



**MINUTES of
COUNCIL
21 MARCH 2024**

PRESENT

Chairperson	Councillor K M H Lagan
Vice-Chairperson	Councillor R G Pratt
Councillors	M G Bassenger, D O Bown, S J Burwood, J Driver, A Fittock, A S Fluker, L J Haywood, J C Hughes, K Jennings, W J Laybourn, N R Miller, S J N Morgan, C P Morley, 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, J C Stilts, N J Swindle, M E Thompson and S White

671. CHAIRPERSON'S NOTICES

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

672. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, M F L Durham CC, A M Lay and L L Wiffen.

673. MINUTES - 15 FEBRUARY 2024

RESOLVED that the Minutes of the meeting of the Council held on 15 February 2024 be approved and confirmed.

674. DECLARATION OF INTEREST

There were none.

675. PUBLIC QUESTIONS

In accordance with the Council's public speaking protocol, it was noted that the following question had been received from Mr Stephen Rogers.

Question:

'Will the council ensure that any development of the St Peter's site will provide / facilitate the funds to allocate land and develop a building for a NHS Hub for all the current community services offered by St Peter's?'

The Leader of the Council had provided the following response which had been published on the Council's agenda.

Response:

The Council is unable to provide assurances in relation to any future development at the St Peter's site as the land is not owned by the Council.

The Council will support proposals for the current NHS community services to be retained in the Maldon District but is not directly responsible for the delivery of these services.

The Council is committed to working with the NHS for the foreseeable future to assist in the future options for these services, subject to commercial sensitivities.

In response to a suggested change by Mr Rogers to the second paragraph of the response, the Leader provided a brief update on the work the Council was doing with Essex County Council and discussions with the NHS. The Leader advised that if the possibility arose along with the appropriate funding, the Council would do whatever it could to ensure that all hospital services were on one site. He outlined his personal view was for the Council to ensure that at least outpatient services remained in the Maldon District and how the Council and all Members should work towards this so that residents were supported and could access services in an efficient and effective way.

676. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson highlighted the recent successful Homes for Ukraine event which along with himself the Vice-Chairperson and some Members had attended. He commended the Officers involved for their hard work in bringing the event together.

Having recently completed the Chelmsford half marathon to fundraise for the David Randall Foundation (the Chairperson's chosen charity), the Chairperson extended his thanks to all that had supported him and the charity.

The Chairperson informed the Council that he would be suspending Procedure Rule 4(8)3 the requirement to stand when addressing the Chairperson.

With the permission of the Chairperson, Councillor R H Siddall addressed the Council. Councillor Siddall advised that at the last Council meeting he had made a remark to Councillor Stilts which undermined her and her professional standard and apologised for this and any offence caused. He reported he had given her a written and informal apology and hoped they could move on from this. In response, Councillor Stilts thanked Councillor Siddall for his apology.

Councillor C P Morley thanked Members for the chocolates and flowers sent to his wife during her recovery from an injury. The Chairperson wished her a continued recovery.

677. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 7 MARCH 2024

The Council considered the following recommendations coming forward from the Performance, Governance and Audit Committee held on 7 March 2024.

Independent Person of the Performance, Governance and Audit Committee

In response to questions, Members were advised that there was an allowance available for this role and the Performance, Governance and Audit Committee would make a decision on that person.

RESOLVED

- (i) That the principle of co-opting an Independent Person onto the Performance, Governance and Audit Committee on a non-voting basis be approved;
- (ii) That the person specification attached at Appendix 1 to the report, be approved.

Contract Procedure Rules Extension

RESOLVED

- (iii) that the Contract Procedure Rules attached at Appendix 2 to the report, be extended for a further year.

Council Constitution – Scheme of Delegation – Service Delivery

Councillor A S Fluker highlighted point 9 on page 54 of the report pack relating to Officers consulting with Ward Members regarding enforcement cases and he provided some additional information in relation to this. The Chairperson thanked Councillor Fluker for highlighting this.

RESOLVED

- (iv) That the redistribution of the powers currently delegated to the Director of Service Delivery to the Assistant Directors - Service Delivery as proposed and shown at Appendix 3 to the Council Agenda, be agreed;
- (v) That the consequential changes referred to in paragraphs 3.6 and 3.7 of the report, namely to the list of Proper Officer designations set out in the Scheme of Delegation (General Provisions) document in the Constitution, and the transfer of the delegated powers in relation to Neighbourhood Planning from the Director of Strategy and Resources to the relevant Assistant Director - Planning and Implementation, be agreed.

678. STRATEGY AND RESOURCES COMMITTEE - 14 MARCH 2024

The Council considered the following recommendations coming forward from the Strategy and Resources Committee held on 14 March 2024.

Asset Management Strategy

RESOLVED

- (i) that the Asset Management Strategy 2024-29 (attached at Appendix 1 to the report) be approved.

Business Continuity Strategy 2024 – 26

RESOLVED

- (ii) That the adoption of the Maldon District Council Business Continuity Strategy 2024 – 26 (the Strategy) attached at Appendix 2 to the report be approved;
- (iii) That delegated authority be granted to the Director of Service Delivery in consultation with the Chairperson of the Strategy and Resources Committee to approve amendments to the policy during its lifetime;
- (iv) That this Strategy is presented for renewal to the Strategy and Resources Committee on a two-year cycle.

679. 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 13 March 2024 for which Minutes had been published.

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

There were none.

681. GAMBLING ACT 2005 - STATEMENT OF GAMBLING POLICY

The Council considered the report of the Director of Service Delivery seeking Members' approval for the adoption of the reviewed Statement of Gambling Policy (attached as Appendix 1 to the report) in respect of the Gambling Act 2005 (as amended).

The report provided background information to the Gambling Act 2005 (the Act) which required each licensing authority to publish a Statement of Gambling Policy and review that Policy at least once every three years. The Head of Environmental Health, Waste and Climate Action in his presentation of the report advised that Statement of Gambling Policy (Appendix 1) had been reviewed and updated as required by law and no material changes to the Policy had been identified as part of this review. It was noted that a full review would take place once the Government published the proposed changes to the Act.

It was noted that the approval date listed on page 68 of agenda pack (Appendix 1 to the report) should refer to March 2024 and not 2025. The Head of Service advised that this amendment would be made.

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

RESOLVED that the Statement of Gambling Policy (Appendix 1 to the report) be adopted.

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

Councillor L J Haywood asked the Leader of the Council what was happening with the Council Offices and particularly if more space were to be let out whether this would result in Council staff having their contracts changed to work from home permanently? In response the Leader advised that there were no plans for the Council to move out of the building and staff contracts allowed both hybrid and flexible working, to remove this he felt would lead to staff leaving and recruitment difficulties. He hoped in the summer Members would have a discussion regarding the Council in terms of how and the way it worked and the buildings and assets the Council owned. The Leader referred to ensuring that the Council was working with staff flexibly to keep them motivated and building team spirit.

Councillor S White referred back to the previous question, advising of private sector information regarding home working and asked the Leader of the Council if the Council should take the advice of the private sector information. Councillor White then raised further questions to the Leader. In response to a question regarding treating all nature with respect and upholding all government guidance, particularly for nesting birds, the Leader advised that he fully supported any action to protect nesting birds and how the environment and nature were important to him. The Leader commented on the importance of ensuring that landowners did not damage trees and hedges at critical times of year. Councillor White referred to treating residents the same and asked if the Leader agreed that the Council should protect all trees covered by Tree Preservation Order (TPOs) and for the Council to take seriously any work done without permission. The Leader highlighted the need to ensure that TPOs were enforced, and any infringement followed up. He advised the Council that he would discuss the matters raised by Councillor White with the enforcement team.

Councillor A S Fluker referred to the Leader implying that the Council would be moving from the Council Offices and if this was the case that the Corporate Projects Working Group be informed of this and the reasons why. He then referred back to the last Council meeting and the response the Leader had given to comments from the Liberal Democrat Group Leader that Section 106 monies would be used to support local health care. Councillor Fluker sought clarification that the Leader meant in accordance with the conditions of 106 agreements. In response the Leader explained that it was not known what the future would bring and how this would impact on the location of the Council. He reminded the Council of previous discussions regarding the use of the Council building and the need to ensure it did not get the Council into debt. The Council would have to review its asset (the Council offices) to ensure it met the Council's need etc. He advised that the Council would always own the building it was in, whether that be at the current Council offices or elsewhere.

Councillor R Pratt referred to the High Sheriffs awards which he recently attended on behalf of the Chairperson. As no-one from the Maldon District had accessed the High Sheriff fund this year, he asked the Leader of the Council if he would help him identify volunteers in the District who could apply for some of the fund. The Leader agreed and commented how it was a shame that no-one had accessed the fund and suggested that some PR and work with the High Sheriff could assist with this.

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

There was none.

684. EXCLUSION OF 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 they involve the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

685. LEGAL ACTION

Councillor S White advised that having had a judicial review regarding the Council she would leave the meeting for this item of business. She then left the chamber at this point.

The Council considered the report of the Director of Service Delivery to advise the Council of two applications for judicial review made against the Council.

The Senior Specialist – Legal introduced each claim for Judicial Review, providing background information and a detailed update. She advised that Counsel advice had just been received in respect of both cases and provided Members with the details of this and Counsel's opinion on each case.

Members discussed Case 1, as detailed in the report along with the update provided by the Senior Specialist. In response to comments raised, the Officer advised she would look through the Counsel advice in respect how it might apply to future planning applications. The Director of Service Delivery agreed to pick up the comments raised by Members and would discuss them with Planning Services.

The Council then discussed Case 2, as set out in the report along with the update provided by the Senior Specialist.

Councillor A S Fluker then proposed that the Council accept the recommendations as set out in the report. This proposal was duly seconded and agreed by assent.

RESOLVED

- (i) That the Council continues to defend the claims for Judicial Review against the Council (set out in the report).
- (ii) That the Director of Service Delivery in consultation the Chairperson and Leader of the Council and a legal advisor, be granted delegated authority to respond to all legal representations, any directions of the Court and any other ancillary legal matters relating to this claim.
- (iii) That the Director of Service Delivery in consultation with Chairperson and Leader of the Council and legal advisor regularly review the legal case and be granted delegated authority to settle the claim should it be expedient to do so.

Councillor White returned to the chamber at this point.

686. COUNCIL ASSETS MEMORANDUM OF UNDERSTANDING

The Council considered the report of the Director of Strategy and Resources setting out the intended steps to be taken by Maldon District Council (MDC) in collaboration with the NHS to explore solutions to house services anticipated to be displaced from St Peter's Hospital, Maldon and to update on discussions with Essex County Council (ECC) to explore a joint approach to assist the NHS in the short and long term.

The Chairperson drew Members' attention to a report circulated earlier that day and superseded the report previously published.

The Leader of the Council presented the report and explained its purpose was to ascertain what the Council wanted to do next, particularly when the NHS consultation end and the results are published. The Director of Strategy and Resources provided the Council with some further detail and explained the recommendations set out in the report.

A debate ensued, during which a number of Members spoke at length regarding the report and outlined their views in light of the ongoing discussions particularly in relation to the solutions for house services anticipated to be displaced from St Peter's Hospital.

It was noted that the Leader of Essex County Council had held a summit in March 2024 to explore the challenges facing the NHS and delivery of enabling key infrastructure. A follow-up summit was being planned for April 2024.

The Director of Strategy and Resources explained that within existing Officer delegations (business as usual) Officers could have discussions with partners and bring opportunities forward, such as they were doing through this report. The report sought delegation if further discussions / negotiations were to take place along with an understanding of Members' views. In response to questions the Leader of the Council provided the Council with an update on recent discussions with the NHS.

Following further debate Councillor J C Stilts proposed that the Council put everything on hold until the outcome of the NHS consultation and summit, following which Officers bring a report back to the Council for debate to see where the way forward was. This proposal was duly seconded.

The Chairperson moved the proposal in the name of Councillor Stilts, and this was duly agreed.

RESOLVED that following completion of the NHS Consultation and Essex County Council summit that a report be brought back to the Council for debate and to consider the way forward.

There being no other items of business the Chairperson closed the meeting at 9.30 pm.

K M H LAGAN
CHAIRPERSON