



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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

**PLEASE NOTE START TIME
OF THE MEETING**

26 October 2022

Dear Councillor

You are summoned to attend the meeting of the;

COUNCIL

on **THURSDAY 3 NOVEMBER 2022 at 7.00 pm**

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

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To submit a question in writing please complete a [Public Access form](#) (to be received no later than 12noon two clear working days before the Council meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully

Director of Strategy, Performance and Governance





AGENDA COUNCIL

THURSDAY 3 NOVEMBER 2022

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes - 8 September 2022** (Pages 7 - 8)

To confirm the Minutes of the council meeting held on 8 September 2022 (copy enclosed).

4. **Minutes- 21 September 2022** (Pages 9 - 22)

To confirm the Minutes of the council meeting held on 21 September 2022 (copy enclosed).

5. **Declaration of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B 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).

6. **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.

7. **Chairman's Announcements**

8. **Minute Book**

To consider the recommendations coming forward from the Committees detailed below. Please note that the Minutes of these meetings are not enclosed as they have not been approved at Committee level.

a) **Strategy and Resources Committee - 6 October 2022** (Pages 23 - 40)

a) **Agenda Item 8 – Fees and Charges Policy 2023 / 24**

RECOMMENDED that the 2023 / 24 Fees and Charges Policies attached at **APPENDIX A** be approved, subject to the provision of further information regarding wharfage and car parking charges.

Page 2

For further information please see the Council's website.

b) **Agenda Item 10 – Street Naming and Numbering Policy**

RECOMMENDED:

- (i) That the Street Naming and Numbering Policy (**APPENDIX B**) is approved.
- (ii) That a comprehensive, accessible policy for use by Residents, Developers, Officers and Council, Town and Parish Councillors is agreed which demonstrates and clarifies the criteria applied to current Street Naming and Numbering decisions.
- (iii) That the Council agree on the local policy for the use (or not) of peoples' names, including a due diligence stage undertaken via Ward Members on the suitable use of any names submitted by Residents, Officers or Councillors (Ward or Parish) prior to them being submitted for wider consultation when naming new Streets.
- (iv) That the consultation period be extended to 28 days to allow for wider consultation with Pariah and Town Councils (See amended Policy at Appendix B taking into account this additional recommendation from the Strategy and Resources Committee).

b) **Performance, Governance and Audit Committee - 29 September 2022**

Agenda Item 15 - Council Constitution and Scheme of Delegation General Powers Update

RECOMMENDED that the proposed addition be made to Part 3 3 – Responsibility for Functions - Scheme of Delegation (General Provisions) as detailed below:

In order to be seen as a form of authorisation, and for added clarification and status, that the proposed be added for clarification:

- 12. **Financial Management** – Directors, and service managers, have responsibility for the management of the financial aspects of service provision, which includes authority to incur expenditure considered to be reasonably required to carry out the policies of the Council at any time provided that such expenditure is in accordance with the budget, is fit for purpose, and there is sufficient money existing within the budget or otherwise vired.

9. **Minutes of Meetings of the Council**

To note that since the last Council, up until Wednesday 26 October 2022 (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

| | |
|---|----------------------------------|
| North Western Area Planning Committee | 7 September 2022 |
| District Planning Committee | 22 September |
| Performance, Governance and Audit Committee | 29 September |
| North Western Area Planning Committee | 5 October |
| Strategy and Resources Committee | 6 October |
| South Eastern Area Planning Committee | 12 October |
| Central Area Planning Committee | 19 October |
| Overview and Scrutiny Committee (acting as the Overview and Scrutiny Committee) | 20 October |

10. **Notice of Motions**

In accordance with notice duly given under Procedure Rule 4, Councillor A S Fluker to move the following Motions, duly seconded by Councillor M W Helm.

a) **Motion One**

Submitted by Councillor A S Fluker on 24 October 2022:

Preamble

In relation to the letters of Holmes and Hill and the response of the Council, dated 12/3/2021 and 15/3/2021 respectively.

The existence of this correspondence has been raised in Council previously but to date has still not been considered.

For Clarity the Joint Standards Committee meeting of 16th June only dealt with the relevant decision notice and not the correspondence mentioned above which had only recently come into the proposer's possession.

The Monitoring Office has suggested that the matter of the correspondence could be dealt with as part of a piece of work currently being carried out by a Working Group of the Overview and Scrutiny Committee, however that Working Group chaired by Cllr Bell has met recently and declined to do so on the basis that the motion to Council they were considering did not refer to this correspondence.

Given public interest and the ongoing intent of the Council to operate in an open and transparent way the Council must consider the facts raised in the correspondence to establish whether the complaints raised by Holmes and Hill LLP were dealt with properly in accordance with the Code of Conduct and why given the seriousness of the allegation the matter was not referred to the Joint Standards Committee by the Monitoring Officer.

Motion

That Council considers the implications of the correspondence of Holmes and Hill dated 12th March and the Council's response dated 26th March in relation to the determination of the planning application and the appeal costs decision notice APP/X1545/W/21/3281036 at Land South of Charwood Burnham on Crouch CM0 8QA which resulted in substantial costs being awarded against the Council. And that in doing so Council considers whether the Council acted properly, openly and correctly when dealing with the complaints raised.

b) **Motion Two**

Submitted by Councillor A S Fluker on 25 October 2022:

"Preamble

In May I proposed that given the inevitable global financial crisis and the inflationary pressures the Council would face as a result, along with other extraordinary costs including for costs awarded against the council of £250,000 the council should in the best interests of council tax payers agree a revised budget in the Autumn. Council refused the proposal.

Since May the annual budget deficit has grown from £280,000 to £780,000 the equivalent of £15,000 per week. The funding gap will have to be met from local council tax payers funds.

Rather than agreeing to an Autumn budget the council is now proposing a piecemeal approach to closing the budget gap which includes increasing car parking charges and wharfage fees for Thames Barges. Given the financial position of the Council it is in my mind imperative that the Council agrees the 2023/24 budget and a fully costed 2023/27 Corporate Plan together, at the same time and in advance of the start of the 2023 municipal year. This would be contrary to the Officers proposal that on political grounds the plan should be agreed after the elections in 2023.

Motion

That Council brings forward the 2023/24 Budget and a fully costed 2023/27 Corporate Plan at the same time and in advance of the 2023 municipal year."

11. **Questions in accordance with Procedure Rule 6(3) of which notice has been given**
12. **Council Tax Base 2023 / 24** (Pages 41 - 48)

To consider the report of the Director of Resources (copy enclosed).
13. **Chelmsford City Council Local Plan Review - Issues and Options Consultation Response** (Pages 49 - 56)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).
14. **Delegation of Power to give Dispensations to Code of Conduct Interests** (Pages 57 - 58)

To consider the report of the Monitoring Officer, (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**

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.

Fire

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised there is a step up when you enter the Council Chamber.

Closed-Circuit Televisions (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

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**MINUTES of
COUNCIL
8 SEPTEMBER 2022**

PRESENT

Chairman Councillor R G Boyce MBE

Vice-Chairman Councillor S P Nunn

Councillors M G Bassenger, Miss A M Beale, B S Beale MBE, V J Bell,
Mrs P A Channer, R P F Dewick, M F L Durham, CC,
M R Edwards, Mrs J L Fleming, CC, A S Fluker, M S Heard,
B B Heubner, J V Keyes, K M H Lagan, C Mayes,
S J N Morgan, N G F Shaughnessy, N J Skeens,
P L Spenceley, W Stamp, CC, E L Stephens,
Mrs M E Thompson and S White

231. CHAIRMAN'S NOTICES

The Chairman opened the meeting by referring to the sad circumstances due to the death earlier that day of Her Majesty Queen Elizabeth II. He added that in accordance with national and established protocol he would call for a period of silence, take tributes from individual Members, and then adjourn the meeting.

The Council then stood in silent tribute to the memory of the late Queen Elizabeth II.

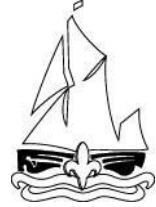
The Chairman and the Leader of the Council then spoke briefly of their personal recollections of meeting the Queen on the occasion of her last visit to Maldon.

The Chairman concluded by saying that Her Majesty the Queen and the royal family were very much in the thoughts and prayers of those present, and he then adjourned the meeting to a date and time to be arranged.

The meeting closed at 7.35 pm.

R G BOYCE MBE
CHAIRMAN

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MINUTES of COUNCIL

21 SEPTEMBER 2022 (RESUMPTION OF ADJOURNED MEETING ON 8 SEPTEMBER 2022)

PRESENT

Chairman Councillor R G Boyce MBE

Vice-Chairman Councillor S P Nunn

Councillors M G Bassenger, Miss A M Beale, V J Bell, Mrs P A Channer,
R P F Dewick, M F L Durham, CC, M R Edwards,
Mrs J L Fleming, CC, A S Fluker, M S Heard, B B Heubner,
A L Hull, J V Keyes, K M H Lagan, S J N Morgan, C P Morley,
N G F Shaughnessy, R H Siddall, P L Spenceley,
W Stamp, CC, E L Stephens, Mrs J C Stilts, C Swain and
Mrs M E Thompson

232. CHAIRMAN'S NOTICES

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

233. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M W Helm, C Mayes and S White.

234. MINUTES - 6 JULY 2022

RESOLVED that the Minutes of the meeting of the Council held on 6 July 2022 be approved and confirmed.

235. MINUTES - 25 AUGUST 2022

RESOLVED that the Minutes of the extraordinary meeting of the Council held on 25 August 2022 be approved and confirmed.

236. DECLARATION OF INTEREST

Councillor M F L Durham declared an other registerable interest as he was a member of Essex County Council. During the course of this declaration Councillor A S Fluker raised a point of order by referring to Procedure Rule 8(3) and asked the Chairman why the requirement for Members to stand in their place when speaking was not being adhered to. The Chairman replied that he intended to see that it was complied with.

Councillor Mrs J L Fleming said that she had no need to declare an interest as a member of Essex County Council unless there was something specific relating to that authority on the agenda. Councillor W Stamp said that she had been advised by the Monitoring Officer accordingly.

237. PUBLIC QUESTIONS

It was noted in accordance with the Council's public speaking protocol the following question had been received from Mr D G Horner who was not present at the meeting:

'Given the austerity the country is now facing now and over the coming winter could the Council confirm which Members and Officers attended the recent 2022 Local Government Conference in Harrogate and could both I and the council tax payers of the District be provided with full details itemised per attendee of the expenses involved in the cost of travel, accommodation and all other expenses claimed from or spent by this Council. Could you also explain what value was gained by attending this conference. Please would you also confirm that all free hospitality received by attendees (Officers and Members) will be properly recorded for public scrutiny and could this information be provided to me and Council tax payers as soon as it becomes available.'

It was noted that the Council had provided and published the following response by the Leader:

At Council on 9 July 2015 the following resolution was passed:

RESOLVED

- (i) that the Leader of the Council and Deputy Leader of the Council (or their substitute) attend the Local Government Association Annual Conference and Exhibitions with the Chief Executive.

In the absence of a chief executive post, The Director of Strategy, Performance and Governance attended this year.

Attendance stopped during covid, but representatives have always attended, even during years of austerity, for example in 2017 and 2018 the Leader and Deputy Leader attended, and the overall cost was:

- 2017 - £1,760 before travel expenses
- 2018 - £1,823 before travel expenses

Expenses incurred for 2022 attendance were:

- Tickets to event- £545 each;
- Travel £230 collectively.
- General expenses/ accommodation £490 each.

This is the equivalent of £2,070 on comparable data to 2017/18, and £3,335 with officer attendance and travel expenses included.

This was the first in-person conference since covid. A detailed understanding of emerging government policy and how this will affect the District is gained from the event, and this has meant the attendees have brought back knowledge to plan ahead on areas such as:

- Levelling up
- Local government resilience
- Cost pressures and

- Emerging national policy

All members were given a summary of key take-aways that came out of the event.

There was also a networking reception with District Councils Network and political group and separate Chief Executive dinner, which was no additional charge to the conference.

There was no free hospitality or gifting received as part of this event, and more widely any information to this end would be recorded on our gifts and hospitality register if this was the case, and the value was over £50.

In reply to a question from Councillor M G Bassenger regarding the previously referred to requirement for Members to stand in their places when speaking, the Chairman said that although this was in the Constitution and it was his duty to see that the Constitution was upheld there was no penalty as such for not observing it. Clearly if a Member had a genuine reason for not being able to stand it would not be a problem, and never had been.

238. CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to the recent death of Queen Elizabeth II, and said that he had been privileged to take part in certain heritage and pageantry events. He commended the Corporate Leadership Team and other Officers for the planning and implementation of arrangements arising from the London Bridge Protocol. He added that some of the work had been quite extraordinary, particularly for proclamation event last weekend.

The Council endorsed the remarks of the Chairman.

239. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE - 21 JULY 2022

Councillor W Stamp, Chairman of the Performance, Governance and Audit Committee presented the following recommendation coming forward to the Council from her Committee:

Agenda Item 8 – Equality, Diversity and Inclusion Action Update – Annual Review

Recommended that the Council's constitution be updated to reflect gender neutral terms rather than him / chairman from the options as set out in section 3.5 this report (see extract below), and member salutations are removed as standard practice.

- 3.5 The Council's constitution and current practices use the term 'chairman' and 'him'. However, the Association of Democratic Officers confirm it is best practice to move away from gender specific titles and this would also be in keeping with the EDI policy. Many Councils have already adopted this working practice. This report recommends removing the word "Chairman" and replacing it with "Chair" or "Chairperson" and also ensuring the use of his/her, s/he, or better still non-binary language: "their/them/they" as appropriate, accepting that an individual may refer to themselves or want to be addressed as "Chairman" or "Chairwoman" or other term, if they so wished

Debate ensued on the virtues of updating references to the office of Chairman throughout the Constitution as distinct from salutations which were a matter for the individual, as the recommendation recognised.

The recommendation of the Committee was then formally put by its Chairman, Councillor W Stamp, and upon a vote being taken was agreed by the Council.

RESOLVED that the Council's constitution be updated in relation to references to the office of Chairman to reflect gender neutral terms rather than him / chairman, and member salutations are removed as standard practice.

240. OVERVIEW AND SCRUTINY COMMITTEE - 28 JULY 2022

Councillor P L Spenceley, Vice-Chairman of the Overview and Scrutiny Committee presented the following recommendation coming forward for the Committee to the Council for consideration:

Minute No. 7 – Scrutiny Workplace Item – Five Year Housing Land Supply (5YHLS)

Recommended that the Council pauses the current review methodology of the LDP, all Members be invited to an extraordinary meeting of the Council to consider options with regard to the methodology used and considers a partial review of the LDP as required rather than a full change to the Council's current strategy

While it was necessary for the Council to receive this recommendation, debate ensued as to whether what was sought by the recommendation had already been accommodated in the recent extraordinary meeting of the Council. A suggestion was made that terms of reference of the Working Group now set up could be extended accordingly.

The recommendation of the Committee was formally put by its Vice-Chairman, Councillor P L Spenceley, and in accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote. This was duly seconded, and the voting was as follows:

For the recommendation:

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

Against the recommendation:

Councillors Mrs P A Channer, S J N Morgan and Mrs M E Thompson.

Abstention:

Councillor R G Boyce.

The recommendation was therefore agreed by the Council.

RESOLVED that the Council pauses the current review methodology of the LDP, all Members be invited to an extraordinary meeting of the Council to consider options with regard to the methodology used and considers a partial review of the LDP as required rather than a full change to the Council's current strategy.

241. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met since the last meeting of the Council, up until Wednesday 31 August 2022 (Council agenda dispatch) for which Minutes had been published. No questions were received in accordance with Council and Committee Procedure Rule 6 (2).

242. NOTICE OF MOTION - COUNCILLOR K M H LAGAN

In accordance with notice duly given under Procedure Rule 4, Councillor K M H Lagan moved the following Motions, duly seconded by Councillor S P Nunn.

Preamble

Due to high levels of upset and criticism and concerns being raised to ward members from residents and businesses regarding the how assets and concessions are allocated by the Council, Cllr K M Lagan (seconded by Cllr S P Nunn), submitted a motion for a complete review of parts of the scheme of delegation and inclusion of ward members across the district to be part of the decision making processes on certain aspects of the council assets and operational matters which was debated by full council on 31st March 2022. At this meeting the recommendation for the motion was to be and referred to PGA Committee for consideration.

A report from the Director of Strategy, Performance and Governance that was submitted to that committee for the meeting on 9th June 2022, which concluded that the motion as submitted was 'flawed'. With this information it was decided by the proposer and seconder to withdraw the motion at the committee and that this was the recommendation reported and approved at full council.

The report identified that the motion negated the delegated powers by introducing a process involving a member working group, but also identified that it was conceivable to have the existing delegations revised to enable matters relating specifically to Promenade to be dealt with by exception.

The intention of this motion therefore is simply to ensure that Maldon's ward members are involved in a macro number of matters that impact the operation and management of the town's primary assets and as a matter of course, to ensure local representation is considered in robust and transparent decision making.

It is not the intention to involve member's in general day to day activities on the Promenade and Quay but to focus on key issues that would provide better outcomes for the council in terms of reputation and effectiveness in the way it conducts business.

As the motions impact on the constitution and the scheme of delegation, it has been checked that such amendments can be made and therefor it is the request of the proposer and seconder that the motions are supported to show our residents that we are listening.

Therefore the Motions below are submitted.

MOTION 1

That Motion 2 be recommended to the PGA committee for review and consideration and any recommendations brought to full council.

MOTION 2

To enable a more inclusive process, that the scheme of delegation be updated to include active elected member participation in decision making for certain matters at Maldon's much loved Promenade Park and Historic Quay

Part A

To amend the scheme of delegation currently as is:

Part 3 – Responsibility and Functions section 44 – (a)- Parks and Open Spaces, (b) Formal recreation area and any building therein and the letting of stall, kiosks and other operations thereon including the lettings such as funfairs, circuses, and other short term lettings;

To be:

Part 3 – Responsibility and Functions section 44 – (a)- Parks and Open Spaces, (b) Formal recreation area, other operations thereon including the lettings such as funfairs, circuses, and other short term lettings;

With the inclusion of Maldon Ward members, officers and Maldon members work together to consider proposals for the letting of kiosks and stalls.

And part B -

Asset management.

That 56 (d) (e) that are:

(d) To negotiate the terms of new leases, including interim and initial rent both at market rent and in those cases where existing tenants have a statutory right to call for a new lease on expiry of the current term, and to authorise completion of such new leases up to an annual value of £15,000 and duration not exceeding seven years.

(e) In consultation with the Chairman or Vice-Chairman of the Strategy and Resources Committee and the Leader, as (d) above in relation to leases with an annual value in excess of £15,000, but not exceeding £25,000, or tenure in excess of 7 years but not exceeding 14 years.

To be:

(d) Following consultation and input from Maldon Ward members on proposed options for assets, to negotiate the terms of new leases, including interim and initial rent both at market rent and in those cases where existing tenants have a statutory right to call for a new lease on expiry of the current term, and to authorise completion of such new leases up to an annual value of £15,000 and duration not exceeding seven years.

(e) In relation to leases with an annual value in excess of £15,000, but not exceeding £25,000, or tenure in excess of 7 years but not exceeding 14 years, referral to the Strategy and Resources Committee is required.

Councillor Lagan referred to the preamble and the intention of these motions after the failure of his previous ones. He said the motions involved only minor changes as part of a more inclusive process.

The Chairman stated that Motion 1 was no longer applicable since he had ruled at the last meeting that the Council would deal with the matter, and at his request Councillor Lagan agreed that Motion 1 could be regarded as withdrawn. The report from the Director of Strategy, Performance and Governance responding to the proposals set out in Motion 2 was therefore now received for consideration.

Debate ensued in which it was noted that the nature of the proposed revisions related specifically to Maldon and Maldon Members, and Councillor W Stamp indicated her wish to see an amendment to include Riverside Park, Burnham-on-Crouch, and Burnham-on-Crouch Members. The Director of Strategy, Performance and Governance was permitted to read a statement from the Director of Service Delivery (in

his absence) emphasising that the existing Scheme of Delegation was fit for purpose and worked well. He had suggested that the closer involvement of Members as sought by the Motion might be better facilitated through the Promenade Park Management Plan. In the continuing debate the following points were raised:

- The sites in question were District assets belonging to and for the benefit of the whole District and therefore all Members should have input.
- While Officers were expected to keep Ward Members updated and engaged on things happening in their Wards, to have everyone involved in day to day matters would present operational difficulties for Officers
- Ward Members needed to be forewarned of actions/decisions taken which would be of interest to and affecting the public
- Member involvement in day to day renewals of leases and licences etc was not required and may not be helpful.

In conclusion, Councillor Lagan said that Members were elected to be involved in decisions and following the failure of his previous motion as being too broad an attempt had been made to make it much narrower. He emphasised that while his proposal was simply to enable more active part greater active involvement in reaching decisions, there was no intention to be involved in negotiations or the actual decisions.

The Chairman then put Motion 2 to the meeting and on a vote being taken the Motion was not agreed.

243. NOTICE OF MOTION - COUNCILLOR A S FLUKER

In accordance with Notice duly given under Procedure Rule 4, Councillor A S Fluker to move the following Motion, duly seconded by Councillors M W Helm and K M H Lagan.

Preamble

Elected Members who represent the community are, aside from other functions and duties, responsible for the 'place shaping' of the district.

During 2014-2029 Local Development Plan process all members were involved in the progression and subsequent agreement of emerging policies. For example, Members considered whether or not to allocate one large site for growth or opt for several smaller ones, likewise the principals of Garden Suburbs. There were also long and protracted debates concerning 'pepper potting' and the sustainability credentials of rural villages.

Members were directly involved in decision making through a series of meetings of Council, and as a result residents and other interested parties could see for themselves the democratic process of 'place shaping' taking place.

The review of the Local Development plan has included a 'call for sites' of which some have been considered by Officers as being acceptable. This has resulted in residents and others believing that the future development of these sites is a fait accompli which has caused much consternation with residents and more notably with the Crouch Valley Defence Group who object to over one thousand new properties being built in Althorne.

It should be noted that members have not agreed these policies. It is accepted that the emerging policies of site allocations have been discussed by Working Groups of the Council but previously these hugely important decisions including

the associated overarching policies were debated and agreed by Council on an ongoing basis.

For clarity the terms of reference of the Working Group agreed by the Extraordinary Meeting of Council on 25th August deals only with the assessment of the Five-Year Housing Supply.

In summary it is considered that generally members have had little formal input into the decisions regarding the allocations of sites and that opportunities to consider other options and new policies have not been the subject of democratic input or scrutiny by members.

Motion to Council

That Council calls an extraordinary meeting to take place in not less than 10 working days to consider the emerging policies of the review of the 2014- 2029 Local Development Plan and specifically the allocation of sites including those in Althorne ward.

In presenting his motion, Councillor Fluker referred to the important role Members historically had in place shaping, and therefore an involvement in the development of emerging policies. He added that the Planning Policy Working Group reporting to the Council was not working well and all Members were not involved in the current process and therefore not being given the opportunity to do their jobs. The new sites had yet to be agreed, and he questioned the status of suitability in terms of the need to be sustainable given the assessment of sites issued to potential developers by the Policy Team. He added that the consideration of other options and new policies had not been subject to the democratic input from Members.

At this point Councillor Mrs P A Channer said that although she lived in Althorne and would not be affected any more than the majority of residents of Althorne, there was no particular interest she needed to declare. Councillor M G Bassenger added that although he was the Ward Member for and lived in Althorne, he had no particular interest to declare.

The Chairman then invited some Officer input and firstly called upon the Strategy, Policy and Communications Manager to advise and update the Council on the approach to the review of the Local Development Plan. He talked about the agreed process for the review which dictated the pace of preparation, and the decision of Council to set up a Working Group as an advisory group to the Strategy and Resources Committee consisting of seven Members of the Council which had met 11 times over ten months since its formation. The Group had also been open to all Members since March 2022. He outlined the next procedural steps including a report to the Committee to consider valid representations received on the recently published Issues and Options Paper, which did not include site specific proposals. He emphasised the need to establish evidence-led and sustainable local policies in line with national policy and the law, and which had been subject to a range of legal assessments and public consultation. The scoping of these assessments had still to commence and therefore this impeded the writing of any emerging policies or allocations. He concluded by emphasising that the Council must follow due process which was both lawful and procedurally sound. These were the principles by which an Inspector would consider the Local Plan Review.

The Senior Specialist (Legal) then gave some legal advice to the Council. She said that the motion presupposed that emerging policies existed which they did not. She emphasised the need for an orderly evidence-based process in the formation of strategic and local policies, and the allocation of sites. The motion raised the making of a special case for Althorne when there was no information or evidence to suggest that it should be treated differently to any other part of the District. To proceed as

envisaged by the motion, would be premature and open the review process and subsequent Plan to legal challenge.

The Director of Strategy, Performance and Governance summarised what he said was unusually strong legal and planning policy advice here which confirmed that the Council was following the relevant guidance in progressing the review of its Local Plan. To step outside that process would not only mean that the Council was not following that guidance but would also put the Council in a precarious position in defending its position in any Judicial Review with the Council and its residents under greater risk of inappropriate development. He added that although the Council had agreed the governance process which enabled all Members to participate, he was happy to work with colleagues to arrange further seminars to provide greater engagement with and understanding of the process.

Lengthy debate ensued in relation to the agreed process and the implications of the motion in terms of emerging policies and allocation of sites. It was suggested that the potential suitability of sites was not understood publicly, and more detailed analysis was required in order that a proper assessment could be made. Reference was made to the considerable local disquiet in Althorne as to what was perceived to be a potential huge increase in development. It was suggested that indications given as to suitability of sites based on untested information had given rise to more local concerns at this stage of the process than in any previous review. The need for full and proper Member involvement in the review process, including input from local Ward Members, was emphasised.

In replying to the debate on his motion, Councillor Fluker said that a meeting of the Council was needed to understand the process more fully in relation to suitability and sustainability of all green field sites. He reiterated his concerns around the development of policy options by a small working group. With the agreement of his seconder, he proposed an amendment to his motion to delete the final words "including those in Althorne ward.". Upon being put to the meeting this amendment was agreed by the Council.

In accordance with Procedure Rule 13(3) Councillor K M H Lagan requested a recorded vote on the amended motion and this would duly seconded. The voting was as follows:

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, V J Bell, R P F Dewick, A S Fluker, M S Heard, A L Hull, K M H Lagan, N G F Shaughnessy, P L Spenceley, W Stamp.

Against the recommendation:

Councillors R G Boyce, Mrs P A Channer, M F L Durham, M R Edwards, Mrs J L Fleming, B B Heubner, J V Keyes, S J N Morgan, C P Morley, S P Nunn, R H Siddall, E L Stephens, Mrs J C Stilts, C Swain and Mrs M E Thompson.

Abstentions:

None.

The Chairman declared that the motion was not agreed by the Council.

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

There were no questions.

245. **UPDATING OF THE CONSTITUTION AND REPORT OF THE CORPORATE GOVERNANCE WORKING GROUP**

The Council considered the report of the Director of Strategy, Performance and Governance providing information and recommendations from the Corporate Governance Working Group meeting on 4 August 2022, and also another matter, as part of updating the Constitution.

The Corporate Governance Working Group (the Working Group) met to review the following two proposed changes to the Council and Committee Procedure Rules:

(a) Proposed change to Procedure Rule 1(13)(b) – Council Budget Meeting

The Working Group supported the inclusion of proposed additional commentary to clarify the intention behind the confidentiality of any alternative budget proposal or amendment in terms of its existence rather than its nature. Also, to ensure that sufficient time was given to the Finance Team to analyse any alternative budget it was suggested that the three working days should be described as being clear working days.

RESOLVED that Council and Committee Procedure Rule 1(13)(b) is revised to read as follows (the new wording in italics):

1(13)(b) No alternative proposal or amendment to that being recommended to the Council as part of the Budget and Council Tax Setting item of business shall be considered unless notice in writing (and marked confidential) has been given to the Council's Chief Financial Officer no later than 5pm three *clear* working days before the date of the Council meeting. (*For the avoidance of doubt the confidentiality of the alternative proposal or amendment is only restricted to the nature of the proposal or amendment and not its existence*).

(b) Procedure Rule 4(3) – Notices of Motion to Council

Given some uncertainty as to the meaning and interpretation of “consideration and report” when a motion was referred to a Committee, the Working Group supported the revision of this Rule to provide clarity.

RESOLVED that Council and Committee Procedure Rule 4(3) is revised to read as follows (the new wording in italics):

“If the subject matter of any motion of which notice has been duly given comes within the province of any Committee it shall stand referred without discussion to such Committee, or to such other Committee as the Council may determine, *for resolution or recommendation depending on the terms of reference of that Committee*”.

(c) Procedure Rule 14 – Record of Attendances

While looking at the updating and revision of the Constitution, the Council was also asked to ratify the proposed deletion of the Procedure Rule 14 – Record of Attendances. This was an old Rule carried over from the original Standing Orders and related only to a practice which had not been undertaken for some time. It was not a statutory requirement.

RESOLVED that Procedure Rule 14 is deleted.

246. PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE AND THE CORPORATE GOVERNANCE WORKING GROUP

The Council considered the report of the Monitoring Officer seeking a decision as to whether the Performance, Governance and Audit Committee or Corporate Governance Working Group should be responsible for reviewing constitutional documents.

It was noted that both the Committee and Working Group had within their respective remits a responsibility in this area of work and so their roles overlapped significantly. For the sake of clarity it was necessary to decide which of the two bodies should be recommending to the Council on changes to the Constitution.

Brief discussion ensued in which support was given for the valuable role of the Working Group, a Working Group of the Council which enabled a thorough examination of matters with Members working closely with Officers. It could draw in a wider involvement of Members and historically had considered other matters referred to it. The Leader of the Council proposed that the Working Group be retained for its present purposes, and this was duly seconded.

The opposing view supported retention of the Committee for this purpose, the Committee having been set up as a Governance Committee. If working properly there was every opportunity for Member involvement and for matters to be discussed openly and transparently.

The Chairman then put the proposition in the name of the Leader of the Council that the Working Group be retained, and upon a vote taken this was declared lost.

RESOLVED that the Corporate Governance Working Group ceases to exist.

247. MEMBER TRAINING CRITERIA

The Council considered the report of the Director of Strategy, Performance and Governance on proposed criteria to fairly manage individual Member training approaches, and a process for how this would be managed at Officer level.

The report described the process to date for the delivery of a range of Member training, with the Leader of the Council playing a central role in the assessment of need and relevance for allocation of the budget for this training.

Discussion ensued as to the preferred direction for this, with the suggestion that a Member Development Strategy was required and also that the Member Training Working Group should be used to greater effect. The Leader of the Council said she was happy to see matters worked through this Working Group or Panel and if the Council agreed then this report could effectively be withdrawn. This was duly agreed by the Council.

RESOLVED that the proposal the subject of this report be withdrawn and that the assessment and process for Member development and training be pursued through the Member Training Working Group.

248. A12 CHELMSFORD TO A120 WIDENING SCHEME - DEVELOPMENT CONSENT ORDER

The Council considered the report of the Director of Strategy, Performance and Governance providing an update on the progress made by National Highways on the above Order. The report also sought approval of an Engagement Mandate that will be used when engaging further with National Highways, neighbouring authorities and the Planning Inspectorate during the Examination state of the Order.

RESOLVED

- (i) that the update on the progression of National Highways Nationally Significant Infrastructure Project Development Consent Order (DCO): the A12 Chelmsford to A120 Widening Scheme, its context, engagement to date, the planning performance agreement, the project's next steps and estimated timescales be noted;
- (ii) that the Maldon District A12 DCO Engagement Mandate as set out in 3.6 be endorsed for use by Officers and/ or appointed witnesses at Pre-Examination and Examination stages confirming the extent of the Council's support and concern as a Host Authority concerning the A12 Chelmsford to A120 Widening National Strategic Infrastructure Project (NSIP);
- (iii) that the Director of Strategy, Performance and Governance be given delegated powers to appoint (in writing) specific Officers, as well as external contractors if required, to act as witnesses for Maldon District Council for the A12 DCO Examination; and
- (iv) that the Director of Strategy, Performance and Governance be given delegated authority in consultation with the A12 DCO Member Consultation Group as defined in 3.7 to approve any formal response or statement, as required to be made, from time to time, during the Pre-Examination and Examination stages to either National Highways, or the Planning Inspectorate.

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

The Chairman said that due to lateness of the hour he was not disposed to allow any questions on this occasion but confirmed that Members should write to the Leader if required.

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

The Chairman said that he would be allowing the Director of Strategy, Performance and Governance to make a statement in the private session of the meeting.

251. 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.

252. STATEMENT BY THE DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

The Director of Strategy, Performance and Governance made a short statement regarding an IT security issue. He added that a full report would be made to the Performance, Governance and Audit Committee at the end of the month with a recommendation that the Overview and Scrutiny Committee undertakes a full investigation. This was accepted and noted by the Council.

253. MANAGEMENT OF RESOURCES

The Council considered the report of the Director of Service Delivery seeking approval to implement changes to the staffing structure within the Service Delivery Directorate including realignment of some team responsibilities. The recommendations contained in the report sought agreement to modify the existing operating model for staffing to enable adaptation of the structure within the Service Delivery directorate. This excluded planning functions which required additional time to develop as detailed in recommendation (iii).

RESOLVED

- (i) That the necessary changes to the approved operating model (the Future Model) to allow for joint operational and functional management to be applied within the Directorate of Service Delivery under a Heads of Service model are agreed;
- (ii) That subject to (i) above, the Director of Service Delivery is instructed to implement changes to adapt the structure within the Service Delivery Directorate (excluding planning functions) undertaking due diligence, the formal consultation process and working within existing resource allocations wherever possible ensuring as a principle minimal impact on staff;
- (iii) That subject to (i) above, Officers report to the Council as soon as possible with a review of proposals for the future structure arrangements relating to planning functions, following all necessary consultation with service users and internal and external stakeholders, before commencing any implementation;
- (iv) That Members note the short-term work associated with improving services within the planning service continues.
- (v) That subject to (i), (ii) and (iii) above, Officers provide regular updates to the Council on the proposed changes to the operating model and emerging structure of the service. The first update will be triggered at the commencement of the formal staff consultation process in the autumn of this year.

254. COMMERCIAL OPTIONS FOR PRINCES ROAD

The Council considered the report of the Director of Resources providing an update on progress made with the Commercial Options for the Princes Road, Maldon project following approval to commence with the feasibility review by the Council on 31 March 2022.

Following further information provided at the meeting the Council noted the immediate milestones pending and that a further report would be made to its November meeting

with various Member workshops to be arranged. In the light of some brief discussion, it was noted that all options were being kept open with the need to evidence having explored those options.

RESOLVED that the update is noted.

There being no other items of business the Chairman closed the meeting at 10.12 pm.

R G BOYCE MBE
CHAIRMAN

| Directorate | Policy Area | Current Policy | Existing Concessions | Policy 22/23 | Proposed Policy for 2023/24 | Proposed concessions |
|------------------|--|--|---|---|--|--|
| Service Delivery | River Moorings | Charge for moorings (not aligned with any other clubs) | None | Retain Existing Policy | | |
| Service Delivery | River Wharfage | Set fees to compete with alternative berthing facilities on the east coast | Quarterly charges discount daily fee by 50%. Discounts available to charitable trusts. | Retain Existing Policy. Amend Concessions. | | Discount phased out over 3 years. 40% 2023/24, 20% 2024/25. |
| Service Delivery | Off Street Car Parking (Maldon Town) | Maximise income, but take into account the need to support local businesses. No free school drop off permits. | Disabled Badge holders - Free parking. Season Ticket discounts for Public Sector Partners, Residents and Bulk Purchases. Free parking on bank holidays in Town Centre car parks. | Retain Existing Policy. Amend Concessions. | | remove free parking on bank holidays |
| Service Delivery | Off Street Car Parking (Outside Maldon Town) | Free entry | Not Applicable | Retain Existing Policy | | |
| Service Delivery | Car Parking/Events | Suspend car parking and introduce a set fee for specific events. Charges will be dependent on the event size and entrance fee. To be determined by the Head of Service Delivery. | None | Amend Existing Policy | Suspend car parking and introduce a set fee for specific events. Charges will be dependent on the event size and entrance fee. To be determined by the Director of Service Delivery. | |
| Service Delivery | Maldon Promenade - Car Parking | Aim for overall 60% cost recovery for Promenade Park - with Car Parking being the key contributor | Maldon District Residents Season Tickets at reduced price. Disabled Badge Holders | Amend Existing Policy | Aim for overall maximum cost recovery for Promenade Park - with Car Parking being the key contributor | |
| Service Delivery | Maldon Promenade - Splash Park | Charge to as far as possible to recover all costs of operation and in line with comparable facilities | None | Retain -Existing Policy | | |
| Service Delivery | Use of Council Land for events | All Council Land. Use of a minimum events day rate charge on council owned land determined by the scale of event size to maximise income for all events. | Charity Organisations with under 100 people in attendance receive a concession ensuring full cost recovery. | Retain Existing Policy | | |
| Service Delivery | Council owned Land (inc Prom) | Charges to be for all council owned land as well as Prom Park to maximise income | Prices to be agreed by the Director of Service Delivery in Conjunction with the Chairman of Community Services Committee. | Retain Existing Policy | | |
| Service Delivery | Maldon Promenade - Beach Huts | Charges based on competitive Market rates, and should aim as a minimum to recover all costs of operation | None | Retain Existing Policy | | |
| Service Delivery | Cemeteries | Charges at levels comparable to facilities provided by other local authorities | Local Residents receive discounted rates. Under 18's Free | Retain Existing Policy | | |
| Service Delivery | Green Waste Bin Service | Charge for Service | Charge in line with other authorities. Charge for Bin for new subscribers | Retain Existing Policy. Amend Concessions. | | Minimum of full cost recovery, and in line with other authorities. Charge for bin for new subscribers and replacement bins |
| Service Delivery | Chargeable Household Waste Collection | Charges made for residential homes, with limited collections from villages halls equivalent to domestic property. Charges based on cost recovery for additional collections | Free Clinical waste collection | Retain Existing Policy | | |

| Directorate | Policy Area | Current Policy | Existing Concessions | Policy 22/23 | Proposed Policy for 2023/24 | Proposed concessions |
|------------------|--|---|--|---|---|--|
| Service Delivery | Chargeable Bulky Household Waste Collection | Charge subject to annual adjustment to reflect contract costs. Fee is collected by Maldon District Council (MDC) and an agreed sum paid to the contractor for each collection | None | Retain Existing Policy | | |
| Service Delivery | Chargeable Street Cleaning | Charges based on competitive Market rates, and should aim as a minimum to recover all costs of operation. | Charitable events and some specific commercial events are free | Retain Existing Policy. Amend Concessions. | | Concession at discretion of Director of service delivery for charitable/ community events. |
| Service Delivery | Maldon Promenade - Pop Up Trading | Charges based on competitive Market rates, and should aim as a minimum to recover all costs of operation | None | Retain Existing Policy | | |
| Service Delivery | Parks & Open Spaces - Advertising | charges based on competitive Market rates, and should aim as a minimum to recover all costs of operation | None | Retain Existing Policy | | |
| Service Delivery | Court Costs - Council Tax and Business Rates | Charges set to maximum level agreed by Essex Magistrates Courts | None | Amend Existing Policy | Full cost recovery up to maximum level agreed by Essex Magistrates Courts | |
| Service Delivery | CCTV footage requested by individuals, insurance companies or any organisations other than the Police (subject to data protection) | Chargeable services | None | Retain Existing Policy | | |
| Service Delivery | Refuse and recycling containers for new build properties | Developers to fund the cost of provision of containers for new properties if the development is more than five properties. | None | Retain Existing Policy | | |
| Service Delivery | Parking Permits for Schools | Chargeable Services | Charges made to Schools for parking in MDC owned car parks | Retain Existing Policy | | |
| Service Delivery | Road Closures | To reclaim costs plus statutory administration charge. | None | Retain Existing Policy | | |
| Service Delivery | Promenade Park Concessions | To Charge for concessions on the Prom. Prices set on negotiation with the Director of Service Delivery. | None | Retain Existing Policy | | |
| Service Delivery | Grounds Maintenance Contracts | Charges for contracts based on competitive market rates ensuring full cost recovery. | None | Retain Existing Policy | | |
| Service Delivery | Commercial team – Commercial Services - Box Office | Box office services commission rate set by officers – Standard 10% commission for all events. Concession Director of Service Delivery in conjunction with the Chairman of Community Services Committee be granted discretion to vary this rate to support the corporate goals of the Council. | None | Retain Existing Policy | | |
| Service Delivery | Commercial team – Commercial Services - Marketing | Commercial team to charge a competitive hourly rate for its marketing and promotional services ensuring full cost recovery | None | Retain Existing Policy | | |
| Service Delivery | Commercial team – Commercial Services - Sponsorship | charges based on competitive Market rates, and should aim as a minimum to recover all costs of operation | None | Retain Existing Policy | | |
| Service Delivery | Land Charges | Self Financing Service subject to regulations | None | Retain Existing Policy | | |

| Directorate | Policy Area | Current Policy | Existing Concessions | Policy 22/23 | Proposed Policy for 2023/24 | Proposed concessions |
|------------------|--|--|---|------------------------|--|----------------------|
| Service Delivery | Public Hire Vehicle & Hackney Carriage Licensing | Self financing service | None | Retain Existing Policy | | |
| Service Delivery | Building Control - Chargeable Services | Self financing service (by regulation) Break even over a five year period | None | Retain Existing Policy | | |
| Service Delivery | Development Control and Conservation - Pre Application Advice | Charge for advice | Not Applicable | Retain Existing Policy | | |
| Service Delivery | Development Control - Planning Performance Agreements (PPA) | Charge based on generic officer cost rates to complete the tasks in the PPA. | Not Applicable | Retain Existing Policy | | |
| Service Delivery | Planning Fees (Development control fees) | No Policy - no powers at present | Not Applicable | Retain Existing Policy | | |
| Service Delivery | Licensing Act 2003 | Set fees in line with the costs incurred in providing the service | None | Retain Existing Policy | | |
| Service Delivery | Gambling Act 2005 | Set fees in line with the costs incurred in providing the service | None | Retain Existing Policy | | |
| Service Delivery | Scrap Metal Dealers Act 2013 | Recover reasonable costs of administration in accordance with statutory guidance | None | Retain Existing Policy | | |
| Service Delivery | Pest Control | Charges should aim as a minumum to recover all costs of operation | None | Amend Existing Policy | charges based on competative Market rates, and should aim as a minumum to recover all costs of operation | |
| Service Delivery | Animal Licensing | Set fees in line with the costs incurred in providing the service | None | Retain Existing Policy | | |
| Service Delivery | Mobile Homes Act 2013 | Set fees in line with the costs incurred in providing the service | Exempt those sites that have 8 or less units (Band 1) | Retain Existing Policy | | |
| Service Delivery | Pre Application for Tree Preservation Order advise | Charge for advice previous a free service. Charge to be based full recovery of Officer time | Not Applicable | Amend Existing Policy | Charge to be based full recovery of Officer time | |
| Service Delivery | Street Naming and numbering | Charges to developers and property owners based on cost recovery | Not Applicable | Retain Existing Policy | | |
| Service Delivery | Revisit to rescore food hygiene ratings | Set fees in line with the costs incurred in providing the service. New legislation is expected but it is not clear if fees will be set nationally or locally | Not Applicable | Retain Existing Policy | | |
| Resources | External Printing | To be charged per copy. | Not Applicable | Retain Existing Policy | | |
| Resources | Administration of Parish Elections & Neighbourhood Referendums | Levy an administration charge based on recovery of Officer time | Not Applicable | Retain Existing Policy | | |
| Service Delivery | Markets | charges based on competative Market rates, and should aim as a minumum to recover all costs of operation | None | Retain Existing Policy | | |
| SPG | RAMS | To charge a monitoring fee alongside all Essex Coastal Recreational Avoidance Mitigation Strategy (RAMS) payments | None | Retain Existing Policy | | |
| SPG | S106 | To charge a monitoring fee based on individual cases | None | Retain Existing Policy | | |
| Service Delivery | Hythe Quay Parking | None | To charge for parking on hythe Quay | Retain Existing Policy | | |

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Maldon District Council

Street Naming and Numbering Policy and Guidelines

Development of Policy

The Policy and Guidelines have been developed utilising best practice guidance from Local Authorities, guidance from the National Land and Property Gazetteer, Legislation relevant to the Council's Statutory Duties and existing policies of Maldon District Council

Last updated: 26.10.22

Introduction

The address of a property is continuing to become a very important area. Organisations and the general public need an efficient means of locating and referencing properties. The purpose of this guidance is to provide advice to Councillors, Developers, Residents and Business owners of the naming and numbering procedure of Maldon District Council

For the purposes of this Policy the Address Management Team consists of:
Local Land and Property Gazetteer (LLPG) Custodian (Resources)
Street Naming and Numbering Administration Team (Service Delivery)

1. POLICY STATEMENT

- a. The naming and numbering of streets and buildings within the Maldon District is controlled by Maldon District Council under Sections 17, 18 and 19 of the Public Health Act 1925.
- b. We will name and number streets and dwellings in line with the Local Land and Property Gazetteer and Street Naming and Numbering data entry conventions and best practice for the National Land and Property Gazetteer.
- c. This power extends to commercial as well as domestic property.
- d. Following these conventions will ensure our practices are compliant with the British Standard BS7666:2006 (spatial data-sets for geographical referencing) and by having a comprehensive Street Naming and Numbering policy will ensure that:
 - i. Emergency Services can find a property quickly – delays can cost lives
 - ii. Mail is delivered efficiently and effectively
 - iii. Visitors can easily find where they want to go
 - iv. There is a reliable delivery of services and products
 - v. Service providers have up to date and accurate records.
 - vi. We bill the right person, in the right property, at the right time for Council Tax and Non-Domestic Rates (NDR)
- e. It is our responsibility to ensure all new commercial or residential properties are addressed, named and numbered correctly. To aid the emergency services, all properties, where possible, will be numbered within an officially named street, and street signs will be erected as recommended by the Department of Transport (Ref: Circular Roads 3/93)
- f. Where street names or previous numbers have been established without reference to us, we have the authority to issue Renaming or Renumbering Orders, under the relevant Act.

Note:

Guidelines and Data Conventions are subject to change over time.

Some existing naming and numbering used within the District may no longer be applicable to new properties under the latest guidance and should not be used as a precedence argument if challenging a given address.

Anyone seeking an address for a new/replacement property or development or wishing to add/change the name of their property, should apply by completing the relevant form from: www.maldon.gov.uk/streetnaming.

2. STREET NAMING – PROPOSAL AND AGREEMENT

- a. The naming of a street includes any road, square, court, alley or thoroughfare which when named will be included in an official postal address.
- b. When making an application for a new property or development, the Owner / Developer must provide the following information:
 - i. Planning Application Number – without planning approval no address will be allocated.
 - ii. Plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary access on each plot.
 - iii. Internal layout plans, if appropriate, for a development that is sub-divided at unit or floor level.
- c. As standard, a new named Street will only be considered for developments of 5 or more properties.
- d. A new named Street may be considered for less than 5 properties if it is clearly a separate thoroughfare connecting adjoining Streets i.e. is not a cul-de-sac or private driveway and cannot be considered an extension of either adjoining Street.
- e. If a number of properties are situated on a private driveway then a “sub Street” naming convention may be used at the discretion of the Council if the properties cannot be sensibly incorporated into the current number sequencing for the main Street (see Section 6)
- f. Developers, local residents and the relevant Parish or Town Council are welcome to propose street names for consideration in the consultation process. It is recommended that more names are suggested than required for the number of roads within the development in case one or more fail to meet the required acceptance criteria.
- g. If names are not provided or provided names are not suitable, the Address Management Team will research the site and provide alternative suggestions. Preference will be given to names that refer to the history and heritage of the local area.
- h. The proposed names will be checked against existing records to ensure that the name meets the latest criteria (see Section 3).
- i. The relevant Ward Councillors, Parish/Town Council and Royal Mail will be consulted and asked for their comments on the suggested names. If the consultees have additional suggestions or an objection to the name(s)

provided, then another name will be chosen and the consultation process repeated.

- j. The consultation period will be 28 days.
- k. Once a suitable suggestion has been selected, agreement will be sought with the Developer.
- l. If agreement cannot be reached, the Council has the final say, however the Developer may appeal to the Magistrates Court within 21 days of notification.
- m. For large developments to be built in phases, where possible a full list of road names will be approved in advance to be allocated as the development progresses.
- n. Once a numbering scheme has been implemented, Royal Mail will allocate postcodes to any new streets and a letter from the Council is sent to the Developer or owner confirming the new official address(es). A notification is then sent to statutory authorities such as Royal Mail and other Council departments.

3. STREET NAMING – NAMING CRITERIA AND GUIDELINES

The Address Management Team will use the latest National guidelines when addressing properties.

Developers, Residents, Ward, Parish and Town Councillors must also follow these guidelines for any suggested street names as set out below:

- a. New street names must not duplicate or be similar to an existing street name already in use in the Town/Village or adjacent postcode area.
- b. A variation in the terminal word e.g. “Street”, “Road” will not be accepted as sufficient reason to duplicate a name e.g. Sparrow Close off Sparrow Way. Duplication may have a detrimental effect in an emergency response situation and could cause unnecessary delays in identification of the correct property.
- c. Street names should not be difficult to pronounce or awkward to spell.
- d. Street names must not cause offense and will be verified by the Address Management Team to ensure that they do not cause offence, having particular regard to the Council's Equality Policy covering race, disability, gender, age, faith & belief and sexual orientation.
- e. The Council will not name streets after any “marketing” titles used by Developers in the sale of new properties.
- f. Names based on a Developer's or Owner's trading name are seen as advertising and are not acceptable.
- g. An exception to this may be made for a company that no longer exists, if used solely in an historical context and the claim of advertising cannot be made.

- h. Street names must not begin with “The” or end with an “s” if this can be construed as a possessive or plural e.g “The Saltings”
- i. Abbreviations will not be used; the only exception is “St” for Saint.
- j. All punctuation, including apostrophes, hyphens and full stops will be avoided, even if grammatically correct.
- k. All new street names should end, where possible, with one of the following suffixes: **NOTE: This list is subject to be extended as part of the national consultation and will be updated prior to publishing.**

Street (for any thoroughfare)
 Road (for any thoroughfare)
 Way (for major roads)
 Avenue (for residential roads)
 Drive (for residential roads)
 Grove (for residential roads)
 Lane (for residential roads)
 Gardens (for residential roads) subject to no confusion with open space.
 Place (for residential roads)
 Crescent (for a crescent shaped road only)
 Court/ Close (for a cul-de-sac only)
 Square (for a square only)
 Hill (for a hillside road only)
 Circus (for large roundabouts with residential properties)
 Vale (for residential roads, in appropriate circumstances)
 Rise (for residential roads, in appropriate circumstances)
 Row (for residential roads, in appropriate circumstances)
 Croft (for residential roads, in appropriate circumstances)
 Mews (for residential roads, in appropriate circumstances)

End, Cross, Meadow, Park, View, Field and Ley are not acceptable suffixes however these may be incorporated into a street name provided it terminates with an appropriate suffix e.g. Grangewood Park Avenue

All pedestrian ways should end with one of the following suffixes:

Walk
 Path
 Way

- l. The use of North, South, East or West at the end of a street name (e.g Maldon Road North, Maldon Road South) is only acceptable if a road is continuous and passes over a major junction. It is not acceptable if the road is in two separate parts with no vehicular access between the two.
- m. The Council will avoid having two phonetically similar names within a Town/Village or in close proximity to a similar name within another Town/Village.

e.g. Churchill Road and Birch Hill Road.
- n. The Council will not consider the use of a street name which includes numbers as this may cause confusion for emergency services and deliveries.

e.g. 20 Seven Foot Lane which sounds the same as 27 Foot Lane

- o. The consent of the Lord Chamberlain's Office must be obtained if a name with any reference to the Royal Family or use of the word "Royal" is suggested.

3.1 Naming Streets after People

Maldon District Council currently has historically allowed the suggestion of Surnames with **local significance** for consideration. This could be significant service or contribution to the local community or a local resident who has made a national or global contribution.

Names of those still living or the suggested use of a full name should be avoided but may be allowed in exceptional circumstances.

Maldon District Council will conduct a due diligence process with the relevant Ward Members to ensure that suggestions received meet the Council's criteria, assess any current or future issues, including cost implications that may arise from using the name and to approve or decline inclusion in the consultation process.

Due diligence will include but may not be limited to:

- Reviewing the reasons why the suggested name has been submitted by the applicant and confirm the local significance.
- Determine whether any remaining family (if the figure is deceased) or the individual in question have given permission for the use of the name.
- Confirm that there are no other considerations to take into account or known reasons for exclusion.
- Agree whether the proposal should be accepted or declined for inclusion in the consultation and inform the Street Naming and Numbering Team.

Please note that agreement for inclusion in the consultation does not guarantee approval through the consultation process or final use.

4. POSTCODE & POST TOWN PROVISION

- a. Maldon District Council is not responsible for allocating the postal town or the issuing of new postcodes to the address.
- b. Once new addressing is agreed via the consultation process, Royal Mail will provide the postal town and postcodes for the approved new streets when requested to do so by the Council. The maintenance of, and any future changes to post towns and postcodes are the sole responsibility of Royal Mail.
- c. If a resident disagrees with the post town within their postal address, the resident should contact Royal Mail who has a procedure laid down in their code of practice by the Postal Services Commission for these queries.

5. ADDRESS LOCALITY – OFFICIAL VS POSTAL ADDRESS

5.1 Official Address

The council must where possible address properties based on their physical geographical location in line with National data entry conventions i.e. within the correct parish and ward boundaries. This ensures that the property and residents

are placed within the correct Council Tax and Electoral areas. This geographical location will be provided as the **official address** for any new properties.

The official address consists of:
The House number and/or name
The Street
The geographical Town or Village

Royal Mail will be provided with the official address by the Council.

In some instances a new property may be addressed to the nearest settlement rather than to the geographical parish settlement, although for Council Tax and Electoral purposes the parish boundaries will still apply.

This is mainly applicable to new developments which cross a number of parish boundaries but may also apply to individual properties that lie on the outskirts of parish boundaries far from the main settlement.

For example:

A new property may be built on the Lower Burnham Road that geographically sits within the Purleigh Parish, but which is physically closer to North Fambridge.

In this instance the property will be addressed as North Fambridge but it's council tax and electoral registration would sit with Purleigh.

5.2 Postal Address

This takes the official address provided by the Council and adds the postal town and postcode information.

The postal town and post code are effectively just routing instructions for postal staff to enable timely delivery of post.

Historically the postal address has sometimes contained a different Town or Village to the official address which can cause confusion.

All new official addressing provided by the Council will be adopted by Royal Mail for postal purposes.

The Council may keep a record of an historic postal address should it differ from the official address, if necessary.

Within the District there are a number of postcodes that historically do not have a street name held by Royal Mail within the postal address. This can cause issues for both emergency services and delivery drivers.

If such an address is queried with Royal Mail by a resident, Royal Mail will contact the Council who will provide confirmation of the correct official address so that a street name can be added.

6. PROPERTY ADDRESSING – CRITERIA AND GUIDELINES

General

All properties (commercial or residential) resulting from new build, rebuild following demolition, conversion or splitting / merging of existing property must

apply to the Address Management Team via the Street Naming and Numbering application form before an official address will be allocated

www.maldon.gov.uk/streetnaming

6.1 Numbering & Naming

- a. All properties on a new named street will be allocated numbers.
- b. A new street will be numbered with odd on the left and evens on the right commencing from the junction nearest the centre of the main town or village.
- c. New properties on an existing street will be numbered unless the street does not have a numbering scheme. If this is the case the Developer / Owner will be required to provide naming suggestions which will then be checked against naming convention criteria to ensure suitability and confirm there is no duplication with current or similar sounding property names in the area. The suggested name must not repeat the name of the street.
- d. Business names shall not take the place of a number or building name.
- e. Company/Owner names will not be accepted if naming an Industrial / Business / Trade Park.
- f. Where a property has a number, it must be used and displayed. Where a name has been given to a property as well as its official number, the number must always be included for addressing purposes. The name cannot be regarded as an alternative for the number.
- g. When a property is demolished its address is retired. If a single new property replaces a single demolished property then the new property will be assigned the previous property's number however a street naming and numbering application must be made to reinstate the retired address.
- h. When new properties are built on an existing street and there are no available numbers a letter will be used as a suffix e.g. 3A
- i. If two or more houses are merged then the "new" number must include the numbers of the merged properties.
e.g. if 76 & 78 High Street are merged to one property the new number would be 76 -78 High Street.
- j. Should a new development be accessed via a private driveway the Address Management Team may consider, in agreement with the Developer, the use of a sub-street identifier off the main road to reduce the use of suffixes
e.g. 1-4 Bishops Place, The Street, Wickham Bishops.
- k. If the new development consists of 5 or more properties, creation of a new street may be determined to be more appropriate by the Address Management Team, depending on the length of the private driveway and proximity of the properties to the main street.
- l. Consecutive numbering may be used in a cul-de-sac where there is no scope for future development. Consecutive numbering in a clockwise direction is preferred.

- m. Numbering sequences should be consecutive. No numbers will be excluded due to superstition or personal preference.
- n. Properties (including those on corners) will be numbered according to the street from which the main entrance is situated.
- o. Manipulation of numbering in order to secure a “prestige” address or to avoid an address which is thought to have undesired associations will not be allowed.
- p. Private garages, annexes (as defined in planning conditions as those that may only be used for ancillary purposes to the main residence), Stables and other buildings will not be allocated separate addresses or numbering to the main dwelling to which they are associated.
- q. Plots of land will not be provided with official addresses.

6.2 Multiple Occupancy Buildings

- a. For new build blocks, the building will be given a number associated to the street on which the main entrance sits. All divisions within the building will then be assigned an internal number prefixed by Flat, Apartment or Unit as appropriate
e.g Flat 1, 24 New Street, Flat 2 24 New Street etc
- b. Numbering will usually be applied in a clockwise direction from the main entrance on each floor.
- c. Should any of the ground floor Flats, Apartments or Units have access via their own front door directly onto the main street (rather than being accessed via the building foyer) then these should be allocated numbering directly to the street.
- d. Where new dwellings are within an already numbered building i.e. an existing address is subdivided, then each new Flat, Apartment or Unit will be addressed the same way as points a -c.
- e. Geographically descriptive names for Flats, Apartments or Units must not be used
e.g. Ground Floor Flat, 24 New Street; First Floor Flat, 24 New Street
- f. If the Multiple Occupancy Building has entrances on more than one street then each entrance may be addressed to the relevant road if required, although consultation with Royal Mail and emergency services may be taken prior to finalisation.

6.3 Infill Developments

Where properties are built within the existing numbering sequence of a street, suffixes will be applied as follows:

- a. Single Properties:
The appropriate “missing” number will be allocated to the new property
e.g. if the property is built on land between 50 and 54 then the new property will be assigned 52 if it is not already in use or has not been used historically in a different location.

If a property has been demolished to be replaced with a new property then the “old” number will be assigned to the new property (see 6.1.g)

If all numbers are used then the property will be assigned the number of the lowest neighbour plus a suffix

e.g. if built between 21 and 23 then the new property will be assigned 21A

b. Multiple Properties:

The appropriate “missing” number will be allocated plus a suffix to the new properties

e.g. if 3 properties are built on land between 50 and 54 then the new properties will be assigned 52, 52A and 52B if not already in use.

If multiple properties are built to replace a single demolished property then one new property will be assigned the original number and the rest will add a suffix.

e.g if 25 New Street is demolished and replaced by two new properties these will be assigned as 25 & 25A New Street.

c. Future Proofing Numbering

Where there is possibility of further infill development at a particular site, numbers may be “missed” or “reserved” to allow for numbering of any future properties.

e.g. if there is a large green space at the entrance to a new build cul de sac that could potentially be used to add 2 more houses to the street, the numbering of the current properties could start at “3” to reserve “1 & 2” for any future development.

In all instances above, even if it is likely a number will be reused, a Street Naming and Numbering application must be made to the Council to review and confirm the official address of the property. The Council will then advise Royal Mail and relevant agencies.

7. ADDING, REMOVING OR CHANGING A PROPERTY NAME

If a property has a house number it is not possible to remove the number and replace solely with a name

If you wish to add, remove or change a property name you must complete the Street Naming and Numbering application form at www.maldon.gov.uk/streetnaming

Royal Mail will not accept notification of name changes unless advised by the Council.

- a. Applications can only be made by the owner of the property, not tenants.
- b. Name changes cannot be made if the property is in the process of being purchased, however the prospective new owners may consult the Council on the suitability of their preferred name in advance of exchange of contracts.
- c. House names or similar sounding House names must not be replicated within the same Town / Village – this includes different spellings, or variations of a name.

- d. In some instances, house names may not be allowed if the proposed name is already in use on the same street name in a neighbouring Town / Village. This is to avoid confusion for emergency services and deliveries.

e.g. If someone on Southminster Road, Tillingham wanted to call their property “Swallowtails” but there was already a “Swallowtails” on Southminster Road, Asheldham then this would not be allowed due to their proximity and potential for confusion.

However if the only other “Swallowtails” on a Southminster Road was in Mayland then this may be allowed.

- e. Under no circumstances will a house name be allowed that is offensive or construed to be offensive
- f. It is not possible to replace a number with a name. You are allowed to apply to add an “alias” name to the address which can be used in conjunction with the number but not instead of it. Royal Mail will hold the name on their “alias” file but it will not replace the official number of the address.

8. STREET RENAMING AND PROPERTY RENUMBERING

On occasion it may be necessary for the Council to rename or renumber an existing Street. This may be at the request of residents, Councillors or Emergency Services. The Council will endeavour to find an alternative solution to the issues raised and will work with all residents and services involved. Renaming and/or renumbering will only be implemented as a last resort.

- a. We will only renumber a property where it is shown that there are consistent service delivery issues for the residents and with the agreement of the owner. Alternative solutions would be investigated first.
- b. The Council would only enforce the renumbering of a property in exceptional circumstances.
- c. Should a new street name be required for an existing street, it will be subject to the usual consultation and selection criteria as other new street names. In addition, all residents / business owners on the street in question will be made aware of the proposed change and potential costs involved.
- d. Once agreed, a notice of the order will be placed in the street in question and in the local newspaper. Anyone objecting to the name can appeal to the Magistrates Court within 21 days of the posting.
- e. The Council will notify Royal Mail and other Council Departments of the change.
- f. It is the responsibility of the resident or business owner to notify personal and business contacts and to pay any costs incurred. These will not be reimbursed by the Council if the change request has come from the residents. An exception may be made if the change is initiated by the Council.
- g. All costs associated with providing and erecting name plates will be met by the person or organisation requesting the change. In exceptional circumstances these costs may be met by the Council. Once sited, nameplates will be maintained by the Council.

9. STREET NAMEPLATES

- a. It is unlawful to erect a street nameplate until the street name has been confirmed in writing by Maldon District Council.
- b. New street nameplates will be provided and paid for by the Developer as a requirement for adoption.
- c. Nameplates should be in place prior to property occupation.
- d. Maintenance of street nameplates will transfer to Maldon District Council once a street has been adopted by Essex County Council as the Highways Authority.

10. CHARGING

Maldon District Council is not permitted to charge for the service of street naming and numbering as the duty to provide this service is not discretionary. There are a large number of interested parties, statutory undertakers etc. who wish to be made aware of the existence of new addresses. The Council charges for this aspect of the street naming and numbering service.

For changing the address of an existing property or re-addressing a development which has already been addressed, the authority reserves the right to make an administrative charge under the Local Government Act 2003 (section 93)

A schedule of charges can be found here (will add link)

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REPORT of DIRECTOR OF RESOURCES

to
COUNCIL
3 NOVEMBER 2022

COUNCIL TAX BASE 2023 / 24

1. PURPOSE OF THE REPORT

- 1.1 The Council is required to set the tax base for Council Tax by the 31 January in the financial year preceding that to which the tax base applies.
- 1.2 The Council has to notify its tax base calculations to Essex County Council, Essex Fire Authority and the Police and Crime Commissioner for Essex and Parish / Town Councils by 31 January.

2. RECOMMENDATION

That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012 the amount calculated by Maldon District Council as its council tax base for the 2023 / 24 year shall be set at 25,892.3.

3. SUMMARY OF KEY ISSUES

- 3.1 The Local Government Finance Act 1992 amended by Section 84 of the Local Government Act 2003 set out the requirements allowing each local authority to make its arrangements for adopting the Council Tax base. The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (SI 2012:2914) provides amended statutory guidance to incorporate the changes resulting from the introduction of the Local Council Tax Support Scheme (LCTSS).
- 3.2 The Council Tax varies between the different bands according to proportions laid down in legislation. These proportions are based around Band D and are fixed so that the bill for a dwelling in Band A will be a third of the bill for a dwelling in Band H. Applying the relevant proportion to each band's net property base produces the number of Band D equivalent properties for the area.
- 3.3 The Council is required to approve the Council Tax Base figure for 2023 / 24 by 31 January 2023. The Council Tax Base figure is an integral part of the calculations for setting the level of Council Tax, and is the number of chargeable properties adjusted for certain factors, e.g. single persons' discounts, local council tax support, exemptions etc.
- 3.4 The tax base is calculated as determined in The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, with Local Council Tax Support, discounts and exemptions as at 3 October 2022. **APPENDIX A** shows the calculation of the tax base whilst **APPENDIX B** sets out the tax base for each Parish / Town Council.

- 3.5 The Parish / Town Councils will be notified of their individual estimated tax base so that they can set their Parish / Town precepts that they wish to and calculate their Band D Council Tax for 2023 / 24. The deadline for the receipt of Parish / Town Council precepts is 6 January 2023.
- 3.6 It should be noted that whilst calculated and shown separately in **APPENDIX B** the following Parishes tax bases are combined to set their precept and therefore their Band D Council Tax.
- Asheldham and Dengie;
 - Hazeleigh and Woodham Mortimer;
 - Langford and Ulting.
- 3.7 The collection rate used in the tax base calculation for 2023 / 24 is 98.0%; which is higher than the budgeted collection rate of 97.3% set for the current year, due to a trend of gradual improvement in collection since the lifting of restrictions caused by the Coronavirus pandemic.
- 3.8 Local Council Tax Support cases have reduced from last year by 104 Band D equivalents.
- 3.9 The Council Tax Base figure set for the current year (2022 / 23) is 25,524.3, so the new figure for the forthcoming year represents an increase of 554.3 or 2.17%. The key reason for the increase is a rise in the number of chargeable properties, with an improved collection rate and decrease in LCTS also contributing. An annualised estimate of the number of new dwellings that are expected will be added to the valuation list and becoming chargeable during 2023 / 24 has also been included (172.3 band D equivalents).

4. CONCLUSION

- 4.1 The annual setting of the Council's tax base is a prerequisite to the setting of the council tax for the following year.

5. IMPACT ON STRATEGIC THEMES

- 5.1 Declaration of the Councils tax base is a technical exercise necessary to meet statutory obligations rather than corporate goals. The generation of additional income through the maximisation of the Council's tax base indirectly supports all corporate goals.

6. IMPLICATIONS

- (i) **Impact on Customers** – None identified.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – There are no risks associated with this report.
- (iv) **Impact on Resources (financial)** – The increase in tax base will increase the Council's council tax revenue for 2023 / 24.

- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.
- (vii) **Impact on Strengthening Communities** - None identified.

Background Papers: None.

Enquiries to: Lance Porteous, Lead Finance Specialist

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MALDON DISTRICT COUNCIL - COUNCIL TAX BASE 2023/24

APPENDIX A

| | | | Band A Disabled Reduction | Band A | Band B | Band C | Band D | Band E | Band F | Band G | Band H | Total |
|-----------|---|-------|------------------------------|------------|------------|------------|------------|-------------|-------------|-------------|-------------|-----------------|
| Line 1 | Total Chargeable Dwellings | | | 2,419.0 | 3,856.0 | 8,388.0 | 5,494.0 | 4,576.0 | 3,008.0 | 1,646.0 | 184.0 | 29,571.0 |
| Lines 2+3 | Less Exempt Dwellings | | | 155.0 | 67.0 | 107.0 | 53.0 | 48.0 | 13.0 | 4.0 | 0.0 | 447.0 |
| Line 4 | Chargeable Dwellings | | | 2,264.0 | 3,789.0 | 8,281.0 | 5,441.0 | 4,528.0 | 2,995.0 | 1,642.0 | 184.0 | 29,124.0 |
| Line 5 | Less Disabled Reductions | | | 6.0 | 14.0 | 37.0 | 25.0 | 29.0 | 18.0 | 12.0 | 8.0 | 149.0 |
| Line 6 | Plus Revised Bands due to Disabled Reductions | | 6.0 | 14.0 | 37.0 | 25.0 | 29.0 | 18.0 | 12.0 | 8.0 | 0.0 | 149.0 |
| | Chargeable Dwellings - Revised | | 6.0 | 2,272.0 | 3,812.0 | 8,269.0 | 5,445.0 | 4,517.0 | 2,989.0 | 1,638.0 | 176.0 | 29,124.0 |
| Calc | Less Number of dwelling equivalents where discounts and premiums apply | | 1.2 | 355.5 | 446.0 | 664.8 | 335.3 | 191.5 | 99.3 | 53.0 | 5.5 | 2,152.0 |
| Line 27 | Number of dwellings equivalents after applying discounts and premiums to calculate tax base | | 4.8 | 1,916.5 | 3,366.0 | 7,604.3 | 5,109.8 | 4,325.5 | 2,889.8 | 1,585.0 | 170.5 | 26,972.1 |
| Line 28 | Less Local Council Tax Support Scheme | | 1.4 | 493.6 | 545.3 | 760.8 | 198.5 | 75.3 | 25.5 | 8.9 | 0.0 | 2,109.4 |
| Line 29 | Equivalent of Chargeable Dwellings | | 3.4 | 1,422.9 | 2,820.7 | 6,843.4 | 4,911.3 | 4,250.2 | 2,864.2 | 1,576.1 | 170.5 | 24,862.7 |
| Line 30 | Ratio to Band D | | 5/9 | 6/9 | 7/9 | 8/9 | 9/9 | 11/9 | 13/9 | 15/9 | 18/9 | |
| Line 31 | Band D Equivalents | | 1.9 | 948.6 | 2,193.9 | 6,083.0 | 4,911.3 | 5,194.7 | 4,137.2 | 2,626.9 | 341.0 | 26,438.5 |
| | Adjustment for Parish-level roundings | 172.3 | | | | | | | | | | 0.0 |
| | Add Estimated Growth | | | | | | | | | | | 172.3 |
| | Band D Equivalents | | | | | | | | | | | 26,610.8 |
| | Less Non-Collection Rate | 2.7% | | | | | | | | | | 718.5 |
| | Estimated Council Tax Base for 2023/24 | 97.3% | | | | | | | | | | 25,892.3 |
| | | | | | | | | | | | | |

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2023/24 Council Tax Base by Parish/Town Council

| Parish Council | 2023/24 Estimated Tax Base with Growth |
|--------------------|---|
| Althorne | 511.0 |
| Asheldham | 64.1 |
| Bradwell | 340.7 |
| Burnham-on-Crouch | 3,602.0 |
| Cold Norton | 502.8 |
| Dengie | 48.9 |
| Goldhanger | 313.0 |
| Great Braxted | 179.7 |
| Great Totham | 1,290.7 |
| Hazeleigh | 60.4 |
| Heybridge | 2,830.1 |
| Heybridge Basin | 271.2 |
| Langford | 90.5 |
| Latchingdon | 506.6 |
| Little Braxted | 81.9 |
| Little Totham | 196.6 |
| Maldon | 5,660.2 |
| Mayland | 1,492.6 |
| Mundon | 149.6 |
| North Fambridge | 461.2 |
| Purleigh | 582.6 |
| Southminster | 1,634.1 |
| St. Lawrence | 590.0 |
| Steeple | 189.3 |
| Stow Maries | 88.9 |
| Tillingham | 394.5 |
| Tollesbury | 1,003.0 |
| Tolleshunt D'Arcy | 449.4 |
| Tolleshunt Knights | 420.6 |
| Tolleshunt Major | 275.3 |
| Ulting | 76.0 |
| Wickham Bishops | 1,003.5 |
| Woodham Mortimer | 258.8 |
| Woodham Walter | 272.1 |
| TOTAL | 25,892.3 |

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

**to
COUNCIL
3 NOVEMBER 2022**

**CHELMSFORD CITY COUNCIL LOCAL PLAN REVIEW – ISSUES AND OPTIONS
CONSULTATION RESPONSE**

- 1.1 The purpose of this report is to seek ratification of the response submitted to Chelmsford City Council concerning their Local Plan Review – Issues and Options Consultation.

1. RECOMMENDATION

That the holding response submitted to Chelmsford City Council's Local Plan Review Issues and Options Consultation Document as set out in **APPENDIX 1** be approved as the formal Maldon District Council response.

2. CONTEXT

- 2.1 On 11 August 2022, Chelmsford City Council invited Maldon District Council, as a statutory consultee to comment on its Local Plan Review Issues and Options Consultation Document.
- 2.2 The consultation ran for ten weeks, extended from the original eight weeks following the death of Her Majesty Queen Elizabeth II, closing at 4pm on 20 October 2022.
- 2.3 Officers, the Leader of the Council and Chairman of the Strategy and Resources Committee were invited to a Duty to Cooperate meeting with other local planning authorities on 23 September 2022; where the key principles of Chelmsford's Local Plan review were explained by the City Council.
- 2.4 Officers reviewed the Local Plan Review Issues and Options Document to consider the strategic and cross-boundary issues and options most prevalent to Maldon District Council and formulated a recommended response to seven of sixty-six questions asked by the City Council.

3. CHELMSFORD CITY COUNCIL LOCAL PLAN REVIEW

- 3.1 Chelmsford City Council are reviewing their Local Plan 2013-2036, which was adopted in May 2020. As part of the Local Plan Review, they have consulted on their Issues and Options document, which sets out how to meet the development needs of the city's administrative area within the new plan period, which will extend to 2041. The main five areas consulted on were:
- the updated draft strategic priorities;
 - a new draft vision;

- the approach to calculating future development requirements including homes and jobs;
 - spatial strategy approaches for accommodating additional future growth to 2041; and
 - the approach to reviewing their planning policies.
- 3.2 The updated plan period will run from 2022 until 2041, adding an additional five years to the adopted plan period which is currently 2013 until 2036. Using the National Planning Policy Framework's (NPPF) standard methodology, Chelmsford City Council have calculated that an additional 1,000 homes are required per annum over the plan period, totalling 19,000 homes. A 20% housing supply buffer of 3,800 homes has been added onto this, totalling 22,800 homes. The existing supply has been calculated at 14,834 homes, which includes total completions to date, site allocations, permissions and a windfall allowance. There is therefore a shortfall, between the housing requirement and the existing supply, of 7,966 homes over the plan period to 2041.
- 3.3 In order to meet this requirement, Chelmsford City Council have had to consider whether the current Spatial Strategy remains the most appropriate. The current strategy consists of a) focussing growth in the most sustainable areas, b) making use of previously developed land in the Chelmsford Urban Area, c) sustainable extensions around Chelmsford and South Woodham Ferrers, and d) development in and around key service settlements outside the Green Belt, in accordance with their settlement hierarchy. After considering alternative options, they have developed five Spatial Approaches for how additional growth could be distributed, although it acknowledges that the final approach is likely to be a combination of two or more approaches.
- 3.4 A summary of the five Spatial Approaches is outlined below:
- **Approach A – Growing the existing strategy**
This continues the approach already being used in the adopted local plan, with new allocations on previously developed land and at larger villages and expanding allocated sites.
 - **Approach B – Concentrate growth in urban areas**
This continues the approach used in the adopted local plan, but maximises development in only the city centre, urban area and expanding allocated sites.
 - **Approach C – Exploring a wider strategy**
This continues the approach used in the adopted local plan, with new allocations on previously developed land and at larger villages and expanding allocated sites. It also proposes some development at smaller villages.
 - **Approach D – Exploring growth along transport corridors**
This continues the approach used in the adopted local plan, with new allocations on previously developed land and expanding allocated sites, including maximising growth at Chelmsford Garden Community in North East Chelmsford. In addition, it proposes growth along the main transport corridors; the A130 and the A131.
 - **Approach E – Exploring a new settlement**
This continues the approach used in the adopted local plan, with new allocations on previously developed land and expanding the Chelmsford

Garden Community. However, it also proposes a new large settlement/garden community, east of the A12.

- 3.5 Officers have reviewed the whole Issues and Options consultation document and narrowed down the response to Chelmsford City Council to seven questions most relevant to strategic and cross-boundary matters of interest to the District under the Duty to Cooperate. The following questions were recommended to be answered.
- (Q3) Do you agree with the proposed updates to the strategic priorities? If not, please give the reasons for your answer. Please refer to the strategic priority number in table 4.
 - (Q4) Are there any strategic priorities you think should be added? Where possible, please support your answer with reference to any evidence.
 - (Q30) Should we be considering any alternative options for a housing supply buffer?
 - (Q57) Do you agree with the proposed updates to the spatial principles? If not, please explain why. Please refer to the spatial principle number in table 7.
 - (Q58) Are there any spatial principles you think should be added? Where possible, please support your answer with reference to any evidence.
 - (Q60) Do you support the approach to be taken to review the spatial strategy? If not, please explain why.
 - (Q62) How do you feel about the types of locations for potential housing development growth? Have we missed anything?
- 3.6 Officers drafted recommended responses to these questions, which focussed primarily on emphasising the Duty to Co-operate and the importance of considering strategic issues in neighbouring authorities to ensure there is awareness of matters such as education, road capacity, opportunities and growth in neighbouring areas. The responses generally agreed with the updates to the strategic priorities, the inclusion of a housing supply buffer, the spatial principles and the approach taken to review the spatial strategy. The recommended response did not consider there to be sufficient information at this time to strongly support or oppose any particular Spatial Approach, however suggested that Chelmsford City Council have regard to the relevant existing and new evidence base and work with Maldon District Council throughout the review process to ensure opportunities are capitalised on and impacts are adequately mitigated where they cannot be avoided; which is particularly important given the existing spatial strategy has permitted the expansion of South Woodham Ferrers, one of the key connections into the south of the District.

4. MEMBER ENGAGEMENT

- 4.1 On 17 October 2022, the Leader of the Council, Deputy Leader of the Council, Chairman of the Strategy and Resources Committee and Ward Members for Purleigh, Wickham Bishops and Woodham Mortimer (as the wards which border Chelmsford City Council's area) were invited to a meeting to discuss officer's recommended response and consider whether any other local issues should be added to the response.
- 4.2 Whilst all questions and responses were discussed fully, no alterations were suggested to the drafted responses for questions 3, 4, 30, 57 or 60.

- 4.3 In regard to Question 58, which referred to the ‘Spatial Principles’, Members queried the wording of the updated principles particularly in relation to previously developed land and considered the updated wording to be weaker. It was discussed that, whilst the NPPF encourages the use of previously developed land where suitable, such areas may not be located in areas that are always appropriate for development i.e., they could be in unsustainable locations. It was also noted that some previously developed land can often have high biodiversity value once nature takes over.
- 4.4 With regard to Question 62, about the Spatial Approaches, Members first noticed that the Issues and Options document was not consistent in its approach to presenting and referencing the existing number of new homes at each allocated site. The document noted there are already 3,000 new homes allocated at the North East Chelmsford Garden Community, however, did not note the number of houses allocated, in the adopted Local Plan, at the allocated sites in South Woodham Ferrers or West Chelmsford and East Chelmsford by comparison; this was considered to be misleading.
- 4.5 Concerns were also raised over the level of additional development that could be possible through the reviewed Local Plan in South Woodham Ferrers, Woodham Ferrers, Bicknacre and in and around Danbury and the impact this would likely have on the capacity of the road network and traffic flows; all of which are also routes into and from the Maldon District. Approaches A, C and E were noted specifically to be of a concern in this regard due to the level of housing proposed near the Maldon District border.
- 4.6 The responses for both Questions 58 and 62 were subsequently amended to reflect the Member discussions.
- 4.7 The final responses can be viewed in APPENDIX 1.

5. MALDON DISTRICT COUNCIL’S HOLDING RESPONSE

- 5.1 On 20 October 2022, a holding response, approved in accordance with the Council’s Constitution (Part 3: 10) by the Director of Service Delivery and the Chairman of the Strategy and Resources Committee consisting **APPENDIX 1** was submitted to Chelmsford City Council by the deadline. Chelmsford City Council have given Maldon District Council special dispensation to ratify this response at the 3 November 2022 Council meeting.

6. OPTIONS

- 6.1 **Option 1:** To approve Maldon District Council’s response to Chelmsford City Council’s Local Plan Review Issues and Options consultation as set out in **APPENDIX 1**.
- 6.2 **Option 2:** Amend the Maldon District Council response to Chelmsford City Council’s Local Plan Review Issues and Options consultation as set out in **APPENDIX 1** and give justification as to how the response should be changed.

7. CONCLUSION

- 7.1 The Chelmsford City Council Local Plan Review Issues and Options consultation is the first step in the review of the City Council’s Local Plan. Maldon District Council is

a statutory consultee as per the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended) as well as a local planning authority that must exercise the Duty to Cooperate; as per Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended). The Issues and Options consultation material issued by the City Council has been reviewed and considered against the strategic and cross-boundary areas of interest most applicable to Maldon District which generated a recommended officer response. Following Member engagement, amendments were made and a holding response was submitted to Chelmsford City Council by the 20 October 2022 deadline. This report recommends this holding response now be formally ratified as set out in **APPENDIX 1**.

8. IMPACT ON STRATEGIC THEMES

- 8.1 The Place Prosperity and Community Strategies supports outcomes of the Corporate Plan including 'promoting civic pride and maintain the district's environmental quality', 'working with partners to maintain and improve the district's resilience to the effects of climate change', 'deliver sustainable growth and new infrastructure through development', 'enabling future economic / inward investment and new jobs', 'enhancing and promoting the district's visitor economy', 'working with our communities and partners to improve physical health and wellbeing of our residents', 'working with our communities and partners to improve the mental health and wellbeing of our residents' and 'working with our communities, schools and partners to improve our children and young people's health and wellbeing, giving them the best start in life'.
- 8.2 The holding response to Chelmsford City Council's Local Plan Issues and Options consultations as set out in **APPENDIX 1** ensures the neighbouring local planning authority considers the strategic and cross-boundary matters which most concern Maldon District Council.

9. IMPLICATIONS

- (i) **Impact on Customers** – MEDIUM - The Chelmsford City Council Local Plan Review will deliver an up-to-date planning policy framework for the Chelmsford City Council area up to 2041; extending the City's Development Plan by five years. By responding to the consultation, Maldon District Council will ensure that it is compliant with legislation and policy and able to attempt to influence changes that could take place in the neighbouring Chelmsford City Council area which could otherwise be detrimental to Maldon District Council's customers.
- (ii) **Impact on Equalities** – LOW - The Chelmsford City Council Local Plan Review, as a suite of planning policies, is subject to the Public Sector Equality Duty. It will be subject to an Equalities Impact Assessment, which the Council will be able to use to refine its policies to ensure that it is equal and fair to all.
- (iii) **Impact on Risk** – MEDIUM – The Chelmsford City Council Local Plan Review is a statutory review of a neighbouring Local Planning Authority's Development Plan's Strategic Policies. These have to be reviewed every five years. If Maldon District Council failed to respond into the consultation the key risks that could increase are:

- Lack of legal compliance with the legislative framework and national policy, which could undermine the Council's own LDP Review through failure of the Duty to Cooperate; and
 - The ability to influence proactively strategic and cross-boundary matters which may otherwise impact on how the Maldon District grows or is protected, or how infrastructure is planned and provided for.
- (iv) **Impact on Resources (financial)** – LOW – The Chelmsford City Council Local Plan Review is fully funded by Chelmsford City Council. The only impact on financial resources for Maldon District Council of this report's decision is the staff time costs associated with preparing and submitting the response on behalf of the Council.
- (v) **Impact on Resources (human)** – LOW – The Chelmsford City Council Local Plan Review is fully funded by Chelmsford City Council. The only impact on financial resources for Maldon District Council of this report's decision is the staff time costs associated with preparing and submitting the response on behalf of the Council.
- (vi) **Impact on the Environment** – MEDIUM – The Chelmsford City Council Local Plan Review will encapsulate environmental matters which do not respect administrative boundaries, including river catchments, landscapes and land-use. Failure to respond appropriately to the Issues and Options Report could undermine how effective strategic and cross-boundary matters are planned, impacting negatively on the Maldon District environment.
- (vii) **Impact on Strengthening Communities** – LOW – The Chelmsford City Council Local Plan Review is likely to generate interest across a number of communities, fuelling an interest to get to know more about the area's governance arrangements and power of community voices through public engagement, although these may be more pronounced in the Chelmsford City area.

Background Papers:

Chelmsford Local Plan – Issues and Options Consultation Document: [Review of Adopted Local Plan - Issues and Options Consultation 2022 \(chelmsford.gov.uk\)](https://www.chelmsford.gov.uk/consultation/2022/04/20/review-of-adopted-local-plan-issues-and-options-consultation-2022)

Enquiries to: Paul Dodson, Director of Strategy, Performance and Governance.

19.10.2022

Maldon District Council Response to Chelmsford City Council Local Plan Review Issues and Options Consultation

Close Date: Thursday 20 October 2022

To be submitted via online consultation portal

Questions

(Q3) Do you agree with the proposed updates to the strategic priorities? If not, please give the reasons for your answer. Please refer to the strategic priority number in table 4.

Yes

(Q4) Are there any strategic priorities you think should be added? Where possible, please support your answer with reference to any evidence.

Maldon District Council welcome the new climate emergency priority and sustainable transport priority, particularly given Chelmsford City Council (CCC) declared a climate emergency in 2019 and has committed to moving towards net zero. We expect CCC to follow the evidence available in order to inform the strategic priorities. We acknowledge that we will be working together as part of the duty to co-operate in relation to strategic cross-boundary issues.

(Q30) Should we be considering any alternative options for a housing supply buffer?

It is considered appropriate to include a buffer figure in housing targets, as this allows for flexibility in terms of any housing allocations not delivering their forecast total anticipated number of units and for any unprecedented delays to deliverability. This should also enable the Council to have a greater likelihood of maintaining a 5 Year Housing Land Supply. A buffer of at least 10% would be considered appropriate and therefore the proposed 20% buffer is supported. A buffer may help prevent shortfalls in the future.

(Q57) Do you agree with the proposed updates to the spatial principles? (Answer yes/no). If not, please explain why. Please refer to the spatial principle number in table 7.

Yes

(Q58) Are there any spatial principles you think should be added? Where possible, please support your answer with reference to any evidence.

The spatial principles should have regard to strategic and cross boundary issues in neighbouring authorities to ensure there is awareness of matters such as education, road capacity, opportunities and growth in neighbouring areas. By disregarding administrative boundaries, this can allow for more effective strategic planning, benefitting a wider area.

As Chelmsford City Council has declared a climate emergency, it is advised that climate mitigation is at the forefront of the spatial principles.

It is noted that the wording in relation to previously developed land has been altered from 'optimise' in the adopted Local Plan to 'promote' in the proposed spatial principles. The use of the word 'promote' indicates a more watered-down approach to building on previously developed land than in the adopted local plan. Whilst the National Planning Policy Framework (NPPF) encourages the use of previously developed land where suitable, we would note that some areas of previously developed land may not be located in areas

19.10.2022

appropriate for development, i.e., in unsustainable locations. We would also note that some areas of previously developed land can often have high biodiversity value.

(Q60) Do you support the approach to be taken to review the spatial strategy? (Answer yes/no). If not, please explain why.

Yes

(Q62) How do you feel about the types of locations for potential housing development growth?

There is a table to fill out for this question (agree/disagree etc) but we don't feel we enough information so this will not be completed.

Have we missed anything?

In the consultation document, there are tables listed under each approach, which show the location type / where / indicative number of new homes. Where 'expanding allocated sites' is shown, the North East Chelmsford Garden Community indicates the number of indicative new homes, as well as the 3,000 within the adopted Local Plan. This is not shown for the allocated sites at South Woodham Ferrers or West Chelmsford and East Chelmsford. It would have been useful to have shown the housing numbers at these sites in the adopted Local Plan, for consistency.

Maldon District Council have concerns over the level of development proposed in South Woodham Ferrers, Woodham Ferrers, Bicknacre and in and around Danbury. There are concerns over the capacity of the road network and how the increase in traffic could affect our District, both inward traffic flows and the ability of residents to leave to District, notably for employment and education purposes outside the District. Approaches A, C and E are particularly pertinent, due to the level of housing near to the border of Maldon District which, it is felt would have a significant impact on the road network leading to Maldon and Burnham, not only the main roads but also the rural road network.

Notwithstanding the above, there is not enough information at this time to strongly support or oppose any particular option, however, Maldon District Council are keen to work with Chelmsford City Council on strategic cross boundary issues, taking into account the relevant evidence base including transport modelling, when more information is available, through the duty to co-operate and working with partners such as Essex County Council. Maldon District Council can provide comments and assistance at the appropriate time.

As Maldon and Chelmsford are at similar stages in the local plan review process, we expect to work together to ensure that the growth options for both authorities integrate appropriately.



REPORT of MONITORING OFFICER

to
COUNCIL
3 NOVEMBER 2022

DELEGATION OF POWER TO GIVE DISPENSATIONS RELATING TO CODE OF CONDUCT INTERESTS

1. PURPOSE OF THE REPORT

- 1.1 To recommend a change to the Scheme of Delegation and Terms of Reference for the Joint Standards Committee (JSC) to speed up the process of granting dispensations required by Members relating to the Code of Conduct and to aid more objective decision making.

2. RECOMMENDATIONS

- (i) That the Officer Scheme of Delegation is amended to delegate a power to the Monitoring Officer in consultation with the Independent Person to grant dispensations relating to the effects of declaring interests under the Members Code of Conduct and to refer matters to the Joint Standards Committee at the discretion of the Monitoring Officer;
- (ii) That the Terms of Reference of the Joint Standards Committee be amended, as follows:

From:

- 16 Granting dispensations to elected and co-opted Members in respect of Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests.

To:

- 16 Granting dispensations relating to the effects of declaring interests under the Members Code of Conduct when a request for a dispensation is referred by the Monitoring Officer.

3. SUMMARY OF KEY ISSUES

- 3.1 Presently JSC alone has the delegated power to grant dispensations relating to the effects of declaring interests under the Code of Conduct. The declaration of some interests results in the Member needing to leave the debating chamber so that s/he is unable to debate or vote on the agenda item. Often requests are made for dispensations when many Members have the same interest which would prevent transaction of business. The only way business can be transacted is if dispensations are granted to the affected Members.
- 3.2 There are times when dispensations are requested at short notice giving little or no time to convene the Committee in accordance with the requirements of legislation so

that five clear working days' notice is given to the convening of the Committee. This could result in the deferral of the agenda item or many Members not being permitted to participate in the decision-making and so prejudice the democratic process.

- 3.3 There is also the issue that some Members of the JSC could be granting dispensations in their own favour which could give the impression of a self-serving decision. This would especially be the case where dispensations are sought by the majority or all Members. If the Monitoring Officer, in consultation with the Independent Person, makes the decision to grant then this gives an impression of objectivity to the decision-making.

4. CONCLUSION

- 4.1 In the interests of speed and objectivity it is believed that the recommendation is in the best interests of democracy.

5. IMPACT ON STRATEGIC THEMES

- 5.1 None.

6. IMPLICATIONS

- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** –None.
- (v) **Impact on Resources (human)** – Saving on convening a committee meeting in most cases.
- (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.