



**MINUTES of  
COUNCIL (EXTRAORDINARY)  
29 APRIL 2021**

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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, R G Boyce MBE, Mrs P A Channer, M F L Durham, CC, M R Edwards, Mrs J L Fleming, CC, A S Fluker, M W Helm, 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, CC, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

**1. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to this remote meeting of the Maldon District Council, held under 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.

**2. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor R P F Dewick.

**3. DECLARATION OF INTEREST**

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council and any items of business on the agenda pertaining to that organisation.

The Chairman advised that Councillor V J Bell had declared an interest in Agenda Item 6 and would be leaving the meeting at that time.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council.

**4. FUTURE COMMITTEE OPTION REVIEWS**

The Council considered the report of the Director of Strategy, Performance and Governance seeking a review of options for future meetings during social distancing associated with COVID-19.

The report provided background information regarding the introduction of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 brought in in response to the COVID-19 pandemic, allowing the operation of remote meetings until 6 May 2021. It was noted that this Legislation would not be extended past 6 May 2021 and a recent High Court challenge seeking a declaration on whether remote meetings could continue had been dismissed.

Appendix A outlined the many risks associated with a return to physical meetings alongside possible mitigations. A number of suggested approaches and options were set out for consideration by the Council along with costs associated with these. Alternative outside venues had been investigated and the risk assessment linked to these was attached at Appendix B to the report. Members considered four options (set out in the report) which had been identified as options to allow the Council to continue with its business past 6 May 2021.

The Leader of the Council presented the report and moved the recommendations set out within it. These were duly seconded.

The Director of Strategy, Performance and Governance took Members through the report and provided additional information including the recent High Court decision.

A lengthy debate ensued during which Members commented on the proposals and in response to a number of questions the following information was provided:

- All guidelines referred to in the report and appendices were based on Government guidance and it was for the Council to agree how it met that guidance. The report provided proposals for staff and Member safety and there was an expectation that Members would comply.
- Officers present would be expected to follow the guidance set out.
- In reference to Procedure Rule 10 and disorderly conduct, Members were advised that if the Council agreed the guidance set out in the report Members would be expected to abide by it and this would be enforced by the Chairman. The Lead Legal Specialist and Monitoring Officer provided Members with further clarification on the use of Procedure Rule 10 in relation to the proposed guidelines
- The proposed start time of 11am for the Statutory Annual Council meeting had been suggested due to the availability of the preferred venue.
- In response to a suggested use of two rooms for meetings, the Director of Strategy, Performance and Governance referred to the Council's health and safety responsibility for staff and explained that this was not possible under current Government Guidance.

Councillor C Swain proposed an amendment to the recommendations set out in the report, that to avoid the need for meetings to be held externally, the District Planning Committee membership be reduced to four Members from each of the Area Planning Committees (the Chairman, Vice-Chairman and two other Members). He felt that in the short term the Council would operate with an Interim Management Group. This was duly seconded.

Further debate ensued and further clarification was provided by Officers. In response to a question regarding the recommendations and whether a change to the Council's Constitution was required, the Lead Legal Specialist and Monitoring Officer explained that the Constitution had been drafted with rules for physical and remote meetings and therefore no change was needed.

The Chairman referred to the proposed amendment by Councillor Swain, duly seconded. Councillor R G Boyce raised a Point of Order that if the Council was going to change the make-up of a Committee this would require proper advertising to the public and could not be done at this meeting. In light of this Councillor Mrs M E Thompson withdrew her seconding of the proposal by Councillor Swain. Following further discussion Councillor Swain withdrew his proposition.

Councillor R H Siddall proposed an amendment to the recommendations that the Statutory Annual meeting of the Council on 20 May 2021 move to a start time of 9:30am, which he advised would allow people to return to work afterwards and that all other Committee meetings return to a start time of 7:30pm. In response to a request by the Director of Strategy, Performance and Governance, Councillor Siddall amended his proposal changing the start time of the Statutory Annual meeting of the Council on 20 May 2021 to 10am. This proposal was duly seconded.

Members discussed the proposed amendment, which was shown on screen. In response to a query regarding a meeting of the District Planning Committee on 5 May 2021 the Chairman advised that this meeting had been cancelled and was due to be rescheduled.

In accordance with Procedure Rule No. 13 (3) Councillor K M H Lagan requested a recorded vote. This was duly seconded.

The Chairman then put the proposed amendment in the name of Councillor Siddall to the Council and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, R G Boyce, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, M W Helm, A L Hull, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J Stilts, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors V J Bell and C Morris.

Abstention:

None.

The amendment was therefore agreed and became the substantive motion.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded.

The Lead Legal Specialist and Monitoring Officer clarified that Members needed to now vote on the newly amended recommendations. In response to a question, the Chairman advised that the 10am start time purely related to the Statutory Annual meeting of the Council.

In response to a question regarding the proposed review, the Director of Strategy, Performance and Governance advised that this would take place when Government guidance changed and that the Council would have to review its risk assessments as a result.

The Chairman then put the amended recommendations to the Council and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, R G Boyce, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, M W Helm, A L Hull, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J Stilts, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors V J Bell and C Morris.

Abstention:

Councillor C Swain.

This was therefore agreed.

**RESOLVED**

- (i) That the physical Statutory Annual meeting move to a start time of 10am to allow for this to take place at an outside venue with wider staff on-site to support;
- (ii) That Members review the future meeting options in section 3.10.6 of the report and identify a preferred option having regard to the risks set out at Appendix A to the report, and accept any costs will be a budget pressure for the year;
- (iii) That the guidance set out at section 3.10.7 of the report be adopted, and additional guidance that emerges from risk assessments to support more secure physical meetings where they do take place.

In light of her earlier declaration Councillor V J Bell left the meeting at this point.

**5. EXCLUSION OF THE PUBLIC AND PRESS**

The Chairman proposed that the public and press be excluded from the meeting for the reason identified in the agenda. This proposal was duly seconded.

In response to some discussion, the Lead Legal Specialist and Monitoring Officer outlined the reasoning why the following report should be considered in private session.

In accordance with Procedure Rule No. 13 (3) Councillor R G Boyce requested a recorded vote. This was duly seconded.

The Chairman then put the proposal that the public and press be excluded from the meeting and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, K W Jarvis, J V Keyes, K M H Lagan, C Mayes, C P Morley, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, Mrs J Stilts, C Swain and Miss S White.

Against the recommendation:

Councillors R G Boyce, Mrs P A Channer, M F L Durham and M W Helm.

Abstention:

Councillors A L Hull and C Morris.

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

**6. LEGAL ADVICE - PLANNING DETERMINATION**

Councillor A S Fluker declared an interest in this item of business, advising he would take no further part in this item of business and left the meeting at this point.

Councillor Mrs P A Channer declared an interest in this item of business and provided detail regarding her declaration.

**7. ADJOURNMENT OF THE MEETING**

**RESOLVED** that the meeting be adjourned at 19:54 for a short comfort break.

**8. RESUMPTION OF BUSINESS IN CLOSED SESSION**

**RESOLVED** that the meeting resumes at 20:05 in closed session.

**9. LEGAL ADVICE - PLANNING DETERMINATION CONTINUED**

The Council considered the report of the Monitoring Officer regarding the lawfulness of a planning determination made by an Area Planning Committee.

The report and its appendices provided background information regarding the planning decision, correspondence received since along with Counsel's advice.

Councillor N J Skeens declared that he had been the Chairman at the meeting where the planning application had been considered.

In response to a request by the Chairman, the Monitoring Officer provided Members with some guidance regarding making a declaration of interest on this item of business. At this point, Councillor Mrs P A Channer advised that her earlier declaration in the interest of openness and transparency was that she had voted against the application. Councillor M G Bassenger asked that it be recorded for transparency that he had voted against the application when previously considered by an Area Planning Committee.

The Leader of the Council then presented the report and moved the recommendation set out in the report. This was duly seconded.

The Monitoring Officer took Members through his report, drawing their attention to key points for consideration.

Councillor R G Boyce proposed that determination of the planning application be delegated to Officers. This proposal was not seconded.

A lengthy debate ensued during which Members discussed the legal advice received and views of the Monitoring Officer set out in the report. Some Members referred to the Area Planning Committee meeting and provided further information in respect of this.

Following further debate, the Chairman put the proposal in the name of the Leader of the Council to Members.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded, and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, R G Boyce, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, M S Heard, A L Hull, K W Jarvis, J V Keyes, C Mayes, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillor C Morris.

Abstention:

Councillors K M H Lagan and Mrs J Stilts.

**RESOLVED** that planning application 20/01166/FUL at South of Charwood and East of Orchard House, Stoney Hills, Burnham-on-Crouch, should be re-determined at a meeting of the District Planning Committee as soon as possible.

There being no further items of business the Chairman closed the meeting at 8.56 pm.

M S HEARD  
CHAIRMAN