



**MINUTES of
COUNCIL
15 DECEMBER 2022**

PRESENT

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

442. CHAIRMAN'S NOTICES

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

443. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miss A M Beale, B S Beale MBE, C Mayes and S J N Morgan.

444. MINUTES - 3 NOVEMBER 2022

RESOLVED that the Minutes of the Council meeting held on 3 November 2022 be approved and confirmed.

445. MINUTES - 3 NOVEMBER 2022 (EXTRAORDINARY MEETING)

RESOLVED that the Minutes of the extraordinary Council meeting held on 3 November 2022 be approved and confirmed.

446. DECLARATION OF INTEREST

Councillor Mrs P A Channer declared that in relation to Agenda Item 19a – Strategy and Resources Committee – 28 November 2022 she was a member of a the Crohn's and Colitis UK Charity and should a particular matter come up during the discussion of this item she would leave the chamber.

447. PUBLIC QUESTIONS

None had been received.

448. CHAIRMAN'S ANNOUNCEMENTS

The Chairman highlighted a number of events he had recently attended including hosting a party at the Plume School for Ukrainian children.

Councillor A S Fluker raised a point of order at this point referring to Procedure Rule 1(6)(i) regarding the length of meetings. He proposed that the Council did not take any business after 10pm unless it was confident that it could be dealt with by 10:30pm, referring to the predicted freezing temperatures, those having to work the following day and in particular those staff in attendance. In response the Chairman advised that he was hoping the meeting could finish by 9:30pm, however it would be the Chairman's discretion as to what time the meeting finished.

449. STRATEGY AND RESOURCES COMMITTEE - 10 NOVEMBER 2022

Councillor Miss S White, Chairman of the Strategy and Resources Committee presented the recommendations coming forward from her Committee to the Council. These were duly seconded and agreed.

Agenda Item 8 – Discretionary Fees and Charges

RESOLVED

- (i) that the detailed Fees and Charges for 2023 / 24 (as set out in Appendix A to the Minutes of the Strategy and Resources Committee), be agreed;
- (ii) that the inflation rate be applied to those Fees and Charges as detailed in Appendix B to the Minutes of the Strategy and Resources Committee.

450. 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 7 December 2022 for which Minutes had been published.

In respect of the Performance, Governance and Audit Committee meeting held on 17 November, Councillor A S Fluker raised a question regarding Minute 412 – Internal Audit Report. He referred to the discussion at the meeting relating to cyber security and fraud and asked the Chairman of the Committee to provide further information regarding this and why some information had been withheld from the public. In response Councillor W Stamp, Chairman of the Performance, Governance and Audit Committee advised she was unable to provide that detail at this time but would provide a written response to all Members.

451. NOTICE OF MOTIONS

The Chairman referred to the following Motions, which in accordance with notice duly given under Procedure Rule 4 has been submitted by Councillor A S Fluker, duly seconded by Councillor M W Helm.

Motion One:

That at its meeting on 15 December Council resolves to agree that given the likely public interest, save as regard those items that fall specifically under Part I of Schedule 12A of the Act, all other items of 'Budget Savings' that are presented to Council on 15 December be considered when the meeting of the Council is open to the public.

Motion Two:

That at its meeting on 15 December Council resolves in the interests of best value, the reduction of the Councils deficit and the advent of digital technology that with immediate affect the Members Special Responsibility Allowances are reduced by 50%

Motion Three:

That at its meeting on 15 December Council resolves to agree at its next meeting to consider, review and comment on the 'Rejected Savings Options' of £651,000, which were presented by CLT and Tier 2 Managers to the meeting of the Strategy & Resources Committee on 28 November.

Motion Four:

That at its meeting on 15 December Council resolves to agree that in the event of the Chairman of the Council refusing to accept Motions 1,2 and 3 the reasons why are reported by him to Council on 15 December.

The Chairman then provided Councillor Fluker with the following information regarding each of his Motions.

- **Motion One** – This would be addressed when the Council considered whether the report was exempt information and should be dealt with as private and confidential. The Chairman advised Councillor Fluker that he could therefore present this Motion at Agenda Item 18 – Exclusion of Public and Press and in connection to Agenda Item 19A – Strategy and Resources Committee 28 November 2022.
- **Motion Two** – This related to Agenda Item 12 – Report of the Independent Remuneration Panel which included recommendations to change Members' allowances from May. The Chairman advised that this did not prevent Councillor Fluker from presenting his motion as part of the revision to Members' allowances.
- **Motion Three** – This formed part of the savings at Agenda Item 19A – Strategy and Resources Committee 28 November 2022 and rejected savings options were detailed within the documents circulated.
- **Motion Four** – The Chairman advised he had answered this, but Councillor Fluker had the right to continue with that Motion.

In response Councillor Fluker advised that the purpose of Motion Four related to openness and transparency and in light of the information provided by the Chairman he withdrew that Motion.

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

There were none.

453. REPORT OF THE INDEPENDENT REMUNERATION PANEL

The Council considered the report of the Director of Resources updating Members on a recent review of Members' Allowances which had taken place in August 2022 by an Independent Remuneration Panel (IRP) who had made recommendations to the Council for consideration.

The report outlined the considerations and recommendations of the IRP. Appendix 3 to the report detailed the benchmarked awards paid by neighboring Councils. It was noted that Members had been consulted in August 2022 regarding the proposed changes and the results of the survey were summarized in Appendix 4. In addition, the IRP had recommended that a new Members' Allowance Policy (Appendix 1 to the report) be adopted.

In respect of the proposed removal of broadband allowances for Members it was noted that the IRP had suggested consideration be given to exceptions for special circumstances. It was noted that the savings from removal of the broadband allowance could be used to provide a budget for the proposed Maternity, Paternity, Share Parental Leave and Adoption Policy (attached as Appendix 2 to the report).

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

Councillor Mrs M E Thompson proposed an amendment that a further recommendation be added, that the Council refers the Special Responsibility Allowances to the Independent Remuneration Panel for deal with since they were independent and, in a position, to look at everything. This proposal was duly seconded.

In response to a query regarding the proposed amendment, specifically on whether it would impact any decision relating to a similar a matter in a report later on the agenda, the Chairman advised that the amendment was correct.

The Council debated the proposed amendment and in response to comments raised the Director of Resources advised:

- The IRP had recommended removal of the broadband allowance and consideration be given to setting aside some of these monies for those in hardship. It was noted that although no scheme was proposed this could be brought forward for formal agreement. During the discussion regarding broadband allowance, it was noted that most people now had broadband, however some concern was raised that removing it could have an impact on some Members.
- With regards to Members' expenses policy, there had been a survey undertaken of Members allowances which currently link to Council directed activities. Members had to consider if they felt the current wording 'official duties' was acceptable or whether they wished to make recommended changes to it.

During the debate a number of Members highlighted the work they carried out in their role as a Member of the Council outside of attending Council meetings.

Following further discussion, the Leader of the Council confirmed she was happy to accept the proposed amendment.

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

Councillor R H Siddall proposed that recommendation (ii) in the report to remove broadband allowances not be agreed. This proposal was duly seconded.

The Chairman advised he was dealing with the proposed amendment from Councillor Mrs Thompson and put this to the vote. The voting was as follows:

For the recommendation:

Councillors Mrs P A Channer, 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, C P Morley, S P Nunn, N G F Shaughnessy, R H Siddall, E L Stephens, C Swain, Mrs M E Thompson and S White.

Against the recommendation:

Councillors M W Helm, K M H Lagan and W Stamp.

Abstentions:

Councillors M G Bassenger, V J Bell, R G Boyce, R P F Dewick, N J Skeens, P L Spenceley and Mrs J C Stilts.

The Chairman declared that the amendment was therefore carried and became part of the substantive motion.

Councillor Siddall repeated his earlier proposal that the broadband allowance not be withdrawn. The Chairman put this amendment to the Council and upon a vote being taken this was duly agreed.

The Chairman then put the substantive motion (without the withdrawal of the broadband allowance and Special Responsibility Allowance being referred to the IRP). A recorded vote was taken and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, V J Bell, Mrs P A Channer, M F L Durham, M R Edwards, M S Heard, B B Heubner, A L Hull, J V Keyes, C P Morley, S P Nunn, N G F Shaughnessy, R H Siddall, E L Stephens and Mrs M E Thompson.

Against the recommendation:

Councillors A S Fluker, M W Helm, K M H Lagan, N J Skeens, W Stamp, Mrs J C Stilts and C Swain.

Abstentions:

Councillors R G Boyce, R P F Dewick, Mrs J L Fleming, and P L Spenceley.

The Chairman declared that this was therefore agreed.

RESOLVED

- (i) that the Council supports the recommendation of the Independent Remuneration Panel and Members' allowances increase in line with average staff pay increases from 2023 as set out in section 3.6 of the report;

- (ii) That the types of expenses that Members can claim be detailed in the new Members' Allowance Policy under 'Approved Duties' section of Appendix 1 to the report;
- (iii) That the newly drafted Members' Allowance Policy (Appendix 1 to the report) and Maternity, Paternity, Shared Parental Leave and Adoption Policy (Appendix 2 to the report) are adopted.
- (iv) That Special Responsibility Allowances are referred to the Independent Remuneration Panel for review.

Councillor S White left and rejoined the meeting during this item of business.

454. MEMBER TRAINING CRITERIA

The Council considered the joint report of the Director of Resources and Director of Strategy, Performance and Governance proposing Members' consideration of a criteria for fairly managing individual Member training approaches, along with a process for how this would be administered.

The report provided background information in relation to Member training since the Council's decision in 2020 to adopt a draft training plan and mandatory training for a number of areas. Appendix A to the report provided a clear criteria for future training needs for Members' consideration.

Members were reminded that the Council had deferred decision on this matter at its meeting on 8 September 2022 requesting that the Member Training and Development Working Group (the Working Group) review the matter. The Working Group had requested that the approach for ad-hoc training requested included consultation with the Working Group. Members were advised that this had been reflected in the updates to the report.

The Leader of the Council presented the report and put the recommendations set out within it to the Council.

In response to concern raised regarding the proposed budget for Member training the Director of Resources highlighted how the Council had access to other courses through its Local Government Association subscriptions and treasury management training formed part of the budget with the Council's treasury management advisors. He advised that if there was insufficient budget for required training a request for additional funding could be submitted.

Councillor A S Fluker proposed that recommendation (iii) be amended and the budget for Members' allowance be increased to £6,200. He also suggested that dates for Member's training, specifically new Members, after the forthcoming election should come forward early. This proposal was duly seconded.

In response, the Director of Strategy, Performance and Governance advised that a training plan for new Members was already scheduled and in place. The Council was intending that this be circulated to all candidates in advance of the election to ensure they were aware of potential training dates ahead of the election.

Councillor R H Siddall highlighted the work undertaken by the Member Training Working Group in respect of onboarding for new Members. He commended the work of the Programmes, Performance and Governance Manager and advised how the pack created would be invaluable to anyone thinking of standing at the election.

Further debate ensued and Members highlighted the importance of adequate training for all Members. The budget for Member training was further discussed with some Members requesting further detail of the actual proposed costs for mandatory training such as planning.

Councillor Fluker repeated his earlier proposal to increase the budget to £6,200 which would equate to £200 per Member.

In response to a question regarding the staff training budget figures, the Chairman advised that this information was not available.

The Chairman then moved the proposed amendment in the name of Councillor Fluker. In response to a Point of Order from Councillor C Swain the Chairman confirmed that the amendment could be considered.

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

The Council then voted on the amendment and the voting was as follows:

For the recommendation:

Councillors V J Bell, Mrs P A Channer, M L F Durham, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, M W Helm, B B Heubner, A L Hull, J V Keyes, K M H Lagan, C P Morley, S P Nunn, N G F Shaughnessy, N J Skeens, P L Spenceley, W Stamp, Mrs J C Stilts and S White.

Against the recommendation:

Councillor M G Bassenger.

Abstention:

Councillors R G Boyce, R P F Dewick, R H Siddall, E L Stephens, C Swain and Mrs M E Thompson.

The Chairman declared that this amendment was duly agreed and now formed part of the substantive motion.

The Chairman then moved the recommendations advising that in recommendation (ii) after 'approved criteria' the words 'and budget of £6,200' would be inserted. This was duly agreed.

RESOLVED

- (i) That the criteria as set out at Appendix A to the report be approved as a process when addressing individual training queries;
- (ii) That the Programmes, Performance and Governance Manager is authorised to establish an annual training programme of Members in accordance with the approved criteria and budget of £6,200, in consultation with the Member Training Working Group.

455. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned for a short break at 8:56pm.

456. RESUMPTION OF BUSINESS

RESOLVED that the meeting of the Council resume in open session at 9:06pm.

457. AREA PLANNING COMMITTEES REVIEW

The Council considered the report of the Director of Strategy, Performance and Governance seeking a review of Planning Committee arrangements and for the Council to confirm whether future approach would include Area Planning Committees or a single Planning Committee.

The report provided background information regarding APCs and the results of a recent review of planning Committees at Maldon undertaken by the Planning Advisory Service (PAS) which included a number of recommendations for consideration by the Council. The recommendations of the PAS were considered by the Council in August 2021. However, the Corporate Governance Audit in July 2022 found that the PAS recommendations were not properly considered and a review of this matter was recommended.

It was noted that there were a number of governance concerns and financial impact relating to APCs and the high level detail of these were detailed in the report.

The Leader of the Council presented the report and put the recommendations set out at section 2.

Prior to consideration of the report the Director of Strategy, Performance and Governance highlighted a number of points set out within the report to the Council. It was noted that in reference to the work being undertaken by the Overview and Scrutiny Committee (detailed at paragraph 3.8 to the report), no final report or conclusions had yet been brought forward by that Committee. Members were advised that Steve Barker from PAS / Local Government Association (LGA) was in attendance and the Director invited him to explain to the Council the benefits of a single planning committee to not only the Council but Members and District wide. Mr Barker gave a detailed presentation highlighting a number of key benefits and how a single committee would allow Ward Members to become a strong advocate for their residents and represent them at the Committee. Mr Barker also referred to the Council's appeal performance in his presentation and set out a number of ways the PAS could assist the Council. It was noted that a copy of the presentation had been circulated to Members in advance of the meeting.

Councillor A S Fluker raised a point of clarity regarding paragraph 3.3 of the report which stated it was a level requirement for all Members to have reviewed the paper prior to attending a meeting. He advised of correspondence between himself and the Monitoring Officer and questioned how this legal requirement was enforced. In response the Monitoring Officer advised that the Code of Conduct did not detail any explicit requirement for Members to read papers and reminded Members of advice he had previously circulated to Members regarding this matter.

Councillor R H Siddall proposed that recommendation (ii) be amended to a 15 seat Planning Committee with eight substitutes and should recommendation (ii) fail that this matter be postponed for six months until after the next election. This proposal was duly seconded.

A lengthy debate took place, during which Members raised and debated a number of comments both in favour and against the proposed changes. Particular reference was

made to Members representing local residents and how the majority of correspondence received related to Planning.

Councillor P L Spenceley felt that the Parish and Town Councils should be consulted on this and then proposed that a Working Group be set up to look at the planning decision making process. This proposal was not supported.

Councillor A S Fluker provided some background information regarding planning and proposed that the current arrangements remain. The Chairman advised that he could not make such a proposal as there was an amendment currently being debated.

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

The Chairman put the proposed amendment in the name of Councillor Siddall and the vote was as follows:

For the recommendation:

Councillors M G Bassenger, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, M S Heard, B B Heubner, N G F Shaughnessy, R H Siddall, E L Stephens, C Swain and Mrs M E Thompson.

Against the recommendation:

Councillors V J Bell, R P F Dewick, A S Fluker, M W Helm, A L Hull, J V Keyes, K M H Lagan, C P Morley, S P Nunn, P L Spenceley, W Stamp, Mrs J C Stilts and S White.

Abstention:

Councillors R G Boyce and N J Skeens.

The Chairman declared that the amendment was therefore not agreed. He then put the recommendations as set out in the report.

Councillor S White proposed that the Council stay with three Area Planning Committees. This proposal was duly seconded. The Chairman advised that this proposal could not be accepted as Members had to vote on the recommendations.

In accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote.

At this point Councillor Mrs M E Thompson gave notice that should the proposal not be agreed she would be putting a Motion that all planning applications go to one Committee, District Planning. The Chairman advised that he didn't think she could do that once the vote had been taken an amendment could not be put.

The Chairman advised the Council that it was now voting on the substantive motion, the recommendations as set out in the report.

The Leader of the Council proposed that the Council agree 31 members and a single committee. The Chairman advised that he would not consider any more motions or amendments at this time. He then moved the recommendations as set out in the report and voting was as follows:

For the recommendation:

Councillors Mrs P A Channer, M F L Durham, M S Heard, N G F Shaughnessy, R H Siddall, E L Stephens and Mrs M E Thompson.

Against the recommendation:

Councillors M G Bassenger, V J Bell, R P F Dewick, M R Edwards, Mrs J L Fleming, A S Fluker, M W Helm, B B Heubner, A L Hull, J V Keyes, K M H Lagan, C P Morley, S P Nunn, N J Skeens, P L Spenceley, W Stamp, Mrs J C Stilts and S White.

Abstention:

Councillors R G Boyce and C Swain.

The Motions was therefore lost and the recommendations not agreed.

RESOLVED that no changes be made to the Planning Committee structure.

458. SCHEDULE OF MEETINGS 2023 / 24

The Council considered the report of the Director of Strategy, Performance and Governance presenting for Members' consideration, a draft schedule of meetings for 2023 / 24 (attached as Appendix 1 to the report). It was noted that Appendix 2 provided a framework for meetings should the wider Area Planning Committee report been adopted.

The Leader of the Council presented the report, highlighting the previously decision of the Council regarding Area Planning Committees. She moved that recommendation (i) as set out the report (along with Appendix1) be agreed.

Councillor A S Fluker raised a number of points for consideration including the number of Programme Committee meetings scheduled in comparison to the size of agendas, start time of meetings and the length of agendas. He then proposed that this meeting be adjourned. The Chairman advised Councillor Fluker he could not do that as it was the Chairman's discretion.

The Chairman put recommendation (i) to the Council and this was duly agreed.

RESOLVED that the Schedule of Meetings for the 2023 / 24 municipal year be approved as set out in Appendix 1 to the report.

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

The Chairman advised that in accordance with Procedure Rule 1(3)m as it was past 10:00pm this item of business would not take place.

There then following some discussion regarding continuing with the remaining business of the meeting given the time. Following which the Chairman closed the meeting.

The Chairman closed the meeting at 10.34 pm.

R G BOYCE MBE
CHAIRMAN