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DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

23 September 2020

Dear Councillor

You are summoned to attend the meeting of the;

COUNCIL

on **THURSDAY 1 OCTOBER 2020 at 6.00 pm** (please note start time).

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream on the Council's website:

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=130&MIId=2186>.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

Please note: Electronic copies of this agenda and its related papers
are available via the Council's website www.maldon.gov.uk.

The meeting will be streamed live via YouTube and available to view on the [Council's YouTube channel](#).

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AGENDA COUNCIL

THURSDAY 1 OCTOBER 2020

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Declaration of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6 - 8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

4. **Minutes - 6 August 2020** (Pages 7 - 20)

To confirm the Minutes of the council meeting held on 6 August 2020 (copy enclosed).

5. **Public Questions**

To receive questions from members of the public, of which prior notification in writing has been received (no later than noon on the Tuesday prior to the day of the meeting).

6. **Chairman's Announcements**

7. **Notice of Motion**

In accordance with notice duly given under Procedure Rule 4, Councillor K M H Lagan to move the following motion duly seconded by Councillor C Morris:

“Although the Council initially supported (in principle) a new nuclear power station at Bradwell on sea, a greater level of information is now available, and it is appropriate to reconsider its position. Grave concerns are raised regarding a new nuclear power at Bradwell on Sea, due to the local environmental impacts, the loss of heritage assets and ecological harm.

Motion:

That the Council will review the LDP to reconsider this position at the next planned review.”

8. **Minute Book**

To consider the Minutes of the under mentioned Committees (copy enclosed).

* Please note that where Minutes contain recommendations to the Council the Minute reference for these recommendations are listed below for Members' information.

- a) Performance, Governance and Audit Committee - 30 July 2020 (Pages 21 - 28)
- b) Joint Standards Committee - 3 September 2020 (Pages 29 - 36)
 - Minute No. 7 - Standards Complaint – Councillor Adrian Fluker
- c) Strategy and Resources Committee - 17 September 2020 (To Follow)

9. **Minutes of Meetings of the Council**

To note that since the last Council, up until Wednesday 23 September 2020 (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

Minutes published:

North Western Area Planning Committee	29 July 2020
South Eastern Area Planning Committee	5 August 2020
North Western Area Planning Committee	26 August 2020
District Planning Committee (special meeting)	20 August 2020
South Eastern Area Planning Committee	2 September 2020
Central Area Planning Committee	9 September 2020

Minutes NOT finalised for publication:

District Planning Committee	13 August 2020
Joint Standards Committee	3 September 2020

10. **Questions in accordance with Procedure Rule 6(3) of which notice has been given**

11. **COVID-19 High Street Recovery Plan** (Pages 37 - 64)

To consider the report of the Re-set and Recovery Working Group, (copy enclosed).

12. **Bradwell B Scoping Opinion Request Consultation** (Pages 65 - 68)

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

13. **White Paper 2020** (Pages 69 - 88)

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

14. **Leaders and Composition of Political Groups** (Pages 89 - 92)

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

15. **Resignation of Councillor B E Harker and Associated Representations** (Pages 93 - 96)

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

16. **Revised Schedule of Meetings (October 2020 - April 2021)** (Pages 97 - 100)

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

17. **Revisions to Remote Committee Procedures** (Pages 101 - 114)

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

18. **Questions to the Leader of the Council in accordance with Procedure Rule 1 (3)(m)**

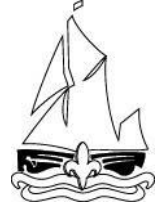
19. **Business by reason of special circumstances considered by the Chairman to be urgent**

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

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MINUTES of COUNCIL 6 AUGUST 2020

PRESENT

Vice-Chairman
(in the chair)

Councillor Mrs P A Channer, CC

Councillors

E L Bamford, M G Bassenger, Miss A M Beale,
B S Beale MBE, V J Bell, R G Boyce MBE,
M F L Durham CC, M R Edwards, Mrs J L Fleming,
A S Fluker, B E Harker, M S Heard, M W Helm, A L Hull,
K W Jarvis, K M H Lagan, C Mayes, C P Morley, C Morris,
S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens,
W Stamp, Mrs J C Stilts, C Swain, Mrs M E Thompson and
Miss S White

1116. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to this remote meeting of the Maldon District Council, held under new regulations which had come into effect in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting.

A roll call of those Members present was taken.

1117. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R P F Dewick and J V Keyes.

1118. DECLARATION OF INTEREST

Councillor R H Siddall declared a non-pecuniary interest in Agenda Item 20 – Purchase of Land as he was a Ward Member for Great Totham.

Councillor R G Boyce advised that in relation to Agenda Item 9 – Notice of Motion he had a bias and perceived the motion was designed to humiliate him and predispose sanctions against him.

Councillor M F L Durham declared a interest as a Member of Essex County Council and any matter pertaining to that Authority.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council and any matter that may in any way relate to or have connections within the remit of the County Council.

1119. MINUTES - 16 JULY 2020

RESOLVED that the Minutes of the Council meeting held on 16 July 2020 be agreed.

1120. PUBLIC QUESTIONS

There were none.

1121. CHAIRMAN'S ANNOUNCEMENTS

Councillor Mrs P A Channer advised that in her role as Vice-Chairman of the Council she had attended Basildon Mayor's virtual charity quiz night.

1122. STATEMENT FROM THE LEADER OF THE COUNCIL

The Council received the following statement from the Leader of the Council:

"Members, the Minister for Local Government and Recovery, Simon Clarke, has confirmed that the Government will be presenting a white paper to Parliament in the early Autumn regarding the restructure of Local Government and economic recovery following the pandemic. With regards to the restructure of Local Government the white paper is proposing the abolition of District, County, City and Borough Councils in favour of unitary Councils with combined authorities and elected mayors. Very little formal detail has been released by the MHCLG (Ministry of Housing, Communities and Local Government), but Mr Clarke has stated that the new unitary Councils must be formed within County boundaries and their populations should be between 350,000 and 600,000 residents. 1.8 million people live in Essex so in theory there could be three, four or five unitary Councils in the County, but until we have some clarity from the MHCLG regarding the actual population numbers we will not know for sure.

I understand, Chairman, that Southend, Thurrock, Basildon, Brentwood, Rochford and Castle Point are already in talks with the MHCLG, likewise Uttlesford, Harlow and Epping. Maldon District Council shares common borders with Chelmsford, Braintree and Colchester.

Timelines have not been released but the Minister has indicated that he expects everything in place prior to the 2023 local elections. It will be up to Council, Chairman, to decide which way it wishes to proceed and that said I would suggest that formal talks are entered into, as quickly as possible, with our neighbours following the Statutory Annual meeting."

1123. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met since the last meeting of the Council, up to Wednesday 29 July 2020 for which Minutes had been published.

In accordance with his earlier declaration, Councillor R G Boyce left the meeting at this point.

1124. NOTICE OF MOTION

Prior to the Motion being put to the Council, the Lead Legal Specialist and Monitoring Officer referenced the Motion pre-amble and its mention of a Joint Standards Committee meeting. He provided the Council with information relating to an investigation that had been undertaken by the Acting Monitoring Officer and reported that this matter had been finalised and could not be brought back to the Joint Standards Committee or further considered by the Council. The Lead Legal Specialist and Monitoring Officer advised that as the motion stood the pre-amble had nothing in it that, in his view, would justify Motion 1.

Councillor W Stamp raised a point of order as the person putting a Motion should be allowed to speak first prior to any debate ensuing. She asked that it be minuted that she felt the Chairman had stopped this. In response, the Chairman advised that she felt it important that the Lead Legal Specialist and Monitoring Officer spoke first. The Chairman then invited Councillor Stamp to present her motion.

Councillor W Stamp read out her Motion (as set out below):

In accordance with Procedure Rule 4, Councillor W Stamp proposed the following motion which was duly seconded by Councillor R H Siddall:

“Due to the significant nature and the possible impact of any decisions of the Joint Standards Committee meetings that are due to be held in August, it is proposed that the Statutory Annual Council Meeting is postponed for 4 weeks.

This prudent motion, if approved, will allow the Council and its elected members to formulate all positions required within group membership, membership of committees and appointments within the council.

Motion 1

It is proposed that the 2020 Statutory Annual Meeting is postponed for four weeks.”

It was noted that in accordance with Procedure Rule 12 and in addition to the proposer and seconder the received Motion bears the names of an additional eleven Members.

Councillor Stamp provided the Council with background information to her Motion. She then proposed that the motion be amended to read “that the 2020 Statutory Annual meeting of the Council is postponed for *eight* weeks’, advising that the reason for this was to relieve the pressure of Committee Services and to allow other meetings to take

place. Councillor R H Siddall had seconded the original motion and confirmed that he would also second the revised motion reiterating comments made about Officer pressures and asked Members to support the motion.

Councillor C Morris raised a number of points and was reminded by the Chairman of the subject of the Motion and to take accord of what was said by the Lead Legal Specialist and Monitoring Officer. Following further debate Councillor Mrs M E Thompson proposed that Councillor C Morris no longer be heard. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor Morris requested a recorded vote.

The Chairman then put the proposal that Councillor Morris no longer be heard, and the voting was as follows:

For the recommendation:

Councillors E L Bamford, Miss A M Beale, Mrs P A Channer, A S Fluker, M W Helm, A L Hull and Mrs M E Thompson.

Against the recommendation:

Councillors M G Bassenger, B S Beale, V J Bell, M R Edwards, B E Harker, M S Heard, K W Jarvis, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp and J Stilts.

Abstention:

Councillors M F L Durham, Mrs J L Fleming, C Swain and Miss S White.

The Motion that Councillor Morris not be heard was therefore lost and the Chairman allowed Councillor Morris to continue, advising all Members to talk to the Motion.

A lengthy debate ensued, and a number of Members commented on the Motion, particularly referencing the Joint Standards Committee and the results of a recent investigation which had been published. A point of order was raised during the debate.

In response to a question, the Director of Strategy, Performance and Governance advised that there was a project plan in place to deliver the Statutory Annual Council on 3 September and this was possible within resources. He provided further information advising that Officers would deliver whatever Members' decided.

A further point of order was raised at this point. Councillor A S Fluker proposed that if the Council did not hold its Statutory Annual meeting on 3 September that it be held on 1 October and he reported that the Director of Strategy, Performance and Governance had confirmed that the team were ready to do that. The Chairman advised that she had a motion, duly seconded, being debated and should that not be agreed then Councillor Fluker could put his proposal.

In response to a question, the Lead Legal Specialist and Monitoring Officer provided Members with guidance from the Council's Constitution in relation to the procedure for dealing with breaches of the Code of Conduct and further information in relation to the investigation carried out by the Acting Monitoring Officer.

Further detailed debate ensued, following which Councillor Stamp was given the opportunity to reply to comments raised. Councillor Stamp reiterated her revision to the Motion.

The Chairman put the proposed amendment to the Motion by Councillor Stamp, duly seconded and upon a vote being taken this was agreed (by assent). The Chairman advised this then became the substantive motion and sought confirmation from all Members whether they would change their vote from how they voted on the amendment. Following no Member advising they were changing their vote, the Chairman declared that this was therefore agreed (by assent).

RESOLVED that the 2020 Statutory Annual meeting of the Council is postponed for eight weeks.

1125. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6(3) OF WHICH NOTICE HAS BEEN GIVEN

There were none.

1126. ADOPTION OF ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE MITIGATION STRATEGY, SUPPLEMENTARY PLANNING DOCUMENT AND APPROVAL OF DRAFT PARTNERSHIP ARRANGEMENTS

Councillor R G Boyce re-joined the meeting at this point.

The Council considered the report of the Director of Strategy, Performance and Governance providing an update on the outcome of the recent public consultation on the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD). Approval of the final RAMS (Appendix 1 to the report) and SPD (Appendix 2) was sought and in addition Members agreement to enter into a partnership with Chelmsford City Council to manage the implementation of the RAMS for the first three years was sought.

The report provided background information on the process undertaken to meet the legal agreement to assess the impacts of new development on internationally important wildlife sites and where necessary, put mitigation measures in place to minimise any harm. It was noted that Essex Coastal RAMS was a coordinated response across 12 Local Planning Authorities in Essex. A number of documents related to the SPD were attached as appendices to the report.

The report also provided detailed information in respect of the following areas:

- The Zones of Influence (ZoIs)
- Mitigation Package;
- RAMS Project Governance;
- Monitoring and review process
- Partnership arrangements.

It was noted that Essex Coast RAMS, SPD and Partnership Arrangements represented a holistic approach to managing the Council's joint legal obligations as a Local Planning Authority

The Leader of the Council proposed that the recommendations set out in the report along with a further recommendation (see below) be agreed.

That the annual contribution in the first year does not exceed £2,000 and that regular reports go to Strategy and Resources Committee.

This was duly seconded.

In response to a question regarding the promotion of individual projects that qualified for funds, the Specialist: Local Plan advised that these could be promoted through the Steering Group and the Essex Coastal Forum.

Concerns were raised regarding the Bradwell development and the Director of Strategy, Performance and Governance reminded Members that Bradwell would be determined through the Development Consent Order process which was separate to RAMS. Following further discussion it was also proposed that a further recommendation be added to state that the Council noted that this did not include the Bradwell development which would be subject to a separate process. This was duly seconded.

The Chairman then put the recommendations set out in the report, along with the two further recommendations and in accordance with Procedure Rule No. 13 (3) Councillor C Mayes requested a recorded vote. The voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, B S Beale, V J Bell, M F L Durham, M R Edwards, A S Fluker, B E Harker, M S Heard, M W Helm, A L Hull, K W Jarvis, K M H Lagan, C Mayes, C P Morley, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, J Stilts, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors E L Bamford, C Morris and W Stamp.

Abstention:

Councillors R G Boyce, Mrs P A Channer.

RESOLVED

- (i) That the contents of this report be noted, including the You Said, We Did Report as set out in Appendix 3 to the report, the RAMS SPD Equalities Impact Assessment as set out in in Appendix 4 to the report and the RAMS Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment (HRA) Screening Report as set out in Appendix 5 to the report;
- (ii) that the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) 2018 - 2033 (January 2019) as set out in Appendix 1 to the report, be adopted;

- (iii) that the Essex Coast RAMS Supplementary Planning Document (June 2020) as set out in Appendix 2 to the report, be adopted;
- (iv) that the Director of Strategy, Performance and Governance be authorised to join the Essex Coast RAMS Partnership on behalf of Maldon District Council, via a Partnership Agreement with Chelmsford City Council as the Accountable Body and put into place operational processes to implement, collect, monitor and pay the tariff contributions collected in the Maldon District to the Essex Coast RAMS Accountable Body;
- (v) That the annual contribution in the first year does not exceed £2,000 and that regular reports go to Strategy and Resources Committee;
- (vi) That the Council notes that this does not include the Bradwell development which will be subject to a separate process.

1127. TIPTREE NEIGHBOURHOOD PLAN CONSULTATION RESPONSE

The Council considered the report of the Director of Strategy, Performance and Governance seeking approval of the Council's response to the Tiptree Neighbourhood Plan Regulation 16 Consultation (as set out Appendix 1 to the report). It was noted that the consultation closed on 10 August 2020.

The report provided details of the Neighbourhood Plan consultation and the changes to the process as a result of the COVID-19 legislation. It was noted that Colchester Borough Council were consulting on the Tiptree Neighbourhood Plan which was the result of considerable consultation and engagement with residents and businesses in the village.

The Leader of the Council proposed that the recommendations as set out in the report be agreed. This was duly seconded and agreed (by assent).

RESOLVED that the proposed response to the Tiptree Neighbourhood Plan as set out in Appendix 1 to the report, be agreed.

1128. REVIEW OF COMMITTEES AND REMOTE COMMITTEE ARRANGEMENTS

The Council considered the report of the Corporate Governance Working Group (CGWG) which set out a number of recommendations to improve the way the committee structure at the Council operated. Following a resolution by the Council in May 2020 the CGWG had met twice to consider items relating to the six-month review of the new Committee structure and the arrangements for remote Committees at Maldon District Council.

The report set out a number of recommendations and provided background and rationale for each.

The Leader of the Council presented the report highlighting how the Motion agreed earlier on in this meeting would have an impact on the recommendations set out in the

report. He then proposed a number of amendments to the Officers' recommendations and outlined his reasoning behind each change. This proposal was duly seconded. The Director of Strategy, Performance and Governance responded to the proposed changes advising that Officers would meet the requirements of Members and the decision made by the Council.

Members discussed the proposal from the Leader of the Council and in response to comments raised and further propositions the Leader further amended his proposal to as follows:

- (i) that all suspended Committees be reinstated from ~~October~~ 7 September 2020 ~~after the Statutory Annual meeting of the Council~~ with all Council and Committee meetings to be held remotely until legislation changes;
- (ii) that regular Council and Committee meetings be scheduled with a 6pm start time from October 2020, with the exception of the Performance Governance and Audit (PGA) Committee which will start at 2pm (allowing for input of external agencies), and these arrangements be reviewed after six months. Ad-hoc Committee meetings, such as the Joint Standards Committee, are to be scheduled as required at a time to suit;
- (iii) that the remote meeting protocol is updated to highlight that Members can use personal devices;
- (iv) that Members of the Overview and Scrutiny Committee are given training and a clear remit ~~based on the guidance issues by the MHCLG in June 2019~~;
- (v) that ~~from the Statutory Annual meeting of the Council the~~ membership numbers for the Strategy & Resources, Performance, Governance & Audit and Overview and Scrutiny Committees be more equally split, with the programme Committees not having the same members as those serving on the Overview and Scrutiny Committee and that a six-month review to these arrangements takes place;
- (vi) that public participation also allows for video and audio to be broadcast at Committee meetings, with the operational introduction of this being delegated to the Programmes, Performance and Governance manager;
- (vii) that if there are less than three items of non-urgent business on an agenda a decision should be made whether to cancel a Committee meeting at the discretion of the Committee Chairman ~~or Vice-Chairman~~ and that items for noting are not brought before Committees ~~but are posted on the I Drive and brought to the Members' attention through the agenda paper~~;
- (viii) that Planning enforcement reports are no longer presented at scheduled Area Planning Committee meetings ~~but a monthly report is circulated for information for Members' feedback and that the Chairman of the Area Planning Committees can arrange daytime meetings for detailed enforcement discussions, as necessary~~;
- (ix) that the Interim Measures Group arrangements, introduced by the Council in March 2020 to deal with the Covid-19 Emergency be suspended from following

the ~~Statutory Annual meeting of the Council September~~ reinstatement of Committees from 7 September 2020.

- (x) That a revised schedule of meetings be brought to the next meeting of the Council for approval.

In respect of the schedule of meetings and approval of Committee meeting days for September 2020, it was noted that this would be delegated to the Director of Strategy, Performance and Governance.

These amendments to Councillor Fluker's' original proposal were duly seconded.

The Chairman put the revised recommendations to the vote and these were agreed by assent, however Councillor C Swain asked that his vote against the proposals be recorded and Councillors C Morris and N J Skeens asked that their abstentions also be recorded.

RESOLVED

- (i) that all suspended Committees be reinstated from 7 September 2020 with all Council and Committee meetings to be held remotely until legislation changes;
- (ii) that regular Council and Committee meetings be scheduled with a 6pm start time from October 2020, with the exception of the Performance Governance and Audit (PGA) Committee which will start at 2pm (allowing for input of external agencies), and these arrangements be reviewed after six months. Ad-hoc Committee meetings, such as the Joint Standards Committee, are to be scheduled as required at a time to suit;
- (iii) that the remote meeting protocol is updated to highlight that Members can use personal devices;
- (iv) that Members of the Overview and Scrutiny Committee are given training and a clear remit based on the guidance issues by the Ministry of Housing, Communities and Local Government (MHCLG) in June 2019;
- (v) that from the Statutory Annual meeting of the Council the membership numbers for the Strategy & Resources, Performance, Governance & Audit and Overview and Scrutiny Committees be more equally split, with the programme Committees not having the same members as those serving on the Overview and Scrutiny Committee and that a six-month review to these arrangements takes place;
- (vi) that public participation also allows for video and audio to be broadcast at Committee meetings, with the operational introduction of this being delegated to the Programmes, Performance and Governance manager;
- (vii) that if there are less than three items of non-urgent business on an agenda a decision should be made whether to cancel a Committee meeting at the discretion of the Committee Chairman or Vice-Chairman and that items for noting are not brought before Committees but are posted on the I Drive and brought to the Members' attention through the agenda paper;

- (viii) that Planning enforcement reports are no longer presented at scheduled Area Planning Committee meetings but a monthly report is circulated for information for Members' feedback and that the Chairman of the Area Planning Committees can arrange daytime meetings for detailed enforcement discussions, as necessary;
- (ix) that the Interim Measures Group arrangements, introduced by the Council in March 2020 to deal with the Covid-19 Emergency be suspended from following the reinstatement of Committees from 7 September 2020.
- (x) that a revised schedule of meetings be brought to the next meeting of the Council for approval.

1129. FINANCIAL OUTTURN 2019 / 20

The Council considered the report of the Director of Resources presenting the outturn position for the year ended 31 March 2020 and inform Members of movements in relation to the Council's General Fund, Earmarked Reserves and Capital Commitments as at 31 March 2020.

It was noted that a draft statement of accounts had been published and the audit was due to conclude in August 2020.

Appendix 1 to the report provided an overview of the outturn position and the impact on Reserves. The Earmarked Reserves balance was £4.2m as at 31 March 2020 and Appendix 2 provided a breakdown of Reserves. Appendix 3 provided detail of Commitments and Members' approval for these to be carried forward into 2020 / 21 was sought. The report also provided details of Capital Commitments.

The Leader of the Council on behalf of all Members thanked the Director of Resources and his team for their hard work around the closure of accounts. He then proposed that the recommendations as set out in the report be agreed. This was duly seconded.

Councillor C P Morley left the meeting at this point.

Councillor W Stamp asked that Members thanks to the two Interim Section 151 Officers also be recorded.

The Chairman then put the proposal, which was agreed (by assent).

RESOLVED

- (i) That the outturn position for the 2019 / 20 financial year be noted;
- (ii) That the movement in earmarked reserves in Appendix 2 to the report be approved;
- (iii) That Revenue commitments in Appendix 3 to the report be approved to be brought forward to 2020 / 21;
- (iv) That the Capital commitment roll forwards into 2020 / 21 be approved.

1130. HUMAN RESOURCES POLICIES AND PROCEDURES

The Council considered the report of the Director of Resources seeking Members' approval of a new Human Resources Policy – Personal Relationships at Work, attached at Appendix 1 to the report.

It was noted that this new Policy had been developed to support staff and managers in dealing sensitively with situations where employees have, or form, a close personal relationship with a work colleague, contractors, client, customer or supplier. It was noted that the Policy had been reviewed and approved by the Corporate Leadership Team and Unison Area Organiser (Essex Team).

Councillor M F L Durham left the meeting during this item of business.

The Leader of the Council proposed that the recommendation as set out in the report be agreed. This was duly seconded and duly agreed (by assent). Councillors K M H Lagan and C Mayes requested that their dissent against the proposal be agreed.

RESOLVED that the new Personal Relationships at Work Policy and Procedure (attached at Appendix 1 to the report) be approved.

1131. COVID-19 RESET AND RECOVERY MEMBER WORKING GROUP - TERMS OF REFERENCE

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' approval of the Terms of Reference for the COVID-19 Reset and Recovery Working Group (the Working Group). It was noted that the Terms of Reference had been circulated prior to the meeting.

Members were advised that the Working Group had agreed the Terms of Reference at its meeting on 3 August 2020.

The Leader of the Council thanked the Chairman of the Working Group and proposed that the recommendation as set out in the report be agreed. This was duly seconded and agreed (by assent).

RESOLVED that the Council approves the Terms of Reference Covid-19 Reset and Recovery Member Working Group.

1132. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3)(M)

Councillor R G Boyce asked the Leader of the Council what the cost for the complaint against him for predetermination, both actual and Officer time was up to now. He also asked the Leader to confirm what statute, common law or Council constitution said how a Member should vote. In response the Leader of the Council advised that following a discussion with the Monitoring Officer he had agreed that the overall cost for all the complaints including the pre-determination complaint during a 12-month period including officer time was north of £50,000. There was no time recording for time spend on each complaint. The Leader was unable to answer the second question raised

and as it was a technical question, but he would arrange for a written response to be sent to Councillor Boyce.

Councillor W Stamp referred to Minute 967 of the Council meeting held on 28 May 2020 quoting from it "...meetings of the Corporate Governance Working Group (CGWG) be restarted and its membership be extended to include members of the Independent Group". She asked the Leader of the Council how many members of the Working Group were Independent and if he accepted her point (referring to the word 'members' in this Minute) that if an 's' was added it meant more than one. In response the Leader of the Council advised that he would revisit this Minute and if a mistake had been made he would speak to all non-aligned Members to seek an appointment onto that Committee.

Councillor C Morris referred to a comment made by the Leader of the Council at the Council meeting in November 2019 and read an extract from an email between the Leader and Lead Legal Specialist and Monitoring Officer referencing a loan. Councillor Morris asked the Leader if the email was admittance that he had made a loan but claimed it was for altruistic purposes. In response the Leader advised that he had made a statement regarding this matter by which he would stand, and the Officer had left the Council of their own fruition to take up a promotion in another authority. Not satisfied with the answer received, Councillor Morris continued seeking further response to his question, to which the Leader repeatedly advised that he had answered the question. Councillor Mrs M E Thompson raised a point of order that the asker of the question was entitled to an answer even if that may not be the answer they wanted. Councillor Morris then raised a further question regarding Councillor Fluker not cooperating with the Monitoring Officer and this being a breach of the Code of Conduct. In response the Leader advised he would not answer that question because it must be the subject of a complaint and confirmed that he had answered the earlier question raised. During the discussion that followed the Chairman repeatedly asked Councillor Morris to refrain, advising that the Leader had responded to his question. At this point and in accordance with Procedure Rules the Chairman asked that Councillor Morris be muted.

Councillor C Mayes asked if the Leader of the Council would support the reset and recovery bid being put into Essex County Council (ECC). In response, the Leader clarified that the question related to the Maldon High Street area and confirmed that he did support it. He advised that he had spoken to John Whittingdale MP who supported the bid and also ECC asking them to get behind the bid.

Councillor R G Boyce left the meeting during this item of business and did not return.

1133. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

1134. PURCHASE OF LAND

The Council considered the report of the Director of Strategy, Performance and Governance seeking authority to purchase land as identified in Appendix 1 to the report.

The report provided background information, details of an offer to the Council with conditions for purchase of the land, funding and the benefits it would bring to the community.

The Leader of the Council proposed an addition to the recommendation set out in the report, that the Council should continue to work with Housing Associations and explore the opportunity of Alms House Trusts. This was duly seconded.

Councillor K M H Lagan left the meeting at this point.

Councillor Mrs P A Channer disclosed a non-pecuniary interest in this item of business as she was a Member of an Alms House Trust.

Councillor J Stilts disclosed a non-pecuniary interest as she was trustee of a Maldon Housing Association.

In response to questions raised the Lead Specialist Place and Commercial Manager provided Members with further information regarding the proposal.

Councillor Miss A M Beale declared a non-pecuniary interest in this item of business in relation to the land owner.

Councillor C Morris proposed that the decision be deferred, but the Chairman advised that there was a proposal on the table which would be considered and if not agreed then he could put his proposal.

The Chairman put the proposal in the name of Councillor Fluker and upon a vote being taken this was duly agreed.

RESOLVED that subject to satisfactory legal enquiries the Council authorises the purchase of the land identified in Appendix 1 to the report for a purchase price of £80,000 to be funded from Section 106 (Commuted Sums) set aside specifically for affordable housing developments and the Council should continue to work with Housing Associations and explore the opportunity of Alms House Trust.

There being no further items of business the Chairman closed the meeting at 4.27 pm.

MRS P A CHANNER, CC
CHAIRMAN

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**MINUTES of
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
30 JULY 2020**

PRESENT

Chairman	Councillor E L Bamford
Vice-Chairman	Councillor K W Jarvis
Councillors	B S Beale MBE, Mrs P A Channer, CC, M F L Durham, CC, A S Fluker, B E Harker, M S Heard, S P Nunn, W Stamp, Mrs J C Stilts, C Swain and Mrs M E Thompson
In Attendance	Councillors C Mayes and C Morris

1097. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. She took Members through some general housekeeping issues, together with the etiquette for the meeting and then asked Officers present to introduce themselves.

This was followed by a roll call of Committee Members present.

1098. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J V Keyes and N Skeens.

1099. MINUTES OF THE LAST MEETING

RESOLVED

- (i) That the minutes of the meeting of the Performance Governance and Audit meeting held on 25 June 2020 be received.

Minute 1019 refers - Verbal Update On the Audit of the Statement of Accounts

That '31 **My** 2020' in the second paragraph under the above item be amended to read '31 **May** 2020'.

RESOLVED

- (ii) That subject to the above typographical amendment the minutes of the Performance Governance and Audit Committee held on 25 June 2020 be agreed.

1100. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as a Member of Essex County Council in relation to any items on the agenda pertaining to that organisation.

Councillor M F L Durham, CC, declared a non-pecuniary interest as a Member of Essex County Council in relation to any items on the agenda pertaining to that organisation.

1101. PUBLIC PARTICIPATION

No requests had been received.

1102. EXTERNAL AUDIT - AUDIT PLANNING REPORT

As the Internal Audit representatives were experiencing difficulties joining the remote meeting the Chairman proposed that the Committee consider Agenda Item 7. first, External Audit-Audit Planning Report.

The Committee considered the report of the Director of Resources and appendix 1, the Audit Planning report, designed to help the Council meet its governance responsibilities in relation to external audit. The Chairman called on Craig Wisdom, the External Auditor from Deloitte LLP, to present the report.

The External Auditor took the Committee through the report starting with an update on the annual audit currently underway. He drew Members' attention to the scope of the audit which was in line with last year, in accordance with the Code of Audit Practice and guidance from the National Audit Office (NAO). He took the Committee through the four key risk areas covered in the report:- 1) Management override of controls; 2) Valuation of Property, Plant and Equipment; 3) Pension Liability and 4) Assets on the balance sheets. He advised that uncertainty in valuation was normal but that this current year had the added complexity of the impact of COVID-19 on valuation of assets. As a result, in terms of the accounts, he advised Members that the Council would need to include additional narrative on the risks associated with COVID-19

On delivery of the audit he reported that whilst it was slightly more difficult remotely it would be delivered to timescale and that the audit had been significantly better this year. The finance team had responded positively to last year's recommendations and in his experience the audit was well ahead of schedule compared to other like organisations. The team was on track to complete within the next two/three weeks, by end of August 2020.

The Chairman thanked the External Auditor for the report and positive comments about staff. She reminded Members that the report was for noting only and that the external audit fee was scheduled to be discussed by the Chairman, the Director of Resources and the External Auditor on Friday 31 July 2020

The Chairman moved the recommendation which was duly seconded by Councillor Swain and agreed by the Committee.

RESOLVED that the External Audit Planning report as shown in appendix 1 be noted.

1103. INTERNAL AUDIT REPORTS - PROGRESS, COMMUNITY SAFETY, WORKFORCE MANAGEMENT

The Committee considered the report of the Director of Resources and associated appendices that covered three reports from the Internal Auditors BDO LLP, the *Internal Audit Progress Report* - July 2020, the *Community Safety Audit* – July 2020 and the *Workforce Management Audit* – March 2020.

The Chairman introduced the reports and deferred to the Internal Auditor, Greg Rubins, to present them to the Committee. Addressing the *Progress Report* the Internal Auditor advised that the main progress had been making up lost ground on areas delayed by the impact of COVID-19. It was noted that the *Corporate Governance Audit* would be presented at the next Committee in September and that scoping work on the *Flood Risk Management Audit* was imminent. He concluded by saying that a number of other audits for 2020/21 were in outline stage and agreed changes to the audit plan, including follow-up from the Fraud Risk Assessment and work against the CIPFA (Chartered Institute of Public Finance & Accountancy) Code of Practice and Financial Management, were underway.

In response to questions and suggestions Officers reported the following:-

- That the *Workforce Management Audit* work was an important area for the Council and was multi-layered involving human resources and workforce elements. The audit on today's agenda focused on recruitment, the audit in August 2020 will cover other elements of workforce management.
- That the increase to 25 days, an increase of 5 days only, on Main Financial Systems was to cover both CV Grant Assurance work and follow-up from last year's review. This decision was also influenced by the requirement to meet changes in international areas of reporting standards.
- That the removal of both the *Corporate Plan and Priorities* and *Policy Review* audits from this year's plan was to allow for completion of key internal work on the Corporate Plan itself, delayed by COVID-19. This work included a comprehensive list of priorities and policies; key objectives and Key Performance Indicators (KPIs) for updating in a timely way. Once this internal work was complete and reviewed by Members the Corporate Plan and Priorities together with Policy Review, would form part of the Internal Audit Workplan for 2021.
- That decisions on work plan content were made between the Internal Auditors, BDO LLP and the Section 151 Officer, following discussions at the Extended Leadership Team meetings, with ultimate approval by the Performance Governance and Audit Committee (PGA).
- That a clear statement be provided in future Progress reports to explain all variations to the work plan going forwards.

The Internal Audit Manager, Ms Donnelly, then took the Committee through the *Community Safety Audit*. She reported that a comprehensive strategic community safety assessment had been undertaken with all strategic partners involved that identified 5 priorities for 2019/20. Each priority had an action plan, owners and timelines for completion. The Overview and Scrutiny Committee, meeting as Crime & Disorder reviewed progress, with support provided by a monthly task force. It was noted that key roles and responsibilities for community safety were in place, including a Community Safety Manager with oversight of partnership work across two councils, namely Maldon District Council and Chelmsford Council.

The level of assurance on this audit was moderate on design and moderate on effectiveness. She advised that improvement could be made around more regular monitoring of finances through the Responsible Authority Group (RAG) in conjunction with Overview & Scrutiny Committee, together with assurance that the action plans were maintained up-to-date.

The Chairman then invited the Community Safety Manager to address the Committee. He acknowledged that the RAG had been unable to meet in accordance with its Terms of Reference for various reasons, including:- the impact of the Council's restructure, COVID-19 and the departure of the Chairman. A meeting was now scheduled for 8 September and recommendations would be reported to Overview & Scrutiny (C&D) in October 2020.

In response to issues raised he reassured Members that whilst the RAG had not met regularly Members had been able to scrutinise the work of the Community Safety partnership at Overview & Scrutiny (C&D) Committee and that to provide more transparency he would include the Maldon District Events budget in reports to Committee going forward. Furthermore, an annual report on spend was submitted to the Police, Fire and Crime Commissioner (PFCC) for review. Following the RAG meeting on 8 September the group would continue to meet on a quarterly basis. He concluded by saying that he would raise the issues of police station advisory signage (Wants Rd./Warwick Crescent) and the location of the emergency telephone in the Council Offices with the Chief Inspector, Steve Scott-Haines.

The Internal Audit Manager then took the Committee through the *Workforce Management Audit*. She reported that the level of assurance was substantial on design and moderate on effectiveness. This audit focused on recruitment process and procedures which were found to be strong, underpinned by a checklist for all parts of the process. The Workforce Development strategy in place reflected the corporate priorities and all human resource staff were appropriately trained and suitably qualified. She recommended that a HR KPI Dashboard be developed, together with ensuring an up-to-date record of all applicant qualifications.

The Chairman thanked the Internal Audit Manager for the report and called on the Resources Specialist Services Manager to comment further. She informed the Committee that a process was already in place to ensure applicant qualification records were up-to-date going forward and that work on KPIs was underway. In response to queries raised she said that gaps in qualification records were as a result of testing candidates' skills in different ways and that a KPI would be developed, informed by relevant feedback from the staff survey, to track issues around staff wellbeing and engagement.

The Chairman moved the recommendations in the report, seconded by Councillor Channer. The Chairman then put the recommendations to the Committee and they were agreed.

RESOLVED that the Committee considered, commented and approved the:

- (i) Internal Audit Progress Report - July 2020 at appendix 1;
- (ii) Community Safety Audit - July 2020 at appendix 2; and
- (iii) Workforce Management Audit – March 2020 at appendix 3.

1104. CODE OF CORPORATE GOVERNANCE REPORT

The Committee considered the report of the Director of Strategy, Performance and Governance that provided a revised Code of Corporate Governance for adoption, in line with best practice.

The Chairman introduced the report and called on the Programmes, Performance and Governance Manager to present it to the Committee. The Manager reported that the Code of Corporate Governance document hadn't been updated since 2009 and given that revised measures of good governance had since been introduced by CIPFA it was timely to update now. She advised the Committee that the document highlighted the Council's working principles around governance and underpinned the annual governance review/provided a framework for the Annual Governance Statement in line with CIPFA guidance. The document also linked to policies and working practices that underpinned and demonstrated good governance at Maldon District Council (MDC).

In response to a query from Councillor Stamp regarding governance and the makeup of working groups the Programmes, Performance and Governance Manager advised that the code did not cover that level of detail, it focused on mechanisms, working practices and management structures. A discussion ensued around the setup process, types of Working Groups (WGs) and membership of those WGs currently in operation. It was noted that there was imbalance in respect of membership, a lack of appropriate WGs and that given this was within the Terms of Reference of this Committee a more formal recommendation on WGs be brought back to a future Performance Governance and Audit (PGA) committee for consideration. It was acknowledged that quarterly reports on Governance was a welcome addition to the PGA agenda.

In response to questions raised the Programmes, Performance and Governance Manager responded as follows:-

- That the code covered all governance procedures, including those within the remit of the Monitoring Officer.
- That the balanced score card monitored the Council's internal performance document where service based delivery was recorded. The Corporate Governance Working Group had reviewed the results, including areas of non-delivery and discussed reporting mechanisms to PGA. Recommendations from the working group were due to be approved by Council.

The Chairman reassured Members that all performance was ultimately received by this Committee, therefore, Members would have the opportunity to comment/change as appropriate. She then moved the recommendations in the report, seconded by Councillor Jarvis.

A separate vote was called for on each of the three recommendations and Councillor Heard reported that he would abstain from voting on the first recommendation as he felt this was not being adhered to. It was noted that Councillors Channer and Fluker had left the meeting at this point and that Councillor Durham would not vote on this item due to connectivity issues. This was in accordance with Section 4, paragraph 4.7 of the Remote Meeting Protocol (May 2020).

The Chairman put the first recommendation to a vote and there being an equality of votes she exercised her casting vote and the recommendation was carried. Following a vote on the remaining two recommendations, they too, were carried.

RESOLVED

- (i) To adopt the draft code of corporate conduct provided as appendix A;
- (ii) That the Performance, Governance and Audit Committee use this framework as a way to monitor progress of actions set out in the Annual Governance Statement;
- (iii) That a quarterly report of Annual Governance Actions be provided for Performance, Governance and Audit committee review.

1105. ANNUAL GOVERNANCE STATEMENT REPORT

The Committee considered the report of the Director of Strategy, Performance and Governance and appendix 1 that provided an Annual Governance Statement for review and adoption.

The Chairman introduced the report, noting the revised template, and called on the Programmes, Performance and Governance Manager, to present. The Manager took the Committee through the statement presented on a new template to reflect CIPFA best practice guidance. She informed the Committee that the reason the statement was being considered separate to the statement of accounts was to highlight the importance of governance and the Council's analysis of governance arrangements over the 2019/20 financial year. Furthermore, the template had been updated to comment on Maldon District Council's position against the seven principles of good governance identified by CIPFA and SOLACE (Society of Local Authority Chief Executives) in 2016. She drew Members' attention to the action table for the next year that set out a recommendation to receive quarterly reports at Performance Governance and Audit Committee, providing a tangible means to track governance matters. She concluded by saying that COVID-19 impacts would be dealt with in next year's statement.

As there were no Members wishing to speak on this item the Chairman moved the recommendations in the report and they were duly seconded. The Chairman put the recommendations to the Committee and they were agreed by assent.

It was then noted that due to technical delays Councillor Swain had indicated a wish to speak. The Programmes, Performance and Governance Manager responded to his queries as follows:-

- That a Project Management Office existed, albeit virtual, with input from a number of Officers. The Project Administrator role sat with the Programmes, Performance and Governance team and administered a monthly Extended Leadership Team Board that met to review the corporate project list, missed opportunities log and lessons learned log.
- That the introduction to the report was written by BDO LLP and the remainder by Council Officers.
- That the Peer Review was available through the Local Government Association (LGA). This had not been put into practice as yet but may result in a recommendation through the action plan.
- That the Council consults regularly with a range of stakeholder groups and the public as appropriate to ensure openness and transparency.

In addition to the above the Chairman advised that the External Auditor also reviewed the Annual Governance Statement in tandem with the Statement of Accounts.

Following this clarification Councillor Swain wished it recorded that he abstained from the Committee's general assent agreement on the recommendations.

RESOLVED

- (i) That the Annual Governance Statement at appendix 1 be approved;
- (ii) That the Performance, Governance and Audit Committee monitored the progress of the action plan;
- (iii) That a quarterly report of Annual Governance actions be provided for Performance, Governance and Audit committee review.

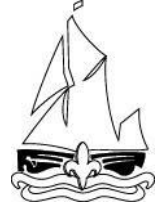
1106. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

There was none.

The meeting closed at 2:32pm.

**E L BAMFORD
CHAIRMAN**

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**MINUTES of
JOINT STANDARDS COMMITTEE
3 SEPTEMBER 2020**

PRESENT

Councillors	M G Bassenger, M W Helm, C Mayes and S P Nunn
Town Councillor	Councillor P Stilts
Substitute Councillor(s)	A L Hull, C P Morley and C Swain
In attendance	Councillors E L Bamford, K M H Lagan, C Morris, R H Siddall and W Stamp
Independent Person	Mr N Hodson

1. ELECTION OF CHAIRMAN

In the absence of a Chairman and Vice-Chairman, the Lead Legal Specialist and Monitoring Officer opened the meeting and a roll call of all Committee Members present and any Councillors in attendance was taken.

The Lead Legal Specialist and Monitoring Officer then sought nominations for Chairman of the Joint Standards Committee for the remainder of the municipal year. Councillor S P Nunn nominated Councillor M W Helm be elected as Chairman and this was duly seconded. There were no other nominations and this was therefore agreed by assent.

RESOLVED that Councillor M W Helm be appointed as Chairman of the Joint Standards Committee for remainder of the municipal year.

IN THE CHAIR : COUNCILLOR M W HELM

2. ELECTION OF VICE-CHAIRMAN

The Chairman called for nominations for Vice-Chairman of this Committee for the remainder of the municipal year and nominated Councillor S P Nunn. This was duly seconded. Councillor Nunn advised that he had not been asked to fulfil this position and confirmed that he would not be standing. The Chairman called for any other nominations and Councillor C Swain nominated Councillor W Stamp.

In response to a question regarding appointing Councillor Stamp as she was not present at the meeting, the Lead Legal Specialist and Monitoring Officer advised so long as the person nominated was a standing Member of the Committee there was nothing to prevent another Member from nominating them.

The nomination for Councillor Stamp as Vice-Chairman was duly seconded. Prior to agreeing by assent this nomination it was noted that confirmation from Councillor Stamp that she was happy to assume this post would be sought at the next meeting of the Committee she was in attendance at.

RESOLVED that Councillor W Stamp be appointed as Vice-Chairman of the Joint Standards Committee for the remainder of the municipal year.

3. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 situation. The Chairman then asked the Committee Services Advisor to go through the general housekeeping arrangements for the meeting.

4. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICES

Apologies for absence were received from Councillors Mrs P A Channer, K W Jarvis, W Stamp and Mrs M E Thompson.

It was noted that in accordance with notice duly given Councillor A L Hull was attending as a substitute for Councillor Mrs Channer, Councillor C Swain as a substitute for Councillor Stamp and Councillor C P Morley as a substitute for Councillor Mrs Thompson.

5. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 30 January 2020 be received.

Mr Hodson, Independent Person, advised that he had been in attendance at this meeting, but this was not recorded. The Chairman advised that this would be amended.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Joint Standards Committee held on 30 January 2020 be confirmed.

6. DISCLOSURE OF INTEREST

There were none.

7. STANDARDS COMPLAINT - COUNCILLOR ADRIAN FLUKER

The Committee considered the report of the Monitoring Officer advising of an independent investigation (attached at Appendix 1 to the report) that had been undertaken following receipt of a Code of Conduct complaint against Councillor A S Fluker.

The report set out the three decisions for consideration by the Committee based on the evidence before them and sanctions it could apply if it was determined that a breach of the Code of Conduct had occurred.

The Chairman referred the Committee to the procedure for complaints determination, contained within the agenda pack which it would be following for this meeting.

The Lead Legal Specialist and Monitoring Officer presented the report and introduced Mr Oram, Independent Investigator who had carried out the investigation.

In response to a question regarding the sanctions detailed on pages 11 and 12 of the report and which of these the Committee could impose, and which required recommendation and subsequent approval by the Council the Lead Legal Specialist and Monitoring Officer clarified:

- Sanction 1. This was automatic as Minutes go to the Council;
- Sanction 2. Although the Committee could issue a censure, a recommendation to the Council to issue a full censure would be of a higher level and require a vote of all Members of the Council.
- Sanction 3. This is a power invested in the Joint Standards Committee;
- Sanction 4. This would be a recommendation to the Council;
- Sanction 5. Removal from any official position would need to be a Council decision and therefore would be a recommendation to the Council.

The Chairman then invited the Investigating Officer, Mr Oram, to summarise the conclusion of his report and make any clarifying remarks.

Mr Oram provided some background information regarding the complaint received and his investigation. It was noted that Councillor Fluker had not engaged with the investigation. Members were advised that in his consideration of whether the Code of Conduct (the Code) had been breached Mr Oram had to determine whether the alleged conduct came within the jurisdiction of the Code which could only be applied when a Member was conducting Council business. For this reason he had decided that conduct when attending Conservative and selection meetings fell outside of the jurisdiction, although Mr Oram noted that the Committee could take their own view. Mr Oram drew Members' attention to section 5 of his report which set out his reasoning as to whether he felt there had been failures to comply with the Code of Conduct.

In accordance with the Procedure, the Chairman invited Members of the Committee and the Independent Person to ask the Investigator / Monitoring Officer any questions.

Officers responded to several questions raised, drawing Members' attention to specific points within the report, providing clarification and further information including:

- The Investigator had decided not to use evidence from the witness who wished to remain anonymous.
- In respect of the comment 'hello sailor' the Investigator advised that he had concluded in his report that Councillor Fluker had failed to treat Councillor Siddall with respect and bullied him.
- The Investigator provided further information and clarified that in his opinion the Equality Act 2020 was not applicable in this case and was happy to provide Members with further information regarding this outside of the meeting.
- The Lead Legal Specialist and Monitoring Officer provided some guidance in respect of the Localism Act and there being no requirement for a person to cooperate with investigations.
- There was legislation in relation to discrimination and harassment and when a person became a Councillor they were required to sign up to the Code of Conduct which impacts on their freedom of speech rights.

At this point Councillor C Morris wanted to raise a point of order but the Chairman would not allow this as he was not a member of the Committee. Councillor Morris continued trying to raise his point of order. In response to a request from the Chairman, the Lead Legal Specialist and Monitoring Officer advised the Committee that Councillor Morris was not a member of the Committee and only Members of the Committee could raise points of order. Any other Member wishing to speak could do so with prior agreement of the Chairman or at the Chairman's discretion. Following further disruption the Chairman proposed that Councillor Morris be removed from the meeting. This was duly seconded and upon a vote being taken duly agreed. Councillor Morris removed from the meeting at this point.

The debate continued with further information being provided by the Officers present. In response to questions regarding the steps taken by the Investigator to contact Councillor Fluker, Members were advised that the Officer had sent a number of emails and left messages on Councillor Fluker's telephone requesting that he contact the Officer. It was clarified that a direct instruction was not issued by the Monitoring Officer, but every opportunity had been given. Mr Oram advised that Members may consider that non-cooperation resulted in a breach of the Code of Conduct but under the Localism Act neither him or the Monitoring Officers had the powers to order any party to engage with the process. Members were reminded at this point to largely focus on the content of the Investigator's report.

A Member sought to ask a question of Councillor R H Siddall, the complainant, as he was in attendance. Councillor C Mayes raised a point of order regarding this. Councillor Siddall indicated he was happy to answer questions and the Chairman sought confirmation from other Members that they were happy for a question to be raised. This was agreed and Councillor Siddall responded to the question.

Returning to the procedure for complaints determination the Chairman invited the Independent Person to make any representations or give advice. Mr Hodson, the Independent Person referred to the investigator's report and the questions raised by Members during the meeting. He advised that overall, he believed that Councillor

Fluker had breached the Code of Conduct and this breach was in line with the conclusions drawn by the Investigator.

Councillor S P Nunn agreed with the comments of the Independent Person and Investigator. He proposed that having considered the evidence before them, Councillor A S Fluker had failed to comply with the Member Code of Conduct. Councillor C Mayes seconded this proposal and requested a recorded vote.

Councillor J Stilts raised a point of order that the proposal be debated.

Members debated the proposal and reference was made at this time to potential breach of the Public Order Act and Equality Act. The Lead Legal Specialist and Monitoring Officer advised that in response to other parts of the Code of Conduct being mentioned Councillor Nunn needed to be clear as to which part of the Code he was proposing had been breached. The Officer advised Members that they needed to bear in mind the nature of the complaint and investigation made. The Lead Legal Specialist and Monitoring Officer then referred Members to section 6.1 of the Investigator's report which in which the Investigator had concluded that Councillor Fluker had failed to comply with sections 3.2, 3.5b and 3.5e of the Code of Conduct. If Members wished to include other sections of the Code they must ensure they had evidence for this.

Councillor Nunn clarified his proposal that Councillor Fluker had failed to comply with Section 3.2 of the Code of Conduct in respect of bullying and not showing respect and sections 3.5b and e in respect of bullying. He added that Councillor Siddall had not been shown respect and had been bullied. The Lead Legal Specialist and Monitoring Officer clarified that the proposition from Councillor Nunn was clear that the breach related to three sections of the Code of Conduct which was in line with the Investigator's conclusion. The amended proposal was duly seconded.

The Chairman then moved to a vote.

Following the earlier request for a recorded vote by Councillor Mayes in accordance with Procedure Rule No. 13 (3) the voting was as follows:

For the recommendation:

Councillors M G Bassenger, C Mayes, S P Nunn and C Swain.

Against the recommendation:

Councillors A L Hull and C P Morley.

Abstention:

Councillor M W Helm.

The Chairman declared that this was duly agreed and sought whether Members wished to impose any sanctions. A debate ensued.

There was some discussion regarding removing the Member from any position, Committees or Working Groups and issuing a formal censure. Councillor Nunn proposed that a formal censure be issued, that the matter be referred to the Council for a written censure and that the Council should be recommended to remove the Member from any Committee or Working Group.

At this point the Lead Legal Specialist and Monitoring Officer provided the Committee with clarification that it could either issue an informal censure or recommend to the Council that it issue a formal censure. It was not possible to do both. He pointed out that Councillor Fluker was currently a Member of the District Planning and South Eastern Area Planning Committees and the Committee could recommend to the Council that he be removed from these; however they could not remove him from the Council as he was elected to this by the public. Members were advised that Councillor Fluker had resigned from all other Committees and Working Groups and any recommendation could not refer to potential future appointments.

Following further discussion, Councillor Nunn further revised his proposition proposing that the Joint Standards Committee issue a letter to Councillor Fluker in association with the Monitoring Officer and Independent Person advising him of the outcome of the hearing today. The letter should refer to Councillor Fluker not being present and not cooperating with the investigation, that by majority the Committee had found against him and would be recommending to the Council that it issued a full censure. In addition the Committee would also be recommending that Councillor Fluker was not permitted to serve on any Committees or Working Groups for the next 12 months. Following clarification by the Chairman, Councillor Nunn confirmed that his reference to Committees included the District Planning and South Eastern Area Planning Committees.

The Chairman put the proposition of Councillor Nunn to the vote and in accordance with the request for a recorded vote (in accordance with Procedure Rule No. 13 (3)) the voting was as follows:

For the recommendation:

Councillors M G Bassenger, C Mayes, C P Morley, S P Nunn and C Swain.

Against the recommendation:

None.

Abstention:

Councillor M W Helm.

It was noted that Councillor Hull had lost her connection during the debate and therefore in accordance with the Council's Procedure Rules did not vote.

The Chairman declared that this was therefore agreed.

RESOLVED

- (i) that Councillor A S Fluker had failed to comply with the following sections of the Council's Code of Conduct:
 - 3.2 You must treat others with respect.
 - 3.5 You must not:
 - b) bully any person;
 - e) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute

- (ii) that a letter be issued to Councillor Fluker from the Joint Standards Committee, in association with the Monitoring Officer and Independent person to include the following:
- reference to how Councillor Fluker had not been present at the hearing nor cooperated with the investigation.
 - advising of the outcome of this hearing; that the majority of the Committee had found against him and would be recommending to the Council that a formal censure be issued and he not be permitted to serve on any Committees or Working Groups for the next 12 months.

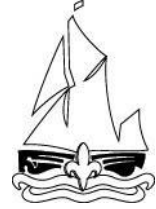
RECOMMENDED

- (iii) that as Councillor A S Fluker had failed to comply with the Council's Code of Conduct the Council should issue a formal letter of censure signed by the Chairman of the Council;
- (iv) that Councillor A S Fluker not be permitted to serve on any Committees (including the District Planning and South Eastern Area Planning Committees) or Working Groups for the next 12 months.

There being no further items of business the Chairman closed the meeting at 11.24 am.

M W HELM
CHAIRMAN

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REPORT of RE-SET AND RECOVERY WORKING GROUP

to
COUNCIL
1 OCTOBER 2020

COVID-19 HIGH STREET RECOVERY PLAN

1. PURPOSE OF THE REPORT

- 1.1 In June 2020 the Corporate Leadership Team (CLT) in consultation with the Interim Measures Group (IMG) approved a High Street Recovery Plan.
- 1.2 The Recovery Plan set out steps including:
- at phase 1:
 - Additional safety signage.
 - Pedestrian management using volunteer network.
 - 20mph speed limit implemented.
 - Develop opportunities to stagger shop opening times and relax licensing restrictions.
 - at phase 2:
 - Working with stakeholders to widen pavements, to avoid queues and ‘face to face’ contact.
 - Engaging further with Essex County Council to support the above by accessing the £9.1m funding allocated to Towns in Essex.
 - Reduce the voluntary speed limit on the High Street to 10mph.
 - Give greater priority to pedestrians and cyclists on the High Street.
- 1.3 This report updates Members on progress and sets out the next steps to achieve phase 3 of the plan (section 3.10 of this report refers).

2. RECOMMENDATION

That the public consultation on High Street proposals, outlined within this report, be approved to run from 5 October – 16 November 2020.

3. SUMMARY OF KEY ISSUES

- 3.1 An Officer Working Group for the High Street has been established and The Institute of Place Management “COVID-19 Recovery Framework” is being used to adapt to

the rapid changes in government and medical advice. It is designed to help take the most effective action now, move out of crisis stage, and to build capacity for recovery and longer-term transformation.

- 3.2 The High Street will move between the four-recovery phases listed below (section 3.10 below refers), dependent on the transmission rate of the virus, the efficacy of the “track & trace” system, and the testing and vaccination program. There is also the potential to move back into crisis phase, if the transmission rate escalates.
- 3.3 The Crisis, Pre-Recovery and Recovery stages (1a and 1b) of the plan have been delivered and adapted as necessary, and we now look to the longer-term transformation stage.
- 3.4 To support High Street Recovery, pedestrians will need more space to minimise COVID-19 transmission, increase consumer confidence, and support increased fitness and health resilience. The government therefore expects local authorities to make significant changes to their road layouts, to embed altered behaviours seen during lock down and demonstrate the positive effects of active travel. Phase 3 of the plan deals with this aspect.
- 3.5 The Department for Transport (DfT) released an Emergency Active Travel Fund, and Officers have, over the past two months, been providing the Commissioning Officer at Essex County Council (ECC) with the evidence to support Maldon as a high priority within Essex, and also framing how this work ties into other approved partnership projects and objectives that we are working towards together.
- 3.6 Unfortunately, ECC did not prioritise MDC for this fund and has stated categorically that they will not support the one-way system put forward by MDC due to the impact on bus services. However, the two authorities are committed to develop a future permanent scheme based on the attached plans (Appendices 1, 2 and 3).
- 3.7 This scheme reallocates substantial road space to pedestrian use, by making the High Street accessible only to buses, cyclists and pedestrians. The proposal has a considerable amount of work streams to resolve challenges within the scheme, but these all align well with the objectives of the Air Quality Action Plan and the Central Area Master Plan.
- 3.8 These challenges include the following:
 - Provision for Blue Badge holders;
 - Managing deliveries;
 - Safety concerns;
 - Pedestrian crossing / desire lines;
 - Church access;
 - Provision for cyclists;
 - Refuse collection;
 - Emergency services access;
 - How and where taxis are to be accommodated;

- Number of signs and barriers required and the impacts these will have.

3.9 The consultation will be live from 5 October to 16 November 2020. The Consultation document is attached at **APPENDIX 4**.

3.10 The response phases are as follows:

Phase	Dates	Status	Response
1a - Crisis	23 March – 15 June 2020	Essential food shops and business only open. Residents are in lock down	Signage implemented by shops. 2-metre social distancing in place. Communication and signposting to business support packages
1b - Pre-Recovery	15 June 2020 July 2020	Non-essential shops can open Anticipated restaurants and bars open	Additional signage implemented on the High Street. Pedestrian Management. 20mph (or less) speed limit implemented. 2-metre social distancing in place. Develop opportunities to stagger opening times and relax licensing or planning restrictions.
2 - Recovery	July / August 2020	MDC not prioritised for DfT Emergency Active Travel Fund	Officers continue to work with stakeholders for infrastructure improvements to allow wider pavements which support reduced transmission rate, increased distancing capacity, increased walking and cycling possibilities, thus allowing more shoppers to use the space safely.
3 - Transformation	September 2020 – September 2021	Move to the Re-Set and Recovery Working Group	The ‘transformation’ stage points at the conscious attempt to improve the high street – to do more than just recover. Though innovation, address new challenges, such as climate change, decarbonisation, economic inequality, and social cohesion. Implementation of scheme based on attached plans.

4. OPTIONS AND ALTERNATIVES CONSIDERED

- 4.1 The main alternative option considered in phase 3 was a one-way High Street scenario. ECC have categorically refused to support or implement this scheme as it will require the diversion of some bus routes. The Re-Set and Recovery Working Group has requested further engagement with the Passenger Transport Team at ECC to understand the rationale for this, which may bring forward more options to the scheme development.

5. SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)

- 5.1 The project, although a crisis response, integrates into various strategy documents.
- 5.2 These include the Health and Wellbeing Strategy, the Local Development Plan, the Maldon and Heybridge Central Area Masterplan, the Corporate Plan and the Air Quality Action Plan.

6. CONSULTATION

- 6.1 No formal consultation has taken place in relation to the detailed scheme, due to the very short time frame, but Officers have informally engaged throughout the stages of the framework and have developed an engagement strategy.
- 6.2 Essex County Council – The Commissioning Delivery Manager, The Principal Transportation and Infrastructure Manager, and Senior Transportation and Infrastructure Planner, listened to the proposals for phase 2 (increased pavement space), and were supportive of the principle. They stated that they would need to engage their passenger transport colleagues and would be prioritising actions within Essex. The Director of Highways, advised that the views of traders would be critically important to the success of any measures installed and that a mandatory speed limit of 10mph could be considered.
- 6.3 Essex County Council – The Transportation, Planning and Infrastructure Manager, and his engineering team have produced the attached plans (see **APPENDICES 1- 3**) as a solution to pavement widening in the High Street.
- 6.4 Residents have been telling us how they would like the High Street space to be reallocate using the following interactive map:
<https://www.widenmypath.com/maldon/#17/51.73152/0.67868>
- 6.5 School children are currently responding to a live questionnaire, telling us how what they would like to see on the High Street:
https://forms.office.com/Pages/ResponsePage.aspx?id=VH_RilQmuUumwvI0YlcqFHND_d-An8IGqAYUXc-qlh9UM09XWDBQTjQxQ0dKWE9TVDgxNDhYM1NCNy4u
- 6.6 Over 100 High Street Businesses have completed questionnaires telling us their views and delivery requirements.

- 6.7 Town and Ward Members attended an Engagement Workshop on 6 June 2020 and put forward items needing further consideration before any proposal is brought forward. Particular reference was made of the need for full consultation, and a consideration of the impacts of any displaced traffic.
- 6.8 Bus operators reported that their business model is very fragile in this phase as they seek to find new ways of operating with social distancing, and the two companies that responded did not support diversion of routes from the High Street but are supportive of this scheme.
- 6.9 The Maldon Business Board was engaged on 19 May 2020. Full support was given to the proposal for increased pavement space on the High Street.

7. CONCLUSION

- 7.1 It is imperative to take action to ensure that the high street is a safe place for all users, to increase confidence in shoppers so that they return, and to develop further strategies that support future transformation.

8. IMPACT ON STRATEGIC THEMES

- 8.1 Outcomes to protect and improve the environment under the theme of “Place”. The plan supports open spaces, partnership working and environmentally friendly initiatives. Working with communities to support health priorities, supports the “Community” theme. Appropriate traffic management within Maldon supports tourism under the theme of “Prosperity”. The scheme aligns with the Central Area Master Plan and Air Quality Action Plan.

9. IMPLICATIONS

- (i) **Impact on Customers** – Implementing social distancing measure, reduces COVID-19 transmission and infection rate. Safe infrastructure changes in addition reduce risk of passenger / vehicle collision. Businesses are supported to make the necessary changes. Active travel is embedded within the culture to increase community resilience. Use of car parks by customers and subsequent income may be impacted if car use reduces.
- (ii) **Impact on Equalities** – Early scientific data suggests that COVID-19 impacts different social groups in different ways. Reducing transmission rates in the population reduces the highest risk groups from being exposed. Increased pavement space addresses inequalities to groups who require more space, such as people with disabilities.
- (iii) **Impact on Risk** – During crisis management stage, significant resources are diverted away from “Business as Usual”. Moving to a recovery stage, will reduce the risk to the Council’s other services.

(iv) **Impact on Resources (financial)** –

- i. The work is being undertaken outside of normal work streams and is resource intensive.
- ii. There are two funds currently available to access, and it is anticipated that more will come forward:
 1. Reopening High Streets Safely Fund: £57,000 available directly to Maldon Council.
 2. £250 million fund released under the Traffic Management Act 2004: network management in response to COVID-19: £9.1m available directly to Essex County Council.

(v) **Impact on Resources (human)** – The work is being undertaken outside of normal work streams and is resource intensive and therefore adds additional cost.

(vi) **Impact on the Environment** – In the short term, lock down has delivered notable air quality improvements. The Transformation stage of the recovery framework looks to embed sustainable principles supporting decarbonisation and clean air.

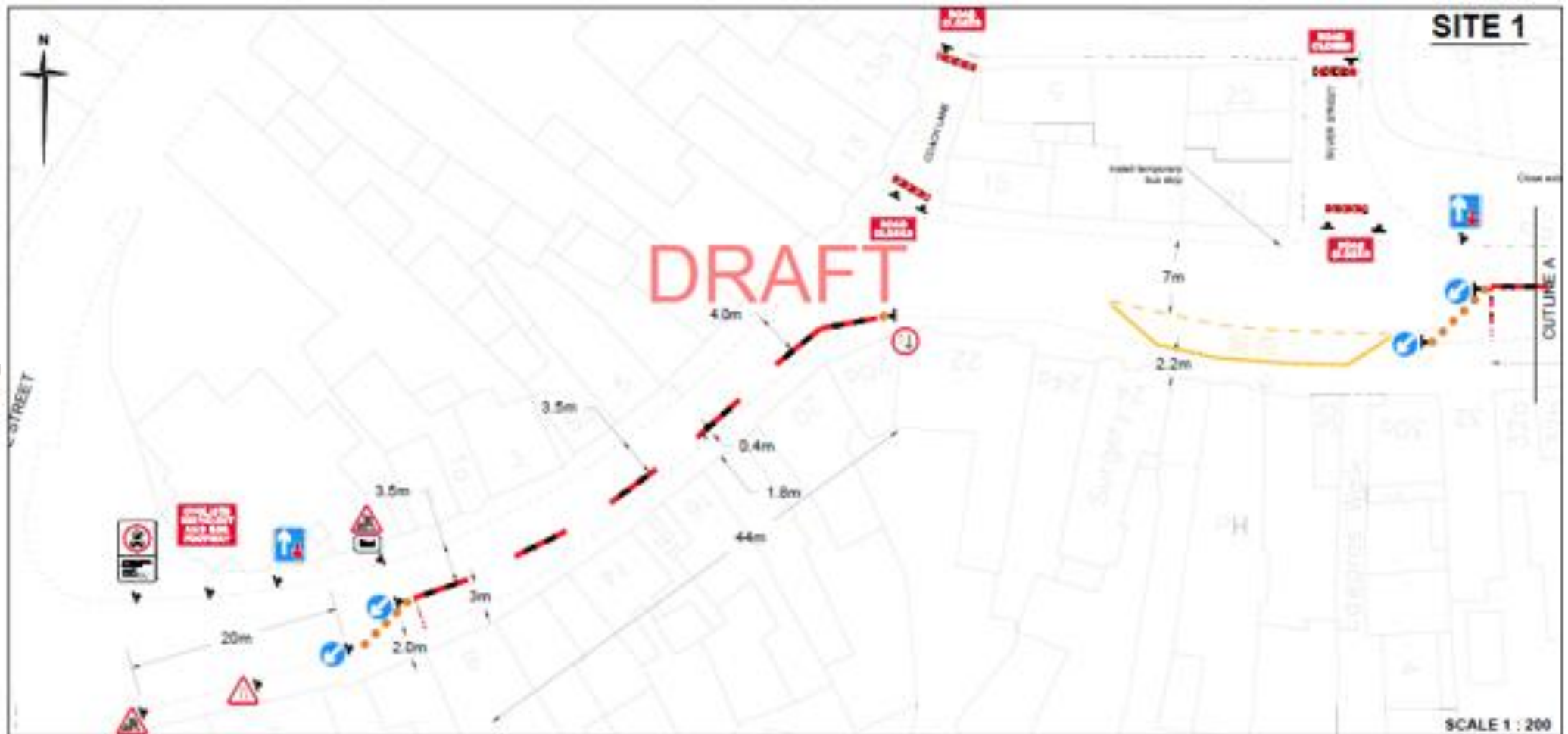
(vii) **Impact on Strengthening Communities** – The actions include working with communities and partners to support our health and well-being priorities. Actions are delivered with effective engagement with bus and taxi operators as well as local businesses and schools to support strong and resilient communities.

Background Papers:

- Safer Public Spaces:
https://assets.publishing.service.gov.uk/media/5ebbb57ae90e070831aeb0d3/Guidance_Safer_Public_Places_During_Covid_v5.8.pdf
- Reallocating Road Space in Response to COVID-19
<https://www.gov.uk/government/publications/reallocating-road-space-in-response-to-covid-19-statutory-guidance-for-local-authorities>
- Reopening High Streets Safely Fund
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/887244/Reopening_High_Streets_Safely_Fund_-_Guidance.pdf
- The IPM COVID-19 Recovery Framework
<https://www.highstreettaskforce.org.uk/covid-19-recovery>
- High Street Task Force <https://www.highstreettaskforce.org.uk/covid-19/social-distancing-in-public-places/>

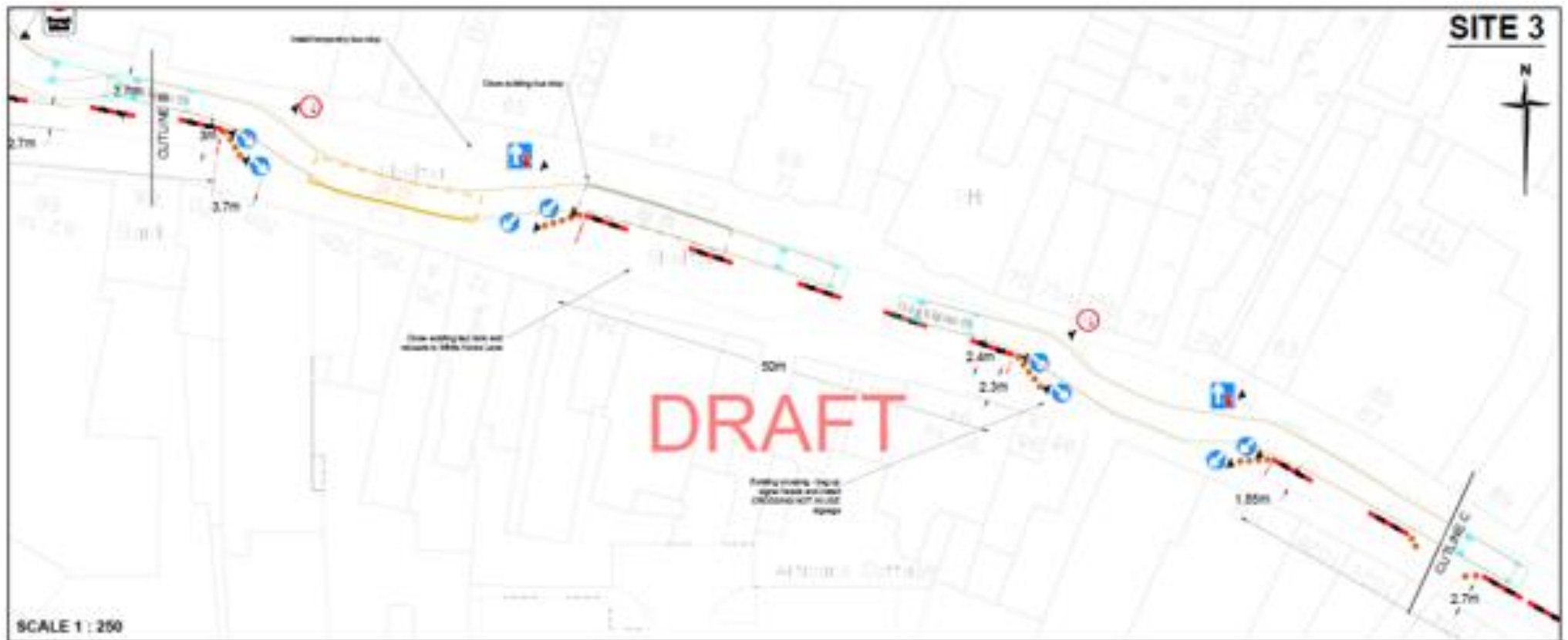
Enquiries to:

Tracy Farrell, COVID-19 High Street Recovery Project Manager, tracy.farrell@maldon.gov.uk



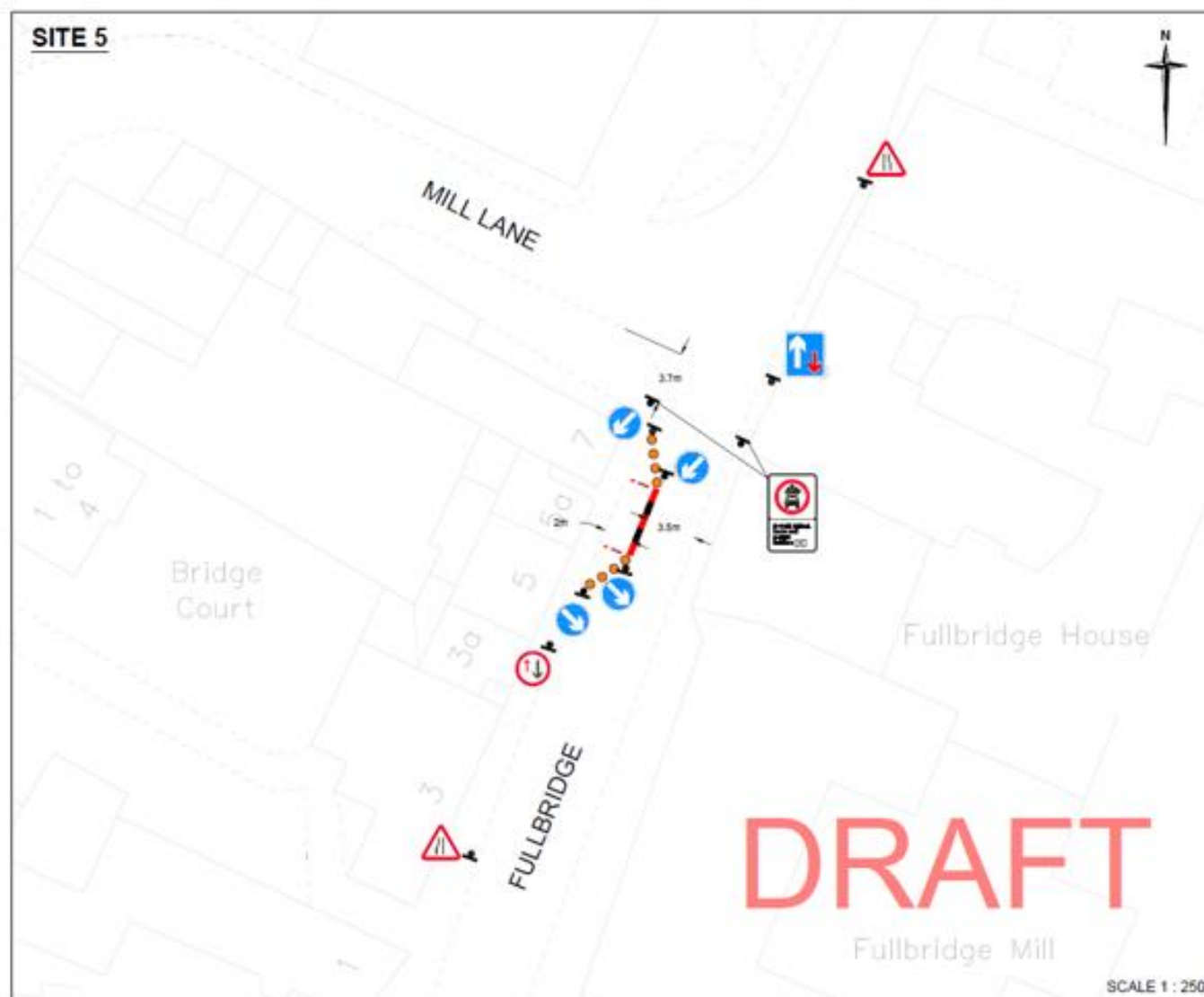


High Street East





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High Street Transformation

A vision to increase the number of people shopping locally with less reliance on commercialisation and more on the experience and local produce. Healthier neighbourhoods where walking and cycling are inclusive, and an increase in local cultural identity. A sustainable High Street supporting decarbonisation, clean air, economic and social equality.

* Required

1

Please enter your full postcode *



Enter your answer

2

How do you travel to the High Street *



- ☐ Car
- ☐ Bus
- ☐ Walk
- ☐ Cycle
- ☐ Other

3

If car, which car park do you most often use?

- ☐ White Horse Lane
- ☐ Butt Lane
- ☐ Friary Fields
- ☐ High Street East
- ☐ Other

4



Which of the following services do you use the High Street for? *

- ☐ Groceries
- ☐ Banking
- ☐ Estate Agents
- ☐ Beauty & Hair
- ☐ Dining & Drinking
- ☐ Other

5



Which new uses / activities / businesses would you like to see on the High Street? *

Enter your answer

6



Would you like to see the High Street prioritised for people, communities and sustainable transport? *

- ☐ Yes
- ☐ No
- ☐ Maybe

7



How important to you is Clean Air on the High Street? *

- ☐ Extremely important
- ☐ Quite important
- ☐ Don't know
- ☐ Not important

8



How important to you is it that roads are easy to cross? *

- ☐ Extremely important
- ☐ Quite important
- ☐ Don't know
- ☐ Not important

9



How important to you is it that there are places to stop and rest on the High Street? *

- ☐ Extremely important
- ☐ Quite important
- ☐ Don't know
- ☐ Not important

10



How important is it to you that the High Street is not too noisy? *

- ☐ Extremely important
- ☐ Quite important
- ☐ Don't know
- ☐ Not important

11



How important is it to you that you can chose to walk and cycle safely on the High Street? *

- ☐ Extremely important
- ☐ Quite important
- ☐ Don't know
- ☐ Not important

12

Do you run a business on the High Street? *



- ☐ Yes
- ☐ No

13

Where do you have your deliveries delivered



- ☐ Front
- ☐ Back
- ☐ Both / either

14

Could you permanently use the rear entrance of your property for your deliveries?

- ☐ Yes
- ☐ No
- ☐ Maybe

15

How many deliveries do you have each week?



- ☐ <1
- ☐ 1-3
- ☐ 4-7
- ☐ 8+

16

What time of day do your deliveries occur



- ☐ before 8am
- ☐ AM (8-12)
- ☐ PM (12-6)
- ☐ after 6-m
- ☐ random

17

What days of the week do your deliveries occur?



- ☐ Sunday
- ☐ Monday
- ☐ Tuesday
- ☐ Wednesday
- ☐ Thursday
- ☐ Friday
- ☐ Saturday
- ☐ Random

18

How long do your deliveries take?



- ☐ 5-10 minutes
- ☐ 10-20 minutes
- ☐ 20 minutes +

19

Do you have "Just Eat" / "Deliveroo" type drivers / vehicles and/or takeaway drivers / vehicles?

- ☐ Yes
- ☐ No

20

If yes, how many vehicles / users do you have on average per day?

- ☐ <5
- ☐ 5-10
- ☐ 10+

21



Could you reasonably use MDC car parks for deliveries?

- ☐ Yes
- ☐ No
- ☐ Maybe

22

If yes, which ones:

- ☐ Butt Lane
- ☐ White Horse Lane
- ☐ Friary Fields
- ☐ High Street East

23



If you could only have one time period to receive your deliveries, what would it be?

- ☐ 6am-8am
- ☐ 8-am12pm
- ☐ 12pm-4pm
- ☐ 4pm-6pm
- ☐ 6pm-9pm
- ☐ Other

24



What is the type and size of the delivery vehicles you use?

- ☐ Bike
- ☐ Car
- ☐ Van (LGVs)
- ☐ Lorry (HGVs)
- ☐ Other

25



Would you be prepared to use a dedicated loading bay on the High Street for your deliveries?

- ☐ Yes
- ☐ No
- ☐ Maybe

26

If yes, how far would you be willing to travel to that loading bay?

Enter your answer

27



Would you be prepared to use a "last mile delivery service" to reduce vehicle numbers and pollution on the High Street? You can see an example of a successful scheme of this nature here: <https://zedwalthamforest.co.uk/>

- ☐ Yes
- ☐ No
- ☐ Maybe

28

Does your business have an Environmental Management Plan to monitor emissions?

- ☐ Yes
- ☐ No

29

Would you like to receive information on how to implement an Environmental Management System for your business?

- ☐ Yes
- ☐ No
- ☐ Maybe

30



Do you support the draft scheme (see plans on consultation website) which enables increased pavement space in the High Street? *

- ☐ Yes
- ☐ No
- ☐ Maybe

31



Do you have any further comments on the future of the High Street?

Enter your answer

32



Please leave your contact details here if you would like to receive information in the future regarding the High Street Transformation

Enter your answer

https://forms.office.com/Pages/ResponsePage.aspx?id=VH_RilQmuUumwvI0YIcqFHND_d-An8IGqAYUXc-qlh9UQUhHOEhFTE4wWVJNUVQ2M0IEVIAwWFdRM4u

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REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

**to
COUNCIL
1 OCTOBER 2020**

BRADWELL B SCOPING OPINION REQUEST CONSULTATION

1. PURPOSE OF THE REPORT

- 1.1 To seek delegated authority to respond to the consultation by the Planning Inspectorate on the Scoping Opinion request for the proposed development of a Bradwell B Nuclear Power Station.

2. RECOMMENDATION

That the Council delegates authority to the Director of Strategy, Performance and Governance, in consultation with the Leader of the Council, to respond to the Planning Inspectorate's consultation on any Scoping Opinion request submitted in relation to proposed Bradwell B power station and its associated development.

3. SUMMARY OF KEY ISSUES

3.1 Background

- 3.1.1 In 2010 the Government announced that Bradwell was one of eight sites it considered suitable for the siting of a new nuclear power station. Currently CGN and EDF are partnering in the development of the station and have formed a jointly owned company, Bradwell B Power Generation Company Limited (BRB).
- 3.1.2 The development of a new nuclear power station falls within the scope of the 'Nationally Significant Infrastructure Projects' (NSIPs), as set out in the Planning Act 2008. In these instances, the developer applies directly to the Secretary of State for a Development Consent Order (DCO) rather than to the Local Planning Authority for planning permission. Maldon District Council will be a consultee as part of the DCO process.
- 3.1.3 BRB undertook a Stage 1 Consultation on its initial proposals and options for the development of a Bradwell B power station and associated development earlier this year. This Council endorsed a response to the Stage 1 Consultation, submitted jointly with Essex County Council, at its meeting on the 23 June 2020.
- 3.1.4 BRB plan to undertake further consultation(s) next year and will be preparing an Environmental Statement to inform and support its proposals. Preliminary

Environmental Information is expected to accompany the statutory Stage 2 Consultation.

3.2 Scoping Opinion Consultation

- 3.2.1 The application for a Development Consent Order will need to be accompanied by an Environmental Statement (ES) prepared in accordance with Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017. Regulation 10(1) of the EIA Regulations allows a person who proposes to make an application for an order granting development consent to ask the Secretary of State to state in writing its opinion as to the scope and level of detail of the information to be provided in the ES. BRB has advised that it intends to make such an application, called a Scoping Opinion request, in late September 2020.
- 3.2.2 The scoping process is undertaken by the Planning Inspectorate on behalf of the Secretary of State. There are strict timescales within the regulations. The Planning Inspectorate must adopt a scoping opinion within 42 days of receiving a scoping request. Before adopting a scoping opinion, the Planning Inspectorate must also consult the consultation bodies, which include Maldon District Council, who have 28 days to respond.
- 3.2.3 The BRB Scoping Opinion application to the Planning Inspectorate is expected to be highly technical in nature, with most of the 28 days consultation period allowed for a Council response required for seeking and collating technical advice within and beyond the Council. The 2014 Scoping Opinion application report submitted for Sizewell C power station was 246 pages in length plus appendices. It would not be practical to produce a technical response and achieve Member consideration at Committee within the 28-day consultation period.
- 3.2.4 It would normally be the case that Council responses to similar technical consultations would be delegated to a Director in accordance with the Council's constitution. There are general provisions in relation to consultations, namely: 'A Director, in liaison with the relevant Lead Member (Committee Chairman or Leader of the Council), is authorised to respond to consultation documents where the period during which a response is required does not allow the matter to be reported to the relevant committee or where the consultation is of a predominantly technical nature'.
- 3.2.5 However, the Council at its meeting on 19 December 2019 imposed further limitations in relation to the Bradwell B project, contrary to officer's recommendation. The Council resolved 'that any decisions relating to Bradwell B be brought to future meetings of the Strategy and Resources Committee and / or the Council for Members' consideration' (Minute No. 635 refers). This was in addition to the governance arrangements set out in the report.
- 3.2.6 It is expected that all major pre-DCO application consultations by BRB on its proposals for Bradwell B power station, and its associated development, will allow adequate time for Member consideration before a Council response is provided. However, there will also be times during the DCO process when there will be inadequate opportunity for prior consideration by the Strategy and Resources Committee and/or the Council. The response to the Scoping Opinion request is one of

those occasions, as would be the Council's representations during examination following the submission of any DCO application to the Planning Inspectorate.

- 3.2.7 The delegation of authority to the Director of Strategy, Performance and Governance, in consultation with the Leader of the Council, to respond to the Planning Inspectorate's consultation on any Scoping Opinion request submitted in relation to proposed Bradwell B power station and its associated development, would enable a timely and robust technical response.
- 3.2.8 Should the Council require a response to be considered at a future meeting of the Council the consultation response would not be provided within the 28-day deadline. In this event, the Council's response would not be taken into account by the Planning Inspectorate when it issues its scoping opinion to BRB. The Planning Inspectorate advice note confirms that 'Responses received after the 28-day deadline will not be considered within the scoping opinion but will be forwarded to the Applicant for their consideration and published on the National Infrastructure Planning website'.

4. CONCLUSION

- 4.1 The provision of delegated authority to the Director of Strategy, Performance and Governance, in liaison with the Leader of the Council, to respond to the Planning Inspectorate's consultation on any Scoping Opinion request submitted in relation to proposed Bradwell B power station and its associated development, would enable a timely and robust technical response to be provided.
- 4.2 Should the Council require a response to be considered at a future meeting of the Council the scoping opinion consultation response would not be provided within the 28-day deadline. In this event, the Council's response would not be taken into account by the Planning Inspectorate when it issues its scoping opinion to BRB.

5. IMPLICATIONS

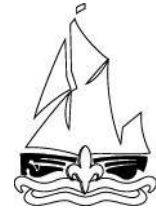
- (i) **Impact on Customers** – The Council will need to respond to the DCO process in a timely and effective way to maximise potential benefits and minimise impacts.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – There is not a direct risk to the Council, but failure to effectively engage in the DCO process would put at risk the Council's ability to influence the development process and the legacy of planning decisions.
- (iv) **Impact on Resources (financial)** – There is a financial implication for the Council in engaging in the DCO process but not directly related to this report, and the issue raised.
- (v) **Impact on Resources (human)** – Staff time.
- (vi) **Impact on the Environment** – Potential impact on outcome of the DCO process if a timely Council response is not provided.

Background Papers:

Planning Inspectorate Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements (May 2020).

Enquiries to:

Paul Dodson, Director of Strategy, Performance and Governance, (Tel: 01621 854477).



REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

**to
COUNCIL
1 OCTOBER 2020**

WHITE PAPER 2020

1. PURPOSE OF THE REPORT

- 1.1 The Government wishes to make further changes to the plan preparation and decision-making processes. This report provides an overview of the housing white paper 'Planning for the Future' which was published on 6 August 2020 for the purposes of a consultation, that runs until 29 October 2020.
- 1.2 This report outlines the key issues and proposals within the consultation. It includes analysis of the effects of the proposed changes as they might affect the District and then offers some suggested answers to the questions posed within the consultation.

2. RECOMMENDATIONS

- (i) That the recent White Paper and associated interim measures consultation paper along with the proposals contained in both documents are noted;
 - (ii) That the officers suggested responses are approved to be submitted in response to the consultation.
- 2.1 Alternatively, the Council could decide not to respond to the consultation or offer any revisions to the responses produced by Officers.

3. SUMMARY OF KEY ISSUES

- 3.1 The Planning for the Future White Paper covers a package of proposals for reform of the planning system in England, covering plan-making, development management, development contributions, and other related policy proposals.
- 3.2 The proposed changes being considered are summarised below:
 - (i) A chief officer for design and place-making will be appointed in each Local Planning Authority (LPA);
 - (ii) Local plans to be standardised; a model template for Local Plans will be published in advance of legislation being brought into force;
 - (iii) Evidence based studies required for Local Plan to be reduced (guide to be published);

- (iv) Local plans will be prepared in 30 months (Proposal 8);
- (v) Local plans will cover at least a ten-year period;
- (vi) Design codes and guidance will be developed via the Local Plan for two of the three planning areas; Growth, Renewal and Protected (Proposal 11);
- (vii) Growth areas in Local Plan will be given outline planning permission;
- (viii) Renewal areas will have a strengthened Presumption in favour of sustainable development; there will be further onus on the part of the Councils to demonstrate harm when issuing refusals;
- (ix) Protected areas will include sites and areas which justify more stringent planning controls to ensure sustainability and includes Areas of Outstanding Natural Beauty (AONBs), Green Belt and Conservation Areas;
- (x) Development management policies will be set in National Planning Policy;
- (xi) Local Plans will be fully web based rather than document based and in a standard format including interactive mapping detailing design codes and guidance as appropriate;
- (xii) The Duty to Cooperate, tests of soundness and sustainability appraisals will be replaced with a 'sustainability test' set by the Secretary of State;
- (xiii) Housing targets will be binding and based on a new standard method of calculating housing needs;
- (xiv) The 8 and 13-week planning determinations will be adhered to and there is a proposal of automatic refund of planning fee if not determined within timescale and there is the possibility of some types of planning applications to be deemed to have been granted permission if not determined within timescales;
- (xv) When an application is refused, applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal.
- (xvi) The Community Infrastructure Levy (CIL) and Section 106 (S106) to be replaced with a new Infrastructure Levy set nationally. This will be charged on the final value of the scheme over a certain threshold; within the region of 40 to 50 new homes is currently being proposed, paid at occupation, LPAs be able to borrow against levy, affordable housing can be provided in kind.
- (xvii) Planning fees will continue to be set nationally to cover full cost of processing applications based on clear national benchmarking and this should involve the greater regulation of discretionary pre-application charging (Proposal 23);
- (xviii) A small proportion of the income from the new infrastructure levy should be earmarked to cover LPAs overall planning costs, including the preparation and review of Local Plans, design codes and enforcement cases (Proposal 23)
- (xix) Further potential changes will be consulted upon in the autumn.

4. CONSULTATION RESPONSE APPROACH

- 4.1 The consultation takes the form of responding to a series of questions. This report is set out in the order of the sections of the consultation paper and each section and question is dealt within this order. Each question a short yes, no, maybe structure

with a section below for elaboration. In each case the response proposed by officers has taken the opportunity to add further detail; highlighting a justification for each answer to the quick element with evidence as to how it is considered the proposed changes to the planning system will impact Maldon and where possible including further evidence to support this.

- 4.2 Each section of this report includes an analysis of the potential positive and negative impact that the proposed changes may have with a Maldon centric emphasis followed by the proposed response to the consultation.

5. PILLAR ONE – PLANNING FOR DEVELOPMENT

- 5.1 Plan making is suggested to be slow cumbersome, the White Paper promotes a more rules-based approach with local plans focused more on zoning and design codes rather than a site by site application of planning policies leading to perceived shortcomings in the present system i.e. less certainty rather to both local communities and those seeking to develop. The White paper sets out the proposals shown below.
- 5.2 **Proposal 1:** The role of land use plans should be simplified. It is proposed that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.
- 5.3 **Proposal 2:** Development management policies to be established at national scale and an altered role for Local Plans.
- 5.4 **Proposal 3:** Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.
- 5.5 **Proposal 4:** A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.
- 5.6 **Proposal 5:** Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.
- 5.7 **Proposal 6:** Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.
- 5.8 **Proposal 7:** Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.
- 5.9 **Proposal 8:** Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

- 5.10 **Proposal 9:** Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools.
- 5.11 **Proposal 10:** A stronger emphasis on build out through planning.
- 5.12 Linked to the above proposals the consultation requests responses to the following questions:
- 5.12.1 **Question One:** What three words do you associate most with the planning system in England?

Officers recommended response

Complex, Outdated & Undervalued.

- 5.12.2 **Question Two:** (a). Do you get involved with planning decisions in your local area?
[Yes / No]
- (b). *If no, why not?* [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]?

Officers recommended response

Yes – As an LPA for the Maldon District.

- 5.12.3 **Question Three:** Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify] the planning system in England?

Officers recommended response

Maldon District Council (MDC) supports the ambition to make the planning system and ability of all stakeholders to get involved in shaping the future of the District. The Council will embrace new technologies where applicable to enable the widest reach in terms of consultation.

Notwithstanding this the move to online platforms will not be able to entirely replace more traditional and analogue methods of all types of engagement will be a hinderance to this for some groups, including the potential for groups with protected characteristics. It is known that a subsection of more elderly people are not confident with the use of computers and the internet. Furthermore, some people also have no access to computers.

However, currently there are some groups within communities that would likely be better represented if more resources were available online therefore MDC suggests it is important that any options for changes to the planning engagement process are carefully considered and assessed in relation to the Equalities Act 2010.

- 5.12.4 **Question Four:** *What are your top three priorities for planning in your local area?*
[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

Officers recommended response

Providing appropriate homes in the right locations, delivery of supporting infrastructure and environmental protection and biodiversity.

- 5.12.5 **Question Five:** Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

Not Sure

In principle many stakeholders will agree with the notion that the Local Plan process could be simplified however there is little to suggest that the proposals being put forward would lead to a simplified planning system. It is queried as to what evidence base would be required for the type of Local Plan as that which is proposed. Therefore MDC is unclear as to if they agree with the approach that maybe taken.

We agree with the broad principle of simplifying Local Plans and the proposal that sites allocated for Growth would have outline planning approval, automatically establishing the principle of development. We also agree with the proposal that the term ‘substantial development’ would be clearly defined in policy. (Should this be defined in legislation?) However we raise the following concerns in how this simplification is taken forward:

It is likely that allocations for Growth will require more detailed consideration and scrutiny during the local plan preparation and examination stages, for example in terms of transport and sustainability impacts. This will front load the evidence and work required during local plan examinations.

The examination process needs to ensure that the deliverability of Growth areas and critical supporting infrastructure is demonstrated to avoid the allocation of areas or sites that are undeliverable.

It is unclear how smaller sites for development, which are located outside of existing built up areas, could be allocated. Provision should be included for such smaller sites to be allocated.

More clarity is needed in relation to whether the Renewal areas can be flexible enough to deal with a range of site characteristics, existing uses and built infrastructure within existing built up areas, some of which may be of local value to retain within any wider or site redevelopment.

We do not support the alternative option of combining Growth and Renewal areas set out in para 2.11.

We would support the alternative option set out in para 2.12 of limiting outline planning approval to allocated Growth areas, with other areas of land identified for different forms of development as determined by the local planning authority and subject to the existing development management process, with the additional acknowledgment that local plan policies where appropriate are also taken into consideration alongside national planning policies.

In all likelihood the same substantive evidence base would likely be required to support any meaningful assessment of the proposals for the Growth, Renewal and Protected areas. In actuality, many of the proposals is closely aligned to the way the system works currently however with some renaming.

In essence; Growth Areas amount to allocations, Renewal Areas are locations within existing settlement boundaries and Protected areas are areas outside existing settlement boundaries. For this reason it is suggested that if the new system could predominantly mirror that which is currently in place there is no need to complicate the issue. It is understood the process after the designation of Renewal, Growth or Protected would vary from the current offering however there needs to be further elaboration of the detail.

Furthermore, the amount of resource that often is required for points to be clarified through Examinations in Public (EiPs) and Public Enquiries when national policy is ambiguous, such as the meaning of deliverability, has the opposite effect to that intended. Constant changes to the planning system without the required clarity is concerning. This is the opposite effect to the direction of travel of the white paper; simplifying and essentially speeding up the planning process.

It should also be noted that several reports have noted that the planning system is not a barrier to development and that the retention of plots, or land banking, is part of the issue which has led to the lower build out rates nationally.

5.12.6 Question Six: Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

Yes

In principle there are some benefits to this proposal. Many development management policies across the country are variations of one another. The issue is that if the national policy is inadequate then the local protection to that policy, or the justification to deviate from that policy will be hard to evidence.

A template version of development plan policies could be beneficial however and even a standardised approach to the information that should be included in other policies could be of benefit. Standardised policy referencing would also be beneficial to all parties. IE;

- 5.12.7 **Question Seven:** (a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]
- (b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

Officers recommended response

In Relation to 7(A): Not Sure

Further detail of the test of ‘sustainable development’ is required to assess if this would be something that MDC would concur with however the legal compliance and policy tests are safeguards that ensure that, as objectively as possible, plans are sufficiently sustainable. There is a concern that a watered-down version of this test could ultimately lead to lower standards of sustainability for the future when the sustainability needs to be put front and centre in decision making going forward with the climate crisis now more significant than at any point in the past.

In Relation to 7(B): Not Sure

Strategic and cross boundary issues have been amended from the previous regional strategies to the current duty to cooperate. It is suggested that, similarly to other sections of the MDC response, amendments to process often end up leading to longer periods where the exact nature of requirements need to be clarified through the examination process. In principle there is no objection to various guises of strategies and cooperation between different LPAs and the wider localities however substantive and acute clarification of the process and requirements would be advantageous.

- 5.12.8 **Question Eight:** (a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]
- (b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

(A) Not sure

It is sensible to have a standard method to consistently calculate housing requirements. It would also be reasonable to consider local constraints to development. However, this consultation does provide sufficient detail from which to draw a reasoned conclusion. The consultation only refers to Green Belt, which is a policy constraint to development. Areas of Flood Risk, the historic environment and internationally important areas for nature

conservation, and other physical constraints to development should have equal weight in the process to the Green Belt.

It is necessary that the weight given to different constraints in the process and any variances from the standard method to be set nationally, to reduce ensure that time and resources are not wasted on disputes throughout the Local Plan preparation process and at Planning Appeals. It is also necessary to determine how any unmet need arising from the application of these constraints to the housing need calculation are met.

(B) No

Increasing the housing requirement for a LPA due to housing affordability issues will not automatically result in more affordable houses being built, nor will it necessarily result in a drop in house prices relative to local incomes. Nor does it require the timely completion of sites with planning permission. Therefore, affordability is not an appropriate indicator of the amount of development required.

The existing extent of urban areas could be a useful indicator of the quantity of development that could be accommodated in a LPA area. Using this indicator could ensure that the growth of individual areas is related to their existing size and the level of services available.

5.12.9 **Question Nine:** (a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster *routes for detailed consent*? [Yes / No / Not sure. Please provide supporting statement.]

(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]

(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

(a) **No**

In principle making any processes more efficient is supported where there is not a loss in the quality of development in the widest sense. However, an allocation under the current system is in effect similar to a growth area. In both scenarios the broad principles of development have been agreed and the detail of the design is to be established through further refinement. The changes proposed need to have further clarification as the nuance of the amendments from the current system to that proposed could be simply rhetoric or substantially different. (HMMM?)

(b) **No**

Similar points can be raised here in relation to subsection 9(A). The value of the amendments will be entirely dependent on the detail.

(c) **Yes**

It is suggested in certain circumstances that this could be a supported change however the detail of these arrangements need to be elaborated upon. There are already powers in place (I think??) in certain circumstances.

5.12.10 **Question Ten:** Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

Not Sure

The principle of a faster and more certain decision making is favourable however there is little detail as to how this will work in practice. There are concerns that this will lead to a lack of quality in the built environment though it is noted on page eight of the paper that *'We are cutting red tape, but not standards. This Government doesn't want to just build houses. We want a society that has re-established powerful links between identity and place, between our unmatched architectural heritage and the future, between community and purpose'*.

Though admirable to have the quoted goals they do not coincide neatly with the matter of speed. As our response will detail in Pillar Two the emphasis on design is correctly highlighted to be a top priority however the issue of putting design codes in place will be complicated. The resources and skill set available within LPAs and the country more widely is limited and it would take some years to create the capacity required.

5.12.11 **Question Eleven:** Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

Yes

The inclusion of any diversification in platform for stakeholders to engage with the planning system is broadly supported however this cannot fully replace face to face and other types of consultation. MDC consider that standardised software procured by the national government that can be facilitate personalised information for various LPAs would also be beneficial; saving time and financial resources. The quality of such a platform would could also be greatly improved by such a process as oppose to each LPA procuring different companies to develop the digital infrastructure to enable this on an ad-hoc basis.

5.12.12 **Question Twelve:** Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

No

MDC would suggest that the streamlining of the planning system can be supported dependant upon the alterations that would enable this however there is little to no evidence to support that this aspiration is feasible. Concerns are raised in relation to the consequences of not having the plan produced within a 30-month period; would the Local Policies be negated in decision making?

5.12.13 **Question Thirteen:** (a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.] 13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Officers recommended response

Yes

Neighbourhood Planning has become a staple of many areas and offered some groups an opportunity that is deemed to be greater than pre neighbourhood plans to influence and shape the places in which they work and live. If Neighbourhood plans are to be retained it will be important to assess how these sit within the new system and what weight shall be attributed to them.

In the instance that they are removed from the current system a transitional arrangement should be put in place alongside a clear rationale highlighting how the offering of Localism that was instilled in the Neighbourhood Plans has been translated or filtered in the proposed system.

5.12.14 **Question Fourteen:** Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

Not Sure

Clarification is needed as to what the stronger emphasis would mean in terms of outcomes. The penalisation of LPAs for the low build out rates of permitted developments is not supported, and the track records of developers is a complex issue to grapple with. Developers often do not own the land until they are ready to develop and multitude of reasons can be given for the housing delivery of any site or locality by developers.

6. PILLAR TWO – PLANNING FOR BEAUTIFUL AND SUSTAINABLE PLACES

- 6.1 The paper states that *“This autumn [The Government] will publish a National Model Design Code to supplement the guide, setting out more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision, in line with our wider vision for cycling and walking in England. It will be accompanied by worked examples, and complement a revised and consolidated Manual for Streets”*.
- 6.2 Essential to the overall restructuring of plan making and decision making is the increased emphasis on the use of design codes to guide development. Further to this is a acknowledgement for the need for increased and enhanced skills capacity within planning sections and the notion of a “Chief Officer”. The White paper states *“The vision which we have set out will require a step-change in the design skills available to many local planning authorities, as well as the right prioritisation and leadership across the sector”*. Below are the proposals highlighted in the consultation.
- 6.3 **Proposal 11:** To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.
- 6.4 **Proposal 12:** To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.
- 6.5 **Proposal 13:** To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.
- 6.6 **Proposal 14:** We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.
- 6.7 **Proposal 15:** We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.
- 6.8 **Proposal 16:** We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.
- 6.9 **Proposal 17:** Conserving and enhancing our historic buildings and areas in the 21st century.

6.10 **Proposal 18:** To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

6.11 Relating to the proposals outline within the pillar are the following questions:

6.11.1 **Question Fifteen:** What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

Officers recommended response

Other

The design of development within the Maldon District has varied in quality dependent upon the scheme. To a large extent design in some respects is subjective but MDC has as a Council attempted to ensure that the new developments within the District have been to the best quality as far as is within its powers.

It should be noted however, that a higher level of design aspiration is rarely supported by the Planning Inspectorate, especially if a LPA cannot demonstrate a Five Year Housing Land Supply (5YHLS). The requirement for houses often overrides any requirement for good design.

6.11.2 **Question Sixteen:** Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Officers recommended response

Yes

All the stated hint answers are important to the level of sustainability that can be implemented within the District. A key issue in Maldon is the lack of strategic sustainable infrastructure linking the Maldon District to neighbouring areas which has led to car dependency being relatively high.

Development in sustainable locations has a higher priority than the individual sustainability issues given in the question. Care should be given to any amendments to national policy to ensure that developments are in close proximity to public transport, facilities and services required for day to day living, and in safe locations (i.e. not in Flood Zones.).

- 6.11.3 **Question Seventeen:** Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

Yes

Maldon District Council already has several design based Supplementary Planning Documents (SPDs) in place within the district to guide the nature of the development that is sought for those specific areas. Concern is raised in relation to the weight that will be afforded to any existing design guides under any reformed planning system.

MDC would like to see existing design guide kept at least through transitional arrangements and for there to be an opportunity for Councils with existing guides and codes to be given the opportunity to update them to reflect any changes in national policy that would be required to ensure they are compliant.

- 6.11.4 **Question Eighteen:** Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

Not Sure

The ambition to emphasise the importance of good design is supported by the Council, however, as with many aspects of the consultation, further details of the arrangements new body, including who would be within this organisation, would be beneficial. MDC considers that the inclusion of appropriately skilled professionals from a range of place-making sectors (Planners, Architects, Urban Designers, etc), would be beneficial to such an organisation. It is a matter of fact that most development in the UK are not designed in detail by any architects which may be part of the cause for the non-descript and generic appearance of much development produced in the last 20 or so years.

Each authority should have a chief officer for design and place-making; the council again supports any emphasise the importance of good design within LPAs. Further detail of the remit of this chief officer and the necessary skill set for the role would be appreciated alongside what background and expertise it is envisaged they would likely possess.

- 6.11.5 **Question Nineteen:** Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

Yes

Homes England is in a unique position to illustrate and set a precedent as to the Government's vision for the future of development. It should be made a key aspect in any schemes produced by homes England and furthermore any lack of quality in schemes proposed by Homes England be detrimental to any progression towards better design more widely.

- 6.11.6 **Question Twenty:** Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

Not Sure

The Council would support this in principle, but how do you implement this, as 'beauty is in the eye of the beholder'. There are objective standards that can be required by any design code or design guide however the interpretation as to if they have been met can often be a subjective one. This proposal risks increasing the level of challenges to development proposals, thus slowing down the process in the long run with the possibility of appeals to decisions made.

7. PILLAR THREE – A NEW APPROACH TO PLAN MAKING

- 7.1 Both S106 agreements and local CIL come in for scrutiny and recommendations to reform through the whitepaper.
- 7.2 **Proposal 19:** The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.
- 7.3 **Proposal 20:** The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.
- 7.4 **Proposal 21:** The reformed Infrastructure Levy should deliver affordable housing provision.
- 7.5 **Proposal 22:** More freedom could be given to local authorities over how they spend the Infrastructure Levy.
- 7.6 **Proposal 23:** As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will

be developed including the following key elements: The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer.

7.7 Related to the proposals above the following questions are put to consultees:

7.7.1 **Question Twenty One:** *When new development happens in your area, what is your priority for what comes with it?* [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

Officers recommended response

The priorities in terms of development value are to support the delivery of both affordable housing and supporting infrastructure including critical infrastructure to enable development to be delivered.

7.7.2 **Question Twenty Two:** (a) Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]

(b) *Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?* [Nationally at a single rate / Nationally at an area-specific rate / Locally]

(c). *Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?* [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

(d). *Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?* [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

(A) We support in principle the proposal to consolidate the existing Community Infrastructure Levy and S106 into an Infrastructure Levy and for the proposed Infrastructure Levy to be collected by the local planning authority. More detail needs to be provided on the proposed mechanism for collection of the Infrastructure Levy. If the Infrastructure Levy is to be collected nationally, more detail needs to be provided on the proposed mechanism for redistribution of the Infrastructure Levy to the local planning authority.

(B) The Infrastructure Levy rates and the value-based minimum thresholds should be set locally to ensure that the rates and threshold reflect the optimum rate for the local area: if rates are too high then some development may not proceed, if rates are too low then less value will be collected.

(C) Assuming the same viability basis, the Infrastructure Levy should aim to capture at

least the same amount of value overall on a local area basis as the combined S106 and CIL (or potential CIL) values. Depending on the local viability, we agree that a greater proportion of land value uplift should be captured on a local area basis if it does not undermine the viability, delivery and quality of development.

(D) Local authorities should be allowed to borrow against projected Infrastructure Levy income within their area to forward fund infrastructure however this should be discretionary and should not be relied upon to forward fund delivery of affordable housing or the delivery of critical infrastructure to support growth. As the proposals are for the Infrastructure Levy to be collected at the time of occupation further detail needs to be provided setting out how critical infrastructure will be funded and delivered at appropriate phases as development progresses, especially on strategic scale sites and developments and for strategic infrastructure that supports multiple development sites. It is also of concern that where local authorities borrow against future development value, this will reduce what is available to spend from the levy as interest charges will be incurred. The cost of interest charges will be compounded for developments with a long delivery timescale. Inflation may further reduce what can be funded by the levy value agreed at the time of planning permission.

- 7.7.3 **Question Twenty Three:** *Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?* [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

Yes

There are opportunities the formation of significant numbers of new dwellings (e.g. - Office to Residential) through permitted development rights. There is a solid justification for these forms of development to contribute to the services and infrastructure future occupiers will benefit from.

- 7.7.4 **Question Twenty Four:** 24(a). *Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?* [Yes / No / Not sure. Please provide supporting statement.]

(b). *Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?* [Yes / No / Not sure. Please provide supporting statement.]

(c). *If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?* [Yes / No / Not sure. Please provide supporting statement.]

(d). *If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?* [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

(A) **Not sure** - Assuming the same viability and cost basis, the Infrastructure Levy should aim to provide at a local area level at least the same amount of affordable housing overall providing that this does not undermine the funding and delivery of critical infrastructure to support proposed growth. Further detail should be provided on what implications the proposed changes to the affordable housing mix would have on the per unit cost of affordable housing units and on the overall amounts of affordable housing that can be delivered for the same cash liability value under the Infrastructure Levy.

(B) **Not sure** - The terminology used in the consultation paper is confusing and needs clarifying. Any proposed mechanism for the provision of affordable housing to be considered as in-kind payment towards the Infrastructure Levy should ensure that there is no reduction in the cash liability of the Infrastructure Levy toward the delivery of critical infrastructure compared to the combined S106 and CIL (or potential CIL) payments.

We do not support the proposal to 'flip' a proportion of affordable housing units back to market units in the event of a market fall. This would result in the local authority and the affordable housing delivery taking the risk of a market fall. This risk will be compounded if all of the Infrastructure Levy is offset by affordable housing and there is no cash liability toward the Infrastructure Levy, with a resulting risk of no affordable housing and no cash liability of the Infrastructure Levy and critical infrastructure not being adequately funded.

We support the alternative proposal set out in paragraph 4.25 for a 'first refusal' right for local authorities or any affordable housing provider acting on their behalf to buy up to a set proportion of onsite units if that proportion is set locally, as a nationally set proportion would not reflect local needs. Further consultation when clarification is available would be appreciated.

(C) **Not sure** - We do not support the proposal to 'flip' a proportion of affordable housing units back to market units in the event of a market fall. This would result in the local authority and the affordable housing delivery taking the risk of a market fall. This risk will be compounded if all of the Infrastructure Levy is offset by affordable housing and there is no cash liability toward the Infrastructure Levy, with a resulting risk of no affordable housing and no cash liability of the Infrastructure Levy and critical infrastructure not being adequately funded.

We support the alternative proposal set out in paragraph 4.25 for a 'first refusal' right for local authorities or any affordable housing provider acting on their behalf to buy up to a set proportion of onsite units if that proportion is set locally, as a nationally set proportion would not reflect local needs.

It is unclear how a situation would arise where the value of affordable housing units provided would be greater than the Levy liability. Should that situation arise, and the affordable housing is being provided as an in kind payment to the Infrastructure Levy, then developers should have no right to reclaim overpayments.

(D) **Not sure** - There need to be national quality standards for affordable housing that are applied universally. It would like be beneficial for all new homes to be to the same standards generally including market housing where applicable.

- 7.7.5 **Question Twenty Five:** Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

25(a)[numerical mistake in the consultation paper]. If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

Officers recommended response

(25) **Yes** - Although, further detail and clear prioritisation should be provided regarding the core infrastructure obligations that the Infrastructure Levy is proposed to prioritise funding towards, to ensure that the funding and delivery of both affordable housing and critical infrastructure are prioritised.

(A) **Yes** - A ring fence mechanism separating affordable housing and infrastructure spend should be established which effectively ensures that the funding and delivery of both affordable housing and critical infrastructure to support proposed local growth are prioritised.

We support the proposal in paragraph 5.21 that the Government will make available time limited funding as part of the next Spending Review to support local planning authorities to transition to the new planning system. However, we note the proposal in paragraph 5.23 that the Planning Inspectorate and statutory consultees should become more self -financing through new charging mechanisms. We therefore support the proposed transitional funding arrangements if these additional proposed costs are also reflected in the transitional funding made available from the Government.

8. EQUALITY ACT 2010

- 8.1 **Question Twenty Six:** 26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Officers recommended response

There undoubtedly are potential positive and negative impacts for those with protected characteristics. With the proposals in their current form it is not possible assess in detail the possible discrimination that could arise in relation to those with protected characteristics as described within the Equality Act 2010.

MDC would urge the government to publish a Equality Impact Assessment when the detailed nature of proposed changes have been further worked through to ensure that the changes are compliant and do not cause any undue discrimination to protected groups.

9. CONCLUSION

- 9.1 Officers have worked collaboratively when discussing the proposed answers to the consultation and it is suggested that the general consensus is that without further detail in relation to many aspects of the proposals it is quite unclear what the ramifications will be for the District. Notwithstanding this, officers believe that with the level of information currently available the proposed response raises key issues to be addressed and highlights further lines of investigation that should be considered by the national government.

10. IMPACT ON STRATEGIC THEMES

- 10.1 Strategic themes may require some amendments dependent upon the final nature of the proposals.

11. IMPLICATIONS

- 11.1 Prior to running through the implications below, please note that further implications potential implications have been included within the proposed responses to the consultation. At this point in time, when the final detail of the changes are at consultation it is not possible to know all the ramifications that could be arise.
- (i) **Impact on Customers** – There could be some changes to the customer experience dependent upon the level of change and finer details of the proposals. An example would be that the move to an online only platform for Local Plans could allow easier access to those who are not able to attend public consultation events however this could also have negative impact for those who do not have access or are less familiar with using these types of formats.
 - (ii) **Impact on Equalities** – Similarly to the aforementioned depending on the nature of the final changes to the planning system different groups protected under the Equalities Act 2010 could benefit or be disadvantaged by any changes. Question 26 of the consultation paper requests feedback on this matter and a proposed response has been included within the officers proposed response under para 8.1 of this response.
 - (iii) **Impact on Risk** – There is no specific impact on risk at this time; further assessment of this will be possible when the nature of the full amendments are known.
 - (iv) **Impact on Resources (financial)** – As with the other implications it is not entirely clear as to what the impact on resources will be. The white paper does propose all LPAs will have a chief officer for design and place-making will be appointed in each LPA however this may require additional funding and it is unclear as to whether this will be financially resourced via a ‘new burdens’ route which is common practice when LPAs are required to obtain further resources.

- (v) **Impact on Resources (human)** – As above; there maybe a requirement, for example, for a new Chief Officer for design. With all LPAs requiring this it maybe quite challenging for some areas to recruit to this role. Beyond this it is unclear as to what qualifications or experience they may require. It would appear that architecture and urban design qualifications and experience would be beneficial. The full proposed job specification would be of assistance in trying to further assess the implications.
- (vi) **Impact on the Environment** – The finer detail of the proposals will assist in assessing the impact on the environment. Some proposals, such as street lined trees may have a benefit to the environment in several respects however the increased need for further development, dependant on the location of the development could have negative implications for the environment.
- (vii) **Impact on Strengthening Communities** – The level of consultation and stage of consultation and engagement with communities would change if some of the proposals come to fruition. There could be benefits and negative implications for most of the proposals.

Background Papers:

Ministry of Housing, Communities and Local Government (MHCLG) letter to Chief Planning Officers (July 2020) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904586/Chief_Planners_Newsletter_-_July_2020.pdf

MHCLG Consultations Paper - The Future of Planning. (MHCLG August 2020) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

MHCLG Consultation Paper - Changes to the current planning system: (MHCLG August 2020) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907215/200805_Changes_to_the_current_planning_system_FINAL_version.pdf

Enquiries to:



REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

**to
COUNCIL
1 OCTOBER 2020**

LEADERS AND COMPOSITION OF POLITICAL GROUPS

1. PURPOSE OF THE REPORT

- 1.1 To ratify the Leader Designate for Maldon District Council

2. RECOMMENDATIONS

The Council is asked:

- (i) to consider the ratification of the Leader-designate as Leader of the Council until the Statutory Annual meeting of the Council;
- (ii) in the event that the Council does not confirm the Leader-designate, to elect the Leader of the Council until the Statutory Annual meeting of the Council;

3. SUMMARY OF KEY ISSUES

3.1 Leader and Deputy Leader of the Council

- 3.1.1 On 17 August 2020 the Leader and Deputy Leader of the Council resigned from their respective positions. In accordance with the Council's Constitution (Part 2: Articles of the Constitution – Article 2 Members of the Council) the Council must appoint a Leader.
- 3.1.2 The following extract from the Constitution sets out the process for annually selecting the Leader of the Council. The Constitution advises that should this post become vacant the same process will be applied for either ratifying or electing the Leader:

“The Leader is the Council's political head, being the leader of the largest political group¹ on the Council as notified annually to the Programmes, Performance and Governance Manager under the Local Government and Housing Act 1989. Prior to each annual meeting, this person will be recognised as ‘Leader-designate of the Council. If there is no single largest political group the Programmes, Performance and Governance Manager is entitled for the purposes of these arrangements to regard the Leader of whichever of the equal largest groups which was previously the larger

¹ The term ‘Political Group’ shall have the meaning as in the Local Government and Housing Act 1989.

as Leader-designate of the Council until the Council by resolution determines otherwise.

At each annual meeting the Council is asked to ratify that person as the Leader of the Council. If it does not do so it must elect a Leader. The Council will also appoint annually a Deputy Leader who will deputise for the Leader. While under governance arrangements adopted by the Council the Leader has no executive or delegated powers as such, the Leader is in a position of influence and works closely with the service Directors.”

- 3.1.3 On 20 August 2020, Members were advised that the Leader Designate of the Council was Councillor Elaine Bamford, having been selected as Leader of the Conservative Group at its last meeting. Councillor Bamford is identified as Leader Designate because at the time the Conservative Group were the largest political group, with 13 members. Although the Constitution has not been written with such frequent change in mind, the interpretation of the paragraph above is that this Designate may stand until the Statutory Annual meeting.

3.2 Composition of Political Groups

- 3.2.1 As at 8 September 2020, the composition of the Political Groups on the Council are as follows:

Conservative Group (11 Members)	Leader	Councillor E L Bamford
	Members	Councillors Miss A M Beale, Mrs P A Channer CC, M F L Durham CC, J L Fleming, A L Hull, K W Jarvis, J V Keyes, C P Morley, R H Siddall, and Miss S White
Independent Group (12 Members)	Leader:	Councillor M S Heard
	Members	Councillors M G Bassenger, B S Beale MBE, V J Bell, M R Edwards, C Mayes, S P Nunn, Mrs N G F Shaughnessy, N Skeens, W Stamp, J C Stilts and C Swain

4. CONCLUSION

- 4.1 Following appointment of a Leader Designate at the Conservative group meeting on 19 August 2020, Council are asked to ratify this position. The position of Leader will also be subject to ratification again at Statutory Annual Council, as per the Council’s Constitution.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The Leader of the Council is the Council’s political head, working across all strategic themes.

6. IMPLICATIONS

- (i) **Impact on Customers** – The Leader of the Council acts as a political contact for customers and promotes the long-term financial, business and economic stability of the Council.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – a Leader designate should be appointed to help represent Maldon District Council
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers:

The Council's Constitution.

The Local Government and Housing Act 1989.

Enquiries to: Cheryl Hughes, Programmes, Performance and Governance Manager.

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

**to
COUNCIL
1 OCTOBER 2020**

**RESIGNATION OF COUNCILLOR HARKER AND ASSOCIATED
REPRESENTATION**

1. PURPOSE OF THE REPORT

- 1.1 To agree an approach associated with the vacancies created as a result of Councillor B E Harker's resignation as a District Councillor.

2. RECOMMENDATIONS

- (i) That the nominated candidate put forward by the Heybridge Basin Parish Members to replace Councillor B E Harker be approved;
- (ii) That Councillor Miss A M Beale be appointed in addition to the position of a Heybridge Basin Parish Councillor, to allow a greater opportunity for the Parish Council to be quorate should any future issues with Member attendance arise;
- (iii) That the filling of all other associated Committee and Outside Body seats and positions be deferred to the Statutory Annual Council meeting on 5 November 2020.

3. SUMMARY OF KEY ISSUES

- 3.1 Councillor Bryan Harker has resigned as a Maldon District Councillor and his position as District Councillor for the Heybridge East Ward will now remain vacant until a by-election can take place in May 2021, according to the Coronavirus Act 2020 and The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020.
- 3.2 Associated seats and positions where his vacancy still allows meetings to be quorate are proposed to be dealt with at Statutory Annual Council on 5 November 2020.

3.3 Heybridge Parish Council

- 3.3.1 In his position as a District Councillor, Councillor Harker was also appointed according to section 91 of the Local Government Act to sit as a member of the newly formed Heybridge Basin Parish, in the absence of elections. Having also resigned his position on the Parish Council, Heybridge Basin Parish Council is currently unable to operate as it is not quorate.
- 3.3.2 The other two members of the Heybridge Basin Parish have nominated Mr Keith Lawson of Heybridge Basin, who has been involved in the local Referendum group, for members to consider for the position of Heybridge Basin Parish Councillor. Alternatively, if members not satisfied with that nomination, members could select a District Council Member to replace Councillor Harker.
- 3.3.3 At the time of appointing local District Councillors to the Parish Council, this approach was preferred because the Parish had no constitution or Code of Conduct, so those appointed could still be managed under the District Code of Conduct. The Parish has since adopted standing orders, a Code of Conduct of their own for the Parish Councillors to adhere to and have a Parish Clerk in post.
- 3.3.4 Should members wish to, they can still appoint a District Councillor to this position instead / as well as the suggested candidate, and Councillor Miss Anne Beale has been approached and agreed to work in this role, as a local District Councillor for the area.
- 3.3.5 Given the recent issues around the Parish not being quorate and able to act with the missing member, officers suggest it would be prudent to appoint two candidates to positions of Parish Councillors, allowing the Parish Council to address any future decision making should a Member not be available.

4. CONCLUSION

- 4.1 The report seeks to address vacancies requiring immediate attention as a result of Councillor Harker's resignation.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The report addresses the local governance for Heybridge Basin, supporting Performance and efficiency.

6. IMPLICATIONS

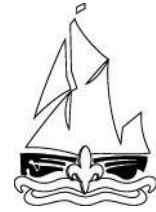
- (i) **Impact on Customers** – The governance suggested will assist in local matters to Heybridge Basin being addressed.
- (ii) **Impact on Equalities** – Not applicable (n/a).
- (iii) **Impact on Risk** – Suggestion around appointing two Members to the Parish will reduce future risks around the Parish Council not being quorate.

- (iv) **Impact on Resources (financial)** – N/a.
- (v) **Impact on Resources (human)** – N/a.
- (vi) **Impact on the Environment** – N/a.
- (vii) **Impact on Strengthening Communities** - N/a.

Background Papers: None.

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

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REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

**to
COUNCIL
1 OCTOBER 2020**

REVISED SCHEDULE OF MEETINGS - OCTOBER 2020 - APRIL 2021

1. PURPOSE OF THE REPORT

- 1.1 A draft schedule of meetings October 2020 – April 2021 is presented for the Council's consideration.

2. RECOMMENDATION

That the revised schedule of meetings for October 2020 – April 2021, attached as **APPENDIX 1**, be approved.

3. SUMMARY OF KEY ISSUES

- 3.1 At its meeting on 6 August 2020 the Council agreed that:
- (i) that all suspended Committees be reinstated from 7 September 2020 with all Council and Committee meetings to be held remotely until legislation changes;
 - (ii) that regular Council and Committee meetings be scheduled with a 6pm start time from October 2020, with the exception of the Performance Governance and Audit (PGA) Committee which will start at 2pm (allowing for input of external agencies), and these arrangements be reviewed after six months. Ad-hoc Committee meetings, such as the Joint Standards Committee, are to be scheduled as required at a time to suit;
 - (iii) a revised schedule of meetings be brought to the next meeting of the Council for approval.
- 3.2 A revised schedule of meetings from October 2020 to April 2021 has been prepared and is attached at **APPENDIX 1** to this report.
- 3.3 Members' attention is drawn to the following points taken into consideration when preparing the revised schedule of meetings:
- Meetings have been scheduled in accordance with the cycle of meetings agreed by the Council on 14 February 2019;

- As per previous communications to Members, the Statutory Annual meeting of the Council is taking place on Thursday 5 November 2020;
- So far as is possible, the Area Planning Committees are on a four-weekly cycle and held on consecutive weeks;
- Meetings of the District Planning Committee are *provisional* dates and the final dates and times will be provided nearer the time;
- Save for the need to continue the cycle of Area Planning Committees, there is a two-week recess Christmas and two week at Easter for non-planning meetings. These recess' have been planned to fall during school holiday dates as advertised by Essex County Council.

4. CONCLUSION

- 4.1 It is considered that the schedule attached as **APPENDIX 1** represents a framework for meetings of the Council and its Committees.

5. IMPACT ON STRATEGIC THEMES

- 5.1 An efficient and effective committee structure supports the Councils Performance and Efficiency Theme, and Planning for the Future Theme, specifically contributing to, 'An open and transparent organisation'.

6. IMPLICATIONS

- (i) **Impact on Customers** – None, provided that an adequate framework is in place for the Council and its Committees to operate and transact business.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Financial (Resources and Human)** – None, unless linked to any particular requirements resulting from the operation of the Overview and Scrutiny Committee.
- (v) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Tara Bird, Committee Services Advisor, (Tel: 01621 875791).

SCHEDULE OF REMOTE MEETINGS OCTOBER 2020 – APRIL 2021

KEY:

CAC..... Central Area Planning Committee
 DP District Planning Committee
 NW North Western Area Planning Committee

O&S Overview and Scrutiny Committee
 O&S CRIME.. Overview and Scrutiny Committee (meeting as
 the Crime and Disorder Committee)

PGA..... Performance, Governance and Audit Committee
 SE South Eastern Area Planning Committee
 S&R..... Strategy and Resources Committee

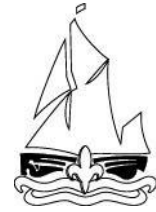
Monday	SEPT	28	NOVEMBER	2	DECEMBER	7	JANUARY	11	FEBRUARY	15
Tuesday		29		3		8		12		16
Wednesday		30 SE		4 CAC		9		13 NW		17 SE
Thursday	OCTOBER	1 COUNCIL		5 COUNCIL (STAT ANN)		10 DP (provisional)		14 PGA 2pm		18
Friday		2		6		11		15		19
Monday		5		9		7		18		22
Tuesday	NOVEMBER	6		10		15	JANUARY	19	FEBRUARY	23
Wednesday		7 CAC		11		16 NW		20 SE		24 CAC
Thursday		8 DP		12		17 COUNCIL		21 O&S		25 PGA 2pm
Friday	DECEMBER	9		13		18	JANUARY	22		26
Monday		12		16		21		25		1
Tuesday		13		17		22 SE		26		2
Wednesday	JANUARY	14		18 NW		23		27 CAC		3 DP (provisional)
Thursday		15 O&S		19 S&R		24		28 DP (provisional)		4 O&S
Friday		16		20		25 CHRISTMAS DAY		29		5
Monday	FEBRUARY	19		23		28 BANK HOLIDAY (for BOXING DAY)	FEBRUARY	1	MARCH	8
Tuesday		20		24		29 COUNCIL OFFICES CLOSED		2		9
Wednesday		21 NW		25 SE		30		3		10 NW
Thursday	MARCH	22 O&S CRIME		26 PGA 2pm		31	FEBRUARY	4 COUNCIL		11 O&S CRIME
Friday		23		27		1 NEW YEAR'S DAY		5		12
Monday		26		30		4		8		15
Tuesday	APRIL	27		1	JANUARY 2021	5	FEBRUARY	9		16
Wednesday		28 SE		2 CAC		6 CAC		10 NW		17 SE
Thursday		29		3 O&S		7 S&R		11 S&R		18 COUNCIL
Friday		30	DECEMBER	4		8		12		19

No MDC Meetings (except planning)	MDC Council meetings	Bank Holiday	LGA Conference	School Holidays
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Monday	MARCH	22	APRIL	26
Tuesday		23		27
Wednesday		24 S&R		28
Thursday		25 PGA 2pm		29
Friday		26		30
Monday	APRIL	29	MAY	3 BANK HOLIDAY
Tuesday		30		4
Wednesday		31 CAC		5
Thursday		1		6 ELECTIONS (PFCC & ECC)
Friday		2 GOOD FRIDAY		7
Monday	MAY	5 EASTER MONDAY	JUNE	10
Tuesday		6		11
Wednesday		7 NW		12
Thursday		8		13 COUNCIL (STAT ANN)
Friday		9		14
Monday		12		17
Tuesday		13		18
Wednesday		14 SE		19 To be confirmed
Thursday		15 O&S		20
Friday		16		21
Monday		19		24
Tuesday		20		25
Wednesday		21 CAC		26 To be confirmed
Thursday		22 DP (provisional)		27
Friday		23		28

No MDC Meetings (except planning)	MDC Council meetings	Bank Holiday	LGA Conference	School Holidays
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(Proposed Remote Meetings from September 2020 & Stat Ann 5 November)



REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

**to
COUNCIL
1 OCTOBER 2020**

REVISIONS TO REMOTE COMMITTEE PROCEDURES

1. PURPOSE OF THE REPORT

- 1.1 To update the protocol within remote committee meetings in light of updates to the technology used, and to improve the way our remote meetings operate.

2. RECOMMENDATION

That the revised remote protocol document (**APPENDIX A**) and associated updates to working practices be adopted.

3. SUMMARY OF KEY ISSUES

- 3.1 COVID-19 Interim Measures Group on Wednesday 13 May 2020 approved a protocol and updates to the Constitution that allowed for remote Committee meetings to take place and therefore meetings of the Council to restart from 28 May 2020 virtually.
- 3.2 The meetings are hosted through Microsoft Teams and broadcast through YouTube, as this option fit best with the overall ICT infrastructure of Maldon District Council.
- 3.3 It was noted at the time, and within the remote protocol document that this would be updated as technology updates become available, as we expected that the huge increase in use of the tools globally would mean the suppliers would add features and update the tools frequently. For example, at the time of writing the protocol 'hands up' function was not available on all devices, but now it is.
- 3.4 The Council at its meeting on 28 May 2020 resolved to start live public participation as soon as possible, and officers have since procured and tested conference calling licenses for Microsoft Teams to allow for this, and have revised the protocol accordingly.
- 3.5 The Council at its meeting on 6th August 2020 resolved to reinstate all Committees, therefore removing the COVID-19 Interim Measures Group that has been in place as an emergency provision. The protocol has been updated to highlight how the organisation can still respond to emergency requirements that may emerge within the Constitutional 'emergency powers'.

4. CONCLUSION

- 4.1 The revisions to the remote meeting protocol are presented for adoption. Members are encouraged to take in the detail of the protocol to allow for smooth running of all future remote committee meetings.

5. IMPACT ON STRATEGIC THEMES

- 5.1 Remote meetings allow members to progress review of and associated work to the strategic themes despite the ongoing social distancing measures.

6. IMPLICATIONS

- (i) **Impact on Customers** – Greater access to our Council meetings. Our last YouTube stream had 59 people viewing at any given time.
- (ii) **Impact on Equalities** – – Not applicable (n/a).
- (iii) **Impact on Risk** – Remote meetings enable decision making to take place with appropriate social distancing associated with the COVID pandemic.
- (iv) **Impact on Resources (financial)** – N/a.
- (v) **Impact on Resources (human)** – N/a.
- (vi) **Impact on the Environment** – N/a.
- (vii) **Impact on Strengthening Communities** – N/a.

Background Papers: None.

Enquiries to: Cheryl Hughes, Programmes, Performance and Governance Manager.

Please note - This is a working document, that will be updated as additional technology updates became available



MALDON DISTRICT COUNCIL

Remote Meeting Protocol

May 2020

Document Control Sheet

Document title	Remote Meeting Protocol
Summary of purpose	This Protocol and accompanying Procedure Rules provide the means and guidance for the conduct of any remote meeting of the Council, and its various Committees and Sub-Committees, held under the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations').
Prepared by	Cheryl Hughes
Status	Draft
Version number	2
Approved by	Council
Approval date	1 October 2020
Date of implementation	2 October 2020
Review frequency	As required
Next review date	-
Circulation	All Officers and Members and the Council's website
Published on the Council's website	Yes once amendments have been agreed

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

1. INTRODUCTION AND APPLICATION OF THE REMOTE MEETINGS PROCEDURE RULES

- 1.1. This Protocol and accompanying Procedure Rules provide the means and guidance for the conduct of any remote meeting of the Council, and its various Committees and Sub-Committees, held under the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations').
- 1.2. This Protocol and Procedure Rules should be read in conjunction with the Council Standing Orders and Procedure Rules within the Council's Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7 May 2021. This means that, wherever there is a conflict, these Remote Meetings Procedure Rules take precedence in relation to any remote meeting.
- 1.3. Meetings of the Council / Committees will take place using the Microsoft Teams software platform. Committee Services will prepare a detailed briefing note for the Chairman to manage the meeting electronically.

2. NOTICE OF MEETING AND PAPERS

- 2.1 A revised committee schedule will be issued, in accordance with the decision made by the COVID-19 Interim Measures Group on 29 April 2020, that Council and the District Planning Committee meetings be reinstated monthly.
- 2.1. The Regulations enable the Council to hold meetings without all, or any, of the members being physically present in a room. They allow for remote meetings through electronic and digital means at virtual locations using video and telephone conferencing, live webcast and live interactive streaming.
- 2.2. The Proper Officer will give the requisite notice to the public of the time of the meeting, and the Agenda, together with details of how to join the meeting which will be available on the Council's website www.maldon.gov.uk.
- 2.3. Members will be notified of a remote meeting by email and all agenda papers will be available on the Council's website and via the Modern.Gov app as relevant or other electronic means as appropriate.
- 2.4. The "place" at which the meeting may be held may be a council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address or a conference call telephone number or could be a number of these combined.

3. REMOTE ACCESS TO MEETINGS

- 3.1. Councillors and members of the press and public will be encouraged to use any video conferencing facilities provided by the Council to attend a meeting remotely.
- 3.2. If this is not possible, attendance may be through an audio link to view or by electronic means as referred to in Regulation 5(6)(c) of the Regulations.
- 3.3. Remote access for members of the public and Members who are not attending to participate in the meeting together with press facilities, will be provided through webcasting, live audio streaming, or others means.
- 3.4. If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful. In this case, the chair would postpone the meeting, until technology issues are resolved.
- 3.5. Members who choose to join the meeting but are not part of the committee must highlight their presence during the roll call in the meeting when called to do so. Unless agreed prior to the meeting with the Chair, the in-attendance member will have no right to speak within the meeting (as per rule 19 of the constitution)

4. MANAGEMENT OF REMOTE MEETINGS FOR MEMBERS

- 4.1. Any Member participating in a meeting remotely, must when they are speaking, be able to be heard (and ideally seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Members participating.
- 4.2. Members should only use a professional image of themselves or a blank image as their Teams profile picture
- 4.3.4.2. The Chairman will normally confirm at the outset and at any reconvening of a Committee meeting that they can see and hear all participating Members. Due to the number of Councillors present at a Council meeting, Members roll- called, ~~and asked to switch their video on~~, and a brief pause given while the Chairman and Committee services collect this information. Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.
- 4.4.4.3. The attendance of those Members at the meeting will be recorded by the Committee Services Officer.
- 4.5.4.4. The quorum requirements for remote meetings will be as set out in the Council's Constitution.

4.6.4.5. In the event of any apparent failure of the video, telephone or conferencing connection, the Chairman should immediately determine if the meeting is still quorate:

- if it is, then the business of the meeting will continue; or
- if there is no quorum, then the meeting shall adjourn for a period specified by the Chairman, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.

4.7.4.6. Should any aspect of an individual's remote participation fail, the Chairman may call a short adjournment of up to five minutes to determine whether the connection can quickly be re-established, either by video technology or telephone or conference dial-in in the alternative. If the connection is not restored within that time, the meeting shall continue to deal with the business whilst this happens providing the meeting remains quorate and the public are able to hear.

4.8.4.7. In the event of connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item/s.

4.9.4.8. If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.

4.10.4.9. If a connection to a Member is lost during a regulatory meeting, the Chairman will stop the meeting to enable the connection to be restored. If the connection cannot be restored within five minutes, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

4.11.4.10. Etiquette at the meeting is referred to further below.

5. PUBLIC PARTICIPATION

5.1. Public participation will continue, whereby members of the public are required to complete a Microsoft Form for the chair to review and read at the meeting. The form can be accessed online. at
https://forms.office.com/Pages/ResponsePage.aspx?id=VH_RilQmuUumwvI0YlCqFJCd4KzoXBdDs1brNZU39TJUNkY5QzBXOVFSQzdBUiZIUK1VSjAxTjVRRy4u This is in line with government advice. From September 2020, the form will change to be
https://forms.office.com/Pages/ResponsePage.aspx?id=VH_RilQmuUumwvI0YlCqFJCd4KzoXBdDs1brNZU39TJURFIDTVVVVEtFOUVKMDM5VVVSNjVBROMySC4u

5.2. Members of the public will be required to register, and the first speaker to come forwards on each item for each category (applicant, objector, Parish Council) will be given a dial in number which will allow them to conference call

'live' into the meeting to make their statement. They will be required to submit a written copy of their statement in the form in the case of any technology access issues, which can be read out by the Committee Chairman or (if requested by the Chairman) a designated officer.

5.3. If a member of the public registers on a matter where someone has been allocated first, they will be advised that they are unable to speak live to the matter before the meeting.

5.1-5.4. There will be a fixed time limit of two minutes for each individual statement. No opportunity will be given for any further public participation in the meeting.

5.2-5.5. In being able to access the meetings live through YouTubeYouTube, the public will still be given access to view the meetings. Meetings are accessible from the YouTubeYouTube playlist https://www.youtube.com/playlist?list=PLayZMm2E4mslJEK_Mf85BTrmisTDSGRVe

6. MEETING PROCEDURES

- 6.1. A meeting facilitator, (who may be the Committee Services Officer but preferably this will be a separate additional officer), is enlisted; whose role it will be to control the video, telephone or conferencing technology employed for remote access and attendance and to administer Member interaction, engagement and connections on the instruction of the Chairman.
- 6.2. The Authority will endeavour to put in place a technological solution that will enable councillors participating in meetings remotely to indicate their wish to speak via this solution, replacing the physical practices or rules concerning raising one's hand or standing to be recognised or expressing a desire to speak.
- 6.3. The Chairman will follow the rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.
- 6.4. The Chairman, at the beginning of the meeting, will explain the protocol for Member and public participation and the rules of debate. The Chairman's ruling during the debate will be final.
- 6.5. Members are asked to adhere to the following etiquette during remote attendance at a meeting:
 - Committee Members are asked to connect to the meeting no later than fifteen minutes before the start to allow themselves and Committee Services the opportunity to test the equipment
 - Any camera (video feed) 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.

- Members should type their name on joining the meeting in full, i.e. "Cllr Joanne Smith" (where the technological solution employed by the authority enables this).
- All members will keep their videos on throughout the meeting, where their connectivity allows. The broadcast will display all members present where possible.
- At the start of the meeting, the Chairman may carry out a roll call of all Members present. Confirmation will be given by each Member ~~switching their video on and~~ unmuting their microphone to confirm they are present and ~~turning video off and~~ muting once confirmed.
- All Members to have their ~~video turned off and~~ microphones muted when not talking.
- Microsoft Teams allows for a virtual 'hands up' function. Members should click this button and wait to be ~~Rather than raising one's hand or rising to be~~ recognised or to speak, Members should avail themselves of the remote process for requesting to be heard:
 - ~~[e.g., where available] Members are to use any chat facility to indicate to the Chairman that they wish to speak.~~ Members will select the 'hands up' icon and a hand will appear next to their name. The chair will call on the clerk to advise the members who wish to speak. Members will unmute their microphone ~~and turn their cameras on~~ when the Chairman invites them to speak. ~~The chat facility must not be used for private conversations between councillors.~~
 - Only speak when invited to by the Chairman.
 - If the Chairman requests you to do so, you must immediately mute your microphone.
- Only one person may speak at any one time.
- Turn on the microphone ~~and also the video feed (if available or unless speaking to a diagram, presentation slide or drawing),~~ then state your name before you make a comment.
- When referring to a specific report, page, or slide, mention the report, page, or slide so that all Members have a clear understanding of what is being discussed at all times.
- The Chairman may also request Committee Services to mute or turn off cameras for attendees to assist with the smooth running of the meeting. This step may also be used where members have been asked to mute themselves, but have failed to do so.
- All Members and Officers are reminded to disable smart speakers, for example Google assistant and Alexa during the meeting. This will avoid potential disruptions and background noise.

- Any Member returning after a disconnection is asked not to interrupt when returning to announce their return. Members can use the chat function to confirm this, if required.
- 6.6. When the Chairman is satisfied that there has been sufficient debate and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed he/she will progress to a decision. Unless a Recorded Vote is called, the method of voting will be at the Chairman's discretion and will be by one of the following methods:
- The Chairman or an officer will call out the name of each Member present in alphabetical order with:
 - Members should unmute their microphone and state 'for', 'against', or 'abstain' to indicate their vote when their name is called, muting their microphone once their vote has been given;
 - the Committee Services Officer clearly stating the result of the vote and the Chairman then moving onto the next agenda item; or
 - by the general assent of the meeting; or
 - A Vote by electronic means.
- 6.7. Details of how Members voted will not be kept or minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chairman will ask Members in turn to signify verbally whether or not they support that request (in accordance with the Council's Procedure rules).

7. DECLARATION OF INTERESTS

- 7.1. Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Committee Services Officer who will invite the relevant Member by link, email or telephone, to re-join the meeting at the appropriate time.

8. EXCLUSION OF PUBLIC AND PRESS

- 8.1. There are times when council meetings are not open to the public, when confidential, or "exempt" issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Where the technology is available, the Committee Services Officer or meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.
- 8.2. Each Member in remote attendance must ensure that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

- 8.3. Any Member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would be in breach of the Members' Code of Conduct responsibilities.

9. PUBLIC ACCESS TO MEETING DOCUMENTATION FOLLOWING THE MEETING

- 9.1. Members of the public may access minutes and other relevant documents through the Council's website. Requests for access to the list of background papers and other relevant documents should be by email or by post.

10. PETITIONS

- 10.1. During the Covid-19 crisis it will not be possible to accept paper petitions. An electronic petition will be acceptable provided it meets the requirements as set out in the Council's Petition Scheme. Should the Petition meet the criteria for presentation at a Council / Committee meeting, the member of the public submitting the petition will be invited to submit a speech in writing as there will be no opportunity to present the petition in person.

11. EMERGENCY POWERS

11.1. Once all committees are re-instated remotely, the Interim Measures Group ceases to exist.

11.2. However, given that we are still responding rapidly at a local level to emerging pressures associated with the global pandemic, it is important to note that normal constitutional emergency power then takes over. This means that if policy or decision making emerges that does not fit with the timetabling of remote meetings, Directors can use their emergency power to make quick and binding decisions without Committees or IMG, under part 3 of the Scheme of Delegation

"Emergency Action – Any Director is authorised to act in emergencies, and where time permits in consultation with the Leader of the Council and Chairman/ Chairmen of appropriate Committee(s)"

~~11. COUNCIL / COMMITTEE FORWARD PLAN / DECISIONS~~

~~11.1. The COVID-19 Interim Measures Group will consider the Forward Plans for all Committees and identify which key operational issues require referral to the Council. These operational issues will be graded, and determined according to the following:~~

- ~~• High importance – needs to be considered by the Council at the next meeting;~~
- ~~• Medium importance – will be considered by the Council, but at a later date to be determined;~~
- ~~• Low importance / no decision required – will not be taken to the Council, will either uploaded to the Modern.Gov document library or removed from the Forward Plan.~~

~~11.2. Monitoring or information items will not be considered and made available through the document library facility within Modern.Gov.~~

PLEASE NOTE: In line with the Regulations, this protocol is designed to provide a guide to remote formal meetings of the Council / its Committees during the COVID-19 crisis. This has been agreed by the COVID-19 Interim Measures Group and will be kept under regular review.

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