



MALDON DISTRICT  
COUNCIL

APOLOGIES Committee Services  
Email: [Committee.clerk@maldon.gov.uk](mailto:Committee.clerk@maldon.gov.uk)

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

29 June 2022

Dear Councillor

You are summoned to attend the meeting of the;

**COUNCIL**

on **WEDNESDAY 6 JULY 2022 at 7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. As well as physical attendance Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To submit a question in writing please complete the [Public Access form](#) (to be received no later than 12noon two clear working days before the Council meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully

Director of Strategy, Performance and Governance



Please note: Electronic copies of this agenda and its related papers are available via the Council's website [www.maldon.gov.uk](http://www.maldon.gov.uk).





## AGENDA COUNCIL

WEDNESDAY 6 JULY 2022

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1. **Chairman's notices (please see below)**

2. **Apologies for Absence**

3. **Declaration of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6 - 8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

4. **Minutes of the Statutory Annual Council - 12 May 2022** (Pages 7 - 24)

To confirm the Minutes of the Statutory Annual Council meeting held on 12 May 2022 (copy enclosed).

5. **Public Questions**

To receive questions from members of the public, of which prior notification in writing has been received (no later than noon two clear working days before the day of the Council meeting).

Should you wish to submit a question please complete the online form at [www.maldon.gov.uk/publicparticipation](http://www.maldon.gov.uk/publicparticipation).

6. **Chairman's Announcements**

7. **Minute Book**

To consider the recommendations coming forward from the Committees detailed below. Please note that the Minute so these meetings are not enclosed as they have not been approved at Committee level.

a) **Strategy and Resources Committee - 25 May 2022**

**Agenda Item 6 – Notice of Motion**

**Recommended** that the Motion in the name of Councillor A S Fluker (as detailed below) not be agreed.

**Motion:**

With regards fiscal propriety, public interest, and value to customers the Director of Resources in his role under S151 Local Government Act 1972 brings forward an Autumn Budget for consideration by Council.

b) Performance, Governance and Audit Committee - 9 June 2022

**Agenda Item 6 – Notice of Motion – Council Constitution and Scheme of Delegation**

**Recommended** that the Council notes the position as now advised by Councillor K M H Lagan to withdraw his Motion and takes no further action on this Motion.

**Agenda Item 7 – Notice of Motion – Council Constitution and Questions to the Leader**

**Recommended** that the Motion in the name of Councillor A S Fluker (as detailed below) not be agreed.

**Motion:**

Part 4 of the Rules of Procedure, Rule 1, 3 (m) be amended from:

(m) Questions (which may be made without notice) to the Leader of the Council (or in his absence the Deputy Leader) (other than at the Annual Meeting, and at the meetings referred to in (h) above) for a maximum of 15 minutes and not beyond 10.00pm unless such period is extended with the mutual agreement of the Chairman of the Council and the Leader (or Deputy Leader).

to:

(m) Questions (which may be made without notice) to the Leader of the Council (or in his absence the Deputy Leader) (other than at the Annual Meeting, and at the meetings referred to in (h) above) for a maximum of 15 minutes allocated to the asking of questions. Where the Leader or (Deputy Leader in their absence) is unable to answer a question, the answer will be given by a written response from the Leader to all members within 5 working days.

**Agenda Item 14 – Notice of Motion – Referred by Statutory Annual Council**

**Recommended** that the Council notes the position as now advised by Councillor A S Fluker to withdraw his Motion and takes no further action on this Motion.

c) Joint Standards Committee - 16 June 2022

**Agenda Item 5 – Motion of Councillor A S Fluker regarding Planning Decision on Land South of Charwood and East of Orchard, Stoney Hills, Burnham-on-Crouch**

**Recommended** that in respect of the Motion (set out below) the Council rejects the call for an external investigation but accepts the findings of the Inspector, that Council emphasises the need for more objective and evidence-based decision-making in the future and that the matter of planning decision making be referred to the Overview and Scrutiny and / or Performance, Governance and Audit Committees.

**Motion:**

With regards to openness, transparency, and public interest the Council writes to the Planning Inspector appointed by the Secretary of State, Mr Terrence Kemmann-Lane JP DipTP FRTPI MCMI, asking him to evidence his findings of 'substantive' 'unreasonable behaviour' and pre-determination by 'elected members', and that the Council appoints an Independent Person to conduct a review of the decision notice and report their findings to Council.

8. **Minutes of Meetings of the Council**

To note that since the last Council, up until Tuesday 28 June 2022 (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

Minutes published:

Performance, Governance and Audit Committee (special)	<a href="#">12 May 2022</a>
Strategy and Resources Committee (special)	<a href="#">12 May</a>
Licensing Committee (special)	<a href="#">12 May</a>
Overview and Scrutiny Committee (special)	<a href="#">12 May</a>
Joint Standards Committee (special)	<a href="#">12 May</a>
Investigating and Disciplinary Committee (special)	<a href="#">12 May</a>
District Planning Committee (special)	<a href="#">12 May</a>
Central Area Planning Committee (special)	<a href="#">12 May</a>
North Western Area Planning Committee (special)	<a href="#">12 May</a>
South Eastern Area Planning Committee (special)	<a href="#">12 May</a>
North Western Area Planning Committee	<a href="#">18 May</a>
South Eastern Area Planning Committee	<a href="#">19 May</a>
Licensing Sub-Committee	<a href="#">24 May</a>
Strategy and Resources Committee	<a href="#">25 May</a>
Performance, Governance and Audit Committee	<a href="#">9 June</a>
North Western Area Planning Committee	<a href="#">15 June</a>
Joint Standards Committee	<a href="#">16 June</a>

9. **Statement of the Leader of the Council** (Verbal Report)

To consider the statement of the Leader of the Council setting out the Council's report and programme for the current municipal year.

10. **Questions in accordance with Procedure Rule 6(3) of which notice has been given**

To consider the following question received from Councillor A S Fluker:

With reference to the Decision Notice and Costs Decision Notice regarding the Planning Appeal determined on 24 March 2022 Ref/APP/X1545/W/21/3281036 Land South of Charwood and East of Orchard House, Stoney Hills, Burnham-on-Crouch, CM0 8QA, can the Council confirm why the appeal was not defended and why a rebuttal was not sent to the Planning Inspectorate?

11. **Notice of Motion**

In accordance with notice duly given under Procedure Rule 4, Councillor A S Fluker to move the following Motions, duly seconded by Councillors R P F Dewick and M W Helm.

**Motion A:**

Preamble:

With reference to the Costs Decision Notice regarding the planning appeal determined on 21st March 2022 Ref/APP/X1545/W/213283478 Land 250M North of 16A Maldon Road, Burnham on Crouch Essex.

Since losing the appeal the Council has agreed to pay the appellants costs of £230,000. The Council's own legal fees are £30,000. These costs will be met by Council Tax payers.

Motion to Council:

1. That Council considers the Inspectors Notice and in particular paragraph 18 and takes the appropriate action.
2. That Council considers whether the 'unreasonable behaviour' of members in determining the application resulted in the appeal being lost and a costs of £230,000 being paid to the appellant and takes the appropriate action.
3. That Council considers, bearing in mind members overturned the Planning Officers recommendation to approve the application, why no members attended the appeal to evidence and give weight to their decision.
4. That Council considers why members went against the Officers decision to approve the application, the advice that Council was unlikely to win any appeal and considers why under those circumstances the appeal was defended at a cost of £30,000.

**Motion B:**

Preamble:

That Council notes that on the 6th June 2022 a members briefing was conducted by the Director of Service Delivery regarding the performance of the Planning Department and that the issue was reported on at the Performance Governance and Audit Committee of the 9th June.

Motion to Council:

1. That Council receives regular updates from the Director of Service Delivery regarding the delivery of his plan to improve the service area and that extraordinary costs associated with the delivery of the plan are reported to Council.
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12. **Making the Great Totham Neighbourhood Plan** (Pages 25 - 146)  
To consider the report of the Director of Strategy, Performance and Governance (copy enclosed).
  13. **Public Space Protection Order - Consultation Review** (Pages 147 - 164)  
To consider the report of the Director of Service Delivery, (copy enclosed).
  14. **Appointment to Outside Bodies and Corporate Governance Working Group** (Pages 165 - 172)  
To consider the report of the Director of Strategy, Performance and Governance (copy enclosed).

15. **Change of Date to Statutory Annual Council 2023** (Pages 173 - 174)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed).

16. **Business by reason of special circumstances considered by the Chairman to be urgent**

17. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve 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.

18. **Legal Action** (Pages 175 - 178)

To consider the report of the Director of Service Delivery (copy enclosed).

19. **Commercial Options for Princes Road - Update** (Pages 179 - 182)

To consider the report of the Director of Service Delivery (copy enclosed).

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**NOTICES**

**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

**Fire**

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

**Health and Safety**

Please be advised there is a step up when you enter the Council Chamber.

**Closed-Circuit Televisions (CCTV)**

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**Lift Access**

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