



APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

24 August 2021

Dear Councillor

You are summoned to attend the meeting of the;

COUNCIL

on **THURSDAY 2 SEPTEMBER 2021 at 7.30 pm**

in the **Maldon Stadium (Maldon and Tiptree Football Club), Park Drive, Maldon, Essex, CM9 5JQ.**

Please Note that due to social distancing and space limitations, we require any members of the public or press who wish to attend physically and observe or speak under Public Participation rules at this meeting to complete [a request form](#) (to be submitted by 12noon on the working day before the Committee meeting). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Committee meeting will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

A copy of the agenda is attached.

Yours faithfully

Director of Strategy, Performance and Governance





AGENDA COUNCIL

THURSDAY 2 SEPTEMBER 2021

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Declaration 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).

4. **Minutes - 30 June 2021** (Pages 5 - 18)

To confirm the Minutes of the council meeting held on 30 June 2021 (copy enclosed).

5. **Public Questions**

To receive questions from members of the public, of which prior notification in writing has been received (no later than noon two clear working days before the day of the Council meeting).

Should you wish to submit a question please complete the online form at www.maldon.gov.uk/publicparticipation.

6. **Chairman's Announcements**

7. **Minute Book**

To consider the Minutes of the under mentioned Committees (copy enclosed).

* Please note that where Minutes contain recommendations to the Council the Minute reference for these recommendations are listed below for Members' information. Minutes will be presented by the respective Committee Chairmen.

a) **Strategy and Resources Committee - 15 July 2021** (Pages 19 - 36)

- Minute No. 160 – A12 Chelmsford to A120 Widening Scheme – Response to Highways England Public Consultation On 'Preliminary Design'
- Minutes No. 163 – Advice Service Contract

b) **Performance, Governance and Audit Committee - 29 July 2021** (Pages 37 - 42)

c) Joint Standards Committee - 17 August 2021 (Pages 43 - 50)

- Minute No. 214 - Consultation on Complaints Process and Amendments to the Articles for Standards Arrangements

8. **Minutes of Meetings of the Council**

To note that since the last Council, up until Tuesday 24 August 2021 (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

Central Area Planning Committee	1 July 2021
North Western Area Planning Committee	14 July
South Eastern Area Planning Committee	21 July
Central Area Planning Committee	28 July
District Planning Committee	5 August
Overview and Scrutiny Committee (special meeting)	12 August
South Eastern Area Planning Committee	18 August

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

10. **Statement of Community Involvement - Adoption** (Pages 51 - 120)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed).

11. **Taxi and Private Hire Policy** (Pages 121 - 188)

To consider the report of the Director of Service Delivery (copy enclosed).

12. **Future Committee Meetings Arrangements** (Pages 189 - 194)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed).

13. **Planning Advisory Service - Review of Recommendations** (Pages 195 - 210)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed).

14. **Sealing of Documents** (Pages 211 - 212)

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

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

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

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

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

18. **Change in Decision Making Process Relating to Land Owned by the Council**
(Pages 213 - 220)

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

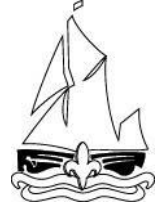
NOTICES

Recording of Meeting

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

Fire

In the event of a fire please use the fire exits marked with the green running man.



**MINUTES of
COUNCIL (EXTRAORDINARY)
30 JUNE 2021**

PRESENT

Vice-Chairman Councillor C Mayes
(in the chair)

Councillors M G Bassenger, Miss A M Beale, B S Beale MBE, V J Bell,
Mrs P A Channer, M F L Durham, CC, M R Edwards,
B B Heubner, A L Hull, K W Jarvis, J V Keyes, K M H Lagan,
C P Morley, C Morris, S P Nunn, N G F Shaughnessy,
R H Siddall, W Stamp, CC, E L Stephens, Mrs J C Stilts,
C Swain, Mrs M E Thompson and Miss S White

119. CHAIRMAN'S NOTICES

The Chairman welcome everyone to the Council meeting and went through some general housekeeping arrangements, including the need to wear masks (unless exempt), remaining seated, using hand gel and waiting for the microphone before speaking.

120. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R G Boyce MBE, R P F Dewick, Mrs J L Fleming, A S Fluker, M S Heard, M W Helm and N J Skeens.

121. DECLARATION OF INTEREST

Councillor S P Nunn declared a non-pecuniary interest as he sat on the Stow Maries Consultative Committee on behalf of the Council.

Councillor W Stamp declared a non-pecuniary interest as a Member of Essex County Council where were consultees on a number of items on the agenda, but she did not have a pecuniary or non-pecuniary interest in matters before the Council at this meeting.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council.

At this point, Councillor C Morris raised a query regarding the sound at the meeting and this was addressed by the Chairman.

Councillor E L Stephens declared a non-pecuniary interest in Agenda Item 16 Outstanding Loan - Financial Arrangements and advised that she would not vote on this item of business.

Councillor K M H Lagan declared a non-pecuniary interest in any items of business relating to Stow Maries Aerodrome.

Councillor K W Jarvis declared a non-pecuniary interest in Agenda Item 11 Making of the Wickham Bishops Neighbourhood Plan as he was a Wickham Bishops Parish Councillor.

Councillors C Mayes declared a non-pecuniary interest in Agenda Item 17 Leisure Contract Update.

122. MINUTES OF THE STATUTORY ANNUAL COUNCIL - 20 MAY 2021

RESOLVED

- (i) that the Minutes of the Statutory Annual Council meeting held on 20 May 2021 be received.

Minute 16 – Leaders and Composition of Political Groups

It was noted that reference to R G F Shaughnessy should be *N G F Shaughnessy*.

Minute 21 – Appointment of Representatives to Local Government and Outside Bodies

It was noted that on Appendix 1 (related to this item of business) contained a typographical error and reference to Councillor C Swan in respect of the Plume Educational Trust should be Councillor *C Swain*.

RESOLVED

- (ii) that subject to the above amendments, the Minutes of the Statutory Annual Council meeting held on 20 May 2021 be agreed.

123. PUBLIC QUESTIONS

There were none.

124. CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to attending a recent service of evensong at Chelmsford Cathedral.

125. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 10 JUNE 2021

RESOLVED that the Minutes of the Performance, Governance and Audit Committee held on 10 June 2021 be agreed.

126. STRATEGY AND RESOURCES COMMITTEE - 15 JUNE 2021

RESOLVED

- (i) That the Minutes of the Strategy and Resources Committee held on 15 June 2021 be received.

The Council considered the following recommendation set out in the Minutes:

Minute 102 - Information Communication Technology Strategy 2021 – 2026

RESOLVED

- (ii) that the Maldon District Council ICT Strategy 2021 – 2026 (attached at Appendix 1 to the Minutes of the Strategy and Resources Committee) for distribution to all staff giving support and guidance to Management on future ICT projects and planning be agreed.

RESOLVED

- (iii) that subject to the above decision the Minutes of the Strategy and Resources Committee be agreed.

127. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Tuesday 22 June 2021 for which Minutes had been published.

128. STATEMENT OF THE LEADER OF THE COUNCIL

Councillor W Stamp, Leader of the Council (the Leader) made a statement (attached at **APPENDIX 1** to these Minutes) setting out the Council's report and programme for the remainder of the municipal year. The statement referred to a number of areas, including:

- the updated Corporate Plan;
- commitment to climate action;
- supporting businesses;
- building the excellent partnerships the Council had and working with the community;
- the Local Development Plan review.

The Leader thanked Officers for their hard work through the pandemic, all members of the Independent Group for their support and referred to the continued work with all Political Parties and Groups in the future. She finished presentation of her statement to the Council advising of her sincere belief and a determination to do the right thing for the Maldon District.

In her response to the statement from the Leader of the Council, the Leader of the Opposition, Councillor Mrs P A Channer referred to the current pandemic extending heartfelt sympathies to all who had lost friends and loved ones, praised the NHS and the vaccination programme and raised concerns regarding mental health and the longer term impact. She commented on other aspects of the Leaders' speech including:

- how it was important to ensure that residents shared their views with the Council and Councillor Mrs Channer suggested that a consultation could be a way forward to capture this information.

- Corporate Plan – Councillor Mrs Channer agreed with the Leader on the work of the communities during the pandemic across a number of areas and felt the Council had responsibilities to continue to take this forward.
- Climate Action – She commented on the Council's passion in relation to this topic and the involvement of young people. It was important for the Council to review all opportunities to take steps towards being carbon net zero and working across organisations to establish a framework for climate emergencies and biodiversity loss.
- Maldon District Investment prospectus – She referred to how the Covid Reset and Recovery Group were looking into this and ensuring that businesses and other areas were supported, giving strength back to the District as it came out of the pandemic.
- Maldon One District was one of the initiatives the Council was working on and highlighted the excellent partnership it had with other organisations. A number of initiatives had come forward during the pandemic and had helped engagement, resources and delivery of outcomes.
- The Council through the Local Development Plan Review would be able to ensure it had everything the District required without compromising its beauty.
- Councillor Mrs Channer offered her thanks to all staff and how the Council would have not been able to keep the level of services without their innovative thinking, energy, responsibilities and accountabilities. She referred to the importance of challenge and democracy with the best intentions for the District.

The Leader of the Council thanked the Leader of the Opposition for her comments.

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

There were none.

130. MAKING OF THE WICKHAM BISHOPS NEIGHBOURHOOD PLAN

The Council considered the report of the Director of Strategy, Performance and Governance advising that the Wickham Bishops Neighbourhood Plan (WBNHP) had successfully passed its referendum and had automatically become part of the statutory Development Plan for the District. The report sought formal adoption of the WBNHP by the Council.

The report provided background information regarding the WBNHP and it was noted in the referendum that 91.6% of those who had voted were in favour of the plan.

The Leader of the Council congratulated Wickham Bishops and put the recommendation as set out in the report, this was duly seconded and agreed.

RESOLVED that Council 'makes' the Wickham Bishops Neighbourhood Plan in accordance with section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

131. ONE MALDON DISTRICT

The Council considered the report of the Director of Strategy, Performance and Governance, seeking Members' approval of a new integrated approach to health and wellbeing and community safety in the Maldon District.

The report set out the key health and wellbeing and community safety elements of the Maldon District Corporate Plan for 2021 – 23. The need for cooperation and coordination of the whole Essex system to maximum health benefits along with involving partners across the whole system was highlighted. In light of this the report set out the proposal to form One Maldon District to bring together all key partners and stakeholders in the Maldon District. The proposed Terms of Reference were attached as Appendix 1 to the report.

The Leader of the Council referred the report and put the recommendation. This was duly seconded.

A debate ensued and in response to questions the following information was provided by Officers:

- An Asset Based Community Development Model worked directly with communities and primarily residents ensuring they were involved in the policies which supported their communities.
- The Terms of Reference appended to the report set out the broad structure and how if the Council were to approve the principle of OMD appointment of Members to OMD would be brought back to a future meeting of the Council.
- The pandemic had demonstrated the need for systems management and the Council had to go through the bi-literation to finalise the detail and which Groups Members would sit on. It was not proposed to reduce the level of democratic involvement.
- Performance and value would be dealt with at Committee level rather than through the OMG.

Councillor B S Beale referred to the Southminster Medical Centre and contact with Dengie Members requesting that an item on this subject be brought forward to ensure it was not lost off the tracking system.

Councillors Mrs P A Channer proposed that the Council in principle endorsed the approach to the formation of the One Maldon District and merging the strategic arm of the Livewell Group and Responsible Authorities Group into OMD, enabling a joined-up approach to community safety and health and wellbeing, but a further report be brought back to the Council with further details to enable it to determine the final structure and member inclusion and to agree the final Terms of Reference. This proposal was duly seconded.

The Lead Legal Specialist and Monitoring Officer clarified that there already a motion proposed by the Leader of the Council and duly seconded. Councillor Mrs Channer could make an amendment to this. Councillor Mrs Channer advised that her proposal was an amendment to motion in the name of the Leader of the Council.

The Chairman advised that the Council had to vote on the amendment first to determine the substantive motion.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote. This was duly seconded.

The Chairman the put the proposed amendment in the name of Councillor Mrs Channer to the Council and the voting was as follows:

For the recommendation:

Councillors Miss A M Beale, B S Beale, Mrs P A Channer, M F L Durham, B B Heubner, A L Hull, J V Keyes, C P Morley, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors V J Bell, M R Edwards, K W Jarvis, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, E L Stephens and Mrs J C Stilts.

Abstention:

Councillors M G Bassenger and C Swain.

The motion was therefore declared lost.

The Chairman the put the motion in the name of the Leader of the Council and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, B S Beale, V J Bell, M R Edwards, K W Jarvis, K M H Lagan, C Mayes, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, E L Stephens, Mrs J C Stilts and C Swain.

Against the recommendation:

Councillors Miss A M Beale, J V Keyes, C Morris and Miss S White.

Abstention:

Councillors Mrs P A Channer, M F L Durham, B B Heubner, A L Hull, C P Morley and Mrs M E Thompson.

RESOLVED that the approach to the formation of One Maldon District (OMD) and merging the strategic arm of the Livewell Group and Responsible Authorities Group into OMD, enabling a joined-up approach to community safety and health and wellbeing, be endorsed.

132. MID-ESSEX ALLIANCE - MEMORANDUM OF UNDERSTANDING

The Council considered the report of the Director of Strategy, Performance and Governance seeking the Council's approval of the Mid Essex Alliance Memorandum of Understanding (MOU) (attached at Appendix 1 to the report).

The report outlined the need to have localism for Mid Essex in light of the changing landscape of the NHS, with the dissolution of Clinical Commissioning Groups and the formation of Integrated Care Systems. A Mid Essex Alliance was proposed to coordinate a place-based approach to health priorities to ensure the localism needed. It was noted that Membership of the Mid Essex Alliance would enhance the systems management approach for the District and support work which would achieve delivery of corporate outcomes, and be further strengthened by all partners signing the MOU.

The Leader of the Council presented the report and put the recommendation as set out in the report. This was duly seconded.

A debate ensued and in response to comments made the Director of Strategy, Performance and Governance advised that any matters relating to policy etc. would be

referred back to the Council for decision. He confirmed that the MOU had been reviewed by the Council's legal department.

The Lead Legal Specialist and Monitoring Officer clarified that the MOU clearly stated that it was not creating legal relations. It set parameters between public sector bodies to give understanding how things would work. There were no legal implications and it did not make for a binding agreement.

In accordance with Procedure Rule No. 13 (3) the Chairman requested a recorded vote. This was duly seconded.

The Chairman then put the recommendation to the Council and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, B S Beale, V J Bell, Mrs P A Channer, M F L Durham, M R Edwards, B B Heubner, A L Hull, J V Keyes, K M H Lagan, C Mayes, C P Morley, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, E L Stephens, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillor C Morris.

Abstention:

Councillor K W Jarvis.

This was therefore agreed.

RESOLVED that the Council agrees to be a signatory to the Mid-Essex Alliance Memorandum of Understanding.

Councillor K W Jarvis left and returned to the meeting during this item of business and abstained from the vote.

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

There were none.

134. 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

135. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned for a short break at 20:54.

136. RESUMPTION OF BUSINESS IN CLOSED SESSION

RESOLVED that the extraordinary meeting of the Council resumes in closed session at 21:05.

137. OUTSTANDING LOAN - FINANCIAL ARRANGEMENTS

The Council considered the report of the Director of Resources, seeking Members' consideration of a request to change the financial arrangements for an existing loan.

The report provided detailed information regarding the loan arrangements and existing instalment schedule. A request had been received to make changes to the existing loan arrangement and appendices to the report provided detailed information in relation to this request.

Prior to its consideration of the report the Council received a presentation from a trustee of the company (that the loan related to) who also proceeded to answer questions raised by Members.

At this point, Councillor Miss A M Beale disclosed a non-pecuniary interest in this item of business.

In response to questions regarding the trustee attending, Officers provided background information and the Lead Legal Specialist and Monitoring Officer advised that there was no constitutional reason that a member of the public could not attend and address the Council. The Director of Strategy, Performance and Governance advised that Officers would take on board the comments of Members for any such future presentations.

Following further debate, Councillor K M H Lagan proposed that the Council did not convert the loan and the original terms remained. This proposal was duly seconded.

Councillor R H Siddall proposed that the Council keep things as they were (in respect of the loan) but that the Finance Working Group receive and review the company's business plan and full accounts before reporting back to the Council. This proposal was duly seconded.

Councillor Lagan withdrew his earlier proposal at this point.

The Chairman then put the proposal in the name of Councillor Siddall to the Council and this was duly agreed.

RESOLVED that the current arrangements for the loan remain unchanged and the Finance Working Group receive and review the company's business plan and full accounts before reporting back to the Council.

138. LEISURE CONTRACT UPDATE

The Council considered the report of the Leisure Contract Task and Finish Working Group (the Working Group) advising Members of the on-going work from the Working Group in relation to the current position with the Leisure Services. The report also sought Members' approval for the Working Group to continue to meet to review the forecasted financial parameters.

The report set out the work undertaken by the Working Group since its last report to the Council. This included a summary of future forecast information in relation to the 2021 / 22 financial year and a detailed breakdown was set out in Appendix 1 to the report.

The Leader of the Council presented the report and moved the recommendation as set out in in report. This was duly seconded and agreed.

RESOLVED that the contents of the report be noted and the Leisure Contract Task and Finish Working Group will continue to meet quarterly to review the forecasted financial parameters.

There being no further items of business the Chairman closed the meeting at 10.11 pm.

C MAYES
CHAIRMAN

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LEADERS SPEECH 30/06/2021

The Council by-elections in May this year consolidated the position of the Independent Group as the largest group on Maldon District Council. We are now established as the administration of the Council and are looking to bring stability, a renewed focus on service delivery and corporate plans and projects, to the residents and businesses of the District.

I want to start by remembering the residents, business owners, friends, family and loved ones that have suffered loss due to the Covid-19 pandemic and to be mindful of those who are still struggling with the anxieties and challenges that the Coronavirus has brought to everyday lives.

Right now, livelihoods, and health are my main concerns, including mental health.

Residents need a Council that is understanding, engages more and takes positive action, that puts our homes, and our futures firmly at the centre of all our decisions, conversations and policies.

The Council Office continues to operate as a vital NHS resource, providing vaccines to protect our residents and to help us regain our confidence and freedoms. I want to praise all the NHS staff, key workers and volunteers for their tireless hard work and thank them for the care they have given and continue to.

From crisis, comes opportunity and there is a definite sense of hope and community, but this comes with an understandable cautiousness about what we still don't know of the pandemic and of what a potential third wave might bring.

The longer-term impacts from the pandemic are not yet fully known. National data is starting to show us that in the Maldon District women were furloughed more than men and that retail, leisure and tourism have been hit the hardest. There are also concerns for the construction industry as access to skilled workers and materials is challenging. This adds to the current cost of living, so the need to safely welcome back visitors to our beautiful District and supporting our local businesses is paramount for our future success.

Like many public sector organisations and businesses, the Council's finances remain challenging. The pandemic has seen an increase demand for council services yet income from sources such as parking, planning and local tax collection rates is down. Although the Council is well placed to respond, the longer-term impact is more uncertain. Therefore, we must continuously adapt and look for ways to keep vital services running. This means we need to continue to think commercially and look for revenue generating opportunities, BUT I must point out that we also need to ensure public value is the focus for every commercial decision made. We will continue to question 'is this the right thing to do', as well as seek to raise funds from some of our projects and assets.

The updated Corporate Plan, we published in February of this year, clearly sets out the Council's priorities, and is consistent with the statement I made in December of last year, upon becoming Leader. The Plan maintains the 3 key themes of Place, Prosperity and Community, but brings a greater focus to our activities and particularly around the environment, the economy and our work with communities to support the great work they are doing.

Looking ahead there are positives to focus on. We're excited about bringing forward our commitment to climate action, as many of our Councillors and residents are passionate about the environment and initiative we can take. We are going to reach out to our young people and communities to give them the opportunity to take climate action and to be part of

the 'Our Home, Our Future' engagement group, to ensure they have an active voice in making long-term, accessible change.

The title reflects that this is a strategy to be owned by us all as it affects everyone's future.

We have continued to support businesses in both surviving the challenges of the Covid Pandemic through 27 million of direct grant support, whilst also looking forward to the future and how the economy of the district can grow and thrive as restrictions ease. We have introduced initiatives such as 'Click and Collect' to help local retailers to compete with online offers to protect the vitality of our High Streets. We are working with partners to deliver a wide range of business support including business start-up funding and capacity building for existing businesses. Work is also underway on the Maldon District Investment Prospectus to attract new businesses to locate in our District.

We continue to build on our excellent partnerships and work with the community. Whilst Covid has been, and continues to be a challenge, we have been proud to be part of the amazing community response we have seen in the District. This includes the work we have done with the CVS and community partners to support the community hubs, and also the work we have done with the NHS to provide the vaccination centre at the Council Offices. A huge thank you to all for everything everyone has done no matter how large or small. I have no doubt we have many unsung heroes and heroines within this room alone as well as in our wonderful wider community.

We continue to work with partners and are keen to build on the partnerships that have been formed to enhance support to our communities as we hopefully move past this pandemic and embrace the opportunities of a new future.

We will be bringing forward initiatives to strengthen these partnerships, including the 'One Maldon District' approach that will be presented to Council this evening, as a model of how we capture the benefits of working in partnership and achieve more by working together.

The other part of our corporate plan was the introduction of a shared set of corporate values – signed up to by both Officers and Members. Following a year of political turmoil and unfortunate conflict at the Council, this shared set of values and the buy in of the whole Council is seen as vital to our ability to move forward together. We are a team that has shaped a new set of core values that must be embedded to create a culture of feeling safe and connected, and that helps to openly and respectfully challenge issues and ideas. We want to attract talented people to work for the Council and retain the great staff we have. We also want local people to want to become elected members of the Council. Our time is best spent delivering services, ensuring policies are fit for purpose and seeking opportunities for the District, not on efforts that distract us from what we are here to do. that wastes time or is an attempt at points scoring. Any behaviour that prevents us from being successful has to be challenged. We won't tolerate any negative behaviour that unfairly or disrespectfully attacks Councillors, Staff and the Council, especially at a time when the Council has been working in exceptional circumstances and under immense pressure.

Other key priorities for the year include the review of our Local Development Plan, which we will be consulting on later in the year. It is an opportunity to shape the district and provide homes and services for local families and residents who want to live in the district and continue to build their lives here. This review is key to the future of the district, as we will be asking for your views as we seek to put in place a plan that will deliver growth in a sustainable way, that meets the needs of residents in terms of homes and economic growth, but also focuses on sustainability, appropriate infrastructure and the protection of all that is already great about the unique character of our District.

We have put together a dedicated Team to ensure our Local Development Plan is delivered effectively, and we have switched resources away from the Bradwell B Project, as the development programme from BRB has slowed this year. We will re-engage fully in that work in due course and as necessary, but it is vital that as a Council with relatively limited resources, we do focus those resources in the areas where we need to deliver. With that in mind, as we seek to deliver the Corporate Plan, focussing on those priorities I have highlighted, as well as a renewed commercial delivery to support financial sustainability, I will be asking our Directors to ensure that the structure and resources we have in place are fit for purpose to deliver that agenda. Whilst we recognise the needs for councils to live within their means we also recognise that if staff are being asked to deliver, they need to have the right resources and we will be seeking to ensure those resources are in place and that our approach is geared to delivery.

We are proud of how we have delivered our services and additional support for the community through the challenges of the pandemic, and we are determined that as we now go forward we continue to deliver and maintain that momentum to deliver not only to the minimum required but additional services and support to meet the challenges in the future.

I would like to thank all the members of staff who work at MDC for all the hard work and challenges they have faced and still face. I also wish to thank the members of the Independent Group for all their hard work, commitment, trust, heated discussions and support not only of me and Cllr Nunn, my excellent deputy but the leadership team and hope we can continue to work with all Political Parties and/or groups in the future.

After all working together is far better for our residents for the reasons I have just presented in my leaders speech.

Mr Chairman I present this speech to the Council with sincere belief and a determination to do the right thing for the Maldon District.

Thank you

Councillor Wendy Stamp
Leader
Maldon District Council

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**MINUTES of
STRATEGY AND RESOURCES COMMITTEE
15 JULY 2021**

PRESENT

Chairman	Councillor R H Siddall
Vice-Chairman	Councillor C Swain
Councillors	M F L Durham, CC, K M H Lagan, N G F Shaughnessy, W Stamp, CC, Mrs M E Thompson and Miss S White
In attendance	Councillor C Morris
Substitutes	Councillor J V Keyes

151. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

152. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE

Apologies for absence were received from Councillors R G Boyce MBE, Mrs P A Channer and K W Jarvis. It was noted that in accordance with notice duly given Councillor J V Keyes was attending as a substitute for Councillor Mrs Channer.

153. MINUTES - 15 JUNE 2021

RESOLVED

- (i) that the Minutes of the Strategy and Resources Committee held on 15 June 2021 be received.

**Minute 103 – Workforce and Community, Equality, Diversity and Inclusion
Statement of Policy**

Councillor Mrs M E Thompson advised that she had been asked to raise a matter of accuracy of behalf of Councillor Mrs P A Channer. She advised that Councillor Mrs Channer had requested that it be minuted that she did not agree with the decision or advice of the Director in respect of this item of business. This was duly noted and the Chairman advised that the Minutes would be amended accordingly.

RESOLVED

- (ii) that subject to the above amendment, the Minutes of the Strategy and Resources Committee held on 15 June 2021 be agreed.

During this item of business Councillors W Stamp and M F L Durham declared that they were Members of Essex County Council.

154. DISCLOSURE OF INTEREST

The Chairman noted the declarations made by Councillors W Stamp and M F L Durham under the previous item of business. There were no other declarations made.

155. PUBLIC PARTICIPATION

No requests had been received.

156. YEAR-END TREASURY OUTTURN 2020 / 21

The Committee considered the report of the Director of Resources reporting the Council's investment activity for the financial year 2021 / 22 in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code, the Council's Treasury Management Policy and Treasury Management Practices (TMPs).

The report presented background information regarding Treasury Management related to the Council and detailed information regarding:

- External context - Appendix 1 to the report had been prepared by Arlingclose (who provide treasury management consultancy and advice services to the Council) and gave an overview of the external economic environment.
- Local context – Members noted that the Council was currently debt free and its capital expenditure did not include borrowing during 2020 / 21. The Council had responded to a recent consultation 'Future Lending Terms' and the outcome of this and implementation of new lending terms were expected during this financial year.
- Investment Activity (April 2020 – March 2021) - It was noted that a prudent approach had been taken in relation to investment activity with priority being given to security and liquidity over yield. An update on the impact from the coronavirus, related lockdowns and Government imposed restrictions was detailed.
- Performance – Budgeted Income and Outturn – It was noted that a difference between budgeted and actual investment income was due to the reduction of interest rates suffered at the beginning of the pandemic and continuing throughout the financial year.
- Compliance with Prudential Indicators and Treasury Management Strategy – As set out in Appendix 2. It was noted that no prudential indicators had been breached and all treasury management activities were fully compliant.
- Outlook for 2021 / 22 (summary of advice from Arlingclose) – A brief summary had been provided and was noted.

The Chairman put the recommendation as set out in the report, this was duly seconded and agreed by assent.

RESOLVED that Members review the Treasury Outturn report for compliance purposes.

157. PROVISIONAL FINANCIAL OUTTURN 2020 / 21

The Committee considered the report of the Director of Resources providing Members with the provisional outturn position for the year ended 31 March 2021 and movement in relation to the Council's General Fund, Earmarked Reserves and Capital Commitments as at 31 March 2021.

It was noted that the draft Statement of Accounts was published on 22 June 2021 and the audit of this was due to conclude in September, therefore the figures detailed in the outturn report were provisional as they were subject to change. The report provided detailed information regarding:

- Provisional Outturn – The report detailed budget variances which included pressures in relation to Covid-19 and Appendix 1 provided further detail of these. It was noted that restrictions due to the pandemic were still ongoing and would require vigilant budgetary control going forward.
- Variance analysis – It was noted that an overprovision from a prior year relating to the pension fund adjustment had been identified.
- General Fund Balance - It was reported that this would remain above the minimum recommended level of £2.6m
- Earmarked Reserves - Appendix 2 to the report provided a breakdown of Earmarked Reserves and it was noted that there had been a net increase of £0.5m from 1 April 2020. Appendix 3 detailed a number of revenue commitments carried forward to spending 2020 / 21
- Capital Commitments – The report highlighted a number of capital projects that were still ongoing and sought approval to carry these over into 2021 / 22.

In response to questions, Members were provided with the following information:

- the capital commitment - Blackwater Leisure Centre Air Handling Unit project detailed in the report, related to end of life replacement.
- In respect of the pension deficit and why this had not been picked up by the Auditors, Members were advised that the Auditors when auditing the Council's account would not check every transaction but ensure that the accounts were a material, true and fair view of the Council. The Chairman referred to how the Council was ensured it was accounting as accurately as possible.

Councillor M F L Durham declared an interest in this item of business as a Member of the Local Government Pension Steering Board and Investment Committee at Essex County Council who operated pensions on behalf of the District.

The Chairman thanked the Director of Resources, Lead Specialist Finance and their teams for their work. He then moved the recommendations as set out in the report, this was duly seconded and agreed by assent.

RESOLVED

- (i) That the provisional outturn position for the 2020 / 21 financial year be noted;
- (ii) That the movement in Earmarked Reserves as set out in Appendix 2 be approved;
- (iii) that Revenue Commitments in Appendix 3 be approved to be brought forward to 2021 / 22;

(iv) That the Capital Commitment roll forwards into 2021 / 22 be approved.

158. MID-YEAR GROWTH BIDS

The Committee considered the report of the Director of Resources seeking Members' consideration of the proposed mid-year growth bids.

Members were reminded that due to the financial uncertainty caused by the pandemic only those growth bids deemed to be essential had been put forward for approval. In-year growth recommended for 2021 / 22 had been presented to the Finance Working Group to provide an opportunity for challenge and detailed questioning and this was now brought forward to the Committee. The proposed revenue growth bids were set out in Appendix 1 to the report and Capital bids at Appendix 2.

The Chairman put the recommendation as set out in the report and this was duly seconded.

In response to a question regarding the capital growth bid for a replacement ride on mower, the Director of Service Delivery advised that this equipment was used by the Parks Team for its work and the bid was to replace the current piece of equipment which was 17 years old.

The Chairman moved the proposal which was duly agreed by assent.

RESOLVED that the revenue and capital growth bids set out in Appendices 1 and 2 to the report be approved.

159. SUPPLEMENTARY ESTIMATES, VIREMENTS AND USE OF RESERVES: 1 OCTOBER 2020 - 31 MAY 2021

The Committee considered the report of the Director of Resources reporting Virements and Supplementary Estimates agreed under delegated powers where they were below the levels requiring approval by this Committee and seeking approval where they were above these levels. The report also informed Members of procurement exemptions that had been granted and the Use of Reserves during the year.

It was noted that there had been no virements or supplementary estimates requested during this period. The report detailed nine procurement exemption requests had been received. It was noted that there had been three reserve drawdowns, and these were set out in the report.

The Chairman put the recommendations as set out in the report and this was duly seconded.

In response to a question the Director of Resources advised that the monies attributed to Five Lakes related to elections would be reclaimed and therefore not a cost to the Council.

The Chairman moved the proposal which was agreed by assent.

RESOLVED

(i) That the procurement exemptions detailed below be noted;

Item	Amount	Description	Reason	Authority
1.	£24,000	Ringgo to supply Pay by Phone Parking.	Extension of contract.	Approved by Director of Resources and Lead Asset and Maintenance Co-ordinator 09/03/21
2.	£21,600	To secure Five Lakes Arena as the verification and count venue for the elections.	The only venue of sufficient size within Maldon District.	Approved by Director of Resources and Director of Strategy, Performance and Governance 17/03/21
3.	£19,910	Redlynch to carry out patch repairs to the cold-pour safety surface of the Splash Park.	Patch repair quotes were sought to enable safe operational opening. Redlynch were the only tender to submit a 'patch' repair quote at that time.	Approved by Director of Resources and Strategy, Policy and Communications Manager 13/04/21
4.	£31,816	Matta Products to install safety matting installation occur at 3 play sites.	Appropriate due to the uniqueness, exclusiveness and specification of the product.	Approved by Director of Resources and Strategy, Policy and Communications Manager 21/04/21
5.	£3,650	RDE Cardy for the Delivery, Collection and storage of Eight Knot Speed Limit Buoys.	Not possible to carry out a tender process due to government restrictions.	Approved by Director of Resources and River Bailiff and Emergency Planning Officer 27/04/21
6.	£29,368	John Grose to supply new parks vehicle (capital).	Unable to source a vehicle from any other supplier.	Approved by Director of Resources and Cemeteries and Bereavement Services Senior Co-ordinator 29/04/21
7.	£40,800	Stuart Agnew Harris Partnership To supply COVID Enforcement officer.	Tendering would take an unreasonable period of time where safety protections will not be in place.	Approved by Director of Resources and Lead Specialist: Community 17/05/21
8.	£10,000	MRI Software to record all homeless approach, prevention and relief cases	current contractor has worked with the Authority for a number of years	Approved by Director of Resources and Specialist Services Manager 24/05/21
9.	£5,660	Essex Community First Aid Event Volunteers to provide Splash Park first aid	Contract initially under the £5,000 threshold but incremental requirements exceeded the threshold.	Approved by Director of Resources and Cemeteries and Bereavement Services Senior Co-ordinator 16/06/21

(ii) that the Drawdown of Reserves detailed below be noted:

- £35,100 from the Local Development Plan (LDP) / Community Infrastructure Levy (CIL) Reserve for local housing needs application and staffing,

- £1,750 from the Economic Development Reserve to cover Maldon and Blackwater Estuary Coastal Community Team costs, and
- £706 from the Sports Development Reserve to cover the Active Maldon deficit.

160. A12 CHELMSFORD TO A120 WIDENING SCHEME - RESPONSE TO HIGHWAYS ENGLAND PUBLIC CONSULTATION ON 'PRELIMINARY DESIGN'

The Council considered the report of the Director of Strategy, Performance and Governance presenting the Council's response to the Highways England Public Consultation on the 'Preliminary Design' of the A12 Chelmsford to A120 Widening Scheme (Appendix 3 to the report) for consideration and recommendation to the Council for approval.

The report provided detailed background information regarding the work on A12 Chelmsford to A120 Widening Scheme. A letter received from Essex County Council (ECC) to this Council to draw together thoughts on the design options being discussed was attached at Appendix 1 to the report. The response to this letter from the Director of Strategy, Performance and Governance was attached at Appendix 2 and set out this Council's concerns and missed opportunities to the junction design options.

The Chairman moved the recommendation as set out in the report, advising that this would be a recommendation to the Council. This was duly seconded.

Some Member raised concerns in relation to the access from the District onto the A12, it was noted that these had been highlighted in the proposed response and how some of the proposals would result in reduced congestion in villages such as Great Braxted. The Chairman explained that these concerns were echoed by Essex County Council (ECC) and how the Council would work together with ECC and Braintree District Council to get a better link from the A12 to the Maldon District.

In response to a question the Strategy Theme Lead: Place advised that due to timescales the Committee would be recommending that the Council ratified the response to Highways England. This was noted.

The Chairman moved the proposal which was duly agreed by assent.

RECOMMENDED that the Council ratifies the response to the Highways England Public Consultation for the 'Preliminary Design' of the A12 Chelmsford to A120 Widening Scheme (as set out in **APPENDIX 1** to these Minutes).

161. WELCOME BACK FUND

The Committee considered the report of the Director of Service Delivery informing Members about the Welcome Back Fund and seeking agreement of the principles by which the Council would engage with local business groups, lower tier authorities and other relevant stakeholders to ensure maximum local impact and value for money. The report also sought agreement of the principles by which funding would be allocated and defrayed by 31 March 2022.

The Welcome Back Fund (WBF) had come from the European Regional Development Fund (ERDF) to support the safe return to high streets and help build back better from the pandemic. It also built on the Reopening High Streets Safely Fund (RHSS). The scope of the WBF was divided into six strands and these were set out in the report.

The report set out the RHSS and WBF funding that had been allocated by the Council and it was noted that following work undertaken last year the remaining budget was £145,558. The proposed allocation of these remaining monies was set out in the report.

The Chairman put the recommendations as set out in the report. This was duly seconded.

A lengthy debate ensued during which a number of comments were raised and in response to these and other points the following information was provided:

- In respect of the proposed new Specialist post to be funded, Members were advised it was common for part of the scope of Government funding to include it being able to be spent on resource to get the work done. The Strategy, Policy and Communications Manager explained that this role was essential to ensure that the monies were spent. Officers would be looking at how the Council resourced this for the future.
- There was a very tight timescale to achieve the work identified, however an action plan had been drawn up for the new post to action.
- Members were reassured that the Council would be actively engaging with businesses, communities, Town and Parish Councils and other organisations across the District to identify and prioritise needs. It was noted that ways to utilise High Streets differently would be discussed and could include making sure spaces not utilised were used differently.
- In relation to Covid, an outbreak containment management plan was expected from the Government towards the end of July. Although details of this plan were not known, it was acknowledged that there was a need to review how / replace current sign posting, stickering etc. was used in the future.
- The Council's primary focus was ensuring that the funding was spent in the right way to help and support businesses and develop the High Streets.
- It was confirmed that the fund was District wide and open to all businesses across the District. The Council would be supporting all groups and ensuring that they were made aware of the fund.
- The Strategy, Policy and Communications Manager outlined the amount of funding available to the Council and the proposed use of it.
- In response to concerns raised regarding the management of the proposed new post, the Director of Service Delivery advised the proposed new post would sit within the Service Delivery directorate, reporting to the Specialist Manager, but working closely with the Strategy, Policy and Communications Manager and her team.

In response to a comment regarding the Council having an Economic Development function, the Chairman commented that the Council had to review and identify what its structure etc. was for the next 10 – 15 years to ensure it was sustainable.

Councillor W Stamp proposed an amendment to the recommendation, that a report be brought back to the Strategy & Resources (S&R) and Performance, Governance & Audit (PGA) Committee. Following some discussion it was suggested that the plans be brought to the S&R Committee and that the PGA Committee reviewed the work every four months. It was clarified that the amendment related to recommendation (ii). The proposed amendment was duly seconded and agreed by assent.

RESOLVED

- (i) That Members note the previous and ongoing work to support our High Streets, visitor economy and business community, and the appointment of the Fixed Term post of Lead Specialist Prosperity
- (ii) That Members endorse the Welcome Back Fund Engagement Approach and Principles with reports to the following Committees:
 - Performance, Governance and Audit Committee (to receive quarterly reports on the work undertaken);
 - Strategy and Resources Committee (to receive reports on the action plan).
- (iii) That Members endorse the Welcome Back Prioritisation Principles.

Councillor C Morris left the meeting during this item of business and did not return.

162. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

163. ADVICE SERVICE CONTRACT

The Committee considered the report of the Director of Service Delivery informing the Council of the results from the procurement process for the Advice Service contract and seeking approval for award of contract.

The report outlined the procurement process that had been undertaken to let a contract for an Advice Service to ensure that the Council was able to deliver its vital service after the current contract ended in October 2021.

The Chairman moved the recommendation as set out in the report, reminding Members that this would be a recommendation to the Council. This was duly seconded.

In response to some questions the Director of Service Delivery provided Members with further information regarding the contract.

RECOMMENDED that Bidder 1 be awarded the contract for delivering an Advice Service from October 2021.

164. CONSOLIDATION OF LEASES AND LEASE EXTENSION

The Committee considered the report of the Director of Service Delivery seeking Members' consideration of a request to consolidate three current leases into one and agree a new long-term lease. Appendices A and B to the report provided details of the lease and surrounding areas.

The report detailed the current lease agreements and request received from the lease holder to consolidate these agreements into one. Members were advised that agreeing

the new lease would reduce the administration associated with the three leases and three rent reviews and bring further benefits to the Council and lease holder.

The Chairman moved the recommendations set out in the report and these were duly seconded.

In response to questions from Members the Director of Service Delivery provided further details regarding the leases including their current value, the frequency of valuations and how if Members agreed to do nothing the current lease arrangements would stand.

Councillor W Stamp proposed that recommendation (iii) be amended to give delegation to the Director of Service Delivery in consultation with the Leader of the Council and Chairman of this Committee. The amendment was duly seconded.

Councillor Miss S White proposed a further amendment that Officers review the lease agreement in terms of how often a rent review was undertaken.

The Chairman put both amendments to the Committee and these were duly agreed. Upon a vote being taken the amended recommendations were agreed.

Councillor K M H Lagan asked that his vote against the recommendations be recorded.

RESOLVED

- (i) That the Council accepts a surrender of the unexpired term of the existing leases;
- (ii) That the Council agrees to a new single lease agreement for the three areas for a term of 50 years and that Officers review the frequency of rent reviews;
- (iii) That the Director of Service Delivery be given delegation authority in consultation with the Chairman of the Strategy and Resources Committee and the Leader of the Council, to agree the annual rent figure in line with a current market valuation.

165. LEASE AGREEMENT - PARK DRIVE, MALDON

The Committee considered the report of the Director of Service Delivery seeking Members' agreement of a new 30-year lease for a location in Park Drive, Maldon.

The current lease was attached as Appendix 1 and the new lease as Appendix 2 to the report. The report provided detailed information regarding discussions undertaken by Officers and the proposed new 30-year lease.

The Chairman put the recommendations as set out in the report, this was duly seconded and agreed by assent.

RESOLVED

- (i) That the Council agrees a new lease for 30 years for an area of land at Park Drive, Maldon (as identified in the report);
- (ii) That the Director of Service Delivery be given delegated authority in consultation with the Chairman of the Strategy and Resources Committee, to

agree the annual rent figure in line with a current market valuation with annual Retail Price Index (RPI) adjustment.

166. LAND PURCHASE OPTION AGREEMENT

The Committee considered the report of the Director of Service Delivery requesting authorisation to pay an option sum to secure an option agreement on land identified in the report and Appendix 1 to the report.

Members were reminded that the Council had previously agreed for Officers to look to spend developer contributions to secure potential development sites. It was noted that the site outlined had been discussed at a recent meeting of the Finance Working Group and had been identified as having development potential for the provision of affordable housing.

The Chairman put the recommendation as set out in the report and this was duly seconded.

During the debate that followed and in response to questions from Members, Officers provided further clarification and information regarding the proposal.

RESOLVED that the option sum of £15,000 to secure an option on a potential affordable housing development site (as identified in the report), in accordance with the terms set out in the report, be agreed.

There being no other items of business, the Chairman closed the meeting closed at 9.22 pm.

R H SIDDALL
CHAIRMAN

A12 Chelmsford to A120 Widening Project Team
Highways England
Woodlands
Manton Lane
Bedford
MK41 7LW

Add date:

Your Ref: TR010060/S42(1)(b)/June/2021

Dear Sir / Madam

A12 Chelmsford to A120 Widening Scheme ('the Project')
'Preliminary Design' Statutory Consultation 22 June 2021 – 16 August 2021
Planning Act 2008 Section 42: Duty to consult on a proposed application

Maldon District Council (MDC) Members and Officers have attended all engagement sessions leading up to this 'Preliminary Design' Statutory Consultation, including technical workshops on junction design and connections to and from the A12 on the local roads network, PEIR (Preliminary Environmental Information Report) workshops, DCO and SoCC (Development Consent Order and Statement of Community Consultation) workshops and Member Forums between March 2020 and May 2021.

Concerns on certain aspects of the 'design' have been continually raised through the engagement sessions and Member Forums relating mainly to the local road network connections to the Project from within the Maldon District. The central, north and west parts of the Maldon District rely on the A414, B1018, B1019, B1022 and B1023 local road networks to connect to the A12 via Danbury on A414 to Junction 19 Chelmsford, via B1018 to Witham to Junction 22 (via B1389), via Little Braxted Lane to Junction 22, via Hatfield Peverel on B1019 Maldon Road to Junctions 20a and 20b and via Tiptree and Kelvedon on the B1022 and B1023 to Junctions 23 and 24. These existing junctions will be changed by the Project. We acknowledge the local road network is managed by Essex County Council (ECC) Highways and Transportation and not Highways England.

After the 'Preferred Route' stage, based on 'route 2', and before any 'design options' were presented, Officers informed the A12 Team, when they presented at MDC offices on 11 March 2020, that our strategic housing growth (South Maldon Garden Suburb and North Heybridge Garden Suburb) and economic regeneration at The Causeway, (Maldon District's largest employment area) rely and impact on the B1019 Maldon Road connection via Hatfield Peverel to connect to the A12. It was felt, at that early stage, that the design of the Project plus investment opportunities could be taken forward by Highways England, working with ECC Highways and Transportation, MDC and cross-boundary with Braintree District Council (DC), to improve known congestion issues at the B1019 Maldon Road / Duke of Wellington mini-roundabout in the centre of Hatfield Peverel 'village' that access / exit A12 Junctions 20a and 20b. These known congestion issues at the Maldon Road/Duke of Wellington mini roundabout to access and exit the A12 for Maldon District residents and businesses were confirmed by ECC Highways and Transportation at the 11 May 2021 'A12 Workshop – Junctions 19-25 (including local roads)', as being of some 30 years standing.

At the same meeting, MDC re-emphasised the status of Little Braxted Lane in the context of the 'design options' presented for Junction 22, that Little Braxted Lane is a 'single lane route with passing places' to access and exit the A12 from Little Braxted, Great Braxted, Great Totham and Wickham Bishops.

The Council makes the following comments to the Statutory Consultation with reference to: **A12 Chelmsford to A120 Widening, Public Consultation, Highways England, June 2021 'Consultation Brochure' and virtual exhibition material**

THE CLOSURE OF JUNCTIONS 20A AND 20B AND REPLACEMENT OF NEW JUNCTION 21 SERVING ALL LOCAL CONNECTIONS INCLUDING WITHAM, HATFIELD PEVEREL AND MALDON

Maldon District Council response:

The Council raises an objection to the preliminary design of new Junction 21. Junction 21 does not address the significant and long-standing congestion issues at the B1019 Maldon Rd/B1137 Duke of Wellington mini roundabout in Hatfield Peverel that currently access / exit junctions 20a and 20b (to be removed as part of the Project). Maldon District residents and businesses access / exit the A12 national road network from the B1019 Maldon Rd / B1137 Duke of Wellington mini roundabout. Whilst the B1019 Maldon Rd / B1137 Duke of Wellington mini roundabout falls within the local road network, it is the only way of accessing and exiting the A12 national road network.

The Council questions the logic and cost of *'a road linking the southern roundabout [of Junction 21] to Hatfield Peverel [the B1019 Maldon Rd / B1137 Duke of Wellington mini roundabout], intended as the main access between the proposed new road layout and areas to the south and west, including Hatfield Peverel and Maldon'* to a known and existing traffic congestion hot spot accessing and exiting the A12 (see diagram on page 14, Consultation Brochure).

The Council has continually raised the issue of traffic congestion in Hatfield Peverel village originating from the Maldon District at the B1019 Maldon Rd / Duke of Wellington mini roundabout. Maldon Road, Hatfield Peverel is a residential street with housing on both sides of the road with village services and facilities including 2 pubs, nursery school and a parade of shops including convenience store and dry cleaners. Access to the village primary and junior schools are off Maldon Road on Church Street.

The Council is perturbed at the lack of consideration in the Project given to investing in and improving a known congestion hotspot on the local road network originating from Maldon District residents and businesses accessing the nearest A12 national road network on the B1019 Maldon Road via Hatfield Peverel. This is in stark contrast to the consideration given by the Project to reducing the congestion in Kelvedon High Street (within Braintree District) by closing Junction 23 and with a new Junction 24 to link from the Inworth Road (B1023) to relieve Inworth (a small village) of traffic coming from Tiptree on the B1023 (within Colchester Borough).

Reasoning for the Council's response:

Hatfield Peverel Junctions 20a and 20b are the nearest junctions to access the A12 national road network from the 'Main Settlements' of Maldon and Heybridge ('Main' settlements are classified in Policy S8 *Settlement Boundaries and the Countryside*, Maldon District Local Development Plan adopted July 2017 (LDP). Maldon and Heybridge, as main settlements, have significant housing growth and regeneration projects identified in the LDP in two new Garden Suburbs: South Maldon Garden Suburb (1,428 new dwellings) and North Heybridge Garden Suburb (1,383 new dwellings) and to create 2000 new jobs in the District by 2029. The Maldon and Heybridge Central Area Masterplan Supplementary Planning Document (SPD) identifies the District's largest employment area at The Causeway, Heybridge as the focus for regeneration and investment to bring forward employment led regeneration where good transport links to the national road network are vital. Both Garden Suburbs are under construction. The North Heybridge Garden Suburb is located adjacent the **B1019** to Hatfield

Peverel and the South Maldon Garden Suburb is located adjacent the **A414** to Chelmsford via Danbury. This information was passed to the A12 Team in March 2020.

The existing Maldon District residents and businesses (and visitors) have a high reliance on the motor vehicle and local road network to access the A12 national road network (see paragraph 2, page 1).

The Maldon District has a high level of out commuting by motor vehicle and commercial/business traffic (HGVs (Heavy Goods Vehicles), LGVs (Large Goods Vehicles)) that connect to the A12 national road network via Hatfield Peverel Junctions 20a and 20b from Maldon and Heybridge. Hatfield Peverel is also the nearest connection for Maldon and Heybridge residents to the access the national rail network at Hatfield Peverel Railway Station on the Great Eastern Mainline.

The Consultation Brochure, page 4 acknowledges the significance of the Project as: *'The A12 road is an important economic link in Essex and across the east of England. It provides the main south-west/north-east route through Essex and Suffolk, connecting Ipswich to London and to the M25.'*

'The section between Chelmsford and Colchester carries high volumes of traffic, with up to 90,000 vehicles every day. HGVs are between 9% and 12% of the traffic on this section...and is an important commuter route.' These facts in the Consultation Brochure are evidenced in Census, Office for National Statistics (ONS) data and resident / business surveys for the Maldon District and underpins our response that a high proportion of 'A12 traffic' originates from within the Maldon District via the local road network to connect to the A12 via B1019 Maldon Road via Hatfield Peverel.

At an early stage in the design process, Officers asked Highways England if the mini roundabout at B1019 Maldon Road / B1137 (The Street), Hatfield Peverel has the capacity to cope with existing traffic (HGVs, vans, cars) to and from the Maldon District to connect to the A12 Junctions 20a and 20b at the centre of Hatfield Peverel village. The recent 'made' Hatfield Peverel Neighbourhood Plan highlights the issue of *'high traffic flows on Maldon Road and The Street that are both narrow roads.'* Hatfield Peverel is a small village and B1019 Maldon Road is a residential street that carries heavy traffic (HGVs, LGVs and cars) to and from the main settlements in the Maldon District: Maldon and Heybridge.

Page 12 of the Consultation Brochure: *'The proposed scheme design'* paragraph 2 states:

Our new junction 21 will provide access to the A12 both northbound and southbound and will take traffic from all directions between Hatfield Peverel Village and Witham.'

There is no mention of Maldon or Heybridge? J21 will *'take traffic'* from Maldon and Heybridge via the local road network B1019 that will access the A12 Junction 21 from the Maldon Road / Duke of Wellington mini roundabout in the centre of Hatfield Peverel village.

Page 14 of the Consultation Brochure: *New Junction 21 (between Hatfield Peverel and Witham)*, bullet point 1 states:

'A road linking the southern roundabout of the junction [21] to Hatfield Peverel, intended as the main access between the proposed new road layout and areas to the south and west, including Hatfield Peverel and Maldon.'

Page 29, Traffic, Consultation Brochure states: *'we have used traffic surveys and analysed traffic data over a large area covering the roads between Chelmsford, Colchester, Braintree,*

Maldon and beyond to create traffic models'....' to understand how drivers may respond to changes in road layouts'. The Consultation Brochure goes on to state: 'if you close a junction then it is likely that fewer drivers will continue to use the road which lead to that junction'

The Council does not support this assumption in the case of the B1019 Maldon Road / B1137 Duke of Wellington mini roundabout as the route to the new Junction 21 is not changing i.e. Maldon District residents and businesses access and exit the A12 national road network via B1019 Maldon Road / B1137 Duke of Wellington mini roundabout on the local road network to the existing Junctions 20a and 20b (both junctions closing as part of the Project) and will access and exit the new Junction 21 by the same local road network at the mini roundabout but link to the new southern arm of the new Junction 21 that continues to link to the B1019 Maldon Road / B1137 Duke of Wellington mini roundabout in the centre of Hatfield Peverel village. There are no alternative routes to the new Junction 21 on the local road network for Maldon and Heybridge residents and businesses other than the B1019 Maldon Road / B1137 Duke of Wellington mini roundabout!

The Consultation Brochure, pages 30-33 evidences '*current and future congestion* [on the A12] *if nothing is done*. With reference to the junctions 20a and 20b, most of this 'traffic' originates from the Maldon District accessing and exiting the A12 at Hatfield Peverel via Maldon Road on the B1019 / Duke of Wellington mini-roundabout junction. Unfortunately, the diagram does not acknowledge that Maldon and Heybridge in the Maldon District exist as main settlements on the local road network, despite being considered as a destination / origin to and from the A12 national road network in the design of Junction 21. This is an unacceptable omission in the Consultation Brochure considering the input Maldon District Council officers and Members have given to the Project.

The diagrams on pages 30 and 31 present the current AM peak and PM peak at existing Junctions 20 and 20b at '*85% close to or beyond capacity*'. It must be acknowledged that the current congestion on the A12 at junctions 20a and 20b originates from the Maldon District. This is because Hatfield Peverel has a population of approx. 4,000 and Maldon and Heybridge have a combined population of approx. 23,000 plus the Maldon District's largest employment area at The Causeway, Heybridge carrying significant business and commercial traffic through Hatfield Peverel to access the A12 junctions at 20a and 20b. The known congestion at the Maldon Road B1019 / Duke of Wellington mini roundabout will continue as part of the Project.

The diagrams on pages 32 and 33 present the predicted congestion on the road in 2042 without the scheme [the Project]. For the reasons set out above, the main settlements in the Maldon District that access and exist the A12 national road network from local roads must be represented on the diagram and that the B1019 Maldon / B1137 is the only access and exit point to the new Junction 21?

During the engagement and technical workshops to finalise the 'preliminary design', Highways England '*investigated possible improvements at the Maldon Road / Duke of Wellington mini roundabout*' to access the new Junction 21 in acknowledgement of existing congestion, air quality and safety concerns at the Maldon Road / Duke of Wellington mini-roundabout (HGVs, LGVs, Cars etc.) and presented these at technical workshops:

- '*signalised T-Junction arrangement*;
- '*two lane approaches for 30m / 50m stacking capacity*';
- '*two lanes for The Street approach from J21 with 30m stacking capacity*';

- *one lane approach from Hatfield Peverel and Maldon Road approaches; and*
- *signalised T-Junction arrangement with banned turning movements’.*

It remained unclear what improvements to the existing Maldon Road / Duke of Wellington mini roundabout would be taken forward to public consultation and who would be responsible for delivery, ECC or Highways England? These ‘improvements’ still resulted in a Level of Service (LOS) F grading at the Maldon Road / Duke of Wellington mini-roundabout junction to access the A12. Is it appropriate to urbanise a small rural village with such significant traffic management ‘improvements’?

The Consultation Brochure, pages 36-39 set out the ‘traffic model’ predicting two-way traffic flows AM and PM when the Project opens *‘taking into account predicted housing and economic growth between now and when the scheme opens’.*

The southern arm of the new Junction 21 will see an increase in traffic [Point 4] from 466 to 1117 AM and from 409 to 1102 PM an increase in traffic of 140% and 169% respectively. This increase in traffic will be funnelled via the B1019 Maldon Road/Duke of Wellington mini roundabout.

Maldon Road, Hatfield Peverel [Point 5] on the approach to Maldon Road / Duke of Wellington mini roundabout traffic flow will not change significantly from 984 to 1005 AM and 1079 to 1093 PM. As detailed above, there will be no alternative route to Junction 21 but this predicted two-way traffic flow data does acknowledge that a significant flow of traffic originates from the Maldon District to Hatfield Peverel to access the A12 at the B1019 Maldon Road / Duke of Wellington mini roundabout.

ECC, Braintree District Council and MDC continued to press for a sensible, timely and appropriate solution to design Junction 21 and combat the significant congestion issues at the B1019 Maldon Road / Duke of Wellington mini roundabout to access the A12 from Hatfield Peverel village. Highways England stated at the workshop on 11 May 2021: *‘the design of the new junction 21 will not preclude a future ‘Maldon link road/Hatfield Peverel bypass’.*

The Consultation Brochure, page 41 states: *‘Due to projected growth in the area, the junction with The Street and Maldon Road may struggle to work adequately in the future’.*

JUNCTION 22 (COLEMAN’S BRIDGE)

Maldon District Council Response:

The Council objects to the design of Junction 22 in consideration of access to and from the A12 within the Maldon District via Little Braxted Lane which is a single lane route with passing places and single lane bridge crossing (Grade II Listed). Little Braxted Lane is suitable for cars and small vans only and not HGVs. The Project should consider improvements to the local road network.

Reasoning for the Council’s response:

Maldon District residents and businesses in Little Braxted, Great Braxted and Wickham Bishops access and exit the A12 national road network via Little Braxted Lane.

The route to Junction 22 is not changing i.e. Maldon District residents and businesses access and exit the A12 national road network via Little Braxted Lane on the local road

network. There are no alternative routes to Junction 22 on the local road network for these residents and businesses.

The Consultation Brochure, pages 30-33 evidences '*current and future congestion* [on the A12] *if nothing is done*'. With reference to Junctions 22, the diagram does not acknowledge that Little Braxted Lane exists as the only route for Maldon District residents and businesses to access and exit the A12 road network despite being considered as a destination / origin to and from the A12 national road network in the design of Junction 22. This is an unacceptable omission in the Consultation Brochure considering the input Maldon District Council officers and Members have given to the Project.

The diagrams on pages 30 and 31 present the current AM peak and PM peak at existing Junction 22 at '*85% close to or beyond capacity / 71% - 85% nearing capacity*'. It must be acknowledged that the current congestion on the A12 at Junction 22 originates from the Maldon District.

The diagrams on pages 32 and 33 present the predicted congestion on the road in 2042 without the scheme [the Project] at '*85% close to or beyond capacity*'.

The Consultation Brochure, pages 36-39 set out the 'traffic model' predicting two-way traffic flows AM and PM when the Project opens '*taking into account predicted housing and economic growth between now and when the scheme opens*'.

Little Braxted Lane [Point 2] will see an increase in traffic from 180 to 249 AM and from 134 to 370 PM, an increase in traffic of 38% and 176% respectively.

The Consultation Brochure, page 41 states: '*The proposed new Junction 22 provides a direct access to Little Braxted Lane and in the future, it is expected that traffic will increase on Little Braxted Lane*'.

The Council considers improvements are needed now to the local road network to accommodate the Project and not as an afterthought. See below.

Junctions 23 (Kelvedon South Interchange) and Junction 24 (Kelvedon North) Kelvedon/Feering: the removal of junctions to the north and south of the villages and these and Tiptree served with a new junction off the Inworth Road. Also, the potential for a future junction to serve the RIS 3 scheme for the A120

The Council questions the Project to relieve the impact of Tiptree traffic through Kelvedon High Street and Feering with a new junction off the Inworth Road to Hatfield Peverel needing a Maldon link road / Hatfield Peverel bypass from the new proposed Junction 21.

The Project should relieve the impact of Maldon and Heybridge traffic impacting on the Maldon Road / Duke of Wellington mini roundabout in the centre of Hatfield Peverel village and improve connectivity for Maldon District residents and businesses to the national road network.

Local Growth proposals

The Council is reviewing its LDP that commenced March 2021 – 2023 and published a 'Call for Sites' consultation that ran to 21 May 2021 to allocate potential sites in a new LDP. The ECC / MDC LDP Review Liaison Group will be meeting regularly every 6 - 8 weeks from 19 May 2021 to discuss transportation and highway matters associated with existing and future local growth proposals.

Sustainable Transport

The Council continues to work with ECC, South Essex Local Enterprise Partnership (SELEP) and Transport East on sustainable transport options to relieve the environmental impacts of the District's high reliance on the motor vehicle by residents, visitors and businesses.

Air Quality / Environmental Mitigation

The Council is concerned at the recent (November and December 2019) declaration of Air Quality Management Areas in Maldon and Danbury, both on the A414. Whilst we acknowledge the Project will alleviate some congestion on local roads (caused when the A12 is closed), the District's residents and businesses rely on all of these local roads to connect to the A12 national road network.

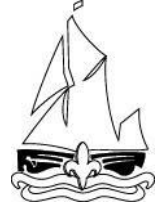
This Council is concerned at the environmental impacts of congestion and pollution in Hatfield Peverel village originating from the Maldon District. How can we improve local air quality caused by congestion and queuing traffic on local road connections if the local road connections are not improved to connect to the A12?

The Council declared a Climate Emergency in February 2021 and is preparing a Climate Action Strategy and must contribute to reducing greenhouse gas emission by 2030. The Council has serious concerns to be able to reduce the environmental impacts of traffic congestion and pollution existing on the local road networks if the Project does not ensure an improved situation to connect to the A12 national road network for the future.

These thoughts and concerns have been repeatedly raised through engagement with Highways England, ECC and neighbouring Authorities and should be at the heart of the Project rather than leave a current situation to get worse before something is done.

Signed

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**MINUTES of
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE
29 JULY 2021**

PRESENT

Chairman	Councillor Mrs J C Stilts
Councillors	M R Edwards, Mrs J L Fleming, CC, M S Heard, A L Hull, S P Nunn and E L Stephens
In attendance	Councillors C Morris and N J Skeens

181. CHAIRMAN'S NOTICES

The Chairman welcomed all present and took the Committee through some housekeeping arrangements for the meeting.

182. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R G Boyce and K W Jarvis.

183. MINUTES

RESOLVED by assent that the Minutes of the meeting of the Committee held on 25 March 2021 be approved and confirmed.

184. DISCLOSURE OF INTEREST

Councillor J L Fleming declared a non-pecuniary interest as a Member of Essex County Council in relation to any items on the agenda pertaining to that organisation.

185. PUBLIC PARTICIPATION

No requests had been received.

186. INTERNAL AUDIT REPORTS:- PROGRESS REPORT; AFFORDABLE HOUSING & HOUSING NEED AUDIT; KNOWLEDGE MANAGEMENT AUDIT AND FOLLOW-UP OF RECOMMENDATIONS REPORT

The Committee considered the report of the Director of Resources and associated appendices that covered four reports from the Internal Auditors BDO LLP namely, the *Progress Report*, *Affordable Housing & Housing Needs Audit*, *Knowledge Management Audit* and the *Follow-up of Recommendations Report*.

The Chairman introduced the reports and deferred to the Internal Audit Partner to present the detail. He took the Committee through the four reports in turn, starting with the *Progress Report*. He advised that the *Fraud Risk Audit* would be submitted to the next meeting, that a number of areas in the work plan for 2021/22 were now underway and that the Climate Change and Sustainability Strategy Audit had been moved to 2022/23. This was to allow for development of new sustainability strategies and plans to be completed before undertaking an Audit, thus ensuring a meaningful exercise.

Addressing the *Housing Needs and Affordable Housing Audit* he reported the key findings. The level of assurance was moderate on both design and effectiveness with good processes in place for putting together a strategy and identifying housing needs. Following a slow start, due to fewer schemes online at the introduction of affordable housing targets, the Council had since exceeded its target in 2018/19 and 2021/22. There was still work to be done to ensure the Council met its target year on year, the Housing Service Business Plan should be finalised and disseminated to all staff and a strategy put in place to manage S106 spend. It was noted that overall the response from Officers was positive and that COVID 19 had adversely impacted delivery rates in some areas.

The level of assurance on the *Knowledge Management Audit* was moderate in both design and effectiveness. The key findings included good processes in place in terms of identifying and documenting efficiencies and ensuring staff engagement. The next steps should include robust documentation of the prioritisation process and updating the Business Continuity Plan, in particular updating the lead officers.

With reference to the Follow-up of Recommendations report it was noted that three recommendations had been signed off and two were still overdue since the last iteration of the report. The overdue recommendations were Building Control and Flooding Risk Management. The Committee was reassured that since the resource issue had been resolved the Building Control work was underway with a revised completion date of September 2021. The Flooding Risk Management recommendation had a revised completion date of December 2021.

At this point the Chairman moved the recommendations in the report and these were seconded by Councillor Nunn. The Chairman then opened the debate.

In response to questions Officers provided the following information:

- That whilst the Council had exceeded its affordable housing targets in both 2018/19 and 2021/22 these were not consecutive years. The aim must be to consistently meet targets in each year of the Housing Strategy period. It was clarified that the Management Response was available on page 29 of the meeting pack.
- That now the vacancy had been appointed to in Building Control work was back on track and the audit recommendation would be implemented in September 2021.
- That Climate Change and Sustainability was one strategy. The aim was to provide enough lead in time to develop the strategy therefore it was more effective to move the completion date to 2022/23 when there was a concrete strategy to audit.
- That although the Housing Strategy was initially slow in meeting affordable housing targets there had been a marked improvement in the last three years, therefore, it was deemed on track to deliver planned targets.

- That the rumours about London Boroughs buying up affordable housing in the district was unfounded. That on the strategic sites residents had 100% nomination rights to affordable units.
- That the figures on completed and expected units (both 2021 and previous years) were maintained by Housing who continuously monitored, in liaison with Housing Associations and Developers, each step of the development on units. Those figures were then relayed to the Section 106 Officer who in turn reported on a bi-annual basis to this committee.

The Chairman then put the recommendations to the Committee and they were agreed by assent:

RESOLVED by assent that the Committee considered, commented and approved the:

- (i) Internal Audit Progress Report - July 2021 at appendix 1;
- (ii) Affordable Housing & Housing Need Audit – July 2021 at appendix 2;
- (iii) Knowledge Management Audit – June 2021 at appendix 3;
- (iv) Follow-up of Recommendations Report – March 2021 at appendix 4.

187. INTERNAL AUDIT - ANNUAL REPORT AND STATEMENT OF ASSURANCE 2020/21

The Committee considered the report of the Director of Resources together with the Internal Audit – Annual Statement of Assurance 2020/21 from BDO LLP attached at Appendix 1.

The Chairman deferred to the Internal Audit Partner to present the detail. He reported that the level of assurance of moderate was their second highest level of assurance on governance risk and control. On the whole he felt that looking at the individual opinions there was an improvement on last year with no limited opinions. This was a very positive conclusion despite the constraints of Covid and the pressures on staff. Given there were still some issues to address the Committee's attention was drawn to the 'Themes' section within the report where areas the Council might benefit focussing on had been summarised. It was acknowledged that there were ongoing challenges due to Covid, but overall plan delivery was on track.

The Chairman then moved the recommendation and this was seconded by Councillor Nunn.

In response to a query regarding the issue of limited opinion reports the Internal Audit Manager clarified there had been no limited opinion reports issued for this year ending 31 March 2021, however, as outlined in the report, one had been issued for 2019/20.

There being no further queries the Chairman put the duly seconded recommendation to the committee and it was agreed by assent.

RESOLVED by assent that the Committee considered, commented and approved the Internal Audit Annual Report and Annual Statement of Assurance 2020/21 at appendix 1.

188. EXTERNAL AUDIT - AUDIT PLANNING REPORT TO 31 MARCH 2021

The Committee considered the report of the Director of Resources together with the External Audit Planning report to March 2021 from Deloitte LLP, the Council's External Auditor attached at Appendix 1.

The Chairman introduced the report and deferred to the Audit Partner from Deloitte LLP to present the detail. The Audit Partner commenced by reminding Members that the work he carried out was in accordance with the Code of Audit Practice and supporting regulations which were published by the National Audit Office (NAO). The scope of the work included the audit of the accounts along with being satisfied that the Council had made proper arrangements for securing Value For Money (VFM). There had been significant changes to the code with respect to VFM which were set out in detail in the report. The materiality level used had been set on a consistent basis as in previous years and all areas over £60,000 were reported. He said that the pandemic had continued to impact the audit in terms of the risk profile as well as the way it was conducted and this was also detailed in the report.

There were two significant risks focussed on this year, the first was management override of controls, areas focussed on were preparation of accounting estimates, looking at inappropriate journal entries and transactions with no economic substance. The second was the recognition of Covid – 19 related income. There were a number of new grants with significant value that were accounted for in different ways. Additional areas of focus included pension liability and the valuation of property, plant and equipment..

The Chairman then moved the recommendation and this was seconded by Councillor Nunn.

In response to questions Officers provided the following information:

- That the pension scheme was administered by Essex County Council (ECC) and the Local Government Pension Scheme (LGPS) made the investment decisions. However, pension figures provided by ECC to Maldon District Council were impacted by those LGPS decisions. It was therefore imperative that the figures were audited to ensure they were correct as they constituted a large net liability on the Council's balance sheet..
- That in respect of the External Auditor's fees a number of discussions had taken place with the External Auditors and a briefing note circulated to all Members of the Committee. The scale fees were set some years back subject to fee variations and due to the nature and increases in audit requirements which had been substantial, those scale fees had seen a lot of increase. The current fees had been reduced through initial discussions. Once the Audit had been concluded the Auditor would submit the fees to the Public Sector Audit Appointments Limited (PSAA) who will review and give judgement on those. They will also liaise with the Council so we can put our views across. The PSAA benchmark across all local authorities' audits but the actual fee will not be agreed until the audit has been completed.. The Briefing Note will be re-circulated.
- That those uncorrected misstatements reported related to last year's accounts, they were below materiality, so no adjustments. The Valuation of the office related to the overflow carpark where there was a double count including the carpark twice. That in terms of the Mc Cloud Judgement, which related to the pension scheme, there was a late adjustment to the original pension value but because of the size of the scheme and the fact it was an estimate, this was not adjusted when subsequent information was received from the actuaries around the impact of the Mc Cloud judgement on the scheme.

There being no further queries the Chairman put the recommendation to the Committee and it was agreed by assent.

RESOLVED by assent that the Committee considered the External Audit Planning report as shown in appendix 1.

189. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

There were none and the Chairman thanked all in attendance for their contributions prior to closing the meeting.

The meeting closed at 8.10 pm.

MRS J C STILTS
CHAIRMAN

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**MINUTES of
JOINT STANDARDS COMMITTEE
17 AUGUST 2021**

PRESENT

Chairman	Councillor M G Bassenger
Vice-Chairman	Councillor Mrs J L Fleming, CC
Councillors	Miss A M Beale, C Mayes, S P Nunn and R H Siddall
Town Councillor	Councillor P Stilts
In attendance	Mr John Mitchell, the Independent Person

210. CHAIRMAN'S NOTICES

The Chairman opened the meeting, welcomed Mr John Mitchell the new Independent Person to his first Joint Standards Committee and invited all present to introduce themselves for his benefit. He then took the Committee through some housekeeping arrangements for the meeting.

211. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor R P F Dewick and K W Jarvis.

212. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the Joint Standards Committee held on 22 February be received.

Minute 274- Complaint Against Councillor – Next Step

It was noted that the typographical error in paragraph 5, second sentence 'thiw as', should read as 'this was'.

RESOLVED

- (ii) that subject to the above amendment, the Minutes of the Joint Standards Committee held on 22 February 2021 be agreed.

213. DISCLOSURE OF INTEREST

There were no disclosures.

214. CONSULTATION ON COMPLAINTS PROCESS AND AMENDMENTS TO THE ARTICLES FOR STANDARDS ARRANGEMENTS

The Committee considered the report of the Monitoring Officer together with Appendix 1 that detailed the response to the consultation on the complaints process resulting in amendment to Article 7 of the Constitution. The Committee were asked to agree Recommendation to Council to approve the amendments to Appendix 1.

The Chairman introduced the report and deferred to the Lead Legal Specialist and Monitoring Officer to present the detail. He provided background to the report in that some Members had raised concerns regarding the Member complaints process and it was suggested by the Leader of the Council that an email consultation to canvass all Members' views be undertaken. It was noted that the response from Members was set out at paragraph 3.1 of the report and the Monitoring Officer's response to each of those was set out at a) to j) in paragraph 3.2 of the report. Those responses had resulted in a change to the Article 7 Complaints Process, which forms a part of the Constitution. Appendix 1 to the report outlined those tracked changes that the Committee were being asked to consider for recommendation to Council based on responses received.

There were a few other matters not included in the report that weren't the subject of member comment during the consultation, firstly as shown at Appendix 1, Stage 1 paragraph 5 this had been changed to 'Formal Investigation' to remove the process of the Monitoring Officer (MO) referring an item to the Joint Standards Committee (JSC) to determine if it should be investigated and whether it should be external, as this was a matter for the MO to decide and not JSC. The other matter related to the inclusion of the 'Public Interest Test' as a footnote at the end of Appendix 1. This addition had been agreed by JSC in January 2021 and provided the criteria that informed whether an investigation take place or not. For transparency this was also available to the public.

The Chairman then opened the debate and a lengthy discussion took place.

An issue was raised regarding the application of political balance rules in respect of the JSC and the Monitoring Officer provided legal advice. Members then went on to discuss in detail the amendments as a result of the consultation together with further amendments as follows:-

- That in respect of changes in Section 1 'Composition', paragraph c) relating to seeking nominations from parishes/town councils Councillor Nunn proposed *that an email be sent from Maldon District Council to all Parish Clerks asking for nominations by an agreed deadline, this to include the Terms of Reference for the Joint Standards Committee (JSC). Should nominations for representatives and substitutes not be forthcoming the fall-back position was to engage with the two respective Town Councils, Maldon Town Council and Burnham-on-Crouch Town Council.* This was seconded by Councillor Siddall. The Chairman put the proposal to the Committee and it was agreed by assent.

In respect of the above agreed change it was noted that the Essex Association of Local Councils (EALC) was content not to have nomination powers.

- That in respect of changes at **Stage II**, under 'BREACH', the existing first bullet point be amended to read *'Following investigation the MO/IP consider and pursue informal resolution with a subsequent report to the Joint Standards Committee for information'*. This was a joint proposal by Councillors Nunn and Siddall, duly seconded by Councillor Mayes. The Chairman put this proposal to the Committee and it was agreed by assent.

- That with reference to Section 1 'Composition', paragraph d) Councillor Siddall proposed *the Independent Person be appointed for a term of four years only*. This was seconded by Councillor Mayes. The Chairman put the proposal to the Committee and it was lost.
- That in respect of changes at **Stage I**, paragraph 4, Councillor Mayes proposed that the following be added to the second sentence '*within 15 working days of receipt of the complaint...*'. This was seconded by Councillor Siddall. The Chairman put the proposal to the Committee and it was agreed by assent.
- That in respect of changes at **Stage I**, paragraph 5, Councillor Mayes proposed that the second bullet point be merged with the third to read '*Informal Resolution which may include reference to Political Group Leader...*'. This was seconded by Councillor Siddall. The Chairman put the proposal to the Committee and it was agreed by assent.
- That in respect of changes at **Stage I**, paragraph 5, bullet point 5 'Formal Investigation' Councillor Nunn proposed that this be amended to read '*Formal Investigation to be commenced within 5 working days of the receipt of the request and concluded in a timely manner*'. This was seconded by Councillor Siddall. The Chairman put the proposal to the Committee and it was agreed by assent.

There being no further amendments or discussion the Chairman moved the recommendation which was duly agreed by assent.

RECOMMENDED that the Council approve the changes to the Articles of the Constitution, Article 7- Standards Arrangements and especially to the complaints process (as set out in **Appendix 1** to these Minutes).

215. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

The meeting closed at 2.11 pm.

M G BASSENGER
CHAIRMAN

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PART 2 – ARTICLES OF THE CONSTITUTION

ARTICLE 7 – STANDARDS ARRANGEMENTS

CONTENTS

1. **Composition**
2. **Roles and Functions of the Joint Standards Committee:**
3. **Procedural Arrangements:**
4. **Code of Conduct Complaints Process – Written Summary**

The Council has established a Joint Standards Committee with all Parish and Town Councils in the Maldon District.

1. COMPOSITION

- a. The Joint Standards Committee consists of eight elected Members of Maldon District Council and two Local Council representatives and one Independent Person. The Independent Person (or Reserve) - shall be notified of and invited to attend meetings and may participate in the discussion. The Independent Person has no voting rights.
- b. Maldon District Council Members will be appointed at the Annual Meeting of the Council in line with the rules on political proportionality.
- c. Local Council Member representatives will be nominated (including substitutes) through the process of contacting all Parish Clerks asking for nominations by an agreed deadline, with the invitation attaching the Terms of Reference for the Joint Standards Committee (JSC). Should nominations not be forthcoming the fall-back position is to invite the , Maldon Town Council and Burnham-on-Crouch Town Council to nominate. The representatives will act as co-opted members (without voting rights) and serve for a period of no more than two years subject to remaining elected and pending further nomination.
- d. Independent Persons will be appointed by Council. Independent Persons shall be appointed for a period of four years, with the option of re-appointment for a further four years; no Independent Person may serve more than two terms of office.

The current Independent Person is ~~Mr N Hodson~~John Mitchell and the reserve Independent Person is ~~Mr S Anthony~~Kathy Payne.

- e. Group Leaders may not be members of the Committee.
- f. The Chairman and Vice-Chairman of the Committee shall be elected at the first and special meeting of the Committee held on the day of the Annual Meeting of the Council. The Chairman and Vice-Chairman shall not be appointed from the same political group.
- g. The Vice-Chairman shall deputise for the Chairman in his or her absence.
- h. The quorum for meetings of the Committee shall be three voting Members.

PART 2 – ARTICLES OF THE CONSTITUTION

- i. Substitutes shall be permitted for District Council Members to maintain political balance, and named substitutes as nominated by the ~~EALC~~ the Parish Councils shall be permitted for Local Council Members.

2. ROLES AND FUNCTIONS OF THE JOINT STANDARDS COMMITTEE:

- 2.1 The Joint Standards Committee will promote and maintain high ethical standards of conduct by Councillors in the District of Maldon. It will hold Councillors to account where it determines that Councillors' conduct has fallen short of what is to be expected or otherwise required of them pursuant to the applicable Council's adopted Code of Conduct. Further details on the role and functions of the Joint Standards Committee are set out elsewhere in this part of the Council's Constitution.

3. PROCEDURAL ARRANGEMENTS:

- 3.1 The Joint Standards Committee will conduct its proceedings in accordance with the relevant Procedure Rules set out in Part 4 of this Constitution and the adopted Conduct Complaint Process set out below. The Committee will meet as and when required.
- 3.2 When dealing with matters deemed to be private / confidential where the public is to be excluded from the meeting, it is essential that the Committee's work is confined to the Members of the Committee only at the time, and circulation of papers will be restricted accordingly. Notwithstanding Procedure Rule 19 and the general acceptance of the practice which enables Members to attend meetings of other Committees, private sessions of meetings of this Committee should proceed only with the appointed Members, the Independent Person and required support of Officers present.

4. CODE OF CONDUCT COMPLAINTS PROCESS – WRITTEN SUMMARY

Stage I

1. If a complaint has been made by an Officer of the District Council against a District Councillor, it shall not normally be referred to the Monitoring Officer (MO) unless it has first been dealt with under the Member / Officer Relations Protocol.
2. Upon receipt of complaint, an initial assessment within 5 working days will be undertaken by the MO to establish the exact nature of the complaint and whether there is a potential breach of the Code of Conduct.

Informative: It is the normal practice of this Council to disclose the identity of the complainant to the councillor who is the subject of the complaint unless there are good reasons for the identity of the complainant to remain confidential.

3. All complaints will be acknowledged and the Councillor complained of notified within five working days of receipt. The MO shall send a copy of this complaints process to the Councillor. The Leader of the Council will be notified of all complaints against District Councillors and generally kept advised.

PART 2 – ARTICLES OF THE CONSTITUTION

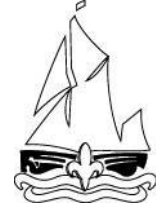
4. The MO will seek further information as required from either the Councillor complained of or the complainant within ~~15-10~~ working days of receipt of the complaint. If the subject Councillor declines to co-operate with the MO within 15 working days of receipt of the complaint without good reason, then the MO may move directly to consult with the Independent Person (IP) – this in itself could constitute a separate breach of the Code of Conduct.
5. The MO will then consider the complaint in discussion with the IP and reach a conclusion as to the likelihood of a breach of the Code and a way forward taking into account the public interest test (see below as a footnote). A conclusion will normally be reached within ~~25-15~~ working days of receipt of the complaint, and the respective parties notified. Options for conclusion at this stage are:
 - No further action.
 - ~~Refer to Political Group Leader for action (MO / IP to reconsider if no action taken).~~
 - ~~Informal resolution, which may include reference to Political Group Leader for action (MO / IP to reconsider if no action taken).~~
 -
 - Refer to Police (if potential criminal issues involved).
 - ~~MO / IP decide to put straight to **investigation** (internal) and then Stage II **Hearing**. Formal investigation to be commenced within 5 working days of the receipt of the request and completed in a timely manner~~
 - ~~Move to Stage II (with or without further discussion with parties to complaint).~~

Stage II

- ~~Refer to Joint Standards Committee (JSC) – two possible decisions / outcomes:~~
 - ~~**Investigation** (and Group Leader informed).~~
 - ~~No further action (all parties including IP to be notified immediately and rationale / detailed reasoning to be provided within 10 working days of the decision).~~
- Formal **Investigation** investigation outcomes:
 - NO BREACH
 - No further action.
 - Copy of report and findings to all parties including IP.
 - Report to JSC members for information.
 - BREACH

PART 2 – ARTICLES OF THE CONSTITUTION

- Following investigation the MO / IP consider and pursue possible informal resolution with a report afterwards to JSC for information
 - **JSC Hearing to determine if there is a breach of the Code of Conduct and to impose any sanctions** (which may also be convened ~~to hear outcome of Stage I investigation by MO or if there is~~ a failure to achieve informal resolution under Stage II)
- Hearing findings to be notified to all parties immediately and any rationale/detailed reasoning for decision to be provided within ~~10-7~~ working days of the hearing. Decision notice to be published on Council's website as soon as is practicable after notification if there is a breach of the Code of Conduct. In the case of a finding of no breach the decision notice shall only be published at the request of the Councillor the subject of the complaint.
- Public Interest Test (footnote)
- The seriousness of the alleged breach taking into consideration that minor breaches do not always require that action should be taken and if an individual incident is deemed minor whether it forms part of a pattern of behaviour;
 - Whether the complaint is politically motivated or is "tit for tat";
 - When the alleged conduct took place and whether it could be fairly investigated;
 - Whether the Councillor is still in office;
 - whether the member deliberately sought personal gain for themselves or another person at the public expense
 - whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to another
 - whether the breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity



**REPORT of
DIRECTOR OF STRATEGY PERFORMANCE AND GOVERNANCE**

**to
COUNCIL
2 SEPTEMBER 2021**

STATEMENT OF COMMUNITY INVOLVEMENT

1. PURPOSE OF THE REPORT

- 1.1 The draft Statement of Community Involvement (SCI) sets out how the Council will consult with stakeholders and the community on planning policy consultations, neighbourhood plans and planning applications. The six-week consultation has finished, and the responses received have informed revisions to the draft SCI. Council is now requested to adopt the SCI (at **APPENDIX 1**).

2. RECOMMENDATION

That the Council adopts the 2021 Statement of Community Involvement (**APPENDIX 1**).

3. SUMMARY OF KEY ISSUES

- 3.1 The Statement of Community Involvement (SCI) sets out how the Council will consult on planning policy issues, planning applications and neighbourhood plans. The SCI was adopted by Council in 2018. It is considered appropriate that the SCI should be reviewed now in line with the forthcoming Local Plan review, and to reflect changes in methods of communication and engagement.
- 3.2 The draft SCI was approved for public consultation by the Strategy and Resources Committee on 15 June 2021 (Minute No. 104 refers). A six-week consultation followed. All the individuals and organisations on the LDP mailing were notified of the consultation (1,093 people and organisations). It was also publicised through social media, on the Council's website and a public notice in the Maldon and Burnham Standard.
- 3.3 Twenty-nine responses were received, ten by email and 19 on the online comments form provided for this consultation. Responses were received from:
- Transport for London;
 - Natural England;
 - Historic England;
 - Mid Essex Clinical Commissioning Group / Mid and South Essex Health and Care Partnership;
 - Essex County Council;
 - Wickham Bishops Parish Council;
 - Althorne Parish Council;

- Purleigh Parish Council;
- 21 Individuals.

3.4 The responses received are summarised in the Statement of Consultation (at **APPENDIX 2**). Officers have carefully considered all of the comments received and have responded to the main relevant issues and common issues raised in the consultation responses. The responses have been taken into account in revising the SCI. Changes made to the SCI as a result of the consultation are detailed in the Statement of Consultation.

4. CONCLUSION

4.1 The draft revised SCI was published for public consultation for a period of six weeks to allow for stakeholders and members of the public to comment and provide input to the SCI. The SCI has been amended as a result of the responses received. The SCI is now before Council for adoption.

5. IMPACT ON STRATEGIC THEMES

5.1 The SCI supports all the Place, Prosperity and Community outcomes (1 to 13) in the Corporate Plan, through the use of technology (outcome 17) and meaningful engagement (outcome 18).

6. IMPLICATIONS

- (i) **Impact on Customers** – SCI provides clear information on how customers will be consulted on planning matters and how to make comments. This will enable communities to better engage with the planning system.
- (ii) **Impact on Equalities** – The SCI is not intended to benefit any one particular group. As such, the SCI is relevant to everyone who will live, work and visit the District
- (iii) **Impact on Risk** – The SCI reflects the statutory consultation requirements. Legislation requires that Local Plans are prepared in conformity with an adopted SCI, by reviewing and updating the SCI now, ensures that it reflects the current statutory consultation requirements, and provides a framework for future LDP consultations.
- (iv) **Impact on Resources (financial)** – There are no direct financial implications associated with the report.
- (v) **Impact on Resources (human)** – There are no direct human resources associated with the report.
- (vi) **Impact on the Environment** – Focusing on digital engagement may reduce natural resource use. However, no consultation process is without a degree of environmental impact.
- (vii) **Impact on Strengthening Communities** - SCI provides clear information on how customers will be consulted on planning matters and how to make comments. This will enable communities to better engage with the planning

system. Strengthening the procedures for community involvement will help to enable thriving communities.

Background Papers: None.

Enquiries to: Leonie Alpin, Specialist Local Plan.

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Maldon District Council

2021 Statement of Community Involvement

September 2021

(temporary front cover)

IMPORTANT

Due to the Covid-19 health emergency, the rules for publicity and availability of documents has temporarily changed.

Local Development Documents:

Draft planning policy documents, such as a Local Plan, Neighbourhood Plan or Supplementary Planning Document will not be available for inspection at the Council's offices or other locations in the District. Neither will hard copies of documents be available. These temporary changes will apply until 31 December 2021, unless the regulations change.

Development Management and Listed Building consents:

The Regulations provide temporary flexibilities for local planning authorities, the Secretary of State or inspector, applicants or appellants (as applicable) to use alternative methods if they are not able to comply with the usual requirements to publicise information or provide a physical address where documents can be inspected or copies obtained because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus. Alternative methods of publicity can include use of social media and other forms of electronic communication and the documents may be made available on a website. These temporary changes will apply until 31 December 2021, unless the regulations change.

The regulations also extend temporary flexibilities in relation to publicity for planning applications (relating to site notices, the sending of notices to individuals and local newspaper notices) until 30 June 2021.

The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020

<https://www.legislation.gov.uk/uksi/2020/505/contents/made>

Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020 available at:

<https://www.legislation.gov.uk/uksi/2020/1398/contents/made>

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Introduction

Background

- 1.1 **This Statement of Community Involvement (SCI) sets out what consultation will take** place when we are developing and reviewing our planning documents and determining planning applications. It also provides information on the support the Council can give to communities preparing neighbourhood plans or neighbourhood development orders.
- 1.2 The planning system affects all communities and individuals in one way or another. It is therefore crucial that local people are given the ability to understand the planning process and the opportunity to participate in the Plan and decision making processes, offering their ideas and influencing future development in the District.
- 1.3 Local Authorities are required to update their SCI every five years. Therefore, the Council reviews the SCI on a regular basis to ensure its approach to community involvement remains both efficient and effective. Maldon District Council adopted its first Statement of Community Involvement in 2007; this 2021 SCI is the third update. The SCI complies with the Regulations and supports modern channels of communication between the Council, the residents and businesses of the District it serves. Once adopted, this SCI will replace the 2018 SCI and its 2020 Covid-19 addendum.
- 1.4 The community can get involved in local planning matters through the following:
 - Commenting on planning applications;
 - Commenting on draft Planning Policy documents;
 - Contributing towards the creation of a Neighbourhood Plan,
 - Notifying the Council about breaches of planning control.
- 1.5 The SCI will be used as a framework for consultation and engagement by the Council to help guide approaches to consultation for the production of planning policy documents and planning applications.

Please note, no policy in this statement shall apply if, as the result of an epidemic/pandemic, advice from the Government or the Director of Public Health is issued which makes it impossible or inadvisable to comply with any policy in this statement.

Corporate Plan 2021-2023

- 1.6 **The SCI supports the Council's Corporate Plan. This sets out the Council's core** values; those most relevant to the SCI are:
 - Have a customer focus;
 - Be respectful to others;
 - Act ethically and with integrity;
 - Be open and transparent; and
 - Be accountable for our actions.
- 1.7 The Corporate Plan is focused on addressing the challenges faced by the District and its communities. The Plan's outcomes most relevant to the SCI are:
 - Governance – Delivering a robust corporate and political governance framework for sound decision-making
 - Technology – meeting the needs of our customers effectively and efficiently and reducing our carbon footprint by deploying appropriate technological solutions;
 - Meaningful Engagement – using engagement with our residents, businesses, partners and staff to inform our decision-making.

Consultation Principles

- 1.8 **The benefits of consultation and engagement are a better informed Council and community, leading to healthy and open relationships, and better decision making.** The Council will seek to work to high standards of public consultation by committing to the following principles outlined below.

Figure 1 - The Maldon District Consultation Principles



Open and Fair

We will give enough information and reasoning to allow you to make an informed response and we will give sufficient time for responses to be made, taking into account any statutory time requirements.

Appropriate, Meaningful and Relevant

We will deliver meaningful consultations, proportionate to their complexity, using Plain English and explaining technical terms.

Honesty and Integrity

We will be clear about the scope of our consultations, so that those responding are aware of what they are able to influence. We will clearly show how public and stakeholder views have been considered.

Equality and Diversity

We will ensure that all our consultations are fair and open, taking into account the needs of all sectors of the community relevant to the consultation.

Responsibility and Accountability

We will ensure that all comments made in relation to our consultations are considered carefully when decisions are made, where appropriate publishing reports that explain key issues raised and how the consultation influenced the decision.

New Technology and e-consultation¹

We will look to make best use of technology in the way we advertise consultations, provide information and collect comments from participants.

Climate Emergency

The Council is working on measures relating to the climate change emergency and the SCI has considered how it can contribute to this through the use of technology and reducing resource use.

How to make your comments count

1.9 **When you make comments on policy consultations or planning applications, it is important to remember that the Council can only consider planning issues in their decisions. To make your comments count, focus on planning related issues. The list below is not exhaustive, but shows some common examples:**

- Adequacy of parking/loading/turning
- Archaeology
- Climate change
- Conflict with planning policies
- Design, appearance and materials
- Disabled access
- Education impacts
- Effect on Listed Buildings and Conservation Areas
- Flooding and water management
- Green Infrastructure
- Hazardous materials
- Health impacts
- Highway safety
- Impact on nature conservation / environment
- Landscaping
- Loss of light/overshadowing
- Loss of privacy/overlooking
- Loss of trees
- Noise and disturbance resulting from use, including comings and goings
- Previous planning decisions (including appeal decisions)
- Proposals/policies in the Development Plan
- Residential amenity
- Road access
- Smells (fumes/odour)

¹ Weblinks in this document were correct at time of writing (August 2021). If websites are updated or changed, theses links may stop working,

- Traffic generation
- Visual amenity (but not loss of private view)

1.10 The Council cannot consider matters which are not planning related, such as:

- Any representations which are libellous, racist or offensive
- The racial or ethnic origin of the applicant, their sexual orientation, religious beliefs, political views or affiliations or any other personal attributes
- Applicant's motives
- Boundary disputes
- Fence lines
- Impact during construction (where proposals have a Construction Management Plan)
- Loss of property value
- Loss of trade and competitors
- Loss of view (as opposed to obstruction impacting on amenity)
- Ownership disputes over rights of way
- Personal morals or views about the application
- Private disputes between neighbours
- Restrictive covenants
- Behaviour of the applicant
- Nuisance previously caused by the applicant (unless this relates to an existing development for which retrospective permission is being sought)
- Concerns about possible future development of the site, rather than the development being proposed

Community Involvement in Planning Policy

- 2.1 **The government is clear that councils should make Development Plans setting out the council's vision for the district and delivery objectives.** The main Development Plan document for our district is the approved Maldon District Local Development Plan. Details can be found at: www.maldon.gov.uk/ldp. The Development Plan also includes the Minerals Local Plan 2014 (MLP) and the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP), and made Neighbourhood Plans. The policies within the Local Plan are the legal tools with which the council can manage growth and change to ensure new development is sustainable.
- 2.2 The National Planning Policy Framework sets out the Government's planning policies for England and how they should be applied. The NPPF must be taken into account in preparing the Local Plan and is a material consideration in planning decisions. This section will set out how the Council involves the community in preparing planning policy documents, based on the vision and standards outlined above, and the statutory requirements for consultation. The NPPF is available at: <https://www.gov.uk/guidance/national-planning-policy-framework>
- 2.3 Information on the Council's programme for preparing all future policy documents is contained within the approved Local Development Scheme (LDS) which is available online: https://www.maldon.gov.uk/info/20048/planning_policy/9712/approved_local_development_plan_21_july_2017
- 2.4 For all consultations on the Local Development Plan Review and new Supplementary Planning Documents, the draft documents will be available on the Council's website www.maldon.gov.uk. When it is legal and safe to do so, copies will be available at the Council's offices in Princes Road, Maldon CM9 5DL, and at other suitable places, called 'deposit points,' in the District (see notice at the front of the SCI).

- 2.5 If you need planning policy documents in other formats, please use the online contact form on the Council's website (www.maldon.gov.uk) or contact us by phone on 01621 854477 or email: Policy@maldon.gov.uk and we will try and help you.
- 2.6 How the Council involves the local community and statutory consultees will vary depending on the type of planning policy document being produced.
- 2.7 This section will outline the process of engagement and involvement used at each stage of the Local Plan process and how the participation of community stakeholders will help influence and shape policy documents.

Local Plan²/Development Plan Document

- 2.8 **We will use the Council's website, social media and the local press to inform people** of planning policy consultations. Statutory consultees and other consultees on the planning policy mailing list will be contacted directly. You will be able to respond online, by email to policy@maldon.gov.uk or by post to Maldon District Council, Princes Road, Maldon, Essex CM9 5DL. For some community or business groups, who may be harder to reach using the above lines of communication, the Council can arrange group meetings or sessions. These will be considered on a case by case basis.

Stage 1 'Preparation of Local Plan (Regulation 18)' or Development Plan Document (DPD)

- 2.9 Community engagement is vitally important to the plan preparation process. Participation will be encouraged and consultation can help identify and understand the issues relating to the future of the District. At this stage the Council is required to invite representations on what the Local Plan or DPD ought to contain. This could be through an 'Issues and Options' style consultation and/or through a consultation on a 'Preferred Option' or draft Plan. The consultation will be at least 6 weeks long.

Stage 2 'Publication of proposed Local Plan (Regulation 19)'

- 2.10 The Council will undertake a final consultation (for at least 6 weeks³) on the draft Local Plan before submitting the Plan to the Government. (This is called the Pre-Submission Plan). A statement of representation procedure will be published, which will explain where the draft Plan can be inspected and how people can comment on it. At this stage, all the comments we receive will be submitted with the draft Local Plan and its supporting documents to the Government for Examination in Public by a Planning Inspector.
- 2.11 After this consultation a Statement of Consultation will also be published on the Council's website outlining the representations received and any potential modifications to the plan the Council wishes to propose to the Inspector.

Stage 3 Independent Examination

- 2.12 The Government will appoint a Planning Inspector to carry out the Independent Examination. This is also called an Examination in Public (EiP). For this Stage, the Council is a participant. A Programme Officer will be appointed to represent the Inspector and coordinate all correspondence relating to the Examination. The Inspector will decide who needs to be involved and they will be contacted by the Programme Officer. We will however keep our website updated with all relevant documents, so they can be viewed, and we will use our website and social media to keep people informed of key stages during the Examination.
- 2.13 Once the Inspector has reviewed the submitted Plan, a series of matters, issues and questions (MIQs) in relation to the Plan will be put to the Council and sent to everyone who

² In the Maldon District, this is also known as the Local Development Plan or LDP

³ The consultation period is to be not less than six weeks from the day the Statement of Representations Procedure is published: Reg 17 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

has made a representation. The Inspector will give all parties time to respond to the MIQs. All these responses will be published on the Council's website.

- 2.14 The Examination will take into account the submitted Local Development Plan, supporting evidence, representations, written statements and discussion at each hearing session. This enables the Inspector to judge if the Plan meets the legal requirements and is 'sound'.
- 2.15 The Inspector has the right to call people and organisations to give evidence at the Examination. Examinations are not subject to cross-examination by barristers and questions are asked by the Inspector to the Council and other representatives and discussions held. If you are invited to attend, advice on the Examination will be provided by the Programme Officer.

Stage 4 Adoption

- 2.16 The recommendations of the Inspector are set out in their Report to the Secretary of State. Provided that the Inspector finds the Plan sound, the Council will be able to adopt the Local Plan. However, the Inspector may make recommendations for further modifications to the Plan to make it 'sound'. If the raised matters have not previously been considered at the Examination, they will be subject to a 6 week consultation. Any representations made will be considered by the Inspector in their final Report.
- 2.17 Once the examination is finished and the Local Plan is adopted by the Council we will use the Council's website, social media and the press to notify people of its legal adoption.
- 2.18 Once adopted, all Local Plans must be reviewed every five years. The review will consider whether the Plan remains effective, or if a full or partial update is required.

Supplementary Planning Documents (SPDs)

- 2.19 **These documents provide more detailed advice and guidance on policies in the Local Plan**, covering a range of issues, specific subjects or individual sites. SPDs are not subject to independent examination but are subject to public consultation lasting a minimum of 4 weeks. Normally we will consult for 6 weeks on a draft SPD. The approach to consulting on a SPD will follow the approach outlined in paragraph 2.8. Once the consultation exercise has finished, the Council will consider all responses and where appropriate amendments will be made to the document.
- 2.20 On adoption, the Council will make available an adoption statement and a consultation statement which sets out how the Council engaged stakeholders and the community on the SPD. All relevant documents will be available on the Council's website www.maldon.gov.uk/SPD. Once adopted, SPDs will have material weight in decision-making on planning applications.
- 2.21 The Council may also prepare other planning guidance such as master plans, design codes, planning and development briefs. In some instances, these may be prepared with the local community or be informed by public consultation, prior to adoption.

Community Infrastructure Levy (CIL)

- 2.22 **The Community Infrastructure Levy is a charge on new development in the District.** Introducing CIL is optional. Should the Council introduce CIL it will need to prepare a Draft Charging Schedule supported by appropriate viability evidence and an Infrastructure Delivery Plan. There are two stages of consultation to be undertaken: Following the first stage of CIL consultation (the Preliminary Draft Charging Schedule) the Council will consider all representations made, and if required, amendments will be made to the charging schedule and/or its evidence-base. The second stage, (the Draft Charging Schedule),

presents the CIL rates, the Council's response to the representations made during the first consultation and the evidence base. The outcome will then be submitted for Examination by a Planning Inspector. The Inspector will decide, in a report, whether the CIL rates are appropriate and can be introduced in the District.

Duty to Co-operate

- 2.23 **The Duty to Co-operate requires local planning authorities and other public bodies**, such as Historic England, the Environment Agency and Natural England, to engage constructively, actively and on an on-going basis to maximise the effectiveness of strategic development. There are a number of strategic matters that have impacts that cross boundaries, including housing, transport, education, waste management, marine, estuary and other environmental matters.
- 2.24 The NPPF requires local planning authorities to produce and maintain one or more Statement(s) of Common Ground to demonstrate how they have co-operated effectively and agreed on cross-boundary planning policy issues through the Plan making process.

Using the results of consultation and feedback

- 2.25 **Representations made during formal consultation periods will be acknowledged**, recorded and summarised in the Consultation Statement. All representations will be published on our website with your name/company name – all other personal information will be redacted, once the consultation exercise has ended. All representations made must include contact details. Representations that are marked confidential, anonymous, are received after the consultation has closed will not be accepted.
- 2.26 All consultation responses will be analysed carefully. Using the local knowledge, experiences and views of respondents will enable more effective and efficient policy to be put in place. All representations will be considered and used to inform decisions and/or shape the documents, alongside Government legislation, national planning policy and guidance, and other evidence.

Availability of Documents

- 2.27 **Draft policy documents, adopted Development Plan Documents, Supplementary Planning Documents, Neighbourhood Plans and other documents** such as the Local Development Scheme (LDS) and the Statement of Community Involvement (SCI) will be made available on the Council's website at www.maldon.gov.uk.⁴
- 2.28 Normally, consultation documents can be inspected at the Council's office and other suitable deposit point in the District (such as libraries), and hard copies would be available on request. However, due to the Covid- 19 pandemic, documents will not be available for inspection and hard copies are not available. This restriction applies until 31 December 2021, unless the regulations change during the year⁵ (see notice on page 1)

⁴ LDP and LDS are available at www.maldon.gov.uk/LDP; SPDs www.maldon.gov.uk/spd ; Neighbourhood Plans https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans ; SCI

https://www.maldon.gov.uk/info/20048/planning_policy/9727/maldon_district_statement_of_community_involvement

⁵ Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020

Community Involvement in Neighbourhood Planning

- 3.1 **Neighbourhood planning gives communities another way to shape development in their local area.** Neighbourhood Plans set out planning policies prepared by parish councils, or neighbourhood or business forums. We will support communities undertaking neighbourhood planning. This will include sharing information, providing guidance and making arrangements for any Examination and Referendum.⁶
- 3.2 Communities can also prepare other documents such as town or village design statements, which can show how they see their area responding to change and provide design guidance. These can form part of a Neighbourhood Plan and carry statutory status or they can be prepared as stand-alone documents, which if endorsed by the District Council, will be used as material considerations in determining planning applications.

Neighbourhood Area

- 3.3 **Before a Neighbourhood Plan can be produced, the Parish Council proposing the production of a Plan must apply to the Council for designation as a Neighbourhood Area.** If a Neighbourhood Area is the same area as the parish, the Neighbourhood Area will be designated. Local communities will be consulted on the designation of a Neighbourhood Area, where the boundary is different to that of the local parish council. In these cases, we will publicise the proposed Neighbourhood Area, consult the adjoining Parish/Town Councils and relevant stakeholders and use the Council's website to inform people of the consultation process for this and to encourage people to respond online. The District Council will publicise the decision made on the application.

Preparation of a Neighbourhood Plan

- 3.4 **The Parish Council will lead in putting together the Neighbourhood Plan and they will need to think about how best to involve the community.** It is the parish/town council's responsibility to ensure that the local community is kept informed of progress on the Plan. Early engagement with relevant stakeholders, especially infrastructure providers and the District Council, is important throughout the Plan's preparation, to ensure the plan meets the 'Basic Conditions' (a set of legal requirements which a Neighbourhood Plan must meet if it is to be successful at the Independent Examination).
- 3.5 Throughout the Plan's preparation, each consultation event or activity needs to be summarised and included in a 'Consultation Statement'. This is a key document for the Neighbourhood Plan and will demonstrate to the Examiner that the Plan has been prepared with a meaningful degree of community involvement.
- 3.6 The neighbourhood planning group must undertake a six-week consultation on a draft Neighbourhood Plan with the local community, interested parties, and the Council (the Regulation 14 consultation).

Submission and Examination

- 3.7 **Once this formal consultation has finished, the Parish Council or forum will finalise the draft plan and submit the Neighbourhood Plan to the District Council.** The Council will carry out its own formal consultation (the Regulation 16 consultation). We will publicise the consultation, directly notify relevant stakeholders, use the website and social media to inform

⁶ Information on neighbourhood planning is available at: <https://www.gov.uk/guidance/neighbourhood-planning--2> and <https://locality.org.uk/services-tools/neighbourhood-planning/>

the local community and key stakeholders of the consultation. As a public consultation, anyone can respond in the same way as for other planning policy consultations (see para 2.8). Where safe and legal to do so, copies of the draft Plan will be available at the Council's offices and at other relevant deposit points in the District (see notice on page 1).

- 3.8 All the comments we receive at this stage will be submitted along with the draft Neighbourhood Plan and supporting documents to an Independent Examiner. The Examiner will decide who needs to be involved in the Examination. We will use the website to keep people informed during the Examination.

Referendum

- 3.9 **After the Examination, if the Council decides the Neighbourhood Plan should be put** to a referendum we will publicise the decision and publish the Council's Decision Statement on the Council's website. The Information Statement (which provides information about the referendum and how to vote in it) and the referendum version of the Plan will also be published on the Council's website before the referendum. We will notify the people who are eligible to vote in the referendum. In the case of a Neighbourhood Plan, this is the people entitled to vote in a local government election in the Referendum area and have a qualifying address for the election in the Referendum area. Eligible voters will then get the opportunity to vote on whether or not the plan should be accepted.
- 3.10 Where a Neighbourhood Plan has gained over 50% of the votes cast, the Council will immediately give it full weight in the determination of planning applications within the Neighbourhood Area. The District Council will formally 'make' the Plan following a positive referendum result. The document will then have statutory status and forms part of the Maldon District Development Plan. The District Council will publicise the making of the Plan.

Other support offered by the Council

- 3.11 **In addition to the statutory requirements outlined above, the Council will provide** support for each Neighbourhood Plan during its preparation. The level of support provided will vary depending on the types of proposals in a Plan, and the requirements of the community group. Support provided during the production of a Neighbourhood Plan may include:
- Advice and assistance on the process of producing Neighbourhood Plans;
 - Basic assessment and review of work produced by a neighbourhood group throughout the development of a Plan. This will include providing 'critical friend' assistance to ensure that the emerging work is in conformity with Council planning policies and the National Planning Policy Framework;
 - Written responses to community groups outlining assessment and review work undertaken on emerging Neighbourhood Plans; and
 - Attendance at meetings with neighbourhood groups to present the views of the Council on an emerging plan, and provide advice and assistance as required.
 - Arranging the Strategic Environmental Assessment / Habitats Regulations Assessment (HRA) screening opinion and the consultation with the statutory consultees.
 - Maldon District Council has produced a guidance note for parish and town councils (https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/2), outlining the process for undertaking a Neighbourhood Plan and the various stages which need to be completed for a Neighbourhood Plan to be effectively and efficiently created.
 - Essex County Council's 'Neighbourhood Planning Guide: Information, Help and Support' signposts relevant County Council services and information sources for

groups preparing Neighbourhood Plans (available at <https://www.essex.gov.uk/planning-advice-guidance/neighbourhood-planning-advice>).

Community Involvement in Development Management

- 4.1 **As a Local Planning Authority, Maldon District Council is responsible for the** management of development within the District. Therefore, this SCI identifies how we will involve the community in the consideration of planning applications, ranging from household proposals to major applications. This section will outline the existing procedures used by the Council, and specifically the Development Management team when advertising and consulting on planning applications.

Pre-application

- 4.2 **We are committed to providing an effective planning service which delivers good** quality sustainable development within the District, in conformity with the policies and principles set out in the Local Development Plan and related policy. Early discussion between applicants and the planning authority is a valuable stage of the planning application process. All pre-application discussions will be held in private and therefore confidentiality will apply.
- 4.3 The NPPF stipulates at Para 39:
Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
- 4.4 The pre-application process between the applicant and the Council is confidential, and the Council will not undertake any public consultation at this stage. It may, however, consult with some of its partners, for example, infrastructure providers, Essex County Council (for minerals and waste; highway matters; community infrastructure; sustainable drainage and sustainable travel), for technical advice that feeds into the discussions with developers.
- 4.5 We will usually engage in pre-application discussions with developers through our Pre-Application Service. The purpose of such early discussion will be to inform, discuss, encourage agreement and aim to reach an early consensus on the type, design and form that schemes might take. This will benefit the local community by potentially influencing the design process and decisions made by applicants before they submit an application. It will also benefit developers, by ensuring local concerns are addressed at an early stage thereby saving time and expenditure later in the process.
- 4.6 The Council will provide a response identifying the primary planning issues for the proposal. The level of detail provided in the response will reflect the level of accuracy and detail of the information that is provided by the applicant; the more information you can provide about your proposal, the more accurate and in-depth our feedback will be. The response will also provide a clear position on relevant planning policy issues and any other documents the developer should refer to, such as Masterplans or Neighbourhood Plans.
- 4.7 All strategic proposals must be presented to a meeting of both members and officers in order to commence early Member engagement. Strategic development proposals include:
- Any application of 75 dwellings or more; or any outline residential development proposals whose site is 2 hectares or more.
 - Any residential proposal promoted as an allocated site within the LDP.

- Any 100% Affordable Housing proposals of six dwellings or 0.3ha or more in outline form.
 - Any non-residential development proposal, whose floor area is 1,500 square metres or more or whose site area is 2 hectares or more.
 - Any non-residential proposals relating to development proposals allocated in the LDP.
 - Any retail development 1,000 square meters or more or which of 250 square metres or more and is proposed to be beyond existing town centres as defined in the local plan or emerging LDP.
 - Any mixed use development proposals whose site area is 2 hectares or more, or is of 75 dwellings or 1,000 square metres commercial floor area or more.
 - Any wind energy proposals whose output capacity is 1Mw or more or which proposes three or more turbines of 30m or more.
 - Any Solar energy proposals whose output capacity is 1Mw or more or which proposes 4,000 or more solar panels.
 - Energy from Waste Scheme which is 1KW capacity or more.
- 4.8 Members that attend the meeting will have an opportunity to ask questions and seek clarification. Members may alert the developer to what they perceive as the likely view of their constituents, but this must be in the context of the LDP or alternative policy framework.
- 4.9 Fees are applied for the Pre-Application Service. These vary dependent on the application and type of advice being sought. The type of advice could be in the form of one or more meetings, with or without follow up letters. Details of the fees can be found at: https://www.maldon.gov.uk/info/20046/development_management/9227/planning_advice_and_information
- 4.10 The fee schedule for pre-application advice relates to Maldon District Council's services only. Essex County Council apply their own charges for attending pre-application meetings.

Nationally Significant Infrastructure Projects (NSIPs)

- 4.11 **For the most significant major infrastructure projects which are of national importance**, the Council is a statutory consultee rather than the Local Planning Authority. For these Nationally Significant Infrastructure Projects (NSIPs), the Government have an established infrastructure planning team within the Planning Inspectorate, who will be responsible for determining these applications. Any individual wishing to participate in the examination of an application for development consent for a national infrastructure project (NSIP) is required to register with the Planning Inspectorate, and not the local planning authority, and make a relevant representation about the application. Further information can be found at: <http://infrastructure.planningportal.gov.uk/application-process/participating-in-the-process/>

Planning Performance Agreements

- 4.12 **As an alternative to a pre-application fee an applicant may enter into a Planning Performance Agreement (PPA) with the Council.** These set out the level of service the applicant will receive from the Council, who they will deal with and how the assigned officer will coordinate all of the Council's and its partners' activities, the length that the PPA will apply and the fee. PPAs can allow for a wider range of meetings, often topic based, so that the Council can provide the appropriate response and engagement to the developer's scheme and ensure that it is, as far possible, policy compliant and deliverable. Where appropriate, other parties, such as Essex County Council, may also be a party to a PPA.
- 4.13 PPAs are usually entered into before a planning application is submitted and last until the date of the applications submission. For strategic developments the Council will recommend that a long term PPA is entered into which takes into account not only the initial planning application, but any follow up applications such as reserved matters or discharge of conditions. See the pre-application section for the definition of 'strategic' developments.
- 4.14 In all instances PPAs are clear in that they are entered into without prejudice to the formal consideration of any application subsequently submitted.

Planning Advice and Information

- 4.15 **The Council offers householder application planning advice via a Duty Planning Officer.** For times and availability, refer to the Council's website:
https://www.maldon.gov.uk/info/20046/development_management/9227/planning_advice_and_information/2
- 4.16 The duty planning officer will be able to provide **informal** advice:
- whether planning permission is required
 - to assist you with understanding what an application is proposing and the type of application
 - to direct you to the appropriate service if your enquiry does not relate to planning (e.g. Highways, Building Control or Environmental Health).
- 4.17 They will not:
- provide an opinion on whether planning permission may or may not be supported by officers (this would be chargeable pre-application advice)
 - discuss the detail of current large or complex applications
 - discuss the technical merits (principle, design, submitted reports, consultee responses, neighbour comments) of any applications, refusals or appeals
 - agree to any minor amendments to planning permissions
 - grant immunity from enforcement
 - discharge any planning conditions on a decision notice
 - carry out searches; such as whether Permitted Development Rights exist for properties, planning history of sites
 - answer questions or offer advice on national and local planning policy and processes except for where these may be related to householder applications (extensions, alterations, and outbuildings to residential premises)

Planning Application Stage

- 4.18 **Details of all planning applications from approximately 2004 are available to view via the Council's planning application search facility at:**
<https://publicaccess.maldon.gov.uk/online-applications/>. This includes the application documents, planning decisions, important dates and contact details. Decision notices from approximately 1992 are also available to view via this facility. Decision notices dated pre-1992 can be viewed upon request to the Council (subject to the temporary restrictions outlined on page 1)
- 4.19 The Council's website also contains weekly lists of all planning applications and decisions made, committee agendas and reports, and a list of appeals and appeal decisions at:
<https://publicaccess.maldon.gov.uk/online-applications/search.do?action=weeklyList>.
 Weekly lists of applications are provided for publicity purposes to:
- Amenity societies;
 - Local newspapers;
 - Local radio;
 - Parish and Town Councils
 - Other interested parties are consulted at the discretion of the LPA. Any interested parties can request to receive a weekly list of planning applications
- 4.20 Once an application has been received by the planning service, it will be checked for validation purposes. To make a valid application, there are statutory and local information requirements which apply to each application type. A valid application must consist of:
- Information requested on the standard application form;
 - Statutory national information requirements, including a design and access statement if required; and
 - National and local application requirements.
- 4.21 Upon receipt of an application, the Local Planning Authority is obliged to undertake a public consultation process (it should be noted that not all application types are subject to notification or consultations procedures). Statutory and specialist bodies are consulted as set out in Schedule 4 of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). Such statutory consultees include neighbouring authorities, Natural England (<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>), and Historic England (<https://historicengland.org.uk>) and other organisations.
- 4.22 The Town and Country Planning (Development Management Procedure) Order 2015, including the amendments set out in Part 2 of the Town and Country Planning (Local Authority Consultations etc) (England) Order 2018, sets out the publicity and notification requirements for planning applications and is supplemented by other legislation in some cases.
- 4.23 Statutory and local publicity requirements for planning and heritage applications are listed in Table 1. (Due to the current health emergency, Regulations have relaxed the publicity requirements for planning applications. (Please see page 1))

Table 1 Statutory and Local Notification Requirements for Planning Applications (In 2021, these are subject to changes through Coronavirus legislation).

Type of development	Site notice	Site notice <u>or</u> neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order	-	X	X	X
Nationally Significant Infrastructure Projects (NSIPs) (to be determined at a Central Government level by the Planning Inspectorate)	-	-	X	X
Application subject to Environmental Impact Assessment which are accompanied by an Environmental Statement	X	-	X	X
Applications which do not accord with the Local Development Plan	X	-	X	X
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applied	X	-	X	X
Applications for planning permission not covered in the entries above e.g. non-major development	X	-	X	X
Certain prior notification for telecommunication installations under the terms of Part 16 of the Town and Country (General Permitted Development) Order 2015 (as amended)	-	X	X (Only if Article 8 applies e.g. affects a public right of way or development exceeding 1 hectare)	X
Prior notification for larger householder extensions under the terms of Class A Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended)	-	X	-	-
Prior approval applications for the change of use of buildings under the terms of Part 3 of the Town and Country (General Permitted Development) Order 2015 (as amended)	-	X	-	-
Applications for listed building consent where works to the exterior of the building are proposed	-	X	X	X

Type of development	Site notice	Site notice <u>or</u> neighbour notification letter	Newspaper advertisement	Website
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building	X	-	X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	X	-	X	X
Lawful Development Certificate, Works to Trees in Conservation Areas or covered by a Tree Preservation Order, Certificates of Appropriate Alternative Development, Hazardous Substances Consent, Prior Notifications for Agricultural Works and Buildings, Demolitions or Railways and County Matters	-	-	-	-

- 4.29. The Council will arrange for site notices to be erected in a clearly visible and accessible location at or near the site subject of the application, outlining the address of the site, a description of the proposed development, information on how to make a representation and the contact information and name of the planning officer who is responsible for the application. Representations will be accepted for 21 days after the date on which notice is given, (discounting Public Holidays from those 21 days, in most cases) although any representation received after this date will usually be accepted if received before the application is determined.
- 4.30. There are 3 ways you can comment on a planning application:
- Online: <https://publicaccess.maldon.gov.uk/online-applications>
 - Email: planning@maldon.gov.uk
 - Post: Planning Services, Maldon District Council, Princes Road, Maldon CM9 5DL;
- 4.31. The use of the online facility is the preferred and most direct method of receiving representations with respect to planning applications. To be accepted, all representations made to the Council must include contact details of the respondent.
- 4.32. For representations to be given the appropriate legal weight when an application is being assessed, they must relate directly to the planning matters relevant to the application; these are known as 'material considerations'. For example, these might include (further details can be found on page 6):
- Any potential harm to the amenities of existing or future residents caused by noise, smell, loss of light and overlooking likely to result in a significant loss of privacy.
 - The visual impact of the proposed development
 - The effect of the proposal upon the enjoyment of your home or garden
 - The impact on the appearance of the surrounding area and upon highway safety

- 4.33. It should be noted that comments made in relation to impact on existing property values are not given weight and that the Local Planning Authority has no ability to act in relation to neighbour disputes or The Party Wall Act 1996 (as amended).
- 4.34. All representations submitted will be kept as part of the public record and will be made available to view by any person on request. The Local Planning Authority may use its discretion to make representations available to view on the Council's website, either in full, redacted or summarised. The Council reserves the right not to publish or take into account any letters of representation which are openly offensive or defamatory.
- 4.35. Under delegated powers, the Director of Service Delivery is able to make decisions on certain categories of planning application. Additionally, Members can ask for particular applications affecting their Ward to be referred to a committee for decision. Delegated Powers and the responsibilities of the Council's Committees are set out in the Council's Constitution at:
<https://democracy.maldon.gov.uk/ieListMeetings.aspx?Committeeld=204&info=1&MD=Constitution>
- 4.36. Members of the public have the opportunity to put their views on planning applications direct to meetings of the District Planning Committee and the three Area Planning Committees. There are alternative arrangements for giving your views to virtual planning meetings during the Covid-19 pandemic. For more information see:
https://www.maldon.gov.uk/info/20046/development_management/9562/can_i_speak_at_a_planning_committee_meeting.

Notification of a Decision

- 4.37. **Unless agreed in writing between the Local Planning Authority and the applicant/agent**, all non-major planning applications are to be decided within eight weeks, whilst major applications have an increased time frame of up to 13 weeks. Applications that are accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 should be decided within 16 weeks.
- 4.38. Once a decision has been made on a planning application, an Officer's report will be published. The report will provide information on the following:
- A description of the application and site;
 - A review of local and national planning policies, which the application has been considered against;
 - An account and assessment of representations made through public consultation and responses from internal and statutory consultees; and
 - The Officer's recommendation for approval or refusal.
- 4.39. When a decision is reached, those making representations are advised of the decision within 10 days by letter or email. This will state whether the application has been approved or refused and will advise that the full decision, including the officer's report, may be viewed on the Council's website.

Appeals

- 4.40. **Only applicants may appeal against a decision made by the Local Planning Authority.** Appeals can relate to a decision to refuse a planning application or against the non-determination of any application within 8 weeks (for minor applications) and 13 weeks for major applications. It is not possible for 'third party' observers to appeal a decision. Should

an appeal be made against the decision, all representations are forwarded to the Planning Inspectorate.

- 4.41. All those making representations are advised of the appeal and that further representation may be made direct to the Planning Inspectorate. For further details, please consult the Council's website (https://www.maldon.gov.uk/info/20046/development_management).

Permission in Principle

- 4.42. **Permission in principle is an alternative two stage process for obtaining planning permission for housing-led development.** It separates the first 'permission in principle' stage - which establishes whether a site is suitable in-principle - and the second 'technical details consent' stage when the detailed development proposals are assessed. Permission in principle only applies to the types of development set out in the national guidance (see <https://www.gov.uk/guidance/permission-in-principle>). The consultation requirements for permission in principle applications is different to that for planning applications. The LPA must consult any consultation body with whom they would have been required to consult on an application for planning permission for the development proposed. There are requirements to consult with infrastructure bodies if the development will affect specific types of infrastructure, such as railway land. The proposal must be published on the Council's website (an online notice) and a site notice must be displayed for at least 14 days before a decision is made on the application.
- 4.43. Local planning authorities can grant permission in principle to a site upon receipt of a valid application or by entering a site in Part 2 of its brownfield land register which will trigger a grant of permission in principle for that land providing the statutory requirements set out in Town and Country Planning (Permission in Principle) Order 2017 (as amended) and the Town and Country Planning (Brownfield Land Register) Regulations 2017 are met.
- 4.44. Permission in principle covers the location, land use and amount of development. A technical details consent (which covers all other matters) must still be approved, before development can begin. The Local Planning Authority will consider all applications for technical details consent in accordance with the permission in principle granted for that site.
- 4.45. Once a valid application for permission in principle has been received, the local planning authority should make a decision on the proposal within 5 weeks. Technical details decisions must be made within 10 weeks for major development and 5 weeks for other forms of development (unless the application is subject to an Environmental Impact Assessment, when a 16 week limit applies)
- 4.46. Where the Council decides not to enter a site in Part 2 of the Brownfield Land Register, the applicant is unable to appeal. But an applicant can appeal the refusal of permission in principle sought via a valid application. An application for technical details consent may also be appealed on grounds of non-determination, refusal or against any condition imposed. The same process for appeals against other types of planning application will be used.

S106 agreements

- 4.47. **Although we will not consult the public on the preparation of our s106 legal agreements** they play an important role in making a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. In the case of highways measures, these are secured through s278 of the Highways Act 1980. The Council's Infrastructure Funding Statement and the list of S106 agreements are now available on the Council's website: https://www.maldon.gov.uk/info/20048/planning_policy/9810/infrastructure_delivery . These

records enable the public and our partners to see the controls that we are exerting over the infrastructure which should attend the planned development.

Making us aware of unauthorised development in your area

- 4.48. **The council has discretionary powers to take action against development that has** been carried out without planning permission where harm is caused to the local area and we conclude that it is expedient and in the public interest to seek to rectify the breach. If you are concerned that development has been carried out without planning permission or have concerns in relation to any other matter for which the team is responsible, please put these matters to us in writing. You can notify the council via the online form, available at: https://www.maldon.gov.uk/info/20051/planning_enforcement/9571/make_an_enforcement_complaint

Monitoring and Review

- 5.1 **The Town and County Planning (Local Planning) (England) (Amendments) Regulations 2017** requires the Council to undertake an assessment of the SCI every five years, starting from the date of adoption, to see whether it is being effective. This could result in a partial or full review of the SCI. Changes in national legislation or guidance, and/or a review of the LDP may also trigger a review of the SCI. Legislation relevant to the SCI includes:
- The requirement for an SCI and its contents are set out in the Planning and Compulsory Purchase Act 2004 (as amended);
 - Information on the different Orders and Regulations that guide consultations on planning applications is available at: <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Public-consultation>
 - LDP and SPD consultations are governed by The Town and Country Planning (Local Planning) (England) Regulations 2012
- 5.2 If you feel that a planning policy or planning application consultation does not meet the requirements of the SCI, you can make a complaint at the time of the consultation, using the contact details for the consultation you have concerns about.
- 5.3 Should a review be required stakeholder and community engagement will take place on the draft SCI.

Data Protection

- 6.1. **Maldon District Council takes data protection seriously and takes all appropriate** measures to protect your personal information and comply with data protection law, including the General Data Protection Regulations (GDPR). We do not share any personal data with marketing companies.
- 6.2. When we collect your data, we will provide you with a Privacy Notice which details the lawful basis that we will use to collect your data, who we will share it with (if appropriate), your rights, and how you can contact us about your data.
- 6.3. If you have any questions about how we use personal data, please contact our Data Protection Officer, dpo@maldon.gov.uk or see our website www.maldon.gov.uk/terms.

Glossary

Authority Monitoring Report

This report looks at the implementation of the Local Development Scheme and how well the policies in the Local Development Documents are being achieved.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) enables a charge to be levied on the net increase in gross internal area floorspace arising from development in order to fund infrastructure that is needed to support development in the area.

Development Plan

As set out in section 38(6) of the Planning and Compulsory Purchase Act (2004), an area's development plan consists of adopted Local Plans and Neighbourhood Development Plans.

Development Plan Documents

All Planning Authorities must produce Development Plan Documents, such as the Local Plan. These are spatial documents and are subject to independent examination. There will be a right for those making representations seeking change to be heard at an independent examination.

Local Community

A generic term which includes all individuals (including the general public) and organisations both inside and outside to the district that have an interest in a local area. It includes the statutory and other consultees.

Local Development Document

The collective term for documents that form part of the wider Local Plan and set out the spatial planning strategy for the area. These include Development Plan Documents and Supplementary Planning Documents.

Local Development Scheme

This document sets out the timetable for the preparation of the Local Development Documents. It identifies which Development Plan Documents and Supplementary Planning Documents are to be produced and when.

Local Plan / Local Development Plan

The plan for the future development of the local area. The Local Plan will set out the vision, objectives and provide the framework for the preparation of Supplementary Planning Documents (SPDs) and Neighbourhood Development Plans. It will also include a number of criteria-based development management policies needed to achieve the strategy.

National Planning Policy Framework

Originally Published in March 2012, and most recently updated in 2021 the NPPF sets out the government's planning policy framework for England and how these are expected to be applied. It sets out the government's requirements for the planning system. It provides a framework within which local people and their accountable local planning authorities can produce their own distinctive Local and Neighbourhood Plans, which reflect the needs and priorities of their communities..

Neighbourhood Development Plan

A Neighbourhood Plan is prepared by a Parish or Town Council for their Neighbourhood Area. It sets out the policies for development and use of land for all or part of the neighbourhood area. Neighbourhood plans are subject to examination and referendum, after which they are adopted as part of the Development Plan for the local area. As such, they must be in conformity with the District's LDP.

Planning Inspectorate (PINS)

A government body whose main work involves processing planning and enforcement appeals and holding examinations in public on local plans

Planning Obligations/ s106 agreement

Legal agreements between a planning authority and a developer, or undertakings offered unilaterally by a developer, that ensure that certain extra works related to a development are undertaken. For example, the provision of highways. Sometimes called “Section 106” agreements or Planning Agreements.

Stakeholders

Stakeholders include any person or organisation, local or national, who has a legitimate interest in what happens in our area.

Statement of Community Involvement

This Statement of Community Involvement sets out how the Council will consult people and organisations on draft planning policy and planning applications.

Supplementary Planning Documents

These documents provide additional information to support the implementation of the policies in the Local Development Plan. They do not form part of the Development Plan and are not subject to independent examination.

Sustainability Appraisal

Sustainability Appraisal is a tool for appraising policies to ensure that they reflect sustainable development objectives (i.e. social, economic and environmental factors). It is required under the Planning and Compulsory Purchase Act (2004) to be carried out on all Development Plan Documents and Supplementary Planning Documents where necessary.

2021 Statement of Community Involvement (SCI)

Statement of Consultation

Consultation period: 6 weeks from 17 June to 29 July 2021

How publicised:

Notifications were sent to all the organisations and individuals on the Local Development Plan (LDP) consultee database (1,089)

- Consultation documents available on the Maldon District Council (MDC) website via the consultations page and the SCI page
- Public Notice published in the Maldon and Burnham Standard on 8 July 2021
- Social media posts throughout the consultation period

Responses received:

Responses were received from 29 individuals and organisations:

- Transport for London
- Natural England
- Historic England
- NHS Mid Essex Clinical Commissioning Group / Mid and South Essex Health and Care Partnership
- Essex County Council
- Wickham Bishops Parish Council
- Althorne Parish Council
- Purleigh Parish Council
- 21 Individuals

The summary of responses is set out in the same order as the SCI and the consultation questions. In addition, comments on document formatting and the website have been collected together. For completeness, non-SCI comments received are given at the end.

Comments received

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Whole document			
Transport for London	No comments to make on revised SCI	Noted	No change
Natural England	<p>We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</p> <p>We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at: https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice</p>	Noted	No change
Historic England	Thank you for consulting Historic England on the Council's revised Statement of Community Involvement. While we don't have any specific comments at this stage, we will be interested in receiving subsequent consultations on this and related Local Plan documents.	Noted	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Introduction			
Essex County Council (ECC)	In revising the ECC Statement Community Involvement (Revised July 2020) legal advice recommended that a more general paragraph be included within the SCI stating that ECC will follow government guidance regarding engagement and consultation should any pandemic/epidemic occur, but with no specific references to dates or guidance. Consequently, the SCI covers both the current pandemic situation and any future situations that may arise impacting upon ECC public engagement processes.	Agreed, this is a sensible approach.	New text after para 1.5: <u>Please note, no policy in this statement shall apply if, as the result of an epidemic/pandemic, advice from the Government or the Director of Public Health is issued which makes it impossible or inadvisable to comply with any policy in this statement.</u>
Essex County Council	The list of planning issues listed in paragraph 1.9 is not exhaustive but given the local issues in Maldon District should also refer to flood and water management; education, green infrastructure and health and wellbeing matters. ECC recommend references made to green infrastructure, to ensure developments provide well connected multi-purpose spaces improving the health and wellbeing of the community and access to nature. This is a key aim of the Essex Green Infrastructure Strategy (2020).	Agreed	List expanded to include <ul style="list-style-type: none"> • <u>Education</u> • <u>Health impacts</u> • <u>Flooding and water management</u> • <u>Green Infrastructure</u>
NHS Mid Essex Clinical Commissioning Group / Mid and South Essex Health and Care Partnership	Paragraph 1.9 provides a useful list of issues that can be taken into account by the local planning authority in developing its planning policy and determining planning applications. Health impacts of proposed policies and developments are important considerations and inclusion in this list would reinforce that position. 1.9 Add health to planning issues list	Agreed	List expanded to include <ul style="list-style-type: none"> • <u>Health impacts</u>

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Essex County Council	Reference is made in paragraph 1.10 to matters that are not planning related and include the impact during construction. ECC considers that this is not factually correct and should be deleted. For example, Policy DM20 – Construction Management in the ECC Development Management Policies (February 2011) seeks to protect the safety and efficiency of the highway network by requiring temporary construction access and the preparation of a Construction Management Plan to minimise the impact on the surrounding area during construction.	The bullet point has been revised	<ul style="list-style-type: none"> Impact during construction (where proposals have a <u>Construction Management Plan in place</u>)
Public	<ul style="list-style-type: none"> Too extensive and unduly complicated With the planning laws about to change all parameters might change. Unclear what is the Council's assessment of the efficacy of the current policy? 	In recognition that the previous SCI was too long and overly complicated, it was comprehensively re-written.	No change
Public	<ul style="list-style-type: none"> All very clear. Sounds acceptable. Generally OK 	Noted	No change
Public	Introduction must be quick and timely, unlike other policy such as CIL (started 2014 still not adopted in 2021), and to some extent the LDP/NDP, if too long is taken to implement the policy is not up to date and in keeping with current planning regulations.	The SCI will be implemented straightaway.	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Public	<p>1.9 list of planning considerations:</p> <ul style="list-style-type: none"> Insistence on mentioning planning matters only means one cannot bring common sense into play. Common sense dictates that local infrastructure is overloaded yet more houses continue to be built, and this must be addressed before any permissions are granted. All the 'green' objectives should not be lumped into one line "Impact on nature conservation / environment / climate change." "Natural environment/ biodiversity" and "Climate change" should be separate line items. One is about nature & biodiversity, the other more about energy impacts Suggest a line item saying "Impacts on Local Wildlife Sites" (this would emphasise need for special consideration of Maldon District's list of key Local Wildlife Sites (LoWS)) Should it be possible to comment on sustainability? The current importance of green topics (eg the Essex County Council "Essex is Green" initiative) mean that more attention is needed on these topics in the future 	<ul style="list-style-type: none"> Legally, a Local Planning Authority, can only consider planning matters in their decisions on planning applications. Climate change is now a separate bullet point The nature conservation/ environment bullet point captures impact on LoWS Sustainability encompasses a wide range of topics, some of which, such as impact on environment and climate change, are in the list. As stated in the SCI, the list is not exhaustive. Green infrastructure has been added to the bulleted list. 	<p>1.9 bullet points:</p> <p><u>Climate change</u> – separate bullet point</p> <p><u>Green Infrastructure</u> – new bullet</p>

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Althorne Parish Council	<p>A valuable summary for householders.</p> <p>The last SCI was completed in 2018; five years between consultations gives 2023. Why use scare resources in the pandemic when you cancel notifying householders of adjacent planning applications negating the involvement process?</p> <p>Recommendation: Restore the Parish Trigger</p>	<p>The SCI has been reviewed now so that it can support the LDP Review consultations.</p> <p>The Parish Trigger was replaced by a District Council Member call-in procedure in 2017.</p>	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Policy			
Essex County Council	Paragraph 2.1 refers to the main Development Plan document for the district as being the Maldon District Local Development Plan. ECC recommends the SCI is amended to recognise that the Minerals Local Plan 2014 (MLP) and the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP) also form part of the Development Plan for the area.	Agreed	para 2.1 expanded: <u>...The Development Plan also includes the Minerals Local Plan 2014 (MLP) and the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP) and made Neighbourhood Plans. ..</u>
NHS Mid Essex Clinical Commissioning Group / Mid and South Essex Health and Care Partnership	2.8 states that the Council will contact those on its mailing list when developing planning policy but does not mention any by specifically. Suggested amendment – To make explicit reference to consultation bodies, including the CCG rather than relying on reference to the mailing list.	Agree	Amend 2.8 <u>...Statutory consultees</u> and other consultees on the planning policy mailing list will <u>be</u> contacted directly...
Essex County Council	For completeness, ECC recommend paragraph 2.14 should also make reference to 'discussion at each hearing session' to inform the Inspector's judgement.	Agreed	2.14 The Examination will take into account the submitted Local Development Plan, supporting evidence, representations, and written statements <u>and discussion at each hearing session...</u>
Althorne Parish Council	2.18 Five year requirement to review Local Plans – suggest 'reviewed biannually'.	The formal five year review requirement is set nationally. If circumstances warrant it, the formal review can be undertaken more frequently, indeed, the current LDP review has commenced early. The Authority Monitoring Report reports on policy implementation annually. To monitor or review the Plan more frequently would not be effective.	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Public	<p>2.18 Five year requirement to review Local</p> <p>I suggest that the plans are reviewed every two years too. Five years is a long time to find out when things go adrift, although the 5YHLS is reviewed annually.</p>	The formal five year review requirement is set nationally. If circumstances warrant it, the formal review can be undertaken more frequently, indeed, the current LDP review has commenced early. The Authority Monitoring Report reports on policy implementation annually. To monitor or review the Plan more frequently would not be effective.	No change
NHS Mid Essex Clinical Commissioning Group (CCG) / Mid and South Essex Health and Care Partnership	The document describes these policy documents but does not explain the consultation arrangements. The intention may be to replicate the Local Plan consultation process or there may be other intentions. The CCG wishes to be consulted on planning policy documents including SPD's and CIL and to be included in DtC discussions. Suggested amendment – Explicitly state that the CCG will be consulted on SPD's, CIL and DtC matters.	Agree	2.19 ...normally we will consult for six weeks on a draft SPD. <u>The approach to consulting on a SPD will follow the approach outlined in paragraph 2.8.</u> Once the...
Althorne Parish Council	2.22 'Should the Council introduce CIL...' Replace 'should' with 'when'.	The SCI provides consultation information on a range of policy documents, that could be prepared; hence the use of the word 'should'.	No change
Essex County Council	ECC recommend paragraph 2.23 makes specific reference to Maldon District Council having a duty to co-operate with ECC, as the upper tier authority, on strategic matters, particularly those that cross administrative boundaries (NPPF, paragraph 24).	ECC as a local planning authority and is covered by the existing text.	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Public	Access to local plans to view in local community centres as permanent displays.	When the LDP was approved, each library and parish council in the district received hard copies of the Plan. Access to hard copies of documents has been hampered by Covid-19. Wherever possible, copies of consultation documents are provided to the local libraries for public access. Once the health emergency is over, access to paper copies of the LDP should be easier.	No change
Public	<p>Community involvement in planning policy:</p> <ul style="list-style-type: none"> Local people should be offered the chance to become involved in planning policy if they wish, via engagement volunteer community groups, what do they want to happen in the local area, how much, how many, what type of new builds (surgery's, forums in each area for input). Community involvement in planning policy is essential, the council work for the people and represent them, the people should have an opportunity to be part of the planning policy making Let the community have their say in advance and actually listen!!!! inform early via post or make it clearer and easier to access its online- its very long winded and confusing now All I can say is- your ways of listening to Maldon residents is disrespectful and disgusting and when you let us know or not you don't give a toss what 	<p>Planning applications can be viewed online at: https://publicaccess.maldon.gov.uk/online-applications/</p> <p>Planning policy consultations usually have their own webpage page or are accessed via the consultations page.</p> <p>No change needed to the SCI</p>	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
	we think and approve plans anyway. most people feel the same.		
Public	<p>Infrastructure:</p> <ul style="list-style-type: none"> • The community must be involved. Years of ignoring the warnings have led to severe lack of infrastructure updates. • The community must be involved but please listen to them. They are very important and their voices must be heard and money mustn't talk (the developers). We have a beautiful town/district and I understand building must take place but sympathetically and the 'services' increased to cater for the increase in population. • The Community do not seem to be involved regarding Infrastructure. Community Infrastructure Levy provides minor contributions to the local area when major infrastructure improvements are needed. • Community Infrastructure Levy (CIL) was an integral part of the original Maldon LDP. Sadly progression of the programme seems to have been kicked into the long grass. Section 106 is a blunt site related funding tool and has failed to address pre-existing infrastructure shortfalls. It is vital that MDC as a top priority progress CIL. • Whilst the SCI may sound acceptable residents of Maldon know that the continued passing of developments without improved infrastructure has produced a severely damaged level of life for Maldon District residents. 	<p>Through the s106 process, the Council ensures that infrastructure needs of new development are provided. However, the delivery of infrastructure, is to some degree, out of MDC's hands as the Council must rely upon the infrastructure providers for delivery.</p> <p>The council is still exploring the possibility of introducing CIL.</p> <p>S106 agreements cannot be used to rectify existing deficits in infrastructure. S106 can only provide the necessary infrastructure required to make that development acceptable and mitigate harm from that development.</p> <p>The majority of infrastructure provided through development is based on a formula from the infrastructure providers, for example school places or health provisions. This does not give the community much opportunity to be involved.</p>	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Public	<ul style="list-style-type: none"> • No - I trust the Council's Officers to apply Planning Policy and the made and legally sound LDP and NPs and be held to account where it is evident they have not done this. • I urge people to get involved with this as we notice impact on wildlife habitats and pressure on services such as GPs and schools • Sounds good but doesn't really happen to the extent it should. • "A good idea but is this just a paper exercise? How much impact will it have?" 	Noted	No change
Public	<ul style="list-style-type: none"> • Planning and planning approval is often a very wordy and will often uses a lot of legal jargon, it can be difficult to follow and understand for the lay person. 	The planning process is a legal process and does use a lot of legal jargon. Glossaries explaining technical terms could help with this.	A glossary will be added to the SCI. Providing a planning glossary on the website will be looked into.
Public	<ul style="list-style-type: none"> • 2.23 Biodiversity should be specifically included as a strategic topic 	Biodiversity is already covered by 'estuary and other environmental matters'.	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Neighbourhood Plans			
Althorne Parish Council & Public	3.1 Substitute 'another way to shape development' to 'involvement in shaping the development of the built environment'	Neighbourhood Plans cover more than just development that affects the built environment.	No change
NHS Mid Essex Clinical Commissioning Group / Mid and South Essex Health and Care Partnership	While it is often the case that development proposals proposed in neighbourhood plans are modest in scale, there may be instances where the impacts may be significant on healthcare provision. It is therefore important for the CCG to be notified of neighbourhood plan proposals. Suggested amendment – Include reference to infrastructure providers and other stakeholders to be consulted.	Agreed	3.4 Amend paragraph: ...Early engagement with relevant stakeholders, <u>especially infrastructure providers and</u> particularly the District Council, is important throughout the Plan's preparation, to ensure the plan meets the 'Basic Conditions'
Althorne Parish Council / Public	Paragraph sequence should be changed: first sentence of 3.1 then 3.2 then 2nd half 3.1	Re-ordering the paragraphs is unnecessary.	No change
Althorne Parish Council	3.4 The Parish Council will lead in putting together the Neighbourhood Plan Insert " <u>by establishing an independent Steering Committee</u> which will" need to...	As the Qualifying Body, with responsibility for preparing a Neighbourhood Plan, it is up to each Parish Council how a Neighbourhood Plan is progressed. It is not the place of a District Council to tell a Parish Council how it organises its Neighbourhood Plan work.	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Public	The Parish Council (substitute ' <u>the approved neighbourhood area</u> ') will lead in putting together the Neighbourhood Plan (Substitute –' <u>by establishing an independent Steering Committee</u> which will) need to think about how best to involve the community. ...	The Neighbourhood Area defines where the Neighbourhood Plan will apply. The Parish Council is the Qualifying Body, with responsibility for preparing a Neighbourhood Plan, it is up to each Parish Council how a Neighbourhood Plan is progressed. It is not the place of a district council to tell a Parish Council how organise its Neighbourhood Plan work.	No change
Althorne Parish Council	3.5This is a key document for the Neighbourhood Plan. And (delete) It will demonstrate to the Examiner that the Plan has been prepared with a "good" (delete) replace with "meaningful degree of community involvement."	Partially agree, will replace 'good' with 'meaningful'	3.5 This is a key document for the Neighbourhood Plan and will demonstrate to the Examiner that the Plan has been prepared with a good <u>meaningful</u> degree of community involvement.
Althorne Parish Council	3.7 Once this formal consultation has finished, the Parish Council or forum will finalise the draft plan and.... and key stakeholders of the consultation and you.... does not define who "you" is Parishioners, the wider public??	'You' refers to the earlier part of the sentence. Will amend it for clarity.	3.7...We will publicise the consultation, directly notify relevant stakeholders, use the website and social media to inform the local community and key stakeholders of the consultation. <u>As a public consultation, anyone</u> and you will be able to can respond in the same way as for other planning policy consultations (see para 2.8).

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Althorne Parish Council	3.8 All the comments we receive at this stage will be submitted to an Independent Examiner <u>along</u> with the draft Neighbourhood Plan and supporting documents	Agree	3.8 All the comments we receive at this stage will be submitted to an Independent Examiner <u>along</u> with the draft Neighbourhood Plan and supporting documents.
Althorne Parish Council	3.9 After the Examination...The Information Statement and referendum version of the Plan <i>no prior reference of definition of Information Statement....</i> We will notify you <i>substitute parishioners</i> if you are eligible to vote.	<p>The Information Statement is defined by the Neighbourhood Plan (Referendums) Regulations 2012. It is not detailed here, to ensure that the SCI does not come out of date, if the Regulations change.</p> <p>Amend paragraph for clarity.</p>	<p>3.9 After the Examination, if the Council decides the Neighbourhood Plan should be put to a referendum we will publicise the decision and publish the Council's Decision Statement on the Council's website. The Information Statement (<u>which provides information about the referendum and how to vote in it</u>) and <u>the</u> referendum version of the Plan will also be published on the Council's website before the referendum. We will notify you <u>if you the people who</u> are eligible to vote <u>in the referendum. In the case of a Neighbourhood Plan, this is the people entitled to vote in a local government election in the Referendum area and have a qualifying address for the election in the Referendum area.</u> You <u>Eligible voters</u> will then get the opportunity to vote on whether or not the plan should be accepted.</p>

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Althorne Parish Council	3.10 Following a positive referendum result, where a Neighbourhood Plan has gained over 50% of the votes cast, the District Council will then formally 'make' the Plan. In the determination of planning applications (<i>delete within the Neighbourhood Area</i>) immediately will be given full weight, The District Council will publicise the making of the Plan. The document will (<i>delete then</i>) have statutory status and be referenced as such in the Maldon District Development Plan. (<i>it cannot be part of the Plan as it has only been mandated by an Examiner, not an Inspector or the Secretary of State</i>).	This paragraph is correct. The Neighbourhood Plan only applies within the Neighbourhood Area. Once a Plan has passed the referendum, it is legally 'made' part of the statutory Development Plan for the District.	No change. Grammar correction ...'and forms...'
Wickham Bishops Parish Council	Wickham Bishops Parish Council strongly agrees with your item 3.10. We would welcome your ongoing support of our established Neighbourhood Plan in relation to the Maldon Housing Land Supply issue.	Noted	No change
Althorne Parish Council	3.11 In addition to the statutory requirements outlined above, the Council will provide support for each Neighbourhood Plan during its preparation. <i>The level of support provided will reflect the structure of the parish, complexity of proposals in a Plan, and the objectives of the community as articulated by the Steering Group.....</i>throughout the development of a Plan. Amend - Provide 'critical friend' assistance to ensure that the emerging work is in conformity with Council planning <i>delete documents insert policies</i> and the National Planning Policy Framework;	The paragraph already provides for varying levels of support, so does not need changing. It is correct that Neighbourhood Plans need to be in conformity with the strategic policies in a Local Plan. The paragraph will be corrected.	3.11... to ensure that the emerging work is in conformity with Council planning documents <u>policies</u> and the National Planning Policy Framework

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Development Management			
Althorne Parish Council	4.2 Pre-application- Check that fees are up to date. PPAs - "Fee" define calculation of the fee	The fees/fee structure for determining planning applications, Pre-apps and PPAs are not included in the SCI to ensure that the SCI does not come out of date when these are changed.	No change
NHS Mid Essex Clinical Commissioning Group / Mid and South Essex Health and Care Partnership	However, it does not indicate that the CCG will be consulted at any of the development management stages. While the CCG is not able to respond to every development proposal, it recognises that the cumulative impacts of even modest developments, can impact healthcare services Suggested amendment - State that the CCG will be consulted in respect of preapplication requests and planning applications for 10 or more dwellings, care homes/specialist housing and major employment development.	Infrastructure providers added to para 4.4. Para 4.21 already includes 'statutory and specialist bodies' the council consults on planning applications.	4.4... It may, however, consult with some of its partners, <u>such as for example, infrastructure providers, Essex County Council (for minerals and waste; highway matters; community infrastructure; sustainable drainage and sustainable travel)</u> Highways team, for technical advice that feeds into the discussions with developers.
Essex County Council	ECC supports paragraph 4.2 and the undertaking of pre-application discussion. However, ECC recommend that paragraph 4.3 is amended to make reference to ECC undertaking pre-application advice for minerals and waste; highway matters; community infrastructure; sustainable drainage and sustainable travel rather than simply on highway matters. ECC recommend that reference is also made to ECC being a party to PPAs, where appropriate.	Agreed	4.4... It may, however, consult with some of its partners, <u>such as for example, infrastructure providers, Essex County Council (for minerals and waste; highway matters; community infrastructure; sustainable drainage and sustainable travel)</u> Highways team, for technical advice that feeds into the discussions with developers. 4.12.... <u>Where appropriate, other parties, such as Essex County</u>

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
			<u>Council, may also be a party to a PPA.</u>
Althorne Parish Council	4.11 Should have its own heading	Agreed	Add heading : Nationally Significant Infrastructure Projects (NSIPS)
Public	4.11 For the most significant major..... suggest split para at “However, <i>delete</i> The pre-application process and planning...application process remain vitally important to community engagement and consultation. Any individual wishing to participate in the examination..... <i>delete</i> “and not the local planning authority”,.....	<p>The proposed paragraph splitting is not necessary.</p> <p>Agree with the proposed deletion of the ‘pre-application’ sentence, to correct an error.</p> <p>Last sentence unchanged, as it emphasises where people are to register to participate in an NSIP Examination.</p>	4.11..... However, the pre-application process and planning application process remain vitally important to community engagement and consultation...
Althorne Parish Council	4.15-4.17 Pretty thin gruel for private householders compared with what is on offer to developers under Pre- application and Planning Performance Agreements before fees appear to kick in.	Pre-apps and PPAs are paid for services, which are executed after payment is made.	No change
Althorne Parish Council	<p>4.19 Weekly lists of applications are provided for publicity purposes to:</p> <ul style="list-style-type: none"> • Amenity societies; • Local newspapers* <p>*Only Listed and Departures from the LDP are listed. The press block should advise that the full list is available on the MDC website for full transparency. The point size of the press block in the Maldon Standard is too small for general utility; far too small for an aging population with optical issues.</p>	<p>The weekly list is provided to the local paper.</p> <p>Only specific types of application need to be advertised by public notice. The font size used for public notices is small, but it is the standard format for public notices. However, the notices are available online, in a larger font, on the Maldon and Burnham Standard website.</p>	No change

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Public	<p>4.19 (and 4.23) says local papers this can allow obscure websites to be used this one was in the Bolton News</p> <p>MALDON DISTRICT COUNCIL Notice ID: COL2045486 https://www.theboltonnews.co.uk/announcements/public_notices/notice/159701.MALDON_DISTRICT_COUNCIL/?fbclid=IwAR1-DDX7MWW17egy8Ox0sNwZaNQFrIQQeHkTMmwsfPewEyxRyQtmzJolzY</p> <p>Why not specify and come to an agreement with i.e. News Nub or Maldon and Burnham Standard to list ?</p>	<p>The public notices are published in the Maldon and Burnham Standard. This and The Bolton News are part of the larger Newsquest Media Group. Public notices in any of their local/ regional papers can be viewed from any other newspaper in the group, which is beyond the District Council's control.</p>	No change
Althorne Parish Council	<p>4.20 Once an application has been received by the planning service.... Should state that all applications are required to make a full and complete disclosure of all relevant facts. Too many applications fail to make a full and correct disclosure. The LPA should have the right to suspend or return applications if, ex post, inaccuracies or misstatements are exposed.</p>	<p>The process of determining a planning application is set out in the Town and Country Planning Act 1990 and subsequent guidance and secondary legislation. It is expected that those submitting a planning application will disclose information on the application form that is correct. Where an inaccuracy is discovered during the application process it is investigated and the applicant asked to rectify the inaccuracy.</p>	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Wickham Bishops Parish Council	4.23. Wickham Bishops Parish Council feels very strongly that as well as posting Site Notices in a prominent position near the site, Maldon District Council should be sending individual letters to neighbouring households to make them aware of the proposals, giving them the opportunity to comment and reminding them that the Parish Council are being consulted also.	The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) prescribes the publicity that must be undertaken before a planning permission is determined. Where a site notice is displayed, serving the notice on any adjoining owner or occupier is not required.	No change
Public	4,23 makes it unclear if it is a site notice letter or both ... site notices in rural areas can lead to them being put in obscure places. It appears letters will not be consistent ... they should be for all applications ... not all use internet for information and if they do it may not be for planning purposes.	It is a site notice or a notification letter. A notification letter will only be sent when it is required by the regulations.	No change
Althorne Parish Council	Table 1 Statutory and Local Notification Requirements for Planning Applications (In 2021, these are subject to changes through Coronavirus related regulations). Column 3 Site notice or neighbour notification letter All notices should be sent to affected householders	The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) sets out the publicity that must be undertaken before a planning permission is determined. Where a site notice is displayed, notifying adjoining owners or occupiers by letter is not required.	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Public	MDC should resume sending letters to neighbouring properties of planning applications – yellow notices are insufficient notification	The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) sets out the publicity that must be undertaken before a planning permission is determined. Where a site notice is displayed, notifying adjoining owners or occupiers by letter is not required.	No change
Public	4.30 It has been a big problem recently that it has taken so long (over a week at times) for on-line comments appear on the council website. This means that for applications that generate a lot of interest, it is very difficult to see who has already commented and what they say so that points raised that are not factual can be challenged. This delay may be Covid related but it would be good for the SCI to include a target- eg all comments entered on-line to appear on the web-site within 5 working days.	We aim to upload the comments as soon as possible. It is not practical to set a time limit in the SCI, as the time it takes to upload a comment is subject to too many variables.	No change
Public	4.32 I would specifically add to the list of examples, “Impact to natural environment/ biodiversity”.	Impact on the environment and biodiversity are included in the list on page 6. It is not necessary to replicate that list at 4.32.	See changes to 1.9
Public	4.35 In my recent experience, it has been very difficult to understand for particular applications, how and when they are to be decided. So for example, it is not clear which will go to committee and for those that do, which meetings they will be reviewed at.	On the planning application search https://publicaccess.maldon.gov.uk/online-applications/search.do?action=simple&searchType=Application . Each application has a ‘details’ tab, click on this and there is a tab for ‘Further Information’. This tab shows	No change

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	<p>The main issue is that the 'Key Information' web page on the application is not being filled in with sufficient information</p> <p>I would propose that the SCI should say explicitly: "The method of review (committee or otherwise) and all meeting dates will be entered in the relevant Key Information tab of the application's on-line entry"</p>	whether it is a committee or delegated decision.	
Public	4.35 MDC should return the 'parish trigger' where a Parish or Town Council can request an application to be considered by committee rather than by officer determination.	The 'Parish Trigger' was discontinued in 2017, and replaced by a revised Member call-in facility for District Councillors.	No change
Althorne Parish Council	4.35. "Under delegated powers, the Director of Service Delivery is able to make decisions on certain categories of planning application"... these delegated powers should be specified, also: are delegated powers temporary due to C19 or permanent are they renewable?	Delegated powers are set out in the Council's Constitution. These can change from time to time. To ensure that the SCI is not made out of date by any future changes, delegated powers are not detailed in the SCI.	4.35 A link to the Council's constitution will be added.
Public	4.36 When planning goes to committee for approval/refusal, you will very rarely have a member of public speak, (only one person is allowed to do so) I believe the process is seen as an intimidating process for most who have no public speaking experience. Comments or objections made on the planning portal are never reviewed or discussed in committee meetings (giving the impression they have no weight in the decision-making process). The council planning officer, often sounds like they are supporting the applicant rather than the councillors rarely giving guidance on planning policy and interpretation of legal/valid objections to councillors.	<p>Comments received on policy consultations or planning applications are reported to Committee in the Committee Report.</p> <p>Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as</p>	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
		<p>possible, and the role of the planning officer is to take all considerations into account, including the views of those wishing to make representations and come to a balanced decision, which, if necessary, they recommend to the Planning Committee or if the decision is made under the Council's Scheme of Delegation by the Officers.</p> <p>Speaking at Committee can be difficult for members of the public, but the Council does try to make the process as open and transparent as possible and those speaking are given reassurance of the process if they require it.</p>	
Purleigh Parish Council	Purleigh Parish Council would like to emphasise that effective community involvement and public participation in the planning process is entirely dependent on planning officers being accessible to those communities and members of the public. This is all that is needed and ensures fairness for those without access to the internet.	Noted	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Althorne Parish Council	<p>4.40. Only applicants may appeal against a decision made by the Local Planning Authority.</p> <p>There should be a process whereby non applicants can raise points of order if they consider the LPA decision is unsafe e.g. they have failed to follow due process or have failed to make full appraisals of relevant documentation or where the decision can be demonstrated to be against natural justice or human rights etc. The LPA should not be judge and jury, but fully accountable.</p>	<p>There is no legal mechanism to hold a public inquiry where a Local Planning Authority grants a planning permission.</p> <p>Anyone who is aggrieved by, and has a genuine interest in, a Council or Planning Inspectorate decision on a planning application can apply for a Judicial Review of that decision through the High Court.</p>	No change
Althorne Parish Council	<p>4.42-4.46 Permission in principle</p> <p>This sounds like a developers' loophole. There appears to be no stated requirement for consultation with the public or community representatives such as Town or Parish Councils. n.b. I have not fully digested the uk.gov. Guidance for Permission in Principle.</p>	<p>The Permission in Principle section of the SCI will be amended to refer to consultation on these types of applications.</p>	<p>4.42 ... <u>The consultation requirements for permission in principle applications is different to that for planning applications. The LPA must consult any consultation body with whom they would have been required to consult on an application for planning permission for the development proposed. There are requirements to consult with infrastructure bodies if the development will affect specific infrastructure that is identified in the Order, such as railway land. The proposal must be published on the Council's website (an online notice) and a site notice must be displayed for at least 14 days before a decision is made on the application.</u></p>

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Public	<p>The Permission in Principle section 4.42 does seem like a Developers Loophole in the way it is presented in the SCI as there is no mention of a consultation; however the GOV.UK document guidance on Permission in Principle expands on the process. The link https://www.gov.uk/guidance/permission-in-principle as stated on the SCI, takes you to it.</p>	<p>The Permission in Principle section of the SCI will be amended to refer to consultation on these types of applications.</p>	<p>4.42 ... <u>The consultation requirements for permission in principle applications is different to that for planning applications. The LPA must consult any consultation body with whom they would have been required to consult on an application for planning permission for the development proposed. There are requirements to consult with infrastructure bodies if the development will affect specific infrastructure that is identified in the Order, such as railway land. The proposal must be published on the Council's website (an online notice) and a site notice must be displayed for at least 14 days before a decision is made on the application.</u></p>
Essex County Council	<p>ECC acknowledges that paragraph 4.47 makes reference to the role of s106 legal agreements in making a development proposal acceptable in planning terms, that would not otherwise be acceptable. ECC recommend that reference should also be made to securing highway measures through s278 measures</p>	<p>Agreed</p>	<p>4.47 ... They are focused on site specific mitigation of the impact of development. <u>In the case of highways measures, these are secured through s278 of the Highways Act 1980...</u></p>

<p>Althorne Parish Council</p>	<p>4.47. Although we will not consult the public on the preparation of our s106 legal agreements they play an important role in making a development proposal acceptable in planning terms, that would not otherwise be acceptable.</p> <p>A bit more transparency here would be useful; s106 Agreements appear pretty toothless and unenforceable.</p>	<p>Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), are legally binding agreements or undertakings, negotiated during the assessment of planning applications to help mitigate some of the effects of a development.</p> <p>S106 agreements and undertakings are monitored by a S106 Monitoring Officer, in conjunction with Officers of the County Council and those other agencies who may benefit from the terms of the various planning agreements. Alterations to an agreement or undertaking can be made via deed of variation. If the Council do not agree to a variation an application can be made for modification or discharge of any of the planning obligations providing the obligation was made at least 5 years previously.</p> <p>In the event that any deviation can be identified from any aspect of such an agreement or undertaking the Council (and any other signatory, party to the agreement) may act to secure compliance. These actions are usually the subject of legal proceedings in a Court of Law and</p>	<p>No change</p>
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Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
		are not normally subject to enforcement action in the same way as for example a breach of planning control or the non-delivery of planning conditions.	
NHS Mid Essex Clinical Commissioning Group / Mid and South Essex Health and Care Partnership	The SCI explains that all planning applications from 2004 are available to view via the Council's planning application search facility. This is a useful source of information, helping third parties to engage in the planning process. S.106 legal agreements form High quality care for all, now and for future generations an important part of these decisions, but these are not currently available on the Council's website. The CCG would encourage the Council to make existing and future S.106 agreements available via the planning application search facility. Suggested amendment - Include reference to S.106 agreements once these are available via the Council's planning application search facility.	s106 agreements are available on the Councils' website, as part of the planning application documentation available at: https://publicaccess.maldon.gov.uk/online-applications/ Information on s106 are also available on the Infrastructure funding Statement page, at: https://www.maldon.gov.uk/info/20048/planning_policy/9810/infrastructure_delivery	No change
Public	4.47 S106 ... how is it known what the community desire as mitigation ?	The s106 agreement covers the mitigation measures required to make a development acceptable. The majority of the infrastructure needs, such as school places and health provision are determined by a formula given by the infrastructure providers. Community involvement is therefore limited.	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Public	<ul style="list-style-type: none"> • Whilst trying to be involved all my suggestions have been ignored whilst you claim to have taken account of them. I now don't trust the Council on these matters. • Local residents need to be clearly informed via post and be able to comment via paper form it is their right and money is not the real issue. • Housing is desperately needed in the country but should only be allowed as long as the infrastructure is included in the planning. This includes NHS, schools and roads. The community is the knowledge base as to how the day to day workings are working. They must be listened to. • Good to hear that the Council can offer assistance if necessary to Neighbourhood planning. • My parish council have no interest in neighbourhood planning. I would like the community to be able to do something without the need for parish council support. • Sadly, the Burnham on Crouch Neighbourhood Plan has proven still born with District Priorities and shortfalls over taking its plans and policies. Development is way in excess of 'sufficient to meet its own needs'. MDC has totally failed to assign sufficient weight to the NDP to reflect the spirit and substance of the plan • Needs to be further developed • Community involvement in Neighborhood planning is a must, the LDP must be reviewed every 5 years, public must have an opportunity 	<p>It is not always possible to take into account everyone's views on a planning issue.</p> <p>If you need help in filling out a Neighbourhood Plan consultation comments form or need a paper copy of a consultation form you can ask for assistance from the Parish Council.</p> <p>Parish Councils are able to tailor their Neighbourhood Plan consultations to their Parish. For example, delivering consultation information to households, or holding exhibitions.</p> <p>In a designated Neighbourhood Area which contains all or part of the area of a town or parish council, the town or parish council is responsible for neighbourhood planning. Unfortunately, there is no legal mechanism for a Neighbourhood Forum to be created in a parished area.</p> <p>MDC has made the the Burnham-on-Crouch Neighbourhood Development Plan and gives weight</p>	<p>Footnote added:</p> <p>¹ <u>Information on neighbourhood planning is available at:</u> https://www.gov.uk/guidance/neighbourhood-planning-2 and https://locality.org.uk/services-tools/neighbourhood-planning/</p>

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
	<p>to become involved with this process. It is essential that infrastructure is improved to keep up with the increased builds and demands on it. Many additional builds have taken place above the LDP/NDP numbers agreed, this to some extent is due to developers not starting builds within the first 5 years of the LDP period, although planning has been approved, some sort of financial charge should be levied if building work does not take place within 2 years of approval date on strategic LDP sites, this will stop land banking and using the 5 year land supply as justification for more approvals above the agreed LDP numbers</p> <ul style="list-style-type: none"> • It does not explain what the benefits of having a Neighbourhood Plan are 	<p>to in its decisions on planning applications in the Neighbourhood Area.</p> <p>The Council encourages developers with sites allocated in the LDP/Neighbourhood Plans to submit planning applications. However, the Council is not able in law to require applications be submitted within a set period of time. Once a permission has been granted, that permission has a limited lifespan: For outline permissions it is 3 years, for reserved matters 2 years and or full permissions 3 years. These timescales are set by the Government not the Council.</p> <p>Links to information about neighbourhood planning have been added to the SCI</p>	
Public	Local residents need to be clearly informed via post and be able to comment via paper form it is their right and money is not the real issue.	Notifying neighbouring properties of planning applications is not required by the Regulations that govern consultations on planning applications. The consultations undertaken by the Council on planning applications comply with the Regulations	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Public	The Council should refuse to engage with developers pre-application until it can be proved that the developer has, themselves, meaningfully engaged with the community and demonstrably taken a wide range of inclusive views into account and that the proposed development has widespread, independently validated public support. (Not a skewed, biased survey presented at the last minute whose questions bear no relation to the application).	An inadequate pre-application consultation would be given little weight, if any, when determining a planning application.	No change
Public	Also, much more guidance should be made available to those wishing to comment on applications - e.g. using a structured form like this one with clear headings (this will also help the Council collate responses).	Agreed. The Government is currently investigating ways which could improve peoples' engagement in commenting on planning applications and the District Council will need to consider the outcomes of this work to inform how it could improve engagement locally.	The Council makes a commitment to explore what additional guidance could be given by the Council to help people commenting on planning applications.
Public	Where disruptive planning is allowed, a public enquiry should be convened. Too many controversial permissions are allowed without recourse to post objections being heard.	There is no legal mechanism to hold a public inquiry where a Local Planning Authority grants a planning permission. Anyone who is aggrieved by, and has a genuine interest in, a Council or Planning Inspectorate decision on a planning application can apply for a Judicial Review of that decision through the High Court.	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Public	Advice on what to do if a Parish Council has no interest in community engagement with regard to local and strategic development.	<p>Any member of the public can always comment on planning applications and planning policy consultations that relate to local and strategic development.</p> <p>Local residents also have the option to raise issues directly with their MDC Ward Member.</p>	No change
Public	<ul style="list-style-type: none"> It is all well and good that the Community can have involvement in the Development Management but their comments MUST be taken seriously, even single voices count. Currently it seems that any comments are received but not given much further consideration. Currently there is a huge amount of building but no increase in capacity for schools, health services etc. Do not really see any true community involvement, just lip service. As your vision statements says "The benefits of consultation and involvement are a better informed Council and community, leading to healthy and open relationships. Decision making should become more relevant, as a result there will likely be resource savings as the correct services become more frequently targeted and precise approaches are taken." Process for the public to become involved in all parts of planning and development, if public do not put themselves forward, assume all is right, but I 	<p>Anyone can comment on a planning application. All comments based on planning matters are considered prior to the decision being made on an application.</p> <p>A summary of comments received is given in the Committee Report on an application and in the Delegated Recommendation Sheet.</p>	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
	<p>think you will find a large number of people willing to have the chance to join in and have a say.</p> <ul style="list-style-type: none"> • I could not see where there is consultation with communities prior to member involvement ? How will the member know the community view if it is unknown to the community ? • Too boring to read this 		

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Monitoring and review			
Public	<ul style="list-style-type: none"> • Again too boring to read • This section would benefit from more detail on exactly how the effectiveness of the Policy will be assessed, e.g. using what objective criteria? • Any plans that will affect the community must be well notified so opinions can be voiced before permissions are allowed. Past planning should be reviewed as what effect they had on infrastructure and community life. • There does not seem to be sufficient monitoring of the long term effects of the plans passed on the long suffering residents where lack of improved infrastructure is concerned. • Once again, in the document it seems quite appropriate but I am not sure that there is sufficient monitoring. • Is there a process whereby a complaint can be made relating to the policy? • I would suggest an annual review is built in to check to what extent the management of the planning process and the communication of information on statuses is in line with the SCI's ambitions regarding open-ness and transparency. This could be done by reviewing a random sample of applications key metrics could include: 	<p>The Council publishes the Authority Monitoring Report each year. This is a legal requirement. This outlines the progress made on the LDP and the Local Development Scheme. Consideration will be given to include a section on the SCI to provide a summary evaluation of the effectiveness of the Council's consultation activity carried out over the year. This might include reporting on how successful consultations were and what respondents thought about their consultation experiences.</p> <p>Information on how to make a complaint if a planning consultation does not meet the requirements in the SCI has been added.</p>	<p><u>5.2 If you feel that a planning policy or planning application consultation does not meet the requirements of the SCI, you can make a complaint at the time of the consultation, using the contact details for the consultation you have concerns about.</u></p>

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
	<ol style="list-style-type: none"> 1) Average time taken for comments to be uploaded to the site 2) Whether all the key information regarding the applications has been included and communicated (e.g. dates of approval meetings etc) 		
Public	<p>Para 5.2. It would be helpful to summarise any changes in the legislation, which may affect the Statement of Community Involvement. It is assumed that the document reviewed is the original five year old document and has not been revised. Given Mr. Jenrick's (The Secretary of State) attempts to neutralise planning this is of concern.</p>	<p>5.2 has been expanded signposting to the legislation, orders and regulations that govern planning consultations.</p>	<p>5.1 expanded:</p> <p><u>...Legislation relevant to the SCI includes:</u></p> <ul style="list-style-type: none"> • <u>The requirement for an SCI and its contents are set out in the Planning and Compulsory Purchase Act 2004 (as amended);</u> • <u>Information on the different orders and regulations that guide consultations on planning applications is available at:</u> https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Public-consultation . • <u>LDP and SPD consultations are governed by The Town and Country Planning (Local Planning) (England) Regulations 2012</u>

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Communication with people without internet			
Althorne Parish Council	<ul style="list-style-type: none"> • By post • Through the Parish Council 	Noted.	The suggestions received will be considered when we are preparing future consultations on planning policy.
Online response	<ul style="list-style-type: none"> • Write, telephone or leaflet drop through letterboxes, local radio and TV. • Good old fashioned letters or large notices • Well-advertised public meetings and outreach, e.g. drop in clinics at hubs • A planning page should be taken out in the local paper. The articles in the Focus are already very helpful. • Leaflet drop or postal to the areas affected by any development. All costly but I can think of no other way. • Noticeboards/leaflets/literature left in key places such as supermarkets, health care centres etc. Newspapers. • Postal information with suitable response form included • Send notices and post notices on village hall notice boards etc. • More Timely, Better and Consistent site notices of upcoming applications, plus most importantly timely removal of old site notices. Failure to remove obsolete notices means they are just wallpaper that people ignore. 	<p>Consultation is required to be reasonable and proportionate and has to consider the resources the Council has available to it in terms of delivery.</p> <p>Currently the District Council's reception area is closed as it is a vaccination hub. Prior to Covid 19, there were public computers in reception that people could use to access planning application information, but we have had to make adjustments.</p> <p>Applications are available online. Subject to local restrictions in libraries, they can be accessed via the library computers.</p>	The suggestions received will be considered when we are preparing future consultations on planning policy.

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
	<ul style="list-style-type: none"> • Could the District Council have a notice board alongside the parish council's in each village for things like this? Or ask Parish Councils if they have space on their notice boards; Include info with letters that are going out anyway such as council tax letters; Put articles in local papers, directories, parish magazines etc (free if they are "articles" not "ads"); Notice boards in libraries and council buildings. Offer a chargeable quarterly info pack to residents? • Access to the MDC website (via a public PC) at local council offices would add to the already planned communication methods available. • Provide opportunity to review documents in the library (by accessing screens) and then provide inputs via paper form. • There is only one way and that is by letter for all applications. Perhaps introduce an opt out of by letter communication. • I would think to properly inform people who do not have access to the internet, a letter and paper copy of the consultation would be best. I also think that a paper copy should also be offered to people who cannot read a lot online. Offering an invitation to people to request a paper copy. Also, access to an audio copy for people who do not or cannot use assistive technology. 		

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
	<ul style="list-style-type: none"> An offer of a paper copy would help a great deal. Also a leaflet through the door to let people know it exists and can comment on it, and access options. 		
Wickham Bishops Parish Council	Wickham Bishops Parish Council believes that it is the duty of Maldon District Council to ensure that neighbours are aware of Planning Applications near to them. The best way of doing this is to put letters through the letterboxes of adjacent households who may be affected by the proposals. Assumptions must not be made that everyone has access to the internet.	Consultation is required to be reasonable and proportionate and has to consider the resources the Council has available to it in terms of delivery.	No change
Easy to read and understand			
Online responses	No = 5 Yes = 14	Of those who answered this question, most people found the SCI easy to read.	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Other comments			
Online response	<ul style="list-style-type: none"> • Is there any point when residents don't get heard/ most of the time planning is granted. • This reads well, but the proof of what is going on in Maldon implies something else ! • A good document, with plenty of links to the relevant policy that are stated in the document. • As I have said public involvement is key, as if this happens then it will be to the benefit of the local people and the council. But involvement must be at local level, not based in centrally MDC only, by planning District areas would be the minimum suggestion. • If the intention is to improve community engagement with planning consultations the SCI fails in many respects. • I was not clear if there was a clear mechanism to ensure Parish Councils input into the Local Develop Statement or Plan • I don't expect you will get many responses to this. This is the problem with the councils community engagement. Too complicated to get involved. Who has time to read and interpret a massive document? You need to summarise and simplify and actively encourage engagement from the lay person rather than it being a tick box exercise. • I would also like to suggest that with something like an SCI that it is an ongoing process, and therefore does not have a closing date. 	<p>The ability to comment on consultations by post, email and online means that consultations are not limited by geography.</p> <p>All consultations need a closing date, otherwise there would not be a definitive version to work to.</p>	No change

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Document Formatting			
Essex County Council	ECC recommends that further consideration is given to the Digital Accessibility Law (Sept 2018), which is relevant to local authorities in terms of the publication of consultation documents. ECC recommend MDC make the appropriate amendments to the format of the proposed SCI to be in accordance with these requirements. For instance, the chart regarding consultation principles (page 4) and the Table supporting paragraph 4.23 on planning and heritage applications use colour headings, footnotes and tables. These would not be viewable by a screen reader.	The formatting of the document has been reviewed.	Formatting has been reviewed to ensure compliance.
Public	<p>I use a screen reader access longer documents. But it is not something I can do quickly or at length. I would therefore like to suggest that long consultation documents are divided and released in stages. Rather than in one go. To give people a genuine amount of time to go through it, absorb the information and respond. A six-week period is not long enough.</p> <p>It would also help if subheadings were larger and in a darker colour. Along with emboldening the first line of a sub-section.</p>	<p>The Council is intending to purchase consultation and engagement software, which will make it easier to read.</p> <p>Where the LDP Review timetable allows it, consultations may be longer than the minimum six week period.</p> <p>The formatting of the document has been reviewed</p>	Formatting has been reviewed.

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
Website			
	<ul style="list-style-type: none"> I do find it very difficult to navigate the MDC site to obtain specific information about the Local Development Plans and to understand what has actually been agreed. So although the SCI states that everything is open and transparent I believe that considerable improvement is needed in signposting on the website. The council's own information is available (albeit not easy to find), however I find it nigh on impossible to locate copies of the developer's own applications and key agreements for large scale projects. If the SCI's ambitions stated in paragraph 1.8 are to be realised then the way that information is presented on the website needs to be as user-friendly as possible. The SCI does not align with the consultation principles set out in the introduction. It is not 'open and fair' in that it is not easy to read, where the definition of Plain English feels stretched. There are too many vague references to information being available on the council website – but no details of where (making it challenging for those with certain disabilities to 	<p>We recognise that the website needs improvement, and that navigation around the site is not always straightforward. The corporate MDC website is being reviewed with the aim of making it easier to find information on planning policy documents.</p> <p>From the home page, www.maldon.gov.uk in the 'Planning' box is a link for 'View a planning application.' From here you can search for planning applications.</p> <p>https://publicaccess.maldon.gov.uk/online-applications/</p> <p>Information on s106 is available here: https://www.maldon.gov.uk/info/20048/planning_policy/9810/infrastructure_delivery including a spreadsheet of all current s106 agreements.</p> <p>There are two options for providing internet links in documents. One is providing the detailed URL to the relevant page. However, if a website</p>	<p>We will be reviewing the policy section of the website this year to make it easier to navigate. The comments received will be taken into account in this review.</p> <p>Links in the SCI will be improved, recognising that these detailed links may not work in the future, following any website update.</p>

Name/ Organisation	Summary of comments made	MDC response	Proposed changes to the SCI
	<p>engage with the consultation) it links to the Maldon website then the document needs to be found. Why can it not link to the document or section it's in.</p> <ul style="list-style-type: none"> • I would also like to see a 'Guide to Local Planning' produced informing local residents about the processes and stages, timings, who does what, contacts, help desk, what community can do, invite involvement. Local people feel detached from the process. • Access to an online 'Community Planning Forum' where people can raise genuine concerns and ask questions, give input. I know many people may not wish to engage in the process, but many do. We all have a responsibility to do what we can to ensure they inherit a local environment worth inheriting. • Signposting to Government Planning legislation and information. • Make it clearer and easier to access it online- it's very long winded and confusing now 	<p>is updated, or information is moved, then detailed links can often break. The other option is to provide a link to the overall website. However, as pointed out, this may not be particularly helpful.</p> <p>The Planning Policy section of the Council's website is being reviewed as a priority, with the aim to make it easier to use and find information. These suggestions will be taken into account in this review.</p>	

Non SCI related comments:

- Greater emphasis given to the preservation of habitat, wildlife species and biodiversity. Consideration given to not permitting Archaeological surveys during nesting season. Survey excavation progressed at the wrong time of year does nothing to help local wildlife survive in ever declining habitat.
- A greater emphasis on redevelopment of brownfield sites would help not only the local environment, but also give the local community greater confidence that this issue is at the forefront of planning.
- Wildlife NGOs should be given the opportunity for a greater input in decision making, and their vast knowledge and expertise taken on board as a solid part of the planning process. Not just as consultation.
- The Climate Emergency and increasing flooding risks for coastal/riverside communities such as ours, need greater prominence in Planning consideration. Please can MDC include a special section in all application of 10+ units that evaluates 25/50/100 year risks to the development in question and on key transport links. Similarly any adverse impact on Infrastructure should also be included
- In particular, with the two ongoing Garden Suburb developments, it is very hard to figure out what the developments will end up looking like. As an example, it is hard to assess when builders are removing hedges, trees etc whether what they are doing has been agreed or whether they are being over-zealous.
- You can't build housing estates without schools and medical facilities. I know the conservative govt wants councils to agree to more housing but Maldon is already struggling with lack of gap services so enough is enough! Please listen to your residents.
- Sounds fine on paper but since the 2018 edition the council has allowed the area to become a traffic nightmare area by permitting large developments with no improvements on the main routes through
- Can I also say- please stop granting the building of houses and build some resources especially a doctor surgery!
- All this consultation is fine as long as it's not ignored as The Local Development Plan has been.
- Stop proposed development on Primrose Meadow/Mundon Road its greedy and disgusting!
- Appendix 2 of the DEVELOPER CONTRIBUTIONS GUIDE 2005 states that Affordable Housing is the no 1 priority for contribution, then comes Infrastructure. For instance S016 contribution does not appear to be joined up thinking: For example: S2(j) has contribution towards Early year and

Childcare Contribution for construction of a £1.1m facility in Burnham-On-Crouch. So far £524561.62 has been collected, just under half the amount needed for this project, but no other site has been asked as part of S106 to contribute towards this project, this has resulted in only half the required sum being collected and the construction of the facility has not happened. Surely a sensible approach is to ask for further contributions from other sites as part of the S016 agreements in BOC, to reach the target of £1.1m so the facility can be built and the residents of BOC will then benefit from this, since 2003 £819,396 has been received from S016 contribution of BOC builds, none of this contribution has filtered to the community for improvements and or projects that the contribution was identified for. Other examples are available, especially for BOC

- Whilst the SCI may sound acceptable residents of Maldon know that the continued passing of developments without improved infrastructure has produced a severely damaged level of life for Maldon District residents.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
COUNCIL
2 SEPTEMBER 2021**

TAXI AND PRIVATE HIRE POLICY

1. PURPOSE OF THE REPORT

- 1.1 To introduce an overarching taxi and private hire policy based on recommendations in the Department for Transport's (DfT) statutory guidance, pulling together all the Council's policies, conditions, byelaws and procedures into one document.
- 1.2 To amend existing Council policy and conditions to reflect the recommendations made by the DfT.
- 1.3 To outline the consultation process with stakeholders, including the taxi and private hire trade.

2. RECOMMENDATIONS

- (i) that the draft overarching policy on taxi and private hire be approved;
- (ii) that the amendments to existing policy and licensing conditions be approved;
- (iii) that the consultation process be approved.

3. SUMMARY OF KEY ISSUES

- 3.1 In July 2020, the Department for Transport (DfT) issued guidance in respect of licensed taxis and private hire in the light of the Bradford enquiry. As the guidance is statutory, licensing authorities must have regard to it. Although the guidance, 'Statutory Taxi and Private Hire Standards', focuses on safeguarding of children and vulnerable adults, all passengers will benefit from the recommendations contained within it. The recommendations follow detailed discussion with the trade, regulators and safety campaign groups. The Department, therefore, expects these recommendations to be implemented unless there is a compelling reason not to.
- 3.2 In the interest of transparency, all licensing authorities are being asked to publish their consideration of the measures contained within the statutory standards and the policies and delivery plans that stem from these. The DfT will be monitoring what the Council does and there is an expectation that an overarching policy will be in place by December 2021.
- 3.3 The guidance recommends a cohesive policy document bringing together all the Council's procedures on taxi and private hire licensing such as the criminal convictions policy, licensing conditions and procedures. This policy should be reviewed at least every five years.

- 3.4 To comply with the DfT's recommendations, it is proposed that the Council:
- amends the following taxi and private hire policies, guidance and conditions to bring them up to date and to reflect the recommendations contained within the DfT's statutory guidance: -
 - Criminal Convictions Policy dated January 2018;
 - Medical Exemption Policy dated January 2018;
 - Pre-Licensing and Licensing Conditions for Hackney Carriage Drivers and Vehicles;
 - Pre-Licensing and Licensing Conditions for Private Hire Drivers, Vehicles and Operators.
- 3.5 The main changes to policy and licensing conditions are as follows: -
- the Council to provide information to the national anti-fraud network NR3 register where appropriate and undertake driver checks through the register;
 - a decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult will be referred to the Disclosure and Baring Service (DBS);
 - basic DBS checks to be undertaken annually on private hire operators and vehicle proprietors;
 - enhanced DBS and barred list checks for drivers to be undertaken every 6 months rather than on application only (usually every 3 years) - to facilitate these checks, introducing a licensing condition whereby drivers must subscribe to the DBS update service;
 - making safeguarding training compulsory for all taxi and private hire drivers – existing drivers to be given a 3-year lead in period – changing licensing conditions to reflect this;
 - enabling authorised officers of other licensing authorities to request appropriate information and documents of license holders allowing cross border and 'county lines' enforcement by amending existing conditions;
 - new licensing condition on how to make a complaint to be displayed in all licensed vehicles;
 - new licensing conditions for private hire operators to: -
 - keep registers of all staff that take bookings or dispatch vehicles
 - undertake basic DBS checks for these staff
 - require staff to report convictions
 - have an ex-offenders' policy
 - enhance their record-keeping
 - updates the taxi and private hire vehicle licensing conditions to reflect Members' decision following the air quality consultation.
- 3.6 It is proposed that the Council consults with stakeholders on the changes as recommended in the DfT's statutory guidance. It is recommended that the following bodies are consulted:
- taxi and private hire trade by writing to all drivers and private hire operators;

- Chamber of Commerce;
- safety campaign groups;
- women's groups;
- local traders;
- customers, including groups that represent the disabled;
- organisations with a wider transport interest;
- multi-agency safeguarding arrangements.

3.7 It is proposed that the Council consults:

- by publishing the consultation on the website in the usual way;
- writing to all licensed drivers and private hire operators; and
- writing to other interested stakeholders.

3.8 It is proposed that the consultation is open for one month. Following the consultation, another report will be submitted to Members advising of the outcome of the consultation and any proposed amendments based on responses received.

4. CONCLUSION

4.1 The new policy and amendments to existing policy, licensing conditions and procedures will strengthen the licensing regime. It puts safeguarding at the core of the decision-making process, thereby protecting children and vulnerable adults and consequently, better protect passengers and the public.

5. IMPACT ON STRATEGIC THEMES

5.1 Improvements to the licensing regime will better protect local communities.

6. IMPLICATIONS

- (i) **Impact on Customers** – an overarching policy drawing together all the Council's policy, byelaws, conditions and procedures into one document will provide clarity to applicants and the public. As safeguarding is core to the policy and amendments to licensing conditions and procedures, the licensing regime will better protect children and vulnerable adults, and consequently protect all passengers and the public.
- (ii) **Impact on Equalities** – The new policy and procedures, especially around the training of taxi and private hire drivers, will bring greater awareness of equality legislation to provide more accessible and better services for disabled people.
- (iii) **Impact on Risk** – The Council could be challenged for not implementing recommendations in the DfT's statutory guidance, thereby failing in its safeguarding role and bringing the licensing regime into disrepute.
- (iv) **Impact on Resources (financial)** – Currently £1,600 for annual membership of the antifraud network which gives access to the NR3 register to check that

applicants for a taxi or private hire driver's licence meet the 'fit and proper person' test. Driver and Vehicle Licensing Agency (DVLA) checks are also undertaken for each driver, currently £4 per applicant. All these charges are recouped through the licensing fees.

- (v) **Impact on Resources (human)** – None, the licensing regime will be administered through existing resources.
- (vi) **Impact on the Environment** – By ensuring new and replacement taxis and private hire vehicles are to Euro VI standard or better from 2022 will help improve air quality.
- (vii) **Impact on Strengthening Communities** – Improving the licensing regime to protect children and vulnerable adults will help protect local communities. Working with the trade and other agencies will strengthen local communities and bring better protection to them.

Background Papers:

DfT statutory guidance, see

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf

Criminal Convictions Policy and current licensing conditions, see website and click on relevant links, [Dual driver licences | Dual driver licences | Maldon District Council](#)

Medical exemption policy, see website and click on relevant link, [Wheelchair accessible vehicles | Wheelchair accessible vehicles | Maldon District Council](#)

Enquiries to:

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Hackney Carriage and Private Hire Policy

Issued 2021

Document Control Sheet

Document title	Hackney Carriage and Private Hire Policy
Summary of purpose	To introduce an overarching taxi and private hire policy based on recommendations in the Department for Transport's (DfT) statutory guidance, pulling together all the Council's policies, conditions, byelaws and procedures into one document.
Prepared by	Gill Gibson
Status	Draft
Version number	1
Approved by	Council
Approval date	2 September 2021
Date of implementation	December 2021
Review frequency	5 years
Next review date	July 2026
Circulation	Trade and other interested stakeholders
Published on the Council's website	Yes

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

Contents

1. Introduction
2. Delegation
3. Gathering and sharing information
4. Decision-making
5. Drivers
6. Vehicles and Vehicle Proprietors
7. Private Hire Operators
8. Enforcement
9. Data Protection

Appendix A – Assessment of Criminal Convictions

Appendix B – Equality Act: Taxis, Private Hire Vehicles and Driver Requirements

Appendix C – Pre-licensing and Licensing Conditions for Hackney Carriage Drivers and Vehicles

Appendix D – Pre-licensing and Licensing Conditions for Private Hire Drivers, Vehicles and Operators

Appendix E – Maldon District Council Byelaws

Appendix F – Approved testing stations, vehicle inspection sheet and report

1. Introduction

The over-riding aim of licensing regime is to protect the public. This policy provides guidance to applicants, existing licence-holders and the public of the Council's standards and procedures in place to fulfil its function as a licensing authority.

To protect the public, the Council will: -

- determine if an applicant is a fit and proper person;
- act if a licence-holder is no longer considered a fit and proper person;
- implement measures to safeguard children and vulnerable adults;
- determine if vehicles are safe;
- improve air quality by placing conditions on vehicles.

This policy will be reviewed as and when required and at least every 5 years.

2. Delegation

The Planning and Licensing Committee is empowered to discharge the Council's powers, duties and functions in respect of hackney carriage and private hire licences. It is responsible for determining whether applicants meet the fit and proper person test.

The Licensing Sub-Committee is delegated on behalf of the Planning and Licensing Committee to determine applications where: -

- the applicant has unspent convictions or
- endorsements exceeding 6 points* accrued on his/her domestic driving licence (where the application is for a driver's licence).

*This allows more serious and persistent breaches to be determined by Committee.

The Senior Specialist - Community is delegated to: -

- determine all other hackney carriage (taxi) and private hire licences;
- in consultation with the Chairman of the Planning and Licensing Committee, suspend or revoke hackney carriage and private hire licences;
- authorise officers and appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated.

3. Gathering and sharing information

The Council will consider a range of information when deciding to grant a licence and to meet the ongoing obligation to ensure a licensee remains suitable to hold a licence.

3.1 The Disclosure and Barring Service (DBS)

The Council will require either a basic or enhanced DBS (includes barred lists) check for all applicants. Those with enhanced certificates can subscribe to the DBS Update Service, this allows individuals and nominees to access their records. The Department for Transport's statutory standards require these update checks to be carried out six monthly. Subscription to the service removes the need for further certificates to be requested, unless there has

been a change or the subscription to that service has failed to be maintained by the licence holder. This reduces the administrative burden and mitigates potential delays in relicensing.

To facilitate regular DBS checks, drivers must register with the DBS update service: an annual fee is required to ensure continuation of the service. The Council will check the disclosure status every 6 months.

Basic DBS checks will be undertaken annually for vehicle proprietors on renewal of the licence. Private hire operators (including all partners or directors) will need to submit annual basic DBS checks. These basic checks will not be required, if applicants or licence holders are drivers and current DBS checks have already been undertaken.

3.2 Applicant and Licensee self-reporting

Applicants and licensees are required to disclose if they hold or have previously held a licence with another authority. They are also required to disclose if they have had a licence application refused, or a licence revoked or suspended by another licensing authority.

Licence-holders are required to notify the Council of arrest and release, criminal charge or conviction (including cautions), and fixed penalty notice in writing within 48 hours. Licensed drivers must also notify the Council of domestic driving licence endorsements during the term of the licence.

The Council will consider whether a licence holder is fit to continue to hold the licence based on the balance of probabilities. A failure to disclose an arrest, charge or conviction brings into question the honesty of the licence holder and their status as a fit and proper person, regardless of the outcome of the initial allegation.

3.3 Referrals to the DBS

Where the Council have refused or revoked a licence in circumstances where the licence holder is considered to present a risk of harm to a child or vulnerable adult they will be referred to the DBS. A referral will be made when it is reasonably believed that the person has: -

- harmed or poses a risk of harm to a child or vulnerable adult;
- satisfied the 'harm test' – for more information, see <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#what-is-harm>;
- received a caution or conviction for a relevant offence (refer to above link for more information; and
- has worked or might work in a regulated activity.

These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should they receive applications. As a matter with significant consequences, it is expected that this reporting will only be considered in the most serious of cases.

3.4 Working with other agencies

One of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions are made with the fullest

knowledge possible. The Council will work with agencies to gain as much information as possible about applicants and to monitor the ongoing suitability of existing licensees.

The Council will engage with Essex Police and neighbouring licensing authorities to highlight potential risks to the public, sharing information if it is appropriate to do so. Common Law Police Disclosure allows the Police to pass on timely and relevant information. Information is shared as soon as possible following an arrest or charge, rather than on conviction, allowing measures to protect the public to be put in place immediately.

The Council will make use of and contribute to the NR3 register: a national register of hackney carriage (taxi) and private hire vehicle driver licence refusals and revocations which was commissioned by the LGA as part of a national anti-fraud network. If there is notification that an applicant has been refused a licence or had one revoked, the Council will contact the relevant licensing authority for more information. The relevance of information received will be considered when determining the applicant's fitness to be licensed. Likewise, the Council will share details of revocations or refusals of licences with other licensing authorities on request in line with the data sharing agreement between the Council and the NAFN and national data protection legislation.

Should the Council receive information that a licence holder did not disclose relevant information, it may consider whether the non-disclosure represents dishonesty and may review whether the applicant or licence holder is or remains a 'fit and proper' person.

The Council will, where it is appropriate to do so, work with the taxi and private hire trade to raise awareness of local criminal activities and national crime trends that may engage with their services. By working with licensees, the Council can assist in the identification and intervention of activities that might be related to 'county lines', modern slavery and exploitation of vulnerable groups and individuals.

4. Decision-making

Members and officers that determine whether a licence is granted are required to undertake training. Officers acting on behalf of licensing authority will be suitably qualified commensurate with their role.

Training for Members of a licensing committee will include: -

- licensing procedures;
- natural justice;
- understanding the risks of child sexual abuse and exploitation;
- disability and equality awareness; and
- the making of difficult and potentially controversial decisions.

Training will include the use of case study material to provide context and real scenarios. All training will be formally recorded.

If an applicant or licence holder has any convictions, warnings, cautions or charges awaiting trial, the Council will consider: -

- how relevant the offence(s) are;
- how serious the offence(s) are;

- when the offence(s) were committed;
- the date of conviction;
- circumstances of the individual concerned;
- sentence imposed by the court;
- the applicant's age at the time of conviction;
- whether there is a pattern of offending;
- any other character check considered reasonable (e.g. personal references); and
- any other relevant factors.

Existing licence-holders are required to notify the Council in writing within 48 hours of arrest and release, criminal charge or conviction (including cautions), and fixed penalty notices). In addition, drivers must also notify the Council of receiving driving endorsements within 48 hours.

Applicants are entitled to a fair and impartial determination of their application. Each case will be determined on its own merits within the constraints of policy and relevant legislation. Should a decision maker have a prejudicial interest in a case - financial or a personal - with those involved they should declare their interest at the earliest opportunity. This must be prior to any discussions or decisions.

The Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Unless specifically prevented through policy the Council may consider that a person with a conviction(s) need not be automatically barred from obtaining a licence. Normally an applicant would be required to: -

- remain free of conviction for an appropriate period; and
- show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not be regarded as adequate evidence that a person is a fit and proper person).

Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction. When determining an application, decision-makers must have regard to the Taxi and Private Hire Assessment of Criminal Convictions – appendix A.

In determining whether a person is fit and proper, Members can ask themselves the following question: "Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?"

The discharge of licensing functions will be undertaken in accordance with the following general principles: -

- policies will be used as internal guidance and are supported by a member/officer code of conduct;
- implications of the Human Rights Act;
- rules of natural justice;
- decisions must be reasonable and proportionate;
- hearings to be fairly conducted and allow for consideration of all relevant factors;

- decision makers must avoid bias and predetermination;
- data protection legislation.

4.1 'Fit and proper person' checks

When considering the suitability of applicants, the safeguarding of the public is paramount. All applicants (drivers, vehicle proprietors and private hire operators) are required to pass the 'fit and proper person' test. All decisions on the suitability of an applicant or licensee will be made on the balance of probability. This means that an applicant or licensee will not be 'given the benefit of doubt'.

If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', the licence will not be granted or, if already granted, suspended or revoked. The threshold used is lower than for a criminal conviction (beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction or met the criminal threshold of proof.

Enhanced disclosures from the Disclosure and Barring Service (DBS) which includes the adult and child barred lists, are required for drivers. Basic disclosures are required for vehicle proprietors and private hire operators (unless they are drivers and criminal record checks will already have been undertaken).

The Council will also use other records and information in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the Police. All applicants must have the right to live and work in the UK – see Home Office website for details.

4.2 NR3 Register

In relation to drivers only, checks will also be undertaken on the National Register of Refusals and Revocations also known as NR3 which as part of the National Anti-Fraud Network (NAFN). The register has been developed to support public safety through the potential sharing of information that is relevant when considering whether an individual is a fit and proper person to hold a licence.

The Council will record details of hackney carriage or private hire driver licences that have been refused or revoked. Details will be kept on the register for a period of 25 years as it is sufficiently serious for it to remain relevant to future licence applications. For example, where it concerns an issue of sexual misconduct in relation to a passenger. The data retention period for the register has, therefore, been set to reflect the potential gravity of some revocations and refusals, and the need for this information to be shared.

The information recorded on NR3 itself will be limited to: -

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken

- date of decision
- date decision effective

It is an offence for any person to knowingly make a false declaration or to omit any material facts when making an application. Where an applicant has given a false statement or declaration, the licence will normally be refused or revoked if already issued.

In the interests of public safety, the Council will not normally issue a licence to any individual that appears on either barred list. If there are exceptional circumstances which means that, based on the balance of probabilities, the Council considers an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion will be recorded.

4.3 Vehicle proprietors and private hire operators

A refusal to license a driver or to suspend or revoke a driver's licence does not automatically mean that person cannot be issued or continue to hold either a vehicle or private hire operator's licence. These decisions will be independent of the driver's licence and based on appropriate information (the Council will only consider what would be disclosed on a basic check). The council acknowledge the significant roles that separate those of a driver from a proprietor or operator and assess convictions and information accordingly.

Vehicle and private hire operator licences may be applied for by a company or partnership. The Council will apply the 'fit and proper' test to each of the directors or partners in that company or partnership. Vehicle proprietors and private hire operators must notify the Council of any change in directors or partners and submit a basic disclosure and barring service (DBS) check for each unless they are subscribed to the enhanced DBS update service.

Where the Council is notified of a vehicle licence being transferred to a third party, the Council will expect to see a current DBS check from the new proprietor(s). This will not be necessary if a new proprietor is an existing driver or private hire operator licensed by the Council and DBS checks have already been undertaken (within the last 12 months if a basic check or subscribed to the DBS update service following an enhanced check).

4.4 Time spent outside the UK

If the applicant has spent 6 continuous months or more living outside the UK, they must provide a criminal record check from the country/countries covering this period. This must be of a similar standard to DBS checks. If these records are not available, a 'Certificate of Good Character' must be produced – see Home Office guidance. Please note that any such information must be produced with an English translation provided by an independent, competent translator.

4.5 Duration of licences

The standard length of licences: -

- 1 year for vehicles (taxis and private hire)
- 3 years for drivers
- 5 years for operators

Shorter duration licences will only be issued when the Council thinks it is appropriate in the specific circumstances of the case. For example, if a licensee has requested one; where required (e.g. when the licence holder's leave to remain in the UK is time-limited); or when the licence is only required to meet a short-term demand. Licences will not be issued on a 'probationary' basis. The fee for shorter duration licences will be the same as for standard length licences as the same amount of work is required to process the application regardless of the duration of the licence.

5. Drivers

Relevant documentation must be submitted with each application (applications will be invalid until **all** relevant documentation has been received). Licences will only be granted where the applicant is 21 years of age or older and has: -

- the right to live and work in the UK;
- a minimum of 3 years post-qualification driving experience and held a full UK driving licence for at least 1 year;
- successfully completed training from the Council's approved training provider and provided a certificate of completion including the separate topographical test (roads, routes and places of interest);
- adequate literacy and numeracy skills, including sufficient ability to speak and understand English, to provide the service that they wish to be licensed for (assessed as part of the training requirement).

Applicants must also submit the following documentation: -

- enhanced criminal record check within 28 days of application being granted (drivers are required to sign up to the DBS update service so that DBS status checks can be undertaken every 6 months);
- current certificate of medical fitness (to group 2 standard);
- DVLA Driving entitlement consent form – 3-year mandate (the Council will undertake annual checks);
- passport standard photograph.

5.1 Drivers

The 'fit and proper person' test will be applied to all drivers. The Council will consider all convictions recorded against the applicant, whether spent or not. For more information, see section 4 of this Policy and the Taxi and Private Hire Assessment of Criminal Convictions, appendix A. Licences will not normally be granted if the applicant is on a child and/or vulnerable adult barring list. Other intelligence will also be considered when determining an application (e.g. complaints; information from the Police and other agencies, including information on the NR3 register; certificate of training; etc.)

5.2 Medical assessment

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they: -

- carry members of the public who have expectations of a safe journey;

- are on the road for longer hours than most car drivers; and
- may have to assist disabled passengers and handle luggage.

Drivers are, therefore, required to pass a Group 2 Standards of Medical Fitness as applied by the DVLA for lorry and bus drivers. This must be submitted to the Council along with their application. All applicants (both first time applicants or those wishing to renew their licence) shall provide a medical examination form (available on the Council's website). A medical assessment can be carried out by your G.P., another registered G.P. practice or a suitably qualified medical practitioner and the applicant's full medical history is provided if required by the medical assessor.

Once a licence holder reaches 65 years of age, a medical examination form must be completed annually and submitted to the Council. Failure to submit this within a reasonable timeframe will result in the licence being suspended until a satisfactory medical examination certificate has been received.

Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional requirements to retain their driver's licence.

Licence holders must advise the Council of any deterioration or other change in their health that may affect their driving capabilities.

The Council reserves the right to ask for a medical certificate at any time throughout the life of the licence at the licence holder's expense. This must be provided within 7 days.

5.3 Medical exemptions

Drivers are required to assist disabled passengers. If a driver is incapable of providing this assistance, he/she can apply for an exemption certificate. For more information, see Equality Act: Taxis, Private Hire Vehicles and Driver Requirements, appendix B.

5.4 Training

All taxi and private hire drivers to undertake training from the Council's approved training provider at their own expense. Details of current providers can be found on the Council website. The training will cover: -

- disability awareness and safeguarding issues;
- knowledge of relevant legislation, byelaws, Council policies and licensing conditions relating to hackney carriages and private hire;
- an assessment of the applicant's literacy and numeracy skills.

This is required to: -

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable;
- understand how to respond and report safeguarding concerns and where to get advice;
- ensure compliance with the law and licensing conditions;

- ensure that the applicant has suitable reading, writing and numeracy skills so that they can understand the requirements for holding a driver's licence and are able to communicate effectively with passengers.

Existing licence holders are required to have training on renewal of their licence. Once drivers satisfactorily complete training, they will require refresher training every 3 years, however, where a licence expires before a renewal application is made, full rather than refresher training will be required.

All applicants must successfully complete the training and provide a satisfactory certificate of completion together with their application (for both new and renewal applications) before a licence can be determined. A fee is payable direct to the training provider each time training is undertaken.

The Council may require drivers to undertake other training during the life of the licence where proportionate and necessary. For example, following a complaint or as part of a decision made by Committee in pursuance of the licensing objectives and this Policy.

5.5 Geographical knowledge tests

New applicants for a dual driver's licence are required to pass a geographical knowledge test of the district of Maldon. This test to be undertaken with the Council's approved training provider at their own expense. A new applicant must pass the knowledge test within 2 years of an application and will be allowed 4 attempts during this period. Applicants who fail to pass within 2 years will be required to wait a calendar year before making further application for a driver's licence. A separate fee is payable to the training provider each time the test is taken.

5.6 Renewals

It is the licence holder's responsibility to make applications for renewal prior to expiry of their licence: it is recommended that this is done 2 months before the expiry date. If made during this period, the new licence will commence immediately following the current licence. Applications forms are available on the Council's website. Licences will not be extended beyond the expiry date: if the licence is allowed to expire, any further application will be treated as new and the driver will need to sit the knowledge test and undertake the required training unless either were received within the previous 3 years. Drivers will be unable to operate until a new licence is issued where a licence has been allowed to expire.

6. Vehicles and vehicle proprietors

Relevant documentation must be submitted with each application (applications will be invalid until all relevant documentation has been received).

Licences will only be granted where the vehicle proprietor: -

- is 21 years of age;
- has the right to live and work in the UK;

and submits a

- basic criminal record check within 28 days of application (unless a taxi or private hire driver or a private hire operator where enhanced or basic checks have already been undertaken) - in the case of a company or partnership, each of the partners and/or directors are required to submit a basic DBS check and the Council to be advised of any new partners/ directors during the period of the licence;
- bill of sale or vehicle registration document or registration counterfoil;
- valid and appropriate certificate of motor insurance;
- vehicle inspection certificate – MOT (if applicable);
- mechanical inspection certificate completed by a garage approved by the Council.

6.1 Vehicle proprietors

The 'fit and proper person' test will be applied to each vehicle proprietor. The Council will consider whether an applicant or licence holder with a criminal conviction (but not those relating to driving) meet the 'fit and proper' threshold. For more information, see section 4 of this Policy and the Taxi and Private Hire Assessment of Criminal Convictions, appendix A.

6.2 Vehicle standards

Vehicles are subject to high mileage and wear and tear, therefore, a stringent maintenance and inspection regime is required to protect all concerned. The Council considers the MOT inspection manual for private passenger and light commercial vehicles issued by VOSA as the basic inspection standard alongside the hackney carriage and private hire vehicle pre-licensing and licensing conditions, appendix D and E.

In relation to equality and accessibility issues – see Policy, appendix B.

6.3 Air quality and environmental considerations

Emissions from licensed vehicles to be reduced to improve air quality within the district of Maldon. All new and replacement vehicles licenced after 1st January 2022 are required to comply with the Euro 6 emissions standards.

6.4 Vehicle inspection and MOTs

In addition to routine maintenance, servicing and MOTs, vehicles must be inspected by a garage approved by the Council (see appendix E) when applying for a vehicle licence. Thereafter, it must then be inspected at intervals specified in the licensing conditions. Where considered necessary, authorised officers may require additional mechanical inspections at the licence holder's expense.

Vehicles must pass MOTs at the following intervals: -

- hackney carriages – 1 year from first registration;
- private hire vehicles – 3 years from first registration;

and annually thereafter.

Licence holders who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended or revoked by the Council.

If a licensed vehicle is damaged, the proprietor must report this damage to the Council within 72 hours and may be requested to present the vehicle for inspection by licensing officers.

6.5 Safety: CCTV and screens

Closed circuit television (CCTV) and screens are not mandatory licensing requirements. Proprietors and operators may install these to protect drivers and discourage criminal behaviour following a full risk assessment as set out by the information commissioner. They must also be formally registered as a data controller. For more information, see <https://ico.org.uk/for-organisations/sme-web-hub/checklists/data-protection-self-assessment/cctv-checklist/>

Installation must: -

- be undertaken by a competent person;
- not interfere with vehicle construction or other equipment;
- not increase the risk of injury or discomfort to the driver and passengers;
- be included in maintenance and inspection regimes;
- meet any applicable safety certification requirements.

The Council must be informed of any installations if the licence has already been issued. Installations should be present at the time of mechanical inspections and noted on the examination record. Screens must be of the solid polycarbonate type. Specific conditions may be applied to a licence on a case by case basis. Guidance on this installation can be found at: <https://www.gov.uk/government/publications/coronavirus-covid-19-safety-screens-for-taxis-and-phvs/coronavirus-covid-19-safety-screens-for-taxis-and-phvs>.

Where CCTV is fitted, proprietors and operators will become 'data controllers' and must comply with all aspects of data protection and the CCTV codes of practice. There must be clear signage that the vehicle uses CCTV. Further information can be found through the Information Commissioners Office (<https://ico.org.uk/>).

CCTV must not routinely be used to record conversations of passengers. Sound must only be used by way of a panic switch as advised by the ICO and can be activated by either the driver or passenger in extreme circumstances, e.g. threat of physical violence. The footage should only be accessed by the Police or authorised officer of the Council, not by either the proprietor, operator or driver. Footage must be kept for no longer than necessary and in accordance with the owner's own data retention policy.

6.6 Renewals

It is the licence holder's responsibility to make applications for renewal prior to expiry of their licence: it is recommended that this is done within the 2 months of the expiry date. Applications forms are available on the Council's website. Licences will not be extended beyond the expiry date: if the licence lapses, all applications will be treated as new and vehicles will be unable to operate until a new licence is issued.

Where officers are unable to grant licences in accordance with the scheme of delegation, the licence will be deemed to be granted until it can be determined by Committee.

It is recommended that vehicles are examined at an approved testing station within 1 month prior to the expiry date so that repair work and re-testing which can be completed. Mechanical inspections carried out within 1 month of the expiry of the previous examination will take effect from the date of expiry and not from the date of the test (much like with MOT's). Mechanical inspections carried out after the date of expiry will be valid from the date of the expiry and not the date of the inspection (as with MOT's).

6.7 Private hire vehicles

Vehicles used to carry passengers for hire and reward, including those contracted by an organisation, must be licensed as a private hire vehicle. As a general guide, this shall include executive hire, chauffeur services, airport travel, stretch limousines and novelty vehicles. Vehicles used **only** for weddings or funerals are exempt from being licensed.

Vehicles, including limousines and speciality vehicles, will be licensed for a maximum seating capacity of 8 passengers or less. Limousines and speciality vehicles may be subject to additional specialist conditions: these will prevail when in conflict with our standard conditions.

Operators may seek permission to waive certain conditions. Operators are recommended to contact the Council's Licensing team to discuss whether a speciality vehicle is likely to be granted a licence prior to purchase, including the waiver of conditions, to avoid unnecessary expense. Each application will be determined on a case by case basis.

The authority is empowered to add any reasonable condition to an operator's licence in addition to the standard conditions.

6.8 Waiver of conditions (plate exemptions)

Vehicles that are granted plate exemptions are expected to undertake executive chauffeur work and not normal day to day private hire work. If standard private hire work is being undertaken, exemptions granted may be forfeited.

Examples of the type of services that might benefit from 'plate exempt' status include: -

- contracts with national or local government personnel conveyed on official business;
- contracts associated with VIP and close protection;
- contracts with senior personnel of large companies to convey managing directors and clients.

Examples of the services that may not be considered suitable for 'plate exempt' status: -

- school and social service contracts;
- routine journeys to public transport hubs;
- journeys to entertainment venues, e.g. theatres, sporting venues, hospitality.

The list is not exhaustive and intended only to be indicative.

Vehicles with exemptions must not display any advertisements, signage, logos or insignias advertising the operating company inside or outside the vehicle.

Operators and proprietors who wish to apply for an exemption certificate must complete the application form and provide adequate supporting documentation (e.g. business cards, advertising materials, web address, etc.) to establish that the vehicle will be used solely for executive bookings. The Council may request further supporting information. The need for plate exemption shall be for the applicant to evidence and not for the authority to disprove.

The decision whether to grant exemption status is delegated to the lead Licensing Officer and their decision may be reviewed by the Senior Specialist – Community. The applicant must be able to demonstrate a benefit to the customer rather than the business.

Limitations may be placed on the licence allowing only **certain** types of work to be undertaken without having to display vehicle and driver licences. Exempted vehicles are subject to additional conditions: these will prevail when in conflict with standard conditions.

If a vehicle is no longer to be used for the purpose identified in the exemption application, the exemption plate and certificate must be surrendered and returned to the council. If still to be used for hire, the authority will provide the appropriate licence plates and door stickers etc.

6.9 Vehicle transfer or replacement

To **transfer** ownership of a licensed vehicle, the proprietor must notify the Council (otherwise an offence is committed). The new owner must complete a transfer application form (available on the Council's website) and provide a basic DBS certificate along with a bill of sale or a V5 registration document or a registration document counterfoil.

New owners must provide a basic DBS check (unless the Council is already in possession of a current one) and the vehicle must not be hired out until the new licence is issued.

Details of the new owner must be provided as soon as possible and within 14 days. A proprietor who fails to give notice without reasonable excuse is guilty of an offence and may lead to prosecution.

To **replace** a licensed vehicle, details of the new vehicle must be provided to the Council. Licence plates for the new vehicle will not be issued until the old plates have been returned to the Council and all documentation and licensing conditions have been met.

6.10 Fares and Fees

Fares: fare tariffs can only be established in respect of hackney carriages. Due to the rural nature of the Maldon district and taking into consideration trade feedback, the Council has not approved a fare system. Fares are a matter to be agreed between the licence holder and the hirer.

If requested, a written receipt of the cost of the fare to be provided to the customer. Vehicles may be fitted with electronic payment methods.

Fees: the law allows the Council to recover the costs involved in granting licences. Changes in the fee will be advertised as required and the relevant Committee will consider any comments received. Fees can be found on the Council website.

6.11 Taxi Stands

There are 2 stands within the district of Maldon: -

- High Street, Maldon
- Mill Road, Maldon

If first in line, drivers must remain with their vehicle and be available for immediate hire. There is no obligation, however, for a customer to take the first available taxi and a fare can not be refused without reasonable cause.

A proprietor or driver when standing or plying for hire must not call out or importune a person to hire or use others to do so.

It is an offence to breach Maldon District Council's byelaws.

7. Private hire operators

Although private hire vehicle operators may not have direct contact with passengers, they must ensure that vehicles and drivers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Any person who operates a private hire service must apply for a private hire operator's licence – application forms are available on the Council's website. Relevant documentation must be submitted with each application (applications will be invalid until all relevant documentation has been received).

Every application must be accompanied by satisfactory evidence that the operator has: -

- the right to live and work in the country;
- a basic disclosure from the DBS (within 28 days of application) (unless a licensed driver or vehicle proprietor where a recent check has been undertaken) – to be provided annually*; if a company or partnership, each of the directors or partners are required to submit a DBS check;
- a register of all employees that will take bookings and/or dispatch vehicles plus evidence that DBS checks have been obtained for each of them; DBS disclosures must be recent (within 28 days of the check) and must be suitable for the role;
- an ex-offenders' policy for employing individuals with convictions.

* Basic DBS disclosures are required annually unless signed up to the DBS update service following the issue of an enhanced check certificate.

7.1 Fit and proper person

The 'fit and proper person' test will be applied to all operators. The Council will consider whether an applicant or licence holder with a criminal conviction, but not those relating to traffic offences, meet the 'fit and proper' threshold. For more information, see section 4 of this policy and the Assessment of Criminal Convictions, appendix A. If a company or partnership, a basic DBS disclosure will be required for each director or partner. The Council must be informed of any changes in directors or partners during the period of the licence: basic DBS checks must be submitted for each.

If operators (including directors and partners) are also licensed the Council as drivers or vehicle proprietors and a DBS check has been completed, there will be no requirement for the operator to submit a further basic DBS disclosure. Under these circumstances, the applicant is considered a fit and proper person unless there are other extenuating circumstances that might indicate otherwise. If a driver or vehicle licence is refused, suspended or revoked, this may not automatically affect their operator's licence.

The Council will only consider information that would be disclosed in a basic DBS check. This may need to be decided by a Committee based on all relevant information. Should the person cease to hold a driver licence, annual basic DBS disclosures will be required for the duration of the licence.

Operators must undertake their own basic DBS checks on all employees engaged in the booking or dispatch of vehicles. Only unspent convictions will be shown on basic DBS enquiry. DBS disclosures need to be recent and within 28 days of taking up employment. Alternatively, a responsible organisation may undertake these checks on the operator's behalf. Employees must inform the operator of any convictions when employed in this role as part of their employment contract. Suitability for this role shall not be solely reliant upon the DBS check, but, may take into account requirements of the ex-offenders' policy or other information known to the licence holder.

7.2 Employee register

Operators must maintain a register of employees involved in bookings and/or dispatch, evidencing that they have had sight of a basic DBS disclosure for each. Basic DBS checks must be undertaken on any individuals added to the register. Records of DBS checks must be maintained for the duration that the employee remains on the register. Should an employee cease to be on the register and later re-entered, the operator must request a new basic DBS certificate and record sight of this. The register must be provided to Licensing Officers upon request.

If employing ex-offenders for bookings or dispatch, it must be compatible with the operator's ex-offenders' policy. Those with a conviction for offences provided in the Assessment of Criminal Convictions, annex A, other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car. The operator must consider this when establishing their ex-offenders' employment policy.

Operators may outsource booking and dispatch functions, but they cannot pass on responsibility or the obligation to protect children and vulnerable adults. Operators are required to evidence that comparable protections are applied by the company to which they outsource these functions.

If any person on the register or an outsourced company is not found to be suitable to carry out the work of the operator, the matter will be referred to Committee for determination. The operator will be accountable and required to demonstrate that they undertook all reasonable steps to ensure the person or outsourced company were suitable.

7.3 Record of Bookings

There is a legal requirement for private hire operators to keep records of every booking invited or accepted whether from a member of the public or another operator. Before the commencement of any journey and to comply with licensing conditions, a record of the booking must be kept for 12 months. For details of the records to be kept, see licensing conditions, appendix D.

7.4 Renewal

It is the licence holder's responsibility to make applications for renewal prior to expiry of their licence: it is recommended that this is done 2 months before the expiry date. Applications forms are available on the Council's website. Licences will not be extended beyond the expiry date: if the licence lapses, all applications will be treated as new and operators will be unable to operate until a new licence is issued.

8. Enforcement

The Council is committed to providing an adequately resourced licensing service where decision-makers are suitably trained and supported by robust policies, systems and procedures. This will help prevent those that are not deemed 'fit and proper' being licensed and will allow for suitable monitoring and enforcement of existing licence-holders.

The Council will, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.

8.1 Complaints

Those wishing to complain about drivers, vehicles and private hire operators may do so by contacting the Council. This can be done online on the Council's website or by emailing licensing@maldon.gov.uk.

All complaints will be logged and investigated: where necessary, further action will be taken, e.g. further training, formal review of the licence or enforcement.

To facilitate passengers making complaints, a notice must be displayed inside licensed vehicles so that it is clearly visible to all passengers. Complaints will be recorded, forming intelligence that will be considered during the application process for renewal of licences.

Operators and vehicle proprietors must make a record of complaints made directly to them. Each complaint must be investigated, and action taken if required. Vehicle proprietors and operators should liaise with Licensing Officers if they have any concerns about drivers. Where the nature of the complaint amounts to a criminal offence or non-compliance with hackney carriage and private hire licensing conditions, the licensing authority must be informed as soon as possible (and within 72 hours).

Licence holders must co-operate with any investigation by authorised licensing officers of the Council or the licensing authority of any other area through which they travel. Vehicle proprietors and operators must disclose records relating to complaints when lawfully requested. Any refusal, undue delay or obstruction may bring into question the suitability of the licence holder.

Complaints will not be accepted from persons who wish to remain anonymous, however, identities will not be released to the licence holder if there is a genuine concern for personal safety. Complaints considered to be repetitive, vexatious or malicious in nature will not be investigated and the complainant informed accordingly.

8.2 Whistleblowing

The Council is committed to the highest possible standards of openness and accountability. Employees can report any suspected malpractice or wrongdoing – see the Council's whistleblowing policy for further information. Where staff raise concerns, these will be dealt with openly and fairly.

8.3 Powers

In the interest of public safety, the Council can refuse, suspend or revoke a licence if the applicant/licence holder is not considered a fit and proper person.

The Council can suspend or revoke a driver's licence where he/she has been convicted of an: -

- offence involving dishonesty; indecency; or violence;
- offence under or failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- immigration offence or required to pay an immigration penalty; or
- any other reasonable cause.

Common law police disclosure focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.

The Senior Specialist – Community in consultation with the Chair or Deputy Chair of the Licensing Committee may consider all information available and decide as soon as possible whether to suspend, revoke or refuse a hackney carriage or private hire licence.

Before any decision is made, the Council will consider all available evidence and a driver will be given the opportunity to state their case. If a period of suspension is imposed, it cannot be extended or changed to revocation later unless further information is made available. A decision to revoke a licence does not, however, prevent the Council from reissuing or restoring a licence where further information is made available affecting the balance of probability.

For example, if allegations against a driver were later considered to be unfounded, a licence could be re-issued if it had been revoked. A suspension may be appropriate if a minor issue that can be addressed though, for example, additional training. In this instance, the licence would be returned to the driver once the training had been completed.

The Council will keep appropriate records for all licences refused, suspended or revoked and will share this information as required with other Licensing Authorities if appropriate to do so and in line with data protection requirements.

8.4 Appeals

Any person who has their driver or operator's licence application: -

- refused or their licence suspended or revoked on the grounds of not being a fit and proper person; or
- wishes to challenge a licensing condition;

has a right of appeal to the Magistrates' Court within 21 days of being given notice of refusal, suspension, revocation or to challenge the requirements of a licence condition.

If a vehicle licence is suspended, revoked, refused or had a licence condition attached, the applicant or licence holder has a right of appeal to the Crown Court in the case of a hackney carriage or Magistrates Court in respect of a private hire vehicle.

9. Data Protection

All information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches and the provision or receipt of information are necessary to the Council's statutory licensing functions of ensuring that all drivers, vehicle proprietors and private hire operators are fit and proper to hold a licence.

If you wish to raise any issue related to the data protection legislation, including any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer. This includes submitting a subject access request. For more information, see the Council's website.

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Taxi and Private Hire Assessment of Criminal Convictions

This assessment of criminal convictions to be considered in conjunction with the Taxi and Private Hire Policy, in particularly decision making and the fit and proper person test.

Applicants/licensees are entitled to a fair and impartial consideration of their application, therefore, each case will be determined on its own merits. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

1. Crimes resulting in death

Where an applicant has been convicted of a crime which resulted in the death of another person or intended to cause the death or serious injury of another person they will not be licensed.

2. Exploitation

Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

3. Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

4. Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

5. Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition, a licence will not be granted to any applicant who is currently on the Sex Offenders Register or on any barred list.

6. Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

7. Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

8. Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

9. Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. Applicants with multiple motoring convictions, however, may indicate that they do not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

All current endorsable offences will be shown on an individual's driving licence. An endorsable offence will usually attract penalty points and/or a period of disqualification. Some endorsable offences can be only be dealt with by a prosecution, others can be dealt with by either prosecution or fixed penalty notice (FPN(E)). Applicants with more than 6 points endorsed on their driving licence will have their application determined by Members at a hearing.

Endorsable offences include: -

- Accident offences
- Driving whilst disqualified
- Careless driving
- Dangerous driving
- Drink and drugs offences
- Insurance offences
- Licence offences
- Speed limit offences
- Traffic direction and sign offences
- Theft or unauthorised taking

More than one conviction for this type of offence within the last 2 years resulting in more than 6 points endorsed on their licence would normally merit refusal and no further application would be considered until a period of 1 to 3 years free from conviction had elapsed.

Convictions for minor (non-endorsable) traffic offences, e.g. obstruction, waiting in a restricted street, should not prevent an application from proceeding. Non-endorsable traffic offences are not recorded on driving licences.

10. Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

11. Using a hand-held device whilst driving

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

12. Licensing offences

Certain offences under taxi or private hire legislation, e.g. plying for hire, overcharging or refusing to carry disabled persons, would normally prevent a licence being granted until 3 years has passed. A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

13. Insurance offences

A serious view will be taken of convictions of driving or in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided the applicant has been free of conviction for 3 years. A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

An operator found guilty of aiding and abetting the driving of passengers whilst without insurance will normally have his operator's licence revoked immediately and be prevented from holding a licence for at least 3 years.

14. Outstanding charges or summonses

If the applicant is the subject of an outstanding charge or summons, their application can be processed, but the application will be reviewed when proceedings are concluded. If the outstanding charge or summons involves a serious offence, the application will be put on hold until proceedings are concluded or the licence may be refused.

15. Non-conviction information

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence, the application may be refused.

16. Cautions

Admission of guilt is required before a caution can be issued: each case will be considered on its merits.

17. Once a licence has been granted

If a licence holder's conduct is such that, were they applying for a new licence their application would normally be refused, consideration will be given to the suspension and revocation of their licence.

A suspension or revocation of the licence takes effect at the end of 21 days, beginning with the day the notice is given to the driver. In the interests of public safety, there may be a requirement for a suspension or revocation of the licence to have immediate effect.

A suspension or revocation of an operator's licence will take effect at the end of 21 days, beginning with the day the notice is given to the operator.

18. Summary

A criminal history will not automatically result in refusal and a current conviction for a less serious crime need not bar an applicant permanently from becoming licensed. The overall offending history will be considered when assessing an applicant's suitability to be licenced.

A series of offences over time is more likely to give cause for concern than an isolated minor conviction. Some discretion can be afforded if an offence is minor and isolated with mitigating circumstances, but the overriding consideration is the protection of the public.

Equality Act: Taxis, Private Hire Vehicles and Driver Requirements

1. Introduction

To provide better services for disabled people, the Council endorses the provisions of the Equality Act 2010. We want to ensure that passengers with wheelchairs or assistance dogs receive lawful treatment and have the same access to public transport services, confident of receiving the assistance they need to travel safely.

This policy applies to all licensed wheelchair accessible hackney carriages (taxis), private hire vehicles and drivers. A licensed driver with a health condition that prevents them undertaking the requirements placed upon them by the Equality Act 2010, with respect to the carriage of passengers in wheelchairs and assistance dogs, must apply for an exemption.

2. List of designated wheelchair accessible vehicles

To ensure that wheelchair passengers are better informed about the accessibility of the taxi and private hire vehicle fleet within the Maldon District, the Council publishes a list of designated taxis or private hire vehicles which can take passengers in their wheelchairs. To be placed on the list, vehicles must be capable of carrying some, but not necessarily all, types of occupied wheelchairs. Vehicles shall only be included if it is possible for a wheelchair passenger to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

There is a right of appeal within 28 days to a magistrates' court against a decision to place a vehicle on the published designated list.

3. Equality Act 2010

3.1 Wheelchair users

The Act places duties on drivers of designated wheelchair accessible taxis and private hire vehicles to: -

- carry the passenger while in the wheelchair;
- carry their wheelchair should the passenger choose to sit in a passenger seat;
- not make any additional charge for doing so;
- take any necessary steps to ensure that the passenger is carried in safety and reasonable comfort;
- give the passenger such mobility assistance as is reasonably required to: -
 - enable the passenger to get into or out of the vehicle, including in the wheelchair if they wish to remain in it;
 - load the passenger's luggage into or out of the vehicle;
 - load the wheelchair into or out of the vehicle if the passenger does not wish to remain in the wheelchair.

3.2 Assistance dogs

The Act places duties on drivers of taxis and private hire vehicles to: -

- carry a passenger's (guide, hearing or assistance) dog, allowing the dog to remain with the passenger;

- not make any additional charge for doing so.

3.3 Exemption certificates and notices

The Act allows the Council to exempt taxi and private hire drivers from their duties on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with their duties.

If satisfied that a driver is unable to carry out their duties, an Exemption Notice will be issued, this must be prominently displayed in the vehicle.

3.4 Offences

It is an offence for a driver of a designated wheelchair accessible taxi or private hire vehicle to refuse to carry a passenger in a wheelchair if on the Council's published designated list. It is also an offence not to comply with any of the duties placed upon them as set out in section 3.1 above.

It is an offence for a licensed driver or private hire operator to refuse a hire/booking by or on behalf of a disabled person who is accompanied by an assistance dog (or by another person who wishes to be accompanied by a disabled person with an assistance dog) because of the assistance dog.

It is an offence for drivers not to comply with the duties placed upon them as set out in section 3.2 above.

It is an offence for private hire operators to make an additional charge for carrying an assistance dog whilst accompanying a disabled person.

3.5 Defences

It is a defence if a driver has a valid exemption certificate and is displaying a valid exemption notice. It is also a defence if the vehicle can't carry larger or heavier wheelchairs safely. Religious or cultural beliefs cannot be cited as a reason for refusal to carry assistance dogs.

If a complaint of discrimination is substantiated, the Council may suspend or revoke a driver's licence or a private hire operator's licence.

4. Exemption certificates

4.1 Medical

In some circumstances, a taxi or private hire driver may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons (in the short or long term). The Council can grant an exemption to drivers from duties to assist passengers in wheelchairs or to transport assistance dogs. The Council must be satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with their duties.

There are no exemptions, medical or otherwise, for a driver in respect of conveying a reasonable quantity of luggage or providing reasonable assistance in the loading and unloading of luggage.

4.2 Obtaining an exemption certificate

Drivers considering applying for an exemption in relation to the carriage of passengers in wheelchairs may wish to first determine whether the vehicle they drive (or may drive in the future) has been designated as wheelchair accessible.

To check which vehicles have been designated as wheelchair accessible, please check with the hackney carriage proprietor or the private hire operator.

The licensed driver must obtain a letter from their General Practitioner (G.P.) explaining what duties the driver: -

- cannot undertake;
- why the duties cannot be undertaken; and
- for how long the duties cannot be undertaken.

The letter must be submitted to the Council along with a completed application. There is no fee attached to this process, however, the cost of obtaining the letter from the driver's G.P. or subsequent medical examinations or consultations must be paid for by the applicant.

If the G.P.'s letter states that the driver is unfit to carry passengers in wheelchairs and/or assistance dogs for a specified period (maximum of 3 months), a temporary 'Exemption Notice' will be issued. The expiry date will be in line with the information provided the G.P.'s letter. If the length of time is not specified, the Council will reject the application.

If the G.P.'s letter is not clear or is ambiguous in any way, the matter will be referred to the Licensing Sub-Committee for consideration. If a Committee is convened, the applicant will be invited to attend and explain the nature of the exemption request and the matter will be determined by Members of the Committee.

When the Exemption Notice expires, drivers will be deemed fit to undertake all duties and the Exemption Notice must be returned to the Council within 7 days. If it is not returned within this period, the driver's licence may be suspended until the Exemption Notice is returned and the matter will be referred to the Licensing Sub-Committee.

If the driver requires the Exemption Notice to be extended, the driver must contact the Council to discuss the next steps and timescales. The driver is strongly advised to make contact at the earliest opportunity so that an extension can be arranged before the expiry of the Exemption Notice.

The driver must contact their G.P. to arrange for an in-depth medical report. An appointment must then be made with a medical practitioner approved by the Council to present the G.P.'s report and to undergo an examination/consultation. The practitioner will complete a statement of fitness based on the applicant's ability to undertake the duties on medical grounds and/or physical condition, and, if unable to do so, how long for.

5. Outcome

If the statement of fitness confirms that the driver can undertake the duties, the Exemption Notice must be returned to the Council and the driver will be expected to resume normal duties. If the Exemption Notice is not returned to the Council, the driver's licence may be suspended until the Notice is returned and the matter will be referred to the Licensing Sub-Committee.

If the statement of fitness confirms that the driver can undertake duties with reasonable adjustments, a further Exemption Notice (maximum 3 months) may be issued. Within that time, the driver will undertake reasonable adjustments to allow a return to normal duties. On expiry of the Exemption Notice, it must be returned to the Council and the driver will be expected to resume normal duties. If the Exemption Notice is not returned to the Council, the driver's licence may be suspended until the Notice is returned and the matter will be referred to the Licensing Sub-Committee.

If the statement of fitness confirms that the driver is unfit to carry passengers in wheelchairs and/or assistance dogs, an Exemption Notice will be granted for the length of time as determined by the approved practitioner. The driver will then be expected to attend a further examination/consultation with the approved practitioner prior to the expiry date of the Exemption Notice.

If the driver is declared permanently unfit to carry passengers in wheelchairs and/or assistance dogs, an Exemption Notice will be issued. The exemption may be reviewed every 5 years and further medical evidence may be required.

6. Dispute Resolution

If a driver does not agree with the Council's decision, he/she can appeal the decision through the Magistrates' court within 28 days from the date of refusal.

Application for an exemption certificate

MALDON DISTRICT COUNCIL

Princes Road
Maldon
Essex CM9 5DL



Surname:	
First Name(s):	
Title: Miss, Mrs, Ms, Mr, Other	
Address:	
Postcode:	
Tel. No:	Mobile No:
Date of birth:	
Driver licence number:	Expiry date:

I request that the Council considers granting me an exemption from the following, TICK the appropriate box(es):

Carrying wheelchair users

☐

Carrying assistance dogs

☐

G.P. details

Name of G.P.: _____

Practice name and address of G.P.: _____

Tel. No. of G.P.: _____

Brief details of why the request for medical exemption is being made: _____

To be completed by the applicant

I declare that the answers given above are true. I understand that if I have made any omissions or statements I know to be false, my application may be refused. I have read the Council's policy in relation to exemption certificates.

Signed: Dated: / /

You may render yourself liable to prosecution for an offence if you fail to comply with licensing conditions, the law (including the Equality Act 2010) and exemption certificates and notices.

(The Council is under a duty to protect the public funds it administers and it may use the information you have provided on this form for the prevention or detection of fraud. It may share this information with other bodies responsible for auditing and administering public funds for these purposes.)

Once completed, please return the application form with the relevant documentation to:
Maldon District Council, Princes Road, Maldon CM9 5DL.

If you have any enquiries, contact Licensing by emailing licensing@maldon.gov.uk.

	Checklist
Application form completed	
G.P.'s letter (cost borne by the applicant)	
For office use only	
Date medical exemption application received:	
Exemption agreed	<input type="checkbox"/>
Exemption refused	<input type="checkbox"/>
If exemption refused, give reasons and details of any further action taken (have you notified the driver who has a right of appeal within 28 days of notification of refusal):	
Signed: Dated: / /	
Date Temporary Exemption Notice Issued:	
Date of Expiry:	
Entered on to Uniform	By:

Pre-licensing and Licensing Conditions
for
Hackney Carriages, Drivers and Proprietors



Pre-licensing conditions for hackney carriage and private hire (dual) drivers

To ensure that licensed drivers are reliable and of good character, a person applying for a Hackney Carriage and Private Hire Driver's Licence must comply with the following requirements. .

1. Produce an enhanced Disclosure and Barring Service (DBS) certificate.¹

If an applicant has spent six continuous months or more outside the UK, the Licensing Authority will expect to see evidence of a criminal record check from the country/countries covering this period. The criminal record check must be in English, if not, it must be translated into English by a certified translator acceptable to the Licensing Authority.

2. Fully complete an application form showing all convictions, spent and unspent, including any conviction for which the applicant has been rehabilitated under the Rehabilitation of Offenders Act 1974, as amended.²
3. Not have been convicted or cautioned for a criminal offence during the previous three years to ten years (depending upon the offence) or convicted or cautioned for a serious criminal offence or a sexual offence.²
4. Have a current GB or Northern Ireland Driving Licence which is a full licence to drive a motor car and has been held for at least three years prior to the date of application (or successful completion of an advanced driving assessment).³

If an overseas driving licence, applicants must have a full UK driving licence and at least a year's experience of driving on UK roads within three years of their application for a Driver's Licence. Applicants must evidence this by providing, for example, proof of insurance; UK vehicle registration forms; or employment as a driver in the UK.

5. Produce a medical certificate in the prescribed form on application for initial and renewal of the licence and on an annual basis once reaching 65 years of age.⁴
6. Applicants shall satisfactorily complete training and produce a certificate. New applicants shall pass a geographical knowledge test.⁵
7. Be over 21 years of age.
8. Produce documentation to prove the right to live and work in the UK.

Notes to accompany the pre-licensing conditions

1. DBS applications may be submitted through a "DBS Umbrella Organisation" such as personnel checks. The applicant must pay the fee direct to the processing body on application. The fee is not refundable if the licence application is refused. DBS disclosures must be current and issued no more than 28 days before the licence application.
2. The licensing of hackney carriage and private hire drivers is an exemption to the non-disclosure rule set out in the Rehabilitation of Offenders Act. A licence will not be granted to an applicant who has been convicted of or received a caution in relation to a serious criminal offence. Older convictions and less serious offences will be considered in relation to their relevance to the application. Refer to the Council's Assessment of Criminal Convictions for further details.
3. Applicants are required to submit a DVLA Driving entitlement consent form – three year mandate with their application.

4. The medical examination should be completed by your own doctor at your expense. A medical certificate should be returned by your doctor directly to the Council. Licensees who have reached the age of 65 years shall submit themselves for an annual medical examination, the completed medical certificate to be submitted to the Council. The Council reserves the right to demand additional medical examinations at any time. A medical assessment can be carried out by another registered GP practice or suitably qualified medical practitioner if the applicant's full medical history has been viewed and assessed by that person.
5. The test will cover geographical knowledge of the Maldon District, the test will not apply to existing drivers who renew licences without a break. Training will cover awareness of the legislation covering hackney carriages, private hire vehicles and drivers, disability and safeguarding.
6. All relevant facts will be considered when determining an application for a Driver's Licence. Each applicant is considered on his or her own merit and where any doubt exists, the applicant will be interviewed by the Licensing Sub-Committee. Any applicant refused a driver's licence on the grounds the applicant is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates' Court.
7. Hackney Carriage and Private Hire Driver's Licences are renewable every three years. In specific circumstances, a licence may be issued for less than three years.

Licensing conditions for drivers

1. The driver shall immediately report to the Licensing Authority, in writing, any health matter which could affect his or her driving. If requested by the Licensing Authority, a medical certificate shall be provided within seven days.
2. The driver shall within 48 hours disclose to the Licensing Authority, in writing, details of any arrest and release, charge or conviction (including cautions), fixed penalty notice or driving licence endorsement during the period of the licence.
3. The driver shall notify the Licensing Authority in writing of any change to his or her name or address within seven days of such change taking place.
4. A driver shall always when driving a hackney carriage or private hire vehicle affix to his/her clothing the identity badge issued by the Licensing Authority and display the window badge in the vehicle to be clearly and distinctly visible to passengers and prospective hirers.
5. The driver shall produce this licence on request to an authorised hackney carriage and private hire licensing officer of any Licensing Authority or Police Officer.
6. The driver shall not carry, or permit to be carried, a greater number of persons than that prescribed in the licence for the vehicle.
7. The driver shall give reasonable assistance to passengers with luggage, wheelchairs or walking aids.
8. The driver shall carry a disabled person's dog (e.g. guide or hearing dogs) and allow it to remain with that person or, if a driver of a designated wheelchair accessible vehicle, wheelchair passengers at no additional cost, as specified in sections 165 and 168 of the Equality Act 2010, unless exempted by the Council on medical grounds.

9. The driver shall not call out or otherwise importune any person to hire the vehicle and shall not make use of the services of any other person in hiring the vehicle.
10. The driver shall not at any time play a radio or other sound reproducing equipment in the vehicle without the express consent of the hirer, unless for the sending and receiving of messages in connection with the operation of the vehicle.
11. The driver shall search the vehicle immediately after completion of a hiring for any property left by a passenger. If any such property is found, it shall be returned to the owner or reported on the Essex Police website within 48 hours. Records of lost property (including description of property; date found; date returned to owner or reported on the Essex Police website; and date of disposal) to be maintained for 12 months.
12. The licence is not transferable and must be renewed at the end of the period for which the licence is in force; such period shall not exceed three years.
13. If not renewed, or on revocation or surrender, the driver shall forthwith return the driver and window badges to the Licensing Authority.
14. The driver shall register with the DBS update service and maintain registration during the life of the licence, including renewal licences.²

Notes to accompany the conditions

1. For these conditions, the Licensing Authority shall be Maldon District Council.
2. To facilitate regular DBS checks by the Council, all licence holders must register with the DBS update service and nominate the Council (or its agents) access to their records. The fee to register and maintain registration must be met by the licence holder.

Pre-licensing conditions for hackney carriages and proprietors

A vehicle subject to an application for a hackney carriage licence is expected to comply with the following conditions and all proprietors must meet the fit and proper person test.

1. The vehicle shall be in satisfactory mechanical order and body condition and in operational order in all respects.
2. The applicant shall submit the vehicle for mechanical inspection at his or her own expense at an approved testing station as directed by the Licensing Authority and provide a completed certificate of inspection. The frequency of testing required thereafter is set out in the conditions below.
3. A vehicle shall be either: -
 - a saloon, hatchback, estate vehicle, minibus or people carrier type which is unaltered from the manufacturer's original specification except for approved conversions to alternative fuels; or
 - a purpose-built vehicle or a vehicle suitably converted to a disabled access vehicle.
4. The vehicle shall be right hand drive.
5. All vehicles submitted for licensing shall meet the following standards for design and equipment.
 - a) The vehicle shall have a least two doors for use by passengers, in addition to a separate for the driver (except for minibuses and similar vehicles).
 - b) The vehicle shall have rear seat accommodation for not less than three persons.
 - c) The vehicle shall have separate front seats for at least one person in addition to the driver (except for London style cabs).
 - d) Where the vehicle is a minibus or 'people carrier' type, with two rows of seats behind the driver and front passenger seats, the seat nearest the door of the middle row must be able to fold or move forward as per the manufacturer's original specification to allow ingress or egress to the rear seats. Clear instructions for operating the seats must be provided in full view of the rear seat passengers. Where this is not possible, the seat must be permanently removed.
 - e) The vehicle shall be: -
 - of such design that the driver can communicate verbally with any passenger carried;
 - fitted with an interior light capable of illuminating the interior and for the use of any passenger carried;
 - fitted with flooring of proper matting, carpet or other suitable material;
 - fitted with cushioned seats, the upholstery of which is free from splits, holes, cuts or other damage;
 - fitted with adequate seatbelts for use by passengers;
 - capable of accommodating a reasonable amount of luggage in a safe and secure manner (if the vehicle is a hatchback or estate vehicle, it shall be fitted with a guardrail of approved construction to separate the luggage area from the passenger compartment);
 - capable of accommodating a wheelchair either constructed or collapsed in a reasonable manner;
 - provided with a means of opening and closing not less than one window on each side of the vehicle; and
 - have the roof covered and watertight.
 - f) (Repeated in licensing conditions below, condition 11)
 - g) The vehicle shall be fitted with a spare wheel that is in a serviceable condition.

- h) All hackney carriages, except for a London style taxi, shall display a roof sign which is white in colour and bearing the word 'TAXI' in black letters to the front and rear. It will be a minimum size of 450mm (18 inches) in length and 150mm (6 inches) in height. The sign shall be capable of being illuminated when the vehicle is plying for hire in its controlled area and if a taximeter fitted to the vehicle must work in conjunction with that meter.
6. The proprietor must submit the following documents prior to issue of the licence. The documents must be current at the time the licence commences.
- a) An insurance certificate or cover note that expressly indicates ON RISK cover for hire and reward.
 - b) A mechanical inspection certificate.
 - c) A Department for Transport Certificate (as required by section 47 Road Traffic Act 1988), when the vehicle is one year old from the date of first registration.
 - d) A current vehicle excise licence.
 - e) The Vehicle Registration Document showing the proprietor's current name and address.
7. No advertising shall be displayed on the vehicle that in the opinion of the Licensing Authority detracts from the visibility of its hackney carriage licence plates and such other forms of livery and identification required by the Licensing Authority.
8. (This is covered in the conditions below)
- Hackney carriage proprietors**
- To ensure that a proprietor is a fit and proper person, applicants must comply with the following requirements. Where the application is in the name of a company or partnership, the fit and proper person test will be applied to all directors or partners.
9. The proprietor to provide a basic Disclosure and Barring Service (DBS) certificate. If a company or partnership, each director or partner must produce a certificate.¹
- If an applicant has spent six continuous months or more outside the UK, the Licensing Authority will expect to see evidence of a criminal record check from the country/countries covering this period. The criminal record check must be in English, if not, it must be translated into English by a certified translator acceptable to the Licensing Authority.
10. Fully complete an application form showing unspent convictions.
11. Not have been convicted or cautioned for a criminal offence during the previous three years to ten years (depending upon the offence) or convicted or cautioned for a serious criminal offence or a sexual offence.²
12. Be over 21 years of age.

Notes to accompany the pre-licensing conditions

1. Basic disclosures are not required if the applicant is a licensed driver and a recent disclosure and barring certificate has been produced. DBS applications may be submitted through a DBS umbrella organisation such as personnel checks. The applicant must pay the fee direct to the processing body on application. The fee is not refundable if the licence application is refused. DBS disclosures must be current and issued no more than 28 days before the licence application.

2. A licence will not be granted to an applicant who has been convicted of or received a caution in relation to a serious criminal offence. Older convictions and less serious offences will be considered in relation to their relevance to the application. Refer to the Council's Assessment of Criminal Convictions for further details.

Licensing conditions for hackney carriages

Hackney carriage proprietors

1. If the vehicle licence is transferred, the new proprietor must submit a basic Disclosure and Barring Service (DBS) certificate to the Licensing Authority (unless a licensed driver or private hire operator and the Council is in possession of a current DBS certificate). If a company or partnership, each director or partner must produce a certificate.^{1 – see Notes above}

Vehicle Identification

2. The identification plates issued by the Licensing Authority shall be fixed to the front and rear of any vehicle being operated as a hackney carriage in a position that is clearly visible to the public.
3. The door stickers provided by the Licensing Authority shall be permanently attached and displayed on the upper panels of both front doors.
4. The vehicle and driver identity badges shall be displayed in the passenger compartment in a conspicuous position that is clearly visible to passengers.
5. A roof sign in the form approved by the Licensing Authority shall be fitted and maintained.
6. No advertising shall be displayed on the vehicle that in the opinion of the Licensing Authority detracts from the visibility of its hackney carriage licence plates and such other forms of livery and identification required by the Licensing Authority.

Vehicle maintenance

7. All new or replacement vehicles to be of a Euro VI standard or better from 2022. (NB – this was agreed following the Air Quality Strategy consultation and is not subject to further consultation)
8. The vehicle shall be kept in a clean and well-maintained condition.
9. No material alteration or change to the manufacturer's specification, design, condition or appearance of the vehicle shall be made at any time when the licence is in force without the prior approval of the Licensing Authority.
10. Adequate and secure luggage facilities must be provided and maintained.
11. The vehicle shall be equipped with a fire extinguisher maintained in accordance with ISO 7165.

12. In respect of any minibus or people carrier type vehicle where a seat has been removed to meet pre-licensing conditions, the seat shall not be replaced at any time the vehicle is licensed as a hackney carriage.

Vehicle Testing

13. The vehicle shall be submitted for mechanical inspection at an approved testing station at the licensee's expense and provide a completed certificate of inspection to the Licensing Authority at the following intervals: -
- a) vehicles less than three year's old, one test per year on application for renewal;
 - b) vehicles between three and six years old, two tests per year at six monthly intervals;
 - c) vehicles older than six years, three tests per year at four monthly intervals.
14. The vehicle shall be submitted for mechanical or other inspection at any time if required by the Licensing Authority in addition to the intervals set out in 11 above.
15. The vehicle shall be submitted for inspection in a condition that renders it suitable for that inspection, including being clean inside and out.
16. A completed test certificate shall be submitted to the Licensing Authority as soon as practicable after the test has been completed. If the vehicle fails the test for any mechanical or safety reason, it shall not be used as a hackney carriage until the defects are corrected and the vehicle passes a re-test.
17. The proprietor of a licensed hackney carriage shall report to the Licensing Authority as soon as practicable, and within 72 hours, the occurrence of any accident involving any damage to the vehicle, whether or not the damage affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers.

Insurance and documentation

18. The proprietor must: -
- a) comply with the relevant legislation in relation to the insurance cover of the vehicle;
 - b) ensure a current certificate of motor insurance is on display or available in the vehicle for inspection on request;
 - c) produce to the Licensing Authority proof of continuous insurance cover for the vehicle.
19. The proprietor must: -
- a) produce the vehicle licence on request to an authorised hackney carriage and private hire licensing officer of any Licensing Authority or a Police Officer;
 - b) permit the Licensing Authority to photocopy or otherwise deal with any document produced as evidence to support the application for renewal of the licence or enforcement of licence conditions.
20. A licensee who permits or employs any person to act as the driver of the hackney carriage shall retain in his or her possession the licence of such driver while the driver is permitted or employed to drive the vehicle.

Conduct of business

21. Whilst a vehicle is being used as a hackney carriage, it shall not be driven by anyone other than a driver licensed by the Licensing Authority and wearing the official badge as required by the conditions of their Driver's Licence.
22. The vehicle shall not be permitted to carry more than the number of persons specified on the Licence, irrespective of the age of the passenger.
23. The vehicle shall not be used as a hackney carriage whilst towing a trailer or whilst fitted with a roof box without the express consent of the Licensing Authority who may call for an additional inspection certificate.
24. Any trailer authorised by the Licensing Authority for use with a licensed vehicle will be fitted with a suitable spare wheel and a licence plate issued by the Licensing Authority.
25. A daily record of the mileage covered by each licensed driver and the time and condition of the vehicle at handover shall be kept in the hackney carriage. The record shall be kept for 12 months and must be produced on the request of an authorised hackney carriage and private hire licensing officer of any Licensing Authority or a Police Officer.
26. If drivers are unable to accept cheques, debit card or credit card payments, a clear notice to that effect must be displayed and clearly visible to passengers and potential passengers.

Renewal

27. This licence must be renewed annually.

Hackney carriage proprietors

28. The proprietor shall disclose to the Licensing Authority within 48 hours, in writing, any arrest and release, charge or conviction, fixed penalty or caution imposed on him or her or any person concerned in the operation of this licence.
29. The proprietor must notify the Licensing Authority within seven days of any change of his/her name or address.
30. A company or partnership must notify the Licensing Authority within seven days of any change in the directors or partners and submit a basic disclosure and barring certificate for that person.
31. The proprietor shall take all proper and reasonable steps to ensure that all vehicles which he or she operates, and all drivers who he or she employs, also comply with licensing conditions and other relevant statutory provisions or byelaws.
32. Notices giving details of how to make a complaint about drivers or vehicles must be displayed inside vehicles and clearly visible to passengers. The notice to include the following details: -
 - name of the vehicle proprietor
 - contact details where a customer can make a complaint
 - vehicle registration and licence plate number
 - name of the licensing authority and contact details
33. The proprietor to maintain a record (written or electronic) of complaints received. Records to include: -
 - date and time of incident

- location of incident
- details of complainant including contact details
- vehicle and/or driver details and licence number
- details of the complaint
- outcome of investigation

Any complaint of a criminal nature must be reported to the Licensing Authority within 72 hours of receipt.

Notes to accompany the conditions

1.

Information produced by
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Leaflet EH/Licensing hackney carriages/July 2021

Pre-licensing and Licensing Conditions
for
Private Hire Vehicles, Drivers and Operators



Pre-licensing conditions for hackney carriage and private hire (dual) drivers

To ensure that licensed drivers are reliable and of good character, a person applying for a Hackney Carriage and Private Hire Driver's Licence must comply with the following requirements. .

1. Produce an enhanced Disclosure and Barring Service (DBS) certificate.¹

If an applicant has spent six continuous months or more outside the UK, the Licensing Authority will expect to see evidence of a criminal record check from the country/countries covering this period. The criminal record check must be in English, if not, it must be translated into English by a certified translator acceptable to the Licensing Authority.

2. Fully complete an application form showing all convictions, spent and unspent, including any conviction for which the applicant has been rehabilitated under the Rehabilitation of Offenders Act 1974, as amended.²
3. Not have been convicted or cautioned for a criminal offence during the previous three years to ten years (depending upon the offence) or convicted or cautioned for a serious criminal offence or a sexual offence.²
4. Have a current GB or Northern Ireland Driving Licence which is a full licence to drive a motor car and has been held for at least three years prior to the date of application (or successful completion of an advanced driving assessment).³

If an overseas driving licence, applicants must have a full UK driving licence and at least a year's experience of driving on UK roads within three years of their application for a Driver's Licence. Applicants must evidence this by providing, for example, proof of insurance; UK vehicle registration forms; or employment as a driver in the UK.

5. Produce a medical certificate in the prescribed form on application for initial and renewal of the licence and on an annual basis once reaching 65 years of age.⁴
6. Applicants shall satisfactorily complete training and produce a certificate. New applicants shall pass a geographical knowledge test.⁵
7. Be over 21 years of age.
8. Produce documentation to prove the right to live and work in the UK.

Notes to accompany the pre-licensing conditions

1. DBS applications may be submitted through a "DBS Umbrella Organisation" such as personnel checks. The applicant must pay the fee direct to the processing body on application. The fee is not refundable if the licence application is refused. DBS disclosures must be current and issued no more than 28 days before the licence application.
2. The licensing of hackney carriage and private hire drivers is an exemption to the non-disclosure rule set out in the Rehabilitation of Offenders Act. A licence will not be granted to an applicant who has been convicted of or received a caution in relation to a serious criminal offence. Older convictions and less serious offences will be considered in relation to their relevance to the application. Refer to the Council's Assessment of Criminal Convictions for further details.
3. Applicants are required to submit a DVLA Driving entitlement consent form – three year mandate with their application.

4. The medical examination should be completed by your own doctor at your expense. A medical certificate should be returned by your doctor directly to the Council. Licensees who have reached the age of 65 years shall submit themselves for an annual medical examination, the completed medical certificate to be submitted to the Council. The Council reserves the right to demand additional medical examinations at any time. A medical assessment can be carried out by another registered GP practice or suitably qualified medical practitioner if the applicant's full medical history has been viewed and assessed by that person.
5. The test will cover geographical knowledge of the Maldon District, the test will not apply to existing drivers who renew licences without a break. Training will cover awareness of the legislation covering hackney carriages, private hire vehicles and drivers, disability and safeguarding.
6. All relevant facts will be considered when determining an application for a Driver's Licence. Each applicant is considered on his or her own merit and where any doubt exists, the applicant will be interviewed by the Licensing Sub-Committee. Any applicant refused a driver's licence on the grounds the applicant is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates' Court.
7. Hackney Carriage and Private Hire Driver's Licences are renewable every three years. In specific circumstances, a licence may be issued for less than three years.

Licensing conditions for drivers

1. The driver shall immediately report to the Licensing Authority, in writing, any health matter which could affect his or her driving. If requested by the Licensing Authority, a medical certificate shall be provided within seven days.
2. The driver shall within 48 hours disclose to the Licensing Authority, in writing, details of any arrest and release, charge or conviction (including cautions), fixed penalty notice or driving licence endorsement during the period of the licence.
3. The driver shall notify the Licensing Authority in writing of any change to his or her name or address within seven days of such change taking place.
4. A driver shall always when driving a hackney carriage or private hire vehicle affix to his/her clothing the identity badge issued by the Licensing Authority and display the window badge in the vehicle to be clearly and distinctly visible to passengers and prospective hirers.
5. The driver shall produce this licence on request to an authorised hackney carriage and private hire licensing officer of any Licensing Authority or Police Officer.
6. The driver shall not carry, or permit to be carried, a greater number of persons than that prescribed in the licence for the vehicle.
7. The driver shall give reasonable assistance to passengers with luggage, wheelchairs or walking aids.
8. The driver shall carry a disabled person's dog (e.g. guide or hearing dogs) and allow it to remain with that person or, if a driver of a designated wheelchair accessible vehicle, wheelchair passengers at no additional cost, as specified in sections 165 and 168 of the Equality Act 2010, unless exempted by the Council on medical grounds.

9. The driver shall not call out or otherwise importune any person to hire the vehicle and shall not make use of the services of any other person in hiring the vehicle.
10. The driver shall not at any time play a radio or other sound reproducing equipment in the vehicle without the express consent of the hirer, unless for the sending and receiving of messages in connection with the operation of the vehicle.
11. The driver shall search the vehicle immediately after completion of a hiring for any property left by a passenger. If any such property is found, it shall be returned to the owner or reported on the Essex Police website within 48 hours. Records of lost property (including description of property; date found; date returned to owner or reported on the Essex Police website; and date of disposal) to be maintained for 12 months.
12. The licence is not transferable and must be renewed at the end of the period for which the licence is in force; such period shall not exceed three years.
13. If not renewed, or on revocation or surrender, the driver shall forthwith return the driver and window badges to the Licensing Authority.
14. The driver shall register with the DBS update service and maintain registration during the life of the licence, including renewal licences.²

Notes to accompany the conditions

1. For these conditions, the Licensing Authority shall be Maldon District Council.
2. To facilitate regular DBS checks by the Council, all licence holders must register with the DBS update service and nominate the Council (or its agents) access to their records. The fee to register and maintain registration must be met by the licence holder.

Pre-licensing conditions for private hire vehicles and proprietors

A vehicle subject to an application for a private hire licence is expected to comply with the following conditions and all proprietors must meet the fit and proper person test.

1. The vehicle shall be in satisfactory mechanical order and body condition and in operational order in all respects.
2. The applicant shall submit the vehicle for mechanical inspection at his or her own expense at an approved testing station as directed by the Licensing Authority and provide a completed certificate of inspection. The frequency of testing required thereafter is set out in the conditions below.
3. A vehicle shall be either: -
 - a saloon, hatchback, estate vehicle, minibus or people carrier type which is unaltered from the manufacturer's original specification except for approved conversions to alternative fuels; or
 - a purpose-built vehicle or a vehicle suitably converted to a disabled access vehicle.
4. The vehicle shall be right hand drive.
5. All vehicles submitted for licensing shall meet the following standards for design and equipment.
 - a) A private hire vehicle shall not be of such design or appearance as to lead any persons to believe that it is a hackney carriage vehicle.
 - b) The vehicle shall have a least two doors for use by passengers, in addition to a separate for the driver (except for minibuses and similar vehicles).
 - c) The vehicle shall have rear seat accommodation for not less than three persons.
 - d) The vehicle shall have separate front seats for at least one person in addition to the driver (except for London style cabs).
 - e) Where the vehicle is a minibus or 'people carrier' type, with two rows of seats behind the driver and front passenger seats, the seat nearest the door of the middle row must be able to fold or move forward as per the manufacturer's original specification to allow ingress or egress to the rear seats. Clear instructions for operating the seats must be provided in full view of the rear seat passengers. Where this is not possible, the seat must be permanently removed.
 - f) The vehicle shall be: -
 - of such design that the driver can communicate verbally with any passenger carried;
 - fitted with an interior light capable of illuminating the interior and for the use of any passenger carried;
 - fitted with flooring of proper matting, carpet or other suitable material;
 - fitted with cushioned seats, the upholstery of which is free from splits, holes, cuts or other damage;
 - fitted with adequate seatbelts for use by passengers;
 - capable of accommodating a reasonable amount of luggage in a safe and secure manner (if the vehicle is a hatchback or estate vehicle, it shall be fitted with a guardrail of approved construction to separate the luggage area from the passenger compartment);
 - capable of accommodating a wheelchair either constructed or collapsed in a reasonable manner;
 - provided with a means of opening and closing not less than one window on each side of the vehicle; and

- have the roof covered and watertight.
 - g) (Repeated in licensing conditions below, condition 13)
 - h) The vehicle shall be fitted with a spare wheel that is in a serviceable condition.
 - i) The vehicle shall not be fitted with any roof sign without the prior consent of the Licensing Authority.
6. The proprietor must submit the following documents prior to issue of the licence. The documents must be current at the time the licence commences.
- a) An insurance certificate or cover note that expressly indicates ON RISK cover for hire and reward.
 - b) A mechanical inspection certificate.
 - c) A Department for Transport Certificate (as required by section 47 Road Traffic Act 1988), when the vehicle is one year old from the date of first registration.
 - d) A current vehicle excise licence.
 - e) The Vehicle Registration Document showing the proprietor's current name and address.
7. No advertising shall be displayed on the vehicle that in the opinion of the Licensing Authority detracts from the visibility of its private hire vehicle licence plates and such other forms of livery and identification required by the Licensing Authority.
8. (Now covered in condition 10 below)
9. In the case of limousines, one of the following must be submitted to the Licensing Authority: -
- a) UK single vehicle approval certificate
 - b) European whole vehicle approval certificate
 - c) UK low volume type approval certificate
 - d) limousine declaration of condition use

Private hire vehicle proprietors

To ensure that a proprietor is a fit and proper person, applicants for a licence must comply with the following requirements. Where the application is in the name of a company or partnership, the fit and proper person test will be applied to all directors or partners.

10. The proprietor to provide a basic Disclosure and Barring Service (DBS) certificate. If a company or partnership, each director or partner must produce a certificate.¹

If an applicant has spent six continuous months or more outside the UK, the Licensing Authority will expect to see evidence of a criminal record check from the country/countries covering this period. The criminal record check must be in English, if not, it must be translated into English by a certified translator acceptable to the Licensing Authority.

11. Fully complete an application form showing unspent convictions.
12. Not have been convicted or cautioned for a criminal offence during the previous three years to ten years (depending upon the offence) or convicted or cautioned for a serious criminal offence or a sexual offence.²
13. Be over 21 years of age.

Notes to accompany the pre-licensing conditions

1. Basic disclosures are not required if the applicant is a licensed driver or private hire operator and a recent disclosure and barring certificate has been produced. DBS applications may be

submitted through a DBS umbrella organisation such as personnel checks. The applicant must pay the fee direct to the processing body on application. The fee is not refundable if the licence application is refused. DBS disclosures must be current and issued no more than 28 days before the licence application.

2. A licence will not be granted to an applicant who has been convicted of or received a caution in relation to a serious criminal offence. Older convictions and less serious offences will be considered in relation to their relevance to the application. Refer to the Council's Assessment of Criminal Convictions for further details.

Licensing conditions for private hire vehicles

Private Hire vehicle proprietors

1. If the vehicle licence is transferred, the new proprietor must submit a basic Disclosure and Barring Service (DBS) certificate to the Licensing Authority (unless a licensed driver or private hire operator and the Council is in possession of a current DBS certificate). If a company or partnership, each director or partner must produce a certificate.^{1 – see Notes above}

Vehicle Identification

2. The identification plates issued by the Licensing Authority shall be fixed to the front and rear of any vehicle being operated as a private hire vehicle in a position that is clearly visible to the public. This condition may be suspended at the discretion of the Licensing Authority if reasonable cause can be shown, in which case alternative requirements for carrying and displaying plates may be substituted.
3. The door stickers provided by the Licensing Authority shall be permanently attached and displayed on the upper panels of both front doors. This condition may be suspended at the discretion of the Licensing Authority if reasonable cause can be shown, in which case alternative requirements for carrying and displaying plates may be substituted.
4. The vehicle and driver identity badges shall be displayed in the passenger compartment in a conspicuous position that is clearly visible to passengers.
5. A roof sign shall not be displayed on the vehicle in any form.
6. The words 'TAXI', 'CAB' or 'FOR HIRE' shall not be displayed on or in the vehicle or in any advertisement for the service.
7. Reference to Maldon District Council in any advertisement for the service must be limited to the phrase 'Licensed by Maldon District Council' and must not suggest any other form of approval or endorsement by the Council.
8. No advertising shall be displayed on the vehicle that in the opinion of the Licensing Authority detracts from the visibility of its private hire vehicle licence plates and such other forms of livery and identification required by the Licensing Authority.

Vehicle maintenance

9. All new or replacement vehicles to be of a Euro VI standard or better from 2022 (NB – this was agreed following the Air Quality Strategy consultation and is not subject to further consultation)
10. The vehicle shall be kept in a clean and well-maintained condition.
11. No material alteration or change to the manufacturer's specification, design, condition or appearance of the vehicle shall be made at any time when the licence is in force without the prior approval of the Licensing Authority.
12. Adequate and secure luggage facilities must be provided and maintained.
13. The vehicle shall be equipped with a fire extinguisher maintained in accordance with ISO 7165.
14. In respect of any minibus or people carrier type vehicle where a seat has been removed to meet pre-licensing conditions, the seat shall not be replaced at any time the vehicle is licensed as a private hire vehicle.

Vehicle Testing

15. The vehicle shall be submitted for mechanical inspection at an approved testing station at the licensee's expense and provide a completed certificate of inspection to the Licensing Authority at the following intervals: -
 - a) vehicles less than three year's old, one test per year on application for renewal;
 - b) vehicles between three and six years old, two tests per year at six monthly intervals;
 - c) vehicles older than six years, three tests per year at four monthly intervals.
16. The vehicle shall be submitted for mechanical or other inspection at any time if required by the Licensing Authority in addition to the intervals set out in 13 above.
17. The vehicle shall be submitted for inspection in a condition that renders it suitable for that inspection, including being clean inside and out.
18. A completed test certificate shall be submitted to the Licensing Authority as soon as practicable after the test has been completed. If the vehicle fails the test for any mechanical or safety reason, it shall not be used as a private hire vehicle until the defects are corrected and the vehicle passes a re-test.
19. A proprietor of a licensed private hire vehicle shall report to the Licensing Authority as soon as practicable, and within 72 hours, the occurrence of any accident involving any damage to the vehicle, whether or not the damage affects the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers.

Insurance and documentation

20. The proprietor must: -
 - a) comply with the relevant legislation in relation to the insurance cover of the vehicle;
 - b) ensure a current certificate of motor insurance is on display or available in the vehicle for inspection on request;
 - c) produce to the Licensing Authority proof of continuous insurance cover for the vehicle.

21. The proprietor must: -

- a) produce the vehicle licence on request to an authorised hackney carriage and private hire licensing officer of any Licensing Authority or a Police Officer;
- b) permit the Licensing Authority to photocopy or otherwise deal with any document produced as evidence to support the application for renewal of the licence or enforcement of licence conditions.

22. A licensee who permits or employs any person to act as the driver of the private hire vehicle shall retain in his or her possession the licence of such driver while the driver is permitted or employed to drive the vehicle.

Conduct of business

23. The private hire vehicle must always be registered with an operator who holds a Private Hire Operator's Licence.

24. Whilst a vehicle is being used as a private hire vehicle, it shall not be driven by anyone other than a driver licensed by the Licensing Authority and wearing the official badge as required by the conditions of their Driver's Licence.

25. The vehicle shall not be permitted to carry more than the number of persons specified on the Licence, irrespective of the age of the passenger.

26. The vehicle shall not be used as a private hire vehicle whilst towing a trailer or whilst fitted with a roof box without the express consent of the Licensing Authority who may call for an additional inspection certificate.

27. Any trailer authorised by the Licensing Authority for use with a licensed vehicle will be fitted with a suitable spare wheel and a licence plate issued by the Licensing Authority.

28. A daily record of the mileage covered by each licensed driver and the time and condition of the vehicle at handover shall be kept in the private hire vehicle. The record shall be kept for 12 months and must be produced on the request of an authorised hackney carriage and private hire licensing officer of any Licensing Authority or a Police Officer.

29. If drivers are unable to accept cheques, debit card or credit card payments, customers should be advised on pre-booking and a clear notice to that effect must be displayed and clearly visible to passengers and potential passengers.

Renewal

30. This licence must be renewed annually.

Notes to accompany the conditions

1.

2. In relation to condition 2, permanent exemptions may be granted in the case of vintage vehicles or specialist hire.

Pre-licensing conditions for private hire operators

To ensure that an operator is a fit and proper person, applicants for a Licence must comply with the following requirements. Where the application is in the name of a company or partnership, the fit and proper person test will be applied to all directors or partners.

1. Operators to provide a basic Disclosure and Barring Service (DBS) certificate. If a company or partnership, each director or partner must produce a certificate.¹

If an applicant has spent six continuous months or more outside the UK, the Licensing Authority will expect to see evidence of a criminal record check from the country/countries covering this period. The criminal record check must be in English, if not, it must be translated into English by a certified translator acceptable to the Licensing Authority.

2. Fully complete an application form showing unspent convictions.

3. Not have been convicted or cautioned for a criminal offence during the previous three years to ten years (depending upon the offence) or convicted or cautioned for a serious criminal offence or a sexual offence.²
4. Operators to provide a copy of the: -
 - register of employees involved in bookings or dispatch;
 - ex-offenders' policy for employment in bookings or dispatch.
5. Be over 21 years of age.

Notes to accompany the pre-licensing conditions

1. Basic disclosures are not required if the applicant is a licensed driver or vehicle proprietor and a recent disclosure and barring certificate has been produced. DBS applications may be submitted through a DBS umbrella organisation such as personnel checks. The applicant must pay the fee direct to the processing body on application. The fee is not refundable if the licence application is refused. DBS disclosures must be current and issued no more than 28 days before the licence application.
2. A licence will not be granted to an applicant who has been convicted of or received a caution in relation to a serious criminal offence. Older convictions and less serious offences will be considered in relation to their relevance to the application. Refer to the Council's Assessment of Criminal Convictions for further details.

Licence conditions for private hire operators

The following conditions apply to all Private Hire Operator Licences issued by Maldon District Council.

1. The operator shall keep a record of all private hire vehicles operated under this licence in the form of a book or in electronic form containing the following.
 - a) Type and make of vehicle
 - b) Vehicle registration number
 - c) Owner's name and address
 - d) Driver's name and address
 - e) Private Hire Vehicle Licence number as issued by the Licensing Authority
2. The operator shall keep a record of every booking of a private hire vehicle, invited or accepted, in the form of a book or electronic record containing the following.
 - a) Date and time of booking
 - b) Date and time hiring to commence
 - c) Destination
 - d) Address at which hiring to commence
 - e) Name of hirer and contact details
 - f) Name of driver or Private Hire Driver Licence number
 - g) Private hire vehicle number or vehicle registration
 - h) Name of person taking the booking and dispatching the vehicle

All information in the book shall be completed before the commencement of any journey.

3. The operator shall disclose to the Licensing Authority within 48 hours, in writing, any arrest and release, charge or conviction, fixed penalty or caution imposed on him or her or any person concerned in the operation of private hire vehicles in relation to this licence.
4. The operator must notify the Licensing Authority within seven days of any change of either his/her address or the address of the operating premises during the period of the licence.
5. It shall be made clear in any trade description or advertising material used by the operator that the service is a private hire vehicle service and the use of the words 'TAXI', 'CAB' or 'FOR HIRE' is expressly prohibited.
6. The operator shall take all proper and reasonable steps to ensure that all private hire vehicles which he or she operates, and all drivers who he or she employs, also comply with licensing conditions and other relevant statutory provisions or byelaws.
7. Reference to Maldon District Council in any advertisement for the service must be limited to the phrase 'Licensed by Maldon District Council' and must not suggest any other form of approval or endorsement by the Council.
8. The operator shall register with the DBS update service and maintain registration during the life of the licence, including renewal licences.¹
9. A company or partnership must notify the Licensing Authority within seven days of any change in the directors or partners and submit a current basic disclosure and barring service (DBS) certificate for that person².
10. Notices giving details of how to make a complaint about drivers and vehicles must be displayed in vehicles and clearly visible to passengers. The notice to include the following details: -
 - name of the private hire operator
 - contact details where a customer can make a complaint
 - vehicle registration and licence plate number
 - name of the licensing authority and contact details
11. The operator to maintain a record (written or electronic) of complaints received about employees, drivers and vehicles. Records to include: -
 - date and time of incident
 - location of incident
 - name of complainant and contact details
 - name of driver/employee and/or vehicle licence plate number
 - details of the complaint
 - outcome of investigation

Any complaint of a criminal nature must be reported to the Licensing Authority within 72 hours of receipt.
12. The operator must undertake basic disclosure and barring service (DBS) checks on all individuals who may be involved in the acceptance of bookings or dispatch of drivers and vehicles before being so employed.
13. The operator shall keep a register of employees involved in bookings or dispatch and a record of all basic disclosure and barring service (DBS) checks whilst employees remain on the register, to be provided to any authorised officer of the Licensing Authority on request.

14. The operator must have an employment of ex-offender's policy where applicable, to be provided to any authorised officer of the Licensing Authority on request.
15. All records in the conditions above must be: -
- kept for not less than 12 months from the date of the last entry;
 - produced on request to any authorised officer of the Licensing Authority or Police Officer for inspection and may be copied as required;
 - in the case of electronic records, kept in a format that can be reproduced for inspection.

Notes to accompany the conditions

1. To facilitate regular DBS checks by the Council, all licence holders must register with the DBS update service and nominate the Council (or its agents) access to their records. The fee to register and maintain registration must be met by the licence holder.
2. DBS disclosures must be current and issued no more than 28 days before their appointment as a director or partner.

Information produced by
Maldon District Council, Princes Road, Maldon, Essex CM9 5DL
Email licensing@maldon.gov.uk Web www.maldon.gov.uk Tel 01621 854477
Leaflet EH/Licensing private hire vehicles/July 2021

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MALDON DISTRICT COUNCIL

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Maldon District Council with respect to hackney carriage stands provided in the District of Maldon.

Interpretation

1. Throughout these byelaws "the local authority" means the Maldon District Council.

Provisions fixing the stands of hackney carriages

2. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as specified in the list:-
 - (i) High Street, Maldon; on the South West side of the Street for a distance of thirty seven feet South East from a point twenty five feet and six inches from its junction with Wantz Road; TWO
 - (ii) Mill Road, Maldon; on the East side of the road for a distance of seventy feet North from a point one hundred and eighteen feet from its junction with Park Drive. FOUR

Provisions regulating the conduct of the proprietors and drivers of hackney carriages using hackney carriage stands.

3. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
 - (a) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction;
 - (b) from time to time when any other carriage immediately in front is driven off or moved forward cause his or her carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
 - (c) remain with the carriage and be ready to be hired at once by any person when his carriage is the first carriage on the stand.
4. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any other person for this purpose.

PENALTIES

5. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding ONE HUNDRED POUNDS and in the case of a continuing offence to a further fine not exceeding FIVE POUNDS for each day after written notice of the offence from the Local Authority.

THE COMMON SEAL OF THE
MALDON DISTRICT COUNCIL
was hereunto affixed
this day of
8th October 1985
in pursuance of a
resolution passed at a
meeting of the Council of
the said district duly
convened and held on the
26th day of September 1985
in the presence of

Harry Frost

Chairman of the Council

[Signature]
Chief Executive

THE FOREGOING BYELAW IS HEREBY
CONFIRMED BY THE SECRETARY OF
STATE AND SHALL COME INTO OPERATION
ON THE ...16th DAY OF ...OCTOBER 1987

Under *WPJ* 3 SEPTEMBER 1987
AN ASSISTANT SECRETARY IN THE
DEPARTMENT OF TRANSPORT ON BEHALF
OF THE SECRETARY OF STATE FOR
TRANSPORT.

Approved Testing Stations for taxis and private hire

- 1) Arrow Auto Services, Station Road, Maldon CM9 4LQ
- 2) Champion Motors, 12b West Station Yard, Spital Road, Maldon CM9 6TR
- 3) Latchingdon Garage Ltd, 11 The Street, Latchingdon, Chelmsford CM3 6JP
- 4) Providence Protech, 10 Springfield Industrial Estate, Springfield Road, Burnham on Crouch, CM0 8UA
- 5) Quest Motors Ltd, Wycke Hill Business Park, Wycke Hill, Maldon CM9 6UZ

Taxi and private hire vehicle inspection sheet

Surname of vehicle owner:		Vehicle registration:	
First name(s):		Make:	
Address:		Model	
Postcode:		Year of manufacture	
Daytime tel no:		VIN or chassis no:	
Mobile no:		Recorded mileage:	
Email address:		Colour:	
	Failure		
	Yes	No	Reason for failure
Interior condition of body work			
Exterior condition of body work			
Front and back plates - secured			
Door stickers - upper front doors			
Advertising not to detract from plates and door stickers			
Position & contents of first aid kit			
Fire extinguisher - maintained			
Roof sign secure			
Size of roof sign			
Illuminated roof sign			
Lighting equipment			
Front and rear lamps			
Head lamps			
Head lamp aim			
Side lamp			
Rear reflectors			
Direction indicators			
Hazard warning lights			
Fog lamps front			
Fog lamps rear			
Number plate lamps			
Steering and suspension			
Steering control			
Steering mechanism / system			
Power steering			
Transmission shafts			
Wheel bearings			
Front suspension			
Rear suspension			
Shock absorbers			
Wheel alignment			
Brakes			
Controls / ABS warning system			

APPENDIX 1
Appendix F

Condition of parking brake system			
Condition of service brake system			
Service brake performance %			
Parking brake performance %			
Tyre and wheels including spare			
Tyre tread depth			
Tyre condition			
Road wheels			
Seatbelts			
Mountings			
Condition			
Operation			
Registration plate condition			
Clutch pedal condition			
Clutch pedal operation			
Oil leaks			
Tax Disc			
Rear view mirrors			
Fuel system condition			
Seats condition and security			
People carrier/minibus moveable seat			
Door locks and catches			
Windscreen wipers and washers			
Horn			
Exhaust system			
Exhaust emissions			
Vehicle security			
Security of wiring			

Test result

I certify that for the reasons given above, the vehicle does/does not* pass the statutory requirements (*delete a appropriate)

Test centre:

Tester (full name):

Signed:

Date:

Re-test only

I certify that the appropriate works have now been carried out on this vehicle and it now complies with the statutory requirements.

Test centre:

Tester (full name):

Signed:

Date:

When completed, to be returned to Maldon District Council, Princes Road Maldon
For further information, contact licensing@maldon.gov.uk

Hackney Carriage / Private Hire Vehicle Inspection Report

Sections 60 and 68 Local Government (Miscellaneous Provisions) Act 1976

Date:

Time:

Location:

Make:

Registration Number:

Plate Number:

DEFECTS

Delete i.– iv. as applicable

- i. Vehicle **NOT** to be used for hire or reward until repaired and re-inspected
- ii. Vehicle must be presented for inspection with defect rectified by
- iii. This report is for your information only
- iv. Offences reported

Licensing Officer:

Received by:

Badge Number:

Re-inspection location to be agreed between Licensing Officer and proprietor/driver
This report **MUST** be produced at the time of re-inspection

Hackney Carriage / Private Hire Vehicle Inspection Report
(Re-inspection report)

This notice refers to the defect(s) listed overleaf

Make:

Registration Number:

Plate Number:

It is certified that the defect(s) recorded overleaf on (date)
have been satisfactorily rectified. This vehicle is now in a suitable condition to be used for
the purposes of hire or reward.

Licensing Officer:

Date:

Driver's signature:

Officer's comments:

To be retained by Licensing

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REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

**to
COUNCIL
2 SEPTEMBER 2021**

FUTURE COMMITTEE MEETING ARRANGEMENTS

1. PURPOSE OF THE REPORT

- 1.1 To consider ongoing arrangements for Committee Meetings in light of changes to government restrictions.

2. RECOMMENDATIONS

- (i) That the Council reviews the options in **APPENDIX A** and agrees an approach, noting potential risks and additional resource requirements;
- (ii) That the Council reviews the mitigations set out in **APPENDIX A** and confirm if any additional measures are required;
- (iii) That should the Government revise legislation to again allow for remote meetings, the Corporate Governance Working Group bring a further report back.

3. SUMMARY OF KEY ISSUES

- 3.1 On 29 April 2021 the Council considered a report around future meeting options (Minute No. 386 refers).
- 3.2 The Council voted to reinstate the full schedule, with meetings starting at 7.30pm and adopted some remote meeting protocols for Covid security.
- 3.3 At the time of the Council decision it was raised that reinstating the committee cycle with mitigations would have an impact on resource, and we have seen officers of Committee Services and ICT (Information Communications Technology) stretched to manage the arrangements, as well as costs of hall hire, and equipment purchase incurred. The impact is addressed in the options in terms of the officer resource for different mitigations, and depending on the Council decision, we may need to add resource in these areas, for example 0.5 FTE if we continue as we are, and 0.3 FTE if we stop offsite meetings but continue to stream for public access.
- 3.4 Covid-19 continues to circulate, and numbers rise, and some companies are sticking to office arrangements they had in place before 19 July 2021 to protect staff and avoid future litigation risks, for example face masks remain compulsory on London Transport. The government has said that it expects and recommends that face coverings are worn in crowded and enclosed spaces, but this is not now a legal requirement.

- 3.5 The original legislation considered as part of the return to physical meetings is now guidance and in light of this change, the Council is asked to consider the arrangements for meetings and how they would like this to be conducted. **APPENDIX A** gives some learning points / feedback for the current mitigations in place, and future options for Member review.

4. CONCLUSION

- 4.1 The options are presented to Members to review future meeting arrangements in light of the government legal requirements moving to guidance, and the feedback from the meetings we have run so far.

5. IMPACT ON STRATEGIC THEMES

- 5.1 Consideration of the next approach will help to underpin the performance and value corporate goal.

6. IMPLICATIONS

- (i) **Impact on Customers** – The customer impact, particularly with different approaches to online streaming and public visibility are presented in the **APPENDIX A**.
- (ii) **Impact on Equalities** – Those shielding or uncomfortable attending in person may not have access to meetings if live stream is stopped.
- (iii) **Impact on Risk** – Risks are identified in the report, particularly around reducing mitigation.
- (iv) **Impact on Resources (financial)** – The costs are presented for the various future options.
- (v) **Impact on Resources (human)** – The resource impacts are presented for the various future options.
- (vi) **Impact on the Environment** – If more public etc are only able to attend in person, this could have an impact on the carbon footprint of meetings
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: Previous reports to the Council.

Enquiries to: Cheryl Hughes, Programmes, Performance and Governance Manager.

Below is a list of the current mitigations that were agreed and put in place as part of the Council resolution.

- (iii) *That the guidance set out at section 3.10.7 of the report be adopted, and additional guidance that emerges from risk assessments to support more secure physical meetings where they do take place.*

3.10.7 Members will be asked to work within the following guidance at any physical meetings that went ahead, to adhere to government COVID-19 guidance and help minimise our risks:

Guidance and expectations

- Entrance / exit will be separate points and movement will be staggered and co-ordinated.
- Masks must be worn by Members and Staff unless speaking. *Those participating should wear masks where not speaking (unless exempt) and are free to remove for any questions or speaking.* The Chairman may call on a participant to confirm they are exempt, if applicable.
- Non-Committee Members should watch the meeting via YouTube, and if they have pre-arranged with the Chairman to ask a question, this will be done via Microsoft (MS) Teams and projected to a TV in the room.
- Public meeting access will be by virtual streaming and remote public participation will take place via MS Teams.
- Members and staff taking part in the meetings will apply for and complete regular lateral flow tests to reduce the risk of infection and register results ahead of the meeting.
- The Member attendance book will be virtual.

MITIGATION	RATIONALE / BENEFITS	ISSUES
2 metre distancing and Maximum 17 in the Council Chamber	NHS and government guidance is to try to stay at least 2 metres (3 steps) away from people you're not meeting with, to help reduce the transmission of droplets	£200 per meeting cost to hire offsite venue. Additional 2 officers per offsite meeting to Manage PA (Public Address) system.
Streaming meetings to YouTube to encourage online viewing	Those not taking part in decision making can access online. Where we do not have enough space for attendance, we are still transparent and available to our residents. More democratic visibility and greater public engagement with our meetings as a result of being online. We are set up and established digitally	Additional 1 officer for every meeting to manage the stream - currently being absorbed by Committees and ICT resource but adding pressure outside of pre-covid activity.

MITIGATION	RATIONALE / BENEFITS	ISSUES
	should the government re-introduce remote meeting legislation	
Those in the meeting wear masks, that can be removed to talk (and shields are also provided)	Although a face covering is not a legal requirement nationally, it is still a recommended mitigation. They reduce risk of droplet transmission by people with asymptomatic, pre-asymptomatic and mild Covid.	Small cost to provide shields. Member feedback that use of shields has made it hard to hear on occasions (Mitigated through use of PA system offsite and mics in chamber).
All Members, officers and public register prior to the meeting and confirm a negative lateral flow test result	Prompts attendees to lateral flow test and reduces risk of asymptomatic people attending and coming into contact with others. Provides a list for Chairmen of those Members that are not working within the Council resolution.	Chairmen have not been enforcing this, and not all Members have engaged. Committee Services have to manage the process including reminder emails to Members.
Non-Committee Members do not attend in person, and watch via YouTube	Allows management of numbers in the Chamber. Means that only those with a business reason for coming into contact with each other are doing so.	Some Members have adhered to this and others have not, making number management of maximum 17 in the chamber difficult.
Public participants have to pre-register to attend, and numbers managed	Allows management of numbers in the Chamber. Keeps a record of those public attending for possible track and trace. Allows us to remind attendees of meeting procedure and request lateral flow test submission.	There have been occasions where space doesn't accommodate and instead the public have watched on YouTube (but this hasn't resulted in any complaints).
One-way system for entrance and exit to the meetings	Reduces risk of people crossing paths and potential contact.	

Future options for consideration

Option	Issues	Benefits
1 Continue with current meeting arrangements and mitigations	Cost of venue hire for Council and District Planning will be ongoing. Resource impact across ICT and Committee Services will be ongoing (to the extent of a 0.5 Full Time Equivalent (FTE) additional requirement).	All mitigations in place reduce risk of Covid transmission in meetings, or Members / Officers becoming unavailable for meetings if they become a close contact in a meeting and have to isolate.

APPENDIX A

Option	Issues	Benefits
<p>2 Continue with current meeting arrangements and mitigations but reduce the Committee Schedule of Meetings to manage resource impact</p>	<p>Would require a review of the Committee Schedule of Meetings and decision on which Committee meetings could be removed.</p> <p>Non-urgent items of business may take longer to progress.</p>	<p>Would reduce the impact / pull on resources to deliver the current physical covid-secure set up.</p> <p>Would support current arrangements for Covid mitigations.</p>
<p>3 Move all meetings back to the chamber, removing social distancing, but with other current mitigations and protocols in place, with live streaming</p>	<p>Removing the 2 meter social distancing space will increase risk of droplet transmission, and likelihood of those in a meeting counting as a close contact that has to isolate if a an attendee is infected.</p> <p>We will also need to remove the 'sneeze screen' mitigation so that Members can fit in the room, making masks and visors the only barrier in place.</p> <p>Still a 0.3 FTE additional requirement for streaming resource.</p> <p>We will be unlikely to accommodate public observers at large Committees, Council or District Planning Committee.</p>	<p>Removes hall hire cost and reliance on Stadium availability.</p> <p>Removes officer resource needed to manage the PA system (2 additional staff per offsite meeting).</p> <p>Removes officer resource to move and store screens and equipment between offsite meetings.</p>
<p>4 Move all meetings back to the chamber, removing social distancing with other current mitigations but no live streaming</p>	<p>Removing the 2 meter social distancing space will increase risk of droplet transmission, and likelihood of members in a meeting counting as a close contact that has to isolate if a member is infected.</p> <p>We will also need to remove the 'sneeze screen' mitigation so that Members can fit in the room, making masks and visors the only barrier in place.</p> <p>Public more likely to want to attend, and if we don't have space to facilitate this, there is no way to view meetings.</p> <p>Less democratic - those who have been engaging with the YouTube videos may never attend in person, cutting off an access point.</p> <p>Stopping streaming would mean we</p>	<p>Removes hall hire cost and reliance on availability.</p> <p>Removes officer resource needed to manage the PA system offsite (2 additional staff per offsite meeting).</p> <p>Removes officer resource to move and store screens and equipment between offsite meetings.</p> <p>Removes additional officer required to stream every meeting (therefore back to the resource of a pre-covid committee meeting).</p>

Option	Issues	Benefits
	<p>would not be as well placed to respond should the government legislate for remote meetings in the future, and we would move to audio recording only, which is less clear for the public following.</p> <p>Environmental impact of those not required for the meeting having to attend in person.</p>	

Please Note: option 1 and 3 will both incur an additional resource cost, that we will need to identify.



REPORT of THE CORPORATE GOVERNANCE WORKING GROUP

to
COUNCIL
2 SEPTEMBER 2021

PLANNING ADVISORY SERVICE - REVIEW OF RECOMMENDATIONS

1. PURPOSE OF THE REPORT

- 1.1 To provide considered feedback from the Corporate Governance Working Group (CGWG) further to the recommendations made in the report of the Planning Advisory Service (PAS). PAS are a Local Government Association (LGA) group that are an authoritative voice in planning policy, providing consultancy, peer support and resources to help Local Authorities respond to planning reform, and embed best practice.

2. RECOMMENDATIONS

- (i) that the recommendations as set out in the CGWG feedback column at **APPENDIX A**, be adopted;
- (ii) that the Terms of Reference set out at **APPENDIX B** be accepted as an update to the Constitution, and apply associated constitutional updates to removing Area Planning Committees;
- (iii) that the above changes be brought into effect as soon as possible and following a further Council meeting where the appointments can be made.

3. SUMMARY OF KEY ISSUES

- 3.1 The Planning Advisory Service (PAS) conducted a review into our planning committees as part of wider Local Government Association (LGA) training and support to support the move to remote working, and recommended best practice for planning decision making, which was produced in March 2021.
- 3.2 The Corporate Governance Working Group met several times in July and August to review the report, focussing on the recommendations from the report that remained relevant after we moved back to physical committee meetings.
- 3.3 Attached at **APPENDIX A** is a summary of the information considered and conclusions and recommendations that came out from the Working Group that are recommended to the Council for adoption.
- 3.4 The detailed explanation and reasoning behind the original recommendations are set out in the background paper from the PAS.
- 3.5 The majority of these are operational / procedural matters but should R11 (removing multiple Planning Committees) be adopted by the Council it will require Constitutional

amendments. A proposed Terms of Reference for the new planning committee, and updated Terms of Reference for the District Planning Committee, should the Council agree this approach, are attached as **APPENDIX B** for reference.

3.6 It is now well established that consistency is an important material consideration in planning decision making.

3.7 As well as the good practice merits, (such as consistency in planning decisions) highlighted in the PAS report and leading to the recommendation, a table of costs for the various options is highlighted below:

	36 meetings (as is)	12 meetings evening (Single Planning Committee) *	12 meetings daytime (Single Planning Committee)	13 meetings evening (Single Planning Committee) *	13 meetings daytime (Single Planning Committee)
	Area Planning Committee	Combined	Combined	Combined	Combined
	£	£	£	£	£
Caretaker overtime	1,607.6	539	0	539	0.00
Post meeting minutes preparation and agreement	2,945.7	1,172.76	1,172.76	1,270.49	1,270.49
Committee Clerk attendance cost Time Off In Lieu (TOIL)	2,554.84	818.28	0	886.47	0.00
Planning Officer TOIL	2,375.92	758	0	821.86	0.00
Senior Planning Officer TOIL	2,953.44	984.48	0	1,066.52	0.00
IT support and streaming	1645.56	548.52	0	594.23	0
Mileage and expenses	648	0	0	0.00	0.00
Planning admin (grade tbc- cw level 1)	359.40	119.18	119.18	119.18	119.18
Pre-meeting agenda preparation	3,373.12	2727.6	2727.6	2,954.90	2,954.90

	36 meetings (as is)	12 meetings evening (Single Planning Committee) *	12 meetings daytime (Single Planning Committee)	13 meetings evening (Single Planning Committee) *	13 meetings daytime (Single Planning Committee)
	Area Planning Committee	Combined	Combined	Combined	Combined
	£	£	£	£	£
Costs of Allowance for Chairman	5,793	1,931	1,931	1,931	1,931
Total	24,256.6	9,598.8	6,499.06	10,183.7	6,869.8
Legal presence cost	28,800	1,080	In current hours (0)	1,170	In current hours (0)
Total with PAS recommended legal presence	53,056.6	10,678.8	6,499.06	11,353.7	6,869.8

3.7.1 A single planning committee would save the Council a minimum of £12,233 per annum, depending on the approach to arranging meetings savings could be higher.

3.7.2 A single planning meeting would also allow for legal presence at every meeting, but if the committee structure does not change, this resourcing would not be possible without an additional £800 per meeting cost.

3.7.3 In total, if we put in legal support to meetings, and adopt the recommendation to remove individual area planning, the annual saving is at least £41,703.

3.8 A suggested implementation date for a change in Committees is put forwards as January 2022. This is on the basis that should the Council agree, a report will come back to appoint to this committee at the next Council date and an update to the structure and schedule, so this could be implemented by January on current timelines.

4. CONCLUSION

4.1 Upon detailed consideration of the recommendations of the Planning Advisory Service, the Corporate Governance Working Group feedback is provided for Member review, and the recommendations put forward to the Council.

5. IMPACT ON STRATEGIC THEMES

5.1 A review of the way we manage planning committees based on the guidance of the national PAS could help contribute to our 'performance and value' Outcomes if adopted.

6. IMPLICATIONS

- (i) **Impact on Customers** – Removing Area Planning Committees could give the public perception that they are less served locally, but this is aimed to reduce a corporate risk around making solid, defendable planning decisions.
- (ii) **Impact on Equalities** – Electronic voting recommendation would need robust training and planning, to ensure no Member is digitally excluded.
- (iii) **Impact on Risk** – The recommendations are based on areas where we can reduce corporate risks around planning decisions.
- (iv) **Impact on Resources (financial)** – Adopting the recommendations advised would put us at risk to court challenge and associated financial costs.
- (v) **Impact on Resources (human)** – At a time where meeting arrangements put Maldon District Council 0.5FTE (Full Time Equivalent) over resource, this would increase efficiency and officer time as outlined in paragraph 3.7 above.
- (vi) **Impact on the Environment** – Consistent planning decisions and approach across the District.
- (vii) **Impact on Strengthening Communities** - Taking away the local planning committees could give the public perception that they are less served locally, but this is aimed to reduce a corporate risk around making solid, defendable planning decisions.

Background Papers: Planning Advisory Service - Maldon virtual planning committee report.

Enquiries to: Cheryl Hughes, Programmes, Performance and Governance Manager.

Planning advisory service report recommendations review: officer feedback

Recommendation	Operationally how would this look?	Benefits	Issues	Corporate Governance Working Group (CGWG) feedback
R4 That the Councils Solicitor attend Committee meetings to provide legal advice at the time decisions are made	<p>Every planning meeting scheduled would have an attached legal advisor.</p> <p>Separates out the planning and legal role in the meeting to address point that <i>“Officers were giving Members planning and legal advice in front of an audience, and on occasions the exchanges became somewhat confrontational.”</i></p>	<p>Advice can be given to support members in real time.</p> <p>Members would not be expecting legal advice from the Lead Specialist Place, who isn't always the most appropriate person to advise particularly as this can appear very confusing to the public.</p> <p>The report identifies that <i>“A legal presence at committee would ensure safe decision making and would enable planning officers to concentrate on the planning issues.”</i></p>	<p>Current legal resource unable to support current schedule of planning meetings- would require additional resource bought in at a cost of £800 per meeting.</p> <p>Would take legal team longer to do their day-to-day role where they do take the time out to attend planning committees.</p> <p>(NB these implications could change depending on the approach to R11)</p>	<p>It is the Working Group preference to have a lawyer present. But we recognise this is not viable to have if the structure stays the same.</p> <p>Recommendation – put this in place operationally if R11 is adopted.</p>
R6 Change the practice of the Chair moving the Officers' recommendation and having that seconded towards the start of the meeting and instead allow a general discussion of the merits of the application, after which a motion may be put forward that has emerged from the debate.	This has already been adopted by planning chairs. They do not put the officer recommendation until after discussion takes place.	<p>Chairs and those seconding don't feel they are showing support for a recommendation before the debate happens.</p> <p>Debate can take place on the merit of the planning application before the officer recommendations are reviewed.</p>	Possible confusion due to consistency – for non-planning meetings, we still put the officer report recommendations before the debate starts.	<p>The group notes that this is now picked up in general.</p> <p>A consistent format preferred by the group would be:</p> <ul style="list-style-type: none"> • Questions • Debate • Recommendation put and voted
R7 Introduce an electronic	In app voting within the	Reduce the time to vote in	Cost around £1,500 per annum to	Concerns were raised around

Recommendation	Operationally how would this look?	Benefits	Issues	Corporate Governance Working Group (CGWG) feedback
<p>voting system to make better use of time, particularly in the large committee setting, and deliver more robust decision making.</p>	<p>Mod.Gov system.</p> <p>Members would be logged into Mod.Gov for the duration of meetings and when the Chairman calls the vote, they would vote digitally.</p> <p>The Clerk would have access to declare the results to the Chairman, and the system would log how everyone voted.</p> <p>A further demonstration to see how this looks in detail would be the next stage.</p>	<p>committees.</p> <p>All votes recorded electronically and in Mod.Gov system – making write up and recorded vote records more efficient after the meeting.</p> <p>Addresses that the current process leaves the Council open to allegations that Members later on in the alphabet might be influenced by those votes that had been cast before.</p>	<p>add on to Mod.Gov licence.</p> <p>Implementation time - to purchase, turn on, train and set live – est. 12 weeks officer time.</p> <p>Possible issues if members forgot devices / lost power etc during the meeting.</p> <p>Possible ‘voting in error’ - if members press wrong button- but system is fairly simple and training would be in place.</p>	<p>Member access issues, making sure the voting was still instantly visible to the public, and that training would need to take place.</p> <p>Officers confirmed this would be part of the implementation plan.</p> <p>The group agreed that it would be a good way to reduce any accusation of bias, wouldn’t need recorded voting to be called, and would move to a more modern way of working.</p> <p>Recommendation: implement this, subject to robust training and testing</p>
<p>R8 Establish a scheme of compulsory training for all Members involved in decision making on planning matters with session based on:</p> <ul style="list-style-type: none"> the process for the consideration of particular types of application. policy driven decisions 	<p>The subjects listed to be included in our compulsory training, and quarterly planning sessions</p>	<p>We do already have a mechanism in place for this with the quarterly planning sessions (May, Aug, Nov, Feb).</p> <p>The training would help to address some of the key issues identified in the report.</p>	<p>Officer time to develop specific content.</p> <p>May require some outside support and advice for areas.</p> <p>Have historically had issues with Member attendance numbers – good practice will only embed when all planning committee members are well trained.</p>	<p>The group agreed with this point and the proposed content- but noted this is not new, as we</p> <p>Recommendation: continue to address these topics in the quarterly planning training</p>

Recommendation	Operationally how would this look?	Benefits	Issues	Corporate Governance Working Group (CGWG) feedback
<p>and the level of certainty that approach provides.</p> <ul style="list-style-type: none"> to make clear the different roles they play as a representative of their Ward and as a Councillor determining a planning application in the interests of the district as a whole. predetermination or bias. 				
R9 Encourage Members to discuss their concerns about applications with Officers prior to the public meeting without making themselves vulnerable to allegations of predetermination.	Members use MS Teams to contact case officers and arrange time to go through any queries	<p>Would address the issue raised in the report that:</p> <p><i>At many of the meetings Officers were giving Members planning and legal advice in front of an audience, and on occasions the exchanges became somewhat confrontational. Members should be encouraged to discuss applications with Officers before the meeting. There is a clear difference between preparation and predetermination, and Members can seek advice whilst still keeping an open mind.</i></p>	Advice would need to be consistent from officers before and during the meeting- best if they kept a note- otherwise this could throw Members off	<p>The group felt that this was already available to members and taking place, and that members should be encouraged to take this approach.</p> <p>Recommendation: Members continue to make use of this approach</p>
R11 Review of the current multiple committee arrangements, the high	Removal of separate area planning committees.	<p>Consistent decision making.</p> <p>Smaller number of well-informed</p>	Not all members feeling included in planning matters.	operationally this should ensure good local representation, with the principle 'With a minimum

Recommendation	Operationally how would this look?	Benefits	Issues	Corporate Governance Working Group (CGWG) feedback
<p>number of committee members and the scheme of delegation to ensure that it provides the best decision-making process with the resources that are Available.</p> <p><i>NB 5% of applications are recommended by the Government to be considered by committee- but in Maldon this is 20%</i></p>	<p>PAS advice is to have less members on a District-wide committee, politically balanced.</p> <p>If this was a 16-seat committee, for example, based on current political grouping the seats would be:</p> <p>8 Independent 5 Conservative 3 Non-aligned</p> <p>Review of scheme of delegation and the procedures leading to so many call ins- include a way for planning to defer called in items where they are the sole item to be considered by a committee</p>	<p>members making decisions (members more likely to regularly attend training in R8).</p> <p>Members not acting as Ward Members therefore reducing risk of complaints of predetermination.</p> <p>Less legal costs and appeals.</p> <p>More efficient to administrate the meetings (would help to balance out the resource pressures we currently have).</p> <p>Could use in-house legal resource to advise if the meeting number was reduced.</p> <p>Less occurrences of meetings being held to hear just one item due to call in.</p> <p>Would address the points raised in the report that:</p> <ul style="list-style-type: none"> <i>Servicing 4 committees takes a lot of resources, not just at the meeting itself, but in making the arrangements beforehand.</i> 	<p>Residents perceiving that their area didn't have representation</p>	<p>of four appointed from each current area planning committee.'</p> <p>A ward member not on the committee will be able to attend the committee and talk on a planning issue for up to five minutes.</p> <p>Recommendation: Remove area planning committees from our committee structure.</p> <p>Update our constitution to include new planning committee to take the place of all three area planning, to be appointed with representatives from across current area planning committees if possible. Retain the full District Planning committee, so that all members can be involved in strategic development, with refreshed terms of reference, set out in Appendix B.</p>

Recommendation	Operationally how would this look?	Benefits	Issues	Corporate Governance Working Group (CGWG) feedback
		<ul style="list-style-type: none"> • <i>There is a risk that district wide policies could be applied inconsistently across the district by the different committees</i> • <i>With all Members sitting on committees it means that decisions are spread across a large number of people. There is therefore less opportunity for individual Members to gain expertise, experience and confidence.</i> • <i>A situation where not all Members sit on a Planning Committee gives the opportunity for Ward Members to address Committee and advocate for their residents while not taking part in the final decision making a clear separation of their roles. It also gives the opportunity for substitutes to sit on committees where the regular Member has an interest, or is unable to attend the meeting, so that the number of people making the decision is not too small.</i> 		

Recommendation	Operationally how would this look?	Benefits	Issues	Corporate Governance Working Group (CGWG) feedback
		<ul style="list-style-type: none"> • <i>Moving forward the use of virtual, or potentially hybrid meetings streamed live means that it would be easier for local residents to engage with the process without travelling to a central point.</i> • <i>A single, smaller, well trained and experienced committee, with trained substitutes to take part where necessary, and a protocol where Ward Members are able to address committee on behalf of their residents, would provide certain advantages to the authority.</i> <p><i>Some of the issues that were apparent at the committees relate to the fact that there are 4 committees, and all Members are involved in making planning decisions</i></p>		

**PROPOSED CHANGES TO CONSTITUTION TO GIVE EFFECT TO THE
REPLACEMENT OF THE AREA PLANNING COMMITTEES WITH A SINGLE
DEVELOPMENT CONTROL COMMITTEE**

DELETE FROM PART 3 EXISTING TERMS OF REFERENCE OF AREA PLANNING COMMITTEES AND REPLACE WITH FOLLOWING:

TERMS OF REFERENCE – DEVELOPMENT MANAGEMENT COMMITTEE

CONTENTS

1. Terms of Reference

To exercise on behalf of the Council the following functions:

- (A) The making of decisions or representations on planning and other applications falling to be considered by the District Council as a Local Planning Authority, save in those cases falling within the remit of the District Planning Committee or otherwise delegated to the Director of Service Delivery
- (B) The making of decisions on enforcement and related planning control matters falling to be considered by the District Council as Local Planning Authority, save in those cases where such decisions are delegated to the Director of Service Delivery:

Provisos:

2. Operating Protocol

ANNEXE A

COMMITTEE	DEVELOPMENT CONTROL
MEMBERSHIP	16 appointed by the Council annually and politically balanced
LEAD OFFICER	Director of Service Delivery
OFFICERS / UNITS PRIMARILY REPORTING	Lead Specialist - Place
SUB-COMMITTEE	None

1. TERMS OF REFERENCE

To exercise on behalf of the Council the following functions:

- (A) **The making of decisions or representations on planning and other applications falling to be considered by the District Council as a Local Planning Authority -**
1. For residential development where the number of dwellings is nine or more, or where the number of dwellings is not given, the application site has an area of 0.2 hectares or more.
 2. 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.
 3. Where a Ward Member requests that an application in his / her Ward is referred to the Committee for determination in accordance with **ANNEXE A**.
 4. Where proposals which, in the opinion of the Director of Service Delivery in consultation with the Chairman of the Committee are of significant public interest, would have a significant impact on the environment, or should otherwise be referred to Members.
 5. Where proposals have been advertised as departures under the Town and Country Planning (Development Management Procedure) Order 2010 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.
 6. Where proposals require the submission of or are accompanied by an environmental statement in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988.
 7. Where proposals require a planning obligation, or involve the variation of a planning obligation, under Section 106 of the Town and Country Planning Act 1990 to secure the payment of monies to the Council.
 8. Where an application has been resubmitted following refusal by the Committee contrary to Officers recommendation.
 9. Applications submitted by Members and Officers of the Council. This includes:
 - Spouses and Partners of a Member or Officer;
 - Where it is clear that an application has been submitted on behalf of a Member or Officer, e.g. by an agent or other immediate family member;
 - Where it is clear from the application and any subsequent discussion that a Member or Officer has a close association with the applicant such as might prejudice judgement of the public interest;
 - In the interests of openness and transparency, the Director of Service Delivery in consultation with the Monitoring Officer shall have discretion in the matter of referring an application to a committee instead of determining it under delegated powers.

10. Applications in respect of the Council's own development proposals or development on Council land.
- (B) The making of decisions on enforcement and related planning control matters falling to be considered by the District Council as Local Planning Authority, save in those cases where such decisions are delegated to the Director of Service Delivery:**
 1. To serve a Stop Notice under Section 183 of the Town and Country Planning Act 1990.
 2. To seek injunctions under Section 187B or to commence any actions under Sections 94 (completion notices), 97 (revocation and modification orders) and 102 (discontinuance orders) of the 1990 Act.
 3. To make and confirm directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, including the consideration of any representations received.
 4. To make and confirm Orders involving public rights of way including the consideration of any representations received.
 5. The making and confirmation of Tree Preservation Orders, and the consideration of any representations or objections received.

Provisos:

1. If the Committee considers that a matter before it should be considered by either the District Planning Committee or the Council it may refer the matter to that Committee or the Council for determination save for those matters on which they are required to report to the Council.
2. The Director of Service Delivery has the discretion to refer to the District Planning Committee applications where a major policy decision is involved. In assessing whether a major policy decision is to be made the Director of Service Delivery shall have regard to the scale of development, whether it involves a major departure from policy and whether the application is the subject of widespread public interest.
3. Proposals requiring reference to the Secretary of State for Transport Local Government and the Regions under the terms of the direction at Annex 1 of the Environment Circular 07/99 shall be referred to the District Planning Committee for determination.
4. Meetings of the District Planning Committee will be convened and held for the sole purpose of considering and determining all applications for development of strategic interest as follows:

Development of Strategic Interest:

- Any development proposal which directly relates to one of the Garden Suburbs or Strategic Allocations (sites S2(a) – (k)) included within Policy S2 the Local Development Plan (LDP).
- Any residential or mixed-use development proposal which includes provision for 75 dwellings or more.
- Any large-scale renewable and low carbon energy projects, including:
 - Any wind energy proposals whose output capacity is 1Mw or more or which proposes three or more turbines of 30m or more.
 - Any Solar energy proposals whose output capacity is 1Mw or more or which proposes 4,000 or more solar panels.
 - Energy from Waste Scheme of 1MW capacity or more.
- Any development proposal which directly relates to identified *new* employment sites allocated by Policy E1 of the LDP.
- Any retail development of 1,000 square meters or more which is proposed to be beyond existing town centres as defined by Policy E2 of the LDP.
- Any proposals for a new Community Hospital or similar healthcare facility to serve the needs of the District as defined by Policy I2 of the LDP.

For the purpose of this proviso 5 “applications for development of strategic interest” shall include all applications establishing or varying the principle of development but shall not include variations to conditions or the approval of reserved matters unless in accordance with a decision of the Council or at the discretion of the Director of Service Delivery. In all other respects, the existing provisions of the Scheme of Delegation will apply.

5. A development proposal not falling within the categories set out in paragraph 4 above may also be referred to a meeting of District Planning Committee at the discretion of the Director of Service Delivery in consultation with the Chairman of the District Planning Committee and this Committee where the proposal is considered to be of particular strategic importance and interest to the District.

2. OPERATING PROTOCOL

- 1 The Committee will meet in accordance with arrangements determined by the Council.
- 2 In all other respects and as appropriate, the Council and Committee Procedure Rules will apply, in particular Procedure Rule 13(1) which prevents a member of a Planning Committee from voting in connection with the determination of a planning application or related matter unless he/she has not undergone fundamental induction training.

ANNEXE A

Determination of Planning Applications – Member Call-In

- (i) The effect of this facility is to enable a Member to request that an application is referred to the Committee for determination instead of being determined under powers delegated to the Director of Service Delivery.
- (ii) A Member may ‘call in’ an application from their Ward or another Ward within the following areas:
 - Call-in area 1 – Maldon North, South, East, West Wards
 - Call-in area 2 – Heybridge East and West Wards
 - Call-in area 3 – Burnham-on-Crouch North and South Wards
 - Call-in area 4 – Althorne, Mayland, Southminster and Tillingham Wards
 - Call-in area 5 – Tollesbury, Tolleshunt D’Arcy, Great Totham Wards
 - Call-in area 6 – Purleigh, Wickham Bishops and Woodham Wards
- (iii) Requests must be made in writing to the dedicated email address – and within 28 days of the date an application appears on a published Weekly List produced by Planning Services. When an application is amended, and the parish or town council is re-consulted, requests can be made in writing to the dedicated email address provided it is within the consultation period provided to the parish or town Council.
- (iv) A Member must provide a reason based on planning policy to support a call-in request.
- (v) A Member is under no obligation to invoke this provision on the basis of any public representation or request he or she may have received, including town or parish council, but may wish to take this into consideration, as he or she may also wish to do when reviewing the request as set out below.
- (vi) Where a Member’s request is the only reason for an application being referred to the Committee, the Director of Service Delivery will notify the Member of his recommendation on the application following which the Member may withdraw his or her request.
- (vii) Due to the limited time available all responses to Certificates of Lawful Use for Proposed Development and prior notifications, including those in relation to agricultural buildings, telecommunications, hedgerows, trees in conservation areas and demolition are delegated to the Director of Service Delivery unless he considers that they should be referred to the Committee, time permitting.

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REPORT of DIRECTOR OF RESOURCES

**to
COUNCIL
2 SEPTEMBER 2021**

SEALING OF DOCUMENTS

1. PURPOSE OF THE REPORT

- 1.1 To change the procedure for the sealing of documents.

2. RECOMMENDATION

That paragraph 3.1.2 of the Responsibility and Functions General Provisions document that forms a part of the Constitution be amended to require only one employee to sign whenever any document needs to be sealed.

3. SUMMARY OF KEY ISSUES

- 3.1 The Constitution requires that two senior employees should sign any document that is sealed. The relevant part of the Constitution reads;
- “The Seal shall be attested by any two of the following: a Director, any manager who reports directly to a Director any employed Solicitor, barrister or legal executive. An entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the two officers who have attested the Seal.”
- 3.2 Many authorities now only require one senior employee to sign a sealed document. For example, Essex County Council have had this arrangement for several years. The signing procedure is administrative and does involve the senior officer understanding the document but only fulfilling the requirements of constitution as it presently stands.
- 3.3 In the past the signature of two officers has not been problematic however during the lockdown it has been because there are a restricted group of employees who can sign and they are not readily available in the offices. This will continue to be the case for the foreseeable future. In the last year there have been delays in sealing documents. Furthermore, there is the time-consuming process of making arrangement for two employees to come into the offices at the same time.

4. CONCLUSION

- 4.1 The amendment is in line with the practice of many other authorities and would make the sealing process more efficient and cost saving.

5. IMPACT ON STRATEGIC THEMES

5.1 None

6. IMPLICATIONS

- (i) **Impact on Customers** – Will speed up the sealing of documents.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – Time saving.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

Enquiries to: Simon Quelch, Lead Legal Specialist and Monitoring Officer

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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