



REPORT of CHIEF EXECUTIVE

**to
COUNCIL
16 FEBRUARY 2017**

RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL

1. PURPOSE OF THE REPORT

1.1 To present for the decision of the Council the recommendations of the Committees.

2. RECOMMENDATION

That Members consider the recommendations contained in Sections 4 - 7 of this report, with the exception of Minute No. 940 (section 7.3 of this report).

3. SUMMARY OF KEY ISSUES

3.1 Members are asked to note the following points in respect of recommendations contained within this report:

- Sections 5.1 (Minute No. 893), 6.1 (Minute No. 912) and 7.2 (Minute No. 938) – recommendations from the programme Committees to establish a Strategic Housing Board created from two Members of each of Committee.
- Section 7.3 (Minute 940) – Please note that these recommendations form part of the 2017 / 18 Budget and Medium Term Financial Strategy (Agenda Item 9 on this agenda) and are detailed in this report for information only.

4. JOINT STANDARDS COMMITTEE – 13 JANUARY 2017

4.1 [Web link to agenda, reports and Minutes for the above meeting](https://democracy.maldon.gov.uk/ieListDocuments.aspx?Cid=148&Mid=1184)
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?Cid=148&Mid=1184>

4.2 MINUTE 806 – REVIEW OF CONSTITUTION AFFECTING THE JOINT STANDARDS COMMITTEE

4.2.1 Minute Extract:

The Committee considered the report of the Monitoring Officer on possible revisions to its constitution.

In the light of comments made by Councillor S Nunn at and following the last meeting of the Committee it was considered that there is scope for looking at certain

aspects of the Council's constitutional arrangements so far as they affect the set-up of this Committee.

The constitution of the Committee, details of which were circulated at the meeting, was set out at the head of its terms of reference and general remit. In particular it provided that

- 7) The Chairman of the Committee shall be a Maldon District Councillor appointed at the Annual Meeting of the Council.
- 8) There will be one Vice-Chairman who shall be a Maldon District Councillor and shall be elected by the Committee.

The Committee noted that the above matters had occurred within the confines of the statutory annual meeting of the Council, albeit on adjournment to facilitate the holding of special meetings of the committees for this purpose and that in reality that was the first meeting of the Committee. This conformed to the overall constitutional arrangements of the Council as set out in Procedure Rules.

Councillor S Nunn asked that it be recorded that he believed that the constitution had been breached in that the Chairman of the Committee had not been appointed by the Council at its annual meeting and that the Vice-Chairman had not been elected by the Committee. He added that the implication of the reference to 'Joint' in the name of the Committee was that its members were of equal standing, and recognised the equal importance of Parish and Town Councils in the District.

Discussion ensued with particular reference to the potential involvement of the two Parish/Town Council Members in the chairmanship/vice-chairmanship decisions.

It was proposed by Councillor R G Boyce that in the interests of equality and fairness the two Parish representatives be invited to attend the first meeting of the Joint Standards Committee held at the statutory annual meeting of the Council. There was no seconder to this proposition.

It was then proposed by Councillor S Nunn and seconded by Councillor Rev A E J Shrimpton that every member of the Committee has equal rights to the election of Chairman and Vice-Chairman and that this is done at the first meeting of the Committee following the statutory annual meeting of the Council.

After some further and brief debate and clarification of the mechanism currently operated Councillor Shrimpton withdrew his seconding the above proposition.

Councillor Nunn then amended his proposition to refer to the same day as the statutory annual meeting of the Council and this was seconded by Councillor Mrs B F Acevedo. Upon being put to the meeting and a vote taken the proposition was agreed.

4.2.2 Committee recommendation:

That the Council agrees that the constitution of the Committee be revised to enable all its members to be party to the election of Chairman and Vice-Chairman of the

Committee and that this takes place on the same day as the statutory annual meeting of the Council.

4.3 **MINUTE 865 – ALLEGATION OF MISCONDUCT**

4.3.1 Minute Extract:

“The Committee then looked briefly at whether arising from this complaint any recommendation should be made regarding training. It was noted that although the complaint had not been viewed as either an equality or diversity issue all Members had been provided with training on this subject. Upon the proposition of Councillor R G Boyce the Committee agreed that it is...”

4.3.2 **Committee recommendation:**

That the Council endorses the proposal that all Members receive training on the Member/Officer Relations Protocol and the Councillor Code of Conduct and for any outcomes from the training be communicated to Parish and Town Councils.

5. **PLANNING AND LICENSING COMMITTEE – 19 JANUARY 2017**

[Web link to agenda, reports and Minutes for the above meeting](#)

5.1 **MINUTE 893 – PROPOSAL TO ESTABLISH STRATEGIC HOUSING BOARD**

5.1.1 Minute Extract:

The Committee considered the report of the Director of Customers and Community seeking Members’ agreement to establish a Strategic Housing Board. It was noted that the report was also being considered by the Community Services and Finance & Corporate Services Committees.

It was noted that the range of Housing issues for the Council had evolved and was not now principally concerned with Affordable Housing but were about meeting and managing all housing needs, and helping to turn Planning approvals into actual delivery. The proposal to set up of a Strategic Housing Board would assist in providing strategic direction to meet these objectives.

Councillor H M Bass proposed that Councillors E L Bamford and R G Boyce be the appointed Members from this Committee on the Strategic Housing Board. This proposal was duly seconded and upon a vote being taken agreed.

5.1.2 **Committee recommendation:**

- (i) that a Strategic Housing Board be created with Councillors E L Bamford and R G Boyce from this Committee along with two Members appointed from each of the other programme Committees with the intention that the Board would meet quarterly;
- (ii) that the Terms of Reference for the Board be agreed once established by its Members which will also include senior officers of the Council;

- (iii) that the fundamental purpose of the Strategic Housing Board would be to consider and advise relevant committees on the Council's strategic priorities and actions for meeting the need for affordable housing and the housing need of other groups in the District.

6. COMMUNITY SERVICES COMMITTEE – 24 JANUARY 2017

[Web link to agenda, reports and Minutes for the above meeting](https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=132&MId=1005)

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=132&MId=1005>

6.1 MINUTE 912 – PROPOSAL TO ESTABLISH STRATEGIC HOUSING BOARD

6.1.1 Minute Extract:

The Committee considered the report of the Director of Customers and Community on a proposal to establish a Strategic Housing Board. The report was also being considered by the other two programme Committees.

It was noted that the range of Housing issues for the Council had moved on and was not principally concerned with Affordable Housing. It was about meeting and managing all housing needs, and helping to turn Planning approvals into actual delivery. The setting up of a Strategic Housing Board would assist in providing strategic direction to meet these objectives.

6.1.2 Committee recommendation:

- (i) that a Strategic Housing Board be created with two Members appointed from each of the programme Committees with the intention that the Board will meet quarterly, that this Committee nominates Councillors Mrs B D Harker and B S Beale;
- (ii) that the Terms of Reference for the Board be agreed once established by its Members which will also include senior officers of the Council;
- (iii) that the fundamental purpose of the Strategic Housing Board will be to consider and advise relevant committees on the Council's strategic priorities and actions for meeting the need for affordable housing and the housing need of other groups in the District.

7. FINANCE AND CORPORATE SERVICES COMMITTEE – 31 JANUARY 2017

[Web link to agenda, reports and Minutes for the above meeting](https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=131&MIId=1028)

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=131&MIId=1028>

7.1 MINUTE 938 – PROPOSAL TO ESTABLISH STRATEGIC HOUSING BOARD

7.1.1 Minute Extract:

The Committee considered the report of the Director of Customers and Community seeking Members' agreement to establish a Strategic Housing Board. It was noted that the report had been considered by the Community Services and Planning & Licensing Committees.

It was noted that the range of Housing issues for the Council had evolved and was not now principally concerned with Affordable Housing but was about meeting and managing all housing needs, and helping to turn Planning approvals into actual delivery. The proposal to set up of a Strategic Housing Board would assist in providing strategic direction to meet these objectives.

Councillor B E Harker proposed that Councillor A S Fluker be one of the appointed Members from this Committee on the Strategic Housing Board. Councillor Fluker then proposed that Councillor Rev. A E J Shrimpton be the other appointed Member. These proposals were duly seconded and upon a vote being taken agreed.

7.1.2 Committee recommendation:

- (i) that a Strategic Housing Board be created with two Members appointed from each of the programme Committees with the intention that the Board will meet quarterly, that this Committee nominates Councillors A S Fluker and Rev. A E J Shrimpton;
- (ii) that the Terms of Reference for the Board be agreed once established by its Members which will also include senior officers of the Council;
- (iii) that the fundamental purpose of the Strategic Housing Board will be to consider and advise relevant committees on the Council's strategic priorities and actions for meeting the need for affordable housing and the housing need of other groups in the District.

7.2 MINUTE 939 – DRAFT TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY

7.2.1 Minute Extract:

The Committee considered the report of the Interim Director of Resources seeking Members' consideration and approval of the Council's draft Treasury Management and Annual Investment Strategy for 2017 / 18 (attached as Appendix 1 to the report). Supporting Treasury Management Practices were attached as Appendix 2 to the report.

The Treasury Management and Annual Investment Strategy had been updated in line with the statutory requirements and good practice, having regard to the Council's financial position, links to its wider strategies, plans and aims and the advice of the Council's Treasury Advisor.

7.2.2 Committee recommendation:

That the Treasury Management and Annual Investment Strategy together with the embedded Prudential Indicators for 2017 / 18, as set out in **APPENDIX 1** to this report, be approved.

7.3 MINUTE 940 – REVISED 2016 / 17 AND ORIGINAL 2017 / 18 BUDGET ESTIMATES AND COUNCIL TAX 2017 / 18

7.3.1 Members are advised that this matter is the subject of a separate report to the Council (Agenda Item 8) and therefore the information provided below is for information only.

7.3.2 Minute Extract:

The Committee considered the report of the Interim Director of Resources presenting the revised 2016 / 17 and original 2017 / 18 and future years General Fund Revenue Budget estimate and the Capital Programme for consideration and recommendation to the Council. The report also detailed the provisional Local Government Finance Settlement 2017 / 18 to 2019 / 20 announced by the Government in December 2016. Members' consideration was also sought on the proposed council tax increase for 2017 / 18 and the policy for the use of Reserves.

The report and associated appendices to the report outlined the following:

- the latest information on the provisional Local Government finance settlement 2017 / 18;
- revised General Fund revenue budget estimates 2016 / 17;
- budget growth, savings and income generation in 2017 / 18;
- Essex Region business rates pool to which no changes to the Pool membership had been notified;
- an update on the Pension funding following its revaluation in March 2016 and the deficit options considered;
- discretionary fees and charges, in accordance with policy agreed by the Council. A further update in respect of Land Charges fees was also detailed;
- the tax-base position;
- the Collection Fund surpluses / deficit position;
- the potential Council Tax referendum arrangements for 2017 / 18;
- the Council Tax requirement for 2017 / 18;
- General Fund balance and revenue reserves;
- proposed capital programme 2017 / 18 to 2020 / 21;

- an update on the Medium Term Financial Strategy (MTFS) to reflect the latest revenue budget position and indicated levels of Council Tax;
- risks to the Council's financial position.

The Interim Director of Resources presented the report and referred to the significant amount of work from both Officers and Members. Members were advised that the figures could still change as the final settlement (from the Government) had not yet been received. In particular, Members' attention was drawn to the proposed changes by the Government to the way it distributed New Homes Bonus (NHB) payments. The Interim Director of Resources reported that the Council had responded to a consultation on this matter as the change would mean that the Council would lose a significant amount of income.

Members noted the formal report of the Interim Director of Resources, in accordance with Section 15 of the 2003 Local Government Act, on the robustness of the budget and adequacy of reserves attached at Appendix 10 to the report.

The Chairman commended Officers for their hard work on the budget over the last few months. He then commended the budget and associated appendices to the Committee for recommendation to the Council.

In response to a question, it was clarified that there was not a separate report advising Members of the Supplementary Estimates and Virements approved during 2016 / 17 and detailed at paragraph 3.4.5 of the report. Members were advised that they had been agreed in accordance with the Council's procedures and included in the budgets detailed within the report. The Chairman requested that in the future all supplementary estimates and virements be reported by way of a separate report to this Committee. An additional recommendation was agreed to note the supplementary estimates set out within the report.

It was noted that the Planning Services fees and charges were set by the Government and there had been some indication of a further increase by the Government, which would be reported to the Council.

RESOLVED

- (i) that the Committee notes the main details of the Provisional Local Government Finance Settlement 2017 / 18 described in section 3.3 of the report;
- (ii) that the two Revenue Supplementary Estimates granted during 2016 / 17 as detailed in paragraph 3.4.5 of the report, be noted;

7.3.3 Committee recommendation:

- (iii) that the Council notes that Maldon District Council will continue to be a member of the Essex Business Rates Pool in 2017 / 18 on account of the financial benefit as described in section 3.6 of the report;

- (iv) that the decision to fund the Pension deficit in 2017 / 18 as described in section 3.8 of the report is noted;
- (v) that the following be approved:
 - (a) the Summary Revised 2016 / 17 and Original 2017 / 18 General Fund Revenue Budget Estimates (APPENDICES 2, 3 and 4 to the Minutes)
 - (b) an average Band D council tax of £187.37 (excluding parish precepts) (2.47% increase) for 2017 / 18 (APPENDIX 2 to the Minutes);
 - (c) the detailed Fees and charges for 2017 / 18 as set out in APPENDIX 5 to the Minutes;
 - (d) delegated authority be given to the Chief Executive and Interim Director of Resources in consultation with the Chairman of the Planning and Licensing Committee and the Chairman of the Finance and Corporate Services Committee to agree the land Charges fees and Charges for 2017 / 18;
 - (e) policies on the designated use of financial reserves (APPENDIX 6 to the Minutes);
 - (f) an increase in the minimum general fund working balance from £2,300,000 to £2,500,000 for 2017 / 18;
 - (g) an injection of £200,000 from General Reserves into the Repairs and Renewals Reserve at 31 March 2017;
 - (h) the Capital Programme for 2017 / 18 to 2020 / 21 (APPENDIX 7 to the Minutes);
- (vi) the prudential indicators set out in section 3.13.2 and 3.13.3 of the report on the Capital Programme and Prudential Code Indicators; and
- (vii) that the Council gives due regard to the Interim Director of Resources statement on the robustness of budgets and adequacy of reserves in APPENDIX 8 to the Minutes.

7.4 **MINUTE 943 – DISPOSAL OF PROPERTY**

7.4.1 Minute Extract:

The Committee considered the report of the Interim Director of Resources seeking consideration of options for retaining or disposing of a property at 99 Wood Road, Heybridge. A plan and photos of the property were detailed in Appendix 1 to the report.

Councillor A S Fluker proposed that that premises not be sold and the Council seeks a commercial letting agent. This proposal was not seconded.

Appendix 2 to the report set out indicative refurbishment costs to ensure the property met legislative requirements and was suitable to rent. The Chairman put to the Committee that if it was mindful to retain the property the setting up of a capital budget of £40,000 for refurbishments costs should also be approved. This was duly agreed. In response the Interim Director of Resources advised that the £40,000 would be included as part of the Council's Capital Budget for 2017 / 18, due to be considered by the Council at its next meeting. He also advised that a detailed budget programme for this would be brought forward to a future meeting of this Committee.

The Strategic Housing Manager clarified the advantage of letting the premises through a local Housing Association. This was noted.

Following further discussion, the Committee agreed that the premises be retained, refurbished and a rental income achieved.

RESOLVED

- (i) that the contents of the report be noted;
- (ii) that the premises at 99 Wood Road, Heybridge be retained, refurbished and a rental income continued to be received.
- (iii) that subject to (ii) above, the Interim Director of Resources in consultation with the Chairman of the Finance and Corporate Services Committee, and on the advice of a legal advisor and independent Valuer, be authorised to negotiate and enter into a legal agreement for an initial period of ten years to rent the premises at 99 Wood Road, Heybridge;

7.4.2 Committee recommendation:

That a budget of £40,000 for refurbishment of the premises at 99 Wood Road, Heybridge be included within the 2017 / 18 capital programme.

Background Papers: Previous related reports and Minutes to the above meetings.

Enquiries to: Fiona Marshall, Chief Executive, (Tel: 01621 875710).