515. **CHAIRMAN’S NOTICES**

The Chairman drew attention to the list of notices published on the agenda.

516. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss A M Beale, M F L Durham, M W Helm, C A R Mackenzie and M R Pearlman.

517. **MINUTES – 3 SEPTEMBER 2015**

**RESOLVED**

(i) that the Minutes of the extraordinary meeting of the Council held on 3 September 2015 be received.

**Minute 360 – Apologies for Absence**

Councillor E L Bamford advised that she was not in attendance at this meeting and had sent her apologies.

**Minute 362 – Planning Applications for Determination by the Council (CL1 RES/MAL/15/00071 Land East of Wycke Hill, Maldon)**

Councillor M S Heard advised that his declaration of interest should refer to “…noise reduction…”.
RESOLVED

(ii) that subject to the above amendments, the Minutes of the extraordinary meeting of the Council held on 3 September 2015 be adopted.

518. MINUTES – 10 SEPTEMBER 2015

RESOLVED that the Minutes of the meeting of the Council held on 10 September 2015 be received and adopted.

519. MINUTES– 17 SEPTEMBER 2015

RESOLVED

(i) that the Minutes of the extraordinary meeting of the Council held on 17 September 2015 be received.

Minute 409 – Planning Applications for Determination by the Council (CL2 FUL/MAL/15/00567 Land at Corner of Station Road, Maldon)

It was noted that the fourth paragraph of this Minute should read “…car parking spaces met the minimum requirements.”

RESOLVED

(ii) that subject to the above amendment, the Minutes of the extraordinary meeting of the Council held on 17 September 2015 be adopted.

520. DISCLOSURE OF INTERESTS

Councillors Mrs P A Channer and R G Boyce declared non-pecuniary interests as Members of Essex County Councillor in any item of business that may refer to the County Council, directly or indirectly, and made particular reference to the following Agenda Items:

- 14 – Bradwell Power Station.
- 15 – Sense of Place Project – Membership of Place Board.

521. PUBLIC QUESTIONS

In accordance with Procedure Rule 1(3)(e) and the Council’s Public Question Time and Participation at Council and Committee Meetings Scheme, the Leader of the Council referred to three questions from Mr Tom Kelly of which prior notification had been given. A copy of the questions and prepared responses from the Leader of the Council were circulated to all Members and a copy provided to those in attendance at the meeting.
Question One:
"What procedures have been put in place to facilitate matters for Residents, particularly the elderly or those in terraced accommodation, once the new Waste Collection System is implemented in 2016?"

Response:
If residents have a concern prior to implementation of the new system regarding their ability to keep a wheeled bin, they should contact the Council. A support team will be on hand to discuss the individual circumstances. The Council expects as much as 95% of residents will be able to use the system. The Council already operates an assisted collection service for residents where required, this will continue under the new arrangements.

Question Two:
“The reduced collection arrangements are, effectively, a system very similar to that practised by supermarkets etc. etc. who reduced the size/quantity of goods while retaining existing or even increased prices for those goods, so why should MDC, reducing its services, claim the same or higher Council Taxes – particularly as that service is the only one some residents can avail themselves of?”

Response:
The Council considered a number of options before deciding to adopt the alternative weekly collection system including maintaining the existing weekly black sack collection method. The reality of the situation is that costs associated with the disposal of waste are rising and there is need to minimise waste being disposed of via landfill. The current level of service is unaffordable and does nothing to reduce waste to landfill which is costly and environmentally unsustainable. The method being proposed is currently undertaken by 70% of the councils in the UK, it is also considered to be the best methodology of collecting refuse and recycling by industry leaders WRAP.

Question Three:
“In view of the ‘Localism’ Agenda preached by Central Government is it not just sheer arrogance on the part of Maldon District Council NOT to adequately consult with local residents BEFORE agreeing the new waste collection arrangements?”

Response:
Members carefully considered the options available within the affordability limit and one clear choice was available. Tenders were invited for this service and returns were in line with estimated costs. In the New Year, the Council will engage with residents on the introduction of the new service by offering support and education on how the system will work and be introduced.

522. CHAIRMAN’S ANNOUNCEMENTS

The Chairman informed Members of the recent passing of former Councillor Brian Harold Mead. Brian Mead was elected to the Maldon East Ward at a bi-election in March 1993 and served as a District Councillor from 1993 until 2008. During this time he had held a number of positions including Chairman and Vice-Chairman of the Council. It was noted that Brian Mead had also represented the District as a County
Councillor from 2001 – 2008. All present at the meeting then stood in silent tribute to the memory of Brian Mead. Details of the funeral arrangements were advised to all Members at this point.

The Chairman referred to his recent absence from the Council due to illness and thanked both Members and Officers for the flowers, cards and well wishes he had received. He also referred to other Members who had been unwell.

The Chairman sincerely thanked the Vice-Chairman for taking over and doing an excellent job during his absence and also his Personal Assistant who had assisted both him and the Vice-Chairman.

The Chairman advised that he had attended a number of events which are detailed below and thanked the Vice-Chairman for attending events on his behalf.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
<th>Conducted By</th>
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<tbody>
<tr>
<td>11/09/15</td>
<td>9/11 Commemorative Service, Stow Maries Aerodrome (Vice-Chairman)</td>
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<tr>
<td>15/09/15</td>
<td>Plume School Presentation Evening (Vice-Chairman)</td>
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<tr>
<td>16/09/15</td>
<td>Epping Forest District Council Civic Visit and Lunch (Vice-Chairman)</td>
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<td>18/09/15</td>
<td>Charity Coffee Morning in aid of Macmillan Cancer Support, Burnham-on-Crouch Town Council</td>
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<td>23/09/15</td>
<td>Crucial Crew (Vice-Chairman)</td>
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<td>26/09/15</td>
<td>Burnham-on-Crouch Carnival (Vice-Chairman)</td>
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<td>14/10/15</td>
<td>opening of the Mitre Tea Rooms (Vice-Chairman)</td>
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<tr>
<td>22/10/15</td>
<td>Jack Petchey Foundation and Girlguiding Essex North East Awards Presentation Evening (Vice-Chairman)</td>
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<td>24/10/15</td>
<td>Joined Maldon Town Mayor in welcoming the Walking with the Wounded (Vice-Chairman)</td>
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<tr>
<td>26/10/15</td>
<td>Official Re-opening of the Blackwater Leisure Centre</td>
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<td>28/10/15</td>
<td>Castle Point Gala Night</td>
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<tr>
<td>28/10/15</td>
<td>Active Maldon Sports Awards (Vice-Chairman)</td>
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The Chairman and Members congratulated Mr Nick Fenwick who had recently been appointed as the Director of Planning and Regulatory Services.

**523. MINUTES OF SOUTH EASTERN AREA PLANNING COMMITTEE - 24 AUGUST 2015**

RESOLVED that the Minutes of the meeting of the South Eastern Area Planning Committee held on 24 August 2015 be received and adopted.

**524. MINUTES OF COMMUNITY SERVICES COMMITTEE – 1 SEPTEMBER 2015**

RESOLVED that the Minutes of the meeting of the Community Services Committee held on 1 September 2015 be received and adopted.
RESOLVED that the Minutes of the meeting of the Central Area Planning Committee held on 2 September 2015 be received and adopted.

RESOLVED that the Minutes of the meeting of the North Western Area Planning Committee held on 14 September 2015 be received.

RESOLVED that the Minutes of the meeting of the South Eastern Area Planning Committee held on 21 September 2015 be received and adopted.

RESOLVED (i) that the Minutes of the meeting of the Finance and Corporate Committee held on 22 September 2015 be received.

**Minute 424 – Provision of Superfast Essex Broadband**

Councillor Mrs P A Channer declared a non-pecuniary interest in this item of business as she sat on the Superfast Essex Programme Board and was its Chairman and was also Divisional Member for Maldon.

It was questioned whether the resolution relating to this Minute should be a recommendation to the Council based on the fact that the Council determined that the monies should be in the budget.

The Leader of the Council responded, advising that she had taken on board representations made to her by several Members prior to the meeting and had spoken to the Chief Executive who, like her had agreed that this should have been a recommendation to the Council. The Leader proposed that the resolution from the Finance and Corporate Services Committee be a recommendation to the Council and debated as such. She proceeded to provide the Council with further information regarding Superfast Essex Broadband and the discussion had at the Finance and Corporate Services Committee. This proposal was duly seconded.

Councillor B S Beale proposed that rather than accept the recommendation that the Council look at the possibility of having further dialogue with the service provider. This proposal was duly seconded.
Councillors Boyce and Mrs Channer declared an interest in this item of business as Divisional Members for Maldon.

Following a debate, the Chairman put the proposal in the name of Councillor Beale to the Council and upon a vote being taken this motion was declared lost. The Council then voted on the proposal of the Leader of the Council in accordance with the resolution from the Finance and Corporate Services Committee and this was agreed. Officers advised that further dialogue would be pursued.

RESOLVED

(ii) that a capital sum of up to £90,994 not be transferred to Essex County Council in respect of match funding for Phase 2a of the Essex Superfast Broadband Project.

RESOLVED

(iii) that subject to the above decision, the Minutes of the meeting of the Finance and Corporate Committee held on 22 September 2015 be adopted.

529. MINUTES OF AUDIT COMMITTEE – 24 SEPTEMBER 2015

RESOLVED that the Minute of the meeting of the Audit Committee held on 24 September 2015 be received and adopted.

530. MINUTES OF CENTRAL AREA PLANNING COMMITTEE - 30 SEPTEMBER 2015

RESOLVED that the Minutes of the meeting of the Central Area Planning Committee held on 30 September 2015 be received and adopted.

531. MINUTES OF PLANNING AND LICENSING COMMITTEE – 1 OCTOBER 2015

RESOLVED

(i) that the Minutes of the meeting of the Planning and Licensing Committee held on 1 October 2015 be received.

The Council received the Committees recommendation on the following matter.

Minute 458 – Committee Terms of Reference and Schemes of Delegation – Neighbourhood Planning

RESOLVED

(ii) that the following revisions to the Planning and Licensing Committee Terms of Reference and Schemes of Delegation be agreed:
(a) Addition of the following paragraph to the Planning and Licencing Committee (B) Scheme of Delegation to exercise on behalf of Council the following functions:

“The approval of the Local Planning Authority’s response to the Neighbourhood Planning Consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.”

(b) Addition of the following paragraph to part (C) Scheme of Delegation to the Director of Planning and Regulatory Services:

“On the grounds of urgency, and in consultation with the Chairman of the Planning and Licensing Committee; the response on behalf of the Local Planning Authority for the Regulation 16 Consultation to the Neighbourhood Planning (General) Regulations 2012; provided that these actions are reported to the earliest available meeting of the relevant Planning and Licensing Committee.”

(c) Amendment to paragraph 3 to the Committee Terms of Reference and Schemes of Delegation, Planning and Licencing Committee (A) To consider and report to the Council as follows:

“All matters concerning Regional Planning, and the formal adoption of statutory Development Plan policy as part of either the Local Plan or the Local Development Framework including the functions under Regulation 18 of the Neighbourhood Planning Regulations 2012.”

RESOLVED

(iii) that subject to the above decision, the Minutes of the meeting of the Planning and Licensing Committee held on 1 October 2015 be adopted.

532. MINUTES OF OVERVIEW AND SCRUTINY COMMITTEE (ACTING AS THE CRIME AND DISORDER COMMITTEE) – 7 OCTOBER 2015

RESOLVED

(i) that the Minutes of the meeting of the Overview and Scrutiny Committee (acting as the Crime and Disorder Committee) held on 7 October 2015 be received.

Minute 469 – Disclosure of Interests
Councillors Mrs P A Channer, M S Heard and S J Savage raised a number of comments in respect of the declarations recorded in the Minutes. Clarification was provided regarding the Council’s representative and substitute on the Police and Crime Panel (the Panel). Members were advised that the Council only had one representative on the Panel (Councillor Mrs Channer) and Councillor S J Savage was the substitute Member.
Minute 470 – Operational Policing for the Maldon District
In response to comments raised regarding information given by the District Commander from Essex Police, the Chairman of the Committee advised that the Minutes required amendment and additional information including an update regarding the information provided in respect of rural policing. The Chairman of the Committee agreed to take these back to the next meeting of the Committee.

RESOLVED

(ii) that the Minutes of the meeting of the Overview and Scrutiny Committee (acting as the Crime and Disorder Committee) held on 7 October 2015 be taken back to the next meeting of the Committee for further review.

533. MINUTES OF APPOINTMENTS COMMITTEE – 8 OCTOBER 2015

RESOLVED that the Minutes of the meeting of the Appointments Committee held on 8 October 2015 be received.

Councillor R G Boyce questioned whether the Council could adopt these Minutes as the Committee had not agreed them as a true record and whether they would be legal having not been approved by the appropriate body.

A debate ensued and it was suggested that a special meeting of the Appointments Committee take place.

In response to concern raised, the Chairman adjourned the meeting to seek clarification on this matter.

534. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting of the Council be adjourned at 8:29pm.

535. RESUMPTION OF BUSINESS

RESOLVED that the meeting resumes in open session at 8:35pm.

536. MINUTES OF APPOINTMENTS COMMITTEE – 8 OCTOBER 2015
CONTINUED

The Legal and Democratic Services Manager advised Members that the Council was sovereign and as such every Committee reported to it and therefore no further action was required in respect of the adoption of these Minutes.

RESOLVED that the Minutes of the meeting of the Appointments Committee held on 8 October 2015 be adopted.
537. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6 (2) OF WHICH NOTICE HAS BEEN GIVEN

There were none.

538. MODIFICATION TO THE LEADER’S OFFICE AND MEMBERS’ ROOM

The Council considered the report of the Director of Resources seeking Members’ consideration of options to modify the existing meeting and working spaces occupied by Members in the Council’s main office building at Princes Road, Maldon in order to enable a large meeting room to be created.

An addendum to the report was circulated at the meeting which made changes to paragraphs within the report and included a revised appendix.

Members noted that the office accommodation project was progressing well with refurbishment works largely complete. In order to provide another meeting room with a capacity of more than 12 people and meet demand following the relocation of voluntary groups into the Council offices the report outlined a proposal whereby the offices of the Leader / Deputy Leader of the Council and Leader’s Personal Assistant (PA) be moved into the Members Room. Appendix 1 to the report set out the proposed new layout and it was noted that this was superseded by the Appendix circulated with the addendum which indicated a slight change round in respect of who would occupy which office. The costs related to the proposed changes were set out in the report and addendum.

The Leader of the Council presented the report and proposed that the modifications to the Leader, Deputy Leader and Leader’s PA office be agreed. These proposals were duly seconded.

A number of concerns were raised in respect of the process for consideration of this report, as it was felt it should have been considered by the Finance and Corporate Services Committee prior to being brought to the Council. Questions were also raised regarding the proposed size of the new offices.

Members were advised that these changes had arisen from the Leader and Chief Executive Forum where it had been debated at length.

The Leader of the Council of raised a point of clarification that the Council was being asked on a regular basis for meeting room space and that there was currently not enough available.

Councillor A S Fluker raised a further point of clarification regarding the process and how the subject had been raised at a meeting of the Leader and Chief Executive’s forum. He felt concerned that there was no business plan or identification of need detailed within the report. Councillor Fluker proposed that the report be referred to the Finance and Corporate Services Committee who upon consideration would then make a recommendation to the Council. This would give opportunity for Members to have input into the proposed modifications and also for those staff involved to comment. This proposal was duly seconded.
A debate ensued and a number of comments raised regarding the proposed modifications, the status of the Members’ Room along with requirements for meeting rooms. In response to a question, the Leader of the Council advised that the related costs had been adjusted by the Director of Resources following discussions with the current builders on site. It was noted that the costs however could increase if approval of the project was delayed. Councillor Fluker raise a point of clarification regarding the price drop being due to the removal of the concertina wall originally suggested. It was clarified that the figures referred to within the implications section of the report were estimates.

The Chairman put the proposition of the Leader of the Council to agree Option One and the recommendations as set out in the report. Upon a vote being taken this motion was lost. The Chairman then put the proposal in the name of Councillor Fluker and upon a vote being taken this was agreed.

**RESOLVED** that the report be referred to the Finance and Corporate Services Committee to consider and then make a recommendation to the Council.

### 539. MALDON MUSEUM ARTEFACTS

The Council considered the report of the Director of Resources updating Members on a recent meeting where it was agreed that the taxidermy collections (loaned to Maldon Museum by the Council) would not form part of the Museum display in the future. It was agreed that all parties would look into the disposal route for these artefacts. Members were informed that the artefacts were currently stored in the Council’s St. Cedds building.

**RESOLVED**

(i) that the contents of this report are noted;

(ii) that Members approve for Officers to start the disposal process for the taxidermy collections.

### 540. 2016 / 17 BUSINESS RATES POOLING

The Committee considered the report of the Director of Resources informing Members of the benefits of participating in the business rate retention pool and seeking agreement of a way forward.

The report set out the arrangements under the Local Government and Finance Act 2012 which had introduced local retention of non-domestic rates. By combining in a pool it would be possible to retain more of the additional funds from growth in non-domestic rates within a county wide area. The creation of a new Pool for 2016 / 17 had been discussed at a recent meeting of Essex Section 151 (S151) Officers and the analysis produced indicated that there was favourable benefits for the Council to participate in the Pool from April 2016. S151 Officers had been requested to confirm whether this Council wished to join a poll for 2016 / 17 by 30 October 2015.
Members were advised that by pooling together Local Authorities in Essex could retain a greater proportion of any business rate growth within the pool area, which would provide opportunity for encouraging further economic growth. Further details of the proposed Pool and potential benefit to the Council were set out in the report.

**RESOLVED**

(i) that the contents of the report are noted;

(ii) that in principle Maldon District Council being part of the Essex Business Rates pool administered by Essex County Council effective from 1 April 2016, be approved;

(iii) that the Director of Resources in consultation Chairman of the Finance and Corporate Services Committee be authorised to agree the final pooling proposal, when the 2016 / 17 pooling prospectus was published by the Department for Communities and Local Government.

541. **BRADWELL POWER STATION**

The Council considered the report of the Chief Executive updating Members on discussions with EDF regarding the potential location of a new nuclear power station at Bradwell-on-Sea. The report proposed forming a Joint Bradwell Member Board (the Board), comprising of Members and Officers from both Maldon District and Essex County Councils to facilitate partnership working on areas of mutual interest. The report set out the proposed Membership of the Board.

Councillor A S Fluker proposed that Councillor B S Beale be added to the Joint Bradwell Member Board due to his extensive knowledge of the area. Councillor R P F Dewick, Ward Member for Bradwell, advised that he was unable to attend daytime meetings and supported the proposal for Councillor Beale to the Board. Councillor Dewick raised a number of concerns regarding a new nuclear power station, including those of local residents. He requested that as Ward Member he be kept informed of any matters relating to Bradwell.

A debate ensued, a number of questions were raised by Members in respect of the proposed Member Board and in particular its Membership. In response to a question it was agreed that the recommendation be amended to include a review of the Bradwell Working Group Terms of Reference at the same time.

The Leader of the Council proposed that the recommendations as set out in the report with the addition that a review of the Bradwell Working Group Terms of Reference be undertaken be agreed. Upon a vote being taken this was duly agreed.

**RESOLVED**

(i) that the proposals for a Joint Bradwell Member Board as set out in the report and the following Membership be agreed;

- **Maldon District Council**
- Leader and Deputy Leader of the Council *
• Chairman and Vice Chairman of the Planning and Licensing Committee *

(* Note that the meeting will be deemed to be quorate if at least one of the stated Members is present).

• Essex County Council
  • Cabinet Member for Customer Services, Libraries, Planning and Environment at Essex County Council (on behalf of the Leader of the Council).
  • Deputy Cabinet Member for Customer Services, Libraries, Planning and Environment at Essex County Council.

• Observers
  • The County Members for the Maldon District and the Member of Parliament should be invited to attend meeting as observers.

• Officer Representatives
  • Officer representatives from both Councils will also sit on the Board in support of Members including:
    • Chief Executive of Maldon District Council (or their representative).
    • Chief Executive of Essex County Council (or their representative).

Representatives of EDF Energy, the Department of Energy and Climate Change and other external bodies may be invited to attend the Board on an ad hoc basis.

(ii) that a review of the Bradwell Working Party Terms of Reference be undertaken.

542. SENSE OF PLACE PROJECT

The Council considered the report of the Director of Planning and Regulatory Services updating Members on the Sense of Place Project, which aimed to promote the District as a destination of choice. Members’ endorsement was sought for the appointment of member representation on the Place Board.

The report provided background information regarding the Economic Prosperity Strategy and Bradwell Legacy Partnership. The aims and objectives of the Sense of Place Project were set out in the report.

The Leader of the Council asked Members to note this report and proposed that it be referred back to the Planning and Licensing Committee as it had not yet fully discussed this item. This was agreed.

RESOLVED

(i) that the contents of this report be noted;
(ii) that the report be referred to the Planning and Licensing Committee for consideration and report back to the Council.

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

Councillor Mrs P A Channer asked the Leader of the Council if she agreed that the Maldon District Community Hospital Working Group, set up and formalised at the Statutory Annual Meeting of the Council with Councillors A R Pudney and R Pratt taking the place of A R Cheshire and Councillor P G L Elliott respectively, should meet. Bearing in mind the recent developments she felt that there should be a meeting as soon as possible. In response, the Leader agreed with Councillor Mrs Channer and advised that she wished to see an overview of all Health Bodies the Council operated to give a coherent vehicle moving forward. The Leader also commented that there was a Member seminar coming up in view of certain strategic planning applications that were coming forward, this was confirmed as taking place on Wednesday 4 November at 7:30pm.

Councillor S J Savage asked the Leader of the Council if she could tell him the timescale for the two questions he asked and written response requested at the last Council meeting. In response, the Leader of the Council advised that she had not agree to a written response and responded accordingly at the meeting.

Councillor R Pratt asked the Leader of the Council if she agreed that the Director of Customers and Community’s department had done a magnificent job with the Blackwater Leisure Centre. The Leader agreed with Councillor Pratt and hoped that congratulations were also extended to the Leisure Contract Task and Finish Working Group.

There being no other items of business the Chairman closed the meeting at 9:41pm.

P G L ELLIOTT
CHAIRMAN
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