



**MINUTES of
COUNCIL (ORDINARY)
27 OCTOBER 2016**

PRESENT

Vice-Chairman

H M Bass

Councillors

Mrs B F Acevedo, J P F Archer, E L Bamford,
Miss A M Beale, B S Beale MBE, R G Boyce MBE, CC,
Mrs P A Channer, CC, R P F Dewick, I E Dobson,
A S Fluker, Mrs B D Harker, B E Harker, M S Heard,
Miss M R Lewis, R Pratt, N R Pudney, S J Savage,
D M Sismey, A K M St. Joseph, Mrs M E Thompson and
Miss S White

652. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the agenda.

653. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M F L Durham, Mrs H E Elliott, P G L Elliott, M W Helm and Rev. A E J Shrimpton.

654. MINUTES - 8 SEPTEMBER 2016

RESOLVED

- (i) that the Minutes of the meeting of the Council held on 8 September 2016 be received.

**Minute 492 – Questions to the Leader of the Council in Accordance with
Procedure Rule 1 (3) (M)**

Councillor H M Bass advised that line 4 of the first paragraph should read “Councillor Dewick then provided information ...”.

RESOLVED

- (ii) that subject to the above amendment, the Minutes of the meeting of the Council held on 8 September 2016 be approved and confirmed.

655. MINUTES - 22 SEPTEMBER 2016

RESOLVED that the Minutes of the Extraordinary meeting of the Council held on 22 September 2016 be approved and confirmed.

656. DECLARATIONS OF INTEREST

Councillor Mrs P A Channer declared a non-pecuniary interest as an Essex County Councillor should any matter discussed relate to it.

657. PUBLIC QUESTIONS

In accordance with Procedure Rule 1(3)(e) and the Council's Public Question Time and Participation at Council and Committee Meetings Scheme, the Leader of the Council referred to two questions from Councillor Wendy Stamp of which prior notification had been given. A copy of the questions and prepared responses from the Leader of the Council were circulated to all Members and those in attendance at the meeting.

Councillor Wendy Stamp read out her questions.

Question 1

"Does the leader of the Council share the Chairman's view as expressed at the last full council meeting on the 8th September that "Town Councillors are expendable" And do you know to what extent this view is shared by your fellow Councillors?

I think many Town and Parish Councillors would like to know how much or how little their efforts are valued and by whom. I also wish to remind everyone sitting in this chamber that being a Town and Parish Councillor is on an unpaid and on a voluntary basis. Volunteers contribute, a massive amount of unpaid work, time, energy and effort in many areas, enhancing the District's unique high class rural countryside for residents and visitors.

I raised this question at our own town Council meeting but Mr Elliot wasn't in attendance and sadly he isn't here to answer again.

Given the dire warnings re dangers of fire and physical dangers, risks to Councillor's are not a suitable subject or excuse for poor taste jokes IF this is disguised as one."

Response:

"I consider the remark by Councillor P G L Elliott was flippant and was not meant to be taken seriously or to cause offence. Councillor Elliott has himself been a Town Councillor for many years and knows the value of a good Town or Parish Council to the residents that they represent, as do the majority of Members here."

Question 2

"Why wasn't The Chairman's comment recorded in the minute 492 when Cllr Beale's comment of "Council should be more careful about what is put in a report" was. Both comments are in the public interest and should be open and transparently recorded as such."

Response:

"Minutes are essentially an official record of decisions, and where appropriate how those decisions are arrived at. The Council's Minutes are not verbatim and there is no basis for any associated content to be judged according to public interest. Individual

Members' comments are not normally recorded unless they are associated with a particular formality or inform a decision."

658. CHAIRMAN'S ANNOUNCEMENTS

The Chairman of the meeting advised that both he and the Chairman of the Council had attended a number of events detailed below.

Date	Function	Attendee
09/09/2016	Rochford Chairman's Charity Event	Chairman
11/09/2016	Harlow Chairman's Civic Service	Vice Chairman
16/09/2016	Essex County Council (ECC) Chairman Civic Reception	Vice Chairman
19/09/2016	Tour of the Plume Academy, Farnbridge Campus	Chairman
19/09/2016	Dengie Enterprise Support Celebrating Success Event	Chairman
20/09/2016	Maldon Primary School, presenting School Council Badges	Chairman
20/09/2016	Funeral of Councillor Charles MacKenzie	Chairman
22/09/2016	Essex Association of Local Council AGM and Lunch	Vice Chairman
24/09/2016	Burnham-on-Crouch (BOC) Carnival Queen's Afternoon Tea	Chairman
25/09/2016	Costermonger Harvest Festival	Chairman
01/10/2016	Saltmarsh 75 ultra two day running / walking event - setting the participants off at the start	Chairman
02/10/2016	Saltmarsh 75 – finish line	Chairman
09/10/2016	High Sheriff Justice Service	Vice Chairman
13/10/2016	Homestart AGM	Chairman
13/10/2016	Jack Petchey foundation presentation evening	Chairman
15/10/2016	Castlepoint Mayor's Gala Night - Benfleet Operatic Society	Chairman
20/10/2016	Action for Family Carers AGM	Chairman
20/10/2016	Jack Petchey Foundation Awards Presentation	Chairman
23/10/2016	Maldon Town Mayor Civic Service	Vice Chairman

The Chairman welcomed Mr Kamal Mehta, Interim Director of Resources, to Maldon District Council.

The Chairman informed the Council that the Chairman of the Council and Chief Executive had attended the AGM of Homestart, Maldon on 13 October 2016. Homestart provide support to families who are finding it difficult to cope by providing trained volunteers to visit families in their own homes. They offer free, confidential, non-judgmental, practical and emotional support. The Chairman of Homestart, Anna Tomlins, expressed her gratitude during her presentation at the AGM to the Council for the provision of space in the building from which they operate.

The Chairman reminded Members of the two Minute Silence to be held on Armistice Day, Friday 11 November 2016. He invited Members to join either the Chairman of the

Council at Hythe Quay, Maldon or himself at the War Memorial, Burnham-on-Crouch. Members were reminded to attend at either venue by 10.50am.

The Chairman highlighted two events he had attended - the Chairman of ECC Civic Reception and High Sherriff Justice Service – both of which he had found enjoyable and informative.

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

There were none.

660. RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL

(a) REPORT OF THE DIRECTOR OF RESOURCES

The Council considered the report of the Director of Resources presenting recommendations of Committees to the Council. An addendum and a further update to this report was circulated at the meeting and detailed recommendations arising from both the Planning and Licensing Committee meeting on 15 September 2016 and the Community Services Committee on 30 August 2016 and 11 October 2016.

Community Services Committee (30 August 2016):

Minute 426 – Terms of Reference and Scheme of Delegation Update

RESOLVED

- (i) that the delegation of items 15 to 20 of part (c) of the Committee's Scheme of Delegation be transferred to the Director of Planning and Regulatory Services together with a replication of item 12, and also the deletion of item 2 of part (d) as no longer required;
- (ii) that item 5 of part (a) of the Committee's Terms of Reference – The Community Legal Service Partnership – be deleted as no longer required.

Minute 427 - Maldon Community Services and Community Hospital Project

It was noted that this recommendation linked to Planning and Licensing Committee Minute 526 (15 September 2016).

RESOLVED

- (iii) That the preparation of a business case for the provision by the Council of a new community hospital to serve the local community of the Maldon District be considered

Planning and Licensing Committee (15 September 2016):

Minute 525 - Magnox Socio-Economic Scheme - New Bid for Grant Funding to Mitigate the Impact of Bradwell Power Station Moving Into Care and Maintenance:

RESOLVED

- (iv) that the projects outlined in the report are supported, in principle, with specific support being given to the following projects and excluding the Feasibility Study for the use of the Bradwell Reactor Cladding.
- Enterprise Centre and Growth Hub;
 - Saltmarsh Hub;
 - Circular Off-Road Cycle Path;
 - Ferry Provision between Bradwell, Mersea Island, Wallasea, Burnham-on-Crouch and Tollesbury;
 - Tourism Ambassadors;
 - Maldon District Wine Region.

Minute 526 - Maldon Community Services and Community Hospital Project:

It was noted that this recommendation linked to Community Services Committee Minute 427 (30 August 2016).

RESOLVED

- (v) that the preparation of a business case for the provision by the Council of a new community hospital to serve the local community of the Maldon District be considered.

Minute 531 – Review of Delegation Arrangements:

In response to a question about whether the revised scheme of delegation would only come in to force once training had been provided, the Chairman and Councillor Channer advised that this was not the intention.

In response to a question regarding the number of Parish Council's using the incorrect pro-forma, Councillor Channer advised that she did not have this information but would find out.

The Chairman, in response to a question, advised that he would seek clarification from the Director of Planning and Regulatory Services as to when the Parish / Town Council handbooks would be issued and ask him to respond to Members.

RESOLVED

- (vi) that a revision be made to the 'Parish Trigger' procedure, item (b)(i)4 of the Area Planning Committee Terms of Reference as follows:

“Where a representation from a Parish or Town Council (covering the geographical area in which the proposed development is located) has been received which objects to an application which the Director of Planning and Regulatory Services is minded to approve. This must be supported by a reason that is based on a relevant material planning consideration in the opinion of the Director of Planning and Regulatory Services. Where a representation from a Parish or Town Council (covering the geographical area in which the proposed development is located) has been received which supports an application which the Director of Planning and Regulatory Services is minded to refuse or objects to an application which the Director of Planning and Regulatory Services is minded to approve.” This provision shall not apply to those cases where there is a representation of ‘no comment’ or to minor classes of development affecting residential / domestic properties or within such curtilages involving porches, conservatories, boundary walls / fences, vehicle crossovers, garages, sheds, outbuildings, satellite dishes and replacement windows / doors. The Parish Trigger will not be invoked if comments made by a Parish / Town Council are received after 28 days from the date of the Parish / Town Council being notified of the planning application or if the submitted comments are not made on the agreed standard template form.”

- (vii) that a revision be made to item (b)(i)6 of the Area Planning Committee Terms of Reference as follows:

“Where proposals have been advertised as departures under paragraph 3 of the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 and where the Officers’ recommendation is that permission should be granted. Except where the principle of the development has already been approved through an extant planning permission.”

- (viii) that paragraph (b)(i)2 of the Area Planning Committee Terms of Reference be amended as follows:

“For all other development where the floor space to be built, or a change of use of a building is proposed for 1,000 sq. metres or more, ~~or where the site area is 1 hectare or more.~~”

- (ix) that following points be added to the Planning and Licensing Committee (c) Scheme of Delegation (To the Director of Planning and Regulatory Services:

30 Applications where the site area exceeds 1 hectare in size, and this is the only reason the application is defined as a ‘major development’, which the Director of Planning and Regulatory Services is minded to recommend approval on the basis the proposal is in accordance with the development plan and subject to the Director of Planning and Regulatory Services first consulting with the Chairman of the Council or relevant Planning

Committee (or the Vice Chairman in the Chairman's absence) and the ward members.'

- 31 Applications for major or large scale development which the Director of Planning and Regulatory Services is minded to recommend approval on the basis the proposal is in accordance with the development plan and is made under Section 73 of the Town and Country Planning Act (1990) (as amended) only, subject to the Director of Planning and Regulatory Services first consulting with the Chairman of the Council or relevant Planning Committee (or the Vice Chairman in the Chairman's absence) and the ward members.'

- (x) that item (b)(i)9 of the Area Planning Committee Terms of Reference be amended as follows:

"Where an application has been resubmitted following refusal by an Area Committee contrary to Officers recommendation."

Finance and Corporate Services Committee - 27 September 2016:

Minute 563 – Human Resources Policies and Procedures

RESOLVED

- (xi) that all updates to the Human Resources policies and procedures (attached as Appendix 1 to the Minutes of the Finance and Corporate Services Committee) are approved; and
- (xii) that the Attendance Management, Shared Parental Leave and Smoking Policy and Procedures (attached as Appendices 2 - 4 to the Minutes of the Finance and Corporate Services Committee) are approved.

Minute 572 – Release Of Restrictive Covenant – Remembrance Avenue, Burnham-On-Crouch

RESOLVED

- (xiii) That the Committee's Scheme of Delegation – Director of Resources be amended to include:

"the Director of Resources, in consultation with a valuer, a Legal Advisor and the Chairman of Finance and Corporate Services Committee, be authorised to release any restrictive covenants which are stated to be in favour of the Maldon District Council (or its predecessors) at a market value or at such other value as deemed appropriate by the Director of Resources."

Community Services Committee – 11 October 2016:

Minute 629 - South Essex Parking Partnership Extension

RESOLVED

- (xiv) that the Council commits to a four year extension to the Operational Period of the South Essex Parking Partnership Manager by 11 November 2016; and
- (xv) that the Council agrees to the South Essex Parking Partnership (SEPP) to continue the delegated function for a further four years as set out in the Joint Committee Agreement and confirm this decision to the South Essex Parking Partnership Manager by 11 November 2016.

(b) MINUTES OF MEETINGS OF COMMITTEES

Members' attention was drawn to the Addendum and Further Update that had been circulated at the meeting. The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Wednesday 19 October 2016.

Councillor Mrs P A Channer CC advised Members that she would address some possible changes to the Minutes of the Planning and Licensing Committee which took place on 15 September 2016 at the next meeting of the Committee.

A question was raised regarding the Community Services Committee on 30 August 2016 regarding an investigation in to a business case for a new hospital in Maldon. The Chairman advised that it was his understanding that this was a tidying up exercise because although the principle had been agreed by Council at a previous meeting, the Finance & Corporate Services Committee had to agree funding.

A question was also raised regarding the Review of Planning Delegation Arrangements and the Chairman confirmed that the Director of Planning and Regulatory Services would be asked to respond to Members as to when the Parish / Town Council handbook would be produced.

661. COMMITTEE MEMBERSHIP SUBSTITUTION - DEADLINE FOR NOTICES

The Council considered the report of the Director of Resources seeking approval of a minor revision to the Council and Committee Procedure Rules to make provision for a deadline to give notice of substitutions to better provide for circumstances where a Committee meeting is to be held during the day.

Councillor Miss M R Lewis proposed that the recommendation as set out in the report be agreed, subject to an amendment to alter this from giving three to four hours' notice. Councillor A S Fluker proposed that the wording also be amended to refer to working hours' notice. These amendments were duly seconded and agreed.

RESOLVED that Council and Committee Procedure Rule 17(9) be revised to read as follows:

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 Chief Executive and the Leader written notice not later than four working hours 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.

662. APPOINTMENT OF MEMBER REPRESENTATION ON COASTAL COMMUNITY TEAMS

The Council considered the report of the Director of Customers and Community to agree Member representation on the Coastal Community teams and arrangements for appointment to be reviewed and made in future.

The report provided background information regarding the appointment of representatives to the Blackwater Estuary and River Crouch Coastal Community Team by the Planning and Licensing Committee. It was noted that when the Community Services Committee had previously considered the appointment of Member representation it had done so only in relation to the Blackwater Estuary Team. The Council was therefore required to clarify the Member representation on the River Crouch Coastal Community Team.

RESOLVED

- (i) that the decision of the Community Services Committee on 18 April 2016 (Minute 1141(i) refers) is restated to relate to both the Maldon and Blackwater Estuary and River Crouch Coastal Community Teams;
- (ii) that the future review and making of appointments to the two Coastal Community Team Management Committees should rest with the Planning and Licensing Committee and the Community Services Committee at their first meetings each new Municipal Year.

663. FORWARD PLANNING ARRANGEMENTS

The Council considered the report of the Director of Resources seeking Council endorsement for proposed arrangements to enable improved communication on cross-cutting issues and forward planning within the organisation.

The Leader of the Council advised Members that whilst the report only mentioned Committee Chairmen and Vice-Chairmen, it was intended to refer to the Chairmen of the Community Services Committee, Finance & Corporate Services Committee and Planning & Licensing Committee or their deputies. Due to the nature of the proposed meetings, there was no need to have representation from Chairman of the Standards, Overview & Scrutiny and Audit Committees. This was set out in an Addendum to the report.

Councillor R G Boyce MBE, CC asked how this differed from the now-defunct MOL apart from the increase in membership? In response, the Leader of the Council advised that this proposal was to enable Members to meet and forward plan. MOL had very specific functions not necessarily to do with forward planning. As we are not a cabinet system, Members had felt that they were disenfranchised from the formulating of ideas

when MOL was in existence. This was to make sure that all three directorates “had their ducks in a row”.

It was noted that these meetings would not have any executive or delegated powers and therefore not take any decisions on behalf of the Council.

RESOLVED that periodic meetings between the Leader, Deputy Leader, Chairman (or Vice-Chairman in their absence) of the Community Services Committee, Finance & Corporate Services Committee and Planning & Licensing Committee, as set out in the report of the Director of Resources, be endorsed.

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

Councillor R G Boyce, asked if the Leader agreed that although the Council and its business was very serious, a bit of amusement and fun does help to relieve the seriousness without detracting from the business of the Council. The Leader advised that she was in absolute agreement with this.

Councillor A S Fluker paid tribute to the hard work that Parish and Town Councillors do. He congratulated those involved in the recent installation of Automatic Number Plate Readers in Latchingdon. He asked if the Leader agreed it would make the Dengie safer. The Leader responded that she did agree and hoped that residents would also be reassured that the Dengie was not being left behind in policing the District.

Councillor Mrs B F Acevedo asked the Leader to request that Members make nominations for the Maldon District Council Business Awards. The Awards were good for both the Council and businesses and heightened profiles. She reminded Members that nomination forms were in pigeon holes and that the Officer had agreed for an extended deadline for nominations. The Leader responded that the form was lengthy and off-putting to complete. Also, Members had not expected to be those making nominations and the Leader, whilst supporting the awards initiative, hoped that the Council could consider this feedback and learn from this for the next time. It was noted that if Members required support with making nominations that Officers could assist with completion of the form.

Councillor S J Savage asked if the Leader would agree that it was time for the Transformation Board to meet. The Leader replied that although she would like to see it meet as soon as possible, officers had recently had a great deal of meetings and she did not know when it would actually meet.

Councillor B S Beale asked if the Leader agreed that Members should be informed of all staff vacancies on a regular basis. The Leader advised that as vacancies are an operational issue she could not speak on behalf of the Chief Executive, but would put this proposal to her so that Members could be informed prior to each Council meeting.

Councillor H M Bass advised Members that he had requested an updated version of the organisational chart from the Chief Executive.

665. BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERED BY THE CHAIRMAN TO BE URGENT

There was none.

666. 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 2 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

667. SENIOR MANAGEMENT STRUCTURE

The Leader advised that following discussions with several Members she proposed withdrawing the report of the Chief Executive pending further discussions. This was duly seconded and agreed.

RESOLVED that the report of the Chief Executive reviewing the Senior Management Structure of Maldon District Council be withdrawn pending further discussion.

There being no further items of business the Chairman closed the meeting at 8.20 pm

H M BASS
CHAIRMAN

(a)
(b)