



**MINUTES of
COUNCIL
28 MAY 2024**

PRESENT

Chairperson Councillor K M H Lagan

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, A M Lay, W J Laybourn, N R Miller,
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, J C Stilts, N J Swindle,
M E Thompson, S White and L L Wiffen

67. CHAIRPERSON'S NOTICES

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

68. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Jennings and R G Pratt.

69. DECLARATION OF INTEREST

There were none.

70. PUBLIC QUESTIONS

There were none.

71. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson referred to the RideLondon event which had recently taken place in the District and how this had been a fantastic advertisement for the town of Maldon. The Organisers had been very impressed and the Chairperson looked forward to the event taking place next year.

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

There were none.

73. FIVE-YEAR HOUSING LAND SUPPLY

The Council considered the report of the Assistant Director – Planning and Implementation setting out the Council’s Five-Year Housing Land Supply (5YHLS) position for publication.

The Chairperson drew Members’ attention to a supplementary paper which had been circulated prior to the meeting setting out some minor amendments to both the report and Appendix.

The report provided detailed background information regarding the Maldon District 5YHLS methodology and how following review in 2023 the Council had concluded that the methodology for the 5YHLS calculations were robust if the decisions around what went into the supply were soundly backed by evidence. Further considerations and changes that had been taken into account when calculating the current 5YHLS were set out in the report. Appendix 1 to the report provided detailed evidence that the Council could demonstrate a supply of specific, deliverable sites sufficient to provide for 6.3 years’ worth of housing against the Council’s identified housing requirements.

Members noted that the 5YHLS had increased substantially since 2021 / 22 and the report set out the reasons for this.

In response to a question, the Head of Service - Planning Policy and Implementation advised that the 5YHLS would be valid for one year starting from the date of its publication.

The Chairperson moved the recommendations set out in the report. This was duly seconded and agreed by assent.

At this point Councillor W Stamp sought confirmation when Members would be receiving a briefing on the Local Development Plan Review and requested a Member briefing raising concerns that Members were not getting enough information at the appropriate time. She noted the change to the methodology detailed in the report and commended the Working Group for taking on board what Members had been saying regarding the 5YHLS and the challenge over what to include and not include. In response, the Head of Service advised that a Member briefing would be organised following discussions with the Working Group to agree this.

The Leader of the Council agreed with the comments raised and reiterated the importance that as more policies were defined these were presented to Members along with regular updates, when appropriate. A meeting would be scheduled in the next couple of months.

Councillor A S Fluker agreed with Councillor Stamp, referred to the dramatic drop in the strategic assessment number and how the location of houses was important, especially with regarding to education. He proposed that a confidential report be brought back to the Council, to avoid delays going back through the Working Group and then coming forward to the Council. This proposal was not supported.

In response to the comments raised, the Chairperson (as Chairperson of the Planning Policy Working Group) advised that it would be logical and timely to wait until the new Working Group had met on 11 June and then have dates circulated following that. He agreed that all Members needed to contribute and be brought up to date on the work that had been done. The Chairperson advised that the points raised by Councillor Fluker and Stamp would be recorded in the Minutes.

RESOLVED

- (i) That the briefing paper appended to the report at Appendix 1 and its accompanying spreadsheets (Appendix A) be endorsed as providing robust evidence that the Council can demonstrate a supply of specific, deliverable sites sufficient to provide for 6.3 years' worth of housing against the Council's identified housing requirements;
- (ii) That the Five-Year Housing Land Supply position be approved and published on the Council's website.

74. 2024 / 25 SCHEDULE OF MEETINGS

The Chairperson moved the proposed change to the Performance, Governance and Audit Committee due to take place on 20 June 2024, as set out on the Council agenda. This proposal was duly seconded and agreed.

RESOLVED that the Performance, Governance and Audit Committee meeting scheduled for 20 June 2024 be moved to Tuesday 18 June 2024.

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

Councillor S White referred to questions she had raised at the last Council meeting regarding the protection of trees in the District, the importance of nesting birds and how following agreement at the meeting she was still awaiting a response from the Leader of the Council. She asked the Leader if he would agree with her that protected characteristics, namely disabilities, should never be brought up in any Council business whatsoever. In response, the Leader of the Council advised that he had raised the questions from Councillor White with Officers and was awaiting a response, however as advised at that meeting, he did completely agree with Councillor White's position. The Leader agreed that there should be no raising of protective characteristics and expressed the importance to show respect and protect people's privacy. In response to a request from Councillor White to meet with the Leader regarding this matter, the Leader advised if Councillor White was to email him, he would be happy to meet with her.

Councillor A S Fluker referred to previous Motion he had raised regarding not going ahead with the affordable housing project in Heybridge, how the Motion was being dealt with by the Overview and Scrutiny Committee (O&S) and the time it was taking Officers to prepare a lessons learnt document. He asked the Leader of the Council if he would agree with him and help him get sight of this much needed document. In response the Leader of the Council reminded Members how he did not attend the O&S but was sure that the Chairperson and Vice-Chairperson of the O&S would take responsibility to ensure that items were reported in a timely matter so the Committee could scrutinise how that work took place. Councillor S J N Morgan, Chairperson of the O&S advised that he would be seeking to put forward an emergency meeting of the O&S and it was his intention to raise this matter at the same time.

Councillor W Stamp asked the Leader of the Council if he agreed with her that everybody in the opposition groups, Leaders, deputies and their members had worked extremely hard in the last municipal year. She felt the Leader should congratulate past Members who had worked tirelessly to put this Council in a better place. The Leader of the Council agreed with Councillor Stamp and commented how the Council was a different place, organisation, culture and atmosphere. He welcomed that the Groups had worked together along with the non-aligned Members, and they should all be proud

of what had been done, working together in the best interests of the Council and the District and how the longer this could continue the better it would be for everyone, including residents and Officers.

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

There was none.

77. 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 Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

In response to a question regarding the reasons for Agenda Item 12 – Levelling Up Culture Investment Plan being considered in private session, the Lead Legal Specialist and Monitoring Officer provided Members with information in respect of the private and confidential paragraph cited on the report, explaining how the projects were at very early stage and there were many people that could be considered stakeholders. In his professional opinion and due to the commercial sensitivities, the Officers advised that it was appropriate to consider the report in private session prior to any consultation taking place.

78. LEVELLING UP CULTURE INVESTMENT PLAN

Councillor M F L Durham declared a non-registerable interest in this item of business as he was Cabinet Member for the Arts, Heritage and Culture at Essex County Council, Chairman of Visit Essex and a Board Member of the Arts Council England South East Board.

The Council considered the report of the Levelling Up Delivery Board presenting the proposed Levelling Up Investment Plan (Appendix 1 to the report) and seeking agreement for it to be submitted to the Department of Levelling Up, Housing and Communities (DLUHC) by 3 June 2024.

Councillor J Driver, Chairperson of the Levelling Up Delivery Board presented the report and provided the Council with detailed information regarding the work undertaken and the projects set out in Appendix 1 to the report. The Director of Strategy and Resources thanked the Levelling Up Delivery Board for the thorough work it had done along with Officers, particularly the Lead Specialist Prosperity and Senior Project Manager

The Council then received a detailed presentation from the Lead Specialist Prosperity and Senior Project Manager.

Members were advised that when this fund was announced within the Governments Spring Budget 2024 it was specifically for culture funding and therefore the options for using the funding were limited. During the lengthy debate that ensued a number of questions were raised by Members and the Officers present provided detailed responses to them. This included information relating to the project operating costs, funding, consultation along with working in partnership with interested parties, the

modelling figures used in terms of the number of people using the projects, potential income and the proposed timeline.

Councillor A S Fluker raised some concern regarding recommendation (iii) particularly monitoring the spend. He proposed that recommendation (iii) be amended, and the Strategy and Resources Committee receive reports on a regular basis to monitor the spend in relation to the costs detailed. This proposal was duly seconded.

The Director of Strategy and Resources clarified that legislatively the monies had been passed by parliament but recognised that a new Government could make changes to that. In respect of the funding, he agreed that close monitoring was required and explained that this could not be capitalised until the asset had been released. The Interim Chief Finance Officer informed Members' that the Council wouldn't drawdown any monies until the DLUHC had accepted the investment fund.

Further detailed debate ensued. Councillor W Stamp asked that it be recorded that she did not agree with recommendation (iii) and felt it should be removed and an extraordinary meeting of the Council called to review the costs.

At this point the Leader of the Council highlighted the importance to see the opportunity that the proposed Levelling Up projects would offer.

The Chairperson then sought clarification from Councillor Fluker on the wording of his earlier proposal.

79. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 9:07pm to allow further clarification on the proposed amendment to recommendation (iii).

Councillors S White and L L Wiffen left the meeting at this point and did not return.

80. RESUMPTION OF BUSINESS IN CLOSED SESSION

RESOLVED that the extraordinary meeting of the Council resumed at 9:17pm in closed session.

81. LEVELLING UP CULTURE INVESTMENT PLAN CONTINUED

The Chairperson put recommendations (i), (ii) and (iv) to the Council and asked Councillor A S Fluker to clarify his earlier proposal in respect of recommendation (iii).

Councillor Fluker withdrew his earlier proposition and proposed that in respect of recommendation (iii) the Council agree costs of up to £400,000 subject to review once the business case had been agreed by the Department for Levelling Up, Housing and Communities (DLUHC). This proposal was not seconded. The Director of Strategy and Resources provided the Council with additional information regarding the £400,000 and confirmed that until such time as the investment plan was approved there would be no expenditure.

Following further discussion, the Chairperson moved each of the recommendations set out in the report.

Recommendation (i) was agreed, and Councillor E L Stephens asked that her dissent be recorded. Recommendation (ii) was duly agreed.

The Chairperson moved to recommendation (iii) and in accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote. This was duly seconded. The Chairperson put the vote and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, V J Bell, S J Burwood, J Driver, M F L Durham, A Fittock, J C Hughes, K M H Lagan, A M Lay, W J Laybourn, N R Miller, S J N Morgan, N G F Shaughnessy, R H Siddall, U G C Siddall-Norman, N D Spenceley, P L Spenceley, N J Swindle and M E Thompson.

Against the recommendation:

Councillors A S Fluker, L J Haywood, M G Neall, W Stamp, E L Stephens and J C Stilts.

Abstention:

Councillor D O Bown.

The Chairperson advised that recommendation (iii) was therefore agreed. He then moved recommendation (iv) and this was duly agreed.

RESOLVED

- (i) that the proposed Levelling Up projects set out in Appendix 1 to the report which will be submitted to the Department for Levelling Up, Housing and Communities for approval in the form of an investment plan be supported;
- (ii) that subject to (i) being agreed, it is noted that the investment plan will require further officer refinement and completion of due diligence up to the submission deadline of 3 June 2024;
- (iii) that costs of up to £400,000 can be incurred to fund the anticipated project delivery costs and a new earmarked reserve would be created for this purpose from the Council's General Fund balances and it is intended to capitalise this funding within the project budget where possible;
- (iv) that subject to (i) above, Members note that a request for budget provision will be included in the 2026 / 27 budget to meet the ongoing costs of maintaining and running the assets once developed.

82. CORPORATE STRUCTURE REVIEW

The Council considered the report of the Monitoring Officer presenting for consideration, the recommendations of the Working Group established at the Council meeting on 14 December 2023 regarding restructuring of the Tier 1 Leadership Team.

Members were reminded of the decisions made by the Council at its meeting on 15 February 2024. The report provided an update on the consultation process undertaken and the amendments made to the Pay Policy Statement 2024 / 25 (Appendix 1 to the report) and Political Restrictions Policy and Procedure (Appendix 2) to reflect the new structure. It was anticipated that the new structure would be live from January 2025. The Society of Local Authority Chief Executives and Senior Managers (SOLACE) would support with the recruitment for a Chief Executive (Head of Paid Service) and

Appendix 3 to the report contained an indicative timeline. Appendix 4 provided benchmarking data for the Chief Executive role.

The Leader of the Council presented the report to the Council and thanked officers from Essex County Council who were working through the process with the Council.

Councillor S J N Morgan advised that he did not support the proposed Chief Executive model and sought support from other Members in voting against the proposal.

During the debate that ensued the Leader of the Council provided further information regarding the proposed recruitment process and including the training that would be available to the Appointments Board.

The Lead Legal Specialist and Monitoring Officer clarified that for the Head of Paid Service (Chief Executive) post the Appointments Board would make a recommendation to the Council. In addition he provided detail of the two professionals that would support the Appointments Board.

Councillor A S Fluker proposed that the recommendations set out in the report be agreed. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor S J N Morgan requested a recorded vote. This was duly seconded. The Chairperson clarified that the Council would first vote on recommendation (i) and (vi) and then the remaining recommendations.

The Chairperson then moved recommendations (i) and (vi) and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, V J Bell, D O Bown, S J Burwood, J Driver, A Fittock, A S Fluker, L J Haywood, J C Hughes, K M H Lagan, A M Lay, W J Laybourn, M G Neall, N G F Shaughnessy, R H Siddall, U G C Siddall-Norman, N D Spenceley, P L Spenceley, W Stamp, E L Stephens and J C Stilts.

Against the recommendation:

Councillors M F L Durham, M R Miller, S J N Morgan and M E Thompson.

Abstention:

Councillor N J Swindle.

The Chairperson declared that recommendations (i) and (vi) were therefore agreed.

An amendment to recommendation (iii) was agreed to add the following to the recommendation "subject to the requirements of the constitution".

He then moved recommendations (ii), (iii) as amended, (iv), (v) and (vii) and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, V J Bell, D O Bown, S J Burwood, J Driver, A Fittock, A S Fluker, L J Haywood, J C Hughes, K M H Lagan, A M Lay, W J Laybourn, M G Neall, N G F Shaughnessy, R H Siddall, U G C Siddall-Norman, N D Spenceley, P L Spenceley, W Stamp, E L Stephens, J C Stilts and N J Swindle.

Against the recommendation:

None.

Abstention:

Councillor M F L Durham M R Miller, S J N Morgan, and M E Thompson.

The Chairperson declared that recommendations (ii), (iii), (iv), (v) and (vii) were therefore agreed.

RESOLVED

- (i) That following a formal consultation process with affected employees, the previous 'in principle' recommendations of a Chief Executive (Head of Paid Service (HoPS)) post and a post of Deputy Chief Executive in the place of three Directors is confirmed;
- (ii) That the amendments to the Pay Policy 2024 / 25 set out in Appendix 1 to the report are approved;
- (iii) That authorisation is given to engage an external specialist recruitment company to work alongside the Leader of the Council and Monitoring Officer to recruit into the two new vacancies arising from the new structure subject to the requirements of the constitution;
- (iv) That the costs of £26,000 associated with external specialist recruitment company to be funded from Council's Transformational Fund;
- (v) That the amendments to the Political Restrictions Policy set out in Appendix 2 to the report are approved;
- (vi) That subject to (i) above an increase to Salary Grade P is approved;
- (vii) That all constitutional documents are amended to remove the reference to Directors in place of the Chief Executive (HoPS) and/or Deputy Chief Executive at the point that each is in post is agreed.

There being no other items of business the Chairperson closed the meeting at 9.57 pm.

K M H LAGAN
CHAIRPERSON