



**MINUTES of
COUNCIL**

12 JANUARY 2023 (CONTINUATION OF THE MEETING HELD ON 15 DECEMBER 2022)

PRESENT

| | |
|---------------|---|
| Chairman | Councillor R G Boyce MBE |
| Vice-Chairman | Councillor S P Nunn |
| Councillors | M G Bassenger, V J Bell, Mrs P A Channer, R P F Dewick, M R Edwards, Mrs J L Fleming, CC, A S Fluker, M S Heard, M W Helm, J V Keyes, K M H Lagan, C Mayes, S J N Morgan, C P Morley, R H Siddall, P L Spenceley, W Stamp, CC, C Swain and Mrs M E Thompson |

467. CONTINUATION OF 15 DECEMBER 2022 MEETING IN OPEN SESSION

RESOLVED that the meeting of the Council on 15 December 2022 resume in open session.

At this point the Chairman advised that Councillor B S Beale was unwell and sent him best wishes from all Members.

The Chairman informed the Council of the recent death of past Councillor John Cocking. He had served the Council for a period of eight years and had been a Councillor for Heybridge East from 1987 to 1995.

Members were reminded by the Chairman that they had declared interests at the start of the meeting on 15 December 2022, but should any further arise these could be declared throughout the meeting.

The Chairman advised that the Council would continue its discussions from Agenda Item 17 – Business by reason of special circumstances considered by the Chairman of the Council to be urgent.

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

Councillor A S Fluker proposed that the Chairman and Leader of the Council send a card to Councillor B S Beale on behalf of all Members. This was agreed.

Referring to the last Council meeting, Councillor Fluker requested that should this meeting lasted¹ until 10:30pm that any decision to adjourn or continue sat with Members. ~~He suggested that~~ For the forthcoming budget meeting ~~that the Council should make~~ provision ~~be made~~¹ for an additional meeting date should this run past 10:30pm.

¹ Council – 22 February 2023

There was some discussion regarding Agenda Item 16 – Questions to the Leader of the Council in accordance with Procedure Rule 1 (3)(m) and some Members requested that this item be considered at this meeting. In response the Chairman advised that this meeting was a continuation of 15 December 2022 Council meeting and his ruling was that the Council could not go back and consider that item of business.

The Chairman advised that he had no urgent items of business.

469. EXCLUSION OF THE PUBLIC AND PRESS

The Chairman proposed that the public be excluded from the meeting for reasons that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act, and that this satisfies the public interest test. This proposal was duly seconded.

Councillor A S Fluker referred to the recommendations coming forward under Agenda Item 19A Strategy and Resources Committee – 28 November 2022 and in particular a number of savings items that felt there was no reason for them to be discussed in private session. He proposed that with the exception of the first item on page 123 of the Agenda pack that all other items, in the best interest of the public, transparency and openness be considered in public session as to do otherwise would be contrary to the Local Government Act. This proposal was duly seconded. The Chairman confirmed that this was an amendment to his earlier proposition.

The Monitoring Officer provided the Council with some explanation regarding Paragraph 3 of the of Part 1 of Schedule 12A to the Act and the tests (including the public interest test) which had to be considered when agreeing to consider an item of business in private session. He commented that there may be matters within Agenda Item 19 which Members may wish to debate individually but also access the merits of those items against other savings identified which were not being considered in open session. This would therefore require all items to be discussed within private session.

In accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote. This was duly seconded. The Chairman put the proposed amendment to his motion in the name of Councillor Fluker to the Council and the voting was as follows:

For the recommendation:

Councillors R P F Dewick, A S Fluker, M W Helm, K M H Lagan and W Stamp.

Against the recommendation:

Councillors R G Boyce, Mrs P A Channer, M R Edwards, Mrs J L Fleming, M S Heard, J V Keyes, C Mayes, S J N Morgan, C P Morley, S P Nunn, R H Siddall, P L Spenceley, C Swain and Mrs M E Thompson.

Abstention:

Councillors M G Bassenger and V J Bell.

The Chairman declared that the amendment was therefore not agreed.

The Chairman then moved his earlier proposition and upon a vote being taken this was agreed.

RESOLVED 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.

**470. STRATEGY AND RESOURCES COMMITTEE - 28 NOVEMBER 2022
(CONTINUATION OF THE MEETING ON 10 NOVEMBER 2022)**

Councillor Mrs P A Channer advised the Council that at the last meetings of the Strategy and Resources Committee and the Council and in relation to this item of business she had declared she was a member of a the Crohn's and Colitis UK Charity and should a particular matter come up during the discussion of this item she would leave the chamber. Councillor Mrs Channer reported that since the last Council meeting the Monitoring Officer and Independent Person had granted her a dispensation and she would therefore remain in the chamber and partake in this item of business.

Agenda Item 22 – Savings Proposals 2023 / 24

In the absence of the Chairman and Vice-Chairman of the Strategy and Resources (S&R) Committee the Leader of the Council presented and moved the recommendations coming forward from Committee to the Council. This proposal was duly seconded.

During the discussions that followed Councillor A S Fluker referred to a number of specific savings identified and proposed that these be agreed. This proposal was not supported.

The Leader of the Council advised Members that Appendix 2 in relation to car parking had been agreed by the Council at its meeting on 15 December 2022.

Following some further debate the Chairman moved the proposal in the name of the Leader of the Council and upon a vote being taken this was duly agreed.

RESOLVED

- (i) that the saving options at Appendix 1 to the Strategy and Resources (S&R) Committee report* be approved;
- (ii) that the following saving options as detailed in Appendix 2 to the S&R Committee report* be implemented:

| No. | Service / Detail |
|------------|--------------------------------------|
| 1 | Service Delivery – Service |
| 4 | Performance and Governance – Budgets |
| 6 | Service Delivery - Service |
| 7 | Service Delivery – Utility charges |
| 8 | Service Delivery – Rent |

471. COMMERCIAL PROJECT UPDATE

The Council considered the report of the Director of Resources seeking Members' agreement of the principle of purchasing and disposing of land for the purposes of:

- (i) providing a Capital and/or Revenue return for Maldon District Council to utilise for other district needs; and

- (ii) providing a residential development which will bring much needed affordable housing to the district.

The report also sought to ensure that critical and time sensitive decisions in 2023 regarding the approval of funding, purchase, and sale of the land (subject to planning approval) could be made in a timely manner and before the expiry of the option agreement.

The Commercial Manager presented the report and outlined the benefits to the Council. The Chairman reminded Members that they were only considering the commercial elements and not any planning issues.

During the debate that followed some Members raised concerns regarding the proposal, and in response Officers provided further clarification and additional information. It was confirmed that the Option Agreement currently ran until April / May 2024.

Following further discussion, Councillor A S Fluker proposed that both recommendations be discounted and that subject to planning permission being granted this matter come back to the Council to review figures. However, should planning permission not be granted the Council should appeal the decision. This was not supported.

The Leader of the Council summed up the report referring to some of the discussions that had taken place and moved that the recommendations as set out in the report be agreed. This was duly seconded.

Councillor Fluker proposed that recommendations (i) and (ii) not be agreed and after the planning application was considered by the District Planning Committee the matter came back to the Council to consider the next steps.

The Chairman put the recommendations as set out in the report. In accordance with Procedure Rule No. 13 (3) Councillor S J N Morgan requested a recorded vote and the voting was as follows:

For the recommendation:

Councillors Mrs P A Channer, Mrs J L Fleming, J V Keyes, S J N Morgan, C P Morley, C Swain and Mrs M E Thompson.

Against the recommendation:

Councillors M G Bassenger, V J Bell, R G Boyce, R P F Dewick, M R Edwards, A S Fluker, M S Heard, M W Helm, K M H Lagan, C Mayes, S P Nunn, R H Siddall, P L Spenceley and W Stamp.

Abstention:

None.

The Chairman advised that this motion was therefore not agreed.

Councillor Fluker proposed that the matter proceed to planning application stage. This proposal was duly seconded.

Councillor R H Siddall proposed that the project be cancelled. This was not supported.

The Chairman reminded the Council of the proposal from Councillor Fluker and explained that if agreed the matter would come back to the Council after the decision on the related planning permission had taken place. He then put this to a vote.

In accordance with Procedure Rule No. 13 (3) Councillor K M H Lagan requested a recorded vote and the voting was as follows:

For the recommendation:

Councillors Mrs P A Channer, A S Fluker, M W Helm, J V Keyes, S J N Morgan, C P Morley, W Stamp, C Swain and Mrs M E Thompson.

Against the recommendation:

Councillors M G Bassenger, M R Edwards, M S Heard, K M H Lagan, C Mayes, S P Nunn, R H Siddall and P L Spenceley.

Abstention:

Councillors V J Bell, R G Boyce, R P F Dewick and Mrs J L Fleming.

The Chairman advised that the motion was therefore agreed.

RESOLVED that the Council proceeds with the planning application in relation to this Commercial Project and following planning decision further details be brought back to the Council for determination.

472. NORTH ESSEX ASSOCIATION OF COUNCILS

The Council considered the report of the Director of Strategy, Performance and Governance updating Members on discussions between North Essex Local Authorities regarding forming an Association to enable closer working and collaboration. The Council was requested to consider agreeing the Memorandum of Understanding (attached as Appendix 1 to the report).

The report provided background information regarding the proposed Association and highlighted the key opportunities it would provide for the Council.

The Leader of the Council presented the report and proposed that the recommendations set out in the report be agreed.

The Director of Strategy, Performance and Governance outlined the content of the report and advised that the Memorandum of Understanding would not affect the sovereignty of any of the partners but sought to bring closer collaboration.

The Leader of the Council highlighted the work of the North Essex Economic Board and the benefits the proposed Association would have to the Council. She noted that the Memorandum of Understanding had a termination clause and moved the recommendations as set out in the report. The Chairman put the proposal in the name of the Leader and this was duly agreed.

RESOLVED

- (i) That Members note the update on the proposed Association of Councils;
- (ii) That Members agree that Maldon District Council sign the Memorandum of Association for the North Essex Association of Local Councils (attached as Appendix 1 to the report).

473. COMMERCIAL OPTIONS FOR PRINCES ROAD

The Council considered the report of the Director of Resources providing an update on progress made with the Commercial Options for the Princes Road, Maldon project following approval to commence with the feasibility review by the Council on 31 March 2022.

The Leader of the Council presented the report and moved that the recommendations as set out in the report be agreed.

Councillor K M H Lagan declared that ~~he~~ his wife² was a member of Adult Community Learning.

A debate ensued and in response to a number of comments raised, the Commercial Manager provided the Council with an update on this project. The Chairman thanked the Commercial Manager for his report.

RESOLVED that the update be noted.

474. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned for a short break at 9:25pm.

475. RESUMPTION OF BUSINESS IN CLOSED SESSION

RESOLVED that the meeting resume in closed session at 9:34pm.

476. UPDATE ON THE MANAGEMENT OF RESOURCES

The Council considered the report of the Corporate Leadership Team (CLT) updating Members on progress relating to proposed changes in the staffing structure, presenting recommendations from CLT and seeking approval of growth requests.

The report reminded Members of the decisions made by the Council on 21 September 2022 relating to the structure of one of the Council's directorates.

The Leader of the Council presented the report and referred to the Director of Service Delivery who outlined some of the detail behind the recommendations set out on the report and the previously circulated addendum. Members were advised that the two recommendations set out on the addendum had been dealt with under emergency powers and it was noted that one applicant had been appointed.

The Leader of the Council moved the recommendations as set out in the report. This was duly seconded.

Councillor W Stamp proposed that the Council consider each of the recommendations separately. The Chairman agreed.

In discussing recommendation (i) Councillor K M H Lagan referred to the complexity and detail of the report and how it was the right time to undertake a review to consider options regarding CLT and the leadership model in operation at the Council to support

² Council – 22 February 2023

the internal and external agendas, and Officers be charged to scope out a prepared brief so that external support can be sourced to provide benchmarking and options for review by the Council. He proposed that Members endorse the above approach and that a report be made to the Council on options before or by April 2023.

Following a comment by the Chairman, Councillor Lagan adding to his earlier proposal, proposing that all recommendations set out in the report be deferred.

The Chairman asked CLT to identify if there were any recommendations within the report were necessary at this time. Following a request, the Chairman adjourned the meeting to allow CLT to discuss this.

477. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 9:48pm to allow the Corporate Leadership Team to have a brief discussion.

478. RESUMPTION OF THE MEETING IN CLOSED SESSION

RESOLVED that the meeting resume in closed session at 9:54pm.

479. UPDATE ON THE MANAGEMENT OF RESOURCES (CONTINUED)

Following the earlier discussions, the Director of Service Delivery advised the Council that a decision on the recommendations beyond (iii) (as detailed in the report) could be delayed. The Chairman advised he intended to take recommendations (i) and (ii) and all other recommendations would be deferred to a future report to the Council.

Further discussion ensued and in response the Director of Service Delivery provided further clarification on a number of points. The Director of Resources requested that the Council also give consideration to agreeing recommendation (iv) as this linked to recommendation (i).

The Leader of the Council proposed that recommendations (i), (ii) and (iv) be agreed. The Chairman put this to the Council, and it was subsequently agreed. The Monitoring clarified that the Council had accepted recommendations (i), (ii) and (iv) and therefore no further resolution was needed.

The Chairman further clarified that the remaining recommendations would come back to the Council with a further report.

RESOLVED that recommendations (i), (ii) and (iv) as set out in the report be agreed.

There being no other items of business the Chairman closed the meeting at 10.21 pm.

R G BOYCE MBE
CHAIRMAN