

COUNCIL

1 SEPTEMBER 2026

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

A.2 OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2026/2027 AND REVIEW OF WORK UNDERTAKEN IN 2025/26 (ANNUAL PERFORMANCE REPORT)

(Report prepared by Katie Koppenaal)

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 2026/27. Through the report, Council is also asked to receive the proposed 'Annual Report 2025/26' 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 on the Council.

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 2026/27, 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;*
- *provision for budget scrutiny and scrutiny of the Treasury Management Strategy, as appropriate;*
- *the need for statutory timetables to be met;*
- *the wishes of the Members of the Committee;*
- *requests from the Cabinet to carry out reviews and/or suggestions from the liaison meetings held under the Cabinet Overview & Scrutiny Protocol; and*
- *requests from Members and/or 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 and its functions 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 but excluding those budgetary matters delegated to the Community Leadership Overview & Scrutiny Committee)*
- *Colchester/Tendring Borders Garden Community*
- *Housing Strategy and Homeless Service*
- *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

- *(a) 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:*
 - o *Community Safety*
 - o *Health and Well-being*
 - o *Economy, Skills and Educational Attainment*
 - o *Community engagement, development and empowerment*
 - o *Economic Development, Regeneration and Freeport East*
 - o *Leisure and Tourism (except matters relating to budgets)*
 - o *Planning & Building Control and Strategic Planning (including the Local Plan)*
 - o *Emergency Planning*
 - o *To scrutinize/review the outcomes and implications for the Council of its financial support to community organisations and also from its receipt and use of funds received from local partner organisations*

(b) The Community Leadership Overview & Scrutiny Committee will also act as the Council’s designated “crime and disorder committee” for the purposes of Section 19 of the Police and Justice Act 2006 and will have the power –

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities[*] of their crime and disorder function;*
- (b) to make reports or recommendations to the local authority with respect to the discharge of those functions.*

** “The responsible authorities” means the bodies and persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998 (c.37) (authorities responsible for crime and disorder strategies) in relation to the local authority’s area.*

In fulfilling that function, the Community Leadership Overview & Scrutiny Committee will have the power (whether by virtue of section 9F(2) or 21(2) of the Local Government Act 2000 or regulations made under section 9JA(2) or 32(3) of that Act or otherwise) to make a report or recommendation to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority.

The crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder function as the committee considers appropriate but no less than once in every twelve month period.

(c) The Community Leadership Overview & Scrutiny Committee, in accordance with Section 9F (d) and (e) of the Local Government Act 2000 (as amended) will also perform the functions relating to community governance reviews as provided by Part 4 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") where those functions have been delegated to the Committee by full Council (as set out in Part 3 Schedule 2 Responsibility for Council (Non-Executive) Functions).

In performing its delegated functions, the Committee is required, by section 100(4) of the 2007 Act, to have regard to the guidance which is issued by the Secretary of State, under section 100(1) and (3), and the LGBCE under section 100(2) of the same Act."

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 2024-28 and the themes of that Corporate Plan. These themes are:

- Pride in our Area and Services to Residents;
- Raising Aspirations and Creating Opportunities;
- Championing our Local Environment;
- Working with Partners to Improve Quality of Life;
- Promoting our Heritage Offer, Attracting Visitors and Encouraging them to Stay Longer, and;
- Financial Sustainability and Openness

The Overview and Scrutiny Committees each formally reviewed the work carried out in 2025/26 and considered items for inclusion in their respective proposed Work Programmes for 2026/27 as follows:

INFORMAL MEETINGS

Joint meeting of the Community Leadership Overview and Scrutiny Committee and Resources and Services Overview and Scrutiny Committee – 4 June 2026.

FORMAL MEETINGS

Community Leadership Overview and Scrutiny Committee – 23 June 2026; and
Resources and Services Overview and Scrutiny Committee – 16 June 2026.

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 2026/27.

Both Committees received the results of a public consultation that ran from 13 April 2026 to 30 May 2026. Details to access the consultation were sent directly to all Town and

Parish Councils in the District with electronic copies of posters that they were invited to display. It was also published on this Council's website in conjunction with a social media engagement campaign by the Council's Communications Team.

Having considered all of the suggestions received from the above activity, the two Overview and Scrutiny Committees determined their proposed Work Programmes for 2026/27, and these are now submitted for approval by Council along with a review of the scrutiny function at the Council in 2025/26 as performed through the two Committees. This has been developed in dialogue with the Chairmen of the two Committees, and a draft was circulated at the formal 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 2025/26. All are submitted for consideration by Council.

Both of the Overview and Scrutiny Committees have approved arrangements to enable appointments of relevant Task and Finish Groups to take forward enquiries from the approved work programmes. These appointments will enable appointments to be made 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 2026/27 Municipal Year, as set out in Appendices Ai and Aii respectively; and**
- (b) receives and notes the work carried out by those Committees in the year 2025/26 (Annual Performance Report), as set out in Appendix B.**

BACKGROUND

The Council's Corporate Plan 2024-28 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*
- (iii) *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."

DEVOLUTION AND LOCAL GOVERNMENT REORGANISATION (LGR) IMPLICATIONS

It is important to recognise that during the annual work programme period, the Council will be balancing its statutory duty as a Best Value authority, performing its statutory functions and continuing to deliver quality services to its residents, businesses and communities across the District until Vesting Day on 1st April 2028, should Government decide to proceed with Local Government Reorganisation for Greater Essex. Whilst the Vesting Day is some time off, there is a challenging timetable to follow.

March 2026: Ministerial “minded to” decision on which Unitary Authority configuration proposal to implement, with the Structural Change Order being laid in early Autumn 2026 and passed in late Autumn 2026. Once the Structural Order is passed its legal requirements and restrictions will be in place. Members will be provided with more details on the process and its implications throughout the coming months.

The Shadow Unitary Authority will be in place following elections in May 2027, and a significant amount of work needs to be undertaken in advance for the Shadow Authority to operate in accordance with the Structural Order (Tendring District Council as a legacy and outgoing council has responsibilities both before the Shadow Authority comes into existence and during). Lessons learnt from LGR in other parts of the country have reported focusing on managing the following three essential phases of LGR:

- the preparation of proposals and plans for reorganisation
- the implementation of these plans by outgoing and incoming councils
- the operation of new unitaries after vesting day – the day when the new authority takes on its powers and becomes operational.

The work programmes for the functions of Council, Cabinet and Overview and Scrutiny will need to reflect the above, be kept under review and refocussed as necessary to meet the resource, capacity, financial and legal implications of LGR.

MONITORING OFFICER'S COMMENTS

It is important to note that the programme being presented to full Council for adoption has been complied by the overview and scrutiny committee membership, as required by the Constitution (references included throughout the report).

Under the Local Government Act 1999, local authorities must legally deliver what is termed ‘Best Value’ – a council must be able to show that it has arrangements to secure continuous improvement in how it carries out its work.

The Statutory Guidance for Best Value authorities published in May 2024, contains 7 themes under which expected characteristics of a well-functioning authority, and indicators of potential failures are set out. The role of scrutiny falls under 4 of those 7 themes, being Continuous Improvement, Governance, Culture and Use of Resources and relevant extracts from those themes are described as:

Continuous Improvement:

- *“Making arrangements to secure continuous improvement in performance and outcomes in relation to the exercise of all functions is a core requirement for achieving best value, and should be done whilst reflecting local priorities.”*
- *The authority’s scrutiny function is challenging, robust and contributes to the efficient delivery of services.*

Governance:

- There will be clear and robust governance and scrutiny arrangements in place that are fit for purpose, appropriate to the governance arrangements adopted locally (executive / committee system), and in accordance with statutory or sector guidance such as [statutory guidance on overview and scrutiny](#) and the Centre for

Governance and Scrutiny's [governance risk and resilience framework](#).

- Scrutiny and internal audit functions are challenging, robust, valued and contribute to the efficient delivery of public services.
- Potential failure, where scrutiny functions are undermined without the ability to effectively monitor or call-in decisions or influence overall strategy.

Culture:

- How the established governance procedures and leadership are exercised in practice, whether they are respected by the letter or in spirit.
- The culture of a local authority is determined by an agreed set of shared values, ethics and beliefs, how decisions are made, as well as how elected members and officers behave, interact and carry out their roles.
- Potential failure, where a culture of secrecy and overuse of urgency arrangements, confidential or delegated action reports and a failure for such reports to be reported in a form which allows scrutiny.

Use of resources:

- Investment decisions must have a commensurate level of scrutiny, transparency and approval to make sure that officers and members fully understand the risks.

Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure, as indicated from the examples below:

Under [section 15\(6\) of the 1999 Act](#), the Secretary of State may direct that some or all of the functions of an authority be exercised by the Secretary of State or their nominee (commissioners) for a specified period until that authority is in a sustainable position to comply with the Best Value Duty.

Example: A condition of Wirral Metropolitan Borough Council's request to the department for exceptional financial support in 2020/21 was completion of an external assurance review. This Review identified a range of concerns, including poor financial governance and management and the need to strengthen oversight and scrutiny.

Example: Following a Best Value Inspection of Northamptonshire County Council, which found evidence of poor financial management and a culture that discouraged challenge, the Secretary of State appointed commissioners in May 2018 to exercise all functions associated with the governance and scrutiny

The Council consistently provides training to its members and reviews its procedures and practices against the national guidance.

SECTION 151 OFFICER'S COMMENTS

There are no further comments over and above those already set out elsewhere within the report and appendices. Effective scrutiny forms a key activity within the Council's overall financial management responsibilities / stewardship, and it is important that adequate time is identified within the work programme to undertake the necessary tasks and that they are as timely as possible and take into account of the wider financial cycle over the course of

the year.

BACKGROUND PAPERS FOR THE DECISION

Minutes of the meeting of the Community Leadership Overview and Scrutiny Committee held on 23 June 2026.

Minutes of the meeting of the Resources and Services Overview and Scrutiny Committee on 16 June 2026.

APPENDICES

Appendix Ai - Proposed Work Programme for 2026-27 for the Community Leadership Overview and Scrutiny Committee

Appendix Aii – Proposed Work programme for 2026-27 for the Resources and Services Overview and Scrutiny Committee

Appendix B - Annual Performance Report 2025/26