



MALDON DISTRICT
COUNCIL

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

31 August 2022

Dear Councillor

You are summoned to attend the meeting of the;

COUNCIL

on **THURSDAY 8 SEPTEMBER 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. 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 a [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.





AGENDA COUNCIL

THURSDAY 8 SEPTEMBER 2022

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes - 6 July 2022** (Pages 9 - 20)

To confirm the Minutes of the Council meeting held on 6 July 2022 (copy enclosed).

4. **Minutes - 25 August 2022** (Pages 21 - 26)

To consider the Minutes of the extraordinary Council meeting held on 25 August 2022 (copy enclosed).

5. **Declaration of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B 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).

6. **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.

7. **Chairman's Announcements**

8. **Minute Book**

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

a) **Performance, Governance and Audit Committee - 21 July 2022**

Agenda Item 8 – Equality, Diversity and Inclusion Action Update – Annual Review

Recommended that the Council's constitution be updated to reflect gender neutral terms rather than him / chairman from the options as set out in section 3.5 this report (see extract below), and member salutations are removed as standard practice.

3.5 The Council's constitution and current practices use the term 'chairman' and 'him'. However, the Association of Democratic Officers confirm it is best practice to move away from gender specific titles and this would also be in keeping with the EDI policy. Many Councils have already adopted this working practice. This report recommends removing the word "Chairman" and replacing it with "Chair" or "Chairperson" and also ensuring the use of his/her, s/he, or better still non-binary language: "their/them/they" as appropriate, accepting that an individual may refer to themselves or want to be addressed as "Chairman" or "Chairwoman" or other term, if they so wished.

b) Overview and Scrutiny Committee - 28 July 2022

Minute No. 7 – Scrutiny Workplace Item – Five Year Housing Land Supply (5YHLS)

Recommended that the Council pauses the current review methodology of the LDP, all Members be invited to an extraordinary meeting of the Council to consider options with regard to the methodology used and considers a partial review of the LDP as required rather than a full change to the Council's current Strategy.

9. **Minutes of Meetings of the Council**

To note that since the last Council, up until Wednesday 31 August 2022 (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

Central Area Planning Committee	29 June 2022
North Western Area Planning Committee	7 July
District Planning Committee	13 July
Strategy and Resources Committee	14 July
South Eastern Area Planning Committee	20 July
Performance, Governance and Audit Committee	21 July
Central Area Planning Committee	27 July
Overview and Scrutiny Committee	28 July
North Western Area Planning Committee	10 August
South Eastern Area Planning Committee	17 August

10. **Notice of Motions**

a) Notice of Motion - Councillor K M H Lagan (Pages 27 - 32)

In accordance with notice duly given under Procedure Rule 4, Councillor K M H Lagan to move the following Motions, duly seconded by Councillor S P Nunn.

Preamble

Due to high levels of upset and criticism and concerns being raised to ward members from residents and businesses regarding the how assets and

concessions are allocated by the Council, Cllr K M Lagan (seconded by Cllr S P Nunn), submitted a motion for a complete review of parts of the scheme of delegation and inclusion of ward members across the district to be part of the decision making processes on certain aspects of the council assets and operational matters which was debated by full council on 31st March 2022. At this meeting the recommendation for the motion was to be and referred to PGA Committee for consideration. A report from the Director of Strategy, Performance and Governance that was submitted to that committee for the meeting on 9th June 2022, which concluded that the motion as submitted was 'flawed'. With this information it was decided by the proposer and seconder to withdraw the motion at the committee and that this was the recommendation reported and approved at full council.

The report identified that the motion negated the delegated powers by introducing a process involving a member working group, but also identified that it was conceivable to have the existing delegations revised to enable matters relating specifically to Promenade to be dealt with by exception.

The intention of this motion therefore is simply to ensure that Maldon's ward members are involved in a macro number of matters that impact the operation and management of the town's primary assets and as a matter of course, to ensure local representation is considered in robust and transparent decision making.

It is not the intention to involve member's in general day to day activities on the Promenade and Quay but to focus on key issues that would provide better outcomes for the council in terms of reputation and effectiveness in the way it conducts business.

As the motions impact on the constitution and the scheme of delegation, it has been checked that such amendments can be made and therefor it is the request of the proposer and seconder that the motions are supported to show our residents that we are listening.

Therefore the Motions below are submitted.

MOTION 1

That Motion 2 be recommended to the PGA committee for review and consideration and any recommendations brought to full council.

MOTION 2

To enable a more inclusive process, that the scheme of delegation be updated to include active elected member participation in decision making for certain matters at Maldon's much loved Promenade Park and Historic Quay.

Part A

To amend the scheme of delegation currently as is:

Part 3 – Responsibility and Functions section 44 – (a)- Parks and Open Spaces, (b) Formal recreation area and any building therein and the letting of stall, kiosks and other operations thereon including the lettings such as funfairs, circuses, and other short term lettings;

To be:

Part 3 – Responsibility and Functions section 44 – (a)- Parks and Open Spaces, (b) Formal recreation area, other operations thereon including the lettings such as funfairs, circuses, and other short term lettings;

With the inclusion of Maldon Ward members, officers and Maldon members work together to consider proposals for the letting of kiosks and stalls.

And part B –

Asset management.

That 56 (d) (e) that are:

(d) To negotiate the terms of new leases, including interim and initial rent both at *market rent and in those cases where existing tenants have a statutory right to call for a new lease on expiry of the current term, and to authorise completion of such new leases up to an annual value of £15,000 and duration not exceeding seven years.*

Please see accompanying report of the Director of Strategy, Performance and Governance with Officers' response to these Motions.

b) Notice of Motion - Councillor A S Fluker

In accordance with Notice duly given under Procedure Rule 4, Councillor A S Fluker to move the following Motion, duly seconded by Councillors M W Helm and K M H Lagan.

Preamble

Elected Members who represent the community are, aside from other functions and duties, responsible for the 'place shaping' of the district.

During 2014-2029 Local Development Plan process all members were involved in the progression and subsequent agreement of emerging policies. For example, Members considered whether or not to allocate one large site for growth or opt for several smaller ones, likewise the principals of Garden Suburbs. There were also long and protracted debates concerning 'pepper potting' and the sustainability credentials of rural villages.

Members were directly involved in decision making through a series of meetings of Council, and as a result residents and other interested parties could see for themselves the democratic process of 'place shaping' taking place.

The review of the Local Development plan has included a 'call for sites' of which some have been considered by Officers as being acceptable. This has resulted in residents and others believing that the future development of these sites is a fait accompli which has caused much consternation with residents and more notably with the Crouch Valley Defence Group who object to over one thousand new properties being built in Althorne.

It should be noted that members have not agreed these policies.

It is accepted that the emerging policies of site allocations have been discussed by Working Groups of the Council but previously these hugely important decisions including the associated overarching policies were debated and agreed by Council on an ongoing basis.

For clarity the terms of reference of the Working Group agreed by the Extraordinary Meeting of Council on 25th August deals only with the assessment of the Five-Year Housing Supply.

In summary it is considered that generally members have had little formal input into the decisions regarding the allocations of sites and that opportunities to consider other options and new policies have not been the subject of democratic input or scrutiny by members.

Motion to Council

That Council calls an extraordinary meeting to take place in not less than 10 working days to consider the emerging policies of the review of the 2014- 2029 Local Development Plan and specifically the allocation of sites including those in Althorne ward.

11. **Questions in accordance with Procedure Rule 6(3) of which notice has been given**
12. **Updating of the Constitution and Report of the Corporate Governance Working Group** (Pages 33 - 36)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).
13. **Performance, Governance and Audit Committee and the Corporate Governance Working Group** (Pages 37 - 38)

To consider the report of the Monitoring Officer, (copy enclosed).
14. **Member Training Criteria** (Pages 39 - 42)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed).
15. **A12 Chelmsford to A120 Widening Scheme - Development Consent Order** (Pages 43 - 50)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed).
16. **Questions to the Leader of the Council in accordance with Procedure Rule 1 (3)(m)**
17. **Business by reason of special circumstances considered by the Chairman to be urgent**
18. **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.
19. **Management of Resources** (Pages 51 - 62)

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

20. **Commercial Options for Princes Road** (Pages 63 - 66)

To consider the report of the Director of Resources, (copy enclosed).

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.

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