



**MINUTES of
COUNCIL
25 AUGUST 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, M F L Durham, CC, M R Edwards, Mrs J L Fleming, CC, A S Fluker, A L Hull, K M H Lagan, N G F Shaughnessy, R H Siddall, P L Spenceley, W Stamp, CC, E L Stephens, C Swain, Mrs M E Thompson and S White

222. CHAIRMAN'S NOTICES

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

223. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs P A Channer, M S Heard, M W Helm, B B Heubner, J V Keyes, S J N Morgan, C P Morley and Mrs J C Stilts.

224. DECLARATION OF INTEREST

Councillor W Stamp declared she was a Member of Essex County Council (ECC) and advised there were no items relating to the County Council on the agenda. She sought guidance from the Monitoring Officer as to which category of interest this would fall under.

The Monitoring Officer advised that there was no need to declare membership of ECC if there was no relevant agenda item, however if there was it would be an other registrable interest as in part 2 of the Register of Interests form as ECC was a body that had public responsibilities and duties.

Councillor Stamp clarified that she therefore had no interest.

Councillor M F L Durham declared an other registrable interest as a Member of ECC.

Councillor Mrs J L Fleming declared a registrable interest as a Member of ECC.

225. NOTICE OF MOTION

In accordance with notice duly given under Procedure Rule 4 the Council received a Motion from Councillors A S Fluker and K M H Lagan as set out on the agenda.

Councillor Lagan put his Motion as follows:

- (i) That a working group is established to consider the Five-Year Housing Land Supply (5YHLS) and that recommendations from this working group come back to full council for ratification.
- (ii) That the working group consists of three conservative, three Independent Group and three non-aligned members plus one person who is not a member of Maldon District Council.

This was duly seconded.

At this point, Councillor W Stamp advised that she wish to table an amendment to recommendation (ii).

The Chairman then moved recommendation (i) for approval. This was duly agreed.

Councillor Fluker proposed that the Council agree recommendation (i) but in addition that the Working Group also consider the procedures used by Officers to initially approve and recommend development sites following the call for sites process. In response the Chairman advised this was not a valid amendment because it changed the notice of motion. Councillor Lagan confirmed he had agreed to the amendment.

The Lead Legal Specialist and Monitoring Officer advised the Council that he agreed with the Chairman that the proposal from Councillor Fluker was a different Motion as the call for sites was unrelated to the 5YHLS. Councillor Fluker would need to submit a Rule 4 Motion because it is a completely separate subject.

Councillor R H Siddall suggested that the matter raised by Councillor Fluker came into the Terms of Reference (ToR) of the Local Development Plan Policy Working Group and perhaps this Working Group could consider those sites.

The Chairman advised that the Council would now move onto recommendation (ii).

Councillor Stamp proposed that recommendation (ii) be amended, and the Working Group consist of four Conservative, four Independent and four non-aligned Members and an independent person. This proposal was duly seconded. The Chairman advised that this was a valid amendment.

There were some discussions regarding having an independent person on the Working Group. A number of Members, including the Chairman highlighted how the Working Group could call witnesses / experts and request evidence from anyone.

Councillor C Swain proposed that in the Terms of Reference the word 'professional' be amended to 'expert'.

The Chairman advised that the Council had agreed that a 5YHLS Working Group be set up. He then wished to break recommendation (ii) down and populate the Working Group with Members' nominations and then vote on the independent person.

Following further discussion Councillor Stamp amended her earlier proposal removing the request for an independent person. This amendment was duly seconded.

In response to a question the Chairman advised that he hoped the Working Group would report to the Council in November 2022.

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

The Chairman then put the amendment in the name of Councillor Stamp to the Council.

For the recommendation:

Councillors M G Bassenger, M R Edwards, A S Fluker, A L Hull, K M H Lagan, S P Nunn, N G F Shaughnessy, P L Spenceley, W Stamp and S White.

Against the recommendation:

Councillors Miss A M Beale, V J Bell, R H Siddall, E L Stephens, C Swain and Mrs M E Thompson.

Abstention:

Councillors R G Boyce, M F L Durham and Mrs J L Fleming.

The Chairman advised that this was duly agreed, and the substantive motion was that the Working Group consists of four conservative, four Independent and four non-aligned members plus one person who was not a member of Maldon district Council.

Member's attention was drawn to the Officers' report, responding to the Motion and setting out the proposed ToR for the 5YHLS Working Group. In presenting the report the Director of Strategy, Performance and Governance highlighted Officers' comments in paragraph 3.6.3 regarding the proposed independent person. Members noted the Officer comments that inclusion of an external member to the Working Group may leave the Council open to a future challenge to the 5YHLS methodology. In response to a question regarding future challenge, the Strategy, Policy and Communications Manager provided further detail in respect of this and explained how the process and methodology had to be able to withstand a high court challenge.

The Chairman advised that the Council would now consider the matter of the independent person and sought clarification from the Lead Legal Specialist and Monitoring Officer. The Officer advised that the Council had decided the number of Maldon District Councillors who would make-up the Working Group and were now to decide if there should be a non- Council member.

Following further discussion Councillor Lagan advised that he wished to withdraw the part of his Motion regarding appointing one person who is not a member of Maldon District Council. This was duly seconded.

Moving onto the ToR for the Working Group, the Director of Strategy, Performance and Governance explained that the ToR sought for the Working Group to confirm the methodology that was currently used and comparing any 5YHLS methodology that could be evidenced as having been used successfully in other Local Planning Authorities.

The Chairman then sought nominations for Members to be appointed to the Working Group and they were as follows:

- On behalf of the Conservative Group, Councillor Mrs M E Thompson proposed Councillors Mrs P A Channer, M F L Durham, S J N Morgan and Mrs M E Thompson.
- On behalf of the Independent Group, Councillor R H Siddall proposed Councillors M R Edwards, R H Siddall, Mrs J C Stilts and C Swain.
- Councillor Stamp proposed that Councillors K M H Lagan, A S Fluker, P L Spenceley and M G Bassenger be appointed as the non-aligned Members.

These nominations were duly agreed by the Council.

The Director of Strategy, Performance and Governance highlighted section 3.5 of the Officers' report which set out the proposed ToR. Members were advised of the importance to ensure that the ToR were clear and did not allow for any confusion or debate once the 5YHLS was agreed and referred back to the Council.

Councillor Stamp proposed the following amendments to the Terms of Reference:

- Confirming the methodology **or evidence** that **is could be** used by Maldon District Council to determine the Five-Year-Housing Land Supply, including any **criteria for when evidence based circumstances or studies regarding** approved housing units can be included, or excluded;
- Comparing any alternative 5YHLS **reporting** methodologies that can be evidenced as having been used **successfully and not challenged and found to be flawed** in **any** other English Local Planning Authorities;

Councillor Stamp advised how she wanted the ToR to be more flexible and the Working Group able to look at everything. A number of Members commented on the proposed amendments. The proposed amendments were not agreed.

Councillor Swain proposed that the word 'confirming' in the first bullet point be changed to 'considering'. The Chairman put this change to the Council and this was duly agreed.

Councillor Swain repeated his earlier proposition that reference to 'professional' in the third bullet point be changed to 'expert'. Following some discussion, the Chairman put this proposal to the Council and upon a vote being taken it was not agreed.

The Chairman then moved the Terms of Reference as set out in the report with the agreed amended wording to bullet one. This was duly agreed.

RESOLVED

- (i) That a Working Group is established to consider the Five-Year Housing Land Supply and that recommendations from this Working Group come back to the Council for ratification;
- (ii) That the following Members be appointed to the Five-Year Housing Land Supply Working Group 2022:

Conservative Members	Councillors Mrs P A Channer, M F L Durham CC, S J N Morgan and Mrs M E Thompson
Independent Members	Councillors M R Edwards, R H Siddall, Mrs J C Stilts and C Swain
Non-Aligned Members	Councillors M G Bassenger, A S Fluker, K M H Lagan and P L Spenceley.

- (iii) That the Terms of Reference for the Working Group be approved as set out below:

The Five-Year-Housing Land Supply Working Group 2022 be tasked with:

- Considering the methodology that is used by Maldon District Council to determine the Five-Year-Housing Land Supply (5YHLS), including any criteria for when approved housing units can be included, or excluded;
- Comparing any alternative 5YHLS methodologies that can be evidenced as having been used successfully in other English Local Planning Authorities;

- The Working Group may seek independent professional external advice
- Recommending to the Council the methodology that should be used in the future to continue to monitor and report on the Maldon District 5YHLS .

There being no other items of business the Chairman closed the meeting at 8.19 pm.

R G BOYCE MBE
CHAIRMAN