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MALDON DISTRICT
COUNCIL

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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

21 April 2021

Dear Councillor

You are summoned to attend the extraordinary meeting of the;

COUNCIL

on **THURSDAY 29 APRIL 2021** 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

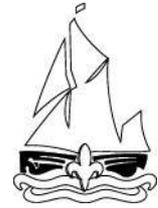


Director of Strategy, Performance and Governance



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





**AGENDA
COUNCIL (EXTRAORDINARY)**

THURSDAY 29 APRIL 2021

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

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

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

4. **Future Committee Option Reviews** (Pages 3 - 14)

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

5. **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 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

6. **Legal Advice - Planning Determination** (Pages 15 - 36)

To consider the report of the Monitoring Officer, (copy enclosed).

NOTICES

Recording of Meeting

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



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

to
COUNCIL (EXTRAORDINARY)
29 APRIL 2021

FUTURE COMMITTEE OPTION REVIEWS

1. PURPOSE OF THE REPORT

- 1.1 To review options for future committee meetings in the absence of legislation providing for remote meetings during social distancing associated with COVID-19.

2. RECOMMENDATIONS

- (i) That if the High Court challenge by Lawyers in Local Government, the Association of Democratic Services Officers and Hertfordshire County Council is successful the Council agrees for the 2021 / 22 Schedule of Meetings to continue with all meetings held remotely, with a further report on hybrid meeting options to be considered by Council by July 2021.
- (ii) That if the High Court challenge is unsuccessful and remote meetings not able to continue:
- a. That Members move the physical Statutory Annual meeting to a start time of 11am to allow for this to take place at an outside venue with wider staff on-site to support;
 - b. That Members review the future meeting options in section 3.10.6 below and identify a preferred option having regard to the risks set out at **APPENDIX A**, and accept any costs will be a budget pressure for the year;
 - c. That Members adopt the guidance set out at section 3.10.7 below, and additional guidance that emerges from risk assessments to support more secure physical meetings where they do take place

3. SUMMARY OF KEY ISSUES

- 3.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 do not apply to meetings on or after 7 May 2021. The Government consider that the extension or renewal of the regulations requires primary legislation, and they have confirmed in writing that they will not be prioritising this issue to bring forward the necessary legislation to extend the regulations. The result of this decision will require Councils to cease operating remote meetings and to put in place alternative arrangements.

- 3.2 In their letter of 25 March 2021, the Minister outlined the potential use of emergency powers to minimise the need for meetings, but also reminded Local Authorities of the need to hold Annual Meetings ahead of the end of May 2021.
- 3.3 The cessation of remote meetings is subject to a High Court Challenge. Lawyers in Local Government, the Association of Democratic Services Officers (ADSO) and Hertfordshire County Council have asked the High Court to make a [declaration](#) on whether they can continue to hold meetings remotely past 6 May. The High Court will hear the case on 21 April 2021, and if they rule in favour, the Council will continue to hold its current meetings schedule remotely.
- 3.4 As outlined above, legally, we have to run our Statutory Annual meeting by the end of May – according to the [Local government Act 1972](#). As the Council is holding two District Councillor by-elections on 6 May 2021, the Annual Meeting cannot be brought forward and held remotely, as these Members will also need to be appointed to Committees. Therefore, notwithstanding the outcome of the High Court challenge, the Council is required to arrange the Annual Meeting of the Council as a physical meeting before the end of May.
- 3.5 There are many risks associated with a return to physical meetings, which have been identified in **APPENDIX A**, alongside their possible mitigations. The government COVID-19 guidance highlighted above recommends that authorities only hold physical meetings where necessary, and utilise other methods, such as emergency powers to avoid these risks too. If Members are so minded to introduce physical meetings, this is despite the risks that have been listed.
- 3.6 The Council chamber can accommodate a maximum of 17 Members and officers with social distancing requirements, so a meeting with all Members will need to be held offsite.
- 3.7 We will require additional support from facilities and Information Communication Technology (ICT) staff to support setup for an offsite meeting, allowing for cameras and microphones and a broadcast to YouTube for the public. For this reason, we recommend the physical meetings are initially held in the daytime.
- 3.8 There will be a cost for hall hire, technical equipment and staff overtime for each meeting.
- 3.9 For all costs identified throughout this report, there is no specific budget so they will create a budget pressure in year.
- 3.10 **Suggested approach and options**
- 3.10.1 Initially, the Council will have to hold a physical Statutory Annual Meeting on 20 May 2021, which based on support staff availability, **we suggest moves to the daytime**. We expect Hall hire cost specifically for this meeting to be £650.
- 3.10.2 At the Statutory Annual meeting, we will still be appointing to Committees ready for when ‘normal’ meetings can resume.
- 3.10.3 There will be a one- off ICT investment cost for the Statutory Annual meeting of £3,900. This will cover the cost of cameras and microphones, a hearing loop and TV screen displays, to facilitate the meeting and broadcast out to YouTube for Public viewing.

3.10.4 The best locations for 20 May based on information so far are:

- Maldon Town Hall - allowing for only up to eight officers alongside members- but available all day.
- Maldon Football Club - allowing for up to 18 officers alongside Members - only available until 6pm.
- Essex County Council chamber – Officers are reviewing this, which can be made available to us, but may be difficult for ICT set up as it is a listed building.

3.10.5 A covid risk assessment applicable to these outside venues is attached at **APPENDIX B**, and this has helped to also inform suggested meeting guidance and expectations at section 3.10.7 below.

3.10.6 Following on from the Statutory Annual meeting, the following options are identified, along with a score based on overall achievability (denoted with A) for getting up and running and impact (denoted with I) for keeping business of the Council moving. They are ranked in order of score and therefore officer recommendation.

Option	Strengths	Weaknesses	Score
Move to emergency powers, with directors making decision in consultation with the Leader of the Council, Leader of Opposition, Chairman of the Council, and wider Members able to comment on papers ahead of time.	Can be done virtually, eliminating all risks associated with physical meetings outlined in Table 1 (APPENDIX 1). No additional costs.	Potentially less member involvement, as they would feed in views through the emergency powers group members.	A=5 I=4 =20
Appoint an 'Interim Measures Committee' at the Statutory Annual meeting, with a maximum of 12 Members, that can meet in the Council chamber during the daytime. <u>NB:</u> Constitutional Terms of Reference for this committee would be provided for adoption prior to appointment at the annual meeting	Allows use of Council chamber – reduces offsite hire costs and availability issues. Utilises on-site ICT, microphone system etc. Engages a politically balanced and wider group of Members than emergency powers. We expect this committee will deal with planning matters to avoid any delays.	Social distancing measures could continue past 21 June 2021 as currently expected, and we would need to keep to this Committee number until something changes. Risks associated with physical meetings as detailed in Table 1 (APPENDIX 1). (£182.48 per meeting)	A=4 I= 4 =16

Option	Strengths	Weaknesses	Score
<p>Hold one physical meeting of Council and District Planning Committee offsite each month while measures in place.</p> <p>District Planning Committee to review during the daytime</p>	<p>Allows all Members to be involved.</p> <p>Reduces planning delays for cases that would otherwise wait for Committee.</p>	<p>Meetings will need to be held offsite and incur additional staffing and venue hire costs.</p> <p>Risks associated with physical meetings as detailed in Table 1 (APPENDIX 1).</p> <p>(£600 per meeting)</p>	<p>A=3</p> <p>I=5</p> <p>=15</p>
<p>Return to full Committee cycle physically, with meetings larger than 17 Members and staff offsite, and within the number held in the Chamber.</p>	<p>All work continues as expected.</p> <p>All Members appointed to Committees at the annual meeting can immediately take up duties.</p>	<p>Could be challenged that this goes against government guidance that only necessary meetings take place in person.</p> <p>Would amplify the risks and costs associated with physical meetings. (£600 per meeting for Council and District Planning Committee, £182.48 per meeting for others)</p>	<p>A=1</p> <p>I=5</p> <p>=5</p>

3.10.7 Members will be asked to work within the following guidance at any physical meetings that went ahead, to adhere to government COVID-19 guidance and help minimise our risks:

Guidance and expectations

- Entrance / exit will be separate points and movement will be staggered and co-ordinated.
- Masks must be worn by Members and Staff unless speaking. *Those participating should wear masks where not speaking (unless exempt) and are free to remove for any questions or speaking.* The Chairman may call on a participant to confirm they are exempt, if applicable.
- Non-Committee Members should watch the meeting via YouTube, and if they have pre-arranged with the Chairman to ask a question, this will be done via Microsoft (MS) Teams and projected to a TV in the room.
- Public meeting access will be by virtual streaming and remote public participation will take place via MS Teams.
- Members and staff taking part in the meetings will apply for and complete regular lateral flow tests to reduce the risk of infection and register results ahead of the meeting.
- The Member attendance book will be virtual.

3.10.8 As the guidance is in place for staff and member safety, we would expect the Chairman and Committee to remove Members that are reminded of these and fail to comply, as per Procedure Rule 10.

4. CONCLUSION

- 4.1 The information is set out in this report to help inform member decision around future meeting options in the absence of remote meeting legislation. Physical meetings have many risks associated with them, and these are highlighted in **APPENDIX A** for Members to keep in mind.

5. IMPACT ON STRATEGIC THEMES

- 5.1 A solution that provides good governance and addresses associated risks will help underpin strategic delivery.

6. IMPLICATIONS

- (i) **Impact on Customers** – All options would ensure the public are kept informed of decisions of Maldon district Council.
- (ii) **Impact on Equalities** – ADSO has raised a potential equalities issue with physical meetings, but this would be a matter for central government consideration as they have provided the guidance.
- (iii) **Impact on Risk** – There are many risks associated with Staff and Member safety associated with holding physical meetings.
- (iv) **Impact on Resources (financial)** – For the various options we have outlined potential cost. We are expecting a £3,900 initial ICT investment, and staff overtime costs and hall hire costs which vary depending on options approved. Any costs incurred from running meetings will amount to a budget pressure, as no budget has been previously identified for this work.
- (v) **Impact on Resources (human)** – The move to physical meetings will put an additional pressure and expectation on staff in Committee Services, ICT and facilities.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers:

[COVID-19: Guidance for the safe use of council buildings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/covid-19-guidance-for-the-safe-use-of-council-buildings)

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

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Risks associated with physical meetings – Table 1**Red** – high risk**Amber** – medium risk**Green** - low risk

Title	Risk Description	Impact	Likelihood	Overall Risk Rating	Mitigating Actions
Staff welfare	That staff are put into a situation of risk for <u>contracting Covid</u>	5	3	15	2m distancing layouts. Specific entry and exit points.
	That staff are stressed and pressured to return to physical meetings	3	5	15	Use of Personal Protective Equipment (PPE) and sanitising. Public access by streaming only.
Member welfare	That Members are put into a situation of risk for <u>contracting Covid</u>	5	3	15	2m distancing layouts. Specific entry and exit points. Use of PPE and sanitising.
	That Members are stressed and pressured to return to physical meetings	3	5	15	Public access by streaming only.
Venue hire Costs	That we will have to pay an outside venue to host all meeting participants together (est. average £500 per meeting)	4	5	20	Sourcing quotes for possible venues. Reviewing possibility of using several rooms with set entrance and exit routes at Maldon District Council (MDC)
Venue hire availability	That venues are unable to accommodate current committee schedule, or all meeting participants at a distance of 2m	3	4	12	Contact and review options with several venues. Review options for alternative meeting dates / times e.g. reduced schedules and daytime meetings
Additional equipment costs- onsite	Screens and barriers, PPE and sanitising equipment, signage for entry and exit points (devices listed below are going into MDC offices as part of future	3	4	12	Work with Information Communications Technology (ICT) Team to understand equipment going in as part of future ways of working and feed in requirements for

APPENDIX A

Title	Risk Description	Impact	Likelihood	Overall Risk Rating	Mitigating Actions
	ways of working). Signage. Personal Protective Equipment. Sanitiser and cleaning materials				committees (e.g. hearing loops, several camera angles, Teams streaming)
Additional equipment costs- Offsite	Device to project and stream the meeting, microphones and Wifi to all be factored in (est £4k one-off) Signage. Personal Protective Equipment. Sanitiser and cleaning materials.	4	5	20	Review venue facilities. Work with ICT to review all options and equipment needed.
Set up of offsite equipment	Additional staff e.g. facilities and ICT required to transport and set up equipment off site (est. £182.48 per meeting)	3	5	15	Speak to relevant teams about resource availability. Discuss with locations around storing equipment. Look at potential overtime/ additional staff resource
Mileage costs	Additional budget impact of Members travelling to a venue offsite / out of district	2	4	8	Reduction in meeting schedule / need for travel.

Although it is not a risk held by MDC, as any case would be a case against Central Government, another authority has raised on the ADSO website the issue of equalities as set out below:

'Any Disabled / shielding Councillors could have a claim under the public sector equality duty re wanting to remain working on Zoom. It's been shown that remote working is successful and has become habitual practice for a year or so. Now the Govt are moving back to in-person meetings, this removes a benefit that Disabled / shielding Councillors have benefitted from (i.e. they initially "removed a barrier"). By removing this facility they are introducing a barrier that disadvantages Disabled/shielding people --- hence breach of Equality Act'.



Committee Meeting (Covid) RISK ASSESSMENT

DEFINITIONS:

Hazard
Something with the potential to cause harm.

Risk
The likelihood of hazard reaching its potential.

Department :	Democratic Services/Elections Guidance provided by Central Government Covid Assessment
Description of Task:	Risk Assessment for Covid considerations whilst operating Committee Meetings
People at Risk:	Maldon District Council staff, Councillors Volunteers, General Public.

Risk	1 = Remote	5 = Definite
Severity	1 = Slight	5 = Fatal
Risk x Severity = Rating		
16 – 25 =	Urgent attention	
8 – 15 =	Attention may be required	
Objectives		
1. Eliminations	4. Use of Procedures	
2. Substitution	5. Warning System	
3. Use of Barriers	6. PPE	

		Residual Risk / Likelihood				
		1	2	3	4	5
Severity	1	1	2	3	4	5
	2	2	4	6	8	10
	3	3	6	9	12	15
	4	4	8	12	16	20
	5	5	10	15	20	25

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Identified Hazards Associated with the work activity / tools / COSHH and possible injury.	Risk of Injury Before controls are in place.	Severity of Injury Before controls are in place.	Total Rating Risk x Severity	Control measures Measures which must be in place before work is allowed to start (Including provisions such as Personal Protective Equipment).	Risk of Injury After controls are in place.	Severity of Injury After controls are in place.	Total Rating Risk x Severity
Setting up the Meeting – The Venue	3	5	15	Venue to be prepared for use as per plan X5 sanitising stations (2 at entrance, 2 at exit, 1 in deliberation room) Personal bottles of sanitisers for each “booth” in area 1 and 2 Members of the public enter through foyer to area 3 (Blue arrow) Councillors and Staff to enter through First Exit into areas 1 & 2 (Green arrow) Cleaning of toilets prior to meeting commencement	1	5	5

Identified Hazards Associated with the work activity / tools / COSHH and possible injury.	Risk of Injury Before controls are in place.	Severity of Injury Before controls are in place.	Total Rating Risk x Severity	Control measures Measures which must be in place before work is allowed to start (Including provisions such as Personal Protective Equipment).	Risk of Injury After controls are in place.	Severity of Injury After controls are in place.	Total Rating Risk x Severity
			15	Cleaning of deliberation room and main hall prior to meeting commencement Provision of suitable containers to aid disposal of Personal Protective Equipment (PPE) and cleaning materials Keep room ventilated prior to and during meeting Do not use any air blowing heating system (convex / radiator heaters are allowed) No more than 60 peoples allowed in the venue (numbers to be managed by MDC staff) Public seating area to be space 2m apart (back to back) Everyone to exit through Club Entrance but in stages – Area 3 first, Area 2 Second, Area 1 third			
The Public within the Venue	3	5	15	External Signage – ‘Do not attend if suffering from these symptoms’ Hand sanitisers at entrances, exits for public use Signage – ‘Please use hand sanitiser’ Face coverings worn by Members of Public (MoP) in the seated area (Unless exempt) Signage – ‘Face coverings must be worn.’ Managed queuing system outside venue facilitating public to seating area 3 Face coverings worn by members of public (MoP) in the seated area throughout the meeting (Unless exempt) Signage – ‘Face coverings must be worn.’	1	5	5

Identified Hazards Associated with the work activity / tools / COSHH and possible injury.	Risk of Injury Before controls are in place.	Severity of Injury Before controls are in place.	Total Rating Risk x Severity	Control measures Measures which must be in place before work is allowed to start (Including provisions such as Personal Protective Equipment).	Risk of Injury After controls are in place.	Severity of Injury After controls are in place.	Total Rating Risk x Severity
Contamination of staff from public.	3	5	15	Officers access the venue via Fire Exit by bar Hand sanitisers at entrances, exits and along tables to be used by Officers, the Clerk and Councillors. Signage – ‘Please use hand sanitiser’ Officer allocated to facilitate public access to seated area (3 on plan) The public should be seated in family/social bubbles with minimum 1m distance side to side and 2m distance (front to back) One-way system to be introduced Face coverings worn by members of public (MoP) in the seated area throughout the meeting (Unless exempt) Signage – ‘Face coverings must be worn.’	1	5	5
Contamination of staff / Councillors from staff / Councillor.	3	5	15	Request Maldon District Council (MDC) and Councillors Officers to carry out an LFT test prior to meeting Staff and Councillors should wash their hands with soap and warm water on arrival and at regular intervals throughout the meeting Staff and Councillors should use hand sanitiser gel frequently between hand washing Avoid all personal contact like hand shaking 2m distancing in place throughout venue Screens to be installed between each speaking Officer and Councillor with seating spaced 1m apart side to side to create a “booth” Personal sanitiser bottle to be available for use at each “booth” Ventilation (as above).	1	5	5

Identified Hazards Associated with the work activity / tools / COSHH and possible injury.	Risk of Injury Before controls are in place.	Severity of Injury Before controls are in place.	Total Rating Risk x Severity	Control measures Measures which must be in place before work is allowed to start (Including provisions such as Personal Protective Equipment).	Risk of Injury After controls are in place.	Severity of Injury After controls are in place.	Total Rating Risk x Severity
				Face coverings use to be encouraged when not speaking			

Specifics, Actions & Further Considerations
<p>Key Points</p> <ul style="list-style-type: none"> - VENUE LAYOUT SHOULD BE INSPECTED PRIOR TO MEETING TO SEE IF 60 PERSONS LIMIT SHOULD BE REVIEWED - ASK MDC COUNCILLORS AND OFFICERS TO TAKE LFT TESTS PRIOR TO MEETING - SET UP THE VENUE USING THE COVID SAFE RISK ASSESSMENT AND PLAN AS PROVIDED - USE THE PPE AND CLEANING MATERIALS AS RECOMMENDED - CREATE SCREEN SPACE FOR COUNCILLORS AND STAFF - TRY TO MINIMISE TIME SPENT IN DELIBERATION ROOM AND KEEP IT WELL VENTILATED - ENSURE THE VENUE IS WELL VENTILATED AT ALL TIMES (DOORS AND WINDOWS WIDE OPEN) - ENSURE ENTRY AND EXIT TO VENUE IS CONTROLLED

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Date of Assessment:	12/04/21	Date of Review:	
Name: (Please Print)	Damien Ghela	Signed:	Once signed please scan and attach to database

All assessments should be reviewed, as and when there is any significant change or annually whichever is sooner.

Generic risk assessments are acceptable where activities/processes/operations are consistent across the workplace. However, these must be adapted, as appropriate, to consider individuals and local environment.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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