



**MINUTES of  
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE  
10 JUNE 2021**

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**PRESENT**

Chairman	Councillor Mrs J C Stilts
Vice-Chairman	Councillor K W Jarvis
Councillors	M R Edwards, Mrs J L Fleming, CC, A L Hull, J V Keyes, S P Nunn, E L Stephens and B S Beale MBE
In attendance	Councillors Mrs P A Channer and C Morris
Substitutes	Councillor B S Beale, MBE

**83. CHAIRMAN'S NOTICES**

The Chairman welcomed all present and took the Committee through some housekeeping arrangements for the meeting.

**84. APOLOGIES**

Apologies for absence were received from Councillor R G Boyce and M S Heard. In accordance with notice duly given Councillor B S Beale, MBE was attending as a substitute for Councillor Heard.

**85. MINUTES**

**RESOLVED** by assent that the Minutes of the meeting of the Committee held on 25 March 2021 be approved and confirmed.

**86. DISCLOSURE OF INTEREST**

Councillor J L Fleming declared a non-pecuniary interest as a Member of Essex County Council in relation to any items on the agenda pertaining to that organisation.

**87. PUBLIC PARTICIPATION**

A public participation submission, in two parts, had been received in respect of Agenda Item 6 - Review of Corporate Risk – Quarter 4. The Chairman advised the Committee that this would be dealt with following the Officer presentation on that item.

## 88. REVIEW OF CORPORATE RISK - QUARTER 4

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. The Risk Register was attached at Appendix 1.

The Chairman introduced the item and deferred to the Director of Strategy, Performance and Governance to present the detail. He took the Committee through the report and noted that section 3.1.1 highlighted the risks that had changed in direction since quarter three, with one risk recommended for closure. Two risks had decreased in score - R9 'Failure to have a coordinated approach to supporting inward investment and maximising business rate growth' and R30 'May 2021 Elections during Covid-19 pandemic –There is a major risk to successfully delivering the May 2021 Elections and Referenda during the ongoing Covid crisis. This could lead to financial strain and reputational risk for MDC'.

Three risks had increased in score - R10 'Failure to develop jobs to support the growing population' which confirmed that Covid remained a dominant force on the economic landscape. With this risk persisting 'Likelihood' had been increased. The Covid-19 Economic Recovery and Transformation Plan had been created and actions were being progressed. R7 – 'Failure to maintain a 5 yr land supply' – the Local Development Plan (LDP) was approved by Council in March 2021, triggered by the failure to maintain a 5 year land supply. Whilst further mitigation was put in place the risk had materialised hence the increase.

R29 – 'Failure to deliver services as a result of Covid-19' - this risk was increased because of the potential for fatigue of officers due to working for over a year in pandemic conditions, including two national lockdowns. There had not been a detrimental impact on service delivery but the increased risk was due to the potential for ever increasing risk the longer these conditions continued.

One risk was recommended for closure R13 – 'Failure to manage the impact of organisational change'. The Corporate Plan had been updated, resource reviews undertaken and additional funding identified in the February 2021 budget for the required additional staff. The organisation had successfully come through the transformation process and operationally it would continue to regularly review corporate risk in line with the Risk Management Strategy.

The Chairman moved the recommendations in the report and these were seconded by Councillor Jarvis. The Chairman then read the two submissions from Mr Fittock a member of the public.

**In response to the first submission around R7- 'Failure to maintain a 5 year land supply' and what lessons had been learnt the Director of Strategy, Performance and Governance advised the following:-**

That the LDP 2014-2029 set a 15 year development plan for the Maldon district, this was adopted in July 2017. The evidence to underpin that plan was prepared in the first 5 years of 2010. In designing the approach of the LDP review the Council will consider drawing on the latest guidance from the government, in terms of determining how to evaluate the suitability of sites as well as drawing on Council practice and the practice of other local planning authorities around the country. National Planning Policy now stipulated that 10% of all allocated housing growth must go on smaller sites of under 1 hectare which will provide greater choice in housing site size and help support smaller house builders to bring housing forward. The Council had also undertaken a call for

sites that closed on 7 June 2021 so will now start appraising the land that had come forward in efforts to meet the 5 year housing land supply.

**In response to the second submission around R5-** 'Failure to deliver the required infrastructure to support requirements arising from the LDP' the Director advised the following:-

In respect of infrastructure forecasting and delivery the Council was already reviewing its evidence base for this and a proposal was due to be submitted to Strategy and Resources Committee on 15 June 2021 to consult on a 'duty to co-operate' strategy which will be the starting point for the Council's approach on matters which were strategic and cross boundary with various public bodies, such as education, transport and health which were key infrastructure issues that will include Essex County Council as the Highways and Education Authority (ECC).

The LDP originally was subject to an independent examination by a Planning Inspector between 2014-2017 and was judged to be both legal and sound, including the infrastructure aspects. The Council however does intend to approach this challenge with a fresh perspective, update its evidence and understanding and engage in a constructive dialogue with necessary bodies to improve upon infrastructure delivery in the future. Through that review there will again be an examination in public and a full consultation undertaken.

In response to questions from the Committee, Officers responded as follows:

- That the closure of R13 related to having managed organisational change and knowledge retention. The process mapping exercise undertaken now provided knowledge at a corporate level on all processes as opposed to individual knowledge, thus ensuring knowledge retention. Staffing levels were good, sickness levels were at their lowest and the turnover rate was low. During the pandemic some key specialist roles had been filled in Planning which had previously proved difficult to recruit. The Corporate Leadership Team (CLT) was content that all issues had been managed appropriately.
- That there had been a large response to the request for land. That part of the failure at R7 was due to delays with approval on certain major sites, subsequent delays by developers which ultimately delayed delivery of some major future housing.
- That in accordance with Government advice it was not possible to factor in the costs of the slowing supply chain and/or the increased costs in the building industry, the Council had to work with the current figures incorporating the knock on effect of these delays.
- That R10 – the COVID-19 Economic Recovery and Transformation Plan had been framed by the work of the COVID-19 Reset and Recovery Working Group and would be circulated to Committee Members. Additional staff would be brought in to support community recovery, paid from the 'Welcome Back' fund.
- That Climate Change was high on the Council's agenda but not a corporate risk therefore not on the Corporate Risk Register. A Climate Emergency Statement had been received and approved by Council on 4 February 2021 and the Climate and Environment Action Plan will be submitted to Council for approval at the end of this year.
- That R29 incorporated all third party partnerships involved in service delivery.

- That in respect of R14 when looking to employ good people the HR strategy included developing existing staff through apprenticeship schemes etc. The hard to fill posts were generally at senior levels.
- That R30 will be removed from the next iteration of this report, on the report at the moment as this was reporting Q4.
- That the Finance Working Group set up to deal with Member Engagement was due to meet next week and the papers were open to all Members, available on Mod.Gov. The final part of the additional restrictions grants would be paid in the next two weeks. The final tranche of additional funding, approximately £565,000, may be received post the end of the month which will be distributed as soon as possible and in terms of the new burdens funding received for the grants paid to date this was £166,000. As more is being paid out there may be further burdens payments due this year, yet to be confirmed.
- That at R10 the score of 16 was reasonable given that the economic recovery forecast nationally was 7%. The unachieved savings figure referred to at R25 was £133,000. The details on the lack of diligence referred to in R3 would be circulated following the meeting together with a response to the backlog issue raised under R13. Finally, the working group referred to in R29 was confirmed as the COVID-19 Reset and Recovery Group.

There being no further questions the Chairman put the recommendations to the Committee and they were agreed by assent.

## **RESOLVED**

- (i) That Members reviewed the Corporate Risk Register in Appendix 1 and provided comment and feedback for consideration;
- (ii) That Members were assured through this review that corporate risk is being managed effectively;
- (iii) That Members challenged risk where the Committee felt that the Council's corporate goals may not be achieved.

## **89. REVIEW OF CORPORATE PERFORMANCE - QUARTER 4**

The Committee considered the report of the Director of Strategy, Performance and Governance that required the 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. Appendix 1 to the report provided an overview of performance as at the end of Quarter 4 (Q4) (January - March 2021).

The Chairman introduced the report and deferred to the Director of Strategy, Performance and Governance to present the detail. He took the committee through the end of year performance report that covered the outcomes prior to the Corporate Plan refresh. He noted that this was a year like no other, delivering against a background of a pandemic and two national lockdowns. However, this was a positive report showing good progress in general over the past year.

Section 3.3 of the report was a broad outcome update for each of the thematic strategies in the Corporate Plan. Section 3.4 highlighted the specific indicators 'at risk' which meant that delivery had not achieved what was set out. These had been

highlighted in earlier reporting, in wider member communications and in the main had been impacted by the pandemic. Conversely some areas had achieved a positive outcome but not as originally anticipated, for example community engagement and support for shielding groups had contributed to reducing social isolation but that was never part of the delivery design and channel shift was outlined as supporting those who came into the offices to go online. The offices have been closed but the shift to online has happened and more people have embraced online technology during Covid.

Appendix 1 provided the detailed list of indicators and updates that informed the high level assessment. Work was nearing completion on the Corporate Plan refresh outcomes measurements as recently highlighted in the Member Seminar and Members' feedback from that session would be incorporated into the design and build of the framework for the coming year.

The Chairman moved the recommendations in the report and these were seconded by Councillor Jarvis.

In response to questions from the Committee, Officers responded as follows:-

- That management plans, particularly in respect of Promenade Park, needed to be as wide ranging as possible covering all aspects of its management, maintenance and care and that this will be coming to Council for approval later this year.
- That progress on the air quality survey on Market Hill had been impeded by COVID. Essex County Council will undertake this once traffic levels return to normal ensuring a constructive exercise. The Air Quality Action Plan update will be submitted to Council in due course.
- That the outcomes for Air Quality would now be combined into one in the performance report given that delivery on the Action Plan had been agreed.
- That the Superfast Essex Steering Group provided the statistics for the district and were currently reporting ahead of schedule on delivery.
- That delivery of an Enterprise Centre had originally been part of the Central Area Master Plan (CAMP) but was now under review in the performance report. This was due to the current economic landscape and the need to review the original evidence base to determine if it is still appropriate to progress.

There being no further questions the Chairman put the recommendations to the Committee and they were agreed by assent.

## **RESOLVED**

- (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.

## **90. HEALTH AND SAFETY UPDATE - QUARTER 4**

The Committee considered the report of the Director of Service Delivery and associated appendices that provided an update on health and safety statistics and activity during quarter 4 (1 January 2021 to 31 March 2021). The Chairman introduced the report and deferred to the Director of Service Delivery to present the detail.

He took the Committee through the summary of key issues around accidents, risk assessments undertaken in relation to elections, the First Aid training that had been updated to take into account the new structure and noted that there had been no incidents of unacceptable behaviour in this quarter. He assured the Committee that the overarching work outstanding in the Action Plan at Appendix 2, which was due to Covid pressures, would commence shortly.

The Chairman moved the recommendations in the report and these were seconded by Councillor Jarvis

Councillor Nunn, referring to the risk assessments undertaken, said that the Council and its officers should be commended for the very effective risk assessments undertaken around Covid that had safeguarded Members, Public and Officers not just in the Chamber, but also at the football club.

In response to questions from the Committee, Officers responded as follows:-

- That the Council had fully trained Fire Marshalls that managed fire testing and fire drills when carried out under normal circumstances. At the moment, fire trained facilities staff covered areas in current use.
- That potential accidents involving the Council's motor fleet and residents would not be recorded on the corporate risk register, the focus here was on staffing accidents.
- That the Hand Arm Vibration training and policy were now in place and the Director of Service Delivery would advise in writing when the Health & Safety Policy was due to be considered by Council.
- That staff working in the community were safeguarded through the use of body worn cameras and that all training identified by staff through normal working practices or through risk assessments was delivered as appropriate.

There being no further questions the Chairman put the recommendations to the Committee and they were agreed by assent.

## **RESOLVED**

- (i) That Members reviewed the information as set out in the report and associated appendices;
- (ii) That Members confirmed they were assured that through this update health and safety was being managed effectively.

## **91. DRAFT ANNUAL GOVERNANCE STATEMENT - 2020/21**

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

The Chairman introduced the report and deferred to the Director of Strategy, Performance and Governance to present the detail. He took the Committee through the Annual Governance Statement that explained the processes and procedures in place to enable the Council to carry out its functions appropriately. Since 2011 it no longer needed to be included in the Statement of Accounts (SOA) and last year the Council published it as a document in its own right to emphasise the importance of governance

assurance. Highlighted in the document were some of the governance achievements that took place in 2020/21 and this included frameworks and training that were put in place in response to the Covid Emergency Measures and new ways of working.

Looking forwards an action plan had been compiled for the coming year. Although there were no areas of significant governance concern highlighted by the Council or the Internal Auditors, the action plan built on best practice and progress and would be reported back to this Committee

The Chairman moved the recommendations in the report and these were seconded by Councillor Jarvis. There being no questions the Chairman then put the recommendations to the Committee and they were agreed by assent.

## **RESOLVED**

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

## **92. ANNUAL GOVERNANCE STATEMENT ACTIONS UPDATE**

The Committee considered the report of the Director of Strategy, Performance and Governance that updated the Committee on the actions identified in the 2019/20 Annual Governance Statement (AGS).

The Chairman introduced the item and deferred to the Director of Strategy, Performance and Governance to present the detail. He took the Committee through the report that provided an update on actions highlighted in the 2019/20 Annual Governance Statement. Actions identified were around improving best practice rather than any particular governance concerns. There were a few that had been identified and built into the Action Plan for 2020/21 to continue tracking delivery of best practice.

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

In response to questions raised Officers responded as follows:-

- That emergency powers were ongoing to deal with timescales etc. However, they were not invoked during the pandemic as the Council voted to put in place a COVID-19 Interim Measures Group to deal with decision-making whilst committees were suspended.
- That the Peer Review in relation to Scrutiny was no longer necessary as the Local Government Association (LGA) had undertaken a review and training with Scrutiny Members.
- That an online survey for resident input on the budget was due to go live and the results would be shared with Members. Those residents without online access would be followed up accordingly.

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

**RESOLVED** that the Committee reviewed the annual governance action table and updates and challenged where necessary.

### **93. ANNUAL REPORT ON WHISTLEBLOWING POLICY**

The Committee considered the report of the Director of Resources that provided an annual update to the Committee on the Council's whistleblowing policy.

The Chairman introduced the item and deferred to the Director of Resources to cover the detail. He took the Committee through the report and advised that by convention this was reported annually and no concerns had been raised. The key objectives of the policy included encouraging legitimate concerns to be brought forward; protection of whistle blowers from reprisal; assurance of a response and advice on what to do if a response was inadequate.

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

In response to questions raised Officers responded as follows:-

- That exit interviews were part of the HR processes and any concerns raised were followed up. Officers would check if this information was submitted to any committee and advise Members in writing.
- That dissemination of the policy was through FreshService and would also be circulated via the 'all staff' email. Staff training in key risk service areas had already been undertaken on the policy and all staff training was currently under consideration. The policy was also valid for Members.

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

**RESOLVED** that the Committee considered the report.

### **94. SECTION 106 UPDATE**

The Committee considered the report of the Director of Strategy, Performance and Governance that updated Members on the S106 monitoring processes and sought Members endorsement for the continuing and effective management of the Council's S106 responsibilities.

The Chairman introduced the item and deferred to the Director of Strategy, Performance and Governance to present the detail. He took the Committee through the report that highlighted events from the last half year which had been one of peaks and troughs in terms of S106 income flows. The winter season and disruptions to the building industry from Covid, coupled with the desire to pace S106 payments in a manner which remained in step with receipts from house sales had resulted in receipts being more disjointed than in other years. The S106 Officer together with planning officers will be undertaking site visits during June/July 2021 to redress the Council's understanding of what is happening on the ground and consider whether further payments have been triggered but not paid.



While the income stream had been disrupted the S106 Officer had maintained pressure on both the NHS, other council departments and partners to make sure that the expenditure deadlines were not missed. A letter was recently sent to the NHS Clinical Commissioning Group and it had recognised the urgency to get the anticipated improvements to their services around the district completed, as more homes are built. It was aware of the Council's keenly felt desire to avoid developer funding being returned through a lack of expenditure within legal deadlines. Since the report was written the NHS had increased its capacity around planning to ensure delivery on that infrastructure.

Similarly, following the new LDP Review Strategic Liaison Group meeting with ECC Team Leads from Planning, Education, Highways and Flood Risk further updates had been requested concerning Education and Highways infrastructure payments. The Council had encouraged a more proactive approach on information sharing across all authorities, including more regular updates on projects that were funded from monies collected by Maldon District Council S106.

In a move for more transparency the Council had published the S106 spreadsheet online, this should reduce the number of Freedom of Information (FOI) enquiries and help broaden understanding of what was secured through developments in the district and when it was due to be paid.

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

In response to questions raised by the Committee, Officers responded as follows:-

- That specific requests around access to grants be emailed to Officers who will reply in writing.
- That information on how long the sums to support various health projects have been held by the Council would be circulated to Members.
- That the issue of delays at GP Surgeries was a national problem exacerbated by Covid.
- That NHS progress on plans for the delivery of a medical centre at Southminster would be circulated to Dengie Members in the next couple of weeks.

There being no further questions the Chairman put the recommendations to the Committee and they were agreed by assent.

## **RESOLVED**

- (i) That Members reviewed the information in this report and appendix 1;
- (ii) That Members confirm they are assured that S106 is being managed effectively.

## **95. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES/PANELS**

The Committee considered the report of the Director of Strategy, Performance and Governance that reminded Members of the existing representatives on Liaison Committees / Panels, and for new appointments to be made for the municipal year to May 2022.

The Chairman called for two representatives to join Councillor K W Jarvis on the Maldon Citizen's Advice Bureau Liaison Committee and Councillors J L Fleming and E L Stephens came forward. This was duly seconded.

The Chairman proposed that Councillor S P Nunn and E L Stephens be appointed to the Maldon District Museum Liaison Committee, this was duly seconded.

The Chairman concluded by confirming that the Parish Clerks' Forum and River Crouch and Coastal Community Team representatives would remain the same for the ensuing municipal year.

The aforementioned appointments were put to the Committee and agreed by assent.

**RESOLVED** that the Committee appointed the following representatives to the Outside Bodies detailed below, the municipal year to May 2022.

Body	2021/22 Representative(s)
Maldon Citizens Advice Bureau Liaison Committee	Councillors K W Jarvis, J L Fleming and E L Stephens
Maldon District Museum Liaison Committee	Councillors S P Nunn and E L Stephens
Parish Clerks' Forum	Chairman of the PGA Committee <i>Substitute: Vice-Chairman of the Performance, Governance and Audit Committee</i>
River Crouch Coastal Community Team (Management Team) <b>NB: This body aligns with both the PGA and Strategy &amp; Resources Committees</b>	Councillor J C Stilts, Chairman and Councillor K W Jarvis, Vice-Chairman of the Performance, Governance and Audit Committee.

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

There were none.

The meeting closed at 9.08 pm.

MRS J C STILTS  
CHAIRMAN