



**MINUTES of  
COUNCIL  
28 JUNE 2018**

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**PRESENT**

Chairman	Councillor 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, 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, M W Helm, J V Keyes, R Pratt, CC, S J Savage, Rev. A E J Shrimpton, D M Sismey, A K M St. Joseph, Mrs M E Thompson and Miss S White

**218. CHAIRMAN'S NOTICES**

The Chairman referred to the notices printed on the agenda.

**219. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A T Cain, I E Dobson, M S Heard, Miss M R Lewis, M R Pearlman, N R Pudney and Mrs N G F Shaughnessy.

**220. DECLARATION OF INTEREST**

Councillor R G Boyce disclosed an interest in Agenda Item 15 – Anglian Ruskin University's Build Factory: Proposal for Adoption as a Corporate Project to Support Community Led Housing as he is a Member of the Henry Gilder Almshouse Charity.

Councillor R Pratt disclosed non-pecuniary interests as a Member of Essex County Council and Agenda Item 15 as he is a trustee of an Almshouse Trust.

Councillor S J Savage disclosed a non-pecuniary interest in Agenda Item 15 as he is a trustee of a housing trust.

Councillor Mrs P A Channer disclosed non-pecuniary interests as a Member of Essex County Council and Agenda Item 15 as she is a trustee of an Almshouse Trust.

Councillor M W Helm disclosed a non-pecuniary interest in Agenda Item 15 as a member of Henry Gilder Almshouse Charity.

Councillor D M Sismey disclosed a pecuniary interest in Agenda Item 9 – Minute Book (and particularly Minute 176 Annual Treasury Outturn 2017 / 18) as he is a Managing Director of Goldman Sachs.

Councillor M F L Durham disclosed a non-pecuniary interest as a Member of Essex County Council.

**221. MINUTES - 10 MAY 2018**

**RESOLVED** that the Minutes of the Statutory Annual meeting of the Council held on 10 May 2018 be adopted.

**222. MINUTES - 17 MAY 2018**

**RESOLVED**

- (i) That the Minutes of the extraordinary Council meeting held on 17 May 2018 be received.

**Minue No. 67 – Apologies for Absence**

Councillor Miss A M Beale advised that her apologies for absence had not been recorded.

**RESOLVED**

- (ii) That subject to the above amendment, the Minutes of the extraordinary Council meeting held on 17 May 2018, be adopted.

**223. MINUTES - 7 JUNE 2018**

**RESOLVED** that the Minutes of the extraordinary meeting of the Council held on 7 June 2018, be received and adopted.

**224. PUBLIC QUESTIONS**

There were none.

**225. 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.

13/05/2018	Castle Point Borough Council Civic Service St Nicholas Church ( <i>Vice-Chairman</i> )
14/05/2018	Annual Town Council Meeting and Mayor Making ( <i>Vice-Chairman</i> )

22/05/2018	Visit to Purleigh Surgery
22/05/2018	Visit to E J Taylor
25/05/2018	Launch of the Maldon Saltmarsh Hub and Close of Dengie Gateway Project, Prom Park
26/05/2018	Car Rally on the Little Common, Little Totham
02/06/2018	Presentation of Medals at Volfest
04/06/2018	Visit to Dengie Crops
05/06/2018	Royal Garden Party
14/12/2018	Visit to D W Clark
15/06/2018	Cream Teas in aid of Essex Air Ambulance
24/06/2018	Chelmsford Annual Civic Service
27/06/2018	Visit to Blackman and White, Heybridge
27/06/2018	Visit to Carrs Flour
27/06/2018	Visit to the Maldon and East Essex District Scout Council

## 226. MINUTE BOOK

### (a) MINUTES OF COMMUNITY SERVICES COMMITTEE – 22 MAY 2018

**RESOLVED** that the Minutes of the meeting of the Community Services Committee held on 22 May 2018 be adopted.

### (b) MINUTE OF PLANNING AND LICENSING COMMITTEE – 5 JUNE 2018

#### Minute 131 – Committee Terms of Reference and Scheme of Delegation

#### **RESOLVED**

- (i) that the designation of Officers in the Scheme of Delegation for the Licensing function of the Planning and Licensing Committee (as set out in Appendix 1 to the Minutes of the Planning and Licensing Committee) be agreed.

**RESOLVED** that subject to the above decision, the Minutes of the meeting of the Planning and Licensing Committee held on 5 June 2018 be adopted.

### (c) MINUTE OF OVERVIEW AND SCRUTINY COMMITTEE – 6 JUNE 2018

#### Minute 144 – Moorings, Leases and Licences Update

Councillor Mrs P A Channer questioned whether the Overview and Scrutiny Committee could make resolution (ii) as set out in the Minutes. She felt it

should be a recommendation to a parent Committee recommending that the Director of Planning and Regulatory Services be asked to look into the matter. This was supported by other Members of the Council.

Councillor M W Helm proposed that recommendation (ii) of this Minute be reworded “*that the Planning and Licensing Committee be recommended to request that the Director of Planning and Regulatory Services look into increasing the interest in using the Blackwater and Crouch Rivers*”. This proposal was duly seconded and agreed.

#### **Minute 147 – Office Accommodation and Lease**

Councillor Helm proposed an amendment to the second paragraph of this report so that it read “...interest *as he worked at the police station* and did not return.”. This proposal was duly seconded and agreed.

**RESOLVED** that subject to the above amendments, the Minutes of the meeting of the Overview and Scrutiny Committee held on 6 June 2018 be adopted.

### **(d) MINUTES OF FINANCE AND CORPORATE SERVICES COMMITTEE – 12 JUNE 2018**

#### **Minute 170 Chief Executive’s Performance Appraisal**

**RESOLVED** that the procedure rules be updated to set out the requirements (a) to (e), as detailed in section 3.8 of the report with the following amendments and additions:

- that point (c) be amended as follows:
  - The appraisal will take place soon after the Statutory Annual meeting of the Council *and before 30 June*.
- that point (e) be amended as follows:
  - Performance reviews against the agreed objectives will be undertaken at least every four months *and an end of year review be undertaken prior to the Statutory Annual meeting of the Council*.
- that the Director of Resources or an appropriate appointment of theirs in the HR department is required to:
  - objectively ensure that the process for the Chief Executive’s appraisal is followed
  - report to the following meeting of the Finance and Corporate Services Committee immediately after the June deadline that the process has been followed and the appraisal has taken place.

#### **Minute 173 – Human Resources Policies and Procedures**

**RESOLVED** that the following two sections be added to the Code of Conduct:

## **24 Financial**

24.1 All employees will ensure:

- they do not default on payments owed to the Council i.e. Council Tax.
- never make fraudulent claims for public money to gain a financial advantage i.e. housing benefit.
- to adhere to any agreements reached for the repayment of such debts.

24.2 Employees who are in debt or at risk to the Council or are concerned that missed payments may occur should discuss the matter as soon as is possible with a member of the Human Resources team. Failure to do so could lead to formal action being taken.

24.3 Employees in receipt of any allowances or rebates administered by the Council (e.g. council tax rebates) must notify the Council of any change in circumstance that affect the entitlement.

## **25 Accessing IT systems**

25.1 Employees will at all times ensure that they comply with the Officer Conditions of Acceptable Use and Personal Commitment Statement policy relating to use of IT equipment.

25.2 It is recognised that staff can face a conflict of interest when undertaking their roles. To protect the interests of both the staff concerned and the Council against criticism or allegation of malpractice, as a matter of procedure no employee shall;

- amend or seek to influence the processing of any computer or other record concerning any matter in which they, a family member or friend have an interest;
- use the Councils IT systems or any other records held to view either their own data or that of records of family or friends.
- use data obtained from any of the Councils IT systems or any other records to give themselves, family or friends any advantage.
- update any records that relate to themselves, family or friends.

### **Minute 179 – Proposals to Change to Office Opening Time to Public**

**RESOLVED** that on the last Wednesday of each month the Council Offices open at 10am to enable staff meetings and training to be undertaken during that time.

In accordance with his earlier declaration, Councillor Sismey left the meeting at this point. The following recommendation was presented to the Council by Councillor A S Fluker.

## **Minute 176 – Annual Treasury Outturn 2017 / 18**

**RESOLVED** that annual Treasury Management Report for 2017 / 18 attached at Appendix 1 to the Minutes of the Finance and Corporate Services Committee be approved.

Councillor Sismey rejoined the meeting at this point.

**RESOLVED** that subject to the above decisions, the Minutes of the Finance and Corporate Services Committee held on 12 June 2018, be adopted.

### **227. 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 20 June 2018 for which Minutes had been published.

### **228. STATEMENT OF THE LEADER OF THE COUNCIL**

Councillor M F L Durham, the Leader of the Council, made a Statement (attached at **APPENDIX 1** to these Minutes) setting out the Council's report and programme for the current municipal year. He then commended this to the Council.

The Leader of the Opposition, Councillor B S Beale, thanked the Leader of the Council for an advance copy of his Statement and the opportunity to respond. He then made reference to a number of points outlined in the Leaders' speech including:

- Local Design Guide – He commented how the Council had recently won an award for this, its importance to the District and the tremendous work done by officers.
- Flood Mitigation – Councillor Beale felt that the word 'hopefully' should be added in respect of flood mitigation as the Council was working to maximise and secure funding but it was not guaranteed.
- Planning Control – Particularly referencing backlog in relation to enforcement work.
- Reduction in Rate Support Grant – He felt that the Council should explain to its electorate highlighting how this would impact them and potentially Council Tax rates.
- Ignite – Councillor referred to the Future Model Project and particularly the consultants Ignite who were working with the Council on this project.

Councillor Beale concluded making reference to the effectiveness of the Council

The Leader of the Council, in response, advised that the Rate Support Grant was being abolished not reduced and how what the Council offers its residents was extremely good value for money. The Council was working with Ignite to maintain services in order to try and keep taxes as low as possible but there would be changes to the way that the Council carried out its business and the staffing structure of the authority.

**RESOLVED** that the Statement made by the Leader of the Council, attached at **APPENDIX 1** to these Minutes, be received.

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

There were none.

**230. REVIEW OF PERFORMANCE 2017 / 18**

The Council considered the report of the Chief Executive supplying Members with details of the Council's performance against targets set for 2017 / 18 and to ensure that progress was being achieved towards the corporate goals and outcomes detailed in the agreed Corporate Plan 2015 - 2019.

Appendix 1 to the report set out the end of year position for each of the corporate goals. Members' attention was drawn to the achievements and successes set out in the report. The report also provided a summary of complaints and compliments received during 2017 / 18.

**RESOLVED** that the contents of report and appendix be noted.

**231. COMMITTEE TERMS OF REFERENCE AND SCHEME OF DELEGATION UPDATE**

The Council considered the report of the Director of Planning and Regulatory Services, seeking Members approval of a change to the Scheme of Delegation in relation to the ability for elected members to call an application into the Area Planning Committees. The proposed change related to Annexe A of the Area Planning Committee Terms of Reference and a copy of this was attached as Appendix 1 to the report.

The report provided background information and highlighted a recent issue regarding the opportunity for Members to 'call in' a planning application when there is an amendment to the original application. It was noted that the proposed changes to the scheme of delegation would, when significant amendments were proposed, allow for an application to be 'called in' much later in the determination process than currently was the case.

Councillor A S Fluker proposed that recommendation (i) as set out in the report be agreed. This was duly seconded and agreed.

**RESOLVED** that paragraph (iii) of Annexe A to the Terms of Reference of the Area Planning Committees be amended, as set out below:

- (iii) Requests must be made in writing to the dedicated email address – and within 28 days of the date an application appears on a published Weekly List produced by Planning Services. *When an application is amended, and the parish or town council is re-consulted, requests can be made in writing to the dedicated email*

*address provided it is within the consultation period provided to the parish or town council.*

**232. ANGLIAN RUSKIN UNIVERSITY'S BUILD FACTORY: PROPOSAL FOR ADOPTION AS A CORPORATE PROJECT TO SUPPORT COMMUNITY LED HOUSING**

The Council considered the report of the Director of Planning and Regulatory Services informing Members of Anglia Ruskin University's Build Factory project and the potential for working in collaboration to support local community led housing projects. The report also provided a wider update on current Community Led Housing Schemes (attached as Appendix 1 to the report).

The report set out the 'Build Factory' project which sought to support innovation and community engagement in construction. The project also sought to combine the skills with local trades and businesses to bring forward development in a more cooperative way, providing homes that were more affordable and meet local need such as affordable home to rent for young people, almshouses or supporting housing for older people.

Members were advised that formal support from the Council would offer a number of benefits which were set out in the report. It was noted that this sharing of knowledge and skills would also be helpful for other partners such as the Rural Community Council of Essex (RCCE) who were working with the Council on developing a more effective, strategic approach to supporting local communities access and meet local housing need.

In response to a question regarding the uplift in profit, the Strategic Housing Manager advised that the University would be looking at working in a cooperative way and contractors would be equal partners with the contract. Any uplift would be shared across partnerships.

**RESOLVED**

- (i) that the Council's Strategic Housing Service and Anglia Ruskin University provide mutual support in developing the Build Factory approach to supporting a Community Led Housing project in the District; and
- (ii) this Anglia Ruskin University's Build Factory project be adopted as a corporate project with progress reported regularly to future meetings of the Strategic Housing Board and also made available to all Members.

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

At this point in the meeting the Chairman referred to Mr Paul Gayler, Strategic Housing Manager, who was leaving the Council and congratulated him for his work and the expertise he had provided to Members. On behalf of all Members the Chairman wished him well for the future. On behalf of all Members the Chairman presented with a small gift and wished him well for the future.

#### **234. EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

#### **235. ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting be adjourned at 8:23pm.

#### **236. RESUMPTION OF BUSINESS IN CLOSED SESSION**

**RESOLVED** that the meeting resumed in closed session at 8:27pm.

#### **237. COUNCIL STRUCTURE REPORT**

The Council considered the report of the Leader of the Council seeking Members' confirmation of the new Corporate Leadership Team (CLT) structure of the Council and the timings and implications of transitioning to this structure as part of the agreed transformation pathway.

The Chairman advised Members of some minor amendments to the report.

The report set out the current role of the CLT, statutory roles and how any proposed new structure would need to effectively lead the Council both through transformation and once completed through the Future Model programme. Appendix 1 to the report set out two options for consideration and the pros and cons of these were explored within the report.

It was noted that a number of councils had implemented significant changes to their CLT structure in recent years either as part of a wider transformation or as a standalone restructure. A summary of these were set out in the report and Appendix 2 provided a list of relevant papers.

Councillor M F L Durham proposed that the Council agreed Option (a) as set out in the report. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor B S Beale requested a recorded vote. In response to some questions, the Senior Solicitor and Interim Monitoring Officer provided the Council with some advice in respect of recorded votes. The proposal for a recorded vote was duly seconded.

For the recommendation:

Councillors Mrs B F Acevedo, J P F Archer, E L Bamford, Miss A M Beale, B S Beale, Mrs P A Channer, R P F Dewick, M F L Durham, A S Fluker, Mrs B D Harker, B E Harker, M W Helm, J V Keyes, R Pratt, S J Savage, Rev. A E J Shrimpton, D M Sismey, A K M St. Joseph, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillor Mrs H E Elliott

Abstentions:

Councillors H M Bass, R G Boyce and P G L Elliott.

**RESOLVED**

- (i) that the contents of the report be noted;
- (ii) that the Council agrees to progress with Option (a) as set out in the report;
- (iii) that the Council agrees to immediately progress with consultation and then selection and implementation of this new structure (following the approach recommended by the Group Manager - People, Performance and Policy, as detailed in Section 3.5 of the report).

There being no further items of business the Chairman closed the meeting at 8.54 pm.

H M BASS  
CHAIRMAN

## Leader's Statement 2018

Members, looking back at the last 12 months, there have been many successes for this authority. Our long awaited Local Development Plan (LDP) was adopted by the secretary of state in July which is possibly one of the most significant milestones for the Council. We have certainly noted a change in the results of planning appeals since the adoption, but it is fair to say that on the odd occasion, we are still getting some illogical decisions.

Since adoption of the LDP, our emphasis has largely turned to the delivery of housing which is a key priority for the Government. Maldon District cannot be accused of not shouldering its burden over the last year. Development has commenced on a number of the strategic sites which will provide a mix of both affordable and market housing for the residents of the District. Growth in employment, commercial and leisure sites has also occurred to meet the needs of the residents in both employment opportunities and also in recreation and health and wellbeing.

With the LDP now in place, the Council has been able to adopt Supplementary Planning Documents (SPD), including the Central Area Master Plan, the South Maldon Garden Suburb Master Plan, and Renewable and Low Carbon Technologies guidance.

The Maldon District Design Guide, which was adopted as SPD by the Council last December, became the worthy recipient of the Award for Design Excellence at the national Planning Awards earlier this month. The judges pointed to its ambition, its clarity and usability to achieve high quality design and place-making.

All of the hard work done by the planning department has been against the back drop of changes in national planning policy and the change requirements of the Council, with additional responsibilities to maintain a brownfield register; the self and custom build register, certification of our five year land supply, and the housing delivery test.

The Council's Environmental Health Officers have been working closely with partner agencies and developers to maximise and secure funding towards flood mitigation, particularly in Heybridge, Central Maldon, and the Causeway and we continue to work to ensure those partner agencies consider local residents at every opportunity.

Planning enforcement continues to be a priority for the residents of the District and the Council as a whole. Some serious breaches of planning control have been resolved over the last year; whilst a number of successful prosecutions have been undertaken when people have not been willing to work with the Council. The Council will continue to protect the natural and distinct beauty of the District for its residents.

The Council's Strategic Housing Service has maintained its progress of improving the Council's response to those in housing need and has launched a new housing strategy setting out its aims and actions for the future. As a district we have one of the lowest proportions of households currently becoming homeless and living in B&B and temporary accommodation and have implemented new systems and ways of working as a result of the new Homelessness Reduction Act. Meeting the housing needs of an ageing population is where the Council has a real opportunity to make a valuable contribution towards local people.

The Council was delighted to see its efforts and work with local communities to provide affordable housing attract royal attention and support this year as we welcomed Her Royal Highness The Princess Royal to the District in April. We will continue of course to work with our partners to build on this during the year ahead.

The Council's programme of capital improvements within its parks has been ongoing, with refurbishments to play areas, pathways and car parks all successfully delivered.

Reducing waste and increase recycling is one of the Council's main objectives.

The Waste Team is currently sourcing a company to provide a trial kerbside textile collection service across the District. The aim is to provide every household with a collection of textiles on the same day as their pink sacks and glass bottles. Residents will be encouraged to still support their local charity shops; however if they wish to they can use the new service if desired.

Creating opportunities for economic growth and prosperity across Maldon District remains one of the Council's primary goals. Our Economic Development Team is actively engaging with local businesses and working with partners to deliver the objectives contained in the Economic Prosperity Strategy published in 2013 and will be producing an update this year. As micro enterprises make up 90% of local business, Small and Medium-sized Enterprises

(SMEs) and rural businesses will continue to be a focus of our efforts to sustain and grow the local economy and to make Maldon District a better place to live, to work and enjoy.

The Sense of Place branding is now becoming better known, especially through the highly visible and striking hoardings that were erected outside the construction site for the new Blackwater Retail Park. Businesses are being encouraged to take up the branding and the Sense of Place Board is providing business led support for several projects ranging from the visitor economy and events to skills.

In March this year, the Council hosted the New Nuclear Local Authority 'Special Interest' Group Annual Conference. The conference was held at Crowne Plaza Five Lakes Resort and attracted a record number of delegates from across the Country. It was a significant event for the Maldon District. The primary aim of the New Nuclear Local Authority Group is to share knowledge, information and best practice regarding new nuclear facilities, and to provide a mechanism for local authorities to discuss and make representations direct to Government.

The on-going contribution of tourism to the local economy cannot be underestimated. The Promenade Park is still Maldon's main attraction with over half a million visitors per annum, whilst over 40,000 children enjoyed the Splash Park last year.

The Council's event programme continues to be a success with the Promenade Park and Riverside Parks hosting many events, including the Maldon Car Show which is this Sunday, the Smoke & Fire Festival and, for the first time a Burnham Outdoor Cinema, which attracted big crowds.

The Dengie Gateway Project reached its conclusion this year with new and exciting hubs of interpretation panels and audio posts arriving at five locations across the District, aiming to inspire visitors to explore more of our wonderful coastline 'Celebrating our Saltmarsh Secret'.

The tourism website 'VisitMaldonDistrict' goes from strength to strength, seeing thousands of digital visitors a week. The website enables the Council's Tourism Team to join up the many businesses and attractions to showcase this diverse and special District to those who may be less familiar with just how much we have to offer. Our social media presence has been

increased with a new Promenade Park Facebook page and an Instagram account for the tourism website.

During 2018 / 19 we will continue to have a sustained focus on our priority of strengthening communities to be safe, active and healthy, with significant work planned to support the health and wellbeing of our residents. Through a partnership with Essex County Council we have secured funding for additional resource to support that work, and are developing a “Livewell Strategy” to give direction and focus to key health and wellbeing challenges that the District faces, such as obesity, social isolation and loneliness, mental health as well as some of the issues faced by our ageing population.

We proudly continue to support apprenticeships for our young people, which have to date provided 13 successful apprenticeship opportunities, and are delighted that these apprenticeships have resulted in those people either securing full time employment at the end of their apprenticeships, or moving to an advanced apprenticeship. We are currently exploring the best ways of utilising the apprenticeship levy to offer opportunities for the community across a variety of service areas.

We continue to promote active and healthy lifestyles with our partner, ‘Places for People’, high-quality services are provided at the Blackwater Leisure Centre and the Dengie Hundred Sports Centre which welcomed over 564,000 visitors last year (a 10 per cent uplift from the previous year). The Council continues to work with Active Essex delivering sporting activities including the triathlons, cycling and running events, and badminton taster events.

Members however, there is no doubt that the year ahead will present us many challenges and difficult decisions to make. In order to become a financially secure and resilient authority, we must achieve the savings planned from the recently agreed transformation project. Regrettably this will entail some changes to our workforce, but by initiating the new working methods, the day to day work for staff should actually become more interesting and rewarding, whilst improving the service to our residents. We have to find nearly £1.5m of savings in the next two years to bridge the gap between our income and planned expenditure. With the help of our partners, Ignite, we have a blueprint to remodel the authority and achieve these objectives within the necessary timescale.

The entire ethos behind transformation must be to maintain or even improve services to the people of the Maldon District, whilst enabling the council to withstand the pressures on local

government and avoid the tribulations being experienced by some other councils in the country.

This administration will concentrate on providing the essential and value added services for residents in the most efficient and financially resilient way that it can.

Chairman, I commend this statement to the council.

MFL Durham

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