



**MINUTES of
COUNCIL (EXTRAORDINARY)
14 NOVEMBER 2024**

PRESENT

Chairperson	Councillor K M H Lagan
Vice-Chairperson	Councillor R G Pratt
Councillors	M G Bassenger, V J Bell, D O Bown, S J Burwood, J Driver, M F L Durham, CC, A Fittock, A S Fluker, L J Haywood, J C Hughes, K Jennings, A M Lay, N R Miller, S J N Morgan, C P Morley, M G Neall, N G F Shaughnessy, 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

389. CHAIRPERSON'S NOTICES

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

390. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors W J Laybourn, S White and L L Wiffen.

391. MINUTES - 8 OCTOBER 2024

RESOLVED

- (i) that the Minutes of the meeting of the Council held on 8 October 2024 be received.

Minute No. 338 – Approval of Absence of Councillor

Councillor L J Haywood advised that she had not voted in respect of this item of business. This was duly noted.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Council held on 8 October 2024 be confirmed.

392. DECLARATION OF INTEREST

There were none.

393. PUBLIC QUESTIONS

In accordance with the Council's public speaking protocol, it was noted that the following question had been received from Edwina Mosuro who was in attendance and read out her question:

Question:

The lives and well being of the residents and children of the Sharpes Meadow estate are being risked and detrimentally impacted on a daily basis as a result of the complete lack of safe pedestrian access routes to schools and essential amenities within the wider Heybridge area.

The Local Development Plan details three pedestrian access routes via Westcombe Park. None of these have been completed, leaving Broad Street Green Road (with its fast, frequent, and heavy industrial traffic, 40mph speed limit, and extremely narrow roads and pavements) the only available (but wholly unsafe) pedestrian access route.

On behalf of the Sharpes Meadow residents I therefore ask;

What actions are Maldon District Council taking to;

- a) expedite the opening of the safe access routes via Westcombe Park, and,
- b) review and improve the safety of pedestrian access via Broad Street Green Road,

and when will these actions be delivered?

The Leader of the Council had provided the following response which had been published prior to the meeting:

Response:

I am aware of the strength of feeling in the local community of Sharpes Meadow to secure better access into Heybridge and the wider area than those that have been approved under different planning applications in North Heybridge and Great Totham over several years. The 'Three pedestrian accesses' stated in the question were not in the Local Development Plan (LDP) however, as the LDP does not deal with the specific details of planning applications for development sites. We are aware however that early masterplanning work to establish broad development principles for the wider geographic area, including land adjoining and near the application site, set ambitions for the North Heybridge Garden Suburb to achieve walkable connections into the existing residential areas that would benefit both existing and new residents.

In respects of facilitating new connections into the neighbouring Westcombe Park development, the Council must determine the planning applications it receives in accordance with the planning law and any principles formally established by the Outline Planning Application, which was approved by the Planning Inspectorate at appeal in 2019. Officers have reviewed the planning history and clarified what pedestrian connections were approved in that appeal, and that does not include all of the aspirational connections considered in the earlier masterplan. For the connections that are approved, I agree that these should come forward as quickly as possible to address the isolation new residents are experiencing in terms of connections to services and safe and convenient access routes. I must stress however that the Council cannot legally compel developers to bring forward the relevant planning applications or

highway consents that would allow those footpaths to be built any quicker than the developer intends to. However, the Council is engaging with the developer and Essex County Council who are the Highway Authority, as proactively as possible to determine if alternative solutions exist to the existing connectivity challenges faced by local residents, mindful that further applications will come forward in due course.

In respects of Broad Street Green Road, I know that Councillors in this Chamber are already working collaboratively to apply to Essex County Council as the Highway Authority to make the case for much needed investment in the road's parallel footpaths and improvements to pedestrian and road user safety through speed reduction measures.

It was noted that the following question had been received from Mr David Sismey who was in attendance and read out his question:

Question:

Can the council update Maldon residents whether a breach has yet occurred in respect of the planning condition imposed on the North Heybridge planning development that the western end of the relief road be complete prior to 100 occupations at the site? As of today, how many occupations have occurred at this development including those used for marketing and has the council independently confirmed this?

The Leader of the Council had provided the following response which had been published prior to the meeting:

Response:

According to the Council's Building Control records there have been 115 completions on the site and the Council has been informed that 87 are currently occupied and registered for Council Tax. Therefore, as it stands at present, the developer has not reached 100 homes occupied which triggers the planning condition about the relief road.

394. CHAIRPERSON'S ANNOUNCEMENTS

On behalf of the Council, the Chairperson welcomed Doug Wilksinson, Chief Executive of the Council who was attending his first Council meeting since taking up his new role.

The Chairperson thanked Members for the attendance and care they had given during the remembrance commemorations over the district referring to the fantastic support displayed across the whole of the district.

The Council joined the Chairperson in wishing his Majesty the King a very happy birthday.

The Chairperson advised that he was suspending Procedure Rule 8(3) the need to stand when addressing the Chairperson.

395. 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 Wednesday 6 November 2024 for which Minutes had been published.

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

There were none.

397. COUNCIL CONSTITUTION UPDATE - NEW CORPORATE LEADERSHIP STRUCTURE

The Council considered the report of the Monitoring Officer seeking Members' approval of some further changes to the Constitution in light of the appointment of a Chief Executive and Deputy Chief Executive in place of the existing three Corporate Directors model.

It was noted that the new corporate leadership structure was due to be effective from 2 December 2024 and the Constitution needed to be updated to reflect the shift in responsibility. Appendix A to the report was an extract from the General Provisions document scheduling those previous approved designations involving a Director and / or where a change of Officer is involved. A required to change to the Access to Information Procedure Rules was also set out in this appendix.

A number of revisions to the Council's Scheme of Delegation were also required and the contents page extracted from the Scheme of Delegation was attached at Appendix B and detailed proposed revisions highlighted where the Scheme had been affected by the current changes.

The Leader of the Council presented the report, welcoming Doug Wilkinson (Chief Executive) and Ben Cookson (Interim Chief Finance Officer) who had recently joined the Council. He congratulated Paul Dodson (Director of Strategy and Resources) on his recent appointment as Deputy Chief Executive. The Leader then moved the recommendations set out in the report and these were duly seconded and agreed.

RESOLVED

- (i) That the proposed revisions to the Scheme of Delegation documents as detailed in Appendices A and B to the report be agreed, to take effect from 2 December 2024;
- (ii) that Officers continue to be authorised to make any further consequential updates to these and associated Constitutional documents to reflect the change in the corporate leadership structure.

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

Councillor S J N Morgan referred to the recent change to inheritance tax relief announced in the Autumn 2024 budget and asked the Leader of the Council if he would agree that the Government had let down farmers by breaking its promise not to introduce a family farm tax. He spoke further regarding this matter including the harm it would cause to farms and asked the Leader to investigate what support the Council could give, engage with local farmers and community representatives, create a list of those farmers within the District likely to be affected by this situation and consider making formal representation to the Secretary of State for Environment, Food and Rural Affairs. In response, the Leader advised that if the Council was to engage in this it would result in a pressure on the Economic Team. However, he advised that if the

Council, through its Economic Team were approached by a farm in trouble or a difficult situation they would do their utmost to support them.

Councillor W Stamp asked the Leader of the Council for an update from the Maldon Summit that had recently taken place. In response the Leader advised that in addition to the Maldon Summit alongside the Chief Executive he had recently attended the first NHS Working Group and at both meetings had been robust about the use of Council assets without any long-term plan coming forward from the NHS. He provided the Council with further details of the discussions from the meetings which included reviewing a list of sites provided by the NHS, the need for the NHS to also consider the site of St Peters Hospital and how the Council as a Planning Authority would do its utmost to support the NHS in coming up with solutions. There had also been discussion about the Maldon Relief Road and the Leader informed Members that Essex County Council (ECC) had changed the design of the road, making it more of a relief road than previously. The Council would continue working with ECC to provide solutions both in Maldon and connecting outside of the District. Members were advised that there had also been some discussion regarding the lack of bus services, specifically on the Dengie, and long-term solutions and outcomes for this.

Councillor M F L Durham referred to the earlier question from Councillor Morgan and the equally serious issue impacting on businesses in the Maldon District regarding the imposition of VAT on school fees. He provided further detail around this subject and asked the Leader of the Council if he would write to the Government to express concern because it had a direct impact on the businesses in the District. The Leader agreed and commented on the pressure the change put on local schools. He suggested that the Group Leaders discuss and draft a letter which any Member could then put their name to, should they wish.

Councillor A S Fluker asked the Leader of the Council whether the Council was Member of the Association for Public Service Excellence, otherwise known as APSE and if it had any liability regarding the legal action brought against Members of the Association by Thurrock Council? The Leader of the Council advised that he would respond to Councillor Fluker in writing.

Councillor Fluker referred to confirmation by the Leader at the last Council meeting that the Council would be entering into a 20-year Leisure Contract. He asked the Leader if he would agree that prior to the tender process starting the Council should have consulted with residents to ensure that proposals meet their needs? The Leader explained that he had not been involved in the process but would provide a written response to Councillor Fluker.

399. BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERED BY THE CHAIRPERSON TO BE URGENT

The Chairperson announced that in accordance with Section 100b(4) of the Local Government Act 1972 he had agreed to allow the Monitoring Officer to raise an urgent item of business.

400. URGENT BUSINESS - APPOINTMENT OF COUNCILLORS AT BURNHAM-ON-CROUCH TOWN COUNCIL

The Council considered the urgent report of the Monitoring Officer seeking Members' approval to appoint two Councillors to Burnham-on-Crouch Town Council (the Town Council) under Section 91(1) of the Local Government Act 1972.

It was noted that only three Town Councillors remained on the Town Council following the resignation of seven Town Councillors resulting in the Town Council not being quorate as its Standing Orders required a minimum number of four Councillors at any meeting. In order for the Town Council to perform its statutory duties it must legally be quorate. In accordance with the Law where there were so many vacancies, the District Council may by order appoint persons to fill all or any of the vacancies until other Councillors are elected to take up office.

Following presentation of the report by the Monitoring Officer, Councillor W Stamp proposed that recommendation (i) be amended and Councillors U G C Siddall-Norman, V J Bell and R G Pratt be appointed to the Town Council with immediate effect.

In response to a question regarding the appointed Councillors leaving the Town Council once it was quorate, the Monitoring Officer advised that this would be reviewed but assured Members that any transition would be done as smoothly and efficiently as possible.

The Chairperson referred to the proposed amendment to recommendation (i), this was duly seconded and upon a vote being taken agreed.

The Monitoring Officer responded to a question explaining that by Law the Council had to make sure the Town Council was quorate and therefore appoint Members to it. However, the Town Council would act as a separate organisation and therefore there should not be any comeback on the Council.

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

RESOLVED

- (i) That Councillors V J Bell, R G Pratt and U G C Siddall-Norman be temporarily appointed to Burnham-on-Crouch Town Council;
- (ii) That the Council authorises the making of an Order pursuant to Section 91 of the Local Government Act 1972 for the temporary appointment of two Councillors to enable Burnham-on-Crouch Town Council to act lawfully on the terms set out in the draft order attached at Appendix 1 to the report.

401. EXCLUSION OF THE PUBLIC AND PRESS

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.

402. LEISURE CONTRACT PROCUREMENT UPDATE

The Council considered the report of the Director of Service Delivery updating Members on the outcome of the competitive procurement process to identify a new leisure services provider for a contract period of between 10 and 25 years and seeking award of a new 20-year contract commencing on 1 February 2025.

The report provided background information leading up to the Council agreeing Officers to undertake a competitive procurement exercise and the results. Appendix 1 to the

report set out the preferred bidder identified. The report set out the requirements that the Council had to follow under the Public Contracts Regulations 2015.

The Chief Executive presented the report, and this was followed by a short presented by the Commercial Manager which highlighted the options available to Members, as set out in the report.

The Chairperson then moved the recommendations as set out in the report and these were duly seconded.

During the lengthy debate that followed a number of Members expressed their views both in support and against the new Leisure Contract and the procurement process undertaken. In response to questions raised the Commercial Manager and the Council's External Consultant (Mr Thompson) provided the Council with additional information.

In accordance with Procedure Rule No. 13 (3) Councillor W Stamp requested a recorded vote, and this request was duly seconded.

The Council thanked the Chief Executive, Commercial Manager and External Consultant for their work on this contract.

The Chairperson then put all four recommendations on-block to the Council and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, V J Bell, D O Bown, J Driver, M F L Durham, A Fittock, L J Haywood, J C Hughes, N R Miller, S J N Morgan, C P Morley, R G Pratt, N G F Shaughnessy, R H Siddall, N D Spenceley, P L Spenceley, E L Stephens, N J Swindle and M E Thompson.

Against the recommendation:

Councillors A S Fluker, K Jennings, K M H Lagan, A M Lay, M G Neall, U G C Siddall-Norman, W Stamp and J C Stilts.

Abstention:

Councillor S J Burwood.

At this point, Councillor K M H Lagan requested that his vote against the recommendation be recorded. This was duly noted.

RESOLVED

- (i) That the outcome of the procurement process undertaken in line with the Public Contracts Regulations 2015 (Appendix 1 to the report) be noted;
- (ii) That the preferred bidder (Bidder 3) be awarded the Council's Leisure Contract for a contractual term of 20-years, commencing on 1 February 2025;
- (iii) That it be noted that the preferred bid requires an initial capital investment (to be paid back over the lifetime of the contract from the increased management fee) and an update to the 2024 / 25 Capital and Treasury Management Strategy (the subject of a separate report on the agenda for this meeting);

- (iv) That 5% of net income received annually be ring-fenced in a Leisure Contract sinking fund for any future Council maintenance liabilities (any surplus balances of the sinking fund will be rolled forward to future years);
- (v) That the Leisure Contract Working Group Terms of Reference are amended to include:
 - a review of progress against the new contract;
 - monitoring the performance of the Leisure provider (every three months)
 - providing an update to the Council on an annual basis.

403. UPDATED CAPITAL & INVESTMENT, MINIMUM REVENUE PROVISION AND TREASURY MANAGEMENT STRATEGIES 2024 / 25

The Council considered the report of the Interim Chief Finance Officer seeking Members approval of the updated Capital & Investment, Minimum Revenue Provision (MRP) and Treasury Management Strategies attached as Appendices to the report.

The Chairperson drew Members' attention to the revised version of the report and appendices which had been circulated prior to the meeting.

It was noted that the Council was required to regularly review the above Strategies to ensure they remained up to date and relevant. The Interim Chief Finance Officer presented the report, advising that updates to the Strategies required approval, in light of the investment required to support the award of the new Leisure Contract and other changes to the capital programme since the Strategies had been approved by the Council in February 2024. The report provided further detail of each update proposed.

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

In response to a question the Interim Chief Finance Officer provided Members with some background information regarding the long-term impact on the Council's reserves.

The Chairperson then put the recommendations which were duly agreed by assent.

RESOLVED

- (i) That the Updated 2024 / 25 Capital and Investment Strategy (Appendix 1 to the report), which includes the revised 2024 / 25 Capital Programme, an increase to the Operational Boundary for Borrowing, a section outlining the Objectives of the Strategy, and improvements to the Risk Management section, be approved;
- (ii) That the Updated 2024 / 25 Minimum Revenue Provision (MRP) Policy Statement (Appendix 2), which includes new methodology for calculating MRP, be approved;
- (iii) That the Updated 2024 / 25 Treasury Management Strategy (Appendix 33), which includes updates to the Capital Financing Requirement and Liability Benchmark calculations, be approved.

There being no other items of business the Chairperson closed the meeting at 9.30 pm.

K M H LAGAN
CHAIRPERSON