



**MINUTES of
COUNCIL (EXTRAORDINARY)¹
17 MARCH 2020**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, Miss A M Beale, M G Bassenger, R P F Dewick, Mrs J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, A L Hull, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, N G F Shaughnessy, R H Siddall, W Stamp, Mrs M E Thompson and Miss S White

951. CHAIRMAN'S NOTICES

The Chairman thanked Members for attending this meeting and then referred to the notices as detailed on the agenda.

952. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B S Beale MBE, V J Bell, M F L Durham CC, M R Edwards, S P Nunn, N J Skeens, Mrs J C Stilts and C Swain.

953. DECLARATION OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council.

954. COVID-19 GOVERNANCE ARRANGEMENTS

The Council considered the report of the Monitoring Officer seeking Members consideration of a process for governance arrangements because of COVID-19 (Coronavirus disease).

The report provided background information relating to the outbreak of COVID-19 and identified a process for the continuation of decision-making powers during the pandemic whilst seeking to avoid the spread of the virus and protect those who might be vulnerable. The process included authorising any Director, in the interim, to determine business that otherwise would have been determined by the Council or its Committees

¹ Council – 28 May 2020 (Minute No. 960 refers)

and Working Groups in consultation with the Chairman of the Council, Leader of the Council and Leader of the Opposition or their substitute (as identified).

The Monitoring Officer presented his report and referred to the Secretary of State in a recent meeting advising Councils that all meetings should be suspended and in their place emergency powers should be set up. It was noted that temporary legislation was being arranged by the Government to enable Councils / Committees to meet in a virtual form to enable decisions being made by Members, but current legislation did not allow for remote decision making.

In response to a question regarding the convening of this meeting, the Monitoring Officer referred to Section 100A of the Local Government Act 1972 and the provision for the Council to give five clear working days' notice of a meeting taken place but that there was also provision within this Act for the Council to convene a meeting in a shorter period.

A debate ensued, and a number of Members raised concern regarding whether the proposal was premature in advance of there not having been any announcement from the Government. Further information was provided at this time by the Monitoring Officer.

The Leader of the Council thanked Members for attending the meeting at short notice. He provided some background information regarding this report, the very serious issue as a result of COVID-19 and how being a very small Council it would be in a very difficult position if 23 / 30% of its staff and Members was lost through self-isolation etc. He took the Council through the five recommendations set out in the report and proposed an amendment to recommendation (ii) amending it to read "... shall end fully or partially *and in any event a review will take place in eight weeks*" to add a check and balance to the process. The Leader explained that if the proposal was agreed and subsequently legislation regarding virtual meetings was made, this could be put in place without the need to come back to the Council. In respect of recommendation (iii) the Leader proposed the following named substitutes:

	Substitute Members
Leader of the Council	Councillors E L Bamford, M W Helm, S P Nunn, Mrs M E Thompson and Miss S White
Chairman of the Council	Councillors Mrs P A Channer CC, M F L Durham CC, Mrs J L Fleming, B E Harker and J Stilts
Leader of the Opposition	Councillors Mrs P A Channer CC, R P F Dewick, S P Nunn, N G F Shaughnessy and W Stamp

The Leader of the Council then proposed in the interest of the District and the Council that the recommendations in the report with the amendments he proposed be agreed.

Councillor M S Heard, Leader of the Opposition, seconded the proposal of the Leader of the Council referring to the eight-week review and proposed substitutes.

Further debate ensued, during which a number of comments were raised, and the following information provided in response to questions:

- Normal statutory requirements for consultations in respect of planning and licensing applications would continue, along with opportunity for the public to write in. Members were advised that the only change would be that the public would not be able to attend meetings when the decision was due to be made by a Director.
- If the proposal was agreed as for current Council and Committee meetings, agendas and related reports will be published following statutory deadlines and all decisions will be reported to Members. The Monitoring Officer advised Members that should the recommendations be agreed there was no requirement under the Local Government Act 1972 for the Council to publish agendas as the decisions would be made by Directors under delegated powers. However the Leader of the Council advised that papers would be published to ensure Members were kept informed.
- There would not be any change to the way that planning applications were dealt with and Officers would still contact Members to discuss any call-ins.
- In response to a suggestion that the Council met with only a reduced number of Members rather than the proposal, the Monitoring Officer advised that this would not be lawful as every Member was democratically elected and when a meeting of the Council was called every Member was entitled to attend.

At this, point, the Leader of the Council asked that the question be put.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded.

The Chairman advised that there would be an individual vote on each recommendation.

The Chairman put **recommendation (i)** as set out in the report to the Council and the voting was as follows

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, R G Boyce, Mrs P A Channer, R P F Dewick, J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, A J Hull, K W Jarvis, J V Keyes, C Mayes, C P Morley, N G F Shaughnessy, R H Siddall, W Stamp, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors K M H Lagan and C P Morris.

Abstention: There were none.

Recommendation (i) was therefore agreed.

The Leader of the Council reminded Members of the amendment he had proposed to **recommendation (ii)**. He commented that an extraordinary meeting of the Council could be called by petition of Members and outlined how his amendment built some checks into the process but also allowed changes should any new legislation be brought forward in respect of virtual meetings.

The Chairman then put recommendation (ii) as amended by the Leader of the Council to include *'and in any event a review will take place in eight weeks'* and the voting was as follows:

For the recommendation:

Councillors E L Bamford, Miss A M Beale, R G Boyce, Mrs P A Channer, R P F Dewick, J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, A J Hull, K W Jarvis, J V Keyes, C Mayes, C P Morley, N G F Shaughnessy, R H Siddall, W Stamp, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors M G Bassenger, K M H Lagan and C P Morris.

Abstention: There were none.

Recommendation (ii) as amended was therefore agreed.

At this point Councillor Miss A M Beale proposed that recommendations (iii) – (v) be considered together. The Chairman advised that there was a proposition that the recommendations be taken one at a time.

The Leader clarified that in respect of his proposed list of substitutes relating to **recommendation (iii)** this list was not in any order of preference and he referred to the benefit of substituting Members from a particular Area when considering planning applications.

The Chairman then put recommendation (iii) with the named substitutes as outlined by the Leader of the Council and the voting was as follows:

For the recommendation:

Councillors Miss A M Beale, R G Boyce, Mrs P A Channer, R P F Dewick, A S Fluker, B E Harker, M S Heard, M W Helm, A J Hull, K W Jarvis, J V Keyes, C P Morley, N G F Shaughnessy, W Stamp, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors E L Bamford, M G Bassenger, J L Fleming, K M H Lagan, C Mayes, C P Morris and R H Siddall.

Abstention: There were none.

Recommendation (iii) with the named substitutes was therefore agreed.

The Chairman then put **recommendation (iv)** as set out in the report to the Council and the voting was as follows:

For the recommendation:

Councillors Miss A M Beale, R G Boyce, Mrs P A Channer, R P F Dewick, A S Fluker, B E Harker, M S Heard, M W Helm, A J Hull, K W Jarvis, J V Keyes, C P Morley, N G F Shaughnessy, W Stamp, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors E L Bamford, M G Bassenger, J L Fleming, K M H Lagan, C Mayes, C P Morris and R H Siddall.

Abstention: There were none.

Recommendation (iv) was therefore agreed.

The Chairman then put **recommendation (v)** as set out in the report to the Council and the voting was as follows

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, R G Boyce, Mrs P A Channer, R P F Dewick, J L Fleming, A S Flucker, B E Harker, M S Heard, M W Helm, A J Hull, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, N G F Shaughnessy, R H Siddall, W Stamp, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillor C P Morris.

Abstention: There were none.

Recommendation (v) was therefore agreed.

RESOLVED

- (i) That all Council, Committee, Sub-Committee, Working Group and all like meetings are suspended with immediate effect for the time being;
- (ii) That any one of the Directors, in consultation with the Leader of the Council, Chairman of the Council and the Leader of the Opposition or any of their substitutes identified in recommendation (iii), may determine that the suspension shall end fully or partially and in any event a review will take place in eight weeks from the date of this meeting;
- (iii) That in the interim any Director is authorised to determine the business that would otherwise have been determined by the Council, Committees and Sub-Committees but for the suspension in recommendation (i) above, in consultation with the Leader of the Council, Chairman of the Council and Leader of the Opposition (and in their absence with those substitutes identified below):

	Substitute Members
Leader of the Council	Councillors E L Bamford, M W Helm, S P Nunn, Mrs M E Thompson and Miss S White
Chairman of the Council	Councillors Mrs P A Channer CC, M F L Durham CC, Mrs J L Fleming, B E Harker and J Stilts
Leader of the Opposition	Councillors Mrs P A Channer CC, R P F Dewick, S P Nunn, N G F Shaughnessy and W Stamp

- (iv) That prior to the implementation of (iii) above, where a planning or licensing application was due to be determined by a Committee or Sub-Committee the applicant(s) will be asked whether they would rather delay determination of their planning or licensing application to a future Committee or Sub-Committee meeting;
- (v) That all decisions will be reported to Members as soon as reasonably possible.

There being no further items of business the Chairman thanked Members for attending and closed the meeting.

R G BOYCE MBE
CHAIRMAN