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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

14 February 2018

Dear Councillor

You are summoned to attend the meeting of the;

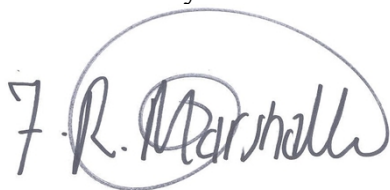
JOINT STANDARDS COMMITTEE

on **THURSDAY 22 FEBRUARY 2018** 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 'Fiona Marshall', enclosed within a large, hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Rev. A E J Shrimpton

VICE-CHAIRMAN

Councillor Mrs M E Thompson

COUNCILLORS

Mrs B F Acevedo
I E Dobson
M R Pearlman
J Anderson
S Nunn

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AGENDA
JOINT STANDARDS COMMITTEE
THURSDAY 22 FEBRUARY 2018

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 8)

To confirm the Minutes of the meeting of the Committee held on 19 October 2017 (copy enclosed).

4. **Disclosure 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).

5. **Constitutional and Operating Arrangements for the Joint Standards Committee**
(Pages 9 - 10)

To consider the report of the Monitoring Officer (copy enclosed).

6. **Update on Complaints Informally Resolved Under Stage 1 of the Complaints Procedure** (Pages 11 - 12)

To receive, for information, a summary document prepared by the Monitoring Officer (copy enclosed).

7. **Investigation into Alleged Contravention of the Members' Code of Conduct**
(Pages 13 - 52)

To consider the report of the Monitoring Officer (copy enclosed).

8. **Any other items of business that the Chairman of the Committee decides are urgent**

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)

This meeting is being monitored and recorded by CCTV.



**MINUTES of
JOINT STANDARDS COMMITTEE
19 OCTOBER 2017**

PRESENT

Chairman	Councillor Rev. A E J Shrimpton
Vice-Chairman	Councillor Mrs M E Thompson
Councillors	Mrs B F Acevedo, J Anderson, S Nunn, R P F Dewick and S J Savage

512. CHAIRMAN'S NOTICES

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

513. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE

An apology for absence was received from Councillor I E Dobson and M R Pearlman. In accordance with notice duly given Councillor R P F Dewick was substituting for Councillor Pearlman and Councillor S J Savage was substituting for Councillor Dobson.

514. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 1 June 2017 be approved and confirmed.

Councillor S J Savage stated that as he had not been present for the entirety of the last meeting he was not in a position to be able to agree to the confirmation of the Minutes and had therefore abstained from voting.

515. DISCLOSURE OF INTEREST

Councillor S J Nunn disclosed a non-pecuniary interest in agenda item 5 – Code of Conduct – Request for Dispensation, as he was acquainted with the Member the subject of the request. Councillors S J Savage and Mrs M E Thompson made similar disclosures.

516. COUNCILLOR CODE OF CONDUCT - REQUEST FOR DISPENSATION

The Committee considered the report of the Monitoring Officer on a request from Councillor M S Heard for a dispensation to enable him to participate in meetings

Overview and Scrutiny Committee acting as the Crime and Disorder Committee where he had a particular Disclosable Pecuniary Interest. A letter from Councillor Heard was appended to the report.

The Localism Act 2011 provided for the Council to grant dispensations in limited circumstances as set out in section 33(2) of the Act and which were examined in the report having regard to the nature of the request received. The report concluded that it was not appropriate to grant a dispensation, particularly given the wide nature of the request and the precedent that could be set, and therefore the request should be declined.

In the discussion that followed, Members acknowledged the danger in making an exception in this case and the implications for participation, in terms of perception of influence, where a Councillor had a Disclosable Pecuniary Interest. The view was however expressed that there was a fine line between the expertise a Councillor brought to debate on a particular matter and actual influence through participation.

RESOLVED that the Committee declines the request for a dispensation to be granted.

517. CONSTITUTIONAL AND OPERATING ARRANGEMENTS FOR THE JOINT STANDARDS COMMITTEE

The Committee considered the report of the Monitoring Officer seeking adoption of a written summary of the Conduct Complaints Process to replace the existing flowcharts. The proposed summary was attached as Appendix 1 to the report.

It had been agreed at the last meeting that flowcharts had become complicated and were difficult to follow. It was common practice now for authorities to summarise the Process in published constitutional documentation. The proposed summary had been updated to include the further revisions agreed at the last meeting of the Council.

Arising from questions raised, it was agreed that the summary be revised to ensure that the point 1 of Stage 1 made it clear that potential complaints might only come from Officers. It was also agreed that an addition be made to point 4 of Stage 1 as to the ability for a Councillor the subject of a complaint to seek the views of the Independent Person at any stage of the process.

The Committee noted that arrangements were in hand to deliver Code of Conduct training in accordance with a recent decision of the Council.

Reference was made to an email Members and Officers had received that day from Councillor Miss M R Lewis as to certain further deficiencies she felt existed in the Conduct Complaints Process. Officer advised that this should be looked at by the Monitoring Officer and a response prepared in liaison with the Chairman of the Committee.

RECOMMENDED that the Council approves the Conduct Complaints Process Summary, at **APPENDIX 1** to these Minutes, and adopts it as part of the Council's constitutional documentation in place of the Complaints Process Flowcharts.

**518. SUMMARY OF COUNCILLOR CONDUCT COMPLAINTS AND QUERIES
2012 TO 2017**

The Committee received, for information, a summary document prepared by the Monitoring Officer showing the number and nature of conduct complaints received for the above period and how the complaints had been dealt with,

The Committee noted the position and welcomed this form of reporting for the future.

519. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

520. ALLEGATION OF MISCONDUCT

The Committee considered the report of the Monitoring Officer providing an update on matters relating to an allegation of misconduct against a District Councillor, further to that given to the last meeting.

The report outlined subsequent events where the Councillor in seeking to resolve the issue had offered an unreserved apology to the complainants, which had been accepted. In the circumstances, and in consultation with the Independent Person, the Monitoring Officer recommended that no further action be taken on this matter.

RESOLVED that in the light of the report now received, no further action be taken in this matter.

There being no further items of business the Chairman closed the meeting at 7.05 pm.

REV. A E J SHRIMPTON
CHAIRMAN

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REPORT of MONITORING OFFICER

**to
JOINT STANDARDS COMMITTEE
22 FEBRUARY 2018**

CONSTITUTIONAL AND OPERATING ARRANGEMENTS FOR THE JOINT STANDARDS COMMITTEE

1. PURPOSE OF THE REPORT

- 1.1 To consider and recommend to the Council a further revision to the adopted summary of the Councillor Conduct Complaints Procedure as part of its constitutional documentation.

2. RECOMMENDATION

To the Council:

That the Committee recommends to the Council that the further revision to the summary of the Councillor Conduct Complaints Process be adopted as part of the Council's constitutional documentation in place of the Complaints Process flowcharts.

3. SUMMARY OF KEY ISSUES

- 3.1 At the meeting of the Committee on 19 October 2017 consideration was given to a written summary of the Conduct Complaints Process to replace the existing flowcharts. It was agreed to recommend this to the Council for adoption, and the Committee's recommendation will be reported to the Council on 8 February 2018.
- 3.2 Following discussion between the Deputy Monitoring Officer and Leader of the Council/Deputy Leader, the need for a further revision has been identified. This simply makes provision for the Deputy Leader of the Council to be informed, and to be generally kept informed, where the complaint is against a Councillor who is the Leader of the Council. The revision is shown as follows:
3. All complaints will be acknowledged and the Councillor complained of notified within five working days of receipt. The Leader of the Council will be notified of all complaints against District Councillors and generally kept advised. **If the complaint is made against the Leader of the Council, the Deputy Leader will be informed and generally kept informed.**

- 3.3 Given the linkage between the Conduct Complaints Process and the Member/Officer Relations Protocol, a consequential revision to the Protocol is also required. In the actual Procedure for the Resolution of Disputes, the following revisions are required:

Officers' disputes with Members

- 4.2 Where a concern arises, the first step should be for both parties to resolve any differences informally between themselves or with the assistance of the relevant Director and the Leader of the Council/Opposition Leader. **If there is a difference with the Leader of the Council, the Deputy Leader will assist with any possible resolution.**
- 4.3 The Officer concerned should make their concerns known to their Director who should work with them to liaise with the Member to seek an informal discussion to arrive at a solution. The Leader must always be kept informed **(and the Deputy Leader in the case of a difference with the Leader of the Council)**, so that he/she is fully aware of the concerns and can work with the Member to get a clear view of the circumstances from their perspective and provide any necessary support.

4. IMPACT ON CORPORATE GOALS

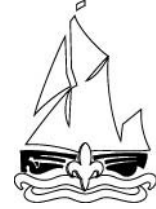
- 4.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to high level outcomes associated with the corporate goal of delivering good quality, cost effective and valued services in a transparent way.

5. IMPLICATIONS

- (i) **Impact on Customers** – It is right and proper 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. It is important that the Council's procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Stuart Jennings, Corporate Governance Project Officer, (Tel: 01621 875745).



REPORT of MONITORING OFFICER

**to
JOINT STANDARDS COMMITTEE
22 FEBRUARY 2018**

UPDATE ON COMPLAINTS INFORMALLY RESOLVED UNDER STAGE 1 OF THE COMPLAINTS PROCEDURE

1. PURPOSE OF THE REPORT

- 1.1 To update the Committee on complaints informally resolved received since the last Committee.

2. RECOMMENDATIONS

To note the information on one complaint that was dealt with under stage 1 of the complaints procedure.

3. SUMMARY OF KEY ISSUES

- 3.1 On 6 October 2017 a resident in the parish of Mayland complained that two parish Councillors firstly predetermined a consultation response in relation to a planning application and secondly made inappropriate comments in a Council meeting about certain activities being of a criminal nature.
- 3.2 The predetermination complaint was not valid and so was not taken any further under stage 1 of the complaints procedure. The second complaint was resolved by the 2 councillors accepting that there could have been some misunderstanding about their comments. They apologised at a Council meeting for any misunderstanding that they may have caused.

4. CONCLUSION

- 4.1 In my opinion this was a satisfactory resolution to a possible misunderstanding.

5. IMPACT ON CORPORATE GOALS

- 5.1 None

6. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers: None

Enquiries to: Simon Quelch, Deputy Monitoring Officer, (Tel: 01621 875870).



REPORT of MONITORING OFFICER

to
JOINT STANDARDS COMMITTEE
22 FEBRUARY 2018

INVESTIGATION INTO ALLEGED CONTRAVENTION OF THE MEMBERS' CODE OF CONDUCT

1. PURPOSE OF THE REPORT

- 1.1 To consider a complaint against Councillor Paul Burgess regarding the Code of Conduct for Members.

2. RECOMMENDATION

That Members consider the recommendations contained within **APPENDIX 1** to this report.

3. SUMMARY OF KEY ISSUES

- 3.1 Following receipt of a complaint about Parish Councillor Paul Burgess, who is the Chairman of Althorne Parish Council, Members are asked to consider the Deputy Monitoring Officer's investigation attached at **APPENDIX 1** to this report.

4. IMPACT ON CORPORATE GOALS

- 4.1 None.

5. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Simon Quelch, Deputy Monitoring Officer, (Tel: 01621 875870).

Investigation into alleged contravention of the Members Code of Conduct

Councillor Paul Burgess – Chairman of Althorne Parish Council

Summary of Findings

The Complaint

1. District Councillors Brian Beale MBE and Beverley Acevedo made separate complaints on 8th December 2017 about Parish Councillor Paul Burgess who is the Chairman of Althorne Parish Council. Both complaints are annexed as annex 1 and 2.
2. The complaints are in essence the same;
 1. That Councillor Burgess spoke at the South Eastern Area Planning Committee (SEAPC) of Maldon District Council on the 6th November and 4th December 2017 by holding himself out as having authority to represent Althorne Parish Council when he did not have that authority;
 2. That Councillor Burgess spoke on both occasions making presentations that went beyond the reasons given by the Parish Council.

Evidence

3. I have interviewed Councillor Mrs Acevedo and Councillor Beale by phone. I have interviewed in person Joanna Jeffery

(Parish Clerk) , Tara Bird (Committee Services) and Councillor Burgess.

4. As Councillor Burgess had thought that a relative may have been the applicant for permission I spoke with Councillor Acevedo. She stated that she and her husband were the applicants. The planning application is marked as annex 3. There is some confusion caused by part 8 of the application making it appear that a relative is the applicant. However it is clear that the applicants live at Fiddlers Rest. This is Councillor Mrs Acevedo's home. It is therefore clear that Councillor Mrs Acevedo and her husband are the applicants.

Evidence of Joanna Jeffery

5. Mrs Jeffery has worked as Clerk since 2011. The Parish Council adopted the District Council's Code of Conduct in about 2013

6. On 18th October the Parish Council resolved to object to Mr and Mrs Acevedo's application for permission to build a new house. The only reason was that the site was outside the village development envelope. When Mrs Jeffery informed the District Council of the objection she mistakenly added sustainability as a second reason (see annex 4).

7. After Mrs Jeffery heard that Councillor Burgess had attended SEAPC on the 6th November as a representative of the Council she explained to him that he should not represent the Council without Council authorisation, having already taken advice from a different Deputy Monitoring Officer to me. Councillor Burgess replied to the effect that he was Chairman and that authorised him to attend the Committee. Furthermore he added that he "knew what this is about and it is personal and you

don't need to know about it". Mrs Jeffery understood that Councillor Burgess was referring to the poor relationship that exists between him and Councillor Mrs Acevedo..

8.The next Parish Council meeting was on 29th November (Mrs Jeffery was not present). Nothing is shown in the minutes that records that Councillor Burgess was authorised to represent the Council at the SEAPC on the 4th December.

9.After Mrs Jeffery heard that Councillor Burgess had represented the Council again without authority on the 4th December she challenged him. He stated that he was not allowed to speak as a resident so he decided to speak as the representative of the Council. Mrs Jeffery did not take the matter further because she was aware that a complaint would be made about a possible breach of the Code of Conduct.

10.After this Mrs Jeffery heard that Councillor Burgess had attended the SEAPC on previous occasions as a representative of the Council. He had never informed the Council that he had done so. There is a standing agenda item giving members the opportunity to inform the Council when they have attended events in their capacity as a Councillor. Mrs Jeffery would have expected Councillor Burgess to have mentioned that he had attended SEAPC or was expecting to attend. He has mentioned that he has attended other events but never SEAPC.

Evidence of Tara Bird

11.Miss Bird confirmed that she was present to take minutes at the SEAPC on the 6th November and 4th December 2017 as an employee of Maldon District Council.

12. Miss Bird confirmed that Councillor Burgess represented the Althorne PC on the 6th November. She recalls Mrs Acevedo objecting to her prior to the Committee stating that Councillor Burgess had no authority from the Parish Council. Miss Bird however did not consider it her place to challenge Councillor Burgess authority to speak for the Parish Council.

13.On the 4th December Miss Bird recalls Councillor Burgess asking to speak as an objector in his individual capacity at the SEAPC. She explained that he was not permitted because he had not filed a letter of representation in relation. He then said that he wished to speak on behalf of the Parish Council . Miss Bird asked if he had authority to do so bearing in mind the issue raised by Councillor Mrs Acevedo on the 6th November. Councillor Burgess replied that as he spoke for the Parish Council on the 6th November he had authority to do so. Miss Bird did not consider that she had any authority to challenge his authorisation but relied on what Cllr Burgess said.

Evidence of Councillor Brian Beale MBE

14.Councillor Beale stated that Councillor Burgess mentioned 3 matters as part of his presentations for the Parish Council at both committees. That the development was outside the village envelope, unsustainability, including mention of bus routes, and that there had been previous refusals for development in the area.

15.Councillor Beale also mentioned that Councillor Burgess does not normally attend committee when the Parish Council objects to a development. On this occasion he attended both committees.

He appeared to be in opposition to Councillor Mrs Acevedo rather than the planning application itself.

Evidence of Councillor Paul Burgess

16.Councillor Burgess has been a parish member for 8-10 years and Parish Chairman since 2014.

17.Councillor Burgess has attended SEAPC on several occasions as a representative of the PC. He has never been challenged about his authority to speak for the Parish Council.

18.The Parish Council do not have a protocol about speaking on behalf of the Council at SEAPC. Councillor Burgess believes that as Chairman it is his responsibility and obligation to speak for the community.

19.Councillor Burgess accepts that he attended and spoke at SEAPC on the 6th November on behalf of the Parish Council. He had attended because Mrs Jeffery informed him that the application of Councillor Mrs Acevedo had been called in. He told Mrs Jeffery that he would attending the committee and believed that she would have understood that he was going to attend to speak on behalf of the Parish Council, though he accepts that he did not explicitly say that.

20.Following his attendance at the Committee Councillor Burgess agrees that Mrs Jeffery advised him that he could not speak on behalf of the Parish Council without authorisation. He agrees that he said that the matter was a personal one and that Mrs Jeffery did not need to know about it. He meant that this was a matter between him and Councillor Beale, who he believed was using Mrs Jeffery to intimidate him on a dubious planning application; he was not referring to his relationship with Mrs Acevedo as Mrs Jeffery had thought.

21.On the 4th December Councillor Burgess intended to speak in his private capacity and wanted to heed Mrs Jeffery's advice as he did not wish to cause problems. He agrees with Miss Bird's version of events but added that the report on the deferred application did not show the Parish Council as an objector. Miss Bird explained that this had been corrected to show the Parish Council as an objector. As Councillor Burgess was not allowed to speak in his private capacity he said he would speak on behalf of the Parish Council as Chairman.

22.Councillor Burgess believes that he did not need to follow Mrs Jeffery's advice because he had spoken already on behalf of the Parish Council and that Councillor Beale only wished to intimidate him through Mrs Jeffery; she is also the clerk at Southminster PC in Councillor Beale's ward.

23.Councillor Burgess spoke on the matter of sustainability at both committees and his scripts for both committees are marked as annexes 5 and 6. He elaborated on the sustainability ground. Councillor Burgess was not aware that the minutes of the Parish Council of 18th October only gave one reason of objection that the application site is outside the development envelope. Councillor Burgess was not present at that meeting. It was only after the December committee that Councillor Burgess became aware that the development envelope reason was the sole one.

The committee reports of the 6th November 4th December and members final updates

24.The committee reports did not record the Parish Council as having made any objection however this was corrected in both members final updates. Both updates recorded an objection from the Parish Council on grounds of development outside the development envelope and unsustainability.

Analysis of Evidence

The first allegation

25.As a matter fact there is no general written protocol entitling the Chairman of the Council to represent the Council at SEAPC nor a specific authorisation for this particular planning application.

26.Councillor Burgess view is that as Chairman he had the authority to represent the Council . This appears to be a personal view and not some general understanding within the Council . However had there been this general understanding , then Councillor Burgess could have, in my opinion, legitimately relied on his office to make representations at the SEAPC. However the fact that the Parish Clerk advised Councillor Burgess that he should not represent the Council without authorisations indicates that no such general understanding existed.

27.I am of the view that following the Parish Clerk's advice about representation Councillor Burgess recognised there was, at the very least ,a serious question mark over his authority to represent the Parish Council. This is reflected by his decision to speak in his private capacity on the 4th December. When he found out that he could not he then wrongly made the decision to rely on his office as Chairman to speak for the Council, despite being challenged by Miss Bird. It seems to me that Councillor Burgess was determined that he should be heard one way or the other and that determination overrode his sense that his authority to speak for the Council had been brought into serious doubt. In my opinion following the Parish Clerk's advice Councillor Burgess should have either emailed all of his fellow Councillors asking for permission to represent their collective view or sought permission at the Parish Council meeting of the 29th November

28.With regard to the first allegation I am satisfied that Councillor Burgess did not have authority from Althorne Parish Council to represent them and wrongly held himself out as having that authority on the 6th November and 4th December. The 4th December incident was the more serious of the two because he knowingly held himself out as a legitimate representative of the Parish Council when he knew that there was a serious doubt .

The second allegation

29.At the Parish Council meeting on the 18th October it was resolved that the Council would object for the single reason that the site was outside the village development envelope. Councillor Burgess went beyond that reason at both planning committees. However I accept that Councillor Burgess believed for good reason that there was the additional reason of unsustainability; he says that he only discovered the true position after the 4th December meeting. The information sent in by the Clerk at annex 4 would have been available on the District Council's website and was included in the members final update. His representations at both planning committees focussed on that reason with significant elaboration . Nevertheless his comments were within that second reason.

30. Even though Councillor Burgess went beyond the reason given by the Parish Council he had good grounds to believe that unsustainability was a genuine ground. However what surprised me was that as Chairman he had not verified what the minutes of the 18th October said prior to holding himself out as a representative of the Parish Council. Had he done so he would have seen that the sustainability reason was not part of the Parish Council's reasons for objection and had been added by mistake

31. With regard to the second allegation I am of the view that Councillor Burgess went beyond the single reason of objection by the Parish Council but he believed for good reason that the sustainability reason was part of the objection.

Application to the Members Code of Conduct

32. The 2 parts of the Code that are relevant are;

1. "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute" para graph 3.5(e);
2. "You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage" paragraph 3.7 (a).

33. I believe that Councillor Burgess genuinely, but wrongly, thought his position gave him authority to represent the Parish Council on the 6th November. I am of the view that he realised that there were serious doubts about his authorisation on the 4th December. He knowingly used his position as Chairman to speak for the Parish Council with those serious doubts in his mind. This was a misuse of his office as Chairman and in my view he crossed the line when he chose to speak for the Parish Council on the 4th December.

34. With regard to the first allegation there is in my opinion, a breach of paragraph 3.5(e) of the Code (although not a serious one), by bringing his office as Chairman into disrepute in connection with the 4th December. This though does not, in my opinion, apply to the 6th November.

35. As there are grounds for concluding that Councillor Burgess thought that the sustainability reason was a genuine one I cannot see that he contravened either of the 2 parts of the Code in relation to the second allegation.

36. With regard to the second allegation I do not believe that there has been a breach of the Code.

Options

37. If the Joint Standards Committee agrees with me that there has been a breach of the Code there are 5 options available to the Committee depending on how seriously the breach is assessed. My view is that the breach is not a serious one. The options are listed in order of severity and are not mutually exclusive. A combination of the options could be proposed. They are;

1. Recommending to the Parish Council that they establish a procedure or protocol when Councillor Burgess in his role as Chairman may attend SEAPC to present the Parish Council;
2. Recommending to Althorne Parish Council and to Councillor Burgess that he undergoes training to understand better the role of Chairman;

3. Publicising on the District Council's website the breach of the Code of conduct and recommending to the Parish Council that they do the same;
4. Recommending that the Parish Council place a public notice in a local newspaper about the contravention of the Code of Conduct;
5. Recommending to the Parish Council that Councillor Burgess is voted out of the role of Chairman.

Simon Quelch (Deputy Monitoring Officer)

19th January 2018



MALDON DISTRICT COUNCIL

Annex 1

Welcome, Emma Foy

Section 1

1 2 3 4

1. YOUR DETAILS

Please provide us with your name and contact details

Title

Please Select ... ☒ COUNCILLOR @ MDC

First Name *

BRIAN

Please enter your first name

Last Name *

BEALG

Please enter your surname

Address *

4 DEVONSHIRE ROAD
SOUTHMINSTER
ESSEX

Please enter your address

Telephone

Daytime

01621 772806

Evening

Mobile

E-mail Address

Your address and contact details will not usually be released unless necessary or to deal with your complaint. However, we will tell the following people that you have made this complaint:

The Councillors(s) you are complaining about;

The parish or town clerk.

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete Section 3 of this form.

Please tell us which complainant ☐ Member of the public

type best describes you: *

☒ An elected or co-opted Councillor of an Authority

☐ An independent Member of the Standards Committee

☐ Member of Parliament

☐ Local authority Monitoring Officer

☐ Other Council Officer or authority employee

☐ Other

You must enter a value for this field

CANCEL

NEXT

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Page 1 of 2.

- Please provide us with details of your complaint

As a member of MDC South Eastern Area Planning I was present (6th November 2017) at Burnham on Crouch and had on our agenda an item for an application for a new house (17/01010).

At that meeting we heard the officer Mr Matt Leigh outline the application & Cllr Dewick (Chairman of SE Planning) asked if there were any representations to be heard about the application. Miss Tara Bird (Committee Clerk) stated a Councillor Paul Burgess of Althorne P/C wished to speak against the application. (He is the Chairman of Althorne P/C)

We heard his presentation which covered many points which committee members noted prior to making a decision. - to defer the application to clarify bus frequencies & service to that area.

Since that meeting I found Cllr P Burgess did not have the prior approval of Althorne P/C to represent them at the meeting & the reasons put forward by him had not been authorised by Althorne P/C.

At the meeting on 4 December 2017 at the same venue the application (which had been deferred) was reheard.

Prior to the meeting Mr Paul Burgess stated as a resident of Althorne he wished to speak against it. He was told by the clerk Miss Tara Bird that it was too late to be a speaker against the application as he had not notified MDC (Miss T. Bird) of his intentions. So said he will be a

ADD

See page 2

PREVIOUS

CANCEL

NEXT

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MALDON DISTRICT COUNCIL

Welcome, Emma Foy

Section 2

1 2 3 4

2. MAKING YOUR COMPLAINT

Please see the "Procedure for making a complaint against a Councillor for Breaching of the Local Code of Conduct" available on the Maldon District Council Website before completing

What is the name of the Councillors(s) you believe have breached the Code of Conduct and the name of their authority?

Title COUNCILLOR
First Name
Last Name *

Please enter the Councillors surname

Council/Authority
Name

Please explain what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor, you should clearly state what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all information you wish to have taken into account by the Standards Sub-Committee when it decides whether to take any action on your complaint. For example;

- You should be specific (wherever possible) about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what it was they said;
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide the exact dates, it is important to give a general timeframe;
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible;
- You should provide any relevant background information.

(Page 2)

Speaker using his position as Althorne Parish Council
Chairman.

He addressed the committee in that capacity.

Later during the meeting before a decision was made
(See tape recording of the meeting) I queried the credibility
of MR Paul Burgess to use his position ~~as~~ Chairman to
even be addressing our meeting & his credibility to act in that matter.
He put forward reasons that had not in their entirety
been endorsed by Althorne P/C (I note had Althorne P/C
minute) at their meeting to allow him to use his position to speak.

To ensure fairness at our Planning Meetings I wish to
have assurance that what is put forward by Parish Council representative
is authentic & truthful for our debate.

I feel Mr Paul Burgess has abused his position as
Chairman of Althorne P/C and made personal opinions rather than
authenticated representational views of Althorne P/C.

 MBE

District Councillor
Maldon District Council
08-12-17



Annex 2

MALDON DISTRICT COUNCIL

Welcome, Emma Foy

Section 1

1	2	3	4
---	---	---	---

1. YOUR DETAILS

Please provide us with your name and contact details

Title

Please Select ... ☒

CHUR MRS

First Name *

BEVERLEY

Please enter your first name

Last Name *

ACEVEDO

Please enter your surname

Address *

FIDDLERS REST
THE ENDWAY
ALTHORNE
ESSEX CM3 6DU

Please enter your address

Telephone

Daytime

Evening

Mobile

E-mail Address

01621 774340

Your address and contact details will not usually be released unless necessary or to deal with your complaint. However, we will tell the following people that you have made this complaint:

The Councillors(s) you are complaining about;
The parish or town clerk.

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete Section 3 of this form.

Please tell us which complainant ☐ Member of the public

type best describes you: *

- ☒ An elected or co-opted Councillor of an Authority
- ☐ An independent Member of the Standards Committee
- ☐ Member of Parliament
- ☐ Local authority Monitoring Officer
- ☐ Other Council Officer or authority employee
- ☐ Other

You must enter a value for this field

CANCEL

NEXT

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MALDON DISTRICT COUNCIL

Welcome, Emma Foy

Section 2

1 2 3 4

2. MAKING YOUR COMPLAINT

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Title ☒ Parish Councillor
First Name
Last Name *

Please enter the Councillors surname

Council/Authority
Name

Please explain what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor, you should clearly state what each individual person has done that you believe breaches the Code of Conduct.

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- You should be specific (wherever possible) about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what it was they said;
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide the exact dates, it is important to give a general timeframe;
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible;
- You should provide any relevant background information.

Please provide
us with details of
your complaint

ON MONDAY 6TH NOVEMBER 2017, MR PAUL BURGESS WHO IS CHAIRMAN OF ALTHORPE PARISH COUNCIL SPOKE AGAINST MY PLANNING APPLICATION AT THE S.E PLANNING COMMITTEE MEETING AS CHAIR OF ALTHORPE PARISH, REPRESENTING THE PARISH COUNCIL WITHOUT AUTHORITY FROM THE COUNCIL. THE PARISH COUNCIL HAD VOTED AGAINST THE APPLICATION BECAUSE IT WAS OUTSIDE OF THE VILLAGE BOUNDARY BUT WHEN MR BURGESS SPOKE HE ADDED OTHER REASONS (PERSONAL) FOR REFUSAL. APP N° 17/01010 THE APPLICATION ON THAT DAY WAS DEFERRED.

IT WAS BROUGHT TO THE ATTENTION OF THE CLERK AT ALTHORPE PARISH COUNCIL ~~THE~~ JOANNA JEFFREY'S THAT PAUL BURGESS HAD BREACHED THE CODE OF CONDUCT IN RESPECT OF THIS APPLICATION SO MRS JEFFREY'S SPOKE TO SALEEM AS MONITORING OFFICER WHO ADVISED HER TO TELL PAUL BURGESS THAT HE WAS IN BREACH OF THE CODE OF CONDUCT AND THAT HE HAD NOT HAD PERMISSION TO SPEAK AS A REPRESENTATIVE OF THE COUNCIL WHICH SHE DID IN THE PRESENCE OF ANOTHER COUNCILLOR. SHE ALSO TOLD HIM THAT IF HE WISHED TO SPEAK AGAINST THE APPLICATION WHEN IT WENT TO COMMITTEE ON 4TH DECEMBER 2017, HE COULD ONLY DO SO AS A PARISHIONER AND NOT REPRESENTING THE COUNCIL.

ON 4TH DECEMBER 2017, MR PAUL BURGESS WAS AT S.E PLANNING AND PRIOR TO THE MEETING I HEARD HIM SPEAK TO THE CLERK TARA BIRD. HE TOLD TARA HE WISHED TO SPEAK AGAINST APP N° 17/01010 AS A PARISHIONER. MRS BIRD TOLD HIM HE COULD ONLY DO THAT IF HE HAD PREVIOUSLY SENT IN A LETTER AGAINST THE APPLICATION. HE TOLD HER THAT HE HAD NOT. HE THEN SAID "WELL IN THAT CASE I WILL SPEAK ON BEHALF OF ALTHORPE PARISH" TARA BIRD ASKED HIM IF HE HAD AUTHORITY TO DO SO AND HE SAID YES.

I LEFT THE ROOM WHEN MY APPLICATION WAS DISCUSSED AND VOTED ON, BUT I UNDERSTAND THAT PAUL BURGESS AGAIN SPOKE AGAINST MY APPLICATION WITH OUT AUTHORITY FROM THE PARISH AS A REPRESENTATIVE OF THE PARISH SO UNFAIRLY INFLUENCED THE COMMITTEE, HE AGAIN ADDED HIS PERSONAL REASONS FOR REFUSAL AND NOT THAT OF THE PARISH OF ALTHORPE. MY APPLICATION WAS REFUSED AND I BELIEVE IT COULD HAVE BEEN BECAUSE OF PAUL BURGESS

ADD INFLUENCE ON THE COMMITTEE.
I BELIEVE MR PAUL BURGESS HAS ABUSED HIS POSITION AND IN BREACH OF THE CODE OF CONDUCT.

PREVIOUS

CANCEL

NEXT

eForms by AchieveForms

8/12/2017





MALDON DISTRICT COUNCIL

Welcome, Emma Foy

Section 3

1 2 3 4

3. ONLY COMPLETE THIS SECTION IF YOU ARE REQUESTING THAT YOUR IDENTITY IS KEPT CONFIDENTIAL

In the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that the Councillor should not be informed of those details, e.g. you have good grounds to believe that the Councillor is likely to intimidate you.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Standards Sub-Committee will consider request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that, in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or details of your complaint:

N/A.

PREVIOUS

CANCEL

NEXT

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2

2

MALDON DISTRICT COUNCIL

Princes Road, Maldon, Essex CM9 5DL

TEL 01621 854477 FAX 01621 852575 EMAIL dc.planning@maldon.gov.uk



Annex (3)

Application for Planning Permission. Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title:	<input type="text" value="Mr & Mrs"/>	First Name:	<input type="text"/>	Surname:	<input type="text" value="Acevedo"/>
Company name:	<input type="text"/>				
Street address:	<input type="text" value="Fiddlers Rest, The Endway"/>				
	<input type="text" value="Althorne"/>				
	<input type="text"/>				
Telephone number:	<input type="text"/>				
Mobile number:	<input type="text"/>				
Town/City:	<input type="text" value="Chelmsford"/>				
Fax number:	<input type="text"/>				
Country:	<input type="text" value="Essex"/>				
Email address:	<input type="text"/>				
Postcode:	<input type="text" value="CM3 6DU"/>				
Are you an agent acting on behalf of the applicant?					
<input checked="" type="radio"/> Yes <input type="radio"/> No					

2. Agent Name, Address and Contact Details

Title:	<input type="text" value="Mrs"/>	First Name:	<input type="text" value="Lynne"/>	Surname:	<input type="text" value="Fornieles"/>
Company name:	<input type="text" value="Febo Designs"/>				
Street address:	<input type="text" value="1 Foxcombe Cottages"/>				
	<input type="text" value="South Harting"/>				
	<input type="text"/>				
Telephone number:	<input type="text" value="01730826688"/>				
Mobile number:	<input type="text"/>				
Town/City:	<input type="text" value="Petersfield"/>				
Fax number:	<input type="text"/>				
Country:	<input type="text" value="United Kingdom"/>				
Email address:	<input type="text" value="febodesigns@btinternet.com"/>				
Postcode:	<input type="text" value="GU31 5PL"/>				

3. Description of the Proposal

Please describe the proposed development including any change of use:

Has the building, work or change of use already started? ☐ Yes ☒ No

4. Site Address Details

Full postal address of the site (including full postcode where available)

House: Suffix:

House name:

Street address:

Town/City:

Postcode:

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:

Northing:

Description:

5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: First name: Surname:

Reference:

Date (DD/MM/YYYY): (Must be pre-application submission)

Details of the pre-application advice received:

6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

☐ Yes ☒ No

Is a new or altered pedestrian access proposed to or from the public highway?

☐ Yes ☒ No

Are there any new public roads to be provided within the site?

☐ Yes ☒ No

Are there any new public rights of way to be provided within or adjacent to the site?

☐ Yes ☒ No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

☐ Yes ☒ No

7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

☒ Yes ☐ No

If Yes, please provide details:

Have arrangements been made for the separate storage and collection of recyclable waste?

☒ Yes ☐ No

If Yes, please provide details:

8. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

☒ Yes ☐ No

If Yes, please provide details of the name, relationship and role:

Cllr Beverley Acevedo is my cousin.

9. Materials

Please state what materials (including type, colour and name) are to be used externally (if applicable):

Boundary Treatments - description:

Description of *existing* materials and finishes:

Existing fences include rural post and rail and a side strip of close boarded fencing and hedge

Description of *proposed* materials and finishes:

The only new boundary will be a strip of post and rail fencing to divide the new dwelling from Fiddler's Rest

Roof - description:

Description of *existing* materials and finishes:

Slate tiles on Fiddler's Rest

Description of *proposed* materials and finishes:

Similar slate tiles are proposed on new dwelling

Vehicle Access - description:

Description of *existing* materials and finishes:

gravel

Description of *proposed* materials and finishes:

gravel

Walls - description:

Description of *existing* materials and finishes:

Combination of weatherboarding and render on Fiddler's Rest

Description of *proposed* materials and finishes:

The walls are to be a combination of rendered blockwork and white weather boarding

Windows - description:

Description of *existing* materials and finishes:

Description of *proposed* materials and finishes:

Painted softwood windows

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

☒ Yes ☐ No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

Design and Access Statement
Proposed Plans and Elevations
Location and Block Plan

10. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	0	2	2
Cycle spaces	0	3	3
Motorcycles	0	1	1

11. Foul Sewage

Please state how foul sewage is to be disposed of:

Mains sewer	<input checked="" type="checkbox"/>	Package treatment plant	<input type="checkbox"/>	Unknown	<input type="checkbox"/>
Septic tank	<input type="checkbox"/>	Cess pit	<input type="checkbox"/>	Other	<input type="checkbox"/>

Are you proposing to connect to the existing drainage system? ☐ Yes ☐ No ☒ Unknown

12. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

☐ Yes ☒ No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

☐ Yes ☒ No

Will the proposal increase the flood risk elsewhere?

☐ Yes ☒ No

How will surface water be disposed of?

<input type="checkbox"/> Sustainable drainage system	<input type="checkbox"/> Main sewer	<input type="checkbox"/> Pond/lake
<input checked="" type="checkbox"/> Soakaway	<input type="checkbox"/> Existing watercourse	

13. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:

a) Protected and priority species

☐ Yes, on the development site ☐ Yes, on land adjacent to or near the proposed development ☒ No

b) Designated sites, important habitats or other biodiversity features

☐ Yes, on the development site ☐ Yes, on land adjacent to or near the proposed development ☒ No

c) Features of geological conservation importance

☐ Yes, on the development site ☐ Yes, on land adjacent to or near the proposed development ☒ No

14. Existing Use

Please describe the current use of the site:

Dwelling

Is the site currently vacant?

☐ Yes ☒ No

Does the proposal involve any of the following?

If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated?

☐ Yes ☒ No

Land where contamination is suspected for all or part of the site?

☐ Yes ☒ No

A proposed use that would be particularly vulnerable to the presence of contamination?

☐ Yes ☒ No

15. Trees and Hedges

Are there trees or hedges on the proposed development site?

☒ Yes ☐ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

☐ Yes ☒ No

If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

16. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste?

☐ Yes ☒ No

17. Residential Units

Does your proposal include the gain or loss of residential units?

☒ Yes ☐ No

Market Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses	0	0	0	1	0
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Market Housing Total

1

Market Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Market Housing Total

Social Rented Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Social Housing Total

Social Rented Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Social Housing Total

Intermediate Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Intermediate Housing Total

Intermediate Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Intermediate Housing Total

17. Residential Units

Key Worker Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Key Worker Housing Total

Overall Residential Unit Totals

Total proposed residential units	1
Total existing residential units	

Key Worker Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Key Worker Housing Total

18. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

☐ Yes ☒ No

19. Employment

No Employment details were submitted for this application

20. Hours of Opening

No Hours of Opening details were submitted for this application

21. Site Area

What is the site area?

1,496.00

sq.metres

22. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Normal household appliances such as dishwasher and washing machines will be in use.

Is the proposal for a waste management development?

☐ Yes ☒ No

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make clear what information it requires on its website.

23. Hazardous Substances

Is any hazardous waste involved in the proposal?

☐ Yes ☒ No

A. Toxic substances

Amount held on site

Tonne(s)

23. Hazardous Substances

B. Highly reactive/explosive substances

Amount held on site

Tonne(s)

C. Flammable substances (unless specifically named in parts A and B)

Amount held on site

Tonne(s)

24. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☐ The agent ☒ The applicant ☐ Other person

25. Certificates (Certificate A)

Certificate of Ownership - Certificate A

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding ("agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act).

Title: First name: Surname:

Person role: Declaration date: ☒ Declaration made

26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date

Response to Planning Applications to be determined by Maldon District Council



Response from: Althorne Parish Council _____

Planning Application Reference: FUL/Mal/17/01010 _____

Our views on the above application are:

Please tick the appropriate box

1. We recommend the granting of planning permission, for the reasons listed below:

☐

or

2. We recommend the refusal of planning permission, for the reasons listed below:

☐

Outside of the village envelope
Unsustainable

or

3i. We have no comment

☐

3ii. We raise no objection but wish to make the following comment:

☐

***Reasons for response (Please include the relevant policy in the Submission version of the Local Development Plan i.e. Policy D1 – Design Quality and built Environment, Policy S8 Settlement Boundaries and the Countryside)**

Signed: Joanna Jeffery Parish Clerk _____

Date: 19th October 2017 _____

Version May 2016

Re 6 November 2017

Ref MAL/17/01010 Land Adjacent to fiddlers Rest the Endway, Althorne

This is a rehash of a previous application in 2012, which was refused by Maldon District Council. It went to Appeal, but was dismissed the Planning Inspectorate in 2013.

As the earlier application was made under the planning policies of the 2005 Local Replacement Plan it could be argued that the more simplified policies of the 2017 Local Development Plan may make the development permissible.

However, the Planning Inspectorate decision was made under the guidance of the National Planning Policy Framework. This was mandated by the 2011 Localism Act and remains the core planning guidance for local authorities. The Officer's Report details the NPPF and LDP policies opposing the application.

Althorne has approximately five recent decisions dismissing planning appeals on the grounds of a non-sustainable location and reference to the harm to the local rural environment.

As Chairman of the Parish Council I was unaware of the level of local support, until reviewing by the admirably brief template notes submitted. Never the less, I feel impelled to oppose this application. Support would overturn MDC and Planning Inspectorate decisions and open the floodgates to a backlog of developer proposals.

Your support will lead to refused applications being re-submitted, and new speculative proposals overwhelming the Planning Department and leading to unrestrained development in the District.

Althorne Parish Council opposes this application.

Re 4 December 2017

Ref MAL/17/01010 Land Adjacent to fiddlers Rest the Endway, Althorne

May I refer to the officer's report in Agenda Item No 5, paragraph 6.1.9. This states there is a limited service of 5/6 buses during the week along the Endway. At a recent Althorne parish council meeting I consulted with the Transport Representative, who is also a member of the Dengie Bus Users Group. He was of the opinion that there is no scheduled X31 bus service along the Endway.

This application, which was publicised in the Burnham Standard, because it fell outside Maldon LDP polices, is similar to a previous application made in 2012, which also was refused by Maldon District Council. It went to an Appeal, which was dismissed by the Planning Inspectorate in 2013.

The Planning Inspectorate decision was made under the guidance of the National Planning Policy Framework, mandated by the 2011 Localism Act. It remains the core local authority planning guidance and is the primary reference for the MDC Local Development Plan. The Officer's Report details the relevant NPPF and LDP policies for opposing this application.

Appendix 1 in his report lists over twenty recent planning applications in Althorne, virtually all of which were refused by MDC's Planning Department. Of those, ten went to Appeal and all were dismissed by the Inspectorate on the grounds of a non-sustainable location and reference to the harm to the local rural environment.

As a matter of principle you should not support for this application, which inevitably will lead to refused applications being resurrected and new speculative proposals being submitted, leading to unrestrained development in the District in opposition to LDP policies.

I urge you to refuse this application.

Comment

Dewick: the LDP is strangling the smaller villages due to a lack of rural housing allocation. Althorne is being throttled by MDC given the number of refused planning applications see Appendix 1.

We need to understand the definition of windfall allowances. This application did not qualify. The officer strongly defended the LDP and P Channer as chair of the Planning Committee felt obliged to oppose to protect the integrity of the LDP.

Vote: Boyce, Helm in favour; Channer and H & P Elliot opposed. Beale, Dewick, Fluker, Pratt and Pudney did not vote, but no abstentions recorded. Avcedo not present. Application refused on a simple majority.

