



**MINUTES of
COUNCIL
14 SEPTEMBER 2023**

PRESENT

Chairperson	Councillor K M H Lagan
Vice-Chairperson	Councillor R G Pratt
Councillors	M G Bassenger, V J Bell, D O Bown, S J Burwood, J Driver, M F L Durham, CC, A Fittock, A S Fluker, L J Haywood, J C Hughes, K Jennings, A M Lay, W J Laybourn, S J N Morgan, M G Neall, N G F Shaughnessy, R H Siddall, U C G Siddall-Norman, N D Spenceley, P L Spenceley, W Stamp, CC, E L Stephens, N J Swindle, M E Thompson and S White

234. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone to the meeting of the Council and went through some general housekeeping arrangements for the meeting.

235. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors N R Miller and J C Stilts. It was noted that Councillor N G F Shaughnessy would be arriving late.

236. MINUTES - 13 JULY 2023

RESOLVED

(i) that the Minutes of the meeting of the Council held on 13 July 2023 be received.

The Chairman moved that the Minutes be confirmed and this was duly seconded.

Minute No. 156 – Motions from Councillor W Stamp (Motion 09/2023)

Councillor A S Fluker referred Motion 2 and raised the following points of accuracy:

- The second sentence had been attributed to the Chairperson, but this advice had been given by the Monitoring Officer.
- Although the recorded vote taken relating to this Minute had been stopped following a vote against the Motion, he felt that the recorded vote should be shown, and he asked the Chairperson consider adding it into the Minutes.

Minute No. 157 – Motions from Councillor R H Siddall (Motion 10/2023)

Councillor Fluker clarified that in respect of Motion 1 he had said that all Motions should stand deferred to the appropriate Committee as to do otherwise would be anti-democratic.

Minute No. 164 – Provisional Outturn 2022 / 23 Report Presented to the Strategy and Resources Committee on 22 June 2023

Councillor Fluker commented that his pre-amble to his proposal should have been included in the Minutes. He reminded the Council that he had referred to the impact and disruption to residents from the developments in Maldon, Heybridge, Southminster and Burnham-on-Crouch and how the New Homes Bonus should be used to offset that disruption by providing local infrastructure rather than adding to the General Fund.

Councillor Fluker then referred to paragraphs 5 (a proposal he had made) and 8 (confirmation from the Chairperson that his proposal had been seconded) alongside the 'post meeting note' added which he challenged. In response to the discussion Councillor M G Neall confirmed that at the last meeting of the Council he had seconded the proposal in the name of Councillor Fluker in relation to this item of business. In response to a question from the Chairperson, Councillor Fluker clarified he wished the Minutes to be amended to show that Councillor Neall had seconded his proposal. The Chairperson advised in light of this information that under Rule 22 he would need to go back and check before reporting back to the Council once he had clarity on the matter.

Minutes No. 143 – Motions from Councillor A S Fluker (Motion 08/2023)

Councillor S J N Morgan referred to his response to a question from Councillor W Stamp regarding a remark he had made in a meeting. Councillor Morgan advised that the meeting was in fact confidential and he therefore should not have made any response to the query and apologised to the Council for the breach of confidentiality. Councillor Morgan explained how he had subsequently become aware that his reply could be regarded as a direct impugment of the veracity and integrity of a member of this Council, he explained this was not his intention and accordingly apologised to the certain Member for any hurtful distress that they may have subsequently suffered as a result of his reply. Councillor S White thanked Councillor Morgan for his statement and stated she appreciated the clarification.

The Chairperson put the Minutes to the Council subject to amendment and clarification. This was duly agreed.

RESOLVED

- (ii) that subject to amendment and clarification the Minutes of the meeting of the Council held on 13 July 2023 be confirmed.

237. DECLARATION OF INTEREST

There were none.

238. PUBLIC QUESTIONS

In accordance with the Council's public speaking protocol it was noted that the following question had been received from Mr Tom Kelly:

'Why has MDC failed to improve the overall vista for visitors at Maldon Cemetery and kept many parts looking decrepit with insufficient regular staff or set out an overall plan of improvement, yet can spend over £218,000 a year on Councillors' allowances?'

The Leader of the Council had provided the following response to this question and this had been published as a supplementary document to the Council agenda.

The Council recognises the importance of ensuring that we provide peaceful, well maintained cemeteries where our residents can mourn their loved ones, and our staff strive to deliver a good level of service across all of our three cemeteries.

We are currently exploring opportunities to ensure that we are able to provide greater resilience to the maintenance of our cemeteries. This includes the way in which the service is delivered as well as opportunities to improve the layout of some areas to enable us to manage the maintenance to maximum effectiveness.

We also looking at how we can improve the way in which we work with and support our volunteers, who add value to the maintenance of our Cemeteries

A report will be brought forward to the Strategy and Resources Committee on 9 November 2023 to consider options for delivering greater resilience and maintaining a more consistent standard of grounds maintenance across our cemeteries.

Strategically, it should be noted that Maldon, like all other Councils faces budget pressures, and there is an ongoing piece of work to look at how we deliver quality services across the whole Council, but in the limit of the funding available to us. Members' allowances will be included in those wider considerations. I also note that the recent Remuneration Panel report did find the Maldon allowances to be broadly in line with others.

239. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson advised he had, on behalf of the Council, sent wishes for a continued recovery to former Councillor Boyce.

The Chairperson informed the Council that he was also an elected Member and that gave him the right to comment and vote, which he would continue to do on agenda issues in front of him and the issues that benefitted the Ward of South Maldon and the Maldon District. He confirmed that therefore this was not political but about voting for the right things in the right way.

240. MINUTE BOOK

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

241. 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 6 September 2023 for which Minutes had been published.

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

There were none.

243. CONSTITUTION OF THE JOINT STANDARDS COMMITTEE

The Council considered the report of the Monitoring Officer seeking Member' agreement to re-constitute the Joint Standards Committee (JSC).

At its meeting on 13 July 2023 the Council had agreed to disband the JSC without establishing a new composition. Members were reminded of Section 53 of the Local Government Act 2000 which required the Council to have a Standards Committee and reference set out in the Council's Constitution relating to establishment of a JSC.

Appendix A to the report detailed nominations to the JSC made by the different political groups and where further nominations were required.

The Chairperson moved the recommendations set out in the report and these were duly seconded.

Councillor W Stamp asked that her disappointment that the Council was going back to old ways of working be noted. She commented that the Motion she had brought forward at the last meeting of the Council was to move forward.

The Chairperson then called for nominations for one additional Member from either the District Support, Liberal Democrat or Maldon District Independent Group, as set out in Appendix 1 to the report. The following nominations were made and duly seconded:

- Councillor R H Siddall nominated Councillor E L Stephens;
- Councillor W Stamp nominated Councillor L J Haywood;
- Councillor J Driver nominated Councillor K Jennings.

The Chairperson then called for nominations for one non-aligned Member. Councillor Siddall nominated Councillor A M Lay and this was duly seconded and agreed.

The Council was advised a vote would be taken on the other nominations and following this the Chairperson declared that Councillor E L Stephens was appointed to the Joint Standards Committee.

RESOLVED

- (i) That in accordance with the Terms of Reference for the Joint Standards Committee the following eight Members are appointed to the Committee along with the two previously appointed Parish Councillors (non-voting) and the Independent Person (non-voting) in accordance with political balance;
 - Councillor M G Bassenger
 - Councillor S J Burwood
 - Councillor A M Lay
 - Councillor W J Laybourn
 - Councillor M G Neall
 - Councillor E L Stephens
 - Councillor M E Thompson
 - Councillor L L Wiffen
- (ii) That the Vice-Chairperson is not from the same Political Group as the Chairperson.

244. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 20:01 to allow a special meeting of the Joint Standards Committee to be held.

245. RESUMPTION OF BUSINESS

RESOLVED that the business of the Council be resumed at 20:04 in open session.

246. SOUTH EASTERN AREA PLANNING COMMITTEE MANAGEMENT

The Council considered the report of the Director of Strategy and Resources seeking Members' review of the South Eastern Area Planning Committee (SEAC) running from Burnham-on-Crouch Town Council (BTC) offices along with options for the future set up for these meetings.

The report provided detailed background information regarding the current arrangements relating to running SEAC from BTC. Members were advised that there were a number of issues at BTC (set out in the report) which needed to be addressed and to which some required further funding.

Section 3.8 of the report set out three options for Members' consideration to confirm a future approach for meetings of the SEAC.

The Director of Service Delivery presented the report, explaining how it followed on from a number of technical issues which had occurred during the SEAC meetings. He provided the Council with some additional information that had become available since the publication of the report, this included potential work being carried out by BTC to their Wi-Fi, although he highlighted to Members that further work regarding sound would still be required. He thanked the Assistant Director of Programmes, Performance and Governance and the Assistant Director of Resources for their work on this report.

The Chairperson moved the recommendations as set out in the report and these were duly seconded.

Councillor W Stamp commented on the report and advised the Council on the work that BTC were undertaking to make changes to improve both the Wi-Fi and sound quality within the Chamber. She proposed that the report be deferred until BTC had come up with definite solutions. This proposal was duly seconded.

A debate ensued, during which views both in favour and against Councillor Stamp's proposal were raised. In response to a question, Councillor V J Bell (Chairperson of the SE) advised that all systems were thoroughly tested prior to a meeting taking place. In response to a question, the Assistant Director of Resources provided the Council with a breakdown of the cost of the work already completed in supporting the current arrangements advising that the cost was just under £2,000 for 50 hours of IT work.

The Chairperson highlighted that two Motions had been put forward and the Council had to deal with the first prior to considering the proposition in the name of Councillor Stamp.

The Director of Service Delivery advised that should Members be mindful to defer this report there may be interruption to the service provided due to not being able to resolve technical problems.

Following further debate, the Chairperson informed the Council that under Rule (5) Section 12 he would be adjourning the debate on this item of business until the next meeting of the Council.

RESOLVED that the debate on this item of business be **ADJOURNED** to the next meeting of the Council.

247. GROWTH OPTIONS FOR THE REVIEW OF THE LOCAL DEVELOPMENT PLAN

The Council considered the report of the Director of Service Delivery seeking Members' consideration of which Growth Options should proceed to be subject to further evidence testing and evaluation, in respect of the Council's review of the Local Development Plan (LDP).

The paper distributed to all Members and presented at an All-Member workshop was attached at Appendix 1 to the report. Members were reminded of the seven high level options for growth in the District (detailed in the report) which had been set out by the Council as part of the Issues and Options Consultation.

Prior to any debate the Council received a detailed presentation from the Head of Service - Planning, Policy and Implementation.

A lengthy debate ensued, during which a number of Members raised questions and in response, the following information was provided:

- The majority of work relating to matters such as railways, highways, education etc. would be carried out following confirmation by the Council of its three options. It was explained that statutory providers would not engage with the Council currently because there were too many options to review.
- Members would be involved in discussions regarding smaller settlements as part of the work of the review. It was noted that site in smaller settlements did not have to be part of the strategic allocations.
- It was noted that Heybridge was a village and not a suburb of Maldon town.
- In response to comments regarding the prematurity of the work being carried out ahead of national changes to the planning system, the Officer reported that the planning system was changing and how if the Council could not submit its updated LDP to the Planning Inspectorate by 25 June 2025 it would move into the new system. Further guidance would be made available prior to this deadline, but the advice of the Planning Advice Service and the Department for Levelling Up, Housing and Communities to Officers was for the Council to continue with its plan making and that there could be assistance with moving into the new system without having to go back to the beginning of the process.
- The Council was modelling its plan based on the top line, for example it had been advised by ECC that a secondary school was needed so this had to be modelled even if other constraints, costs etc. might stop this.
- Having signed up to the PAN Essex agreement, the Council needed to try and accommodate its growth and infrastructure. Only when the work had been done could the Council ask neighbouring authorities if they could accommodate some of the District's growth. There was no current transport modelling for the

District and the modelling (once completed) would assist the Council to determine what level of growth could be accommodated.

- Work on the maps etc. and assessments relating to the Housing and Economic Land Availability Assessment (HELAA) had been carried out. The HELAA (referred to as a policy off assessment at this stage) looked at the information the Council had at the time of assessment to determine if a site could go forward to the next stage of analysis and whether it was acceptable for that purpose. There were cautions in interpreting it for planning applications and Members were advised at this stage until further assessment had been done it should hold little or no weight. Members were assured that the three growth options, if supported, were not far enough into the planning process to carry weight in decision making for planning applications.

The Chairperson referred to the recommendations set out in the report and Councillor A S Fluker requested that when the vote was taken, he would like his vote recorded.

The Chairperson then put recommendation (i) as set out in the report to the Council. Upon a vote being taken this was duly agreed. Councillors V J Bell, D O Bown and A S Fluker requested that their vote against the recommendation be recorded.

The Chairperson then put recommendation (ii) as set out in the report to the Council. This was duly agreed. Councillors V J Bell, A S Fluker, K Jennings, U G C Siddall-Norman and W Stamp requested that their vote against the recommendation be recorded.

The Chairperson then put recommendation (iii) as set out in the report to the Council. Upon a vote being taken this was duly agreed. Councillors M G Bassenger, V J Bell, A Fittock, A S Fluker, U G C Siddall-Norman and W Stamp requested that their vote against the recommendation be recorded.

The Chairperson then put recommendation (iv) as set out in the report to the Council. Upon a vote being taken this was duly agreed. Councillors V J Bell, D O Bown, A S Fluker, W J Laybourn and W Stamp requested that their vote against the recommendation be recorded.

The Chairperson then put recommendation (v) as set out in the report to the Council. Upon a vote being taken this was duly agreed. Councillors V J Bell, D O Bown, A S Fluker, L J Heywood, W J Laybourn, M G Neall, U G C Siddall-Norman and W Stamp requested that their vote against the recommendation be recorded.

The Chairperson advised the Council that he had abstained from voting on all of the recommendations.

RESOLVED

- (i) That further testing for Option 3 – Growth generally focused on the towns Maldon and Heybridge and Burnham-on-Crouch and all the large villages of the Settlement Pattern be pursued;
- (ii) That further testing for Option 5 – A large urban extension bolted onto the existing settlements in the District and adjacent to the District boundary in combination with Option 3 - Growth generally focused on the towns Maldon and Heybridge and Burnham-on-Crouch and all the large villages of the Settlement Pattern be pursued;

- (iii) That further testing for Option 7 - Focus growth along the rail line to Althorne, Burnham-on-Crouch, North Fambridge and Southminster in combination with Option 1 - Retain the option in the LDP approved in 2017 – focus growth in Maldon and Heybridge. (Burnham-on-Crouch is part of Option 7) be pursued;
- (iv) That Option 4 – Pepper pot growth throughout the Settlement Pattern (Spread the growth across all the sustainable settlements in the District) not be pursued;
- (v) that Option 6 – Focus growth in the north of the District to link into the services and facilities available in Tiptree, Witham and Maldon and Heybridge not be pursued.

Councillor N G F Shaughnessy joined the meeting during this item of business.

Councillor S White left the meeting during this item of business and did not return.

248. UPDATE ON THE LOCAL DEVELOPMENT SCHEME

The Council considered the report of the Director of Service Delivery providing an update on the timetable of the Local Development Plan (LDP) Review and seeking approval of a revised statutory timetable and Local Development Scheme (LDS) which would be maintained from this point in accordance with legal duties.

A draft of the revised LDS was attached at Appendix A to the report. It was noted that the LDS was required to be published under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) and maintained to ensure it remained in date between editions.

The Chairperson moved the recommendations set out in the report and this was duly seconded.

Councillor A S Fluker proposed an amendment that the Assistant Director of Planning accounted for and reported any slippage to the Strategy and Resources Committee, along with an update on costs from the Section 151 Officer. He advised it was important to understand why there was slippage, particularly in light of the importance of this project. Councillor Fluker further proposed that recommendation (ii) be amended to include a report to the Council. This proposal was duly seconded.

In response to the proposal the Assistant Director: Planning and Implementation advised Members that Legislation required the Local Planning Authority to maintain the LDS and this was translated into a live update which was reported through this report. Officers were responsible for reporting to the Strategy and Resources Committee which was tasked with preparing the LDP and to whom monitoring reports were also reported on a statutory annual basis. It was further noted that the Performance, Governance and Audit Committee would receive reports on the LDS as part of regularly monitoring.

At this point the Chairperson advised that in accordance with Procedure Rule 1(6)i this meeting of the Council would continue. This was duly agreed.

The Chairperson put recommendation (i) to the Council which was duly agreed. He then put recommendation (ii) advising that if this failed, he would then ask Councillor Fluker to raise his earlier proposition again.

In accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote. The voting for recommendation (ii) was as follows:

For the recommendation:

Councillors M G Bassenger, V J Bell, D O Bown, S J Burwood, J Driver, M F L Durham, A Fittock, J C Hughes, K Jennings, A M Lay, W J Laybourn, S J N Morgan, R Pratt, N G F Shaughnessy, R H Siddall, N Spenceley, P L Spenceley, E L Stephens, N Swindle and M E Thompson.

Against the recommendation:

Councillors A S Fluker, L J Haywood, M G Neall, U G C Siddall-Norman and W Stamp.

Abstention:

Councillor K M H Lagan.

The Chairperson declared that recommendation (ii) was therefore agreed.

RESOLVED

- (i) That the revised Local Development Scheme 2023 to 2027 be approved for publication on the Council's website;
- (ii) That the Assistant Director for Planning and Implementation be granted delegated authority in consultation with the Chairperson of the Strategy and Resources Committee to amend the Local Development Scheme timetable, should the timetable slip, to ensure the Council complies with legal requirements on maintaining the Local Development Scheme.

249. ESSEX WIDE DEVOLUTION UPDATE

The Director of Service Delivery provided a verbal update in relation to Essex Wide Devolution advising that:

- although discussions between Essex, Thurrock and Southend Councils with Central Government had been delayed during the summer, the aim was to identify potential options to explore.
- the first Devolution Member Working Group had taken place in July. Members agreed to invite Councillor Graham Butland, Essex County Council (ECC) Portfolio Holder for Devolution to the next meeting which would be held in late September.
- ECC was currently undertaking the next round of briefings to all Councillors across the County. Following the briefing that had taken place the evening of this meeting, the next briefing would be on Friday 22 September at 10am. The Director advised that any supporting documentation arising from the briefings would be shared with Members.

In response to questions raised, the Director provided the following additional information:

- Devolution was through Greater Essex which included the two unitary authorities, and any potential impacts, such as a Council entering into a Section 114 agreement, would be part of the discussions that would be taking place.
- The Level Three option would have a mayor and with that came more powers and funding. At this time Essex was running two scenarios for both levels two and three.

The Leader of the Council advised he would circulate all Members an email which provided detailed regarding a Bill going through Parliament to which the House of Lords had proposed an amendment. He advised Members of the amendment which related to the involvement of District Council's (if there was devolution) in all discussions. He reported that he had lobbied the local Members of Parliament regarding this and encouraged Members to do the same.

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

The Chairperson advised that there were none.

251. BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERED BY THE CHAIRPERSON TO BE URGENT

There were none.

The Chairperson then closed the meeting at 10.10 pm.

K M H LAGAN
CHAIRPERSON