



**MINUTES of
COUNCIL
3 NOVEMBER 2022**

PRESENT

Chairman Councillor R G Boyce MBE

Vice-Chairman Councillor S P Nunn

Councillors M G Bassenger, Miss A M Beale, V J Bell, Mrs P A Channer,
M R Edwards, A S Fluker, M W Helm, B B Heubner, A L Hull,
J V Keyes, K M H Lagan, C Mayes, S J N Morgan,
N G F Shaughnessy, R H Siddall, P L Spenceley,
W Stamp, CC, Mrs J C Stilts, C Swain and
Mrs M E Thompson

342. CHAIRMAN'S NOTICES

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

343. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B S Beale, R P F Dewick, M F L Durham CC, Mrs J L Fleming CC, M S Heard, C P Morley, N Skeens, E L Stephens and Miss S White.

344. MINUTES - 8 SEPTEMBER 2022

RESOLVED by assent that the minutes of the meeting of the Council held on 8 September 2022 be approved and confirmed.

345. MINUTES- 21 SEPTEMBER 2022

RESOLVED by assent that the Minutes of the meeting of the Council held on 21 September 2022 be approved and confirmed.

346. DECLARATION OF INTEREST

Councillors M R Edwards and P L Spenceley declared an interest in Agenda Item 8a – Fees and Charges as a member of the Thames Sailing Barge Trust.

Councillor K M H Lagan declared an interest in the same agenda item as a former barge owner.

347. PUBLIC QUESTIONS

There were none.

348. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised the Council that he had written to King Charles III to convey the Council's condolences and had received an acknowledgement card, the contents of which would be circulated to all Councillors by email.

He further felt it worthy to note Councillor Lagan's completion of the London Marathon.

349. STRATEGY AND RESOURCES COMMITTEE - 6 OCTOBER 2022

8a) a) Agenda Item 8 – Fees and Charges Policy 2023/24

The Chairman called on Councillor Mrs M E Thompson, to present the first recommendation coming forward from the Strategy and Resources Committee to the Council:

That the 2023/24 Fees and Charges Policies attached at appendix A be approved, subject to the provision of further information regarding wharfage and car parking charges and signposted Members to the additional information contained in the Supplementary Pack.

A discussion ensued around the wharfage fees and charges only, following which Councillor K M H Lagan proposed that the Wharfage fees and charges be retained at the current rate, applying an inflationary rate to this year and for the next three years also with an inflationary rate applied, following that period the matter to be referred back to the Council for a full review. This was seconded by Councillor Stamp.

In light of this the Chairman revised recommendation 8a) to incorporate all the 2023/24 Fees and Charges with the exception of the Wharfage Fees and Charges and put this to the Council for approval. This was agreed by assent.

He then put Councillor Lagan's proposal to the Council. In accordance with Procedure Rule No.13(3) Councillor Lagan requested a recorded vote and this was duly seconded. The results were as follows:-

For the Proposal

Councillors M G Bassenger, Miss A M Beale, V J Bell, Mrs P A Channer, M R Edwards, A S Fluker, M W Helm, B B Heubner, A L Hull, J V Keyes, K M H Lagan, C Mayes, S J N Morgan, N G F Shaughnessy, R H Siddall, P L Spenceley, W Stamp, Mrs J C Stilts, C Swain and Mrs M E Thompson.

Against the Proposal

None.

Abstentions

Councillor R G Boyce and S P Nunn.

RESOLVED

- (i) That with the exception of the Wharfage fees the 2023/24 Fees and Charges attached at Appendix A be approved;
- (ii) That the Wharfage fees and charges be retained at the current rate, applying an inflationary rate to both this year and the next three years. Following that period the matter to be referred back to Council for a full review.

350. COUNCIL TAX BASE 2023 / 24

The Council considered the report of the Director of Resources that required the Council to set the tax base for Council Tax by the 31 January in the financial year preceding that to which the tax base applies. The Council had to notify its tax base calculations to Essex County Council, Essex Fire Authority and the Police and Crime Commissioner for Essex and Parish / Town Councils by 31 January.

The Chairman advised the Council that he was bringing forward this item, originally item 12 on the agenda, and deferred to the Leader of the Council to present the report. The Leader drew Members' attention to the appendices and noted that this was a pre-requisite for all local authorities under the Local Government Finance Act 1992. She then moved the recommendation in the report and it was duly seconded.

The Director of Resources reminded the Council that this was the Council Tax base not the Council Tax setting itself. The Chairman then put the recommendation to the Council and it was agreed by assent.

RESOLVED that in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012 the amount calculated by Maldon District Council as its council tax base for the 2023 / 24 year shall be set at 25,892.3.

The Chairman then returned to Item 8 the Minute Book to deal with the remaining recommendations.

351. STRATEGY AND RESOURCES COMMITTEE - 6 OCTOBER 2022

8a b) Agenda Item 10 – Street Naming and Numbering Policy

The Chairman called on Councillor Mrs Thompson to present the second recommendation coming forward from the Strategy and Resources Committee.

RESOLVED

- (i) That the Street Naming and Numbering Policy (**APPENDIX A**) be approved:
- (ii) That a comprehensive, accessible policy for use by Residents, Developers, Officers and Council, Town and Parish Councillors is agreed which demonstrates and clarifies the criteria applied to current Street Naming and Numbering decisions;
- (iii) That the Council agreed on the local policy for the use (or not) of peoples' names, including a due diligence stage undertaken via Ward Members on the suitable use of any names submitted by Residents, Officers or Councillors (Ward or Parish) prior to them being submitted for wider consultation when naming new Streets.

- (iv) That the consultation period be extended to 28 days to allow for wider consultation with Parish and Town Councils.

PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE- 29 SEPTEMBER 2022

8b) Agenda Item 15 – Council Constitution and Scheme of Delegation General Powers Update

Councillor W Stamp, Chairman of the Performance, Governance and Audit Committee presented the recommendation coming forward from her Committee to the Council

RESOLVED that the proposed addition be made to Part 3 3 – Responsibility for Functions - Scheme of Delegation (General Provisions) as detailed below:

In order to be seen as a form of authorisation, and for added clarification and status, that the proposed be added for clarification:

12. Financial Management – Directors, and service managers, have responsibility for the management of the financial aspects of service provision, which includes authority to incur expenditure considered to be reasonably required to carry out the policies of the Council at any time provided that such expenditure is in accordance with the budget, is fit for purpose, and there is sufficient money existing within the budget or otherwise vired.

352. 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 28 June 2022 for which Minutes had been published.

353. NOTICE OF MOTIONS

In accordance with Procedure Rule 4, the Chairman advised of the receipt of two motions proposed by Councillor A S Fluker, seconded by Councillor M W Helm. He called on Councillor Fluker to present these.

Councillor Fluker presented his first Motion (Motion One) and outlined his reasons for bringing the Motion detailed below to the Council. He proposed that this be referred to the Overview and Scrutiny Committee for consideration.

Motion One:

The Council considers the implications of the correspondence of Holmes and Hill dated 12th March and the Councils response dated 26th March in relation to the determination of the planning application and the appeal costs decision notice APP/X1545/W/21/3281036 at Land South of Charwood Burnham on Crouch CM0 8QA which resulted in substantial costs being awarded against the Council. And that in doing so Council considers whether the Council acted properly, openly and correctly when dealing with the complaints raised.

The Chairman then put the proposal to the Council that Motion One be referred to the Overview and Scrutiny Committee, it was duly seconded and agreed by assent. He then called on Councillor Fluker to present Motion Two.

Councillor Fluker presented his second Motion (Motion Two) and outlined his reasons for bringing the Motion detailed below to Council. He proposed that the motion be referred to the Strategy and Resources Committee for consideration.

Motion Two:

That Council brings forward the 2023/24 Budget and a fully costed 2023/27 Corporate Plan at the same time and in advance of the 2023 municipal year.

The Chairman then put the proposal to the Council that Motion Two be referred to the Strategy and Resources Committee for consideration and it was duly seconded and agreed by assent

RESOLVED

- (i) That Motion One be referred to the Overview and Scrutiny Committee for consideration;
- (ii) That Motion Two be referred to the Strategy and Resources Committee for consideration.

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

There were none.

355. CHELMSFORD CITY COUNCIL LOCAL PLAN REVIEW - ISSUES AND OPTIONS CONSULTATION RESPONSE

The Council considered the report from the Director of Strategy, Performance and Governance that sought ratification of the response submitted to Chelmsford City Council concerning their Local Plan Review – Issues and Options Consultation.

The Chairman introduced the item and deferred to the Leader of the Council to present the report. The Leader drew Members' attention to the response submitted to Chelmsford City Council and reported that Officers focussed on the Local Plan Review Issues and Options Document to consider the strategic and cross-boundary issues and options most prevalent to Maldon District Council and formulated a recommended response to questions most pertinent to this authority. She then moved the recommendation in the report and this was duly seconded.

Councillor W Stamp asked that the Council robustly challenge future development at South Woodham Ferrers given the adverse impact it would have on already overstretched infrastructure across the Dengie.

The Chairman put the recommendation to the Council with the advisory from Councillor Stamp and this was agreed by assent.

RESOLVED that the holding response submitted to Chelmsford City Council's Local Plan Review Issues and Options Consultation Document as set out in Appendix 1 to the report be approved as the formal Maldon District Council response and that the Council robustly challenge further development across South Woodham Ferrers due to the adverse impact this has on infrastructure across the Dengie.

356. DELEGATION OF POWER TO GIVE DISPENSATIONS TO CODE OF CONDUCT INTERESTS

The Council considered the report of the Monitoring Officer that recommended a change to the Scheme of Delegation and Terms of Reference for the Joint Standards

Committee (JSC) to speed up the process of granting dispensations required by Members relating to the Code of Conduct and to aid more objective decision making.

The Chairman introduced the item and deferred to the Leader of the Council to present the report. The Leader advised that this was a means of making the system more efficient and effective as there was not always time to setup a Joint Standards Committee to deal with the issue of dispensation. This would allow for delegation of dispensation to the Monitoring Officer in consultation with the Independent Person. She then moved the recommendation in the report and this was duly seconded.

In response to issues raised the Monitoring Officer provided the following information:

- That the reason this delegated process was being put forward was that currently only the Joint Standards Committee had the delegated power to grant dispensations. However often, and in the recent past in relation to a planning matter, requests were made for dispensations as all Members on the Committee had the same interest which would have prevented transaction of business. The only way business can be transacted is if dispensations are granted to the affected Members.
- That the granting of dispensations in relation to effects of declaring interest can be applied by an individual Member or any number of Members.
- That given arrangements were more rigorous under the New Code of Conduct this delegated option would ensure important business was not deferred.

The Chairman then put the recommendations to the Council and they were agreed by assent.

RESOLVED

- (i) That the Officer Scheme of Delegation is amended to delegate a power to the Monitoring Officer in consultation with the Independent Person to grant dispensations relating to the effects of declaring interests under the Members Code of Conduct and to refer matters to the Joint Standards Committee at the discretion of the Monitoring Officer;
- (ii) That the Terms of Reference of the Joint Standards Committee be amended, as follows:

From:

16 Granting dispensations to elected and co-opted Members in respect of Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests.

To:

16 Granting dispensations relating to the effects of declaring interests under the Members Code of Conduct when a request for a dispensation is referred by the Monitoring Officer.

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

Councillor A S Fluker asked the Leader of the Council to provide three examples since May 2022 where, in her capacity as Leader, she had brought forward policies to the Council on behalf of the Conservative administration. In response the Leader referred

to the June Statement where she set out the programme for this Municipal Year. The review of the Corporate Plan was underway, an Events Strategy was coming forward and the remainder of the programme of work would come to fruition in 2023.

Councillor C Mayes asked the Leader of the Council what budget was allocated to the Cemetery Team given the sterling work they do and the income they generate. The Leader said she would provide a detailed response outside of the meeting.

Councillor A S Fluker acknowledged the Leader's statement but said that there was no policy on budget, the Council was underperforming and the situation was further exacerbated by the refusal of his request for an Autumn budget. In response the Leader drew Members' attention to her February statement on the budget and said that the Council was going through its budget cycle and providing updates on the financial position and savings as appropriate. The financial challenges had been unprecedented with Covid closely followed by a cost of living crisis. These issues were adversely impacting all local authorities, constituted a global crisis and an Autumn budget would not necessarily have been able to address or foresee these issues. Officers and Councillors were all working together through the cross party Finance Working Group and, as acknowledged in the Working Group and at recent Treasury Management training, reserves were there to use when times were difficult like now. The financial strategy was addressing the cost of living crisis and the needs of the community evidenced as the priority in the Resident Survey. She outlined work currently underway with other authorities and agencies including the Local Government Association lobbying the Government to urgently provide financial sustainability and certainty to Councils to ensure the requisite support to communities and service delivery to improve quality of life.

Councillor W Stamp asked the Leader of the Council if she would consider calling a meeting of all Chairpersons and Vice-Chairpersons to plan for the future. She further commented that Transformation had a detrimental impact and reiterated the Leader's comments that the current economic downturn was nationwide. The Leader in response to the request for a Chairperson / Vice-Chairperson meeting said that an invitation was imminent.

At this point the Chairman called for an adjournment of the meeting.

358. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 19:56.

359. RESUMPTION OF THE MEETING IN OPEN SESSION

RESOLVED that the meeting resume in open session at 21:15.

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

The Chairman called for any further questions to the Leader of the Council. There were none.

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

There was none, the Chairman thanked all for their contributions and closed the meeting.

The meeting closed at 9.17 pm.

R G BOYCE MBE
CHAIRMAN