



**MINUTES of  
COUNCIL  
17 DECEMBER 2020**

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**PRESENT**

Chairman	Councillor M S Heard
Vice-Chairman	Councillor C Mayes
Councillors	Miss A M Beale, B S Beale MBE, M G Bassenger, V J Bell, Mrs P A Channer, CC, M R Edwards, A S Fluker, A L Hull, K W Jarvis, J V Keyes, K M H Lagan, 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

**145. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to this remote meeting of the Maldon District Council, held under new regulations which had come into effect in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting.

A roll call of those Members present was taken.

**146. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R P F Dewick, M F L Durham CC, Mrs J L Fleming and M W Helm.

**147. DECLARATION OF INTEREST**

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a member of Essex County Council, advising that this applied to a number of items on the agenda, specifically Agenda Items:

- 11 – Bradwell B Power Station Working Group Recommendation: Letter of Support for Small Modular Reactors.
- 12 – Council Tax Base.
- 13 – Report of the Corporate Governance Working Group.
- 14 – Rural Settlements List.
- 20 – Site Allocations.
- 21 – Outstanding Loan – Financial Arrangements.

The following Members declared non-pecuniary interests in Agenda Item 11 - Bradwell B Power Station Working Group Recommendation: Letter of Support for Small Modular Reactors:

- Councillors K M H Lagan and N G F Shaughnessy advised that they had received communications with people in the Bradwell area;
- S P Nunn advised that he was patron of the RAF Bradwell Bay Preservation group;

Councillor Miss S White declared a non-pecuniary interest in Agenda Item 21 – Outstanding Loan – Financial Arrangements as she was a member of the consultative committee and sat on the new Bradwell Village Council committee.

#### **148. MINUTES - 5 NOVEMBER 2020**

##### **RESOLVED**

- (i) that the Minutes of the Annual Council meeting held on 5 November 2020 be received.

##### **Minute No. 25 – Joint Standards Committee Chairman**

Councillor Mrs P A Channer referred to an omission in the Minutes. She provided some background information and explained that during the debate Councillor Mrs J L Fleming had made a proposal for Councillor Mrs Channer to be nominated as Chairman of the Joint Standards Committee. The Chairman at that meeting had advised he would put the first proposal to the Council, but should that fail would then refer to the second (in the name of Councillor Mrs Fleming). This had not been recorded in the Minutes.

The omission was noted and it was agreed (by assent) that an amendment be made to this Minute, the wording of which was to be agreed with the Chairman outside of the meeting.

##### **RESOLVED**

- (ii) that subject to the above amendment, the Minutes of the Annual Council meeting held on 5 November 2020 be agreed.

#### **149. PUBLIC QUESTIONS**

There were none.

#### **150. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman congratulated Councillor Mrs P A Channer who had recently been chosen as Leader of the Opposition Party and said he looked forward to working with her.

The Chairman advised that he had recently hosted a virtual quiz for staff which had proved quite successful.

Members were informed that the Chairman and Councillor S P Nunn had recently attended a Dementia Friends training session. The Chairman provided some details of from the sessions and recommended that Members consider attending the next session scheduled at 10am on 20 January 2021.

**151. STRATEGY AND RESOURCES COMMITTEE - 19 NOVEMBER 2020**

**RESOLVED** (by assent) that the Minutes of the Strategy and Resources Committee held on 19 November 2020.

**152. STRATEGY AND RESOURCES COMMITTEE - 24 NOVEMBER 2020  
(SPECIAL MEETING)**

**RESOLVED**

- (i) That the Minutes of the special Strategy and Resources Committee meeting held on 24 November 2020 be received.

The Council considered the following recommendations set out in the Minutes:

**Minute 91 – IT Policies**

Councillor R H Siddall, Chairman of the Strategy and Resources Committee advised that in respect of the Information Security Policy the following had been omitted from the Policy appended to the Minutes of the Committee:

**Members:**

Conduct their business in accordance with this policy.

Take responsibility for familiarising themselves with this policy and understanding the obligations it places on them.

Subject to the above addition, the Council agreed (by assent) the recommendation as set out in the report.

**RESOLVED**

- (ii) That subject to the above amendments, the following policies which set out the security requirements that all staff and Members must adhere to when using Maldon IT systems to ensure data security and appropriate use, be reviewed and agreed:
- ICT Acceptable Use (attached as Appendix 1 to the Minutes of the Committee);
  - Email and Communications (attached as Appendix 1 to the Minutes of the Committee);
  - Information Security (attached as Appendix 1 to the Minutes of the Committee and subject to the above amendment).

### **Minute No. 92 Planning Enforcement**

In response to questions raised, the Lead Specialist Place advised that all Members would be informed of any notices due to be issued. The Officer also advised that although the proposed new policy did not contain the investigation flow chart this had been incorporated into internal processes set out in the Council's constitution.

**RESOLVED** (by assent)

- (iii) that the Planning Enforcement Policy (attached at Appendix 4 to the Minutes of the Committee) be adopted.

### **Minute No. 94 – North Quay Development Brief Supplementary Planning Document**

**RESOLVED** (by assent)

- (iv) that the North Quay Development Brief be adopted as a Supplementary Planning Document.

### **Minute No. 99 – Document Retention Policy Update**

**RESOLVED** (by assent)

- (v) That the Document Retention Policy, attached at Appendix 5 to the Minutes of the Committee, be approved;
- (vi) That Delegated Authority be given to the Director of Resources, in consultation with the Data Protection Officer to make any operational changes to the retention periods contained within the Policy subject to an annual report to the Strategy and Resources Committee on any changes made.

**RESOLVED**

- (vii) That subject to the above decisions the Minutes of the special Strategy and Resources Committee be agreed.

## **153. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 26 NOVEMBER 2020**

**RESOLVED** (by assent) that the Minutes of the Performance, Governance and Audit Committee held on 26 November 2020 be agreed.

## **154. MINUTES OF MEETINGS OF THE COUNCIL**

**RESOLVED** (by assent) that the list of Committees that had met since the last meeting of the Council, up to Wednesday 9 December 2020 for which Minutes had been published be noted.

**155. STATEMENT OF THE LEADER OF THE COUNCIL**

Councillor W Stamp, Leader of the Council (the Leader) made a statement (attached at **APPENDIX 1** to these Minutes) setting out the Council's report and programme for the remainder of the municipal year. The statement also highlighted the work of the Council, its partnerships and thanked Officers for their hard work through the transformation and current pandemic. She then commended this to the Council.

In her response to the statement from the Leader of the Council, the Leader of the Opposition, Councillor Mrs P A Channer referred to the current pandemic, the innovative actions that the Council had taken to assist residents and the work of Officers who had worked round the clock to look after residents during the difficult times.

The Leader of the Council thanked the Leader of the Opposition and commented on the positivity of her speech and how she planned to keep the Council moving forward.

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

There were none.

**157. BRADWELL B POWER STATION WORKING GROUP RECOMMENDATION: LETTER OF SUPPORT FOR SMALL MODULAR REACTORS**

The Council considered the report of the Director of Strategy, Performance and Governance outlining the recommendation of the Bradwell B Power Station Working Group (the Working Group) that a letter of support for the ongoing development of Small Medium Reactors (SMR) be sent to John Whittingdale OBE MP and to Stephen Speed, Director of Nuclear at the Department for Business, Energy and Industrial Strategy (BEIS).

The report provided background to the Government's announcement in 2010 that Bradwell was one of the eight sites it considered suitable for the siting of a nuclear power station and the consultation undertaken by Bradwell B Power Generation Company Limited (BRB). It was noted that whilst the adopted Local Development Plan (LDP) strongly supported the principle of development of a new nuclear power station at Bradwell the Council had resolved to reconsider this position at the next planned review of the LDP.

Members were informed that SMRs were a type of nuclear reactor smaller than conventional reactors and how a consortium led by Rolls Royce had been developing proposals for a SMR that it hoped to introduce to the nuclear market in the coming years.

The Working Group at a recent meeting had considered that SMR technology could have advantages when compared with the conventional nuclear technology, as smaller units could have less environmental impacts, be quicker to install and potentially easier to finance. The Working Group had therefore proposed that the Council consider sending a letter of support.

Following an introduction to the report by the Leader of the Council and Director of Strategy, Performance and Governance, the Chairman of the Council proposed that the Officers' recommendation be approved. This was duly seconded.

Some Members raised concern regarding sending the letter, whilst others supported it. Reference was made to the Bradwell B proposals and the potential impact this would have on the District.

The Chairman then put the recommendation as set out in the report. In accordance with Procedure Rule No. 13 (3) Councillor M G Bassenger requested a recorded vote and this was duly seconded. The voting was as follows:

For the recommendation:

Councillors Miss A M Beale, B S Beale, Mrs P A Channer, M R Edwards, A L Hull, J V Keyes, C P Morley, R H Siddall, N J Skeens, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors M G Bassenger, V J Bell, A S Fluker, J W Jarvis, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, W Stamp and J Stilts.

Abstention:

Councillor M S Heard.

The Chairman declared that the recommendation was therefore agreed.

**RESOLVED** a letter of support for the ongoing development of Small Medium Reactors be sent to John Whittingdale OBE MP and to Stephen Speed, Director of Nuclear at the Department for Business, Energy and Industrial Strategy.

## 158. COUNCIL TAX BASE

The Council considered the report of the Director of Resources relating to the Council Tax Base for 2021 / 22. 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 2021.

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 2021 / 22 were shown in Appendix A to the report.

Members were informed that the tax base used for 2020 / 21 (the current year) was 25,090.8. The proposed new figure for the forthcoming year represented a decrease of 131.7 or 0.52%. This decrease related to the expected fall in collection rate of 1.3% and the increase in Local Council Tax Support of 6.3%

The Chairman moved that the recommendation as set out in the report be agreed. This was duly seconded and upon a vote being taken agreed.

In response to a question, the Director of Resources advised that Council Tax increases for the district were capped at 2% and anything above this would require a local

referendum. Members were reminded that the setting of Council Tax for 2021 / 22 would be a Council decision scheduled to take place at the February budget meeting.

**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.

## **159. REPORT OF THE CORPORATE GOVERNANCE WORKING GROUP**

The Council considered the report of the Corporate Governance Working Group (the Working Group) providing information and recommendations from a recent meeting of the Working Group.

There were four main areas which had been considered by the Working Group and put forward for consideration by the Council, these were:

- a review of the remote meeting protocol and the updates proposed by Officers and reviewed at the Council meeting on 1 October. As a result a further revised version of the remote meeting protocol was Attached at (Appendix A to the report);
- setting a maximum meeting length time and an addition to Procedure Rule 1(6) was proposed;
- reduction to the number of Overview and Scrutiny Committee meetings following establishment of an Overview and Scrutiny Committee Working Group;
- clarification to Procedure Rule 1(10) regarding presiding votes for the Chairman of the Council in relation to special meetings at the annual Council meetings (set out in Appendix B to the report).

The Leader of the Council and Councillor R H Siddall introduced the report. The Chairman then moved the recommendations as set out in the report, which were duly seconded.

In response to a question regarding the Working Group reporting to the Council and not the Performance, Governance and Audit Committee, Members were reminded that this was a Working Group of the Council and correct process had been followed.

The Chairman put the recommendations set out in the report and upon a vote being taken these were duly agreed.

### **RESOLVED**

- (i) that the remote meeting protocol updates as revised by the Corporate Governance Working Group (CGWG) and set out in Appendix A to the report, be adopted;
- (ii) that the Council agrees a maximum Council / Committee meeting length of 2.5 - 3 hours, and adopts the associated updates to Procedure Rule 1(6) set out in Appendix B to the report;

- (iii) that the Council approves and adopts the updates to Procedure Rule 1(10) as set out in Appendix B to the report, to clarify Chairman of the Council presiding over special meetings of Committees during the Council's Annual meeting;
- (iv) that from May 2021, Overview and Scrutiny Committee meetings are scheduled as required for a scrutiny item, rather than part of the regular schedule.

#### **160. RURAL SETTLEMENTS LIST**

The Council considered the report of the Director of Service Delivery proposing a Rural Settlement List for the financial year 2021 / 22 (Appendix A to the report) to determine and award Rural Rate Relief to eligible businesses.

The Director of Resources advised that the dates referred to in the report were incorrect and should refer to 2021 / 22. However, those dates in the appendix were correct. This was noted.

It was noted that Section 43 of the Local Government Act 1988 (as amended by the Local Government Finance and Ratings Act 1997) placed an obligation on local authorities to publish a rural settlement list each financial year. There had been no significant developments and no changes were proposed to the previously published list.

The Chairman moved the recommendation set out in the report. This was duly seconded and agreed by assent.

**RESOLVED** that the Rural Settlement List for 2021 / 22 be approved.

#### **161. RESIGNATION OF COUNCILLOR E L BAMFORD AND ASSOCIATED VACANCIES**

The Council considered the report of the Director of Strategy, Performance and Governance presenting details of vacancies following the resignation of Councillor E L Bamford as a District Councillor.

An addendum to the report was circulated prior to the meeting which provided details of all Political Group nominations for the vacant positions. Members were advised that Councillor Mrs P A Channer had been elected as Leader of the Conservative Group and therefore became Leader of the Opposition. The addendum highlighted a few further changes required in light of this change.

The report advised of the recent resignation of Councillor E L Bamford and the vacancies on Committees and Working Groups as a result of this.

Following presentation of the report by the Leader of the Council, the Chairman put the recommendations set out in the report and addendum. This was duly seconded and agreed by assent.

**RESOLVED** that the following appointments to Committees, Working Groups and Outside Bodies be agreed:



<b>Committee</b>	<b>Nomination – Councillors:</b>
Appointments Board	Mrs J L Fleming
Investigating and Disciplinary Committee	C Mayes
Joint Standards Committee	A L Hull (to replace Councillor Mrs P A Channer)
Overview and Scrutiny Committee	Miss A M Beale

<b>Working Group</b>	<b>Nomination – Councillors:</b>
Asset Management Working Group	M F L Durham CC
Bradwell ‘B’ Power Station Working Group	Mrs J L Fleming
Corporate Governance Working Group	J V Keyes
COVID-19 Reset and Recovery Member Working Group	C P Morley
Strategies and Engagement Member Task and Finish Working Group.	Mrs M E Thompson

<b>Outside Body</b>	<b>Nomination – Councillors:</b>
Bradwell Local Community Liaison Council	Miss S White
Livewell Partnership Group	Miss A M Beale
Strategic Housing Board	M F L Durham CC

## **162. SCHEDULE OF MEETINGS**

The Council considered the report of the Director of Strategy, Performance and Governance presenting for Members’ consideration, an update to the 2020 / 21 Schedule of meetings to reflect budget deadlines (attached as Appendix 2 to the report) and a draft schedule of meetings for 2021 / 22 (attached as Appendix 1).

Following presentation of the report by the Leader of the Council, the Chairman put the recommendations as set out in the report and these were duly seconded and agreed by assent.

**RESOLVED** that the Schedule of Meetings for 2021 / 22 and the updated Schedule for 2020 / 21 be approved.

## **163. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** by assent, 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.

## **164. LEISURE CONTRACT UPDATE**

The Council considered the report of the Leisure Contract Member Task and Finish Working Group (the Working Group) advising of recommendations coming forward from the Working Group in relation to the current position with the Leisure Services Contract and seeking authorisation to extend the current arrangement with Places Leisure. The report also sought approval for the Working Group to continue to meet to review further proposals, negotiations and make further recommendations to the Council.

The report provided background information following the report to the Council in July 2020 and the opening of the Blackwater and Dengie 100 Leisure Centres on Monday 10 August 2020.

It was noted that the Working Group had considered the legal advice, analysed and challenged information provided and were now making a number of recommendations to the Council. The Minutes of this meeting along with figures provided by Places Leisure were set out in Appendix 1 to the report.

Legal advice, cost implications along with the long-term options for the leisure centres were set out in the report.

The Leader of the Council presented the report and thanked all Members and Officers involved. Councillor K W Jarvis, Chairman of the Working Group highlighted key points and provided further information.

The Chairman then put the recommendations as set out in the report and this was duly seconded.

A debate ensued and in response to a number of questions further information was provided by the Commercial Manager and Director of Service Delivery.

In response to a question regarding the specific number of people using the Leisure Centres, the Commercial Manager advised that he did not have this information to hand but would circulate it outside of the meeting.

The Chairman moved the recommendations which were agreed by assent.

### **RESOLVED**

- (i) That the Council extends its provision of financial support to Places Leisure to 31 March 2021 (previously agreed to 31 December 2020);
- (ii) that the Leisure Contract Member Task and Finish Working Group (the Working Group) continues to meet to consider future variations to the leisure contract and provide further updates to meetings of the Council in relation to the long-term provisions of the contract;
- (iii) that the Working Group reports back to the Council on 4 February 2021 with further updates and recommendations.

## 165. SITE ALLOCATIONS

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' consideration for the purchasing of new land that would be allocated for housing through the upcoming review of the Local Development Plan (LDP).

Members were advised that as required by the National Planning Policy Framework, the Council had recently instigated a review of the LDP. At this time the Council would also be bringing forward an up to date Housing Needs Assessment (LHNA). As part of the review the Council will need to allocate new land for housing.

The Chairman put the recommendation as set out in the report and this was duly seconded.

A lengthy debate ensued, some concerns were raised and in response to questions the Lead Specialist Place provided additional information and clarification. It was noted that for transparency purposes it was necessary for there to be separation between sites required by the Council and those sites allocated. If a new plan was produced for the next 15 years the Council would need to provide housing for the next 15 years too.

The report outlined proposals for achieving this and these were discussed by Members. The Lead Specialist Place outlined how once a call for sites had been carried out a complex scoring process would have to be undertaken and one of the key aspects of this was the deliverability of the sites.

In accordance with Procedure Rule No. 13 (3) Councillor W Stamp requested a recorded vote. This was duly seconded and the voting on the recommendation as set out in the report was as follows:

For the recommendation:

Councillors M G Bassenger, B S Beale MBE, V J Bell, M R Edwards, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall and W Stamp.

Against the recommendation:

Councillors Miss A M Beale, Mrs P A Channer, A S Fluker, A L Hull, J V Keyes, C P Morley, Mrs M E Thompson and Miss S White.

Abstention:

Councillors M S Heard, N J Skeens, J Stilts and C Swain.

The Chairman advised that the recommendation was therefore agreed.

**RESOLVED** that the content of the report be noted and permission granted for the Director of Strategy, Performance and Governance in consultation with the Chairman of the Strategy and Resources Committee to enter into land option agreements (limited to a cost of £1,000 for each agreement) to look to deliver additional housing required through the review of the Local Development Plan.

## 166. **OUTSTANDING LOAN - FINANCIAL ARRANGEMENTS**

Councillor A S Fluker declared an interest in this item of business and in the interest of openness and transparency left the meeting at this point and did not return.

The Council considered the report of the Director of Service Delivery, seeking Members' consideration of a request to convert an outstanding loan into a grant. A copy of the request was attached at Appendix 1 to the report.

The report provided background information in relation to the loan, reviews undertaken, instalment schedule and the costs to the Council should it agree to convert the loan into a grant.

The Leader of the Council presented the report, following which the Chairman put the recommendation as set out in the report. This was duly seconded. However following some debate both the Chairman and the seconder agreed to withdraw this proposal.

Councillor Miss S White proposed that consideration of this matter be deferred as she felt there were outstanding figures which were required in order to make a decision. A debate ensued and following advice from the Lead Legal Specialist and Monitoring Officer, the proposal was amended to defer consideration to the most convenient Council meeting. The proposal was duly seconded and agreed by assent.

**RESOLVED** that consideration of the request to convert the outstanding loan into a grant be deferred to the most convenient Council meeting, pending further financial information.

There being no further items of business the Chairman closed the meeting at 8.55 pm.

M S HEARD  
CHAIRMAN