



**MINUTES of  
COUNCIL  
7 SEPTEMBER 2017**

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**PRESENT**

Chairman	Councillor H M Bass
Vice-Chairman	Councillor N R Pudney
Councillors	J P F Archer, E L Bamford, B S Beale MBE, R G Boyce MBE, A T Cain, Mrs P A Channer, CC, I E Dobson, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, J V Keyes, Miss M R Lewis, R Pratt, CC, S J Savage, Mrs N G F Shaughnessy, Rev. A E J Shrimpton, D M Sismey, A K M St. Joseph and Miss S White

**374. CHAIRMAN'S NOTICES**

The Chairman drew attention to the list of notices published on the agenda.

**375. APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillor Mrs B F Acevedo, Miss A M Beale, M F L Durham CC, Mrs H E Elliott, P G Elliott, M W Helm, M R Pearlman and Mrs M E Thompson.

**376. MINUTES - 29 JUNE 2017**

**RESOLVED**

- (i) that the Minutes of the extraordinary meeting of the Council held on 29 June 2017 be received.

**Minute No. 211 – Disclosure of Interests**

Councillor S J Savage requested that his declaration of interest be amended as he was a single person and had spoken against having single bedroom properties as he felt these were antisocial.

**RESOLVED**

- (ii) that subject to the above amendment, the Minutes of the extraordinary meeting of the Council held on 29 June 2017 be confirmed.

**377. MINUTES - 13 JULY 2017**

**RESOLVED** that the Minutes of the meeting of the Council held on 13 July 2017 be confirmed.

### **378. DECLARATIONS OF INTEREST**

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 15 – Llys Helig Update advising that as the item of business was confidential he would provide details of his declaration when the Council got to that item of business.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council (ECC) and made specific reference to Agenda Item 10 – Essex Vision. She also declared an interest in Agenda Item 15 – Llys Helig Update relating to ECC and also advised of a further declaration she wished to make and sought clarification as to whether it should be declared in this part of the meeting or once the public and press had been excluded from the meeting. The Chairman confirmed that if declared in the private part of meeting this would be recorded in the Minutes.

Councillor R Pratt declared a non-pecuniary interest in relation to Agenda Item 10 – Essex Vision as he was an Essex County Councillor.

### **379. PUBLIC QUESTIONS**

There were none.

### **380. CHAIRMAN'S ANNOUNCEMENTS**

#### **(i) Long Services Award**

Chairman presented Mr Richard Holmes, Director of Customers and Community with a gift from the Council in recognition of his 40 years' service. The Chairman provided Members with a brief outline of the roles carried out by Mr Holmes during his time at the District Council. He outlined how Mr Holmes was a major asset and thanked him for his service to the Council.

In response, Mr Holmes thanked the Chairman and Members referring to the opportunities that the Council had given him over the years and highlighted the most memorable. Mr Holmes referred to the liveability project and the personal support he had received from Councillor R G Boyce and Mrs Peel and was proud to say he worked for Maldon District Council.

#### **(ii) Chairman's' announcements**

The Chairman advised that he had attended a number of events which are detailed below and thanked the Vice-Chairman for attending events on his behalf. He also thanked Councillor R G Boyce for representing him at the funeral of the Rt Reverent John Wraw.

15/07/2017	Woodham Walter Flower and Art Show
18/07/2017	Maldon Mayor's Italian and Opera Night <i>Vice-Chairman</i>
19/07/2017	Civic Luncheon - Lord Bishop of Chelmsford, Bishopsgate
22/07/2017	Launch of the 1st Burnham Parkrun <i>Vice-Chairman</i>
27/07/2017	Stay Safe for Summer event
03/08/2017	Essex Rural Skills Project
03/08/2017	meeting staff who were awarded Connect Well Champions
04/08/2017	Presentation of Portrait on the retirement of HM Lord Lieutenant of Essex
05/08/2017	Maldon District Council Chairman's Civic Reception, Wickham Bishops
07/08/2017	Launch of the Group Cycling Class - Blackwater Leisure Centre
07/08/2017	Funeral of Bishop of Bradwell, the Rt. Revd John Wraw <i>Councillor R G Boyce</i>
12/08/2017	Opening of the Military and Flying Machines event at Chigborough Lakes
13/08/2017	Steeple Vintage Gathering
17/08/2017	Visit to the Burnham-on-Crouch Tourist Information Centre
17/08/2017	Macmillan Cancer Support, Burnham-on-Crouch
21/08/2017	Community Police Launch <i>Vice-Chairman</i>
27/08/2017	Bell Meadow Day - Official Opening <i>Vice-Chairman</i>
03/09/2017	Maldon Town Council Merchant Navy Red Ensign Day Commemorative Service

At this point the Chairman made reference to Rule 8(4) – Content and Length of Speeches and how there was no provision for Members to make supplementary and points of clarification.

### **381. RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL**

#### **(a) REPORT OF THE CHIEF EXECUTIVE**

The Council considered the report of the Chief Executive presenting recommendations of Committees to the Council.

#### **Finance and Corporate Services Committee (25 July 2017)**

##### Minute 287 – Human Resources Policy and Procedure

**RESOLVED** that the Probation Policy and Procedure, attached to the report, be approved.

**(b) MINUTES OF MEETINGS OF COMMITTEES**

The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Tuesday 30 August 2017 for which Minutes had been published.

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

There were none.

**383. ESSEX VISION**

The Committee received the report of the Chief Executive updating Members on work that had been underway to develop a vision for Essex and presenting the vision adopted by Essex Partners in June 2017.

A high level document ‘the Future of Essex’ (attached as Appendix 1 to the report), had been put together to unite partners around a number of key ambitions and priorities development through extensive and wide ranging consultation. The report highlighted the work undertaken and contribution received that had fed into creating the vision. A road map highlighting ongoing work was set out at Appendix 2 to the report.

The Chief Executive clarified that this was not an Essex County Council strategy. It was noted that there would be an Essex assembly in mid-September to increase knowledge of and contribution to the Vision.

**RESOLVED** that the contents of the report be noted.

**384. BURNHAM-ON-CROUCH NEIGHBOURHOOD DEVELOPMENT PLAN**

The Council considered the report of the Chief Executive seeking Members agreement to ‘make’ the Burnham-on-Crouch Neighbourhood Development Plan (the Plan) and for it to become part of the Development Plan for the District. It was noted that once made the Plan would be given full weight when assessing planning applications which affected land covered by the Plan Area.

The report set out the results of the recent referendum on the Plan and the process and considerations required when making a Neighbourhood Development Plan. A copy of the decision statement which would be published once the Plan was made was attached as Appendix 1 to the report.

The Deputy Leader of the Council paid tribute to all those involved in the Plan making special reference to Ian Sisterson who had been instrumental in moving the Plan forward but had sadly recently passed away. Thanks were also paid to Councillor R Pratt and Town Councillor W Stamp who along with a number of others had worked on the Plan.

In response to a question, the Chief Executive advised that the Plan accorded with the Council’s Local Development Plan.

**RESOLVED** that the Burnham-on-Crouch Neighbourhood Development Plan be made in accordance with Section 28(A)(4) of the Planning and Compulsory Purchase Act 2004.

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

Councillor Miss S White asked the Deputy Leader if there was a risk to the Council following a recent upper tier tribunal ruling regarding Freedom of Information Act requests and the way they were handled by the Authority. In response the Deputy Leader advised that there were always risks attached to a decision from the Information Commissioner's Office. He reported that he along with the Leader would be meeting with the Chief Executive and Director of Resources to discuss the ruling.

Councillor S J Savage asked when the final draft of the Local Government Authority Peer Review would be available and when the Peer Review would be coming before the Council. The Deputy Leader advised that the Leader had been speaking with the Peer Review Team and going through the required process which would result in the Peer Review Team coming back to the Council.

Councillor I E Dobson advised that it had been a year since the Aquila site in Maldon had been cleared and he asked for an update on this. The Deputy Leader informed Members that there had been issues with the site but confirmation had been received from Aquila that work would be starting on 25 September and all works would be practicably completed by mid-August 2018. He noted that the development was anticipated to bring over 200 jobs.

Councillor B S Beale referred to the disappointing news in the local paper regarding St. Peters Hospital. He asked what the Council was going to do in respect of finding the information highlighted in the paper and when this would then be brought to the Council for debate. In response, the Deputy Leader provided an update following a recent meeting that had taken place (attended by Councillor N R Pudney) and assured Members that the Chief Executive was doing everything she could to bring this to the table. Any further updates would be sent to Members.

At this point in the meeting the Chairman allowed a short deferral of business in order for Mr Holmes to open the gifts he had been presented with. The Chairman also advised that he was not wearing his chain of office as it was currently being re-gilded and the engraving updated.

**386. 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 it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 of the Part 1 of Schedule 12A to the Act and that this satisfies the public interest test.

### **387. LLYS HELIG UPDATE**

Prior to the start of debate, Councillors S J Savage, Mrs P A Channer, N R Pudney and J P F Archer all declared non-pecuniary interests in this item of business. There was some discussion regarding declarations of interest and in response advice was provided by the Deputy Monitoring Officer.

The Council considered the report of the Director of Customers and Community updating Members on progress in resolving the capsized vessel known as Llys Helig berthed on the foreshore in Burnham-on-Crouch.

Councillor A S Fluker proposed that recommendation (iii) be amended to read "...report back to the Leader and Deputy Leader of the Council on an ongoing basis and to the next meeting...". This proposal was duly seconded.

The Council received a further update from the Director of Customers and Community. A number of concerns were raised regarding the current status of the vessel.

A lengthy debate ensued, during which questions were raised and various information provided by Officers. Councillor R G Boyce proposed that the recommendations set out in the report, with the proposed amendment to recommendation (iii) be agreed. This proposal was duly seconded.

Following further debate Councillor Fluker proposed that the recommendations (i) and (ii) be agreed, recommendation (iii) be amended in accordance with his earlier proposition and a further recommendation (iv) be added to request that the Council proceeds to obtain a licence from the Crouch Harbour Authority to remove the wreck and starts a formal procurement process to achieve a quote to allow for removal to be progressed. This was duly seconded and upon a vote being taken was agreed.

#### **RESOLVED**

- (i) that Members note the update on the Llys Helig and the actions being taken to recover debt;
- (ii) that Members note the joint work with the Crouch Harbour Authority using their powers to remove the wreck of the Llys Helig if the owner fails in his attempts to take action;
- (iii) that Officers report back to the Leader and Deputy Leader of the Council on an ongoing basis and to the next meeting of the Council (or sooner if necessary) on progress to resolve the situation;
- (iv) that the Council proceeds to obtain a licence from the Crouch Harbour Authority to remove the Llys Helig and starts a formal procurement process to achieve a quote to allow for removal to be progressed

### **388. RESUMPTION OF BUSINESS IN OPEN SESSION**

The Chairman advised that he would reconvene the meeting in open session to allow for declarations of interest to be heard. This was duly seconded and agreed.

**RESOLVED** that the meeting resumes in open session.

**389. DECLARATIONS OF INTEREST**

At this point Councillor S J Savage declined to make any declaration as he felt he would be breaching confidentiality.

Councillor N R Pudney declared a non-pecuniary interest as he sat on the Crouch Harbour Authority as a representative for Burnham-on-Crouch Town Council.

Councillor J P F Archer declared that he sat on the Crouch Harbour Authority.

Councillor Mrs P A Channer sought clarification on the process as to whether her earlier declaration under the confidential part of the meeting was negated and she made reference to having sought guidance on this matter at the start of the meeting. In response the Deputy Monitoring Officer advised that original declarations were negated and Councillor Mrs Channer was therefore able to make a fresh declaration.

Councillor Mrs Channer advised how she felt she had been put in a position to declare and raised concern that this would prejudice her. She then declared that she had been appointed to the Crouch Harbour Authority by the Kent and Essex Inshore Fisheries and Conservation Authority (KIFCA) and that she sat on KIFCA as appointed by Essex County Council.

There being no further items of business the Chairman closed the meeting at 8.45 pm.

H M BASS  
CHAIRMAN