



**MINUTES of
COUNCIL
20 DECEMBER 2018**

PRESENT

Chairman Councillor H M Bass

Vice-Chairman Councillor N R Pudney

Councillors Mrs B F Acevedo, J P F Archer, E L Bamford,
Miss A M Beale, B S Beale MBE, R G Boyce MBE,
A T Cain, Mrs P A Channer, CC, I E Dobson, Mrs H E Elliott,
P G L Elliott, A S Fluker, Mrs B D Harker, B E Harker,
M S Heard, M W Helm, J V Keyes, Miss M R Lewis,
M R Pearlman, R Pratt, CC, S J Savage,
Mrs N G F Shaughnessy, A K M St. Joseph,
Mrs M E Thompson and Miss S White

697. CHAIRMAN'S NOTICES

The Chairman referred to the notices printed on the agenda.

698. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R P F Dewick, M F L Durham CC, D M Sismey and A K M St. Joseph.

699. DECLARATION OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council and any matter relating to that Authority.

Councillor R Pratt disclosed a non-pecuniary interest as a Member of Essex County Council.

Councillor A S Fluker disclosed a non-pecuniary interest in Agenda Item 13 – Nominations Relating to Stow Maries Aerodrome Consultative Committee and “Dawn” Sailing Barge Trust Limited as a trustee of Stow Maries Great War Aerodrome.

700. MINUTES - 8 NOVEMBER 2018

RESOLVED that the Minutes of the Council meeting held on 8 November 2018 be confirmed and adopted.

701. 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 a question from Mr Christopher Swain of which prior notification had been given. A copy of the question and prepared response from the Leader of the Council was circulated prior to the meeting.

Mr Swain was in attendance at the meeting and read out his part of his question, set out below, prior to advising he did not wish to read the rest, when reminded by the Chairman that he could only read out his question and not provide any further information.

“When the Regional Spatial Strategy was set out as part of the subsequently abandoned Eastern Region Development Plan, little housing was allocated to the district because of its poor accessibility, rural nature and low-lying situation. These factors remain relevant, but were inexplicably ignored by the Planning Inspectors.

In view of the seemingly unresolvable problem of securing an acceptable flood alleviation scheme and in the light of the recent report of the International Committee on Climate Change on rising sea levels, will the Council grasp the nettle and tell the Secretary of State that the LDP needs to be revised, with a view to reducing the requirement for housing in the district and deleting the North Heybridge Garden Suburb from the Plan.”

Response:

The 2014 Strategic Housing Land Availability Assessment (SHLAA) sets out the housing requirements in the District, while the Sustainability Appraisal assessed the suitability of the strategic sites to meet the need assessed in the SHLAA. The North Heybridge Garden Suburb was assessed as suitable and was therefore included in the Local Plan. The Council needs to play its part in providing needed housing in the District and so there is no proposal to remove that site from the Local Plan.

702. 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.

9 November 2018	Visit to Danger Tree Exhibition Meet and photo with Jacob Rabi-Lahel Tree Planting – Queen's Commonwealth Canopy (Riverside Park, Burnham-on-Crouch)
11 November	Remembrance Sunday Memorial Service (Burnham-on-Crouch) Remembrance Sunday Service (Wickham Bishops) Battles Over Event (Promenade Park) Maldon Town Council Remembrance Service <i>Vice-Chairman</i> Remembrance Service (Stow Maries) <i>Vice-Chairman</i> Lighting of the Beacon (Burnham-on-Crouch) <i>Vice-Chairman</i>

12 November	CIF Judging Panel
27 November	Smart School of Cookery – Turkey Carving Demonstration Battles Over Talk (Clive Potter)
29 November	Visit to Maldon Pioneers
1 December	Day of Dedication Service (Maldon Cemetery) <i>Vice-Chairman</i>
3 December	Official Opening of Blackwater Retail Park
4 December	Presentation of gift donations to Home Start
9 December	Colchester Garrison Carol Service
12 December	Presentation of donations to Maldon Food Pantry Christmas Appeal
14 December	Maldon District Council Civic Carol Service
16 December	Burnham-on-Crouch Town Council Civic Carol Service <i>Vice-Chairman</i>

At this point in the meeting Councillor R G Boyce gave his apologies for not attending the Chairman's Civic Carol Service, advising that he had received a personal invitation to the Royal National Lifeboat Institution carol service.

703. MINUTE BOOK

(a) MINUTES OF PLANNING AND LICENSING COMMITTEE – 15 NOVEMBER 2018

RESOLVED

- (i) that the Minutes of the meeting of the Planning and Licensing Committee held on 15 November 2018 be received.

Minute 609 – Brownfield Register 2018

RESOLVED

- (i) that the Brownfield Land Register (attached as Appendix 2 to the Minutes of the Planning and Licensing Committee) be approved for publication on the Council's Website

RESOLVED

- (ii) that subject to the above decision, the Minutes of the meeting of the Planning and Licensing Committee held on 15 November 2018 be adopted.

(b) MINUTES OF COMMUNITY SERVICES COMMITTEE – 20 NOVEMBER 2018

RESOLVED that the Minutes of the meeting of the Community Services Committee held on 20 November 2018 be adopted.

(c) MINUTES OF FINANCE AND CORPORATE SERVICES COMMITTEE – 27 NOVEMBER 2018

RESOLVED

- (i) that the Minutes of the meeting of the Finance and Corporate Services Committee held on 27 November 2018 be received.

Minute 661 – Local Council Tax Support Scheme 2019 / 20

RESOLVED

- (i) 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 2019 / 20 for Pensioners only;
- (ii) that any legislative changes being introduced to the Housing Benefit Scheme for 2019 / 20 are mirrored in the Councils LCTS scheme to ensure consistency;
- (iii) 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 at Appendix 1 to the Minutes of the Finance and Corporate Services Committee.

Minute 662 – 2019 / 20 Budget Proposals

RESOLVED

- (ii) that the Capital project bids set out in Appendix 2 to the Minutes of the Finance and Corporate Services Committee, be considered and the items for inclusion in the 2019 / 20 Capital Programme be identified.

RESOLVED

- (iii) that subject to the above decisions, the Minutes of the meeting of the Finance and Corporate Services Committee held on 27 November 2018 be adopted.

(c) **MINUTES OF OVERVIEW AND SCRUTINY COMMITTEE (MEETING AS THE CRIME AND DISORDER COMMITTEE) – 29 NOVEMBER 2018**

RESOLVED

- (i) that the Minutes of the meeting of the Overview and Scrutiny Committee (meeting as the Crime and Disorder Committee) held on 29 November 2018 be received.

Minute 671 – Maldon District Community Safety Partnership Update

In response to a question, the Director of Service Delivery advised that the Community Safety Hub was currently based in Chelmsford but moving into Chelmsford City Council Offices.

Members were advised that the solved rates had decreased since the Officers' report and the Chairman of the Committee agreed to ensure this was recorded in the Minutes.

Minute 672 – Update on Police Performance

In response to a query regarding the list of public engagement referred to in the Minutes, the Chairman of the Committee advised that the list would be circulated to Members once received.

Minute 673 – Changes to the Constitution of the Police, Fire and Crime Panel for Essex

RESOLVED

- (i) That the Arrangements for the Police, Fire and Crime Panel be agreed with effect from 1 February 2019;
- (ii) That Members note the rules of procedure will be adopted by the Police, Fire and Crime Panel and did not form part of the Panel Arrangements.

RESOLVED

- (iii) that subject to the above amendments and decision, the Minutes of the meeting of the Overview and Scrutiny Committee (meeting as the Crime and Disorder Committee) held on 29 November 2018 be adopted.

(d) **MINUTES OF AUDIT COMMITTEE – 6 DECEMBER 2018**

RESOLVED that the Minutes of the meeting of the Audit Committee held on 27 September 2018 be adopted.

704. 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 2018 for which Minutes had been published.

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

There were none.

706. PROPOSED FLOOD ALLEVIATION SCHEME AT BRICKHOUSE FARM, MALDON

The Council considered the report of the Director of Strategy, Performance and Governance providing an overview of a flood alleviation scheme proposed in Brickhouse Farm, Maldon. The report sought Members' approval in principle for the scheme to be constructed on Council owned land.

It was noted that Essex County Council had produced a new outline proposal to develop a flood alleviation scheme at Brickhouse Farm taking into consideration the concerns raised by Members and this was attached as Appendix 1 to the report.

A number of Members commented on the work by Ward Members and other Councillors with Essex County Council which had resulted in the revised proposal. Particular mention was made at this point to the work of the Environmental Health Manager – Environmental Protection in respect of this project.

In response to a question regarding the proposed play area containing some specialist play equipment for those children attending Buddies Nursery on the same site, Members were advised that this would form part of any consultation on the play area.

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

RESOLVED

- (i) That Members support the principle of the flood alleviation scheme;
- (ii) that the use of Council's land at Brickhouse Farm Maldon for the flood alleviation scheme, be agreed.

707. COUNCIL TAX BASE 2019 / 20

The Committee considered the report of the Director of Resources relating to the Council Tax Base for 2019 / 20. It was noted that the Council had to notify its tax base calculations to Essex County Council, Essex Fire Authority, the Police and Crime Commissioner for Essex and Parish Councils by 31 January 2019.

It was explained that the tax base figure was an integral part of the calculations for setting the level of Council Tax. The detailed calculation of the relevant amounts for 2019 / 20 were shown in Appendix A to the report.

Members were informed that the tax base used for 2018 / 19 was 24,193.2. The proposed new figure for the forthcoming year represented an increase of 342.9 or 1.42%. This increase related to the number of new houses now on the valuation list.

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

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 2019 / 20 shall be set at 24,536.1.

708. NEW COUNCIL STRUCTURE - TRANSFORMATION PROGRAMME: ROLE OF THE CORPORATE GOVERNANCE WORKING GROUP

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' consideration for the Corporate Governance Working Group (CGWG) to begin work on constitutional changes and arrangements associated with, and arising from implementation of the current Transformation Programme.

Members were advised how implementation of the organisational changes arising from the Ignite Future Council Model project would impact on the Council's corporate governance arrangements. As part of this the Council would also need to review its Committee structure to provide a basis for clear and effective decision-making. The CGWG had a general terms of reference provided by the Council but it was felt that given the timelines associated with the Transformation Programme it would be prudent for the Working Group to start work on this.

The report also sought approval of delegated powers to allow Officers to update the Scheme of Delegation and associated Proper Officer appointments to reflect the impending internal functional responsibility changes.

Councillor A S Fluker proposed that recommendations (i), (iii) and (iv) as set out in the report be agreed and that a further recommendation be added requesting that a report be brought back to the Council in February on the proposed new structure of Committees. He further proposed in respect of recommendation (ii) that the existing membership of the CGWG be considered sufficient for this purpose. These proposals were duly seconded and agreed.

RESOLVED

- (i) That the Corporate Governance Working Group be instructed to commence work in line with its existing terms of reference to consider and report on a committee structure and associated governance arrangements including constitutional documentation and report back to the Council;
- (ii) That the Council considers the existing membership of the Corporate Government Working Group is sufficient for this purpose;
- (iii) That the Council agrees the principle of working towards the provision of a new Constitution to become fully effective in October 2019;

- (iv) That the Director of Strategy, Performance and Governance be authorised to update the Scheme of Delegation and associated Proper Officer appointments to reflect the impending internal functional responsibility changes, realigning the existing constitutional powers to the new Directors, as part of the on-going Transformation Programme so that effective decision making can continue in the interim up to October 2019¹;
- (v) That a report on the proposed Committee structure and related matters be brought back to the February meeting of the Council.

709. NOMINATIONS RELATING TO STOW MARIES AERODROME CONSULTATIVE COMMITTEE AND "DAWN" SAILING BARGE TRUST LIMITED

The Council considered the report of the Director of Resources seeking nomination of two Members to the Stow Maries Aerodrome Consultative Committee and consideration to cease to have a member nomination on the “Dawn” Sailing Barge Trust Limited.

It was noted that as part of a Section 106 planning obligation the Trustees of Stow Maries Aerodrome would be establishing a consultative committee as a means of advising the Trustees on the effects that the Aerodrome has on the local community. The Council was requested to nominate two Members to this committee.

Members were advised that the Council had previously provided support to the “Dawn” Sailing Barge Trust due to her links to Maldon and Councillor R G Boyce was the Council’s nominee. Members were asked to consider withdrawal of this nominee as the barge was now moored outside of the District and the Council had no more involvement with the Company or the management and use of the Dawn.

Councillor A S Fluker proposed that Councillors Mrs P A Channer and Miss S White be nominated to the Stow Maries Aerodrome Consultative Committee. He provided Members with information regarding the “Dawn” Sailing Barge Trust Limited and proposed that the Council ceases to have a nominee on the Trust. These proposals were duly seconded.

In response to a question, Members were advised that the Council had received a business plan up to 2018 from Stow Maries Aerodrome and was currently awaiting the business plan for the period from 2019.

By way of clarification Councillor Boyce, the Council’s nominee, advised that he had never been invited to nor attended a meeting of the “Dawn” Sailing Barge Trust Limited. He outlined the restoration costs involved and the costs incurred to the Council which included Officer time as an in-kind contribution.

At this point a report from Officers in respect of the “Dawn” Sailing Barge Trust was requested but following further discussions Members were advised by the Monitoring Officer that there was nothing further to report as there had been a lack of information from the Trust.

¹ Minute No. 856 (14 February 2019)

The Leader of the Council commented that when Members were appointed to Outside Bodies they should report back and he requested that the Monitoring Officer ensure that this happened in the future.

Following further discussion and in light of concerns raised Councillor Fluker proposed that a further recommendation be added requesting that a report regarding the Council's involvement in the "Dawn" Sailing Barge Trust Limited and its potential demise be brought to a future meeting of the Overview and Scrutiny Committee. This proposal was duly seconded. This proposal along with the earlier two were then agreed.

RESOLVED

- (i) That Councillors Mrs P A Channer CC and Miss S White are nominated to the Stow Maries Aerodrome Consultative Committee;
- (ii) That the Council ceases to have a nominee on the "Dawn" Sailing Barge Trust Limited;
- (iii) that a report regarding the Council's involvement in the "Dawn" Sailing Barge Trust Limited and its potential demise be brought to a future meeting of the Overview and Scrutiny Committee.

710. SCHEDULE OF MEETINGS 2019 / 20

The Council considered the report of the Director of Resources presenting for approval the Schedule of Meetings for 2019 / 20 (attached as Appendix 1 to the report).

It was noted that this report was from the Director of Resources and not Chief Executive as stated.

RESOLVED that the Schedule of Meetings for 2019 / 20 be approved.

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

Councillor Mrs B F Acevedo asked the Leader of the Council if he would agree that Members of the Council who were not part of the Conservative Group should have been given information on the progression of the Council's restructure and transformation. She referred to a meeting with the Corporate Leadership Team (CLT) to address this. In response the Leader of the Council provided some detail regarding some of the information which was regularly circulated to staff and advised at this time that all matters relating to human resources were confidential. He thanked the independent members for having a meeting with CLT and advised that all queries should be directed to the Head of Paid Service or Programme Director. The Leader advised that further updates could be provided but that these would be under the proviso of Procedure Rule 10.

Councillor Miss M R Lewis referred to the Council's Transformation Programme and asked the Leader of the Council if he could confirm that the recent redundancies would not affect the day to day working of the Council and to what extent the Council was

relying on agency staff. Councillor Miss Lewis also made reference at this point to Minutes of particular meetings and the delay in them being available. In response the Leader of the Council referred to the performance indicators that the Council had adopted, that frontline services were being maintained and the Directors monitored resilience on a regular basis. He reported that the Corporate Leadership Team were satisfied from an operational point of view that the Council was delivering in respect of the Transformation programme.

Councillor M S Heard asked the Leader of the Council if he could assure the Council that all Members would be kept informed. In response the Chairman of the Council advised that this assurance had been given.

The Chairman wished everyone present a very Happy Christmas and invited all present to join him for some light refreshments. There being no further items of business the Chairman then closed the meeting at 8.24 pm.

H M BASS
CHAIRMAN