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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

31 August 2016

Dear Councillor

You are summoned to attend the;

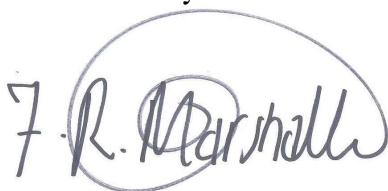
MEETING OF THE MALDON DISTRICT COUNCIL

on **THURSDAY 8 SEPTEMBER 2016 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a large, hand-drawn oval.

Chief Executive

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AGENDA COUNCIL

THURSDAY 8 SEPTEMBER 2016

1. Chairman's notices (see page 4).
2. Apologies for absence.
3. To confirm the Minutes of the meeting of the Council held on 14 July 2016 (copy enclosed). (Pages 5 - 25)
4. To confirm the Minutes of the extraordinary meeting of the Council held on 11 August 2016 (copy enclosed). (Pages 27 - 42)

5. **Declarations of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6 - 8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

6. **Public Questions** (Pages 43 - 44)

To receive questions from members of the public, of which prior notification in writing has been received (no later than noon on the Tuesday prior to the day of the meeting).

7. **Chairman's Announcements**

8. Questions in accordance with Procedure Rule 6 (3) of which notice has been given

9. **Recommendations of Committees for Decision by the Council** (Pages 45)

- (i) To consider the report of the Director of Resources (copy enclosed).

(ii) **Minutes of meetings of Committees**

To note that since the last meeting of the Council, up until Wednesday 31 August (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6(2).

Minutes published:

Central Area Planning Committee	29 June 2016
Community Services Committee	5 July
North Western Area Planning Committee	11 July
Licensing Sub-Committee	13 July
Council	14 July
South Eastern Area Planning Committee	18 July
Overview and Scrutiny Committee	20 July
Finance and Corporate Services Committee	27 July
Planning and Licensing Committee	4 August

North Western Area Planning Committee	8 August
Council (extraordinary)	11 August
South Eastern Area Planning Committee	15 August

Minutes NOT finalised for publication:

Central Area Planning Committee	24 August 2016
Community Services Committee	30 August

10. **Corporate Projects** (Pages 47 - 61)

To consider the report of the Director of Customers and Community (copy enclosed).

11. **Car Parking Update** (Pages 63 - 69)

To consider the report of the Director of Customers and Community (copy enclosed).

12. **Committee Structure Review - Terms of Reference** (Pages 71 - 85)

To consider the report of the Director of Resources (copy enclosed).

13. **Corporate Governance Working Group - Terms of Reference** (Pages 87 - 91)

To consider the report of the Corporate Governance Working Group (copy enclosed).

14. Questions to the Leader of the Council in accordance with Procedure Rule 1 (3) (m)

15. Business by reason of special circumstances considered by the Chairman to be urgent.

16. **Exclusion of the Public and Press**

To resolve 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 Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

17. **Insurance Contract Award** (Pages 93 - 97)

To consider the report of the Director of Resources (copy enclosed).

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

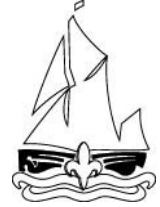
In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.



**MINUTES of
MALDON DISTRICT COUNCIL
14 JULY 2016**

PRESENT

Chairman	Councillor P G L Elliott
Vice-Chairman	Councillor H M Bass
Councillors	Mrs B F Acevedo, E L Bamford, B S Beale MBE, R G Boyce MBE, CC, R P F Dewick, M F L Durham, Mrs H E Elliott, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, M W Helm, J V Keyes, Miss M R Lewis, M R Pearlman, R Pratt, N R Pudney, S J Savage, D M Sismey, Mrs M E Thompson and Miss S White

269. CHAIRMAN'S NOTICES

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

270. APOLOGIES FOR ABSENCE

Councillors J P F Archer, Miss A M Beale, Mrs P A Channer CC, A T Cain, I E Dobson, C A R MacKenzie, A K M St. Joseph and Rev. A E J Shrimpton.

271. MINUTES - 8 MAY 2016

RESOLVED that the Minutes of the Statutory Annual meeting of the Council held on 8 May 2016 be received and adopted.

272. MINUTES - 19 MAY 2016

RESOLVED that the Minutes of the extraordinary meeting of the Council held on 19 May 2016 be received and adopted.

273. DISCLOSURE OF INTEREST

Councillor M S Heard declared a non-pecuniary in relation to Agenda Item 13 – Planning Application FUL/MAL/15/00285 – Cooks Boatyard, The Hythe, Maldon as he knew the applicant and made reference to his other official capacity.

Councillor S J Savage declared a non-pecuniary interest in relation to Agenda Item 13 – Planning Application FUL/MAL/15/00285 – Cooks Boatyard, The Hythe, Maldon as he knew the applicant.

Councillor A S Fluker declared that in the interest of openness and transparency and in relation to Agenda Item 13 – Planning Application FUL/MAL/15/00285 – Cooks Boatyard, The Hythe, Maldon he was a Maldon Harbour Improvement Commissioner.

274. PUBLIC QUESTIONS

There were none.

275. INTERNAL AUDIT COMMITTEE STRUCTURE

The Council received a presentation from the Internal Audit Manager, Mr Dulay from BDO LLP outlining a review being led by BDO with support from the Centre for Public Scrutiny on the Council's Committee Structure. Members were advised that the review process would engage with Members and would be a Member led process empowering and engaging them throughout.

During the presentation Mr Dulay explained in detail the purpose and benefits of the review, the process to ensure engagement with Members and how any recommendations with suggested improvements would be brought back to the Council for consideration.

In response to questions, Mr Dulay advised that as part of the review they would be looking at whether the voice of residents was represented within the current structure. He also clarified that although it was likely that the estimated 12 days for the audit would be insufficient the cost of the review would be met from the budget.

The Chairman thanked Mr Dulay for his informative presentation.

276. 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 drew particular attention to the Royal Garden Party, Armed Forces Day and the Cabbies Day.

15/05/2016	Service to Celebration HM The Queen's 90th Birthday, Chelmsford Cathedral (<i>Vice-Chairman</i>)
16/05/2016	Maldon Town Council Annual Meeting
17/05/2016	Alzheimers Society Concert , Chelmsford Cathedral (<i>Vice-Chairman</i>)
24/05/2016	Royal Garden Party
02/06/2016	Health and Wellbeing Roadshow
04/06/2016	Official Opening of the Crouch Ridge Vineyards (<i>Vice-Chairman</i>)

05/06/2016	Mayor of Havering's Summer Concerts
10/06/2016	High Sheriff's Garden Party
11/06/2016	Special Constabulary Muster Parade, Essex Police Headquarters
11/06/2016	Braintree Service of Celebration, HM The Queen's 90th Birthday (<i>Vice-Chairman</i>)
12/06/2016	Mayor of Maldon's Afternoon Tea - Commemoration of Her Majesty The Queen's 90th Birthday Celebrations) (<i>Vice-Chairman</i>)
13/06/2016	Mayor of Basildon Annual Civic Service
16/06/2016	Best in Essex Event - Sub-Zero and Wolf Showroom (<i>Vice-Chairman</i>)
17/06/2016	Maldon Arts Club Exhibition
17/06/2016	Roaring 20s Tea Party - Elm Croft Care Home (<i>Vice-Chairman</i>)
22/06/2016	Maldon District and East Essex Scouts Council AGM (<i>Vice-Chairman</i>)
25/06/2016	Armed Forces Day
26/06/2016	Civic Service, Burnham Town Council
30/06/2016	Quadcopter National Finals - Stow Maries Aerodrome
01/07/2016	Plume School PE Awards
02/07/2016	Mayor of Havering's Charity Ball
03/07/2016	Burnham Town Council Commemorative Ceremony - Centenary of the Battle of the Somme
06/07/2016	The East London Cabbies Day Reception - Plume School
06/07/2016	Rural Community Council for Essex Annual General Meeting
07/07/2016	Launch of SB Blue Mermaid (<i>Vice-Chairman</i>)
10/07/2016	Rochford Garden Party (<i>Vice-Chairman</i>)
10/07/2016	Burnham-on-Crouch Town Council Annual Civic Service and Dinner
12/07/2016	Lunch with Bishop of Bradwell

The Council were reminded of the 'Member of Staff of Year' award presented for the first time last year. The Chairman advised that he wished to present the award again this year and requested Members to forward any nominations to Cally Darby for collation.

277. MINUTES OF THE SPECIAL MEETINGS OF COMMITTEES - 8 MAY 2016

The following amendments to these Minutes were noted:

- Overview and Scrutiny Committee, Minute 36 Election of Chairman should refer to Councillor M S Heard as detailed in the resolution;
- South Eastern Area Planning Committee should refer to Councillor P G L Elliott as presiding Chairman.

RESOLVED

- (i) that the Minutes of the special meeting of the Finance and Corporate Services Committee held on 8 May 2016 be received and adopted.
- (ii) that the Minutes of the special meeting of the Community Services Committee held on 8 May 2016 be received and adopted.
- (iii) that the Minutes of the special meeting of the Planning and Licensing Committee held on 8 May 2016 be received and adopted.
- (iv) that subject to the above amendment, the Minutes of the special meeting of the Overview and Scrutiny Committee held on 8 May 2016 be received and adopted.
- (v) that the Minutes of the special meeting of the Audit Committee held on 8 May 2016 be received and adopted.
- (vi) that the Minutes of the special meeting of the Joint Standards Committee held on 8 May 2016 be received and adopted.
- (vii) that the Minutes of the special meeting of the Investigating and Disciplinary Committee held on 8 May 2016 be received and adopted.
- (viii) that the Minutes of the special meeting of the Central Area Planning Committee held on 8 May 2016 be received and adopted.
- (ix) that the Minutes of the special meeting of the North Western Area Planning Committee held on 8 May 2016 be received and adopted.
- (x) that subject to the above amendment, the Minutes of the special meeting of the South Eastern Area Planning Committee held on 8 May 2016 be received and adopted.

278. MINUTES OF NORTH WESTERN AREA PLANNING COMMITTEE - 16 MAY 2016

RESOLVED that the Minutes of the meeting of the North Western Area Planning Committee held on 16 May 2016 be received and adopted.

**279. MINUTES OF SOUTH EASTERN AREA PLANNING COMMITTEE
- 23 MAY 2016**

RESOLVED

- (i) that the Minutes of the meeting of the South Eastern Area Planning Committee held on 23 May 2016 be received.

Minute 90 – Declaration of Interest

It was noted that Councillors Mrs B F Acevedo and R Pratt had also declared interests in relation to Agenda Item 7 - FUL/MAL/16/00147 – High House Farm, Old Heath Road, Southminster, which had been omitted from the Minutes.

Councillor A S Fluker advised that his declaration was not as recorded as it has been made in the interest of openness and transparency.

Councillor R P F Dewick, Chairman of the Committee agreed with these matters, advising that the Minutes would be corrected at the Committees next meeting.

RESOLVED

- (ii) that subject to the above amendments, when confirmed, the Minutes of the meeting of the South Eastern Area Planning Committee held on 23 May 2016 be adopted.

280. MINUTES OF COMMUNITY SERVICES COMMITTEE - 24 MAY 2016

RESOLVED that the Minutes of the meeting of the Community Services Committee held on 24 May 2016 be received and adopted.

281. MINUTES OF CENTRAL AREA PLANNING COMMITTEE - 1 JUNE 2016

RESOLVED that the Minutes of the meeting of the Central Area Planning Committee held on 1 June 2016 be received and adopted.

282. MINUTES OF PLANNING AND LICENSING COMMITTEE - 2 JUNE 2016

RESOLVED

- (i) that the Minutes of the meeting of the Planning and Licensing Committee held on 2 June 2016 be received.

The Council received the Committees recommendation on the following matter.

Minute 140 – Terms of Reference and Scheme of Delegation Update – Temporary Road Closures

RESOLVED

- (ii) that the power to approve temporary road closures and the making of orders under section 21 of the Town Police Clauses Act 1847 is transferred from the Planning and Licensing Committee (to Environment Services Manager) to the Community Services Committee and exercisable by the Director of Customers and Community.

RESOLVED

- (iii) that subject to the above decision, the Minutes of the meeting of the Planning and Licensing Committee held on 2 June 2016 be adopted.

283. MINUTES OF OVERVIEW AND SCRUTINY COMMITTEE - 8 JUNE 2016

RESOLVED

- (i) that the Minutes of the meeting of the Overview and Scrutiny Committee held on 8 June 2016 be received.

Minute 149 – Chairman’s Notices

It was noted that Councillor Pudney was welcomed by the Chairman to the meeting, not as minuted.

Minute 157 – 2016 / 17 Work Programme

In response to a comment regarding the reduction of beds at St. Peter’s Hospital, Councillor M S Heard, Chairman of the Overview and Scrutiny Committee advised that this was included on the Programme of Work for 2016 / 17.

RESOLVED

- (ii) that subject to the above amendments, when confirmed, the Minutes of the meeting of the Overview and Scrutiny Committee held on 8 June 2016 be adopted.

284. MINUTES OF NORTH WESTERN AREA PLANNING COMMITTEE - 13 JUNE 2016

RESOLVED that the Minutes of the meeting of the North Western Area Planning Committee held on 13 June 2016 be received and adopted.

**285. MINUTES OF FINANCE AND CORPORATE SERVICES COMMITTEE
- 14 JUNE 2016**

RESOLVED

- (i) that the Minutes of the meeting of the Finance and Corporate Services Committee held on 14 June 2016 be received.

The Council received the Committees recommendations on the following matters.

Minute 185 Replacement Van for Waste and Street Scene Team

RESOLVED

- (ii) that a capital programme of £12,000 be established for 2016 / 17 funded by the underspend in the capital programme established for the waste contract.

Minute 187 – Setting Fees for the Maldon District Design Review Panel

RESOLVED

- (iii) that the Council creates a suite of documents to be made available to applicants, and that applicants be signposted to the Design Review Panel should the Council wish to recommend advice to a developer, without the Panels advice being binding.

Minute 190 – Use of Sound Recording Equipment at Meetings Protocol

RESOLVED

- (iv) that the revised Draft Protocol for the Use of Sound Recording Equipment at Council Meetings (Appendix 1 to the Minutes of the Finance and Corporate Services Committee), be agreed.

Minute 194 – Financial Regulations

Councillor D M Sismey, Chairman of the Finance and Corporate Services Committee, outlined the Committees recommendation in respect of a change to financial regulations and proposed that this be further amended to include the Leader and Deputy Leader of the Council. This was duly seconded and agreed.

RESOLVED

- (v) that section 1.3 (The financial limits for approval of revenue virements and revenue supplementary estimates) of the Financial Regulations be amended as set out below:
 - (i) Up to £50,000 –Director of Resources in consultation with the Chairman of the Finance and Corporate Services Committee, Leader and Deputy Leader of the Council and reported to the next Finance and Corporate Services Committee;

- (ii) Over £50,000 – the Finance and Corporate Services Committee.

NB One of the Council's budget policies is to only agree supplementary estimates in exceptional circumstances.

In light of his earlier declaration Councillor Sismey left the chamber at this point and the following Minute was presented by Councillor A S Fluker, Member of the Finance and Corporate Services Committee.

Minute 193 – Annual Treasury Outturn Report 2015 / 16

RESOLVED

- (vi) that annual Treasury Management Report for 2015 / 16 attached Appendix 2 to the Minutes of the Finance and Corporate Services Committee is approved.

Councillor Sismey returned to the chamber.

RESOLVED

- (vii) that subject to the above decisions, the Minutes of the meeting of the Finance and Corporate Services Committee held on 14 June 2016 be adopted.

286. MINUTES OF SOUTH EASTERN AREA PLANNING COMMITTEE - 20 JUNE 2016

RESOLVED

- (i) that the Minutes of the meeting of the South Eastern Area Planning Committee held on 20 June 2016 be received.

Minute 201 – Disclosure of Interest

Councillor R P F Dewick advised that his declaration should refer to "...this application due to a *previous* business relationship...". This was noted.

RESOLVED

- (ii) that subject to the above amendment, the Minutes of the meeting of the South Eastern Area Planning Committee held on 20 June 2016 be adopted.

287. MINUTES OF AUDIT COMMITTEE - 27 JUNE 2016

RESOLVED

- (i) that the Minutes of the meeting of the Audit Committee held on 27 June 2016 be received.

The Council received the Committees recommendations on the following matter.

Minute 220 – Audit Committee Terms of Reference

RESOLVED

- (ii) that the revised Audit Committee Terms of Reference attached at Appendix 1 to the Minutes of the Audit Committee, be agreed.

RESOLVED

- (iii) that subject to the above decision, the Minutes of the meeting of the Audit Committee held on 27 June 2016 be adopted.

288. STATEMENT OF THE LEADER OF THE COUNCIL

The Chairman referred to Procedure Rule 1(11) which stated that a Leaders speech should not exceed 15 minutes except in exceptional circumstances. He advised that he did not feel that 15 minutes was enough time and therefore used his discretion to extend that time.

Councillor Miss M R Lewis, the Leader of the Council, made a Statement (attached at **APPENDIX 1** to these Minutes) setting out the Council's report and programme for the current municipal year. She then commended this to the Council.

The Leader of the Opposition, Councillor B S Beale, thanked the Leader of the Council for an advance copy of her Statement and the opportunity to respond. He then made reference to a number of points outlined in the Leaders' speech including:

- Government Funding – He highlighted that the Government had indicated that it would be cutting back on austere measures and the importance of identifying extra funding that may be available for the Council.
- Aging demographics – He questioned where the figure referred to by the Leader that 99% of the population was 65 years and over and from what date this applied.
- Partnership Working – Councillor Beale agree that the Council could achieve more through partnership working. Making reference to hospitals and ward being shut, he commented it was essential to ensure that the concerns, needs and views of local people were being addressed. Councillor Beale made particular reference to the lack of communication between the Council, NHS England and the local Clinical Commissioning Group and how this could lead to frustration from local residents.
- Queen's Birthday – Councillor Beale expressed his congratulations on the recent celebrations that took place around the District.
- Waste Collections – He commented on the need to ensure that missed collections were addressed swiftly as they impacted on local communities.
- Rural Allocation – Councillor Beale felt this was one of the most important things for rural communities and the Council had to look carefully at this as they could have a greater impact on social and family lives in District.

- Housing need – He highlighted the need to provide proper infrastructure and made particular reference to improvements to roads and local healthcare.

Councillor Beale concluded referring to the Government and the need for the Council to do more to ensure that its voice was heard.

In response, the Leader of the Council provided detailed information in relation to the points raised which included:

- Members would be circulated a copy of the Essex County Council Demand and Cost Pressure analysis document as soon as it was available.
- advising that the Council was hoping to do more work with NHS England. She commented that it had been recognised at the recent Local Government Association Conference that in order to be effective Local Enterprise Partnerships needed to be coterminous with authorities coming forward from devolution deals. It was also recognised by the head of the NHS that with the new health and social care agenda the NHS structure had to be congruous.
- Providing new homes rather than adaptations for elderly and disabled persons was not a cheap option but a personal option as many people did not want to move etc.
- The Leader made reference to Centre of Excellence for Care, advising that this had been considered by the Planning and Licensing Committee and become part of a LEP growth fund to which this Council had made two bids one in relation to North Heybridge Flood Alleviation and the other on Centre of Excellence. She also made reference to potential further funding to the Environment Agency to help in this area which was due to be announced shortly.

The Leader of the Council thanked Councillor Beale for his comments.

Councillor R G Boyce declared a non-pecuniary interest in this item of business as an Essex County Councillor and Member of an Almshouse Trust.

At this point other Members commented on the Leaders' speech. In response to particular questions the Leader of the Council provided Members with additional information regarding:

- the recent Referendum Count;
- flexibility for homes for the elderly;
- on the shelf projects.

In response to comments regarding waste credits, the Leader referred to Councillor M F L Durham who provided the Council with further information regarding this and how they related to the new waste contract.

The Chairman commended the Leader on her excellent speech and referred to his earlier comment regarding Procedure Rule 1(11) explaining the reason he had used his discretion to increase the time allowed. He put to Members that the Council may wish to consider whether 15 minutes is long enough and suggested that perhaps this be considered by the Corporate Governance Working Group.

RESOLVED that the Statement made by the Leader of the Council, attached at **APPENDIX 1** to these Minutes, be received.

289. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6 (2) OF WHICH NOTICE HAS BEEN GIVEN

There were none.

290. FUL/MAL15/00285 - COOKS BOATYARD THE HYTHE MALDON ESSEX

The Council determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/15/00285
Location	Cooks Boatyard The Hythe Maldon Essex
Proposal	Change of use from boat store to marine gallery/exhibition and boat storage with associated works to the building. To install a kitchen within shed to serve barge cruises. Erection of a fence to southern boundary of the site of the boatyard.
Applicant	Ms Stephanie Valentine - Topsail Charters Ltd
Agent	N/A
Target Decision Date	10 June 2016
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land

Councillor S J Savage, the Ward Member, commented on the application, commending the report and reason for refusal. He proposed that the Officers' recommendation for refusal be agreed. This proposal was duly seconded.

In response to a question, the Director of Planning and Regulatory Services advised that he did not have information regarding the path (and vehicles parking on it) as set out in paragraph 6.4.1 of the report but could provide that information following the meeting. He commented that he did not feel this would materially affect Members consideration of this application.

Concern was raised in relation to the comment from the Senior Conservation and Design Officer (set out in paragraph 6.7.5 of the report) that if approved development of this application could affect the progress and delivery of the Heybridge and Central Maldon Masterplan. In response to Member concerns the Director of Planning and Regulatory Services advised that Members had to consider if this development would prejudice policy S5 of the Local Plan and suggested that if Members were minded to refuse an additional reason for refusal could be included linked to the relevant policy and this application not being policy compliant. Councillor A S Fluker proposed that subject to confirmation of the wording this be added as an additional reason for refusal.

In response to a further question regarding safety the Director of Planning and Regulatory Services clarified that the history of the site predated the 2012 National Planning Policy Framework which was now further justification as this was an overarching requirement under national policy and the proposed revised reason would address this.

The proposal in the name of Councillor Fluker was duly seconded and upon a vote being taken was agreed.

RESOLVED the application be **REFUSED** for the following reasons:

- 1 The application site falls within the 'highly vulnerable' use classification as identified in the national Planning Practice Guide and is not permitted in a high risk flood zone (Flood Zone 3). Whilst the boat store exists on site, nevertheless it has not been demonstrated that the proposed development would be safe for the future occupiers of the site and the submitted Flood Risk Assessment does not comply with the requirements set out in national Planning Practice Guidance. The proposal is therefore to the detriment of the safety of the future occupiers of the site thus contrary to the guidance and advice contained in the National Planning Policy Framework and the National Planning Practice Guide as well as policy D5 of the Maldon District Local Development Plan.
- 2 The change of use of the boat store to a marine/gallery with associated works to the building, if allowed, would prejudice the outcome of the Maldon and Heybridge Central Area, contrary to policy S5 of the Maldon District Local Development Plan which seeks to promote regeneration of visitor attractions and facilities (Policy S5 - Leisure Quarter) through a master planning approach'.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant / Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant / Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

291. REVIEW OF 2015 / 16 PERFORMANCE

The Council considered the report of the Chief Executive supplying Members with details of the Council's performance against targets set for 2015 / 16 and to ensure that progress was being achieved towards the corporate goals and outcomes detailed in the agreed Corporate Plan 2015 - 2019.

Appendix 1 to the report set out the end of year position for each of the corporate goals. Members' attention was drawn to the achievements and successes set out in the report.

The report also provided a summary of complaints and compliments received during 2015 / 16. It was noted that the Customer Services business plan for 2016 / 17 included an action to review and implement a revised Corporate Feedback system.

RESOLVED that the report be noted.

292. ADOPTION AND CONFIRMATION OF MINUTES OF COMMITTEES

The Council considered the report of the Corporate Governance Working Group (the Working Group) which had been re-convened to deal with adoption and confirmation of Minutes of the Committees at Council Meetings which had been referred to it from the Council at its meeting on 12 May 2016. During the course of its two meetings the Working Group also looked at some other matters which were set out in the report and included the publication of Member attendance at meetings and registration / declaration of Members interests.

The report considered by the Council at its last meeting regarding adoption and confirmation of Minutes of Committees at Council meetings was attached as Appendix 1 to the report. In response to concern regarding the ability of Members to question Chairmen of Committees on Committee resolutions at Council meetings a revision to Procedure Rule 6 was proposed and this was set out at Appendix 2 to the report. The proposed template for the separate reporting of Committee recommendations to the Council was set out at Appendix 3 to the report.

The Leader of the Council presented the report and proposed that the recommendations as set out in the report be agreed. This was duly seconded.

In response to concerns raised regarding the publication of Members' attendance at meetings and the register of Members' interests, the Leader of the Council advised that there had been anomalies as to how attendance information had been gathered in the past and noted the importance to identify what meetings Members were expected to attend and what they actually attended. In respect of Declarations of Interest she noted the point raised regarding the location of this register in relation to Members' information.

A lengthy debate ensued and Members discussed the various elements as set out in the report. In response to a comment the Leader of the Council confirmed that reference to the Chief Executive should read Chief Executive Office. In response to a question regarding detailing the reason for apologies, the Leader of the Council commented that this could be seen as a level of intrusion and she highlighted the current procedure for arranging substitutes.

Following further debate Councillor R G Boyce in accordance to Procedure Rule 14 raised a point of order requesting that the recommendations as proposed and seconded be put. The Chairman then put the recommendations as set out in the report and upon a vote being taken these were agreed.

RESOLVED

- (i) that the Council agrees to discontinue the practice of requiring the Minutes of Committees to be submitted for reception and adoption and that this be implemented with effect from the next meeting of the Council;
- (ii) that the recommendations from Committees be brought forward to the Council in consolidated report (as shown in Appendix 3 to the report) to be included as standard on the agenda;
- (iii) that a standard agenda item be included on the Council agenda to enable questions to be raised on resolutions of Committees;
- (iv) that minor amendments are made to Council and Committee Procedure Rule 6 (as shown in Appendix 2 to the report) to provide a clear opportunity for Members to question Chairmen of Committees on Committee resolutions;
- (v) that with the development and use of the Modern.Gov system, the Council moves towards paperless working through a transitional period of up to six months, subject to review, during which hard copy agenda packs would continue to be produced and circulated to Members upon request;
- (vi) that a link be provided from the Members' page on the Council Website to meetings attendance records and also registration and disclosure of interests;
- (vii) that Officers are authorised to make any necessary consequential amendments to the Council's constitutional documentation arising from this change;
- (viii) that a revision be made to Council and Committee Procedure Rule 22 (Suspension and Amendment of Procedure Rules) to include reference to Procedure Rule 13(5) in the exceptions.

293. 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 urgent item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

294. OPTIONS FOR THE FUTURE OF BUILDING CONTROL SERVICE

The Council considered the report of the Building Control Member Working Group (the Working Group) seeking Members decision on options for the delivery of the Building Control Service having regard to the work of the Working Group.

The report provided background information regarding previous consideration of this matter by the Planning and Licensing Committee and the Council.

Councillor A S Fluker proposed that two additional recommendations be considered, the first that the Council provide the statutory service and pull out of building control and that the service be commissioned to the private sector on a low cost basis.

Councillor D M Sismey proposed that the Council look at all options, keeping all options available having rejected recommendation (i) as set out in the report. This was duly seconded. Councillor Fluker proposed an amendment to Councillor Sismey's proposal requesting that the options the Council should look at were providing a statutory service, considering commission with the Public Sector and the two options as set out in recommendation (ii) to the report. Councillor Sismey agreed with this amendment and upon a vote being taken this was agreed.

RESOLVED

- (i) that Maldon District Council will not be part of the Essex Wide Building Control shared service partnership;
- (ii) that the Building Control Working Group examine the following options and report back to the Council (via the Planning & Licensing and Finance & Corporate Services Committees) on the best way forward for the service:
 - Building Control in-house team with an improved staffing structure;
 - Shared service with other neighbouring authorities that are not in the Essex Wide Building Control shared service partnership, who also share a geographical boundary with Maldon;
 - Providing a Statutory Service;
 - Building Control commissioned to the private sector.

There being no further items of business the Chairman closed the meeting at 8.08 pm

P G L ELLIOTT
CHAIRMAN

Leader's Statement to Full Council – 14 July 2016

Chairman, Elected Members, ladies and gentlemen,

It is hard to believe that it has been a year since I stood before you in this Chamber to deliver my first Leader's Statement. Time has certainly flown by in what has been an eventful year of opportunity, achievement and frustration at times.

I am certainly not complacent one year down the line in recognising the continuing pressures that this Council faces:

- we are still in austere times with a further loss of core grant of £483k
- we have an ageing demographic with the Essex CC Demand and Cost Pressure analysis predicting that 99% of our population growth will be of 65+ years of age

and all this without touching on the move to full retention of business rates and other changes to legislation and a growing housing need.

Indeed, things are changing all the time.

We are now underway again to achieve the security of a sound Local Development Plan for the District, so perhaps in another twelve months we will have more progress to report, maybe a clearer picture of what Devolution will mean to the Maldon District and how we will respond to the monumental outcome of the EU referendum as we move towards Brexit.

At this juncture I wish to say that I cannot thank our officers and community members enough for all their efforts in ensuring the smooth running locally of the historic Referendum. Despite the hazardous weather and a number of local areas affected by flooding on voting day, the Maldon District saw an extremely high turnout of 79.2%, with 62.6% of those opting to 'Leave'.

As a nation we are in uncertain times - in uncharted waters - and we may continue to be so for many more weeks, or months, or even beyond. But this Council has weathered storms, grasped opportunities and risen to challenges before and now is no exception. Periods of uncertainty call for strong community leadership from us, as elected members, and I have every confidence that this Council, can fulfil that leadership role by working together, respecting our different opinions as opportunities to innovate, always reminding ourselves of the Maldon District motto, "Vision, Courage and Integrity".

We have heard the expression "Stronger Together" a lot recently, and like most progressive Councils we know we can achieve more by working in proper partnership with neighbouring Authorities including those in health and the blue light services, Government Agencies, and our community based voluntary sector.

I am pleased to see that we have progressed so well in establishing a community hub here in our Council Offices. Many partner organisations are now co-located in one building to conveniently serve our residents and we are continuing to expand the range of services provided by our partners to support some of our most vulnerable customers. The final phase of the office accommodation project is the demolition of St Cedds building is now underway, given it is at the end of its life and considered a liability to the Council.

In challenging times the importance of **community** comes even more to the fore. Strong communities give people a sense of belonging and identity, indeed a sense of place.

It is vital that we garner the strength at the heart of our local communities: we have many excellent community based organisations, voluntary groups and community minded residents; many and various advocates of good citizenship. These are the ones that will visit the neighbour who they may not have seen for a few days, perhaps collect a bit of shopping, sit and have a chat and they also recognise the benefit in staying active to improve their own health and wellbeing, the planters and weeders, the planners and cooks, Brown Owls, sports coaches and bus drivers, the list goes on.....and it should start with us.

To effectively achieve our goals for the good of the District, we must build on this energy and commitment; we must respect each individual contribution, better engage with our voluntary sector and empower our community. As Leader, I intend to invite some of our voluntary sector groups in to meet myself, and fellow members and officers in order to get a better understanding of the important part they play in strengthening our communities and importantly, to assess how the system is working for them.

Having said that, we should not underestimate the breadth of activity this Council is already involved in that contributes to the strengthening communities agenda: be it community safety; health and well-being; community development, sports and leisure; or emergency planning, for example. This year we will develop a Strengthening Communities Strategy to best coordinate our activity in support of both voluntary organisations and individual volunteers in our District to benefit our residents both directly and indirectly by helping to create a generous and sustainable community.

But Chairman, it hasn't been all doom and gloom and it is rewarding to see that the past twelve months and the start to this new municipal year have been peppered with **celebration and achievement**.

To mark **Her Majesty the Queen** celebrating her 90th Birthday on 21st April, we organised two special events. At a plaque unveiling ceremony, we applauded you Chairman as you proudly dedicated the Hythe Quay, Maldon to Her Majesty. The festivities continued into the evening with a Sunset Parade and Beacon Lighting Ceremony in the Promenade Park. Burnham Town Council hosted a similar event – with a bigger beacon!

I'm sure all Members in this Chamber will join with me in wishing Her Majesty "Many More Happy Returns and Long to Reign over us".

I draw Members attention to the report of the Chief Executive to be found later on this evening's agenda. This expands more fully on our performance during the past twelve months.

In June we embarked on the most extensive change to **waste collections** that residents of the Maldon District have ever seen – having adopted a system of collection that nearly 80% of councils across the UK operate.

And this has been such an enormous change to the only Council service that directly affects every household in the District on a weekly basis, new operator, new routes and IT, and a change to wheelie bins, some teething problems were inevitable. However, the quality of the preparation both in the Customer Contact Centre and in our Waste Team working with Suez, to support and advise residents, was marvellous. Admittedly, although it is early days, I am

delighted to report that we have already seen an increase in food waste recycling from 20% to 70% and in overall recycling from 53% to 67%. Well done to all involved, to staff and to our residents. I have every confidence that this positive trend will continue.

I move now, Chairman, to the Maldon District **Local Development Plan**, definitely a source of opportunity, achievement and frustration. Back in March this year, after a long wait, the Council finally received confirmation direct from the Secretary of State that the Examination in Public would be resumed as our first inspector was deemed not to have taken a balanced or proportionate view of the work that had been submitted

A new Planning Inspector, Mr Simon Berkeley, has since been appointed and our Planning Policy Team is working hard on the preparation of statements and updates, in response to the matters raised by the new Inspector.

The Council is now preparing for public consultation on the main modifications which will be analysed before the next and final round of public hearing sessions for the Local Development Plan as a whole. Members will know that the Gypsy and Traveller, Rural Housing and Rural Employment site allocation work is moving ahead and those elements will be carefully steered by Members.

There is much planning and development activity underway already in the District. In order to afford us protection from hostile development with a Five Year Housing Land Supply, the South Maldon Garden Suburb already has an approved planning application for one thousand houses. More developments are to follow in strategic allocations areas and further construction is likely to begin sometime in 2017.

Our strategic planning continues to move forward with the preparation of the **Maldon and Heybridge Central Area Masterplan**. Together, the Causeway Regeneration Area, Maldon Central and the Leisure Quarter form the District's focus for employment, retail, community and tourism facilities. The character, vitality and cultural importance of this Central Area are critical, not only to the prosperity of the District, but to the quality of life of our residents and the experience offered to our visitors.

This Masterplan will reinforce existing land uses, create jobs and attract inward investment. It will make the most of the opportunities presented by the waterfront for regeneration, diversification and cultural attractions for leisure and recreation, whilst – crucially - being resilient to flood risk.

I believe these are truly exciting times and I am extremely proud to be the Leader of the Council that is emerging as a leading light and “one to watch” as we positively and proactively move much of this planning work forward with demonstrated determination and passion.

As all Elected Members of this Chamber are undoubtedly well aware, **housing** is increasingly becoming both a national and local high priority. Problems and solutions are complex but we are working on a range of initiatives with different partners to ensure that there will in the future be a good supply of homes for all, a palette of opportunities.

- We continue to maintain our excellent track record in preventing homelessness.

- We have secured, and plan to spend, a record amount of money on adapting homes for the elderly and disabled throughout the District.
- We continue to tackle the issue of empty homes, making sure that the best use is made of existing properties, helping owners bring them back into use and up to a good condition.

I am particularly pleased to highlight how we are working in new and innovative ways with partners – old and new:

- with Moat for example, encouraging them to work more innovatively in building homes for sale to help increase the proportion of homes they can offer as affordable homes.
- with CHP, the Chelmer Housing Partnership who look set to complete more than 100 new affordable homes in just over five years of working with this Authority;
- with Essex County Council, on a programme to build additional supported housing for older people living in the District.
- with Rentplus, to offer new ways of delivering affordable housing solutions
- with the Homes and Communities Agency, to explore opportunities to develop starter homes and help first-time buyers.

Our ambitious mission is to provide homes for all, so we can be proud that last year this Council was a partner in enabling the highest number and proportion of affordable housing to come forward in the District for more than a decade. But the real challenge is realising that level of performance consistently and building on it until the targets set out in our Local Development Plan are met. Our hidden homeless can become tenants and home owners and families looking to adjust their housing need have a good selection of quality options, not to downsize but to rightsize, comfortable and secure in their chosen neighbourhoods and releasing more family homes in the process.

Chairman, I will turn the focus now to “**Creating opportunities for economic growth and prosperity**” which became a new goal in our Corporate Plan agreed in 2015.

I have already covered the opportunities designed into the Maldon and Heybridge Central Area Masterplan but there are also new employment areas incorporated into Strategic sites and Rural areas. We have to work with partners to deliver the skilled workforce employers need to fill the vacancies generated by our new opportunities. To this end, Maldon District Council has initiated dialogue with Essex County Council to produce a Skills Strategy, a mechanism to appropriately skill our young people who are the business owners and employees of the future, to identify transitional skills when employment has to change and to up-skill our community to be better equipped to advance and prosper.

Maximising the opportunity offered by the growing Care Sector locally is a major priority for new workers, existing operatives and employment returners alike. The work is often flexible but undervalued. MDC members and officers are working to scope and find funding for an innovative Centre of Excellence for Care to provide good quality training and qualification for all aspects of care delivery, in formal care and domestic living situations, for family carers, voluntary and employed staff and into the appropriate professions. This long term project is in its infancy but it is generating a great deal of interest from potential partners and if we are successful, and we have not set out to fail, it will be a pathfinder for other authorities as they struggle to deliver their Health and Social care agendas.

We are also working closely with the Plume Maldon Community Academy to encourage local business to recruit apprentices and provide more learning and job opportunities across our District for young people. This can be replicated with the Ormiston Rivers Academy. There is a great deal to do.

I feel an energy and willingness in the Maldon District that runs from the very heart of our community and it is a valuable tool in showing what life in this District is all about. The **Sense of Place** Project, which began to be developed some twelve months ago, is now a reality. The most familiar District features are represented as a graphic language, available for use by stakeholders and businesses to adopt alongside their own brand and logo - as seen on our new council Visit Maldon website, a visual demonstration of the depth and diversity of our wonderful place.

The work of the **Bradwell Legacy Partnership** is continues utilising Magnox Socio-Economic Funding to assist the delivery of projects that focus on improving the economic well-being of Dengie Peninsular communities.

Chairman, to achieve against our ambitious plans we need two important things to capitalise on the energy and willingness in the District, funding and co-ordination.

I am delighted to highlight our success in attracting significant external funding to help in delivering our aims with over £300k last year through Coastal Communities Fund and £50k this year from the Coastal Revival fund to support the waterfront community in Maldon.

Other funding streams are continually being identified but we are often required to respond quickly. To this end the District Team are pro-actively developing a basket of key projects which can be 'taken off the shelf' when appropriate funding streams are launched.

As I said earlier, it is vital that we garner the strength at the heart of our local communities, all that energy and willingness but this needs support and co-ordination to be both truly effective for the community and rewarding for the participants. Officers and I are discussing the introduction of a Volunteer Co-ordinator role. It is early days but I am very hopeful of a positive outcome.

Chairman, you know at this Council we strive to keep our community safe and secure.

The **Maldon District Community Safety Partnership**, continues to tackle identified priorities whilst delivering too on emerging threats. Additionally priority is now being given to irresponsible driving and speeding, and supporting vulnerable people and victims of crime. This work will continue throughout the year, using the closer working relationship with our partners through the new community policing team.

But oh, the frustrations!

Progress of the **community hospital project** continues to be a source of disappointment. Whilst it is not simply within our gift to provide a new community hospital, it would have been done now if that was the case, we have relentlessly lobbied, identified opportunities and funding possibilities. In the light of the further delays, and the recent temporary closure of wards at St. Peters hospital, we are seeking the formal commitment from the Mid Essex Clinical Commissioning Group to deliver an up to date, good quality community health facility in the District and that they will take the lead in delivering this critical project whilst assuring them of our continued support and that assistance we can give. We do not give up!

As I expressed in my Budget Statement in February, it is down to shrewd and prudent management over many years that this Authority finds itself in a sound **financial position**. That being said, this year once again we will need to have a close look at our financial standing and ensure that we get to a position where we have reduced our costs further in order to balance our budget. We will continue to focus on maximising recovery of council tax and business rates. We will continue to tackle fraud. We will look at income generating opportunities and ensure that we are making effective use of our assets. We will look closely at our services to challenge whether they are delivering positive outcomes for our community and prioritise where best to allocate our resources.

I draw to a **conclusion** then Members.

This municipal year is undoubtedly set to be another busy and challenging one, but this is nothing new to Maldon District Council. Whilst not exhaustive, I trust my Statement this evening provides a strong flavour of where our efforts are being directed. I am a firm believer that we must continue to ensure everything we are involved in adds positive value to the well-being of the District.

Mr Chairman, I commend my Statement to Council.

Councillor Miss M R Lewis
Leader of the Maldon District Council
14 July 2016



**MINUTES of
MALDON DISTRICT COUNCIL (EXTRAORDINARY MEETING)
11 AUGUST 2016**

PRESENT

Chairman	Councillor P G L Elliott
Councillors	Mrs B F Acevedo, E L Bamford, Miss A M Beale, B S Beale MBE, R G Boyce MBE, CC, Mrs P A Channer, CC, R P F Dewick, M F L Durham, Mrs H E Elliott, A S Fluker, Mrs B D Harker, B E Harker, M S Heard, M W Helm, J V Keyes, Miss M R Lewis, R Pratt, N R Pudney, S J Savage, A K M St. Joseph, Mrs M E Thompson and Miss S White

378. CHAIRMAN'S NOTICES

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

379. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J P F Archer, H M Bass, I E Dobson, C A R MacKenzie, M R Pearlman, D M Sismey and Rev. A E J Shrimpton.

380. DISCLOSURE OF INTERESTS

Councillor R G Boyce MBE CC declared a non-pecuniary interest, as he was a Member of Essex County Council and also Chairman of an Almshouse Trust.

Councillor Mrs P A Channer CC declared a non-pecuniary interest, as she was a Member of Essex County Council and also Chairman of an Almshouse Trust.

Councillor Mrs B F Acevedo declared a non-pecuniary interest in relation to Agenda Item 4 – FUL/MAL/14/00356 Land Between Chandlers and Creeksea Lane, Maldon Road, Burnham-on-Crouch as she knew many of the objectors.

Councillor A S Fluker declared in the interest of openness and transparency he knew some of the objectors and one of the agents working for the Agent, in relation to Agenda Item 4 – FUL/MAL/14/00356 Land Between Chandlers and Creeksea Lane, Maldon Road, Burnham-on-Crouch.

Councillor N R Pudney declared a non-pecuniary interest in relation to Agenda Item 4 – FUL/MAL/14/00356 Land Between Chandlers and Creeksea Lane, Maldon Road, Burnham-on-Crouch as he knew many of the objectors.

At this point in the meeting the Chairman asked that to aid those Members of the Public in attendance but seated outside of the Chamber that Members stand when speaking.

381. FUL/MAL/14/00356 - LAND BETWEEN CHANDLERS AND CREEKSEA LANE, MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX

The Council considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

The Chairman advised the Committee that members of the public had registered their wish to speak and outlined the procedure for public participation.

Application Number	FUL/MAL/14/00356
Location	Land Between Chandlers and Creeksea Lane Maldon Road Burnham-On-Crouch Essex
Proposal	Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments.
Applicant	Mr Simon Butler-Finbow - Pigeon Land Ltd
Agent	Mr David Barker - Evolution Town Planning LLP
Target Decision Date	31 August 2016 (extension of time agreed)
Case Officer	Debi Sherman TEL: 01621 875862
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application Strategic Site within the submitted Local Development Plan Departure from the Local Plan 2005 Parish Trigger

It was noted from the Members' Update that consultation responses had been received from Burnham-on-Crouch Town Council, Essex County Highways, the Countryside & Coast Officer and Housing Services. A further seven letters of objection had also been received.

During her presentation the Major Applications Officer outlined the amendments that had been made to the application since its original submission. She advised of some further amendments to the detailed conditions Officers would like Members to consider should they be mindful to approve the application.

Following the Officers' presentation an objector Mrs Natalie Bettany speaking on behalf of BROOD (Burnham Residents Oppose Over Development), Councillor Wendy

Stamp on behalf of Burnham-on-Crouch Town Council and the Agent Mr Barker addressed the Committee.

Councillor Miss M R Lewis referred to concerns she had received from the public regarding the late posting of information regarding this application on the Council's website. She also referred to Members having requested legal advice from Mr Jameson, the Council's legal representative, and felt it would be beneficial to obtain that at the beginning of discussions. Councillor Miss Lewis proposed that this legal advice be heard under Procedure Rule 5 (16) Motion under Section 100A of the Local Government Act 1972 to exclude the public. This proposal was duly seconded and upon a vote being taken was agreed.

382. 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 specific purpose of receiving legal advice relative to this matter from the Council's Solicitor, on the grounds that this is likely to involve the disclosure of exempt information as defined in paragraph 5 of part 1 of Schedule 12a to the Act, and that this satisfies the public interest test.

383. FUL/MAL/14/00356 - LAND BETWEEN CHANDLERS AND CREEKSEA LANE, MALDON ROAD, BURNHAM-ON-CROUCH (CLOSED SESSION)

In response to questions, the Council's legal representative provided legal advice in respect of application FUL/MAL/14/00356 – Land between Chandlers and Creeksea Lane, Maldon Road, Burnham-on-Crouch.

384. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting be resumed in open session.

385. ADJOURNMENT OF MEETING

RESOLVED that the meeting be adjourned at 8:19pm to allow those members of the public in attendance to return to the Council Chamber.

386. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting be resumed in open session at 8:26pm.

387. FUL/MAL/14/00356 - LAND BETWEEN CHANDLERS AND CREEKSEA LANE, MALDON ROAD, BURNHAM-ON-CROUCH

A lengthy debate ensued and in response to a number of questions and concerns raised by Members, the Director of Planning and Regulatory Services and Major Applications Officer provided the Council with the following information:

- No viability tests around infrastructure and affordability had been carried out as part of this application as the proposal was policy compliant.
- The application met the required amount of amenity space in accordance with Council's policy, and in fact exceeded this for many dwellings.
- It was clarified that although the Secretary of State had powers to call in an application it was unlikely that these powers would be exercised in respect of density as it was expected that density would be determined at a local level.
- Any monies agreed as part of the heads of terms for a Section 106 would constitute a legal obligation which would run with the land in perpetuity unless appealed or varied by Deed of Variation
- It was confirmed that the last two points of the heads of terms referenced requirements to manage and maintain green infrastructure and the attenuation lake.
- The land adjacent to the site and within the ownership of the applicant could not be annexed to the current site through a Section 106 agreement so as to require that it not be the subject of any future application. To do so would fetter the right of the land owner to make a future application
- The Council's legal representative explained how the Council would seek detailed drafting of any Section 106 agreement to ensure that development / infrastructure came at the right stage of scheme in order to alleviate concerns about future insolvency of the developer prior to provision of the affordable housing.

Some Members, including the Ward Members, raised concerns regarding the proposed development which related to:

- density and design of the site;
- the need for the proposed care home, the location of the day-care facility and its proximity to the proposed industrial areas, and car parking provision for these facilities;
- how the proposed development would fit in with existing surroundings and the entrance to Burnham-on-Crouch;
- the desire for a coastal buffer and how this would give opportunity to have open land along the bottom half of the site.

Councillor Miss M R Lewis drew Members' attention to the amendments made by the developer since deferral at Council on 31 March and advised of the age profile for the Maldon District which had recently been published. She requested that if Members were mindful to approve the application that condition 14 be amended to read "...areas of the site *outside of the operating hours as detailed in conditions 12 and 13.*". She

then proposed that the Officers' recommendation of approval be accepted subject to the proposed amendment to condition 14. This proposal was duly seconded.

Councillor R G Boyce raised a point of order referring to an earlier ruling by the Chairman in respect of a statement made by Councillor B E Harker when he advised he wished to make a proposition against the Officers recommendation. The Chairman clarified that he had advised Councillor Harker that if he wished to oppose the motion to approve he should vote against the motion and then put his motion.

Councillor B E Harker referred to the poor quality, design and layout of the proposed scheme which he felt was also out of keeping with the surrounding area. He proposed that the application be refused, contrary to Officers' recommendation, as it was contrary to policy D1 and in addition paragraph 61 of the National Planning Policy Framework referred to refusing applications where the development was of poor design and did not improve the character and quality of the area. This proposal was duly seconded.

A number of Members spoke in support of the application referring to the further amendments made by the applicant, the good mix of houses, pre-school education and care home facilities, employment use and it being a Local Development Plan Site.

The Major Applications Officer provided clarification in relation to a number of conditions proposed, highlighting in particular:

- Proposed conditions sought to make provision for a construction management plan and schedule which would run alongside proposed phasing. The Major Applications Officer suggested that the last bullet of the Heads of Terms could be amended to specifically state the hours of operation and she outlined those hours that Environmental Health would normally identify as reasonable.
- Proposed condition 9 was part of the outline scheme and in response to a question the Officer highlighted the proposed vehicular access to the allotments.
- Officers had looked at whether it was reasonable to prevent vehicles parking on the public highway and the legal advice received was that it was not reasonable. Through condition 40 which sought a construction management plan Officers would seek to ensure that operative vehicles were parked within the compound which could be enforced, and had been successfully enforced elsewhere.
- Condition 40 provided provision to keep roads clean through the use of wheel washing facilities and dust management.

In response to a question regarding the Heads of Terms referring to management and maintenance plans rather than information, the Major Applications Officer advised that the penultimate bullet of the Heads of Terms could be amended accordingly.

The Chairman then put to the Council the Officers recommendation amended as per the proposal from Councillor Miss Lewis, duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor R Pratt requested a recorded vote. This was duly seconded by Councillor A S Fluker.

For the recommendation:

Councillors B S Beale, R G Boyce, Mrs P A Channer, M F L Durham, A S Fluker, Mrs B D Harker, M W Helm, J V Keyes, M S Heard, Miss M R Lewis, S J Savage, A K M St. Joseph and Mrs M E Thompson

Against the recommendation:

Councillors Mrs B F Acevedo, Miss A M Beale, Mrs H E Elliott, B E Harker, N R Pudney, R Pratt and Miss S White.

Abstention:

Councillors E L Bamford, R P F Dewick and P G L Elliott.

The motion was therefore declared carried.

The Council then discussed conditions and the Major Applications Officers suggested the following amendments:

- Condition 10 was a duplication of condition 48 and therefore should be deleted.
- Condition 31 was a duplication of condition 46 and therefore should be deleted.
- Condition 41 should be amended with an additional bullet point to read “The provision of a footway / cycleway with a minimum width of 3m between the residential development and industrial estate to the south of the site”.
- Amendment to the sixth bullet of the Heads of Terms to refer to “management and maintenance plans” rather than ‘information’.

In response to a question regarding condition 1 the Officer provided clarification of commencement of development: this is technical commencement that would have to be commensurate with the scale of the development.

Councillor A S Fluker proposed that the Council should include a condition that there should not be any parking on Maldon Road by both construction workers and construction operatives. This proposal was duly seconded. Officers advised that this could be incorporated into the Section 106 agreement.

The changes as suggested by the Officer and proposal in the name of Councillor Fluker were duly agreed.

RESOLVED that the application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:

- 40% Affordable Housing.
- £23,200 towards B1010/B1021 junction improvements which is part of a pooled contribution across the strategic Burnham-on-Crouch sites.
- Healthcare contribution of £67,480 to be used towards the provision of additional capacity at the health centre(s) within the parish of Burnham-on-Crouch.

- Education contributions of up to £144,400 towards the provision of additional capacity at the primary schools within the parish of Burnham-on-Crouch and up to £461,256 towards early years and childcare places.
- £97,500 towards teen shelters, skateboard facilities and access to shared community facilities as part of a pooled contribution across the strategic Burnham-on-Crouch sites.
- Management and maintenance plan relating to Green Infrastructure, including public open space, the areas of private amenity space, woodland and tree planting areas, allotments and Sustainable Drainage Systems (SuDS).
- Ensure retention of the SuDS attenuation features on land within the control of the applicant in connection with the development.
- Requirement to prevent construction vehicles and construction operatives vehicles from being parked on Maldon Road.

AND subject to the following conditions:

OUTLINE Consent

- 1 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
- 4 The residential care home hereby approved shall only be used as a residential care home and for no other purpose including any purpose as defined within Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- 5 The B1 office units as shown on plan reference MDC1 which is attached to and forms part of this planning permission shall only be used for office purposes as defined within Class B1(a) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- 6 The day nursery hereby approved shall only be used as a children's day nursery and for no other purpose including any purpose as defined within Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- 7 The development submitted pursuant to the reserved matters application shall accord with the non-residential building heights plan drawing number 013-004-A09 which forms part of the application hereby approved.

- 8 The landscaping details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 The scheme to be submitted pursuant to the reserved matters regarding layout shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of any building the associated parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
- 10 Deliveries to and collections from any commercial premises shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 18:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 11 No machinery shall be operated and no process shall be undertaken outside of any of the B1/B2/B8 units.
- 12 The hours of operation of the B1 / B2 / B8 units hereby permitted shall be between 08:00 hours and 19:00 hours on weekdays and between 08:00 hours and 16:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 13 There shall be no container handling, no loading or unloading of goods vehicles or containers, and no use of fork lift trucks or other goods handling vehicles, HGC's etc. on the industrial/commercial areas of the site outside of the operating hours, as detailed in conditions 12 and 13.
- 14 There shall be no burning of waste, either liquid or solid, on any commercial premises.
- 15 Before the installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, together with the projected noise levels at the boundary of the property, shall be submitted to and agreed in writing by the Local Planning Authority. Only approved plant shall be installed and retained in the approved form thereafter.
- 16 Acoustic Barriers shall form the boundary fence between the industrial estates and adjacent non industrial areas. Prior to the commencement of development of the commercial areas of the site details of the design and construction of the

acoustic barrier including materials of construction, height and acoustic performance shall be submitted to and approved in writing by the Local Planning Authority and retained in the approved form thereafter.

FULL Consent

- 17 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 18 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 19 Prior to the commencement of development, precise written details of the proposed phasing of development, supported by a detailed phasing plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in compliance with the agreed phasing schedule as approved.
- 20 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
- 21 No development shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft landscape works:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
- 3) Details of the aftercare and maintenance programme

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation

Hard Landscape works:

- 1) Details of walls with brick types, construction design and dimensions
- 2) Details of paved surfacing, with materials finishing and edgings
- 3) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development to which it relates hereby approved and retained and maintained as such thereafter.

- 22 Notwithstanding the details submitted no development shall commence until details of the two proposed Local Equipped Areas for Play (LEAPs) together with a timetable for implementation and arrangements for the future management and maintenance have been submitted to and approved in writing by the Local Planning Authority. Such details shall include all items of play equipment, landscaping, ground surfacing, enclosure of the area incorporating self-closing gates, seating, and refuse facilities and safety notices. The LEAPs shall be implemented and shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The LEAPs shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
- 23 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The open space shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The amenity space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
- 24 The allotments shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The allotments shall be made available for use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The allotments shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
- 25 Prior to commencement of the development a scheme for the upgrading of public footpaths no.3 & 4 Burnham-On-Crouch within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and any road crossing point works shall be implemented before the relevant road is open to traffic.
- 26 Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for the provision and location of two new bus stops on B1010 within the vicinity of the proposed pedestrian access to the east of the site, subject to a Stage 1 Road Safety Audit, to include the following:
- The provision of bus shelters with raised kerbs, to Essex County Council specification, on the north and south side of the B1010.
- The approved scheme of works shall be implemented prior to first occupation of the development.
- 27 No development shall commence until the details of a Residential Travel Information Pack for sustainable transport have been submitted to and approved in writing by the Local Planning Authority. The approved Residential Information Travel Pack shall be provided to residents on first occupation of each dwelling.

- 28 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of such dwelling.
- 29 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the Local Planning Authority. Such details shall include ecological enhancements including the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.
- 30 No development shall commence until a noise assessment determining the effects of noise from the existing Springfield Industrial Estate and Burnham Business Park on the proposed residential dwellings has been submitted to and approved in writing by the Local Planning Authority. Where identified as necessary the noise assessment shall recommend mitigation measures to ensure that internal and external noise levels are acceptable with regards to the amenity of future occupiers of the dwellings. The development shall be carried out in accordance with any agreed mitigation measures.
- 31 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

Both OUTLINE and FULL Consents

- 32 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
- 33 Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.

- 34 With the exception of those shown for removal on approved plan reference 3532-D-1 revision C no trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority.
- 35 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree retention protection plan;
 - Method statement for any changes within the RPA of any retained tree
 - Tree constraints plan;
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces).
 - The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved details.
- 36 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.
- 37 Prior to the commencement of development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and hydrological and hydrogeological assessments, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall accord with the details contained within the submitted Flood Risk Assessment undertaken by Transport Planning Associates, dated September 2014 and referenced 1303-34/FRA/03.
- The scheme shall also include:
 - details of how the scheme shall be maintained and managed after completion
 - a discharge rate to the ordinary watercourse at the agreed rate of Qbar for outfall 1 through to 6, and discharge from point 7 at Qbar of 18.6/s for return periods up to and including the 30 year storm, and Q30 of 59.4l/s for return periods between 31 and the 100 year return period.
 - a detailed drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
 - details of culverts over the ordinary watercourse and agreement from Essex County Council
 - the outcome of investigation into Outfall 1's downstream connectivity.

- attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.
 - calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change
 - details of any exceedance and conveyance routes
 - details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.
- 38 The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- 38 No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of an on-site construction management plan detailing:
- Access arrangements to the site in conjunction with demolition/construction operations.
 - The parking of vehicles of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development.
 - Wheel and underbody washing facilities.
 - Mitigation measures to protect ecology on site.
 - Dust management.
 - Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal.
 - Temporary site illumination.
 - Arrangements for keeping the site entrance and adjacent public road clean.
 - Construction noise management plan, including hours of operation of and deliveries to and from the site.
 - All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.
- 39 Prior to first occupation of the development the highway works as shown in principle on Parc drawing no.013-004-A01, shall be implemented, to include, but not limited to the following:
- The provision of a priority junction as shown in principle on TPA drawing no.1203-03-SK11.
 - Both new accesses onto the B1010 shall have clear to ground visibility splays of 2.4m x 90m to remain in perpetuity.
 - The provision of a new priority junction onto the B1010 to the southeast of the Creeksea Lane junction.

- The provision of a new pedestrian/cycle access onto Creeksea Lane.
- The provision of a 2m wide footway across the entire site frontage to tie into the existing footway at Chandlers.
- The provision of at least 2 crossing points on the B1010 to consist of dropped kerbs and tactile paving.
- The provision of physical measures to prevent HGV's from accessing the proposed industrial site to the south of the site.
- The industrial road to the south of the site, shall tie into the existing road from Springfield Industrial Estate and shall be the same width as the existing road.
- The provision of a footway / cycleway with a minimum width of 3m between the residential development and industrial estate to the south of the site.

- 40 A) No demolition / development or groundworks shall commence until a Written Scheme of Investigation, in response to an archaeological brief, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording.
 2. The programme for post investigation assessment.
 3. Provision to be made for analysis of the site investigation and recording.
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 5. Provision to be made for archive deposition of the analysis and records of the site investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 41 No development shall commence until full details of an ecological mitigation scheme have been submitted to and approved in writing by the Local Planning Authority. The ecological mitigation scheme shall follow the recommendations set out in the submitted Ecology Report, dated May 2015. The scheme shall also include:

- full mitigation for Great Crested Newts;
- details of how the scheme shall be maintained and managed after completion;
- details of scheduling of mitigation works.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- 42 Prior to the commencement of the development hereby permitted, details of the means of refuse and recycling storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.
- 43 No development shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
- 44 No development shall commence until the results and findings of further intrusive investigations recommended in the Delta Somins Environmental Assessment Report, Project No 14-0188-01 have been submitted to and approved in writing by the Local Planning Authority.
- 45 Where identified as necessary in accordance with the requirements of condition 46, no development shall commence, other than that required to carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

- 46 No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic emissions generated by the development. The agreed measures shall be implemented prior to the final completion of the development.

POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

There being no further items of business the Chairman closed the meeting at 9.29 pm

P G L ELLIOTT
CHAIRMAN



RESPONSE FROM THE LEADER TO QUESTIONS FROM THE PUBLIC

to

COUNCIL

8 SEPTEMBER 2016

PUBLIC QUESTIONS

1. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

- 1.1 In accordance with the Council's public speaking protocol the following question was received from Mr Scott Lyle, on Monday 8 August 2016.

2. QUESTION

“What are Maldon District council going to do about the growing friction caused between 13+ complainants about the peafowl and the democratic majority of the village who wish to retain the peafowl?”

Please note that the above question relates to Peafowl in Maylandsea.

3. RESPONSE

From the Leader of the Council:

For the benefit of those that do not know about the issue referred to, which is within Mayland, for background fourteen residents in the Mayland area have complained that they are suffering a continuing nuisance caused by a number of peafowl being allowed to roam free onto their privately owned land. The Council, as the local authority, has an obligation to investigate when it is in receipt of such complaints. Evidence obtained to date would suggest that these peafowl are having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality.

The one identified owner so far, who owns only some of the peafowl, has been served with a Warning Notice under the provisions of the Anti-social Crime and Policing Act 2014, requiring them to retain the birds within their own land. Since serving the Warning Notice it has come to the Council's attention that some of the peafowl may belong to other people, which has led to the siting of the Public Notices in the location.

In answer to the question raised, in respect of poor relationships between the residents within the village of Mayland, whilst the Council is very concerned to hear of this any friction between residents is a civil issue to which the Council are unable to become

involved. Any concerns may be better raised with the Parish Council, as a civil local authority, or with the owners of the peafowl themselves directly.

Whilst the Council can empathise with all parties concerned it has a statutory function to fulfil.



REPORT of DIRECTOR OF RESOURCES

**to
COUNCIL
8 SEPTEMBER 2016**

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 3 and 4 of this report.

3. PLANNING AND LICENSING COMMITTEE – 4 AUGUST 2016

- 3.1 [Web link to agenda and reports.](#)

- 3.2 Web link to Minutes of the above Committee meeting

3.3 MINUTE 360 - TERMS OF REFERENCE AND SCHEME OF DELEGATION UPDATE – TEMPORARY ROAD CLOSURES

- 3.3.1 [Minute Extract:](#)

The Committee considered the report of the Director of Planning and Regulatory Services seeking approval to a change in the Scheme of Delegation in respect of the making of orders for temporary road closures for community and local events. It was proposed that in line with the recent senior management restructure, this delegated power would sit more appropriately under the remit of the Community Services Committee rather than as an ancillary public licensing matter under the remit of this Committee.

- 3.3.2 [Committee recommendation:](#)

That that the Council approves the transfer of the power to approve temporary road closures and the making of orders under section 21 of the Town Police Clauses Act 1847 from this Committee to the Community Services Committee and to be exercisable by the Director of Customers and Community.

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

Enquiries to: Ka Ng, Director of Resources, (Tel: 01621 875762),



REPORT of DIRECTOR OF CUSTOMERS AND COMMUNITY

**to
COUNCIL
8 SEPTEMBER 2016**

CORPORATE PROJECTS

1. PURPOSE OF THE REPORT

- 1.1 To consider the process for the adoption and ongoing maintenance once approved of a list of key corporate projects worked up ready for submission to maximise external funding opportunities.

2. RECOMMENDATIONS

- (i) that the Council appoints a Corporate Project Task and Finish Working Group to oversee a list (or basket) of corporate projects with authority to recommend to Council projects for inclusion on an ongoing basis;
- (ii) that the Council approves the Draft Constitution and Terms of Reference for the working group as set out within **APPENDIX 3** of this report;
- (iii) the Corporate Project Task and Finish Working Group meets and reports to Council as and when required to update the Council on status and project progress, and make recommendations for projects to be included within the list;
- (iv) that the Council considers recommendations from the Corporate Project Task and Finish Working Group to include projects on the list;
- (v) that Officers report any bid submissions to the next available relevant programme committee;
- (vi) that the Council approves to expand the remit of the Efficiency Fund earmarked reserve to pay for any pre application work associated with the corporate projects;
- (vii) that subject to (vi) above, delegated Authority is given to the Director of Resources, in consultation with the Chairman of the Finance and Corporate Services Committee, to approve funding request from the Corporate Project Task and Finish Working Group to fund pre application work as and when required.

3. SUMMARY OF KEY ISSUES

3.1 Background

3.1.1 The Council is increasingly becoming involved in large scale projects which are designed to meet some or all of the following:

- meeting local infrastructure needs,
- strengthening our communities,
- creating a vibrant and prosperous local economy,
- delivering a revenue income stream to the Council.

3.1.2 Large scale projects typically are delivered in partnership and are increasingly reliant upon grant funding if they are to progress and succeed. A recent example being the Coastal Communities Fund which awarded over £300,000 to the Council to assist the local visitor and tourist economy. This two year project has seen a number of significant interventions and when completed in December will have delivered a new website, provided a network of coastal hubs, developed the visual elements of the ‘Sense of Place project’ and improved river access in Burnham-on-Crouch.

3.1.3 External funders are increasingly looking for projects at an advanced stage of preparation including cost, design and relevant consents being in place as part of the submission. Bids typically have a time limited application window with as little as 30 days being given to submit. The Council needs to be in a strong position to capitalise on opportunities which arise, which requires pre planning and project development.

3.1.4 A recent example of the need to ‘work up’ bids to a point of submission was the latest Coastal Communities Fund. Officers have identified a suitable project for the fund but were unable to make an application as the bid required a scheme to have full costs identified and all consents in place. At the time of the bid Members had not considered the proposal, detail or feasibility, designs were not in place and planning consent had not been sought.

3.2 Basket of Projects

3.2.1 Officers have been working over a period of time to identify a selection of projects which go some way to meeting some or all of the aims highlighted in 3.1.1 above. Some of the projects have been directly funded by the Council in the past through the capital programme or through partnership working, the latest example being the Adventure Golf Course at Promenade Park which opened in late July. The project list will react to emerging needs and is linked to one or more of our existing corporate goals

3.2.2 Working with partners a number of other projects have also been identified through the Bradwell Legacy Partnership and the Local Development Plan (Infrastructure Delivery Plan) and the Maldon and Heybridge Master Plan process.

3.2.3 It is proposed in future that each project will have a fact sheet in two parts, a detail form (example at **APPENDIX 1**) and a project summary (**APPENDIX 2**) giving an outline of the proposal. A worked example of the summary sheet for project

Samphire is included as an illustration of the proposal. The detail form considers a number of issues including ongoing revenue impact and the use of Council assets for example. A Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis will also be included along with a list of potential funders. The completed list(s) will be held on TEN for Officer and Member information.

3.3 Proposed Working Group

- 3.3.1 To enable a project to go forward for funding it is important for Officers to be able to move more quickly than the current committee approval system would perhaps allow. To increase flexibility it is proposed that Council forms a Corporate Project Task and Finish Working Group (CPT&FWG) (the Working Group) made up from six Members of the main programme Committees, two from each Committee. It is proposed the Working Group will consider projects put forward by Officers for inclusion on the list making reference to the project sheets detailed in paragraph 3.2.3 above. The Corporate Leadership Team along with other relevant Officers will support the working group.

3.4 Working Practice

- 3.4.1 The proposal put before Members is that the CPTFWG will recommend to the Council projects for inclusion upon the list. Following consideration and approval funding bids will be developed as and when required or as opportunities arise. It is important to remember bids can only go forward if a development or funding opportunity arises, and as a result a significant time delay (perhaps some years) may result before progress can be made on an individual project. The final sign off for a funding bid (incorporating a project) will rest with the relevant Director whose service is most linked. In some cases this sign off will rest with more than one Director. A Draft Constitution and Terms of Reference for the Working Group is set out at **APPENDIX 3**.

3.5 Funding for Pre-Application Work

- 3.5.1 As detailed in paragraphs 3.1.3 & 3.1.4 above some projects would benefit from 'pump priming' to enable them to be sufficiently advanced to be taken off the shelf and a funding bid submitted. Typically these projects include land or property. The proposal is to expand the remit of the existing Efficiency Fund earmarked reserve to enable finance to be drawn down to fund pre application work. The CPTFWG would bid for funding for projects approved by the Council and the Director of Resources, in consultation with the Chairman of the Finance and Corporate Services Committee, would consider and approve bids as and when required drawing from the agreed reserve.

4. LINKS WITH CORPORATE GOALS

- 4.1 The ability to effectively deliver large scale projects impacts directly upon all of our corporate goals and is also linked to the overarching principle of being efficient and effective. A number of our key projects also require effective management of resources and funding streams.

5. IMPLICATIONS

- (i) **Impact on Customers** – The successful implementation of projects associated with our corporate goals directly impacts upon the lives of local residents, visitors and businesses alike.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – Project risks will be identified and managed to an advanced stage.
- (iv) **Impact on Resources (financial)** – The ability of the Council to be able to react quickly to funding and partnership opportunities will help generate inward investment to help support the delivery of our goals.
- (v) **Impact on Resources (human)** – the impact of all bids will be considered. Increasingly funding is made available to provide human resources to deliver projects as part of any award. An example being our Coastal Communities Fund bid which fully funded a Project Officer for two years (the life of the project).
- (vi) **Impact on the Environment** – None identified.

Background Papers: None

Enquiries to: Richard Holmes, Director of Customers and Community (Tel. 01621 875752).

Project Report Template (Detailed brief)

Background:

Project Name:	
Project Manager:	
Project Sponsor:	
Background/Description: (Brief details)	
Project Objectives: (briefly, but clearly set out what the main objectives of the project are)	
Expected outcomes and key deliverables: (briefly, but clearly set out what outcomes the project will actually achieve and who will benefit)	

Links to:

Corporate Goals:	
Corporate Outcomes:	
Other Projects:	

Resources:

Resources required prior to bid submission (some work may need to be undertaken prior to the bid being submitted which will incur costs e.g. design work or seeking planning permission)	Estimated Cost £

Budget (including any financial match funding required):	Item	Capital Expense £	Revenue Implications	
			One-off	On-going
Financial year:				
Financial year:				
Financial year:				
Financial year:				
Total:				

Staff (including support services and overheads):	
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Non- financial match funding (e.g. provision of Council owned land/assets)	Asset worth £

Impact on Council Land/assets (e.g. removal of a Council owned toilet block)

External Funding Sources – give details and status (e.g. submitted, secured, conditional):

Funding Source:	Year	Year	Year	Year	Future years	Total	Status

Comments (e.g. deadlines for spending, conditions):
Timescales (exact dates may not be known until funding has been secured and the project has commenced – at this stage an estimate of the “life span” of the project should be provided):

Activity:	Date:

External Partners/stakeholders and level of dependencies:

Partner/Stakeholder:	Dependencies:

SWOT (Strengths, Weaknesses, Opportunities, Treats) Analysis

<p><u>Strengths</u> describe the positive attributes, internal to Maldon District Council (MDC) such as:</p> <ul style="list-style-type: none"> • What does MDC do well? • What internal resources are available? Think about skills, background and knowledge of the staff, reputation, networks involved in. What about tangible assets such as technology. • What other advantages does MDC have: assets, experience, data, location, accreditations, processes, systems, IT. 	<p>Strengths</p>	<p>Weaknesses</p>	<p><u>Weaknesses</u> are those aspects that detract from the value MDC offers or place the Council at a disadvantage so need to be addressed.</p> <ul style="list-style-type: none"> • What areas need improvement to accomplish MDC objectives? • What does MDC lack (for example, expertise or access to skills or technology)? • Are there limited resources? • Are there gaps in capabilities? • Are there vulnerabilities around effects on core activities, reliability of data, morale, commitment, leadership, processes and systems?
<p><u>Opportunities</u> are external attractive factors that represent why the project is likely to prosper.</p> <ul style="list-style-type: none"> • What opportunities exist that MDC can benefit from? • Is the opportunity ongoing, or is there just a window for it? In other words, how critical is your timing? 	<p>Opportunities</p>	<p>Threats</p>	<p><u>Threats</u> include external factors beyond MDC control that could place its strategy at risk. MDC has no control over these, but may benefit by having contingency plans to address them if they should occur.</p> <ul style="list-style-type: none"> • What factors beyond MDC control could place it at risk? • Are there challenges created by an unfavourable trend or development that may lead to deteriorating revenues? • What about shifts in customer behaviour, the economy, or government regulations that could impact the Council? • What about environmental effects, IT developments, partners, sustaining internal capabilities, loss of key staff?

Governance and Accountabilities:

If known at this stage, outline how project is to be governed/structured: Will there be a project board? What are the key roles within the project? Will Terms of Reference be established? How will progress be reported – frequency and who to?

Approval:

Project approved by the Council:	Date:		
Funding bid submission sign off required:	Signed/Approved	Date	
Director:			
Committee Chairman:			

Date project report last reviewed/updated:

PROJECT SAMPHIRE

Project overview

Project Samphire forms a key stepping stone in our aspiration to create the 'Saltmarsh Coastal Offer', which will provide a unique coastal visitor experience through connectivity, destination quality and customer service. It is envisaged that the Saltmarsh Coastal Offer will directly create dozens of jobs through the provision of ferry services, cycle hire and partnership development of existing businesses. As well as contributing millions to the local economy and the creation of more employment within the leisure and tourism sector.

Project Samphire will focus on the continued promotion of the Maldon District through traditional and cutting edge promotional techniques, including visitor signage, social media and a mobile information centre. As well as the development of the future workforce through training and work experience.

We propose to complete a network of information hubs along the 75 miles of the unique coastline within the Maldon District. Smart technology will monitor users of the coastal trail giving direct feedback on visitor numbers. Hubs will also link to our dynamic website and social media providing new experiences and catering for a modern market.

We also propose to offer a unique paid work experience offer. Over the three year life of the project we will offer the chance to become ambassadors for the Maldon District. Working with the best of local businesses the ambassadors will get first-hand experience of what's on offer, from Thames Sailing Barges to the art of preparing and serving delicate and appetizing foods.

The ambassadors will operate a mobile saltmarsh hub visiting towns and villages in the East as well as London spreading the 'saltmarsh secret'. Importantly the ambassadors will be trained and supported to achieve full time positions with local businesses following their placement, where they can instil the values they have learned and continue to promote the Maldon District.

Project details

Our aim is to complete the network of visitor hubs being installed as part of our successful Coastal Communities Project.



A further 10 information hubs will be provided at key locations along our coastline. Sites include, South Woodham Ferrers, North Fambridge, Althorne, Creeksea, Bradwell Waterside, St Lawrence, Maylandsea, Goldhanger and Salcott.

Our Ambassadors will operate a mobile saltmarsh hub taking the best of the Maldon District out and about spreading the word about our local heritage and culture to a wider market. The team will operate from a custom built vehicle of the type shown below.



On-board AV technology will showcase our district and retail sales will work towards sustaining this information hub.

The staff operating the vehicle will gain valuable experience whilst with the team maximising their future career opportunities. The Mobile hub will spend 50% of its time working with maritime Parishes to promote their offer and the remainder of the time will be visiting other visitor destinations in the East promoting the Saltmarsh Secret.

We also hope to attract visitors from London to the district. Within a 40 minute train ride from the heart of the capital visitors can enjoy a remote and independent area with its own distinctive character.

How does this bid link to other developments and activities?

Project Sapphire will complete the Dengie Gateway Project commenced back in 2015 and build on the work of the River Blackwater and River Crouch Coastal Community Teams. Importantly links to a number of other coastal initiatives aiming to support local business and visitor economy. Some are listed below:

Coastal Revival Fund – £50,000 awarded to develop the unique waterside Heritage of one of the oldest parts of the Town. Plans include a heritage centre supporting the maritime community in the District symbolised by the Thames Sailing Barges resident at our Hythe Quay.

Maldon & Heybridge Central Area Master plan – Consultants are working with Partners to plan the future of the Town and a number of regeneration projects are included.

Bradwell Legacy Partnership – Following the closure of the Bradwell Nuclear Power Station a number of initiatives are underway to support the community and create employment opportunities

How is our Coastal Communities Bid made up?

Capital

We have estimated a sum of **£150,000** will be required to purchase and equip our Mobile Saltmarsh Hub together with providing 10 smart Hubs along the coastline.

Revenue

Key to our project is developing people and kick starting careers. We aim to employ 9 Ambassadors over the 3 year life of the project. Costs associated with employment and training will come to **£150,000**. We will also employ a project manager for the life of the project to oversee the hubs and management of the Ambassador team. The cost of the Project Manager will be **£120,000**

Project Samphire cost summary

Capital	£150,000
Revenue	£270,000
Total bid	£420,000

Corporate Projects Task and Finish Working Group

Draft Constitution and Terms of Reference

Constitution

1. The Corporate Projects Task and Finish Working Group (“CPT&FWG”) shall consist of two members from each of the following Committees, Planning & Licencing, Community Services and Finance & Corporate Services. The membership need not reflect the political balance of the Council.
2. The membership of the CPT&FWG shall be appointed by the Council.
3. The Council shall keep under review the constitution and membership of the CPT&FW Group.
4. Meetings of the CPT&FWG will be called as and when the need arises, and will be supported by the Corporate Leadership Team and other Officers as required.
5. Notes will be taken at meetings of the CPT&FWG and will be made available electronically to all Members of the Council. A summary of the deliberations following the exploration, consideration and review of matters requested, will be included in regular update reports to the Council.
6. At the first meeting of the CPT&FWG, Members of the Group shall elect a Chairman and Vice-Chairman.
7. For the avoidance of any doubt, the obligation on Members to declare interests in terms of the Council's Code of Conduct shall apply to meetings of the CPT&FWG.
8. The CPT&FWG is a working group of the Council and will report to the Council as and when required.

Terms of Reference

- 1 To assist the Council in reviewing projects identified to help deliver the Council's corporate goals making recommendations to the Council for projects to be included on a project list.
- 2 To consider projects which would benefit from development work in preparation for a future bid opportunity arising.



REPORT of CAR PARKING TASK AND FINISH WORKING GROUP

**to
COUNCIL
8 SEPTEMBER 2016**

PARKING UPDATE

1. PURPOSE OF THE REPORT

- 1.1 To update Members following the introduction of weekend and evening parking charges on service use, seek authority to extend the agreed parking review period and introduce a temporary resident permit for the Wantz Road area.

2. RECOMMENDATIONS

- (i) that the Council notes the service performance of Maldon Town Centre Car Parks since the introduction of weekend and evening charging period,
- (ii) that the Council agrees to the extension of the 6 month review of the impact of the introduction of new charges on the community until January 2017,
- (iii) that a new temporary resident's parking permit be made available to eligible residents living in Wantz Road, America Street and Wantz Chase on Saturdays and Sundays only until the South Essex Parking Partnership implement a resident's parking scheme in the area.

3. SUMMARY OF KEY ISSUES

3.1 New Charges

- 3.1.1 In April this year new parking charges were implemented by the Council. In summary charging was introduced during the evenings within Town Centre car parks (fixed £1 fee) and on Sundays (also £1 fixed fee). A charge was also introduced within the car park of these offices (variable rate on Saturdays, fixed £1 fee on a Sunday). An overall increase in 'day time' fees was also made. The tables set out with **APPENDIX 1** give performance data for the first three months of operation.
- 3.1.2 The figures in the first table show income following the introduction of the new charges as being in line with expectations; however it is too early to draw any firm conclusions about the annual performance based upon this limited timespan. The second table outlines the number of tickets sold in the evenings, it is important that the average number of tickets sold is also noted. The figures do not show any drop in the number of tickets sold and there is no evidence to date to say that there is a drop in the number of cars coming into the car parks.

- 3.1.3 The last table refers to Sunday parking and again it is important to look at the average number of tickets sold; this shows an increasing trend.

3.2 Six Month Review

- 3.2.1 At the meeting of the Council on 4 February 2016 (Minute No. 875 refers), Members agreed that that ‘a review of the above new arrangements once implemented, be undertaken within six months properly to assess their impact, with full stakeholder involvement, and that the Director of Customers and Community reports back to the next meeting of the Community Services Committee as to the scoping of the review’.
- 3.2.2 The Car Parking Task and Finish Working Group (the Working Group) has met on a number of occasions during the implementation of the charges and most recently on 15 July. At this meeting community representatives discussed the difficulty of gathering hard evidence upon the impact of new charges. Helpfully Sarah Laskar, Director of Maldon and District Community Voluntary Service attended the July meeting and offered to assist the community groups. However, all of the voluntary sector and Working Group members felt more time was required for the review to conclude and the meeting recommended this should now be re-set at the end of January 2017. Sarah Laskar has written to the Council requesting Members also defer any decision on increasing parking charges as part of the 2017 / 18 budget process until the review reaches a conclusion. A copy of the letter is attached at **APPENDIX 2**. A January deferral of the working group review does not sit well with the Council budget cycle but the Working Group feel additional time is required to complete the review and a full nine months of operation would give a better feel of the impacts within the community.
- 3.3 Resident Parking Permit
- 3.3.1 As part of the introduction of new charges new resident’s parking permits were introduced, at cost, for residents of housing near to our car parks affected by the evening or weekend charges. Since that time residents from the Wantz Road area have contacted the Council asking for a similar arrangement to be introduced for them as the weekend charges at the Council Offices are directly impacting upon them. It should be noted that the South Essex Parking Partnership intends to introduce a resident’s parking scheme for the area in 2017 following a change in traffic flows so any local Maldon District Council (MDC) arrangement would cease at this time. The Working Group supported this request.

4. LINKS WITH CORPORATE GOALS

- 4.1 The implementation of new parking charges links directly to our goal of ‘delivering good quality, cost effective and valued services’.

5. IMPLICATIONS

- (i) **Impact on Customers** – The Council has agreed to invite community groups to make representations to the Council demonstrating the impact of the

changes to parking charges. The Car Parking Task and Finish Working Group have met on several occasions and community groups have contributed to the meetings. Customers continue to use our car parks and there appears to be no decline within the first three months of operation under the new arrangements.

- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – Income is in line with estimates at the time of drafting this report.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Richard Holmes, Director of Customers and Community, (Tel. 01621 875752).

Total Parking Income							
Car Park	Actual Income for the whole year (15/16)	Original Budget 16/17	Profile Budget (original 16/17)	Actual income 16/17 (April mid July)	Variance (profile vs actual)	Actual income 15/16 (April mid July)	Variance (15/16 vs 16/17)
Total (town centre car parks)	(560,981)	(623,300)	(181,796)	(184,365)	(2,569)	(151,725)	(32,640)

Evening Charges	Apr-16	May-16	Jun-16	July (up to 13th July)	Total
Total number of ticket sold	4,805	5,101	4,978	2,222	17,106
Average number of ticket sold per evening	200	213	191	202	201

Sunday Charges	Apr-16	May-16	Jun-16	July (up to 13th July)	Total
Total number of ticket sold	2,231	3,862	3,159	1,918	11,170
Average number of ticket sold per Sunday	744	772	790	959	798



4th August 2016

Dear Cllr Durham,

Following the recent meeting of the Car Parking Charges Review Task and Finish working group I am writing to formally request that Maldon District Council place a freeze on the current parking charges at evenings and on Sundays whilst Maldon and District CVS work with the local voluntary sector to attempt to collect quantitative information in relation to the impact of these charges.

We hope to be undertaking some work in the coming months but ask that the Council acknowledge that building an evidence base can take time and it would be inappropriate to increase charges while this evidence is still be gathered.

We fully understand the pressures that Maldon District Council are under in regards to setting budgets and hope that the work that we are planning to carry out will result in us being able to assist the Council to make an informed decision in the future.

Kind Regards

Sarah Laskar
Director
Maldon and District CVS

Maldon and District Community Voluntary Service, the Square, Holloway Road, Heybridge, Essex, CM9 4ER
Tel: 01621 851891, Fax: 01621 851896, Email: sarah@maldoncvcs.org.uk web: www.maldoncvcs.org.uk

Registered charity: 1086460 A company limited by guarantee in England and Wales : 4170241





REPORT of DIRECTOR OF RESOURCES

**to
COUNCIL
8 SEPTEMBER 2016**

COMMITTEE STRUCTURE REVIEW - TERMS OF REFERENCE

1. PURPOSE OF THE REPORT

- 1.1 The 2016/17 Internal Audit Plan as approved by Audit Committee in March 2016 contains a topic called Committee Structure Review. The purpose of the review is to ensure that the Council's Committee structure is fit for purpose and deliver the outcomes that would add value to the Council and residents of the District. The Council's Internal Auditor (BDO LLP) will be working jointly with Centre for Public Scrutiny (CfPS) on the review.
- 1.2 Officers and BDO LLP are keen to involve Members from the start of the review; it should be noted that Members received a presentation from BDO LLP at the last Council meeting, which outlined the purpose and benefits of the Committee Structure review. A copy of the presentation was circulated to all Members after the meeting and is attached in **APPENDIX 1** for information.
- 1.3 The purpose of this report is to agree the Terms of Reference for the review, a draft of which was sent out by the Director of Resources at the end of July inviting comments from Members prior to this Council meeting.
- 1.4 It is important to note that any recommendations arising from the work of the review will be reported back to Council for consideration.

2. RECOMMENDATION

That the Terms of Reference for the Committee Structure Review (as shown in **APPENDIX 2**) be approved;

3. SUMMARY OF KEY ISSUES

- 3.1 The Council's Committee Structure has not been reviewed for a long time and it is considered best practice to undertake periodic reviews of the structure to ensure it remains effective in an environment in which funding, service provision and customer expectations are changing.
- 3.2 The review will assess the effectiveness and efficiency of the current committee structure arrangements, in particular considering stakeholder views and benchmarking against other Local Authorities in light of external demands and budgetary priorities.

The review will also seek to ensure that the Council's committee structure is fit for purpose and deliver the outcomes that would add value to the Council and residents of the District.

- 3.3 It is important to note that this piece of work is similar to reviewing the effectiveness of the Council's services or benchmarking our service performance against other authorities, which will provide some invaluable information for the Council to build upon to make us a better authority. The outcome of the review may not bring out any major changes and may prove that certain aspects of the current structure are already working well; it is important for Members to keep an open mind about this review.
- 3.4 The terms of reference (as shown in **APPENDIX 2**) also outlines the areas of key focus in the review.

4. LINKS WITH CORPORATE GOALS

- 4.1 The work of the Committee Structure review is linked to the Corporate Goal "Delivering good quality, cost effective and valued services".

5. IMPLICATIONS

- (i) **Impact on Customers** – The work of the review seeks to ensure that the Council's Committee Structure is fit for purpose and deliver the outcomes that would add value to the Council and residents of the District.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – The resources required for the review is contained within the Audit Plan approved by the Audit Committee and is contained within existing budget.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Ka Ng, Director of Resources, (Tel: 01621 875762).

COMMITTEE STRUCTURE REVIEW OVERVIEW

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MALDON DISTRICT COUNCIL -
FULL COUNCIL

14 JULY 2016
GURPREET DULAY



INTRODUCTION



Internal Audit Manager for Maldon District Council with 10 years experience in Local Government

CIPFA

Public sector portfolio of clients and CIPFA qualified



Governor of Secondary Academy School for 6 years



BDO have access to significant resources/insights and specialist advisory input



Joint review with CfPS

PURPOSE OF THE REVIEW

“To review Maldon District Council’s Committee structure to ensure that it is fit for purpose and deliver the outcomes that would add value to the Council and residents of the District”

1

Empower Members and management and the community voice

4

Ensure accountability works for you and that governance reflects the views of all interested parties

2

Significant change in Local Government sector and new management structure at Council

5

Work to devise the optimum way and means by which Members are involved in key discussions

3

Best practice to review structure and such an assessment has not been undertaken for some time

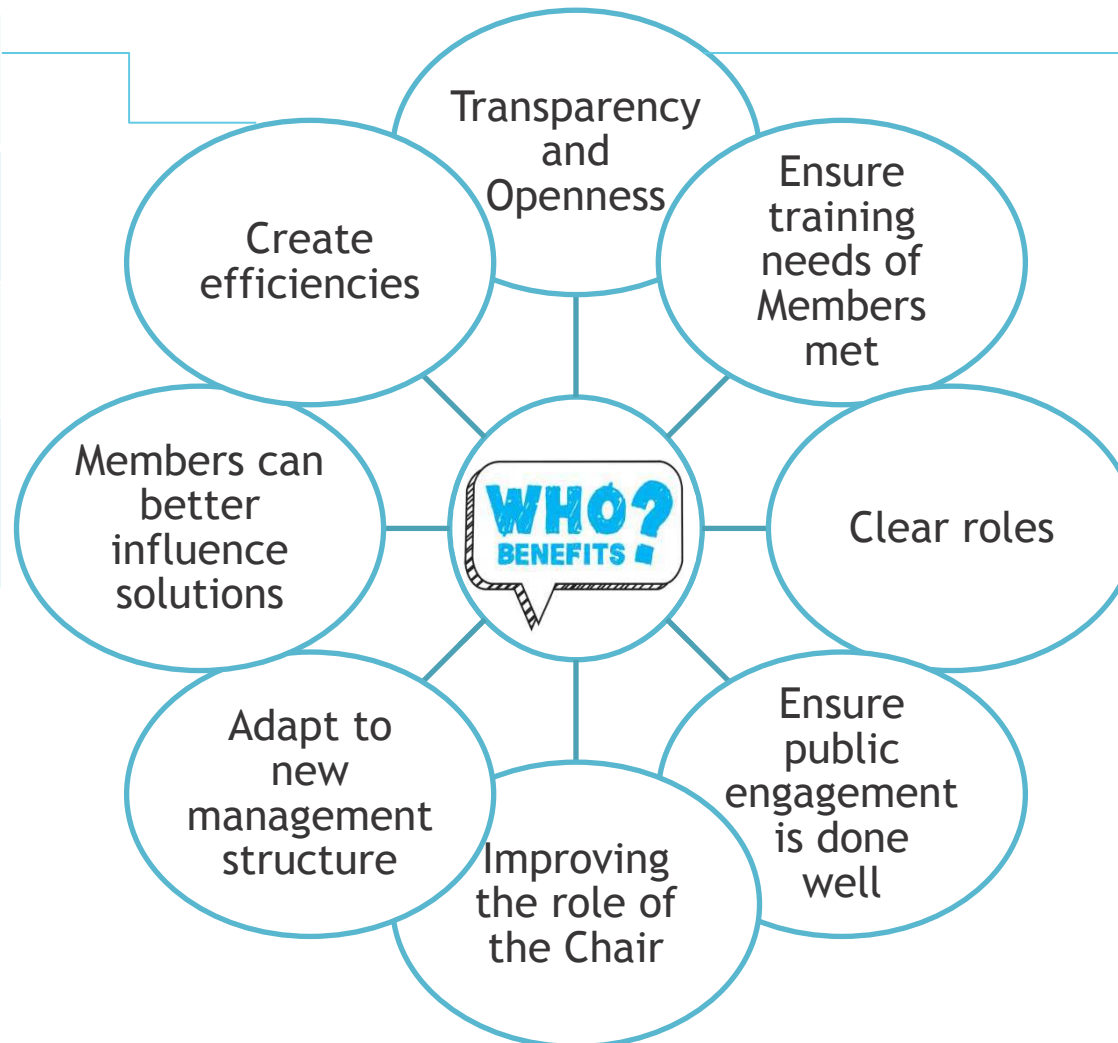
BENEFITS OF THE REVIEW

Consider where there may be unnecessary duplication

Ensure that decisions are made in the right place first time

Focussed agendas and relevant background papers

Maximise all input given by Members into the governance process (minimise wasted time)



Work to make decision making more transparent

Ensure issue of papers and agendas are optimum

Confirm strengths and weaknesses of Member / management relationships

Ensure structure is clear to the public and interested parties

Ensure consultation is appropriate and community voice is heard

REAL LIFE EXAMPLES

Local Authorities who have reviewed their governance arrangements (and Committee Structure) in 2013 to date

Newark	District	East Midlands
Stroud	District	South West
Sevenoaks	District	South East
Tunbridge Wells	District	South East
Wirral	Metropolitan District	North West
Basildon	District	East of England
Wokingham	District	South East
Reading	Unitary	South East
Kent	County	South East
Cambridgeshire	County	East of England
Norfolk	County	East of England

Ribble Valley District Council

“Recent review was conducted to improve public interest in Committee meetings”

Brighton and Hove City Council

“Greater participation in decisions making by Members. More likely to secure different perspectives and greater/more robust debate”

London Borough of Kingston Upon Thames

“1. Improving openness and public engagement in Council decision making; 2. Enable innovation in decision making; 3. Improve integrity of decision making through greater debate and scrutiny; 4. Create collective Accountability”

London Borough of Sutton

“1. Increased Councillor involvement in policy and decision making; 2. Greater transparency with debates held in public”

NEXT STEPS

1

Engage with Members and listen to views

4

Hold focussed interviews with Members and management

2

Issue the Terms of Reference for review and approval

5

Compare and benchmark against other Local Authorities

3

Meet with Members of various Committees

6

Issue report and recommendations

CONTACT

GURPREET DULAY

M: 07870 555 214

E: gurpreet.dulay@bdo.co.uk

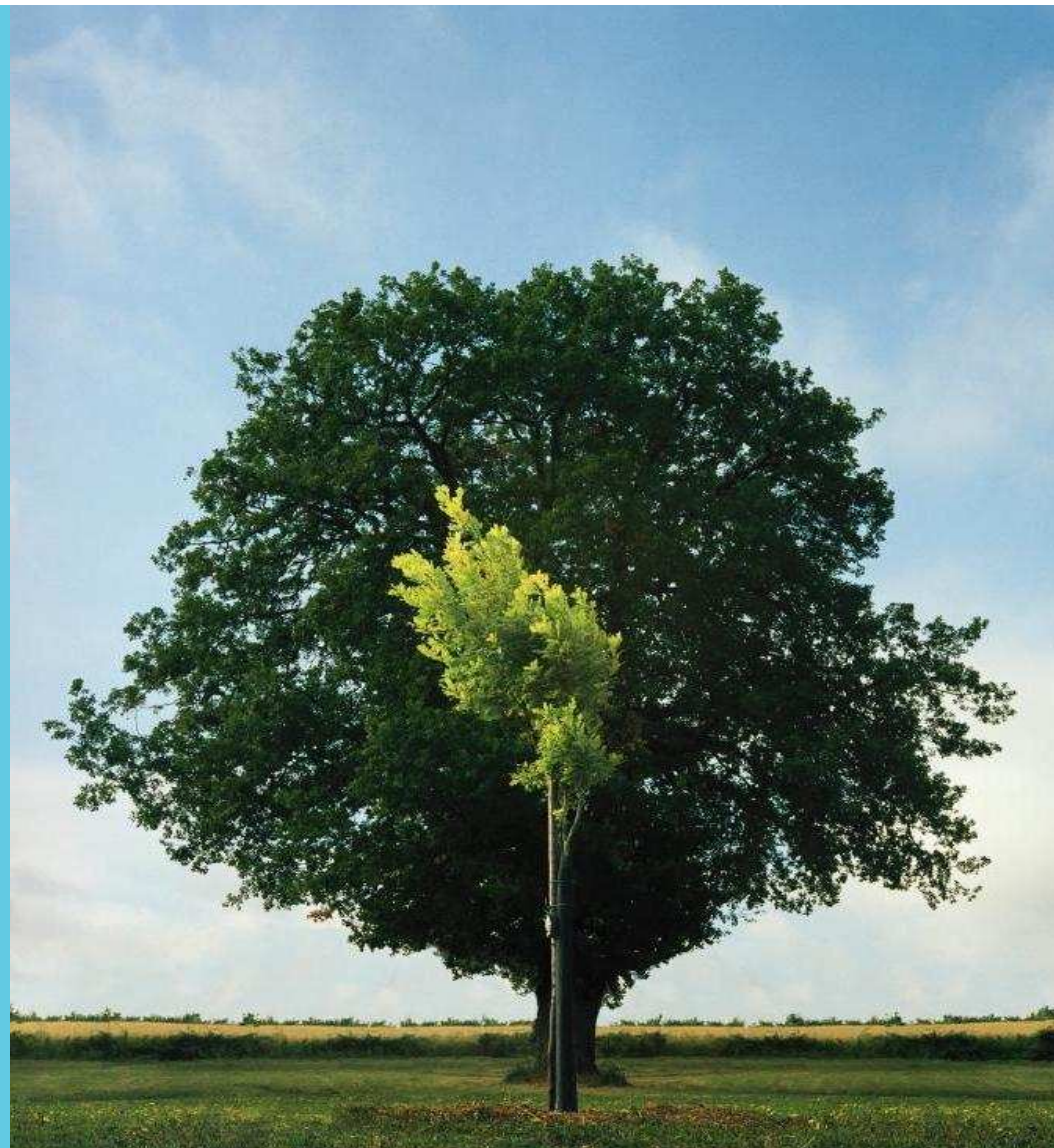


MALDON DISTRICT COUNCIL INTERNAL AUDIT TERMS OF REFERENCE

Audit 5. Committee Structure

2016-17

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Maldon District Council: Committee Structure

BACKGROUND

In accordance with the alternative arrangements under the Local Government Act 2000, Maldon District Council operates a Committee system of governance with an Audit Committee, an Overview and Scrutiny Committee (which also meets as the Crime and Disorder Committee), a Standards Committee, three service committees (Finance and Corporate Services, Community Services and Planning and Licensing), three Area Planning Committees, and an Appointments Committee and Investigating and Disciplinary Committee

A significant period has elapsed since the Council last reviewed the Committee structure, however it should be noted that the structure has been updated in line with best practice (e.g. the introduction of the Investigating and Disciplinary Committee), it is considered best practice to undertake periodic reviews of the structure to ensure it remains effective in an environment in which funding, service provision and customer expectations are changing.

This will be a joint review led by BDO and undertaken in conjunction with the Centre for Public Scrutiny. An initial presentation was made to Council on 14 July 2016 to explain the purpose, benefits and timescale of the review.

PURPOSE OF REVIEW

The purpose of this review is to review the Council's Committee structure.

SCOPE OF REVIEW

The review will assess the effectiveness and efficiency of the current committee structure arrangements, in particular considering stakeholder views and benchmarking against other Local Authorities in light of external demands and budgetary priorities. The review will also seek to ensure that the Council's committee structure is fit for purpose and deliver the outcomes that would add value to the Council and residents of the District.

EXCLUSIONS

Our work will be restricted to the areas of consideration within the scope of our review.

APPROACH

Our approach will be to conduct interviews with Members and management and attend committee meetings, and to compare and benchmark arrangements with other Local Authorities to enable us to identify and evaluate options for consideration by the Council. Any opportunities identified to improve arrangements will be offered for consideration alongside recommendations to retain good working practices and to resolve any weaknesses identified.

Maldon District Council: Committee Structure

KEY AREAS OF FOCUS

The key aims of an effective committee structure and thus the focus for this review are to ensure the following:

- An efficient, effective and timely decision making process supported by delegation to Members and officers as appropriate, and forward planning
- A strong and productive Member / officer relationship with clarity over roles and responsibilities, enabling efficient and innovative management of services
- The Council communicates appropriately with the public and stakeholders in major decisions
- Committees are able to operate in a way which supports the Council's strategic direction, including effective decision making processes for cross cutting policies
- The committee structure and arrangements incorporate effective provisions to enable the Council to demonstrate accountability.

DOCUMENTATION REQUEST

Please provide the following documents in advance of our review (where possible):

- 2016/17 Schedule of committee meetings
- Membership of Committee meetings
- Detailed governance structure, Terms of Reference and Delegation arrangements
- Outline of results of any other Council Committee structure reviews or feedback (internal or external)
- Details of significant partnerships and related decision making protocols
- Any customer comments, questions or complaints relating to Committee operations.

Any documents provided will assist the timely completion of our fieldwork, however we may need to request further documentation and evidence as we progress through the review process.

Maldon District Council: Committee Structure

APPENDIX 2


TIMETABLE

Audit Stage	Date
Number of audit days planned	20 days
Introductory Presentation to Council	14 July 2016
Discussion and adoption of Terms of Reference	8 September 2016 (Council)
Planned date for issue of the draft report	XX December 2016
Planned date for receipt of management responses	XX December 2016
Planned date for issue of proposed final report	XX January 2017
Planned Council meeting for presentation of report	16 February 2017

KEY CONTACTS

BDO LLP	Role	Telephone and/or email
Greg Rubins	Head of Internal Audit	t: 07583 114 121 e: greg.rubins@bdo.co.uk
Gurpreet Dulay	Internal Audit Manager	t: 07870 555 214 e: gurpreet.dulay@bdo.co.uk
Andrew Barnes	Internal Audit Manager	t: 07912 040 848 e: andrew.barnes@bdo.co.uk
Adam Leeder	BDO Consultant	t: 0207 893 3833 e: adam.leeder@bdo.co.uk
Ed Hammond	Centre for Public Scrutiny	t: 0207 187 7369 e: ed.hammond@cfps.org.uk
Maldon District Council		
Councillor Miss Lewis	Leader	e: cllr.miriam.lewis@maldon.gov.uk
All Maldon DC Members		
Fiona Marshall	Chief Executive	e: fiona.marshall@maldon.gov.uk
Ka Ng	Director of Resources	e: ka.ng@maldon.gov.uk
Richard Holmes	Director of Customers and Community	e: richard.holmes@maldon.gov.uk
Nick Fenwick	Director of Planning & Regulatory Services	e: nick.fenwick@maldon.gov.uk

SIGN OFF

On behalf of BDO LLP:		On behalf of Maldon District Council:	
Signature:		Signature:	
Title:	HEAD OF INTERNAL AUDIT	Title:	
Date:		Date:	

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REPORT of CORPORATE GOVERNANCE WORKING GROUP

**to
COUNCIL
8 SEPTEMBER 2016**

CORPORATE GOVERNANCE WORKING GROUP - TERMS OF REFERENCE

1. PURPOSE OF THE REPORT

1.1 At the last meeting of the Council on 14 July, it was resolved:

“That with the development and use of the Modern.Gov system, the Council moves towards paperless working through a transitional period of up to six months, subject to review, during which hard copy agenda packs would continue to be produced and circulated to Members upon request.”

1.2 The purpose of this paper is to seek permission for the Corporate Governance Working Group to lead the review and report back to the Council in order to ensure that there is a firm commitment to move to paperless working after the six month transitional period. At the most recent meeting of the Working Group, it was also concluded that a terms of reference for the Working Group should be submitted to Council for approval.

2. RECOMMENDATIONS

- (i) that the Terms of Reference for the Corporate Governance Working Group (as shown in **APPENDIX 1**) be approved;
- (ii) that in order to maximise the use of the Modern.Gov system, hard copies of the agenda packs for all Committees will only be sent to Chairmen and Vice Chairmen of Committees from this point onwards, and that it will only be available to other Members upon request (by contacting Committee Services). The Corporate Governance Working Group will receive a regular update on the number of paper copies issued to Members in order to encourage a greater take up of the Modern.Gov system.
- (iii) that all Members proactively take up the use of the Modern.Gov system and seek one to one training from IT / Committee Services where required;
- (iv) that the Corporate Governance Working Group should report back to the Council after the six month transitional period on the move towards paperless working;
- (v) that the Corporate Governance Working Group will be working with Members of South Eastern Area Planning Committee to review the location of the

Committee meetings and that a report will be submitted to a future Council meeting for consideration; and

- (vi) that the Corporate Governance Working Group will explore the feasibility of introducing live streaming of Committee meetings and report back to Council.

3. SUMMARY OF KEY ISSUES

3.1 Terms of Reference

- 3.1.1 The Corporate Governance Working Group (the Working Group) has been considering a number of issues recently including the move towards paperless working and the new approach for reception and adoption of the Minutes of Committees, which were subsequently considered by Council. The Working Group met recently to consider the draft terms of reference for Council to approve, which sets out the scope of work for the Group to follow.

- 3.1.2 The terms of reference is attached in **APPENDIX 1**.

3.2 Paperless working

- 3.2.1 In an effort to progress paperless working, the Corporate Governance Working Group should be given a key role to ensure that a review is undertaken after the six month transitional period has elapsed and that a report will be submitted to the Council to report the conclusion of the review.
- 3.2.2 It is recognised that a small group of Members have not used Modern.Gov in any way despite the fact that contact has been made by officers. The Corporate Governance Working Group suggested the following ways to engage with Members in order to maximise the take up of Modern.Gov:
- Hard copies of agenda papers will only be sent to Chairmen and Vice Chairmen of Committees and that paper copies will only be sent out to other Members upon request. The Corporate Governance Working Group will be receiving a regular update on the number of paper copies issued and sent to Members.
 - All Members should proactively take up the use of the Modern.Gov system and to seek one to one training from IT / Committee Services where required.
 - Members of the public can continue to access the Committee papers on the website as well as Modern.Gov system and some hard copies of the paper will be available at the meeting.

3.3 South Eastern Area Planning Committee

- 3.3.1 At the most recent meeting of the Corporate Governance Working Group, it was suggested by Members that there are a number of issues associated with the current location of the South Eastern Area Planning Committee meeting including the lack of sound recording, health and safety and the size of the room. The Working Group concluded that it should seek approval from the Council to work with the South

Eastern Area Planning Committee in order to review its current arrangement and report back to the Council on its findings.

3.4 **Live Streaming of Committees**

- 3.4.1 Members of the Corporate Governance Working Group recognised that in order to modernise our Committee meetings, not only should there be a commitment to move towards paperless working, the Council should also consider the introduction of live streaming of Committees and Council meetings.
- 3.4.2 It was noted that the Leader of the Council and Deputy Leader of the Council received further information at this year's Local Government Association (LGA) conference, which would warrant a feasibility analysis to be carried out by the Working Group as the associated costs of the live streaming of committees may have been updated. The Working Group has also suggested engaging with other Members to visit other local authorities in order to see how the system works in practice.
- 3.4.3 The Corporate Governance Working Group will be leading the work of the feasibility analysis and that a business case will be submitted to the Finance and Corporate Services (F&CS) Committee for consideration, which will detail the level of resources it will require to implement live streaming of committee meetings. It is envisaged that a report will be brought back to a future meeting of the Council in order to enable a final decision to be made whether to introduce live streaming of Committee meetings. The report will set out the recommendations from both the Corporate Governance Working Group and the F&CS Committee.

4. **LINKS WITH CORPORATE GOALS**

- 4.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the overarching principle of being efficient and effective.

5. **IMPLICATIONS**

- (i) **Impact on Customers** – It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. The role of the Corporate Governance Working Group is to ensure that the Council's governance procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – The proposed change towards paperless working will result in savings in printing and postage cost (estimated at around

£5,000). The move to live streaming of Committee meetings will however require a budget growth.

(v) **Impact on Resources (human)** – None identified.

(vi) **Impact on the Environment** – None identified.

Corporate Governance Working Group Membership:

Councillors B S Beale MBE, M F L Durham, P G L Elliott, A S Fluker, Miss M R Lewis and Mrs M E Thompson.

Background Papers: None.

Enquiries to: Ka Ng, Director of Resources, (Tel: 01621 875762).

CORPORATE GOVERNANCE WORKING GROUP – TERMS OF REFERENCE

At the direction of the Council or upon the request of a Committee to consider, review and report to the Council on:

- i) Any core component of the Council’s constitution or constitutional documentation, in particular Committee Terms of Reference and Schemes of Delegation, Procedure Rules and Protocols.
- ii) Any decision of the Council, including a new sphere of activity, or other matter that has implications for the Council’s corporate governance and constitutional arrangements.
- iii) To review the implications of the Council’s decision to cease the submission of Minutes of Committees to meetings of the Council and progress towards greater ‘paperless’ working arrangements for report to the Council. This will include examination of possible further initiatives towards paperless working and consideration of any implications arising for the corporate governance and constitutional arrangements of the Council.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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