



**MINUTES of
COUNCIL
19 DECEMBER 2019**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, Miss A M Beale, B S Beale MBE, M G Bassenger, V J Bell, R P F Dewick, M F L Durham, CC, M R Edwards, Mrs J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, A L Hull, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

1. CHAIRMAN'S NOTICES

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

2. APOLOGIES FOR ABSENCE

There were none.

3. DECLARATION OF INTEREST

Councillor S P Nunn declared a pecuniary interest in Agenda Item 7b – Minutes of the Strategy and Resources Committee, Appendix 3 relating to Fees and Charges policy and specifically the river wharfage fees as he occasionally undertook work for Topsail Charters as a historian guide and was remunerated for that work. He felt this was connected with the barges, was a direct pecuniary interest and therefore he would be withdrawing from the chamber when this item was considered. He also declared an interest in relation to Agenda Item 5 Public Questions – question 2 which linked to the same subject as his earlier declaration but advised that as it was not for debate he would not be withdrawing from the chamber for this item of business.

Councillor B S Beale joined the meeting at this point.

Councillors K M H Lagan, C Mayes and J Stilts declared a non-pecuniary interest in Agenda Item 7b – Minutes of the Strategy and Resources Committee, Appendix 3 relating to wharfage and car park as they had been in communication with some persons effected by this.

Councillor M R Edwards declared that in the interest of openness and transparency relating to Agenda Item 7b – Minutes of the Strategy and Resources Committee, he was a Member of the Thames Sailing Barge Trust.

Councillor M S Heard declared a non-pecuniary interest as he was a trustee for the Brent steam tug. He also declared a non-pecuniary interest as he was a trustee of the Joseph Henry Unwin fund.

Councillor B E Harker declared in the interest of openness and transparency and in relation to Agenda Item 7b – Minutes of the Strategy and Resources Committee that he was treasurer of the Friends of Heybridge Cemetery where his wife was also secretary and he was Chairman of the Joseph Henry Unwin Trust which occasionally donated to the Citizens Advice Bureau.

Councillor M F L Durham declared a non-pecuniary interest as a member of Essex County Council in relation to any items of business pertaining to that Authority.

Councillor J V Keyes advised in the interest of openness and transparency he had a non-pecuniary interest in Agenda Item 7b – Minutes of the Strategy and Resources Committee.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council on any matter pertaining to that authority, particularly Agenda Item 7b – Minutes of the Strategy and Resources Committee. In relation to this item of business she declared the following interests in relation to specific items contained in these Minutes:

- Minute No. 9 – Maldon District Council Affordable Housing and Viability Supplementary Planning Document – Consultation on Draft Amendment: she was trustee of the Henry Guilder Drake Almshouse Trust.
- Minute No. 6 – Advice Services Contract: in the interest of openness and transparency she knew the Chairman as they were an Essex County Councillor and sat on Cold Norton Parish Council which was within her division.

In addition Councillor Mrs Channer made reference to a person she had met whilst attending an engagement for the Chairman.

Councillor A S Fluker declared in the interest of openness and transparency he represented the Council on the Maldon Harbour Improvement Commissioners board and was a harbour commissioner.

Councillor Miss S White declared that she represented the Council on the Maldon Harbour Improvement Commissioners board and knew the new chairman of the Citizens Advice Bureau.

4. MINUTES - 21 NOVEMBER 2019

The Chairman advised that he felt there were some further amendments required to the Minutes. He therefore proposed that agreement of the Minutes be deferred to the next ordinary meeting of the Council and Officers be asked to check the audio recording and

bring a revised version of the Minutes back to the next meeting. This was duly seconded and agreed.

RESOLVED that the Minutes of the Council meeting held on 21 November 2019 be deferred pending review by Officers and brought back to the next ordinary meeting of the Council.

5. 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 Chairman of the Council referred to two questions of which prior notification had been given. A copy of the questions was circulated prior to the meeting.

Question one:

Ms July Lea, Chairman of the Maldon Society was in attendance at the meeting and read out her questions, set out below along with the responses from the Leader of the Council (show in *italics*).

“In connection with the Council's relationship with the proposed new nuclear power station at Bradwell, (also referred to in item 12 on tonight's agenda).

- a) Is it correct that MDC is receiving each month approximately £15,000 from the potential developer?

Yes.

- b) What use has been made of the income in connection with Bradwell B received to date?

It has been used to support the staffing resource required by the Council to ensure it is undertaking the role of engaging in the Development Consent Order (DCO) process regarding the Bradwell B proposals.

- c) Does the Council recognise its integral role as a primary conduit in a disinterested process of public consultation on whether the nuclear development should proceed?

The development of a new nuclear power station falls within the scope of the 'Nationally Significant Infrastructure Projects' (NSIPs), as set out in the Planning Act 2008. In these instances, the developer applies directly to the Secretary of State for a Development Consent Order (DCO) rather than to the Local Planning Authority for planning permission. Maldon District Council will be a consultee as part of the DCO process. BrB has indicated that the application for the DCO will be submitted in 2022. However, there is a significant consultation and engagement process leading up to the submission of the application. Whilst Maldon District Council will not be the determining authority for the actual power station application, host local authorities have an important role in the NSIP, DCO process. Participation is not obligatory but is strongly advised by the Planning Inspectorate. Whilst it is appreciated that local authority resources are limited, relevant authorities are strongly encouraged to discuss and work through the issues raised by NSIP proposals. A local authority will provide an important local perspective at the pre-application

stage, in addition to the views expressed directly to the developer by local residents, groups and businesses.

- d) What answer would be given to those who consider a) and c) above represent a conflict of interest?"

It is normal for the developer in these cases to provide resource to the Local Authority to support the planning process. This has been the case with other DCO processes around the country and both Maldon District Council and Essex County Council are seeking support in this case. This in no way represents a conflict of interest and the funding simply enables the Local Authority to engage in the consultation fully and to discharge the expectations that HMPI has raised. Whilst the Councils Local Development Plan states broad support for the development of Bradwell B, the Council also recognises its role within the consultation process to maximise any benefits and mitigate any impacts should the development be approved by the Secretary of State.

The provision of funding in no way affects the integrity of the Council in fulfilling its role in the DCO consultation process. In fact the Planning Inspectorate supports the development of funding agreements between local authorities and the applicant within its formal guidance on the DCO process.

***The role of local authorities in the development consent process
Advice Note two: The role of local authorities in the development consent process (HMPI February 2015)***

'10.1 Planning performance agreements (PPA) are a matter for the local authority and the developer and may be justified by the impact on the local authority's resources. The Planning Inspectorate is, in principle, supportive of PPAs but will not get involved in the negotiation of a PPA as it is a legal agreement between two parties.'

Question two:

Mr John Rayment of the Thames Sailing Barge Trust was in attendance at the meeting and read out his question, set out below along with the response from the Leader of the Council (shown in *italics*).

“The Thames Sailing Barge Trust, is a registered charity which owns and operates two sailing barges, Pudge and Centaur, at Hythe Quay. The Trust is a non-profit making charity with no paid employees and is run by volunteers, and has berthed its vessels on the Quay for 37 years.

- The Trust is not a commercial operator
- We gain our income through donations, membership and from the small income we make from taking the public and members on weekend sails between May and September.
- In a good year we just about break-even
- By removing the discount, we will have to pay a further £6500 a year, **this being a 100% increase on what we pay. This is unfair.**
- This increase will put the Trust into a loss-making situation which is not sustainable and will result in us having to consider our future on the Quay.

If the proposed increase is to be based on comparable costs for berthing elsewhere, the Council must also consider the advantages other ports have over the town in terms of tides and other operational factors.

The Trust's aims include making the barges available to the public and children. If we have to move away from Maldon, then these opportunities would be lost to the town. The Trust is part of the Maldon Heritage Group and our barges are part of Maldon's heritage.

And on top of this it is also proposed that you will charge vehicles for parking on the Quay.

Question:

We wish to ask the Leader of the Council to reconsider the proposal to increase the wharfage charges by removing the 50% discount for our barges Pudge and Centaur, as this will significantly impact on our viability and future at Maldon."

I am grateful for the information provided and will ensure your views are considered when the recommendations from the Strategy and Resources Committee are presented to Council later at this meeting.

6. CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to a number of events which the Vice-Chairman had attended on his behalf.

7 December 2019	Day of Dedication, Woodland Glades Maldon and Burnham-on-Crouch <i>Vice-Chairman</i>
10 December	Epping Forest Civic Carol by Candlelight Service, Waltham Abbey Church <i>Vice-Chairman</i>
11 December	Braintree District Council, Festive Concert <i>Vice-Chairman</i>
13 December	Chelmsford City Council Civic Carol Service, Chelmsford Cathedral <i>Vice-Chairman</i>
18 December	Rochford Civic Carol Service, Rayleigh <i>Vice-Chairman</i>
18 December	Burnham-on-Crouch Royal National Lifeboat Institute (RNLI) Carol Service

The Chairman reminded and welcomed everyone to the nine lessons and Carol service taking place on Sunday 22 December at 6:30pm at All Saints Church, Maldon which he was hosting in conjunction with the Church.

7. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 28 NOVEMBER 2019

RESOLVED

- (i) That the Minutes of the Performance, Governance and Audit Committee held on 28 November 2019 be received.

Councillor E L Bamford, Chairman of the Committee presented the Minutes and proposed that they be accepted with the exception of Minute 8 Draft Statement of Accounts 2018 / 19 as these were the subject of a separate report on the agenda. This was duly agreed.

RESOLVED

- (ii) That with the exception of Minute 8, the Minutes of the Performance, Governance and Audit Committee held on 28 November 2019 be agreed.

8. STRATEGY AND RESOURCES COMMITTEE - 5 DECEMBER 2019

RESOLVED

- (i) That the Minutes of the Strategy and Resources Committee held on 5 December 2019 be received.

Minute No. 6 – Review of Advice Services Funding 2020 / 21

RESOLVED

- (ii) That funding to the Maldon Citizens Advice is increased to the previous level of £73,500 from 1 April 2020.

Minute No. 9 – Maldon District Council Affordable Housing and Viability Supplementary Planning Document – Consultation on Draft Amendment

RESOLVED

- (iii) That the proposed amendments (attached at Appendix 1 to the Minutes of the Strategy and Resources Committee) to the Affordable Housing and Viability Supplementary Planning Document (attached at Appendix 2 to the Minutes of the Committee) be agreed.

In accordance with his earlier declaration Councillor S P Nunn left the meeting at this point.

Minute 15 – 2020 / 21 Fees and Charges Policy

It was noted that a revised version of Appendix 3 to these Minutes had been circulated prior to the meeting.

The Leader of the Council proposed that the fees and charges policies (as set out in the revised Appendix 3) be accepted, subject to the following amendments:

- Green Waste Bin Service – That the proposed removal of the £5 discount to Direct Debit and web payments be agreed on the basis that Officers take steps to clear the waiting list for green waste bins.
- River Wharfage – The Leader referred to a number of representations that had been received in respect of this matter. He proposed that the suggested changes to river wharfage as set out in Appendix 3 (amended version) be referred back to

the Strategy and Resources Committee for further research and subsequent consideration by the Council at its meeting in February 2020.

This proposal was duly seconded and upon a vote being taken agreed.

RESOLVED

- (iv) That the proposed removal of the £5 discount for direct debit and web payments relating to Green Waste Bin Service be agreed, and Officers take steps to clear the waiting list for green waste bins.
- (v) That the proposed policy changes to River Wharfage be removed from Appendix 3 and following additional research considered by the Strategy and Resources Committee at its next meeting prior to approval by the Council at its meeting in February 2020.
- (vi) That subject to (iv) and (v) above, the revisions to the fees and charges policies outlined in Appendix 3 (as circulated at the meeting) be agreed.

Councillor Nunn returned to the chamber.

Minute 16 – 2020 / 21 Revenue Budget Growth and Savings

RESOLVED

- (vi) that the proposals for growth items, as set out in Appendix 4 to the Minutes of the Strategy and Resources Committee, be agreed;
- (vii) that the proposals for savings and income generation, as set out in Appendix 5 to the Minutes of the Strategy and Resources Committee, be agreed;
- (viii) that the projects to be funded from the Repairs and Renewals reserve, as set out in Appendix 6 to the Minutes of the Strategy and Resources Committee, be agreed.

RESOLVED

- (ix) That subject to the above decisions, the Minutes of the Strategy and Resources Committee held on 3 December 2019 be agreed.

9. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met since the last meeting of the Council, up to Wednesday 11 December 2019 for which Minutes had been published.

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

There were none.

11. RIVER CROUCH COASTAL COMMUNITY TEAM CHANGE TO TERMS OF REFERENCE AND REPRESENTATIVES

The Council considered the report of the Director of Strategy, Performance and Governance updating Members on the changes to the Terms of Reference for the River Crouch Coastal Community Team (RCCCT) since its transfer to Rochford District Council in July 2019. The report also sought appointment of a single representative to the RCCCT.

The report provided background information regarding the RCCCT and how in September 2019 it had refreshed its Terms of Reference. There had been a change to the composition and Members of the RCCCT and the Council was requested to amend its current Member representation in light of this.

The Leader of the Council proposed that recommendation (i) be amended to read "...be noted" and that Councillor N Skeens be appointed as the Council's representative on the RCCCT with Councillor S P Nunn as his substitute. This was duly seconded and upon a vote being taken was agreed.

RESOLVED

- (i) That the updated Terms of Reference for the River Crouch Coastal Community Team (RCCCT) be noted;
- (ii) That Councillor N Skeens be appointed as the Council's representative on the RCCCT with Councillor S P Nunn as his substitute.

12. BRADWELL B PLANNING POLICY POSITION STATEMENT

The Council considered the report of the Director of Strategy, Performance and Governance providing an update on providing a planning position statement in relation to any new development relating to the Bradwell B (BrB) project.

The report provided background information regarding the selection of Bradwell as one of the eight sites considered suitable by the Government for the siting of a new nuclear power station and the work being undertaken in relation to the development of the station. The report set out the Council's position in dealing with planning application which may not accord with the Council's Local Development Plan and aimed to take advantage of the future power station.

Members were advised that in the future it would be necessary to provide a more robust, evidence based, policy position in relation to BrB associated planning applications. To facilitate this Officers were suggesting that a Member workshop be arranged to gain some guidance from Members regarding the direction of travel for the production of new planning policies to deal with such planning applications in the future.

The Leader of the Council proposed an amendment to the recommendation to include the Bradwell B communications team in the workshop. He advised that the communications team had been visiting local Parish Councils and other organisations giving a presentation in relation to Bradwell and it would be useful for them to go

through this presentation with Members. He proposed subject to that change that the recommendation as set out in the report be agreed. This was duly seconded and agreed.

RESOLVED that a workshop be provided for all Members, to include an update on the Bradwell B (BrB) project, presentation from the Bradwell B communications team and seek direction in the production of any new planning policies relating to BrB.

13. COUNCIL GOVERNANCE IN RELATION TO BRADWELL B

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' endorsement of proposals for the governance of Maldon District Council's decision making in relation to the proposed Bradwell B Nuclear Power Station.

The report outlined the process to be undertaken in development of a new nuclear power station and how the developer would apply directly to the Secretary of State for a Development Consent Order (DCO) rather than to the Local Planning Authority (LPA) for planning permission. The Council would however have an important role in this process and the report provided detailed information in respect of this. A table within the report set out the decision-making routes along with the groups and individuals that would be involved.

It was noted that the Council would be required to make a range of decisions as part of the DCO process, beginning with the approval of the Statement of Community Consultation. Members were advised that the proposed decision-making framework, if approved, would be utilised to allow the Council to respond in a timely and effective way.

The Leader of the Council proposed an amendment to the recommendation, as set out in the report, that the decision-making process be clarified and agreed at the next meeting of the Strategy and Resources Committee. He also proposed to add robustness and ensure decisions were being made by Members that decisions were only made by the Strategy and Resources Committee and / or the Council. This proposal was duly seconded and agreed.

RESOLVED

- (i) that the governance arrangements outlined within the report for decision regarding Bradwell B and its associated development be endorsed;
- (ii) that the decision-making process be clarified and reported to the next Strategy and Resources Committee;
- (iii) that any decisions relating to Bradwell B be brought to future meetings of the Strategy and Resources Committee and / or the Council for Members' consideration.

14. DRAFT STATEMENT OF ACCOUNTS 2018 / 19

The Council considered the report of the Interim Section 151 Officer presenting the Draft Statement of Accounts for 2018 / 19 (attached as Appendix 1 to the report) for approval.

It was noted that the Performance, Governance and Audit Committee at its last meeting had recommended “that the final Statement of Accounts for 2018 / 19, once the External Auditor’s Opinion on the accounts and the judgement for Value for Money had been received, be approved”. Further details regarding the approval of the Statement of Accounts was set out in the report.

It was noted that no significant issues with the Council’s accounts for 2108 / 19 had been identified. The report advised that the External Auditor had issued his draft audit opinion and value for money judgement which indicated an unqualified or modified opinion on the account for 2018 / 19 and value for money.

Councillor E L Bamford, Chairman of the Performance, Governance and Audit Committee presented the report and advised that the signed Auditors opinion would follow once the accounts had been agreed by the Council. She proposed that the recommendation as set out in the report be agreed. This was duly seconded and agreed.

RESOLVED that the draft Statement of Accounts for 2018 / 19, as set out in Appendix 1 to the report, be approved.

15. COUNCIL TAX BASE 2020 / 21

The Council considered the report of the Interim Section 151 Officer relating to the Council Tax Base for 2020 / 21. It was noted that the Council had to notify its tax base calculations to Essex County Council, Essex Fire Authority, the Police and Crime Commissioner for Essex and Parish Councils by 31 January 2020.

The report explained that the tax base figure was an integral part of the calculations for setting the level of Council Tax. The detailed calculation of the relevant amounts for 2020 / 21 were shown in Appendix A to the report.

Members were informed that the tax base used for 2019 / 20 (the current year) was 24,536.1. The proposed new figure for the forthcoming year represented an increase of 554.7 or 2.26%. This increase related to the number of new dwellings added to the valuation list.

The Leader of the Council proposed that the recommendations as set out in the report be agreed. This was duly seconded and agreed.

RESOLVED that in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012 the amount calculated by Maldon District Council as its council tax base for the 2020 / 21 year shall be set at 25,090.8.

16. SCHEDULE OF MEETINGS 2020 / 21

The Council considered the report of the Director of Strategy, Performance and Governance presenting for approval the Schedule of Meetings for 2020 / 21 (attached as Appendix 1 to the report).

The Leader of the Council proposed that subject to the following minor amendments the Schedule of Meetings for 2020 / 21 be agreed:

- 8 February 2021 – This should read NW
- 4 May 2021 had been missed off the schedule.

This was duly seconded and agreed.

RESOLVED that subject to the following amendments, the Schedule of Meetings for 2020 / 21 be approved.

- 8 February 2021 –should read NW;
- 4 May 2021 had been missed off the schedule.

17. SCHEDULE OF MEETINGS 2019 / 20

RESOLVED that the meeting of the Strategy and Resources Committee scheduled for 16 January 2020 be moved to Wednesday 29 January 2020.

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

Councillor C Swain asked the Leader of the Council, now that Highways England had announced their preferred route for upgrading the A12 between Boreham and Witham, involving removal of both junctions at Hatfield Peverel and construction of a new junction at Rivenhall, if the Leader would press the County Council to bring forward proposals to provide access to that junction for traffic from Maldon and Heybridge?

In response the Leader advised that Highways England were proposing to close the junctions and introduce a new super junction to the east which would serve that area. There would be a public consultation in 2020. He emphasized that throughout the A12 widening scheme engagement and consultation process, the Council had emphasised to Highways England, the importance of maintaining access to the A12 from the District at Hatfield Peverel. He made reference to the Local Development Plan bringing forward a lot of residential properties in the north of the District which would need to access the A12 and how this had been made clear as part of the consultation process.

There being no further items of business the Chairman closed the meeting at 8.05 pm.

**R G BOYCE MBE
CHAIRMAN**