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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

07 December 2016

Dear Councillor

You are summoned to attend the;

MEETING OF THE MALDON DISTRICT COUNCIL

on **THURSDAY 15 DECEMBER 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 dark ink, appearing to read 'F. R. Marshall', is enclosed within a large, hand-drawn oval.

Chief Executive

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AGENDA COUNCIL

THURSDAY 15 DECEMBER 2016

1. Chairman's notices
2. Apologies for absence
3. **Minutes - 27 October 2016** (Pages 9 - 20)

To confirm the Minutes of the meeting of the Council held on 27 October 2016 (copy enclosed).

4. **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).

5. **Public Questions**

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).

6. **Chairman's Announcements**

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

8. **Recommendations of Committees for Decision by the Council** (Pages 21 - 68)

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

Please note: Where appropriate this report contains links to the relevant Committee agenda, reports and Minutes.

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

To note that since the last meeting of the Council, up until Wednesday 7 December 2016 (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

Minutes reported to the last meeting and now published:

Overview and Scrutiny Committee	5 October
South Eastern Area Planning Committee	10 October

Community Services Committee*	11 October
Overview and Scrutiny Committee (acting as the Crime and Disorder Committee)	12 October
Appointments Committee	14 October

Minutes published:

Central Area Planning Committee	19 October
North Western Area Planning Committee	31 October
South Eastern Area Planning Committee	7 November
Planning and Licensing Committee**	17 November
Overview and Scrutiny Committee	23 November

Minutes NOT finalised for publication:

Community Services Committee	22 November
North Western Area Planning Committee	28 November
Finance and Corporate Services Committee**	29 November
South Eastern Area Planning Committee	5 December

* Please note that the these Minutes contain recommendations previously dealt with by the Council at its last meeting.

** Please see item (i) above as these Minutes contain recommendations to the Council.

9. **FUL/MAL/16/00872 - Topsail Charters Limited, Cooks Boatyard, The Hythe, Maldon** (Pages 69 - 86)

To determine the above planning application in the light of a recommendation from the Central Area Planning Committee held on 14 December 2016 (report Director of Planning and Regulatory Services enclosed).

10. **Schedule of Meetings 2017 / 18** (Pages 87 - 90)

To consider the report of the Chief Executive, (copy enclosed).

11. **Appointment of Independent Person(s)** (Pages 91 - 92)

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

12. **Venue of Meetings of the South Eastern Area Planning Committee** (Pages 93 - 96)

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

13. **Proceeds of Crime Act 2002** (Pages 97 - 100)

To consider the report of the Chief Executive, (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.

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 9.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

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.

BACKGROUND PAPERS (FOR AGENDA ITEM 9)

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Replacement Local Plan 2008 – Saved Policies
- Maldon District Local Development Plan 2014-2029 - submitted to the Secretary of State for Examination in Public on 25 April 2014 (as amended).

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

Supplementary Planning Guidance and Other Advice

- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) and Technical Guidance
 - Planning Practice Guidance (PPG)
 - Planning policy for traveler sites
 - Planning practice guidance for renewable and low carbon energy
 - Relevant government circulars
- ii) Essex County Council
 - Essex Design Guide 1997
- iii) Maldon District Council
 - Submission Local Development Plan (April 2014) (as amended)
 - Five Year Housing Land Supply Statement 2014/15
 - Planning Policy Advice Note v.4 (October 2015)
 - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
 - Infrastructure Phasing Plan (January 2015)

- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards SPD - July 2006
- Accessibility to Buildings SPD – December 2006
- Children’s Play Spaces SPD – March 2006
- Sadd’s Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement - 2010

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours

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**MINUTES of
COUNCIL (ORDINARY)
27 OCTOBER 2016**

PRESENT

Vice-Chairman H M Bass

Councillors Mrs B F Acevedo, J P F Archer, 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, I E Dobson,
A S Fluker, Mrs B D Harker, B E Harker, M S Heard,
Miss M R Lewis, R Pratt, N R Pudney, S J Savage,
D M Sismey, A K M St. Joseph, Mrs M E Thompson and
Miss S White

652. CHAIRMAN'S NOTICES

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

653. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M F L Durham, Mrs H E Elliott, P G L Elliott, M W Helm and Rev. A E J Shrimpton.

654. MINUTES - 8 SEPTEMBER 2016

RESOLVED

- (i) that the Minutes of the meeting of the Council held on 8 September 2016 be received.

**Minute 492 – Questions to the Leader of the Council in Accordance with
Procedure Rule 1 (3) (M)**

Councillor H M Bass advised that line 4 of the first paragraph should read “Councillor Dewick then provided information ...”.

RESOLVED

- (ii) that subject to the above amendment, the Minutes of the meeting of the Council held on 8 September 2016 be approved and confirmed.

655. MINUTES - 22 SEPTEMBER 2016

RESOLVED that the Minutes of the Extraordinary meeting of the Council held on 22 September 2016 be approved and confirmed.

656. DECLARATIONS OF INTEREST

Councillor Mrs P A Channer declared a non-pecuniary interest as an Essex County Councillor should any matter discussed relate to it.

657. PUBLIC QUESTIONS

In accordance with Procedure Rule 1(3)(e) and the Council's Public Question Time and Participation at Council and Committee Meetings Scheme, the Leader of the Council referred to two questions from Councillor Wendy Stamp of which prior notification had been given. A copy of the questions and prepared responses from the Leader of the Council were circulated to all Members and those in attendance at the meeting.

Councillor Wendy Stamp read out her questions.

Question 1

"Does the leader of the Council share the Chairman's view as expressed at the last full council meeting on the 8th September that "Town Councillors are expendable" And do you know to what extent this view is shared by your fellow Councillors?

I think many Town and Parish Councillors would like to know how much or how little their efforts are valued and by whom. I also wish to remind everyone sitting in this chamber that being a Town and Parish Councillor is on an unpaid and on a voluntary basis. Volunteers contribute, a massive amount of unpaid work, time, energy and effort in many areas, enhancing the District's unique high class rural countryside for residents and visitors.

I raised this question at our own town Council meeting but Mr Elliot wasn't in attendance and sadly he isn't here to answer again.

Given the dire warnings re dangers of fire and physical dangers, risks to Councillor's are not a suitable subject or excuse for poor taste jokes IF this is disguised as one."

Response:

"I consider the remark by Councillor P G L Elliott was flippant and was not meant to be taken seriously or to cause offence. Councillor Elliott has himself been a Town Councillor for many years and knows the value of a good Town or Parish Council to the residents that they represent, as do the majority of Members here."

Question 2

"Why wasn't The Chairman's comment recorded in the minute 492 when Cllr Beale's comment of "Council should be more careful about what is put in a report" was. Both comments are in the public interest and should be open and transparently recorded as such."

Response:

"Minutes are essentially an official record of decisions, and where appropriate how those decisions are arrived at. The Council's Minutes are not verbatim and there is no basis for any associated content to be judged according to public interest. Individual

Members' comments are not normally recorded unless they are associated with a particular formality or inform a decision."

658. CHAIRMAN'S ANNOUNCEMENTS

The Chairman of the meeting advised that both he and the Chairman of the Council had attended a number of events detailed below.

Date	Function	Attendee
09/09/2016	Rochford Chairman's Charity Event	Chairman
11/09/2016	Harlow Chairman's Civic Service	Vice Chairman
16/09/2016	Essex County Council (ECC) Chairman Civic Reception	Vice Chairman
19/09/2016	Tour of the Plume Academy, Farnbridge Campus	Chairman
19/09/2016	Dengie Enterprise Support Celebrating Success Event	Chairman
20/09/2016	Maldon Primary School, presenting School Council Badges	Chairman
20/09/2016	Funeral of Councillor Charles MacKenzie	Chairman
22/09/2016	Essex Association of Local Council AGM and Lunch	Vice Chairman
24/09/2016	Burnham-on-Crouch (BOC) Carnival Queen's Afternoon Tea	Chairman
25/09/2016	Costermonger Harvest Festival	Chairman
01/10/2016	Saltmarsh 75 ultra two day running / walking event - setting the participants off at the start	Chairman
02/10/2016	Saltmarsh 75 – finish line	Chairman
09/10/2016	High Sheriff Justice Service	Vice Chairman
13/10/2016	Homestart AGM	Chairman
13/10/2016	Jack Petchey foundation presentation evening	Chairman
15/10/2016	Castlepoint Mayor's Gala Night - Benfleet Operatic Society	Chairman
20/10/2016	Action for Family Carers AGM	Chairman
20/10/2016	Jack Petchey Foundation Awards Presentation	Chairman
23/10/2016	Maldon Town Mayor Civic Service	Vice Chairman

The Chairman welcomed Mr Kamal Mehta, Interim Director of Resources, to Maldon District Council.

The Chairman informed the Council that the Chairman of the Council and Chief Executive had attended the AGM of Homestart, Maldon on 13 October 2016. Homestart provide support to families who are finding it difficult to cope by providing trained volunteers to visit families in their own homes. They offer free, confidential, non-judgmental, practical and emotional support. The Chairman of Homestart, Anna Tomlins, expressed her gratitude during her presentation at the AGM to the Council for the provision of space in the building from which they operate.

The Chairman reminded Members of the two Minute Silence to be held on Armistice Day, Friday 11 November 2016. He invited Members to join either the Chairman of the

Council at Hythe Quay, Maldon or himself at the War Memorial, Burnham-on-Crouch. Members were reminded to attend at either venue by 10.50am.

The Chairman highlighted two events he had attended - the Chairman of ECC Civic Reception and High Sherriff Justice Service – both of which he had found enjoyable and informative.

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

There were none.

660. RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL

(a) REPORT OF THE DIRECTOR OF RESOURCES

The Council considered the report of the Director of Resources presenting recommendations of Committees to the Council. An addendum and a further update to this report was circulated at the meeting and detailed recommendations arising from both the Planning and Licensing Committee meeting on 15 September 2016 and the Community Services Committee on 30 August 2016 and 11 October 2016.

Community Services Committee (30 August 2016):

Minute 426 – Terms of Reference and Scheme of Delegation Update

RESOLVED

- (i) that the delegation of items 15 to 20 of part (c) of the Committee's Scheme of Delegation be transferred to the Director of Planning and Regulatory Services together with a replication of item 12, and also the deletion of item 2 of part (d) as no longer required;
- (ii) that item 5 of part (a) of the Committee's Terms of Reference – The Community Legal Service Partnership – be deleted as no longer required.

Minute 427 - Maldon Community Services and Community Hospital Project

It was noted that this recommendation linked to Planning and Licensing Committee Minute 526 (15 September 2016).

RESOLVED

- (iii) That the preparation of a business case for the provision by the Council of a new community hospital to serve the local community of the Maldon District be considered

Planning and Licensing Committee (15 September 2016):

Minute 525 - Magnox Socio-Economic Scheme - New Bid for Grant Funding to Mitigate the Impact of Bradwell Power Station Moving Into Care and Maintenance:

RESOLVED

- (iv) that the projects outlined in the report are supported, in principle, with specific support being given to the following projects and excluding the Feasibility Study for the use of the Bradwell Reactor Cladding.
- Enterprise Centre and Growth Hub;
 - Saltmarsh Hub;
 - Circular Off-Road Cycle Path;
 - Ferry Provision between Bradwell, Mersea Island, Wallasea, Burnham-on-Crouch and Tollesbury;
 - Tourism Ambassadors;
 - Maldon District Wine Region.

Minute 526 - Maldon Community Services and Community Hospital Project:

It was noted that this recommendation linked to Community Services Committee Minute 427 (30 August 2016).

RESOLVED

- (v) that the preparation of a business case for the provision by the Council of a new community hospital to serve the local community of the Maldon District be considered.

Minute 531 – Review of Delegation Arrangements:

In response to a question about whether the revised scheme of delegation would only come in to force once training had been provided, the Chairman and Councillor Channer advised that this was not the intention.

In response to a question regarding the number of Parish Council's using the incorrect pro-forma, Councillor Channer advised that she did not have this information but would find out.

The Chairman, in response to a question, advised that he would seek clarification from the Director of Planning and Regulatory Services as to when the Parish / Town Council handbooks would be issued and ask him to respond to Members.

RESOLVED

- (vi) that a revision be made to the 'Parish Trigger' procedure, item (b)(i)4 of the Area Planning Committee Terms of Reference as follows:

“Where a representation from a Parish or Town Council (covering the geographical area in which the proposed development is located) has been received which objects to an application which the Director of Planning and Regulatory Services is minded to approve. This must be supported by a reason that is based on a relevant material planning consideration in the opinion of the Director of Planning and Regulatory Services. Where a representation from a Parish or Town Council (covering the geographical area in which the proposed development is located) has been received which supports an application which the Director of Planning and Regulatory Services is minded to refuse or objects to an application which the Director of Planning and Regulatory Services is minded to approve.” This provision shall not apply to those cases where there is a representation of ‘no comment’ or to minor classes of development affecting residential / domestic properties or within such curtilages involving porches, conservatories, boundary walls / fences, vehicle crossovers, garages, sheds, outbuildings, satellite dishes and replacement windows / doors. The Parish Trigger will not be invoked if comments made by a Parish / Town Council are received after 28 days from the date of the Parish / Town Council being notified of the planning application or if the submitted comments are not made on the agreed standard template form.”

- (vii) that a revision be made to item (b)(i)6 of the Area Planning Committee Terms of Reference as follows:

“Where proposals have been advertised as departures under paragraph 3 of the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 and where the Officers’ recommendation is that permission should be granted. Except where the principle of the development has already been approved through an extant planning permission.”

- (viii) that paragraph (b)(i)2 of the Area Planning Committee Terms of Reference be amended as follows:

“For all other development where the floor space to be built, or a change of use of a building is proposed for 1,000 sq. metres or more, ~~or where the site area is 1 hectare or more.~~”

- (ix) that following points be added to the Planning and Licensing Committee (c) Scheme of Delegation (To the Director of Planning and Regulatory Services:

30 Applications where the site area exceeds 1 hectare in size, and this is the only reason the application is defined as a ‘major development’, which the Director of Planning and Regulatory Services is minded to recommend approval on the basis the proposal is in accordance with the development plan and subject to the Director of Planning and Regulatory Services first consulting with the Chairman of the Council or relevant Planning

Committee (or the Vice Chairman in the Chairman's absence) and the ward members.'

- 31 Applications for major or large scale development which the Director of Planning and Regulatory Services is minded to recommend approval on the basis the proposal is in accordance with the development plan and is made under Section 73 of the Town and Country Planning Act (1990) (as amended) only, subject to the Director of Planning and Regulatory Services first consulting with the Chairman of the Council or relevant Planning Committee (or the Vice Chairman in the Chairman's absence) and the ward members.'

- (x) that item (b)(i)9 of the Area Planning Committee Terms of Reference be amended as follows:

"Where an application has been resubmitted following refusal by an Area Committee contrary to Officers recommendation."

Finance and Corporate Services Committee - 27 September 2016:

Minute 563 – Human Resources Policies and Procedures

RESOLVED

- (xi) that all updates to the Human Resources policies and procedures (attached as Appendix 1 to the Minutes of the Finance and Corporate Services Committee) are approved; and
- (xii) that the Attendance Management, Shared Parental Leave and Smoking Policy and Procedures (attached as Appendices 2 - 4 to the Minutes of the Finance and Corporate Services Committee) are approved.

Minute 572 – Release Of Restrictive Covenant – Remembrance Avenue, Burnham-On-Crouch

RESOLVED

- (xiii) That the Committee's Scheme of Delegation – Director of Resources be amended to include:

"the Director of Resources, in consultation with a valuer, a Legal Advisor and the Chairman of Finance and Corporate Services Committee, be authorised to release any restrictive covenants which are stated to be in favour of the Maldon District Council (or its predecessors) at a market value or at such other value as deemed appropriate by the Director of Resources."

Community Services Committee – 11 October 2016:

Minute 629 - South Essex Parking Partnership Extension

RESOLVED

- (xiv) that the Council commits to a four year extension to the Operational Period of the South Essex Parking Partnership Manager by 11 November 2016; and
- (xv) that the Council agrees to the South Essex Parking Partnership (SEPP) to continue the delegated function for a further four years as set out in the Joint Committee Agreement and confirm this decision to the South Essex Parking Partnership Manager by 11 November 2016.

(b) MINUTES OF MEETINGS OF COMMITTEES

Members' attention was drawn to the Addendum and Further Update that had been circulated at the meeting. The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Wednesday 19 October 2016.

Councillor Mrs P A Channer CC advised Members that she would address some possible changes to the Minutes of the Planning and Licensing Committee which took place on 15 September 2016 at the next meeting of the Committee.

A question was raised regarding the Community Services Committee on 30 August 2016 regarding an investigation in to a business case for a new hospital in Maldon. The Chairman advised that it was his understanding that this was a tidying up exercise because although the principle had been agreed by Council at a previous meeting, the Finance & Corporate Services Committee had to agree funding.

A question was also raised regarding the Review of Planning Delegation Arrangements and the Chairman confirmed that the Director of Planning and Regulatory Services would be asked to respond to Members as to when the Parish / Town Council handbook would be produced.

661. COMMITTEE MEMBERSHIP SUBSTITUTION - DEADLINE FOR NOTICES

The Council considered the report of the Director of Resources seeking approval of a minor revision to the Council and Committee Procedure Rules to make provision for a deadline to give notice of substitutions to better provide for circumstances where a Committee meeting is to be held during the day.

Councillor Miss M R Lewis proposed that the recommendation as set out in the report be agreed, subject to an amendment to alter this from giving three to four hours' notice. Councillor A S Fluker proposed that the wording also be amended to refer to working hours' notice. These amendments were duly seconded and agreed.

RESOLVED that Council and Committee Procedure Rule 17(9) be revised to read as follows:

A Member of a Committee shall, if the Member wishes another Member of the political group to which the Member belongs to attend a meeting of that Committee in his place, give the Chief Executive and the Leader written notice not later than four working hours before the published start time of that meeting that the Member is unable to attend and that the substitute Member named in the notice will attend in his place.

662. APPOINTMENT OF MEMBER REPRESENTATION ON COASTAL COMMUNITY TEAMS

The Council considered the report of the Director of Customers and Community to agree Member representation on the Coastal Community teams and arrangements for appointment to be reviewed and made in future.

The report provided background information regarding the appointment of representatives to the Blackwater Estuary and River Crouch Coastal Community Team by the Planning and Licensing Committee. It was noted that when the Community Services Committee had previously considered the appointment of Member representation it had done so only in relation to the Blackwater Estuary Team. The Council was therefore required to clarify the Member representation on the River Crouch Coastal Community Team.

RESOLVED

- (i) that the decision of the Community Services Committee on 18 April 2016 (Minute 1141(i) refers) is restated to relate to both the Maldon and Blackwater Estuary and River Crouch Coastal Community Teams;
- (ii) that the future review and making of appointments to the two Coastal Community Team Management Committees should rest with the Planning and Licensing Committee and the Community Services Committee at their first meetings each new Municipal Year.

663. FORWARD PLANNING ARRANGEMENTS

The Council considered the report of the Director of Resources seeking Council endorsement for proposed arrangements to enable improved communication on cross-cutting issues and forward planning within the organisation.

The Leader of the Council advised Members that whilst the report only mentioned Committee Chairmen and Vice-Chairmen, it was intended to refer to the Chairmen of the Community Services Committee, Finance & Corporate Services Committee and Planning & Licensing Committee or their deputies. Due to the nature of the proposed meetings, there was no need to have representation from Chairman of the Standards, Overview & Scrutiny and Audit Committees. This was set out in an Addendum to the report.

Councillor R G Boyce MBE, CC asked how this differed from the now-defunct MOL apart from the increase in membership? In response, the Leader of the Council advised that this proposal was to enable Members to meet and forward plan. MOL had very specific functions not necessarily to do with forward planning. As we are not a cabinet system, Members had felt that they were disenfranchised from the formulating of ideas

when MOL was in existence. This was to make sure that all three directorates “had their ducks in a row”.

It was noted that these meetings would not have any executive or delegated powers and therefore not take any decisions on behalf of the Council.

RESOLVED that periodic meetings between the Leader, Deputy Leader, Chairman (or Vice-Chairman in their absence) of the Community Services Committee, Finance & Corporate Services Committee and Planning & Licensing Committee, as set out in the report of the Director of Resources, be endorsed.

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

Councillor R G Boyce, asked if the Leader agreed that although the Council and its business was very serious, a bit of amusement and fun does help to relieve the seriousness without detracting from the business of the Council. The Leader advised that she was in absolute agreement with this.

Councillor A S Fluker paid tribute to the hard work that Parish and Town Councillors do. He congratulated those involved in the recent installation of Automatic Number Plate Readers in Latchingdon. He asked if the Leader agreed it would make the Dengie safer. The Leader responded that she did agree and hoped that residents would also be reassured that the Dengie was not being left behind in policing the District.

Councillor Mrs B F Acevedo asked the Leader to request that Members make nominations for the Maldon District Council Business Awards. The Awards were good for both the Council and businesses and heightened profiles. She reminded Members that nomination forms were in pigeon holes and that the Officer had agreed for an extended deadline for nominations. The Leader responded that the form was lengthy and off-putting to complete. Also, Members had not expected to be those making nominations and the Leader, whilst supporting the awards initiative, hoped that the Council could consider this feedback and learn from this for the next time. It was noted that if Members required support with making nominations that Officers could assist with completion of the form.

Councillor S J Savage asked if the Leader would agree that it was time for the Transformation Board to meet. The Leader replied that although she would like to see it meet as soon as possible, officers had recently had a great deal of meetings and she did not know when it would actually meet.

Councillor B S Beale asked if the Leader agreed that Members should be informed of all staff vacancies on a regular basis. The Leader advised that as vacancies are an operational issue she could not speak on behalf of the Chief Executive, but would put this proposal to her so that Members could be informed prior to each Council meeting.

Councillor H M Bass advised Members that he had requested an updated version of the organisational chart from the Chief Executive.

665. BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES CONSIDERED BY THE CHAIRMAN TO BE URGENT

There was none.

666. 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 Paragraph 2 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

667. SENIOR MANAGEMENT STRUCTURE

The Leader advised that following discussions with several Members she proposed withdrawing the report of the Chief Executive pending further discussions. This was duly seconded and agreed.

RESOLVED that the report of the Chief Executive reviewing the Senior Management Structure of Maldon District Council be withdrawn pending further discussion.

There being no further items of business the Chairman closed the meeting at 8.20 pm

H M BASS
CHAIRMAN

(a)
(b)

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REPORT of CHIEF EXECUTIVE

**to
COUNCIL
15 DECEMBER 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 – 17 NOVEMBER 2016

- 3.1 [Web link to agenda, reports and Minutes for the above meeting](https://democracy.maldon.gov.uk/ieListDocuments.aspx?Cid=133&Mid=1066)
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?Cid=133&Mid=1066>

3.2 MINUTE 706 – NEIGHBOURHOOD PLAN UPDATES FOR GREAT TOTHAM, WICKHAM BISHOPS AND BURNHAM-ON-CROUCH AND PROPOSED UPDATES TO THE COUNCIL'S SCHEME OF DELEGATION FOR DESIGNATING NEIGHBOURHOOD AREAS

3.2.1 Minute Extract:

Councillor Miss M R Lewis left and rejoined the meeting during this item of business.

The Chairman introduced Mr Ian Butt, Interim Strategic Planning Policy Manager and welcomed him to the meeting.

The Committee considered the report of the Director of Planning and Regulatory Services updating Members on progress of the Neighbourhood Area applications received from Great Totham and Wickham Bishops Parish Councils. The report also outlined progress on the Burnham-on-Crouch Neighbourhood plan.

Appendix 1 detailed the proposed Great Totham Neighbourhood Area which covered the entire parish area except for that part allocated in the draft Local Development Plan (LDP) as North Heybridge Garden Suburb. Appendix 2 set out the proposed Wickham Bishops Neighbourhood area.

The report set out changes to Regulations relating to Neighbourhood Areas and how these would make the process of designating all Parish areas simpler and quicker.

Members were advised that the introduction of set timescales for some of the formal elements of the Neighbourhood Planning process would ensure the timely progress of Plans but may have resource implications for the Council.

Councillors H M Bass and M F L Durham, the Ward Members, raised concern due to no reference within the Officers report to the Ulting and Langford Neighbourhood Plan. They advised of the Parish Council's upset regarding this and provided the Committee with details of the work done by the Parish Council on the Neighbourhood Plan including its current status. In response the Planning Policy Officer advised that following receipt of a letter from the Parish Council she had consulted the Neighbourhood Plan team at the Department for Communities and Local Government to identify what stage the Council should roll the Langford and Ulting Neighbourhood Plan back to. A response was still awaited. Councillor Bass referred to the work undertaken to date with Langford and Ulting Parish Council and requested a report from Officers advising what the Council was aiming to do to secure this Neighbourhood Plan.

A lengthy debate ensued regarding the Langford and Ulting Neighbourhood Plan and other Parish / Towns which were progressing Neighbourhood Plans. In response, the Chairman requested that Officers provide a list of all Neighbourhood Plans along with their current status.

3.2.2 Committee recommendation:

That the Planning and Licensing Committee Terms of Reference, Section (c) Scheme of Delegation – To the Director of Planning and Regulatory Services, paragraph 28 be updated as set out below, taking into account the change in legislation:

- 28 To determine neighbourhood area applications where no representations objecting to the proposal have been received to a public consultation, or where public consultation is not required by regulation, and where the area to be designated is coterminous with or wholly within the area of a civil parish. Any such decisions made are to be reported to the Members of the Planning and Licensing Committee.

4. FINANCE AND CORPORATE SERVICES COMMITTEE – 29 NOVEMBER 2016

- 4.1 [Web link to agenda, reports and Minutes for the above meeting](https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=131&MId=1027&Ver=4)
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CId=131&MId=1027&Ver=4>

4.2 MINUTE 758 – HUMAN RESOURCES POLICIES AND PROCEDURES

4.2.1 Minute Extract:

The Committee considered the report of the Interim Director of Resources seeking Members' approval of the Council's human resources policies and procedures that had been amended.

The report advised that a new Stress Management Policy had been developed (attached as Appendix 1 to the report) to improve the management of work related stress issues within the Council. An Equality Impact Assessment had been undertaken and was attached as Appendix 2 to the report.

In response to a question regarding identifying new staff that may have a higher risk of stress / sickness, the Chairman reminded Members that the Council was limited in what it could request from new employees in accordance with policy requirements. The Interim Director of Resources advised that sickness periods could be requested from previous employees but not the detail. The Chief Executive explained for the more senior posts psychometric testing was carried out with resilience being one of the areas considered.

4.2.2 Committee recommendation:

That the new Stress Management Policy (attached as **APPENDIX 1** to this report) be approved.

4.3 **MINUTE 760 – LOCAL COUNCIL TAX SUPPORT SCHEME 2017 / 18**

4.3.1 Minute Extract:

The Committee considered the report of the Interim Director of Resources seeking consideration of the impact of the Local Council Tax Support (LCTS) Scheme for the Maldon District and endorsement of a substantially unchanged cost neutral scheme for 2017 / 18.

The Equality Impact Assessment (Appendix 2 to the report) was circulated prior to the meeting.

The report set out the current scheme and its impact on customers. It was noted that a consultation exercise had been undertaken and a summary of the responses received were attached at Appendix 1 to the report.

Members were advised that in order to deliver a LCTS scheme within the budget for 2017 / 18 the only changes being proposed were a cost of living allowance in line with the rates proposed by the Department for Work and Pensions (DWP) for pensioners.

The report detailed the funding made available by Essex County Council for an Exceptional Hardship Fund, advising that the same funding would be available for 2017 / 18.

It was confirmed that the Council had a legal duty to consult with the public in respect of Council Tax Support.

4.3.2 Committee recommendation:

- (i) that a cost of living increase in line with the Department for Work and Pensions schemes be included in the Local Council Tax Support Scheme for 2016 / 17 for Pensioners only;

- (ii) that legislative changes being introduced to the Housing Benefit Scheme for 2017 / 18 are mirrored in the Councils Local Council Tax Support Scheme to ensure consistency;
- (i) that in all other respects the Local Council Tax Support Scheme and Hardship Scheme remain unchanged and that this decision has been made following Members' careful reading of, and regard to the Equality Impact Assessment (attached as **APPENDIX 2** to this report).

4.4 **MINUTE 767 – CAPITAL PROJECT BIDS 2017 / 18**

4.4.1 Minute Extract:

The Committee considered the report of the Interim Director of Resources to review capital project bids that had been put forward to form part of the 2017 / 18 to 2020 / 21 capital programme. Members were asked to consider and prioritise capital project bids in preparation for consideration in the annual budget report in January 2017.

Appendices A and B to the report provided an overall summary of the various bids for capital projects along with copies of the project management methodology reports. It was noted that these bids had been categorised into three main groups, essential, service failure and service improvement.

4.4.2 Committee recommendation:

That the capital projects as set out below and detailed in **APPENDIX 3** to this report, be identified for inclusion for consideration in the 2017 / 18 capital programme:

Essential:

- Park Road Repairs
- New Car Parking Signage in Town Centre and Promenade Park

Service Failure / Service Improvement:

- PC and Printer replacement Programme
- IT Project Officer
- Email replacement – upgrade of Exchange and Enterprise Vault
- Parks Vehicle – Rolling Replacement Programme
- Amphitheatre Fencing
- All Weather Car Parking Improvements
- New Accessible Play site
- Improved screen of existing depot space within Riverside Park
- New roof for Heybridge Cemetery Chapel
- Mobile welfare facility for Volunteer and Community Payback schemes
- Replacement vehicle for Maintenance Officer(s)

4.5 **MINUTE 769 – COUNCIL TAX BASE 2017 / 18**

4.5.1 Minute Extract:

The Committee considered the report of the Director of Resources relating to the Council Tax Base for 2017 / 18. It was noted that the Council had to notify its tax base calculations to Essex County Council, Essex Fire Authority, the Police and Crime Commissioner for Essex and Parish Councils by 31 January 2017.

It was explained that the tax base figure was an integral part of the calculations for setting the level of Council Tax. The detailed calculation of the relevant amounts for 2017 / 18 were shown in Appendix A to the report.

Members were informed that the tax base used for 2016 / 17 was 23,455.7. The proposed new figure represented an increase of 413 or 1.8%. This increase related to the number of new houses now on the valuation list.

4.5.2 Committee recommendation:

That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012 the amount calculated by the Maldon District Council as its Council Tax Base for the year 2017 / 18 shall be set at 23,868.7.

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

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

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DRAFT

Managing Work Related Stress Policy

Maldon District Council
Managing Work Related Stress Policy

Document Control Sheet

Document title	Managing Work Related Stress
Summary of purpose	The purpose of this policy and procedure is to provide information and guidance on managing work related stress in employees at Maldon District Council. It is recognised that the Council has a duty of care towards its employees which extends to mental health as well as physical health and the Council seeks to identify any sources of stress in the workplace and take action to reduce harmful stress.
Prepared by	HR
Status	Final
Version number	1
Approved by	
Approval date	November 2016
Date of implementation	November 2016
Review frequency	
Next review date	As appropriate or as required by legislative changes
Circulation	All staff
Published on the Council's website	

Validity Statement

This document is due for review as appropriate or as required by legislative changes. Users of the policy should ensure that they are consulting the currently valid version of the document.

If you would like this information in large print, Braille or another language, please contact HR.



**MALDON DISTRICT
COUNCIL**

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DEFINITIONS

Term	Definition
Stress	The Health and Safety Executive defines stress as the adverse reaction people have to excessive pressures or types of demand placed on them. There is a clear distinction between pressure, which can create a 'buzz' and be a motivating factor, and stress. Stress is a natural reaction to demand or pressure and people are adapted to be able to cope with short term stress, but if pressure is prolonged, too frequent, or out of control, stress reactions can become chronic and lead to ill health.

SECTION A – POLICY

1. Policy Statement, Aims and Objectives

- 1.1. Maldon District Council ('the Council') is committed to supporting and protecting the health, safety and welfare of its employees. It is recognised that this duty of care extends mental health as well as physical health and the Council seeks to identify any sources of stress in the workplace and take action to reduce harmful stress.
- 1.2. This policy places emphasis on maintaining positive mental health and in particular recognises how, unless proper arrangements are in place, stress in the workplace can impact adversely on an individual's performance and ultimately the delivery of the Council's organisational objectives.
- 1.3. This policy outlines the legislation relating to stress at work and the possible causes and symptoms of stress.
- 1.4. The development of this policy will:
 - Ensure that legal requirements are complied with as far as it is reasonably practicable, promote best practice, and improve knowledge and skills in stress management.
 - Identify as far as it is reasonable practicable, workplace stressors, and conduct risk assessments to eliminate or reduce stress, or control the risks from stress. Risk assessments will be regularly reviewed.
 - Provide support and advice for effective stress management.
 - Ensure the access to free and confidential counselling for employees affected by stress either caused by work or external factors is available, via the Council's Employee Assistance Programme provider.
 - Ensure a risk management process is in place to report principal risks to the Corporate Leadership Team (CLT).

2. Legislation and Guidance

- 2.1. Whilst there is no specific legislation on controlling stress at work the Health and Safety Executive (HSE) have issued standards that can be used to assist in assessing risk and the management of work related stress issues. In addition:
 - Employers have a duty under the Health and Safety at Work Act 1974 to ensure, so far as is reasonable practicable, that their workplaces are safe and healthy.
 - Under the Management of Health and Safety Regulations 1999 employers are obliged to assess the nature and scale of risks to health in their workplace and base their control measures on it.
 - Advice from the HSE states that 'Ill health from workplace stress must be

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treated in the same way as ill health from other physical hazards. Employers have a legal duty to take reasonable care to ensure employee's health is not placed at risk through excessive and sustained levels of stress arising from the way work is organised, the way people deal with each other at work or from the day to day demands of work'.

- Working Time Regulations 1998 limit the working week to an average of 48 hours. However, a member of staff may under certain circumstances opt out of these arrangements but they must agree in writing to work more than the 48 hours. Employees are not encouraged to work beyond 48 hours in order to maintain an effective work life balance.
- Illnesses such as depression or mental ill health will in certain circumstances secure protection under the Equality Act 2010 and as such reasonable adjustments to employment should be made to enable the employee to return to work. Further advice is contained in the Managing Attendance Policy and Procedure.
- The Council may be subject to legal proceedings should an employee suffer any detriment to their health due to work related stress and therefore is required to take a proactive approach to reduce the risk of work related stress.

3. Scope

- 3.1 This policy applies to those members of staff who are directly employed by the Council and for whom the Council has legal responsibility.

As part of good employment practice, agency workers are also required to abide by the Council's policies and procedures, as appropriate, to ensure their health, safety and welfare whilst undertaking work for the Council.

4. Accountabilities and Responsibilities

- 4.1 Overall accountability for the health, safety and welfare of the workforce lies with the Chief Executive. Responsibility is delegated to the following:

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<p>Corporate Leadership Team and all line managers</p>	<p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> • Ensuring good communication between management and employees. • Ensuring employees are provided with meaningful development opportunities. • Ensuring workloads are monitored to ensure manageable workloads. • Ensuring deadlines are realistic.
<p>All line managers</p>	<p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> • Ensuring the policy is communicated to employees and to endeavour to preserve and promote positive mental health and reduce negative stress. • Encouraging employees to discuss any problems and avail themselves of support available. • Ensuring regular Performance Conversations (one to ones) with individual employees include a discussion on wellbeing. • Consideration of the impact on wellbeing of any decisions taken and where appropriate ensuring risk assessments are undertaken. Potential stressors may include changes in the physical environment, deployment of the workforce and the impact of new technology. • Identifying and responding effectively to employees with problems and recognising work situations that may lead to excessive stress levels. • Taking all reasonable steps to alleviate excessive stress. • Seeking advice from Human Resources as soon as possible when a cause for concern is raised or identified. • Referral of employees to Occupational Health/Staff counselling where appropriate.

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<p>All Staff</p>	<p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> • Awareness of their own range of feelings and reactions to stressful situations and their personal methods of coping. • Recognising the warning signs of excessive stress being suffered by colleagues. • Expressing their views to colleagues and managers and/or Human Resources regarding potential work related stressors. • Seeking professional advice and support by either management or self-referral to Occupational Health Services and/or Staff Counselling when unable to cope with excessive stress whether generated by work or personal problems that are impacting on work. • Taking all reasonable steps to ensure that they do not cause unnecessary stress to others. • Completing staff surveys.
<p>Human Resources</p>	<p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> • Providing advice and guidance in relation to this policy. • Offering support and advice to both managers and employees experiencing problems with stress. • Monitoring the reasons for sickness absence. • Ensuring the appropriate provision of training. • Encouraging referral to support services. • Ensuring significant risks highlighted through sickness absence monitoring or risk assessments are anonymised and recorded accordingly.
<p>Occupational Health Services</p>	<p>Have responsibility for:</p> <ul style="list-style-type: none"> • Advising managers or employees who identify potential problems in their area or in themselves. • Identify the necessary support for employees who are referred by their line manager because of concerns about their well- being.

5. Dissemination, Training and Review

5.1. Dissemination

5.1.1. The effective implementation of this procedural document will support openness and transparency. The Council will:

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- Ensure all staff and stakeholders have access to a copy of this document via the intranet.
- Communicate to staff any relevant action to be taken via staff meetings/email.

5.2. Training

- 5.2.1. All staff will be offered relevant training commensurate with their duties and responsibilities. Staff requiring support should speak to their line manager in the first instance. Support may also be obtained through the HR Department.

5.3. Review

- 5.3.1. As part of its development, this policy and its impact on staff, customers and the public has been reviewed in line with the Council's Equality Duties. The purpose of the assessment is to identify and if possible remove any disproportionate adverse impact on employees, customers and the public on the grounds of the protected characteristics under the Equality Act.
- 5.3.2. The procedural document will be reviewed as required and in accordance with the following on an as and when required basis:
- Legislatives changes
 - Good practice guidelines
 - Case Law
 - Significant incidents reported
 - New vulnerabilities identified
 - Changes to organisational infrastructure
 - Changes in practice

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SECTION B – PROCEDURE

1. Causes of Stress and Preventative Measures

- 1.1. It is accepted that any job can cause stress and also that stress is not just about overwork as boredom and monotony can also be stressful.
- 1.2. The following table details the most common causes of stress and how they could be prevented.

Cause of Stress	Preventative Measure
Dealing with demanding customers or the public	Ensure employees are trained in conflict resolution and that they are fully supported by their line manager through regular Performance Conversation meetings.
Financial cuts, organisational change and lack of job security	Ensure any organisational restructuring is done in partnership with Unison and in consultation with employees. HR will ensure the process followed has the minimum adverse effect on employees.
Poor working conditions	Where poor working conditions are identified the line manager will arrange for a suitable workplace risk assessment to be conducted and advice will be sought on achieving safe working conditions.
Threats of violence, harassment and bullying	Employees should be aware of the Grievance policy, which refers to bully and harassment in the workplace and early intervention and advice should be sought from the employee's line manager or Human Resources.
Lack of childcare or flexibility	Where possible flexible working arrangements should be offered to staff who are struggling to manage child care and work. A scheme is in place which provides financial assistance with childcare.
Lack of control over work	Managers should have regular Performance Conversation meetings with employees and should aim to empower employees to manage their own workload. Where there are elements of work that may be outside of the employee's control the manager should ensure the employee understands the reason for this and understands what is expected of them.

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Too demanding a job or too high a workload	<p>If it becomes apparent that the employee is finding the job too demanding the manager should ensure that the employee is clear on what is expected and that they are given the appropriate training and development to undertake their role and have realistic objectives to achieve.</p> <p>From time to time there will be peaks and troughs of work and the employee and the manager should work together to plan the workload. Where the workload is consistently high the manager may be required to assess the staffing levels within the service area.</p>
Monotonous or boring work	Where possible the manager should include some variety of work. Some people enjoy work of a repetitive nature, others do not and the manager and the employee may need to have a discussion about the suitability of the role for the individual concerned. The Performance Review process can be used to encourage and support the employee to develop their skills in order to move to an alternative role.
Lack of Learning and Development	Managers should ensure that they enable the employee to access the appropriate learning identified as part of the Performance Review process. The individual should take responsibility for sourcing the learning and may seek advice from the Learning & Engagement Officer.
Excessive Hours	Where it is apparent an employee is working excessively the manager should discuss the reasons for this with the individual.
Working in isolation	Managers should ensure that employees working in isolation are familiar with the arrangements for lone working and that they are included in team meetings and have regular Performance Conversations.

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Working relationships	Managers should discuss working relationships are part of the Performance Conversation meeting and issues that are raised are dealt with in a constructive and supportive manner.
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The above list is not exhaustive.

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1.3. The HSE guidance identifies six risk factors linked with work related stress:

- **Demands:** issues like workload, work patterns and the work environment.
- **Control:** how much say the person has in the way they do their work.
- **Support:** includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues.
- **Relationships:** includes promoting positive working to avoid conflict and dealing with unacceptable behaviour.
- **Role:** whether people understand their role within the organisation and whether the organisation ensures that the person does not have conflicting roles.
- **Change:** how organisational change is managed and communicated in the organisation.

Further information can be accessed on www.hse.gov.uk/stress

1.4. For each of the hazards listed above managers should ask what action is already being taken, is it enough and what more could be done. Control measures may include removing the risk altogether, reorganising the workload, considering short or long term flexible working options, providing clear guidelines and instructions to employees and offering support via Occupational Health or the Employee Assistance Programme if appropriate.

2. Symptoms of Stress

2.1. If an employee is experiencing stress at work they may develop some of the following symptoms:

- Anxiety
- Tension
- Disturbed sleep
- Headaches
- Indigestion
- Weight loss/gain
- Skin rashes
- Muscle fatigue particularly neck and shoulders
- Raised blood pressure/rapid heartbeat
- Increased use of alcohol, smoking or drugs
- Tensions at home

2.2. These symptoms may manifest themselves at work as:

- Irritability and moodiness
- Fall in performance, inability or reduced ability to cope with normal tasks and situations
- Becoming accident prone

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- Forgetfulness
- Poor timekeeping
- Increased sickness absence
- Depression and general negative outlook

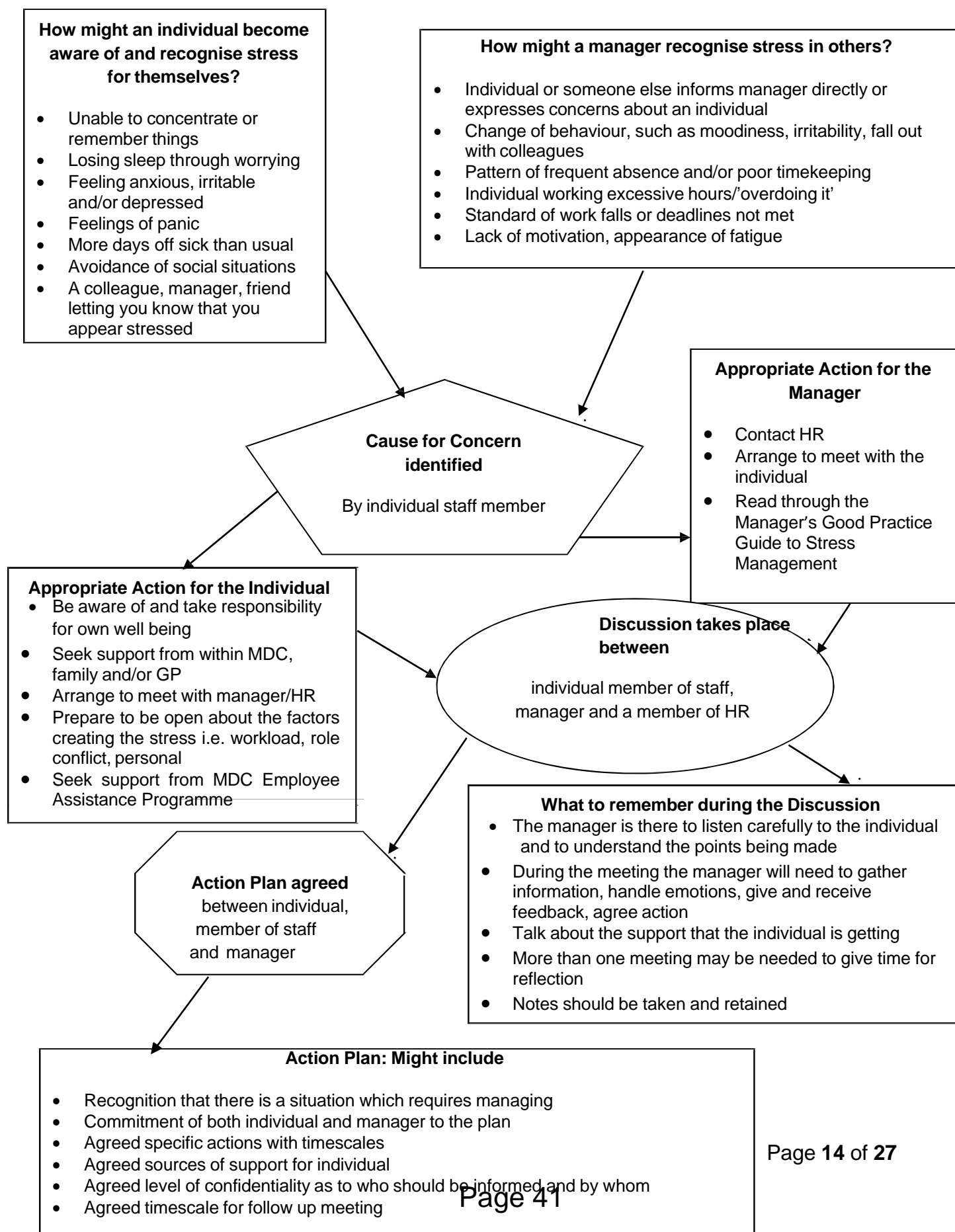
2.3. Without intervention these symptoms can develop into serious long term health conditions. Managers should refer to the Managing Performance Policy for guidance in handling cases of poor performance. Advice should be sought from Human Resources before any action is instigated.

3. Managing Identified Stress

- 3.1. Once a cause for concern is identified either by an individual employee or by a manager, the manager should arrange to meet with the individual employee and should seek advice from Human Resources who may provide support at the meeting.
- 3.2. The purpose of the meeting will be to establish what the causes of the stress are, what symptoms are being experienced and how to support the individual to manage their symptoms, reduce and/or remove the causal factors where possible, taking into account the preventative measures shown in the table in paragraph 1.2.
- 3.3. The next step will be to arrange a stress risk assessment which will be carried out by the manager, supported by Human Resources. Following the assessment a report will be produced which will be used to develop an action plan to address the areas of concern.
- 3.4. In some circumstances, where there is a significant impact on the individual, a referral to Occupational Health will be required. Wherever this is the case the stress risk assessment report should be sent to Occupational Health with the referral.
- 3.5. Action plans should set out specific and measurable actions and outcomes and should be time limited.
- 3.6. Regular review meetings should be held with the individual until the achievement of the action plan. Managers should subsequently ensure as part of routine Performance Conversation meetings that any further problems are identified at the earliest possible opportunity and action is taken to prevent any escalation of symptoms.

Appendix 1

GUIDANCE ON HOW TO IMPLEMENT THE POLICY – FLOWCHART



Appendix 2

SELF ANALYSIS

RISK ASSESSMENT

This risk assessment should be undertaken in conjunction with any other generic risk assessments or as and when you are experiencing symptoms of stress at work.

The risk assessment is in two parts, the first part is a questionnaire containing six questions based on the HSE Management Standards. These questions cover the six areas that have been found to be the main sources of stress for people at work. The risk assessment is designed to establish the basic levels of stress within your particular work environment and establish if there are problem areas that may require further investigation/action.

On completion of the first questionnaire there are two outcomes:

- You are operating below an acceptable level and need to seek advice/support
- You will be directed to the most relevant additional questionnaire(s)

The second part of the questionnaire contains within it six questionnaires, each one provides more in depth analysis of the first part. You may only need to fill in one or two. An analysis of the answers is provided at the end of the second part of the questionnaire.

N.B. You can only analyse your OWN responses to this questionnaire.

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Well Being at Work – Part 1

Please circle the response that you feel is most applicable to you:

Management Standard:	Often	Sometimes	Seldom	Never
Demand				
I am able to cope with the demands of my job				
Control				
I am able to have a say over the way I do my work				
Support				
I believe that I receive adequate support and information from my colleagues and superiors				
Role				
I understand my role and responsibilities within MDC				
Relationships				
I am being subjected to unacceptable behaviours (e.g. bullying) at work	Never			Often

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Change				
MDC engages staff frequently when undertaking organisational change				

For each of the six areas look at the colour and corresponding comment below:

GREEN	Acceptable – no further action required
AMBER	May need attention – if this is displayed it is important to discuss the issue identified in the question with your line manager. There is clearly room for improvement or adaptation of the procedures in place in your workplace.
RED	<p>Priority area – should any of your answers be coloured red, this indicates that this particular area requires you to complete a second more detailed questionnaire.</p> <p>For example if you have a red in the area 'change' please proceed to the specific questionnaire on 'change'.</p>

Well Being at Work – Part 2

At this stage you should have already completed the first questionnaire.

If not please return to the first section.

The first questionnaire has directed you towards a second questionnaire because one (or more) of the following areas was highlighted as a potential problem in the previous questionnaire:

- Demands
- Control
- Support
- Relationships
- Role
- Change

The next questionnaire(s) is designed to establish more specifically what those problems may be in the specific area.

N.B. As before you can analyse your OWN responses to this questionnaire

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Demands

The following four questions relate to stress caused by demands in your workplace. Please circle the box that most accurately reflects how you feel about your job at the moment.

Please tick only one box for each question.

Do you have to work very fast?	Never/Almost never	Seldom	Sometimes	Often
Do you have to work very intensively?	Never/Almost never	Seldom	Sometimes	Often
Do you have enough time to do everything?	Often	Sometimes	Seldom	Never/Almost never

About consistency and clarity regarding your job:

Do different groups at work demand things from you that you think are hard to combine?	Never/Almost never	Seldom	Sometimes	Often
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Control

The following fifteen questions relate to stress caused by control in your workplace. Please circle the box that most accurately reflects how you feel about your job at the moment.

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Please tick only one box for each question.

Does your job provide you with a variety of interesting things?	Often	Sometimes	Seldom	Never/almost never
Is your job boring?	Never/almost never	Seldom	Sometimes	Often

Concerning your particular work:

Do you have to do the same thing over and over again?	Never/almost never	Seldom	Sometimes	Often
Do you have the possibility of learning new things through your work?	Often	Sometimes	Seldom	Never
Does your work demand a high level of skill or expertise?	Often	Sometimes	Seldom	Never
Does your job require you to take the initiative?	Often	Sometimes	Seldom	Never
Do you have a choice in deciding how you do your work?	Often	Sometimes	Seldom	Never

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Do you have a choice in deciding what you do at work?	Often	Sometimes	Seldom	Never
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About your position at work: How often do these statements apply?

Others take decisions concerning my work	Never/almost never	Seldom	Sometimes	Often
I have a good deal of say in decisions about work	Often	Sometimes	Seldom	Never
I have a say in my own work speed	Often	Sometimes	Seldom	Never
My working time can be flexible	Often	Sometimes	Seldom	Never
I can decide when to take a break	Often	Sometimes	Seldom	Never
I have a say in choosing with whom I work	Often	Sometimes	Seldom	Never
I have a great deal of say in planning my work environment	Often	Sometimes	Seldom	Never

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Support

The following six questions relate to stress caused by support in your workplace. Please circle the box that most accurately reflects how you feel about your job at the moment.

Please only tick one box for each question. Please complete all three sections.

Support from colleagues – when you are having difficulties at work:

How often do you get help and support your colleagues?	Often	Sometimes	Seldom	Never/almost never
How often are your colleagues willing to listen to your work related problems?	Often	Sometimes	Seldom	Never/almost never

Support from superiors – when you are having difficulties at work:

How often do you get help and support from your immediate superior?	Often	Sometimes	Seldom	Never/almost never
How often is your immediate superior willing to listen to your problems?	Often	Sometimes	Seldom	Never/almost never

**Maldon District Council
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Information from superiors – about consistency and clarity regarding your job:

Do you get sufficient information from line management (your superiors)?	Often	Sometimes	Seldom	Never/almost never
Do you get consistent information from line management (your superiors)?	Often	Sometimes	Seldom	Never/almost never

Relationships

The following six questions relate to stress caused by relationships in your workplace. Please circle the box that most accurately reflects how you feel about your job at the moment.

Please tick one box for each question.

Does MDC have an effective policy to prevent unacceptable behaviour (bullying and harassment) at work?	Yes	Don't know	No
Does MDC have effective procedures that enable you to raise concerns about the behaviour of others?	Yes	Don't know	No

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I know MDC's policy for dealing with unacceptable behaviour at work	Yes	No
I am aware of the consequences of breaching the organisations policy on unacceptable behaviour at work	Yes	No

Do you work in partnership with your line manager to tackle unacceptable behaviour at work?	Often	Sometimes	Seldom	Never/almost never
I am subjected to unacceptable behaviour at work and this has affected my health	Never/almost never	Seldom	Sometimes	Often

Role

The following four questions relate to stress caused by roles in your workplace. Please circle the box that most accurately reflects how you feel about your job at the moment.

Please only tick one box for each question.

I understand how my work fits into the overall aim of MDC	Often	Sometimes	Seldom	Never/almost never
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I often have several people giving me work and I am not always clear about what I am expected to do	Never/almost never	Seldom	Sometimes	Often
I have a clear plan of work which is agreed by myself and my line manager	Often	Sometimes	Seldom	Never/almost never
I am encouraged to talk to my manager at an early stage if I am not clear about my priorities or the nature of the task to be undertaken	Often	Sometimes	Seldom	Never/almost never

Change

The following four questions relate to stress caused by organisational change in your workplace. Please circle the box that most accurately reflects how you feel about your job at the moment.

Please only tick one box for each question.

I receive information about planned organisational	Often	Sometimes	Seldom	Never/almost never
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Managing Work Related Stress Policy**

change at an early stage				
I am given enough information to enable me to understand why organisational change needs to happen	Often	Sometimes	Seldom	Never/almost never
MDC communicates with employees regularly when going through change	Often	Sometimes	Seldom	Never/almost never
I have the opportunity to comment and ask questions about organisation change before, during and after it has happened	Often	Sometimes	Seldom	Never/almost never

**Maldon District Council
Managing Work Related Stress Policy**

Part 2 – Analysis of Answers

GREEN	Acceptable – no further action required.
AMBER	May need attention – if this is displayed it is important to discuss the issue identified in the question with your line manager. There is clearly room for improvement or adaptation of the procedures in place in your workplace.
RED	Priority area – should this colour be displayed this indicates that this particular area requires immediate attention. Carry out actions for amber and make an appointment with Occupational Health Services/Counselling Service

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Title Council Tax Support scheme for 2017-18	Date November 2016	Officer Preparing Al Morrell
1. Background		
<p>1.1 Description of proposal / policy / service (Including aims, outcomes and in the case of an existing service how long it has been delivered in its current format)</p> <p>Council Tax Support aims to help people with low incomes to meet their Council Tax obligations, covering payment of Council Tax and Discounting of Council Tax</p> <p>The aim of Council Tax Support is</p> <ul style="list-style-type: none"> • To have a fair and equitable scheme • To maintain support for particularly vulnerable people within the constraints imposed by Government policy <p>The service areas or partner agencies involved are</p> <ul style="list-style-type: none"> • Maldon District Council • Any authority that can levy a charge to contribute to Council tax • Essex authorities who are sharing the scheme • All Essex precepting authorities • Department for Work and Pensions • Department for Communities and Local Government 		
<p>1.2 Who are the users of the proposal / policy / service (Refer to data held about the users of the service i.e. numbers of users, demographic breakdown. Having this information is important to understand which sectors of the community might be affected. If that is not available refer to the demographic data held on the intranet.)</p> <p>Broadly, this affects those liable for Council Tax within the District and adults on a low income with low savings</p> <p>There are 3503 Council Tax Support Claimants* of which 1545 are working age. The breakdown of which is as follows (*as at 21 November 2016)</p>		

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

	Elderly	Working Age	Total
Pension Credit	1135	0	1135
Family Premium	0	200	200
Severe Disability Premium		158	
Disability Premium		60	
Income Support	0	289	289
Job Seekers Allowance	0	219	
Carers Premium		97	
Disabled Child Premium		11	
Working but in receipt of Council Tax Support			

1.3 Have users been consulted with? (Have you carried out consultation with users or stakeholders while drawing up the proposal / policy / service? For example, have you carried out a formal consultation, discussed the issue with a Friends/User Group or consulted with stakeholders? If so, outline the results and how it has informed your plans. It's also important to show whether the target audience was reached during the consultation.)

A six-week public consultation was carried out from 12 September 2016. The consultation was publicised via a press release, the Council's website, regular Social Media updates, outgoing mail to benefit and Council Tax residents and email alerts. Partners and stakeholders were also directly advised i.e. advice and support agencies, housing providers.

The consultation results will be fed in to this process and are included here.

1.4 If the analysis is regarding an existing Service, what are users' views of that Service? (Base your view on evidence such as satisfaction surveys, levels of compliments and levels of complaints).

The Revenues and Benefits team is a high performing team that regularly achieves performance within the

During 2015-16 there were 12 complaints related to the Revenues and Benefits service. However, during the same period the team dealt with in excess of 23,000 items of work.

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

2. Equality Aims – consider how the proposal / policy / service meets the three Equality Aims listed in the Equality Act.

Aim	How does the proposal / policy / service meet the equality aim?	Action or addition needed in order that the proposal / policy / service meets the aim?
2.1 To eliminate unlawful discrimination, harassment and victimisation	<ul style="list-style-type: none"> Higher Rate Disability benefits will continue to be disregarded thereby protecting those with specific long term conditions who fall within this group. Without such action to protect this group the policy could potentially be discriminatory. There is also an Exceptional Hardship Scheme which can assist customers with specific circumstances. 	None required
2.2 To advance equality of opportunity between people who share a protected characteristic and those who do not	<ul style="list-style-type: none"> Older people are protected in the policy, which follows specific Government Regulations. Parents who receive a child benefit will continue to have this disregarded as part of the CTS calculation, which is consistent with the Council's duty to safeguard and promote the welfare of children. Higher rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions who fall within this group. In 2014 it was also agreed that Lone Parents receive a disregard of £15 per week from Child Maintenance payments A hardship fund exists to ensure provision for those residents who have exceptional circumstances. 	
2.3 To foster good relations between those who share a protected characteristic and those who do not	<ul style="list-style-type: none"> The scheme remains means tested so the scope for discrimination is limited. All working age customers 	

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

3. Equality Impacts – examine how the proposal / policy / service impacts on the community. Base the analysis on evidence. Attach additional documents if necessary.

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
3.1 Age (What will the impact be on different age groups such as younger or older people?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Older People (60+) are specifically protected under Government Regulations	
3.1 Age (What will the impact be on different age groups such as younger or older people?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Due to the protection afforded to those of pensionable age, customers of working age are impacted directly by any changes to the scheme. People over 18 of working age will potentially be required to pay more.	Parents will continue to have Child Benefit disregarded in the CTS calculation which is consistent with the Council's duty to safeguard and promote the welfare of children. The Council will continue to provide information and advice on income maximisation.
3.2 Disability (Consider all disabilities such as hearing loss, dyslexia etc as well as access issues for wheelchair users where appropriate)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	People with disabilities who are below pensionable age may need to pay more.	Higher Rate Disability Benefits continue to be disregarded (i.e. Disability Living Allowance) thereby protecting those with specific long term conditions. A hardship fund exists to ensure provision for those residents who have exceptional circumstances.

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

<p>3.3 Pregnancy and Maternity (Think about pregnancy, new and breastfeeding Mums)</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Removal of the family premium (currently an allowance of £17.45 per week) in line with the Government's changes for Housing Benefit will only affect those families who are working age and not claiming "passported" benefits such as Universal Credit and Income Support.</p> <p>New working age residents may see a reduction in support and some households with children will pay more.</p> <p>With regard to limiting the number of dependent children in the CTS calculation, households who have a third or subsequent child after 1 April 2017 may receive less support than claimants who have more children born before that date. This amounts to an additional premium of £66.90 per week (for a child of any age).</p> <p>This would bring the scheme in line with the Government's changes for Housing Benefit.</p>	
<p>3.4 Sex (is the service used more by one gender and are the sexes given equal opportunity?)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>CTS is means tested and therefore gender is not a factor in the calculation of support.</p>	

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

3.5 Gender Reassignment (Is there an impact on people who are going through or who have completed Gender Reassignment?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and therefore gender is not a factor in the calculation of support	
3.6 Religion or belief (Includes not having a religion or belief)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and therefore religion is not a factor in the calculation of support	
3.7 Sexual Orientation (What is the impact on heterosexual, lesbian, gay or bisexual people?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and therefore this characteristic is not a factor in the calculation of support	
3.8 Race (Includes ethnic or national origins including Gypsies and Travellers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and therefore this characteristic is not a factor in the calculation of support.	
3.9 Socio-Economic Group (Will people of any particular socio-economic group be particularly affected?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Council Tax Support is designed to help people who have restricted incomes. Any additional changes to the proposed scheme will therefore have an impact on those who claim support – particularly those of working age.	

4. Is there a Cumulative Impact? (If the same group is the subject of many changes or reductions the overall impact is much greater. Consider what else is happening within Maldon District Council that may have an impact and also what we know is happening elsewhere (such as Essex County Council). See Guidance for further advice.)

The requirement to introduce a local Council Tax scheme and to make savings has been introduced via Government policy so each year our scheme must be reviewed and a proposal must be pursued following a public consultation.

Whilst the authority may choose to allocate funding to ensure full protection for all customers, to date this has not been considered to be financially sustainable. Furthermore, the results from public consultations would appear to agree that customers claiming support should pay towards their Council Tax.

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

5. Outcome	
<p>5.1 Consider all the analysis and evidence above and indicate</p> <p>(1) No change needed <input type="checkbox"/> (2) Adjust <input type="checkbox"/> (3) Adverse impact but continue <input checked="" type="checkbox"/> (4) Stop, remove the proposal / policy / service <input type="checkbox"/></p>	
<p>5.2 Adjustments</p> <p>If option (2) above is selected please detail what adjustments are needed, who is responsible and how that will be reviewed. Also outline how that will be agreed (i.e. Committee, CMT).</p>	
<p>5.3 Decision Making (How will this equality analysis be taken into account during the decision making process? For example will it be included with a report to Committee/CMT? Will it be considered at department level or by a Head of Service? How will community/stakeholders views be taken into account?)</p> <p>The Equality analysis will be included within the decision making process which includes consideration at</p> <ul style="list-style-type: none"> • Finance and Corporate Services Committee on 29 November 2016 • Full Council on 15 December 2016 	
6.0 Next Steps	
<p>6.1 If there was a lack of evidence or data held on which to base this assessment, how will that gap be addressed for the future?</p> <p>Not applicable</p>	
<p>6.2 Summary of actions highlighted within this analysis (Include how this will be picked up within service/work plans)</p>	

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

<p>6.3 Arrangements for future monitoring of equality impact of this proposal / policy / service</p> <p>To be reviewed at least annually, or where relevant changes occur which may have an impact.</p>
<p>6.4 Approved by (Manager or Head of Service signature and date)</p> <p>Sue Green (Group Manager: Customers)</p>

Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

LCTS - CASELOAD AND AVERAGE AWARDS		TOTAL CLAIMS OCTOBER	AVG WKLY LIABILITY	AVG WKLY AWARDS
2013/14	All Groups	4007	20.8	16.44
	Elderly (Total)	2224	21.02	18.37
	Working Age (Total)	1783	20.53	14.03
2014/15	All Groups	3721	20.75	16.43
	Elderly (Total)	2137	20.87	18.21
	Working Age (Total)	1584	20.6	14.02
2015/16	All Groups	3556	20.86	16.42
	Elderly (Total)	1999	21.04	18.14
	Working Age (Total)	1557	20.64	14.22
2016/17	All Groups	3451	21.56	17.09
	Elderly (Total)	1921	21.82	18.89
	Working Age (Total)	1530	21.25	14.84
4	Elderly-Passported	1135	21.17	20.76
6	Elderly-Non-Passported	786	22.75	16.17
7	Working Age-Passported-War Pensioners	0	0.00	0.00
9	Working Age-Passported-Severe Disability	125	17.86	14.24
11	Working Age-Passported-Enhanced Disability	130	23.84	18.43
13	Working Age-Passported-Disability	33	26.17	20.17
15	Working Age-Passported-Carer	74	23.64	17.12
17	Working Age-Passported-Disabled Child Premium	6	25.72	18.79
19	Working Age-Passported-Lone Parent Child Under 5	140	19.08	14.92
21	Working Age-Passported-Child Under 5	24	24.90	19.92
23	Working Age-Passported-Family Premium - 5 and Above	1	43.54	24.11
25	Working Age-Passported-Family Premium - 4 Child	5	23.93	19.15
27	Working Age-Passported-Family Premium - 3 Child	17	21.80	17.44
29	Working Age-Passported-Family Premium - 2 Child	33	22.25	16.32
31	Working Age-Passported-Family Premium - 1 Child	69	21.17	16.35
33	Working Age-Passported-Family Premium	14	21.32	14.92
35	Working Age-Passported-Working	3	16.86	13.49
37	Working Age-Passported-Non Dependant	73	25.67	17.36
39	Working Age-Passported-Other	266	17.50	13.92
41	Working Age-Non-Passported-War Pensioners	2	17.97	13.50
43	Working Age-Non-Passported-Severe Disability	26	19.14	14.55
45	Working Age-Non-Passported-Enhanced Disability	49	23.61	14.83
47	Working Age-Non-Passported-Disability	29	24.83	13.32
49	Working Age-Non-Passported-Carer	21	24.94	14.20
51	Working Age-Non-Passported-Disabled Child Premium	4	22.12	10.10
53	Working Age-Non-Passported-Lone Parent Child Under 5	43	18.96	11.54
55	Working Age-Non-Passported-Child Under 5	48	27.70	15.99
57	Working Age-Non-Passported-Family Premium - 5 and Above	0	0.00	0.00
59	Working Age-Non-Passported-Family Premium - 4 Child	9	23.69	15.33
61	Working Age-Non-Passported-Family Premium - 3 Child	19	23.54	12.03
63	Working Age-Non-Passported-Family Premium - 2 Child	58	22.57	12.65
65	Working Age-Non-Passported-Family Premium - 1 Child	78	22.40	12.30
67	Working Age-Non-Passported-Family Premium	19	23.76	10.29
69	Working Age-Non-Passported-Working	69	19.94	10.03
71	Working Age-Non-Passported-Non Dependant	9	24.67	12.77
73	Working Age-Non-Passported-Other	34	17.64	12.87

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Finance and Corporate
Services Committee

Capital Bids for 2017/18

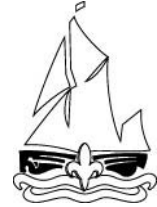
	Project Category	Project Title & Description	Original	Original	Original
			2017 / 18	2018 / 19	2019 / 20
Ref			£000	£000	£000
1	SF	PC and Printer Replacement Programme (<i>Ongoing replacement of equipment</i>)	35	35	35
2	SF	IT project officer - One Fixed term post to assist with the rollout of a number of key IT capital projects such as Share point, CRM) - 2nd year (<i>project agreed last year</i>)	50		
3	SF	Email replacement - Upgrade of Exchange and Enterprise Vault	60		
4	SI	Replacement of polling booths		40	

Essential E
 Service Failure SF
 Service Improvement SI

Community Services Committee		Capital Bids for 2017 / 18			
	Project Category	Project Title & Description	Original	Original	Original
			2017 / 18	2018 / 19	2019 / 20
Ref			£000	£000	£000
Vehicle and Plant Replacement					
1	SI	Parks Vehicle - Rolling replacement programme. The Council replaces 1 of the vehicles used by the Parks and Countryside Team each year to ensure that they are all fit for purpose and reliable. This project seeks to replace the eldest transit type vehicle within the fleet with a new model. A further vehicle will be required in 2018-19.	22	22	
Promenade Park, Maldon					
3	SI	Amphitheatre Fencing - To create fencing for charging round the Amphitheatre. A possible bid to purchase better quality temporary fencing for area surrounding the Amphitheatre. To create an area in which events can be held and a charge for entry can be made leaving other parts free as normal.	10		
4	SI	All Weather Car Parking Improvements - The Park welcomes between 400-500K visitors each year and generate significant amount of car parking income. Over the last few years the Council has invested in improved winter car parking. This project sets to complete the works started by upgrading the aesthetics of the winter car parking areas as well as making improvements to the main field. During busy periods parking will be more easily controlled increasing parking capacity. Improvements to surfacing will reduce damage to green areas during poorer weather and enable the grassed area to be used for parking in a controlled way. This is likely to assist visitors and improve their experience when using the park. Increased areas of all weather surface will enable events to take place in poorer weather without causing lasting damage to the fields which will increase income.	60	50	
5	SI	New Accessible Play site - The Council will receive £52K of Section 106 funds from the Lighterman Place (Crest Nicholson) development in Maldon to improve play provision within the Promenade Park. This project seeks to add to the S106 money to provide a new fully accessible play feature within the Promenade Park (by the maze) for the local community and visitors. Futher external funding could be sought from public sector crown sourcing www.spacehive.com or as an alternative to MDC directly funding through capital.	48		
6	E	Park Road Repairs	55		
Other Sites					
7	E	New Car Parking Signage in Town Centre & Promenade Park. To replace all car parking signage to give clearer instructions on all charges and assist the general public.	14		

	Project Category	Project Title & Description	Original	Original	Original
			2017 / 18	2018 / 19	2019 / 20
Ref			£000	£000	£000
8	SI	Improved screening of existing depot space within Riverside Park - Within Riverside Park, the Council operates a small depot which is used to store items for use at the park and a large container for waste. The depot is next to one of the main car parks and the proposed caravan park.	40		
9	SF	New roof for the Heybridge Cemetery Chapel	25		
10	SI	Mobile welfare facility for Volunteer and Community Payback schemes to operate in locations with no existing built facilities or limited access to welfare facilities. Additional resource for events/engagement activities within Parks and Open Spaces.	15		
11	SI	Maintenance officer(s) uses a land rover type vehicle as and it is regularly used off road. It is getting to an age where it is becoming more costly to maintain and ideally will need replacement. The Capital sum is for a newer but second hand 130 or 110 vehicle. A maximum of £30k will be required.	30		
	Essential Service Failure Service Improvement	E SF SI			

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**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**CENTRAL AREA PLANNING COMMITTEE
14 DECEMBER 2016**

Application Number	FUL/MAL/16/00872
Location	Topsail Charters Limited Cooks Boatyard The Hythe Maldon
Proposal	Change of use of existing lease to allow for mooring of historic barge on campshed as public tearoom and daytime meeting room. Also occasional evening use as an Arts Venue. Erection of safety stanchions and link chain along riverside of path.
Applicant	Ms Stephanie Valentine
Agent	N/A
Target Decision Date	16 December 2016
Case Officer	Julia Sargeant, TEL: 01621 875851
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land

1. RECOMMENDATION

To the Council:

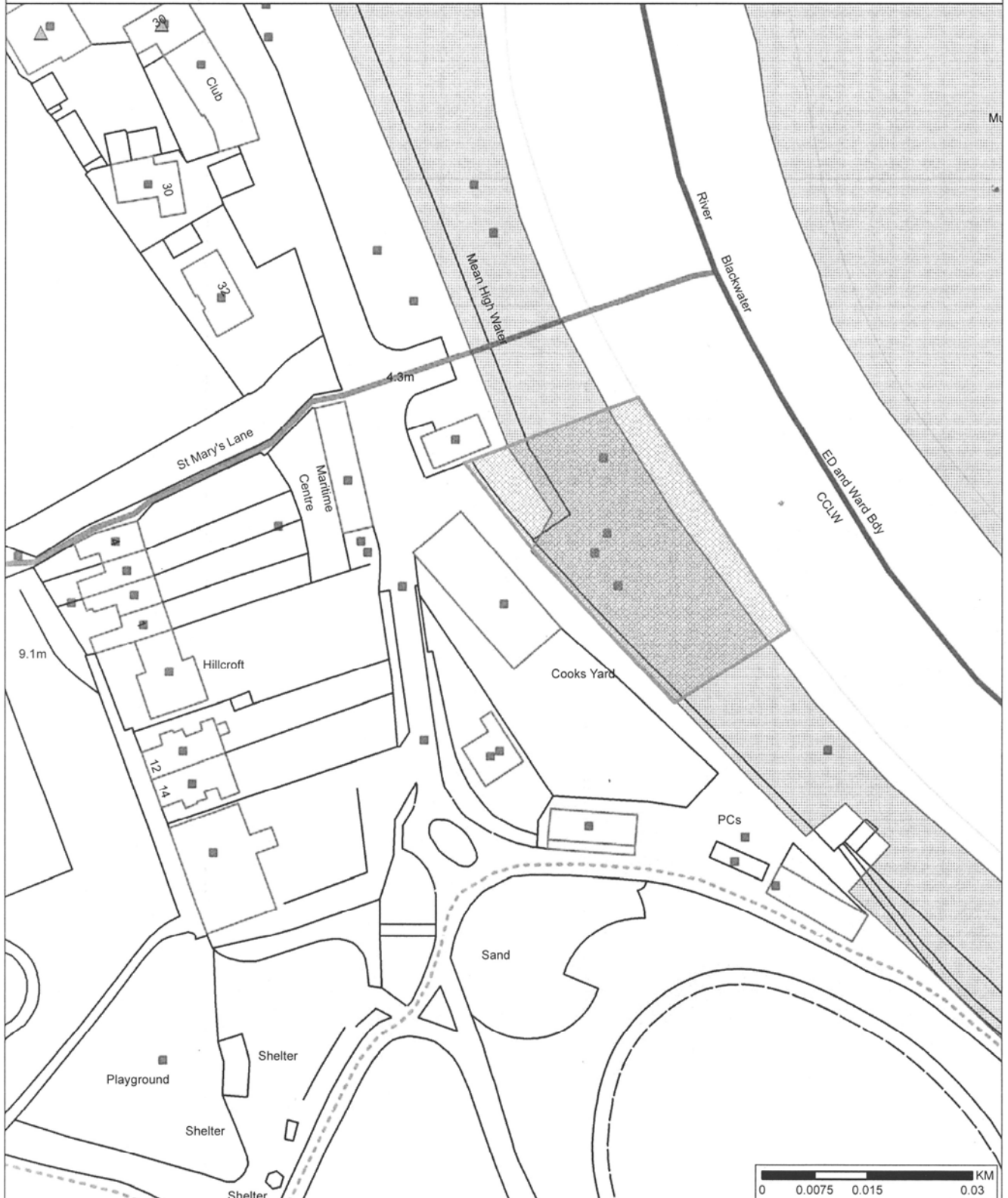
REFUSAL for the reasons detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Topsail Charters Limited Cooks Boatyard The Hythe

Maldon FUL/MAL/16/00872



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:750

Organisation: Maldon District Council

Department: Department

Comments: Central Committee 16/00872

Date: 01/12/2016

MSA Number: 100018588

Agenda Item no. 5

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site relates to an existing barge mooring located at Cooks Boatyard along The Hythe in Maldon. The application site relates directly to the barge moorings although Cooks Boatyard also encompasses a workshop and storage yard. The application site is located outside of the development boundary for Maldon, and within the Maldon Conservation Area as well as the designated Coastal Zone as per the adopted Local Plan. The application site is also located within a designated Site of Special Scientific Interest (SSSI).
- 3.1.2 To the immediate north west of the application site is the River Bailiff's Hut with further moorings beyond along the quayside. To the immediate south is the Cooks Yard workshop also leased by the applicant and to the south east of the application site is the promenade park and associated leisure uses.
- 3.1.3 Cooks Boatyard is leased by the applicant from the Council and planning permission is sought for change of use of existing lease to allow for mooring of historic barge on campshed as public tearoom and daytime meeting room. The proposal also includes occasional evening use as an Arts Venue as well as the erection of safety stanchions and a link chain along the riverside of the quay adjacent to the mooring. It should be noted that the lease from the Council to the applicant is not a planning consideration.
- 3.1.4 The application form states that the proposed A3 tearoom use would open seven days a week from 10:00 – 17:00 hours. The evening use as an arts venue would also potentially operate up to seven days a week from 19:00 – 23:00 hours.
- 3.1.5 It is stated within the application that the business operating from Cooks Boatyard is Topsail Charters who have purchased a historic Thames Barge known as 'Resourceful' which would be used to house the proposed tearoom and venue. Whilst the barge would primarily be moored on the campshed berth alongside the path she may have to be moved occasionally to allow another barge to use that berth for repair work and in that instance she would operate on an alternative berth. The barge was built in 1931 and is registered with National Historic Ships. She is sister ship to the Maldon based 'Reminder'. The application goes on to state that the continued upkeep of the historic barge fleet operated by Topsail Charters has become increasingly challenging and the proposed tearoom is the first stage of a longer term plan to develop the site at Cooks Yard into an enhanced visitor experience and sustainable income stream for the fleet.

3.2 Conclusion

- 3.2.1 The proposed development is considered a 'less vulnerable' use as detailed within the National Planning Practice Guide (NPPG) which is considered to be inappropriate within flood zone 3b which is defined as the functional floodplain. As such the proposed development would be contrary to the guidance and advice contained within the National Planning Policy Framework (NPPF) as well as the NPPG, and policy D5 of the Maldon District Local Development Plan (LDP).

- 3.2.2 Whilst no objection is raised to the visual impact of the barge the proposed use of the barge as a tearoom and arts venue at the application site would fail to preserve or enhance the special character of the Maldon Conservation Area, as is required by s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development would also be contrary to policies BE1, BE13 and CC12 of the adopted Replacement Local Plan (RLP), the NPPF and policies D1 and D3 of the submitted LDP.
- 3.2.3 The application site is in close proximity to residential dwellings and insufficient information has been submitted to demonstrate that the proposed development would operate without resulting in material harm to the amenity of neighbouring occupiers through noise and disturbance. The proposed development would therefore be contrary to RLP policies BE1 and CON5 and LDP policy D1.
- 3.2.4 Furthermore the application site is located within the Maldon and Heybridge Central Area (MHCA) where Policy S5 of the submitted LDP states that '*development and regeneration will take place in accordance with a masterplan endorsed by the Council*'. This proposal has come forward in isolation for a use that does not integrate with the whole offer that Hythe Quay presents in the masterplan. It is considered that the proposed development, if allowed, would prejudice the outcome of the Maldon and Heybridge Central Area, contrary to Policy S5 of the LDP.
- 3.2.5 It is acknowledged that the application has potential positive impacts which weigh in its favour, such as the potential for job creation and an enhanced tourism offer. However, in this instance the development is not acceptable in principle due to flood risk and the material harm that the development would cause, as summarised above, would not be outweighed by any potential benefits of the development.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7
- 14
- 17
- 58
- 64
- 100
- 126

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 – Development Outside Development Boundaries
- BE1 - Design of New Development and Landscaping.
- BE13 – Development in Conservation Areas
- CON5 – Pollution Prevention

- CC2 – Development Affecting a Nationally Designated Nature Conservation Site
- CC6 – Landscape Protection
- CC11 – The Coastal Zone
- CC12 – Maldon Waterside Area
- T1 - Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards.

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 - Sustainable Development
- S5 – Maldon and Heybridge Central Area
- S8 – Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D3 – Conservation and Heritage Assets
- D5 – Flood Risk and Coastal Management
- E5 – Tourism
- N2 – Natural Environment and Biodiversity
- T2 - Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site is located within Flood Zone 3b defined by the NPPG ‘Flood Risk and Coastal Change’ as the functional floodplain, this zone comprises land where water has to flow and be stored in times of flood. The vulnerability of the proposed development as per NPPG table 2 ‘Flood Risk vulnerability Classification’ is ‘less vulnerable’ which is considered an inappropriate development in flood zone 3b as per table 3 of the NPPG. The principle of the proposed development is therefore not supported. Flood risk is considered in more detail later within this report.

5.2 Design, Impact on the Character and Appearance of the Area and Maldon Conservation Area

5.2.1 The NPPF advises on good design and in paragraph 56 states that:

‘The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’

5.2.2 Such design principles are dealt with by local plan policy BE1 which seeks to ensure that new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and make a positive contribution to the landscape and open countryside. It should be noted that design is not just about how buildings will appear visually but also how buildings function and relate to their surroundings, with regard to sustainable development. Submitted LDP policy D1 deals with design quality and the built environment and is applicable to the consideration of this application.

5.2.3 Furthermore the core planning principles of the NPPF includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. RLP policies CC6 and CC11 are also relevant to the consideration of this application and seek to ensure that no harm is caused to the coastal landscape character of the locality of the application site.

5.2.4 The application site is also located within the Maldon Conservation Area. Conservation Areas are ‘Areas of Special Architectural or Historic Interest, the character or appearance of which is desirable to preserve or enhance.’ (Planning (Listed Buildings and Conservation Areas) Act 1990). Any new development therefore has to be assessed against Local Plan Policy BE13 as well as Policy D3 of the Local Development Plan and the guidance contained within the NPPF to ensure that it would preserve or enhance the character or appearance of the Maldon Conservation Area.

5.2.5 In terms of actual design and coastal landscape impact the development is considered acceptable as the barge ‘Resourceful’ which would be moored at the application site is a historic boat in its own right and would appear visually in keeping with the site and the Maldon Conservation Area. However, it is the use that both the Conservation Officer and the Urban Design Officer have raised concerns with as it will impact on the character and appearance of the working boatyard.

5.2.6 The Conservation Officer has advised that the positive contribution which Cooks Boatyard makes to special character of the Maldon Conservation Area derives not so much from the appearance of the boats and buildings than from its active use as a boat repair yard. There is a legitimate concern that running a tearoom off a boat in one of the berths (which are meant for boats undergoing repair) could put Cooks long-term function as a boat-repair yard under threat which would dilute its historic role and identity.

- 5.2.7 Policy CC12 of the RLP deals with the Maldon Waterside Area which the application site lies within. This policy states that development will only be permitted if the following criteria are met:
- a) it consolidates or introduces a use which is beneficial to retaining the working waterside character of the area, and
 - b) it enhances the waterside character of the area.
- 5.2.8 The preamble to this policy states that the southern bank of the Blackwater at Maldon waterfront derives its character from the combination of the variety of traditional water-orientated land uses. It is important that any development that is permitted in this area seeks to retain this character. The installation of a tearoom on a part of the river front which has historically been reserved for boat repair threatens to undermine this objective.
- 5.2.9 It is considered that whilst no objection is raised to the visual impact of the barge the proposed use of the barge as a tearoom and arts venue at the application site would fail to preserve or enhance the special character of the Maldon Conservation Area, as is required by s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development would also be contrary to policies BE1, BE13 and CC12 of the adopted RLP, the NPPF and policies D1 and D3 of the submitted LDP.

5.3 Impact on Residential Amenity

- 5.3.1 RLP policy BE1 states that new development will be permitted if they are compatible with their surroundings, and/or improve the surrounding location in terms of the effect on the safety and or amenity of neighbouring properties or the occupiers therein. The LDP policy relevant to this section is policy D1 which deals with Design Quality and Built Environment and considers similar residential amenity considerations.
- 5.3.2 The nearest neighbouring dwellings to the application site are located in St Mary's Lane and The Hythe with the nearest dwellings positioned approximately 55 metres from the application site. The Environmental Health Officer has raised a concern with the application as the neighbouring residential dwellings will be vulnerable to exposure from noise arising from the proposed arts venue uses. The Environmental Health Officer therefore requested full details of how the residential properties will be protected from noise, not just from the venue but also from customer ingress and egress from the location.
- 5.3.3 Whilst the applicant did submit some additional information it did not give any detail about the programme of events planned, the scale of those events or noise mitigation from the premises. It only states that there are two other pubs in the area which whilst true also raises concerns about the intensification of entertainment in the evening. The submission also makes an assumption about their predicted clientele and what the noise might be like when they leave. As this is likely to be late and possibly on several evenings a week Environmental Health advise that there is the potential for problems.
- 5.3.4 Insufficient information has therefore been submitted to demonstrate that the proposed development would operate without resulting in material harm to the amenity of neighbouring occupiers through noise and disturbance. The proposed

development would therefore be contrary to RLP policies BE1 and CON5 and LDP policy D1.

5.4 Access, Parking and Highway Safety

- 5.4.1 The existing vehicular access point to the site would not be altered and as such no objection is raised to the development on access or highway safety grounds.
- 5.4.2 In addition, Essex County Highways have raised no objection to the proposal. Whilst the application does not propose any off road parking for visitors the site is located in close proximity to the town centre and a number of public car parks. No objection is raised to the proposed in terms of access, parking or highway safety and the proposal would accord with RLP policy T2 and policy T2 of the LDP.

5.5 Flood Risk

- 5.5.1 The application is located within Flood Zone 3b defined by the NPPG 'Flood Risk and Coastal Change' as the functional floodplain, this zone comprises land where water has to flow and be stored in times of flood. The Environment Agency's (EA) initial consultation response raised an objection to the development on flood risk grounds and advised that *'at present the vulnerability of this development is unclear as it is not specified in table 2 of the PPG. Where there is uncertainty we require LPAs to confirm the vulnerability class of the application.'*
- 5.5.2 Following receipt of this initial consultation response the EA was advised by Officers that the vulnerability of the development is considered to be 'less vulnerable' as per table 2 of the NPPG. In taking this view Officer's have had regard to the display of the historic barge however this is incidental to the main use which would be as a tearoom and/or public assembly use which fits with the 'less vulnerable' uses within table 2 of the NPPG. The EA has advised that if the development is considered as less vulnerable then they would object in principle to this application. The EA has been formally consulted regarding officer's view of the vulnerability of this development and any further response will be reported via members update.
- 5.5.3 As the vulnerability of the proposed development per NPPG table 2 is less vulnerable the proposal is considered an inappropriate development in flood zone 3b as per table 3 of the NPPG. A development of this vulnerability should therefore not be allowed within such a high risk flood site. The only development considered acceptable within flood zone 3b within the NPPG is:

'Essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses' these should then 'be designed and constructed to:

- remain operational and safe for users in times of flood;*
- result in no net loss of floodplain storage;*
- not impede water flows and not increase flood risk elsewhere.'*

- 5.5.4 In the light of the above assessment the proposed development would be contrary to the guidance and advice contained within the National Planning Policy Framework (NPPF) as well as the NPPG, and policy D5 of the Maldon District Local Development Plan.

5.6 Other Material Considerations

- 5.6.1 It is important to note that Hythe Quay (and the application site) is within the Maldon and Heybridge Central Area (MHCA) which is made up of Maldon Central based on the retail function of the High Street; the Causeway Regeneration Area which is the largest employment area in the district and the Leisure Quarter which focuses on the tourism offer and the attraction of Hythe Quay and Promenade Park. The application site is located within the Leisure Quarter as defined by Policy S5 of the submitted LDP.
- 5.6.2 The aim of Policy S5 of the LDP is that the Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities and will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces.
- 5.6.3 Policy S5 states that *‘development and regeneration will take place in accordance with a masterplan endorsed by the Council’*. To date the masterplan has been informed by a number of stakeholder workshops and public engagement. The masterplan is a requirement of Policy S5, LDP and is a key delivery tool for development to come forward. The advanced stage of preparation includes a draft Masterplan and Action Plan for public consultation winter 2016.
- 5.6.4 The masterplan is responding to stakeholder engagement and key opportunities identified to transform Hythe Quay including:
- Environmental Enhancements;
 - New moorings extended along the Bath Wall;
 - Seasonal/traditional Food Market;
 - Events programme;
 - Improved Links with Promenade Park and the entire waterside from Fullbridge to Northey Island;
 - Conversion and re-use of redundant buildings.
- 5.6.5 Concerns have been raised by the Urban Design Officer that the application seeks approval of an isolated proposal for a use that does not integrate with the whole offer that Hythe Quay presents in the masterplan. The Urban Design Officer also considers that the proposal could also impact on the existing offer that existing businesses provide in the vicinity and compromise the education, skills and training requirements set out in the Maldon District Economic Prosperity Strategy with a particular focus on maritime skills.
- 5.6.6 It is noted that a previous application on land leased by the applicant for change of use of a boat store to marine gallery / exhibition and boat storage was refused in August 2016 with one of the reasons of refusal relating to the development prejudicing the outcome of the Maldon and Heybridge Central Area master planning approach. This application could also prejudice the outcome of the masterplan and should not be considered in isolation. It is therefore considered that the proposal would be contrary to Policy S5 of the LDP.

- 5.6.7 It was noted that the supporting statement for the application refers to a winter barge tearoom having been run since 2013 which operates seven months a year. This use appears to be unauthorised and therefore carries little weight as a material consideration.

6. **ANY RELEVANT SITE HISTORY**

- **FUL/MAL/91/00358** - Improvements to boatyard including workshops visitor facilities and museum. Approved - 09.07.1991.
- **FUL/MAL/98/00508** - Change of use to Maritime Heritage Centre incorporating charter boat agency visitor information point and project boat building. Approved - 08.10.1998.
- **FUL/MAL/00/00205** - Construction of replacement boatshed. Approved - 02.06.2000.
- **FUL/MAL/07/00199** - Use to include a maritime heritage centre and gallery. Approved - 11.06.2007.
- **FUL/MAL/09/00152** - Change of use to include a marine gallery and exhibition. Approved - 12.06.2009.
- **FUL/MAL/15/00285** - 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. Refused - 12.08.2016.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	The Town Council recommends approval of this application as the proposal will encourage tourists to use the quay.	Noted.

7.2 **Statutory Consultees and Other Organisations** (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	Raise an objection on flood risk grounds and request the Local Planning Authority (LPA) to advise on the flood risk vulnerability of the development as it is unclear. If the development is considered as less vulnerable then we would object in principle to this application.	See section 5.2 (page 12) of report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	Table 3 of Planning Policy Guidance (PPG) advises it is inappropriate development in flood zone 3b.	
Essex County Council Highways	No objection.	Noted.
Maldon Harbour Improvement Commissioners	<p>Object for the following reasons:</p> <ul style="list-style-type: none"> • Loss of facility for local barge operators; • Negative impact on tourism (as yachts unable to moor up); • Black and grey water disposal; • Health and safety concerns regarding access and egress; • Negative impact on conservation area; • Potential reduction in employment opportunities for those with traditional maritime skills; 	Noted.
Natural England	<p>The proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Blackwater Estuary Ramsar and Special Protection Area (SPA), and Essex Estuaries Special Area of Conservation (SAC) has been classified. Natural England therefore advises an Appropriate Assessment is not required.</p> <p>The proposed development will not damage or destroy the interest features for which the Blackwater Estuary SSSI has been notified.</p>	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Raises concerns that the proposal could put Cooks long-term function as a boat-repair yard under threat and considers that the proposal would fail to preserve or enhance the special character of the Maldon Conservation Area, as is required by s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Noted – see section 5.2 (page 12) of report.
Emergency Planner	Requests a condition requiring a satisfactory flood warning and evacuation plan for the boat.	Noted.
Environmental Health	The proposed location for the venue which is the barge "Resourceful" (yet to arrive at The Quay) is in proximity to residential properties in St Mary's Lane and The Hythe. These will be vulnerable to exposure from noise arising from the proposed arts venue uses.	Noted – see section 5.3 (page 13) of report.
River Baliff	<p>Objects to the development due to:</p> <ul style="list-style-type: none"> • Altering the character of the oldest repair yard on the waterfront. This application is contrary to Topsail Charters Ltd submission as discussed by Members when applying for the lease. • Lack of parking • No agreed waste disposal point • No vehicular access • No lighting • No justification for such a proposal in one of the most important heritage sites in the town 	Noted – although details in relation to the lease itself are not a material planning consideration.
Urban Design Officer	Raises concerns that the proposed use will impact on the character and appearance of a working boatyard and that this application	Noted – see sections 5.2 (page 12) and 5.6 (page 15) of report

Name of Internal Consultee	Comment	Officer Response
	seeks approval of an isolated proposal for a use that does not integrate with the whole offer that Hythe Quay presents in the masterplan.	

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- K.A Stubbs 1 St Marys Lane Maldon Essex
- Mr Association of Bargemen Taylor 10 Toga Close Colchester CO2 9JJ
- Mr edward smith nether hall, main road, shotley, nether hall ipswich
- Nick Cardy C/o Landbreach Limited Chelmer Terrace Maldon
- Mr Adrian Riva Fenby Shipways Yard North Street Maldon
- Jim Dines TS Rigging Ltd Downs Road Boat Yard Maldon
- Mr Noel Probyn Hall Cottage Hall Road Heybridge Maldon
- Landbreach Ltd Chelmer Terrace Maldon Essex
- Mr Gerard Swift Littlebrook Maldon Road Tolleshunt D'Arcy Maldon
- Mrs Glynis Yuill White Lodge Maypole Road Langford Maldon
- Julie Stuchbery 31 The Avenue Witham CM8 2DN

Objection Comment	Officer Response
Proposal would hinder the development of the Maldon & Heybridge Master Plan.	See section 5.6 (page 15) of report.
Loss of barge mooring and repair Facility in an already restricted area.	Noted.
Change of use outside the terms of the lease.	Not a relevant material planning consideration.
The granting of this application could lead to the gradual loss of similar waterside facilities that can never be re-instated.	See section 5.2 (page 12) of report.
Access to proposed tearoom is dangerous.	Noted.
Cooks yard and its working berths should be retained. The Hythe Quay at Maldon is the single most important site for the Thames Sailing Barge fleet.	See section 5.2 (page 12) of report.
The proposed "tea rooms" would sit on a berth traditionally used by Thames Sailing Barges, and located in front of Cooks yard, in prime position for repair work. Loss of this berth would take away a traditional and historic facility.	See section 5.2 (page 12) of report.

Objection Comment	Officer Response
A tearoom at this location would have a major impact on the traditional maritime activities that make the Quay the attraction it is today, and which are irreplaceable.	See section 5.2 (page 12) of report.
This is a very historical site and should be allowed to continue to operate as such without the constrictions a tearoom facility in the heart of it.	See section 5.2 (page 12) of report.
How could a "tea room" sit on a working barge yard with public being actively encouraged to enter an area where heavy work is being carried out.	See section 5.2 (page 12) of report.
There are other opportunities to open a tea room within this vicinity but do not believe there are the same opportunities for barges to be placed on blocks and repaired.	Noted.
This campshed has always been exclusively for the use of barges undergoing repair / restoration. The whole area is of national importance as the only remaining barge yard which has an unbroken history going back to when barges were built and launched from here.	Noted.
If Topsail Charters do not want these berths and blocks maybe Maldon District Council should offer this part of the lease to someone that want to carry out barge repairs.	Not a material planning consideration. The Council has a duty to consider the planning application.

7.4.2 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Ralph Springett 22 Chichester Way Maldon Essex
- Mrs Kim & Gerry Gibbs 32 The Hythe Maldon Essex
- Judy Lea C/o Maldon Society 12 The Courtyard Spital Road Maldon
- Laura Fulcher 12 Downs Road Maldon Essex
- Mr Derek Beadel 38 King Street Maldon Essex
- Mr Jonathan Nichols 42 Victoria Road Maldon Essex
- Deirdre Haslam Pilgrims Rest 12 Downs Road Maldon
- Mr B Mortimer 6 Midguard Way Maldon Essex
- Mr Robert Southey 17 Volwycke Avenue Maldon Essex
- Mr John Walker 4A King Georges Place High Street Maldon
- Mr Philip Griffiths Ashmere 40 Holloway Road Heybridge Maldon
- Ms Rosy Perry 10 Victoria Road Maldon Essex
- Mr Barrie Jaimeson 253 Mundon Road Maldon Essex

- Ms Rosie SANDLER 12 Ulting Lane Langford Maldon
- Heidi Gilmour 47 North Street Maldon Essex
- Mr S Meddemenn C/o Buntings Of Maldon Buntings 89 High Street Maldon
- Richard Walsh C/O The Society For Sailing Barge Research 39 Friars Road Braughing Ware
- Mrs Nicola Timson 253 Mundon Road Maldon Essex

Supporting Comment	Officer Response
Applicant supports local businesses and local employment.	Noted.
Consider the Barge tearooms will be an asset to the town.	Noted.
People will enjoy seeing a historic boat being used for the people of Maldon and offering a different dining experience.	Noted.
Will attract people to the quayside and boost other local businesses.	Noted.
The temporary barge tearooms have proved highly popular when in operation and this will be a distinctive addition for visitors to the prom.	Noted – see section 5.6 (page 15) of report.
Consider it would be a valuable asset to community to have such a lovely site for use as a meeting room and a place for exhibitions of local artists' work.	Noted.
This is an opportunity for Maldon to have a really versatile space which could draw many visitors.	Noted.
Consider this would be a vibrant addition to the Quay with this historic barge enhancing the living tradition of the surrounding working boatyard as a celebration of craftsmanship and workmanship.	See section 5.2 (page 12) of report.
Proposal represents a winter and summer cafe that will compliment the waterfront and its facilities, enriching both the visitor and the townsfolk.	Noted.
Proposal will ensure there is always a historic barge visible at quayside.	See section 5.2 (page 12) of report.
Allowing Topsail Charters to operate an all year Tearoom will, not only enhance the Hythe, but also generate much needed revenue to maintain and improve the existing fleet of Hydrogen, Reminder and Thistle to ensure the future of these fantastic barges.	Noted – see section 3.1 (page 9) of report.
If Topsail cannot generate the funds it needs to maintain their barges in sailing	Noted.

Supporting Comment	Officer Response
condition then they may well have to reduce the number of barges in their fleet. This will not be good for the town.	
The proposal will help sustain Cooks into the future providing jobs for local people including shipwrights, carpenters and painters raising the profile of the yard to attract other similar projects and maintenance work.	Noted.

7.4.3 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Mr Colin Baldy 15 Wantz Road Maldon
- Mr Tim Kent 4A Peacock Yard Iliffe Street London
- Mrs Carole Geenhalgh George Smeed Sailing Barge The Hythe Maldon Essex

Comment	Officer Response
The application is premature as far as the plans for the Hythe regeneration are concerned. Not against the idea in principle however it does seem to run counter to the plans for the Hythe regeneration.	See section 5.6 (page 15) of report.
Suggestion that a decision be deferred and Topsail Charters involved in the planning for the Hythe.	See section 5.6 (page 15) of report.
Clarity is needed as to the practicalities of how barge-work can be carried out whilst the campshed is used to site a barge operating as a tearoom / meeting venue, as shown in the application.	Noted.
The dwindling fleet of barges need boatyards to get fixed at or eventually there will be no barges left for us to enjoy.	See Section 5.2 (page 12) of report.
There are still plenty of shipwrights in the area and lots of ships that need fixing. It's quite clear that Cooks could return to purpose, but not with this kind of fundamental change.	See Section 5.2 (page 12) of report.

Comment	Officer Response
The current custodians of Cooks have played a great role in keeping four barges busy and I understand they have gone to some trouble and expense to acquire S.B. Resourceful which is the vessel they intend to use as floating tearoom. It would therefore seem fair to allow her to be used as a tearoom, but far better to have her on the quay.	Noted. However, the application has to be determined as submitted and no additional moorings are shown to be under control of the applicant.

8. **REASONS FOR REFUSAL**

Reason for Refusal:

- 1 The application site is located within Flood Zone 3b defined by the National Planning Practice Guidance as the functional floodplain, this zone comprises land where water has to flow and be stored in times of flood. The vulnerability of the proposed development as per the National Planning Practice Guidance table 2 'Flood Risk vulnerability Classification' is 'less vulnerable' which is considered an inappropriate development in flood zone 3b. The proposed development is therefore detrimental to the safety of future users of the site contrary to the guidance and advice contained within the National Planning Policy Framework, the National Planning Practice Guide as well as policy D5 of the submitted Maldon District Local Development Plan.
- 2 The application site is located within the Maldon Conservation Area and Cooks Boatyard currently makes a positive contribution to the special character of the Conservation Area as well as the wider waterside location. Whilst no objection is raised to the visual impact of the barge the proposed use of the barge as a tearoom and arts venue at the application site would fail to preserve or enhance the special character of the Maldon Conservation Area and the working waterside character of the locality. The development would be contrary to The National Planning Policy Framework, policies BE1, BE13 and CC12 of the adopted Maldon District Replacement Local Plan and policies D1 and D3 of the submitted Maldon District Local Development Plan.
- 3 The application site is in close proximity to residential dwellings in St Mary's Lane and The Hythe and insufficient information has been submitted to demonstrate that the proposed development would operate without resulting in material harm to the amenity of neighbouring occupiers through noise and disturbance. The proposed development would therefore be contrary to The National Planning Policy Framework, policies BE1 and CON5 of the adopted Maldon District Replacement Local Plan and policy D1 of the submitted Maldon District Local Development Plan.
- 4 The proposed development, 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 through a master planning approach.

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REPORT of CHIEF EXECUTIVE

**to
COUNCIL
15 DECEMBER 2016**

SCHEDULE OF MEETINGS 2017 / 18

1. PURPOSE OF THE REPORT

- 1.1 A draft schedule of meetings for the 2017 / 18 municipal year is presented for the Council's consideration.

2. RECOMMENDATION

- (i) that the paragraph headed "Proceedings" be deleted from the Terms of Reference of the Joint Standards Committee and that meetings of that Committee be arranged as and when required;
- (ii) that subject to (i) above, the schedule of meetings for 2017 / 18 attached as **APPENDIX 1** be approved.

3. SUMMARY OF KEY ISSUES

- 3.1 The draft Schedule (**APPENDIX 1**) incorporates dates for all the Committees in the structure agreed by the Council except the Licensing Sub, Investigating & Disciplinary and Appointments Committees, meetings of which are arranged as and when required. The same could be true of the Joint Standards Committee which tends to meet according to need although dates have been included in the draft schedule as the Committee's Terms of Reference states that the Committee will meet at least three times a year. It is proposed that this provision is deleted and the schedule of meetings revised accordingly.
- 3.2 This has been prepared taking into account the requirements and suggestions of the Corporate Leadership Team and other lead Officers.
- 3.3 **Area Planning Committees**
- 3.3.1 So far as is possible, the Area Planning Committees are on a four-weekly cycle and held on consecutive weeks.
- 3.4 **Extraordinary Council (Planning) meetings**
- 3.4.1 As there is likely to be a continued need during 2017 / 18 to determine applications of 'development of strategic and major interest' this Schedule includes provision for

extraordinary meetings of the Council (Council (Planning)) to meet this requirement. It should be noted that these meeting are *provisional* dates and the final dates and times will be provided nearer the time.

3.5 Recess

- 3.5.1 Save for the need to continue the cycle of Area Planning Committees and extraordinary meetings of the Council (Council (Planning)), there is a four week recess in August and a two week recess at Easter and Christmas for non-planning meetings. These recess' have been planned to fall during school holiday dates as advertised by Essex County Council.

3.6 Quarterly Performance Reporting

- 3.6.1 Provision has been made within the Schedule for quarterly reporting to Committees.

4. CONCLUSION

- 4.1 It is considered that the schedule attached as **APPENDIX 1** represents a framework for meetings of the Council and its Committees.

5. IMPACT ON CORPORATE GOALS

- 5.1 An efficient and effective committee structure underpins the timely delivery of the corporate goals.

6. IMPLICATIONS

- (i) **Impact on Customers** – None, provided that an adequate framework is in place for the Council and its Committees to operate and transact business.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Financial (Resources and Human)** – None, unless linked to any particular requirements resulting from the operation of the Overview and Scrutiny Committee.
- (v) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Tara Bird, Committee Services Officer, (Tel: 01621 875791).

SCHEDULE OF MEETINGS 2017 / 18

KEY:

AUDIT.....Audit Committee (*daytime meetings*)
CAC.....Central Area Planning Committee
CMTYCommunity Services Committee

F&CS Finance and Corporate Services Committee
NW..... North Western Area Planning Committee
O&S Overview & Scrutiny Committee

P&LPlanning and Licensing Committee
SE South Eastern Area Planning Committee

Monday	MAY	1	BANK HOLIDAY	JUNE	5	JULY	10	NW	AUGUST	14	SE	SEPTEMBER	18		
Tuesday		2			6			11			15			19	
Wednesday		3			7		O&S Q4	12			16			20	CAC
Thursday		4	Essex County Council ELECTIONS		8		P&L Q4	13		COUNCIL	17			21	COUNCIL (Planning)
Friday		5			9			14			18			22	
Monday		8			12		NW	17			21			25	
Tuesday		9			13		F&CS Q4	18			22			26	F&CS Q1
Wednesday		10			14			19		O&S	23		CAC	27	
Thursday		11	STAT. COUNCIL		15			20		P&L	24			28	
Friday		12			16			21			25			29	
Monday	MAY	15	NW	JUNE	19	SE	JULY	24		AUGUST	28	BANK HOLIDAY	SEPTEMBER	2	NW
Tuesday		16			20			25	F&CS		29	CMTY Q1		3	
Wednesday		17			21			26			30	O&S Q1		4	O&S
Thursday		18	COUNCIL (Planning)		22	AUDIT Q4		27			31	AUDIT Q1		5	
Friday		19			23			28			1			6	
Monday		22	SE		26			31			4	NW		9	SE
Tuesday		23	CMTY Q4		27			1			5			10	CMTY
Wednesday		24			28	CAC		2			6			11	
Thursday		25			29	COUNCIL (Planning)		3			7	COUNCIL [8]		12	
Friday		26			30			4			8			13	
Monday	MAY	29	BANK HOLIDAY	JUNE	3		JULY	7	NW	AUGUST	11	SE	SEPTEMBER	16	
Tuesday		30			4	CMTY		8			12			17	
Wednesday		31	CAC		5			9			13			18	CAC
Thursday		1	STANDARDS		6			10	COUNCIL (Planning)		14	P&L Q1		19	STANDARDS
Friday		2			7			11			15			20	

No MDC Meetings	MDC Council meetings	Bank Holiday	LGA Conference	School Holidays
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APPENDIX 1

Monday	23		4	SE	15	SE	26		9	SE
Tuesday	24		5		16	CMTY	27	CMTY Q3	10	
Wednesday	25		6		17		28		11	
Thursday	26	COUNCIL (Planning)	7	AUDIT Q2	18		1	P&L Q3	12	COUNCIL (Planning)
Friday	27		8		19		2		13	
Monday	30	NW	11		22		5	NW	16	
Tuesday	31		12		23		6	F&CS Q3	17	P&L
Wednesday	1		13	CAC [4]	24	CAC	7		18	CAC
Thursday	2	COUNCIL	14	COUNCIL (Planning)	25	P&L	8	COUNCIL (Planning)	19	F&CS
Friday	3		15		26		9		20	
Monday	6	SE	18		29		12	SE	23	
Tuesday	7		19		30	F&CS	13		24	
Wednesday	8	O&S CRIME	20		31		14	O&S CRIME	25	
Thursday	9		21	COUNCIL	1	COUNCIL (Planning)	15		26	
Friday	10		22		2		16		27	
Monday	13		25	CHRISTMAS DAY	5	NW	19		30	
Tuesday	14		26	BOXING DAY	6		20		1	
Wednesday	15	CAC	27		7		21	CAC	2	
Thursday	16	P&L Q2	28		8	COUNCIL	22	COUNCIL	3	Local Government ELECTIONS
Friday	17		29		9		23		4	
Monday	20		1	NEW YEARS' DAY	12	SE	26	AUDIT	7	BANK HOLIDAY
Tuesday	21	CMTY Q2	2		13		27	CMTY	8	
Wednesday	22	O&S Q2	3		14	O&S Q3	28	O&S	9	
Thursday	23		4		15	AUDIT Q3	29		10	
Friday	24		5		16		30	GOOD FRIDAY	11	
Monday	27	NW	8	NW	19		2	EASTER MONDAY	14	
Tuesday	28	F&CS Q2	9		20		3	NW	15	
Wednesday	29		10	O&S	21	CA	4		16	
Thursday	30		11		22	STANDARDS	5		17	STAT. COUNCIL
Friday	1		12		23		6		18	

No MDC Meetings	MDC Council meetings	Bank Holiday	LGA Conference	School Holidays
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REPORT of MONITORING OFFICER

**to
COUNCIL
15 DECEMBER 2016**

(FOR CONSIDERATION BY THE JOINT STANDARDS COMMITTEE - 9 DECEMBER 2016)

APPOINTMENT OF INDEPENDENT PERSON(S)

1. PURPOSE OF THE REPORT

- 1.1 To consider the outcome of the recent advertisement / recruitment process and appoint Independent Persons under the Localism Act 2011.

2. RECOMMENDATION

That the Council reappoints the current Independent Persons for a further period of four years.

3. AREA FOR DECISION / ACTION

- 3.1 At a meeting of the Council on 7 February 2013 it was resolved to confirm the appointment of Mr Norman Victor Hodson as Independent Person to the Joint Standards Committee, and also the appointment of Mr Steven Ronald Anthony and Mr Jonathan Swan as reserve Independent Persons to the Joint Standards Committee (Minute No. 818 refers).
- 3.2 Subsequent decisions of the Council resulted in the terms of office of the Independent Person(s) being clarified and then extended eventually to 8 February 2017.
- 3.3 The Joint Standards Committee, under delegation from the Council, authorised the Monitoring Officer to proceed with the necessary arrangements for the recruitment of a new Independent Person and two reserve Independent Persons. The positions were advertised in the local press and via the Council's website during October 2016. Other than confirmation from the existing Independent Person (Mr N Hodson) and one of the reserve Independent Persons (Mr S R Anthony) as to their willingness to be appointed for a further term (on the basis of the previous applications submitted) no new expressions of interest were received. It is therefore open to the Council to consider re-appointing the two Independent Persons for a further term (maximum of four years).
- 3.4 The Independent Persons are a statutory appointment under the Localism Act 2011 and perform a vital role in ensuring that the Councillor Conduct Complaint process is

conducted fairly between the person making the complaint and the member complained about. The Monitoring Officer can choose to consult with the Independent Person as part of the initial assessment a complaint (Stage 1 of the process), and those the subject of complaint may also speak to the Independent Person at any stage during the process.

- 3.5 A special meeting of the Joint Standards Committee is provisionally arranged for 9 December 2016 and if confirmed its views will be reported separately to the Council by way of an update to this report.

4. IMPACT ON CORPORATE GOALS

- 4.1 This links with the corporate goal of ‘Delivering good quality, cost effective and valued services in a transparent way’ and the desire for high ethical standards. It also complies with the law.

5. IMPLICATIONS

- (i) **Impact on Customers** – Meets two core values of ‘Transparent and Accountable’ and ‘Customer Focus’ supporting the Council’s corporate goals.

A robust constitution, strong ethical standards framework coupled with appropriate guidance and the independent overview ensure high standards of conduct, community leadership to our customers and communities using an appropriate and measured response to any issues.

- (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: Stuart Jennings, Committee Services Manager, (Tel: 01621 875745).



REPORT of INTERIM DIRECTOR OF RESOURCES

to
COUNCIL
15 DECEMBER 2016

VENUE OF MEETINGS OF THE SOUTH EASTERN AREA PLANNING COMMITTEE

1. PURPOSE OF THE REPORT

- 1.1 To review the arrangements and venue for meetings of the South Eastern Area Planning Committee.

2. RECOMMENDATION

To the South-Eastern Area Planning Committee:

To consider and make comment on the recommendation to the Council set out below.

To the Council:

That the Council is recommended to agree that future meetings of the South Eastern Area Planning Committee be held at the Council Offices, Princes Road, Maldon.

3. SUMMARY OF KEY ISSUES

- 3.1 It is evident that to continue holding meetings at the Burnham-on-Crouch Town Council Offices is no longer efficient or in line with current requirements. Holding meetings at this venue is very historical and stems from the days when there was an Eastern Area Planning Sub-Committee covering an area much less than that served by the current South Eastern Area Planning Committee.
- 3.2 This venue has limited capacity for public attendance, has limited space for the efficient organisation and management of the meeting and has little resource for electronic presentations and no sound recording facilities. On the latter point alone, it is an exception to the approach taken for all other meetings of Committees of the Council.
- 3.3 The venue has been risk assessed and the following significant hazards associated with the current meeting venue have been identified:
- Given the close proximity to public seating, small committee room and single exit, Members and staff might experience undue discomfort with potential implications for their safety.

- Only one door at the back of the room means Members and staff could be exposed to an unsafe situation.
 - Members and staff leaving the meetings in darkness. Due to lack of parking at venue, Members and staff will have to walk to vehicles.
- 3.4 It should be noted that appropriate controls and measures have been put in place to mitigate the hazards as far as practically possible. However, it is considered that the risks could be removed or controlled better if the meetings are held in the District Council Offices. In particular, there is a dedicated member of staff from the caretakers team to monitor security.
- 3.5 The District Council Offices is the administrative centre with all requisite resources to hand, and despite known shortcomings in terms of public capacity and overflow accommodation (steps are being taken to improve the quality of the televised reproduction), it is far more efficient. It is clearly more resourceful to have to more files, associated paperwork and equipment to an external venue including other external venues which have from time to time been necessary due to anticipated high public attendance.
- 3.6 In terms of service to the public, as mentioned above the South Eastern Area Planning Committee now serves a wide geographical area and the District Council Offices need not be seen as less convenient.
- 3.7 The Council continues to look at more efficient ways of working and, in connection with its proposed remit, the Corporate Governance Working Group has identified the need to make this change in line with a desire to look at some form of web streaming of Council and committee meetings.

4. CONCLUSION

- 4.1 It is concluded that there is no compelling argument for meetings of the South Eastern Area Planning Committee to continue to be held at the Town Council Offices, Burnham-on-Crouch.

5. IMPACT ON CORPORATE GOALS

- 5.1 This links with the corporate goal of ‘Delivering good quality, cost effective and valued services in a transparent way’.

6. IMPLICATIONS

- (i) **Impact on Customers** – Nothing significant. Any implications are dealt with above.
- (ii) **Impact on Equalities** – None.

- (iii) **Impact on Risk** – Given the conclusions of the risk assessment referred to above, the relocation of meetings to the District Council Offices must represent a positive step.
- (iv) **Impact on Resources (financial)** – Nothing significant. The only comparators are the annual amount paid to the Town Council to hire its premises (£500) and the cost of accommodating an additional meeting at the District Council Offices.
- (v) **Impact on Resources (human)** – Increased efficiency through staff not having to move files, paperwork, and presentational equipment out of the District Council Offices.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Stuart Jennings, Committee Services Manager, (Tel: 01621 875745).

ADDENDUM

At the meeting of the South-Eastern Area Planning Committee on 5 December 2016 it was considered that this matter should be deferred until February 2017 to enable the Town Council to look at improving the facilitation of meetings at that venue. It was generally felt that the use of that venue was beneficial to customers in that part of the District.

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REPORT of CHIEF EXECUTIVE

**to
COUNCIL
15 DECEMBER 2016**

PROCEEDS OF CRIME ACT 2002

1. PURPOSE OF THE REPORT

- 1.1 To provide the Council with an update on the Proceeds of Crime Act 2002 (POCA).

2. RECOMMENDATIONS

The Council is asked to:

- (i) endorse application of the Proceeds of Crime Act (POCA), including but not limited to the instigation of confiscation proceedings in appropriate cases in which a defendant has benefited from their criminal conduct or lifestyle; and
- (ii) approve a minor amendment to the current delegation to the Chief Executive contained at paragraph 6 of Section 9 (Terms of Reference – General and Procedural at page 7) as set out at paragraph 3.11 below.

3. SUMMARY OF KEY ISSUES

- 3.1 The POCA sets out the legislative scheme for the recovery of criminal assets with criminal confiscation being the most commonly used power. Confiscation occurs after a conviction has taken place. The aim of the asset recovery scheme in POCA is to deny criminals the use of their assets, recover the proceeds of crime and to deter criminality.
- 3.2 Confiscation orders under POCA are frequently used against fraudsters and drug-dealers to deprive criminals of the financial gain they have received from their criminal conduct. Less frequently used though, is the power to obtain confiscation orders against people who commit crimes under legislation ministered by local authorities.
- 3.3 For POCA to apply there must have been a successful prosecution for the offence and the prosecutor must have asked for the confiscation order during the proceedings, or the court otherwise believes it is appropriate to make it. The order will not be made unless the defendant has benefited from the criminal conduct.
- 3.4 The confiscation order must be made in the Crown Court. Before making the order the Court must consider, on the balance of probabilities, whether the defendant has a

criminal lifestyle or has benefited from the particular criminal conduct. The term 'criminal lifestyle' comes directly from the legislation. The key tests for deciding if an individual has a criminal lifestyle or has benefited from particular criminal conduct are found in section 75(2) and will frequently mean "an offence committed over a period of at least six months and the defendant has benefited from the conduct which constitutes the offence" (section 75(2)(c)). The confiscation order is in addition to any other penalty (e.g. fine) which may have been imposed by the Court.

- 3.5 If the Court decides that the defendant has benefited from general criminal conduct or particular criminal conduct, it must assess the recoverable amount. The recoverable amount is an amount equal to the defendant's benefit from the conduct concerned. The powers to confiscate are there as a crime fighting and prevention measure, it deters future crime, and reimburses the cost of the investigation to the public purse, where there is a prosecution.
- 3.6 In terms of recovery of the defendant's benefit, the Government receives 50% of all monies confiscated, whilst the Courts Service benefits by 12.5%. The remaining balance is split between the Collection Agency and the Council's Investigation Team; both of whom receive a payback of 18.75%. The Council made a successful bid to the Department of Communities and Local Government in 2014 for funding to allow for two members of staff to be trained in the use of POCA which allows the authority to be both the Collection Agency and the Investigating Team, and therefore able to recover 37.5%.
- 3.7 There are two key advantages to the Council seeking to make use of the POCA provisions. Firstly, the offender, by forfeiting the proceeds of the crime, does not benefit further from their actions which should assist with the prevention and reduction of crime. Secondly, the local authority, by being the Collection Agency and/or Investigating Team, can receive a share of those sums recovered for use towards further law enforcement activity.
- 3.8 Using careful judgement and thorough investigation, local authorities can use this tool to target known repeat offenders, as well as helping resolve large, complex and contentious individual cases, creating a real deterrent against breaking the law while at the same time recovering sums to cover the costs of any necessary remedial action.
- 3.9 Norwich City Council became the first local authority to use the Proceeds of Crime Act to reclaim £40,000 from a criminal landlord, who failed to comply with House of Multiple Occupancy license conditions in October 2012. Whilst Bedford Borough Council received £562,000 as its share of a confiscation order made under the Proceeds of Crime Act against a convicted fraudster. Also Hounslow Council, in February 2010, obtained a confiscation order for £180,000 for flat conversions. These examples show the broad range of services that are able to use the legislative powers and the potential financial benefits of doing so for the Council.
- 3.10 Maldon District Council has a number of services and areas that have the potential to take advantage of POCA. This could include, (not exclusively) dealing with rogue landlords, Council Tax and Business Rate fraud, non-compliance with an enforcement notice and individuals undertaking activities without appropriate licenses. Currently, with the exception of benefit fraud, the powers to authorise the taking of such action sit with the Chief Executive under the general delegation contained at paragraph 6 of

Section 9 (Terms of Reference – General and Procedural at page 7). This delegation provides that:

“The Chief Executive, in consultation with the appropriate Director, Legal and Democratic Services Manager, Chairman of the relevant Committee (or Vice-Chairman in his or her absence) and Leader of the Council, be authorised to institute or defend legal proceedings on any criminal offence or civil proceedings not otherwise provided for in Officer delegation arrangements elsewhere in this document, subject to subsequent report to the next meeting of the relevant Committee. The exercise of this authorisation shall, for the avoidance of any doubt, include responding to legal representations on behalf of the other party, any directions of the Court, and the pursuance and settlement of disputes by means other than litigation.”

- 3.11 It is proposed that there be a minor amendment to the above delegation so that instead of the words “Legal and Democratic Services Manager” the words “Legal Advisor” would be substituted. This is consistent with terminology elsewhere in the Constitution and is designed to enable consultation to be with the Legal and Democratic Services Manager, Senior Solicitor or other appointed external Legal Advisor.
- 3.12 In relation to benefit fraud a specific delegation has been given to the Director of Resources at paragraph 16 of Section 9 (Terms of Reference – General and Procedural at page 18). This is therefore outside of the delegation to the Chief Executive. In future other service areas may look to seek specific delegations to the appropriate Director in relation to particular crimes falling within their Directorate.
- 3.13 It is proposed that the Council makes greater use of the available POCA powers. At this time the use of POCA is not explicitly covered in any of the Council’s adopted policies, this does not however prevent the Council from making any applications as are provided for within the statutory framework. Members are asked to note that the Planning Enforcement Policy is currently being reviewed and that as part of this review it is envisaged that a section on POCA will be included. Any such content added will be consistent with the recommendation contained in this report.
- 3.14 The Government has made it clear that it expects monies gained as a result of a confiscation order should be spent on further criminal confiscation activity and law enforcement activity, for the further prevention or reduction of crime or further asset recovery. This means that they can be used to support a more effective enforcement services throughout the local authority.

4. CONCLUSION

- 4.1 POCA was introduced in 2002 and provides a legislative scheme for the recovery of criminal assets with criminal confiscation being the most commonly used power. Local Authorities are increasingly using these powers to greater effect in relation to the crimes under legislation ministered by local authorities.
- 4.2 The Chief Executive, in consultation with the applicable Members and Officers, will consider the appropriateness and expediency of authorising the use of POCA powers

including but not limited to the seeking of confiscation orders, in appropriate cases in which a defendant has benefited from criminal conduct or a criminal lifestyle.

- 4.3 The Council should approve the approach that the Chief Executive, in accordance with the current delegation to her, should consider use of the POCA powers including but not limited to instigating confiscation proceedings.

5. IMPACT ON CORPORATE GOALS

- 5.1 The use of POCA powers, including confiscation orders, is linked to the Corporate Goals of strengthening communities to be safe, active and healthy and aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

6. IMPLICATIONS

- (i) **Impact on Customers** – Application of approved enforcement policies and associated legal action will help to ensure that our customers and residents are treated fairly and consistently.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** A risk assessment will be undertaken on a case by case basis prior to making use of the legislative power, it will not be appropriate in all cases.
- (iv) **Impact on Resources (financial)** – A proportion of the amounts confiscated under POCA will be returned to the Authority under the incentive scheme operated by the Home Office. Any funds received as a result of the “incentivisation” scheme must be used for the further prevention or reduction in crime or further asset recovery.
- (v) **Impact on Resources (human)** – Officer time associated with undertaking investigations.
- (vi) **Impact on the Environment** – Failure to deter individuals from breaking the law and failure to take effective enforcement action, particularly from a planning perspective, could result in an increase in illegal activities within the district. In turn this could lead to adverse impacts on the environment resulting in harm which might be difficult to remedy or mitigate.

Background Papers: None.

Enquiries to: Wendy Morse, Senior Solicitor (Tel: 01621 875752).