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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

02 July 2018

Dear Councillor

You are summoned to attend the meeting of the;

COMMUNITY SERVICES COMMITTEE

on **TUESDAY 10 JULY 2018 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully



Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN VICE-CHAIRMAN

Councillor R G Boyce MBE
Councillor Mrs B D Harker

COUNCILLORS

E L Bamford
H M Bass
Miss A M Beale
A T Cain
Mrs H E Elliott
J V Keyes
Miss M R Lewis
Mrs N G F Shaughnessy

Ex-officio non-voting Members:

Councillor M F L Durham, CC
A S Fluker
B S Beale MBE

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AGENDA
COMMUNITY SERVICES COMMITTEE

TUESDAY 10 JULY 2018

1. Chairman's notices

2. Apologies for Absence

3. Minutes of the last meeting (Pages 5 - 10)

To confirm the Minutes of the meeting of the Committee held on 22 May 2018, (copy enclosed).

4. Disclosure of Interest

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

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

5. Public Participation

To receive the views of members of the public on items of business to be considered by the Committee (please see below):

1. A period of ten minutes will be set aside.
2. An individual may speak for no more than two minutes and will not be allowed to distribute or display papers, plans, photographs or other materials.
3. Anyone wishing to speak must notify the Committee Clerk between 7.00pm and 7.20pm prior to the start of the meeting.

6. Chairman's Good News Announcements

7. South Essex Parking Partnership Annual Report

To receive a presentation from Nick Binder, South Essex Parking Partnership Manager

8. Private Sector Housing Legislative Changes (Pages 11 - 16)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

9. **Air Quality Update and Proposed Declaration of an Air Quality Management Area on Market Hill, Maldon** (Pages 17 - 36)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

10. **Stray Dogs Policy** (Pages 37 - 42)

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

11. **Market Task and Finish Working Group Update** (Pages 43 - 56)

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

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

NOTICES

Sound Recording of Meeting

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

Fire

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Health and Safety

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Closed-Circuit Television (CCTV)

This meeting is being monitored by CCTV.



**MINUTES of
COMMUNITY SERVICES COMMITTEE
22 MAY 2018**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs B D Harker
Councillors	E L Bamford, H M Bass, A T Cain, J V Keyes, Miss M R Lewis and Mrs N G F Shaughnessy
Ex-Officio Non-Voting Member	Councillors B S Beale MBE and A S Fluker

97. CHAIRMAN'S NOTICES

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

98. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs H E Elliott and M F L Durham.

99. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 27 March 2018 be approved and confirmed.

100. DISCLOSURE OF INTEREST

There were none.

101. PUBLIC PARTICIPATION

No requests had been received.

102. CHAIRMAN'S GOOD NEWS ANNOUNCEMENTS

The Chairman referring to events at Promenade Park reported that the Bank Holiday weekend had been a real success with large numbers of visitors enjoying the good

weather. The Splash Park, on Bank Holiday Monday had over 3,000 visitors and over the weekend as a whole there were over 5,000 visitors. Overall this was a really good news story that the facility was being appreciated and used by children and adults alike.

He informed the Committee that on Friday 25 May 2018, the Chairman of the Council, Councillor H M Bass and himself, will formally open the new Coastal Hub. It was noted that all members had been emailed an invitation to the event.

103. REVIEW OF PERFORMANCE 2017 / 18

The Committee considered the report of the Director of Customers and Community seeking Members' comments on the information as set out in both the report and Appendix 1.

The Chairman informed the Committee that in accordance with the recommendation they would go through Appendix 1 page by page focussing on performance indicators and key council activities relating to the Customers and Community Directorate. With reference to the report he drew Members' attention to paragraphs 3.3.1 and 3.3.2 outlining key successes and achievements over the past year. It was noted that this was a record to be proud of.

In response to a question concerning the 'Warm Maldon Project' the Director of Customers and Community said that he would report back to Members by email on the number of vulnerable people who were supported by the project.

Councillor H M Bass, referring to the 'Crucial Crew' project, paragraph 3.3.1, third bullet point, commented that this was an exceptional project that must be maintained. This was unanimously supported.

In response to an enquiry regarding recorded complaints the Director of Customers and Community said he would investigate and provide a written explanation to all members of the Committee. He then drew Members' attention to paragraph 3.3.2, bullet point nine, regarding the excellent volunteer support from members of the local community, in particular volunteer work on green spaces.

Key Council Activity – 'Level of reported crime' – Councillor E L Bamford asked if other activity in this area was on track and if all information had been included in this report. In response, the Director of Customers and Community said that he would check and report back to Members as appropriate. It was further noted that the Council did not have overall influence in this area given that the police had prime responsibility for crime levels.

Key Council Activity- 'Work with partners to seek funding/bring forward flood relief projects for identified surface and coastal flooding risk areas'. Councillor Miss M R Lewis expressed concern regarding the North Heybridge Flood Alleviation scheme and the Environment Agency's response to this. The Committee agreed that this key council activity be referred to Planning and Licensing (P&L) committee along with Councillor Miss M R Lewis' concerns regarding the Environment Agency's response.

Key Council Activity – ‘Total household waste arising per household’. Following a lengthy discussion Members agreed that having two targets would be more useful, one on waste and one on recycling.

Key Council Activity - ‘Average number of justified missed collections per collection day’. A debate ensued as to whether the focus should be on ‘justified’ missed collections. Councillor A S Fluker informed the Committee that there had been a large number of missed collections. He stressed the importance of notifying residents via the website as soon as problems were known. He requested a meeting with the Director of Customers and Community to go through the data on missed collections. It was agreed that the key council activity should report on missed collections highlighting areas of poor performance where contractors were not meeting the Service Level Agreement (SLA).

RESOLVED

- (i) that the information set out in the report and appendices be noted;
- (ii) that statistics on numbers of vulnerable people supported by the ‘Warm Maldon Project’, (paragraph 3.3.1, bullet point 4 of the report) be provided to the Committee;
- (iii) that the outstanding complaints and compliments data at paragraph 3.4 in the report be provided in writing to the Committee;
- (iv) that the information on Key Corporate Activity –‘Level of Reported Crime’ – be checked to ensure all associated information had been provided;
- (v) that Key Council Activity – ‘Work with partners to seek funding/bring forward flood relief projects for identified surface and coastal flooding risk areas in the District’ – report findings and feedback be referred to P&L together with Councillor Miss M R Lewis’ comments;
- (vii) that Key Council Activity – ‘Total Household waste arising per household’ – be amended to *Total general waste and recycling* etc. showing a target for waste and a target for recyclables, thus demonstrating how the scheme is impacting/educating (positively/negatively) our residents;
- (viii) that Key Council Activity – ‘Average number of justified missed collections per collection day’ – be changed to focus reporting on ‘missed’ collections and report/record statistics on poor performance/not meeting the agreed SLA;
- (ix) that the Deputy Leader and the Director meet to go through the statistics with a view to providing a separate report back to the Committee on findings and trends.

104. APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES/PANELS

Following a brief discussion on the appointment of representatives on liaison committees/panels members agreed the replacement for Councillor R Pratt and the substitute member on 'Places and People Liaison Committee' as follows:-

RESOLVED

- (i) that Councillor Miss M R Lewis replace Councillor R Pratt on the following:-
 - Car Parking Task and Finish Working Group;
 - Cemeteries and Crematorium Group, and,
 - Maldon Citizens Advice Bureau Liaison Committee.
- (ii) that Councillor Miss M R Lewis replace Councillor Mrs B D Harker as substitute on the Places and People Liaison Committee.

105. PUBLIC SPACE PROTECTION ORDER - CONSULTATION

The Committee considered the report of the Director of Customers and Community seeking Members' approval to proceed with public consultation on the implementation of the Public Space Protection Order (PSPO) for dog control in publicly owned areas District wide.

Members were advised that Plans set out in the appendices to the report detailed the locations where dogs were required to be on leads at all times. Appendix 1 detailed the areas in Maldon Cemetery, appendix 2 the areas in Promenade Park and appendix 3 the areas in Riverside Park.

A discussion ensued regarding this report with particular reference to paragraph 4.2.1 of the report 'Dogs on Leads by Direction'. Members expressed concern regarding the potential lack of clarity around officer powers and the need for clear guidance for both officers and members of the public.

Councillor Miss M R Lewis proposed a change to the wording in 4.2.1 'Dogs on Leads by Direction' to replace 'request' with 'direct' as follows: - 'authorised officers be given the power to **direct** that owners place dogs....'. This was agreed by the Committee.

Other areas popular to dog walkers, but not included in the report, were discussed. Members asked that Drapers Lane and Brickhouse Farm be included along with the public places within the District listed in the report at paragraph 4.2.2.

Subsequent to the meeting the Group Manager, Community and Living advised that before an area is considered for inclusion the legislation states that there must be good reason i.e. evidence of dog nuisance as a consequence of not being on a lead, dog attacks and aggressive dogs off leads. Therefore, it would not be possible to investigate and establish the requirement for 'Dogs on Leads At All Times' in these areas prior to the commencement of the Consultation, which is due to start Thursday 1 June 2018. However, there would be a second tranche of areas to be considered and if the

requirement for ‘Dogs on Leads At All Times’ was established by then at Drapers Lane and Brickhouse Farm, they would be included.

RESOLVED

- (i) that the Council begins a 12 week public consultation on the proposal in the Public Space Protection Order from 1 June 2018;
- (ii) that the wording in 4.2.1 be changed to ‘authorised officers be given the power to **direct** that....’;
- (iii) that Drapers Farm and Brickhouse Farm be included in the second tranche of consultation, if the rationale had been established.

106. MARKETS WORKING GROUP UPDATE

The Committee considered the report of the Markets Task and Finish Working Group providing an overview of the work carried out to date by the Markets Working Group in relation to Market provision within Maldon Town. The report also sought Members’ approval to extend the existing contract with the Maldon Market Co-Operative for a further six months to allow further research to be completed and reported back to Members.

Councillor Mrs B D Harker informed the Committee that the Markets Working Group’s recommendation was that the proposed six months extension would not be adequate given the work involved and that an additional six months was required.

RESOLVED the extension of the Maldon Market Co-Operative for a further 12 months.

107. REVIEW OF ALLOCATIONS POLICY

The Committee considered the report of the Director of Customers and Community seeking Members’ approval for a formal review of the effectiveness of the Council’s policy for the allocation of affordable housing.

Councillor Miss M R Lewis referring to the Review of Allocations report commented that this was an excellent opportunity to undertake a root and branch review on what is happening with the policy. This was unanimously agreed.

RESOLVED that a formal review and analysis of the current policy and procedure for the allocation of social housing, with a report outlining the findings, be presented to this Committee for consideration and possible further action if required.

108. CEMETERY CHAPEL REPAIRS

The Committee considered the report of the Director of Customers and Community seeking Members’ views on whether the project to repair the Heybridge cemetery

chapel roof should continue and whether alternative uses for the building should be considered.

The Director of Customers and Community referring to Heybridge cemetery chapel informed the Committee that since no evidence was found relating to bat activity the roof repairs could go ahead. He added that alternative sympathetic uses for the chapel were also being explored.

Councillor Miss M R Lewis welcomed the news as the state of disrepair was now very serious. She proposed the launch of a 'Friendship Group' during the summer to share suggestions and ideas regarding proposed use. The Committee agreed that this was a sensible way forward and the Director of Customers and Community said he would welcome proposals for usage.

RESOLVED

- (i) that work on the cemetery chapel roof would be implemented as planned;
- (ii) that the Director of Customers and Community, in consultation with the Chairman of the Committee, invite proposals for alternative/sympathetic usage;

(ii) that Officers report on the proposals for the use of Heybridge Chapel at a future meeting of this Committee.

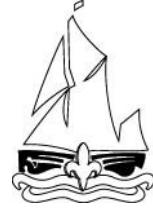
109. EVENTS WORKING GROUP UPDATE

The Committee received a verbal update from the Director of Customers and Community on the status of the Events Working Group. He reported that a proactive Events Working Group meeting had taken place and officers were now tasked with looking at a series of options, work through those, and report back to the Events Working Group.

RESOLVED that Officers explore all viable options and report back to a future meeting of this Committee.

There being no further items of business the Chairman closed the meeting at 8.48 pm.

R G BOYCE MBE
CHAIRMAN



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

**to
COMMUNITY SERVICES COMMITTEE
10 JULY 2018**

PRIVATE SECTOR HOUSING LEGISLATIVE CHANGES

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with an update on recent legislative changes regarding Private Sector Housing Enforcement.

2. RECOMMENDATION

- (i) Members note the content of the update on recent legislative changes.

3. SUMMARY OF KEY ISSUES

- 3.1 **Mandatory HMO (Houses in Multiple Occupation) Licensing.**
- 3.2 Mandatory licensing has been extended to include all HMOs with five or more occupants. The legislation has been published and comes into force on the 1st October 2018, effectively giving landlords a 6 month grace period to make applications. In order to decide whether properties are suitable the Council has regard to provision of amenities, fire precautions and a fit and proper test for the manager/landlord. The fee for a licence (of five years) in the Maldon District is currently £696.00 for a five roomed house plus £36.00 for each additional room. The Government has also introduced a minimum room size of 6.52sqm and has stated that statutory guidance will be issued in due course.
- 3.3 The service has carried out a short project to explore where properties that now fall within the legislative changes are operating and the numbers that are likely to be affected by the changes. The project identified up to 50 properties that will require an inspection to confirm whether a licence is required. The process will require additional resource albeit funded by the licence fee.
- 3.4 It is the responsibility of landlords to make valid applications. They must either hold a licence or have made an application for one by 1st October 2018. The maximum penalty (upon summary conviction) for the offence of running a licensable HMO without a licence is an unlimited fine.
- 3.5 The HMO licensing regime is totally separate from the Planning regime.
- 3.6 A basic press release relating to this requirement was issued by MDC on 12th April 2018 and the Maldon and Burnham Standard published an article on the issue on 13th

April 2018. Once the full guidance from Central Government has been issued more detailed publicity will be issued.

- 3.7 Officers will continue to try and identify properties likely to fall under this new requirement in order to help target the requirements introduction more specifically to those landlords who will be affected.
- 3.8 **Civil Penalties for non-compliance with Housing Act 2004 offences.**
- 3.9 When the Housing Act 2004 was introduced, the penalty for non-compliance with legal notices was through criminal prosecution. The Housing and Planning Act 2016 introduced provisions allowing a civil penalty (fixed penalty notice) to be issued for certain Housing Act offences as an alternative to criminal prosecutions. The penalty is available for a range of offences relating to non-compliance with Housing Act notices, failure to license licensable properties, contravention of overcrowding notices, failure to comply with HMO Management Regulations and a breach of a banning order. The use of these powers became possible on 6th April 2017.
- 3.10 Because civil penalties are an alternative to prosecution, the same burden of criminal proof will apply i.e. the Council will need to be able to demonstrate beyond reasonable doubt that the offence has been committed. As with a prosecution, the Council needs to consider the evidence and the public interest in order to secure a conviction.
- 3.11 To make use of these powers, local housing authorities are expected to develop and document their own policy on when to prosecute and when to issue a civil penalty and should decide which option it wishes to pursue on a case-by-case basis in line with that policy. Councils should develop and document their own policy on determining the appropriate level of civil penalty in a particular case, the maximum amount to be reserved for the very worst offenders. The actual amount levied in any particular case should reflect the severity of the offence as well as taking account of the landlord's previous record of offending. Local housing authorities should consider the following factors to help ensure that the civil penalty is set at an appropriate level:
 - a) Severity of the offence.
 - b) Culpability and track record of the offender.
 - c) The harm caused to the tenant.
 - d) Punishment of the offender.
 - e) Deter the offender from repeating the offence.
 - f) Deter others from committing similar offences.
 - g) Remove any financial benefit the offender may have obtained as a result of committing the offence.
- 3.12 MDC would therefore need to create a number of policy documents and formulate a "penalty matrix" in order to utilise the civil penalty option.
- 3.13 There is a right of appeal against such penalties to a first-tier tribunal and the Council retains the income from civil penalties, although it is ring-fenced for private sector housing enforcement purposes.

3.14 In the last five years the Council has not found it necessary to prosecute a landlord under these provisions so the use of civil penalties would be minimal if at all. In view of this the service has not formulated a policy or fee matrix but will raise the issue before a future Committee if the need arises.

3.15 Banning Orders

3.16 The Housing and Planning Act 2016 introduced the ability for Local Authorities to apply for a “banning order” against a person (landlord) or a corporate body if either has committed a “banning order offence”. These came in to force on 6th April 2018.

3.17 Banning order offences primarily include failing to comply with Improvement Notices, Prohibition Orders, HMO licensing and management offences and overcrowding notice offences.

3.18 Written notice must be given to a landlord or corporate body of an intention to apply for an order, including details of the length of the proposed ban, the reasons why and giving opportunity for them to make representations within 28 days. Such written notice must be given within six months of conviction.

3.19 The Local Authority applies for a banning order to the first-tier tribunal who must consider:

- a) the seriousness of the offence of which the person has been convicted,
- b) any previous convictions that the person has for a banning order Offence,
- c) whether the person is or has at any time been included in the database of rogue landlords and property agents, and
- d) the likely effect of the banning order on the person and anyone else that may be affected by the order.

3.20 A banning order lasts for a minimum of 12 months and may include exceptions, e.g. to allow existing tenancies to come to an end or to allow letting agents to wind down current business.

3.21 Breach of a banning order is an offence for which a prosecution may be taken or a civil penalty issued. Prosecution penalty is imprisonment up to a maximum of 51 weeks and/or an unlimited fine or to a civil penalty fine maximum of £30,000.

3.22 Rogue Landlord Database.

3.23 The Housing and Planning Act 2016 introduced the intention for the Government to create a national Database of Rogue Landlords and Property Agents. This database came in to force on 6th April 2018. It is operated by the Ministry of Housing, Communities and Local Government (MHCLG) but responsibility for entering and removing data is that of Local Authorities.

3.24 Local Authorities are **required** to enter details on to the database of any person or organisation upon whom a “banning order” is issued. Entries must be for a minimum of two years, although the exact period that an offender should remain on the database is to be determined by the Local Authority based upon a number of factors.

3.25 Local Authorities have the **discretion** to make entries on to the database where a landlord or property agent has been convicted of a banning order offence or has received two or more civil penalties within a 12 month period.

3.26 There is a requirement to notify the landlord formally prior to their being entered on to the database, which allows them a period of 21 days to appeal. Appeals are made to the first-tier tribunal.

3.27 **Minimum Energy Efficiency Standards (MEES).**

3.28 The Energy Efficiency (Private Rented Property (England and Wales)) Regulations 2015 came in to force for all new tenancies (including renewals and rolling over to periodic tenancies) on 1st April 2018, and apply to all existing tenancies from 1st April 2020. There are some exemptions for older properties and the requirements do not apply to Social Housing.

3.29 The regulations require a minimum EPC (Energy Performance Certificate) rating of E for a property. Failure to comply with this is liable to a maximum fine of £5,000 through a fixed penalty notice. It is enforced by the Local Authority (MDC) and is a discretionary power rather than a mandatory course of action.

3.30 **Draft Private Members' Bill – Fitness for Human Habitation and Liability for Housing Standards Bill.**

3.31 This is a draft Bill introduced by Karen Buck MP which has gained cross party (and Government) support and therefore is likely to gain Royal Assent in due course. However, it is currently at Committee Stage in the House of Commons and so some way from introduction. The Bill seeks to update the law requiring rented homes to be presented and maintained in a state fit for human habitation. It would also introduce new means of redress for renters, who will be able to seek action through the courts where a property is in an unfit condition.

4. CONCLUSION

4.1 The above briefing should help to ensure that Members are informed of recent developments in enforcement powers and legislation in the private rented sector, enforced by the Environmental Health Department.

4.2 The introduction of the extended mandatory HMO licensing scheme will place a significant additional workload on to the team, although the generation of a licensing fee will help to fund the additional staff resource. Overall though this scheme should help to identify and improve standards in this area of the private rented sector.

4.3 Measures to address rogue landlords through banning orders and a rogue landlord database are useful additions to the work of the Council, although their usage is likely to be limited given the generally decent landlords operating within the District.

4.4 The use of civil penalties as an alternative to prosecution at first glance would appear to be a simple means of speeding up enforcement action and maximising officer time. However, given the limited level of formal enforcement undertaken using the Housing

Act 2004, when considered against the work required to introduce fixed penalties and the requisite burden of proof and appeals process difficulties, civil penalties are unlikely to offer a meaningful benefit to the work of the Council.

4.5 The introduction of the MEES will potentially help to compel improvement in energy efficiency of private rented dwellings, helping to save residents money, and to save energy.

5. IMPACT ON CORPORATE GOALS

5.1 The impact of the MEES will strengthen communities by potentially helping to support an ageing population by enabling homes to be kept warmer.

5.2 Communities will also be strengthened through stronger controls over private landlords helping to keep people feeling safe from crime.

5.3 Improving housing standards helps protect and shape the District by contributing to “meeting housing needs”.

6. IMPLICATIONS

(i) **Impact on Customers** – Increased protection of residents in private rented properties through tighter controls on landlords. More energy efficient homes can reduce heating costs and reduce instances of mould growth and health impact.

(ii) **Impact on Equalities** – There is no specific group targeted or impacted by these changes in particular. However, those living in HMOs are frequently more vulnerable people and those with lower incomes, so improved controls over HMOs will help to improve standards for those vulnerable persons. Improved energy efficiency will also aid those with limited incomes.

(iii) **Impact on Risk** – There is a risk that other functions provided by the Environmental Health Team may suffer due to the increased demand and focus for the introduction and administration of the extended HMO licensing. The other provisions outlined above should sit comfortably alongside existing departmental work.

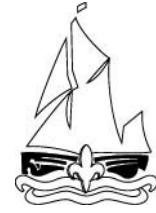
(iv) **Impact on Resources (financial)** – The extension of HMO licensing will have a positive financial impact due to revenue generated from licence application fees. However, this will be required to administer the scheme, at best meaning impact is likely to be cost neutral

(v) **Impact on Resources (human)** – There will be additional enquiries from landlords and residents by telephone, etc. regarding extended HMO licensing. Press releases can help to limit this, but may also generate additional enquiries. Primary impact is likely to be a significant initial influx of licence applications and staff resource required to administer, inspect and oversee HMO licence applications. Additional resource will be required to achieve this if negative impact on departmental work is not to occur.

(vi) **Impact on the Environment** – The MEES introduction specifically provides a positive environmental impact by reducing energy consumption and reducing CO2 emissions.

Background Papers: None

Enquiries to: Chris Shipham, Environmental Protection Team Leader (01621 875863)



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

**to
COMMUNITY SERVICES COMMITTEE
10 JULY 2018**

**AIR QUALITY UPDATE AND PROPOSED DECLARATION OF AIR QUALITY
MANAGEMENT AREA ON MARKET HILL, MALDON**

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with an update of the latest results of the Air Quality monitoring in the district, to advise on the necessity to declare an Air Quality Management Area along Market Hill, Maldon, and to request funding is made available for the subsequent specialist work required.

2. RECOMMENDATIONS

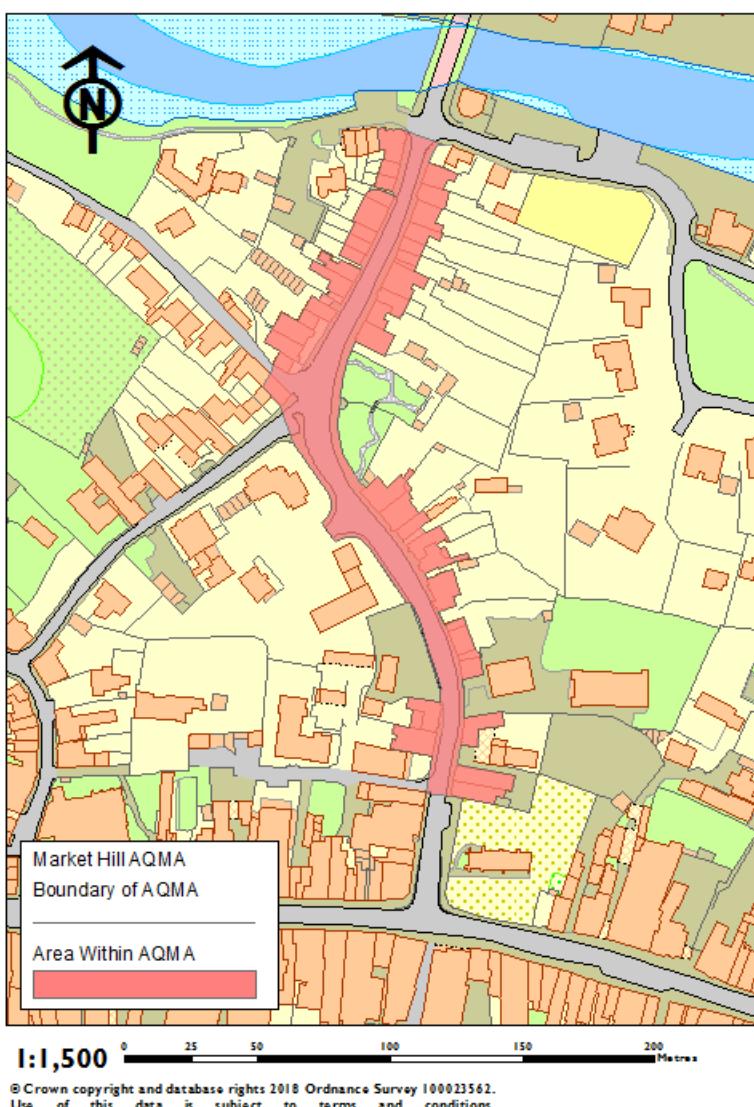
- (i) that Members approve the production of an Air Quality Action Plan for the Market Hill Area as detailed within this report subject to approval of a supplementary estimate of £20k;
- (ii) that subject to (i) above, the Finance and Corporate Services Committee be recommended to approve a Supplementary Estimate of £20k to enable the production of an Air Quality Action Plan to comply with legislation

3. SUMMARY OF KEY ISSUES

- 3.1 Local authorities have a legal requirement to work towards Air Quality Strategy (AQS) objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part and to meet the requirements of the Local Air Quality Management (LAQM) statutory process.
- 3.2 The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved.
- 3.3 Where an exceedance is considered likely, the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.
- 3.4 Whilst conducting the LAQM process, the monitoring has identified high concentrations of Nitrogen Dioxide (NO₂) in Market Hill, Maldon. Analysis of roadside air quality monitoring has identified that for the period of July to December 2017 the mean concentration of NO₂ was 55.19µg/m³ and that an exceedance of the

annual mean Air Quality Objectives (40 $\mu\text{g}/\text{m}^3$) is highly likely. It has been estimated that the NO₂ concentration at the receptor (façade of residential property) is 52.4 $\mu\text{g}/\text{m}^3$.

- 3.5 An additional six diffusion monitoring stations have been placed along the route to validate the extent of the area.
- 3.6 In accordance with the legislation, the next steps will be by Statutory Declaration to declare the AQMA and submit this to the Department for the Environment, Food and Rural Affairs (Defra), in conjunction with the Council's Annual Air Quality Status Report (ASR) due for submission after June 2018.
- 3.7 The boundary of the proposed AQMA is as follows and can be reviewed in more detail in the report attached at **APPENDIX 1**.



- 3.8 Failure to declare AQMAs may result in the Council being prosecuted by Defra who, in turn, could be prosecuted by the EU if the UK fails to comply with EU directives.

3.9 The Council will have 12 months, from the June submission, to develop and submit an Air Quality Action Plan (AQAP). It is anticipated that the AQAP timeline, development and delivery would likely include the following tasks:

- Creation of a steering group
- Source apportionment & dispersion modelling of area in and surrounding AQMA
- Development and quantification of measures (effectiveness/price)
- Identify how measures would be delivered and funding streams
- Writing of Air Quality Action Plan
- Internal and external consultation

Submit final AQAP to Defra within the formal submission of the 2019 Annual Status Report in June 2019.

3.10 Along with a number of other Essex Local Authorities, the Council currently hold a Service Level Agreement with Chelmsford City Council to undertake the preparation of its Annual Status Report due to the technical complexity of the subject matter.

3.11 Historically, Essex Local Authorities have used King's College London to prepare reports for submission to Defra; however Chelmsford City Council (CCC) offered this service at a much reduced rate through the Essex Consortium for Air Quality. On this basis a quotation has been sought from CCC for the preparation of the AQAP, as this will be outside of the scope of the technical expertise within the service notwithstanding the lack of resources to complete the work. The quotation is attached at **APPENDIX 2** for information and will form part of a procurement process. It had been anticipated that this would be subject to a subsequent growth bid to the Director of Resources but it is understood that it is appropriate that a request for funding be made with this report at this time.

4. CONCLUSION

4.1 The Council is required to declare an AQMA where monitoring dictates it will not meet the set Air Quality targets. It is clear that Market Hill fails to meet the relevant targets and therefore the Council is obliged to declare the area as an AQMA. The Council is required to complete and submit an AQMP within 12 months of the declaration which is at a cost to the Council, as outlined in **APPENDIX 1**.

4.2 Further details will be reported to Members following the completion of an appropriate procurement process and progression of this work. However, at this stage, a request is made to Members to confirm that funding will be available for the completion of this work (with the figures contained in **APPENDIX 2** likely to be the approximate amount involved in a worst case, subject to the procurement process).

5. IMPACT ON CORPORATE GOALS

5.1 Potentially, the current position could have a negative impact on the corporate goals in particular “Strengthening Communities to be Safe, Active and Healthy” and “Protecting and Shaping the District”. By declaring the AQMA and preparing an action plan which aims to develop measures to improve the air quality along Market

Hill, this will reverse the impact on the corporate goals and comply with the relevant UK Air Quality targets.

6. IMPLICATIONS

- (ii) **Impact on Customers** – By declaring the AQMA and preparing an action plan it will have a positive impact on customers in particular those who reside in the area.
- (iii) **Impact on Equalities** – The Council is committed to providing equal opportunities with no discrimination. There are no identifiable impacts currently although this should be monitored as the action plan is developed.
- (iv) **Impact on Risk** – Failure to declare the AQMA could result in financial penalties against the Council by Government. Failure to prepare and deliver measures set out in the proposed AQMP could impact on public health and an inability to meet the corporate goals.
- (v/vi) **Impact on Resources (financial and human)** – The financial implication is up to £20,000 to prepare and deliver an AQMP. Putting measures in place recommended by the Plan will ensure that residents within the AQMA will benefit from good air quality.
- (v) **Impact on the Environment** – By identifying the AQMA and subsequent action planning to introduce measures to improve air quality this will provide a positive impact on the environment.

Background Papers: None

Enquiries to: Shirley Hall on 01621 875817



MALDON DISTRICT COUNCIL

2018 Air Quality Management Area Preliminary Report

In fulfilment of Part IV of the
Environment Act 1995
Local Air Quality Management

February 2018

Local Authority Officer	Shirley Hall
Department	Environmental Health
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Telephone	01621 875817
E-mail	shirley.hall@maldon.gov.uk
Date	6 th February 2018
Written by	Tim Savage
Scientific Team Public Health & Protection Services Chelmsford City Council Duke Street Chelmsford Essex CM1 1JE	 The logo for Chelmsford City Council. It features a stylized graphic on the left composed of a yellow sun-like shape, a green leaf, and blue wavy lines representing water. To the right of the graphic, the word "Chelmsford" is written in a large, bold, purple sans-serif font. Below "Chelmsford", the words "City Council" are written in a smaller, purple sans-serif font.

Table of Contents

Executive Summary: Air Quality in Our Area	4
Alternative Options.....	4
Local Air Quality Management.....	4
Market Hill	7
Air Quality Management Area Declaration	
Anticipated Timeline	8
Appendix A: Draft Air Quality Management Area Order	9
Appendix B: Summary of Air Quality Objectives in England	11
Glossary.....	12
References.....	13

Figures

Figure 1 - MD21 Nitrogen Dioxide Drop Off Calculator	6
Figure 2 - Google Streetview image of Market Hill to indicate street	
canyon characteristics and gradient.....	7
Figure 3 –Project Timeline.....	8

Tables

Table 1 – Diffusion Tube Monitoring Results	5
Table B.1 – Air Quality Objectives in England	11

Executive Summary

Local authorities have a legal requirement to work towards Air Quality Strategy (AQS) objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part and to meet the requirements of the Local Air Quality Management (LAQM) statutory process.

The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. Where an exceedance is considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

Whilst conducting the LAQM process, Maldon District Council Environmental Health team have identified high concentrations of Nitrogen Dioxide (NO₂) in Market Hill, Maldon. Analysis of roadside air quality monitoring has identified that for the period of July to December 2017 the mean concentration of NO₂ was 55.19 $\mu\text{g}/\text{m}^3$ and that an exceedance of the annual mean Air Quality Objectives (40 $\mu\text{g}/\text{m}^3$) is highly likely. It has been estimated that the NO₂ concentration at the receptor (façade of residential property) is 52.4 $\mu\text{g}/\text{m}^3$.

This report identifies a suitable boundary for an Air Quality Management Area and sets out a timeline for the process of AQMA declaration and AQAP development.

Alternative Options

There is no alternative option – failure to declare affected areas AQMAs could result in the Council being prosecuted by the Department for the Environment, Food and Rural Affairs (Defra), who in turn, could be prosecuted by the EU if the UK fails to comply with EU directives.

Local Air Quality Management

Diffusion tube monitoring commenced in February 2017 adjacent to a property on Market Hill. Measured concentrations were exceptionally high but the site was located on the corner of a building, slightly set back from the façade where the free circulation of air was affected. This site did not fully comply with the Defra Technical Guidance TG.16 and monitoring at a new roadside site close-by commenced in July 2017 and the existing site was retained for reference.

Table 1 below provides 2017 monitoring data for the two monitoring locations on Market Hill and two nearby locations on the Causeway and junction with the High Street.

Table 1 - Diffusion Tube Monitoring Results

Site ID	Monitoring Address	Nitrogen Dioxide concentrations measured in $\mu\text{g}/\text{m}^3$																
		Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Raw Annual Mean	Valid Data Capture rate	Bias Adjusted Annual Mean (0.77)	Estimated Concentration at Adjacent Receptor	
MD6	High Street (Market Hill Junction)	54.8	45.7	45.7	34.9	32.5	31.8	26.3	33	34.1	44.5	42.2	37.1	38.55	100%	31.23	31.23	
MD14	The Causeway	49.5	51.2	30.8	26.8	34.2	33.8	32.3	34.4	41.5	43.5	50.1	30.3	38.2	100%	30.94	30.94	
MD20	Side of 10 Market Hill, Maldon	N/A	141.4	143.1	117.4	84.7	54.8	58.7	68	64.3	119.1	140.9	135.7	102.55	92%	<u>83.07</u>	<u>83.07</u>	
MD21A	Front of 10 Market Hill	N/A	N/A	N/A	N/A	N/A	N/A	59.4	81.2	61.9	73.4	60.6	65.5	67.30	50%	54.27	51.59	
MD21B	Front of 10 Market Hill	N/A	N/A	N/A	N/A	N/A	N/A	61.2	81.7	70.8	73.3	60.2	65.7	69.44	50%	55.74	52.97	
MD21C	Front of 10 Market Hill	N/A	N/A	N/A	N/A	N/A	N/A	64	75.2	63.7	73	*Erroneous Value Removed		67.0	68.98	42%	55.55	52.79

~ Site MD20 is not compliant with TG.16 guidance and has been retained for reference only.

* MD21C November 2017 data point removed. The concentration from the laboratory report was $28.7\mu\text{g}/\text{m}^3$ which when compared with the other tubes, highlighted poor precision and was removed to ensure overall reliability for the data set.

The average of the MD21 monitoring tubes is $52.80\mu\text{g}/\text{m}^3$ which when applying the NO_2 drop off calculation estimates the concentration at the receptor (residential property) as $50.3\mu\text{g}/\text{m}^3$ which is a significant exceedance of the Air Quality Objective ($40\mu\text{g}/\text{m}^3$).

Figure 1 - MD21 Nitrogen Dioxide Drop Off Calculator

			
<u>Enter data into the red cells</u>			
Step 1	How far from the KERB was your measurement made (in metres)?	1.5	metres
Step 2	How far from the KERB is your receptor (in metres)?	2	metres
Step 3	What is the local annual mean background NO ₂ concentration (in µg/m ³)?	11.77612	µg/m ³
Step 4	What is your measured annual mean NO ₂ concentration (in µg/m ³)?	55.19	µg/m ³
Result	The predicted annual mean NO ₂ concentration (in µg/m ³) at your receptor	52.4	µg/m ³

When interpreting these results, it should be noted that there is low capture rate for the triplicate site of MD21 at 47.2% due to the commencement of monitoring in July 2017 however, both summer and winter months are included making the study reasonably representative of a full year's study. A full year's monitoring results could be lower however, it is still highly probable that the result would still exceed the Air Quality Objective (40µg/m³).

Market Hill

Market Hill is the only access between Maldon Town Centre and Heybridge and is a busy route throughout the day.

The road has a steep gradient between Anchorage Hill and Bull Lane. When vehicles travel up inclines, engines are required to work harder to overcome gravity and emissions are significantly higher. The opposite occurs for vehicles travelling downhill however a general increase in emissions usually occurs when compared with flat roads.

Areas of the road have street canyon characteristics which is where the road is flanked by buildings on both sides. Street canyons significantly reduce the dispersal of pollution. The MD21 monitoring site is at a location on Market Hill where the gradient is steep and within a partial street canyon.

Figure 2 - Google Streetview image of Market Hill to indicate street canyon characteristics and gradient



Air Quality Management Area Declaration

Appendix A contains a draft Air Quality Management order which would designate the stretch of Market Hill and properties between Anchorage Hill and Bull Lane as an Air Quality Management Area. This is for likely breaches of the annual mean Air Quality Objective for Nitrogen Dioxide.

Breaches of the 1-hour objective are not considered likely because the monitored annual mean does not exceed $60\mu\text{g}/\text{m}^3$ which can be considered a proxy measurement.

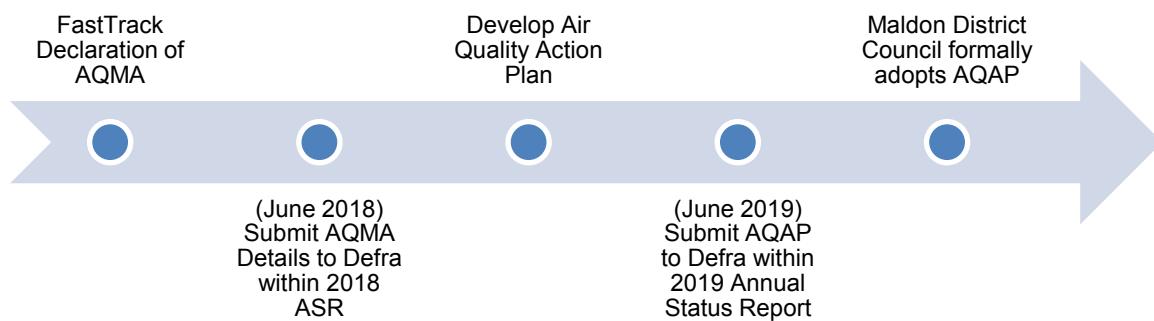
The boundary of the Air Quality Management Area has been chosen using the following information:

- At Anchorage Lane, properties begin to form a street canyon and the gradient increases. Emissions are likely to increase due to the gradient and dispersion will take place at a lower rate than in open areas.
- Monitoring at the top of Market Hill opposite Bull Lane has never exceeded the Air Quality Objectives. At this location, the gradient levels off meaning lower emissions and the street canyon finishes allowing for better dispersion.

Project Timeline

Development and delivery of the project would take place across the following anticipated timeline:

Figure 3 – Project Timeline



Development of the Air Quality Action Plan would likely include the following tasks:

- Creation of steering group
- Source apportionment & dispersion modelling of area in and surrounding AQMA
- Development and quantification of measures (effectiveness/price)
- Identify how measures would be delivered and funding streams
- Writing of Air Quality Action Plan
- Internal and external consultation

Appendix A: Draft Air Quality Management Area Order

Environment Act 1995 Part IV Section 83(1)
Maldon District Council
Air Quality Management Order

Maldon District Council in exercise of the powers conferred upon it by Section 83(1) of the Environment Act 1995, hereby makes the following Order.

This Order may be cited/referred to as the Maldon District Council Air Quality Management Area number 1.

Area 1 – Market Hill, Maldon.

And shall come into effect on **[date]**.

The areas shown on the attached maps in red are to be designated as air quality management area 1. The designated area incorporates the stretch of road and properties between Anchorage Hill and Bull Lane.

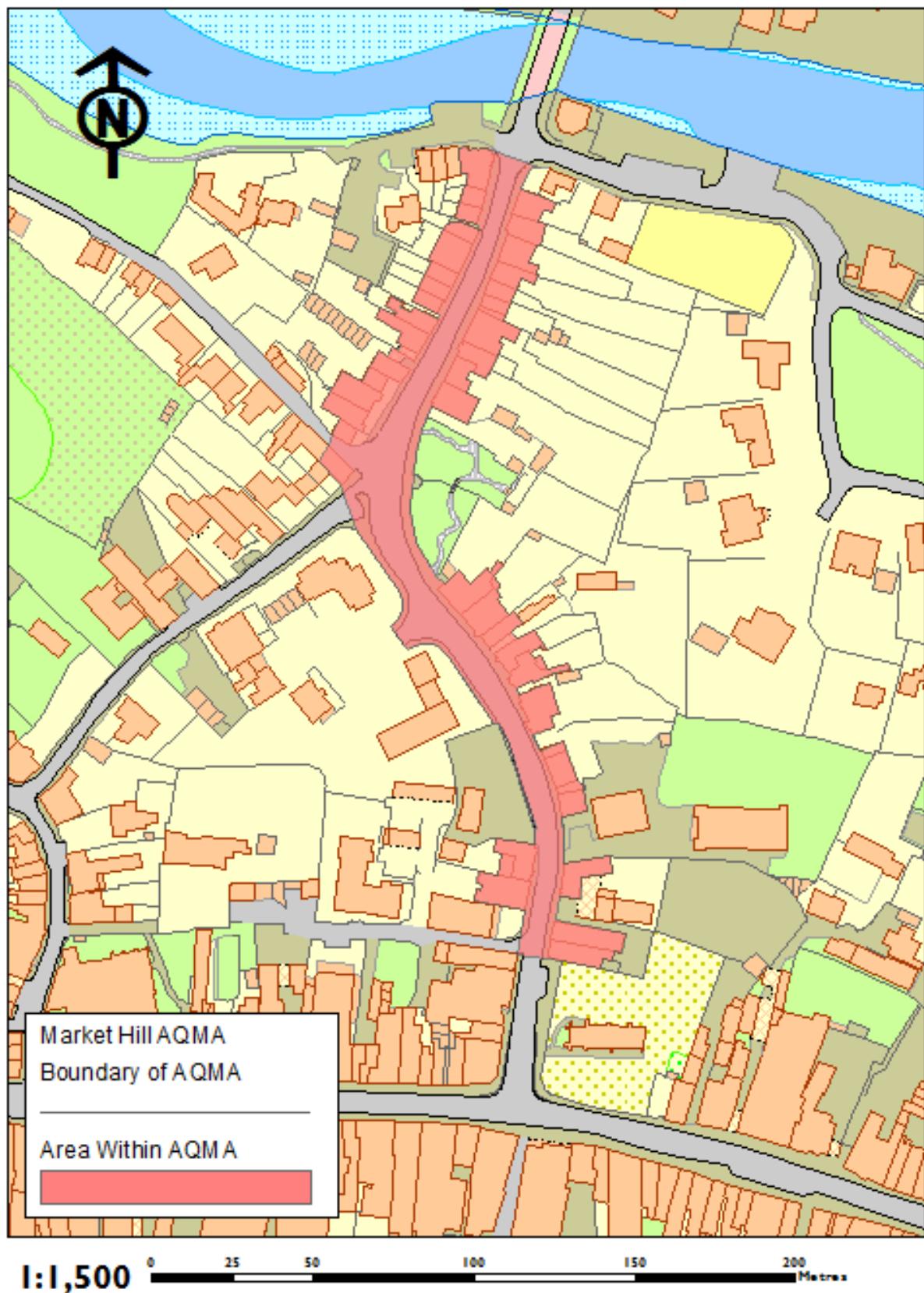
The map may be viewed at the Council Offices.

Area 1 is designated in relation to the likely breach of the nitrogen dioxide annual mean as specified in the Air Quality Regulations 2000.

This Order shall remain in force until it is varied or revoked by a subsequent order.

The Common Seal of Maldon District Council was hereunto affixed in the presence of:

Authorised signatory



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Appendix B: Summary of Air Quality Objectives in England

Table B.2 – Air Quality Objectives in England

Pollutant	Air Quality Objective ¹	
	Concentration	Measured as
Nitrogen Dioxide (NO ₂)	200 µg/m ³ not to be exceeded more than 18 times a year	1-hour mean
	40 µg/m ³	Annual mean
Particulate Matter (PM ₁₀)	50 µg/m ³ , not to be exceeded more than 35 times a year	24-hour mean
	40 µg/m ³	Annual mean
Sulphur Dioxide (SO ₂)	350 µg/m ³ , not to be exceeded more than 24 times a year	1-hour mean
	125 µg/m ³ , not to be exceeded more than 3 times a year	24-hour mean
	266 µg/m ³ , not to be exceeded more than 35 times a year	15-minute mean

¹ The units are in microgrammes of pollutant per cubic metre of air (µg/m³).

Glossary

Abbreviation	Description
AQAP	Air Quality Action Plan - A detailed description of measures, outcomes, achievement dates and implementation methods, showing how the local authority intends to achieve air quality limit values'
AQMA	Air Quality Management Area – An area where air pollutant concentrations exceed / are likely to exceed the relevant air quality objectives. AQMAs are declared for specific pollutants and objectives
ASR	Air Quality Annual Status Report
Defra	Department for Environment, Food and Rural Affairs
EU	European Union
LAQM	Local Air Quality Management
NO ₂	Nitrogen Dioxide
Street Canyon	Road which is flanked by buildings resembling a canyon

References

Defra Diffusion Tube Bias Adjustment Factors Spreadsheet available at;

<https://laqm.defra.gov.uk/assets/databasediffusiontubebiasfactorv0917final.xls>

Defra LAQM Policy Guidance LAQM.PG16 available at;

<http://laqm.defra.gov.uk/documents/LAQM-PG16-April-16-v1.pdf>

Defra LAQM Technical Guidance LAQM.TG16 available at;

<http://laqm.defra.gov.uk/documents/LAQM-TG16-April-16-v1.pdf>

Essex Air Quality Consortium available at; <http://www.essexair.org.uk/Default.aspx>

Google Streetview of Market Hill available at;

<https://www.google.co.uk/maps/@51.7339001,0.6785149,3a,75y,205.31h,82.44t/data=!3m6!1e1!3m4!1svCP7SOGTBYeQHUHTlxobw!2e0!7i13312!8i6656>

Defra Nitrogen Dioxide Fall Off With Distance Calculator available at;

<https://laqm.defra.gov.uk/documents/NO2-Fall-Off-With-Distance-from-Roads-Calculator-v4.1.xls>

Maldon District Council Air Quality Annual Status Report 2017 available at;

http://www.essexair.org.uk/Reports/Maldon_ASR_2017.pdf

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Proposal to Produce an Air Quality Action Plan for Maldon District Council

Introduction

In 2017, Maldon District Council monitored nitrogen dioxide concentrations that exceeds the Air Quality Objectives of 40µg/m³ at relevant exposure. Under Local Air Quality Management (LAQM) requirements, the Council must declare an Air Quality Management Area (AQMA). The process of declaration will run alongside the submission of the 2018 Air Quality Status Report (ASR).

Following declaration of the AQMA, Maldon District Council has 12 months to develop an Air Quality Action Plan (AQAP).

Chelmsford City Council proposed support:

Production of an AQAP to work towards compliance with the air quality objectives.

Development work may include:

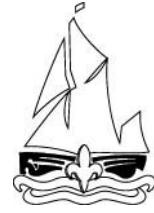
- Inception Meeting
- Formation of a steering group tasked with developing an AQAP
- Developing methodology for baseline modelling and assist with procurement of dispersion modelling consultant
- Interpretation of baseline modelling and production of a summary report
- Development of broad action plan measures and undertaking screening process
- Preparation of draft AQAP
- Develop Consultation
- Production of final AQAP
- Committee attendance to present/defend AQAP

Resource requirements

- Air Quality Action Plan Development by Chelmsford City Council Scientific Team: £6,000+vat
- Provision of traffic data (Essex Highways). Costs may depend on MDC arrangements with ECC/Essex Highways.
- Source Apportionment and baseline modelling. Depending on scope: approx. £5-10,000 (Dispersion modelling consultant). Likely to include meteorological data otherwise approx. £500
- Modelling of final action plan (main) measures: Approx. £1,000 per measure. Total: £3-4,000 (Dispersion modelling consultant)

Project Team		
Name	Representing	Role
Tim Savage	CCC Scientific Team	Project Manager
Kerry Mackay	CCC Scientific Team	Project Officer

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**REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY**

**to
COMMUNITY SERVICES COMMITTEE
10 JULY 2018**

STRAY DOGS POLICY

1. PURPOSE OF THE REPORT

- 1.1 To seek members approval of the Stray Dogs Policy.

2. RECOMMENDATIONS

- (i) That the contents of this report are noted and the Stray Dogs Policy is approved.

3. SUMMARY OF KEY ISSUES

- 3.1 The Council has a duty under s.149(1) of the Environmental Protection Act 1990 (EPA) to appoint an officer "for the purpose of discharging the functions of dealing with stray dogs found in the area of the authority". Maldon District Council currently employs eleven full time Community Protection Officers (CPO), who are tasked with the duty of handling of stray dogs.
- 3.2 The policy attached at **APPENDIX 1** outlines the process for dealing with stray dogs and will be put on the web site for the public to view.

4. CONCLUSION

- 4.1 That the Stray Dogs Policy outlines how the council will comply with the EPA 1990 and will deal with stray dogs and thus ensures the councils compliance with the legislation.

5. IMPACT ON CORPORATE GOALS

- 5.1 This Policy contributes towards the Corporate Goals of :
 - Helping communities to be safe active and healthy;
 - Protecting and shaping the district.

6. IMPLICATIONS

- (i) **Impact on Customers** – The policy clarifies to residents the process which will be undertaken if a stray dog is reported or found.
- (ii) **Impact on Equalities** – This proposal unlikely to impact on any protected characteristic group.
- (iii) **Impact on Risk** – there are no operational, organisational or Partnership risks.
- (iv) **Impact on Resources (financial)** – The cost of the service is recovered from the owner when the dog is retrieved. If the dog is not retrieved then the cost is covered by the council. There is an approved budget.
- (v) **Impact on Resources (human)** – the resources are currently in place, Community Protection Team and dealing with the stray dogs.
- (vi) **Impact on the Environment** – the policy outlines the method in which stray dogs will be dealt with which should result in public places being safer.

Background Papers: None

Enquiries to: Karen Bomford, Group Manager Community and Living, tel: 01621 875827

MALDON DISTRICT COUNCIL

Policy in respect of Stray Dogs

Background

The Council has a duty under s.149 (1) of the Environmental Protection Act 1990 (EPA) to appoint an officer "for the purpose of discharging the functions of dealing with stray dogs found in the area of the authority". Maldon District Council currently employs eleven full - time Community Protection Officers (CPO), who are tasked with the duty of handling of stray dogs.

1. A dog roaming unattended in a public place is deemed to be a 'stray' and the CPO will 'seize' and detain it. Members of the public who find a stray dog are required by the EPA to either return it to its owner, or contact the local authority of the area where it was found.
2. Current legislation requires all dogs over eight weeks old to be microchipped with current keeper details unless the keeper holds an exemption certificate issued by a veterinary surgeon. Dogs are also required when in a public place to be fitted with a collar and a tag bearing the **name and address of the owner**. Where a stray dog has a form of identification, or the keeper of the dog is known, the CPO will attempt to return the dog to the keeper first. This service may result in a fee being payable to the council. In some circumstances, we may serve upon the keeper a notice of seizure (ss. 149(3) and (4) EPA). The notice specifies that the dog has been seized, where it is being kept and that it is liable to be disposed of if it is not claimed within seven clear days from the date of the notice.
3. The keeper of a stray dog is "not entitled" to the return of the animal until they have paid all the expenses incurred and a further prescribed sum (s.149 (5) EPA). Should the dog not be claimed, or the owner declines to pay the sums outstanding, the ownership of the dog is legally transferred to the Council after seven clear days. The Council is then entitled to sell or re-home the dog, or to have it humanely destroyed.

Policy

4. **Seizure** The Environmental Protection Act specifies that in each case, a dog seized as a stray is required to be detained and a notice of seizure served upon the owner (where known). In addition, the policy of the Council is that, on the first occasion that a dog is seized, the CPO will make all reasonable efforts to identify the owner and return it to them before taking it to kennels. The CPO carries a scanning device to identify dogs fitted with a microchip. If the address of the owner is identified, the CPO will either visit or telephone; if contact is made, the dog will be returned to the owner after all fees have been paid.
5. A dog will only be returned to an address if there is someone able to receive the dog it will not be left at an unoccupied property, for example where the owner is out. A dog seized on a second occasion is automatically taken directly to the kennels, thus incurring kennelling costs as well as fees and charges.

6. If a dog is not microchipped and the keeper is identified, a notice will be served on the keeper to get the dog microchipped within 21 days. Failure to comply with this notice will result in prosecution.
7. If the Officer feels that an animal is in need of veterinary treatment, appropriate arrangements will be made for the animal to receive such treatment usually before taking the animal to the kennels, or returning it to the owners.
8. Whilst the dog is in the care of the council, or its allocated kennelling establishment, every effort will be taken to ensure that the five welfare needs defined under Section 9 of the Animal Welfare Act 2006 are met.
9. **Fees and Charges** (View the Fees and charges for the Council.) The Council currently insists on the full amount (statutory fee, handling fee, kennelling fees, plus any veterinary costs incurred) be paid **before a stray dog is released to a claimant**.
10. Statutory fees for stray dogs are currently (June 2018) £25.00 plus £50.00 administrative charge for unchipped dogs and £40 for chipped dogs. Kennelling fees of £18.00 for the first day and £15.00 for each subsequent day (subject to review) are payable immediately the animal is received; therefore a dog held overnight incurs **two** days kennelling costs. Thus any dog kennelled will **immediately** incur charges of a minimum of £65.00 (plus any veterinary fees), even if it is only held for a matter of hours and reclaimed the same day. Fees and charges may vary current rates should be checked on the councils web site.
11. This service operates from 08:00 to 17:00 Mondays to Fridays, excluding Bank Holidays, Christmas day, Boxing Day, and Good Friday. All enquires during office hours should be made to **01621 852475**. A dog found out of operational hours should be reported direct to the kennels, Clarks Farm on **07847 796791** they will come and collect the dog and kennel it if an owner cannot be found.
12. **Recovery:** It is the responsibility of the claimant to visit the kennels to recover their dog. Detained stray dogs will not be released by the kennels until all costs incurred are paid in full.
13. **Unclaimed strays:** Stray dogs are held for a minimum period of seven (7) clear days following seizure. After this period, ownership of the dog reverts to the Council.
14. Section 149(6) of the Environmental Protection Act entitles the Council to deal with unclaimed stray dogs in one of three ways:
 - By selling it or giving it to a person who will, in his opinion, care properly for the dog;
 - By selling it or giving it to an establishment for the reception of stray dogs; or
 - By destroying it in a manner to cause as little pain as possible; provided that no dog shall be sold or given for the purposes of vivisection.
15. Once transferred to the Council or re-homed to a new owner, the former owner of a stray dog has no legal claim for the return of the animal.

Stray Dog Release Fees

View the Fees and charges for the Council.

NB -When dogs are re-homed, they will be micro-chipped as standard. Advice is also given to keepers who are re-united with their animals with regards to responsible ownership, and the current legislation. If a dog is not microchipped, depending on availability, a microchipping service may be offered to the keeper. In the event that this is refused or not available, a 21 day notice will be served on the keeper to get the dog microchipped. Failure to comply with this notice will result in prosecution.

NB - The council will try to identify all dead dogs which have been brought to our attention, so that owners can be notified, or investigations initiated. The veterinary offices where we take deceased animals will routinely scan dead dogs (and cats) for microchips.

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**REPORT of
DIRECTOR OF CUSTOMERS AND COMMUNITY**

**to
COMMUNITY SERVICES COMMITTEE
10 JULY 2018**

MARKET TASK AND FINISH WORKING GROUP UPDATE

1. PURPOSE OF THE REPORT

- 1.1 To update Members on the work of the Market Task & Finish Working Group in relation to the Maldon town market (Thursday and Saturday).

2. RECOMMENDATIONS

It is recommended that the Committee agrees: -

- (i) To note the findings of the Markets Task and Finish Working Group;
- (ii) To authorise officers to apply for planning permission to make the current market site in Butt Lane Car Park permanent;
- (iii) To authorise officers to seek tenders for the operation of a market on Thursdays & Saturdays at the Butt Lane car park with the aim of letting a new, five year contract, that will commence in June 2019;
- (iv) That subject to consultation, an option to include market space at the lower end of the High Street is included as future tender option;
- (v) That a further report is prepared detailing the outcomes of the market tender.

3. BACKGROUND

- 3.1 At its meeting on 22 May 2018 (Minute No.106 refers) this Committee considered an interim report outlining the work of the Markets Task and Finish Working Group (MTFWG) regarding the future of the Maldon market. Members noted that report and the fact the working group had not yet finalised its conclusions.
- 3.2 The Committee resolved to extend the contract with the Maldon Market Co-operative for a further 12 months whilst the Markets Task and Finish Working Group (MTFWG) concluded their research on the provision of a Maldon town market.
- 3.3 It is worth noting that the MTFWG has undertaken the review under the assumption that the Council wishes to retain a regular market.

3.4 The MTFWG has considered a range of issues relating to the provision of markets which are detailed below. The areas considered were:-

- Car parking Income – the impact of the market on available spaces within the town centre and loss of potential car parking income because of the location of the market (see **APPENDIX 1**).
- Location – a thorough review of potential sites, (see **APPENDIX 2 & 3**).
- Market research – informal consultation with other local authorities and market operators, including procurement, stall income and the range of goods.
- Procurement – exploration of what can be done to make the market as attractive to operators as possible to maximise the number of bids and chances of delivering a successful market.

4. **REVIEW OF OPTIONS FOR PROVISION OF A MARKET FOR MALDON**

4.1 **Impact on Car Parking Income**

4.1.1 **APPENDIX 1** of this report sets out information in relation to the potential loss of car parking income associated with holding a market at any of the Council's town centre car parks. The MTFWG wanted to explore and have some certainty over the levels of income that could be potentially lost as the figures previously considered by this Committee were felt to be inaccurate.

4.1.2 An alternative methodology has been used to calculate the potential impact, as set out below, which takes into account the average daily income for each car park and includes an amount of spare capacity for each car park. For example the amount of space capacity at White Horse Lane is lower than at Butt Lane thus an assumption has been made in the calculations. It is also reasonable to assume that after the market finishes the spaces occupied are likely to be filled during the afternoon and evening. This then lowers any theoretical loss of income.

4.1.3 **APPENDIX 1** also models a different sized market at each car park, essentially replicating 1, 2 or 3 rows of spaces at Butt Lane which is equal to 19, 27 or 36 spaces respectively.

4.1.4 Using this alternative model / methodology the lowest loss of income would be seen if a market was located at High Street East (Gas Works) Car park and the greatest lost would be associated with White Horse Lane.

4.1.5 The Oak Wood Car Park is a permit only car park with 27 exclusive bays for customers, 7 days a week. If a market was held in this car park permit holders would need to be relocated to the White Horse Lane Car Park which would equate to a loss of all day income of approximately £22,000. The market's service vehicles (vans etc.) would also need to be parked close by, potentially occupying more spaces within White Horse Lane which would add to the pressure in this busy car park.

4.2 Location of the market

- 4.2.1 The location of any market is considered critical to its success. It must be visible and preferably as close as possible to the town centre as possible. **APPENDIX 2** of this report details the analysis of all the most practical locations for the market within Maldon town centre, **APPENDIX 3** shows a map of all the locations considered in **APPENDIX 2**.
- 4.2.2 As Members will be aware the market is currently located in the Butt Lane Car Park. Whilst there are more prominent locations, the MTFWG concluded that it is sizable enough to accommodate the current market with growth or a reduction without a substantial loss to the Council from other incomes streams (e.g. car parking or permit parking income).
- 4.2.3 Of the new locations considered by the working group one High Street location was felt worthy of future consideration. It is shown as location 10 in **APPENDIX 2 & 3** and is suggested that six parking bays could be used outside the shops just east of Wantz Road. An initial consultation with Essex County Council Highways (ECC) has been carried out with no objections raised. For this location to be progressed an amendment to the Traffic Regulation Order would be necessary to restrict vehicles from parking in the bays on the proposed market days. It would not be necessary for a road closure of the High Street to facilitate the market, but a full risk assessment would be required to ensure the safety of the stallholders and the public. It is recommended that officers are authorised to make the necessary application to amend the Traffic Regulation Order and carry out further consultation.
- 4.2.4 **APPENDIX 2** details the locations that have been discounted by the MTFWG for the reasons detailed, except for the Butt Lane car park and the parking bays on the lower end of the High Street outside the front of the Post Office and Cost Cutter shop.

4.3 Market Research

- 4.3.1 The MTFWG felt it would be beneficial to research other local authorities' market operations as well as getting views from the incumbent contractor(s).
- 4.3.2 All those spoken to felt that Oakwood, White Horse Lane, and Butt Lane car parks were all viable locations for a market. The parking spaces at the lower end of the High Street (Location 10) were also viewed positively.
- 4.3.3 Discussions with other local authorities were held to ascertain their approach to management of markets and, where appropriate, how they were procured. A number of ideas have been shared which will help ensure that at the point at which, subject to Member approval, the new contract is procured, it is possible to specify the type and nature of goods to be sold, for example, ensuring that a greengrocer stall is guaranteed as part of the contract.

4.4 Tender Process / Procurement

- 4.4.1 Feedback from neighbouring authorities and a number of market operators highlighted that a revised approach to procurement may help improve the number and quality of tenders received. In previous market procurement exercises, the Council

tendered for the operation and had a very limited number of tenders returned. Consultation has highlighted that market operators need a longer period of time in preparation of their bid and a mobilisation period before the start of the contract so that they can secure traders/stallholders for the location. A longer contract for the market, 5 years, would also encourage potential new contractors to tender for its operation.

4.4.2 If a longer contract period is agreed then it will be necessary to apply for planning permission to operate a market. The current site is renewed on an annual basis and it is recommended that a planning application be submitted to make the market site at Butt Lane car park a permanent market site. This would allow some additional certainty to providers that the Council was committed to the long - term future of the market.

5. CONCLUSION

5.1 The MTFWG's strong view is that the Maldon market should continue to be provided for the town and surrounding area. The MTFWG has now concluded its research and believes that the Maldon market should continue within Butt Lane car park, with a possible extension on the lower end of the High Street outside the Post Office/Cost Cutter. Location 10

5.2 The current contract has been extended with the Maldon Market Co-operative which will allow a longer period of time for market operators to prepare bids and potentially mobilise once the contract has been awarded.

5.3 The length of the new contract should be set at 5 years to provide more certainty and security to potential tenderers. This should also encourage additional stall holders to the market due to the confidence of a lengthy contract period and time to write off any investment required.

5.4 It would be necessary to align the contract term with any planning permissions for the location of the market.

5.5 If the Committee agrees to the recommendations this will give potential operators encouragement to submit tenders. However there remains a risk that the Council may not receive many bids.

6. IMPACT ON CORPORATE GOALS

6.1 This report links to the corporate goals of "Delivering good quality, cost effective and valued services" and "Creating opportunities for Growth and Economic Prosperity".

7. IMPLICATIONS

(vi) **Impact on Customers** – The Council has researched the location of the market to ensure there is easy access for customers and that the market is in the best possible location for the customer.

(vii) **Impact on Equalities** – None identified with this report

(viii) **Impacts on Risk** – No corporate risks have been identified.

- (ix) **Impact on Resources (financial)** – The operation of the current market is £4,750 per annum. However, if the market is operated out of a Council managed car park, the Committee must take into account any loss of income that may arise because of the loss of parking spaces.
- (x) **Impact on Resources (human)** – None.
- (xi) **Impact on the Environment** – None.

Background Papers: Previous reports to the Community Services Committee.

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Market Working Group - Revised Loss of Car Parking Income**Table A.** Calculation showing All Day costs associated with car parking tariffs

Car Park	All day Cost	19 Spaces	27 Spaces	36 Spaces
Butt Lane	£4	7,904	11,232	14,976
White Horse Lane	£8	15,808	22,464	29,952
High St East	£4	7,904	11,232	14,976
Friary Fields	£4	7,904	11,232	14,976

Table B. Calculation to show the average income for each car parking space

Car Park	Postcode	No of standard car spaces	16/17 income	Average cost per space	weeks	days	Average income per space
Butt Lane	CM9 5HD	164	226,750	1,383	52	7	3.80
White Horse Lane	CM9 5QP	209	318,738	1,525	52	7	4.19
High St East	CM9 5RU	61	7,181	118	52	7	0.32
Friary Fields	CM9 5BY	55	49,565	901	52	7	2.48

Table C. Current market agreement showing theoretical lost income

Car Park	Spaces	Average cost p	Markets per	Weeks	Full Cost	Capacity	Percentage Cost
		£	week		£	%	£
Thursday	27	3.80	1	51	5,230	50%	2,615
Saturday	0	3.80	1	51	-	90%	0
			5,230 Total				2,615

Table D. Lost income based on 13 spaces (1 line of parking spaces at Butt Lane)

Car Park	Spaces	Average cost p	Markets per	Weeks	Full Cost	Capacity	Percentage Cost
		£	week		£	%	£
Butt Lane	13	3.80	2	51	5,037	50%	2,518
White Horse	13	4.19	2	51	5,556	85%	4,722
High St East	13	0.32	2	51	429	50%	214
Friary Fields	13	2.48	2	51	3,283	80%	2,626

Table E. Lost income based on 19 spaces (2 Lines of parking spaces at Butt Lane car park)

Car Park	Spaces	Average cost p	Markets per	Weeks	Full Cost	Capacity	Percentage Cost
		£	week		£	%	£
Butt Lane	19	3.80	2	51	7,361	50%	3,681
White Horse	19	4.19	2	51	8,120	85%	6,902
High St East	19	0.32	2	51	627	50%	313
Friary Fields	19	2.48	2	51	4,798	80%	3,838

Table F. Lost income based on 27 Spaces (3 Lines of Parking spaces at Butt Lane car park)

Car Park	Spaces	Cost per day	Markets per	Weeks	Cost	Capacity	Percentage Cost
		£	week		£	%	£
Butt Lane	27	3.80	2	51	10,461	50%	5,230
White Horse	27	4.19	2	51	11,539	85%	9,808
High St East	27	0.32	2	51	891	50%	445
Friary Fields	27	2.48	2	51	6,818	80%	5,455

Table G. Lost income based on 36 Spaces (Previous Contract)

Car Park	Spaces	Cost per day	Markets per	Weeks	Cost	Capacity	Percentage Cost
		£	week		£	%	£
Butt Lane	36	3.80	2	51	13,948	50%	6,974
White Horse	36	4.19	2	51	15,385	85%	13,077
High St East	36	0.32	2	51	1,188	50%	594
Friary Fields	36	2.48	2	51	9,091	80%	7,273

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Potential Market Sites

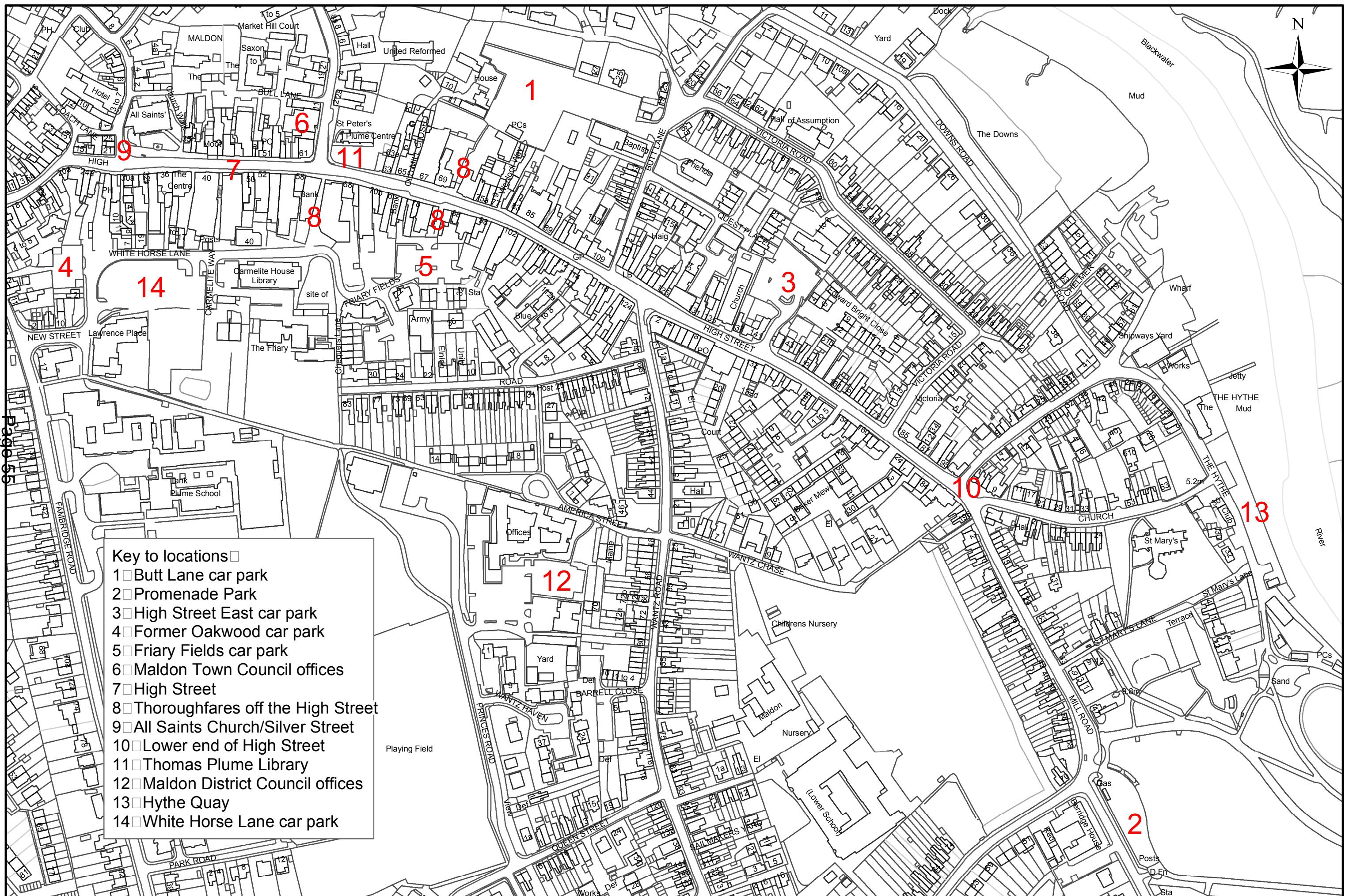
Location	Ownership	Advantages	Disadvantages
1. Butt Lane Car Park	Maldon District Council	Current market site with adequate infrastructure to continue in this location. Access through thoroughfares from High Street meaning side alley shops could have a higher footfall.	Impact on parking capacity within the car park meaning a potential loss in car parking income. Fewer parking spaces could mean fewer visitors to the market. The market income could outweigh the car parking income.
2. Promenade Park	Maldon District Council	Lots of space for an affluent, frequent market without compromising car parking spaces. This could bring more people across from the High Street on foot along the bottom end of the High Street which is renowned to be the 'quieter' end.	May be seen as too far away from the High Street on foot, meaning the target audience may not venture out as far from the High Street. This space may be more suited to a sporadic 'specialist' market than a regular weekly market.
3. High Street East Car Park	Maldon District Council	Could encourage shoppers to visit the lower end of the High Street, calling into the shops as well as the market. In a more residential area which could increase the footfall to the market of potential shoppers that would not have visited the top end of the High Street.	As a council owned car park, this site has the same income issues as other car parks surrounding the High Street. Maldon residents seem to perceive this end of the High Street as the 'quiet' end and more 'out of the way'.
4. Oakwood Car Park	Maldon District Council	This is a former market position for the town and close to the largest car park with easy access to Maldon High Street. This site seems to be a high profile and attractive location due to the close proximity of the High Street shoppers.	Financial and logistical issues with season ticket holders as well as LA Solicitors 6 parking spaces. There may be the need for traffic management due to the high volume of vehicles on the road and less parking spaces for these on market days.

5. Friary Fields Car Park	Maldon District Council	Location close to centre of High Street via Dolphin Cut meaning an almost guaranteed high foot fall. Enclosed car park, safety risk minimal.	Residential properties surrounding car park including access to residential car park at back. Small car park not particularly visible from High Street but advertising could eliminate this issue.
6. Maldon Town Hall	Maldon Town Council	Indoor site meaning weather would not be an issue all year round. Seen as a high profile location in the centre of the High Street.	Trader's vehicle access would be from Bull Lane and very limited unloading purposes not long stay. Potential impact on other regular hall users and income for MTC.
7. Top End of High Street	Essex County Council	Seen as a high profile location as the 'busiest' part of the High Street. Attracts a natural high foot fall as shoppers already in High Street.	Traffic management extremely difficult with alternative public transport routes on a long term regular basis. Potential opposition from shop traders, taking their trade.
8. High Street (Thoroughfares) e.g. Chequers Lane, Friars Gate, front of Carmelite House, Bright's Path	Mixed Ownership	Footways from car parks to High Street meaning a higher foot fall without compromising any car parking spaces. 'Alternative' option to fit in with Maldon's independent quirks whilst utilising unused public space.	This idea would be challenging for the Contract Holder as they would be managing multiple areas. Will reduce access on foot for the public through these areas as well as any disability vehicles.
9. All Saints Church / Silver Street	Essex County Council	This site is the historic market site in Maldon which could give the historic town back a hint of its previous traditional style. Pavement outside All Saints Church may be viable as a standalone pitch.	It is very unlikely that Essex County Council would accept street closures on a regular basis for Silver Street as emergency access would be heavily restricted. Limited space for loading / unloading of stalls and stock.
10. Lower End of High Street	Essex County Council	Helps to encourage a higher foot fall to this end of the High Street. Empty premises' could in turn start to become occupied if the foot fall increases on a regular basis.	Traffic management extremely difficult with alternative public transport routes on a long term regular basis.

11. Thomas Plume Library Grounds	Maldon Town Council	Visible from the High Street, this is a prime location to shoppers and market visitors. This could bring in more shoppers who potentially could have been unaware of a market off of the High Street.	This location could be seen as unsympathetic as the market stalls would be set up in the churchyard around memorials. Due to this, the stall holders would have difficulty setting up in small areas around the memorials.
12. Longfields	Maldon District Council	A well-known pedestrian thoroughfare from residential area of Maldon into the High Street meaning the foot fall would be higher than other 'off the High Street' locations. Off road means there would be no impact on traffic or car parking spaces around the Town Centre.	Visitors to Maldon may be unaware of the location, however advertising could eliminate this. Grass surface could mean the site is weather dependent, not having the ability to trade all year round which would affect the stall holders and the shoppers knowing when the market will be open.
13. Hythe Quay	Maldon District Council	Wonderful backdrop signifying the wonders of Maldon, i.e. views of river and barges. Seasonal hot spot location within the Town.	This is a permit parking area which means the set up / take down of the stalls and stock could prove difficult and parking vehicles would have to be situated in a different location. The surrounding uneven terrain could prove difficult to members of the public, including those with mobility issues if trying to pass through or around the market.
14. White Horse Lane Car Park	Maldon District Council	Maldon's busiest and largest public car park in a high profile location with close proximity to the High Street.	Maldon's busiest and largest public car park meaning the income revenue could be compromised. Shoppers would have to find alternative parking for market days. There is a long stay option in this car park meaning it is more popular and well used.

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Town centre (part), Maldon, Essex



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