



APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

12 May 2021

Dear Councillor

You are summoned to attend the forty ninth;

ANNUAL MEETING OF THE MALDON DISTRICT COUNCIL

on **THURSDAY 20 MAY 2021** at **10.00 am**.

The meeting will be held at **Maldon Stadium (Maldon and Tiptree Football Club), Park Drive, Maldon, Essex, CM9 5JQ.**

Please Note that due to social distancing and space limitations, we require any members of the public or press who wish to attend physically and observe this meeting to complete [a request form](#) (to be submitted by 12noon on Wednesday 19 May 2021). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Annual Meeting of the Council will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

A copy of the agenda is attached.

Yours faithfully

Director of Strategy, Performance and Governance





AGENDA STATUTORY ANNUAL COUNCIL

THURSDAY 20 MAY 2021

1. **Chairman's notices**

2. **Election of Chairman**

To elect the Chairman of the Maldon District Council for the ensuing municipal year.

3. **Chairman's Statutory Declaration of Acceptance of Office**

Chairman to make the Statutory Declaration of Acceptance of Office.

4. **Appointment of Vice-Chairman**

To appoint the Vice-Chairman of the Maldon District Council for the ensuing municipal year.

5. **Vice-Chairman's Statutory Declaration of Acceptance of Office**

Vice-Chairman to make the Statutory Declaration of Acceptance of Office.

6. **Apologies for absence**

7. **Declarations of Interest**

To declare the existence and nature of any 'personal' or 'personal and prejudicial' interests relating to items on the agenda having regard to paragraphs 8 to 12 inclusive of the Code of Conduct for Members.

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

8. **Minutes - 18 March 2021** (Pages 7 - 20)

To confirm the Minutes of the meeting of the Council held on 18 March 2021 (copy enclosed).

9. **Minutes - 29 April 2021** (Pages 21 - 26)

To confirm the Minutes of the extraordinary meeting of the Council held on 29 April 2021 (copy enclosed).

10. **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 date of the meeting).

11. **Chairman's Announcements**

12. **Minute Book**

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

- a) Performance, Governance and Audit Committee - 24 March 2021 (Pages 27 - 32)

13. **Minutes of Meetings of the Council**

To note that since the last meeting of the Council, up until Wednesday 12 May 2021 (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	10 March 2021
Overview and Scrutiny Committee (meeting as the Crime and Disorder Committee)	11 March
South Eastern Area Planning Committee	17 March
Central Area Planning Committee	31 March
Overview and Scrutiny Committee	15 April
South Eastern Area Planning Committee	14 April
Central Area Planning Committee	21 April

14. **Notice of Motion**

In accordance with notice duly given under Procedure Rule 4, Councillor M W Helm to move the following Motion duly seconded by Councillor A S Fluker:

“Motion One:

To prevent Filibustering the 15 minutes allocated for Questions to the Leader applies only to the time taken by the member to ask questions and not the time taken for a reply to be made.

Motion Two:

In the best interest of public understanding the policy of the administration, if the Leader of the Council is unable to answer a question put to them during Questions to the Leader, the Leader should not defer, but provide a written response to Council.

Motion Three:

That an item Questions to the Leader, is included on the agenda of all Council meetings.”

15. **Questions in accordance with Procedure Rule 6 (2) of which notice has been given**

16. **Leaders and Composition of Political Groups** (To Follow)

- (i) To consider the report of the Director of Strategy, Performance and Governance on the Leaders and composition of each political group (copy to follow).
- (ii) The Council to consider the ratification of the Leader-designate as Leader or to elect the Leader of the Council.
- (iii) To elect the Deputy Leader of the Council.

17. **Appointment of Membership of Committees of the Council** (To Follow)

To appoint Members to serve on Committees, as required by Procedure Rule 17. (Report of the Director of Strategy, Performance and Governance on the nominations of the Leader of the Council and the Opposition Leader to the places allocated to their respective groups copy to follow).

18. **Adjournment of meeting**

To adjourn the meeting to allow Committees of the Council and the Area Planning Committees to proceed to elect Chairmen and Vice-Chairmen.

Special Meeting of the Performance, Governance and Audit Committee

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Strategy and Resources Committee

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Licensing Committee

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Overview and Scrutiny Committee

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Joint Standards Committee

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Investigating and Disciplinary Committee

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the District Planning Committee

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the Central Area Planning Committee

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the North Western Area Planning Committee

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

To be followed by:-

Special Meeting of the South Eastern Area Planning Committee

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

19. **Resumption of Business**

To continue with the business of the Statutory Annual Meeting of the Council.

20. **Appointment of Representatives to Local Government and Outside Bodies** (To Follow)

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

21. **Appointment of Members to serve on Working Groups of the Council** (To Follow)

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

22. **Annual Report of the Overview and Scrutiny Committee** (Pages 33 - 36)

To consider the report of the Chairman of the Overview and Scrutiny Committee, (copy enclosed).

23. **Business by Reason of Special Circumstances Considered by the Chairman to be Urgent**

24. **Exclusion of the Public and Press**

To resolve 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 involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

25. **Compulsory Purchase of Land** (Pages 37 - 42)

To consider the report of the Director of Service Delivery, (copy enclosed).

NOTICES

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.

Fire

In the event of a fire please use the fire exits marked with the green running man.

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**MINUTES of
COUNCIL
18 MARCH 2021**

PRESENT

Chairman Councillor M S Heard

Vice-Chairman Councillor C Mayes

Councillors Miss A M Beale, B S Beale MBE, M G Bassenger, V J Bell,
R G Boyce MBE, Mrs P A Channer, CC, M F L Durham, CC,
M R Edwards, Mrs J L Fleming, A S Fluker, M W Helm,
A L Hull, K W Jarvis, J V Keyes, K M H Lagan, 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

325. 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.

326. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R P F Dewick and it was noted that Councillor C P Morley would be joining the meeting later.

327. DECLARATION OF INTEREST

Councillor M F L Durham disclosed a non-pecuniary interest as a Member of Essex County Council in any item on the agenda pertaining to the County Council.

Councillor R G Boyce disclosed a non-pecuniary interest in one of the items of business due to be considered in private session as he was an Almshouse Trustee.

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council and any matter referring to that organisation. She specifically referenced Agenda items 10, 12, 13, 16 and some of the items due to be considered in private session. She also disclosed a non-pecuniary interest in one of the items of

business due to be considered in private session as she was Trustee of an Almshouse Charity.

Councillor M W Helm disclosed a non-pecuniary interest in one of the items of business due to be considered in private session as he was an Almshouse Trustee.

Councillor M S Heard disclosed a non-pecuniary interest in Agenda Item 10 – Notice of Motion as he was trustee of a Local Charity, Joseph Henry Unwin which had provided money to all of the foodbanks in Maldon.

328. MINUTES - 4 FEBRUARY 2021

RESOLVED

- (i) that the Minutes of the Council meeting held on 4 February 2021 be received.

Minute 245 – Questions to the Leader of the Council in Accordance with Procedure Rule 1 (3)(M)

Councillor Mrs P A Channer advised that a question she had raised at this meeting had not been recorded. The question was whether the Leader agreed that the protocol of the Council should be followed at public meetings and Members should address Officer in accordance with the rules agreed by the Council.

In response the Chairman advised that the tape would be checked, and the Minutes amended accordingly.

RESOLVED

- (ii) that subject to the above amendment, the Minutes of the Council meeting held on 4 February 2021 be agreed.

329. MINUTES - 23 FEBRUARY 2021

RESOLVED (by assent) that the Minutes of the extraordinary Council meeting held on 23 February 2021 be agreed.

330. PUBLIC QUESTIONS

In accordance with Procedure Rule 1(3)(e) and the Council's Public Question Time and Participation at Council and Committee Meetings Scheme, the Chairman of the Council advised of a question from Mr D Sismey of which prior notification had been given.

The Chairman then read out the question, set out below.

What feedback has the Council Leader received from the Monitoring Officer regarding the Council's budget press statement on 25 February and what regard did the Council give to Section 2 of the Local Government Act prior to its publication? Does the Council Leader think it is a justifiable use of council tax payers' money to use the

Council press office to make partisan political points despite the provisions of the Local Government Act?

The Leader of the Council responded to the question as follows:

“The Monitoring Officer provided feedback on the Leaders Budget Statement and whilst he did not believe it contravened Section 2 of the Local Government Act, he did advise it should be amended and this action was taken, and the press release re-issued.

I can confirm that the Council reviews all publications and press releases paying regard to section 2 of the Local Government Act prior to them being released and where necessary advice is sought from the Monitoring Officer.”

331. CHAIRMAN'S ANNOUNCEMENTS

The Chairman of the Council made statement referring to how it had been a year to the day since the Council had requested that all staff worked from home to address concerns regarding COVID-19 and ensure safety of staff.

Reflecting on the last year the Chairman referred to the unprecedented challenges faced and how they had also brought out the best from both the Council and the Communities it served and worked together with.

The Chairman thanked:

- all staff at Maldon District Council for their hard work and commitment over the last year, for keeping services going and supporting residents and businesses;
- partners who had come together to work with the Council, including the Maldon Community Voluntary Service (CVS), community groups and all residents of the District for their support;
- the National Health Service (NHS), referring to the care they had provided, but also for the efficient and rapid roll-out of the vaccine which hoped would be the way back to some normality through the course of this year.

Reflecting on the many people that had lost friends and family to the COVID Epidemic, a minutes silence was held to remember those who had been lost and those who were still slowly recovering from the virus.

Following this the Chairman referred to an event which the Vice-Chairman had recently attended on his behalf.

332. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 25 FEBRUARY 2021

RESOLVED (by assent) that the Minutes of the Performance, Governance and Audit Committee held on 25 February 2021 be agreed.

333. MINUTES OF MEETINGS OF THE COUNCIL

RESOLVED (by assent) that the list of Committees that had met since the last meeting of the Council, up to Wednesday 10 March 2021 for which Minutes had been published be noted.

334. NOTICE OF MOTION

In accordance with Procedure Rule 4, the Chairman advised that a motion proposed by Councillor C Morris and seconded by Councillor V J Bell had been received.

Councillor Morris read out his Motion (as set out below):

“In view of the current difficulties our community faces, Maldon District Council pledges to operate a food bank to help the vulnerable people of our district that will be located within the Council offices in Maldon, as well as any suitable location at Burnham-on-Crouch, as soon as possible.”

Councillor C Mayes provided a detailed update to Members on the food hubs around the District and the work being done with partners and stakeholders such as the Community Voluntary Service, St. Peter’s Hospital and the Salvation Army along with numerous volunteers who were assisting in many ways. She highlighted grants received to provide additional resources and a number of campaigns supported by the Council and its Officers including food hampers, particularly those delivered over Christmas. Councillor Mayes advised that as result of this multiagency work she wished to make an amendment to the motion and proposed that:

in view of the current difficulties our community faces, Maldon District Council pledges to continue working with outside agencies to identify and support our existing food banks whilst investigating whether more food banks are needed within the District. This support may include offering assistance via website publicity as well as promoting a multi-agency approach to community needs.

This proposal was duly seconded.

Members debated the proposed amendment at length, noted the outstanding work being done by food banks across the District and comments were made regarding food banks and pantries currently operating within the District, ensuring continued support to these and use of the Council Offices.

In response, the Leader of the Council suggested that a report be brought to the Council (or Committee) with a feasibility study and commented how it would be impractical for the Council to set a policy at a meeting now.

During the debate Councillor Mrs P A Channer disclosed a non-pecuniary interest in this item of business as a County Councillor as Essex County Council had been involved in a lot of the associated work.

Councillor M F L Durham disclosed a non-pecuniary interest in this item of business in relation to the funding for the Heybridge food bank and that he was an ambassador to the Country Food Trust which distributed free meals to the foodbanks.

Councillor Morris, in response to the comments, provided further details regarding the current facilities available in the District and how he felt these were inadequate. He referred to the Trussell Trust and how its website directed you to Chelmsford when Maldon was entered. Councillor Morris felt that the District required an accessible, visible and reliable food bank and advised he did not support the amendment. In accordance with Procedure Rule No. 13 (3) Councillor Morris requested a recorded vote.

In light of comments made Councillor Mayes further amended her earlier proposition as follows:

In view of the current difficulties our community faces, Maldon District Council pledges to continue working with outside agencies to identify and support our existing food banks whilst investigating whether more food banks are needed within the District. This support may include offering assistance via website publicity as well as promoting a multi-agency approach to community needs and the involvement of the Trussell Trust in discussions to improve the services District wide. That a report be brought back to the Council to provide further details.

Councillor Mayes referred to the Trussell Trust, mentioned earlier in the discussions, and how it provided food and support such as access to the Citizens Advice Bureau, GPs etc. Councillor Morris highlighted his support for the Trussell Trust and how it was important to have something central to Maldon which would benefit the District.

The further amendment by Councillor Mayes was duly seconded as was the request by Councillor Morris for a recorded vote.

The Chairman then put the proposal to the Council and the voting was as follows:

For the recommendation:

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

Against the recommendation:

Councillor C Morris.

Abstention:

There were none.

The Chairman thanked Councillor Morris for brining this matter to the Council.

RESOLVED

- (i) that in view of the current difficulties our community faces, Maldon District Council pledges to continue working with outside agencies to identify and support our existing food banks whilst investigating whether more food banks are needed within the District. This support may include offering assistance via website publicity as well as promoting a multi-agency approach to community

needs and the involvement of the Trussell Trust in discussions to improve the services District wide;

- (ii) That a report be brought back to the Council to provide further details.

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

There were none.

336. CORPORATE PLAN UPDATE

The Council considered the report of the Director of Strategy, Performance and Governance seeking approval of an update to the Maldon District Council Corporate Plan.

It was noted that on 14 February 2019 a Corporate Plan for 2019 – 2023 was approved by the Council and how as a result of Covid-19 pandemic the Council's approach to service delivery and corporate priorities had changed. The revised Corporate Plan (attached as an appendix to the report) ensured the Plan remained relevant and responsive. The report detailed the review that had taken place and the changes made to the revised Corporate Plan for 2021 – 2023. This work had been overseen by the Corporate Plan Working Group and the report outlined the conclusions of the Working Group following its last meeting.

The Chairman put the recommendation set out in the report to the Council and this was duly agreed by assent.

RESOLVED (by assent) that Members consider and approve the Maldon District Corporate Plan 2021 – 2023 as set out in Appendix 1 to the report.

337. WICKHAM BISHOPS NEIGHBOURHOOD PLAN - DECISION ON EXAMINER'S REPORT

The Council considered the report of the Director of Strategy, Performance and Governance seeking approval of the recommendations made in the Examiner's report (attached at Appendix 1 to the report) on the Wickham Bishops Neighbourhood Plan (WBNHP). The report also sought approval of the Neighbourhood Plan to proceed to referendum.

The report provided background information regarding neighbourhood planning, including:

- how the preparation of the WBNHP had been led by Wickham Bishops Neighbourhood Plan Steering Group on behalf of Wickham Bishops Parish Council;
- production of a Neighbourhood Plan must follow a regulatory process and this was summarised in the report;

- examination of the Neighbourhood Plan and consideration whether the Plan met Basic Conditions;
- the role of the Local Planning Authority;
- consideration of the examiner's report (attached as Appendix 1 to the report) and proposed modifications and Officer's recommendation for each of these were set out in the draft decision notice (Appendix 2 to the report).

The Leader of the Council presented the report and proposed that the recommendations set out in the report be agreed. This proposal was duly seconded.

Councillor K W Jarvis disclosed a non-pecuniary interest in this item of business as he was a Wickham Bishops Parish Councillor.

A number of Members commented on the report and the huge amount of work undertaken by the Parish Council.

In response to questions raised, Members were advised that there was a time limit for when a Neighbourhood Plan had to go to referendum. It was not within the remit of the Council to delay approval of the Plan.

The Chairman put the recommendations set out in the report and this was duly agreed by assent.

RESOLVED (by assent)

- that the Examiner's modifications be agreed and that subject to these modifications the Neighbourhood Plan meets the Basic Conditions and other legislative requirements;
- that the draft Decision Statement attached as Appendix 2 to the report be approved to be published on the Council's website;
- that the Wickham Bishops Neighbourhood Plan be agreed as modified and proceeds to a local referendum based on the boundary of Wickham Bishops Neighbourhood Area as recommended by the Examiner.

338. FUTURE COMMITTEE MEETINGS OPTIONS

The Council considered the report of the Director of Strategy, Performance and Governance updating Members of the approach and options for Council and Committee meetings from 6 May 2021, when the current remote meeting legislation expires.

The report outlined the current provision which allow virtual meetings to take place and how this was due to expire on 6 May 2021. A number of organisations across Local Government were working to challenge this but to allow for an option to be implemented by 6 May 2021 delegation of the final decision was sought. Appendix 1 to the report outlined a number of options which were being considered.

In response to a question, the Director of Strategy, Performance and Governance confirmed that to date there was no legal update in respect of virtual meetings after 6 May 2021.

The Leader of the Council presented the report and proposed that the recommendations set out in the report be agreed. This was duly seconded.

Members discussed the report. Councillor A S Fluker raised some concern and asked the Leader if she would, with the Chairman's support, be prepared to call an extraordinary meeting of the Council once further information was known. The Leader confirmed that she would. Councillor Fluker then proposed that at the request of the Leader of the Council and at the discretion of the Chairman once further information was available an extraordinary meeting of the Council be arranged to consider what is best for the Council. This was duly seconded.

A debate ensued and a number of comments were made regarding virtual and face to face meetings. In response the Director of Strategy, Performance and Governance outlined some of the options that Officers were investigating should virtual meetings not be able to continue after 6 May 2021. It was noted that Officers would continue to look at all options and continue with risk assessments, scoping out alternative venues etc.

At this point Councillor Fluker withdrew his earlier proposition and proposed that the Leader of the Council in conjunction with the Chairman calls an extraordinary meeting of the Council to consider options once further information is forthcoming from the Government on process of holding meetings after 6 May 2021.

In accordance with Procedure Rule No. 13 (3) Councillor K M H Lagan requested a recorded vote. This was duly seconded.

The Chairman put the recommendations set out in the report with the additional proposal in the name of Councillor Fluker to the Council. The voting was as follows:

For the recommendation:

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

Against the recommendation:

Councillors M G Bassenger, Mrs J L Fleming, K M H Lagan and C Swain.

Abstention:

There were none.

RESOLVED

- (i) That Members review the details set out in this report and are assured that Officers are doing all that they can to scope future options with the limited information provided;
- (ii) That final decision on the future approach to meetings be delegated to the Director of Strategy, Performance and Governance, in consultation with the

Leader of the Council, Chairman of the Council, Leader of the Opposition Party and Leader of Democratic Alliance Group.

- (iii) that the Leader of the Council in conjunction with the Chairman calls an extraordinary meeting of the Council to consider options once further information is forthcoming from the Government on the process of holding meetings after 6 May 2021.

Councillor C P Morley joined the meeting at this point.

339. APPOINTMENT OF REPRESENTATIVE TO MALDON DISTRICT DEMENTIA ACTION ALLIANCE AND VACANT INVESTIGATING AND DISCIPLINARY COMMITTEE SEAT

The Council considered the report of the Director of Strategy, Performance and Governance, seeking appointment of a representative to serve on the Maldon District Dementia Action Alliance (MDDAA) outside body (as detailed in Appendix 1 to the report) and to ratify the Independent Group nomination for appointment of a Member to the Investigating and Disciplinary Committee.

The report outlined the suggestion following recent Member / Officer training sessions to appoint a representative to attend the MDDAA. It was noted that to fill a vacant seat on the Investigating and Disciplinary Committee the Independent Group had nominated Councillor S P Nunn be appointed and ratification of this was sought.

The Leader of the Council presented the report. Councillor C Mayes proposed that due to her related experience Councillor W Stamp be appointed to the MDDAA. This was duly seconded. Councillor Mrs P A Channer then proposed that Councillor Miss A M Beale be appointed to the MDDAA. In light of this proposal and following a request from Councillor Stamp, Councillor Mayes withdrew her earlier proposal.

The Chairman put the proposal of Councillor Mrs Channer to appoint Councillor Miss Beale to the MDDAA to the Council and this was agreed by assent.

The Chairman put recommendation (ii) to the Council and this was duly agreed by assent.

RESOLVED (by assent)

- (i) That Councillor Miss A M Beale be appointed as a representative to Maldon District Dementia Alliance (as detailed in Appendix 1 to the report) for the remainder of the Municipal Year;
- (ii) That Councillor S P Nunn be appointed to the Investigating and Disciplinary Committee for the remainder of the Municipal Year.

340. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned for a short comfort break.

341. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumes in open session at 8:20pm.

342. ESTABLISHING A PLANNING POLICY WORKING GROUP

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' agreement to establish a Planning Policy Working Group (the Working Group) to consider and inform the work being undertaken on development the Local Development Plan (LDP) review and Supplementary Planning Documents (SPD) as set out in the Local Development Scheme 2021 – 2024. Appointment of up to six Members to the Working Group was also sought.

The report outlined the proposed Terms of Reference and remit of the Working Group and it was noted that although a Working Group of the Council it would provide regular updates to the Strategy and Resources Committee to inform the Committee's decisions in relation to the LDP Review and SPD preparation.

The Leader of the Council presented the report and proposed that the Working Group be made up of four Independent and two Conservative Councillors or one Conservative and one Democratic Alliance Group Councillor. This proposal was duly seconded. The Leader of the Council suggested that the Group Leaders advise the Director of Strategy, Performance and Governance of their nominations outside of the meeting. In response to a question the Senior Specialist – Legal advised that as long as the Council was clear on how many nominations each political party was being allocated then the Leaders could confirm their nominations at a later date.

Following a suggestion, the Leader of the Council amended her proposal, proposing that the Working Group be made up of seven Members drawn from the Political Groups as follows - four Independent, two Conservative and one Democratic Alliance Group. The Chairman put this amendment to the Council and it was duly agreed by assent.

RESOLVED (by assent) that a Planning Policy Working Group of seven Members (four Independents, two Conservatives and one Democratic Alliance Group) be established, and the relevant Group Leaders notify the Director of Strategy, Performance and Governance of their nominations to the Working Group.

343. REVISION TO MEETING DATES

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' agreement to revise the date of the Statutory Annual meeting of the Council.

It was noted that on 6 May 2021 there would be two by-elections for Councillor vacancies at the Council. In light of this and to allow suitable time for constitutional procedures to be carried out it was requested that the Council consider moving the date of the Statutory Annual Council meeting. Should this be agreed further amendments to three Area Planning Committee dates would also be required.

The Leader of the Council presented the report and moved the recommendations as set out in the report. This was duly seconded and agreed by assent.

RESOLVED (by assent)

- (i) That the Statutory Annual Council date is revised to 20 May 2021;
- (ii) That the associated Area Planning Committee dates are revised as follows:
 - North Western Area Planning Committee moves to Tuesday 25 May 2021 (from Wednesday 19 May);
 - South Eastern Area Planning Committee moves to Wednesday 26 May (from Thursday 20 May);
 - Central Area Planning Committee moves to Wednesday 2 June (from Wednesday 26 May).

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

Councillor A S Fluker paid tribute to everyone in the District, particularly those volunteers involved in the roll out of the UK wide vaccination programme and referred to a letter sent by the Leader of the Council to the Government supporting Small Modular Nuclear Reactors. He asked the Leader of the Council as the Council appeared to be the only District Council that had endorsed this technology whether she would be surprised if such technology was scoped in our District and sought confirmation of her policy regarding nuclear energy and the District. In response the Leader advised that the policy had been agreed by the Council and the letter sent to the Government as a result of that decision.

Councillor Mrs M E Thompson highlighted the importance for the barges being able to leave and come back to the quay in Maldon and asked the Leader if she could advise, as the quay fees had considerably reduced, whether there was a policy for where the cost of dredging would come from. In response the Leader advised that the Council did not have a policy at the moment, but she was sure Officers would be reviewing this following the February budget meeting of the Council. She advised that Officers would respond to Councillor Mrs Thompson outside of the meeting with the details.

Councillor R H Siddall referred to the One Team internal newsletter and the major piece of work being undertaken by the Council in respect of equality and diversity. Part of this work included the development of a new strategy aligned to the Council's Corporate Plan and he commended Officers for their commitment to this piece of work. Councillor Siddall commented how much harder it was for someone of the Lesbian, Gay, Bisexual, Transgender, Queer and others (LGBTQ+) community to grow up in a rural area rather than a city where access to support was easier. He asked the Leader of the Council if she supported these values and felt that this was something that Members needed to incorporate into their behaviour. He also asked if she hoped the future saw Members behaving in a way that respected equality, diversity and inclusivity. In response the Leader of the Council advised she did and how it was very important for the Council to be embracing and taking on all aspects of equality and diversity. She provided an update to Members on the work being undertaken by the Council and

advised that a report would be brought to a Committee in respect of this in the next couple of months.

Councillor Mrs P A Channer referred to the question regarding accessibility of the Parish Council Forum agendas etc. which she had raised at the Council meeting on 4 February where the Leader had agreed to check the Terms of Reference and Constitution and sought confirmation if this had been done. In response the Leader advised that she had spoken to Officers regarding this and asked Officers to provide further feedback. The Leader referred to how the Council would be continuing to work with Parish and other Councils. The Director of Strategy, Performance and Governance advised that he would ensure this information was populated onto the Modern.Gov library to ensure the information was available to Members.

Councillor M W Helm advised that he would put his question in writing to the Leader and ensure this was copied to all Members.

345. 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

346. AFFORDABLE HOUSING AND COMMUTED SUM STRATEGY

The Council considered the report of the Director of Strategy, Performance and Governance, informing Members of the Council's upcoming position in relation to the Five-Year Housing Land Supply (5YHLS).

It was noted that the Council's adopted affordable housing policy allowed for financial contributions in lieu of onsite provision when considered to be a more appropriate method of meeting the District's need. The report outlined how to best use developer financial contributions to deliver affordable housing units a formal strategy was required.

The Leader of the Council presented the reported and moved the recommendations set out in the report. This was duly seconded.

The Chairman put the proposal to the Council and it was duly agreed by assent.

RESOLVED (by assent)

- (i) That the contents of the report be noted;
- (ii) That a strategy be produced to look at how to best use Developer financial contributions to meet the affordable housing need of the District.

347. LEISURE CONTRACT UPDATE

The Council considered the report of the Director of Service Delivery advising Members of the on-going work from the Leisure Contract Member Task and Finish Working Group (the Working Group) in relation to the current position with the Leisure Services. The report also sought Members' approval for the Working Group to continue to meet to review further proposals, negotiations and make further recommendations to the Council.

It was noted that the Working Group had considered legal advice, analysed and challenged information provided by Places Leisure and made recommendations to the Council on the basis of this advice. The report provided an update on the support agreed to Places Leisure until the end of March 2021 and outlined future support options which had been reviewed by the Working Group.

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

Thanks were extended to the Leisure Contract Working Group and Officers for the detailed report and work they had undertaken.

The Chairman put the recommendations to the Council and these were agreed by assent.

RESOLVED (by assent)

- (i) That the Council extends its provision of financial support to Places Leisure up to 31 March 2022, subject to quarterly reviews by the Task and Finish Working Group and staying within the forecasted financial parameters detailed within this report;
- (ii) That the Leisure Contract Member Task and Finish Working Group continues to meet on a quarterly basis throughout 2021 / 22 to consider all matters relating to Places Leisure and report back to the Council accordingly.

348. MILLFIELDS CARAVAN PARK, BURNHAM-ON-CROUCH

The Council considered the report of the Director of Service Delivery advising that the Strategy and Resources Committee at its meeting on 28 January 2021 had considered a report seeking revision to the lease agreement for Millfields Caravan Park, Burnham-on-Crouch. The Committee resolved that the revision along with additional information should be deferred to the Council for decision. The report detailed the proposed lease revision and detailed the additional information requested by the Strategy and Resources Committee and sought Members' approval for a revised lease agreement.

The report, along with seven appendices, set out background information regarding the development of the Millfields Caravan Park, including the tendering process completed in 2012, planning conditions applied, contamination information and a summary of key issues. Detailed legal advice and analysis from the Council's Environmental Health Officer, was also set out in the report along with options for Members' consideration.

Following a presentation of the report by Officers a number of questions were raised and Members commented on the proposed development. In response further information regarding the options available to Members was provided.

Councillor A S Fluker referred to the Planning Permissions granted on the site and the benefits of the development. He proposed that recommendations (i) and (ii) as set out in the report be agreed.

Following further discussion, the Chairman put that recommendation (i) as set out in the report and this was duly seconded and agreed by assent.

In accordance with Procedure Rule No. 13 (3) Councillor K M H Lagan requested a recorded vote. This was duly seconded.

The Chairman then put recommendation (ii) as set out in the report to the Committee, duly seconded and the voting was as follows:

For the recommendation:

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

Against the recommendation:

Councillors M G Bassenger, K M H Lagan, N G F Shaughnessy and N J Skeens.

Abstention:

Councillor V J Bell.

RESOLVED

- (i) That Members note the work undertaken by Officers to establish the experience of Birch's Leisure Parks Limited in delivering schemes dealing with contaminated sites, and that through discussion an improved position has been offered reflecting the Council's need to retain an acceptable income stream but recognising the additional costs in dealing with greater contamination that envisaged on the site;
- (ii) That Members approve the proposed revision to the 50-year lease agreement with Birch's Leisure Parks Limited for the Millfields Caravan Park, Burnham-on-Crouch which gives a total revenue income of £2.5m for the period of the agreement be approved as detailed in this report.

There being no further items of business the Chairman closed the meeting at 9.23 pm.

M S HEARD
CHAIRMAN



**MINUTES of
COUNCIL (EXTRAORDINARY)
29 APRIL 2021**

PRESENT

Chairman Councillor M S Heard

Vice-Chairman Councillor C Mayes

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

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to this remote meeting of the Maldon District Council, held under 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.

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R P F Dewick.

3. DECLARATION OF INTEREST

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

The Chairman advised that Councillor V J Bell had declared an interest in Agenda Item 6 and would be leaving the meeting at that time.

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

4. FUTURE COMMITTEE OPTION REVIEWS

The Council considered the report of the Director of Strategy, Performance and Governance seeking a review of options for future meetings during social distancing associated with COVID-19.

The report provided background information regarding the introduction of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 brought in in response to the COVID-19 pandemic, allowing the operation of remote meetings until 6 May 2021. It was noted that this Legislation would not be extended past 6 May 2021 and a recent High Court challenge seeking a declaration on whether remote meetings could continue had been dismissed.

Appendix A outlined the many risks associated with a return to physical meetings alongside possible mitigations. A number of suggested approaches and options were set out for consideration by the Council along with costs associated with these. Alternative outside venues had been investigated and the risk assessment linked to these was attached at Appendix B to the report. Members considered four options (set out in the report) which had been identified as options to allow the Council to continue with its business past 6 May 2021.

The Leader of the Council presented the report and moved the recommendations set out within it. These were duly seconded.

The Director of Strategy, Performance and Governance took Members through the report and provided additional information including the recent High Court decision.

A lengthy debate ensued during which Members commented on the proposals and in response to a number of questions the following information was provided:

- All guidelines referred to in the report and appendices were based on Government guidance and it was for the Council to agree how it met that guidance. The report provided proposals for staff and Member safety and there was an expectation that Members would comply.
- Officers present would be expected to follow the guidance set out.
- In reference to Procedure Rule 10 and disorderly conduct, Members were advised that if the Council agreed the guidance set out in the report Members would be expected to abide by it and this would be enforced by the Chairman. The Lead Legal Specialist and Monitoring Officer provided Members with further clarification on the use of Procedure Rule 10 in relation to the proposed guidelines
- The proposed start time of 11am for the Statutory Annual Council meeting had been suggested due to the availability of the preferred venue.
- In response to a suggested use of two rooms for meetings, the Director of Strategy, Performance and Governance referred to the Council's health and safety responsibility for staff and explained that this was not possible under current Government Guidance.

Councillor C Swain proposed an amendment to the recommendations set out in the report, that to avoid the need for meetings to be held externally, the District Planning Committee membership be reduced to four Members from each of the Area Planning Committees (the Chairman, Vice-Chairman and two other Members). He felt that in the short term the Council would operate with an Interim Management Group. This was duly seconded.

Further debate ensued and further clarification was provided by Officers. In response to a question regarding the recommendations and whether a change to the Council's Constitution was required, the Lead Legal Specialist and Monitoring Officer explained that the Constitution had been drafted with rules for physical and remote meetings and therefore no change was needed.

The Chairman referred to the proposed amendment by Councillor Swain, duly seconded. Councillor R G Boyce raised a Point of Order that if the Council was going to change the make-up of a Committee this would require proper advertising to the public and could not be done at this meeting. In light of this Councillor Mrs M E Thompson withdrew her seconding of the proposal by Councillor Swain. Following further discussion Councillor Swain withdrew his proposition.

Councillor R H Siddall proposed an amendment to the recommendations that the Statutory Annual meeting of the Council on 20 May 2021 move to a start time of 9:30am, which he advised would allow people to return to work afterwards and that all other Committee meetings return to a start time of 7:30pm. In response to a request by the Director of Strategy, Performance and Governance, Councillor Siddall amended his proposal changing the start time of the Statutory Annual meeting of the Council on 20 May 2021 to 10am. This proposal was duly seconded.

Members discussed the proposed amendment, which was shown on screen. In response to a query regarding a meeting of the District Planning Committee on 5 May 2021 the Chairman advised that this meeting had been cancelled and was due to be rescheduled.

In accordance with Procedure Rule No. 13 (3) Councillor K M H Lagan requested a recorded vote. This was duly seconded.

The Chairman then put the proposed amendment in the name of Councillor Siddall to the Council and the voting was as follows:

For the recommendation:

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

Against the recommendation:

Councillors V J Bell and C Morris.

Abstention:

None.

The amendment was therefore agreed and became the substantive motion.

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

The Lead Legal Specialist and Monitoring Officer clarified that Members needed to now vote on the newly amended recommendations. In response to a question, the Chairman advised that the 10am start time purely related to the Statutory Annual meeting of the Council.

In response to a question regarding the proposed review, the Director of Strategy, Performance and Governance advised that this would take place when Government guidance changed and that the Council would have to review its risk assessments as a result.

The Chairman then put the amended recommendations to the Council and the voting was as follows:

For the recommendation:

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

Against the recommendation:

Councillors V J Bell and C Morris.

Abstention:

Councillor C Swain.

This was therefore agreed.

RESOLVED

- (i) That the physical Statutory Annual meeting move to a start time of 10am to allow for this to take place at an outside venue with wider staff on-site to support;
- (ii) That Members review the future meeting options in section 3.10.6 of the report and identify a preferred option having regard to the risks set out at Appendix A to the report, and accept any costs will be a budget pressure for the year;
- (iii) That the guidance set out at section 3.10.7 of the report be adopted, and additional guidance that emerges from risk assessments to support more secure physical meetings where they do take place.

In light of her earlier declaration Councillor V J Bell left the meeting at this point.

5. EXCLUSION OF THE PUBLIC AND PRESS

The Chairman proposed that the public and press be excluded from the meeting for the reason identified in the agenda. This proposal was duly seconded.

In response to some discussion, the Lead Legal Specialist and Monitoring Officer outlined the reasoning why the following report should be considered in private session.

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

The Chairman then put the proposal that the public and press be excluded from the meeting and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, Mrs J Stilts, C Swain and Miss S White.

Against the recommendation:

Councillors R G Boyce, Mrs P A Channer, M F L Durham and M W Helm.

Abstention:

Councillors A L Hull and C Morris.

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 involves 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.

6. LEGAL ADVICE - PLANNING DETERMINATION

Councillor A S Fluker declared an interest in this item of business, advising he would take no further part in this item of business and left the meeting at this point.

Councillor Mrs P A Channer declared an interest in this item of business and provided detail regarding her declaration.

7. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 19:54 for a short comfort break.

8. RESUMPTION OF BUSINESS IN CLOSED SESSION

RESOLVED that the meeting resumes at 20:05 in closed session.

9. LEGAL ADVICE - PLANNING DETERMINATION CONTINUED

The Council considered the report of the Monitoring Officer regarding the lawfulness of a planning determination made by an Area Planning Committee.

The report and its appendices provided background information regarding the planning decision, correspondence received since along with Counsel's advice.

Councillor N J Skeens declared that he had been the Chairman at the meeting where the planning application had been considered.

In response to a request by the Chairman, the Monitoring Officer provided Members with some guidance regarding making a declaration of interest on this item of business. At this point, Councillor Mrs P A Channer advised that her earlier declaration in the interest of openness and transparency was that she had voted against the application. Councillor M G Bassenger asked that it be recorded for transparency that he had voted against the application when previously considered by an Area Planning Committee.

The Leader of the Council then presented the report and moved the recommendation set out in the report. This was duly seconded.

The Monitoring Officer took Members through his report, drawing their attention to key points for consideration.

Councillor R G Boyce proposed that determination of the planning application be delegated to Officers. This proposal was not seconded.

A lengthy debate ensued during which Members discussed the legal advice received and views of the Monitoring Officer set out in the report. Some Members referred to the Area Planning Committee meeting and provided further information in respect of this.

Following further debate, the Chairman put the proposal in the name of the Leader of the Council to Members.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded, and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, R G Boyce, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, M S Heard, A L Hull, K W Jarvis, J V Keyes, C Mayes, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillor C Morris.

Abstention:

Councillors K M H Lagan and Mrs J Stilts.

RESOLVED that planning application 20/01166/FUL at South of Charwood and East of Orchard House, Stoney Hills, Burnham-on-Crouch, should be re-determined at a meeting of the District Planning Committee as soon as possible.

There being no further items of business the Chairman closed the meeting at 8.56 pm.

M S HEARD
CHAIRMAN



**MINUTES of
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
25 MARCH 2021**

PRESENT

Chairman	Councillor Mrs J C Stilts
Vice-Chairman	Councillor K W Jarvis
Councillors	Mrs P A Channer, M S Heard, A L Hull, J V Keyes, S P Nunn, N G F Shaughnessy and W Stamp, CC
In Attendance	Councillor C Morris

349. 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 the etiquette for the meeting and then asked Officers and Councillors in attendance to introduce themselves.

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

350. MINUTES

RESOLVED

- (i) That the Minutes of the meeting of the Committee held on 25 February 2021 be received.

Minute No. 8 – Review of Corporate Performance – Quarter 3

Pg. 4, paragraph 3 final bullet point add 'with' after Conversation to read 'Conversation **with** 80 businesses'.

RESOLVED that subject to the above amendment the Minutes of the meeting of the Committee held on 25 February 2021 be confirmed.

351. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor M W Helm.

352. 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.

353. PUBLIC PARTICIPATION

No requests had been received.

354. EXTERNAL AUDIT FEES UPDATE

The Committee received a verbal update on External Audit Fees from the Director of Resources. He reminded the Committee that a briefing had been circulated to all Members covering the outcomes from a meeting on 16 March 2021 with the Public Sector Audit Appointments Limited (PSAA), the Chairman and Vice-Chairman of the Performance Governance and Audit Committee together with the Director of Resources.

He then summarised the headline issues from that meeting:

- Following discussions with the External Auditors the fee originally set at £100,00 had now been reduced to £88,500.
- That £6,000 of that reduction related to the delay in implementation of a new accountancy standard. That charge will now apply in the following year when the accounting standard comes into force.
- That of the £15m grant from central government in respect of audit fees the Council could anticipate an allocation of circa £12,000. This was a crude estimate based on population statistics.
- That PSAA recognised significant changes to the audit market taking place and that original scale fees would need to increase. They will be conducting independent research to determine what represents a reasonable fee variation.
- That the PSAA had not yet looked at 2020/21 audit fees, however, the Council had conveyed its concerns regarding the fee levels.
- In terms of the process for approving the fees, once the audit was completed towards the end of this calendar year External Audit will submit the proposals to the PSAA. The PSAA will question auditors as appropriate on fee variations, seek further information and may request to review audit files if required.
- Finally, the PSAA will speak to the Council again to check if it has any further concerns/queries before making a final decision.

355. INTERNAL AUDIT REPORTS - PROGRESS; FOLLOW-UP OF RECOMMENDATIONS AND PAYROLL AUDIT

The Committee considered the report of the Director of Resources and associated appendices that covered three reports from the Internal Auditors BDO LLP namely, the *Progress Report*, the *Follow-up of Recommendations Report* and the *Payroll Audit report*.

The Chairman introduced the reports and deferred to the Internal Audit Manager to present the detail. She took the Committee through the *Progress Report* that summarised Internal Audit's progress against the 2020/21 internal audit plan. The

Payroll Audit report was finalised since the last committee and on today's agenda, the *Knowledge Management Audit* was underway and audits on *Housing Needs and Affordable Housing* together with *Management of Property* were in the planning stage. The *Annual Plan* for next year had been approved at the last meeting and work on that was in the planning stage to be reported at the meeting on 29 July 2021. Internal Audit was also on track to deliver its *Internal Audit Report* ahead of Internal Audit opinion, this would be considered at the meeting on 29 July 2021.

The *Follow-up of Recommendations* report had one recommendation relating to flood risk management which had been implemented and one overdue on Building Control. The remaining recommendations on the table were not yet due for completion. The Specialist Services Manager then provided an update regarding the overdue Building Control recommendation which was largely due to capacity issues and the impact of COVID. Currently two staff members covered this area and a new staff member was due to start in May 2021. This would free up the Senior Specialist to complete the actions required. In response to a query from Councillor Heard regarding the completion date it was clarified that work would be completed by the end of September 2021, which was a realistic timeline.

The Internal Audit Manager then presented the *Payroll Audit* report which had a level of assurance of substantial in both design and operational effectiveness. This included a review of starters, leavers, overtime claims, Member expenses and allowances. The report was positive with no significant weaknesses found.

A query was raised by Councillor Nunn regarding two staff leavers who were paid the annual increase which had not been approved until after their leaving date. Officers clarified that procedures had been followed in accordance with the national pay award. It was agreed that the wording in the report on page 28 be changed with reference to 'Council' removed and replaced by 'Officers' to clarify the decision makers in this instance.

There being no further discussion the Chairman moved the recommendations, to include the amendment to the report under recommendation (iii) as outlined above and these were seconded by Councillor Nunn. She then put the recommendations to the Committee and they were agreed by assent.

RESOLVED by assent that the Committee considered, commented and approved the:

- (i) Internal Audit Progress Report - March 2021 at Appendix 1;
- (ii) Follow-up of Recommendations Report – March 2021 at Appendix 2, and,
- (iii) the Payroll Audit Report – February 2021 at Appendix 3 with the amendment to page 28 removing reference to the 'Council' and replacing it with 'Officers'.

356. ANNUAL AUDIT SUMMARY LETTER ON THE 2019/2020 EXTERNAL AUDIT

The Committee considered the report of the Director of Resources that provided the Performance, Governance and Audit Committee with the audit summary letter from Deloitte LLP, the Council's External Auditor, for the audit of the 2019/20 financial year, attached at Appendix 1.

The Chairman introduced the item and deferred to the Audit Partner from Deloitte LLP to present the detail. The Audit Partner reported that this was the annual audit letter summarising all the audit reporting to this committee previously, amalgamated into an

executive summary for ease of access. He advised that it contained nothing new in terms of conclusions or findings to date.

The Chairman moved the recommendation in the report and this was seconded by Councillor Jarvis.

In response to questions raised Officers reported the following:-

- That the concerns around valuations of property assets had been covered previously and appropriate actions taken. External Audit (EA) found variations two years in a row that elevated this area to a significant audit risk. EA then extended the work, working with the Council and the valuers to determine the cause and look at historical valuations. External Audit were now satisfied all was now in order. Officers had met with the valuers to review the process. An approval timetable had been agreed that ensured sufficient checking time for a robust review of information received to take place as part of the process and expectations were clear on both sides. The valuations for this year had already been submitted to the valuers. Further External Audit recommendations around this area would be picked up with officers during the course of the next audit.
- That a detailed analysis of additional audit fees had been submitted to the Council. These were largely due to the increased risk on a number of individual balances as a result of COVID. For example, potential increased risks caused by remote working and the possibility of not following procedures; delays in receipt of supplies, etc. As a result, External Audit had to develop a new set of procedures to take account of these in the audit which resulted in additional fees.
- That ultimately the PSAA would have the final say on audit fee levels, however, taking into consideration the amount of additional work undertaken by the External Auditor the Senior Management was satisfied the service represented value for money.

There being no further queries the Chairman put the recommendation to the Committee and it was agreed by assent

RESOLVED by assent that the Committee considered and reviewed the content of the letter.

357. STAFF SURVEY HEADLINE RESULTS

The Committee considered the report of the Director of Strategy Performance and Governance that updated Members on the recent staff survey results and gathered Committee feedback on the associated action plan at Appendix A, that had been put together by the Management team.

The Chairman introduced the report and deferred to the Programmes, Performance and Governance Manager to present the detail. She advised that the report was presented to the Committee as an update on the recent staff survey, which ran between September and November 2020. This was the second year that the survey had been run internally, affording the opportunity to now benchmark year on year.

She drew Members attention to section 3.2, that showed a good response rate of 72%, and overall the responses to the survey represented a positive increase in staff satisfaction between 2019 and 2020. Additional questions were included this year around the impacts of COVID on staff and preferences for future ways of working, which have also been fed into associated workstreams. Section 3.3 showed the areas where staff satisfaction had increased, and also where it was at its lowest.

In response to this, the Extended Leadership Team met in January 2021 to review the full results, together with feedback, and identified an Action Plan to address some of the staff concerns. The Action Plan is attached at Appendix A to give Members reassurance that staff feedback was being addressed and the high level actions taken. Behind this, detailed action plans and areas of responsibility had been identified, in order to implement the plan operationally. The Communications Team and the internal 'One Team' champions have also been working on turning the plan into a format of 'you said, we did' to be launched shortly to staff.

Officers responded to questions as follow:-

- That the Management Team Workshop to review the full analysis and trends on feedback was held in January 2021, not 2020.
- That the Action Plan would address the problem areas highlighted in the feedback. A key action will be to unbundle the low satisfaction rates around workload to determine the extent of the impact of COVID and/or determine whether there were organisational structure issues impacting the low rates.
- That a further 8 roles had been appointed to in Service Delivery that had not been in place when the survey was completed. These had relieved some of the pressure and staff would continue to monitor resource levels.
- That the performance management process was working well and with the recent refresh of the Corporate Plan, a clear vision had been set for the organisation. The Golden thread from Corporate Plan to Service Plans to Individual Staff Objectives was working well. Staff appraisals to set individual objectives, determine training needs and explore development opportunities had taken place despite the pandemic. The Council, through this process, was embedding the new corporate objectives.
- That in addition to appraisals, regular 1 to 1s were held every 6-8 weeks. These provided the opportunity to discuss wellbeing, progress on objectives, personal development, career progression etc. Training had continued via TEAMS with positive feedback.

Councillor Nunn said this was very important work but that it was imperative to read staff surveys in context. Referring to some low satisfaction levels he said it was inevitable that COVID would be a factor on staff morale and equally new ways of working. The Action Plan should be read in tandem with the full report which contained some real positives with wellbeing levels increased, which was a credit to Senior Management. He noted that development and direction seemed to be down, however, overall the highest negatives were low, between 18-28% and the highest positives were high, between 91-94%. Taking all of that into account he asked if officers felt it would be helpful for this Committee to monitor implementation of the Action Plan.

The Director of Strategy Performance and Governance said he would be happy to bring a further report covering progress on actions taken and the results of the 'You said, we did' exercise. He reminded Members that the information would also be available through the Balance Scorecard and final results would only be known when next year's survey results were available to do a comparison analysis. The major positives were the improvement in response rates from previous years and the introduction of the Action Plan to address issues arising from the survey.

Councillor Stamp congratulated the staff on the report, she was heartened by the staff response to the survey and management's awareness of the need for a work life

balance. She concluded by saying she welcomed Councillor Nunn's suggestion to monitor progress against the Action Plan.

There being no further discussion the Chairman moved the recommendations in the report and these were seconded by Councillor Nunn. She then put them to the Committee and they were agreed by assent.

RESOLVED by assent

- (i) That the committee reviewed and commented on the staff survey results and associated action plan at Appendix A;
- (ii) That Members confirmed that through this, they were assured the staff survey response was being managed effectively.

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

This being the last meeting of this committee prior to Statutory Annual Council the Chairman thanked all officers and committee members for their support to her in the role of Chairman.

The meeting closed at 3.06 pm.

MRS J C STILTS
CHAIRMAN



REPORT of CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE

**to
ANNUAL COUNCIL
20 MAY 2021**

ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide an update on the activities of the Overview and Scrutiny Committee since October 2019 and to seek approval to future arrangements for the Committee to report to Council on an annual basis.

2. RECOMMENDATION

That the principle of the Overview and Scrutiny Committee submitting an annual report on its work to each statutory annual meeting of the Council is endorsed, and that this update is both noted and also accepted as the annual report for 2020 / 21.

3. SUMMARY OF KEY ISSUES

- 3.1 The Overview and Scrutiny Committee was set up afresh initially under the Council's new Constitution with effect from October 2019. One of its responsibilities is to report to the Council on an annual basis, and it is therefore necessary to establish a firm arrangement by which this happens. Although the Committee also acts as the Council's Crime and Disorder Committee, its scrutiny remit is quite specific and relates to outside bodies and agencies involved with crime and disorder. The Committee's annual report to Council will therefore be confined to its scrutiny role other than in relation to crime and disorder.
- 3.2 In the early stages, the Committee was primarily involved in determining how the residual work programme at the time would be disposed of. Allied to revised meeting arrangements brought about by the pandemic, and also due to a general lack of new and actual scrutiny business, the Committee did not meet on a regular basis for a while. Later last year, the constitution of the Committee was further revised, and in October the Committee agreed a new Operating Protocol and to focus on its process for the consideration of potential scrutiny items to ensure efficiency and clear outcomes linked to strategic goals.
- 3.3 While the Committee has broadly the same remit as before, the Operating Protocol reflects updated Government Guidance which has to be taken into account. This refines the role of the Committee as being positive and forward looking, providing more of a 'critical friend' challenge, and generally assisting the Council and its Committees by identifying improvements and making recommendations. The intention is that Committee time will predominantly be spent on the planning and carrying out of actual scrutiny work. It has established a Working Group which can be used to manage items of a 'watching brief' nature or where information has been requested, and to assist with the planning of scrutiny.

- 3.4 The Committee also agreed a process for the initial consideration and review of potential items of scrutiny requested by Members. The Working Group has been tasked with this and has regard to the remit of the Committee and also the agreed operating protocol in identifying actual scrutiny items. It then reports to the next available meeting of the Committee.
- 3.5 To date, the Committee has two actual scrutiny items in its programme of work:
- 3.5.1 The Council's Transformation Programme – learning from what has been done
- 3.5.1.1 This item was developed out of regular reports the Committee had previously been receiving while the Programme was being implemented and reviewing progress against expected outcomes. As at April 2021, the Committee noted that the finance team were conducting a wider piece of reconciliation of the structure and budgets, which will review the financial delivery of the Transformation Programme. This will inform the final version of the report and findings, completion of which is expected by 31 May 2021.
- 3.5.2 A review of the Council's Debt Recovery Process and its impact on local residents
- 3.5.2.1 A wide remit and set of outcomes were agreed by the Committee in January 2021. An interim report by way of response to these was considered by the Committee in April. While the Committee noted that the existence of a corporate policy and related processes, it wished to see more detailed information in relation to the enforcement stages of debt recovery supported with relevant and analysed data. Given the current resource pressure on the Revenues and Benefits Team, the Committee agreed to an extension of time to the end of August for this further information to be provided. Progress with this work will be kept under review by the Committee.
- 3.6 In early April Members of the Council have recently received scrutiny training provided by the Centre for Governance and Scrutiny. The first session was on the fundamentals of scrutiny, its role and functions and also the role of the Chairman. The second session focussed on the effective use of information and effective questioning.
- 3.7 The Council is now asked to agree the future annual reporting arrangements for the Committee. It is suggested that the statutory annual meeting of the Council is a suitable point for this, which will enable the Committee to endorse the report at its last available meeting in a municipal year. This timeline then gives the Committee an ideal basis from which to work for the next municipal year.

4. CONCLUSION

- 4.1 The Council has now established a sound basis for the operation of its Overview and Scrutiny Committee and the annual reporting arrangements will ensure a degree of accountability of the Committee to Council.

5. IMPACT ON STRATEGIC THEMES

- 5.1 Thorough scrutiny processes underpin the Performance and Efficiency Corporate Goal.

6. IMPLICATIONS

- (i) **Impact on Customers** – None directly, but individual scrutiny reviews will enable the impact on customers to be assessed.
- (ii) **Impact on Equalities** – Equalities are considered as part of the reporting on review work undertaken by Officers.
- (iii) **Impact on Risk** – Scrutiny reviews enable potential Corporate Risks to the organisation and their mitigation to be identified.
- (iv) **Impact on Resources (financial)** – Scrutiny reviews offer the potential for an assessment of financial impact to the organisation.
- (v) **Impact on Resources (human)** – Scrutiny reviews offer the potential for an assessment of any resource impact to the organisation.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

Enquiries to: Councillor V J Bell, Chairman of the Overview and Scrutiny Committee.

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