



**MINUTES of
COUNCIL
30 MARCH 2023**

PRESENT

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

At this point the Chairman advised he intended to take the business in two parts, during the first from now until 5pm he would attempt to get all the public business done. The meeting would adjourn at that point and reconvene at 7pm to consider any remaining business.

3. MINUTES - 22 FEBRUARY 2023

RESOLVED

- (i) that the Minutes of the meeting of the Council held on 22 February 2023 be received.

Item 5 – Declaration of Interest

Councillor Mrs P A Channer advised that her declaration referred to the wrong Agenda Item and should read as follows:

Councillor Mrs P A Channer declared an interest in ~~Agenda Item 12 – Business Rates Discretionary Rate Relief Scheme~~ Agenda Item 7b Strategy and Resources Committee – 26 January 2023, Agenda Item 12: Council Tax Discretionary Discount Levels specifically regarding future matters and advised she would not speak or vote on this item of business.

This amendment was duly noted.

Item 8 – 2023 / 24 Budget and Medium-Term Financial Strategy

Councillor Mrs P A Channer advised of the following two amendments, which were subsequently noted by the Council:

- on page 9, the fourth paragraph was incorrect and should refer to '£6.35 a year'.
- on page 11, the last sentence in paragraph 2 should read 'those services were important to *Residents* were kept'.

Councillor A S Fluker queried whether paragraph three on page 10 was incomplete, as he thought Members had agreed his proposal which had been seconded. In response to this query, Officers advised that they were unable to provide clarification until records had been checked. The Chairman advised that the Committee Clerk would look into this matter and report back to the Council at the start of the second session of this meeting at 7pm.

RESOLVED

- (ii) that with the exception of Minute 8 – 2023 / 24 Budget and Medium Term Financial Strategy and subject to the above amendments the Minutes of the meeting of the Council held on 22 February 2023 be confirmed.

4. MINUTES - 23 FEBRUARY 2023 (CONTINUATION OF 22 FEBRUARY 2023 MEETING)

RESOLVED that the Minutes of the meeting of the Council held on 23 February 2023 be approved and confirmed.

5. DECLARATION OF INTEREST

There were none.

6. PUBLIC QUESTIONS

There were none.

7. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised the Council that he had agreed for the Director of Strategy, Performance and Governance to read a short statement and clarified that this was not open for debate.

The Director of Strategy, Performance and Governance read out a short statement and advised that as of 30 March 2023 using the Council's present methodology its Five Year Housing Land Supply figure was 5.1 years. He caveated the figure, advising that it may change in the future once end of year figures had been completed and would be reported to the Council at a later date. The work of the Five-Year Housing Land Supply Working Group would continue.

This being the last meeting of the Council before the Statutory Annual meeting, the Chairman took the opportunity to address Members and highlighted the highs and lows he had experienced since being elected to the Council in May 1983. He commented

on the importance of the voluntary sector and how the Council as part of that sector had achieved a great many things, including:

- becoming debt free 28 years ago because of housing stock transfer;
- using monies received from Government to implement projects such as the Hythe Quay sea wall, splash park and galleon at Promenade Park.

In conclusion the Chairman wished all Members whether they were re-elected or not the best of luck for the future.

8. MINUTE BOOK

It was noted that there were no recommendations coming forward from Committees.

9. 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 22 March 2023 for which Minutes had been published.

Notice of Motions - Motions from Councillor A S Fluker (Motion 06/23)

In accordance with Procedure Rule 4, the Chairman informed the Council of the receipt of six Motions which had been duly proposed by Councillor A S Fluker and seconded as set out on the agenda.

The Chairman advised that he had decided to disallow Motion 6 (as set out on the agenda) under the six month rule and provided Members with further details regarding his decision.

The Chairman then referred to the Senior Specialist: Legal to provide the Council with further information as to why Motions 3 and 7 had not been accepted. The Senior Specialist: Legal referred to part four of the Constitution, specifically sections 5.11 and 7.1 which made it clear that Members could not take part in the recruitment or management of Officers below Director level. The working arrangements of staff were an operation matter, dealt with via delegation to the Head of Paid Service. She went on to explain that if the Motions were to be passed the matter would leave the Council open to claims both under employment and equality legislation.

Councillor A S Fluker referred to how Motions 3 and 7 had previously been accepted by the Council but he had withdrawn all his Motions at a previous meeting of the Council. He commented on the redaction of the information regarding these Motions on the accompanying papers, a number of enquiries he had received regarding the redactions and how no one from the Council had contacted him in advance of the meeting to discuss his Motions. Councillor Fluker advised how he had lost all confidence in the administration and the Council and therefore withdrew all his Motions in order that they may be considered by the new administration following the elections in May. He advised this was in accordance with the Rules and was with the agreement of his seconder.

The Chairman responded to Councillor Fluker's withdrawal of his Motions. Councillor Fluker raised a Point of Order in relation to Rule 2 and advised he was reporting himself to the Monitoring Officer on the basis of what the Chairman had just said about him.

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

There were none.

11. APPOINTMENT OF DEPUTY ELECTORAL REGISTRATION OFFICER

The Council considered the report of the Director of Strategy, Performance and Governance asking the Council to appoint a Deputy Electoral Registration Officer (DERO) to carry out duties of the Electoral Registration Officer (ERO) in their absence. It was noted that under Section 52(2) of the Representation of the People Act 1983 the Council could appoint a DERO who was able to perform and exercise any of the duties and powers of the ERO.

The report advised that the Director of Strategy, Performance and Governance was the current ERO and set out how appointment of a DERO would mitigate risks in the event that the ERO was unavailable.

In response to a question regarding Officer fees for duties relating to elections, the Director of Strategy, Performance and Governance advised that in accordance with legislation the Returning Officer and all staff on elections had to be paid for elections work separate to their Council duties to create a clear line of separation.

RESOLVED that the Lead Elections and Democratic Services Manager be appointed as the Deputy Electoral Registration Officer, with the full powers of the Electoral Registration Officer in his absence, with immediate effect.

12. UPDATE ON THE CUSTOMER STRATEGY AND ONE MALDON DISTRICT COMMUNITY HUB

The Council received the report of the Director of Service Delivery providing an update on the progress of both the refresh of the Customer Strategy and delivery of the One Maldon District Community Hub.

The report provided background information regarding the Customer Strategy using the key principles previously agreed (also set out within the report). It was noted that the refreshed Strategy would recognise the need to have a strong focus on providing additional support for customers unable to use digital services and reflect the change in customer behaviour. The report set out the key milestones and timescales for delivery of the refreshed Strategy.

Work to explore the development of a community hub at the Maldon District Council offices was ongoing and the report provided details of this. It was noted that the Council was working with partners to deliver the One District Community Hub, with a phased approach to ensure existing provision was supported, and data used to inform future provision. The launch of Phase 1 (supporting existing community hubs) was anticipated to be during April / May 2023.

Following an update provided by the Senior Manager: Service Delivery a debate ensued and in response to questions raised by Members the following information was provided:

- It was explained that although a hub at the Council Offices was not being provided at this time, Officers were working on a phased approach and a virtual

hub was initially proposed to ensure that partners commitments etc. were understood. Some Members' expressed concern that this.

- The Officer agreed to provide Members with a list of the Community Hubs already in existence in the District. It was noted that some of these were hubs led by voluntary organisations.
- Following the Council's decision at its last meeting regarding opening hours, the Council's reception area had been open five days a week from 9am to 4pm. Members were advised that further improvements would be implemented on a stage-by-stage basis.
- Hard copies of paperwork relating to any formal consultation on the Strategy would be made available at suitable locations such as GP surgeries.
- The Officer also agreed to provide members with details of when the One Maldon District Working Group had met, and those partners involved.

The Leader of the Council outlined some of the work that had been undertaken by the One Maldon Partnership specifically in relation to the UK Shared Partnership working and cost of living crisis. She noted that One Maldon District had recently been highlighted by the Local Government Association as national best practice.

RESOLVED that the report be noted.

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

Councillor Mrs J C Stilts advised that she had provided the Leader of the Council with her question ahead of the meeting. She asked the Leader regarding changes to the annual season ticket at Promenade Park, explaining how the changes only allowed ticket holder 2 hours per day and raised concerns regarding this. The Leader of the Council thanked Councillor Stilts for her question and advised that the policy for Promenade Park permits for 2023 / 24 had not changed. There had been a change of policy and charges agreed by Members for 2022 / 23 and she provided some background information regarding this. Going forward the Council had secured funding to undertake a review of car park charges and develop a car park charging strategy during 2023. The Leader outlined some of the work this would include and how Members would be involved through Working Groups and Committees. Members were advised for 2023 there were two charges available for the Promenade Park, a full permit that allowed parking all day and a two-hour permit for people such as dog walkers. The Leader advised that she would circulate her detailed response to all Members.

Councillor W Stamp asked the Leader of the Council if in the future things changed at the Council, whether as Leader she would support a cabinet system with all its challenges and why. In response the Leader advised that the Council had previously tried a cabinet hybrid system but following consultation the Council returned to a Committee system. She highlighted some of the benefits of both systems, including other Local Authorities that had also reverted back to a Committee system and advised that the Council had the right to consider governance structures but that she supported a Committee System.

Councillor K M H Lagan asked the Leader of the Council if she would support a global publication strategy to allow the residents of the District to know that the Council Offices are open. The Leader confirmed she would.

Councillor A S Fluker asked the Leader of the Council if she was satisfied with the income generated through the Corporate Project Strategy. The Leader highlighted that the Commercial Strategy which she believed Councillor Fluker was referring to had been discussed by the Finance Working Group and projects sat within the remit of different Working Groups. She advised that the Strategy had recently been refreshed and renewed and referred to a number of private and confidential reports coming forward relating to this on which she could not comment at this stage of the meeting.

Councillor Fluker referring to a proposed Motion to the Council regarding the Local Development Plan and emerging policies and comments made that the HELA (Housing and Economic Land Availability) document was not an emerging policy. He asked the Leader of the Council to explain bearing in mind those comments why the Planning Inspector had concluded that they were. The Leader explained this was a complex issue and she referred to a response provided in an email sent to Councillor Fluker. She advised that Officers were still reviewing the detail and would respond in due course.

Councillor Fluker referred to a planning application considered by Southminster Parish Council the previous evening which contained a note from the applicant advising that the planning application had been approved by the Policy team of the Council. He asked the Leader of the Council if she believed this was correct. The Leader of the Council confirmed that she was not present at the Southminster Parish Council meeting and was not prepared to make any comment on the matter.

At this point, the Chairman advised that the 15 minutes allowed for questions to the Leader of the Council were up and he would move onto the next item of business.

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

There was none.

15. ADJOURNMENT OF THE MEETING

The Chairman advised that the meeting would be adjourned at this point until 7pm when all other items of business on the agenda would be considered.

RESOVLED that the meeting of the Council be adjourned until 7pm.

Councillors A S Fluker and A L Hull left the meeting at this point and did not return.

16. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting of the Council resumed in open session at 7pm.

Councillors V J Bell, M R Edwards, M S Heard, J V Keyes and N G F Shaughnessy joined the meeting at this point.

At this point the Chairman of the Council reminded Members regarding making declarations of interest.

17. MINUTES - 22 FEBRUARY 2023 CONTINUED

Item 8 – 2023 / 24 Budget and Medium-Term Financial Strategy

Further to earlier discussions the Chairman invited the Committee Clerk to report on her findings following the earlier query raised by Councillor A S Fluker. The Committee Clerk advised Members that the paragraph in question should be deleted as it did not relate to the Minutes of the Council meeting on 22 February 2023 and had been included in the Minutes in error.

The Chairman then moved that Minute 8 – 2023 / 24 Budget and Medium Term Financial Strategy be agreed subject to the above amendments and those raised by Councillor Mrs P A Channer earlier in the meeting. This was duly agreed.

RESOLVED that subject to the amendments detailed Minute 8 – 2023 / 24 Budget and Medium Term Financial Strategy to the Minutes of the meeting of the Council held on 22 February 2023 be confirmed.

18. 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.

19. WASTE RECYCLING CONTRACT

The Chairman advised that the Council's consultant on this contract, Mr Attrill was in attendance to respond to any questions, as appropriate.

The Council considered the report of the Director of Service Delivery reporting on the work of the Waste Task and Finish Working Group (the Working Group) with regards to the existing Waste Recycling Contract.

The report provided detailed background information regarding procurement of the contract, options available to the Council following expiry of the contract and the work of the Working Group. Through the report the Working Group was bringing forward a recommendation for consideration by the Council regarding the existing contract for Waste and Recycling collections.

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

In response to questions raised the Officers provided Members with additional information regarding the contracts. Reference was made to the work of the Waste Management Working Group and thanks were given to Mr Attrill and Ms Love, Specialist: Commissioning and Contracts (Waste).

RESOLVED that the current contract is extended for a period of eight years from 1 February 2024 in line with the extension provisions within the current contract and that the Council finances the approved elements.

20. LEISURE CONTRACT

The Council considered the report of the Leisure Contract Member Working Group (the Working Group) providing detailed information on the on-going work in relation to the current position with the Leisure Services Contract, Splash Park operations and future options. A number of Appendices accompanied the report and provided further information in relation to the Leisure Contract.

It was noted how the cost of living and energy costs were impacting the Leisure industry nationwide in addition to the continued recovery from the Covid pandemic. The Working Group had continued to review legal advice and challenge financial and performance information provided. A number of recommendations were being brought forward to the Council in light of this work.

The Leader of the Council presented the recommendations coming forward from the Working Group and these were duly seconded.

Councillor S P Nunn, Chairman of the Working Group provided the Council with a brief outline of the work undertaken since the Working Group had been reset with new Members in September 2022.

The Commercial Manager introduced the report to the Council and highlighted the current 2023 / 24 position. It was noted that a successful pilot relating to the management and day-to-day running of the Splash Park had taken place. The Officer handed over to Mr Thompson, Leisure Consultant who highlighted a number of specific sections of the report for consideration by the Council.

A lengthy debate ensued during which Officers provided further information in response to questions and comments from Members.

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

RESOLVED

- (i) That the Council agrees a variation to the current Leisure Contract for the financial year 2023 / 24 as set out in Section 3.2 of the report;
- (ii) That the Council agrees a variation to the current Leisure Contract to include responsibility for staffing and day-to-day management of the Splash Park for the 2023 and 2024 season (up to the end of the existing contract);
- (iii) That the Council agrees for officers (in consultation with the Leisure Contract Member Working Group) to undertake a competitive procurement exercise starting in April 2023, to identify a new leisure contract for a period between 10 and 25 years to deliver best value;
- (iv) That subject to (iii) above the Council agrees to fund the expected £40k re-procurement cost from its financial reserves (it is anticipated that these costs will be recouped from a more financially beneficial contract);
- (v) That the Leisure Contract Member Working Group continues to meet on a regular basis to review progress and consider options as part of the procurement exercise and continue to monitor existing contract performance and provide regular updates to the Council.

21. EXTENSION TO STREET CLEANSING AND COMPOSTING CONTRACT

The Council considered the report of the Director of Service Delivery seeking Members' consideration to approving an extension to the existing Street Cleansing Services and Garden Waste Processing contracts (the contracts) for four years.

The report provided background information regarding the procurement, tendering process and letting of the contracts which were due to end on 1 April 2024. Further details regarding the current contracts were set out in the appendix to the report.

The Leader of the Council presented the report and moved the recommendation which was duly seconded.

During the discussion that followed the excellent work of the existing contractor was highlighted. The Director of Service Delivery provided further information in relation to the contracts and advised of ongoing work to identify a performance indicator to provide further assurance to Members.

RESOLVED that from 1 April 2024 the existing contracts for Street Cleansing Services and Garden Waste Processing be extended for four years (until 31 March 2028) in accordance with the provisions contained within the existing contract.

22. PRINCES ROAD COMMERCIAL OPTIONS FEASIBILITY STATUS SUMMARY

The Council considered the report of the Director of Resources updating Members on progress made with the Commercial Options for Princes Road project, following approval to commence with a feasibility review. Appendix 1 to the report provided further detailed information in relation to the project, feasibility review along with Officers conclusions and recommendations.

Members were reminded of the three workstreams identified and Officers' conclusions drawn from work completed so far. Detailed analysis of the three chosen sites (set out in the appendices to the report) would be undertaken to assist Members in making an informed decision. It was noted that at its September 2023 meeting the Council will consider whether the project can progress to Business Case and at this point one site will need to be chosen.

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

A lengthy debate ensued. Members commented on the sites considered and in particular the three to be progressed. In response to questions and comments Officers provided Members with further information regarding the project.

Councillor W Stamp proposed an amendment to the proposal that site 3 (as identified in Appendix 1 to the report) not be included as one of the sites the Council focuses on and that the current Council offices be included with the other two sites identified. This proposal was duly seconded. The Leader of the Council advised that she did not agree with the amendment.

The Chairman moved the proposed amendment and upon a vote being taken it was agreed. The Chairman then moved the substantive motion and upon a vote being taken this was agreed.

RESOLVED

- (i) That Officers proceed with the remainder of the Feasibility Review in relation to the Commercial Options for Princes Road project, with a focus on Sites 1 and 5 (as outlined in Appendix 1 to the report) and the current Council offices site at Princes Road;
- (ii) That the significant dependency this project has on decisions made regarding the Customer Strategy and the co-location with Council partners as the Council seeks to invest in a long-term commercially viable solution for its offices, be noted.

23. PROJECT PROPOSAL AND FUNDING REQUEST

The Council considered the report of the Director of Service Delivery seeking authority to commence the purchase of property and the related capital borrowing and approval of funding to complete the necessary works.

It was noted that the Council had a statutory duty to secure accommodation for unintentionally homeless households who fell into a 'priority need' category. The provision for emergency / temporary accommodation was a key tool to discharge this duty and report outlined the types of accommodation which the Council had access to both within out outside of the District. It was noted since the Covid and Cost of Living crisis the Council had seen an increased in demand and the difficulties faced by the Housing department to secure temporary accommodation.

Officers had identified an opportunity for the Council to purchase a property located within the District which would support housing demand on a long-term basis.

Prior to discussion on this item of business Members received a detailed presentation of the proposal from Officers. The Leader of the Council spoke to the report and moved the recommendations which were duly seconded.

The Chairman referred to recommendation (ii) and questioned delegated authority being given to the Strategy and Resources Committee due to timescales and the Committee not meeting next until 8 June 2023. He proposed that this recommendation be amended to give delegated authority to the Director of Service Delivery in consultation with the Chairman of the Strategy and Resources Committee, Leader of the Council and Leader of the Opposition. The Leader of the Council agreed and amended her earlier proposition accordingly.

A number of Members spoke in support of the proposal and in response to questions raised further information was provided by Officers.

The Leader of the Council summed up the discussion and thanked Officers for identifying the opportunity and bringing the report forward.

The Chairman put the recommendations to the Council, and they were unanimously agreed.

RESOLVED

- (i) That Officers be instructed to continue investigations into the purchase of a property as set out in the report;

- (ii) that subject to (i) above, delegated authority is given to the Director of Service Delivery in consultation with the Chairman of the Strategy and Resources Committee, Leader of the Council and Leader of the Opposition to agree the following subject to further due diligence:
- the use of £200,000 of Commuted Sums is applied for the purposes of the project as set out in Section 6.1 in the report;
 - that a capital borrow of £455,620 is undertaken for the purposes set out in Section 6.1 in the report

During the discussion Councillor K M H Lagan thanked the Committee Clerks for their work. This was reiterated by the Chairman who thanked the Vice-Chairman, Civic Support and all Officers, especially Committee Clerks for the hard work they had done for the District and helped him along the way.

There being no other items of business the Chairman closed the meeting at 9.08 pm.

R G BOYCE MBE
CHAIRMAN