



**MINUTES of  
COUNCIL  
16 JULY 2020**

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**PRESENT**

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, Miss A M Beale, V J Bell, 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

**1071. 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.

**1072. APOLOGIES FOR ABSENCE**

Apologies from absence were received from Councillors B S Beale MBE and R P F Dewick.

It was noted that Councillor M F L Durham would be joining the meeting a little late due to having to attend another meeting.

**1073. FORMER COUNCILLOR RODNEY L BASS OBE**

The Chairman advised of the recent death of former Councillor Rodney L Bass OBE who had been the past Leader of the Council and Chairman of the Council twice. He paid tribute to the former Councillor who had served the District for 40 years as a District Councillor and commented that his ability and conduct of business should be an example for everyone.

The Chairman asked all those present for a few moments silence in contemplation of the life and good works of Rodney Bass.

#### **1074. DECLARATION OF INTEREST**

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council in relation to any matter relating to the County Council in any way.

Councillor C Mayes declared the following non-pecuniary interests:

- Agenda Item 10 Draft Lower High Street Action Plan – as she was a Ward Member for Maldon.
- Agenda Item 11 Bradwell Development Plan Document: Housing – as she was a member of the Bradwell Working Group.
- Agenda Item 19 Leisure Contract – for a personal matter.

#### **1075. MINUTES - 2 JULY 2020**

##### **RESOLVED**

- (i) That the Minutes of the Council meeting held on 2 July 2020 be received.

##### **Minute 4 – Minutes 23 June 2020**

It was noted that the amendment of Councillor M S Heard should read "...the Council *waives* the overall political...".

##### **RESOLVED**

- (ii) That subject to the above amendment the Minutes of the Council meeting held on 2 July 2020 be agreed.

At this point, Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council.

#### **1076. PUBLIC QUESTIONS**

There were none.

#### **1077. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised he had recently attended the launch of the new CCTV (Closed Circuit Television) system operating in Maldon and was very impressed with it.

#### **1078. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 25 JUNE 2020**

**RESOLVED** that the Minutes of the Performance, Governance and Audit Committee held on 25 June 2020, be received and noted.

**1079. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6(3) OF WHICH NOTICE HAS BEEN GIVEN**

There were none.

**1080. DRAFT LOWER HIGH STREET ACTION PLAN - ENDORSEMENT BY THE COUNCIL FOLLOWING BUSINESS AND STAKEHOLDER REVIEW AND COVID-19 RE-SET AND RECOVERY RESPONSE**

Councillor M R Edwards joined the meeting during this item of business and did not partake in any vote.

The Council considered the report of the Director of Strategy, Performance and Governance presenting the findings of comments received through business and stakeholder review of the Draft Lower High Street Action Plan (the Action Plan), set out in Appendix 1 to the report. Following the review a number of amendments were proposed to the Action Plan and these were detailed in the report.

It was noted that the Action Plan had seven actions to realise the potential of the Lower High Street to contribute to the Masterplan objectives. These actions had been tested against Local Development Plan (LDP) Policy and the outcomes of the Corporate Plan. They had also been reviewed by businesses and stakeholders and the responses received were set out in Appendix 2 to the report.

Members were advised that the Action plan would galvanise business groups, individual businesses and stakeholders to take ownership of the High Street challenges and was supported by the Maldon High Street Focus Group led by the District Council.

On behalf of the Council, the Leader of the Council paid tribute to the Strategy Theme Lead: Place and the enormous work that had gone on in relation to the Action Plan. Following the Officers' presentation the Leader of the Council proposed that recommendations (i) and (ii) amended to remove the word 'of', be approved. He then proposed that Councillors Mrs J L Fleming and S P Nunn be appointed to the Focus Group. This proposal was duly seconded.

Councillor M S Heard advised that if the proposal of the Leader failed he wished to nominate Councillors S P Nunn and C Mayes (Maldon Ward Members)

In response to comments raised, the Strategy Theme Lead: Place advised that Action Plan took into account the changing behaviours during Covid and considered the parking strategy and action in the Masterplan, including how people accessed the town of Maldon.

The Chairman then put recommendations (i) and (ii) as amended to the Council and this was duly agreed.

There was some discussion regarding considering three nominations, but the Leader of the Council raised a Point of Order asking that his recommendation be put. In response the Chairman put the proposal in the name of the Leader that Councillors Fleming and Nunn be appointed to the Focus Group. Upon a vote being taken this was agreed.

## **RESOLVED**

- (i) That the proposed amendment to the draft Lower High Street Action Plan following business and stakeholder review and the Covid-19 Reset and Recovery Response be approved;
- (ii) That the Lower High Street Action Plan be endorsed;
- (iii) That the following Members be appointed to sit on the Maldon High Street Focus Group:
  - Councillor Mrs J L Fleming
  - Councillor S P Nunn

### **1081. 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 Wednesday 8 July 2020 for which Minutes had been published.

### **1082. BRADWELL DEVELOPMENT PLAN DOCUMENT - HOUSING**

The Council considered the report of the Director of Strategy, Performance and Governance informing Members of the potential need to provide housing, within the District, to meet the need of Bradwell B Power Station once operational.

The report provided background information regarding Bradwell B Nuclear Power Station and the process required to seek planning permission for the Power Station. Members were reminded that the Council in February 2020 had agreed to deliver a Development Plan Document (DPD). In addition, detailed information regarding the following areas was provided within the report:

- The Council's current stance on development of a new nuclear power station at Bradwell-on-Sea;
- Future housing provision;
- The Council's planning policy position;
- The Local Development Plan (LDP) and Bradwell B and housing;
- The LDP and housing, Appendix 1 to the report outlined the allocated sites within the Local Plan and their current position in relation to delivery;
- The Five-Year Housing Land Supply (5YHLS);
- The Council's future Planning Policy Framework
- Delivery options.

The Lead Specialist Place explained that Members' input was sought, and it was proposed that a workshop be organised to enable Members' views to be fed into the Council's direction of travel in relation to the housing aspect of the DPD.

The Leader of the Council presented the following amendment to recommendation (ii):

That workshops ~~are to~~ be provided for all Members ~~at the earliest opportunity~~ which will include the opportunity to provide comment on the principles of delivering housing to meet the need of Bradwell B Power Station once operational. ~~And that in advance of any such workshops Members are provided with background papers in a timely manner.~~

He then proposed that this and recommendation (i) as set out in the report be agreed. This proposal was duly seconded.

A debate ensued. Some concerns were raised regarding the timing of this report and in response the Lead Specialist Place advised that collation of the evidence for and the creation of the DPD document would take 18 – 24 months. He highlighted how it was important to proceed with this to protect the District. Reference was made to the Council's 5YHLS and the need to demonstrate this.

The Chairman then put the proposal made by the Leader and upon a vote being taken this was agreed.

## **RESOLVED**

- (i) That the approach that Maldon District Council seeks to ensure that housing demand created through the provision of a new nuclear power station at Bradwell, once operational, will be within the District, and defined within a Development Plan Document, be endorsed;
- (ii) That workshops are provided for all Members at the earliest opportunity which will include the opportunity to provide comment on the principles of delivering housing to meet the need of Bradwell B Power Station once operational. And that in advance of any such workshops Members are provided with background papers in a timely manner.

## **1083. APPOINTMENT TO VACANT SEATS ON COMMITTEE**

The Council considered the report of the Director of Strategy, Performance and Governance, seeking appointments to fill the vacant seats on Committees and other bodies following the resignation of Councillor R G Boyce MBE from these. The report also sought reconstitution of the Joint Standards Committee.

Details of the vacancies requiring appointment to were set out in the report. It was noted that the reconstituted Joint Standards Committee would consist of eight Members and be political balanced, ensuring that no political group had a majority.

The Leader of the Council proposed in relation to recommendation (i) that the following appointments be made

- Strategy and Resources Committee – Councillor M F L Durham
- Licensing Committee – Councillor E L Bamford
- Investigation and Disciplinary Committee – Councillor Mrs J L Fleming

- Investigation and Disciplinary Panel – Councillor R H Siddall;
- Corporate Governance Working Group – Councillor K W Jarvis.

This was duly seconded.

Councillor M S Heard proposed that Councillor W Stamp fill the vacant seat on the Corporate Governance Working Group (CGWG). This was duly seconded.

The Chairman put to the Council that the first four appointments as proposed by the Leader of the Council be agreed. This was duly agreed by assent. Members then voted on the proposal for Councillor Jarvis to fill the vacant seat on the CGWG and this was duly agreed.

The Leader then proposed that recommendation (ii) be agreed and in respect of recommendation (iii) the non-aligned Members of the Council should discuss this with the Lead Legal Specialist and Monitoring Officer.

In response to questions, the Lead Legal Specialist and Monitoring Officer explained that in respect of recommendation (ii) the Council was bound by the resolution it made at its meeting in June, in relation to the motion tabled, which specified that the Joint Standards Committee would comprise of eight Members. He provided further guidance in relation to his interpretation of how the eight Members should be split across the political parties. Councillor R H Siddall, who had brought the Motion to the Council, provided clarification on the meaning of his motion advising that the three non-aligned members were not a group. In light of this Councillor K W Jarvis proposed that the Council interpret the motion regarding the reconstitution of the Joint Standards Committee as the Committee was to be made up of eight Members, four from each of the two political groups. This was duly seconded and agreed by assent.

Following the above decision, the Chairman sought an additional Member from Councillor M S Heard, Leader of the Opposition Group. Councillor Heard nominated Councillor W Stamp. At this point, it was noted that recommendation (iii) was no longer required.

The Chairman then put recommendation (ii) as set out in the report amended to remove reference to a non-aligned Councillor and the addition of Councillor Stamp.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded and the voting was as follows:

For the recommendation:

Councillors E L Bamford, V J Bell, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, M W Helm, A J Hull, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, 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:

Councillor C Morris.

Abstention:

Councillor R G Boyce and B E Harker.

## **RESOLVED**

- (i) That until the Statutory Annual Council meeting in September 2020, the following Councillors are appointed to fill the vacant seats on:
- Strategy and Resources Committee – Councillor M F L Durham
  - Licensing Committee – Councillor E L Bamford
  - Investigation and Disciplinary Committee – Councillor Mrs J L Fleming
  - Investigation and Disciplinary Panel – Councillor R H Siddall;
  - Corporate Governance Working Group – Councillor K W Jarvis.
- (ii) That the Joint Standards Committee Membership be made up of four Members from each of the two political groups;
- (iii) That the following appointments are made to the Joint Standards Committee in accordance with the nominations of the two political groups and the appointment of one non-aligned Member:
- Councillor Mrs P A Channer CC, Conservative
  - Councillor M W Helm, Conservative
  - Councillor K W Jarvis, Conservative
  - Councillor Mrs M E Thompson, Conservative
  - Councillor M G Bassenger, Independent Group
  - Councillor C Mayes, Independent Group
  - Councillor S P Nunn, Independent Group
  - Councillor W Stamp, Independent Group
  - Councillor Jon Anderson Parish Councillor (Non- voting)
  - Councillor Peter Stilts, Town Councillor (Non -voting)
  - Independent Person (Pool of 3)

### **1084. MEDIUM TERM FINANCIAL STRATEGY**

The Council considered the report of the Director of Resources presenting the revised Medium-Term Financial Strategy (MTFS) for 2020 / 21 to 2023 / 24 (attached as Appendix 1 to the report).

The Leader of the Council paid tribute to the work of the finance and resource departments over the last five months and reported how the Council was the first in Essex to close down its accounts for the year 2019 / 20.

The Director of Resources advised that following a review of COVID-19 pressures and other movements the MTFS approved by the Council in February 2020 had been updated. He drew Members' attention to tables within the report which outlined how this would impact the General Fund Balance. The Director explained that the impact of

Covid could not be accurately predicted at this stage, although it was likely to be significant but Officers would continue to monitor it.

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

In response to a question the Director of Resources advised that additional funding was expected and once the details were known these would be reported to Members.

Following further discussion, the Chairman put the proposal in the name of the Leader of the Council and this was duly agreed by assent.

**RESOLVED** that the revised Medium-Term Financial Strategy for 2020 / 21 to 2023 / 24 (as at 6 July 2020) as set out in Appendix 1 to the report be noted and an updated version be brought to the October 2020 meeting of the Strategy and Resources Committee.

#### **1085. COVID-19 - RESET AND RECOVERY MEMBER WORKING GROUP**

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' approval to establish a COVID-19 Reset and Recovery Member Working Group (the Working Group). The Working Group would consider and inform the work being undertaken to produce a COVID-19 Reset and Recovery Plan for the Council. Members were advised that the Terms of Reference for the Working Group would be agreed at its first meeting, however the report detailed a number of workstreams which would be addressed within them.

The report provided background information to the work the Council had undertaken during the recent outbreak and key actions / issues were highlighted. It was noted that the Council was already involved in significant work to look at both the impact and the way in which services were delivered.

The Leader of the Council proposed that recommendation (i) be agreed, he also proposed an additional recommendation "that following the first meeting of the Working Group the Terms of Reference of the Working Group are agreed by the Council". In respect of recommendation (ii) the Leader proposed that the following Members be appointed to the Working Group:

- A S Fluker
- Mrs J L Fleming
- R H Siddall
- Mrs P A Channer
- J Stilts
- W Stamp

Following clarification from Councillor M S Heard, Leader of the Opposition, the Leader of the Council amended his proposal replacing Councillor Stamp with Councillor C Mayes.



Councillor C Swain proposed that there be two Working Groups one dealing with financial and economic strategy and the other with the remaining points set out in the report. This was not supported.

Councillor K M H Lagan proposed that Councillor C Morris be appointed the Working Group. This was duly seconded.

The Chairman put the recommendations as proposed by the Leader to the Council with the exception of the Working Group Memberships. This was duly agreed by assent.

The Chairman then put the proposal of the Leader for the Members of the Working Group to be:

- A S Fluker
- Mrs J L Fleming
- R H Siddall
- Mrs P A Channer
- C Mayes
- J Stilts

Upon a vote being taken, this was duly agreed.

#### **RESOLVED**

- (i) That a COVID-19 Reset and Recovery Member Working Group (the Working Group) of up to six Members be established;
- (ii) That the following Member representatives be appointed to the Working Group:
  - Councillors Mrs P A Channer, Mrs J L Fleming, A S Fluker, C Mayes, R H Siddall and J Stilts
- (iii) that following the first meeting of the Working Group the Terms of Reference of the Working Group are agreed by the Council.

#### **1086. COUNCIL CONSTITUTION - ADDITION TO OFFICER SCHEME OF DELEGATION - PAVEMENT LICENCES**

The Council considered the report of the Director of Service Delivery, seeking approval for an addition to the Scheme of Delegation giving power to the Director of Service Delivery to fully administer a new scheme of licensing for the use of pavements for food and drink businesses within the District.

It was noted that the Government had introduced the Business and Planning Bill 2020 (the Act) with the purpose of assisting the recovery of the economy following the effects of the COVID-19 pandemic. It was noted that the Act was at an advanced stage in the House of Lords with the Government hoping Royal Assent would be received quickly. One of the matters arising from the Act related to the temporary granting of pavement licences for those businesses supplying food and drink, enabling businesses to place removable furniture on pavements. The report provided further detail regarding the licence and the application process.

The Leader of the Council proposed that recommendation (ii) be amended to £50, as although the fee could be up to £100 the Council's proposed fee should be £50. This was duly seconded.

Officers responded to questions raised and it was noted that this would apply to all businesses within the District. Following a short discussion the Chairman put the Leader of the Council's proposal and this was agreed by assent.

## **RESOLVED**

- (i) That the Scheme of Delegation giving powers to the Director of Service Delivery under the sub- heading "Others" is amended to add the following:

"To carry out all functions under the Business and Planning Act 2020 – sections 1-10 -for the licensing of the use of highways for the consumption of food and drink outdoors, including the grant, revocation and enforcement of such licences"

- (ii) That the fee for Pavement Licence applications be set at £50.

## **1087. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3)(M)**

Councillor B E Harker left the meeting during this item of business.

Councillor C Swain referred to a response the Leader of the Council had made to a Member of the Public in relation to the Council's position regarding Bradwell B. He quoted from the response and asked the Leader if the text had been agreed by with the Lead Legal Specialist and Monitoring Officer who had subsequently rejected a motion submitted by him on the same lines. In response the Leader of the Council confirmed that his response would have been tested legally and how it was important to get motions right because they often brought forward important issues. In respect of motions, the Leader clarified that the acceptance and legality of a motion would be the decision of the Chairman of the Council in consultation with the Monitoring Officer and others. Although he was unable to comment on the motion referred to by Councillor Swain, the Leader advised that he was happy to meet with Councillor Swain, the Chairman of the Council and the Monitoring Officer to go through it.

Councillor C Morris asked the Leader in light of the negativity towards Bradwell B whether it was time the Council revised it support of Bradwell B. In response the Leader of the Council advised that he had drafted a letter to the Business Energy and Industrial Strategy Secretary regarding the future ownership and shareholding of Bradwell B / CGN asking him to explain how they were going to safeguard the operating of the power station should it go ahead in the future. The Leader advised he was writing to the Secretary as a member of the Council, however if Members wished he could write on behalf of them or on behalf of the Council. He also advised that to change the Local Development Plan (LDP) would be a very long process and something Members would have to decide if they wanted to do. However the Council would shortly be starting a review of the LDP and Bradwell would be one of the things reviewed straight away.

Councillor M S Heard referred to planning enforcement, there being 500 enforcement cases and some Officers having a caseload of over 200 cases. He asked the Leader of the Council if he was happy with this situation and what he could do to alleviate it. In response the Leader advised he was concerned about the number of cases and outlined how some of the Area Planning Committees had been reviewing these. The Leader suggested that Councillor Heard met with him along with the Chairmen of the Area Planning Committees and the Director of Service Delivery to review the list with the intention to bring a report back to the Council. He highlighted how the recent COVID crisis had added further restrictions as the team was not able to go into the community.

Councillor K M H Lagan asked the Leader of the Council if the Local Development Plan (LDP) had been reviewed since its approval by the Secretary of State. The Leader of the Council advised that the LDP was reviewed continuously in house, however the Council had a statutory obligation to review it every five years and this work would be starting soon. In respect of the review Councillor Lagan asked for dates around this process and the length of time it would take to complete. The Leader advised that he would ask the Lead Specialist Place to respond to Councillor Lagan but it was his understanding that the review had to be done at five years and he was sure when the process started all Members would be involved.

In light of the Leaders' response to Councillor Heard regarding enforcement, Councillor Mrs P A Channer asked the Leader of the Council whether he considered that an item on this matter should go before a meeting of Planning Committee Chairmen. She also asked whether through that body a review of the arrangements put in place by Area Planning Committees be undertaken to ensure consistency across all meetings and suggested a one-off day time meeting with Officers. In response, the Leader agreed that the Planning Committee Chairmen's forum would be good. He advised that he would speak to the Director of Service Delivery and they would decide whether this matter went before the Planning Committee Chairmen or a separate meeting is arranged. He highlighted the importance to hold a meeting quickly and if necessary he would bring a report back to the next meeting of the Council.

#### **1088. EXCLUSION OF THE PUBLIC AND PRESS**

The Lead Legal Specialist and Monitoring Officer advised that in respect of the exempt information paragraph numbers detailed, paragraph 5 relating to legal professional privilege, should also be added.

**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 Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

#### **1089. LEISURE CONTRACT**

Councillor B E Harker rejoined the meeting during this item of business.

The Council considered the report of the Leisure Contract Member Task and Finish Working Group (the Working Group) seeking Members consideration of recommendations (set out in Section 3.9 of the report) coming forward from the

Working Group in relation to the Leisure Contract. Appendix A to the report highlighted issues and options along with a summary advising on the recommended approach and legal advice received was attached at Appendix B.

Following a debate the Leader of the Council proposed that paragraph 3.10 (ii) of the report be amended to replace reference to the Chairman of the Working Group with the Leisure Contract Member Task and Finish Working Group. He indicated that this amendment would ensure openness and transparency. Further to discussions it was suggested that the dates referred to in this paragraph should also be amended to clarify the period was until 31 July 2020. These amendments were duly agreed.

The Chairman put the recommendation as set out in the report subject to the above amendments and upon a vote being taken this was duly agreed by assent.

**RESOLVED** that the recommendations of the Leisure Contract Member Task and Finish Working Group as set out in section 3.9 of the report (subject to the above amendments) be approved.

There being no further items of business the Chairman closed the meeting at 3.56 pm.

R G BOYCE MBE  
CHAIRMAN