



**MINUTES of
COUNCIL
15 DECEMBER 2016**

PRESENT

Chairman	Councillor P G L Elliott
Vice-Chairman	Councillor H M Bass
Councillors	Mrs B F Acevedo, E L Bamford, Miss A M Beale, B S Beale MBE, R G Boyce MBE, A T Cain, Mrs P A Channer, CC, R P F Dewick, I E Dobson, M F L Durham, CC, Mrs H E Elliott, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, M W Helm, Miss M R Lewis, R Pratt, CC, N R Pudney, S J Savage, Rev. A E J Shrimpton, A K M St. Joseph, Mrs M E Thompson, Miss S White and Mrs N G F Shaughnessy

817. CHAIRMAN'S NOTICES

Prior to the start of the meeting the Chairman welcomed newly elected Councillor Mrs N G F Shaughnessy to the meeting.

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

818. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J P F Archer, J B Keyes, M R Pearlman and D M Sismey.

819. MINUTES OF LAST MEETING

RESOLVED that the Minutes of the meeting of the Council held on 27 October 2016 be approved and confirmed.

820. DECLARATIONS OF INTEREST

Councillor R P F Dewick referred to Urgent Item of Business 15c - Maldon District Gypsy and Traveller Accommodation Assessment 2016, advising that this was part of the Local Development Plan (LDP) process and as usual with the LDP process he would declare an interest and leave the room.

Councillor S J Savage reaffirmed his non-pecuniary interest in Agenda Item 9 - FULMAL1600872 - Topsail Charters Limited, Cooks Boatyard, The Hythe, Maldon as he knew various people involved with the application.

Councillor M W Helm advised that he had the same interest as Councillor Dewick.

Councillor M S Heard advised that he had an interest in Agenda Item 9 - FULMAL1600872 - Topsail Charters Limited, Cooks Boatyard, The Hythe, Maldon as he knew the applicant and several of the objectors and supporters.

Councillor Miss S White advised that she would leave the chamber when Urgent Item of Business 15c - Maldon District Gypsy and Traveller Accommodation Assessment 2016 was discussed. When asked by the Chairman if this was a pecuniary interest she advised that it was not in the process and she was choosing to leave the room.

Councillor Mrs P A Channer declared a non-pecuniary interest as an Essex County Councillor, specifically in relation to Agenda Item 9 - FULMAL1600872 - Topsail Charters Limited, Cooks Boatyard, The Hythe, Maldon and Urgent Item of Business 15c - Maldon District Gypsy and Traveller Accommodation Assessment 2016. In the interest of openness and transparency, she advised that she knew the applicant, some of the objectors and supporters in relation to Agenda Item 9.

Councillor A S Fluker advised that in the interest of openness and transparency in relation to Agenda Item 9 - FULMAL1600872 - Topsail Charters Limited, Cooks Boatyard, The Hythe, Maldon he knew some of the objectors and he was a Harbour Commissioner.

Councillor Rev. A E J Shrimpton declared a non-pecuniary interest in Agenda Item 9 - FULMAL1600872 - Topsail Charters Limited, Cooks Boatyard, The Hythe, Maldon as he knew the applicant, some of the objectors and supporters.

821. PUBLIC QUESTIONS

There were none.

822. CHAIRMAN'S ANNOUNCEMENTS

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

Date	Function
31/10/2016	Maldon District Council (MDC) Sports Awards
01/11/2016	Conservation and Design Awards
04/11/2016	Chelmer Housing Partnership (CHP) 100 th Home in Maldon Celebration
08/11/2016	Community Initiative Fund Meeting
09/11/2016	Young People's Celebration Evening
11/11/2016	Two Minute Silence, Maldon

11/11/2016	Two Minute Silence, Burnham-on-Crouch (<i>Vice-Chairman</i>)
13/11/2016	Remembrance Sunday, Burnham-on-Crouch
13/11/2016	Remembrance Sunday, Maldon (<i>Vice-Chairman</i>)
13/11/2016	Remembrance Sunday, Stow Maries
18/11/2016	Basildon Civic Dinner
01/11/2016	Conservation and Design Awards
18/11/2016	Mayor of Basildon Civic Dinner
22/11/2016	Children's Takeover Day
24/11/2016	Opening of Lidl Store, Maldon
26/11/2016	Licensing of Reverend Penny Sayer, by Archdeacon of Chelmsford
03/12/2016	Day of Dedication, Maldon Cemetery
08/12/2016	Mayor of Waltham Forest Civic Carol Concert
09/12/2016	Mayor of Thurrock Charity Lunch
11/12/2016	Rochford Civic Carol Service
12/12/2016	Mayor of Waltham Forest Christmas Dinner
12/12/2016	Light up a Life Service, All Saints Church, Maldon (<i>Vice-Chairman</i>)
13/12/2016	Uttlesford Civic Carol Service
14/12/2016	Presentation of Christmas Food Donations to the Food Pantry, Maldon (<i>Vice-Chairman</i>)

The Chairman reported that the Planning Department had won some prestigious awards recently and he congratulated the Team for its hard work.

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

There were none.

824. RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL

The Chairman agreed to consider item (b) Minutes of Meetings of the Committees first.

(b) MINUTES OF MEETINGS OF COMMITTEES

The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Wednesday 7 December 2016.

It was noted that Minutes of the Central Area Planning Committee on 19 October 2016 would be presented to the January meeting of this Committee for approval.

Planning and Licensing Committee – 17 November 2016 (Minute 705 – 2017 / 18 Revenue Budget and Fees and Charges)

A question was raised regarding the proposed removal of £5,000 relating to Historic Building Grants from the budget and whether the Finance and Corporate Services Committee had considered obtaining sponsorship to replace it as this had been raised during discussions at the recent Planning and Licensing Committee meeting. In response, the Chief Executive advised that the Finance and Corporate Services Committee (F&CS) had agreed to remove the £5,000 from the 2017 / 18 budget. The

revised budget was due to be considered by the F&CS in January (and then the Council) and currently excluded the £5,000. If Members were mindful to overturn the decision to remove the grant the matter of sponsorship could be discussed at this point. Councillor I E Dobson, Vice-Chairman of the Finance and Corporate Services Committee advised that he was not aware of any discussion around sponsorship when this matter came before the F&CS but would check the Minutes and respond to the relevant Member direct.

Community Services Committee – 11 October 2016 (Minute 631 – Leisure Contract Refurbishment Final Account)

In response to a question regarding concerns raised regarding the Leisure Contract and the actions considered by the Community Services Committee to ensure that such matters did not reoccur, Councillor R Pratt, Chairman of the Community Services Committee advised that he would ask for this to be added to the agenda for a future meeting.

(a) REPORT OF THE DIRECTOR OF RESOURCES

The Council considered the report of the Chief Executive presenting recommendations of Committees to the Council which were agreed.

Planning and Licensing Committee (17 November 2016):

Minute 706 – Neighbourhood Plan Updates for Great Totham, Wickham Bishops and Burnham-on-Crouch and Proposed Updates to the Council's Scheme of Delegation for Designating Neighbourhood Areas

RESOLVED

- (i) that the Planning and Licensing Committee Terms of Reference, Section (c) Scheme of Delegation – To the Director of Planning and Regulatory Services, paragraph 28 be updated as set out below, taking into account the change in legislation:

- 28 To determine neighbourhood area applications where no representations objecting to the proposal have been received to a public consultation, or where public consultation is not required by regulation, and where the area to be designated is coterminous with or wholly within the area of a civil parish. Any such decisions made are to be reported to the Members of the Planning and Licensing Committee.

Finance and Corporate Services Committee (29 November 2016):

Minute 758 – Human Resources Policies and Procedures

RESOLVED

- (ii) that That the new Stress Management Policy (attached as Appendix 1 to the report) be approved.

Minute 760 – Local Council Tax Support Scheme 2017 / 18

- (iii) that a cost of living increase in line with the Department for Work and Pensions schemes be included in the Local Council Tax Support Scheme for 2016 / 17 for Pensioners only;
- (iv) that legislative changes being introduced to the Housing Benefit Scheme for 2017 / 18 are mirrored in the Council's Local Council Tax Support Scheme to ensure consistency;
- (v) that in all other respects the Local Council Tax Support Scheme and Hardship Scheme remain unchanged and that this decision has been made following Members' careful reading of, and regard to, the Equality Impact Assessment (attached as Appendix 2 to the report).

Minute 767 – Capital Project Bids 2017 / 18

- (vi) that the capital projects as set out below and detailed in Appendix 3 to the report, be identified for inclusion for consideration in the 2017 / 18 capital programme:

Essential:

- Park Road Repairs
- New Car Parking Signage in Town Centre and Promenade Park

Service Failure / Service Improvement:

- PC and Printer replacement Programme
- IT Project Officer
- Email replacement – upgrade of Exchange and Enterprise Vault
- Parks Vehicle – Rolling Replacement Programme
- Amphitheatre Fencing
- All Weather Car Parking Improvements
- New Accessible Play site
- Improved screen of existing depot space within Riverside Park
- New roof for Heybridge Cemetery Chapel
- Mobile welfare facility for Volunteer and Community Payback schemes
- Replacement vehicle for Maintenance Officer(s)

Minute 769 – Council Tax Base 2017 / 18

- (vii) that in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012 the amount calculated by the Maldon District Council as its Council Tax Base for the year 2017 / 18 shall be set at 23,868.7.

825. FUL/MAL/16/00872 - TOPSAIL CHARTERS LIMITED, COOKS BOATYARD, THE HYTHE, MALDON

A Members' Update / Addendum to the report was circulated at the meeting.

The Chairman advised that this item had been withdrawn by the applicant.

In response to a question regarding determination of the application, the Senior Solicitor / Deputy Monitoring Officer advised that on the basis that the applicant had withdrawn the application it was therefore not before the Council for consideration.

826. SCHEDULE OF MEETINGS 2017 / 18

The Council considered the report of the Director of Resources presenting for approval the Schedule of Meetings for 2017 / 18 (attached as Appendix 1 to the report).

The report set out a minor change to the Joint Standards Committee's Terms of Reference to remove the requirement for it to meet at least three times a year.

RESOLVED

- (i) that the paragraph headed "Proceedings" be deleted from the Terms of Reference of the Joint Standards Committee and that meetings of that Committee be arranged as and when required;
- (ii) that subject to (i) above, the schedule of meetings for 2017 / 18 attached as Appendix 1 to the report be approved.

827. APPOINTMENT OF INDEPENDENT PERSON(S)

The Council considered the report of the Monitoring Officer reporting the outcome of the recent advertisement / recruitment process and seeking appointment of Independent Persons under the Localism Act 2011.

Members were advised that the report had been considered by the Joint Standards Committee at its meeting on 9 December 2016 who had recommended that the Council agree the recommendation as set out in the report.

It was noted that the current terms of office of the Independent Person(s) were due to expire on 8 February 2017.

RESOLVED that the following persons be reappointed for a further period of four years (to 8 February 2021):

- Mr Norman HodsonIndependent Person
- Mr Steven AnthonyReserve Independent Person

828. VENUE OF MEETINGS OF THE SOUTH EASTERN AREA PLANNING COMMITTEE

The Council considered the report of the Interim Director of Resources reviewing the arrangements and venue for meetings of the South Eastern Area Planning Committee.

Meetings of the South Eastern Area Planning Committee currently took place at the Burnham-on-Crouch Town Council Offices and the report outlined a number of reasons why it was felt that the venue was no longer efficient or in line with current requirements.

It was noted that the South Eastern Area Planning Committee had considered this report at its meeting on 5 December 2016. Following discussion the Committee recommended that the Council defer the matter until February 2017 to enable the Town Council to look at improving the facilitation of meetings at that venue. It was generally felt by the Committee that use of the venue was beneficial to customers in that part of the District.

RESOLVED that the report concerning the venue of meetings for the South Eastern Area Planning Committee be deferred until February 2017 to enable Burnham-on-Crouch Town Council to look at improving the facilitation of meetings at that venue.

829. PROCEEDS OF CRIME ACT 2002

The Council considered the report of the Chief Executive providing an update on the Proceeds of Crime Act 2002 (POCA).

The report provided background information following the introduction in 2002 of POCA. POCA was a legislative scheme which makes provision for the recovery of criminal assets, with criminal confiscation being the most commonly used power. Members were advised that the Council had a number of services and areas which had the potential to take advantage of POCA. The advantages to the Council of seeking to make use of the POCA provisions were set out in the report.

The Chief Executive explained that in consultation with applicable Members and Officers she would consider the appropriateness and expediency of authorising the use of POCA powers in appropriate cases in which a defendant had benefited from their criminal conduct or a criminal lifestyle.

Councillor R G Boyce advised he was unhappy with the report and felt that further information and explanation was required. He proposed that the application be deferred to allow for further detailed information to come forward. This proposal was duly seconded.

A debate ensued, during which further information was provided by the Chief Executive. Councillor M F L Durham proposed that the recommendations as set out on the report be agreed. This was duly seconded.

Following further discussion the Chairman put the proposal from Councillor Boyce of deferral.

In accordance with Procedure Rule No. 13 (3) Councillor Miss M R Lewis requested a recorded vote. This was duly seconded

For the recommendation:

Councillors R G Boyce, A T Cain, R P F Dewick, M W Helm, S J Savage and A K M St. Joseph

Against the recommendation:

Councillors Mrs B F Acevedo, E L Bamford, H M Bass, Miss A M Beale, B S Beale, Mrs P A Channer, M F L Durham, I E Dobson, Mrs H E Elliott, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, Miss M R Lewis, R Pratt, N R Pudney, Mrs N G F Shaughnessy, Rev. A E J Shrimpton, and Mrs M E Thompson.

Abstention:

Councillors P G L Elliott and Miss S White.

The motion was therefore declared lost.

The Chairman then put Councillor Durham's proposal to accept the recommendations as set out on the report. Upon a vote being taken this was duly agreed. Councillor Boyce requested that his vote against this proposal be recorded.

RESOLVED

- (i) that application of the Proceeds of Crime Act (POCA), including but not limited to the instigation of confiscation proceedings in appropriate cases in which a defendant has benefited from their criminal conduct or lifestyle be endorsed;
- (iii) that the following minor amendment to the current delegation to the Chief Executive contained at paragraph 6 of Section 9 (Terms of Reference – General and Procedural at page 7) as set below, be agreed.

“The Chief Executive, in consultation with the appropriate Director, Legal Advisor, Chairman of the relevant Committee (or Vice-Chairman in his or her absence) and Leader of the Council, be authorised to institute or defend legal proceedings on any criminal offence or civil proceedings not otherwise provided for in Officer delegation arrangements elsewhere in this document, subject to subsequent report to the next meeting of the relevant Committee. The exercise of this authorisation shall, for the avoidance of any doubt, include responding to legal representations on behalf of the other party, any directions of the Court, and the pursuance and settlement of disputes by means other than litigation.”

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

Councillor M S Heard asked the Leader of the Council if she could explain the decision for Maldon Police to be sited in the Council Offices and why the decision had not been made open by the Council. In response, the Leader of the Council advised that the Finance and Corporate Services Committee had responsibility for the management of assets where this matter had been discussed for a period of time. She also outlined the

timeline from between when the Council was notified to when the Police publically reported the move and advised the Council of the benefits from the impending move.

Councillor Heard raised a further question regarding the proposed income to the Council and at this time declared a non-pecuniary interest as Essex Police employed him. The Leader of the Council advised that the amount of rent was commercially sensitive but had been included as proposed income when discussed at recent Member budget seminars.

Councillor A S Fluker raised a question regarding commercial rent agreed by the Valuation Office and the rent being charged to Essex Police. He proposed that the Leader consider looking into this and consider asking the Finance and Corporate Services Committee to decide whether the Council wished to proceed. The Chairman advised that there would not be any further debate on this matter.

Councillor Rev. A E J Shrimpton referred to Minute 675 of 19 December 2014 and asked the Leader of the Council when the Transformation Board was due to meet. The Leader referred to the Chief Executive who reported that a meeting of the Transformation Board would be organised during the latter part of the third week of January 2017, following the Examination in Public.

Councillor R P F Dewick asked a question to the Leader of the Council regarding the recent loss of Directors and whether Council processes could be improved to assist with recruitment into such roles. In response, the Leader of the Council advised following successful recruitment some matters were beyond the Council's control. The Leader also referred to the Peer Review undertaken by the Local Government Association (LGA) in 2013 and advised that the Council was due for a review of this review in February 2017. Members would, in due course, have the opportunity to propose topics to form part of the scope of that re-review prior to February 2017.

Councillor M F L Durham posed a question to the Leader regarding the LGA Review referring to proposals raised in a recent meeting and asking if she supported these proposals. In response, the Leader advised that in respect of the scope of the review she had asked the LGA to consider certain areas relating to governance, financial control and internal communication.

Councillor A T Cain commented that the scope should also include individual interviews between the LGA and Members and asked who had invited the LGA. The Leader provided detail in response to this question.

In response to a question from Councillor Mrs P A Channer regarding Members' input into the areas for the LGA to consider, the Leader explained that once the first outline scope had been received from the LGA this would be circulated to Members. If a Member had something they wished to discuss they could raise that matter but she hoped that the scope would be sufficiently flexible to allow any such matters to be discussed. The Leader of the Council requested that Committee Services circulate a copy of the 2013 Peer Review to all Members.

831. URGENT ITEMS OF BUSINESS

The Chairman announced that in accordance with Section 100B(4) of the Local Government Act 1972 he had agreed to allow the Chief Executive and Interim Director of Resources to raise four urgent items of business.

832. RESIGNATION OF DIRECTOR OF PLANNING AND REGULATORY SERVICES - CONSEQUENTIAL CHANGES TO SCHEME OF DELEGATION

The Council considered the urgent report of the Chief Executive seeking approval to amend the Scheme of Delegation as a consequence of the recent resignation of the Director of Planning and Regulatory Services to ensure that the Chief Executive was able to exercise the powers delegated to the Director.

Members were advised that this report had been brought forward for urgent consideration to enable changes in delegation to take effect immediately and, if agreed, the Chief Executive would be able to authorise interim staff to act as necessary.

RESOLVED that pending subsequent appointment to and the taking up of the post of the Director of Planning and Regulatory Services, at which point this arrangement shall cease, the Council agrees to the Chief Executive assuming the following designations and delegated powers:

- Proper Officer – Section 191, Local Government Act 1972 – Ordnance Survey functions
- Proper Officer – Section 215, Local Government Act 1972 – Registrar of Local Land Charges
- In all matters under the Schemes of Delegation of the Finance and Corporate Services, Community Services and Planning and Licensing Committees previously given to Director of Planning and Regulatory Services;

In all those respects mentioned in the terms of reference of the Area Planning Committees, and also in the approved Pre-Application Discussions and Planning Appeals Protocols.

833. ELECTION OF DISTRICT COUNCILLOR - POLITICAL BALANCE ARRANGEMENTS AND ALLOCATION OF COMMITTEE PLACES

The Council considered the urgent report of the Chief Executive reporting that Norma Gladys Florence Shaughnessy had been elected as a Councillor for Maldon West Ward at the by-election held on 8 December 2016.

The report also sought review of political balance arrangements of the Council, revision to the membership of Committees and the allocation of seats as a consequence of the recent election. Details of these proposed changes and consideration of Section 15 of the Local Government and Housing Act 1989 (allocation of seats on Committees to Political Groups) was set out in the report.

It was noted that this matter had been brought forward for urgent consideration to avoid putting in place of such revised arrangements being delayed to the February meeting of the Council.

RESOLVED

(viii) that the arrangements for the allocation of seats on Committees as approved on 12 May 2016 be varied for the remainder of the current municipal year, as follows:

- Planning and Licensing Committee – ten places (eight to Conservative Group, two to Independent Group)

(ix) that the resulting revised Committee Membership be confirmed for the remainder of the current municipal year:

- Councillor Mrs N G F Shaughnessy be appointed to the Community Services Committee
- Councillor M S Heard moves from the Community Services Committee to the Planning and Licensing Committee
- Councillor Miss M R Lewis reverts to an ex-officio non-voting member of the Planning and Licensing Committee
-

834. MALDON DISTRICT GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT 2016

In accordance with their earlier declarations, Councillors R P F Dewick, M W Helm and Miss S White left the meeting at this point.

The Council considered the urgent report of the Chief Executive presenting for endorsement as part of the evidence base for the Local Development Plan (LDP) the 2016 Maldon District Gypsy and Traveller Accommodation Assessment (GTAA) 2016 (appendix 1 to the report).

It was noted that this urgent report had been brought forward for urgent consideration as endorsement of the GTAA as part of the LDP evidence base was required before the submission deadline for the Hearing Statements on 21 December 2016.

The report provided detailed background information including how at the Examination Hearing into the LDP in early 2015 the Inspector had found that the Council's Policy H6 Provision for Travellers to be unsound, in part because it was based on the 2009 GTAA. The Planning Policy Manager advised Members of the work undertaken since then, including the appointment of an external body to undertake a review of the requirements across the whole of Essex.

In response to a question regarding a recent appeal decision approving an additional two pitches at a site in the District, the Planning Policy Manager outlined how this would affect the Council's requirement in respect of Gypsy and Travellers.

Councillor A S Fluker commended the Planning Policy Manager and his team on their work in getting the report to the Council in such a timely manner. He then proposed that the recommendations set out in the report be agreed. This was duly seconded and upon a vote being taken was agreed.

RESOLVED

- (i) that the Council endorses the 2016 Maldon District Gypsy and Traveller Accommodation Assessment as part of the Local Development Plan evidence base;
- (ii) that the Chief Executive be authorised, in consultation with the Chairman of the Planning and Licensing Committee and the Leader of the Council, to revise the Local Development Plan (LDP) policy H6 Provision for Travellers and to present it to the Inspector for consideration for inclusion as a modification to the LDP at the Examination in Public.

Councillors R P F Dewick, M W Helm and Miss S White rejoined the meeting at this point.

835. SUPPLEMENTARY ESTIMATE - ST. CEDDS HOUSE AND CAR PARK PROJECT

The Council considered the urgent report of the Interim Director of Resources reporting a shortfall in the budget for the St. Cedds House and Car Park Project. The report also sought Members' approval for a supplementary estimate of £39,000 for the capital project, of which £10,000 related to a contingency sum allowed for within the contract.

It was noted that this matter had been brought for urgent consideration as a decision was required on this matter prior to the next meeting of the Finance and Corporate Services Committee on account of the imminent completion of the contract and therefore the final accounts, once agreed, would require settlement.

The report provided detailed information regarding the project, including the current budget shortfall, project costs and contingency provision. Members were advised that the Interim Director of Resources would be submitting a further report on the project to a future meeting of the Finance and Corporate Services Committee.

A number of comments were made regarding management of the Council's contracts with some Members expressing the need for the Council to employ a dedicated contracts manager.

In response to further questions the Chief Executive and Leader of the Council advised when they had been made aware of the overspend relating to this contract.

RESOLVED

- (i) that the reasons for the requirement to seek a supplementary estimate for this capital project be noted;

- (ii) that in order for the Council to meet its contractual obligation, for the capital project for the relocation of the tenants from the former St. Cedds House to the Council Offices building, demolition of St. Cedds House and the formation of the car park of a supplementary estimate £39,000 which includes a contingency sum of £10,000 be approved. In approving this recommendation the Council will also be approving the use of the Department for Work and Pensions grant monies for meeting the cost of any contingency items;
- (iii) that a report be submitted to the Finance and Corporate Services Committee on 31 January 2017 on the reasons and the analysis leading up to the need to seek this approval.

Prior to closing the meeting, the Chairman invited all present to join him for refreshments after the meeting and wished everyone a very Happy Christmas.

There being no further items of business the Chairman closed the meeting at 9.05 pm.

P G L ELLIOTT
CHAIRMAN