



**MINUTES of
COUNCIL
2 JULY 2020**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, Miss A M Beale, B S Beale MBE, M G Bassenger, 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, W Stamp, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

1033. 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.

1034. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillors V J Bell, R P F Dewick and N J Skeens. It was noted the Councillor M F L Durham would be joining the meeting a little late.

1035. DECLARATION OF INTEREST

Councillor M F L Durham joined the meeting at this point.

Councillor Mrs P A Channer declared a non-pecuniary interest as a member of Essex County Council on any matter on the agenda which referred to the County Council, specifically Agenda Item 8 – Adoption of Air Quality Action Plan 2020 – 2025 as this had been done in conjunction with the County Council.

Councillor A S Fluker declared a non-pecuniary interest in Agenda Item 12 – River Patrols and Enforcement as he was a Maldon Harbour Improvement Commissioner and sailed regularly on the River Blackwater.

Councillor C Mayes declared a non-pecuniary interest in Agenda Item 8 – Adoption of Air Quality Action Plan 2020 – 2025 as she sat on the Working Group and was a Ward Member for Maldon North.

Councillor Durham apologised for arriving late and declared a non-pecuniary interest as a member of Essex County Council on any matter on the agenda which referred to the County Council, specifically Agenda Item 8 – Adoption of Air Quality Action Plan 2020 – 2025 as this had been done in conjunction with the County Council.

1036. MINUTES - 23 JUNE 2020

Councillor Miss S White joined the meeting during this item of business.

RESOLVED

- (i) that the Minutes of the Council meeting held on 23 June 2020 be received.

Declaration of Interest

Councillor Mrs P A Channer advised that her declaration was incorrectly Minuted and it was agreed that this be amended to “...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 having sought...*”. This amendment was noted.

Notice of Motion

Councillor M S Heard advised that in respect of Motion 2 he had spoken about this being amended to read the Council **waives weighs¹** the overall political control of the Joint Standards Committee. This was noted.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the Council meeting held on 23 June 2020 be agreed.

1037. 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 Chairman of the Council referred to four questions from Judy Lea on behalf of the Maldon Society of which prior notification had been given. A copy of the questions and the prepared response from the Leader of the Council was circulated prior to the meeting.

We understand that the whole of the Local Development Plan has only one policy reference to a new nuclear power station (confirmed by Director Paul Dodson via email on 28th April this year). Embedded in Policy D4 there is the statement “The council will strongly support the principle of the development of a new nuclear power station at Bradwell-on-Sea”.

¹ Council – 16 July 2020

Our question is in four related parts:

- a) Can the Council please now make widely available and easily accessible the detailed arguments and supportive evidence upon which this policy was founded?

Response:

The documentation on the preparation of the Renewable Energy and Low Carbon policy is already a matter of public record and is available on the council's website:

https://www.maldon.gov.uk/info/20048/planning_policy/9163/local_development_plan_supporting_documents

From here, the documents that have informed the development of the District's renewable energy and low carbon policy can be inspected, including the consultation documents and Committee Reports.

The policy was considered by the Planning Inspectorate during the Examination in Public between 2016-2017 an Inspector's Report was issued detailing his considerations for alterations to Policy D2.

- b) The need for a new station is determined by national government, but that policy is now well overdue for reassessment. Since calculations were made in support of the current national policy there have been enormous changes to both the means of electricity supply and storage, and the consumer demand for it. For example, even pre virus, there has been a 37% drop in electricity consumption below the government prediction. Amongst many other factors which have changed are the increased political awareness of the dangers of relying on China, the reduced costs of green energy, and the knowledge extreme weather events are becoming more frequent. Does the District Council therefore now consider it wise to suspend its unequivocal support for the new station until its place in national government policy has been properly reassessed and the need reaffirmed?

Response:

Whilst the Council may choose to now advise it no longer supports the new station (by a Motion for example), in 2017 it adopted the Local Development Plan which advises that the statutory policy position of the Council is different. The policy has statutory weight in decision-making and the Council cannot just withdraw aspects of policies it no longer supports when it is inclined to. The Council may feel that is inclined to change its position based on evidence and judgement, but I can only see that it can do that in two ways:

- i. by completing a full / partial review of the Local Development Plan, submit it to the Government and be advised by a Planning Inspector that it is legal, sound and can be adopted – which would take at least 3 years to pass through all legal stages; or*
- ii. By notifying the Government it intends to withdraw the whole Local Development Plan – this would result in a policy vacuum and would mean the Council has very little influence over any other type of development or land management in the District. The Council would also then be on the radar of the Government for not having an up to date Local Plan and could face intervention or some planning powers being withdrawn.*

- c) In the light of the greater knowledge now circulating about the potential practical implications of the district's own policy (as evidenced for example in the BRB public consultation documentation and its evident omissions (such as power distribution infrastructure), is support by a majority of current members really still wholly unqualified and 'strong'?

Response:

As set out in in the LDP, Policy D4 "The council will strongly support the principle of the development of a new nuclear power station at Bradwell-on-Sea". This is current policy until such time as the LDP be withdrawn or amended as set out above in point b).

- d) Since the construction of the proposed station and its varied associated works (such as roads, piers, commuting traffic, staff accommodation etc.) is the largest single development affecting the District, likely to affect in one way or another the whole of the district (as well as many people beyond its borders), we therefore also ask that any MDC voting processes concerning Bradwell BRB now and in the future be by named vote please, in order that constituents are aware of the view of their elected representative.

Response:

In accordance with the Council constitution in rule 13(3) members can request a recorded vote on any motion providing that is seconded.

The Leader of the Council advised of a typographical error in paragraph 3.1 a) of his response, this was duly corrected. Having read his responses to the questions submitted, the Leader of the Council advised the Maldon Society that the Council was happy to engage with them on any matter and should they require any information to write to the Director of Strategy, Performance and Governance.

1038. CHAIRMAN'S ANNOUNCEMENTS

There were none.

1039. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6(3) OF WHICH NOTICE HAS BEEN GIVEN

There were none.

1040. ADOPTION OF AIR QUALITY ACTION PLAN 2020 - 2025

The Council considered the report of the Director of Service Delivery presenting the Air Quality Action Plan 2020 – 2025 (AQAP) (attached as Appendix 1 to the report) for approval. It was noted that the AQAP set out the measures the Council was intending to take to improve air quality in the District between 2020 and 2025. A source apportionment study and further modelling studies were attached as Appendices 2 and 3 to the report.

The report provided detailed background information regarding the creation of the AQAP and Members were informed that the proposed plan had been approved by the Department for Environment, Fisheries and Rural Affairs (DEFRA). The AQAP also sought to address the requirements under part IV of the Environment Act 1995 whereby once an Air Quality Management Area (AQMA) had been declared, as had been for Market Hill in 2018, a Local Authority must produce an AQAP. The report outlined the detailed consultation process that had been undertaken as part of these requirements and it was noted that any significant amendments to the AQAP would require further consultation.

The Leader of the Council thanked Tracy Farrell, Environmental Health Officer, Tim Savage from Chelmsford City Council and the Working Group for the enormous work they had done in relation to the AQMA. The Leader drew Members' attention to the amendment to the Clean Air Zone as requested by DEFRA and advised this was not considered to be a significant change. He then handed over to the Environmental Health Officer who presented the report to the Council.

The Leader of the Council proposed that the Council adopt the Air Quality Action Plan 2020 / 2025 and move forward with the Essex County Council Transport Strategy. This proposal was duly seconded.

Councillor Mrs P A Channer referred to a typographical error within page (ii) of the AQAP, advising that Ward Member should be written with capital letters at the start of each word. She declared that she was the County Councillor for the division of Maldon and also thanked Officers for their work on the AQAP.

Councillor S P Nunn asked that it be Minuted that despite Market Hill being in his and Councillor C Mayes Ward they had only joined the Working Group at its last meeting (24 June 2020) and as such had limited input into the paper. He advised that both Ward Members continued to receive feedback from residents and how it was important to have a clear communications strategy which targeted the residents of Market Hill.

Other Members of the Council expressed thanks to Officers and commented on the AQAP raising a number of points including:

- Tying the AQAP into the work being undertaken on Maldon High Street in response to COVID-19.
- A number of suggestions were made in relation to the Transport Strategy including park and ride sites and possible measures and improvements that could be brought forward in relation to Market Hill.

In response, the Environmental Health Officer reassured Members that there was a lot of ongoing monitoring taking place to support any further works required.

The Leader of Council thanked Members for their comments and advised that following the last meeting of the Working Group the Council was working to provide communications to all residents of Market Hill to keep them up to date and informed of all works on Market Hill.

The Chairman then put the proposal in the name of the Leader of the council and upon a vote being taken this was declared carried.

RESOLVED that the Air Quality Action Plan 2020 - 2025 (attached as Appendix 1 to the report) be adopted.

1041. HUMAN RESOURCES POLICIES AND PROCEDURES

The Council considered the report of the Director of Resources, presenting the following revised policies and procedures for approval.

- Parental Bereavement Leave Policy and Procedure
- Job Evaluation (HAY) Policy and Procedure

The policies were attached as Appendices to the report and it was noted that they had been amended to take account of legislative and Maldon District Council (MDC) changes. The report provided an outline of the changes that had been made to the policies.

The Leader of the Council proposed that the recommendations as set out in the report be agreed. This was duly seconded.

In response to a question regarding the use of the HAY system for Job Evaluation, the Director of Resources clarified that the Council had always used HAY and the revisions to the Policy and Procedure were to update them to reflect the Council's new structure.

The Chairman then put the proposal in the name of the Leader of the Council and upon a vote being taken this was agreed.

RESOLVED

- (i) That the new Parental Bereavement Leave Policy and Procedure (attached at Appendix 1 to the report) is approved; and
- (ii) That the revised Job Evaluation (HAY) Policy and Procedure, (attached at Appendix 2 to the report) is approved.

1042. HUMAN RESOURCES STATISTICAL REPORTING CHANGE

The Council considered the report of the Director of Resources seeking approval to change the requirement to report Quarterly Human Resource (HR) statistics to the Strategy and Resources Committee.

The report outlined the original requirement for quarterly reporting, the work that had been undertaken since then to address concerns and the improvements made to the Council's overall HR statistics. Members were advised of the measures in place for management key performance indicators and that any significant variances would be reported to the Strategy and Resources Committee. As a result it was suggested that the requirement for quarterly report be removed.

The Leader of the Council referred to staff welfare always being an important issue and taken very seriously by Members. He then proposed that the Council did not accept the recommendations as set out in the report and proposed that:

- (i) all staff statistics including a summary of exit interviews be reported to the Performance, Governance and Audit (PGA) Committee on a quarterly basis;
- (ii) the process of analysing staff sickness is reported to the PGA Committee;
- (iii) the Terms of Reference of the PGA Committee are updated accordingly.

This proposal was duly seconded.

A discussion then took place regarding whether the PGA Committee was the correct Committee to receive the statistical information. In response the Leader of the Council withdrew his proposed recommendation (iii) replacing it with a proposal that the Terms of Reference of the Strategy and Resources (S&R) Committee be updated. At this point the Lead Legal Specialist and Monitoring Officer provided some further clarification and how was important to avoid having two Committees dealing with the same issue. Further discussion ensued regarding whether review of the statistics should be considered by the PGA or S&R Committee.

The Chairman referred Members to the S&R Committee Terms of Reference and read out the specific term relating to HR statistics. In response to the discussion, the Lead Legal Specialist and Monitoring Officer suggested that a report be brought to a subsequent Council meeting to address the issue regarding the Terms of Reference and the remit of each Committee.

The Leader of the Council withdrew his earlier proposition and proposed that:

- (i) all staff statistics including exit interviews be reported to the relevant Committee on a quarterly basis;
- (ii) the Corporate Governance Working Group be asked to review the consideration of Human Resources statistics and report back to the Council for decision as to which Committee the statistic reports sit within.

This proposal was duly seconded and agreed.

RESOLVED

- (i) all staff statistics including exit interviews be reported to the relevant Committee on a quarterly basis;
- (ii) the Corporate Governance Working Group be asked to review the consideration of Human Resources statistics and report back to the Council for decision as to which Committee the statistic reports sit within.

1043. SUPPLEMENTARY ESTIMATES, VIREMENTS AND USE OF RESERVES - 1 OCTOBER 2019 - 31 MAY 2020

The Council considered the report of the Director of Resources, reporting virements and supplementary estimates agreed under delegated powers and procurement exemptions granted.

Members were advised that there had been four Supplementary Revenue Estimates approved during the period relating to:

- Topple testing at cemeteries;
- Heybridge Basin Capita work;
- Legal services – external legal fees;
- Planning Policy – subscriptions.

There had been no procurement exemptions and one drawdown from the Local Development Plan (LDP) reserve in relation to LDP activities.

The Leader of the Council proposed that the recommendation as set out in the report be agreed,

It was noted that within the table at paragraph 3.3.1 of the report item 3 Legal Services – external legal fees contained an error and reference to 03/03/03 required amendment to 02/03/20.

The Chairman put the proposal in the name of the Leader of the Council and this was duly agreed.

RESOLVED that subject to the above amendment, the Supplementary Revenue Estimates and Drawdown of Reserves as set out in paragraphs 3.3.1 and 3.5.1 of the report, be noted.

1044. RIVER PATROLS AND ENFORCEMENT

The Council considered the report of the Director of Service Delivery seeking approval to finalise and enter into a Memorandum of Understanding (MoU) for the purpose of improved enforcement presence and action on the River Blackwater, subject to the provision and insurance of a single Personal Water Craft (PWC) by Maldon District Council (MDC). The report also sought approval of a revision to the Capital budget request approved by the Council in February 2020 from £40,000 to £17,000.

It was noted that the Council was responsible for ensuring that the bylaws relating to the tidal River Blackwater were enforced. The report provided further detail regarding this, the arrangements the Council currently has for discharging these and the equipment used.

The Leader of the Council advised that there had been some questions regarding whether the proposed partnership should be a Service Level Agreement (SLA) or MoU and explained that because it was non-financial (i.e. the Council was not paying the Police to provide a service) that a MoU was a better term of agreement. The MoU allowed for both parties to work together for mutual benefit.

The River Bailiff provided the Council with further details of the proposal and explained that as part of the partnership working there would be a dedicated Police Officer for the River Blackwater who could provide a targeted response and he highlighted the resources that had been offered as part of this. In response to a question the Officer advised that the PWC would be based either at Burnham-on-Crouch or Boreham and in respect of training, all Officers would need to meet the police and any national criteria to use the boat. Members were advised that all monies relating to

bylaws went to the Crown, the main holders of the legislation, however the Council could include that costs were awarded to the Council. Information regarding response times was provided and how use of other resources such as land assets could reduce response times.

The Leader of the Council proposed that the recommendations as set out in the report be agreed and the Council moved forward quickly to deal with anti-social behaviour and speeding vessels on the River. This was duly seconded and agreed.

RESOLVED

- (i) That principle of a River enforcement partnership through means of a Memorandum of Understanding (MoU) with Essex Police; for an initial three year period, followed by a gateway review and scope to renew for a further two year period be agreed;
- (ii) That the Capital Budget be revised and approved for £17,000 to procure a single Personal Water Craft which Maldon District Council will provide as part of the future MoU with Essex Police for Patrols and Enforcement upon the River Blackwater.

1045. AMENDMENT TO MINUTES

The Leader of the Council proposed that amendment to the Council Minutes as set out on the agenda be agreed. This was duly seconded and agreed.

RESOLVED that the Minutes of the Council meeting held on 21 November 2019 be amended as follows:

Minute 562 – Appointment of Members to Service on Working Groups of the Council:
Second paragraph of this Minute to be amended to read:

The Leader of the Council proposed that the recommendation as set out in the report be agreed, subject to an amendment to amend the membership of the Corporate **Projects Member Task and Finish** Working Group to:

- Councillors Mrs P A Channer, A S Fluker, B E Harker, R H Siddall and **Mrs M E Thompson.**

1046. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3)(M)

Councillor C Morris asked the Leader of the Council if a previous Joint Standards Committee decision was decided to be predetermined would those Councillors step down from all Committees. The Leader responded advising that a report was coming to the next Council meeting regarding Joint Standards Committee where all comments would be considered.

1047. 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.

1048. LEISURE CONTRACT

The Council the report of the Director of Service Delivery advising Members of the current position with the Leisure Contract and seeking authorisation to negotiate a change in the contract terms to deal with the impact of COVID-19.

The Leader of the Council provided the Council with an update following the recent meeting of the Leisure Contract Working Group and that Councillor K W Jarvis had been appointed chairman of the Working Group. The Council were informed that the Working Group had requested additional information and was due to meet again the following week. In light of this, the Leader asked Members to note the report and proposed that recommendations (i) and (ii) as set out in the report not be agreed and that recommendation (iii) be amended as follows:

That an update report be brought to the meeting of the Council on 16 July 2020
~~dependant on the progress with the negotiations.~~

This was duly seconded.

Following some discussion the Chairman put the Leader's proposal which was duly agreed.

RESOLVED that an update report on the Leisure Contract be brought to the meeting of the Council on 16 July 2020.

There being no further items of business the Chairman closed the meeting at 2.24 pm.

R G BOYCE MBE
CHAIRMAN