



**NOTES of
COVID-19 INTERIM MEASURES GROUP
13 MAY 2020**

PRESENT

Councillors:	R B Boyce MBE, Chairman of the Council A S Fluker, Leader of the Council M S Heard, Leader of the Opposition
Directors:	Mr Paul Dodson, Director of Strategy, Performance and Governance Mr Richard Holmes, Director of Service Delivery Mr Chris Leslie, Director of Resources
Officers:	Mr Simon Quelch, Lead Legal Specialist and Monitoring Officer

1. AMENDMENT TO RULES OF PROCEDURE FOR COUNCIL AND COMMITTEES AND PROTOCOL ON PUBLIC PARTICIPATION

The Director of Strategy, Performance and Governance presented the report which recommended amendments to the Rules of Procedure for Council and Committees and the Protocol on Public Participation. The report contained the following Appendices and Members noted that the report, Appendix 1 and Appendix 2 had been updated and circulated prior to the meeting:

- Appendix 1 – Amendments to the Rules of Procedure for Council and Committees and the Protocol on Public Participation;
- Appendix 2 – Remote meeting protocol;
- Appendix 3 – Virtual meetings schedule.

The Lead Legal Specialist and Monitoring Officer advised of the following suggested amendments to paragraph 3(ii) of Rule 13 Voting as follows:

- (ii) In a remote meeting ~~T~~the Chairman **will** call for a vote by the use of an electronic voting system for remote voting or by roll-call and the number of votes for or against or abstentions will be recorded **unless there is no dissent in which case it will be by general affirmation of the meeting.**

The Group considered **Appendix 1** and the amendments put forward to Procedure Rules for Council and Committees. Each of the proposed amendments were discussed in detail and as a result clarification was provided and a number of further amendments were discussed as highlighted below:

Rule 4 – Notices of Motion:

It was agreed that this Rule should be amended to read "...shall be given in writing and signed *or sent by email from a Maldon District Council Member email address*, by the Member".

Rule 8 – Rules of Debate for Council Meetings

Application and Committees and Sub-Committees (18)

It was agreed that the heading (as shown above) should be renamed ‘Remote Meetings’ and the paragraph be amended to read “...right to *temporarily* mute the microphone...”

Rule 11 – Disturbance to the Public

It was explained that the amendment detailed in the Appendix would be required if the Council decided to undertake aural public participation at meetings in the future.

Rule 15 – Disclosure of Interests

The Lead Legal Specialist and Monitoring Officer clarified that when a pecuniary interest was declared the law required a Member to leave the meeting. The virtual regulations stated if a Member was present if they were logged in and therefore to comply with criminal law the Member would have to leave the meeting, log out and await to be invited back to the meeting once that matter had been dealt with.

The new Remote Meeting Protocol (**Appendix 2**) was discussed and in response to questions further clarification was provided, including:

- that in respect of paragraph 4.2 there was no legal requirement for a Member roll-call to be taken. The legal requirement related to Members being heard, able to hear and if practicable be seen. It was noted that the roll-call would be of benefit to members of the public watching the live stream of the meeting and those Officers present would also be asked to introduce themselves at this point.
- Paragraph 4.6 dealt with what would happen if an individual’s remote participation failed and the Lead Legal Specialist and Monitoring Officer clarified that in his view should a Member lose connection during the debate of an item (regulatory or otherwise) they would not be able to vote on that matter, having not been present for the whole of the debate.

During the discussion around Appendix 2 the following amendments were suggested:

- Paragraph 6.1 should be amended to read “...additional officers), *is to be* enlisted...”.
- Paragraph 6.3 should be removed as it was felt meetings should be spontaneous and as a result all subsequent paragraphs should be renumbered.
- Paragraph 6.5 (as renumbered):
 - first bullet should be amended to read “...asked to *connect to* the meeting...”.
 - In response to comments regarding the use of backgrounds and for further clarification it was agreed that the second bullet should be amended to read “...should *where possible* show a non-descript background and Members should be careful to not allow exempt, confidential papers *or any inappropriate material or images* to be seen in the video feed”.

- Reference to a roll call in bullet four should be amended to read "...the Chairman *may* carry out a roll call".
- Paragraph 8.2 should be amended remove reference to "and verbally declare".

2. ADJOURNMENT OF THE MEETING

At this point, the Director of Strategy, Performance and Governance agreed to a short adjournment.

The meeting resumed at 13:19.

3. AMENDMENT TO RULES OF PROCEDURE FOR COUNCIL AND COMMITTEES AND PROTOCOL ON PUBLIC PARTICIPATION CONTINUED

Councillor A S Fluker asked the Directors to consider the addition of two recommendations, as set out below:

- That the Council instigates the recommencement of Area Planning Committees (APCs) as soon as practicably possible.

Councillor Fluker advised he was aware of a lot of discussion amongst Members regarding this and concerns had been raised from others across the District. He highlighted the benefit of planning applications being determined by Committees familiar with the geographical areas. This was supported by Councillor Heard.

- That public speaking is resumed at Committee meetings of the Council, starting with Planning Committees, as soon as practicably possible.

Councillor Fluker advised he had been contacted by local planning agents expressing concern about not having the opportunity to speak and how this concern also applied to Parish Councils. He acknowledged the current work pressures of Officers and if agreed there was a need to understand how the process would work.

In response the Director of Strategy, Performance and Governance commented on the proposal and agreed that this was something that the Council could work towards. He did however raise concerns regarding implementing this considering current resources and work pressures in relation to the COVID-19 response. Councillor Fluker paid tribute to the huge amount of work being done by Directors and staff at this time but felt the Council could recommence the Area Planning Committees at short notice and didn't see it as an additional burden. The Director of Service Delivery echoed the comments raised by Director of Strategy, Performance and Governance and highlighted the large amount of COVID work still ongoing with tight deadlines.

Following further discussion Councillor Fluker repeated his two additional recommendations and the reasons for them. These along with the recommendations set out in the report and the proposed amendments were supported by Councillors Boyce and Heard.

4. ADJOURNMENT OF THE MEETING

The meeting adjourned for a short period at this point, reconvening at 13:48.

5. AMENDMENT TO RULES OF PROCEDURE FOR COUNCIL AND COMMITTEES AND PROTOCOL ON PUBLIC PARTICIPATION CONTINUED

The Director of Strategy, Performance and Governance advised that he was happy with the suggested additional recommendations and would put them, along with all the amendments, across to the other Directors for approval.

The Director of Service Delivery advised that as he had to leave the meeting he did not feel he should be making this decision. In response, the Director of Resources confirmed he was happy to support the recommendations and amendments.

The Director of Strategy, Performance and Governance advised that it should be noted that Appendix 3 to the report did not include any of the Area Planning Committee meeting dates and would therefore be updated accordingly. It was further agreed that an additional meeting of the Council be scheduled for 2 July 2020 to review the Air Quality Management Action Plan for Market Hill. In response to these changes recommendation (iv) was updated to include “and the virtual meetings schedule be updated accordingly”.

Having taken discussions into account the Director of Strategy, Performance and Governance and Director of Resources **RESOLVED** that

- (i) the amendments shown in **APPENDIX 1** to the Rules of Procedure for Council and Committees and the Protocol on Public Participation at Council and Committee meetings shall be made;
- (ii) the Remote Meeting Protocol as a procedural document (**APPENDIX 2**) be adopted;
- (iii) the virtual meetings schedule at **APPENDIX 3** be adopted, and that this replaces the existing Committees schedule until a decision is made to reinstate Committees fully;
- (iv) that that the Council recommences remote Area Planning Committee meetings, as soon as practicably possible, and the virtual meetings schedule be updated accordingly.
- (v) that public speaking at Committee meetings of the Council, starting with Planning Committees, is reinstated as soon as practicably possible.

The meeting closed at 1.58 pm.

PAUL DODSON
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE