



MALDON DISTRICT  
COUNCIL

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

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

10 May 2023

Dear Councillor

You are summoned to attend the fifty first;

**ANNUAL MEETING OF THE MALDON DISTRICT COUNCIL**

on **THURSDAY 18 MAY 2023** at 7.30 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.

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

A handwritten signature in black ink, appearing to read 'P. Dodson'.

Director of Strategy, Performance and Governance

Serving Members who are past Chairmen of the District Council are invited to wear their past Chairman's badges and medals.



**AGENDA**  
**STATUTORY ANNUAL MEETING OF THE MALDON DISTRICT COUNCIL**  
**THURSDAY 18 MAY 2023**

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1. **Chairman's notices**

2. **Election of Chairman**

To elect the Chairman of the Maldon District Council for the ensuing municipal year.

3. **Chairman's Statutory Declaration of Acceptance of Office**

Chairman to make the Statutory Declaration of Acceptance of Office.

4. **Appointment of Vice-Chairman**

To appoint the Vice-Chairman of the Maldon District Council for the ensuing municipal year.

5. **Vice-Chairman's Statutory Declaration of Acceptance of Office**

Vice-Chairman to make the Statutory Declaration of Acceptance of Office.

6. **Apologies for absence**

7. **Disclosure 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).

8. **Minutes - 30 March 2023** (Pages 7 - 18)

To confirm the Minutes of the meeting of the Council held on 30 March 2023, (copy enclosed).

9. **Public Questions**

To receive questions from members of the public, of which prior notification in writing has been received (no later than noon on the Tuesday prior to the date of the meeting).

10. **Chairman's Announcements**

11. **Minutes of Meetings of the Council**

To note that since the last meeting of the Council, up until Wednesday 10 May 2023 (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

Overview and Scrutiny Committee	<a href="#">28 March 2023</a>
South Eastern Area Planning Committee	<a href="#">12 April</a>
Central Area Planning Committee	<a href="#">19 April</a>
Appointments Board	<a href="#">25 April</a>

12. **Questions in accordance with Procedure Rule 6 (2) of which notice has been given**

13. **Leaders and Composition of Political Groups** (To Follow)

- (i) To consider the report of the Director of Strategy, Performance and Governance on the Leaders and composition of each political group (copy to follow).
- (ii) That the Council considers ratification of the Leader-designate as Leader of the Council.
- (iii) That the Council elects the Deputy Leader of the Council.

14. **Appointment of Membership of Committees of the Council** (To Follow)

To appoint Members to serve on Committees, as required by Procedure Rule 15. (Report of the Director of Strategy, Performance and Governance on the nominations from the Leaders of all Groups to the places allocated to their respective Groups, copy to follow.)

15. **Adjournment of meeting**

To adjourn the meeting to allow Committees of the Council and the Area Planning Committees to proceed to elect Chairmen and Vice-Chairmen.

**Special Meeting of the Performance, Governance and Audit Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Strategy and Resources Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Licensing Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Overview and Scrutiny Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Joint Standards Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Investigating and Disciplinary Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*\*To be followed by:-*

**Special Meeting of the District Planning Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the Central Area Planning Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the North Western Area Planning Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

*To be followed by:-*

**Special Meeting of the South Eastern Area Planning Committee**

- (a) To elect a Chairman of the Committee for the ensuing Municipal Year
- (b) To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year

16. **Resumption of Business**

To continue with the business of the Statutory Annual Meeting of the Council.

17. **Five-Year Housing Land Supply** (Pages 19 - 36)

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

18. **Appointment of Representatives to Local Government and Outside Bodies** (To Follow)

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

19. **Appointment of Members to serve on Working Groups of the Council** (To Follow)

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

20. **Annual Report of the Overview and Scrutiny Committee** (Pages 37 - 42)  
To consider the report of the Director of Strategy, Performance and Governance (copy enclosed).
21. **Review of Members Special Responsibility Allowances** (Pages 43 - 46)  
To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).
22. **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 event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

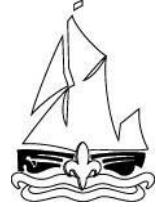
#### **Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber.

#### **Closed-Circuit Television (CCTV)**

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

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**MINUTES of  
COUNCIL  
30 MARCH 2023**

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**PRESENT**

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor S P Nunn
Councillors	Miss A M Beale, V J Bell, Mrs P A Channer, M R Edwards, Mrs J L Fleming, CC, A S Fluker, M S Heard, A L Hull, J V Keyes, K M H Lagan, C Mayes, S J N Morgan, N G F Shaughnessy, R H Siddall, P L Spenceley, W Stamp, CC, E L Stephens, Mrs J C Stilts, Mrs M E Thompson and S White

**1. CHAIRMAN'S NOTICES**

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

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B S Beale MBE, M W Helm, B B Heubner, C P Morley, N J Skeens and C Swain.

At this point the Chairman advised he intended to take the business in two parts, during the first from now until 5pm he would attempt to get all the public business done. The meeting would adjourn at that point and reconvene at 7pm to consider any remaining business.

**3. MINUTES - 22 FEBRUARY 2023**

**RESOLVED**

- (i) that the Minutes of the meeting of the Council held on 22 February 2023 be received.

**Item 5 – Declaration of Interest**

Councillor Mrs P A Channer advised that her declaration referred to the wrong Agenda Item and should read as follows:

Councillor Mrs P A Channer declared an interest in ~~Agenda Item 12 – Business Rates Discretionary Rate Relief Scheme~~ Agenda Item 7b Strategy and Resources Committee – 26 January 2023, Agenda Item 12: Council Tax Discretionary Discount Levels specifically regarding future matters and advised she would not speak or vote on this item of business.

This amendment was duly noted.

### **Item 8 – 2023 / 24 Budget and Medium-Term Financial Strategy**

Councillor Mrs P A Channer advised of the following two amendments, which were subsequently noted by the Council:

- on page 9, the fourth paragraph was incorrect and should refer to '£6.35 a year'.
- on page 11, the last sentence in paragraph 2 should read 'those services were important to *Residents* were kept'.

Councillor A S Fluker queried whether paragraph three on page 10 was incomplete, as he thought Members had agreed his proposal which had been seconded. In response to this query, Officers advised that they were unable to provide clarification until records had been checked. The Chairman advised that the Committee Clerk would look into this matter and report back to the Council at the start of the second session of this meeting at 7pm.

### **RESOLVED**

- (ii) that with the exception of Minute 8 – 2023 / 24 Budget and Medium Term Financial Strategy and subject to the above amendments the Minutes of the meeting of the Council held on 22 February 2023 be confirmed.

### **4. MINUTES - 23 FEBRUARY 2023 (CONTINUATION OF 22 FEBRUARY 2023 MEETING)**

**RESOLVED** that the Minutes of the meeting of the Council held on 23 February 2023 be approved and confirmed.

### **5. DECLARATION OF INTEREST**

There were none.

### **6. PUBLIC QUESTIONS**

There were none.

### **7. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised the Council that he had agreed for the Director of Strategy, Performance and Governance to read a short statement and clarified that this was not open for debate.

The Director of Strategy, Performance and Governance read out a short statement and advised that as of 30 March 2023 using the Council's present methodology its Five Year Housing Land Supply figure was 5.1 years. He caveated the figure, advising that it may change in the future once end of year figures had been completed and would be reported to the Council at a later date. The work of the Five-Year Housing Land Supply Working Group would continue.

This being the last meeting of the Council before the Statutory Annual meeting, the Chairman took the opportunity to address Members and highlighted the highs and lows he had experienced since being elected to the Council in May 1983. He commented



on the importance of the voluntary sector and how the Council as part of that sector had achieved a great many things, including:

- becoming debt free 28 years ago because of housing stock transfer;
- using monies received from Government to implement projects such as the Hythe Quay sea wall, splash park and galleon at Promenade Park.

In conclusion the Chairman wished all Members whether they were re-elected or not the best of luck for the future.

## **8. MINUTE BOOK**

It was noted that there were no recommendations coming forward from Committees.

## **9. MINUTES OF MEETINGS OF THE COUNCIL**

The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Wednesday 22 March 2023 for which Minutes had been published.

### **Notice of Motions - Motions from Councillor A S Fluker (Motion 06/23)**

In accordance with Procedure Rule 4, the Chairman informed the Council of the receipt of six Motions which had been duly proposed by Councillor A S Fluker and seconded as set out on the agenda.

The Chairman advised that he had decided to disallow Motion 6 (as set out on the agenda) under the six month rule and provided Members with further details regarding his decision.

The Chairman then referred to the Senior Specialist: Legal to provide the Council with further information as to why Motions 3 and 7 had not been accepted. The Senior Specialist: Legal referred to part four of the Constitution, specifically sections 5.11 and 7.1 which made it clear that Members could not take part in the recruitment or management of Officers below Director level. The working arrangements of staff were an operation matter, dealt with via delegation to the Head of Paid Service. She went on to explain that if the Motions were to be passed the matter would leave the Council open to claims both under employment and equality legislation.

Councillor A S Fluker referred to how Motions 3 and 7 had previously been accepted by the Council but he had withdrawn all his Motions at a previous meeting of the Council. He commented on the redaction of the information regarding these Motions on the accompanying papers, a number of enquiries he had received regarding the redactions and how no one from the Council had contacted him in advance of the meeting to discuss his Motions. Councillor Fluker advised how he had lost all confidence in the administration and the Council and therefore withdrew all his Motions in order that they may be considered by the new administration following the elections in May. He advised this was in accordance with the Rules and was with the agreement of his seconder.

The Chairman responded to Councillor Fluker's withdrawal of his Motions. Councillor Fluker raised a Point of Order in relation to Rule 2 and advised he was reporting himself to the Monitoring Officer on the basis of what the Chairman had just said about him.

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

There were none.

**11. APPOINTMENT OF DEPUTY ELECTORAL REGISTRATION OFFICER**

The Council considered the report of the Director of Strategy, Performance and Governance asking the Council to appoint a Deputy Electoral Registration Officer (DERO) to carry out duties of the Electoral Registration Officer (ERO) in their absence. It was noted that under Section 52(2) of the Representation of the People Act 1983 the Council could appoint a DERO who was able to perform and exercise any of the duties and powers of the ERO.

The report advised that the Director of Strategy, Performance and Governance was the current ERO and set out how appointment of a DERO would mitigate risks in the event that the ERO was unavailable.

In response to a question regarding Officer fees for duties relating to elections, the Director of Strategy, Performance and Governance advised that in accordance with legislation the Returning Officer and all staff on elections had to be paid for elections work separate to their Council duties to create a clear line of separation.

**RESOLVED** that the Lead Elections and Democratic Services Manager be appointed as the Deputy Electoral Registration Officer, with the full powers of the Electoral Registration Officer in his absence, with immediate effect.

**12. UPDATE ON THE CUSTOMER STRATEGY AND ONE MALDON DISTRICT COMMUNITY HUB**

The Council received the report of the Director of Service Delivery providing an update on the progress of both the refresh of the Customer Strategy and delivery of the One Maldon District Community Hub.

The report provided background information regarding the Customer Strategy using the key principles previously agreed (also set out within the report). It was noted that the refreshed Strategy would recognise the need to have a strong focus on providing additional support for customers unable to use digital services and reflect the change in customer behaviour. The report set out the key milestones and timescales for delivery of the refreshed Strategy.

Work to explore the development of a community hub at the Maldon District Council offices was ongoing and the report provided details of this. It was noted that the Council was working with partners to deliver the One District Community Hub, with a phased approach to ensure existing provision was supported, and data used to inform future provision. The launch of Phase 1 (supporting existing community hubs) was anticipated to be during April / May 2023.

Following an update provided by the Senior Manager: Service Delivery a debate ensued and in response to questions raised by Members the following information was provided:

- It was explained that although a hub at the Council Offices was not being provided at this time, Officers were working on a phased approach and a virtual

hub was initially proposed to ensure that partners commitments etc. were understood. Some Members' expressed concern that this.

- The Officer agreed to provide Members with a list of the Community Hubs already in existence in the District. It was noted that some of these were hubs led by voluntary organisations.
- Following the Council's decision at its last meeting regarding opening hours, the Council's reception area had been open five days a week from 9am to 4pm. Members were advised that further improvements would be implemented on a stage-by-stage basis.
- Hard copies of paperwork relating to any formal consultation on the Strategy would be made available at suitable locations such as GP surgeries.
- The Officer also agreed to provide members with details of when the One Maldon District Working Group had met, and those partners involved.

The Leader of the Council outlined some of the work that had been undertaken by the One Maldon Partnership specifically in relation to the UK Shared Partnership working and cost of living crisis. She noted that One Maldon District had recently been highlighted by the Local Government Association as national best practice.

**RESOLVED** that the report be noted.

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

Councillor Mrs J C Stilts advised that she had provided the Leader of the Council with her question ahead of the meeting. She asked the Leader regarding changes to the annual season ticket at Promenade Park, explaining how the changes only allowed ticket holder 2 hours per day and raised concerns regarding this. The Leader of the Council thanked Councillor Stilts for her question and advised that the policy for Promenade Park permits for 2023 / 24 had not changed. There had been a change of policy and charges agreed by Members for 2022 / 23 and she provided some background information regarding this. Going forward the Council had secured funding to undertake a review of car park charges and develop a car park charging strategy during 2023. The Leader outlined some of the work this would include and how Members would be involved through Working Groups and Committees. Members were advised for 2023 there were two charges available for the Promenade Park, a full permit that allowed parking all day and a two-hour permit for people such as dog walkers. The Leader advised that she would circulate her detailed response to all Members.

Councillor W Stamp asked the Leader of the Council if in the future things changed at the Council, whether as Leader she would support a cabinet system with all its challenges and why. In response the Leader advised that the Council had previously tried a cabinet hybrid system but following consultation the Council returned to a Committee system. She highlighted some of the benefits of both systems, including other Local Authorities that had also reverted back to a Committee system and advised that the Council had the right to consider governance structures but that she supported a Committee System.

Councillor K M H Lagan asked the Leader of the Council if she would support a global publication strategy to allow the residents of the District to know that the Council Offices are open. The Leader confirmed she would.

Councillor A S Fluker asked the Leader of the Council if she was satisfied with the income generated through the Corporate Project Strategy. The Leader highlighted that the Commercial Strategy which she believed Councillor Fluker was referring to had been discussed by the Finance Working Group and projects sat within the remit of different Working Groups. She advised that the Strategy had recently been refreshed and renewed and referred to a number of private and confidential reports coming forward relating to this on which she could not comment at this stage of the meeting.

Councillor Fluker referring to a proposed Motion to the Council regarding the Local Development Plan and emerging policies and comments made that the HELA (Housing and Economic Land Availability) document was not an emerging policy. He asked the Leader of the Council to explain bearing in mind those comments why the Planning Inspector had concluded that they were. The Leader explained this was a complex issue and she referred to a response provided in an email sent to Councillor Fluker. She advised that Officers were still reviewing the detail and would respond in due course.

Councillor Fluker referred to a planning application considered by Southminster Parish Council the previous evening which contained a note from the applicant advising that the planning application had been approved by the Policy team of the Council. He asked the Leader of the Council if she believed this was correct. The Leader of the Council confirmed that she was not present at the Southminster Parish Council meeting and was not prepared to make any comment on the matter.

At this point, the Chairman advised that the 15 minutes allowed for questions to the Leader of the Council were up and he would move onto the next item of business.

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

There was none.

**15. ADJOURNMENT OF THE MEETING**

The Chairman advised that the meeting would be adjourned at this point until 7pm when all other items of business on the agenda would be considered.

**RESOVLED** that the meeting of the Council be adjourned until 7pm.

Councillors A S Fluker and A L Hull left the meeting at this point and did not return.

**16. RESUMPTION OF BUSINESS IN OPEN SESSION**

**RESOLVED** that the meeting of the Council resumed in open session at 7pm.

Councillors V J Bell, M R Edwards, M S Heard, J V Keyes and N G F Shaughnessy joined the meeting at this point.

At this point the Chairman of the Council reminded Members regarding making declarations of interest.

## 17. MINUTES - 22 FEBRUARY 2023 CONTINUED

### **Item 8 – 2023 / 24 Budget and Medium-Term Financial Strategy**

Further to earlier discussions the Chairman invited the Committee Clerk to report on her findings following the earlier query raised by Councillor A S Fluker. The Committee Clerk advised Members that the paragraph in question should be deleted as it did not relate to the Minutes of the Council meeting on 22 February 2023 and had been included in the Minutes in error.

The Chairman then moved that Minute 8 – 2023 / 24 Budget and Medium Term Financial Strategy be agreed subject to the above amendments and those raised by Councillor Mrs P A Channer earlier in the meeting. This was duly agreed.

**RESOLVED** that subject to the amendments detailed Minute 8 – 2023 / 24 Budget and Medium Term Financial Strategy to the Minutes of the meeting of the Council held on 22 February 2023 be confirmed.

## 18. 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.

## 19. WASTE RECYCLING CONTRACT

The Chairman advised that the Council's consultant on this contract, Mr Attrill was in attendance to respond to any questions, as appropriate.

The Council considered the report of the Director of Service Delivery reporting on the work of the Waste Task and Finish Working Group (the Working Group) with regards to the existing Waste Recycling Contract.

The report provided detailed background information regarding procurement of the contract, options available to the Council following expiry of the contract and the work of the Working Group. Through the report the Working Group was bringing forward a recommendation for consideration by the Council regarding the existing contract for Waste and Recycling collections.

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

In response to questions raised the Officers provided Members with additional information regarding the contracts. Reference was made to the work of the Waste Management Working Group and thanks were given to Mr Attrill and Ms Love, Specialist: Commissioning and Contracts (Waste).

**RESOLVED** that the current contract is extended for a period of eight years from 1 February 2024 in line with the extension provisions within the current contract and that the Council finances the approved elements.

## 20. LEISURE CONTRACT

The Council considered the report of the Leisure Contract Member Working Group (the Working Group) providing detailed information on the on-going work in relation to the current position with the Leisure Services Contract, Splash Park operations and future options. A number of Appendices accompanied the report and provided further information in relation to the Leisure Contract.

It was noted how the cost of living and energy costs were impacting the Leisure industry nationwide in addition to the continued recovery from the Covid pandemic. The Working Group had continued to review legal advice and challenge financial and performance information provided. A number of recommendations were being brought forward to the Council in light of this work.

The Leader of the Council presented the recommendations coming forward from the Working Group and these were duly seconded.

Councillor S P Nunn, Chairman of the Working Group provided the Council with a brief outline of the work undertaken since the Working Group had been reset with new Members in September 2022.

The Commercial Manager introduced the report to the Council and highlighted the current 2023 / 24 position. It was noted that a successful pilot relating to the management and day-to-day running of the Splash Park had taken place. The Officer handed over to Mr Thompson, Leisure Consultant who highlighted a number of specific sections of the report for consideration by the Council.

A lengthy debate ensued during which Officers provided further information in response to questions and comments from Members.

The Chairman moved the recommendations set out in the report and upon a vote being taken these were duly agreed.

### **RESOLVED**

- (i) That the Council agrees a variation to the current Leisure Contract for the financial year 2023 / 24 as set out in Section 3.2 of the report;
- (ii) That the Council agrees a variation to the current Leisure Contract to include responsibility for staffing and day-to-day management of the Splash Park for the 2023 and 2024 season (up to the end of the existing contract);
- (iii) That the Council agrees for officers (in consultation with the Leisure Contract Member Working Group) to undertake a competitive procurement exercise starting in April 2023, to identify a new leisure contract for a period between 10 and 25 years to deliver best value;
- (iv) That subject to (iii) above the Council agrees to fund the expected £40k re-procurement cost from its financial reserves (it is anticipated that these costs will be recouped from a more financially beneficial contract);
- (v) That the Leisure Contract Member Working Group continues to meet on a regular basis to review progress and consider options as part of the procurement exercise and continue to monitor existing contract performance and provide regular updates to the Council.

## **21. EXTENSION TO STREET CLEANSING AND COMPOSTING CONTRACT**

The Council considered the report of the Director of Service Delivery seeking Members' consideration to approving an extension to the existing Street Cleansing Services and Garden Waste Processing contracts (the contracts) for four years.

The report provided background information regarding the procurement, tendering process and letting of the contracts which were due to end on 1 April 2024. Further details regarding the current contracts were set out in the appendix to the report.

The Leader of the Council presented the report and moved the recommendation which was duly seconded.

During the discussion that followed the excellent work of the existing contractor was highlighted. The Director of Service Delivery provided further information in relation to the contracts and advised of ongoing work to identify a performance indicator to provide further assurance to Members.

**RESOLVED** that from 1 April 2024 the existing contracts for Street Cleansing Services and Garden Waste Processing be extended for four years (until 31 March 2028) in accordance with the provisions contained within the existing contract.

## **22. PRINCES ROAD COMMERCIAL OPTIONS FEASIBILITY STATUS SUMMARY**

The Council considered the report of the Director of Resources updating Members on progress made with the Commercial Options for Princes Road project, following approval to commence with a feasibility review. Appendix 1 to the report provided further detailed information in relation to the project, feasibility review along with Officers conclusions and recommendations.

Members were reminded of the three workstreams identified and Officers' conclusions drawn from work completed so far. Detailed analysis of the three chosen sites (set out in the appendices to the report) would be undertaken to assist Members in making an informed decision. It was noted that at its September 2023 meeting the Council will consider whether the project can progress to Business Case and at this point one site will need to be chosen.

The Leader of the Council presented the report and moved the recommendations set out within it. These were duly seconded.

A lengthy debate ensued. Members commented on the sites considered and in particular the three to be progressed. In response to questions and comments Officers provided Members with further information regarding the project.

Councillor W Stamp proposed an amendment to the proposal that site 3 (as identified in Appendix 1 to the report) not be included as one of the sites the Council focuses on and that the current Council offices be included with the other two sites identified. This proposal was duly seconded. The Leader of the Council advised that she did not agree with the amendment.

The Chairman moved the proposed amendment and upon a vote being taken it was agreed. The Chairman then moved the substantive motion and upon a vote being taken this was agreed.

## **RESOLVED**

- (i) That Officers proceed with the remainder of the Feasibility Review in relation to the Commercial Options for Princes Road project, with a focus on Sites 1 and 5 (as outlined in Appendix 1 to the report) and the current Council offices site at Princes Road;
- (ii) That the significant dependency this project has on decisions made regarding the Customer Strategy and the co-location with Council partners as the Council seeks to invest in a long-term commercially viable solution for its offices, be noted.

## **23. PROJECT PROPOSAL AND FUNDING REQUEST**

The Council considered the report of the Director of Service Delivery seeking authority to commence the purchase of property and the related capital borrowing and approval of funding to complete the necessary works.

It was noted that the Council had a statutory duty to secure accommodation for unintentionally homeless households who fell into a 'priority need' category. The provision for emergency / temporary accommodation was a key tool to discharge this duty and report outlined the types of accommodation which the Council had access to both within out outside of the District. It was noted since the Covid and Cost of Living crisis the Council had seen an increased in demand and the difficulties faced by the Housing department to secure temporary accommodation.

Officers had identified an opportunity for the Council to purchase a property located within the District which would support housing demand on a long-term basis.

Prior to discussion on this item of business Members received a detailed presentation of the proposal from Officers. The Leader of the Council spoke to the report and moved the recommendations which were duly seconded.

The Chairman referred to recommendation (ii) and questioned delegated authority being given to the Strategy and Resources Committee due to timescales and the Committee not meeting next until 8 June 2023. He proposed that this recommendation be amended to give delegated authority to the Director of Service Delivery in consultation with the Chairman of the Strategy and Resources Committee, Leader of the Council and Leader of the Opposition. The Leader of the Council agreed and amended her earlier proposition accordingly.

A number of Members spoke in support of the proposal and in response to questions raised further information was provided by Officers.

The Leader of the Council summed up the discussion and thanked Officers for identifying the opportunity and bringing the report forward.

The Chairman put the recommendations to the Council, and they were unanimously agreed.

## **RESOLVED**

- (i) That Officers be instructed to continue investigations into the purchase of a property as set out in the report;



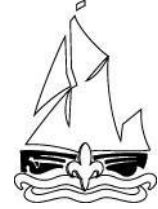
- (ii) that subject to (i) above, delegated authority is given to the Director of Service Delivery in consultation with the Chairman of the Strategy and Resources Committee, Leader of the Council and Leader of the Opposition to agree the following subject to further due diligence:
- the use of £200,000 of Commuted Sums is applied for the purposes of the project as set out in Section 6.1 in the report;
  - that a capital borrow of £455,620 is undertaken for the purposes set out in Section 6.1 in the report

During the discussion Councillor K M H Lagan thanked the Committee Clerks for their work. This was reiterated by the Chairman who thanked the Vice-Chairman, Civic Support and all Officers, especially Committee Clerks for the hard work they had done for the District and helped him along the way.

There being no other items of business the Chairman closed the meeting at 9.08 pm.

R G BOYCE MBE  
CHAIRMAN

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

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**to  
ANNUAL COUNCIL  
18 MAY 2023**

## **FIVE-YEAR HOUSING LAND SUPPLY**

### **1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to set out for publication the Council's Five-Year Housing Land Supply (5YHLS) position.

### **2. RECOMMENDATIONS**

- (i) That the briefing paper appended to this report at **APPENDIX A** and its accompanying spreadsheets provides evidence that the Council can demonstrate a supply of specific deliverable sites sufficient to provide for 6.35 years' worth of housing against the Council's identified housing requirements.
- (ii) That the Five-Year Housing Land Supply position be approved and published on the Council's website.

### **3. SUMMARY OF KEY ISSUES**

- 3.1 On 25 August 2022, Council agreed Terms of Reference for a Working Group to examine the Council's 5YHLS methodology. These were as follows.
- (i) Considering the methodology that is used by MDC to determine the 5YHLS, including any criteria for when approved housing units can be included, or excluded.
  - (ii) Comparing any alternative 5YHLS methodologies that can be evidenced as having been used successfully in other English local planning authorities;
  - (iii) The Working Group may seek independent professional external advice; and,
  - (iii) Recommending to the Council the methodology that should be used in the future to continue to monitor and report the Maldon District 5YHLS.
- 3.2 The Working Group met four times, on 26 October 2022, 28 November 2022, 2 February 2023 and 26 April 2023.
- 3.3 At the meeting on 28 November 2022, the Working Group was presented with a number of other Local Authorities' 5YHLS methodologies and it was found that different councils had differing methodologies and that there was not a uniform approach which the Council could draw on and use.

- 3.4 On 22 February 2023 the Working Group met and determined a set of questions, which had been discussed and raised during the previous two meetings to be put to a suitably qualified legal Counsel on the 5YHLS methodology.
- 3.5 On 26 April 2023, the Working Group met Dr Ashley Bowes, of Cornerstone Barristers, London. The advice given is covered by legal privilege so is not published here in full in this report but in summary the advice given to the Council is that the methodology for the 5YHLS calculations itself was robust and would be likely to avoid criticism at appeal in itself. Though any judgement within that methodology could be scrutinised and criticised therefore, it is important that decisions around what goes into the supply is soundly backed by evidence.
- 3.6 As set out in the attached paper at **APPENDIX A**, the Council has been advised that it should now be using the National Standard Methodology (NSM) for the assessment of the Council's housing need figure because the Local Development Plan (LDP) became five years old on 17 July 2022. This is a matter which officers had already noted and amended for the publication of this 5YHLS calculation. By using the Standard Method, any undersupply of housing is automatically taken out of the supply calculations as it is factored into the Method already.
- 3.7 The Council should consider the buffer it is putting on its housing requirement and set out the rationale for that. The Council is already a 5% buffer authority and given the high delivery of housing completions against the National Housing Delivery Test, this 5% buffer is considered to be acceptable as an ongoing factor within the methodology.
- 3.8 Finally, the Council should only count "major development" as deliverable if either:  
(a) it has a detailed grant of planning permission or  
(b) there is "clear evidence" housing completions will begin on site within five years. This is a matter which the Council was already considering in its methodology.
- 3.9 With regard to using a slippage rate, the Council has been advised that it was not a requirement of national policy but that it was for the Council to determine whether one should be added onto the 5YHLS. The slippage rate for the District is very low, 2.77%, given that there is a 5% buffer already added onto the 5YHLS figure and the slippage rate is below that, it has been determined to remove the slippage rate for this financial year. This will, however, be reviewed yearly and if it rises above 5% then consideration will be given to adding it back into the 5YHLS calculation.
- 3.10 The Council has been advised that given the robust development management policies against windfall development, the fact that two thirds of applications for windfall are being refused and the modest amount of net-new dwellings provided by this route, it is likely that any Inspector would strip out reliance on windfall from the supply. Though it is for the decision-maker to determine this factor the supply and national guidance does allow it, it has to be clearly evidenced and Inspectors are more likely to be risk averse if the evidence is not present to support factors in the methodology. This has therefore not been included in the 5YHLS methodology.
- 3.11 The 5YHLS has increased substantially since 2021/22. There are reasons for this as set out below.
- One of the main reasons is the Council now has to use the NSM for calculating its housing need because the LDP became five years old on 17 July 2022 and the overall five year need figure has therefore fallen from 1550 to 1395.

- Using the Standard Method for calculating housing need means that the undersupply has been removed from the calculation of the 5YHLS.
- A number of major housing sites have moved rapidly into delivery phase with reserved matters applications being granted and starts on site. This is significant progress on starts and permissions coming forward, particularly Burnham Waters Retirement site, Burnham-on-Crouch, Bridgemans Green, Latchingdon, and site 2d North Heybridge Garden Suburb which is now split between three developers with the advantage in terms of delivery of one of them bringing forward the whole site infrastructure.

## 4. CONCLUSION

- 4.1 The present methodology of the 5YHLS is robust and remains unchanged with the following exceptions:-
- (i) The Council will use the National Standard Methodology for calculating the housing need of the District until such time as a review of the Local Plan is submitted to the Planning Inspectorate.
  - (ii) The undersupply has been removed from the calculations of the 5YHLS in line with using the Standard Method for calculating housing need.
  - (iii) The slippage rate has been removed from the 5YHLS calculations but will remain under review year on year.

## 5. IMPACT ON STRATEGIC THEMES

- 5.1 The Place Strategy with associated Corporate Outcomes supports 'promoting civic pride and maintains the district's environmental quality' 'reducing the impact of waste disposal and pollution on the environment' and 'delivering the housing the district needs', 'working with partners to maintain and improve the district's resilience to the effects of climate change' and 'deliver sustainable growth and new infrastructure through development'.
- 5.2 The Prosperity Strategy with associated Corporate Outcomes supports 'enabling future economic / inward investment and new jobs', 'supporting existing local businesses' and 'enhancing and promoting the district's visitor economy'.
- 5.3 The Community Strategy with associated Corporate Outcomes supports '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'.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – Having a clear methodology for the 5YHLS helps the public understand the Council's rationale for decision making in the planning process.
- (ii) **Impact on Equalities** – None.

- (iii) **Impact on Risk** – The risk of challenge against the 5YHLS has been reduced through the work of the 5YHLS Working Group and the legal advice it obtained. This should assist the Council in the determination of planning applications going forward.
- (iv) **Impact on Resources (financial)** – As above with regard to risk. This should assist the Council in the determination of planning applications going forward and could reduce the risk of costs against the Council for refusals of planning applications in terms of housing.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers:

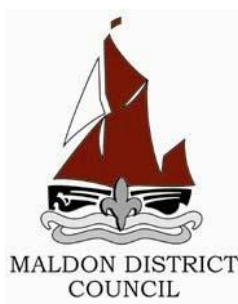
Appendices B and C to **APPENDIX A** are available from the [Mod.Gov Library](#).

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

# Maldon District Council

## Five Year Housing Land Supply Statement 2022/23

Up to 31<sup>st</sup> March 2023



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## Executive Summary

- (i) In accordance with National Planning Policy Framework (NPPF 2019) paragraph 74, the Council has set out that at the present time it does have a five-year deliverable supply of housing against the District's housing requirements.
- (ii) The Council's latest housing requirements are set out using the National Standard Method as set out in National Planning Guidance and using the 2014 population projections from the Office for National Statistics, (table 406 Unitary and Districts in England) and the most recent [median workplace-based affordability ratios](#), published by the Office for National Statistics at a local authority level. This has set the District's Housing Need at 279 dwellings per year.
- (iii) The base-line housing requirement for housing over the 5-year period of the 5YHLS is the National Standard Method Housing Need figure (279) x 5. Using the Standard Method means that the Council does not need to include a housing shortfall into its figures as this is already included within the Standard Method calculations. In addition, a 5% NPPF buffer has been applied for choice and competition, in recognition of the Housing Delivery Test results.

<b>MALDON DISTRICT 5-YEAR HOUSING LAND SUPPLY</b>	
<b>REQUIREMENT</b>	
Annual Housing Target 279 x 5 years	1395
<i>Plus 5% buffer</i>	69.75
<b>Total Housing Requirement (Y)</b>	<b>1464.75</b>
<b>SUPPLY</b>	
Housing on the Strategic Housing Allocations from the LDP	1241
Housing from windfall planning permissions	620
<b>Total Housing Supply (X)</b>	<b>1861</b>
<b>X divided by Y x 5 years</b>	
1861/ 1464.75 x 5	<b>6.35 years</b>

- (iv) The Council can therefore demonstrate a 6.35 years' worth of housing land supply against its identified housing requirement.

## 1.0 Introduction

1.1 This statement sets out Maldon District Council's housing land supply position and identifies specific sites which are considered to meet the criteria set out in the National Planning Policy Framework (NPPF) (DLUCH, 2021) and contribute to the five-years' supply provision.

1.2 This statement has been prepared in accordance with the NPPF and the National Planning Policy Guidance (NPPG).

1.3 The (NPPF sets out the Government's housing objectives including a commitment to significantly boost the supply of housing.

1.4 Local Planning Authorities (LPAs) are required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%, 10% or 20% depending on local circumstances or the outcome of the Housing Delivery Test.

NPPF para 74

Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
- b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

1.5 For the purposes of the NPPF 2021, deliverable sites are defined as follows:

**Deliverable:**

In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site as

- Sites for housing should be available now,
- offer a suitable location for development now,
- and be achievable with a realistic prospect that housing will be delivered on the site within five years.

In particular sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

As well as sites which are considered to be deliverable in principle, this definition set out in the National Planning Practice Guidance, Housing Supply & Delivery para 007, 2019 also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- have outline planning permission for major development.
- are allocated in a development plan.
- have a grant of permission in principle; or
- are identified on a brownfield register.

Such evidence, to demonstrate deliverability, may include:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions.
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates.
- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

Plan-makers can use the Housing and Economic Land Availability Assessment in demonstrating the deliverability of sites.

## 2.0 The Five-Year Period and Housing Requirement

2.1 This statement includes completions from the reporting year of 2022/23; planning approvals up to 31 March 2023; and projected completions for a five-year period from 1 April 2023 to 31 March 2028.

### Base-line housing requirement

2.2 Maldon District Council's housing requirements are set out in the Approved Maldon District Local Development Plan July 2017, this included an up-to-date assessment of the District's OAN. It was identified that the District's housing requirement for the period 2014 – 2029 (15 years) should be 310 new homes per annum, or 4,650 over the plan period. The LDP housing requirement figure of 310 dwellings per annum (dpa) was comparable to the 2019 minimum local housing need of 308 dpa, as calculated using the Government's standard method.

2.3 In the National Guidance on Housing Supply and Delivery at Paragraph: 005 Reference ID: 68-005-20190722 it states that.

"Housing requirement figures identified in adopted strategic housing policies should be used for calculating the 5-year housing land supply figure where:

- the plan was adopted in the last 5 years, or
- the strategic housing policies have been reviewed within the last 5 years and found not to need updating.

In other circumstances the 5-year housing land supply will be measured against the area's local housing need calculated using the standard method."

The Maldon District approved local development plan became 5 years old on the 17<sup>th</sup> July 2022. This effectively means that until a replacement plan is adopted the Council must use the National Standard Method for calculating its housing need figure.

### 2.4 The National Standard Method for Calculating Housing Need

1. **Projected household growth.** The formula starts with the projected growth in the number of households per year in the area. At the present time, the Government are using the 2014 population projections from the Office for National Statistics, (table 406 Unitary and Districts in England) to calculate the housing requirement and there can be no deviation from this starting dataset. Using these projections, it is necessary to calculate the projected average annual household growth over a 10-year period (this should be 10 consecutive years, with the current year being used as the starting point from which to calculate growth over that period).

Year	Number of Households
2023	28424
2033	30388
Total	1964 Households
Divide 1964 households by 10 years	196.40 average yearly household growth

2. **Affordability adjustment.** The above annual growth figure is then adjusted based on how affordable it is to buy a house in the area, by looking at the area’s ‘affordability ratio’. This figure is found on the most recent [median workplace-based affordability ratios](#), published by the Office for National Statistics at a local authority level.

If the average house price is more than four times the average annual earnings of someone who works in the area, then the figure is adjusted upwards – the more unaffordable the area, the bigger the need adjustment.

For Maldon District in 2022 this figure was 10.71. This is a decrease from 13.18 in 2021 and a decrease on 2020’s figure of 11.86. This is the lowest it has been since 10.83 in 2017.

2.5 A formula is then applied to the above figures. This changes year on year as the affordability ratio changes and the population projections move forward a year. The formula for 2022/23 is as follows

2014 Population Projected Household Growth 2032(30221)- 2022(28424)/10	196.40 homes per annum.
2022 Published Affordability Ratio	10.71
Formula for calculating the affordability uplift	
$\frac{10.71 - 4}{4} \times 0.25 + 1 = 1.419$	
196.40 x 1.419	<b>279</b> homes per annum

2.6 The 5-year housing need figure for the District is therefore 279 homes x 5 = **1395**

## Housing completions

2.7 Completions for the reporting year (in **Table 1**) have been calculated from the data provided in **APPENDICES B and C** available to view in the [Mod.Gov library](#) on the Council’s website. For monitoring purposes, housing completions are recorded as complete where Building Control have recorded the housing unit as complete, or it is recorded as being valid to pay Council Tax or it has been confirmed via a site visit.

**Table 1 Completed dwellings total for reporting year 2021/22**

Category	Net Completions
Sites completed within the year	<b>449</b>

**Table 2 Calculation of completions since the start of the LDP period 2014/15 to 2022/23 and the shortfall in housing completions against the yearly target.**

Year	Annual Requirement	Net Completions	Shortfall/Surplus for each year
2014/15	310	69	-241
2015/16	310	230	-80
2016/17	310	243	-67
2017/18	310	166	-144
2018/19	310	306	-4
2019/20	310	462	152
2020/21	310	426	116
2021/22	310	330	20
2022/23	310	449	139
<b>Total</b>	<b>2790</b>	<b>2681</b>	<b>-109</b>

2.8 There is therefore a cumulative shortfall of **109** housing units since 2014/15. This has not been added to the housing requirement because the Council is now using the Standard Methodology for calculating its housing requirement and shortfall is included already in that calculation.

### **NPPF Buffer**

2.9 Under the NPPF, paragraph 74, the 5-year housing requirement should include one of the following buffers:

- a) 5% to ensure choice and competition in the market for land; or
- b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

2.10 On 14<sup>th</sup> January 2022, the Government published the results of the Housing Delivery Test (HDT). This showed that the District had passed the HDT (with 154%). The Council can therefore demonstrate that it has not underdelivered on its housing completions over the previous three years, as set out above in **Table 2**. Therefore, only a 5% buffer for choice and competition is needed. The Housing Delivery Test has not yet been published for 2023 but given the net completions set out in **Table 2** the Council is going to continue to be a 5% authority with regard to the buffer.

### 3.0 The Supply of Deliverable Housing

3.1 The District's housing supply consists of the following components:

- Local Development Plan Strategic Sites with planning permission
- Windfall Sites with planning permission

3.2 Only developable and deliverable sites (or part of a site) with a reasonable expectation that development will occur in the next five years are included in the five-year housing supply. The NPPF definition of deliverable is given on page 5 of this document. Deliverable sites are:

- Available now.
- Suitable location for development.
- Achievable with a realistic prospect that housing will be delivered on the site within 5 years.
- Sites with planning permission for under 10 houses are deliverable until the permission expires.
- Sites with detailed planning permission are deliverable until the permission expires; and
- Sites with outline permission for under 10 houses are considered deliverable.

3.3 Where it is known that a site will not be developed within five years, or there is uncertainty regarding when the site will be developed, that site has been excluded from the housing supply for the 5YHLS calculation.

#### Sites not included in the 5YHLS

3.4 Where development is unlikely to come forward on sites with extant planning permission, the site is discounted from the five-year housing land supply. These sites are either no longer available for development or have various long-term issues preventing development. If circumstances change, for example work recommences on site, or a new planning permission is granted, the site would be placed back into the housing supply schedule.

#### Slippage and Non-Implementation rate

3.5 Expired planning permissions are excluded from the housing supply. Over the Plan period so far there has been an average expiry rate of 2.77% housing units with planning permission. The Council is not obliged to deduct a slippage rate in its 5YHLS supply calculations. Planning permissions which have expired are greyed out in the Appendix C spreadsheet which goes with this paper.

3.6 The total number of expiries for the District is very low. There have been nil expiries with regard to the strategic site allocations. With regard to the windfall sites, the total net capacity of all the windfall sites set out in Appendix C is 1475 units. The total number of expired units for same period to the 31<sup>st</sup> March 2023 is 41. This is 2.77%. Given the fact that the District has passed the HDT (with 154%) as published in January 2022 and is a 5% buffer authority, it is believed that a slippage rate being under that 5% at the present time is not warranted.

## 4.0 Calculating the Rolling Five Year Housing Requirement

4.1 The District's requirement for a five-year housing land supply (5YHLS) is as follows:

<b>MALDON DISTRICT 5-YEAR HOUSING LAND SUPPLY</b>	
<b>REQUIREMENT</b>	
Annual Housing Target 279 x 5 years	1395
<i>Plus 5% buffer</i>	69.75
<b>Total Housing Requirement (Y)</b>	<b>1464.75</b>
<b>SUPPLY</b>	
Housing on the Strategic Housing Allocations from the LDP	1241
Housing from windfall planning permissions	620
<b>Total Housing Supply (X)</b>	<b>1861</b>
<b>X divided by Y x 5 years</b>	
1861/1464.75 x 5	<b>6.35 years</b>

Listed below are the LDP's Strategic Sites and the Major windfall sites set out in the five-year supply.

<b>LDP Ref No.</b>	<b>Location</b>	<b>Units</b>	<b>Status (as at 31-3-2023)</b>
S2(a)	South Maldon Garden Suburb - South of Limebrook Way, Maldon – Eastern Parcel – Taylor Wimpey	256	Detailed permission for 606 dwellings. 31/3/2023 - Monitoring completions through Building Control and Council Tax. The site is well underway with 350 completions and 256 dwellings to complete. The average delivery rate since they started on site is now 70 per year, this means they will deliver the remainder of the site within 5 years.
S2(a)	South Maldon Garden Suburb - South of Limebrook Way, Maldon – Eastern Parcel – Taylor Wimpey	42	A further 42 dwellings is pending the signing of a S106 agreement to release the planning permission - Monitoring completions through Building Control and Council Tax. As the site is well underway with 350 completions it is expected that these 42 additional dwellings will be delivered within the five years as part of the overall delivery of the site by the developer.
S2(a)	South Maldon Garden Suburb - South of Limebrook Way, Maldon – Western Parcel – Crest Nicolson	239	Planning permission for 350 dwellings. Monitoring completions through Building Control and Council Tax. – 31/3/2023 - Average completion rate since they started on site is 55.5 a year, in 2022/23 they built 65, there are 239 dwellings left to complete, at 56 a year the site will be complete within the 5 years.
S2(b)	Wycke Hill North, Maldon - Bellway		Outline permission granted in November 2022 – the developer has informed the Council that they want to have their reserved matters application granted and be on site by August 2023, with 25 units completed in 6 months, this means that they will be building out at 50 units per year. As at the 31/3/23 there is no RM application



## APPENDIX A

			submitted, there is no evidence to support that developers timeframe for delivery, which is very ambitious given they have no reserved matters application either in or granted. The amount of housing has been removed from the 5-year supply.
S2(c)	Wycke Hill South, Maldon		Complete
S2(d)	North Heybridge Garden Suburb – Land Parcels 1, 2, 4 & 5 – Countryside Developments	335	Outline granted in 19/20, reserved matters granted in 2021, started in June 2022. This is Countryside’s retained phases. They are developing phases 1 and 3 which is land parcels 1, 2 4 & 5. They have sent through a delivery schedule for these parcels, and this has been input into the supply. 7/3/2023 - Countryside have revised their figures down due to the uncertainty in the market at the moment - these figures have been input into the supply. This developer is bringing forward the infrastructure on the whole site, which is happening at pace.
S2(d)	North Heybridge Garden Suburb – Land Parcels 3, 6, 7 & 8 – Crest Nicholson	140	Outline granted in 19/20, reserved matters granted in January 2023. Crest Nicholson are having pre app discussions on a reserved matters application. 10/2/2023 - At a pre app meeting with the developer they have stated that they are going to submit a reserved matters application (which has been done now) and that their build out rate will be 30/40 per annum on the site, starting mid-2024. This has been input into the 5-year supply – there is no reason why this should not happen particularly as Countryside are moving quickly forward with the infrastructure on the site.
S2(d)	North Heybridge Garden Suburb – Land Parcels 10,11 & 12 - Bellway	212	Outline granted in 19/20, reserved matters granted in January 2023. A delivery schedule has been supplied and this has been input into the 5-year supply. There is no reason why this should not happen particularly as Countryside are moving quickly forward with the infrastructure on the site. Bellway are discharging their conditions for the site.
S2(e)	Land North of Holloway Road Heybridge		Complete
S2(f)	West of Broad Street Green Road, Heybridge		Complete
S2(g)	Park Drive, Maldon		Complete
S2(h)	Heybridge Swifts, Heybridge		Without planning permission unlikely to come forward unless an alternative sports provision is found.
S2(i)	Land Between Chandlers And Creeksea Lane Maldon Road Burnham-On-Crouch	10	This site is nearly complete, it was for 210 dwellings and there are only 10 left to finish, which will be done within 5 years.
S2(j)	North of Burnham-on-Crouch (west)		Complete
S2(k)	North of Burnham-on-Crouch (east)	7	There are 7 dwellings left on this site to complete which will done within 5 years.
Windfall	Land North West Of 2 Maldon Road Burnham-On-Crouch	195	Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3). This should be delivered in five years. Count 195 units in the five years. (see note below). The site has started, and a delivery schedule has been supplied by the developer they expect to complete phase one by May 2025. The site has started and is progressing at pace.
Windfall for noting	Land North West Of 2 Maldon Road Burnham-On-Crouch		Retirement village of 232 units phase 2 – Still at outline stage but phase 1 now has permission and has started on site. The developer is going to move straight into phase 2 in May 2025 with the first expected completion around November 2025 – because the major infrastructure would have been already carried out in phase 1 such as highway access works the work to get onto phase 2 will be expedited. However, there is no reserved matters application approved yet and given the level of public contention with the site it is difficult to state when that application would be determined or how. Therefore, no dwellings have been put in the 5-year supply.
Windfall	Land West Of Cemetery Chapel Southminster Road Burnham-	38	Of the 80 dwellings, 42 are now complete and the remaining 38 are started and will be delivered in five years.

	On-Crouch		
Windfall	The Knightswood Centre, Steeple Road, Southminster	16	16 units – this is a full planning application for a conversion of a building with 3 additional bungalows and will be delivered in 5 years
Windfall	Bridgemans Green, Latchingdon	52	52 units – these were on an expired permission in 2021/22 but in 2022 they obtained a Lawful Development Certificate and are now on site with most units started. As at the 31/3/2023 work was moving at pace on the site, they will be complete within 5 years.
Windfall	Land North Of 48 Woodrolfe Road, Tollesbury	25	25 specialist older people dwellings – the site has started and the developers have confirmed it will be delivered in 5 years.
Windfall	Land West Of Fambridge Road North Fambridge	3	This site is nearly complete 71 dwellings now built with 3 remaining; these will be delivered in five years.
Windfall	Land North Of Latchingdon Bowls Club Burnham Road Latchingdon	41	The whole site has started with many of the dwellings nearing completion, 3 are complete and the remaining 38 units will be delivered in five years.
Windfall	Land Opposite 34 Hall Road Great Totham	30	This is a full planning permission for 30 units should be delivered in five years.
Windfall	Land west of Fambridge Road, North Fambridge	12	12 units should be delivered in five years, this is connected to the site above which only has 3 dwellings to finish before it is complete.

**Note:** *Land northwest of 2 Maldon Road, Burnham on Crouch* - Permission granted for 103 dwellings + 55 assisted living apartments + 70 bed care home. In respect of the care home the number of units to be counted is 37. As set out in national planning guidance, for development such as care homes it is calculated by dividing the average number of adults living in a household in Maldon District by the number of beds in the care home. The calculations for the average number of adults living in a household can be found on census data - CT0774\_2011 Census - Age of Household Reference Person (HRP) by number of adults in household - national to local authority level. For Maldon District this figure is 1.9 (rounded to 1 decimal place). Therefore, the total number of housing units applied to the 5-year supply in respect to this site = 195.

4.2 The 5-year supply has increased substantially since 2021/22. There are reasons for this as set out below.

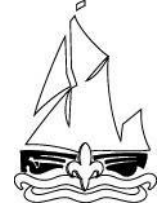
- One of the main reasons is the Council now has to use the National Standard Method for calculating its housing need because the LDP became 5 years old on the 17<sup>th</sup> July 2022 and the overall 5 year need figure has therefore fallen from 1550 to 1395.
- Using the Standard Method for calculating housing needs means that the undersupply has been removed from the calculation of the 5YHLS.
- A number of major housing sites have moved rapidly into delivery phase with reserved matters applications being granted and starts on site, this is significant progress on starts and permissions coming forward, particularly Burnham Waters Retirement site, Burnham-on-Crouch, Bridgemans Green, Latchingdon, and site 2d North Heybridge Garden Suburb which is now split between three developers with the advantage in terms of delivery of one of them bringing forward the whole site infrastructure.

## 5.0 Conclusion

5.1 This statement provides evidence that the Council can demonstrate a supply of specific deliverable sites sufficient to provide for 6.35 years' worth of housing against the Council's identified housing requirements. The details of all the sites are set out in **Appendix B** that accompanies this paper.

5.2 The Council will continue to monitor the District's housing supply on a regular basis. This statement will be updated yearly.

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

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**to  
ANNUAL COUNCIL  
18 MAY 2023**

**ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE**

**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to present to the Council an annual update on the activities of the Overview and Scrutiny Committee.

**2. RECOMMENDATION**

That the annual report of the Overview and Scrutiny Committee for 2022 / 23 is accepted.

**3. SUMMARY OF KEY ISSUES**

- 3.1 The Overview and Scrutiny Committee was set up afresh initially under the Council's new Constitution with effect from October 2019. One of its responsibilities is to report to the Council on an annual basis, and the arrangements for this were endorsed by the Council in May last year. Although the Committee also acts as the Council's Crime and Disorder Committee, its scrutiny remit in that role is quite specific and relates to outside bodies and agencies involved with crime and disorder. The Committee's annual report to Council is therefore confined to its scrutiny role other than in relation to crime and disorder.
- 3.2 The Operating Protocol for the Committee offers a process for the consideration of potential scrutiny items to ensure efficiency and clear outcomes linked to strategic themes. The Protocol also reflects Government Guidance which needs to be heeded. This refines the role of the Committee as being positive and forward looking, providing more of a 'critical friend' challenge, and generally assisting the Council and its Committees by identifying improvements and making recommendations. The intention is that Committee time will predominantly be spent on the planning and carrying out of actual scrutiny work. It has established a Working Group which can be used to manage items of a 'watching brief' nature or where information has been requested, and to assist with the planning of scrutiny.
- 3.3 The Committee also agreed a process for the initial consideration and review of potential items of scrutiny requested by Members. The Working Group has been tasked with this and has regard to the remit of the Committee and also the agreed operating protocol in identifying actual scrutiny items. It then reports to the next available meeting of the Committee.
- 3.4 The annual report for 2022 / 23 at **APPENDIX 1** was agreed by the Committee at its last meeting on 28 March 2023 and has been updated to reflect decisions made at that meeting.

#### 4. CONCLUSION

- 4.1 The Council has established a sound basis for the operation of its Overview and Scrutiny Committee and the annual reporting arrangements ensure a degree of accountability of the Committee to Council.

#### 5. IMPACT ON STRATEGIC THEMES

- 5.1 Thorough scrutiny processes underpin the corporate priority of providing good quality services with a particular focus on the needs of customers, as well as contributing towards performance and efficiency.

#### 6. IMPLICATIONS

- (i) **Impact on Customers** – None directly, but individual scrutiny reviews will enable the impact on customers to be assessed.
- (ii) **Impact on Equalities** – Equalities are considered as part of the reporting on review work undertaken by Officers.
- (iii) **Impact on Risk** – Scrutiny reviews enable potential Corporate Risks to the organisation and their mitigation to be identified.
- (iv) **Impact on Resources (financial)** – Scrutiny reviews offer the potential for an assessment of financial impact to the organisation.
- (v) **Impact on Resources (human)** – Scrutiny reviews offer the potential for an assessment of any resource impact to the organisation.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

Enquiries to: Stuart Jennings, Corporate Governance Project Officer.

**ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2022 / 23**

1.0 Councillor M W Helm was elected Chairman of the Committee for the 2022/23 municipal year, with Councillor P L Spenceley elected as Vice-Chairman. Those two Councillors together with Councillors V J Bell and B B Heubner were appointed to serve on the Committee's Working Group.

2.0 Over the past year the Committee has dealt with the following matters:

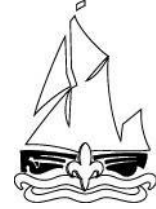
<b>Subject</b>	<b>Status / Learning outcomes and actions</b>	<b>Update</b>
Parks Team Culture and Health and Safety Concerns. (Councillor V J Bell).	As at January 2022 no further scrutiny required at this stage and on the basis of information submitted to be kept under review by the Working Group and a further report submitted in six months.  Watching brief to include: <ul style="list-style-type: none"> <li>• Qualitative data around staff satisfaction</li> <li>• What opportunities staff are given for feedback.</li> </ul>	The Working Group received an update report in August 2022 and agreed that the issues having been highlighted had largely been resolved.
Five-year land supply – lack of resilience and robustness of process. (Councillor W Stamp).	Committee added this to its scrutiny workplan in March 2022, and received a detailed report in July 2022 addressing the following issues: <ol style="list-style-type: none"> <li>i) A clearer understanding of what has led to the present position, and why this issue was not identified and reported earlier;</li> <li>ii) What is proposed to resolve the present difficulty, and,</li> <li>iii) What impact this has on the Local Development Plan and the impending Review.</li> <li>iv) Details of the strategic site planning applications coming forward and the predicted time for reaching the housing plan.</li> </ol> It was agreed to recommend 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	The Council accepted the Committee's recommendation and set up a Working Group to deal with this.

Subject	Status / Learning outcomes and actions	Update
	review of the LDP as required rather than a full change to the Council's current Strategy.	
<p>Notice of Motion relating to a successful planning appeal and award of costs against the Council – site at Burnham-on-Crouch (Councillor A S Fluker)</p> <p>Planning decision-making</p>	<p>This motion having been referred by the Council was accepted by the Committee at its meeting in July 2022 and added to its scrutiny workplan.</p> <p>Added to this scrutiny item is the reference from the July 2022 meeting of the Council. This arose from another appeal decision and an award of costs in relation to site at Burnham on Crouch. The Council having emphasised the need for more objective and evidence-based decision-making in the future.</p> <p>Following an interim report in October 2022 the Committee considered a report from its Working Group in January 2023 identifying a range of measures to help improve planning decision making. The Committee recommended to the Council the following:</p> <ul style="list-style-type: none"> <li>• Review and refresh of the Planning Appeals Protocol;</li> <li>• Views and conclusions on Member Training – limited to concentrating on bespoke and specialised training;</li> <li>• Review and improvement of Officer Reports</li> </ul>	<p>The Council at its meeting in February 2023 accepted the Committee's recommendation.</p>
Planning Enforcement – performance and processes	Scrutiny requests had previously been raised by Councillors Bassenger and Swain, and also former	



Subject	Status / Learning outcomes and actions	Update
	<p>Councillor Jarvis. The matter had been the subject of a 'watching brief', but in October the Committee sought a report providing full information on performance and processes. An interim report was considered at the January 2023 when it was decided to seek further information on the following detailed issues:</p> <ul style="list-style-type: none"> <li>• Prioritisation of enforcement cases</li> <li>• Baseline study/pathways for specific categories of enforcement processes</li> <li>• Protocols for Member involvement in enforcement processes</li> <li>• Arrangements for after-office hours work to assist with investigating and monitoring enforcement cases</li> <li>• Arrangements for the closing of enforcement cases</li> <li>• Concept of Compliance Officers for the checking of planning conditions particularly on new residential developments, new builds and extensions etc.</li> </ul> <p>At the March meeting of the Committee a further report on progress was received and it was agreed that this should be added to the scrutiny workplan, with a focus on policy review, staffing resource and other ongoing performance review issues.</p>	
Staff Exit Questionnaires	<p>Reference from Performance Governance and Audit Committee in September 2022 that the Committee reviews the outcomes from these.</p> <p>The Committee in October 2022 agreed to add this to its scrutiny workplan and further detail behind high level data on responses will be brought to the</p>	

Subject	Status / Learning outcomes and actions	Update
	Committee in due course.	
Cyber Security Update	<p>Reference from Performance, Governance and Audit Committee in September 2022 that the Committee reviews the audit and technical reports on this matter.</p> <p>The Committee in October 2022 agreed to add this to its scrutiny workplan. At its March 2023 meeting, it agreed to accept by way of reassurance the update on the various actions undertaken, and to further review the item in the light of the pending Internal Audit reports.</p>	
Notice of Motion by Councillor A S Fluker on a potential Councillor Conduct Issue	<p>Referred by the Council in November 2022 to review and report</p> <p>The Committee in January 2023 formally received the reference from the Council and also a draft response to the motion from its Working Group. The Committee agreed that the matters raised in the motion did not require to be added to the Committee's scrutiny workplan.</p>	The Council at its meeting in February 2023 accepted the Committee's response.
Safeguarding of Children and Vulnerable Adults – corporate risk update	<p>Reference from Performance, Governance and Audit Committee in January 2023 for review to ensure that the Council is supporting this area of work appropriately together with the Officers undertaking the actual work.</p> <p>At its March 2023 meeting the Committee received this reference and agreed to add the item to its scrutiny workplan. In the light of information received as to work in progress the Committee agreed to review the matter before the end of September 2023.</p>	



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

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**to  
ANNUAL COUNCIL  
18 MAY 2023**

## **REVIEW OF MEMBERS SPECIAL RESPONSIBILITY ALLOWANCES**

### **1. PURPOSE OF THE REPORT**

- 1.1 This report is to present recommendations from the Independent Remuneration Panel (IRP) on Special Responsibility Allowances (SRA) (attached at **APPENDIX 1**) for review and approval by the Council.

### **2. RECOMMENDATIONS**

That the Council considers the following recommendations from the Independent Remuneration Panel on Special Responsibility Allowances (SRA):

- (i) That the role of the District Planning Committee Chairman be awarded an SRA of 37.5%. (The Panel understands that this role is currently not receiving an SRA and is of the opinion that this anomaly should be addressed as early as possible.);
- (ii) That the SRA currently paid to the role of the Overview and Scrutiny Committee Chairman be reviewed to 37.5% to reflect the infrequency of meetings and the workload.

### **3. SUMMARY OF KEY ISSUES**

- 3.1 At the Council meeting held on 15 December 2022 Members requested that the current SRAs for Members be reviewed to ensure they are fairly applied and consistent with other Local Authorities.
- 3.2 Benchmarking data was collated and compared to Maldon District Council's payments along with statistics on the frequency of meetings and responsibilities that attract the SRA payments.
- 3.3 The IRP met on 17 February 2023, reviewed the data and provided recommendations (**APPENDIX 1**) illustrating their assessment of the questions asked of them by Members and set out their recommendations based on these. The details of the IRP findings and decisions governing the suggested amendments to the SRAs are clearly outlined.
- 3.4 Since the IRP met there have been further meetings of the Overview and Scrutiny Committee. At the end of the municipal year the Committee met four times and twice as the Crime and Disorder Committee.

3.5 The following table shows the current SRA allowances:

<b>Special Responsibility</b>	<b>Percentage</b>
Leader of the Council	250.0%
Deputy Leader of the Council	100.0%
Leader of the Opposition	100.0%
Chairman of the Council	100.0%
Vice-Chairman of the Council	10.0%
Chairman of a main Committee	100.0%
Vice-Chairman of a main Committee	25.0%
Chairman of an Area Planning Committee	37.5%
Chairman of the Overview and Scrutiny Committee	75.0%

#### **4. CONCLUSION**

4.1 The IRP reviewed the SRAs using the data provided and discussed their findings with the Resources Manager. The reasons for their findings and explanations for the two recommendations were understood and agreed. Members are asked to consider the notes of the IRP and approve the changes to the SRAs recommended.

#### **5. IMPACT ON STRATEGIC THEMES**

5.1 With regard to the three Strategic Themes, which underpin the Council's vision for the District this report ensures that allowances paid for Members to work on behalf of Maldon District are transparent, fair and equitable and have been benchmarked with other Councils.

#### **6. IMPLICATIONS**

- (i) **Impact on Customers** – None identified.
- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – The cost of the additional allowance for the District Planning Committee Chairman is £2k. The saving on the reduction in allowance of the Overview and Scrutiny Committee Chairman would be £2k.
- (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: Annette Cardy, Resources Specialist Services Manager.

**Meeting of the Independent Remuneration Panel at Maldon District Council**

**Friday 17<sup>th</sup> February 2023**

**Panel Meeting Notes & Recommendations**

**In attendance:**

Russell G Everard, Terri Dinn & Andrew Mugford

Annette Cardy, Maldon DC (in advisory capacity)

**Project Brief:**

Review SRAs to ensure they are fairly applied and consistent with other Local Authorities.

**Background:**

1. Member allowances and SRAs paid across all English authorities, not just those in Essex, have been in place for many years. The latest Regulation came into force in 2003 ([www link below](#)). It is difficult, if not impossible, to make direct comparisons with any other authority. The only common approach currently appears to be with adjustments being made to Members' basic allowance in line with Officer pay reviews and adjustments to vehicle mileage claims by the HMRC. This of course has direct impact on the monetary value of all SRAs.
2. Member allowances have evolved over a long period of time, certainly before 2003, with various adjustments and amendments being made to accommodate changes in local governance arrangements, expenses in connection with IT, and new Regulations. The Panel noted that there is no requirement to pay SRAs using a particular % or formula, and the guidance is very much open to interpretation.

**Panel Comments & Observations:**

3. Panel members took the opportunity to take a detailed look at some of the key 'numbers' associated with Maldon DC and the 10 other authorities in Essex, excluding the unitary authorities of Southend and Thurrock. It was interesting to note that Maldon and Brentwood both operate with a committee structure and are positioned 10th and 11th with the lowest number of residents represented per elected Member. From the figures provided, Basildon Members appear to represent more than twice the number of residents than Maldon or Brentwood.

*(It should be noted that this observation does not take into consideration any geographical boundaries of Wards, and is just a calculation of total number of residents in the district divided by number of Members.)*

4. There are also nine Essex authorities operating a cabinet structure, two of which are now city councils, hence the challenge with making any direct comparisons with roles and responsibilities at Maldon District Council.

5. From the Panel's research it would appear that authorities similar to Maldon, including a sample taken from outside Essex, have all taken a pragmatic approach to establishing an allowance and SRA scheme which reflects their own needs. The Panel reviewed information collated by Officers, including details of SRAs for 15 other local authorities outside Essex.
6. Subject to implementation of two recommendations detailed below, from the work undertaken by the Panel prior to, during and following their meeting, and in consideration of the information available at that time, the Panel is of the opinion that the SRAs currently paid to elected Members at Maldon District Council **ARE** being fairly applied and **ARE** consistent, as far as the Panel can reasonably ascertain, with other local authorities.
7. Consistent with the comments in (6) the Panel is also of the opinion that the levels of SRAs awarded to the roles of Council Chairman and Council Leader at Maldon DC are being fairly applied and are also consistent with other authorities, as far as the Panel can ascertain.

**Recommendations:**

The Independent Remuneration Panel recommends that:

1. The role of District Planning Chairman be awarded a Special Responsibility Allowance of 37.5%. The Panel understands that this role is currently not receiving an SRA and is of the opinion that this anomaly should be addressed as early as possible.
2. The SRA currently paid to the Chairman of Overview & Scrutiny Committee be reviewed to 37.5% to reflect the infrequency of meetings and the workload (two meetings during the current civic year).

**Panel Reference documents:**

- The Local Authorities (Members' Allowances) (England) Regulations 2003 <https://www.legislation.gov.uk/uksi/2003/1021/contents/made>
- Comparison of Members Allowances in Essex Districts 2022
- Percentage of Basic Allowance for Special Responsibility at Maldon DC
- Committee meeting frequency, duration and attendance at Maldon DC
- SRA values for the local authorities of Malvern Hills, Melton, Bromsgrove, West Devon, Derbyshire Dales, Richmondshire, Tewkesbury, Babergh, Hambleton, Lichfield, Stroud, Wychavon, Mid Suffolk, East Hampshire and Mid Devon.

RGE 07 03 23

**ENDS**