



**MINUTES of
COUNCIL
28 MAY 2020**

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, 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, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to this, the first remote meeting of the Maldon District Council, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting.

A roll call of those Members present was taken.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, R P F Dewick, J V Keyes and C P Morley.

It was noted that Councillor K W Jarvis may have to leave the meeting early.

3. DECLARATION OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council specifically in relation to Agenda Item 15 – Provisional Financial Impact of COVID-19 and any other items of business relating to the County Council that may arise during debate.

4. PRESENTATION

Following a request from the Chairman, the Director of Service Delivery made a presentation which provided an update on the Council's preparation for release from lockdown and how it was supporting local businesses.

Members noted the role of the local authority was to ensure that the public could safely access the high street and shops. The Council was developing a COVID-19 Recovery Framework and a detailed survey of the high street had been carried out. The Director of Service Delivery highlighted how the Government was expecting local authorities to make significant changes to high street road layouts to give more space to cyclists and pedestrians. The presentation outlined the proposals being considered by the Council and the three phases developed for reopening high streets safely.

It was noted that following development of the draft plan the Interim Measures Group would be considering recommendations and Officers would be engaging with Maldon Ward Members and Town Councillors to identify areas where assistance could be provided by the District Council. In addition, the Air Quality Management Plan for Market Hill would be considered by the Council at its meeting on 2 July.

The Chairman advised that there would not be any questions on this presentation and should any Members have any questions that these be directed to the Director of Service Delivery outside of the meeting. He requested that the Director provide Members with a copy of the presentation.

5. MINUTES - 13 FEBRUARY 2020

RESOLVED that the Minutes of the Council meeting held on 13 February 2020 be agreed.

6. MINUTES - 17 MARCH 2020

In response to a query, the Chairman agreed that the Minutes should refer to this being an extraordinary meeting.

RESOLVED that subject to the above amendment the Minutes of the extraordinary Council meeting held on 17 March 2020 be agreed.

7. PUBLIC QUESTIONS

There were none.

8. CHAIRMAN'S ANNOUNCEMENTS

On behalf of Members, the Chairman thanked the staff of the Council, for the work they had achieved over the last few weeks against very stringent conditions. He commented that they had done a magnificent job. At this point the Chairman also commended the Council's contractors, particularly Suez who had cleared the waste from the streets of

the District very efficiently and achieved a very good service to the Council and its residents. He referred to the increased tonnage being around 20 / 30%.

9. STRATEGY AND RESOURCES COMMITTEE - 20 FEBRUARY 2020

RESOLVED

- (i) That the Minutes of the Strategy and Resources Committee held on 20 February 2020 be received.

The Council considered the following recommendations brought forward from the Strategy and Resources Committee.

Minute 802 – Review of Penalty Charges for Environmental Offences

RESOLVED

- (ii) That the levels of charge from 1 April 2020 be increased up to the maximum levels permitted under the legislation as set out in Appendix 1 to the Minutes of the Strategy and Resources Committee;
- (iii) That that the team continues to support educational campaigns targeting public awareness of environmental offences.

Minute 803 – Pay Policy Statement 2020 / 21

RESOLVED

- (iv) that the Pay Policy Statement attached as Appendix 2 to the Minutes of the Strategy and Resources Committee be adopted for the financial year 2020 / 21.

RESOLVED

- (v) That subject to the above decisions, the Minutes of the Strategy and Resources Committee held on 20 February 2020 be agreed.

10. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 20 FEBRUARY 2020

RESOLVED that the Minutes of the Performance, Governance and Audit Committee held on 20 February 2020, be received and noted.

11. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met since the last meeting of the Council, up to Wednesday 19 May 2020 for which Minutes had been published.

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

There were none.

13. REMOTE COMMITTEE MEETINGS AT MALDON DISTRICT COUNCIL

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' review of the procedures and arrangements for remote Committee meetings at Maldon District Council.

It was noted that the COVID-19 Interim Measures Group (COVID-19 Group) had considered a report (attached at Appendix A to the report) and agreed a procedure along with the instatement of remote Council and Committee meetings. A statutory annual meeting of the Council had been scheduled for Thursday 3 September and it was proposed to schedule that all Council and Committee meetings restarted from 5 October 2020.

At this point the Leader of the Council thanked Directors and particularly tier 2 managers for the work they had done in supporting the Directors during the COVID emergency. These thanks were expressed by other Members of the Council. On behalf of all Members of the Council he sent condolences to anyone in the District who had lost a loved one as a result of the health emergency.

The Director of Strategy, Performance and Governance presented the report highlighting:

- the Council's quick and efficient response to the various challenges that had arisen during the COVID emergency, not least new guidance and policies introduced by Central Government, often at short notice, requiring changes to Council policy. It was noted that all decisions made during this period had been made transparently, logged and reported to Members on a weekly basis.
- the reinstatement of remote Council, District Planning Committee and Area Planning Committee (APC) meetings. An amended schedule of remote meetings (Appendix 3 to Appendix A) had been circulated prior to the meeting and now included APCs. The Interim Measures Group would continue to run alongside these remote meetings to enable quick decisions, where required.

The Director of Resources and Director of Service Delivery both outlined additional work that was ongoing, along with the pressures on staffing in response to the health emergency. The Leader reiterated this, commenting on the additional resources required to address any requirements from the Department for Communities and as well as ensure that business continued as usual.

At this point the Leader of the Council introduced Mr Chris Leslie, the new Director of Resources.

The Leader proposed that the recommendations as set out in the report be agreed. This proposal was duly seconded.

In response to questions, the Leader of the Council advised that in respect of the scheduled time and frequency of remote meetings it would be beneficial to carry out a review of remote meetings once the first few had taken place in June. The Leader advised that he would be proposing, at an Interim Measures Group meeting the following day, that meetings of the Corporate Governance Working Group (CGWG) be restarted and its membership be extended to include members of the Independent Group.

Councillor E L Bamford spoke in relation to the three recommendations and sought clarification on the following points:

- to whom Members should ask if they had issues they wanted considered by a Working Group;
- if the Air Quality Management (Market Hill) Working Group would reconvened to consider matters relating to Maldon High Street;
- concern regarding the length of Council meetings if it was having to consider matters previously dealt with by the Strategy & Resources and Performance, Governance and Audit Committees.

Councillor Bamford proposed that all Committees be reinstated as soon as possible preferably by the end of June 2020. She proposed that this action be taken opposed to the recommendations that were detailed in the report.

In response, the Leader provided an update on the Air Quality Management Working Group and how the result of the public consultation the Air Quality Management Action Plan would be reported to the Council on 2 July 2020. The Leader reminded Members of the process put in place by the Council when emergency powers were agreed and outlined the process undertaken when reports were due to be considered by the COVID-19 Group and Member involvement. Although in favour of reinstating all Committees he raised concern in respect of resources available and advised if Members were mindful to reinstate all Committees resources would need to be drawn from another area. He was therefore not able to support the proposal.

A debate ensued.

In accordance with Procedure Rule No. 13 (3) Councillor C Mayes requested a recorded vote.

Councillor Bamford advised that following the information provided by the Leader she wished to amend her previous proposal. She proposed that recommendation (i) be amended to add in where Members were to direct their request for reinstatement of a Working Group. The Leader clarified that this should be the COVID-19 Interim Measures Group.

The Leader then responded to some of the points raised during the debate:

- to start remote meetings of all Committees by the end of June it was necessary to understand how this would be resourced. He referred to the information previously provided by the Directors and in response further information on resources was provided by the Director of Service Delivery;

- a compromise to restarting all Committees by the end of June would be considered this matter at the Council meeting on 23 June, which would allow a review of the new remote meetings currently scheduled, resources required to deal with other Council matters etc.
- he agreed with the comments regarding reinstatement of the Air Quality Management (Market Hill) Working Group and would propose this at the next COVID-19 Group meeting, along with the addition of two Ward Members to the Working Group;
- any changes to the sizes of Committees could not be done until the Statutory Annual meeting of the Council. The Council would consider a report of the Corporate Governance Working Group at its meeting in August which would include a review of remote meetings.

Councillor Bamford further amended her earlier proposition requesting that recommendation (i) include reference to Members should send requests to the COVID-19 Group and in respect of reinstatement of all Committees by the end of June this should be amended to refer to just the Performance, Governance and Audit (PGA) Committee. She advised that in her view reinstatement of the PGA Committee would reduce the work of the COVID-19 Group. At the request of the Chairman, the Lead Legal Specialist and Monitoring Officer provided Members with some further clarification in respect of the proposal from Councillor Bamford and it was noted that the amendments related to recommendations (i) and (iii). The proposal was duly seconded.

The Leader of the Council responded to the proposal reiterating concerns regarding resources and urged Members not to support it but support the original recommendation amended to review remote Committees and reinstate remote meetings for all Committees as soon as practicably possible or no later than the end of July.

It was clarified at this point that all recommendations and proposals referred to related to remote meetings.

The Chairman then put the amendment in the name of Councillor Bamford, duly seconded. He advised that if the amendment failed he would then put forward the suggestion of the Leader of the Council.

In accordance with the request for a recorded vote, the voting for the amendment was as follows:

For the amendment:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, B S Beale, Mrs P A Channer, M R Edwards, Mrs J L Fleming, B E Harker, M S Heard, K W Jarvis, K M H Lagan, C Mayes, S P Nunn, N G F Shaughnessy, R H Siddall, N Skeens, W Stamp, J Stilts, C Swain and Miss S White.

Against the amendment:

Councillors R G Boyce, A S Fluker, M W Helm, A J Hull, and Mrs M E Thompson.

The Chairman declared that the amendment was therefore carried and that the Council now had a substantive motion. The Chairman then put this to the Council for a vote.

In response to a number of comments the Chairman advised that he would allow for the substantive motion to be amended to provide clarification. The Leader of the Council then proposed that recommendation (ii) be amended to include the words, 'with the exception of the Performance, Governance and Audit Committee'. The Lead Legal Specialist and Monitoring Officer advised that this proposal was acceptable as it did not change the substance of the substantive motion but purely provided further clarification. As an aide for Members the recommendations as amended were shown on the screen.

The Chairman then put this to the vote, and following the earlier request for a recorded vote the voting was as follows:

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, B S Beale, Mrs P A Channer, M R Edwards, Mrs J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, A J Hull, K W Jarvis, C Mayes, S P Nunn, N G F Shaughnessy, R H Siddall, N Skeens, W Stamp, J Stilts, C Swain and Miss S White.

Against the recommendation:

Councillors K M H Lagan and Mrs M E Thompson.

Abstention:

Councillor R G Boyce.

It was noted that Councillor C Morris' vote had not been recorded as he had not been present for the earlier vote. This was confirmed by the Lead Legal Specialist and Monitoring Officer.

The Chairman declared that the proposal was therefore agreed.

RESOLVED

- (i) That Members advise the COVID-19 Interim Measures Group of any items they would like considered at Working Groups / areas they consider to be urgent business;
- (ii) That Members agree to review remote working arrangements in August 2020, ahead of the Statutory Annual meeting, allowing time to assess the way they work, and that this is based on a report of the Corporate Governance Working Group, with the exception of the Performance, Governance and Audit Committee;
- (iii) That Members review a recommended start date for all Committees remotely from 5 October 2020 with the exception of the Performance, Governance and Audit Committee resuming virtual meetings at the end of June 2020.

Councillor Morris raised a point of order that he had been excluded from the meeting illegally and unconstitutionally. In response the Chairman advised that he would not be accepting this as a point of order.

Councillor K W Jarvis left the meeting and did not return at this point.

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

Councillor W Stamp referred to the recent transformation undergone by the Council and the reference by other Members at this meeting to limited staff resource. She asked the Leader of the Council if he agreed with her that at this stage whether the Council had been too harsh by trimming the workforce down so much. In response the Leader of the Council provided detailed information regarding the transformation process, the savings it had delivered and how the process had aided the Council when it had to implement emergency powers in light of the COVID-19 emergency, enabling a seamless transition from the Council buildings to working remotely. He advised that he was happy with the full council transformation and the output it gave, it did make the Council agile and had allowed it to work remotely and as a result would probably change working practices in the future. At this point he commended the Council's staff on the way they were working remotely highlighted the revenues and benefits team.

Councillor K M H Lagan referred to earlier comments from both Directors and the Leader regarding business as usual and how the Council should be working more effectively with the strategies in place and IT investment. He felt that the Council should carry out a complete review once through the current health crisis and highlighted the need for the Council to resume in a face to face capacity to represent the people and deliver the quality of services it needed to deliver, with services like revenues and benefits prioritised. In response, the Leader of the Council thanked Councillor Lagan for the questions and emails he had sent him. The Leader provided the Council with detailed information regarding current working arrangements, including resources and drew attention to how resources had been diverted to deal with paying out the £17m of government grants to local businesses. It was noted that payment of discretionary grants was due to start on Monday 4 June. He explained that if a review was undertaken of the last 8 / 10 weeks performance the Council was ahead of the curve compared with other Councils and should be proud of what had been achieved (particularly by officers). The Leader agreed with Councillor Lagan that there should be a review, but when the time was right. He referred to comments raised by Councillors C Mayes and N Skeens prior to the lockdown and the importance of getting Maldon High Street arrangements in place.

Councillor C Mayes asked the Leader of the Council why (referring to Maldon High Street) the plans outlined in a meeting earlier today by Director of Service Delivery, shared with the public via the Maldon Business Board earlier this week gave the impression that this was a done deal. The Leader of the Council advised that he was unaware that the conversation had taken place with the Maldon Business Board, but highlighted discussions with the Leader of the Opposition and the Interim Measures Board. The Interim Measures Board had discussed, and Directors advised that as the work on Maldon High Street progressed Ward Members would be involved as well as informing and working with Maldon Town Council. The Leader assured Members that the Council was working on this project which was moving extremely quickly, responding as new guidelines emerged, liaising with organisations as appropriate and working to delivery from the grant received.

Councillor Lagan left the meeting at this point and did not return.

15. 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

At this point the Chairman thanked members of the public for joining the meeting and confirmed that the live stream was now turned off.

In response to a question regarding confidential information, the Chairman reminded Members' that they had to abide by the Members' Code of Conduct.

16. PROVISIONAL FINANCIAL IMPACT OF COVID-19

The Council received the report of the Director of Resources informing Members of the estimated financial impact of the COVID-19 pandemic on the Council.

The report provided detailed information and highlighted key issues along with general fund pressures, central Government support and reserve balances.

The Leader of the Council advised that he had spoken to Officers regarding the recommendation and the large amount of work required to ensure figures were correct and understand what the Council's projections were. He therefore proposed that the recommendation be amended to read "...brought to the meeting of the Council on 16 July 2020'. The Leader highlighted how it was critical for the Council to understand where it was fiscally as a result of the health emergency.

The Director of Resources presented the report and outlined the work that had been undertaken by the Finance team over the last few weeks, which included detailed review of budgets with managers. The report highlighted the most significant items and it was noted that monitoring of these was continuing. The Director drew Members' attention to particular areas of Council business, highlighting where high risk has been identified. Work to quantify the range of financial expenditures was ongoing and it was noted that the revised Medium-Term Financial Statement was currently being prepared.

Members noted that vast resources had been diverted towards dealing with the pandemic crisis and this was likely to continue to some degree for the remainder of the financial year and possibly beyond.

In response to questions raised, the Leader of the Council confirmed that the Council was engaged with the Ministry of Housing Communities and Local Government at all times and highlighted the grants received from the Government but the huge costs to the Council relating to the pandemic.

The Director of Resources responded to a question regarding staff resources and provided indication of where additional resources had been required. In response to a further question regarding the General Fund Reserves, he reported that the final accounts were due to be published shortly.

The Chairman then moved the proposal in the name of the Leader of the Council, duly seconded. Upon a vote being taken this was agreed.

RESOLVED that the potential financial impact of COVID-19 be noted and a revised Medium-Term Financial Strategy be brought to the meeting of the Council on 16 July 2020.

There being no further items of business the Chairman closed the meeting at 3.15 pm.

R G BOYCE MBE
CHAIRMAN