



**MINUTES of
COUNCIL
14 DECEMBER 2023**

PRESENT

Chairperson	Councillor K M H Lagan
Vice-Chairperson	Councillor R G Pratt
Councillors	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, C P Morley, M G Neall, R H Siddall, N D Spenceley, P L Spenceley, W Stamp, CC, E L Stephens, J C Stilts, N J Swindle, M E Thompson and S White

1. CHAIRPERSON'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 M G Bassenger, V J Bell, D O Bown, N R Miller, S J N Morgan, N G F Shaughnessy, U G C Siddall-Norman and L L Wiffen.

3. MINUTES - 29 NOVEMBER 2023

RESOLVED

- (i) that the Minutes of the extraordinary meeting of the Council held on 29 November 2024 be received.

Councillor A S Fluker paid tribute to all those in the emergency services and healthcare sectors, thanking them for their work and wishing them and their families a happy Christmas. He raised comments on Minute No. 3 - Minutes – 14 September 2023, No. 11 – South Eastern Area Planning Committee Management and No. 21 – Commercial Project Decision. Councillor Fluker proposed that subject to these he was happy to agree the Minutes of the last meeting.

The Chairperson reminded Members that the Minutes were not a verbatim record of the meeting. He referred to the Lead Legal Specialist and Monitoring Officer who provided further clarity to the Council, advising that the purpose of Minutes was to primarily record the decision made and provide a bare framework to why a decision was made. Guidance on private and confidential items of business and what could be Minuted was also given by the Officer.

The Chairperson advised that he had reviewed and was happy with the content of the Minutes. As there was no specific proposal or recommendation to change the Minutes, he put them to the Council. The Minutes were duly agreed. Councillor Fluker asked that it be recorded he did not support the Minutes for a variety of reasons and was happy to discuss these with the Monitoring Officer.

RESOLVED

- (ii) that the Minutes of the extraordinary meeting of the Council held on 29 November 2024 be confirmed.

4. DECLARATION OF INTEREST

Councillor M F L Durham declared an Other Registrable Interest in relation to Agenda Item 13 – Essex Wide Devolution Update as he was a Cabinet Member of Essex County Council and aware of information on that topic which was not in the public domain.

5. PUBLIC QUESTIONS

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

Question:

'With the closure of most parking machines over the weekend, can the council confirm it's long term plans for public parking and charges? Specifically:

- 1) MDC's discussions with RingGo regarding removing the 'convenience fee' charged? This can add over 20% to the cost of parking - and is a mandatory charge, rather than a convenience as card payments are no longer possible where the machines have been removed (i.e. car park 21801 Promenade Park Coach Park Car Park)
- 2) Which carparks still have at least one machine available?
- 3) What alternative provisions are being maintained for users unable to use an app based service due to vulnerability or disability?
- 4) What contingency plans are in place to change provider should RingGo increase charges or cease to operate moving forward, so that MDC maintains control of the cost of users to access the town?
- 5) What plans are in place to maintain the parking machine infrastructure, so that the sunk investment is not lost - even if it's not currently being used, to minimise the barriers of reverting to using parking machines should the mobile only decision prove to be ineffective?

The Leader of the Council had provided the following response to the question which had been published, prior to the meeting, as a supplementary document to the Council agenda.

The Council is committed to providing good quality accessible car parking services, recognising the importance to its residents, visitors, and businesses.

The Council acknowledges the inconvenience and frustration when a car parking machine is out of order and strives for all of car parking machines to be operational at all times, with daily checks being carried out by officers to identify any issues.

Where any issues arise Community Engagement Officers are trained to undertake initial investigations and can often resolve these quickly to get the car parking machines back up and running.

Where the technical issues cannot be resolved by officers this is escalated to an engineer. In this situation that machine would be taken out of operation, until it is repaired, and customers would have the option to pay at an alternative machine, or to use the "Pay by Phone" option. There are multiple car park machines at each car parks with the exception of the Coach Park at Promenade Park, however there are other machines located elsewhere on Promenade Park.

The Council currently provides two options to pay for car parking through:

- 1) use of car parking machines, for which there is no additional cost, and
- 2) a "Pay by Phone" option which offers the convenience of being able to extend the period of parking without needing to return to a vehicle. There is an additional cost of 20p for using that service.

There is currently no plan to remove car park machines, and the choice of paying through machines (at no cost) or through the use of a "pay by Phone" service with a small charge will continue to be offered.

The Council has agreed to develop a Car Parking Strategy which will set out its longer term vision for car park provision and charging. The development of the Strategy will be overseen by a Member Task and Finish Working Group which will report back to Members during 2024 with recommendations.

6. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson informed the Council that along with Vice-Chairperson he had held a staff lunch with the help and support of the Directors. It was very well received, a lovely occasion and lovely feedback had been received.

7. STRATEGY AND RESOURCES COMMITTEE - 23 NOVEMBER 2023

The Council considered the recommendation set out on the agenda coming forward for consideration from the Strategy and Resources Committee.

Agenda Item 10 – Fees and Charges Schedule 2024 / 25

Prior to discussing this item of business, the Interim Chief Finance Officer advised that the Fees and Charges Schedule 2024 / 25 (the Schedule) had been updated to reflect the Council's previous decision to apply a 50% discount to wharf fees and charges. She reported that open spaces memorial benches had been deleted from the Schedule as the Council had made a decision to not include it. In respect of Green Waste Charges Members were advised that this should be £35 (the pro-rata fee of the £70 full year cost). The Interim Chief Finance Officer asked Members to therefore agree the Schedule as put forward by the Strategy and Resources Committee, subject to the amendment she had detailed.

Councillor A S Fluker commented on the Schedule particularly in relation to pest control and green waste. He proposed that in relation to green bins there not be any increase. This proposal was not seconded.

Councillor Fluker then raised questions in relation to the beach huts and car parking season tickets for the Hythe Quay, Town Centre residents car parking season tickets and Sports pitches. In response the Chairperson reminded Members that the proposed Schedule had come through the Strategy and Resources Committee (S&R) and the Council needed to approve so that Officers could action them. The Chairperson suggested that with the exception of the points raised by Councillor Fluker that the fees and charges Schedule be approved. Councillor Fluker suggested that the Chairperson along with the Chairperson of the S&R with the appropriate Director consider responses to his questions.

Councillor M F L Durham, Chairperson of S&R, advised the Council of the robust debate that had taken place at S&R on this item of business, prior to the Committee making its recommendation to the Council.

Other Members debated the Strategy and comments were raised relating to the increase in the cost of waste disposal, the benefits of the green waste service offered by the Council compared to other Local Authorities and child obesity in the District. In response to a question, the Director of Service Delivery advised that there would be a formal review of car parking charges in the new year. The Car Parking Working Group would discuss this along with the Car Parking Strategy and these discussions would include the Hythe Quay. In response to a question, Members were advised that the Council offered clothing recycling via kerbside collection.

The Chairperson put to the Council that the detailed Fees and Charges Schedule for 2024 / 25 as set out in Appendix 1 to the Agenda with the amendment detailed by the Interim Chief Finance Officer, be agreed, subject to the Council's approval of the Fees and Charges Policy on 29 November 2023. This was duly seconded.

At this point Councillor A S Fluker requested a recorded vote. The Chairperson asked if any other Members did not assent and asked that Councillors A S Fluker, W Stamp and J C Stilts did not assent. He then put the proposal which was agreed.

RESOLVED that that the detailed Fees and Charges Schedule for 2024 / 25 as set out in Appendix 1 to the Agenda with the amendment detailed by the Interim Chief Finance Officer, be agreed, subject to the Council's approval of the Fees and Charges Policy on 29 November 2023.

Post meeting note:

The following lines on the Fees and Charges Schedule for 2024 / 25 were incorrect (however the principle of what was agreed by the Council for inflationary uplift remains). The corrections below will be reflected in the published version of the Fees and Charges Schedule for 2024 / 25:

Council offices car park

Weekdays - up to 1 hour – 2024 / 25 charge should be £1.30 (was stated as £1.40)

Weekends – Saturday (8am to 5pm) up to 1 hour – 2024 / 25 charge should be £1.30 (was stated as £1.40)

Weekends – Saturday (8am to 5pm) 2 to 3 hours – 2024 / 25 charge should be £2.40 (was stated as £2.50)

High St East Car park

Weekdays and Saturday Evening (5pm to 10pm) – 2023 / 24 charge was incorrectly stated as £1.50 but is actually £1.70

Sunday All Day and Bank Holidays – 2023 / 24 charge was incorrectly stated as £1.50 but is actually £1.70

White Horse Lane Car park (Monday to Saturday, 8am to 5pm)

Pay & Display 1-2 hours – 2023 / 24 charge was incorrectly stated as £1.50 but is actually £1.60, 2024 / 25 charge should be £1.80 (was stated as £1.70)

Season tickets

Prom season ticket was stated as £769 should be £788 for 2024 / 25

Prom resident ticket was stated as £159 should be £162 for 2024 / 25

White Horse lane school residents permit was stated as £265 should be £271 for 2024 / 25

8. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Wednesday 6 December 2024 for which Minutes had been published.

9. MOTION FROM COUNCILLOR J C STILTS (MOTION 17/2023)

In accordance with Procedure Rule 4, the Chairperson advised the Council that one Motion, duly proposed and seconded, had been received and was set out on the agenda.

Councillor Stilts presented her Motion (as set out below) and duly seconded by Councillors A S Fluker, L J Haywood, M G Neall and W Stamp.

The Maldon and Heybridge Central Area Masterplan and Action Plan 2017 set out the Councils Vision and ambition for economic growth, through a regenerative strategy, environmental enhancements, and redeveloping sites within the Masterplan area to deliver 18 key projects over the next 10 to 15 years. The Maldon and Heybridge Central Area Masterplan incorporates the attractive Maldon Town Centre, the Causeway Regeneration Area and the Leisure Quarter and forms the Districts focus for employment, retail, community and tourism facilities. Prior to adoption the plan was not well received by local parish and town councils and it is now considered the plan is out of date and no longer meets the requirements of the District and that as a consequence council now resolves to agree an immediate review of the 2017 Maldon and Heybridge Central Area Masterplan and Action Plan.

The Chairperson then called on the Assistant Director – Planning and Implementation to provide some context to the Motion. The Assistant Director provided Members with some background regarding the Maldon and Heybridge Central Area Masterplan (CAMP) which was adopted by the Council in 2017 as a Supplementary Planning Document (SPD) and was a requirement of the Council's Local Development Plan (LDP). It covered a period of over ten years and set out an action plan which identified 18 spatially specific projects to be worked on during that time. He advised the Council that should it be mindful to commission a review of the Masterplan matters set out in

Policy S5 of the LDP could not be amended outside of the LDP review and would therefore continue to provide the policy framework for any revised Masterplan. In respect of reviewing the Masterplan SPD the Government had planned reforms to the planning system through the Levelling Up and Regeneration Act which had recently received Royal Assent. Although there was some uncertainty how the new system would work, these legislative changes would affect SPDs such as the Masterplan and in the future would require examination by the Planning Inspectorate to determine their soundness and lawfulness and carry the same weight as LDP policies in decision making. If the Council was minded to review the Maldon and Heybridge CAMP a report would have to come back to the Council proposing an amendment to the statutory Local Development Scheme (which sets out the planning policy and guidance preparation programme over the next three years) and funding resources would also have to be considered.

Councillor A Fittock proposed an amendment to the Motion, that the Policy was brought forward to the Policy Planning Working Group for review at the earliest opportunity. He encouraged Officers to bring it forward as early as possible, but within the time constraints and budget they currently had. This proposal was duly seconded.

Councillor Stilts confirmed she was happy with this amendment but requested that a date was provided.

Other Members commented on the Motion at this point and reference was made both to the recent successful Christmas Fayre organised by Maldon Town Council and regeneration taking place at the lower end of Maldon High Street.

The Chairperson then put the amendment to the Motion in the name of Councillor Fittock and this was duly agreed. The Chairman then moved the amended Motion and this was duly agreed by the Council.

RESOLVED that an immediate review of the 2017 Maldon and Heybridge Central Area Masterplan and Action Plan be brought forward through the Planning Policy Working Group.

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

There were none.

11. AMENDMENT TO THE SCHEME OF DELEGATION

The Council considered the report of the Director of Service Delivery seeking Members' agreement to amend the Scheme of Delegation in relation to applications or action under the Planning Act 2008.

The proposed amendment to the Scheme of Delegation would enable the Council to act swiftly on decisions relating to Planning Act 2008 matters, rather than the matter having to come before the Council or one of its Committees. However it was proposed that any such decision would be taken in consultation with the Chairperson of the District Planning Committee.

The Assistant Director – Planning and Implementation presented the report, explaining how the proposed change related to post-granting of applications and undertaking actions arising from Nationally Significant Infrastructure Projects (NSIPs) given consent by the Secretary of State under powers in the Planning Act 2008. He outlined how

NSIPs were granted planning consent under a Development Consent Order (DCO) and differed from the way all other planning applications were determined by the Council for which a Scheme of Delegation existed. Members were reminded of the Council's engagement in National Highways' A12 widening scheme and how in 2022 National Highways had submitted the draft DCO to the Secretary of State for consideration and determination via an examination in public. The Assistant Director explained how an engagement mandate agreed by the Council in 2022 had allowed various delegation to Officers and had secured additional measures in supporting the draft DCO which would benefit the Maldon District and he made specific reference to a gas pipeline. It was noted that as the Council had not had an NSIP approved in the District the Council's Constitution did not provide delegated authority to Officers to discharge any related responsibilities and this was why an amendment was being sought. At this point the Leader of the Council thanked all Officers involved in the A12 Project, highlighting particular Officers for their work.

The Chairperson put the recommendation set out in the report and this was duly seconded. Some Members then commented on the report and supported the recommendation.

In response to a question regarding updating Members on progress, the Assistant Director agreed to provide an update to all Members as the A12 project was delivered by National Highways.

The Chairperson put the recommendation which was agreed by assent.

RESOLVED that the Scheme of Delegation is amended to give to the Director of Service Delivery, in consultation with the Chairperson of the District Planning Committee, the following delegated power:

"Following the grant of a Development Consent Order by the Secretary of State or anyone appointed by him, the ability to make any post grant decisions required of the Council, including planning enforcement, in relation to the development"

12. SCHEDULE OF MEETINGS 2024 / 25

The Council considered the report of the Director of Strategy and Resources presenting for Members' consideration the draft Schedule of Meetings for 2024 / 25 (attached as Appendix 1 to the report).

The Chairperson put the recommendation as set out in the report and this was duly agreed.

RESOLVED that the Schedule of Meetings for the 2024 / 25 municipal year be approved as set out in Appendix 1 to the report.

13. ESSEX WIDE DEVOLUTION UPDATE

The Director of Strategy and Resources provided a verbal update on the Essex Wide Devolution. He advised of meetings and discussions that had taken place following a letter which had been sent to all Essex Members of Parliament. There was no indication whether the Secretary of State would look to make a decision, and this was now not expected before Christmas. The Director reminded that he had previously advised the Council how if there was not a decision by Christmas it may be challenging

to deliver a devolution deal in full, with the consultation process etc., within the life of Parliament.

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

Councillor W Stamp asked the Leader of the Council for an update on any meeting he had attended with Essex County Council (ECC) regarding levelling up along with any other outside body meeting that was relevant to / that all Members should be aware of. She requested that a regular item be added to the Council agenda to keep Members up to date with any meetings he was attending. In response the Leader advised that although the Government and Department for Levelling Up, Housing and Communities (DLUHC) had said the Council was a level one authority, ECC had not included the Council as a level one authority under Everyone's Essex. The Leader and Officers had met with ECC who advised that the Government had only included Maldon District Council (MDC) as a level one due to its lack of infrastructure and rural nature. He provided further information and confirmed he would continue lobbying for the Council to be included and sought Members' support of this. The Leader advised he would write to the local Members of Parliament and highlighted the importance for MDC to be a level one Council if devolution went ahead. In respect of other meetings, the Leader advised he had attended the Greater Essex Leaders' meetings and an initial meeting with Officers from North Essex Parking Partnership. He would be lobbying the Parking Partnership to ensure that in terms of its action plan it took into account the rural district and rural economic development needs.

Councillor A S Fluker asked the Leader of the Council if he would agree with him and pay tribute to Mr Ghela and Mr Swords, two Council Officers, who went the extra mile on Friday 8 December 2023 to assist a vulnerable constituent with a safeguarding issue. He asked the Director of Service Delivery to pass on his thanks to those Officers.

Councillor Fluker then referred to policies brought forward by the Leader of the Council and how he felt the emerging savings policies were Officer led initiatives and how excluding investment income the Council's annual deficits would soon be in excess of £2.5 million. He asked the Leader if he could tell residents, in his capacity of Leader of the Maldon District Independent Group, what his policy was on making savings and whether he had any. In response the Leader advised how he had recently had a meeting with other Group Leaders, including the District Support Group, where they went through the Corporate Plan and identified what their priorities were. He had since discussed this with the Corporate Leadership Team to focus on what had to be done in 2024 / 25 in terms of priorities, focus, cost effectiveness and balancing the budgets. He disputed the annual deficit amount Councillor Fluker referred to. The Leader advised how within the next six months, based on the resident survey an update to the Corporate Plan would be undertaken. He reiterated the importance for Members to have the opportunity to influence the Corporate Plan, looking at corporate projects and what had to be done across the District in terms of new projects and spend. The Leader advised that as the Council was not operating a cabinet system, the Leader of the Council had no statutory powers, however, use of the Maldon District Independent Group manifesto and work with other Group Leaders had been very constructive. He hoped this work would continue and benefit the Council and its residents.

Councillor Fluker referred to the absence of the Deputy Leader, his attendance at meetings, the allowance attributed to this role, and asked the Leader of the Council if he agreed with him that this did not represent good value to local taxpayers. In response the Leader referred to the need to have a balance between priorities in Members' lives. He advised that the Deputy Leader attended every meeting with him

outside of the chamber and how his support to him had been invaluable. The Leader stated that the Deputy Leader had his full support.

Councillor W Stamp reported that she had attended a scrutiny meeting which was reviewing lessons learnt for Councils that had gone bankrupt. She provided further details of the meeting and reported that one of the common threads through many of the Councils that had gone bankrupt was building new offices and moving from old offices. She asked the Leader if the Council were to consider new buildings that he would ensure any decision was scrutinised with proper risk assessments carried out. In response, the Leader of the Council agreed with Councillor Stamp. He referred to the need to ensure the right decision was made both for the Council and the District.

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

There was none.

16. 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

Councillor A M Lay left the meeting at this point and did not return.

17. CORPORATE LEADERSHIP REVIEW

The Council considered the report of the Monitoring Officer seeking Members' consideration of a Review report provided by the East of England Local Government Association, commissioned by the Leader of the Council, regarding the Corporate Leadership of the Council (attached as Appendix 1 to the report).

The report provided background information in relation to the Review (Appendix 1) that had been undertaken and the recommendations set out within it.

The Leader of the Council and Monitoring Officer both spoke to the report and thanks were given to those Officers for their work in moving this forward. In respect of recommendations (ii) and (iii) to set up a Working Group, the Monitoring Officer advised that for those non-aligned Members of the Council the Leader had indicated that if those Members contacted him, he would feed into the Working Group on their behalf. It was noted that the report detailed a proposed timetable for meetings of the Working Group following which a recommendation would come from the Working Group and it was hoped this would be considered at an extraordinary Council meeting in early 2024.

Councillor M E Thompson proposed an amendment to recommendation (iii) that the Deputy Group Leaders be included in the Working Group. This proposal was duly seconded.

Members debated the report and appendix, with comments being made in respect of whether additional parts of the Council's structure should be considered and the need to carefully consider and make savings as a Council.

In response to the proposed amendment, the Leader of the Council advised that the whole purpose of the proposed membership was to keep the Working Group agile and effective. He advised this piece of work was driven by the opportunity to review the Corporate Leadership structure and was not driven by the desire to reduce costs. Should a Group Leader be unable to attend both Working Group meetings they could put forward a substitute. A number of Members offered their support to the amendment proposed and in response the Monitoring Officer explained why he had suggested the Working Group be made up of the four Political Group Leaders, highlighting the need for agility.

Following further discussion the Chairperson moved recommendation (i) and (ii) as set out in the report and these were duly agreed. In respect of recommendation (iii) he moved the proposed amendment in the name of Councillor Thompson to include Deputy Group Leaders. This was duly agreed. It was noted that Councillors M F L Durham, R H Siddall and E L Stephens were not in favour of the proposal. The Chairperson then moved recommendation (iii) as amended and upon a vote being taken this was duly agreed. The Chairperson asked for it to be noted that Councillor M F L Durham had abstained from voting.

RESOLVED

- (i) That the Corporate Leadership Review at Appendix 1 to the report is noted;
- (ii) That the Council agrees a Working Group is formed to consider the four recommendations at Appendix 1 to the report and reports back to the Council with their findings;
- (iii) That the Council appoints the Political Group Leaders and Deputy Leaders of the Conservative, Liberal Democrat, Maldon District Independent, and District Support Groups to the Working Group as per (ii) above.

There being no other items of business the Chairperson closed the meeting at 9.17 pm.

K M H LAGAN
CHAIRPERSON