



**MINUTES of  
COUNCIL  
25 JULY 2019**

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**PRESENT**

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, Miss A M Beale, B S Beale MBE, M G Bassenger, V J Bell, R P F Dewick, M F L Durham, CC, M R Edwards, Mrs J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, A L Hull, K W Jarvis, J V Keyes, C Mayes, C P Morley, C Morris, N G F Shaughnessy, R H Siddall, N J Skeens, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

**284. CHAIRMAN'S NOTICES**

The Chairman referred to the list of notices on the agenda.

**285. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor K M H Lagan, S P Nunn and W Stamp.

**286. STATEMENT FROM THE DIRECTOR OF SERVICE DELIVERY**

The Chairman advised that the Director of Service Delivery would now make a statement.

The Director of Service Delivery then read a statement in respect of the Annual Statement of Accounts and the delay in their publication.

**287. DECLARATION OF INTEREST**

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council in any item relating to that Authority but particularly the following agenda items:

- 10 – New Committee Structure and Constitution – Transformation Programme;
- 11 – Thematic Strategies.

Councillor M F L Durham disclosed a non-pecuniary interest as a Member of Essex County Council for the same reasons as detailed by Councillor Mrs Channer.

## 288. MINUTES - 27 JUNE 2019

### RESOLVED

- (i) That the Minutes of the Council held on 27 June 2019 be received.

#### **Minute 207 – Statement of the Leader of the Council**

Councillor M S Heard advised that the second paragraph of this Minute was incorrect and should read "...recognised that the transformation was well underway...". This was duly noted.

#### **Minute 211 – Commercial Project Opportunities – Feasibility Fund**

It was noted that the second bullet in these Minutes should read "Procurement of *consultants* would be...".

#### **Minute 212 – Local Area Highways Panel – Replacement Representative**

It was noted that the word resolved was incorrectly spelt.

### RESOLVED

- (ii) That subject to the above amendments, the Minutes of the Council held on 27 June 2019 be approved.

## 289. PUBLIC QUESTIONS

There were none.

## 290. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he had attended a number of events (detailed below) and thanked the Vice-Chairman for attending some events on his behalf.

28 06 19	Tommy' War Memorial Unveiling (Little Totham)
29 06 19	16 Air Assault Brigade and Colchester Garrison Show <i>Vice-Chairman</i>
29 06 19	Armed Forces Day (Stow Maries Great War Aerodrome)
30 06 19	Maldon Armed Forces Day in conjunction with the Historic Military Vehicle Trust
30 06 19	Chelmsford Civic Service (Chelmsford Cathedral) <i>Vice-Chairman</i>
04 07 19	Wentworth Primary School Open Evening
05 07 19	High Sheriff's Garden Party
07 07 19	Burnham-on-Crouch Town Council Civic lunch
09 07 19	Ground Breaking Ceremony for the Hotel Project
10 07 19	Maldon and District Community Voluntary Service Celebrating

	Volunteers Event (Tea Room Barge 'Resourceful', Hythe Quay)
10 07 19	Rural Community Council of Essex 2019 Annual General Meeting and Essex Village of the Year Awards Presentation <i>Vice-Chairman</i>
16 07 19	Civic Luncheon - Lord Bishop of Chelmsford
19 07 19	Essex County Council Chairman's Annual Reception
22 07 19	Launch of the 'Meet Up Mondays'

## 291. NOTICE OF MOTIONS

The following motion proposed by Councillor A S Fluker and seconded by Councillor Mrs M E Thompson, was received on 15 July 2019.

### **Motion one:**

“Pursuant to Rule 4 of the Council Procedure Rules we the undersigned move that Rule 17(10) of the Council Procedure Rules should be amended to read as shown below with the words in brackets removed and those underlined added:

A Member of a Committee shall, if the Member wishes another Member of the political group to which the Member belongs to attend a meeting of that Committee in his place, give the (Head of Paid Service) relevant Committee Chairman, Vice-Chairman, and (the Leader) copied to Programmes, Performance and Governance Manager, written notice not later than (four working hours) fifteen minutes before the published start time of that meeting that the Member is unable to attend and that the substitute Member named in the notice will attend in his place.

Councillor M S Heard expressed concern and made a statement regarding the proposed motion. He then moved that this motion be rejected.

A number of other Members commented following the statement by Councillor Heard.

The Chairman then put the motion to the Council and upon a vote being taken it was agreed.

### **Motion two:**

Councillor Fluker outlined the detail of his motion (set out below) and proposed that Councillors R G Boyce MBE, A S Fluker, M W Helm, S P Nunn and Miss S White be appointed to the Working Group. This was duly seconded.

Pursuant to Rule 4 of the Council Procedure Rules we the undersigned move that a working group is formed and members of it appointed to recommend to Council on the establishment of a scheme for the conferring of the honorary titles of alderman, alderwoman, freeman and freewoman in accordance with s249 of the Local Government Act 1972.

The Chairman put the motion to the Council and upon a vote being taken it was agreed.

### **Motion three:**

Pursuant to Rule 4 of the Council Procedure Rules we the undersigned move that Rule 16(5) of the Council Procedure Rules should be amended to read as shown below with the words in brackets removed and those underlined added:

The appointment of Head of Paid Service shall be made by the Council, on a recommendation by the Appointments Committee. Appointments of Directors, the Officer fulfilling the duties in S151 of the Local Government Act 1972, and the Monitoring Officer shall be made by the Appointments Committee. The appointment of all other staff must be made on behalf of the authority by the Head of Paid Service or by an Officer nominated by him. As a temporary measure until (31 July 2019) 31<sup>st</sup> December 2019 those managers that report directly to any of the Directors shall be appointed by the Appointments Committee.

The Chairman put the motion to the Council and upon a vote being taken it was agreed.

**RESOLVED** that the three motions, as detailed above, be agreed.

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

There were none.

**293. COUNCIL STRUCTURE - DESIGNATION AND ROLE OF INTERIM HEAD OF PAID SERVICE**

The Council considered the report of the Director of Strategy, Performance and Governance, seeking Members review of the designation and role of the Head of Paid Service in light of the Council decision on 9 August 2018 to appoint Mr Richard Holmes as Interim Head of Paid Service until 31 July 2019.

Members were reminded that following the removal of the post of Chief Executive from the corporate management structure the Council had agreed to appoint an interim Head of Paid Service until 31 July 2019. The report sought Members' consideration of this appointment as a permanent arrangement.

In light of the current transformation process there was a need to review the constitutional arrangements which were put in place alongside the interim appointment. The report set out the duty of the Head of Paid Service and the requirements of the Local Government and Housing Act 1989 and Local Government Act 2000 and where changes to the constitutional document were required.

Councillor A S Fluker advised that line 4 of paragraph 3.1 should refer to 2019. He paid tribute to Mr Holmes and the way he had discharged his duties as the Interim Head of Paid Service since August 2018. Councillor Fluker also referred to the demands on this role as a result of the full Council transformation process.

Councillor Fluker proposed that recommendation (i) to (iii) as set out in the report be agreed and that Mr Richard Holmes be appointed Head of Paid Service on a permanent basis from 1 August 2019. This proposal was duly seconded and upon a vote being taken was agreed.

## **RESOLVED**

- (i) That the need to re-define the role of the Head of Paid Service on a permanent basis in line with the Council's Transformation Process be endorsed;
- (ii) That the arrangements in place for the consideration and report by the Corporate Governance Working Group by way of a review of existing constitutional documentation and how, in part, this may affect the role of the Head of Paid Service be noted;
- (iii) That Mr Richard Holmes be appointed at Head of Paid Service on a permanent basis from 1 August 2019;
- (iv) That any associated arrangements in relation to (iii) above be agreed.

## **294. NEW COMMITTEE STRUCTURE AND CONSTITUTION - TRANSFORMATION PROGRAMME**

The Council considered the report of the Corporate Governance Working Group (the Working Group) seeking Members' consideration of its report and recommendations on the detailed arrangements to support the previously agreed principles of a new committee structure as part of the Council's Transformation Programme. A review of constitutional documentation was also sought.

It was noted that the Working Group had reviewed the terms of reference and operating arrangements for the new Committees and further to the last report to this Council had reviewed the terms of reference and operating arrangements for the remaining Committees. The reviewed versions for the Appointments Board, Area Planning Committees and Investigating and Disciplinary Panel were attached at Appendix A to the report.

The Working Group had also reviewed two further matters in relation to the Licensing Committee, in particular the constitution and membership of the Licensing Sub-Committee and the detail of these were set out in the report. The proposed revised Terms of Reference were attached at Appendix B to the report.

Members were advised that the Working Group had carried out reviews of the following documents:

- the General Provisions section currently overlaid the Committee Terms of Reference and Scheme of Delegation, an updated version was attached at Appendix C;
- Council and Committee Procedure Rules (Appendix D), updated in light of the new structure and the report highlighted those particular rules where changes were proposed.
- A revision to the Scheme of Delegation (Appendix F) was set out in report and a reallocation of functions currently designated to the Head of Paid Service proposed.

An Officer Employment Procedure Rules document (Appendix E) had been produced by the Working Group.

Following deferment by the Council at its last meeting, the Working Group had further reviewed the Terms of Reference of the Overview and Scrutiny Committee taking into consideration recent Government guidance on Overview and Scrutiny in Local and Combined Authorities. The revised document was attached at Appendix G.

To accommodate the requirements of the new Committee structure from October 2019 a revised schedule of meetings had been produce (attached as Appendix H to the report).

Some further changes to the proposed constitution of the corporate working groups were also set out in the report.

The Leader of the Council presented the report and advised that he wished to make a number of amendments to the appendices. He then proposed the following amendments:

- Area Planning Committee Terms of Reference (Appendix A), Annexe A (iv) to read “A Member must provide reason *based on planning policy* to support a call-in request.”
- General Provisions (Appendix C), Authentication of documents for legal proceedings – amend paragraph 6 to read “...it shall be signed by the *lead specialist Legal or Senior Specialist: Legal* unless any enactment...”.
- Officer Employment Procedure Rules (Appendix F), paragraph 4 to be amended to read”...the basic salary scale subject to approved *directorate* budgets.”
- Officer Employment Procedure Rules (Appendix F), paragraph 12 to be amended to read “...officer’s salary scale within approved *directorate* budgetary limits.”
- Overview and Scrutiny Committee Terms of Reference (Appendix G), Lead Officer to read “*To be appointed by the Lead Specialist: Legal*”.
- Overview and Scrutiny Committee Terms of Reference (Appendix G), paragraph f) to be amended to read “...corporate policy and review, including...”.

The Leader proposed that based on the above amendments that recommendations (i) to (viii) as set out in the report be agreed.

In response to a questions, the following information was provided:

- Members were advised that the political balance of the Overview and Scrutiny Committee was addressed in its Terms of Reference (Appendix G).
- The Council’s Standing Orders were derived from Local Government Act and requirements for Committees to be politically balanced would be set out within these Acts.
- The Council’s Solicitor explained that the Joint Standards Committee and the Investigating and Disciplinary Panel were different Committees and that their connection was that they shared Independent Persons.

- It was clarified that the Independent persons required for the Joint Standards Committee were appointed by the Council.

A Member questioned the Area Planning Committee Terms of Reference (Appendix A) and particularly whether the last bullet point under proviso 5 should be deleted as policy I3 did not exist in the Local Development Plan. In response the Chairman thanked the Member for pointing this out and confirmed this bullet point should be removed. Following further debate the Leader of the Council proposed that the bullet point referring to policy I3 be removed.

The Leader then asked the Chairman that the question be put. The Chairman put the proposal in the name of the Leader of the Council and this was duly agreed.

## **RESOLVED**

- (i) That subject to the following amendments, the Terms of Reference and Operating Protocols for the Appointments Board, Area Planning Committees, Joint Standards Committee, Investigating and Disciplinary Committee and Panel (Appendix A to the report) be approved to become part of the new structure and Constitution of the Council to be adopted to take effect in October 2019;
  - Area Planning Committee Terms of Reference, Annexe A (iv) to read “A Member must provide reason *based on planning policy* to support a call-in request.”
  - Area Planning Committee Terms of Reference, Provisos, delete last bullet point under Development of Strategic Interest – “Any proposals for Primrose Meadow in Maldon as defined by Policy I3 of the LDP.”
- (ii) That the revised Terms of Reference / Operating Protocol for the Licensing Sub-Committee (Appendix B to the report) be approved as part of the new structure and Constitution of the Council to be adopted to take effect in October 2019;
- (iii) That subject to the following amendment, the Updated General Provisions document (Appendix C to the report) including Proper Officer designations which, subject to further updating as required to reflect internal changes in functional responsibility, be approved as part of the new Constitution of the Council to be adopted to take effect in October 2019;
  - Authentication of documents for legal proceedings – amend paragraph 6 to read “...it shall be signed by the *lead specialist Legal or Senior Specialist: Legal* unless any enactment...”.
- (iv) That the updated Council and Committee Procedure Rules (Appendix D to the report) be approved as part of the new Constitution of the Council to be adopted to take effect in October 2019;
- (v) That the new Officer Employment Procedure Rules document (Appendix E to the report) be approved to become part of the new Constitution of the Council to be adopted to take effect from October 2019;
- (vi) That subject to the following amendments, the reallocation of the functions and responsibilities currently delegated to the Head of Paid Service, with consequent updating of the Scheme of Delegation (Appendix F to the report) be approved to

become part of the new Constitution of the Council to be adopted to take effect from October 2019;

- paragraph 4 to be amended to read "...the basic salary scale subject to approved *directorate* budgets."
- paragraph 12 to be amended to read "...officer's salary scale within approved *directorate* budgetary limits."

(vii) That subject to the following amendments, the updated draft Terms of Reference and Operating Protocol for the Overview and Scrutiny Committee (Appendix G to the report) be approved to become part of the new Constitution of the Council to be adopted to take effect from October 2019;

- Lead Officer to read "*To be appointed by the Lead Specialist: Legal*".
- paragraph f) to be amended to read "...corporate policy and review, including...".

(viii) That the arrangements for the operation of the new committee structure be noted and the revised Schedule of Meetings (Appendix H to the report) be approved to take effective from October 2019.

## **295. THEMATIC STRATEGIES**

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' approval of the three Thematic Strategies, which would underpin the delivery of the Council Corporate Plan, for adoption as Council Polices. The Strategies of Place, Community and Prosperity were attached as Appendices to the report.

Each strategy outlined the key priorities and identified the projects and strategies that would be developed to deliver the Council's priorities. It was noted that the Strategies Engagement Member Task and Finish Working Group had considered the Thematic Strategies and provide advice and input regarding them and performance measures.

The Leader of the Council thanked Ms Georgina Button, Strategy, Policy and Communications Manager for the enormous amount of work that she and her team had put into these documents. The Leader advised Members that the delivery date set by the Council had been rather ambitious and he wished to move a motion in relation to the report and its appendices.

The Leader then proposed that Appendices A – C (the Thematic Strategies) be further reviewed and to enable the work to be carried out as expediently as possible a Member Led Working Group be formed comprising of seven Members. He then proposed that Councillors E L Bamford, Mrs P A Channer CC, Mrs J L Fleming, A S Fluker, M W Helm, R H Siddall and Mrs M E Thompson be appointed onto this Working Group and a report on the Thematic Strategies be brought back to the Council as a matter of urgency as this was a very important area. This proposal was duly seconded and agreed.

## **RESOLVED**

- (i) That the three Thematic Strategies (Appendices A – C of the report) be further reviewed by a Member Led Working Group be formed comprising of E L Bamford, Mrs P A Channer CC, Mrs J L Fleming, A S Fluker, M W Helm, R H Siddall and Mrs M E Thompson;
- (ii) That once the review has taken place a report on the Thematic Strategies be brought back to the Council as a matter of urgency.

## **296. FUTURE CORPORATE PERFORMANCE REPORTING**

The Council considered the report of the Director of Strategy, Performance and Governance updating Members on work that had taken place to realign performance indicators to the new Corporate Plan and Thematic Strategies. The report also sought Members' consideration of key principles around future performance reporting based on new technologies and methods available to the Council.

It was noted that the refreshed approach to performance reporting was recommended as a way to give better clarity on performance specifically against the corporate plan outcomes. Appendix A to the report provided further detail and examples of the proposed dashboard reporting and Members were advised that there would be an initial investment in time and new software was required. The report set out a number of additional key principles on which the new reporting would be based.

The Leader of the Council presented the report and sought clarification of the cost of the Power Bi software referred to in the report. In response the Director of Strategy, Performance and Governance advised that the cost would be £6.50 per licence per month and it was estimated that this would result in a saving of £1,000 per year compared to the current software used by the Council.

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

## **RESOLVED**

- (i) That performance be reported through high level dashboards to specifically track the corporate plan outcomes, with detailed delivery kept in service plans and ad-hoc reporting;
- (ii) That quarterly dashboards for each of the new Thematic Strategies as of Quarter Two 2019 / 20 be reported to the Performance, Governance and Audit Committee from October 2019;
- (iii) That the Programmes, Performance and Governance team lead a customer survey programme, including running an annual survey starting in September 2019, to get resident and business feedback and insight as a way to measure some of the corporate outcomes;

- (iv) That a six monthly insight report be also produced, that will provide an overview of the District indicators and track broader outcomes which we cannot directly impact.

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

There were none.

**298. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

**299. ADVICE SERVICES CONTRACT**

The Council considered the report of the Community Services Committee presenting recommendations to the Council from the Committee regarding extending the contractual arrangements with the existing Advice Services contract for a further 12 months, to April 2021. The report and Minutes from the Community Services Committee were attached at Appendices 1 and 2 to the report.

Members were advised that a review of the Advice Services Contract would be undertaken in November 2019 as part of the annual budget and strategic planning process. However, there was a need to ensure continuity of service in the short-term whilst also ensuring that the Council had the opportunity to re-negotiate / review funding and service levels later in the year.

The Leader of the Council proposed that the recommendations of the Community Services Committee, as set out in paragraph 3.3 of the report be agreed. This was duly agreed.

**RESOLVED**

- (i) That the current Advice Services Contract be extended for a further one year;
- (ii) That funding remains at 2019 / 20 level, subject to a review by Members in November 2019 (Minute 865 refers 14 February 2019);
- (iii) That Officers ensure the most efficient and effective processes are applied when determining future provision.

### **300. COMMERCIAL STRATEGY 2019 - 23**

The Council considered the report of the Director of Service Delivery seeking Members' approval of the Commercial Strategy 2019 – 23 (Appendix 1 to the report) and Commercial Projects Plan (Appendix 2).

It was noted that the Commercial Strategy (the Strategy) outlined how the Council would develop a more commercial approach to achieving a financial return to the Council and achieve positive social outcomes wherever possible. The Strategy and associated Projects List identified potential financial income necessary to contribute to the significant financial gap identified in the Medium-Term Financial Strategy.

The Leader of the Council presented the report and thanked Members, particularly Councillor R H Siddall, for the work they had put into the Strategy which he commented was a very important part of the transformation of the Council. The Leader proposed that the recommendations as set out in the report be agreed and he further proposed that the Corporate Leadership Team provide a contingency plan for closing the financial gap in the event that annual financial commercial targets were not met. This proposal was duly seconded. The Leader provided the Council with further explanation regarding his additional recommendation. This was duly seconded and agreed.

#### **RESOLVED**

- (i) that the Commercial Strategy 2019 – 23 be approved and adopted as Council policy;
- (ii) that the Commercial Projects Plan be approved;
- (iii) that the Corporate Leadership Team provide a contingency plan for closing the financial gap in the event that financial commercial targets were not met.

There being no further items of business the Chairman closed the meeting at 8.38 pm.

**R G BOYCE MBE  
CHAIRMAN**

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