



**MINUTES of
COUNCIL**

21 SEPTEMBER 2022 (RESUMPTION OF ADJOURNED MEETING ON 8 SEPTEMBER 2022)

PRESENT

| | |
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| Chairman | Councillor R G Boyce MBE |
| Vice-Chairman | Councillor S P Nunn |
| Councillors | M G Bassenger, Miss A M Beale, 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 S Heard, B B Heubner, A L Hull, J V Keyes, K M H Lagan, S J N Morgan, C P Morley, N G F Shaughnessy, R H Siddall, P L Spenceley, W Stamp, CC, E L Stephens, Mrs J C Stilts, C Swain and Mrs M E Thompson |

232. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

233. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M W Helm, C Mayes and S White.

234. MINUTES - 6 JULY 2022

RESOLVED that the Minutes of the meeting of the Council held on 6 July 2022 be approved and confirmed.

235. MINUTES - 25 AUGUST 2022

RESOLVED that the Minutes of the extraordinary meeting of the Council held on 25 August 2022 be approved and confirmed.

236. DECLARATION OF INTEREST

Councillor M F L Durham declared an other registerable interest as he was a member of Essex County Council. During the course of this declaration Councillor A S Fluker raised a point of order by referring to Procedure Rule 8(3) and asked the Chairman why the requirement for Members to stand in their place when speaking was not being adhered to. The Chairman replied that he intended to see that it was complied with.

Councillor Mrs J L Fleming said that she had no need to declare an interest as a member of Essex County Council unless there was something specific relating to that authority on the agenda. Councillor W Stamp said that she had been advised by the Monitoring Officer accordingly.

237. PUBLIC QUESTIONS

It was noted in accordance with the Council's public speaking protocol the following question had been received from Mr D G Horner who was not present at the meeting:

'Given the austerity the country is now facing now and over the coming winter could the Council confirm which Members and Officers attended the recent 2022 Local Government Conference in Harrogate and could both I and the council tax payers of the District be provided with full details itemised per attendee of the expenses involved in the cost of travel, accommodation and all other expenses claimed from or spent by this Council. Could you also explain what value was gained by attending this conference. Please would you also confirm that all free hospitality received by attendees (Officers and Members) will be properly recorded for public scrutiny and could this information be provided to me and Council tax payers as soon as it becomes available.'

It was noted that the Council had provided and published the following response by the Leader:

At Council on 9 July 2015 the following resolution was passed:

RESOLVED

- (i) that the Leader of the Council and Deputy Leader of the Council (or their substitute) attend the Local Government Association Annual Conference and Exhibitions with the Chief Executive.

In the absence of a chief executive post, The Director of Strategy, Performance and Governance attended this year.

Attendance stopped during covid, but representatives have always attended, even during years of austerity, for example in 2017 and 2018 the Leader and Deputy Leader attended, and the overall cost was:

- 2017 - £1,760 before travel expenses
- 2018 - £1,823 before travel expenses

Expenses incurred for 2022 attendance were:

- Tickets to event- £545 each;
- Travel £230 collectively.
- General expenses/ accommodation £490 each.

This is the equivalent of £2,070 on comparable data to 2017/18, and £3,335 with officer attendance and travel expenses included.

This was the first in-person conference since covid. A detailed understanding of emerging government policy and how this will affect the District is gained from the event, and this has meant the attendees have brought back knowledge to plan ahead on areas such as:

- Levelling up
- Local government resilience
- Cost pressures and

- Emerging national policy

All members were given a summary of key take-aways that came out of the event.

There was also a networking reception with District Councils Network and political group and separate Chief Executive dinner, which was no additional charge to the conference.

There was no free hospitality or gifting received as part of this event, and more widely any information to this end would be recorded on our gifts and hospitality register if this was the case, and the value was over £50.

In reply to a question from Councillor M G Bassenger regarding the previously referred to requirement for Members to stand in their places when speaking, the Chairman said that although this was in the Constitution and it was his duty to see that the Constitution was upheld there was no penalty as such for not observing it. Clearly if a Member had a genuine reason for not being able to stand it would not be a problem, and never had been.

238. CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to the recent death of Queen Elizabeth II, and said that he had been privileged to take part in certain heritage and pageantry events. He commended the Corporate Leadership Team and other Officers for the planning and implementation of arrangements arising from the London Bridge Protocol. He added that some of the work had been quite extraordinary, particularly for proclamation event last weekend.

The Council endorsed the remarks of the Chairman.

239. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 21 JULY 2022

Councillor W Stamp, Chairman of the Performance, Governance and Audit Committee presented the following recommendation coming forward to the Council from her Committee:

Agenda Item 8 – Equality, Diversity and Inclusion Action Update – Annual Review

Recommended that the Council's constitution be updated to reflect gender neutral terms rather than him / chairman from the options as set out in section 3.5 this report (see extract below), and member salutations are removed as standard practice.

- 3.5 The Council's constitution and current practices use the term 'chairman' and 'him'. However, the Association of Democratic Officers confirm it is best practice to move away from gender specific titles and this would also be in keeping with the EDI policy. Many Councils have already adopted this working practice. This report recommends removing the word "Chairman" and replacing it with "Chair" or "Chairperson" and also ensuring the use of his/her, s/he, or better still non-binary language: "their/them/they" as appropriate, accepting that an individual may refer to themselves or want to be addressed as "Chairman" or "Chairwoman" or other term, if they so wished

Debate ensued on the virtues of updating references to the office of Chairman throughout the Constitution as distinct from salutations which were a matter for the individual, as the recommendation recognised.

The recommendation of the Committee was then formally put by its Chairman, Councillor W Stamp, and upon a vote being taken was agreed by the Council.

RESOLVED that the Council's constitution be updated in relation to references to the office of Chairman to reflect gender neutral terms rather than him / chairman, and member salutations are removed as standard practice.

240. OVERVIEW AND SCRUTINY COMMITTEE - 28 JULY 2022

Councillor P L Spenceley, Vice-Chairman of the Overview and Scrutiny Committee presented the following recommendation coming forward for the Committee to the Council for consideration:

Minute No. 7 – Scrutiny Workplace Item – Five Year Housing Land Supply (5YHLS)

Recommended that the Council pauses the current review methodology of the LDP, all Members be invited to an extraordinary meeting of the Council to consider options with regard to the methodology used and considers a partial review of the LDP as required rather than a full change to the Council's current strategy

While it was necessary for the Council to receive this recommendation. debate ensued as to whether what was sought by the recommendation had already been accommodated in the recent extraordinary meeting of the Council. A suggestion was made that terms of reference of the Working Group now set up could be extended accordingly.

The recommendation of the Committee was formally put by its Vice-Chairman, Councillor P L Spenceley, and in accordance with Procedure Rule No. 13 (3) Councillor A S Fluker 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, V J Bell, R P F Dewick, M F L Durham, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, B B Heubner, A L Hull, J V Keyes, K M H Lagan, C P Morley, S P Nunn, N G F Shaughnessy, R H Siddall, P L Spenceley, W Stamp, E L Stephens, Mrs J C Stilts and C Swain.

Against the recommendation:

Councillors Mrs P A Channer, S J N Morgan and Mrs M E Thompson.

Abstention:

Councillor R G Boyce.

The recommendation was therefore agreed by the Council.

RESOLVED that the Council pauses the current review methodology of the LDP, all Members be invited to an extraordinary meeting of the Council to consider options with regard to the methodology used and considers a partial review of the LDP as required rather than a full change to the Council's current strategy.

241. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met since the last meeting of the Council, up until Wednesday 31 August 2022 (Council agenda dispatch) for which Minutes had been published. No questions were received in accordance with Council and Committee Procedure Rule 6 (2).

242. NOTICE OF MOTION - COUNCILLOR K M H LAGAN

In accordance with notice duly given under Procedure Rule 4, Councillor K M H Lagan moved the following Motions, duly seconded by Councillor S P Nunn.

Preamble

Due to high levels of upset and criticism and concerns being raised to ward members from residents and businesses regarding the how assets and concessions are allocated by the Council, Cllr K M Lagan (seconded by Cllr S P Nunn), submitted a motion for a complete review of parts of the scheme of delegation and inclusion of ward members across the district to be part of the decision making processes on certain aspects of the council assets and operational matters which was debated by full council on 31st March 2022. At this meeting the recommendation for the motion was to be and referred to PGA Committee for consideration.

A report from the Director of Strategy, Performance and Governance that was submitted to that committee for the meeting on 9th June 2022, which concluded that the motion as submitted was 'flawed'. With this information it was decided by the proposer and seconder to withdraw the motion at the committee and that this was the recommendation reported and approved at full council.

The report identified that the motion negated the delegated powers by introducing a process involving a member working group, but also identified that it was conceivable to have the existing delegations revised to enable matters relating specifically to Promenade to be dealt with by exception.

The intention of this motion therefore is simply to ensure that Maldon's ward members are involved in a macro number of matters that impact the operation and management of the town's primary assets and as a matter of course, to ensure local representation is considered in robust and transparent decision making.

It is not the intention to involve member's in general day to day activities on the Promenade and Quay but to focus on key issues that would provide better outcomes for the council in terms of reputation and effectiveness in the way it conducts business.

As the motions impact on the constitution and the scheme of delegation, it has been checked that such amendments can be made and therefor it is the request of the proposer and seconder that the motions are supported to show our residents that we are listening.

Therefore the Motions below are submitted.

MOTION 1

That Motion 2 be recommended to the PGA committee for review and consideration and any recommendations brought to full council.

MOTION 2

To enable a more inclusive process, that the scheme of delegation be updated to include active elected member participation in decision making for certain matters at Maldon's much loved Promenade Park and Historic Quay

Part A

To amend the scheme of delegation currently as is:

Part 3 – Responsibility and Functions section 44 – (a)- Parks and Open Spaces, (b) Formal recreation area and any building therein and the letting of stall, kiosks and other operations thereon including the lettings such as funfairs, circuses, and other short term lettings;

To be:

Part 3 – Responsibility and Functions section 44 – (a)- Parks and Open Spaces, (b) Formal recreation area, other operations thereon including the lettings such as funfairs, circuses, and other short term lettings;

With the inclusion of Maldon Ward members, officers and Maldon members work together to consider proposals for the letting of kiosks and stalls.

And part B -

Asset management.

That 56 (d) (e) that are:

(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, and to authorise completion of such new leases up to an annual value of £15,000 and duration not exceeding seven years.

(e) In consultation with the Chairman or Vice-Chairman of the Strategy and Resources Committee and the Leader, 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.

To be:

(d) Following consultation and input from Maldon Ward members on proposed options for assets, 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, and to authorise completion of such new leases up to an annual value of £15,000 and duration not exceeding seven years.

(e) 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, referral to the Strategy and Resources Committee is required.

Councillor Lagan referred to the preamble and the intention of these motions after the failure of his previous ones. He said the motions involved only minor changes as part of a more inclusive process.

The Chairman stated that Motion 1 was no longer applicable since he had ruled at the last meeting that the Council would deal with the matter, and at his request Councillor Lagan agreed that Motion 1 could be regarded as withdrawn. The report from the Director of Strategy, Performance and Governance responding to the proposals set out in Motion 2 was therefore now received for consideration.

Debate ensued in which it was noted that the nature of the proposed revisions related specifically to Maldon and Maldon Members, and Councillor W Stamp indicated her wish to see an amendment to include Riverside Park, Burnham-on-Crouch, and Burnham-on-Crouch Members. The Director of Strategy, Performance and Governance was permitted to read a statement from the Director of Service Delivery (in

his absence) emphasising that the existing Scheme of Delegation was fit for purpose and worked well. He had suggested that the closer involvement of Members as sought by the Motion might be better facilitated through the Promenade Park Management Plan. In the continuing debate the following points were raised:

- The sites in question were District assets belonging to and for the benefit of the whole District and therefore all Members should have input.
- While Officers were expected to keep Ward Members updated and engaged on things happening in their Wards, to have everyone involved in day to day matters would present operational difficulties for Officers
- Ward Members needed to be forewarned of actions/decisions taken which would be of interest to and affecting the public
- Member involvement in day to day renewals of leases and licences etc was not required and may not be helpful.

In conclusion, Councillor Lagan said that Members were elected to be involved in decisions and following the failure of his previous motion as being too broad an attempt had been made to make it much narrower. He emphasised that while his proposal was simply to enable more active part greater active involvement in reaching decisions, there was no intention to be involved in negotiations or the actual decisions.

The Chairman then put Motion 2 to the meeting and on a vote being taken the Motion was not agreed.

243. NOTICE OF MOTION - COUNCILLOR A S FLUKER

In accordance with Notice duly given under Procedure Rule 4, Councillor A S Fluker to move the following Motion, duly seconded by Councillors M W Helm and K M H Lagan.

Preamble

Elected Members who represent the community are, aside from other functions and duties, responsible for the 'place shaping' of the district.

During 2014-2029 Local Development Plan process all members were involved in the progression and subsequent agreement of emerging policies. For example, Members considered whether or not to allocate one large site for growth or opt for several smaller ones, likewise the principals of Garden Suburbs. There were also long and protracted debates concerning 'pepper potting' and the sustainability credentials of rural villages.

Members were directly involved in decision making through a series of meetings of Council, and as a result residents and other interested parties could see for themselves the democratic process of 'place shaping' taking place.

The review of the Local Development plan has included a 'call for sites' of which some have been considered by Officers as being acceptable. This has resulted in residents and others believing that the future development of these sites is a fait accompli which has caused much consternation with residents and more notably with the Crouch Valley Defence Group who object to over one thousand new properties being built in Althorne.

It should be noted that members have not agreed these policies. It is accepted that the emerging policies of site allocations have been discussed by Working Groups of the Council but previously these hugely important decisions including

the associated overarching policies were debated and agreed by Council on an ongoing basis.

For clarity the terms of reference of the Working Group agreed by the Extraordinary Meeting of Council on 25th August deals only with the assessment of the Five-Year Housing Supply.

In summary it is considered that generally members have had little formal input into the decisions regarding the allocations of sites and that opportunities to consider other options and new policies have not been the subject of democratic input or scrutiny by members.

Motion to Council

That Council calls an extraordinary meeting to take place in not less than 10 working days to consider the emerging policies of the review of the 2014- 2029 Local Development Plan and specifically the allocation of sites including those in Althorne ward.

In presenting his motion, Councillor Fluker referred to the important role Members historically had in place shaping, and therefore an involvement in the development of emerging policies. He added that the Planning Policy Working Group reporting to the Council was not working well and all Members were not involved in the current process and therefore not being given the opportunity to do their jobs. The new sites had yet to be agreed, and he questioned the status of suitability in terms of the need to be sustainable given the assessment of sites issued to potential developers by the Policy Team. He added that the consideration of other options and new policies had not been subject to the democratic input from Members.

At this point Councillor Mrs P A Channer said that although she lived in Althorne and would not be affected any more than the majority of residents of Althorne, there was no particular interest she needed to declare. Councillor M G Bassenger added that although he was the Ward Member for and lived in Althorne, he had no particular interest to declare.

The Chairman then invited some Officer input and firstly called upon the Strategy, Policy and Communications Manager to advise and update the Council on the approach to the review of the Local Development Plan. He talked about the agreed process for the review which dictated the pace of preparation, and the decision of Council to set up a Working Group as an advisory group to the Strategy and Resources Committee consisting of seven Members of the Council which had met 11 times over ten months since its formation. The Group had also been open to all Members since March 2022. He outlined the next procedural steps including a report to the Committee to consider valid representations received on the recently published Issues and Options Paper, which did not include site specific proposals. He emphasised the need to establish evidence-led and sustainable local policies in line with national policy and the law, and which had been subject to a range of legal assessments and public consultation. The scoping of these assessments had still to commence and therefore this impeded the writing of any emerging policies or allocations. He concluded by emphasising that the Council must follow due process which was both lawful and procedurally sound. These were the principles by which an Inspector would consider the Local Plan Review.

The Senior Specialist (Legal) then gave some legal advice to the Council. She said that the motion presupposed that emerging policies existed which they did not. She emphasised the need for an orderly evidence-based process in the formation of strategic and local policies, and the allocation of sites. The motion raised the making of a special case for Althorne when there was no information or evidence to suggest that it should be treated differently to any other part of the District. To proceed as

envisaged by the motion, would be premature and open the review process and subsequent Plan to legal challenge.

The Director of Strategy, Performance and Governance summarised what he said was unusually strong legal and planning policy advice here which confirmed that the Council was following the relevant guidance in progressing the review of its Local Plan. To step outside that process would not only mean that the Council was not following that guidance but would also put the Council in a precarious position in defending its position in any Judicial Review with the Council and its residents under greater risk of inappropriate development. He added that although the Council had agreed the governance process which enabled all Members to participate, he was happy to work with colleagues to arrange further seminars to provide greater engagement with and understanding of the process.

Lengthy debate ensued in relation to the agreed process and the implications of the motion in terms of emerging policies and allocation of sites. It was suggested that the potential suitability of sites was not understood publicly, and more detailed analysis was required in order that a proper assessment could be made. Reference was made to the considerable local disquiet in Althorne as to what was perceived to be a potential huge increase in development. It was suggested that indications given as to suitability of sites based on untested information had given rise to more local concerns at this stage of the process than in any previous review. The need for full and proper Member involvement in the review process, including input from local Ward Members, was emphasised.

In replying to the debate on his motion, Councillor Fluker said that a meeting of the Council was needed to understand the process more fully in relation to suitability and sustainability of all green field sites. He reiterated his concerns around the development of policy options by a small working group. With the agreement of his seconder, he proposed an amendment to his motion to delete the final words "including those in Althorne ward.". Upon being put to the meeting this amendment was agreed by the Council.

In accordance with Procedure Rule 13(3) Councillor K M H Lagan requested a recorded vote on the amended motion and this would duly seconded. The voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, V J Bell, R P F Dewick, A S Fluker, M S Heard, A L Hull, K M H Lagan, N G F Shaughnessy, P L Spenceley, W Stamp.

Against the recommendation:

Councillors R G Boyce, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, B B Heubner, J V Keyes, S J N Morgan, C P Morley, S P Nunn, R H Siddall, E L Stephens, Mrs J C Stilts, C Swain and Mrs M E Thompson.

Abstentions:

None.

The Chairman declared that the motion was not agreed by the Council.

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

There were no questions.

245. **UPDATING OF THE CONSTITUTION AND REPORT OF THE CORPORATE GOVERNANCE WORKING GROUP**

The Council considered the report of the Director of Strategy, Performance and Governance providing information and recommendations from the Corporate Governance Working Group meeting on 4 August 2022, and also another matter, as part of updating the Constitution.

The Corporate Governance Working Group (the Working Group) met to review the following two proposed changes to the Council and Committee Procedure Rules:

(a) Proposed change to Procedure Rule 1(13)(b) – Council Budget Meeting

The Working Group supported the inclusion of proposed additional commentary to clarify the intention behind the confidentiality of any alternative budget proposal or amendment in terms of its existence rather than its nature. Also, to ensure that sufficient time was given to the Finance Team to analyse any alternative budget it was suggested that the three working days should be described as being clear working days.

RESOLVED that Council and Committee Procedure Rule 1(13)(b) is revised to read as follows (the new wording in italics):

1(13)(b) No alternative proposal or amendment to that being recommended to the Council as part of the Budget and Council Tax Setting item of business shall be considered unless notice in writing (and marked confidential) has been given to the Council's Chief Financial Officer no later than 5pm three *clear* working days before the date of the Council meeting. (*For the avoidance of doubt the confidentiality of the alternative proposal or amendment is only restricted to the nature of the proposal or amendment and not its existence*).

(b) Procedure Rule 4(3) – Notices of Motion to Council

Given some uncertainty as to the meaning and interpretation of "consideration and report" when a motion was referred to a Committee, the Working Group supported the revision of this Rule to provide clarity.

RESOLVED that Council and Committee Procedure Rule 4(3) is revised to read as follows (the new wording in italics):

"If the subject matter of any motion of which notice has been duly given comes within the province of any Committee it shall stand referred without discussion to such Committee, or to such other Committee as the Council may determine, *for resolution or recommendation depending on the terms of reference of that Committee*".

(c) Procedure Rule 14 – Record of Attendances

While looking at the updating and revision of the Constitution, the Council was also asked to ratify the proposed deletion of the Procedure Rule 14 – Record of Attendances. This was an old Rule carried over from the original Standing Orders and related only to a practice which had not been undertaken for some time. It was not a statutory requirement.

RESOLVED that Procedure Rule 14 is deleted.

246. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE AND THE CORPORATE GOVERNANCE WORKING GROUP

The Council considered the report of the Monitoring Officer seeking a decision as to whether the Performance, Governance and Audit Committee or Corporate Governance Working Group should be responsible for reviewing constitutional documents.

It was noted that both the Committee and Working Group had within their respective remits a responsibility in this area of work and so their roles overlapped significantly. For the sake of clarity it was necessary to decide which of the two bodies should be recommending to the Council on changes to the Constitution.

Brief discussion ensued in which support was given for the valuable role of the Working Group, a Working Group of the Council which enabled a thorough examination of matters with Members working closely with Officers. It could draw in a wider involvement of Members and historically had considered other matters referred to it. The Leader of the Council proposed that the Working Group be retained for its present purposes, and this was duly seconded.

The opposing view supported retention of the Committee for this purpose, the Committee having been set up as a Governance Committee. If working properly there was every opportunity for Member involvement and for matters to be discussed openly and transparently.

The Chairman then put the proposition in the name of the Leader of the Council that the Working Group be retained, and upon a vote taken this was declared lost.

RESOLVED that the Corporate Governance Working Group ceases to exist.

247. MEMBER TRAINING CRITERIA

The Council considered the report of the Director of Strategy, Performance and Governance on proposed criteria to fairly manage individual Member training approaches, and a process for how this would be managed at Officer level.

The report described the process to date for the delivery of a range of Member training, with the Leader of the Council playing a central role in the assessment of need and relevance for allocation of the budget for this training.

Discussion ensued as to the preferred direction for this, with the suggestion that a Member Development Strategy was required and also that the Member Training Working Group should be used to greater effect. The Leader of the Council said she was happy to see matters worked through this Working Group or Panel and if the Council agreed then this report could effectively be withdrawn. This was duly agreed by the Council.

RESOLVED that the proposal the subject of this report be withdrawn and that the assessment and process for Member development and training be pursued through the Member Training Working Group.

248. A12 CHELMSFORD TO A120 WIDENING SCHEME - DEVELOPMENT CONSENT ORDER

The Council considered the report of the Director of Strategy, Performance and Governance providing an update on the progress made by National Highways on the above Order. The report also sought approval of an Engagement Mandate that will be used when engaging further with National Highways, neighbouring authorities and the Planning Inspectorate during the Examination state of the Order.

RESOLVED

- (i) that the update on the progression of National Highways Nationally Significant Infrastructure Project Development Consent Order (DCO): the A12 Chelmsford to A120 Widening Scheme, its context, engagement to date, the planning performance agreement, the project's next steps and estimated timescales be noted;
- (ii) that the Maldon District A12 DCO Engagement Mandate as set out in 3.6 be endorsed for use by Officers and/ or appointed witnesses at Pre-Examination and Examination stages confirming the extent of the Council's support and concern as a Host Authority concerning the A12 Chelmsford to A120 Widening National Strategic Infrastructure Project (NSIP);
- (iii) that the Director of Strategy, Performance and Governance be given delegated powers to appoint (in writing) specific Officers, as well as external contractors if required, to act as witnesses for Maldon District Council for the A12 DCO Examination; and
- (iv) that the Director of Strategy, Performance and Governance be given delegated authority in consultation with the A12 DCO Member Consultation Group as defined in 3.7 to approve any formal response or statement, as required to be made, from time to time, during the Pre-Examination and Examination stages to either National Highways, or the Planning Inspectorate.

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

The Chairman said that due to lateness of the hour he was not disposed to allow any questions on this occasion but confirmed that Members should write to the Leader if required.

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

The Chairman said that he would be allowing the Director of Strategy, Performance and Governance to make a statement in the private session of the meeting.

251. 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.

252. STATEMENT BY THE DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

The Director of Strategy, Performance and Governance made a short statement regarding an IT security issue. He added that a full report would be made to the Performance, Governance and Audit Committee at the end of the month with a recommendation that the Overview and Scrutiny Committee undertakes a full investigation. This was accepted and noted by the Council.

253. MANAGEMENT OF RESOURCES

The Council considered the report of the Director of Service Delivery seeking approval to implement changes to the staffing structure within the Service Delivery Directorate including realignment of some team responsibilities. The recommendations contained in the report sought agreement to modify the existing operating model for staffing to enable adaptation of the structure within the Service Delivery directorate. This excluded planning functions which required additional time to develop as detailed in recommendation (iii).

RESOLVED

- (i) That the necessary changes to the approved operating model (the Future Model) to allow for joint operational and functional management to be applied within the Directorate of Service Delivery under a Heads of Service model are agreed;
- (ii) That subject to (i) above, the Director of Service Delivery is instructed to implement changes to adapt the structure within the Service Delivery Directorate (excluding planning functions) undertaking due diligence, the formal consultation process and working within existing resource allocations wherever possible ensuring as a principle minimal impact on staff;
- (iii) That subject to (i) above, Officers report to the Council as soon as possible with a review of proposals for the future structure arrangements relating to planning functions, following all necessary consultation with service users and internal and external stakeholders, before commencing any implementation;
- (iv) That Members note the short-term work associated with improving services within the planning service continues.
- (v) That subject to (i), (ii) and (iii) above, Officers provide regular updates to the Council on the proposed changes to the operating model and emerging structure of the service. The first update will be triggered at the commencement of the formal staff consultation process in the autumn of this year.

254. COMMERCIAL OPTIONS FOR PRINCES ROAD

The Council considered the report of the Director of Resources providing an update on progress made with the Commercial Options for the Princes Road, Maldon project following approval to commence with the feasibility review by the Council on 31 March 2022.

Following further information provided at the meeting the Council noted the immediate milestones pending and that a further report would be made to its November meeting

with various Member workshops to be arranged. In the light of some brief discussion, it was noted that all options were being kept open with the need to evidence having explored those options.

RESOLVED that the update is noted.

There being no other items of business the Chairman closed the meeting at 10.12 pm.

R G BOYCE MBE
CHAIRMAN