

AGENDA
COVID-19 INTERIM MEASURES GROUP

WEDNESDAY 29 APRIL 2020

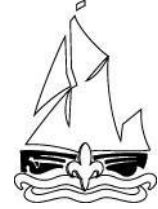
1. **Governance Arrangements for Heybridge Basin Parish Council** (Pages 3 - 4)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed).

2. **Governance Arrangements** (Pages 5 - 10)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**COVID-19 INTERIM MEASURES GROUP
29 APRIL 2020**

GOVERNANCE ARRANGEMENTS FOR HEYBRIDGE BASIN PARISH COUNCIL

1. PURPOSE OF THE REPORT

- 1.1 To recommend action to address governance matters for Heybridge Basin Parish Council, in light of new virtual meeting legislation.

2. RECOMMENDATIONS

- (i) That three members be appointed in the absence of an election in Heybridge Basin Parish to be parish councillors;
- (ii) That support be provided for the convening of a virtual meeting as soon as possible with the purpose of choosing a Chairman, appointing a temporary Parish Clerk and delegating decision-making to that Clerk.

3. SUMMARY OF KEY ISSUES

- 3.1 A paper was considered by the COVID -19 Interim Measures Group on 27 March 2020 regarding the governance of Heybridge Basin Parish in the absence of an election taking place during social distancing. At the time, the agreed preferred option of Maldon District Council was to continue with the interim arrangements whereby the Clerk of Heybridge Parish Council would oversee day to day management.
- 3.2 Since this decision, legislation has come in for virtual meetings to take place and have a legal standing <https://www.legislation.gov.uk/ukxi/2020/392/contents/made>. Parish Councillors of Heybridge have also informed Maldon District Council officers that they are not happy for their Clerk to support the interim arrangement.
- 3.3 Under Section 91 of the Local Government Act 1972 Maldon District Council can temporarily appoint three individuals to fill three of the seven vacant seats on the Heybridge Basin Parish Council.
- 3.4 It is felt that this would sit better with those who are already elected members in the local area and have a democratic mandate, including Jenny Sjollema who was specifically referenced in the reorganisation order as her Councillor role in Heybridge Parish covered the basin area.

- 3.5 Maldon District Council would nominate three members to create a quorum, who would appoint a Clerk and then delegate powers to the clerk in consultation with one of the members, adhering to the COVID-19 social distancing requirements.
- 3.6 The proposed nominated members are namely, District Councillor Bryan Harker , Parish Councillor Jenny Sjollema and District Councillor Michael Edwards
- 3.7 To bring this in line with the original election date, the appointment would be as from 7 May 2020.
- 3.8 The Order establishing the new Parish Council states that property assets relating to the new Parish Council will transfer on 22 May 2020.

4. CONCLUSION

- 4.1 The proposals provided aim to address an urgent governance matter in Heybridge Basin and respond to the issues surrounding, rather than a response to the virtual meeting legislation specifically.

5. IMPACT ON STRATEGIC THEMES

- 5.1 None.

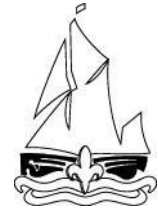
6. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** –None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – Maldon District Council officers will be required to set up the virtual meeting, ensure public notification of the meeting and offer support to co-ordinate handover between the clerks.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

Enquiries to: Paul Dodson, Director of Strategy, Performance and Governance.

UPDATED



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**COVID-19 INTERIM MEASURES GROUP
29 APRIL 2020**

GOVERNANCE ARRANGEMENTS

1. PURPOSE OF THE REPORT

1.1 To agree an approach for governance arrangements for the Council.

2. RECOMMENDATIONS

(i) That the Directors of Resources and Service Delivery in consultation with the Members appointed to the COVID-19 Interim Measures Group (IMG) decide which of the three following options is best suited to the governance of Maldon District Council (MDC) during the COVID-19 Health Emergency:

- **Option 1** - Continue the existing arrangements in order to focus resources on the delivery Govt guidelines including the delivery of grants, with a review in four weeks.
- **Option 2** - To consider a hybrid approach, retain emergency powers supplemented by reinstating virtual Member Working Groups and the District and Area Planning Committees.
- **Option 3** - Rescind emergency powers and implement committee system whereby all meetings will be held virtually.

(ii) That should Option 2 or 3 be agreed, a further report be brought back to this Group setting out the Constitutional and Procedures Rule amendments;

(iii) That this report constitutes the eight week review agreed by the Council in respect of the temporary COVID-19 governance arrangements.

3. SUMMARY OF KEY ISSUES

3.1 On 17 March 2020, the Council agreed to suspend Council and Committee, Sub-Committee, Working Groups and all like meetings and delegate decisions to Directors. These decisions include consultation with nominated Members, virtually as a COVID-19 Interim Measures Group (IMG).

3.2 Since this decision, legislation has been introduced in early April 2020 for virtual meetings to take place and have a legal standing see

<https://www.legislation.gov.uk/ukxi/2020/392/contents/made>. This paper is a response to that legislation with an analysis of the 3 options.

3.3 It should be noted that the Council operates a committee system which is likely to present additional challenges when compared to the vast majority of Council's in Essex that operate Cabinet systems.

| Option | Positive | Negative |
|---|---|--|
| Option 1- continue existing arrangements | <p>Existing arrangements are working to respond in a timely way to emerging issues as part of the local response to COVID-19.</p> <p>All decisions are recorded, and a weekly decision log is provided as part of these arrangements, to summarise decisions taken for all Members.</p> <p>This requires the least additional resources, as a lot of work has already gone into making this work operationally.</p> | <p>A small number of Members are involved in the COVID-19 Interim Measures Group and expected to consult with wider Members and channel their input.</p> <p>Maldon District Council wouldn't be utilising the virtual meetings legislation, where other neighbouring authorities may be (a possible reputational risk) - <i>It should be noted that the Council operates a committee system which is likely to present additional challenges compared to the vast majority of Council's in Essex that operate Cabinet systems</i></p> |
| Option 2- hybrid approach, reinstating virtual Member Working Groups and Planning Committees. | <p>Keeping partial delegated decisions would allow the organisation to respond with the pace needed to address issues that arise as part of the COVID-19 response locally.</p> <p>Working Groups would keep Member engagement and work moving so that when Committees are fully reinstated items are ready to be brought forward, for example the Annual Governance Statement could be shared with the Corporate Governance Working Group.</p> <p>Planning matters could be dealt with through District Planning and Area Planning Committees to prevent any development hold ups, and avoid a backlog when operations resume. (subject to confirmation of process).</p> <p>The original Council resolution allowed for a partial suspension.</p> | <p>Risks already identified as part of the project scoping and scoring highly in line with our Corporate Risk Management policy are;</p> <p>Reputational - risk would be lower than Option 3 with only District and Area Planning Committees publicly available, but the procedures must be clear, and Members must work to understand them. Some organisations have been in news articles for mishaps during meetings.</p> <p>Technology knowledge – District and Area Planning Committees would require the Chairman to 'drive' the meeting and require an additional level of training and confidence. Committee Clerks will also require training to facilitate and host meetings.</p> |

| Option | Positive | Negative |
|--|---|---|
| | <p>Member weekly updates would help all members to understand the work that is taking place.</p> <p>Maldon would be utilising the virtual meetings legislation, like other neighbouring authorities.</p> | <p>Working Group meetings would use Microsoft (MS) Teams and require that all members set up MS Teams remotely with assistance.</p> <p>Procedure rules would have to be agreed before the commencement of meetings.</p> <p>Resource – The implementation will add a staffing pressure, but less so than if all Committees were reinstated virtually.</p> <p>The Council would have to identify and acquire suitable software which would have to be installed on Members’ hardware. Training would have to be provided. To avoid disenfranchisement all Members would have to have access to reliable broadband and or 4G Connectivity.</p> |
| <p>Option 3- mirror committee system with virtual meetings</p> | <p>All decisions would fall back to democratically elected Members.</p> <p>Items of business would be cleared as anticipated, rather than a backlog of papers when normal business resumes.</p> <p>Maldon would be utilising the virtual meetings legislation, like other neighbouring authorities.</p> | <p>Four key risks already identified and scoring highly in line with our Corporate Risk Management policy are;</p> <p>Reputational - (some authorities have launched it and made it to BBC news articles for meeting failures),</p> <p>Technology knowledge (Members who chair virtual meetings will need to be proficient enough to ‘host the online meeting utilising the appropriate software’)</p> <p>Resource (This will create a staffing pressure to put all procedures and working practices in place, and train staff to support the meetings. It would also rely on two Committee Clerks being available for all Committee meetings due to technology</p> |

| Option | Positive | Negative |
|--------|----------|---|
| | | <p>needs.)</p> <p>Benefits (It is possible that we could implement virtual meetings and the current delegated arrangement provided for better ways of working).</p> <p>Responsiveness is also an issue. A lot of current decisions need to be quick as Government announces changes to business support, Revenues and Benefits etc. Reinstating the Committee structure and timetable means some decisions could take weeks to go through, and the landscape is moving quicker than this in the COVID-19 landscape.</p> |

3.4 A detailed project plan has been drawn up to understand all of the work that would need to take place to implement virtual committees. If either option 2 or option 3 are the preferred, the earliest the virtual public meetings could be in action would be 22 June 2020. This may seem to be a considerable timescale, but we need to ensure we are able to undertake fully effective meetings using the appropriate software, which Members and staff have been trained to use and that the processes are compliant with the new legislation and the constitution of Maldon District Council.

3.5 There are a number of authorities implementing virtual committees locally, but many of these didn't have interim governance arrangements. Maldon has three options available due to the Council resolution that was put in place before social distancing measures came into force.

3.6 Maldon faces additional challenges as it operates a Committee system rather than a Cabinet system, benchmarking with other local authorities is therefore difficult. However, the challenges should not be insurmountable.

4. CONCLUSION

4.1 The table in section 3.3 above is provided for consideration to review the individual merits and issues associated with each of the governance options, given the introduction of the virtual meetings legislation.

5. IMPACT ON STRATEGIC THEMES

5.1 None.

6. IMPLICATIONS

- (i) **Impact on Customers** – More Committee visibility during COVID-19 arrangements - video and audio recording of the virtual council meetings could be posted to the website.
- (ii) **Impact on Equalities** – None. (Some Members may be disenfranchised if they cannot attend virtual meetings due to the lack of broadband speed or connectivity.)
- (iii) **Impact on Risk** –Risks associated with each of the options are highlighted in the table in section 3.3
- (iv) **Impact on Resources (financial)** – Potential software licensing costs.
- (v) **Impact on Resources (human)** – Maldon District Council officers will be required to set up the virtual meeting procures and train members in addition to regular work which may be impacted.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

Enquiries to: Paul Dodson, Director of Strategy, Performance and Governance.

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