



**MINUTES of  
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE  
9 JUNE 2022**

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**PRESENT**

Chairman	Councillor W Stamp, CC
Vice-Chairman	Councillor Mrs J L Fleming, CC
Councillors	M R Edwards, A S Fluker, A L Hull, E L Stephens, Mrs J C Stilts and Mrs M E Thompson
In attendance	Mrs P A Channer, M W Helm and K M H Lagan

**92. CHAIRMAN'S NOTICES**

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

The Chairman then thanked Councillor Mrs J C Stilts, past Chairman along with the previous Committee Members for their work over the last year. She also thanked Councillor Mrs J L Fleming for being Vice-Chairman for this municipal year.

**93. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor N J Skeens.

**94. MINUTES**

**RESOLVED** that the Minutes of the meeting of the Committee held on 24 March 2022 be approved and confirmed.

**95. DISCLOSURE OF INTEREST**

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council on any matter that may arise during the meeting.

Councillor W Stamp declared that she was a Member of Essex County Council but there was nothing pecuniary or non-pecuniary on the agenda for this meeting.

**96. PUBLIC PARTICIPATION**

The Chairman advised that two submissions had been received.

The first, a written submission from Mr Horner which the Chairman proceeded to read out. In his submission Mr Horner raised questions regarding the Council's planning pre-application advice. The Director of Service Delivery responded to these questions.

The second submission was from Mr Fittock who was present at the meeting. He spoke about the 75% trigger in relation to delivery of strategic allocations. In response the Director of Strategy, Performance and Governance advised he would provide a written response to the questions raised.

In response to a Point of Order raised by Councillor A S Fluker regarding a member of the public being able to submit a written question, the Chairman advised that this would be looked into, but she had made a decision to read the questions submitted by Mr Horner and should Mr Fittock not want to attend he could have contacted the Council.

## **97. NOTICE OF MOTION - COUNCIL CONSTITUTION AND SCHEME OF DELEGATION**

The Committee received a Motion (as set out below) from Councillor K M H Lagan, which in accordance with Procedure Rule 4 had been referred to this Committee by the Council at its meeting on 31 March 2022.

### **Motion:**

To ensure best value and scrutiny is undertaken as part of the council's park and waterfront asset management and associated operational processes, that the scheme of delegation to the Director of Service delivery (DOSD) be amended as follows:

#### **17 – Asset Management:**

- (d) To negotiate the terms of new leases, including interim and initial rent both at market rent and in those cases where existing tenants have a statutory right to call for a new lease on expiry of the current term. The Director of service delivery to provide options to the town ward members who will review and determine the review of existing or issuance of new leases up to an annual value of £15,000 and duration not exceeding seven years.
- (e) Provide detailed report options for determination by the towns ward members as (d) above in relation to leases with an annual value in excess of £15,000, but not exceeding £25,000, or tenure in excess of 7 years but not exceeding 14 years. Sections (d) and (e), the results of the recommendation by members to be ratified at Strategy and Resources Committee.

#### **44. Operational issues relating to:**

- a) Parks and public open spaces including waterfront and Quays: To develop proposals and options for lettings and leases on buildings which must be referred to the Local Ward Member review Group for determination.
- b) Formal recreation areas. The development of proposals for the letting of any stalls, kiosks and other operations thereon including lettings such as funfairs, circuses and other short-term lettings shall be developed and submitted the Local Ward Member Group for determination.
- c) To provide proposals to the local Ward member review group on any community assets, including buildings, structures etc.) on any potential change of use from that intended for determination.

Councillor Lagan advised that the intention of his Motion was taken at change. He requested that his Motion be withdrawn from the agenda, not debated and also removed from the Council. This was duly seconded and noted by the Committee.

**RECOMMENDED** that the Council notes the position as now advised by Councillor K M H Lagan to withdraw his Motion and takes no further action on this Motion.

**98. NOTICE OF MOTION - COUNCIL CONSTITUTION AND QUESTIONS TO THE LEADER**

The Committee received a Motion (as set out below) from Councillor A S Fluker, which in accordance with Procedure Rule 4 had been referred to this Committee by the Council at its meeting on 31 March 2022.

**Motion:**

Part 4 of the Rules of Procedure, Rule 1, 3 (m) be amended from:

- (m) Questions (which may be made without notice) to the Leader of the Council (or in his absence the Deputy Leader) (other than at the Annual Meeting, and at the meetings referred to in (h) above) for a maximum of 15 minutes and not beyond 10.00pm unless such period is extended with the mutual agreement of the Chairman of the Council and the Leader (or Deputy Leader).

to:

- (m) Questions (which may be made without notice) to the Leader of the Council (or in his absence the Deputy Leader) (other than at the Annual Meeting, and at the meetings referred to in (h) above) for a maximum of 15 minutes allocated to the asking of questions. Where the Leader or (Deputy Leader in their absence) is unable to answer a question, the answer will be given by a written response from the Leader to all members within 5 working days.

Councillor Fluker presented his Motion to the Committee and provided further background information regarding it. He hoped that the Committee would support his Motion as tabled.

The Leader of the Council commented on the Motion advising that she felt the constitution was sound and allowed for open and transparent answers to be given at the time the question was asked. It was the Leaders' prerogative to respond in writing.

During the discussion that followed Members were reminded that the Constitution made provision for questions to be asked with notice and these along with responses would then be tabled at the meeting.

In accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote. This was duly seconded and voting on approval of the Motion from Councillor Fluker was as follows:

For the recommendation:

Councillor A S Fluker.

Against the recommendation:

Councillors M R Edwards, Mrs J L Fleming, A L Hull, E L Stephens, Mrs J C Stilts and Mrs M E Thompson.

Abstention:

Councillor W Stamp.

The Motion was therefore not supported.

**RECOMMENDED** that the Motion in the name of Councillor A S Fluker (as detailed above) not be agreed.

## 99. 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 2021 - 2023. Appendix 1 to the report provided an overview of performance as at the end of Quarter 4 (Q4) (January - March 2022). Appendices 2 – 4 detailed the full list of Key Performance Indicators (KPIs) for each strategy, with highlighted changes in readiness for 2022 / 23 performance monitoring.

It was noted that since adoption of the Corporate Strategies, in response to local impacts of the Covid-19 pandemic and the needs of the local communities, resources had been redeployed and reprioritised. The report provided a summary of any concerns affecting the corporate outcomes for the three Thematic Strategies with further detail provided in Appendix 1.

Members were informed that three KPIs had been identified as 'At Risk' for this quarter and these were detailed in the report.

The Programmes, Performance and Governance Manager explained that the format of Appendix 1 had been revised following feedback from the Committee and now incorporated a summary page to show high level delivery.

The Chairman moved the recommendations in the report and these were duly seconded.

In response to questions from the Committee, the following information was provided by Officers:

- Satisfaction numbers were based on feedback from the annual resident's survey and the drop in levels could be due to bigger percentage fluctuations and less responses being received. Members were advised to apply some caution when looking at the data as if one or two people were less happy this would have some sway in the figures. There was not a Key Performance Indicator for this and satisfaction overall had improved, and due to ongoing working regarding this area was not there triggering as red.
- Flytipping was pursued by the Council wherever possible. The Director of Service Delivery agreed to circulate further information and some statistics outside of the meeting.
- The number of satisfaction survey received had recently been shared with Members but the Programmes, Performance and Governance Manager agreed to circulate this to the Committee outside of the meeting.
- It was requested that where graphs were shown in reports that the sample number was also shown.
- The One Maldon Group were working closely with the Health Service to ensure that delays regarding residents receiving counselling etc. It was noted that delays had been caused by the recent Covid-19 pandemic and that mental health was a key priority for the Integrated Care Board (previously the Clinical Commissioning Group).
- Changes to the level of web traffic on the Visit Maldon site was largely due to seasonal changes and customer demand.
- It was noted that the Council was looking at a number of commercial opportunities, including attractions.

- The drop in the number of staff attending the 'every contact counts' training was due to turnover in the customer facing staff, however this was to be introduced as a programme of work.
- The Director of Service Delivery provided an update on the recent cancellation of the Monday Market at Promenade Park and advised that there had been communications issues but these had been addressed.

The Chairman moved the recommendations as set out in the report and these were duly agreed by assent.

## **RESOLVED**

- (i) That the information as set out in this report and Appendix 1 to the report be noted with priority focus given to the Strategic Outcome level performance;
- (ii) That Members confirm they are assured through this review that corporate performance is being managed effectively;
- (iii) That Members note the Key Performance Indicators that will be monitored for 2022 / 23.

Councillor M W Helm left the meeting during this item of business and did not return.

## **100. REVIEW OF CORPORATE RISK - QUARTER 4**

The Committee considered the report of the Director of Strategy, Performance and Governance asking Members to undertake a quarterly review of the Corporate Risk Register as assurance that the Council's corporate risks were being managed effectively. A table of the Corporate Risk Register, latest ratings and officer commentary was attached as Appendix 1 to the report

It was noted that there had been no changes in risk scoring since Quarter Three. One new risk had been added regarding failure to manage the operational impact of the cost of living crisis and this was highlighted in the report.

The Chairman put the recommendations as set out in the report and these were duly seconded.

A debate ensued and Officers provided the following information to the Committee:

- The Director of Strategy, Performance and Governance provided an update on the Local Development Plan (LDP), and discussions on this topic at recent Council and Working Group meetings. It was noted that the Levelling-Up and Regeneration Bill was going through Parliament, but there was no certainty of changes that may come in as a result. Some Local Authorities had chosen to pause their LDP and been challenged on this by Local Government, The Director of Strategy, Performance and Governance advised that he felt the lowest risk to the Council was to continue with LDP work and confirm to any changes in legislation that may come in.
- Affordable Housing Delivery had been good over the last few years, although the Council was continuing to monitor delivery it was a risk until it came into fruition.

- Members had recently attending a briefing regarding the Council's budget and this had outlined a number of activities which were going on around delivering a balanced budget. The Council had processes in place, revised assumptions and regularly reported to the Strategy and Resources Committee.
- The recruitment of staff into specialist roles was an ongoing challenge. Within planning there was a national shortage of planners. Officers were speaking to the Planning Advisory Service regarding attracting officers to the Council along with some other innovations. The Specialist Services Manager highlighted how this was a national problem.
- In response to a question regarding the impact of the cost of living on Council staff, Members were advised of the wellbeing programme available to all staff along with counselling service and mental health first aiders.
- Commuted Sums go into an earmarked reserve and the Council had been made aware of projects coming forward.
- In response to a question regarding how the Council's salary levels compared with other Authorities, the Director of Service Delivery advised there was an issue regarding specialist pay. A benchmarking exercise was required and the Council was looking at other solutions to attract more candidates.

The Chairman put the recommendations as set out in the report and these were duly agreed by assent.

## **RESOLVED**

- (i) That the Corporate Risk Register attached as Appendix 1 to the report be noted;
- (ii) That Members are assured through this review that corporate risk is being managed effectively;
- (iii) That Members challenge risk where the Committee feels that the Council's corporate goals may not be achieved.

## **101. COVID ECONOMIC RECOVERY FUNDING - ACTIVITY UPDATE**

The Committee received the report of the Director of Strategy, Performance and Governance providing an update on the COVID Economic Funding Activity from October 2021 to date.

The Committee received an informative presentation from the Lead Specialist Prosperity providing further details of the activities delivered as part of the Welcome Back Fund and Additional Restrictions Grant (ARG). These were also detailed in the report and it was noted that they had been developed as part of the Government's response to the Covid-19 Pandemic to support businesses and communities. In addition to these, Essex County Council via the Department of Health and Social Care's Contain Outbreak Management Fund (COMF), made available a COVID Safe Tourism and Public Spaces Fund and High Street COVID Improvement Schemes and a list of the linked activities was detailed in the report.

It was noted that all work undertaken had been in accordance with the relevant guidance and continued management of the ARG commissioned business and skills support projects would conclude in March 2023.

The Chairman moved the recommendation set out in the report and this was duly seconded.

In response to a question regarding the allocation of business grants the Lead Specialist Prosperity agreed to review the details in relation to Southminster. It was noted that there had been regular Member and Parish Council engagement. She advised that a copy of the presentation would be sent to all Members.

The Chairman thanked the Lead Specialist Prosperity for her work and then put the recommendation which was duly agreed.

**RESOLVED** that the work that has been delivered as part of the COVID Economic Recovery and Transformation (CERT) programme and the on-going work to support our economies be noted.

Councillor K M H Lagan left the meeting during this item of business and did not return.

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

The Committee considered the report of the Director of Strategy, Performance and Governance updating Members on the actions identified in the 2020 / 21 Annual Governance Statement (AGS).

In June 2021 this Committee had approved the new format for the AGS and agreed that progress on the action plan would be reported to and reviewed by the Committee. The report provided a table of the key actions defined in the 2020 / 21 AGS along with Officer updates for Members' consideration. The Programmes, Performance and Governance Manager reported that of the two outstanding actions one was now complete and the remainder 'Draw out and link all of our policies and their objectives through a review of the Local Development Plan (e.g. Corporate Plan, Climate Change)' would roll into the 2021 / 22 AGS Action Plan as an ongoing item.

The Chairman proposed that the recommendation as set out in the report be agreed. This was duly seconded.

A debate ensued and in response to a number of comments raised, Officers provided the following information:

- The action regarding remote meetings was complete as this related to the remote and hybrid meetings in the chamber, however Officers were working to action the Motion agreed by the Council to return meetings of the South Eastern Area Planning Committee to Burnham-on-Crouch.
- The Council was looking to appoint a Climate Action Officer whose role would involve developing the detailed action plan arising from the Strategy.
- The Constitution required Members of the Licensing Sub-Committee to have attended training. It was noted that training had been offered to all Members and this was being progressed. In response to further questions regarding training being mandatory the Programmes, Performance and Governance Manager advised that she was in contact on this with Licensing Committee Members.

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



**RESOLVED** that the Annual Governance Statement's table and updates as set out in the report be noted.

### **103. DRAFT ANNUAL GOVERNANCE STATEMENT**

The Committee considered the report of the Director of Strategy, Performance and Governance providing an Annual Governance Statement (AGS) for review and adoption. The draft AGS was attached as Appendix A to the report.

It was noted that the AGS followed the Council's 2021 / 22 template, reflecting the Chartered Institute of Public Finance and Accountancy best practice, reviewed the criteria for good governance and the activity that had taken place of the 2021 / 22 financial year. The Programmes, Performance and Governance Manager reported that the Council generally performed well against the criteria for good governance, and an action plan had been identified to build on this for 2022 / 23.

The Chairman proposed that the recommendations as set out in the report be agreed. This proposal was duly seconded and agreed by assent.

#### **RESOLVED**

- (i) that the Annual Governance Statement at Appendix A to the report be approved and appended to the statement of accounts;
- (ii) that the progress of the action plan be noted;
- (iii) that a quarterly report of Annual Governance actions is provided for Performance, Governance and Audit Committee review.

### **104. HEADLINE RESULTS AND ACTION PLAN OF THE STAFF SURVEY**

The Committee considered the report of the Director of Strategy, Performance and Governance updating Members on the recent staff survey results and seeking feedback on the associated action plan put together by the Management Team.

The report set out the key findings and action plan of the annual staff survey that had run from 17 November – 17 December 2021. Positive highlights of the survey along with areas of concern were detailed in the report and noted by Members. Following a review of the results and potential actions by the Extended Leadership Team it was noted that a live action plan was to be developed, against which progress would be monitored.

The Chairman proposed that the recommendations as set out in the report be agreed and this was duly seconded.

Members discussed the survey results and in response to comments and questions raised, Officers provided the following information:

- Staff were actively encouraged to complete the staff survey, making it mandatory was difficult. It was confirmed that responses to the staff survey were anonymous. However, Officers were looking at additional ways to engage with staff.
- It was suggested that the staff survey should become a Key Performance Indicator.



- In response to a question regarding the comments received relating to Member culture and behaviour, Members were advised that the questions were not directly related to this area as feedback was given in an open-ended box. However, Officers agreed to provide Members with details of the percentages in relation to this.
- Staff sickness levels were low at this present time.

Members were reminded that the full survey results were available via Fresh Service.

The Chairman put the proposal to accept the recommendations and this was duly agreed by assent.

## **RESOLVED**

- (i) That staff survey results and associated action plan activities listed in section 3.5 of the report be noted;
- (ii) That Members are assured the staff survey responses are being managed effectively.

## **105. NOTICE OF MOTION - REFERRED BY STATUTORY ANNUAL COUNCIL**

The Committee received a Motion (as set out below) from Councillor A S Fluker, which in accordance with Procedure Rule 4 had been referred to this Committee by the Council at its meeting on 12 May 2022.

### **Motion:**

That with regards to public interest, customer service and satisfaction and performance management the Director of Service Delivery updates the next meeting of Council regarding the performance of Council in the following areas:

1. Planning Applications - Communications with Customers and Interested Parties
2. Planning enforcement - Outstanding Cases.

Councillor Fluker presented his Motion to the Committee.

The Director of Service Delivery, Customers, Community and Casework Manager and Specialist Services Manager then gave a presentation which provided an overview of customer satisfaction and performance management in respect of the issues raised. It was confirmed that a copy of the presentation would be circulated to Members.

Councillor Fluker then referred to his Motion and raised a number of points specifically in relation to:

- digitisation, channel shift and the use of Dash (self-service software) for the public to contact the Council in relation to planning matters. He also referred to directing Members to use Fresh Service. Explaining that this would help to remove some of the traffic from the system.
- the Council's response times for all types of correspondence.
- the presentation received by Members and the need to also consider and report on the scheme of delegation, planning Committees, Member call in, total outsourcing and building control. Councillor Fluker also
- the recruitment problems the Council was facing and how this had impacted across services.

- the need to ensure an objectively led timeline with a parallel costs matrix was produced to properly track the rollout of the plan / strategy.

In relation to enforcement, the Director of Service Delivery confirmed that he would report back to the Council regarding communications and outstanding cases.

Councillor Fluker hoped that when the Director of Service Delivery reported back to the Council, he would cover the points he had raised but particularly the costs and matrix. In light of this he then withdrew his motion.

In response the Director of Service Delivery thanked Councillor Fluker for his comments and in response to a specific question regarding why recruitment had not been brought forward earlier he referenced the recent pandemic and how the Council was now operating in a different way due to things recovering. He reported that staff had given 110% and he praised the efforts that had been put in. Members were advised that the points raised had been noted and will ensure the relevant detail was provided when the next report was brought to the Council.

provided the Committee with further information, highlighting some areas where he felt further improvements could be made.

**RECOMMENDED** that the Council notes the position as now advised by Councillor A S Fluker to withdraw his Motion and takes no further action on this Motion.

#### 106. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

The Committee considered the report of the Director of Strategy, Performance and Governance seeking nominations to Outside Bodies for the municipal year to May 2023.

Councillor A S Fluker proposed that the current representatives on Outside Bodies as listed in the report remained unchanged for 2022 / 23. This was duly seconded and agreed by assent.

**RESOLVED** that the Committee appoints the follow representatives to the bodies detailed below, for the ensuing municipal year.

Outside Body	2022 / 23 Representative
Maldon Citizens Advice Bureau Liaison Committee	Councillors J V Keyes, J L Fleming and E L Stephens
Maldon District Museum Liaison Committee	Councillors E L Stephens and Mrs J C Stilts
Parish Clerks' Forum	Chairman of the PGA Committee <i>Substitute: Vice-Chairman of the Performance, Governance and Audit Committee</i>

There being no other items of business the Chairman closed the meeting at 10.02 pm.

W STAMP, CC  
CHAIRMAN