



**MINUTES of
COUNCIL
2 SEPTEMBER 2021**

PRESENT

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

228. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

229. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B S Beale MBE, R P F Dewick, Mrs J L Fleming, M W Helm, B B Heubner, K W Jarvis and N G F Shaughnessy.

230. DECLARATION OF INTEREST

Councillors M F L Durham and W Stamp declared non-pecuniary interests as a Member of Essex County Council.

231. MINUTES - 30 JUNE 2021

RESOLVED

(i) that the Minutes of the Council held on 30 June 2021 be received

Minute 131 – One Maldon District

Councillor Mrs P A Channer referred to and detailed some of the discussion which she felt was not captured in the Minutes. She proposed that an additional bullet point be added to the fourth paragraph of this Minute, to read as follows:

- One Maldon would not replace direct discussions with the NHS around the Health Hub those would continue through the Maldon Operational Group as they do now which Maldon District Council are represented on directly.

The proposed amendment was duly seconded and agreed by the Council.

RESOLVED

- (ii) that subject to the above amendment, the Minutes of the Council held on 30 June 2021 be agreed.

232. PUBLIC QUESTIONS

There were none.

233. CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked the Vice-Chairman for representing him at some events.

234. STRATEGY AND RESOURCES COMMITTEE - 15 JULY 2021

RESOLVED

- (i) That the Minutes of the Strategy and Resources Committee held on 15 July 2021 be received.

Minute 166 – Land Purchase Option Agreement

Councillor R G Boyce advised that he wished to raise a matter in respect of this Minute item. It was agreed that because this related to a matter discussed in private session Councillor Boyce would raise his query once the Council was in private session.

The Council considered the following recommendations set out in the Minutes:

Minute 160 – A12 Chelmsford to A120 Widening Scheme – Response to Highways England Public Consultation on ‘Preliminary Design’

RESOLVED

- (ii) that the Council ratifies the response to the Highways England Public Consultation for the ‘Preliminary Design’ of the A12 Chelmsford to A120 Widening Scheme (as set out in Appendix 1 to the Minutes of the Strategy and Resources Committee).

Minute No. 163 – Advice Service Contract

RESOLVED

- (iii) that Bidder 1 be awarded the contract for delivering an Advice Service from October 2021.

RESOLVED

- (iv) that subject to the above decisions and with the exception of Minute 166, the Minutes of the Strategy and Resources Committee held on 15 July 2021 be agreed.

235. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 29 JULY 2021

RESOLVED that the Minutes of the Performance, Governance and Audit Committee held on 29 July 2021 be agreed.

236. JOINT STANDARDS COMMITTEE - 17 AUGUST 2021

RESOLVED

- (v) That the Minutes of the Joint Standards Committee held on 17 August 2021 be received.

The Council considered the following recommendations set out in the Minutes:

Minute No. 214 – Consultation on Complaints Process and Amendments to the Articles for Standards Arrangements

Councillor M G Bassenger, Chairman of the Joint Standards Committee, moved the recommendation detailed in the Minutes of the Committee.

Councillor Mrs P A Channer referred to Group Leaders also being notified of any complaints received regarding a Group member. She proposed an amendment to the recommendation that Group Leaders should be confidentially notified if a complaint was raised by one of their Members. The amendment was duly seconded.

A debate ensued. Following some discussion and advice from the Lead Legal Specialist and Monitoring Officer, Councillor Mrs Channer clarified her amendment that the Articles of the Constitution, Article 7- Standards Arrangements, Section 4, paragraph 3 (stage 1) be amended, requesting that Group Leaders also be notified of all complaints regarding a Group member. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded. The Chairman put the proposal in the name of Councillor Mrs Channer and the voting was as follows:

For the recommendation:

Councillors Miss A M Beale, R G Boyce, Mrs P A Channer, M F L Durham, M R Edwards, A L Hull, KJ V Keyes, K M H Lagan, C Mayes, C P Morley, S P Nunn, R H Siddall, E L Stephens, Mrs J C Stilts, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors M G Bassenger, V J Bell, C Morris, W Stamp and C Swain.

Abstention:

Councillor M S Heard.

RESOLVED

- (vi) That subject to the above amendment, the changes to the Articles of the Constitution, Article 7 - Standards Arrangements and especially to the complaints process (as set out in Appendix 1 to the Minutes of the Joint Standards Committee), be approved.

RESOLVED

- (vii) that subject to the above decision, the Minutes of the Joint Standards Committee held on 17 August 2021 be agreed.

237. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Tuesday 24 August 2021 for which Minutes had been published.

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

There were none.

239. STATEMENT OF COMMUNITY INVOLVEMENT - ADOPTION

The Council considered the report of the Director of Strategy, Performance and Governance presenting the 2021 Statement of Community Involvement (SCI) (Appendix 1 to the report) for approval following completion of a six-week consultation period.

The report provided background information regarding the draft SCI, recent consultation process undertaken, and responses received (summarised in Appendix 2 to the report). It was noted that the SCI set out how the Council would consult on planning policy issues, planning applications and neighbourhood plans.

The Leader of the Council presented the report and put the recommendation. This was duly seconded. Members extended their thanks to Officers, particularly Ms Leonie Alpin, Specialist: Local Plan,¹ for the report and work undertaken.

The Chairman moved the recommendation which was duly agreed. Councillor C Morris asked that his dissent to the recommendation be recorded.

RESOLVED that the 2021 Statement of Community Involvement (attached at Appendix 1 to the report), be adopted.

240. TAXI AND PRIVATE HIRE POLICY

The Council considered the report of the Director of Service Delivery presenting an overarching taxi and private hire policy (attached at Appendix 1 to the report) based on recommendations in the Department for Transport's (DfT) statutory guidance. The report sought amendments to existing Council policy and conditions to reflect the DfT recommendations and outlined the consultation process with stakeholders.

The DfT guidance, issued in respect of licensed taxis and private hire, was set out in the report along with the recommendations the guidance made and proposals for the Council to consider. The report set out the main changes proposed to the Council's

¹ Minute No. 519 (Council 24 February 2022)

policy and licensing conditions. It was noted that the changes would strengthen the licensing regime and put safe-guarding at the core of the decision-making process.

The report outlined a proposed consultation with stakeholders on the changes recommended in the DfT's statutory guidance and set out the bodies to be consulted.

The Chairman drew Members' attention to a revised report, Appendix 1 and Appendix 1F which had been circulated prior to the meeting along with a new appendix 1G.

The Leader of the Council presented the report and put the recommendations as set out in the revised report. This was duly seconded.

Members discussed the report and the following points were raised:

- Appendix 1F referred to Quest Motors which no longer existed;
- there was no reference made to Covid within the documents;
- the policy required a notice to be displayed if different forms of payment were not accepted, but as cash was becoming the exception it was questioned if this should be specified.

In response the Director of Service Delivery, advised that those minor changes could be made to the documents and should for any reason it not be possible to make the changes he would advise Members accordingly. This was noted.

The Chairman moved the recommendations subject to the above minor amendment which were duly agreed. Councillor C Morris asked that his dissent to the recommendations be recorded.

RESOLVED

- (i) that subject to the minor amendments detailed above, the draft overarching policy on taxi and private hire be approved;
- (ii) that the amendments to existing policy and licensing conditions be approved;
- (iii) that the consultation process be approved;
- (iv) that the Vehicle Inspection Standards manual be approved for immediate use.

241. FUTURE COMMITTEE MEETINGS ARRANGEMENTS

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' consideration of ongoing arrangements for Committee meetings in light of changes to government restrictions (as set out in Appendix A to the report).

The report provided background information and reminded Members of the Council's decision in April 2021 to reinstate Committee meetings and the mitigations put in place.

The Leader of the Council presented the report and put the recommendations. This was duly seconded.

The Director of Strategy, Performance and Governance drew Members' attention to Appendix A to the report and in particular the current mitigations and options for Members' consideration including the costs relating to each option.

Councillor Miss S White proposed that the Council accept option 3 (as set out in Appendix 1) with a two monthly review to take into consideration Covid cases etc. She added that should her proposal not be agreed Members consider option 4 but with live streaming. This proposal was duly seconded.

Councillor R H Siddall felt a more flexible approach should be agreed and proposed that meetings of the Council and District Planning Committee should remain to be held at the Stadium and all other meetings be held in the Council Chamber, removing screens and with individuals wearing masks if they could. He also proposed that the live streaming should continue. This proposal was duly seconded.

A debate ensued during which a number of views were expressed by Members and it was generally expressed that live streaming of meetings should continue. During the discussion reference was made to FFP3 face masks, sitting side by side, protecting the vulnerable, the requirement to complete Lateral Flow Tests, removal of screens from meetings, financial implications and risks to Officers.

The Chairman put the proposal in the name of Councillor Miss White to the Committee.

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

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, V J Bell, R G Boyce, Mrs P A Channer, M FL Durham, M R Edwards, A L Hull, J V Keyes, K M H Lagan, C P Morley, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors M S Heard, C Mayes, S P Nunn, R H Siddall, W Stamp, E L Stephens, Mrs J C Stilts and C Swain.

Abstention:

Councillor C Morris.

The Chairman declared that this proposal was duly agreed.

In response to a question regarding providing a higher standard of masks (FFP3) to Members and staff, the Director of Service Delivery advised that Officers would review the request and action it if appropriate.

Reference was made to recommendations (ii) and (iii) as set out in the report which the Council had not considered. Following further discussion, in respect of recommendation (ii) and additional mitigating actions it was suggested that the following be applied:

- side by side working, where possible;
- provision of FFP3 masks;
- a Lateral Flow Test should be undertaken, where a person was comfortable to do so;
- hand sanitiser should be provided on each individual workstation.

This was duly agreed.

The Chairman then put recommendation (iii) as set out in the report to the Council and this was agreed.

RESOLVED

- (i) That all meetings move back to the Council Chamber, removing social distancing, but with other current mitigations and protocols in place along with live streaming, with a two-monthly review;
- (ii) That the following additional mitigating measure be agreed:
 - side by side working, where possible;
 - provision of FFP3 masks;
 - a Lateral Flow Test should be undertaken, where a person was comfortable to do so;
 - hand sanitiser should be provided on each individual workstation.
- (iii) That should the Government revise legislation to again allow for remote meetings, the Corporate Governance Working Group bring a further report back.

242. PLANNING ADVISORY SERVICE - REVIEW OF RECOMMENDATIONS

The Council considered the report and recommendations (attached as Appendix 1 to the report) of the Corporate Governance Working Group (the Working Group) following the recommendations made in the report of the Planning Advisory Services (PAS). It was noted that the PAS was a Local Government Association (LGA) group which was an authoritative voice in planning policy, providing consultancy, peer support and resources to help Local Authorities respond to planning reform and embed best practice.

The report provided background information regarding the PAS review and the conclusions considered by the Working Group. It was noted that the majority were operational / procedural matters however should the Council adopt the recommendation to remove multiple Planning Committees constitutional amendments would be required and an updated Terms of Reference for the District Planning Committee was attached at Appendix B.

Members discussed the report and there was a lengthy debate regarding the proposal to move from three Area Planning Committees to one single Planning Committee. Although the proposal received some support, concern was raised particularly in respect of representing local residents.

Councillor Miss S White proposed that the Council did not accept the option for one Planning Committee as set out in the report and the three Area Planning Committees remain, as they were important to Members and kept the Council's democracy. This proposal was duly seconded.

Further debate ensued. In light of the discussion, Councillor R H Siddall commented that more information on the Planning Committees and the decisions they make was required. He proposed that this item of business be withdrawn for further analysis and information to be brought back to the Council next year (2022). This proposal was duly seconded.

The Chairman reminded the Council of the earlier proposition from Councillor Miss White which had been duly seconded.

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 Councillor Miss White to the Council.

Prior to the vote being taken clarification was given on the six-month rule and whether a Member could vote if they had not been present for the whole of the debate. Councillor Mrs P A Channer advised that she would not partake in this vote, having left the chamber during the debate. Councillor R G Boyce advised that although he had left the chamber during the debate he felt he had heard enough to enable him to vote. The voting on the proposal was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, A L Hull, J V Keyes, K M H Lagan, C P Morley, C Morris, S P Nunn, E L Stephens, Mrs J C Stilts, C Swain and Miss S White.

Against the recommendation:

Councillors V J Bell, M F L Durham, M R Edwards, C Mayes, R H Siddall, W Stamp and Mrs M E Thompson.

Abstention:

Councillor M S Heard.

The Chairman announced that this was therefore carried.

RESOLVED that the Council retains the three Area Planning Committees and rejects the proposal for one Planning Committee.

243. SEALING OF DOCUMENTS

The Council considered the report of the Director of Resources seeking agreement to change the procedure for the sealing of documents.

The report outlined the Council's current procedure for sealing documents and the proposal to amend the Constitution to require only one senior employee to sign whenever a document required sealing. It was noted that many authorities now only required one senior employee to sign a sealed document.

The Leader of the Council presented the report and put the recommendation as set out in the report.

Councillor Mrs P A Channer referred to how in the past Members had been involved in sealing of documents. She proposed that one employee (e.g. a Director, legal Officer or Officer reporting to a Director) and the Leader of the Council / Deputy Leader of the Council or Chairman of a Committee be required to sign whenever a document needs to be sealed. This proposal was duly seconded.

The Lead Legal Specialist and Monitoring Officer provided Members with some further clarification and explained that sealing a document did not include approval of the document but merely witnessing the sealing being applied.

The Chairman then put the proposal in the name of Councillor Mrs Channer to the Council and upon a vote being taken that was agreed.

RESOLVED that paragraph 3.1.2 of the Responsibility and Functions General Provisions document that forms a part of the Constitution be amended to require one employee (a Director, legal Officer or Officer reporting to a Director) and the Leader of

the Council / Deputy Leader of the Council / Chairman of a Committee be required to sign whatever document needs to be sealed.

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

Councillor R H Siddall referred to the covid challenge faced by the Council over the past year, having gone through the recent transformation. He asked the Leader of the Council, having read the report presented to the Overview and Scrutiny Committee, how she felt the Independent administration had faced those challenges and at the same time supported staff and services. In response, the Leader commented that she felt the administration had handled the challenge to the best of its ability. She referred to the transformation, its related cuts and the issues (some ongoing) as a result of it. The Leader reported that Directors and staff were working very hard under difficult circumstances and pressures.

Councillor C Swain referred to events taking place in the Promenade Park over the weekends of 24 / 25 July and 1 / 2 August and how some local residents felt the noise level was excessive and intrusive. He provided some example of the issues and asked the Leader of the Council how such problems could be avoided or mitigated in the future. In response the Leader of the Council acknowledged that the Council had received some complaints but also many comments saying what fantastic events they had been. She referred to the Director of Service Delivery who explained that mitigation had been put in place for a number of issues identified. An Officer review meeting was scheduled to take place along with a meetings with the promoter and issues discovered would be taken into account.

Councillor C Morris asked the Leader of the Council three questions and in response to comment from the Leader, the Chairman advised Councillor Morris that the Leader of the Council had opportunity to give him a written response if she wished.

Councillor Mrs Channer referred to recent correspondence in response to the Governments announcements regarding county deals - District and County Councils working together. The Leader of the Council advised that she would have to get back to Councillor Mrs Channer as she was unsure of the correspondence being referred to. The Chairman advised that the Leader of the Council would respond to Councillor Mrs Channer's questions in writing.

Councillor Mrs Channer referred to the recent closure of the Splash Park and asked the Leader of the Council if she could give an indication in terms of the refunds issued and numbers involved. The Leader informed Members that this information had been requested and was due to be produced by one of the Directors within the next few days. The Leader advised that she would provide Members with a written response once the information had been received.

Councillor M F L Durham referred to the first question asked by Councillor Mrs Channer and then to a summary of the MHCLG (Ministry of Housing, Communities and Local Government) proposal for Local Government reform in the form of county deals sent to the Leader of the Council by the Leader of Essex County Council. Councillor Durham asked the Leader of the Council when she would be advising the membership of Maldon District Council about the Government's reorganisation. In response the Chairman advised that he had already explained that the Leader would provide a written response.

Councillor R G Boyce left the meeting during this item of business and did not return.

245. BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERED BY THE CHAIRMAN TO BE URGENT

The Chairman announced that in accordance with Section 100B(4) of the Local Government Act 1972 he had agreed to allow the Director of Strategy, Performance and Governance to raise an urgent item of business as the matter needed confirmation before 14 September 2021.

246. URGENT BUSINESS - APPOINTMENT TO RIVER CROUCH COASTAL COMMUNITY TEAM STEERING GROUP

The Council considered the urgent report of the Director of Strategy, Performance and Governance seeking review and appointment of one representative to the River Crouch Coastal Community Team Steering Group. It was noted that this report was brought forward due to the need for the appointment to be confirmed before the Steering Group met on 14 September 2021.

It was noted that following the Statutory Annual meeting of the Council, the Chairmen and Vice-Chairmen of the Strategy & Resources and Performance, Governance & Audit Committees were appointed to the River Crouch Coastal Community Team Steering Group (the Steering Group). Since then it had come to light that following a review of the Steering Groups Terms of Reference the Council was only able to put forward one representative.

The Leader of the Council presented the report and proposed that Councillor M G Bassenger be appointed as the Council's representative on the River Crouch Coastal Community Team Steering Group. This proposal was duly seconded.

Councillor Mrs Channer proposed that Councillor A L Hull be appointed at the Council's representative advising how Councillor Hull had lived in Burnham-on-Crouch for a long time and had knowledge of the River Crouch. This proposal was duly seconded.

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

The Chairman put the proposal to appoint Councillor Bassenger 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 M H Lagan, C Mayes, C Morris, S P Nunn, R H Siddall, W Stamp, E L Stephens, Mrs J C Stilts and C Swain.

Against the recommendation:

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

Abstention:

There were none.

RESOLVED that Councillor M G Bassenger be appointed to the River Crouch Coastal Community Team Steering Group for the remainder of the municipal year.

247. STRATEGY AND RESOURCES COMMITTEE - 15 JULY 2021

Councillor R H Siddall, Chairman of the Strategy and Resources Committee, reminded the Council of its earlier decision in respect of the Strategy and Resources Committee Minutes. He proposed that the Council accept in full the Minutes of the Strategy and Resources Committee held on 15 July 2021. This proposal was duly seconded and agreed.

RESOLVED that the Minutes of the Strategy and Resources Committee held on 15 July 2021 be agreed.

248. 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 involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test

249. CHANGE IN DECISION MAKING PROCESS RELATING TO LAND OWNED BY THE COUNCIL

The Council considered the report and recommendations of the Corporate Governance Working Group relating to the decision-making process for the release of council-owned land for residential development as a possible site for inclusion in the Local Development Plan (LDP) review.

The Lead Legal Specialist and Monitoring Officer outlined the detail of the report and the reasons behind the proposed changes.

Councillor Mrs P A Channer proposed that recommendation (i) as set out in the report be agreed. This proposal was duly seconded and agreed.

RESOLVED that the decision-making process for the release of Council-owned sites for possible inclusion in the Local Development Plan Review for residential development be temporarily amended by delegation of that decision to the Director of Resources and the Scheme of Delegation be amended, as set out below

New delegation under Section 2 – to the Director of Service Delivery:

Local Development Land

The identification of suitable and available land under the control of the Council for possible inclusion in the Local Development Plan Review begun in 2021 including the taking of any steps (e.g. re-appropriation) required to secure the availability of such land.

Note: This delegated power exists notwithstanding the powers of the Strategy and Resources Committee for the strategic control and management of the Council's assets and only for the duration of the selection of sites for inclusion in the Local Development Plan Review begun in 2021.

There being no further items of business the Chairman closed the meeting at 9.59 pm.

M S HEARD
CHAIRMAN