



**MINUTES of
COUNCIL
23 JUNE 2020**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, Miss A M Beale, M G Bassenger, V J Bell, R P F Dewick, M F L Durham, CC, M R Edwards, Mrs J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, A L Hull, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

1003. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to this remote meeting of the Maldon District Council, held under new regulations which had come into effect in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting.

A roll call of those Members present was taken.

1004. APOLOGIES FOR ABSENCE

There were none.

1005. DECLARATION OF INTEREST

Councillor R G Boyce advised that in relation to Agenda Item 7 – Notice of Motion he had a bias, had spoken to the motion mover and would be abstaining from voting on this item of business.

Councillor S P Nunn declared a non-pecuniary interest in Agenda Items 7 – Notice of Motion and 12 – Joint Standards Committee – Parish Councillor Co-optees as he was currently a member of the Joint Standards Committee.

Councillor C Mayes declared a non-pecuniary interest in Agenda Items 10 – Bradwell B Project – Stage 1 Consultation and Agenda Item 16 – Leisure Contract.

Councillor W Stamp declared a non-pecuniary interest advising she wanted Members to know that she had visited the Chairman because she was concerned for his health and wellbeing following his resignation from the Conservative Group.

Councillor Mrs P A Channer declared a non-pecuniary interest in any items relating to Essex County Council as she was a County Councillor. She also disclosed a pecuniary interest in relation to Agenda Item 10 – Bradwell B Project – Stage 1 Consultation as ~~the consultation document highlighted an area (with a large circle) which included part of the village of Althorne and although her property fell outside of this within some of the areas identified in the consultation document and~~¹ having sought advice from the Monitoring Officer would be leaving the meeting for this item of business.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council and advised that he was Deputy Cabinet Member for economic development which included planning and the Bradwell B consultation (Agenda Item 10) fell within this portfolio.

Councillor Miss S White declared a non-pecuniary interest Agenda Items 7 – Notice of Motion and 12 – Joint Standards Committee – Parish Councillor Co-optees as a member of the Joint Standards Committee.

Councillor Mrs M E Thompson advised that she was a Member of the Joint Standards Committee but had not been a Member the last time the Committee had met and referred to a report regarding a matter considered by the Committee. Councillor Stamp raised a point of order regarding the report referred to.

Councillor B E Harker declared the same interest as the Chairman in relation to Agenda Item 7 – Notice of Motion and would be abstaining from voting on this matter.

Councillor K W Jarvis asked that be noted that he had been a substitute on the Joint Standards Committee.

1006. MINUTES - 28 MAY 2020

RESOLVED that the Minutes of the Council meeting held on 28 May 2020 be agreed.

1007. PUBLIC QUESTIONS

There were none.

1008. CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to attending a flag raising day for the Armed Forces. He paid tribute to the Armed Forces including their recent support during the COVID-19 pandemic.

¹ Council – 2 July (Minute No. 1036 refers)

1009. NOTICE OF MOTION

Councillor J V Keyes joined the meeting at this point.

In accordance with Procedure Rule 4, four motions proposed by Councillor W Stamp and seconded by Councillor R H Siddall were received on 10 June 2020. Amendments to motions 3 and 4 were received on 11 June 2020. The revised motion is as follows:

“Maldon District Council has a statutory duty to promote and maintain high standards of conduct by its councillors and co-opted Members - Section 27(2) of The Localism Act 2011 (The Act) requires the council to adopt a Code of Conduct. It is not required in law for MDC to adopt a joint standards committee but it is good practice - and why wouldn't they?

In light of external investigations, I propose the following motions to council:

The motions have been set out separately for ease of voting.

Motion 1

To disband the Joint Standards Committee in its current form and all appointed councillors.

Motion 2

The council waives the overall political control of the authority (political balance) to reconstitute the Joint Standards Committee.

Motion 3

The committee will consist of 8 elected members - four from each political group, plus 2 Parish Council observers (no voting rights) and the Independent Person (no voting rights).

Motion 4

i) The Chairman and Vice-Chairman to be appointed not from the same political group.”

Councillor Stamp spoke to her motions, providing further explanation.

Councillor Siddall had formally seconded the motion and proposed that a further amendment be made to motion 3 to read as follows:

The Committee will consist of eight elected members, plus two Parish Council observers (no voting rights) and the Independent Person (no voting rights). The eight members should reflect the balance of the membership of the Council; however, no group should have a majority on the Committee. All political groups (a group is defined as having three or more members and is recognised as a political entity) within the council should have representation. Any substitutions must be made from the same political group.

This amendment was duly seconded.

In response to a question regarding political balance, the Lead Legal Specialist and Monitoring Officer provided some guidance on the principles of political balance and how this would be applied to a Committee made up of eight members.

In accordance with Procedure Rule 13 (3) Councillor W Stamp requested a recorded vote.

The Chairman clarified at this point that the Council would debate all four motions prior to taking separate votes on each motion.

A lengthy debate ensued, and a number of Members commented on the tabled motions. Following a question and comments raised, the Lead Legal Specialist and Monitoring Officer provided some clarification on the wording of motion 2. In response, Councillor E L Bamford proposed that Motion 2 be reworded, as follows, to add clarity that this motion only related to the Joint Standards Committee.

That the Council waives political balance to reconstitute the Joint Standards Committee.

This proposal was duly seconded and supported by both Councillors Stamp and Siddall.

The Chairman confirmed that he would allow the two proposed amendments to the motions submitted.

Councillor M S Heard raised a Point of Order referring to Procedure Rule 1 (18) which stated that 'before the conclusion of the debate the penultimate speaker will be the Opposition Leader'. This was noted by the Chairman.

Following the debate and summing up by Councillor Stamp, the Leader of the Council and the Leader of the Opposition, the Chairman put each of the Motions to the Council. In accordance with the earlier request for a recorded vote the voting was as follows:

Motion 1:

That the Joint Standards Committee in its current form and all appointed councillors be disbanded.

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, V J Bell, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J Stilts, C Swain and Mrs M E Thompson.

Against the recommendation: None.

Abstention:

Councillors R G Boyce, R P F Dewick, B E Harker, M W Helm, A L Hull and Miss S White.

The Chairman declared that motion 1 was therefore carried.

Motion 2

Following further discussion it was agreed for clarification that this motion would be further amended, to read:

That the Council waives political balance on the Joint Standards Committee in order to reconstitute it.

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, V J Bell, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, A S Fluker, B E Harker, M S Heard, A L Hull, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J Stilts, C Swain and Mrs M E Thompson.

Against the recommendation: None.

Abstention:

Councillors R G Boyce, R P F Dewick, M W Helm and Miss S White.

The Chairman declared that motion 2 was therefore carried.

Motion 3 - That the Joint Standards Committee will consist of:

- eight elected members
- 2 Parish Council observers (no voting rights)
- the Independent Person (no voting rights).

The eight members should reflect the balance of the membership of the Council; however, no group should have a majority on the Committee. All political groups (a group is defined as having three or more members and is recognised as a political entity) within the Council should have representation. Any substitutions must be made from the same political group.

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, V J Bell, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J Stilts and C Swain.

Against the recommendation: None.

Abstention:

Councillors R G Boyce, R P F Dewick, B E Harker, M W Helm, A L Hull, Mrs M E Thompson and Miss S White.

The Chairman declared that motion 3 was therefore carried.

Motion 4

That the Chairman and Vice-Chairman of the Joint Standards Committee be appointed not from the same political group

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, V J Bell, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J Stilts, C Swain and Mrs M E Thompson.

Against the recommendation: None.

Abstention:

Councillors R G Boyce, R P F Dewick, B E Harker, M W Helm, A L Hull and Miss S White.

The Chairman declared that motion 4 was therefore carried.

RESOLVED

- (i) That the Joint Standards Committee in its current form and all appointed councillors be disbanded;
- (ii) That the Council waives political balance on the Joint Standards Committee in order to reconstitute it;
- (iii) That the Joint Standards Committee will consist of:
 - eight elected members
 - 2 Parish Council observers (no voting rights)
 - the Independent Person (no voting rights).

The eight members should reflect the balance of the membership of the Council; however, no group should have a majority on the Committee. All political groups (a group is defined as having three or more members and is recognised as a political entity) within the Council should have representation. Any substitutions must be made from the same political group.

- (iv) That the Chairman and Vice-Chairman of the Joint Standards Committee be appointed not from the same political group.

In light of the above decisions the Chairman sought confirmation from the Lead Legal Specialist and Monitoring Officer that Agenda Item 12 – Joint Standards Committee – Parish Councillor Co-Optees was no longer required. In response, the Lead Legal Specialist and Monitoring Officer confirmed this was the case.

The Lead Legal Specialist and Monitoring Officer further commented that as all members of the Joint Standards Committee had been removed the political group leaders would need to submit their nominations to the July meeting of the Council. He also provided some guidance on the split of nominations. In response the Chairman referred to non-aligned Members and establishing a right for them to have a seat on any Committee. In respect of nominations to the Joint Standards Committee the Chairman advised that this was a matter for the political group Leaders and non-aligned Members.

1010. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met since the last meeting of the Council, up to Monday 15 June 2020 for which Minutes had been published.

1011. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6(3) OF WHICH NOTICE HAS BEEN GIVEN

There were none.

In accordance with her earlier declaration Councillor Mrs P A Channer left the meeting at this point.

1012. BRADWELL B PROJECT - STAGE 1 CONSULTATION

Councillors B E Harker and Miss S White left the meeting during this item of business and did not return.

The Council considered the report of the Director of Strategy, Performance and Governance seeking endorsement of a recommended response to the Stage 1 Consultation relating to the proposed Bradwell B power station proposals set out in Appendix A to the report.

The report provided background information regarding the identification, by the Government, of Bradwell as one of eight sites considered suitable in principle for the siting of a new nuclear power station. Details of the work undertaken in respect of this and the stage 1 consultation were also provided, and it was noted that in light of the COVID-19 health emergency the consultation period had been extended. Members were advised that following the consultation stages a decision would be made by the developer (BRB) as to whether a Development Consent Order application to the planning inspectorate would be submitted.

The Council received detailed presentations from the Strategy, Policy and Communications Manager and the Bradwell B Planning Lead. The presentations highlighted the:

- Council's adopted policy in respect of the development of a new nuclear power station at Bradwell-on-Sea;
- BRB's consultation programme and Maldon District Council's governance in relation to the stage 1 consultation;
- Stage 1 proposals for the power station both when operational and during the construction period.

Following the Officer presentations, Councillor A S Fluker presented the report and thanked Officers for the work they had undertaken in relation to this project. He proposed that an additional recommendation be added, that Members are regularly consulted with from the start of the Development Consent Order (DCO) Stage 2 Statutory consultation process, so that they were able to understand and see what was involved as part of the consultation. This was duly seconded.

A lengthy debate ensued during which a number of questions and comments were raised by Members. The following information was provided by Officers in response to some of these.

- The consultation lacked detail and further information was required on a wide range of topics, including the proposals for the management of nuclear waste;
- The proposal for Bradwell B was for a conventional power station and not one of the micro units currently being developed by Rolls Royce.
- In terms of the scale of the proposal the Council had to consider what was presented in the Stage 1 consultation. There was concern about the potential landscape impact across a wide area but ongoing discussions with BRB may provide some mitigation.
- BRB's Statement of Community Consultation had set out how it would consult during the Stage 1 consultation. In light of the COVID-19 health emergency Officers outlined the changes that BRB had made to the consultation to support community involvement and the response rate to date. The Council had submitted a letter in April 2020 to BRB raising concerns about the loss of public exhibitions and highlighting the commitment within the Statement of Community Consultation.
- Technical appraisals would be undertaken to identify potential harm on traffic flows within the District.
- Whilst much of the proposed Associated Development infrastructure would be temporary the Council would work to ensure that any permanent infrastructure would be a positive legacy for the District.
- In response to a question regarding housing infrastructure and the proposed expansion of South Woodham Ferrers, Members were advised that Officers had been in discussion with Chelmsford City Council and Essex County Council Highways in relation to this and recognised there were also constraints that required addressing beyond Maldon District Council's administrative area.
- It was acknowledged that there would be both positive and negative impacts on the District, but it was necessary to balance these impacts, including any proposed mitigation or compensation, before coming to a conclusion.
- The Council's support of the proposed development is in principle only and there will be future opportunities for the Council to consider the details of the proposal later once baseline and impact assessments have been carried out.
- In response to concerns raised regarding the visual impact the proposal would have within the district, on recreational boating, ecology, heritage sites etc., Members were advised that Officers would have detailed discussions with BRB to cover all areas.

Councillor C Swain proposed an amendment to paragraph 3.5.5 of the report removing reference to 'the Council's in principle support for the development' but was advised that as this was part of the Officers' report it could not be amended.

In response, the Leader of the Council referred to the review of the Local Development Plan scheduled to take place in 2021 and suggested that these statements were reviewed as part of that process. He proposed that an additional recommendation be added to request that the Council's position was reviewed when the Local Development Plan was reviewed. This was agreed.

In accordance with Procedure Rule 13(3) Councillor C Morris requested a recorded vote. The Chairman then put to the vote the proposal in the name of Councillor Fluker to agree the recommendations as set out in the report and the two additional recommendations proposed. The voting was as follows:

For the recommendation:

Councillors E L Bamford, Miss A M Beale, R P F Dewick, M F L Durham, Mrs J L Fleming, A S Fluker, M S Heard, M W Helm, A L Hull, K W Jarvis, J V Keyes, C P Morley, R H Siddall and Mrs M E Thompson.

Against the recommendation:

Councillors M G Bassenger, V J Bell, M R Edwards, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, N J Skeens, W Stamp, J Stilts and C Swain.

Abstention:

Councillor R G Boyce.

RESOLVED

- (i) That the Council endorses the Officer recommended response to the Stage 1 Consultation, as set in Appendix A to the report, as the Council's response to the consultation;
- (ii) That the Council endorses that the consultation response be a joint response with Essex County Council;
- (iii) That Members are regularly consulted with from the start of the Development Consent Order Stage 2 Statutory Consultation process;
- (iv) That the Council reviews the Council's position when the Local Development Plan is reviewed.

Councillor Mrs P A Channer returned to the meeting at this point.

1013. APPROVAL TO ADOPT THE LISTS OF THE LOCAL HERITAGE ASSETS FOR BRADWELL-ON-SEA AND TILLINGHAM

Councillor M F L Durham left the meeting during this item of business and did not return.

The Committee considered the report of the Director of Strategy, Performance and Governance seeking Members' approval to adopt the Lists of Local Heritage Assets for Bradwell-on-Sea and Tillingham (attached as Appendix 1 to the report).

It was noted that a draft of the Local Lists for Bradwell-on-Sea and Tillingham had been approved for public consultation in February 2020 and a table summarising the consultation responses received was attached as Appendix 2 to the report.

Members were reminded that up-to-date Parish Lists of Local Heritage Assets highlighting and promoting locally important historic buildings in each parish would be a useful tool in meeting the Council's objectives.

Prior to the Officers' presentation, the Leader of the Council presented the report and paid tribute to Mr Howson, the Council's Conservation Officer for the work had done and continued to do in keeping track of the heritage assets within the District.

A number of Members commented on the Lists of Local Heritage Assets and the work undertaken by the Officer.

The Leader of the Council proposed that the recommendation as set out in the report be agreed and that the Council's thanks be given to Mr Howson. This was duly agreed.

RESOLVED that the Lists of Local Heritage Assets for Bradwell-on-Sea and Tillingham (Appendix 1 to the report) are approved for formal adoption.

1014. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3)(M)

Councillor C Morris asked the Leader of the Council what the rainbow flag outside of the Council signified. In response the Leader explained that this flag showed the Council's recognition and support of LGBT (Lesbian, Gay, Bisexual and Transgender) and advised that the Council had recently been flying different flags in recognition of diverse groups. In response to a further question by Councillor Morris, the Leader advised that should any Councillor wish to make a complaint against another Councillor they needed to follow the correct procedures in addition to speaking to the Monitoring Officer.

1015. EXCLUSION OF THE 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 involved 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.

At this point the Chairman thanked members of the public for joining the meeting and confirmed that the live stream was now turned off.

1016. LEISURE CONTRACT

The Council considered the report of the Director of Service Delivery advising Members of the current position with the Leisure Services Contract and seeking authorisation to negotiate a change in the contract terms to deal with the impact of COVID-19. Appendix A to the report provided detailed information along with a summary of the recommended approach.

The report provided background information regarding the Council's two leisure facilities, the Blackwater Leisure Centre and Dengie Hundred Sports Centre and set out the matters for consideration by the Council.

The Leader of the Council referred to the need to move forward quickly and proposed that recommendations (i) - (iii) be deleted and a Leisure Contract Working Group comprising of Councillors M F L Durham CC, Mrs J L Fleming, A S Fluker, K W Jarvis, C P Morley, S P Nunn and W Stamp and Miss S White be set up immediately to look the financial implications of the leisure contract in relation to the health emergency and thereafter report to the Council no later than 16 July 2020 with the intent that a report comes back to the Council meeting on 2 July 2020. This proposal was duly seconded.

During the lengthy debate various information was provided to Members by the Officers present in response to questions raised.

In accordance with Procedure Rule 13(3) Councillor K M H Lagan requested a recorded vote. The Chairman put the proposal in the name of Councillor Fluker to the Council and the voting was as follows:

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, V J Bell, Mrs P A Channer, R P F Dewick, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, M W Helm, A L Hull, K W Jarvis, C Mayes, C P Morley, S P Nunn, R H Siddall, N J Skeens, W Stamp, C Swain and Mrs M E Thompson.

Against the recommendation:

Councillor K M H Lagan.

Abstentions:

Councillor R G Boyce, C Morris and J Stilts.

RESOLVED

- (i) that a Leisure Contract Member Task and Finish Working Group comprising of Councillors Morley, Fluker, Durham, Jarvis, Miss White, Mrs Fleming, Nunn and Stamp be set up immediately;
- (ii) that the Leisure Contract Member Task and Finish Working Group reviews the financial implications of the leisure contract in relation to the health emergency and thereafter reports to the Council no later than 16 July 2020 the intent being that a report comes back on 2 July 2020.

There being no further items of business the Chairman closed the meeting at 4.35 pm.

R G BOYCE MBE
CHAIRMAN