



**MINUTES of
COUNCIL (EXTRAORDINARY)
30 JULY 2024**

PRESENT

Chairperson	Councillor K M H Lagan
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 Jennings, A M Lay, 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 L L Wiffen

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 D O Bown, M F L Durham CC, R Pratt and S White.

3. DECLARATION OF INTEREST

There were none.

4. PUBLIC QUESTIONS

In accordance with the Council's public speaking protocol, it was noted that the following question had been received from Mr David Sismey. Mr Sismey was in attendance and read his question out.

Question:

"Such was the huge impact of over 1100 new homes north of Heybridge, one of the key conditions imposed on the development when approved in 2019 was that the western end of the relief road would be complete and open to the public before 100 occupations on site. This was a planning condition imposed not by MDC but by the planning inspector on behalf of the Secretary of State and as the council knows, conditions can only be imposed if they are NECESSARY and ENFORCEABLE.

Most people are actually not against development. What people are against is councils failing to ensure that developments deliver the infrastructure and services necessary to support them - and in good time. The developer has had

5 years to build out this road and already failed to deliver it to haul road standard to support construction traffic towards the start of the project as originally committed.

As we rapidly approach the 100 occupations point, can the council please confirm that it will not let more than 100 occupations occur on this site until this part of the relief road has been completed and opened to the public? To fail to do so would not only illegitimately cast aside a decision made at a superior level in the planning system, it would also impose increasing traffic misery on local residents.”

The Leader of the Council then read out the following response which had been circulated prior to the meeting.

Response:

“According to the Council's Building Control records there have been 90 completions on the site and the Council has been informed that 77 are currently occupied, of those as far as the Council is aware 66 are paying council tax. Therefore, as it stands at present, the developer has not reached 100 homes occupied which triggers the planning condition about the relief road. I have received confirmation from the Council's Planning Enforcement team that they are aware of the condition and have already opened a planning enforcement case to ensure they can monitor the situation. Should a breach occur in respects of this matter, the Council will prioritise and investigate as required by its Planning Enforcement Policy. Presently, however, the developer is not in breach of any planning condition on the relief road.”

In addition, the Leader advised that if there was any breach, no matter the size of the development, the Council put priority into ensuring enforcement cases were investigated.

5. CHAIRPERSON'S ANNOUNCEMENTS

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

He then referred to Mr Quelch, Lead Legal Specialist and Monitoring Officer who was shortly retiring and thanked Mr Quelch for the support and advice he had given to him, as Chairperson, and how he would be sadly missed.

6. STRATEGY AND RESOURCES COMMITTEE - 25 JULY 2024

The Council considered the recommendations coming forward from the Strategy and Resources Committee held on 25 July 2024.

Treasury Management Outturn 2023 – 24

RESOLVED That the 2023 / 24 Treasury Outturn report (attached at Appendix 1 to the report) be reviewed for compliance purposes.

HR Policy Update

RESOLVED

- (i) That delegated authority be granted to the Head of Paid Service, in consultation with the Chairperson of the Strategy and Resources Committee, to approve statutory and procedural updates to Human Resources Policies and Procedures and the Council's Scheme of Delegation be updated accordingly;
- (ii) That the Strategy and Resources Committee receive half yearly reports detailing any changes made and use of the delegation.

7. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 18 JULY 2024

The Council considered the recommendations coming forward from the Performance, Governance and Audit Committee held on 18 July 2024.

Internal Audit – Strategic Fraud Risk Assessment

RESOLVED

- (i) That Members online training be recorded and reported upon in the same manner as it is for staff (reporting via the Performance, Governance and Audit Committee);
- (ii) That Members are offered the same level of support and assistance as staff enabling them access to online material in respect of online training.

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 Monday 22 July 2024 for which Minutes had been published.

9. MOTION FROM COUNCILLOR N J SWINDLE (MOTION 05/2024)

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. As this Motion related to a resolution made by the Council within the last six months Procedure Rule 12 was invoked and supported by the following Members of the Council:

- Councillors S J Burwood, J Driver, A Fittock, K Jennings, K M H Lagan, A M Lay, N D Spenceley, P L Spenceley, W Stamp and J C Stilts.

The Chairperson then asked Councillor Swindle to read out her Motion.

Councillor Swindle presented her Motion (as set out below) and duly seconded by Councillor P L Spenceley.

“That the council rescind the resolution to charge for energy use to tenants at Brickhouse Farm until 1st April 2025 due to the following reasons:

When council determined its strategy in March, no consultation with tenants had occurred as required by the strategy. Therefore, the council had not met its own requirement to work with partners who are using council-owned assets at discounted rates and who would be asked to evidence how they contribute to the council's corporate goals on an annual basis. In turn, this evidence was to be considered by the Strategic Assets Working Group which would then make recommendations to the Strategy and Resources Committee as appropriate.

No such consultation or recommendations have been undertaken and therefore none of the councils' partners have had the opportunity to provide such information to determine the benefits that they bring the council and the wider community so as to seek support from the council.

The current proposal of charging for energy by the square meter is also unfair as not all of the charities/users operate the same hours and therefore this is deemed as inequitable and has resulted in some of the partners being faced with large additional costs that cannot be budgeted for. In reality, this puts vital community services at risk. To make the use of energy exactly proportioned to each partner, individual circuit breaker meters should be installed (or similar technology) to meter the exact usage and therefore identify the exact use by each partner organisation."

The Chairperson advised that in accordance with Procedure Rule 4(3) he would referring the Motion to the Strategy and Resources Committee without debate.

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

There were none.

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

There was none.

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

13. APPOINTMENT OF CHIEF EXECUTIVE (HEAD OF PAID SERVICE)

The Council considered the report of the Monitoring Officer providing background information from the Appointments Board (the Board) on the appointment of a Chief Executive (Head of Paid Service (HoPS)). Following due process, the Board had made to two recommendations to the Council, set out in the report, for the appointment of a suitable candidate into the role.

It was noted that the role of Chief Executive held the statutory role of the HoPS and was recognised as the most senior person that had responsibility for the running of the

Council. Further detail regarding the role's responsibilities was set out in the report. A copy of the job description for this role was attached at Appendix 1 to the report.

The Leader of the Council presented the report and took Members through the process that had been followed, culminating in a meeting of the Board. It was noted that the Council had been supported by Solace, who had worked alongside the Leader and Lead HR Specialist, with an oversight from the Monitoring Officer to lead the recruitment campaign. The Leader outlined the work of the Board in this process and how the conclusions reached to make the recommendations now presented to the Council.

Following a brief debate, the Chairperson put the recommendations as set out in the report. This was duly seconded and unanimously agreed.

RESOLVED

- (i) That Mr Doug Wilkinson is appointed as Chief Executive and Head of Paid Service of the Maldon District Council;
- (ii) That on commencement date of the Chief Executive, the existing Head of Paid Service (HoPS) (Director of Service Delivery) ceases his duties in the statutory role of HoPS but retains the duties of Director of Service Delivery role in all other aspects.

There being no other items of business the Chairperson closed the meeting at 7.57 pm.

K M H LAGAN
CHAIRPERSON