



**MINUTES of
COUNCIL
12 SEPTEMBER 2024**

PRESENT

Chairperson	Councillor K M H Lagan
Vice-Chairperson	Councillor R G Pratt
Councillors	S J Burwood, J Driver, A Fittock, A S Fluker, L J Haywood, J C Hughes, A M Lay, W J Laybourn, 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 and M E Thompson

270. CHAIRPERSON'S NOTICES

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

271. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, D O Bown, M F L Durham CC, K Jennings, N R Miller, S White and L L Wiffen.

272. MINUTES - 11 JULY 2024

RESOLVED

- (i) that the Minutes of the meeting of the Council held on 11 July 2024 be received.

Minute No. 159 – Statement of the Leader of the Council

The Chairperson advised Members that the last sentence of the fifth paragraph of this Minute needed amendment and should read “The Liberal Democrat Group had worked together with the other Groups, and he believed this had been positive for the Council and hoped it would continue”. This amendment was noted.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Council held on 11 July 2024 be confirmed.

273. MINUTES - 30 JULY 2024 (EXTRAORDINARY)

RESOLVED that the Minutes of the extraordinary meeting of the Council held on 30 July 2024 be approved and confirmed.

274. DECLARATION OF INTEREST

There were none.

275. 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 who was in attendance and read out his question:

Question:

"The Draft Consultation Report regarding Medical Services being provided from St Peter's has been published. Over 5,544 people responded to the ICB of which 3945 were from Maldon. A further 1,500 from Maldon district responded via a letter from Sir John Whittingdale and over 6,000 signed a petition. The response is an over whelming rejection of all three proposals presented by the MSE ICB. On average 93% of people from Maldon believed the proposals were a bad or very bad idea, with only 3% thinking they were a good idea. Engaging with the ICB before the report is published is actively undermining the beliefs and actions of many 1000's of Maldon residents. Will the council commit to NOT engaging with the MSE ICB regarding relocation of services from St Peter's until AFTER the consultation report is published and the Council can consider the OFFICIAL results of the Consultation?"

In response the Leader of the Council advised how he had met with Mr Rogers and discussed the NHS consultation and health services in the District. How the Council recognised the importance of health services to the District and also recognised the strength of feeling from residents in the District. The Leader agreed with the concerns raised and explained how he wanted to ensure that the Council did not facilitate any kind of closure of services within the Maldon District along with any behaviour that would give advantage to the ICB (Integrated Care Board). He therefore felt it important that the Council did not engage with the ICB with regards to the relocation of these services.

The Leader referred to a recent press release he had issued in response to comments on social media regarding this subject. He confirmed that the Council was in no way talking to Essex County Council or the NHS about moving any of their services to this building, nor would the Council be accommodating the library. With regards to engaging with the ICB, the Leader referred to the urgent item of business on the agenda for this meeting which would form the approach of the Council and any dialogue it had with external partners.

276. 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.

The Chairperson then advised the Council that in accordance with the Procedure Rules he would be varying the order of business and moving the urgent item of business (Agenda Item 17) up the agenda to be considered next.

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

The Chairperson announced that in accordance with Section 100b(4) of the Local Government Act 1972 he had agreed to allow the Corporate Leadership Team to raise an urgent item of business.

URGENT BUSINESS - Authority to Engage with Partners on Future Provision of local Health Services

The Council considered the urgent report of the Corporate Leadership Team (CLT) seeking Members' authority to engage with key partners, including Essex County Council (ECC) and the NHS over the provision and possible local of health services, following conclusion of the recent public consultation regarding service provision at St. Peter's Hospital.

Councillor A S Fluker declared a non-registrable interest in this item of business as he was a frequent user of the hospital.

It was reported that at a recent Maldon Summit hosted by ECC discussions had focused on the work being undertaken by the NHS following its recent public consultation over service provision at St. Peter's Hospital. A formal response from the NHS on the consultation was due to be published at the end of the month. At the Summit the Leader of ECC had proposed that ECC and Maldon worked together to review land and property holdings.

The Director of Service Delivery presented the report, advising how CLT was seeking to establish if they should re-engage with the NHS and other key partners relating to the possible locations for the delivery of local health services. He explained that no delegation was being requested and no conclusion should be drawn about the future of St. Peters Hospital.

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

During the lengthy debate that followed, Members referred to the decision of the Council in March 2024 regarding the Hospital and raised a number of concerns regarding the report. The areas of discussion included:

- concern that the Council should not be involved in any decision regarding St. Peters Hospital as this was a matter for the NHS. However, some Members felt the Council should attend any related meetings on a listening brief.
- meeting the needs of residents in light of the recent growth in the District.
- the reduction in services at St. Peters hospital in comparison to services available in other areas of Essex.
- the formal results of the NHS consultation which included St. Peters Hospital not yet published.

Officers referred members to paragraph 3.3 of the report which set out the reason this matter was being brought back to the Council at this time.

The Leader of the Council agreed with the sentiments expressed by Members and how the Council needed to ensure that for the future the correct services were provided, working with partners at the correct time. He referred to the recent Maldon Summit that had been arranged by ECC and how it was essential that the correct infrastructure was provided in Maldon and included schools and roads as well as the

NHS. He asked Members to consider allowing him to have discussions with partners without agreeing for use of any of the Council's assets for services, as it was important for the Council to hear any discussions that the NHS might have with ECC.

Councillor W Stamp declared an interest as she had attended the Maldon Summit as an Essex County Councillor but advised she was attending this meeting in her capacity as a District Councillor.

Further lengthy debate ensued following which the Chairperson moved to the recommendations set out in the report. In light of the discussions the Chairperson proposed that recommendation (i) be amended to allow Officers and the Leader to attend on a listening brief and report back to the Council after the end of the Consultation. This proposal was not supported.

Councillor A S Fluker proposed that in respect of recommendation (i) the Leader of the Council and one other Member (he suggested the Deputy Leader of the Opposition) attend. This proposal was not supported.

Councillor A Fittock proposed that recommendation (i) be amended, and that Officers be authorised to engage with key partners including ECC and the NHS to assist in the retention of service at St Peter's Hospital site or an alternative bespoke community hospital. This proposal was not supported.

The Leader of the Council expressed concern about whether if the Council was minded not to agree the recommendations this could stop the Council having any other discussions with the NHS and suggested that recommendation (i) be amended to allow the Council to still have discussions with the NHS but not about the use of its building and services.

In accordance with Procedure Rule No. 13 (3) Councillor J C Stilts requested a recorded vote. This was duly seconded.

At this point and following the detailed discussion, the Chairperson advised that he would be moving each recommendation individually. He then moved recommendation (i) as set out in the report and the voting was as follows:

For the recommendation: There were none.

Against the recommendation:

Councillors M G Bassenger, 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, S J N Morgan, C P Morley, M G Neall, R G Pratt, 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, N J Swindle and M E Thompson.

Abstention: There were none.

The Chairperson declared that recommendation (i) was therefore not agreed. He then moved recommendation (ii) as set out in the report and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, J C Hughes, K M H Lagan, R H Siddall, W Stamp and E L Stephens.

Against the recommendation:

Councillors S J Burwood, J Driver, A Fittock, A S Fluker, L J Haywood, A M Lay, W J Laybourn, S J N Morgan, C P Morley, M G Neall, R G Pratt, N G F Shaughnessy, U G C Siddall-Norman, N D Spenceley, P L Spenceley, J C Stilts, N J Swindle and M E Thompson.

Abstention: There were none.

The Chairperson advised that recommendation (ii) was therefore not agreed.

Following advice from the Monitoring Officer, the Chairperson advised that recommendation (iii) did not need to be voted on. He thanked Members for their robust debate, Mr Rogers for his attendance and question and all those members of the 'Save our medical services' for the work they did.

278. 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 4 September 2024 for which Minutes had been published.

Motion from Councillor K M H Lagan (Motion 07/2024)

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.

Councillor K M H Lagan presented his Motion (as set out below) and duly seconded by Councillor J C Stilts.

“That the council makes budget provision in the 2024/2025 budget setting process and undertakes dredging works / mud cutting / bucket dredging from the area from the visitors berth at Maldon Quay and along to the end of the area used by the Barge Trust. This is so as to secure safe access to the quay by Maldon’s historic Barge fleet, support visiting barges and other types of vessels to the town, and secure safe moorings of the barge fleet at Maldon. That the council further provides a sufficient sum each year that accrues that is ring fenced for mud removal every 5 years to ensure that the access to the Quay is safely maintained at all times and funding is provided. Work to be carried out in liaison with all quay users and stakeholders”

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

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

There were none.

280. ADOPTION OF THE ESSEX WASTE STRATEGY

The Council considered the report of the Director of Service Delivery updating Members with the key results of the public consultation on the Essex Waste Strategy, carried out by Essex County Council (ECC) on behalf of all District, Borough and City Councils. The report clarified the amendments made following the consultation and

seeking Members' adoption of the Waste Strategy for Essex 2024 – 2054, attached as Appendix 1 to the report (the Strategy).

It was noted that ECC together with other Essex Councils had a legal duty to maintain a joint strategy for the management of waste. The Councils had worked together as the Essex Waste Partnership (EWP) to jointly develop a new Waste Strategy for Essex to comply with the legal duty. The report provided background information regarding the development of the Strategy, the consultation that had taken place along with the quantitative and qualitative findings and post consultation strategy amendments. A Strategic Environmental Assessment had been carried out and the Post Adoption Statement was attached at Appendix 2 to the report.

The Head of Environmental Health, Waste and Climate Action presented the report and provided the Committee with detailed information regarding the Strategy, the work undertaken by the EWP and the targets identified within the Strategy. It was noted that good response had been received to the ECC consultation on the Strategy and ECC and five other authorities had formally adopted it with another five (in addition to Maldon District Council) progressing the Strategy through their governance processes.

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

In response to the following discussion and questions raised, the Head of Environmental Health, Waste and Climate Action provided Members with additional information, including:

- Members were advised that the Strategy would not increase the budget implications. The majority of the services and the requirements of the new Strategy were already being delivered as part of the requirements placed on the Council by Central Government.
- There was a conflict in respect of climate ambitions, the Strategy set a climate net zero date of 2050 to match that set by Essex County Council. The Council had a target of 2030 and whilst this did not directly impact the Council's target it did need to consider how these different targets could be rationalised. This would be considered by the Officer and Member Net Zero Working Group.
- The Strategy would not result in a reduction in standards and was to be adopted across the whole of Essex. It contained some ambitious targets, and the Council would be looking at how these could be delivered going forward.
- Following adoption of the Strategy the Council would develop its own action plan to assess its priorities and challenges.
- It was clarified that Appendix 2 to the report was a supporting document used to test the Strategy and Members were being asked to note this. Officers were not committing the Council to a mode of delivery for its waste strategies going forward.
- In response to a question regarding ruling out any landfill by 2030, Officers highlighted a number of alternative methods of waste disposal which would shortly be operational. How the Council collected waste impacted on how ECC disposed of it and therefore the Council would be working with ECC to ensure the waste system operated efficiently.

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

RESOLVED

- (i) That the Waste Strategy for Essex 2024-2054 (Appendix 1 to the report) be adopted;
- (ii) that the Post Adoption Statement on the Strategic Environmental Assessment (Appendix 2 to the report) be noted.

281. DATA PROTECTION POLICY UPDATE

The Council considered the report of the Monitoring Officer seeking Members' consideration and adoption of the following policies:

- Data Protection Policy (Appendix 1 to the report)
- Processing of Special Category Data Policy (Appendix 2)
- Document Retention Policy (Appendix 3)

It was noted that the Council had a legal requirement to comply with the Data Protection Act 2019 and the policies appended to the report would demonstrate how the Council processed its data.

Following presentation of the report by the Lead Specialist: Legal and Monitoring Officer, the Chairperson thanked the Officer for her report and moved the recommendations set out in the report. This were duly seconded and agreed.

RESOLVED

- (i) That the Data Protection Policy attached at Appendix 1 to the report be approved;
- (ii) That the Processing of Special Category Data Policy attached at Appendix 2 to the report be approved;
- (iii) That the Document Retention Policy attached at Appendix 3 to the report be approved;
- (iv) That delegated Authority is given to the Assistant Director of Resources in consultation with the Data Protection Officer to make any operational changes to the retention periods contained within the Document Retention Policy.

282. MEDIUM TERM FINANCIAL STRATEGY UPDATE AND SAVINGS STRATEGY

The Council considered the report of the Chief Finance Officer informing Members of the updated Medium-Term Financial Strategy (MTFS) position and setting out the requirement to address the budget gap in 2025 / 26 and beyond.

The report provided background information regarding approval of the Council's 2024 / 25 budget and MTFS projections. Updated forecasts for the periods 2025 / 26 – 2026 / 27 were also set out within the report. It was noted that further work on the MTFS would be carried out over and presented to Members for consideration via the Finance Member Group before being brought back to the Strategy and Resources Committee. Members were advised that in order to address the projected budget gap action was required to identify savings.

Following presentation of the report by the Chief Finance Officer, the Chairperson moved the recommendation set out in the report. This was duly seconded.

In response to a number of questions, the Chief Finance Officer provided the following additional information:

- the report provided Members with an update of the work being undertaken, including any review of risks, new statutory obligations and decisions made since the last report.
- There were some staffing costs which were unavoidable to ensure delivery of statutory services.
- A balanced budget had been set for 2024 / 25 and a significant amount of work had been done with the Finance Member Group to ensure a balanced budget could be set. The Quarter One position for this year would be reported to the next meeting of the Strategy and Resources Committee and shows that the Council is projecting an underspend at this point in the financial year, with reserves and balances remaining healthy.
- As part of the budget process Officers would continue to review assumptions and any emerging pressures.

The Leader of the Council highlighted a key priority being the future of the Council including efficiencies and the need to make sure the Council was fit for the future. He noted that the Council continued to tackle issues together and commented on the importance of the Finance Member Group work.

The Chairperson then put the proposal to the Council which was duly agreed.

RESOLVED that the Medium-Term Financial Strategy position is noted and that a further update will be reported in December 2024.

283. NATIONAL PLANNING POLICY FRAMEWORK CONSULTATION RESPONSE

The Council considered the report of the Director of Service Delivery presenting the consultation response to the proposed changes to the National Planning Policy Framework (NPPF) (attached as Appendix A to the report). It was reported that the closing date for consultation responses was 24 September 2024.

It was noted that the Planning Policy Working Group had considered the proposed draft response and that the Council should use the opportunity to express its opinion on the proposed changes and the impact they could have on the District. The Chairperson referred Members to an addendum which was circulated prior to the meeting and proposed an amendment to Question 6 as set out in Appendix A.

The Head of Service - Planning Policy and Implementation presented the report and outlined the key effects the draft NPPF would have in relation to Maldon District Council. These included:

- changes to housing allocation calculations resulting in an increase in housing numbers, for Maldon it was indicated that the housing number could increase by 97%.
- the Council's Five-Year Housing Land Supply of deliverable sites for housing would drop below five-years which would mean that the 'tilted balance' became engaged in determining applications for housing.
- an impact on infrastructure such as the NHS, education, water, and transport.

- difficulty identifying from the consultation how the changes would be delivered.
- there was no indication if there would be funding for infrastructure within the proposed Government changes.

The Chairperson moved the recommendation set out in the report. This was duly seconded.

The Leader of the Council reassured Members that the District Council's Network Executive along with all political parties and North Essex Councils had produced robust responses to the proposals and Essex County Council was in the process of producing a response.

In response to a question, the Officer explained that the Council had a Local Housing Needs Assessment which set out the percentages and number of bedroom houses required on each development. At this present time, the Council needed more three-bedroomed houses. This document was currently up for review and as part of that review these figures would be revisited.

The Chairperson then moved the recommendation subject to the amendment as detailed in the addendum to the report and this was duly agreed.

RESOLVED that the consultation response to the draft National Planning Policy Framework (Appendix A to the report) be amended as per the addendum circulated and approved for submission to the Ministry of Housing, Communities and Local Government by the deadline.

284. RESPONSE TO ESSEX TRANSPORT STRATEGY PUBLIC CONSULTATION

The Council considered the report of the Director of Service Delivery presented the Council's recommended response (attached at Appendix 1 to the report) to the draft Essex Transport Strategy consultation.

The Essex County Council (ECC) Essex Transport Strategy is ECC's Statutory Plan known as their Local Transport Plan (LTP4) and would replace the existing LTP3 published in 2011. A public consultation started on 5 August for six weeks and sought response on Part 1 of the Strategy which focused on 'themes', 'outcomes', 'activities' and the proposed new 'place and movement approach' to road hierarchy.

It was noted that the prepared response from the Council was considered by the Planning Policy Working Group (PPWG) on 10 September 2024. Following consideration by the PPWG an additional response to question 20 was suggested and this had been circulated prior to the meeting as an addendum.

Following presentation of the report by the Principal Place Officer, the Chairperson put the recommendation, and this was duly seconded.

Councillor W Stamp expressed concern that the Strategy did not address the issues that the District had and she highlighted a number of areas in respect of this. Councillor Stamp requested that where the Council's response was 'agree' this should be changed to 'strongly agree'. This proposed change was duly agreed. In responding to Councillor Stamp, the Officer highlighted that this consultation sought response to Part 1 of the Strategy focusing on the 'framework' and Part 2, setting out area plans with a full programme of investment in these areas, was expected in early 2025.

During the debate that ensued, comment was raised regarding local bus services, particularly the reliability of bus services provided, and it was requested that within its response the Council referred to reliability of such services. In response the Officer advised that this could be added.

The Chairperson then moved the recommendation, subject to the amendments raised at the meeting and as detailed on the Addendum circulated. This was duly agreed.

RESOLVED that subject to the amendments as detailed above and in the circulated Addendum, the consultation response to the Essex Transport Strategy (Appendix 1 to the report) be approved and submitted online by the deadline.

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

Councillor J C Stilts referred to the recent problems with the payment machines in Butt Lane and White Horse Lane car parks and asking the Leader of the Council to assure the Council that this would be looked at by the Car Parking Working Group. In response, the Leader assured Members that this in terms of the reliability would be looked at by both Officers and the Working Group, especially in light of the issues caused when the machines went down over the weekend.

Councillor M G Bassenger asked the Leader if in light of the decision made earlier in this meeting whether the Council will have to review all its meetings with the NHS including the Health, Overview and Scrutiny Committee and Trust meetings. In response the Leader advised that he had messaged the Corporate Leadership Team regarding this and as a result of the earlier decision the Council would have to unpick every NHS meeting that it attends and if necessary, not attend those meetings.

Councillor A S Fluker asked the Leader of the Council if he would join him in thanking Mrs Longman for the enormous amount of work she had put into the Central Area Master Plan and the design code and note the importance of having local officers involved in the LDP review. He continued referring to a recent meeting of the Planning Policy Working Group where Members were asked to agree policy guidelines with regards to gypsy travelers and travelling showman and the potential of where these new site locations would be. Councillor Fluker asked the Leader if he agreed with him and rather than hold non-decision-making member briefings an update on the Local Plan review was brought to the Council as a matter of urgency and for the benefit of all Members so that they could look at the spatial planning, Healer and the call for sites. In response the Leader of the Council advised that he had requested briefings for all Members of the Council on the Local Plan as it was crucial to ensure that all Members were informed, and this was to be scheduled in an evening within the next month. If after this if Members felt there was the need and a decision was required a report could be brought forward to the Council.

There being no other items of business the Chairperson closed the meeting at 9.55 pm.

K M H LAGAN
CHAIRPERSON