



**MINUTES of
COUNCIL
8 OCTOBER 2024**

PRESENT

Chairperson Councillor K M H Lagan

Vice-Chairperson Councillor R G Pratt

Councillors M G Bassenger, D O Bown, J Driver, M F L Durham, CC,
A Fittock, A S Fluker, L J Haywood, J C Hughes, K Jennings,
A M Lay, W J Laybourn, S J N Morgan, C P Morley,
M G Neall, R H Siddall, U C G Siddall-Norman,
N D Spenceley, P L Spenceley, W Stamp, CC, E L Stephens,
J C Stilts, N J Swindle and M E Thompson

326. CHAIRPERSON'S NOTICES

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

327. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, S J Burwood and S White.

328. MINUTES - 12 SEPTEMBER 2024

RESOLVED that the Minutes of the meeting of the Council held on 12 September 2024 be approved and confirmed.

329. DECLARATION OF INTEREST

There were none.

330. PUBLIC QUESTIONS

There were none.

331. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson informed the Council that he would be suspending Procedure Rule 4(8)3 the requirement to stand when addressing the Chairperson.

The Chairperson advised the Council of the recent passing of ex-Councillor Neil Pudney on Sunday 6 October. Neil Pudney had stood as a District Councillor for the Burnham North Ward from 2007 to 2019 and at this sad time on behalf of the Council the Chairperson sent sincere condolences to his family and friends. All present in the chamber then stood for a few moments in remembrance of Councillor Neil Pudney.

In accordance with Procedure Rule 1(4)a, the Chairperson informed the Council he would be varying the order of business and moving the Agenda Item 14 – 2024 / 25 Schedule of Meeting up the agenda to be considered prior to Agenda item 12 – Approval of Absence of Councillor.

The Chairperson advised that the Leader of the Council had received a letter from the Chairman of the Essex Historic Military Museum Association (the Association) regarding storage of their historic fleet. The Leader referred to the Director of Service Delivery to provide some further detail. The Director explained how the Association (a Chelmsford based registered charity) had recently lost its historic vehicle storage and maintenance facility in Woodham Ferrers and this put the vehicles and charitable aims of the Association at risk. The Council has been asked if it was able to help with the search for a new storage facility. The Director advised that the Council had no suitable land or buildings in its ownership and asked Members to reflect upon their own local areas and any Parish Council, business or farm which may be able to assist. If Members advised the Director of any contacts or suggestions then contact information for the Association could be shared.

332. STRATEGY AND RESOURCES COMMITTEE - 26 SEPTEMBER 2024

The Council considered the recommendations coming forward from the Strategy and Resources Committee held on 26 September 2024.

Motion from Councillor N J Swindle (Motion 05/2024)

RESOLVED

- (i) That the Council confirms that the principle of tenants paying for their utility costs in full, remains within the Asset Management Strategy;
- (ii) that the Council offers a 12-month transitional arrangement for any non- rent paying tenants of Brickhouse Farm affected by the new Asset Management Strategy, with full payment of utility costs commencing in April 2025.

Domestic Abuse Policy

RESOLVED

- (i) that the Residents Domestic Abuse Policy (attached as Appendix 1 to the Council agenda) be adopted, promoted and its processes incorporated into business-as-usual activities;
- (ii) That a 'Recognise, Respond and Refer Model' (attached as Appendix 2 to the Council) be adopted across all services giving a whole Council approach to how the Council responds to those reporting Domestic Abuse wherever that occurs.

Discretionary Fees and Charges Policies 2025 / 26

- (i) That the 2025 / 26 discretionary Fees and Charges policies attached as Appendix 3 to the Council agenda, be approved;

- (ii) That the revised 2024 / 25 Fees and Charges schedule for Building Control attached as Appendix 4 to the Council agenda, be approved.

333. 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 Monday 30 September 2024 for which Minutes had been published.

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

There were none.

335. BOUNDARY COMMISSION REVIEW OF ELECTORAL WARDS

The Council considered the report of the Director of Strategy and Resources updating Members on the commencing Boundary Commission review and seeking establishment of a Member Working Group to support the process.

The Assistant Director – Programmes, Performance and Governance presented the report advising that the Boundary Commission was due to review electoral boundaries and Member numbers in the Maldon District, for the first time since 2000. The Council was required to submit estimated polling district figures and Member numbers required for effective governance to the Boundary Commission to inform the proposals that they will put out for public consultation.

The report requested that a Working Group be established along with delegation to the Assistant Director to submit the required information in consultation with the Working Group. In addition to this Working Group an officer group had been established to help inform this work and the project.

Members were advised that the Boundary Commission would be giving a presentation to all Members on Tuesday 12 November 2024 at 6pm and be available to answer any queries on the review.

The Chairperson moved the recommendations set out in the report. The Leader of the Council proposed that recommendation (i) be amended to allow the appointment of nine Members, politically balanced. He then suggested that each political group appoint two representatives along with one non-aligned Member. This amendment was duly seconded and agreed.

The Chairperson then moved recommendation (ii) as set out in the report and this was duly agreed.

Nominations were then sought from each of the Group Leaders for the Working Group and the following agreed:

Political Group	Nominations
Conservative Group	Councillors S J N Morgan and M E Thompson
District Support Group	Councillors J C Stilts and W Stamp CC
Liberal Democrat Group	Councillor J Driver and P L Spenceley
Maldon District Independent Group	Councillor R H Siddall and M G Bassenger

The Leader of the Council proposed that Councillor A M Lay be appointed as the non-aligned Member on the Working Group. This was duly seconded and agreed.

RESOLVED

- (i) That a Member Boundary Review Working Group is established, politically balanced, and the following Members are appointed to the Working Group:

Political Group	Nominations
Conservative Group	Councillors S J N Morgan and M E Thompson
District Support Group	Councillors J C Stilts and W Stamp CC
Liberal Democrat Group	Councillor J Driver and P L Spenceley
Maldon District Independent Group	Councillor R H Siddall and M G Bassenger
Non-aligned	Councillor A M Lay

- (ii) That submission of Maldon polling growth estimates and the suggested profile are delegated to the Assistant Director of Programmes, Performance and Governance, in Consultation with the Member Boundary Review Working Group.

336. APPOINTMENT OF RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

The Council considered the report of the Director of Strategy and Resources seeking Members' appointment of a new Returning Officer and Electoral Registration Officer with effect from 14 October 2024.

It was reported that under the Representation of the People Act 1983 (sections 8 and 35), the Council must appoint an Officer to the position of Returning Officer and Electoral Registration Officer. With the recent appointment of Doug Wilkinson as Chief Executive the report sought to appoint the two positions to the role of Chief Executive.

The Leader of the Council presented the report and following this the Chairperson moved the recommendation as set out in the report.

In response to a comment made regarding the impact on financial resources, the Chairperson advised that all costs had been budgeted for. The Leader confirmed that Mr Wilkinson had advised that he was keen to become the Returning Officer.

The Chairperson put the recommendation to the Council, and this was duly agreed by assent.

RESOLVED that Mr Doug Wilkinson, Chief Executive, is appointed as both Returning Officer and Electoral Registration Officer with effect from 14 October 2024.

337. 2024 / 25 SCHEDULE OF MEETINGS

Following his earlier announced, the Chairperson advised that this item of business would be considered next.

The Chairperson moved the proposed change to the Performance, Governance and Audit Committee due to take place on 7 November 2024, as set out on the Council agenda. This proposal was duly seconded and agreed.

In response to a request to reinstate the corporate diary, the Director of Service Delivery advised that he would raise this with the Corporate Leadership Team, making reference to there previously having been a resourcing issue.

RESOLVED that the Performance, Governance and Audit Committee meeting scheduled for 7 November 2024 be moved to Thursday 5 December 2024.

338. APPROVAL OF ABSENCE OF COUNCILLOR

The Council considered the report of the Monitoring Officer seeking Members' consideration as to whether the absence of Councillor S White should be approved should she be absent for six months from Council meetings. The report also sought Members' consideration of an agreed extension to this absence.

Members noted Section 85 of the Local Government Act 1972 set out how if a Member had not attended any meeting of the authority for a period of six consecutive months they ceased to be a Member of the authority. The report referred to the attendance of Councillor White and reported that since 28 May 2024 she had been unable to attend a meeting due to ill health. Should Councillor White not attend a Council or Committee meeting by 28 November 2024 she would lose her seat and no longer be a Councillor for the Purleigh Ward. This matter was being brought to the Council as this was the only scheduled Council meeting before the expiry of the six-month rule.

The Lead Specialist: Legal and Monitoring Officer presented the report and explained that a decision was required before the six-month period ended. It was not clear if Councillor White would be able to return in November which is why an extension to 13 February 2024 was requested. Should Councillor White attend any meetings before the six-month period ended this extension would not be required and the six-month timescale would restart.

The Chairperson moved the recommendations set out in the report. These were duly seconded.

In response to a question, the Officer confirmed that she had been in contact with Councillor White who had advised she wanted to return and not stand down as a District Councillor.

The Chairperson put the recommendations, and these were duly agreed.

RESOLVED

- (i) That Councillor S White's permitted period of absence beyond the six-month period of non-attendance provided for within Section 85 (1) of the Local Government Act 1972 on the grounds of ill health be approved;
- (ii) that a further extend the permitted absence for Councillor S White beyond the six-month period until the 13 February 2025 be agreed.

Councillor D O Bown and W Stamp left the meeting at this point and did not return.

339. CONSIDERATION OF A REQUEST FROM MID AND SOUTH ESSEX INTEGRATED CARE BOARD

The Council considered the report of the Corporate Leadership Team sharing a letter from the NHS Mid and South Essex Integrated Care Board (ICB) (attached as

Appendix 1 to the report) and seeking Members' consideration of a request set out in the letter.

The letter from the NHS advised that it had decided to delay the final decision on the reconfiguration of community hospital beds, midwife led birthing unit and ambulatory care services for six months. The ICB was proposing to form a Working Group that would focus on further engagement and co-development. The Council was invited to take part in this Working Group which would include representatives from the NHS, local authorities, community groups and other key stakeholders.

The Leader of the Council presented the report, advising Members that the Council would not talk to the NHS regarding Council assets, and should such items be raised, the Council would leave any discussions at that point.

The Chairperson moved the recommendations as set out in the report.

In response to a question from Councillor M F L Durham regarding the validity of the Council considering the report, the Chairperson informed the Council that in line with the Council's Constitution as it was an Officer led report this could be considered.

During the lengthy debate that followed there was some concern raised regarding whether the Council could take part in the proposed Working Group following its previous discussions about engaging with the NHS and use of the Councils assets. Further information was provided, and the Chairperson advised that this was not related to the request from the ICB to have the Council at discussions with other stakeholders.

In response to a request to increase the Council's representation on the Working Group to allow the four Political Group Leaders to attend, the Leader of the Council reminded the Council this was an ICB Working Group to which the Council had been invited. He felt that four would be too many and suggested two representatives advising that any request to increase in the number of representatives from the Council would have to go back to the ICB for its consideration.

There was some confusion regarding where the request for one representative had originated from, and to assist Members, the Chairperson read out the letter from the ICB to the Leader (Appendix 1).

In response to further discussions regarding the number of representatives the Council could have on the proposed Working Group, the Leader advised that when he responded to the letter, he would seek clarification over the number of representatives that the NHS would accept from the Council. If additional representatives were allowed, he would go back to Groups Leaders and seek their nominations. This was noted by the Council.

The Chairperson then put the recommendations as set out in the report, subject to an amendment to recommendation (ii) removing reference to a named substitute, and these were duly agreed.

RESOLVED

- (i) That Members consider the request made by Mid and South Essex ICB to engage in a Working Group (the Working Group) as set out in paragraph 3.1 of this report below;

- (ii) that subject to approval of recommendation (i) above, the Council appoints the Leader of the Council to represent Maldon District Council on the Working Group;
- (iii) That when the Leader of the Council responds to the request, he queries the number of representatives that the Council can appoint to the Working Group proposed;
- (i) That subject to (iii) above, if additional representatives are required to the Working Group that these are appointed by the Political Group Leaders.

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

In response to a question from Councillor A S Fluker regarding the recent Leisure Contract extension and report to consider the new Leisure Contract, the Leader of the Council referred to the delay in bringing the report forward, explaining that the new contract would be a 20-year contract and it was important for Members to be involved in the decision-making process. Part of the delay was also to enable involvement of the new Chief Executive who started on Monday 14 October.

Referring to the Government's decision to restrict the winter fuel payment to only pensioners in receipt of means tested benefits, Councillor W J Laybourne asked the Leader of the Council if he would consider writing to the Chancellor of the Exchequer urging a review of the decision and asking the Government to ensure that vulnerable pensioners, particularly those who do not claim pension credit, were protected from fuel poverty. She also requested that the Leader encourage local efforts to promote pension credit uptake through Council services and partnerships with local charities and community organisations. In response the Leader agreed with Councillor Laybourne's comments and advised he would write a letter if it was what Members wanted. He provided further information relating to the Government's decision and commented on the work done by the Council's Revenues and Benefits team to support customers.

Councillor S J N Morgan referred to the Strategy and Resources Committee's recent decision regarding dredging at the Hythe Quay and asked the Leader of the Council if consideration could be given to the barge owners and visiting yachtsmen using the town quay paying a dredging surcharge to contribute towards the cost of the dredging. The Leader of the Council disagreed and provided the Council with detail regarding the dredging, importance of the barges for Maldon's heritage and how carrying out the work would ensure the situation did not get any worse. He explained that the Working Group appointed by the Strategy and Resources Committee would need to ensure the work took place and the dredging was maintained for the future to ensure future visits from barges and yachtsmen.

Councillor M F L Durham referred to the current Government's policy to reform Local Government this parliament and asked the Leader if the Council had been taking account of the fact that it may not exist in five years. In response the Leader of the Council advised that he had been discussing this with the Corporate Leadership Team. In addition, having recently attended a meeting of the Essex Leaders where this was discussed he understood that the three Labour Councils in Essex had met with ministers, but it was unknown at this time what would happen. He was aware that the Government did not want devolution with three tiers, just two tiers.

Councillor K M H Lagan asked the Leader of the Council if he could advise him in writing when in respect of the Leisure Contract the Council determined a 20-year

contract would be let rather than a 15-year contract. The Leader agreed to respond to Councillor Lagan in writing.

Councillor M E Thompson felt that the Leader had not answered the question from Councillor Morgan regarding whether main users of the wharf should make a contribution towards the dredging to show they were the main users of the facility. In response the Leader advised that he didn't think such a contribution should be made. He reminded the Council that the barges paid wharfage and the Council made money from visitors using the Promenade Park car parks.

There being no other items of business the Chairperson closed the meeting at 8.29 pm.

K M H LAGAN
CHAIRPERSON