



**MINUTES of
COUNCIL
31 MARCH 2022**

PRESENT

Chairman Councillor M S Heard

Vice-Chairman Councillor C Mayes

Councillors M G Bassenger, Miss A M Beale, B S Beale MBE, V J Bell, Mrs P A Channer, R P F Dewick, M F L Durham, CC, M R Edwards, Mrs J L Fleming, CC, A S Fluker, M W Helm, B B Heubner, J V Keyes, K M H Lagan, C P Morley, 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 the meeting and went through some general housekeeping arrangements for the meeting.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor R G Boyce MBE, A L Hull, S J N Morgan, N J Skeens and E L Stephens.

3. MINUTES - 24 FEBRUARY 2022

RESOLVED that the Minutes of the meeting of the Council held on 24 February 2022 be approved and confirmed.

4. DECLARATION OF INTEREST

Councillor C Mayes declared a non-pecuniary interest in Agenda Item 11 - Making the Langford and Ulting Neighbourhood Plan as she lives in Ulting.

Councillor M F L Durham, as a Member of Essex County Council, declared a non-pecuniary interest in relation to most of the agenda. He informed the Council that Essex County Council's Monitoring Officer had advised he had a declarable pecuniary interest in Agenda Item 13 - Commercial Options for Council Offices, Princes Road, Maldon. Councillor Durham and he would therefore leave the chamber for that item of business.

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council and advised that she would not be voting on Agenda Item 13 - Commercial Options for Council Offices, Princes Road, Maldon.

Councillor W Stamp declared a non-pecuniary interest as a Member of Essex County Council and advised that also had a non-pecuniary interest in relation to Agenda Item 13 - Commercial Options for Council Offices, Princes Road, Maldon, would remain in the chamber but not vote on this item.

Councillor M R Edwards declared a non-pecuniary interest in Agenda Item 9 – Notice of Motion as he represented the Council at Drapers Farm Sports Club which was the property of Maldon District Council.

5. PUBLIC QUESTIONS

In accordance with Procedure Rule 1(3)(c) and the Council's Public Question Time and Participation at Council and Committee Meetings Scheme, the Chairman of the Council advised of a question from Mr T Kelly of which prior notification had been given.

Mr Kelly was in attendance and presented his question to the Council, which was as follows:

“Can legal advice be sought via qualified planners to investigate if necessary community facilities such as health facilities, included in planning applications, must be prioritised and give the same importance as energy, water, sewage or telephone connections, and legally in place prior to the commencement of house building by developers?”

A prepared response from the Leader of the Council to the question had been circulated prior to the meeting and the Leader read this out.

6. CHAIRMAN'S ANNOUNCEMENTS

There were none.

7. SOUTH EASTERN AREA PLANNING COMMITTEE - 9 MARCH 2022

Councillor V J Bell, Chairman of the South Eastern Area Planning Committee presented the following recommendation coming forward from the last meeting of the South Eastern Area Planning Committee and set out on the Council agenda.

That the Council agrees that all future meetings of the South Eastern Area Planning Committee meetings be held at Burnham-on-Crouch Town Council Offices.

Councillor Bell then proposed an amendment to add that the Council's IT department be asked come to Burnham Town Council offices to undertake a scoping exercise and produce a report, including costings, which could be presented to the next Council meeting. This amendment was duly seconded.

Councillor A S Fluker spoke against the proposed amendment and provided details of the benefits seen when the South Eastern Area Planning Committee (SE) meetings were held in Burnham-on-Crouch. He proposed that the recommendation of the SE be agreed on the basis that the IT infrastructure did not cost more than £1,000, explaining that he was confident mileage expenses saved would outweigh the cost.

In response to a question from the Chairman, Councillor Bell agreed to withdraw her earlier amendment.

A debate ensued and there were a number of comments raised by Members. In response the Director of Resources provided the Council with further information, including:

- In respect of costs for setting up the Burnham Town Council offices to enable it to stream meetings the Director explained he had received an indicative cost from the ICT Team for equipment of £5,000. It was noted that the ICT Team had not visited the Town Council offices and the indicative nature of any costings was highlighted.
- The current quality of the Wi-Fi at the Town Council offices was unknown
- This work would require re-prioritisation of projects that the ICT Team were currently working on.

During the discussion reference was made to an 'Owl' device used by Essex County Council as a mobile device for streaming. It was suggested that this could be a low-cost solution for the Council and further investigation could be warranted.

The Chairman referred Members back to the original proposal from the Committee which was then duly seconded.

Councillor Bell proposed that the Council look into the potential of the 'Owl' streaming device to support the initial proposal. This was duly seconded.

The Director of Resources suggested that the ICT team could review the infrastructure and capacity related to streaming at the Town Council Offices, reporting back on what was achievable and would fit with the Council's current systems.

The Chairman then put the proposal in the name of Councillor Bell to investigate the 'Owl' device and this was agreed by assent.

It was commented at this point that the original recommendation from the SE had not been agreed. Councillor Miss S White then proposed that the SE move back to Burnham-on-Crouch and in the meantime the Council resolves to decide if it was going to use the 'Owl' device or not. This was not supported.

The Chairman then referred to the original recommendation from the SE which had been seconded and put this to the Council. This was duly agreed by assent.

Further debate ensued during which the Director of Resources highlighted the potential costs involved and the need to budget for this.

The Chairman clarified that the Council had agreed that the 'Owl' device would be investigated and a response should be received by the next Council meeting.

RESOLVED

- (i) That all future meetings of the South Eastern Area Planning Committee meetings be held at Burnham-on-Crouch Town Council Offices;
- (ii) That the Council investigate the 'Owl' streaming device to support (i) above and a report be brought back to the next meeting of the Council.

8. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Wednesday 23 March 2022 for which Minutes had been published.

9. MOTION FROM COUNCILLOR K M H LAGAN

In accordance with Procedure Rule 4, the Chairman advised of a motion proposed by Councillor K M H Lagan and seconded by Councillor S P Nunn that had been received.

Councillor Lagan read out his Motion (as set out below):

To ensure best value and scrutiny is undertaken as part of the council's park and waterfront asset management and associated operational processes, that the scheme of delegation to the Director of Service delivery (DOSD) be amended as follows:

17 – Asset Management

- (d) To negotiate the terms of new leases, including interim and initial rent both at market rent and in those cases where existing tenants have a statutory right to call for a new lease on expiry of the current term. The Director of service delivery to provide options to the town ward members who will review and determine the review of existing or issuance of new leases up to an annual value of £15,000 and duration not exceeding seven years.
- (e) Provide detailed report options for determination by the towns ward members as (d) above in relation to leases with an annual value in excess of £15,000, but not exceeding £25,000, or tenure in excess of 7 years but not exceeding 14 years. Sections (d) and (e), the results of the recommendation by members to be ratified at Strategy and Resources Committee.

44. Operational issues relating to:

- a) Parks and public open spaces including waterfront and Quays: To develop proposals and options for lettings and leases on buildings which must be referred to the Local Ward Member review Group for determination.
- b) Formal recreation areas. The development of proposals for the letting of any stalls, kiosks and other operations thereon including lettings such as funfairs, circuses and other short-term lettings shall be developed and submitted the Local Ward Member Group for determination.
- c) To provide proposals to the local Ward member review group on any community assets, including buildings, structures etc.) on any potential change of use from that intended for determination.

Having read out his Motion Councillor Lagan referred to the version of his Motion printed on the agenda and how this had been amended by Officers. He thanked the Chairman for allowing his Motion because it was going to be pulled and sent to the Performance, Governance and Audit Committee. He then provided some additional information regarding his Motion, highlighting its purpose to improve the collaborative working between Members and Officers and give opportunity to help change and shape the future of things in the District and local areas. Councillor Lagan invited

Members to support his Motion because he felt it important for people of the District to see Members having an input in the decision making process.

The Chairman clarified that no changes had been made to the Motion, Officers had applied tracked changes to highlight the proposed changes to the Constitution.

In response to a comment, Councillor Lagan clarified that the purpose of his motion was to have more inclusive decision making. He explained that Ward Members knew their areas best and would bring knowledge and experience.

During the debate that following, Members discussed the proposed motion and a number of comments were raised, which included:

- that such matters currently went through the Strategy and Resources Committee with decisions being made in consultation with the Leader of the Council and Chairman of that Committee.
- Current delegation arrangements were highlighted and how a Ward member if not a member of a particular Committee could attend and speak (with permission of the Chairman).

The Leader of the Council questioned whether there would be other areas of the constitution which would require amendment should this motion be approved, such as emergency powers. She asked the Legal Officer to give a view in terms of whether she felt there were any executive powers indicative in the motion or not. In response, the Senior Specialist: Legal advised that any 'group' as such referred to by Councillor Lagan would not have powers and a sub-group (for example) would have to be set up and given powers by the Council to make decisions and report back to the Council.

A number of Members supported the need for greater collaboration between Officers and Members, particularly the involvement of local Ward Members. However, it was pointed out that through the Constitution the Council was sovereign and decisions could only be made if they came through the Council. It was commented that if the Council agreed the proposed group it would effectively be like giving them executive powers to make decisions on behalf of the Council.

Councillor A S Fluker expressed concern and proposed that the Motion be referred to the Performance, Governance and Audit Committee with a joint report to the Committee from Officers and Councillors Lagan and Nunn, in addition to review of the constitution by legal. This proposal was duly seconded by Councillor Lagan who made reference to the need to challenge the scheme of delegation and the importance to ensure that the public had faith in Members to make decisions.

Councillor Lagan confirmed that he was withdrawing his earlier proposal.

In response to a further comment from Councillor Lagan that the wording of his Motion had been changed, the Director of Strategy, Performance and Governance reiterated that no wording had been changed in the Motion.

The Chairman put the proposal in the name of Councillor Fluker to the council and this was duly agreed by assent.

RESOLVED that the Motion in the name of Councillor K M H Lagan and seconded by Councillor S P Nunn be referred to the Performance, Governance and Audit Committee. This Committee will then consider a joint report by the relevant Members and Officers, including a review of the constitution by the legal department.

Councillor Lagan later reviewed his motion and confirmed that no changes to the wording of it had been made.

10. MOTION FROM COUNCILLOR C SWAIN

In accordance with Procedure Rule 4, the Chairman advised of a motion proposed by Councillor C Swain and seconded by Councillor M G Bassenger that had been received.

Councillor Swain proposed his Motion (as set out below) be supported by the Council:

Maldon District Council asks the Secretary of State for Levelling Up, Housing and Communities to review and reply to the Council accordingly on the justification and validity of the various mechanisms, formulas and procedures that go to determining the level of housing that Local Planning Authorities are required to provide in their Local Development Plans in the light of their impact on the sustainability, social and natural environment and character of local communities and on infrastructure demands, in particular:

- the application of ONS projections for population and household formation without a proper national or regional economic or housing strategy;
- the reliance on current housing market conditions as basis for policies extending far into the future;
- the disconnection between past housing delivery performance and calculation of the 5-year Housing Land Supply;
- the lack of economic rationale for the affordability formula that increases the housing requirement in areas of low income;
- the total reliance on landowners and developers for sites to be considered for development;
- the justifiability of a high guaranteed return for developers;
- the dependence on developers' commercial interests for the pace of housing construction;
- the unrealistic presumption that Section 106 charges are an adequate basis for financing development-related infrastructure.

Councillor Swain provided detailed background information regarding his Motion and advised how it sought to bring the matters highlighted to the attention of the Secretary of State who was responsible for housing, planning and levelling up. Councillor Bassenger confirmed he was seconding this motion.

The Leader of the Council questioned whether the Motion should refer to 'review', explain that although the Planning White Paper that had come forward and been out for consultation, she understood that it may be pulled and not come forward from the Minister in that shape or form. Planning matters may therefore come forward under the levelling up agenda. So the 'review' as far as she was aware was being undertaken and therefore, she proposed that this be replaced with 'clarity regarding situation in terms of the planning white paper and the levelling up agenda'. This amendment was duly seconded and agreed by assent.

Councillor C Mayes proposed a further amendment to the Motion to add an additional bullet point to the Motion (as detailed below) regarding securing adequate affordable accommodation.

- The overall impact of the planning regime on a Local Planning Authorities ability to secure adequate affordable accommodation as defined in the National

Planning Policy Statement Annexe 2, Affordable Housing (a) Affordable Housing for rent.

Councillor Mayes provided details of the number of people the Council had on its housing register and the need for the building of appropriate accommodation in the District. This amendment was duly seconded and agreed.

The Chairman then put the amended Motion to the Council which was duly agreed by assent.

RESOLVED that Maldon District Council asks the Secretary of State for Levelling Up, Housing and Communities to clarify the position of the planning white paper and the levelling up agenda and reply to the Council accordingly on the justification and validity of the various mechanisms, formulas and procedures that go to determining the level of housing that Local Planning Authorities are required to provide in their Local Development Plans in the light of their impact on the sustainability, social and natural environment and character of local communities and on infrastructure demands, in particular:

- the application of Office of National Statistics (ONS) projections for population and household formation without a proper national or regional economic or housing strategy;
- the reliance on current housing market conditions as basis for policies extending far into the future;
- the disconnection between past housing delivery performance and calculation of the 5-year Housing Land Supply;
- the lack of economic rationale for the affordability formula that increases the housing requirement in areas of low income;
- the total reliance on landowners and developers for sites to be considered for development;
- the justifiability of a high guaranteed return for developers;
- the dependence on developers' commercial interests for the pace of housing construction;
- the unrealistic presumption that Section 106 charges are an adequate basis for financing development-related infrastructure.
- the overall impact of the planning regime on a Local Planning Authorities (LPA's) ability to secure adequate affordable accommodation as defined in the National Planning Policy Framework (NPPF) Annex 2, Affordable Housing (a) Affordable housing for rent.

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

There were none.

12. MAKING THE LANGFORD AND ULTING NEIGHBOURHOOD PLAN

The Council considered the report of the Director of Strategy, Performance and Governance seeking approval to formally 'make' the Langford and Ulting Neighbourhood Plan (LUNP), attached as Appendix 1 to the report, part of the

Development Plan. It was noted that following referendum the LUNP automatically became part of the statutory Development Plan for the District.

The LUNP had been developed by the Parish Council through extensive engagement, culminating in a Referendum on 3 March 2022. The report presented the results of this and explained that as 87.5% of the votes cast were in favour of the plan the District Council was required to complete the statutory process by formally 'making' the LUNP part of the development plan for the District. The Decision Statement (attached as Appendix 2 to the report) would also be published.

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

RESOLVED that the Council 'makes' the Langford and Ulting Neighbourhood Plan in accordance with Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

13. GREAT TOTHAM NEIGHBOURHOOD PLAN - DECISION TO SEND THE PLAN TO REFERENDUM

The Council considered the report of the Director of Strategy, Performance and Governance seeking Members' approval for the recommended modifications made in the Examiner's Report (attached as Appendix 1 to the report) for the Great Totham Neighbourhood Plan (the Plan). The report also sought approval for the Plan to proceed to Referendum.

The report provided a brief summary of the process for introduction of a Neighbourhood Plan and the regulatory process it must follow. It was noted that following the Regulation 16 Consultation an examination of the Plan had taken place and a report received (Appendix 1 to the report). The Examiner's report included a number of modifications necessary to ensure the Plan met the basic conditions. Members were advised that subject to these modifications the Examiner recommended that the Plan proceed to Referendum. Attention was drawn to the role of the Local Planning Authority, as set out in the report.

Officers had considered each of the recommendations and the reasons for them. The Draft Decision Statement, set out at Appendix 2 to the report, provided a table of the Examiner's modifications and Officers' recommendations.

The Leader of the Council put the recommendations as set out in the report. These were duly seconded and duly agreed by assent.

RESOLVED

- (i) that the Examiner's modifications be agreed and that subject to these modifications the Neighbourhood Plan is determined to meet the Basic Conditions and other legislative requirements;
- (ii) that the draft Decision Statement attached at Appendix 2 to the report be approved to be published on the Council's website;
- (iii) that the Great Totham Neighbourhood Plan be agreed as modified (at Appendix 3 to the report) enabling it to proceed to a local Referendum based on the boundary of Great Totham Neighbourhood Area as recommended by the Examiner.

Following his earlier declaration Councillor M F L Durham left the meeting at this point.

14. COMMERCIAL OPTIONS FOR COUNCIL OFFICES, PRINCES ROAD, MALDON

The Council considered the report of the Director of Service Delivery updating Members on exploratory work regarding options for the Council Offices, Princes Road, Maldon and seeking support for a feasibility study to be completed and reported back to the Council later in the 2022 / 23 financial year.

The report outlined the work of the Commercial Options Project Team who had been working with Essex Housing and the Corporate Projects Working Group to assess options for the site at Princes Road. A number of issues with the current Council building were highlighted in the report. It was reported that Members had recently received a presentation on the options for building a new council offices and developing the site at Princes Road. The report sought consideration of undertaking a feasibility study of these options based on the financial, environmental and social benefits.

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

Councillor A S Fluker raised the following proposals in respect of recommendation (ii):

- That all Members would have access to the Corporate Projects Working Group, able to attend, listen and with permission of the Chairman asks questions.
- That Officers advise on what was considered a reasonable length of time to carry out the requirement work and report back to the Council.

In response to the debate that followed and in response to questions, Officers provided the Council with additional information regarding the proposal, including:

- clarification that the Corporate Projects Working Group (CPWG) would report back to the Council as the parent Committee of the Working Group.
- that until the first scoping meetings had taken place it was not possible to provide a timescale for reporting back to the Council. It was noted that the number of options being taken forward would be a factor in this. The Project Team would be meeting the following week and if the feasibility study was supported they would be looking at scoping the report, internal and external support required along with costings to support the options coming forwards to Members.
- the feasibility study would be Council led and One Public Estate funding would be available. An internal Project Manager to lead the work would be identified and where external contracts were required to support items such as site surveys, land valuations etc. these would follow the Council's internal procurement policy for transparency and compliance.
- Essex Housing had been involved in initial discussions free of charge and secured a grant for the Council through One Public Estate.
- There was initially no cost to the Council as the grant would be used. However, once the feasibility study had been completed and if the Council agreed to take forward a recommendation, £60,000 of the sustainable grant was repayable.

Councillor Fluker proposed that from the Council meeting on 6 July 2022 this matter is a standing item on the agenda to allow for updates to be given. This proposal was duly seconded.

There was some discussion about a report being brought back to the Statutory Annual meeting of the Council. Councillor Fluker withdrew his earlier proposal and proposed that from the Statutory Annual meeting of the Council On 12 May 2022 and thereafter this matter be a standard item on all Council agendas. This proposal was duly seconded and agreed by assent.

The Chairman then move the duly seconded proposal in the name of Councillor Mrs Channer to agree the recommendations set out in the report. This was duly agreed by assent.

RESOLVED

- (i) That a feasibility study and associated work to further explore the options for a new office and potential development of the Princes Road site utilising One Public Estate funding, at no cost to the authority, be supported.
- (ii) That it be noted that the Corporate Projects Working Group will have oversight of this project with a feasibility study coming back to the Council later in the 2022 / 23 financial year;
- (iii) That from the Statutory Annual meeting of the Council on 12 May 2022 'Update from the Corporate Projects Working Group' be added standard item of business to all Council meeting agendas.

Councillor M F L Durham returned to the chamber at this point.

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

Councillor R H Siddall referred to affordable housing and the number of people currently on the Council's register having doubled since the first lockdown and now stood at 1,500 with over 100 applications being received every month. He asked the Leader of the Council when the Council would introduce a strategy to build and create true and affordable housing and if she agreed that Maldon District Council should become a council house builder in the future. In response, the Leader referred to the current Local Plan through which the Council sought to attain affordable housing allocations within areas of the District. She advised that the Commuted Sums Policy had been brought in to assist with deliverability and advised that there were some schemes being discussed to look at bringing forward more affordable housing. The Leader agreed that affordable housing should be given consideration, due diligence and put forward in terms of a proper strategy.

Councillor Mrs J C Silts referred to a television report on recent storm damage to the Burnham-on-Crouch pontoon. Referring to funding agreed prior to the storm damage she asked if the Leader of the Council could reassure the Council that work would continue and sought a timeline in relation to this. Councillor Silts also asked the Leader if she could explain why the work had not yet been commenced on the pontoon. In response, the Leader of the Council advised that through the budget process a figure in the region of £60,000 had been allocated to the pontoon and unfortunately since then there had been storm damage. Officers were currently assessing the damage and she was unable to provide a timeline at present. The

Leader agreed to seek further details from Officers and provide a written response to Councillor Stilts and the Council.

Councillor N G F Shaughnessy reminded Members of a motion considered in May 2021 where the Council had agreed to pledge its support for outside agencies and existing foodbanks as well as the Trussell Trust in the Maldon District. She asked for Members to be updated on the work that had been and continued to be done for residents and how this was being supported in light of developments regarding Covid-19. The Leader of the Council explained that at the time it had been established there were various bodies which provided this support and she highlighted some of these along with collections also being done. Members were informed that the Council at that time agreed that food banks currently in operation would be supported and as far as the Leader was aware this was ongoing at this current time.

Councillor A S Fluker referred to a briefing scheduled to take place on 5 April 2022 between elected Burnham-on-Crouch and Maldon Ward Members and was being facilitated by up to seven officers. He asked the Leader of the Council if she could confirm the purpose of the meeting, what issues were under discussion, why members from rural areas were excluded and why given the current pressures on Officer time the briefing was taking place at all. In response the Leader of the Council advised she could not provide details because she had yet to receive the agenda for this meeting. However, it was her understanding that these briefings had taken place in the past and this meeting sought to reconvene them.

Councillor R P F Dewick asked the Leader of the Council if she would agree that the last couple of weeks had seen the worst spell for planning control in the Council. He referred to the Council having lost four appeals and had four lots of costs awarded against it. Councillor Dewick referred to a specific decision notice and read some of the Inspectors report from this which referred to a predetermined Councillor and a cohort of Councillors. He asked that given the serious nature of the findings if the Leader agree that the Councillors so mentioned should stand down from any special responsibilities and additional duties and to demonstrate to the Government that the Council wishes to improve its standing as a Local Planning Authority the matter be referred to the Standards Committee for consideration. In response the Leader of the Council advised that performance in respect of planning appeals would be reported via the Performance, Governance and Audit Committee as a matter of performance. She advised that she was unable to confirm how Members voted at a meeting unless a recorded vote was taken and advised that decisions taken by Members were done with sincerity and consideration. The Leader agreed that there had been inconsistencies across Committees but also between Local Government Planning Inspectors. She referred to regular meetings that the Deputy Leader and herself had with the Corporate Leadership Team where planning was discussed. The Leader acknowledged the need for further Member training to ensure all Members had an understanding of policy and more consistency in its application.

At this point the Chairman advised that the questioning time had reached 15 minutes and whilst he would allow further questions, he would not permit responses to them.

Councillor Mrs J L Fleming referred to the question asked by Councillor Fluker and sought further information on the Town Member meeting referred to.

Councillor M F L Durham asked the Leader of the Council if she agreed that enforcement services of the Council had recently fallen below standards of what Members could reasonably expect. He referred to a recently circulated enforcement report which highlighted that no cases had been closed during the last quarter and there were around 1,000 open enforcement cases. Councillor Durham asked the Leader if she believed that a better service for enforcement should be expected. With

the permission of the Chairman, the Leader of the Council advised that the enforcement team had been working with vacancies, although two new officers had recently been appointed. The Leader referred to an agreement whereby Chairmen of Area Planning Committees could call a meeting for enforcement matters only and that this could be held with enforcement staff. She urged Chairmen to call such a meeting so that these enforcement cases could be looked at but hoped that improvement would be seen following the recent recruitment. Members were advised that the Overview and Scrutiny Committee were also monitoring enforcement.

Councillor C Mayes referred to a number of complaints she had received regarding owners of residential caravan parks not complying with the terms of their licences and asked the Leader of the Council if Members could be informed of how compliance was monitored, the number of complaints in relation to non-compliance received and the actions the Council could take regarding non-compliance given it already struggled with non-compliance within its planning framework.

Councillor A S Fluker referred to a recent appeal decision for costs in relation to a site in Maldon Road. He asked the Leader of the Council that given the application refusal was Member led why no Member had given evidence at the public inquiry and given the outcome and the fiscal effect on the Authority if it should apologise to the residents. The Leader of the Council advised that she was aware of Members that may have wished to speak at that inquiry.

In response to a question raised regarding the procedure and length of time allowed for questions to the Leader of the Council, the Chairman advised that he was allowing Members the opportunity to ask questions but also trying to shorten the time taken on this item by advising that responses would be given in written form.

Councillor W Stamp referred back to the appeal decision mentioned by Councillor Fluker and asked the Leader of the Council if she would agree that the damage was done when phase one was approved, advising that it was outside the development boundary and was not part of the Local Development Plan.

Councillor Miss S White asked the Leader of the Council if she agreed that if Members and members of the public asked for meetings with Officers that these be arranged in a timely manner. She also asked if the Leader agreed that even if Officers prefer home working, they make special effort to meet with and talk to Members including responding to emails. Lastly Councillor Miss White asked the Leader if she agreed that the overview and scrutiny issues should be investigated by Officers and that Officers should not decide that they do not wish to review the data because that was part of the issue.

The Chairman advised Members that even though they were recorded if they sent these questions to the Leader of the Council they would receive a written response.

16. BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERED BY THE CHAIRMAN TO BE URGENT

There was none.

17. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

Councillor A S Fluker disclosed an interest in the following item of business (Agenda Item 17 – Outstanding Loan – Financial Arrangements) advising that he had previously been a Trustee of the site but not been involved for three years and nothing to do with it now.

18. OUTSTANDING LOAN - FINANCIAL ARRANGEMENTS

The Council considered the report of the Director of Resources seeking consideration of a request to convert an outstanding loan into a grant.

The report provided detailed information of the loan agreement, installment schedule and request from the related company to convert £30,000 of the loan into a grant. It was noted that this matter had come before the Council in December 2020 where it had been agreed to defer consideration pending further financial information. Key issues were highlighted in the report, detailed financial information including business plans were attached in Appendices 1 – 3 and a number of options for consideration by the Council were set out.

The Leader of the Council presented the report and proposed that the recommendation be agreed. This was duly seconded and agreed by assent.

RESOLVED that the terms of the current loan agreement with the company detailed in the report remain unchanged.

19. COMMERCIAL STRATEGY 2022 - 27

The Council considered the report of the Director of Strategy, Performance and Governance presenting the Commercial Strategy 2022 – 27 (the Strategy) (attached at Appendix 1 to the report) for consideration and adoption. It was noted that the Strategy outlined how the Council would develop a more commercial approach to achieving a financial return to the Council and achieving positive social outcomes wherever possible.

The Strategy and associated projects identified potential financial income necessary to contribute to the significant financial gap identified in the council's Medium-Term Financial Strategy. The Commercial Projects Plan was attached at Appendix 2 to the report.

The Leader of the Council presented the report and proposed that the recommendations be agreed. This proposal was duly seconded.

The Chairman put the proposal in the name of the leader of the Council to the Council and this was duly agreed. Councillor Lagan asked that his dissent be recorded.

RESOLVED

- (i) that the Commercial Strategy 2022 – 27 (attached as Appendix 1 to the report) be approved and adopted as Council policy.
- (ii) That the list of commercial projects to be developed at Appendix 2 to the report, be approved.

There being no other items of business the Chairman closed the meeting at 9.56 pm.

M S HEARD
CHAIRMAN