the business units, shops and café and use of the covered market and event hall (including lease terms).</p> <p>Details as to how the operation of this facility supports, enhances, complements activities at the Jaywick Resources Centre.</p>		<p>management and major schemes in the Council</p>
<p>To consider particular services/functions of the Council that should or could be Self-Funding (and thereby not be a call on the General Fund) and identify the extent to which they are self-funding and/or the measures needed</p>	<p>Autumn/Winter 2023 to start – through the creation of a Task and Finish Group.</p> <p>[The constitution of the Task and Finish Group will be considered at the 12 September</p>	<p>Strong Finances and Governance</p> <ul style="list-style-type: none"> <li>- Balanced annual budget</li> <li>- 10 year financial plan</li> </ul> <p>Effective and positive Governance</p>	<p>Details of the services/functions that the Council considers should and could be self funding.</p> <p>Details of the services/functions concerned and the associated income and expenditure for those services (including appropriate recharges)</p>	<p>Leader of the Council (Portfolio Holder for Finance and Corporate Governance)</p> <p>Assistant Director for Finance and IT</p> <p>Appropriate Portfolio Holders (to be determined)</p>	<p>To assess and report on the extent to which services and functions that should and could be self funding are so funded and what steps could/should be taken to ensure those services/functions are self funded. There may be</p>

**A.3 APPENDIX Aii**

<p>to move them to being self-funded.</p>	<p>2023 meeting of the Committee]</p>			<p>based on the services/functions concerned)  Appropriate Officers (to be determined based on the services/functions concerned)</p>	<p>further recommendations around the scope of these services/functions based on the ability to cover the cost of the same in the future.</p>
<p>A review of the Council's Open space management/ Maintenance arrangements, policies and budget.</p>	<p>Autumn/Winter 2023 to start – through the creation of a Task and Finish Group.  [The constitution of the Task and Finish Group will be considered at the 12 September 2023 meeting of the Committee]</p>	<p><b>Delivering High Quality Services</b> - Public spaces to be proud of in urban and rural areas  <b>Community Leadership Through Partnerships</b> - Joined up public services for the benefit of our residents and businesses</p>	<p><b>Policies around open space management/ maintenance including levels and frequency of grass cutting, floral displays, wilding.</b>  <b>Arrangements for securing seasonal staff to undertake the work at the required time.</b>  <b>Details of all the open spaces that are maintained/managed by the Council and confirmation of ownership by the Council.</b>  <b>Detail of the budget for open space management/</b></p>	<p><b>Portfolio Holder for Leisure and Public Realm</b>  <b>Corporate Director (Operations and Delivery)</b>  <b>Assistant Director Partnerships</b></p>	<p><b>To review the policy position and experience and review the resources applied and the opportunities for joint working.</b>  <b>To enable recommendations to be implemented in time for the 2024 summer period.</b></p>

**A.3 APPENDIX Aii**

			<p><b>maintenance over the past five years</b></p> <p><b>Details of any known areas adjacent to Council Open Space tht is managed/maintained of Open Space managed/maintained by others such as Housing Associations and Town/Parish Councils</b></p>		
<p><b>The Council’s Waste Collection, recycling and street cleaning arrangements. This will include looking at kerb side and bring site recycling and the generation of recycling credits. It will also include the paid for garden waste collection service.</b></p>	<p><b>Off-Agenda Briefing Note by the end of September 2023</b></p>	<p><b>Delivering High Quality Services</b></p> <ul style="list-style-type: none"> <li>- Minimise waste;</li> <li>Maximise recycling</li> </ul>	<p><b>Details of the current contracts for waste collection, recycling and street cleansing and the planned activity to provide services after the end of the current contract terms.</b></p> <p><b>The budget spend and income for all areas in the scope of this review over the last five years.</b></p> <p><b>Recycling figures for all recyclable materials across the bring sites and overall residual waste and recycling rates per quarter for the District over the last five years.</b></p>	<p><b>Portfolio Holder for the Environment</b></p> <p><b>Corporate Director for Operations and Delivery</b></p>	<p><b>To assist the Committee to determine areas for scrutiny activity in the remaining period of the contract and to support contributions to the policy development in anticipation of the start of new arrangements at the end of the current contract term</b></p>

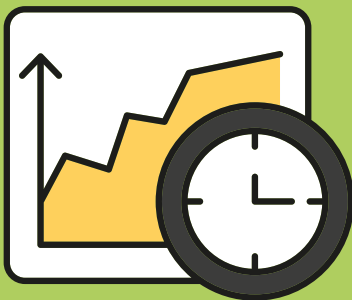
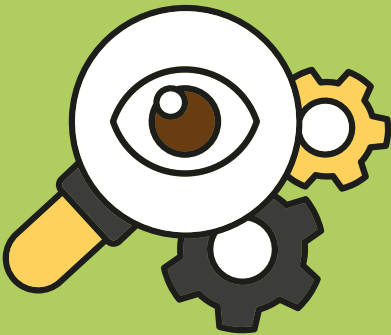
**A.3 APPENDIX Aii**

			Numbers of missed bin collections reports by quarter over the last five years		
Carbon Neutral by 2030. To review progress against the Council’s current Climate Change Action Plan and the emerging proposals for the next Climate Change Action Plan	The Committee’s meeting on 12 December 2023	Delivering High Quality Services/ A7 - Carbon Neutral by 2030	<p>The reports considered by the Climate Change Portfolio Holder Working Party prior to the adoption of the Council’s current Climate Change Action Plan</p> <p>The current Climate Change Action Plan</p> <p>An evaluation of achievements against the Climate Change Action Plan</p> <p>The emerging revised Climate Change Action Plan</p> <p>An evaluation of the anticipated extent to which the Council will achieve the stated aim</p>	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.

**A.3 APPENDIX Aii**

			<b>of net Carbon Neutral by 2030.</b>		
<b>Scrutiny of the Budget proposals for 2024/25</b>	<p><b>Currently programmed for daytime on 3 (informal meeting) and 10 (formal meeting) January 2024</b></p> <p><b>(Consideration will be given to the arrangements for scrutiny and proposals will be brought forward)</b></p>	<p><b>Strong Finances and Governance</b></p> <ul style="list-style-type: none"> <li>- <b>Balanced annual budget</b></li> <li>- <b>10 year financial plan</b></li> <li>- <b>Effective and positive Governance</b></li> </ul>	<p><b>The Medium Term Financial Strategy, Budget proposals and variations (with reasons) from 2023/24, details of fees and charges and reserves/provisions.</b></p> <p><b>The emerging/approved corporate plan for 2024-28.</b></p>	<b>Leader of the Council (the Portfolio Holder for Finance and Governance)</b>	<b>To provide the envisaged reality check on budgets and financial plans prior to their approval and ensure that there are clear links between budget setting and strategic/operational plans</b>

# OVERVIEW & SCRUTINY ANNUAL REPORT 2023



*Tendring*  
District Council





# Content

Opening	2
Chair Quotes	3
Line Up	4
Work Programme	5
Dentistry	6
Planning Enforcement	7
Cyber Security	8
Closing words	9

## Opening

This report sets out the review of 2022/23 for the Overview and Scrutiny function of the Council. As such it represents a comprehensive "Joint Report" from the Council's two Overview and Scrutiny Committees (OSCs). This approach has been in place for several years and has garnered widespread acclaim and appreciation from the Chairmen and Members of both OSCs.

During 2022/23 a significant transformation took place in the OSCs approach to their crucial scrutiny function. This change was prompted by valuable guidance provided through a thorough review conducted by the Centre for Governance and Scrutiny (CFGs) in the period of 2021 to 2022. Notably, 2022/23 marked the initial implementation of a new operational framework for the OSCs, wherein their programmed formal meetings were established at a quarterly frequency. Concurrently, the substantive and essential enquires of the Committees were diligently carried out by dedicated Task and Finish groups of Councillors, ensuring comprehensive scrutiny throughout the entire year. By their nature, certain enquiries continued to be undertaken by the Committee as a whole.



## Councillor Mark Stephenson

Chairman of the Resources and Services Overview and Scrutiny Committee 2022/23

*"The Resources and Services Overview and Scrutiny Committee has undertaken several valuable enquiries in 2022/23. The Task and Finish groups (T&FG) for Planning Enforcement and Cyber Security are particularly noteworthy and I am grateful to the Chairmen of those Groups for their control of the respective enquiries and producing really powerful recommendations. The Committee itself too undertook extensive enquiries on the Budget for the Council in preparation for 2023/24 and on procurement/contract management (prompted by several examples that were explored with relevant Cabinet Members and Officers). The development of a social value policy for the Council is one element of that last enquiry that I look forward to the Committee's involvement in. On that note I would like to extend my personal thanks all Members (in the Administration and those on the Committee and its Task and Finish Groups) for their time and effort in pre-reading, attending briefings, participating in formal meetings and follow up activity. Together we have made scrutiny work at Tendring."*



# Chair Quotes

*"The last year of Community Leadership Overview and Scrutiny Committee has been an interesting year as it was the first year that the Committee used Task and Finish groups to carry out the majority of its work. Unfortunately, it was difficult to get a full quota of Members to volunteer for each Task and Finish Group and as time moved on, we were unable to move ahead with several of the enquiries. We did, however, undertake a good piece of work around NHS dentistry, or lack thereof, in the District as a Committee. I would like to thank all the Members for their help as well as the Officers".*



## Councillor John Chittock

Chairman of the Community Leadership Overview and Scrutiny Committee 2022/23

# Line Up

We had some changes to the membership of both Overview and Scrutiny Committees for the year 2022/23.

While both Chairmen remained unchanged, Councillor Harris left the Resources & Services OSC to take his position of Chairman of the Council. He was replaced on that Committee by Councillor Skeels who left his role on the Community Leadership OSC to facilitate this change. Councillor Kanagasundaram King replaced Councillor Skeels on Community Leadership

## Resources and Services Overview and Scrutiny Committee 2022/23

Councillor Mark Stephenson - Chairman  
Councillor Gary Scott – Vice Chairman  
Councillor Terry Allen  
Councillor Chris Amos  
Councillor Mick Barry  
Councillor James Codling  
Councillor Chris Griffiths  
Councillor Pam Morrison  
Councillor Mick Skeels

## Community Leadership Overview and Scrutiny Committee 2022/23

Councillor John Chittock - Chairman  
Councillor Susan Honeywood - Vice Chairman  
Councillor Paul Clifton  
Councillor James Codling  
Councillor Bill Davidson  
Councillor Kanagasundaram King  
Councillor Delyth Miles  
Councillor Jayne Nash  
Councillor Graham Steady

With the changes ushered in by the elections to the Council on 4 May 2023, the new memberships to the Committees for the year 2023/24 are as follows:

## Community Leadership Overview and Scrutiny Committee

Councillor Graham Steady  
Councillor Terence Barrett  
Councillor Bill Davidson  
Councillor Carolyn Doyle  
Councillor Tanya Ferguson  
Councillor Jim Codling  
Councillor Daniel Land  
Councillor Lynda McWilliams  
Councillor Ann Oxley

Chairman  
Vice-Chairman  
Committee Member  
Committee Member  
Committee Member  
Committee Member  
Committee Member  
Committee Member  
Committee Member



# Resources and Services Overview and Scrutiny Committee



Councillor Paul Honeywood	Chairman
Councillor Mark Cossens	Vice-Chairman
Councillor Matthew Bensilum	Committee Member
Councillor Sue Honeywood	Committee Member
Councillor Chris Griffiths	Committee Member
Councillor Sarah Newton	Committee Member
Councillor Adrian Smith	Committee Member
Councillor Graham Steady	Committee Member
Councillor Bradley Thompson	Committee Member

## Work Programme

Below is a very brief summary of the Work Programme approved by Council, or subsequently by the Committees, for 2022/23. The full Work Programme scope approved by Council on 12 July 2022 is available [here](#).

### Community Leadership OSC

As a Committee:

- Dentistry (COMPLETED)
- Children electively home schooled (COMPLETED)
- Tendring-Colchester Borders Garden Community (COMPLETED IN 2023/24)

Task and Finish Groups:

- Jaywick, social issues, crime and deprivation, housing – a holistic view (NOT COMPLETED)
- Cost of living crisis – identifying gaps in local support (NOT COMPLETED)
- Out of school out of sight - provision for children unable to attend School (NOT COMPLETED)

### Resources & Services OSC

As a Committee:

- Procurement and Contract Management (COMPLETED)
- Frinton Summer Theatre (COMPLETED)
- Financial Outturn 2021/22 (COMPLETED)
- Waste – preparing a summary position from previous enquiries (NOT COMPLETED)

As a Task and Finish Group:

- Beach Huts (COMPLETED)
- Cyber Security (COMPLETED)
- Planning Enforcement (COMPLETED)
- Customer Service (NOT COMPLETED)

The Committee also received an off-agenda briefing on progress with the Climate Change Action Plan activity (COMPLETED) and on the then proposed 3G pitch at Clacton Leisure Centre and the associated land swap of land at Vista Road, Clacton-on-Sea and at Jaywick Lane (COMPLETED).



# Dentistry Enquiry

In December 2022 the Community Leadership OSC held a very informative special meeting of the Committee to specifically look at the NHS Dentistry provision within the District of Tendring.

The Committee was joined by representatives from some of our external partners including:

- Lizzie Mapplebeck, Associate Director of Strategic Change, Suffolk and North East Essex Integrated Care Board
- Greg Brown, Senior Performance Improvement Manager, Suffolk and North East Essex Integrated Care Board
- Professor Nick Barker, Oracle Dental Group

The Committee was informed about the longstanding issues surrounding NHS dental access, which had been worsened by the COVID-19 pandemic. This had resulted in increased pressure on emergency care services, extreme measures taken by individuals to alleviate pain, and broader societal impacts such as increased demands on the healthcare system and reduced productivity. At the time of the Enquiry, NHS England directly commissioned dental services, with Integrated Care Boards (ICBs) commissioning and managing dental services locally from April 2023. The dental contract system had faced criticism, and a response by local Providers had sought to improve patient access, increase incentives for preventative dentistry, and prevent patients from having to pay privately for previously commissioned NHS dental care. The report presented local data on the Tendring District in Essex, which highlighted challenges in dental access, particularly for the District's aging population. The data

revealed unmet dental treatment needs and a decrease in the availability of NHS dental services during the pandemic. To address these challenges, various programs were planned, including increasing routine and urgent dental capacity, supporting care homes and healthcare professionals, prioritizing dental care for vulnerable groups like looked-after children, and improving dental health education. Efforts had also been made to enhance access information by auditing dental services more frequently and updating the Directory of Services to provide better information on dental practices accepting new and emergency patients.

Overall, the information presented emphasized the long-standing issues with NHS dental access, the impact of the pandemic, ongoing reforms to the dental contract system, local oral health needs, and the implementation of programs aimed at improving dental access and care.

# Planning Enforcement Enquiry

In March 2023, the Committee heard the results of its Planning Enforcement Task and Finish group which was tasked with conducting an enquiry into the Council's Planning Enforcement function, focusing on various aspects such as current powers, policies, procedures, data usage, effectiveness of approach, and case prioritization. The decision to investigate Planning Enforcement arose from concerns raised by multiple Councillors regarding its effectiveness in addressing a range of planning enforcement matters. The aims and objectives of the enquiry were established during the Task and Finish Group's inaugural meeting, and they evolved as the inquiry progressed.

The objectives of the enquiry were categorized into several areas. First, regarding current powers, the goal was to review the Council's full set of discretionary powers for planning enforcement and improve communication about these powers to stakeholders. Second, in terms of policies, the Council's

Planning Enforcement Policy and associated harm risk assessment were subject to review, with recommendations for necessary improvements. Third, the enquiry aimed to assess and enhance the effectiveness of procedures involved in handling enforcement complaints, including communication approaches and potential collaboration with third parties. Fourth, data interrogation was proposed to gain insights into the scale and nature of enforcement issues, leading to the development of a reporting framework. Fifth, the effectiveness of the planning enforcement approach would be evaluated through feedback from Councillors and interested parties, along with a review of available resources. Finally, the enquiry sought to assess the approach to prioritizing inspection and determine necessary improvements to the harm risk assessment and decision-making process within the Council.

From this the Committee put forward a robust set of recommendations to Cabinet that were considered in June 2023.



# Cyber Security Enquiry

As part of its work programme for 2022/23, the Resources and Services Overview and Scrutiny Committee established a Cyber Security Task and Finish Group to investigate and challenge the Council's cyber-security arrangements and preparedness.

It was acknowledged that providing Members with information to fulfil their council duties was important, although it was not a legal obligation. One of the concerns related to the legal context of ceasing the auto-forwarding of members emails. From a legislative perspective, the General Data Protection Regulation (GDPR) required personal data to be processed securely, which the Council couldn't demonstrate when emails were forwarded to personal accounts outside its control. The Information Commissioner's Office (ICO) guidance clarified that information relating to the official business of a public authority held in non-work personal email accounts could be subject to the Freedom of Information Act (FOIA).



At a Full Council meeting, Officers were tasked with exploring options for Members email access. Four main options were presented:

- 1) Restrict access to Council-owned devices, which aligned with the original recommendation but some Members needed to use personal devices for quick email responses;
- 2) Issue Council-owned mobile phones to Members who requested them, meeting the need for quick responses but potentially incurring additional costs;
- 3) Allow Members to use personal devices with Council-installed software, but it could be unpopular, raise security concerns, and require additional IT resources;
- 4) Members continue using personal devices but access systems and emails via a web-based Member 'Portal,' increasing the risk of cyber-attacks and requiring additional cybersecurity resources.

The decision-making process considered factors such as Members requirements, user satisfaction, cost, data protection compliance, cybersecurity, information governance, resource complexity, and risk management.

Once again the outcome from this enquiry led to the Resources & Services OSC providing Cabinet and Council with a detailed list of recommendations.



## Councillor Giancarlo Guglielmi

Deputy Leader of the Council 2022/23 and  
Interim leader of the Council 10-23 May 2023



“As we draw the current Administration to a close, it is good to reflect on how this Council's Scrutiny function has developed. Following the visit by a team of the Centre for Governance and Scrutiny (CFGs) a report was prepared and circulated to everyone; the council commissioned CFGs to advise and support Members and Officers to review its Scrutiny function. We now have in place a new Cabinet/Scrutiny Protocol and have also set up several Task and Finish Groups which have proven to be very helpful to the running of the Council especially the work done on the Cyber Security topic, who came up with a solution to the ongoing Councillors Email Forwarding problem that was proposed and accepted by Full Council at its March meeting. I look forward to a continued improvement of the Council's Scrutiny role and build on the success achieved so far”.

