



**MINUTES of  
COUNCIL  
21 DECEMBER 2017**

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**PRESENT**

Chairman                      Councillor H M Bass

Vice-Chairman              Councillor N R Pudney

Councillors                  Mrs B F Acevedo, E L Bamford, B S Beale MBE,  
R G Boyce MBE, Mrs P A Channer, CC, R P F Dewick,  
M F L Durham, CC, Mrs H E Elliott, P G L Elliott,  
A S Fluker, Mrs B D Harker, B E Harker, M S Heard,  
M W Helm, M R Pearlman, S J Savage,  
Mrs N G F Shaughnessy, Rev. A E J Shrimpton, D M Sismey,  
A K M St. Joseph and Mrs M E Thompson

**688. CHAIRMAN'S NOTICES**

The Chairman referred to the notices printed on the agenda.

**689. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J P F Archer, Miss A M Beale, I E Dobson, J M Keyes, Miss M R Lewis, R Pratt and Miss S White.

**690. MINUTES - 2 NOVEMBER 2017**

**RESOLVED**

- (i) That the Minutes of the meeting of the Council held on 2 November 2017 be received.

**Minute 539 – Petition to Reinstate the Marine Lake, Promenade Park, Maldon**

Councillor R G Boyce raised the following amendments to this Minute which were agreed.

- Page 436 fourth paragraph – “Councillor R G Boyce advised the Council *that if the motion on the floor was not supported he* wished to move another motion to the recommendations in the report...”
- Page 437 “Councillor R G Boyce *referred to the recommendations set out in the report and* proposed that the Council *agree the alternative action and* not take the action requested by the Petition (to reinstate Maldon Prom Swimming Lake and Paddle Boats) for the following reasons”

### **Minute 545 – Llys Helig Update**

In response to a query it was noted that a report would be brought to a future meeting of the Council.

### **RESOLVED**

- (ii) That subject to the above amendments, the Minutes of the Council held on 2 November 2017, be adopted.

## **691. DECLARATIONS OF INTEREST**

Councillor D M Sismey declared a prejudicial interest in the recommendation regarding Treasury Management on Agenda Item 7 – Recommendations of Committees for Decision by the Council as he was an employee of Goldman Sachs.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council and any matters in the reports that relate to that Authority, highlighting Agenda Item 9 – The Maldon District Design Guide.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council and any matter pertaining to that organisation.

## **692. PUBLIC QUESTIONS**

There were none.

## **693. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman thanked everyone who had attended the Chairman's Civic Carol Service in Southminster and advised that he had attended a number of events which are detailed below.

The Chairman wished everyone a happy Christmas and enjoyable new year and invited those present to join him for light refreshments after the meeting.

06/11/2017	Girl guiding Essex and Jack Petchey Foundation Award evening
06/11/2017	Funeral of the Chief Executive of Chelmsford City Council and former Chief Executive of Maldon District Council, Steve Packham
06/11/2017	Jack Petchey Foundation and Girl Guiding Essex - Awards Presentation
07/11/2017	Tolleshunt D'Arcy St Nicholas School, meeting The Rt. Rev. Stephen Cottrell
07/11/2017	Conservation and Design Awards
09/11/2017	Unveiling of Saltmarsh Hub
12/11/2017	Remembrance Sunday Services, Maldon, Wickham Bishops, Burnham-on-Crouch, Stow Maries

14/11/2017	Grand Opening of the New Barge Tea Rooms ( <i>Vice-Chairman</i> )
16/11/2017	Essex Police Rural Crime Strategy Launch
16/11/2017	Small Business Saturday Bus Tour ( <i>Vice-Chairman</i> )
17/11/2017	Funeral of former Maldon District Councillor, David Fisher OBE, JP
22/11/2017	Launch of Patrick Chaplin's Book - Going with the Flow
23/11/2017	Visit to Wickham Engineering, Tollesbury
23/11/2017	Visit to Crowne Plaza Hotel and Spa, Tolleshunt Knights
27/11/2017	Trucam Launch
02/12/2017	Maldon District Council (MDC) Annual Day of Dedication at Maldon Cemetery
07/12/2017	Visit to Morley Skips, Tolleshunt Knights
07/12/2017	Visit to the Secret Hamper, Tolleshunt Major
08/12/2017	MDC Chairman's Civic Carol Service
13/12/2017	Visit to Community Policing Team
13/12/2017	Visit to Maldon Ambulance Station
14/12/2017	Visit to St Peter's Hospital
14/12/2017	Visit to Burnham-on-Crouch Fire Station
14/12/2017	Visit to the Royal National Lifeboat Institute, Burnham-on-Crouch
15/12/2017	Visit to the Museum of Power
17/12/2017	Burnham-on-Crouch Town Council Civic Carol Service ( <i>Vice-Chairman</i> )
18/12/2017	Delivery of Food Pantry Donations
18/12/2017	Visit to Maldon Fire Station

## **694. RECOMMENDATION 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.

The Chairman drew Members' attention to an addendum which had been circulated prior to the meeting.

## **Planning and Licensing Committee – 16 November 2017**

### Minute 590 - Taxi and Private Hire Criminal Convictions Policy, Licensing Conditions and Scheme of Delegation

Councillor Mrs P A Channer, Chairman of the Planning and Licensing Committee advised that in response to the last paragraph of this Minute, discussions between herself, the Council's Legal Advisor and Environmental Health Officer had taken place and appropriate wording agreed. She explained that in respect of the policy and conditions the Chief Executive in consultation with legal and herself would ensure that they were appropriately worded particularly in relation to the phrase 'reasonable period' along with cross referencing where necessary.

#### **RESOLVED**

- (i) that the policy for the taxi and private hire trade in relation to the suitability of new applicants and current licence holders with criminal convictions be endorsed;
- (ii) that the licensing conditions and scheme of delegation be updated and changed to reflect the policy.

### Minute 591 – Taxi and Private Hire Medical Exemption Policy

#### **RESOLVED**

- (iii) that the policy for the exemption of taxi and private hire drivers from the duties placed upon them by the Equality Act 2010 be endorsed;
- (iv) that the amendments to the taxi and private hire licensing conditions (as detailed below) be agreed.

'The driver shall carry a disabled person's dog (e.g. guide or hearing dogs) and allow it to remain with that person or, if a driver of a designated wheelchair accessible vehicle, wheelchair passengers, at no additional cost, as specified in sections 165 and 168 of the Equality Act 2010, unless exempted by the Council on medical grounds.'

### Minute 594 – Brownfield Land Register

#### **RESOLVED**

- (v) That the publication of the Brownfield Land Register on the Council's website be approved.

### Minute 597 – Code of Good Practice and Guidance on the Conduct of Planning Matters

An addendum circulated at the meeting detailed a revision to recommendation (ii) which was agreed.

## **RESOLVED**

- (vi) that the Code of Practice and Guidance on the Conduct of Planning Matters be endorsed and adopted as an annexe to the Constitution;
- (vii) that the changes to constitutional arrangements as set out below, be agreed.

### Procedure Rule 13 – Voting

Add to (1) – If a Member has not been present at the meeting for the whole of the consideration of a planning application or related matter, or has not undergone fundamental induction training once such a programme has been introduced he/she shall not vote on the matter.

### Minute 588 – Councillor Engagement in Pre-Application Discussions and Local Development Plan Discussions (Developer Meetings)

An addendum circulated at the meeting advised that this Minute, although shown as a resolved, should be a recommendation to the Council and Members were therefore being asked to consider it tonight.

In response to a question regarding the number of strategically important major development criteria for residential dwellings, Councillor Mrs Channer advised that she would clarify this figure and advise Members accordingly outside of the meeting.

## **RESOLVED**

- (viii) That the Councillor Engagement in Pre-Application Discussions and Local Development Plan Discussions (Developer meetings) be amended as set out in Appendix B to the addendum.

## **Finance and Corporate Services Committee – 28 November 2017**

Councillor D M Sismey, Chairman of the Finance and Corporate Services Committee reported that budget proposals were a resolution of the Committee at its last meeting and that proposals regarding capital would be brought back to a future meeting of the Committee.

### Minute 638 – Discretionary Rate Relief Scheme and Approval of Annual Rural Settlement List

## **RESOLVED**

- (ix) that the proposed Discretionary Non Domestic Rate Relief Scheme be approved.

#### Minute 639 – Local Council Tax Support Scheme 2018 / 19

##### **RESOLVED**

- (x) 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 (LCTS) for 2018 / 19 for Pensioners only;
- (xi) that any legislative changes being introduced to the Housing Benefit Scheme for 2018 / 19 are mirrored in the Councils LCTS scheme to ensure consistency;
- (xii) that a disregard of low value income changes notified electronically by the Department of Work and Pensions be allowed for;
- (xiii) 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.

#### Minute 640 – Annual Review of Financial Regulations

It was noted from the Addendum to the report that there was a minor amendment to the Minute extract detailed.

In response to a question regarding the time limit of previous debts Members were advised that this would be in perpetuity.

##### **RESOLVED**

- (xiv) that subject to the above amendment, the Financial Regulations be approved.

#### Minute 642 – Replacement Commissioning and Procurement Strategy and contract Procedure Rules

##### **RESOLVED**

- (xv) That the updated Commissioning and Procurement Strategy and Contract Procedure Rules be agreed.

#### Minute 648 – Council Tax Base 2018 / 19

##### **RESOLVED**

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 2018 / 19 shall be set at 24,193.2.

In accordance with his earlier declaration, Councillor Sismey left the chamber at this point.

Councillor A S Fluker presented the following recommendation of the Finance and Corporate Services Committee to the Council.

**RESOLVED**

- (xvi) that the proposed amendment to the Treasury Management Strategy 2017 / 18 relating to Prudential Indicators for an Operational Boundary for External debt and an Authorised limit for External debt, be approved;
- (xvii) that the proposed amendments in relation to investment strategy be approved.

Councillor Sismey returned to the chamber at this point.

**(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 13 December 2017 for which Minutes had been published.

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

There were none.

**696. MALDON DISTRICT DESIGN GUIDE - ADOPTION AS SUPPLEMENTARY PLANNING DOCUMENT**

The Council considered the report of the Chief Executive presenting the Maldon District Design Guide (MDDG) for adoption as a Supplementary Planning Document. It was noted that the final MDDG was available as a background paper to the report and Appendix 1 detailed the amendments and additional considered by the Planning and Licensing Committee at its meeting on 14 September 2017.

**RESOLVED** that the Maldon District Design Guide be adopted as a Supplementary Planning Document (SPD) to supplement Policy D1 Design Quality and Built Environment of the Local Development Plan (LDP).

**697. COMMITTEE STRUCTURE REVIEW - PROPOSED CONSEQUENTIAL CONSTITUTIONAL CHANGES**

The Council considered the report of the Chief Executive seeking approval of a proposed consequential change to the Council's constitutional documentation as a result of a decision taken by the Council at its last meeting.

It was noted that the decision to discontinue the Parish Trigger and replace it with a revised Member call-in facility impacted on the Terms of Reference of the Area Planning Committees and Appendix A to the report set out the proposed consequential changes.

In response to a question regarding a dedicated email address for Members call-in, the Leader of the Council advised that he would look into this.

**RESOLVED** that the proposed change to the Terms of Reference of the Area Planning Committees, be approved.

#### **698. INVESTIGATING AND DISCIPLINARY PANEL**

The Council considered the report of the Chief Executive seeking Members' approval of a revision to the constitutional arrangements for the Investigating and Disciplinary Panel in terms of its actual membership.

The report provided background information regarding the panel and its introduction following a recent change in the law. The report sought a pool of Members (politically balanced) to serve on the panel, when required.

#### **RESOLVED**

- (i) That the update be noted and endorsed;
- (i) that the following pool of Members be appointed to the Investigating and Disciplinary Panel:
  - Councillors E L Bamford, B S Beale MBE, R G Boyce MBE, Mrs P A Channer CC, P G L Elliott, Mrs B D Harker, M W Helm, N R Pudney, D M Sismey and A K M St. Joseph
- (ii) that the following Independent Persons be invited to serve on the Investigating and Disciplinary Panel:
  - Mr N Hodson and Mr S Anthony
  - Reserve – Ms C Gosling

#### **699. SCHEDULE OF MEETINGS 2018 / 19**

The Council considered the report of the Director of Resources presenting for approval the Schedule of Meetings for 2018 / 19 (attached as Appendix 1 to the report).

**RESOLVED** that the Schedule of Meetings for 2018 / 19 be approved.

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

There were none.



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

Councillor R P F Dewick proposed that under Procedure Rule 5(15) that procedure rules be suspended in order to discuss how future Minutes of Committee meetings were presented to the Council such as in Agenda Item 7. This proposal was duly seconded and agreed.

**RESOLVED** that procedure rules be suspended.

**702. RECEIPT OF COMMITTEE MINUTES BY THE COUNCIL**

Councillor R P F Dewick explained that in relation to the presentation of Committee Minutes to the Council, there appeared to be a significant amount of confusion and he did not think that the current way of presenting the Minutes worked.

Councillor Dewick proposed that the Council return to the original (Minute book) system of presenting Committee Minutes to the Council, a simpler and easier system. He suggested that an alternative way of presenting such Minutes could be investigated but in the meantime the Council should return to the original system. This proposal was duly seconded by Councillor B E Harker who suggested that this apply to just the three programme Committees and Audit Committee. Councillor Dewick agreed to amend his proposition accordingly.

Members debated the proposition and there was some discussion regarding paperless working and having a Working Group to look at alternative ways of presenting Minutes to the Council.

The Chairman put the proposal in the name of Councillor Dewick which upon a vote being taken was agreed.

**RESOLVED** that presentation of Committee Minutes return to the old Minute Book format but only Minutes from the Audit, Community Services, Finance & Corporate Services and Planning & Licensing Committees will be included in the Minute Book.

There being no further items of business the Chairman closed the meeting at 8.10 pm.

H M BASS  
CHAIRMAN