

# Unrestricted Document Pack

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

28 October 2020

Dear Councillor

You are summoned to attend the;

## **ANNUAL MEETING OF THE MALDON DISTRICT COUNCIL**

on **THURSDAY 5 NOVEMBER 2020 at 6.00 pm.**

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 via the [Council's YouTube channel](#).

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](http://www.maldon.gov.uk).

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## **AGENDA COUNCIL**

**THURSDAY 5 NOVEMBER 2020**

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1. **Chairman's notices**

2. **Election of Chairman**

To elect the Chairman of Maldon District Council for the remainder of the municipal year (to May 2021).

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 remainder of the municipal year (to May 2021).

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 - 1 October 2020** (Pages 9 - 22)

To confirm the Minutes of the Council meeting held on 1 October 2020, (copy enclosed).

9. **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).

10. **Chairman's Announcements**

11. **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 references for these recommendations are listed below for Members' information.

- a) Performance, Governance and Audit Committee - 24 September 2020 (Pages 23 - 32)
- b) Overview and Scrutiny Committee - 15 October 2020 (Pages 33 - 36)
  - Minute No. 6 – Committee Operating Protocol and Working Practices

12. **Minutes of Meetings of the Council**

To note that since the last meeting of the Council, up until Wednesday 28 October 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	<a href="#">23 September 2020</a>
South Eastern Area Planning Committee	<a href="#">30 September</a>
District Planning Committee	<a href="#">8 October</a>

Minutes NOT finalised for publication

North Western Area Planning Committee	<a href="#">21 October</a>
Overview and Scrutiny Committee (meeting as the Crime and Disorder Committee)	<a href="#">22 October</a>
Joint Standards Committee (special meeting)	<a href="#">27 October</a>

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

14. **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.

15. **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).

16. **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 remainder of the municipal year (to May 2021);
- (b) To appoint a Vice-Chairman of the Committee for the remainder of the municipal year (to May 2021).

*To be followed by:*

**Special Meeting of the Strategy and Resources Committee**

- (a) To elect a Chairman of the Committee for the remainder of the municipal year (to May 2021);
- (b) To appoint a Vice-Chairman of the Committee for the remainder of the municipal year (to May 2021).

*To be followed by:*

**Special Meeting of the Licensing Committee**

- (a) To elect a Chairman of the Committee for the remainder of the municipal year (to May 2021);
- (b) To appoint a Vice-Chairman of the Committee for the remainder of the municipal year (to May 2021).

*To be followed by:*

**Special Meeting of the Overview and Scrutiny Committee**

- (a) To elect a Chairman of the Committee for the remainder of the municipal year (to May 2021);
- (b) To appoint a Vice-Chairman of the Committee for the remainder of the municipal year (to May 2021).

*To be followed by:*

**Special Meeting of the Joint Standards Committee**

- (a) To elect a Chairman of the Committee for the remainder of the municipal year (to May 2021);
- (b) To appoint a Vice-Chairman of the Committee for the remainder of the municipal year (to May 2021).

*To be followed by:*

**Special Meeting of the Investigating and Disciplinary Committee**

- (a) To elect a Chairman of the Committee for the remainder of the municipal year (to May 2021);
- (b) To appoint a Vice-Chairman of the Committee for the remainder of the municipal year (to May 2021).

*To be followed by:*

**Special Meeting of the District Planning Committee**

- (a) To elect a Chairman of the Committee for the remainder of the municipal year (to May 2021);
- (b) To appoint a Vice-Chairman of the Committee for the remainder of the municipal year (to May 2021).

*To be followed by:*

**Special Meeting of the Central Area Planning Committee**

- (a) To elect a Chairman of the Committee for the remainder of the municipal year (to May 2021);
- (b) To appoint a Vice-Chairman of the Committee for the remainder of the municipal year (to May 2021).

*To be followed by:*

**Special Meeting of the North Western Area Planning Committee**

- (a) To elect a Chairman of the Committee for the remainder of the municipal year (to May 2021);
- (b) To appoint a Vice-Chairman of the Committee for the remainder of the municipal year (to May 2021).

*To be followed by:*

**Special Meeting of the South Eastern Area Planning Committee**

- (a) To elect a Chairman of the Committee for the remainder of the municipal year (to May 2021);
- (b) To appoint a Vice-Chairman of the Committee for the remainder of the municipal year (to May 2021).

17. **Resumption of Business**

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

18. **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).
19. **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).
20. **Member Training Plan** (Pages 37 - 40)
- To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).
21. **COVID-19 Economic Recovery - Car Parking** (Pages 41 - 46)
- To consider the report of the Re-Set and Recovery Working Group, (copy enclosed).
22. **Business by Reason of Special Circumstances Considered by the Chairman to be Urgent**
23. **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.
24. **Leisure Contract Update** (Pages 47 - 56)
- To consider the report of the Leisure Contract Member Task and Finish Working Group, (copy enclosed).

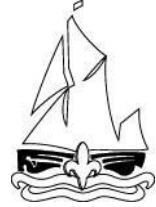
### **NOTICES**

#### **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  
1 OCTOBER 2020**

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**PRESENT**

Vice-Chairman	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, R P F Dewick, M F L Durham, CC, 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 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

**1. 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.

**2. APOLOGIES FOR ABSENCE**

There were none.

**3. DECLARATION OF INTEREST**

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

Councillor S P Nunn disclosed a non-pecuniary interest in Agenda Item 15 - Resignation of Councillor Harker and Associated Representation as he was acquainted with Mr Lawson.

Councillor M R Edwards disclosed a non-pecuniary interest Agenda Item 15 - Resignation of Councillor Harker and Associated Representation.

Councillor Miss A M Beale disclosed a pecuniary interest in Agenda Item 15 - Resignation of Councillor Harker and Associated Representation as she was one of the persons put forward to replace Councillor Harker on the Parish Council.

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a member of Essex County Council for any item of business on the agenda that related to Essex County Council. She made specific reference to Agenda Item 11 - COVID-19 High Street Recovery Plan and 12 - Bradwell B Scoping Opinion Request Consultation.

#### **4. MINUTES - 6 AUGUST 2020**

##### **RESOLVED**

- (i) That the Minutes of the Council meeting held on 6 August 2020 be received.

##### **Minute No. 1132 – Questions to the Leader of the Council in accordance with Procedure Rule 1 (3)(m)**

It was noted that reference to fruition in the third paragraph on page 18 should be ‘volition’.

##### **RESOLVED**

- (ii) that subject to the above amendment the Minutes of the Council meeting held on 6 August 2020 be agreed.

#### **5. PUBLIC QUESTIONS**

There were none.

#### **6. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred to the challenging times and some virtual events she had attended.

Councillor C P Morley joined the meeting at this point.

#### **7. NOTICE OF MOTION**

In accordance with Procedure Rule 4, the Chairman advised that a motion proposed by Councillor K M H Lagan and seconded by Councillor C Morris had been received.

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

“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.”

Councillor Morris confirmed that he seconded the Motion and in accordance with Procedure Rule No. 13 (3) requested a recorded vote which was duly seconded.

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

For the recommendation:

Councillors M G Bassenger, V J Bell, M R Edwards, 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, J Stilts, C Swain and Miss S White.

Against the recommendation:

Councillors Miss A M Beale and B S Beale.

Abstentions:

Councillors E L Bamford, R G Boyce, Mrs P A Channer, R P F Dewick, M F L Durham, Mrs J L Fleming, A S Fluker, J V Keyes, M W Helm, A J Hull, C P Morley and Mrs M E Thompson.

**RESOLVED** that the Council will review the Local Development Plan to reconsider this position at the next planned review.

**8. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 30 JULY 2020**

**RESOLVED** that the Minutes of the Performance, Governance and Audit Committee held 30 July 2020 on be agreed (by assent).

**9. JOINT STANDARDS COMMITTEE - 3 SEPTEMBER 2020**

**RESOLVED**

- (i) that the Minutes of the Joint Standards Committee held on 3 September 2020 be received.

**Minute 7: Standards Complaint – Councillor A S Fluker**

Councillor M S Helm, Chairman of this meeting of the Joint Standards Committee, referred to the Statutory Annual Council being able to appoint Members onto Committees and therefore the 12-month suspension detailed in recommendation (iv) would end up being 19 months. He proposed that recommendation (iv) be amended to read “...Working Groups *until the May 2021 Statutory Annual meeting of the Council*”. This was duly seconded.

A debate ensued during which the Lead Legal Specialist and Monitoring Officer provided guidance to Members regarding the rights of a Member to attend meetings, even those they were not a member of.

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

Following further debate the Chairman put recommendation (iii) as set out in the Minutes to the vote. The voting was as follows

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, B S Beale, V J Bell, M F L Durham, M R Edwards, Mrs J L Fleming, M S Heard, M W Helm, A J Hull, K W Jarvis, J V Keyes, 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, J Stilts, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

None

Abstention:

Councillors R G Boyce, Mrs P A Channer, R P F Dewick and A S Fluker.

The Chairman declared that recommendation (iii) was therefore agreed.

Members then voted on Councillor Helm's amendment to recommendation (iv) to read 'Groups *until the May 2021 Statutory Annual meeting of the Council*'. In accordance with the earlier request for a recorded vote the voting was as follows:

For the recommendation:

Councillors E L Bamford, R G Boyce, Mrs P A Channer, R P F Dewick, A S Fluker, M W Helm, A L Hull, J V Keyes, C P Morley, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors M G Bassenger, Miss A M Beale, B S Beale, V J Bell, M R Edwards, 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, J Stilts and C Swain.

Abstention:

Councillors M F L Durham and Mrs J L Fleming.

The motion was therefore declared lost.

The Chairman then put recommendation (iv) as set out in the Minutes, a recorded vote was taken, and 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, Mrs J L Fleming, 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, J Stilts and C Swain.

Against the recommendation:

Councillors E L Bamford, R G Boyce, Mrs P A Channer, R P F Dewick, A S Fluker, M W Helm, A L Hull, J V Keyes, C P Morley, Mrs M E Thompson and Miss S White.

Abstention:

None.

The Chairman declared that this was therefore agreed.

## **RESOLVED**

- (ii) 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;
- (iii) 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.

### **10. STRATEGY AND RESOURCES COMMITTEE - 17 SEPTEMBER 2020**

**RESOLVED** that the Minutes of the Strategy and Resources Committee held on 17 September 2020 be agreed (by assent).

### **11. 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 23 September 2020 for which Minutes had been published.

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

There were none.

### **13. COVID-19 HIGH STREET RECOVERY PLAN**

The Council considered the report of the Re-Set and Recovery Working Group updating Members on progress with the High Street Recovery Plan and setting out the next steps to achieve phase three of the plan (as outlined in section 3.10 of the report).

The report provided background information regarding the work undertaken and the use of the Institute of Place Management COVID-19 Recovery Framework to move between the four recovery phases. The public consultation on High Street proposals was attached at Appendix 4 to the report.

It was noted that plans had been produced by Essex County Council (ECC) as a solution to pavement widening in the High Street and these were attached as Appendices 1 – 3 to the report.

Members received a short presentation from the COVID-19 High Street Recovery Project Manager. Councillor Mrs J L Fleming, Chairman of the Re-Set and Recovery Working Group thanked the Officer for her presentation and outlined how the scheme presented was not that originally put forward by Officers but had been devised by ECC. In response to a number of questions the Officer provided additional information.

The Leader Designate moved the recommendation as set out in the report, this was duly seconded and agreed (by assent).

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

#### **14. BRADWELL B SCOPING OPINION REQUEST CONSULTATION**

The Council considered the report of the Director of Strategy, Performance and Governance seeking 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.

The report provided background information regarding the proposed development and the Stage 1 Consultation undertaken earlier this year by BRB (Bradwell B Power Generation Company Limited). Further details on the scoping opinion required as part of the Development Consent Order were also set out in the report.

It was noted that the proposed 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.

The Leader Designate moved the recommendation as set out in the report and this was duly seconded.

During the debate some questions were raised regarding the proposed delegation and why this could not be brought back to a future or extraordinary meeting of the Council. In response Members were advised that the proposed delegation was in response to the very tight deadlines.

In response to the discussions, Councillor C Mayes proposed an amendment to the recommendation to include the Leader of the Opposition. This was duly seconded and on being put to the Council the amendment was agreed (by assent).

It was agreed that the Director of Strategy, Performance and Governance would arrange for the Scoping Document to be made available for all Members and Members should feed any comments they may have to their respective Group Leaders. Those Members not aligned with a Political Group were advised that they could submit their comments to either of the Group Leaders or the Director of Strategy, Performance and Governance.

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

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

For the recommendation:

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

Against the recommendation:

Councillors K M H Lagan, C Morris, W Stamp and C Swain.

Abstained:

Councillors V J Bell, R P F Dewick, A S Fluker and M W Helm.

**RESOLVED** that the Council delegates authority to the Director of Strategy, Performance and Governance, in consultation with the Leader of the Council and Leader of the Opposition, 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.

## **15. WHITE PAPER 2020**

The Council considered the report of the Director of Strategy, Performance and Governance outlining the key issues and proposals within the Government housing white paper 'Planning for the Future'.

The paper was published for the purposes of a consultation and following analysis by Officers a number of proposed responses to the consultation were set out in the report.

The Lead Specialist Place outlined the consultation and how the changes (as summarised in the report) would impact the Council, especially all areas of development management. The Officer explained that a number of proposed responses were very limited and this was because the level of detail in the white paper was minimal and without further detail it was not possible to respond fully to the consultation question.

A lengthy debate ensued. During the discussion a number of comments regarding the Council's responses to the consultation were raised and answered by Officers. The comments included:

- In response to a comment regarding why the word 'outdated' had been used in relation to Question 1 relating to the planning system, the Lead Specialist Place detailed Officers reasoning for this and highlighted that only three words were requested for this response.
- Question 3 – Adding a comment regarding the poor availability of broadband in rural areas. The Officer advised that he was happy to add a point regarding some communities that may struggle with broadband but noted that the consultation was looking to the future and longer term.
- It was noted that the name settlement boundaries would no longer be used.
- Question 12 - In respect of the proposals for a 30-month statutory timescale for the production of Local Plans, Officers highlighted the concerns they had regarding this and the problems that would occur if the Council was required to wait for neighbouring authorities to reach the same stage of production.
- Question 14 – Officers agreed that a yes response could be given, however expressed concern regarding the Member suggested reduction in the time limit for the expiration of planning permission approvals, especially in relation to large developments.

- Question 16 – A Member raised concern regarding the narrow definition of sustainability and whether reference to an alignment of infrastructure investment with development were raised. The Officer explained that Officers had put forward the key point on sustainability, but the response could be revised.
- Question 19 – It was noted that this related to adding beauty to the planning system.

## **16. ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting of the Council be adjourned for a five minute break.

## **17. RESUMPTION OF THE MEETING IN OPEN SESSION**

**RESOLVED** that the meeting of the Council resumes in open session at 20:30.

## **18. WHITE PAPER 2020 CONTINUED**

Following the adjournment and in response to a comment Members were advised that if a National Levy was to be introduced there would have to be an excess in development which would be the lowest common denominator and could result in certain authorities getting less financial contribution.

Members were advised that any further comments on the White Paper could be raised with the Lead Specialist Place outside of the meeting.

In response to a suggestion, the Leader Designate proposed an amendment to recommendation (ii) and an additional recommendation (iii) as set out below:

- (ii) that the Officers suggested responses *with Members' suggested changes* are approved to be submitted in response to the consultation.
- (iii) that a letter to accompany the consultation be sent to the Local Members of Parliament.

These amendments were duly seconded and agreed (by assent). The Chairman then put the amended recommendations to the Council and this was duly agreed (by assent).

The Chairman thanked the Lead Specialist Place and Officers involved in preparation of the report.

### **RESOLVED**

- (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 along with Members' suggested changes are approved in consultation with the Leader Designate and submitted in response to the consultation.



- (iii) That the Director of Strategy, Performance and Governance be delegated to send a letter to accompany the consultation to the local Members of Parliament.

## **19. LEADERS AND COMPOSITION OF POLITICAL GROUPS**

The Council considered the report of the Director of Strategy, Performance and Governance seeking ratification of the Leader Designate as Leader of the Maldon District Council.

In accordance with Procedure Rule No. 13 (3) Councillor E L Bamford requested a recorded vote and this was duly seconded.

The Chairman put to the Council that the Leader-designate (Councillor E L Bamford) be ratified as the Leader of the Council until the Statutory Annual meeting of the Council. In accordance with the earlier request for a recorded vote, the voting was as follows:

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, B S Beale, Mrs P A Channer, R P F Dewick, 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 P Morley, S P Nunn, R H Siddall, N J Skeens, J Stilts, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors V J Bell, K M H Lagan, C Mayes and C Morris.

Abstention:

Councillors N G F Shaughnessy and W Stamp.

The Chairman declared this was therefore agreed.

**RESOLVED** that the Leader-designate (Councillor E L Bamford) be ratified as the Leader of the Council until the Statutory Annual meeting of the Council.

Following her appointment as Leader of the Council, Councillor Bamford thanked Officers and Members for their support and outlined her plans as Leader. Congratulations were then offered by other Members of the Council.

## **20. RESIGNATION OF COUNCILLOR B E HARKER AND ASSOCIATED REPRESENTATIONS**

The Council considered the report of the Director of Strategy, Performance and Governance seeking an agreed approach associated with the vacancies created as a result of Councillor B E Harker's resignation as a District Councillor.

The report set out proposed arrangements to fill the seat Councillor Harker had vacated on Heybridge Parish Council and proposal to appoint an additional Member to the Parish Council. In response to the proposed additional Member it was noted that Mr Keith Lawson had been nominated by the Parish Council.

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

In response to a proposal from Councillor M R Edwards it was suggested that recommendation (i) be amended to include the name of the nominated candidate (Mr Keith Lawson). This was duly seconded.

Councillor Mrs P A Channer declared an interest in this item of business as she knew Mr Lawson.

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

The Chairman then put the amended recommendation (i) and recommendations (ii) and (iii) as set out in the report to the Council. In accordance with the earlier request for a recorded vote, the voting was as follows:

For the recommendation:

Councillors E L Bamford, Miss A M Beale, B S Beale, V J Bell, Mrs P A Channer, R P F Dewick, M F L Durham, M R Edwards, Mrs J L Fleming, 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, W Stamp, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillor C Morris.

Abstention:

Councillors M G Bassenger, N J Skeens and J Stilts.

The Chairman announced that the recommendations had therefore been agreed.

**RESOLVED**

- (i) That Mr Keith Lawson, 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.

**21. REVISED SCHEDULE OF MEETINGS (OCTOBER 2020 - APRIL 2021)**

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' agreement of the draft schedule of meetings for October 2020 to April 2021 (attached as Appendix 1 to the report).

The Leader of the Council presented the report and moved the recommendation. This was duly seconded and agreed (by assent).

**RESOLVED** that the revised schedule of meetings for October 2020 – April 2021, attached as Appendix 1 to the report, be approved.

## **22. REVISIONS TO REMOTE COMMITTEE PROCEDURES**

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' approval of amendments to the protocol within remote Committee meetings in light of updates to the technology used and to improve how remote meetings operated. A revised version of the remote protocol document was attached as Appendix A to the report.

The Leader of the Council put the proposal as set out in the report.

Councillor Mrs P A Channer declared an interest in this item of business.

Several concerns were raised including the reasons for the review and during the debate concerns regarding particular amendments to the protocol were highlighted.

Councillor S P Nunn proposed that the revised protocol not be adopted but a Working Group be set up with advice from Officers, including the Lead Legal Specialist and Monitoring Officer to review the proposed changes and report back to the Council. This was duly seconded. Members were advised that there was already a proposal which had been seconded that had to be considered first.

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

The Chairman then put the proposal in the name of the Leader of the Council to the vote. A recorded vote was taken and the voting was as follows:

For the recommendation:

Councillors E L Bamford, B S Beale, Mrs P A Channer, M F L Durham, Mrs J L Fleming, A L Hull, J V Keyes, C P Morley, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors M G Bassenger, V J Bell, M R Edwards, 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, J Stilts and C Swain.

Abstention:

Councillor Miss A M Beale.

The proposal of the Leader of the Council was declared lost.

Councillor N G F Shaughnessy left the meeting at this point and did not return.

Further debate ensued. Following advice from the Lead Legal Specialist and Monitoring Officer and further discussion the Chairman advised that under Rule 23 of

the Council's Constitution she was happy to accept a further proposal. The Chairman referred to the earlier debate and a suggestion that the public participation be accepted and a Working Group set up.

Councillor Nunn then proposed that with the exception of public participation which should be agreed, the suggested revisions to the remote Committee procedure not be accepted, and a politically balanced Working Group be established to review the procedures. This was duly seconded. The Leader of the Council suggested that the composition and membership of the Working Group be referred to the Statutory Annual meeting of this Council to agree. Councillor Nunn agreed with this and amended his proposal accordingly. The amended proposal was duly seconded.

The Chairman put Councillor Nunn's amended proposal to the Council and it was duly agreed (by assent).

### **RESOLVED**

- (i) That the amendments to section 5 – public participation of the Remote Committee Procedure (attached as Appendix A to the report) be agreed;
- (ii) That with the exception of section 5 (as detailed above) the revised remote protocol document (Appendix A to the report) and associated updates to working practices not be adopted;
- (iii) That a politically balanced Working Group be set up with its Membership to be agreed at the Statutory Annual meeting of the Council to review the Remote Committee Procedure and report back to the Council.

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

Councillor C Morris referred to the bailiff industry being able to recommence enforcement action from 24 August 2020 and the Tribunals, Courts and Enforcement Act 2007 which he advised protected vulnerable people from this type of enforcement. He asked the Leader of the Council if she would be supportive of the Council identifying and helping vulnerable residents in relation to this Act. In response the Leader of the Council advised that she did not have knowledge regarding this legislation and would need to refer to Officers, however the Council would seek to help vulnerable persons. Councillor Morris commented on checks being required to identify vulnerable persons and ensuring they were appropriately protected (in accordance with the law). The Leader of the Council suggested that Councillor Morris bring examples of this to a meeting that she and the Leader of Opposition had agreed to have with him.

Councillor W Stamp referred and requested an update in relation to Council Minute 967 which related to including members of the Independent Group on the Corporate Governance Working Group (CGWG). She also requested that the Leader provide the Council with a regular update on meetings that she and the Leader of the Opposition had attended with the local Members of Parliament (MP). In response, the Leader of the Council explained she had only been in post a very short time and had attended one meeting with the MPs but agreed to take on board the request for a report. In respect of the CGWG membership the Leader advised that at the Statutory Annual meeting of the

Council all Working Groups would be reviewed and politically balanced and where appropriate Ward members would be included.

There being no further items of business the Chairman closed the meeting at 10.07 pm.

MRS P A CHANNER, CC  
CHAIRMAN

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## **MINUTES of PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE 24 SEPTEMBER 2020**

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### **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, M S Heard, J V Keyes, S P Nunn, Mrs J C Stilts, C Swain and Mrs M E Thompson
In Attendance	Councillors C Morris and A L Hull

### **1. 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.

### **2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors N Skeens and W Stamp.

### **3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 30 July 2020 be approved and confirmed.

### **4. 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.

## **5. PUBLIC PARTICIPATION**

No requests had been received.

## **6. INTERNAL AUDIT REPORTS - PROGRESS; FOLLOW-UP OF RECOMMENDATIONS; CORPORATE GOVERNANCE; AND FLOODING RISK 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; Follow-up of Recommendations Report; Corporate Governance Audit* and *Flooding Risk Management Audit*, all as at September 2020.

The Chairman introduced the report and deferred to the Internal Auditors to present the detail. The Internal Audit Partner then presented the Progress and Follow-up of Recommendations reports.

He drew Members' attention to page 17 of the *Progress* report noting that the two audits due for consideration today concluded the 2019/20 programme of work. Progress on a number of other audits for this current year was currently underway despite a slow start due to COVID-19. The internal auditors were also completing two pieces of advisory work 1) *Fraud Risk Assessment* that still had some actions to follow-up together with training and support and 2) *Accountancy Standards IFRS 16*, accounting for leases where training and support would be provided to Officers. This would not result in an audit but form part of the work programme.

The *Follow-up of Recommendations* report had only one recommendation for completion, the Waste Strategy and once this had been incorporated into the Climate Strategy it would be ready for sign-off. He felt that overall good progress had been made despite the difficulties.

In response to a question regarding the assessment of fraud as high priority and the number of fraud cases since January 2020 the Director of Resources reported that the Department of Works and Pensions (DWP) had taken over fraud related Housing Benefit issues. Other types of fraud relating to supply or payments was low to non-existent. The Internal Audit Partner reminded Members that at the last meeting the recommendation was for an up-to-date Fraud Strategy together with an action plan to address the strategy. This was a regulatory requirement from the Government and incumbent on all authorities to have in place. Given the action plan was not in place at that time the high priority rating was maintained, and all appropriate actions had now been taken.

The Director of Service Delivery in response to a question regarding the delivery of the Community Safety recommendations in October advised that work was on track and would meet the October 2020 implementation deadline.

The Lead Specialist Community in response to a query regarding the timing of the Climate Change and Waste Strategy report to Strategy and Resources Committee advised that a version with a much wider scope was currently being worked on and shared with internal partners. It would be submitted to the Strategy and Resources Committee in December 2020.

The Internal Audit Manager then presented the two audits starting with the *Corporate Governance Audit*. She took Members through the report and advised that they had



undertook a review of arrangements and conducted interviews with key officers and members to determine the operational effectiveness of current structures. The final assessment was moderate in both Design and Operational Effectiveness. She reported that following Transformation committees were restructured, new Terms of Reference (TORs) established and the scheme of delegation updated to take account of the changes to the structure. Gifts and Hospitality Registers were in place and being used.

It was noted that the Council was meeting the requirements of the Local Government transparency code on the Council's website through the 'Your Right to Know' page. A review of the committee structure, as well as a review of the Redmond Review, had resulted in recommendations being made to improve the make-up of the committees in line with best practice. Improvements were noted in methods of performance and governance reporting, dashboards for HR and the development of a balanced scorecard. The Corporate Governance Working Group had acknowledged that whilst the Overview and Scrutiny Committee had not satisfactorily met its brief, it should continue, supported by appropriate training for all Members and that in relation to regular oversight of committees' annual review be embedded in the respective TORs.

A debate ensued where Members raised concerns around the number of Members interviewed as part of the audit process and whether it was representative, the lack of training or discussion around skillset, incorrect reporting structures together with the need for more area specific Working Groups.

In response the Audit Manager reported that she had worked with the Corporate Governance Working Group to meet with Members and that she would circulate the list of those interviewed. She reassured Members that it was not a case of not having the right skills rather that the structures and support mechanisms in place in other like organisations around training, development, refresher courses were not in place in the Council.

The Chairman noted that Overview and Scrutiny had not met regularly due to a lack of business and advised that a number of the issues raised would be addressed following the Statutory Annual Council meeting in November 2020.

The Audit Manager then addressed the *Flooding Risk Management* audit. She reported that she had conducted a review and the assessment outcome was moderate on both Design and Operational Effectiveness. She advised that the former lead for this area had returned on a temporary basis to support training and knowledge transfer. Work on the Strategic Flood Protection Plan had restarted led by the Lead Specialist Community and meetings that had been halted due to COVID-19 had also recommenced. In conclusion she said that the Council did not have roles and responsibilities identified for urban drainage systems and that this would be addressed in the revised Flood Risk Strategy document. All outstanding issues would be reported at the next committee meeting.

In response to questions raised Officers reported as follows:-

- That as of 15 September 2020 the Flooding and Coastal Group had recommenced meetings.
- That given Essex County Council (ECC) was the Lead Local Flood Authority specialist support would be provided by them in respect of flood management and drainage systems. The Internal Auditors were happy with that approach.

- That for efficiency and effectiveness the Lead Specialist Community was liaising with one main contact at ECC namely Dave Chapman, Project Delivery Manager.
- That the updated Flood Risk Masterplan would outline who was responsible in each area but that the Lead Specialist Community would have overall responsibility for performance management.

There being no further questions the Chairman moved the recommendations which were duly seconded by Councillor Nunn. She then put the recommendations to the Committee and they were agreed by assent.

**RESOLVED** that the Committee considered, commented and approved the following:-

- (i) Internal Audit Progress Report - September 2020 at Appendix 1;
- (ii) Follow-up of Recommendation Report – September 2020 at Appendix 2;
- (iii) Corporate Governance Audit – September 2020 at Appendix 3;
- (iv) Flooding Risk Management Audit – March 2020 at Appendix 4.

## **7. EXTERNAL AUDIT FEES REPORT 2019/20**

The Committee considered the report of the Director of Resources that informed the Committee of the audit fee for Deloitte LLP, the Council's External Auditor for the audit of the 2019/20 financial year.

The chairman introduced the report and deferred to the External Audit Partner to present. He informed the Committee that there was nothing specific to report given that the Director of Resources and Section 151 Officer's input to the report incorporated the content of all discussions held with External Audit.

The Chairman acknowledged this and informed the Committee that both she and Councillor Jarvis, the Vice-Chairman, had discussions with the External Auditor prior to production of the report and negotiated a considerably reduced fee.

In response to a query on benchmarking the Director of Resources and Section 151 Officer advised that benchmarking on fee levels had been undertaken across Essex with like organisations. Similarly, benchmarking with other Audit firms working with those organisations and acting on advice from the Public Sector Audit Appointments Ltd (PSAA) who had the ultimate say on fee levels. The end result was a sample showing similar fee levels across the county, varying slightly for different reasons.

The Chairman moved the recommendation that the report be noted, and this was seconded by Councillor Nunn. She then put the recommendation to the Committee and it was agreed by assent.

**RESOLVED** that the content of this report be noted.

## **8. EXTERNAL AUDIT UPDATE - 2019/20 AUDIT**

The Committee considered the report of the Director of Resources that provided the Committee with an audit update 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 report and deferred to the External Audit Partner to present the content. He took the Committee through the report and drew Members' attention to the key observations.

He advised that the audit was nearing completion and with the exception of asset valuation and pension liability, all outstanding work was related to normal finalisation procedures. The scope of the work remained broadly in line with the audit plan with 2 key impacts 1) the elevated risk around valuation of Property, Plant and Equipment from an area of focus to significant risk and 2) the impact of COVID-19 which was included as a summary in the report. Other key impact areas included the provision of additional narrative and disclosure reports in the accounts.

He provided further clarification around a number of areas included in the report and made particular mention that the Council had made good progress on the Property Valuation recommendations from last year, with 95% complete by 2 July 2020. He reassured members that the clause in the report, included due to volatility in the market, was a common feature of all valuation reports prepared to 31 March 2020 and that valuation of pensions was in the final stages, awaiting information from the actuary.

He concluded by thanking the Director of Resources, the Interim senior Specialist Finance, James Carter and the Finance Team for their hard work, meeting the challenges of the past year with the added complexity of the pandemic and having to deliver the audit remotely.

The Chairman acknowledged the External Audit Partner's comprehensive report and thanked him for the appreciation shown towards the Council Officers.

The Chairman then moved the recommendation that the report be noted, and this was seconded by Councillor Durham. There being no further questions the Chairman put the recommendation to the Committee and it was agreed by assent.

**RESOLVED** that the content of the report be noted.

## **9. QUARTERLY REVIEW OF CORPORATE RISK**

The Committee considered the report of the Director of Strategy, Performance and Governance that required the Committee to undertake a quarterly review of the Corporate Risk Register as assurance that the corporate risks were being managed effectively. Appendix 1 was attached to the report for this purpose.

The Chairman introduced the report and deferred to the Programmes, Performance and Governance Manager to take the Committee through the report.

The Manager advised that the report dealt with Quarter 1 Risk (covering April-June 2020). In summary for changes since Quarter Four (Q4) there were two risks that had

seen a decrease in score: R17- Failure to maximise services through promotion and engagement and R29- Failure to deliver services as a result of COVID- which was added as the pandemic hit, but by June 2020 the Corporate Leadership Team (CLT) had a better view on service impact.

There were two risks recommended for closure, namely, R22- Contract Management as the monitoring steps were now in place and R17 - Promotion and engagement as this was now in place. She then drew Members' attention to paragraph 3.2.2 where three risks had seen an increase in score, R7- 5 year housing land supply, R8- meeting affordable housing need and R10 – Creating jobs to support the growing population. The increases were due to the wider impacts of the current pandemic.

In response to questions raised Officers responded as follows:-

- That R14-Recruitment and Retention reported the same score as in the previous quarter report. This was because it related to a specific skillset, that of planning officers. The Council was experiencing continuing difficulties in recruiting to this area.
- That details of turnover and recruitment (R14) in specialist areas would be provided to the Committee outside of the meeting to determine if the Council was carrying gaps in these areas. Subsequent to the meeting a recruitment update was circulated to all committee members on 29 September 2020.
- In respect of R8- Failure to meet the affordable housing need- that at the time of writing the report the refusal of the strategic site stood as this report covered matters up to the end of June 2020. The site had subsequently been approved in August 2020 and the impact on the risk level would be reflected in the next iteration of the Risk report.
- That in respect of R10 - Officers were focussing on how to maximise promotional opportunities arising from the pandemic which would be reflected in the COVID-19 Economic Response and Recovery Plan.

Councillor Durham informed the Committee that in his county council role he was Chairman of *Visit Essex* and about to embark on a series of activities promoting the Essex Coast and Maldon would feature prominently in that promotion. The Chairman welcomed this opportunity for Maldon.

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

## **RESOLVED**

- (i) That Members noted the change in scoring in this report, to reflect recent policy updates;
- (ii) That Members reviewed the Corporate Risk Register in Appendix 1 and provided comment and feedback for consideration;

- (iii) That Members were assured through this review that corporate risk was being managed effectively;
- (iv) That Members challenged risk where the Committee felt that the Council's corporate goals may not be achieved.

## **10. QUARTER ONE REVIEW OF CORPORATE PERFORMANCE**

The Committee considered the report of the Director of Strategy, Performance and Governance that, as part of the Corporate Performance framework, required this Committee to undertake a quarterly review of the Thematic Strategies performance, as assurance that performance was being managed effectively to achieve the corporate outcomes as set out in the Council's Corporate Plan 2019 – 2023. In addition, that recommended changes and improvements be reported to the Strategy and Resources Committee in October 2020. Appendix 1 of this report provided an overview of performance as of the end of Quarter 1 (April -June 2020).

The Chairman introduced the report and deferred to the Programmes, Performance and Governance Manager to present the detail.

The Manager reported that the Quarter 1 report covered April-June 2020 and work was largely on track with outcomes being delivered. However, the way the Council had planned to deliver had changed and activity had been diverted in some instances due to the impact of COVID-19.

She drew Members' attention to section 3.3 of the covering report that provided a summary table for each of the three themes that highlighted the number of measures either on track or otherwise. This followed feedback at previous committee meetings to give a high-level view. Section 3.4 specifically drew out the areas at risk by theme, in large part impacted by COVID-19, they were:-

Community - Customer Evaluation Survey for the private sector housing grants; Maldon District Council (MDC) digital service assistance and community weight management sessions.

Place - Volunteering activity facilitated/organised by MDC; Keeping Britain Tidy Green Flag Award for well managed parks and open spaces and the agreed 2019 Maldon District Strategic Flood Projects and Maintenance Plan.

Prosperity – The % of Strategic sites promoted through partners and the occupancy at the Enterprise hub.

Some of the new activity taking place not originally in the Corporate plan included:- *Virtual Fitness* campaigns; *Grow your own vegetables*; direct engagement with those in 'isolation' risk groups for COVID-19– which far surpassed the original target number of people expected to reach; an increase in channel shift as a result of online services; volunteering activity being used for open spaces had been redeployed to the COVID-19 response and conversations with 80 businesses in the high street as part of the COVID response.

In light of this new activity there was an additional recommendation this time round for a review report of the Corporate Plan and targets to go to Strategy and Resources committee to reflect this changed landscape and the impact on outcome measures.

In response to questions raised Officers responded as follows:-

- That the timeline for the report to Strategy and Resources Committee would be December 2020 as opposed to October as reported at the time of writing this Performance report. This revised timeline would allow for the planned in-depth review of the Corporate Plan in October-November 2020 to encompass the full impact of COVID-19 on the Corporate Plan, followed by a Workshop with all Members to review the significant additional impact on the Corporate Plan and targets.
- That Officers would approach Essex County Council (ECC) to determine if there was any data on waste/recycling that aligned with Maldon District Council's timeline for comparison purposes.
- That the Sense of Place Board was a business led independent initiative therefore did not report direct to any Council Committee. The Chairman of Strategy and Resources was a Member, representing the Council on the Sense of Place Board. That should the minutes be available they would be placed in the Document Library on Mod.gov.
- That the Director of Service Delivery would email Members the link to the 2019 Maldon District Strategic Flood Projects and Maintenance Plan. Subsequent to the meeting an update regarding the plan was circulated to all committee members on 29 September 2020.

A brief discussion ensued regarding the wording of the final recommendation and it was agreed by assent to amend recommendation (iii) as shown below.

The Chairman moved the recommendations as set out in the report and they were seconded by Councillor Channer. She put the recommendations to the Committee and they were agreed by assent.

## **RECOMMENDATIONS**

- (i) That Members reviewed the information as set out in this report and appendix 1 with priority focus given to the Strategic Outcome level performance.
- (ii) That Members confirmed they were assured through this review that corporate performance was being managed effectively.
- (iii) That Members endorsed Officers to prepare a report for the Strategy and Resources Committee setting out any recommended changes in light of impacts on outcome performance including Covid-19, in relation to the Corporate Plan.

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

There were none

The meeting closed at 2.41 pm.

E L BAMFORD  
CHAIRMAN

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## **MINUTES of OVERVIEW AND SCRUTINY COMMITTEE 15 OCTOBER 2020**

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### **PRESENT**

Chairman	Councillor M W Helm
Vice-Chairman	Councillor R P F Dewick
Councillors	V J Bell, Mrs J L Fleming, S P Nunn, R H Siddall and W Stamp
In Attendance	Councillors Mrs P A Channer, A Hull, C Morris and C Swain

### **1. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to the first remote meeting of the committee, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. He 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 all Members present.

### **2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R P F Dewick and M S Heard.

In accordance with notice duly given Councillor W Stamp was in attendance as a substitute for Councillor M S Heard.

### **3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 5 March 2020 be approved and confirmed.

### **4. PUBLIC PARTICIPATION**

There was none.

## **5. DISCLOSURE OF INTEREST**

There were none.

## **6. COMMITTEE OPERATING PROTOCOL AND WORKING PRACTICES**

The Committee considered the report and associated appendices of the Director of Strategy, Performance and governance that sought approval of a revised operating protocol and working practices for the committee.

The Chairman introduced the report and deferred to the Programmes, Performance and Governance Manager to present the detail. She drew Members attention to Appendix A that provided a suggested committee protocol for adoption. The aim was to set clear, detailed ways of working and agreed standards for defining and progressing items for overview and scrutiny thereby addressing the findings in the Corporate Governance Audit and comments raised in the Corporate Governance Working Group.

Appendix A also included a suggested terms of reference for the Overview and Scrutiny Working Group with the intention that this group meet ahead of the Overview and Scrutiny Committee meetings to review the detail of items and recommend additions to the workplan.

In summary, she said the intention of the report and recommendations was to establish a good foundation and clear direction for the Committee, so that when it was reconstituted at the Statutory Annual meeting on 5 November 2020, the members appointed would have a clear direction for how they agreed their workplan, and work going forwards.

The Chairman moved the recommendations in the report and they were seconded by Councillor Stamp.

The committee thanked the Programmes, Performance and Governance Manager for the report and agreed that it provided much needed clarity. Councillors Bell and Siddall stressed the importance of Overview and Scrutiny training for new members post the Statutory Annual meeting on 5 November 2020. Councillor Nunn, referring to recent history, said that Overview and Scrutiny was an integral part of the Council's governance arrangements and should be used appropriately. Councillor Stamp raised an issue on behalf of Councillor Heard on predetermination and the Joint Standards Committee. It was acknowledged that a clear understanding of the Council's procedures was a priority for all Members.

The Chairman then put the recommendations to the committee and they were agreed by assent.

### **RESOLVED**

- (i) That the Terms of Reference for the Overview and Scrutiny (O&S) Working Group was agreed as at Appendix A.
- (ii) That the use of the O&S Working Group as an operational mechanism to review and recommend workplan items, and a standing requirement for the working group to meet ahead of the Committee meeting was agreed.

- (iii) That the revised operating protocol for the Committee be agreed

## **RECOMMENDED**

- (iv) That the revised operating protocol be adopted by way of updating the constitution

## **7. MECHANISM FOR SUBMITTING AN OVERVIEW AND SCRUTINY ITEM**

The Committee considered the report and associated appendices of the Director of Strategy, Performance and Governance to agree an approach to manage the identification of Overview and Scrutiny items and the development of a Workplan for the Committee.

The Chairman introduced the report and deferred to the Programmes, Performance and Governance Manager to present the detail. She took the committee through the report that provided a suggested approach, building on previous conversations and best practice around the mechanism for bringing forwards and managing Overview and Scrutiny items to their conclusion. It was intended that this process would be underpinned by officer support and through the established Overview and Scrutiny Working Group.

A step by step framework was outlined at Appendix A, which showed the robust review stages a scrutiny proposal would go through to determine if it was a valid item for the committee workplan. She concluded by drawing Members' attention to Appendix B that contained an outline of the form that would start off the process and what it would capture for member review and adoption.

The Chairman moved the recommendations in the report and they were seconded by Councillor Bell.

The Committee thanked the Programmes, Performance and Governance Manager for the report that provided a structure and clarity to the scrutiny process. With reference to the workflow circular diagram Councillor Nunn asked if proposers would receive feedback at stage 2. on the diagram (Forms are reviewed in Working Group meeting against tick list/criteria for whether it is valid). The Manager reassured Members that feedback would be provided on all category submissions. Councillor Siddall suggested that a flowchart as opposed to a circular diagram might work better as ostensibly the proposal could revert at any stage. For completeness he asked if the Overview and Scrutiny Committee would have sight of those unsuccessful proposals. The Programmes Performance and Governance Manager advised that the Committee agenda would have a standing item in the form of a report from the Overview and Scrutiny Working Group, therefore would have sight of all category proposals.

Councillor Stamp asked about political balance on the membership of the Overview and Scrutiny Working Group. It was agreed that this should be built into the terms of reference for the group but that given the Committee had just agreed those under the previous item this issue would be dealt with at the next Overview and Scrutiny Committee meeting.

The Chairman then put the recommendations to the Committee and they were agreed by assent.

## **RESOLVED**

- (i) That the Committee agreed the proposed process set out at Appendix A to manage the way Overview and Scrutiny work is undertaken, to ensure efficiency and the delivery of clear outcomes;
- (ii) That the Committee agreed as part of the new process the form at Appendix B for use by all Members to submit a proposed scrutiny item;
- (iii) That the Committee's Working Group be convened ahead of scheduled meetings of the Committee to review submitted scrutiny requests and report to the Committee with a view to their inclusion in the Committee's Workplan.

## **8. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN DECIDES ARE URGENT**

Councillor Helm thanked the Committee for its input and support during his term as Chairman.

There being no further items of business the Chairman closed the meeting at 6.28 pm.

M W HELM  
CHAIRMAN



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

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**to  
ANNUAL COUNCIL  
5 NOVEMBER 2020**

### **MEMBER TRAINING PLAN**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To confirm a training plan for Members that will run annually

#### **2. RECOMMENDATIONS**

- (i) That the Member Training plan (**APPENDIX A**) be adopted;
- (ii) that those courses specifically highlighted as mandatory be approved, and where these requirements are not met / training is not attended, note that the Member will not be able to sit on Committees and Working Groups.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 The recent Corporate Governance Audit recommended that a formal Member training and development plan be identified. Work was already in progress at an officer level to identify areas that this could cover.
- 3.2 In line with best practice and other similar authorities, a proposed training plan is provided as **APPENDIX A**. Those with yellow highlighting are the items recommended as mandatory.
- 3.3 Training for Planning already identified as mandatory in the Constitution is shown as item 6. Although this has already been agreed, the intention is to bring together a full programme for clarity.
- 3.4 Maldon District Council (MDC) is on the radar of the Ministry of Housing, Communities and Local Government (MHCLG) on account of some of the planning decisions and processes that have taken place in the planning committees, and a move to quarterly 'lessons learned' sessions aims to highlight specific areas for improvement, and learning points going forwards. This is reflected as item 7. It is recommended that members attend at least two of the four sessions that will be run annually.
- 3.5 Overview and Scrutiny terms of reference highlight a need for 'early induction training', but the recommendation of item 4 is to formalise this as mandatory.

- 3.6 Item 8 provides a recommendation for the same courses provided as mandatory modules for staff to also be a requirement for all Members.

#### **4. CONCLUSION**

- 4.1 The Member training plan is provided to formalise a programme of development in line with best practice and internal audit recommendations

#### **5. IMPACT ON STRATEGIC THEMES**

- 5.1 The result of formalising this programme will contribute to the Performance and Efficiency Corporate Goal.

#### **6. IMPLICATIONS**

- (i) **Impact on Customers** – Not applicable (n/a).
- (ii) **Impact on Equalities** – N/a.
- (iii) **Impact on Risk** – As an internal audit recommendation, this will help to reduce our risk around formal member training.
- (iv) **Impact on Resources (financial)** – Planning training in particular may help with financial risks and implications of decisions.
- (v) **Impact on Resources (human)** – Staff required to fulfil the training have been approached, but this will have an impact on resource.
- (vi) **Impact on the Environment** – N/a.
- (vii) **Impact on Strengthening Communities** – N/a.

Background Papers: Corporate Governance Audit report (Performance, Governance and Audit Committee (PGA)).

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

## MEMBER TRAINING PLAN

	Training	Who should attend	Date for delivery/ officer
1	Chairmanship and constitutional reminders	All Chairmen and Vice-Chairmen	November – Lead Legal Specialist and Monitoring Officer (SQ) / Programmes, Performance and Governance Manager (CH)
2	Budget building and monitoring	All Members, particularly Strategy and Resources Committee (S&R)	December – Director of Resources (CL)
3	Customer insight and data driven decisions	All Members, and particularly relevant for S&R and Performance, Governance and Audit Committee (PGA)	January- CH
4	The role of overview and scrutiny including adopted protocols and working processes	All Overview and Scrutiny Committee (O&S) Members	November – CH
5	Working with officers and Members code of conduct	All Members	SQ Onboarding Members and all Members have refresher every 2 years - next due June 2021
6	<b>Planning</b> Existing mandatory Planning training To also be expanded and include principles of planning, Members role in the planning service (likely to be over several sessions)	All members Any new members	Every 4 years, May 2023  Before planning committee attendance  Delivered by Lead Specialist Place and Lead Specialist Legal
7	<b>Planning</b> Quarterly course schedule addressing key issues and emerging Planning updates	All Members to attend minimum 50% of these within the municipal year	March, June, September, December annually, starting March 2021  Delivered by Lead Specialist Place and Lead Specialist Legal
8	E-training modules (HR) including data protection, Equality & Diversity and Safeguarding	All Members	HR to circulate to all onboarding Members Any courses not received by Members so far to be completed in December
9	Local Government Association (LGA) member training online	All Members	Members to register and attend <a href="https://www.local.gov.uk/our-support/highlighting-political-leadership/councillors-guide-2017/distance-learning-resources">https://www.local.gov.uk/our-support/highlighting-political-leadership/councillors-guide-2017/distance-learning-resources</a>

NB – if planning agreed, constitutional update required in the planning protocol section

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## **REPORT of RE-SET AND RECOVERY WORKING GROUP**

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**to  
ANNUAL COUNCIL  
5 NOVEMBER 2020**

### **COVID-19 ECONOMIC RECOVERY - CAR PARKING**

#### **1. PURPOSE OF THE REPORT**

- 1.1 The Council has formed a Member officer Re-Set and Recovery Working Group (RRWG) to oversee activities relating to the ongoing Government guidance and legislation relating to business activity. Minutes of individual meetings are available to Members via Mod.Gov, if required.
- 1.2 The RRWG has considered supporting the economic recovery of local businesses through the provision of a limited number of free parking days (or equivalent part days) before Christmas and approve engagement with local businesses on potential amendments to charging times in Maldon High Street car parks. Members are reminded parking is only charged for in Maldon Town so Burnham-on-Crouch for example is not affected. The RRWG asks that the Council supports and approves the recommendations set out below.

#### **2. RECOMMENDATIONS**

- (i) That delegated authority be reinstated for three free 'Christmas' parking days (or equivalent part days) in Maldon High Street Car Parks to the Director of Service Delivery in consultation with the Leader of the Council to support high street businesses;
- (ii) That Members consider whether the afternoon of Christmas Eve be added to the free parking dates in 2020 as requested by the Maldon Business Board;
- (iii) That Officers engage with businesses relating to a potential change to the start of the evening charging period to stimulate high street footfall and economic recovery;
- (iv) That the Reset and Recovery Working Group considers the results of the engagement before reporting with any recommendations to the Council for consideration related to changes to car park tariffs.

### **3. SUMMARY OF KEY ISSUES**

#### **3.1 Free ‘Christmas’ Parking Days**

- 3.1.1 Until 2019 the Director of Service Delivery was granted delegated authority to allocate three free parking days in Maldon High Street car parks around Christmas. The free parking days were very well received by businesses and residents although they often resulted in parking capacity for shoppers being very limited, and the shopping days were generally very close to Christmas
- 3.1.2 It is proposed to reinstate three free days parking (or equivalent) from 2020 and to continue this annually. For 2020 it is proposed that free parking will be offered over six half days, creating free parking periods from 2pm onwards. The proposed dates for 2020 are 12, 19 and 26 November, 3, 10 and 17 December. This proposal will support retail shopping, hospitality and the evening economy but spaced over several days; reducing the risks of encouraging crowds and limited parking capacity for customers.
- 3.1.3 For future years the exact dates and times of the three free days (or equivalent) car parking will be determined by the Director of Service Delivery, in consultation with the Leader of the Council. The proposal to reinstate Christmas free parking on a permanent basis is to allow local business to be able to plan ahead with certainty for the Christmas period.
- 3.1.4 As the Council has historically offered three days free parking there is no loss of budgeted income, however it is estimated that we are notionally forfeiting income of £6,000 during these six half days.

#### **3.2 Engagement with businesses on a change to evening charging period**

- 3.2.1 Informal limited discussions with businesses have indicated a desire to explore an adjustment of the evening charging period through bringing forward the start time of evening charges from 6pm to 3pm. The proposal is intended to stimulate the late afternoon / early evening period (traditionally a quieter period) in the Town and it is envisaged that this will support both retail and hospitality sector.
- 3.2.2 It is hoped that this proposal will help bridge the early evening ‘gap’ between the day-time retail offer and the evening hospitality offer progressing the vision of an improved evening economy and ‘café culture’ from the Central Area Master Plan.
- 3.2.3 Given only limited discussions have been held with local businesses, Officers are seeking agreement to consult on the following two options;
- Option One - the evening charge period be brought forward to 3pm Monday to Friday;
  - Option Two - the evening charge period be brought forward to one afternoon per week.
- 3.3 Clearly for the proposal to succeed local businesses would need to embrace and adapt to benefit from the changes by ensuring they remained open during the late afternoon and early evening. The proposed engagement will gauge the level of support from

businesses to adapt their opening times to ensure that the maximum opportunities are derived from the proposals.

- 3.4 It is estimated that Option One (as detailed in paragraph 3.2.3 above) will result in a possible loss of £1,500 income to the Council over the year, and Option two will potentially cost £500. The estimated figures are based on pre-Covid-19 historic income and based on a typical sample month and take no account of reduced use during the pandemic. There is also a potential for a greater financial impact should there be a change in the use of the carparks as a result of the change to afternoon car park tariffs.
- 3.5 Both parking proposals have been designed to deliver significant benefits to local businesses without reducing parking capacity for shoppers and to enable clarity of communications to the public.
- 3.6 The engagement with local businesses is intended to be undertaken during November, with the outcomes of this to be brought forward to the earliest Reset and Recovery Working Group, which currently would be 4 January 2021, and for the proposals to be brought forward to the Council on 4 February 2021. If it is possible to bring these proposals forward earlier then Officers will do so.

#### **4. CONCLUSION**

- 4.1 The Council has been working to support the business community in Maldon throughout the Pandemic. The High Street adaptations being progressed are being done so to provide a Covid safe environment for shoppers to encourage a safe return to the High Street. Reinstatement of the free 'Christmas' parking days and exploring options to bring forward the evening charging period will support the recovery of all business on Maldon High Street.
- 4.2 The Reset and Recovery Working Group fully support the recommendations at section 2 above.
- 4.3 Initial feedback from the Maldon Business Board (**APPENDIX 1**) supports the proposals in this report, including the proposed dates (12 November to 17 December 2020 inclusive) but have asked for consideration of an additional parking date on 24 December 2020.

#### **5. IMPACT ON STRATEGIC THEMES**

- 5.1 The proposals support the Council's Prosperity objectives to support local business.

#### **6. IMPLICATIONS**

- (i) **Impact on Customers** – Supporting the post Covid economic recovery of Maldon High Street Businesses is a central part of the Council Covid-19 response. By offering free car parking before Christmas gives shoppers greater choice and might encourage local shopping. Reduced afternoon

charges again may encourage more use of our car parks at a traditionally quieter period. This measure however will only work with the support of local businesses in commitment to open later or longer and therefore consultation is recommended before implementing any change.

- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – The Council has an opportunity to support local business through adapting parking charges but it must consider the financial cost of the proposals through loss of income. Officers are looking at how to reduce fixed costs but any proposals will not be ready to present concurrently with this report so the financial loss should be considered now before proceeding. The estimated direct income loss would be up to £1,500 per year, but changes in use of the car parks (such as shoppers moving to a later time in the day to shop as a result of these changes) may have a much greater financial impact. There are some costs associated with amending parking machines, advertising changes, amending the parking order and signage but these costs can be met from existing revenue budgets.
- (v) **Impact on Resources (human)** – The proposed changes will require Officer time to undertake the proposed engagement and if agreed implement the changes.
- (vi) **Impact on the Environment** – The Council is aware stimulating the use of car parking could put additional pressure on the environment through increased traffic movement. However, at the moment living in a rural district with limited public transport options this is the reality. In mitigation the Council is developing environmental strategies to mitigate pollution and shoppers will be encouraged to walk, cycle and use public transport as an alternative to the car, particularly if living within a 2-mile radius of the High Street. The environmental considerations should be considered by Members in deciding on the proposals.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

Enquiries to:

Richard Holmes, Director of Service Delivery  
Jack Ellum, Strategy Theme Lead - Prosperity  
Sue Green, Group Manager - Customers

**Statement from the Maldon Business Board**

The Maldon Business Board would like to confirm our unanimous support for the reinstatement of free parking days in the run up to Christmas. The proposal to provide 6 half days provides a good balance between supporting local businesses by removing the disincentive to visit the town and spreads the demand for parking over this important period. We would also request that adding a seventh half day on Christmas eve would further clarify the public message and also support last minute shoppers to choose local high street shops. The Board's members through their respective groups, representing the majority of independent business in the high street, will encourage all businesses to consider offering later opening hours to the public during this period.

We would also support trial amendments to the evening parking charges. Bringing this charging period forward will provide motivation to residents and visitors to visit the high street and we support the approach identified in the Central Area Master Plan to span the gap between the day time retail offer and the evening economy. Assuming this goes ahead, we will also support this be encouraging longer opening hours, perhaps on one evening a week as a starting point.

Allison Gray, Chairman of the Maldon Business Board and founder of Maldon High Street together

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