



**MINUTES of
COUNCIL (ORDINARY)
5 APRIL 2017**

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, 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, Miss M R Lewis, R Pratt, CC, N R Pudney, S J Savage, Mrs N G F Shaughnessy, Rev. A E J Shrimpton, A K M St. Joseph, Mrs M E Thompson and Miss S White
Ex-Officio Non- Voting Member	

1148. CHAIRMAN'S NOTICES

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

1149. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J P F Archer, A T Cain, M W Helm, J V Keyes, M R Pearlman and D M Sismey.

1150. MINUTES OF LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Council held on 16 February 2017 be received.

Minute 998 – Support for the Vulnerable Persons Resettlement Programme

The Leader of the Council advised that recommendation (ii) as set out in the Minutes did not form part of the discussion. She requested that it therefore be deleted and this was duly agreed.

RESOLVED

- (ii) that subject to the above amendment, the Minutes of the meeting of the Council held on 16 February 2017 be confirmed.

1151. DECLARATIONS OF INTEREST

Councillor Mrs P A Channer declared a non-pecuniary interest as an Essex County Councillor, specifically in relation to Agenda Item 9 - Progress on the Vulnerable Persons Resettlement Programme.

Councillor Rev. A E J Shrimpton declared an interest in Agenda Item 9 Progress on the Vulnerable Persons Resettlement Programme as he was a member of one of the churches.

1152. 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 five questions from Ms Judy Lea and four questions from Geoffrey Vale 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.

Ms Lea was not in attendance to read out her questions (one to five) as set out below.

"In the light of the recent Central Planning Committee decision to approve number plate recognition cameras and notice in support of Tesco's intention to limit public parking on their site in Maldon, can the Council please confirm:

Questions One

That the Council recognises that the unlimited public use, at no apparent or proven detriment to Tescos, has for many years brought people to Maldon and increased footfall on the High Street?

Response:

The Council does not have any specific data to support this, but it is recognised that that visitors make use of the car park whilst they walk to local attractions such as local play sites and potentially the High Street.

Question two:

That the Council will remain steadfast in fully protecting the park and ride and free parking on the site, in full accordance with the relevant S106 agreements?

Response:

The original Section 106 (S106) Legal Agreement and its subsequent modifications required that the car park for the retail store provided fifty (50) public spaces free of charge for up to 4 hours use to enable customers to visit the high street and other places by way of the park and ride facility from the site. Charging for the remainder of the car park was under the jurisdiction of the applicant (Tesco). The fact that Tesco has chosen to not enforce parking restrictions of any kind has led to the public perception that no

parking restrictions were in place or enforceable and that unlimited public use is available throughout the day.

The S106 legal agreement and its modifications would be required to be amended should the retail store wish to apply a blanket charge for parking after a three (3) hour period. In relation to the recent applications, the applicant and their agent have been fully apprised of the situation and supplied with all copies of the relevant Decision Notices and the associated S106 documents. They have also been advised that whilst permission has been granted for the siting of the Automatic Number Plate Recognition (ANPR) cameras and one associated advertisement sign board, they cannot be utilised in association with parking charges until such time as the existing legal agreement is either amended or complied with.

Question three:

What potential for public involvement there will be in any attempt by Tesco's to make legal amendments to the S106 agreements?

Response:

An application for a formal modification of the section 106 agreement would need to be reported to committee for formal determination. Public speaking rules would apply.

Question four:

That with the current and intended expansion of Maldon town, there is an urgent need for a holistic public car parking and public transport strategy for the central area to be formally and specifically prepared in conjunction with business and community interests and the Town council?

Response:

The draft Maldon and Heybridge Central Area Masterplan sets out the approach to transport and car parking management and considers the traffic and car parking management measures as a key objective to support the success of the Central Area. The movement and connections framework specifically focusses on improvements to parking management through a parking strategy, utilising the existing park and ride (Tesco bus) and park and ride connections via parking in Promenade Park. Projects that will be delivered as part of the Central Area Master Plan's Action Plan work alongside existing public transport arrangements and include new pedestrian and cycle routes to better access the town centre and public realm and highway improvements to access car parking. Phasing of the delivery plan will be considered on completion of the public consultation and final endorsement of the plan.

Question five:

That if approved within the Central Area Plan currently under discussion, the Council will make financial provision in the next budget round in support of the proposal for an additional park and ride facility at or near the recycling depot?"

Response:

This will be linked to the projects mentioned above in 4 to be delivered as part of the Central Area Master Plan Action Plan. Phasing of the delivery plan will be considered on completion of the public consultation and final endorsement of the plan.

Mr Vale was in attendance at the meeting and read out his questions.

Question six:

One family is a drop in the ocean of the millions displaced by war in the Middle East. We can't do everything, but the logic (not to mention national honour) is for us to at least do what we can. It may be a mere token, but tokens count. An enormous amount of work has gone into putting us on track to be in a position to rescue and provide a home for one Syrian family under the government's Vulnerable Persons Resettlement Programme. The community here in Maldon, including the District's churches, have taken the lead in seeing that what can be done, is done. Will you add your leadership to that?

Response:

The District Council has been proactive in working with the Church and voluntary sector representatives to help meet this need and will continue to do so. The matter to be debated tonight is whether the Council is prepared to make a formal conditional offer to the Home Office that it is prepared to provide a home for a family. This will be a trigger for Home Office to match a family to our area and will furnish the Council with information on the financial cost to be borne in the event the rental costs are not fully covered by housing benefit.

Question seven:

The Maldon Response Group have pledged to raise the finances MDC cannot manage and we are absolutely confident that can be done. We had a week's notice of your Full Council meeting to consider approval of a formal offer of accommodation to the Home Office, and within three days (at the time of preparing these questions) more than £2,000 has already been received as token to ongoing larger support, forthcoming if reception of a family is assured. The offer of a home and funding and service provision can at present be extended beyond 2years to 5years if necessary. As with the Vietnamese boat family that your Council accepted some years ago, such families become a real asset to this country in a surprisingly short time.

Whilst pursuing the aim outlined in your chief executive's report of "seeking to mitigate risk (the level of cost) through the matching of families that are less likely to be affected by any housing benefit restrictions", will you accept that, whatever the shortfall, it can be met by public subscription?

Response:

The Council at its meeting on 16 February 2017 pledged a non-financial interest and support for the Syrian Vulnerable Persons and wider Vulnerable Children's Resettlement Schemes as well as the National Asylum Dispersal Scheme and it agreed to take a leadership role and continue to work with churches and other interested parties to investigate other sources of funding and the potential for a crowd funding initiative

Question eight:

Are you aware that the Home Office fund the cost, in our case via Essex County, of a Service Provider to ensure competent organization of the practical arrangements for meeting the family off the chartered flight, their resettlement and ongoing support? Colchester Borough Council voted unanimously, across the political spectrum, to receive 11 families within Colchester LA area and the first family arrived in 2015; the whole process there has been handled competently and, in terms of community relations, with great success.

Response:

Yes we are aware of this.

Question nine:

There now appears to be no obstacle and no good reason for refusing to agree to a family being rescued from their plight and resettled in Maldon. We are aware that the Home Office will not proceed without agreement of Maldon District Councillors. Will you please signal your agreement to the Home office so that matters can proceed and we the community can act?

Response:

This question will be the subject of debate tonight.

1153. 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.

24/02/2017	Maldon District Council Chairman's Business Awards
26/02/2017	Royal National Lifeboat Institute Sherry Morning
03/03/2017	Mayor of Thurrock's Blue Light Ball
03/03/2017	Burnham-on-Crouch Civic Reception (<i>Vice-Chairman</i>)
05/03/2017	Essex County Council Civic Service
07/03/2017	Waltham Forest Charity Dinner
08/03/2017	First Give Judging Panel, Ormiston Rivers Academy
17/03/2017	Mayor of Southend Civic Dinner (<i>Vice-Chairman</i>)
18/03/2017	Rochford Chairman's Annual Civic Dinner
19/03/2017	Forest Philharmonic Waltham Forest Charity Event
02/04/2017	Commissioning of new Area Dean for the Maldon and Dengie Deanery

1154. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6 (3) OF WHICH NOTICE HAS BEEN GIVEN

There were none.

In response to a request to consider Agenda Item 9 – Update on the Vulnerable Persons Resettlement Programme next, the Chairman advised that an external Officer would be attending the meeting to provide further information regarding this matter but had not yet arrived.

1155. RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL

(a) REPORT OF THE CHIEF EXECUTIVE

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

Joint Standards Committee (23 February 2017):

Minute 1019 – Constitutional and Operating Arrangements for the Joint Standards Committee

Members discussed the proposed changes to the constitutional and operational arrangements of the Joint Standards Committee and a number of concerns were raised.

In response to a question regarding whether a person being investigated could request the matter be dealt with in a public session, the Deputy Monitoring Officer advised that this was not a straightforward matter and suggested he provide a written response to Members outside of the meeting. This was noted.

Councillor A S Fluker raised concern regarding the proposed response to hearings within 28 days. He felt this period of time could cause further stresses to persons involved. Councillor Fluker proposed that the proposed changes be sent to the Corporate Governance Working Group for them to review. This proposal was duly seconded. Some concern was raised regarding the appropriateness of sending the work done by a Committee to a Working Group.

In response to the proposal, Councillor Mrs M E Thompson, Chairman of the Joint Standards Committee, advised that her understanding was that notification of whether an investigation was to proceed or not would be provided to the relevant person within five days of the Committee taking place. She felt that reviewing the proposed changes should be a Standards matter and dealt with by that Committee in open session to which all Members would be invited.

In light of the discussion, Councillor Fluker withdrew his earlier proposition and proposed that the matter be referred back to the Joint Standards Committee for further review.

Further debate ensued and in response to comments made regarding a recent matter considered by the Committee Councillor Mrs Thompson provided further clarification. It was agreed that the Committee's recommendation be not accepted and the revisions to the constitutional and operating arrangements of the Joint Standards Committee be referred back to the Committee for further review.

RESOLVED

- (i) that the revisions to the constitutional and operating arrangements of the Joint Standards Committee not be agreed but referred back to the Committee for further review.

Community Services Committee (28 February 2017):

Minute 1036 – Project Update – Maldon Health Hub

RESOLVED

- (ii) that the Community Hospital Working Group is dissolved.
- (iii) that a standing item be included on the Community Services Agenda on the Maldon Health Hub Project.

Minute 1038 – Community Led Housing Programme

In response to a question, Councillor R Pratt, Chairman of the Community Services Committee, advised that the seminar referred to in recommendation (ii) of the report had already taken place, but he was unable to provide a reasoning as to why it had pre-empted this recommendation. The Leader of the Council provided Members with further information and requested that the presentation received at the seminar be given to the newly formed Strategic Housing Group and an invitation to this be extended to all Members of the Council.

RESOLVED

- (iv) that the draft programme for the Council's Community Led Housing (CLH) as detailed in Appendix 3 to the Minutes of the Community Services Committee, be approved;
- (v) that it be noted a seminar had been held for community groups to promote the concept of CLH and consult on the Council's draft programme;
- (vi) that the Strategic Housing Group receives the presentation to promote the concept of CLH given at the recent seminar for community groups and an invitation to this be extended to all Members of the Council.

Minute 1041 – Burnham Sailing Club Lease

RESOLVED

- (vii) That the Council agrees to offer to the trustees of Burnham-on-Crouch Sailing Club a new 21 year lease with 10 and 15 year break clauses with 12 months' notice of determination on either side, with a rent review every five years and subject to annual RPI increases.

Planning and Licensing Committee (2 March 2017):

Minute 1050 – Economic Development Update

In response to a question regarding reference to the type of support referred to in the recommendation, Councillor A K M St Joseph, Vice-Chairman of the Planning and Licensing Committee (in the chair for this meeting), advised that this was considered to relate to writing a letter or support to other institutions. He confirmed that it was non-financial support.

RESOLVED

- (viii) That the Council provides, in principle, support to the heritage marine foundation's maritime apprenticeship project, subject to all necessary planning and environmental requirements being met.

Finance and Corporate Services Committee (2 March 2017):

Minute 1080 – Pay Policy Statement

RESOLVED

- (ix) That the pay policy statement attached as Appendix 4 to the Minutes of the Finance and Corporate Services Committee is adopted for the financial year 2017 / 18.

Minute 1086 – Urgent Business: Planning Application Fees – An Offer from Government

RESOLVED

- (x) That the Government's offer to increase planning fees by 20% from July 2017 is accepted, with a commitment to invest this additional fee income directly into the planning service.

(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 Tuesday 28 March 2017 for which Minutes had been published.

1156. UPDATE ON THE VULNERABLE PERSONS RESETTLEMENT PROGRAMME

The Council considered the report of the Chief Executive providing Members with an update following a recent decision by this Council which pledged a non-financial interest and support for the Syrian Vulnerable Persons and wider Vulnerable Children's Resettlement Schemes as well as the National Asylum Dispersal Scheme. Members approval was also sought to a formal offer of accommodation to the Home Office so that work could start to plan for the next expected arrival of families to the East of England in Summer 2017.

A summary of the actions undertaken by Officers working with Essex County Council and other partners was set out in Appendix 1 to the report.

Members were introduced to Miss Louise Gooch from the East of England Strategic Partnership who was in attendance to provide technical details, if required.

The Leader of the Council presented the report and advised that the Council could pull out of any offer made at any point, but by making an offer it was showing a significant level of commitment. She proposed that the Council accepted the recommendations set out in the report.

During the discussion that followed Members expressed support to progress an offer of accommodation to a refugee family. Some concerns were raised regarding the number of persons in temporary accommodation and on the housing waiting lists in the District. The Leader of the Council confirmed that this proposal would have no effect on families on the current waiting list, and that there would be no financial cost to the Council as alternative funding was being pursued. This report sought the Council's approval to go ahead, make the offer and start the matching process.

In response to further comments, Miss Gooch provided the Council with details of the individual schemes and process for housing persons from such schemes.

RESOLVED

- (i) that Members note the progress made to date,
- (ii) that a formal offer of accommodation to the Home Office under either of the following, be approved
 - a. the Syrian Vulnerable Persons' Resettlement Scheme, or
 - b. the Wider Vulnerable Children's Resettlement Scheme (Refugee families from a wider area, including the Middle East and North Africa).

1157. ADJOURNMENT OF THE MEETING

The Chairman adjourned the meeting at 8:44pm to allow the members of the public in attendance to leave the meeting.

1158. RESUMPTION OF BUSINESS

RESOLVED that the meeting resumes in open session at 8:47pm.

1159. CORPORATE PLAN, KEY ACTIVITIES, INDICATORS AND TARGETS 2017 / 18

The Council considered the report of the Chief Executive seeking the Council's approval of the proposed Corporate Activities, Performance Indicators and Targets for 2017 / 18 and for their inclusion in the annual update to the Corporate Plan (2015 – 19) attached as Appendix 3 to the report.

The Leader of the Council in presenting the report thanked those Members who had assisted with the reworking and representation of the Corporate Plan. The Leader asked the Chief Executive to consider a minor change to Key Corporate Activity 2, following a strengthening communities meeting, adding isolation and listing old age and frailty separately and including isolation.”The key corporate activities proposed for 2017 / 18 were attached as Appendix 1 to the report and new activities were set out in the report along with those 2016 / 17 activities not being carried forward. Appendix 2 to the report set out the indicators / measures and proposed targets.

Councillor S J Savage declared a non-pecuniary interest in this item of business in relation to the activity ‘Promote and Support improved Broadband connectivity’ as he was able to have Fibre To The Cabinet (FTTC).

Councillor Mrs P A Channer declared a non-pecuniary interest in this item of business advising that when the matter had been previously considered she had withdrawn from the chamber at both meetings of the Council and Planning and Licensing Committee and did not take any part in discussions as she was Chairman of the Superfast Essex Programme Board. She then proceeded to leave the chamber at this point.

Councillor S J Savage referred to Broadband speed compensation thresholds and a website where Broadband speeds could be checked. He advised that he would circulate to all Members a link to this website (<http://www.ispreview.co.uk/index.php/2017/01/bt-wholesale-broadband-checker-adds-downstream-handback-threshold.html> Select "BT Wholesale Checker" and enter your phone No.).

In response to concern and a question regarding the proposed removal of the Key Corporate Activity (KCA) 'Promote and Support improved Broadband connectivity', the Chief Executive provided an update on the ongoing work and explained that this was something that Officers were not directly working on which was why it was proposed not to be included. She agreed it was incredibly important and advised if it would reassure Members to continue to have it as a KCA and getting regular reports it could be left in.

Further concerns were raised regarding the current mobile phone coverage levels throughout the District and ensuring the Council was making use of future funding opportunities for further improvements.

It was agreed that 'Promote and Support improved Broadband connectivity' would continue to be a KCA.

Councillor Mrs Channer re-joined the meeting at this point.

In response to a question regarding delivering the Council's goal 'Strengthening Communities to be safe, active and healthy', the Chief Executive advised that having been party to recent discussions at the Strengthening Communities Group, the Council needed to understand what it and communities could do to influence communities and this may involve better communication, Members working with their communities etc. It was noted that the Strengthening Communities Group were pulling together a matrix of opportunities.

A debate ensued and in response to a number of questions the following information was provided:

- The Director of Customers and Community advised that in respect of assistance for the frail / elderly population of the District the Council was looking to signpost and identify local needs with partners and then influence partnership to match up to the local needs. Adult Social Care was means tested and in April further changes had come in requiring higher contributions.
- Although the Appendix referred to the Sickness Absence Management Policy, Officers were in the process of implementing the recently agreed Attendance Management Policy.
- The Corporate Leadership Team sought to allocate the most appropriate Lead Officers in respect of specific KCAs and this may not necessarily be a Director.
- The Finance and Corporate Services Committee received regular reports on sickness absence and these provided a breakdown of both short and long term sickness.
- The Director of Customers and Community advised that the Community Services Committee at its next meeting would consider a report on waste services with proposals for changes which Officers believed would be beneficial and provide focus more on streets.

RESOLVED

- (i) that the 'Promote and Support improved Broadband connectivity' be included as a Key Corporate Activity for 2017 / 18;
- (ii) that subject to the addition detailed in (i) above, the proposed 2017 / 18 Key Corporate Activities as detailed in Appendix 1 to the report be approved;

- (iii) that the proposed 2017 / 18 indicators / measures and targets as detailed in Appendix 2 to the report be approved;
- (vi) that the 2017 / 18 Update of the Corporate Plan (2015 / 19) as set out in Appendix 3 to the report be approved and adopted.

1160. PROPOSED CHANGES TO MANAGEMENT REPORTING LINES

The Council considered the report of the Chief Executive seeking Members' approval of proposed changes to the reporting lines within the management structure and staffing resources within the Economic Development Team.

The Leader of the Council advised that following discussion with Members she wished to change the recommendations set out in the report. She referred to the Council's current situation with regards to Officers and recruitment into the posts of Director of Planning and Regulatory Services and Economic Development Officer. She proposed it was therefore more appropriate to review this report in six months once the new Council and Officers were in place. This was duly agreed.

RESOLVED that no changes to management reporting lines be agreed but they be reviewed in six months (October 2017).

1161. COMMITTEE STRUCTURE REVIEW

The Council considered the report of the Chief Executive presenting a report on the Committee Structure Review undertaken by BDO (attached as Appendix 2 to the report).

BDO had been commissioned to deliver a review of the Council's committee structure and the terms of reference for the review were attached as Appendix 1 to the report.

It was noted that both the BDO review and the recent Peer Review had concluded that there were changes which could be made to the Council's governance arrangements. The report sought approval to set up a Member and Senior Officer Task and Finish Working Group to plan for and manage future challenges and deliver the Council's corporate goals.

The Leader of the Council presented the report and commended recommendation (i) as set out in the report. She advised that after careful consideration the majority of Members felt that recommendation (ii) was inappropriate and did not consider a Task and Finish Working Group the best means of delivery, but instead through a Member led activity in the first instance reporting back to the Council. The Leader proposed therefore that recommendation (i) be agreed and a Member led activity takes place to consider the recommendations set out in the report from BDO and report back to the Council in six months' time. This was duly agreed.

RESOLVED

- (i) that the Council considers and notes the report of BDO on the Committee Structure Review attached at Appendix 2 to the report;
- (ii) that a Member led activity take place to consider the recommendations set out in the report from BDO and report back to the Council in six months' time (October 2017).

1162. EXTERNAL AUDITOR APPOINTMENT - NEW ARRANGEMENTS

The Council considered the report of the Interim Director of Resources setting out options in relation to new arrangements for appointing the Council's Auditor, further to the Local Audit and Accountability Act 2014. It was noted that this report was considered by the Audit Committee on 8 December 2016 and recommended to the Council that option 3 be agreed.

The report outlined the arrangements that Local Authorities must now make regarding the appointment of External Auditors.

RESOLVED that Option 3, set out in the report of the options available to the Council for appointing an auditor for the 2018 / 19 accounts and beyond, that Maldon District Council opts into a "sector led body" scheme where specified "appointing person" status has been granted under the relevant Regulations, be agreed".

1163. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3) (M)

Councillor R Pratt asked the Leader of the Council if she could give the Council an update in resolving the situation involving the vessel Llys Helig which has capsized on the foreshore at Burnham-on-Crouch. The Leader gave a detailed response attached at **APPENDIX 1** to these Minutes. She concluded that after collating further information and seeking clarification on the legal position the next step would be to take a report to the Community Services Committee and Finance and Corporate Services Committee with a range of options for a decision as soon as practically possible.

Councillor R G Boyce asked the Leader of the Council if she would agree that the proposal just made was going to take a length of time and that this situation could potentially cost the District Council tens of thousands of pounds to dispose of the ship. Therefore, he asked if she agreed it would have been better if the Council had a proposal before it tonight to authorise, if necessary, the spending of money because the longer the Llys Helig sits there the longer it would take to dispose of. In response, the Leader of the Council agreed this would have been beneficial, but the Council had strong legal advice that it was not as clear cut as it first thought. Officers have a clear view of the situation and it was being monitored. Three courses of action were being pursued with a view to bringing it forward. If there was an urgent need the Director of Customers and Community would arrange for an emergency meeting to deal with matters. The Leader advised that she was confident that whatever can be done is being done at the moment. The Director of Customers and Community reported that the River Baliff had taken immediate action and was working alongside the Harbour Authority on this matter. He advised that he would be looking to discuss the matter with the Director of Resources who started the following day and bring forward a number of options to the relevant programme Committees.

Councillor B S Beale asked the Leader of the Council if she had a further update regarding the National Health Authority event in London concerning its strategy and it was important that the Council should have attendance and table as many questions to assist getting the needs of this Authority answered. The Leader of the Council advised that her Personal Assistant was pursuing concessionary places so that the Council could send two persons, one of which would be Councillor Beale and she would pursue the matter the following day.

Councillor M S Heard asked if the contract with Essex Police to take over space in the Council offices had been signed. In response, the Leader of the Council advised that it was signed on Friday 31 March 2017.

Councillor A S Fluker asked the Leader of the Council if steps were being taken to ensure that all properties on the Council's foreshores were properly insured. He felt sure an incident like the one in Burnham-on-Crouch would happen again given the conditions of some of the vessels. Councillor Fluker advised that he was happy to get a written reply to be emailed to all Members. The Leader of the Council advised that she had spoken to Director of Customers and Community to seek the position with regards to salvage insurance or consequential insurance on boat owners and was awaiting an update. The Director of Customers and Community reported that he had requested that a piece of work on this be undertaken as soon as possible and on a risk basis. He agreed to respond to Members in writing.

The Late Mrs Beryl Board

In tribute to the late Mrs Beryl Board who had been a District Councillor between 1974 and 1979 the Chairman of the Council asked all present stand for one minute in silent tribute to her memory.

Appendix 1

There being no further items of business the Chairman closed the meeting at 9.50 pm.

H M BASS
P G L ELLIOTT
CHAIRMAN

This page is intentionally left blank

**COUNCIL
5 APRIL 2017**

QUESTIONS TO THE LEADER

Question

Can the Leader give Council an update in resolving the situation involving the vessel Llys Helig which has capsized on the foreshore at Burnham on Crouch?

1. RESPONSE

- 1.1 The Council owns a small section of foreshore and riverbed in Burnham on Crouch. The area has historically been licensed to individuals for the repair and maintenance of vessels. Since at least 1999 the berth has been occupied by a large motor vessel Llys Helig. Ownership of Llys Helig has changed during the period that she has been moored at the location.
- 1.2 It is believed that in 2015 the ownership of the vessel changed to the current owner Officers approached the owners to establish a new license agreement with the Council. Included within this agreement all necessary insurances would have been requested but the owner has not responded to communications from the Council and letters sent recorded delivery to him have all been returned.
- 1.3 In March of this year and after a period of strong winds the vessel moved onto a mud bank next to its normal mooring. As the tide receded the boat listed heavily and eventually rolled over into the hole in the mud that the boat would normally rest in.
- 1.4 Officers were made aware of the situation by the Crouch Harbour Authority on the 6 March and the two organisations have worked together to minimise the risk of the contents of the Llys Helig from escaping and causing visual pollution. The craft does not have engines and therefore the risk of oil based pollution is minimal, however there are a large number of household items that have now been contained to prevent their spreading onto the surrounding mud.
- 1.5 Since the incident Officers from the Council and Crouch Harbour Authority have made numerous attempts to make contact with the owner of Llys Helig and a meeting was arranged for last week. The owner did not attend and although the individual has been contacted by telephone and email, he claims not to have a forwarding address.
- 1.6 Officers have started investigating potential resolutions to the issue presented that do not expose the Council to significant financial expenditure. The situation is not simple and the legal implications of acting need to be understood before any decision is made to recover sell or dispose of the vessel. The Council may not have legal power to take control of the vessel however the Crouch Harbour Authority do have stronger powers and may instruct the Council to take action as land owners.
- 1.7 Officers have been informally approached by two third parties that have expressed an interest in helping resolve the problem by salvaging the craft without the Council paying any costs.

- 1.8 Estimates are also being sought from contractors within and outside the local area to establish whether they are able to provide a cost effective salvage operation. An alternative may be to cut the vessel up and dispose of it in situ.
- 1.9 The legal position around this case is not simple and officers are still awaiting clear legal advice. There is some urgency associated with the case, in that the longer vessel rests on its side the more challenging and expensive the recovery operation could become.

2. CONCLUSION

- 2.1 The capsized Llys Helig rests on land owned by the Council but is the owner's responsibility to recover the vessel and make it safe. The current owner has not provided assurances that he is either able or willing to accept his responsibility.
- 2.2 After collating further information and seeking clarification on the legal position the next step will be to take a report to Community Services Committee and Finance and Corporate Services committee with a range of options for a decision as soon as practically possible.

Background Papers: None

Enquiries to: Ben Brown, Group Manager, Leisure, Countryside and Tourism. Telephone 01621 876210