



**REPORT of  
CHIEF EXECUTIVE**

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**to  
COUNCIL  
13 JULY 2017**

**RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL**

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATIONS**

- (i) that Members consider the recommendations from the following Committees contained in sections 3 - 6 of this report:

**Section 3: Joint Standards Committee – 1 June 2017**

- Minute 113 – Constitutional and Operating Arrangements for the Joint Standards Committee (section 3.2)

**Section 4: Planning and Licensing Committee – 13 June 2017**

- Minute 135 – Designated List of Wheelchair Accessible Vehicles (section 4.2)

**Section 5: Finance and Corporate Services Committee – 14 June 2017**

- Annual Treasury Outturn Report 2016 / 17 (section 5.2)

**Section 6: Audit Committee – 23 June 2017**

- Review of Data Quality Policy (section 6.2)

- (ii) that Members note the recommendations from the Central Area Planning Committee (section 7) and North Western Area Planning Committee (section 8) which are the subject to separate Agenda Items on this Council meeting agenda.

### **3. JOINT STANDARDS COMMITTEE – 1 JUNE 2017**

#### **3.1 Web link to agenda, reports and Minutes for the above meeting**

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=148&MIId=1246>

#### **3.2 MINUTE 113 – CONSTITUTIONAL AND OPERATING ARRANGEMENTS FOR THE JOINT STANDARDS COMMITTEE**

##### **3.2.1 Minute Extract:**

The Committee considered the report of the Monitoring Officer on a reference from the Council to review certain aspects of these proposed revised arrangements considered at the last meeting. The Chairman welcomed to the meeting Mr S Chughtai, Deputy Monitoring Officer.

At the last meeting agreement was reached on a range of potential revisions to the constitutional and operating arrangements for the Committee for recommendation to the Council. At the meeting of the Council on 5 April 2017 concerns were raised principally on:

- the ability of the Councillor being investigated to request that the matter is dealt with in open session, and
- the period of 28 working days given for responses to hearings.

The report sought to provide clarification on both issues and the Deputy Monitoring Officer had written to all Members in response to the queries raised at the Council meeting.

In the discussion that followed, Members raised the following issues:

- the need to ensure that the Leader of the Council was advised of all complaints against District Councillors. It was noted that the Committee had previously highlighted this.
- the changes agreed to the procedure for electing the Chairman and Vice-Chairman of the Committee had not gone far enough in that this should not take place within the confines of the Statutory Annual Meeting but should occur at the first ordinary meeting of the Committee. Councillor S Nunn asked that his dissatisfaction on this point be recorded. It was agreed that no further action was required on this.
- the need for the action point in Stage 1 where the Monitoring Officer may move straight to consultation with the Independent Person if the Councillor complained of declining to meet with or speak to the Monitoring Office to be qualified with the words “without good reason”; equally, the Monitoring Officer needed to be flexible in these arrangements. This was agreed.
- Councillors the subject of conduct complaints had expressed a loss of confidence in the ability of the Monitoring Officer to investigate complaints and should be able to choose to have an independent investigator.
- the Committee had not taken up the recommendations of the Local Government Authority (LGA) Peer Review and should meet on a more regular basis. It was noted that although scheduled meetings had in the past been

cancelled for lack of business, special meetings had been arranged as when required.

On the fourth bullet point above, a proposition by Councillor I E Dobson seconded by Councillor Mrs B F Acevedo that as an alternative the Councillor concerned should have the right to revert to this Committee was subsequently withdrawn. It was noted that there would be expense associated with engaging an external investigator.

On a general point regarding the Conduct Complaints Process flowchart, the Committee agreed with the observation of the Committee Services Manager that it had become over-populated and that some written text to summarise the process would be helpful♦.

There then followed some discussion on the second of the points raised at the Council meeting on the basis of which the entire matter had been referred back to the Committee. It was agreed that notification of outcomes of the Committee's consideration of reports on and hearings into complaints should be given to the Councillor concerned immediately or otherwise as soon as practicably possible. The ability for a detailed decision notice with reasons could follow within the 28 day period. It was also agreed that the text of the operating arrangements in this respect is aligned with the provisions of the flowchart.

In reply to a question the Committee Services Manager advised that in terms of sanctions the Committee could only recommend to a Parish/Town Council on a complaint against a Parish or Town Councillor. In the event that the recommendation was that training be given it would be open to the Parish or Town Council to procure it.

Subject to the matters highlighted above, the Committee agreed to resolve to recommend to the Council acceptance of the revised constitutional and operating arrangements.

### **3.2.2 Committee recommendations:**

- (i) that the Council agrees that the revisions to the constitutional and operating arrangements of the Joint Standards Committee as outlined in the report and clarified above, and shown as tracked in **APPENDICES 1 and 2** to this report be adopted as part of the Council's constitutional documentation;
- (ii) that as a consequence of a revision included in (i) above, Council and Committee Procedure Rule 20 be amended to also exclude the Joint Standards Committee when conducting its business in private session.

♦ Since the meeting Officers have prepared the attached summary (**APPENDIX 3**) which details the complete process for Members consideration.

Please see overleaf for Section 4 – Planning and Licensing Committee (13 June 2017)

#### **4. PLANNING AND LICENSING COMMITTEE - 13 JUNE 2017**

##### **4.1 Web link to agenda, reports and Minutes for the above meeting**

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=133&MIId=1259>

##### **4.2 MINUTE 135 – DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE VEHICLES**

###### **4.2.1 Minute Extract:**

The Committee considered the report of the Chief Executive seeking Members' consideration of publishing a designated list of wheelchair accessible taxis and private hire vehicles and commercial vehicles available to hire.

It was reported that Section 165 – 167 of the Equality Act 2010 came into force in April 2017 and provided the Council (as a licensing authority) with the power to make a list of wheelchair accessible vehicles (designated vehicles). Once published duties would be placed on drivers of such vehicles to ensure that passengers got appropriate assistance, allowing the passenger to travel in safety, reasonable comfort and giving them confidence to use this mode of public transport.

###### **4.2.2 Committee recommendation:**

- (i) that the Council produces a list of designated wheelchair accessible vehicles;**
- (ii) that subject to (i) above the Council produces procedures in relation the production of the list of designated wheelchair accessible vehicles, including the exemption of drivers from their duties based on medical grounds.**

Please see overleaf for Section 5 – Finance and Corporate Services Committee (14 June 2017)

**5. FINANCE AND CORPORATE SERVICES COMMITTEE - 14 JUNE 2017**

**5.1 Web link to agenda, reports and Minutes for the above meeting**

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=131&MIId=1239>

**5.2 ANNUAL TREASURY OUTTURN REPORT 2016 / 17**

**5.2.1 Minute Extract (DRAFT as Minutes have not been finalised):**

The Committee considered the report of the Director of Resources seeking Members' approval of the annual report (attached as Appendix A to the report), in accordance with the code of practice on Treasury Management.

The Director of Resources advised that she would be bringing a report to the next meeting of this Committee to look at further maximising the Council's investment income.

**5.2.2 Committee recommendation:**

That annual Treasury Management Report for 2016 / 17 attached at **APPENDIX 4** to this report, be approved.

Please see overleaf for Section 6 – Audit Committee (23 June 2017)

**6. AUDIT COMMITTEE - 23 JUNE 2017**

**6.1 Web link to agenda, reports and Minutes for the above meeting**

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=135&MIId=1199>

**6.2 REVIEW OF DATA QUALITY POLICY**

**6.2.1 Minute Extract (DRAFT as Minutes have not been finalised)**

The Director of Resources advised that this had been revised and would be re-worked to ensure it complied with the new requirements of the Data Protection Act which must be in place by May 2018.

In response to a question, the Director of Resources advised that there was a separate data retention policy.

It was requested by Members that information was made available on the internet as the intranet was not always accessible.

**6.2.2 Committee recommendation:**

**That the Data Quality Policy (APPENDIX 5 to this report) is adopted.**

Please see overleaf for Section 7 – Central Area Planning Committee (31 May 2017).

## 7. CENTRAL AREA PLANNING COMMITTEE – 31 MAY 2017

**PLEASE NOTE: These recommendations relate to Agenda Items 12 and 13 on the Council Agenda and are reproduced below for information only.**

7.1 **Web link to agenda, reports and Minutes for the above meeting**  
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=150&MIId=1188>

7.2 **MINUTE 100 – FUL/MAL/16/01252 MOBILE CAR WASH IN CAR PARK  
BLACKWATER LEISURE CENTRE, PARK DRIVE, MALDON**

7.2.1 Minute Extract:

<b>Application Number</b>	<b>FUL/MAL/16/01252</b>
<b>Location</b>	Mobile Car Wash In Car Park Blackwater Leisure Centre Park Drive Maldon Essex
<b>Proposal</b>	Retrospective - Change of use of 3No. parking bays for use as mobile car wash
<b>Applicant</b>	Mr Mark Taylor - Places For People Leisure Ltd
<b>Agent</b>	-
<b>Target Decision Date</b>	06.06.2017
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

It was noted from the Members' Update that if Members were mindful to refuse the application under the Committee's Terms of Reference the application would need to be determined by the Council.

Councillor Rev. A E J Shrimpton declared an interest in this application, as he was a regular user of the Blackwater Leisure Centre.

Following the Officers' presentation a debate ensued and in response to a comment regarding an application relating to Maldon Saints the Group Manager - Planning Services advised that temporary consent had been granted due to the community benefit it offered. A number of concerns relating to the proposed use were highlighted by Members.

### **7.2.2 Committee recommendation:**

That this application be **REFUSED** for the following reason:

- 1 The stationing of the metal container by way of its scale, poor utilitarian and rudimentary design and detailing and temporary nature is considered to have a detrimental impact upon the character and appearance of the area and visual amenities contrary to adopted and saved policy BE1 of the Maldon District Replacement Local Plan, emerging policy D1 of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework.

### 7.3 MINUTE 101 – FUL/MAL/17/00067 MILLENNIUM WOOD, PARK DRIVE, MALDON

#### 7.3.1 Minute Extract:

<b>Application Number</b>	<b>FUL/MAL/17/00067</b>
<b>Location</b>	Millennium Wood, Park Drive, Maldon
<b>Proposal</b>	Place a 20 foot x 10 foot converted metal container in the promenade park for use as a booking in suite, office and storage. Fence off the surrounding area for change of use for outdoor activity centre.
<b>Applicant</b>	Mr Ian Dobney - KI Combat Limited
<b>Agent</b>	-
<b>Target Decision Date</b>	29 May 2017
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

It was noted from the Members' Update that if Members were mindful to refuse the application under the Committee's Terms of Reference the application would need to be determined by the Council.

Councillors Mrs B D Harker, B E Harker, M S Heard and S J Savage declared that they knew the objector who had registered to speak on this application.

Following the Officers' presentation, an objector, Mr Bob Wyness addressed the Committee.

#### 7.3.2 **Committee recommendation:**

That this application be **REFUSED** for the following reasons:

1. The proposed development would result in significant detrimental impact upon the character and appearance of the site by way of visual intrusion including choice of boundary treatment, choice of materials within the site, level of built form and loss of public open amenity space contrary to adopted policies BE1, CC6 and REC7 emerging policies D1 and E5 of the submitted Local Development Plan and the guidance and provision of the National Planning Policy Framework.
2. It has not been demonstrated that the proposal would not result in material harm or detrimental impact upon the enjoyment and safety of adjacent neighbouring occupiers or users and workers within the site contrary to policies BE1, CON5 and CON6 of the adopted Maldon District Replacement Local Plan and emerging policies D1 and D2 of the submitted Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.
3. Policy E5 of the Local Development Plan supports development for new tourist facilities providing it is demonstrated that there is an identified need for the proposal, there is good connectivity with other tourist sites and green infrastructure networks, there is no significant detrimental impact on the character and amenity of neighbouring uses or the surrounding area and any impact on the natural environment is avoided. The proposal fails to meet these

policy criterion and is therefore, contrary to Policy E5 of the Local Development Plan as well as provision as contained within the National Planning Policy Framework.

4. The Ecological Scoping Survey reference 0259.0001 Rev 0 has not fully demonstrated that there will be no detrimental effect on the ecology and biodiversity of the site contrary to adopted policies BE1, CC5 and CC6 of the adopted Maldon District Replacement Local Plan and emerging policies D1, E5, N1 and N2 of the submitted Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

Please see overleaf for Section 8 – North Western Area Planning Committee (12 June 2017).

**8. NORTH WESTERN AREA PLANNING COMMITTEE – 12 JUNE 2017**

**PLEASE NOTE: These recommendations relate to Agenda Items 14 and 15 on the Council Agenda and are reproduced below for information only.**

8.1 **Web link to agenda, reports and Minutes for the above meeting**  
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=150&MIId=1188>

8.2 **MINUTE 120 – FUL/MAL/16/01142 STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON, ESSEX**

8.2.1 Minute Extract:

<b>Application Number</b>	<b>FUL/MAL/16/01142</b>
<b>Location</b>	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
<b>Proposal</b>	<p>Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take-offs and landings, and arrangements for Special Public Event days. The arrangements to be as follows:</p> <ul style="list-style-type: none"> <li>• The airstrip to be used by fixed wing and propeller driven aircraft; helicopters, apart from emergency services machines, may only use the site in the event of emergency or during Public Event days</li> <li>• Take-offs and landings only after 08.00 hours and no later than either 20.00 hours, or sunset whichever is earlier</li> <li>• In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take-offs per day</li> <li>• In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take-offs on weekdays</li> <li>• In the Summer months (May to October inclusive) there shall be a maximum of 50 landings and take-offs per day at weekends and bank holidays apart from Special Public Event Flying days when maximum landings and take-offs are increased to 75 take-offs and 75 landings per day</li> </ul>
<b>Applicant</b>	The Trustees - Stow Maries Great War Aerodrome Trust
<b>Agent</b>	Ms Sarah Threlfall - TMA Chartered Surveyors
<b>Target Decision Date</b>	24.01.2017
<b>Case Officer</b>	Yee Cheung, Tel: 01621 876220
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Member Call In

The Officer presented the report of the Chief Executive on this planning application in conjunction with the report for Agenda Item 6 and the Group Manager for Planning Services advised Members that the second Members' Update produced did not add

any additional information. It had been produced to clarify the report to Members and should be read in conjunction with it. In particular, the second Members' Update:

- Listed all proposed conditions and not just those that had been amended;
- Highlighted the maximum amount of take-offs and landings;
- Highlighted that the site was already an aerodrome;
- Clarified that a maximum of 12 movements (i.e. take-offs and landings) per day had originally been imposed.

He reminded Members that the scheme before them must be assessed on what it proposed and just because proposed movements would increase did not automatically mean that there was harm. The Group Manager for Planning Services then read out paragraph 1.8 of the second Members' Update for the benefit of Members which dealt with noise.

Mr P Brady, an Objector, of The Planning Law Practice, Wood End, 20 Oaklands Park, Bishops Stortford, Hertfordshire, Mr S Hollington from Stow Maries Parish Council and Mr T Matthews, the Agent, then all addressed the Committee.

Following this the Chairman asked the Environmental Health and Licensing Manager to explain the law on noise.

The Environmental Health and Licensing Manager advised that noise was an important and emotive part of airfield planning applications and, once permission had been granted, then noise would fall outside the scope of statutory nuisance which would mean that neither the Council nor the Civil Aviation Authority would be able to take any action. Therefore, it was important to get the noise aspect right at the planning stage. However, ground noise was different and if the airfield was to develop as a maintenance base or similar, then the Council could deal with noise associated to that.

The Environmental Health and Licensing Manager advised that if noise was above the lowest observed significant effect level, then noise should be controlled by conditions. However, that would not necessarily be sufficient to refuse an application. When the highest observed significant effect level was reached then a development should not go ahead unless it could be mitigated. The more the highest level was exceeded, then the more it would lean towards refusal.

Councillor J P F Archer, a Ward Member, was in agreement with the objector and was of the opinion that the Council was trying to expand the aerodrome too much and that the roads in the vicinity could not cope with the potential increase in traffic. Furthermore, he considered that there would need to be increased storage for aircraft as the storage currently there was not sufficient. Councillor Archer was not in support of approving this application and felt that the decision made by this Committee in 2009 was correct. Any expansion of the aerodrome needed to be managed sensibly and the site was not big enough to warrant a massive influx of aircraft or visitors.

In response to a technical question on noise, the Environmental Health and Licensing Manager advised that aircraft noise was dealt with on a long term average which came from national guidance. The noise would be assessed over working days, whereby each aircraft movement was measured, the level was condensed to a one second

movement and the movements were added together to get the daily allowance. By way of clarification, unless the minimum level of noise was exceeded then any changes in noise level would not be relevant. The consultant's approach to assessing noise was considered to be sound.

Members raised concerns about this application being submitted for determination by this Committee as it was a complicated and significant application for the Council. Stow Maries aerodrome was one of the most significant attractions in the District and had the potential to become even more significant. Whilst the tourism that could bring to the district must be welcomed, it must be balanced with the demands on infrastructure etc.

Councillor M F L Durham, CC proposed that this application be deferred to be considered by full Council and this was duly seconded.

The Group Manager for Planning Services advised that this application was before this Committee in accordance with the scheme of delegation. Decisions by area planning committees should be made on behalf of the Council as a whole and should be based on policies and any demonstrable harm for the District.

Members voted in favour of this application and application **LBC/MAL/16/001143 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** – being determined by full Council.

Councillor J P F Archer requested that his vote against this proposal be recorded.

### **8.2.2 Committee recommendation:**

**That both this application and application LBC/MAL/16/01143 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex – be referred to full Council for determination.**

### **8.3 MINUTE 121 – LBC/MAL/16/01143 STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON, ESSEX**

#### **8.3.1 Minute Extract:**

<b>Application Number</b>	<b>LBC/MAL/16/01143</b>
<b>Location</b>	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
<b>Proposal</b>	Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days.
<b>Applicant</b>	Ms Sarah Threlfall - TMA Chartered Surveyors
<b>Agent</b>	The Trustees - Stow Maries Great War Aerodrome Trust
<b>Target Decision Date</b>	24.01.2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>COLD NORTON</b>

<b>Reason for Referral to the Committee / Council</b>	Member Call In
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This application was heard in conjunction with Agenda Item 5 – **FUL/MAL/16/001142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** above and it was...

**8.3.2 Committee recommendation:**

That it would be referred to full Council for determination.

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

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