



**MINUTES of
COUNCIL
1 OCTOBER 2020**

PRESENT

Vice-Chairman Councillor Mrs P A Channer, CC
(in the Chair)

Councillors E L Bamford, M G Bassenger, Miss A M Beale,
B S Beale MBE, V J Bell, R G Boyce MBE, R P F Dewick,
M F L Durham, CC, M R Edwards, Mrs J L Fleming,
A S Fluker, M S Heard, M W Helm, A L Hull, K W Jarvis,
J V Keyes, K M H Lagan, C Mayes, 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

1230. 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.

1231. APOLOGIES FOR ABSENCE

There were none.

1232. DECLARATION OF INTEREST

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council and any matter pertaining to that authority.

Councillor S P Nunn disclosed a non-pecuniary interest in Agenda Item 15 - Resignation of Councillor Harker and Associated Representation as he was acquainted with Mr Lawson.

Councillor M R Edwards disclosed a non-pecuniary interest Agenda Item 15 - Resignation of Councillor Harker and Associated Representation.

Councillor Miss A M Beale disclosed a pecuniary interest in Agenda Item 15 - Resignation of Councillor Harker and Associated Representation as she was one of the persons put forward to replace Councillor Harker on the Parish Council.

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a member of Essex County Council for any item of business on the agenda that related to Essex County Council. She made specific reference to Agenda Item 11 - COVID-19 High Street Recovery Plan and 12 - Bradwell B Scoping Opinion Request Consultation.

1233. MINUTES - 6 AUGUST 2020

RESOLVED

- (i) That the Minutes of the Council meeting held on 6 August 2020 be received.

Minute No. 1132 – Questions to the Leader of the Council in accordance with Procedure Rule 1 (3)(m)

It was noted that reference to fruition in the third paragraph on page 18 should be 'volition'.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the Council meeting held on 6 August 2020 be agreed.

1234. PUBLIC QUESTIONS

There were none.

1235. CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to the challenging times and some virtual events she had attended.

Councillor C P Morley joined the meeting at this point.

1236. NOTICE OF MOTION

In accordance with Procedure Rule 4, the Chairman advised that a motion proposed by Councillor K M H Lagan and seconded by Councillor C Morris had been received.

Councillor Lagan read out his Motion (as set out below):

“Although the Council initially supported (in principle) a new nuclear power station at Bradwell on sea, a greater level of information is now available, and it is appropriate to reconsider its position. Grave concerns are raised regarding a new nuclear power at Bradwell on Sea, due to the local environmental impacts, the loss of heritage assets and ecological harm.

Motion:

That the Council will review the LDP to reconsider this position at the next planned review.”

Councillor Morris confirmed that he seconded the Motion and in accordance with Procedure Rule No. 13 (3) requested a recorded vote which was duly seconded.

The Chairman put the Motion to the Council and the voting was as follows:

For the recommendation:

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

Against the recommendation:

Councillors Miss A M Beale and B S Beale.

Abstentions:

Councillors E L Bamford, R G Boyce, Mrs P A Channer, R P F Dewick, M F L Durham, Mrs J L Fleming, A S Fluker, J V Keyes, M W Helm, A J Hull, C P Morley and Mrs M E Thompson.

RESOLVED that the Council will review the Local Development Plan to reconsider this position at the next planned review.

1237. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 30 JULY 2020

RESOLVED that the Minutes of the Performance, Governance and Audit Committee held 30 July 2020 on be agreed (by assent).

1238. JOINT STANDARDS COMMITTEE - 3 SEPTEMBER 2020

RESOLVED

- (i) that the Minutes of the Joint Standards Committee held on 3 September 2020 be received.

Minute 7: Standards Complaint – Councillor A S Fluker

Councillor M S Helm, Chairman of this meeting of the Joint Standards Committee, referred to the Statutory Annual Council being able to appoint Members onto Committees and therefore the 12-month suspension detailed in recommendation (iv) would end up being 19 months. He proposed that recommendation (iv) be amended to read “...Working Groups *until the May 2021 Statutory Annual meeting of the Council*”. This was duly seconded.

A debate ensued during which the Lead Legal Specialist and Monitoring Officer provided guidance to Members regarding the rights of a Member to attend meetings, even those they were not a member of.

In accordance with Procedure Rule No. 13 (3) Councillor K M H Lagan requested a recorded vote. This was duly seconded.

Following further debate the Chairman put recommendation (iii) as set out in the Minutes to the vote. The voting was as follows

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, B S Beale, V J Bell, M F L Durham, M R Edwards, Mrs J L Fleming, M S Heard, M W Helm, A J 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, Mrs M E Thompson and Miss S White.

Against the recommendation:

None

Abstention:

Councillors R G Boyce, Mrs P A Channer, R P F Dewick and A S Fluker.

The Chairman declared that recommendation (iii) was therefore agreed.

Members then voted on Councillor Helm's amendment to recommendation (iv) to read 'Groups *until the May 2021 Statutory Annual meeting of the Council*'. In accordance with the earlier request for a recorded vote the voting was as follows:

For the recommendation:

Councillors E L Bamford, R G Boyce, Mrs P A Channer, R P F Dewick, A S Fluker, M W Helm, A L Hull, J V Keyes, C P Morley, Mrs M E Thompson and Miss S White.

Against the recommendation:

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

Abstention:

Councillors M F L Durham and Mrs J L Fleming.

The motion was therefore declared lost.

The Chairman then put recommendation (iv) as set out in the Minutes, a recorded vote was taken, and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, B S Beale, V J Bell, M F L Durham, M R Edwards, Mrs J L Fleming, M S Heard, K W Jarvis, K M H Lagan, C Mayes, 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:

Councillors E L Bamford, R G Boyce, Mrs P A Channer, R P F Dewick, A S Fluker, M W Helm, A L Hull, J V Keyes, C P Morley, Mrs M E Thompson and Miss S White.

Abstention:

None.

The Chairman declared that this was therefore agreed.

RESOLVED

- (ii) that as Councillor A S Fluker had failed to comply with the Council's Code of Conduct the Council should issue a formal letter of censure signed by the Chairman of the Council;
- (iii) that Councillor A S Fluker not be permitted to serve on any Committees (including the District Planning and South Eastern Area Planning Committees) or Working Groups for the next 12 months.

1239. STRATEGY AND RESOURCES COMMITTEE - 17 SEPTEMBER 2020

RESOLVED that the Minutes of the Strategy and Resources Committee held on 17 September 2020 be agreed (by assent).

1240. 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 23 September 2020 for which Minutes had been published.

1241. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6(3) OF WHICH NOTICE HAS BEEN GIVEN

There were none.

1242. COVID-19 HIGH STREET RECOVERY PLAN

The Council considered the report of the Re-Set and Recovery Working Group updating Members on progress with the High Street Recovery Plan and setting out the next steps to achieve phase three of the plan (as outlined in section 3.10 of the report).

The report provided background information regarding the work undertaken and the use of the Institute of Place Management COVID-19 Recovery Framework to move between the four recovery phases. The public consultation on High Street proposals was attached at Appendix 4 to the report.

It was noted that plans had been produced by Essex County Council (ECC) as a solution to pavement widening in the High Street and these were attached as Appendices 1 – 3 to the report.

Members received a short presentation from the COVID-19 High Street Recovery Project Manager. Councillor Mrs J L Fleming, Chairman of the Re-Set and Recovery Working Group thanked the Officer for her presentation and outlined how the scheme

presented was not that originally put forward by Officers but had been devised by ECC. In response to a number of questions the Officer provided additional information.

The Leader Designate moved the recommendation as set out in the report, this was duly seconded and agreed (by assent).

RESOLVED that the public consultation on High Street proposals, outlined within this report, be approved to run from 5 October – 16 November 2020.

1243. BRADWELL B SCOPING OPINION REQUEST CONSULTATION

The Council considered the report of the Director of Strategy, Performance and Governance seeking delegated authority to respond to the consultation by the Planning Inspectorate on the Scoping Opinion request for the proposed development of a Bradwell B Nuclear Power Station.

The report provided background information regarding the proposed development and the Stage 1 Consultation undertaken earlier this year by BRB (Bradwell B Power Generation Company Limited). Further details on the scoping opinion required as part of the Development Consent Order were also set out in the report.

It was noted that the proposed delegated authority to the Director of Strategy, Performance and Governance, in liaison with the Leader of the Council, to respond to the Planning Inspectorate's consultation on any Scoping Opinion request submitted in relation to proposed Bradwell B power station and its associated development, would enable a timely and robust technical response to be provided.

The Leader Designate moved the recommendation as set out in the report and this was duly seconded.

During the debate some questions were raised regarding the proposed delegation and why this could not be brought back to a future or extraordinary meeting of the Council. In response Members were advised that the proposed delegation was in response to the very tight deadlines.

In response to the discussions, Councillor C Mayes proposed an amendment to the recommendation to include the Leader of the Opposition. This was duly seconded and on being put to the Council the amendment was agreed (by assent).

It was agreed that the Director of Strategy, Performance and Governance would arrange for the Scoping Document to be made available for all Members and Members should feed any comments they may have to their respective Group Leaders. Those Members not aligned with a Political Group were advised that they could submit their comments to either of the Group Leaders or the Director of Strategy, Performance and Governance.

In accordance with Procedure Rule No. 13 (3) Councillor K M H Lagan requested a recorded vote and this was duly seconded.

The Chairman put the amended recommendation to the Council and the voting was as follows:

For the recommendation:

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

Against the recommendation:

Councillors K M H Lagan, C Morris, W Stamp and ~~C Swain~~[†].

Abstained:

Councillors V J Bell, R P F Dewick, A S Fluker and M W Helm.

RESOLVED that the Council delegates authority to the Director of Strategy, Performance and Governance, in consultation with the Leader of the Council and Leader of the Opposition, to respond to the Planning Inspectorate's consultation on any Scoping Opinion request submitted in relation to proposed Bradwell B power station and its associated development.

1244. WHITE PAPER 2020

The Council considered the report of the Director of Strategy, Performance and Governance outlining the key issues and proposals within the Government housing white paper 'Planning for the Future'.

The paper was published for the purposes of a consultation and following analysis by Officers a number of proposed responses to the consultation were set out in the report.

The Lead Specialist Place outlined the consultation and how the changes (as summarised in the report) would impact the Council, especially all areas of development management. The Officer explained that a number of proposed responses were very limited and this was because the level of detail in the white paper was minimal and without further detail it was not possible to respond fully to the consultation question.

A lengthy debate ensued. During the discussion a number of comments regarding the Council's responses to the consultation were raised and answered by Officers. The comments included:

- In response to a comment regarding why the word 'outdated' had been used in relation to Question 1 relating to the planning system, the Lead Specialist Place detailed Officers reasoning for this and highlighted that only three words were requested for this response.
- Question 3 – Adding a comment regarding the poor availability of broadband in rural areas. The Officer advised that he was happy to add a point regarding some communities that may struggle with broadband but noted that the consultation was looking to the future and longer term.
- It was noted that the name settlement boundaries would no longer be used.

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- Question 12 - In respect of the proposals for a 30-month statutory timescale for the production of Local Plans, Officers highlighted the concerns they had regarding this and the problems that would occur if the Council was required to wait for neighbouring authorities to reach the same stage of production.
- Question 14 – Officers agreed that a yes response could be given, however expressed concern regarding the Member suggested reduction in the time limit for the expiration of planning permission approvals, especially in relation to large developments.
- Question 16 – A Member raised concern regarding the narrow definition of sustainability and whether reference to an alignment of infrastructure investment with development were raised. The Officer explained that Officers had put forward the key point on sustainability, but the response could be revised.
- Question 19 – It was noted that this related to adding beauty to the planning system.

1245. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting of the Council be adjourned for a five minute break.

1246. RESUMPTION OF THE MEETING IN OPEN SESSION

RESOLVED that the meeting of the Council resumes in open session at 20:30.

1247. WHITE PAPER 2020 CONTINUED

Following the adjournment and in response to a comment Members were advised that if a National Levy was to be introduced there would have to be an excess in development which would be the lowest common denominator and could result in certain authorities getting less financial contribution.

Members were advised that any further comments on the White Paper could be raised with the Lead Specialist Place outside of the meeting.

In response to a suggestion, the Leader Designate proposed an amendment to recommendation (ii) and an additional recommendation (iii) as set out below:

- (ii) that the Officers suggested responses *with Members' suggested changes* are approved to be submitted in response to the consultation.
- (iii) that a letter to accompany the consultation be sent to the Local Members of Parliament.

These amendments were duly seconded and agreed (by assent). The Chairman then put the amended recommendations to the Council and this was duly agreed (by assent).

The Chairman thanked the Lead Specialist Place and Officers involved in preparation of the report.

RESOLVED

- (i) That the recent White Paper and associated interim measures consultation paper along with the proposals contained in both documents are noted;
- (ii) That the officers suggested responses along with Members' suggested changes are approved in consultation with the Leader Designate and submitted in response to the consultation.
- (iii) That the Director of Strategy, Performance and Governance be delegated to send a letter to accompany the consultation to the local Members of Parliament.

1248. LEADERS AND COMPOSITION OF POLITICAL GROUPS

The Council considered the report of the Director of Strategy, Performance and Governance seeking ratification of the Leader Designate as Leader of the Maldon District Council.

In accordance with Procedure Rule No. 13 (3) Councillor E L Bamford requested a recorded vote and this was duly seconded.

The Chairman put to the Council that the Leader-designate (Councillor E L Bamford) be ratified as the Leader of the Council until the Statutory Annual meeting of the Council. In accordance with the earlier request for a recorded vote, the voting was as follows:

For the recommendation:

Councillors E L Bamford, M G Bassenger, Miss A M Beale, B S Beale, Mrs P A Channer, R P F Dewick, M F L Durham, M R Edwards, 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, S P Nunn, R H Siddall, N J Skeens, J Stilts, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors V J Bell, K M H Lagan, C Mayes and C Morris.

Abstention:

Councillors N G F Shaughnessy and W Stamp.

The Chairman declared this was therefore agreed.

RESOLVED that the Leader-designate (Councillor E L Bamford) be ratified as the Leader of the Council until the Statutory Annual meeting of the Council.

Following her appointment as Leader of the Council, Councillor Bamford thanked Officers and Members for their support and outlined her plans as Leader. Congratulations were then offered by other Members of the Council.

1249. RESIGNATION OF COUNCILLOR B E HARKER AND ASSOCIATED REPRESENTATIONS

The Council considered the report of the Director of Strategy, Performance and Governance seeking an agreed approach associated with the vacancies created as a result of Councillor B E Harker's resignation as a District Councillor.

The report set out proposed arrangements to fill the seat Councillor Harker had vacated on Heybridge Basin² Parish Council and proposal to appoint an additional Member to the Parish Council. In response to the proposed additional Member it was noted that Mr Keith Lawson had been nominated by the Parish Council.

The Leader of the Council moved the recommendation set out in the report and this was duly seconded.

In response to a proposal from Councillor M R Edwards it was suggested that recommendation (i) be amended to include the name of the nominated candidate (Mr Keith Lawson). This was duly seconded.

Councillor Mrs P A Channer declared an interest in this item of business as she knew Mr Lawson.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded.

The Chairman then put the amended recommendation (i) and recommendations (ii) and (iii) as set out in the report to the Council. In accordance with the earlier request for a recorded vote, the voting was as follows:

For the recommendation:

Councillors E L Bamford, Miss A M Beale, B S Beale, V J Bell, Mrs P A Channer, R P F Dewick, M F L Durham, M R Edwards, Mrs J L Fleming, M S Heard, M W Helm, A L 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, W Stamp, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillor C Morris.

Abstention:

Councillors M G Bassenger, N J Skeens and J Stilts.

The Chairman announced that the recommendations had therefore been agreed.

RESOLVED

- (i) That Mr Keith Lawson, the nominated candidate put forward by the Heybridge Basin Parish Members to replace Councillor B E Harker be approved;

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- (ii) That Councillor Miss A M Beale be appointed in addition to the position of a Heybridge Basin Parish Councillor, to allow a greater opportunity for the Parish Council to be quorate should any future issues with Member attendance arise;
- (iii) That the filling of all other associated Committee and Outside Body seats and positions be deferred to the Statutory Annual Council meeting on 5 November 2020.

1250. REVISED SCHEDULE OF MEETINGS (OCTOBER 2020 - APRIL 2021)

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' agreement of the draft schedule of meetings for October 2020 to April 2021 (attached as Appendix 1 to the report).

The Leader of the Council presented the report and moved the recommendation. This was duly seconded and agreed (by assent).

RESOLVED that the revised schedule of meetings for October 2020 – April 2021, attached as Appendix 1 to the report, be approved.

1251. REVISIONS TO REMOTE COMMITTEE PROCEDURES

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' approval of amendments to the protocol within remote Committee meetings in light of updates to the technology used and to improve how remote meetings operated. A revised version of the remote protocol document was attached as Appendix A to the report.

The Leader of the Council put the proposal as set out in the report.

Councillor Mrs P A Channer declared an interest in this item of business.

Several concerns were raised including the reasons for the review and during the debate concerns regarding particular amendments to the protocol were highlighted.

Councillor S P Nunn proposed that the revised protocol not be adopted but a Working Group be set up with advice from Officers, including the Lead Legal Specialist and Monitoring Officer to review the proposed changes and report back to the Council. This was duly seconded. Members were advised that there was already a proposal which had been seconded that had to be considered first.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded.

The Chairman then put the proposal in the name of the Leader of the Council to the vote. A recorded vote was taken and the voting was as follows:

For the recommendation:

Councillors E L Bamford, B S Beale, Mrs P A Channer, M F L Durham, Mrs J L Fleming, A L Hull, J V Keyes, C P Morley, Mrs M E Thompson and Miss S White.

Against the recommendation:

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

Abstention:

Councillor Miss A M Beale.

The proposal of the Leader of the Council was declared lost.

Councillor N G F Shaughnessy left the meeting at this point and did not return.

Further debate ensued. Following advice from the Lead Legal Specialist and Monitoring Officer and further discussion the Chairman advised that under Rule 23 of the Council's Constitution she was happy to accept a further proposal. The Chairman referred to the earlier debate and a suggestion that the public participation be accepted and a Working Group set up.

Councillor Nunn then proposed that with the exception of public participation which should be agreed, the suggested revisions to the remote Committee procedure not be accepted, and a politically balanced Working Group be established to review the procedures. This was duly seconded. The Leader of the Council suggested that that the composition and membership of the Working Group be referred to the Statutory Annual meeting of this Council to agree. Councillor Nunn agreed with this and amended his proposal accordingly. The amended proposal was duly seconded.

The Chairman put Councillor Nunn's amended proposal to the Council and it was duly agreed (by assent).

RESOLVED

- (i) That the amendments to section 5 – public participation of the Remote Committee Procedure (attached as Appendix A to the report) be agreed;
- (ii) That with the exception of section 5 (as detailed above) the revised remote protocol document (Appendix A to the report) and associated updates to working practices not be adopted;
- (iii) That a politically balanced Working Group be set up with its Membership to be agreed at the Statutory Annual meeting of the Council to review the Remote Committee Procedure and report back to the Council.

1252. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3)(M)

Councillor C Morris referred to the bailiff industry being able to recommence enforcement action from 24 August 2020 and the Tribunals, Courts and Enforcement Act 2007 which he advised protected vulnerable people from this type of enforcement. He asked the Leader of the Council if she would be supportive of the Council identifying and helping vulnerable residents in relation to this Act. In response the

Leader of the Council advised that she did not have knowledge regarding this legislation and would need to refer to Officers, however the Council would seek to help vulnerable persons. Councillor Morris commented on checks being required to identify vulnerable persons and ensuring they were appropriately protected (in accordance with the law). The Leader of the Council suggested that Councillor Morris bring examples of this to a meeting that she and the Leader of Opposition had agreed to have with him.

Councillor W Stamp referred and requested an updated in relation to Council Minute 967 which related to including members of the Independent Group on the Corporate Governance Working Group (CGWG). She also requested that the Leader provide the Council with a regular update on meetings that she and the Leader of the Opposition had attended with the local Members of Parliament (MP). In response, the Leader of the Council explained she had only been in post a very short time and had attended one meeting with the MPs but agreed to take on board the request for a report. In respect of the CGWG membership the Leader advised that at the Statutory Annual meeting of the Council all Working Groups would be reviewed and politically balanced and where appropriate Ward members would be included.

There being no further items of business the Chairman closed the meeting at 10.07 pm.

MRS P A CHANNER, CC
CHAIRMAN