

TOLLESHUNT D'ARCY PARISH COUNCIL

www.tolleshuntdarccy.org

Chairman: John Smith - 07505 008891

Clerk: Michelle Curtis, 4 Valkyrie Close, Tollesbury, Maldon,
Essex CM9 8SL

Tel: 07483 325853 email: clerk@tolleshuntdarccy.org



Notice is hereby given that the meeting of **TOLLESHUNT D'ARCY PARISH COUNCIL** will be held on Tuesday 29th June 2021, in the Village Hall commencing at 7.30 pm, to which members of the Council are summoned for the transaction of the under-mentioned business.



M. Curtis

Michelle Curtis – Clerk to the Council

22nd June 2021

Councillors: J Smith (Chairman), L Barwick (Vice-Chairman), J Brown, B Dorman,
M Henderson, G Munson, R Scott

.....

THE PRESS AND PUBLIC ARE CORDIALLY INVITED TO ATTEND

Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted however the privacy of (i) persons who object to the same and (ii) children and vulnerable adults must be respected by anonymising the identities of such.

AGENDA

1. **Chairman's welcome**
2. **Apologies for Absence**
To receive apologies for absence.
3. **Declaration of Interest**
Members are reminded that they are required to declare any Disclosable Pecuniary Interests, Other Pecuniary Interests or Non-Pecuniary Interests which they know they might have in items of business on the agenda. They are reminded that they will need to repeat their declarations at the appropriate point in the meeting and leave the room if required under the Code of Conduct. Unforeseen interests must be declared similarly at the appropriate time.
4. **District Councillors**
To receive information from the District Councillors.
5. **Public Forum**
The Chairman will invite questions and observations from members of the public. A maximum time of **15** minutes will be allowed.

6. Minutes

To receive and approve the Minutes of the Meeting held on 25th May 2021.

7. Finance

7.1 To receive and approve Monthly Financial Report as at the 31st May 2021

7.2 To receive and approve Payments

8. Internal Audit

8.1 To receive report and recommendations from the Internal Auditor.

8.2 To carry out a review of the Effectiveness of Internal Audit.

9. Unity Corporate MultiPay Card

To agree on the following for the Unity Corporate MultiPay:

9.1 Monthly credit limit

9.2 Single transaction limit

10. Planning

Planning Applications and Decisions

Applications are circulated to all Councillors with the agenda, for study ahead of the meeting. Planning documents are also available for everyone to view on the Maldon District Council website (www.maldon.gov.uk).

- **Planning Applications:** To consider Planning Applications received from Maldon District Council including the following:
Application No: TCA/MAL/21/00570 PP-09875514
Proposal: T1 Common Ash - Fell to ground level and grind stump and replant with a suitable species
Location: The Studio Darcy House 1 South Street Tolleshunt D'Arcy
Application No: COUPA/MAL/21/00619 PP-09898618
Proposal: Change of use of 2No. agricultural buildings into 2No. dwelling houses
Location: Spital Farm Station Road
Application No: HOUSE/MAL/21/00563
Proposal: Replacement outbuilding to rear of garden to provide gym and workspace incidental to use of main dwelling house.
Location: 25 Chapel Road Tolleshunt D'Arcy
- **Appeals:** To receive notification of Planning Appeals.
- **Planning Decisions:** To note decisions made by Maldon District Council
[HOUSE/MAL/21/00244](#) – 25 Chapel Road – Refused
[HOUSE/MAL/21/00380](#) - Grove Cottage Tudwick Road - Refused
- **Planning Appeal Decisions:** To note decisions made by the Planning Inspectorate.

11. Training

To consider any training requests from the Clerk or Councillors

12. Code of Conduct

To review the Code of Conduct.

13. Anonymous Letter

To receive an anonymous letter sent to Cllr. Munson.

Having circulated a letter from a member of the public Cllr. Munson has declined to disclose the sender's identity and therefore proposes that it should not be treated as a complaint as it is anonymous.

14. Pavilion

To agree on the agreement to rent the main hall in the Pavilion to Bee-Fit CM9 for 3 years.

15. Road Safety

To discuss parking and speeding issues in the parish.

16. Police/Community Protection Officers (CPO)

16.1 Police Reports

To receive Police Reports (confidential)

16.2 Community Protection Officers (CPOs)

[To receive the May report.](#)

17. Administration

17.1 Maldon District Council

[To receive notification of consultation on the revised Statement of Community \(SCI\) Involvement 17th June – 29th July 2021.](#)

17.2 Information from the Clerk

To receive information from the Clerk – update on current and ongoing matters.

18. Representative Reports

18.1 Burial Ground

18.1.1 To receive a verbal update from Cllr Brown.

18.2 Recreation Ground

18.2.1 To receive a verbal update from Cllr Dorman.

18.3 Highway/Footpaths

18.3.1 To receive a verbal update from Cllr Henderson

19. Community Concerns

To receive information only or note future agenda items

20. Date of the Next Meeting

Next meeting to be held on:

Tuesday 27th July 2021 – Full Council Meeting – 7.30 pm- Village Hall

Date: 02/06/2021

Tolleshunt Darcy Parish Council

Page 1

Time: 13:32

**Bank Reconciliation Statement as at 31/05/2021
for Cashbook 1 - Current Bank A/c**

User: MICHELLE

<u>Bank Statement Account Name (s)</u>	<u>Statement Date</u>	<u>Page No</u>	<u>Balances</u>
Unity Trust Bank	31/05/2021		60,029.55
			<hr/> 60,029.55
<u>Unpresented Cheques (Minus)</u>		<u>Amount</u>	
25/05/2021 ONLINE Lenny Aldridge		40.00	
25/05/2021 ONLINE E King & Sons		576.00	
26/05/2021 ONLINE Balens Limited		168.94	
31/05/2021 ONLINE Michelle Curtis		450.00	
31/05/2021 ONLINE H M Revenue & Customs		111.80	
31/05/2021 DD British Telecom		30.90	
			<hr/> 1,377.64
			58,651.91
<u>Receipts not Banked/Cleared (Plus)</u>			
		0.00	
			<hr/> 0.00
			58,651.91
		Balance per Cash Book is :-	58,651.91
		Difference is :-	0.00

<u>Account</u>	<u>Opening Balance</u>	<u>Net Transfers</u>	<u>Closing Balance</u>
320 EMR Elections	100.00		100.00
321 EMR Parish Improvements	1,208.50		1,208.50
322 EMR Recreation Ground	4,500.00	1,060.00	5,560.00
323 Unallocated	411.08	-114.51	296.57
324 EMR Burial Ground	2,000.00		2,000.00
325 EMR Maypole	500.00		500.00
	<u>8,719.58</u>	<u>945.49</u>	<u>9,665.07</u>

Detailed Receipts & Payments by Budget Heading 31/05/2021

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>100 Income</u>							
1076 Precept	21,515	0	(21,515)			0.0%	
	<u>21,515</u>	<u>0</u>	<u>(21,515)</u>				<u>0</u>
Income :- Receipts							
	<u>21,515</u>	<u>0</u>	<u>(21,515)</u>				
Net Receipts	<u>21,515</u>	<u>0</u>	<u>(21,515)</u>				
<u>110 Administration</u>							
██████████	██	██	██		██	██	
██████████████████	█	█	█		█	█	
██████████	██	██	██		██	██	
4070 Payroll Processing	74	75	1		1	98.7%	
4090 Bank Charges	0	72	72		72	0.0%	
4100 Audit Fees	0	375	375		375	0.0%	
4120 Subscriptions & Memberships	331	500	169		169	66.3%	
4130 Insurance	0	1,400	1,400		1,400	0.0%	
4150 Postage	0	10	10		10	0.0%	
4160 Telephone & Broadband	52	360	309		309	14.3%	
4170 Website	0	150	150		150	0.0%	
4190 Office Allowance	52	312	260		260	16.7%	
4200 Grants & Donations Paid	0	2,500	2,500		2,500	0.0%	
4230 CPOs	137	800	663		663	17.1%	
4500 Hall Hire	0	700	700		700	0.0%	
4990 Sundries	7	100	93		93	7.5%	
	<u>1,785</u>	<u>13,904</u>	<u>12,119</u>	<u>0</u>	<u>12,119</u>	<u>12.8%</u>	<u>0</u>
Administration :- Indirect Payments							
	<u>(1,785)</u>	<u>(13,904)</u>	<u>(12,119)</u>				
Net Payments	<u>(1,785)</u>	<u>(13,904)</u>	<u>(12,119)</u>				
<u>130 Amenities</u>							
4300 Defibrillator	169	400	231		231	42.2%	
4310 Grass/Hedge/Tree cutting	80	4,000	3,920		3,920	2.0%	
	<u>249</u>	<u>4,400</u>	<u>4,151</u>	<u>0</u>	<u>4,151</u>	<u>5.7%</u>	<u>0</u>
Amenities :- Indirect Payments							
	<u>(249)</u>	<u>(4,400)</u>	<u>(4,151)</u>				
Net Payments	<u>(249)</u>	<u>(4,400)</u>	<u>(4,151)</u>				
<u>135 Burial Ground</u>							
1350 Burial Ground Income	0	3,000	3,000			0.0%	
	<u>0</u>	<u>3,000</u>	<u>3,000</u>			<u>0.0%</u>	<u>0</u>
Burial Ground :- Receipts							
4360 Water	33	70	37		37	47.8%	
4370 Maintenance	0	100	100		100	0.0%	
	<u>33</u>	<u>170</u>	<u>137</u>	<u>0</u>	<u>137</u>	<u>19.7%</u>	<u>0</u>
Burial Ground :- Indirect Payments							
	<u>(33)</u>	<u>2,830</u>	<u>2,863</u>				
Net Receipts over Payments	<u>(33)</u>	<u>2,830</u>	<u>2,863</u>				

Detailed Receipts & Payments by Budget Heading 31/05/2021

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>140 Pavilion</u>							
4360 Water	417	200	(217)		(217)	208.4%	
4370 Maintenance	0	1,000	1,000		1,000	0.0%	
4400 Electricity	37	200	163		163	18.5%	
Pavilion :- Indirect Payments	454	1,400	946	0	946	32.4%	0
Net Payments	(454)	(1,400)	(946)				
<u>145 Rec Ground</u>							
1450 Pitch Fees	160	500	340			32.0%	
Rec Ground :- Receipts	160	500	340			32.0%	0
4360 Water	(33)	0	33		33	0.0%	
4370 Maintenance	89	500	411		411	17.9%	
4550 Play Equipment	0	3,000	3,000		3,000	0.0%	
Rec Ground :- Indirect Payments	56	3,500	3,444	0	3,444	1.6%	0
Net Receipts over Payments	104	(3,000)	(3,104)				
<u>155 Streetlighting</u>							
4370 Maintenance	0	100	100		100	0.0%	
Streetlighting :- Indirect Payments	0	100	100	0	100	0.0%	0
Net Payments	0	(100)	(100)				
<u>160 Projects</u>							
4620 Rec Ground	480	1,540	1,060		1,060	31.2%	480
4640 Unallocated	115	0	(115)		(115)	0.0%	115
Projects :- Indirect Payments	595	1,540	945	0	945	38.6%	595
Net Payments	(595)	(1,540)	(945)				
6000 plus Transfer from EMR	595						
Movement to/(from) Gen Reserve	0						
Grand Totals:- Receipts	21,675	3,500	(18,175)			619.3%	
Payments	3,172	25,014	21,842	0	21,842	12.7%	
Net Receipts over Payments	18,503	(21,514)	(40,017)				
plus Transfer from EMR	595						
Movement to/(from) Gen Reserve	19,098						

TOLLESHUNT D'ARCY PARISH COUNCIL

INTERNAL AUDIT REPORT 2020 / 2021

**M Howard (F.C.P.F.A.)
Internal Auditor
May 2021**

CONFIDENTIAL

Introduction

I have now examined the records for 2020/2021 using, as the basis of my review, the internal control objectives required by the external auditor as part of the Annual Return. I would like to take this opportunity to express my appreciation to Mrs. Michelle Curtis for her assistance and for the straight forward and helpful way with which she presented the Council's procedures and records.

Findings

A summary of the Annual Return control objectives, together with my findings and recommendations are listed below:

A. Control Objective

Appropriate books of account have been properly kept throughout the year.

Finding

During the year a new computerized accounting system, called "Alpha" was implemented and together with payroll software has been used to record the Council's financial transactions for 2020/21. During my audit I was able to extensively check that the transactions were consistent with those recorded by the bank, in the year end accounts and the Annual Return.

At the year end these systems provided the information required in the annual accounts prepared by the Clerk and the latest Annual Return.

B. Control Objective

The council's financial regulations have been met, payments were supported by invoices, expenditure was approved and VAT appropriately accounted for.

Finding

The Council's Standing Orders and the Financial Regulations were reviewed in May 2021.

During 2020/21 payments were supported by invoices, expenditure was approved, authority for payments were all recorded and VAT appropriately accounted for. At the 31st March 2021 all VAT paid had been reclaimed or accounted for.

In January 2021 it was necessary for the Clerk, to settle a payment of £2,167.78 to Greenbarnes, for a Notice Board, by using her own private bank card. The Council then reimbursed the Clerk. Other Councils provide their Clerk with a business debit card, with control limits, which they can use for transactions such as these including purchases on the internet.

C. Control Objective

The council assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.

Finding

The risk assessment was reviewed and approved by the Council on the 27th April 2021.

In March 2019, a new "Practitioners Guide" regarding Governance and Accountability for Local Councils was published with changes to the external audit requirements, including those relating to Risk Assessment.

The Risk Assessment and Management document approved by the Council in April 2021 follows the approach recommended in the Practitioners Guide.

D. Control Objective

The annual precept requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored and reserves were appropriate.

Finding

The annual precept requirement did result from an adequate budgetary process. Progress against the budget was regularly monitored during 2020/21.

E. Control Objective

Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT appropriately accounted for.

Finding

The receipts received during 2020/21 other than the £21,515 precept were:

- £11,315 Grants and Donations
- £3,707 Burial Ground fees.
- £220 Pitch Fees

In addition, £769.99 VAT was received in the period ended 31st March 2021. A further £1,249.01 was outstanding as at the 31st March 2021 for the period 1st October 2020 to 31st March 2021.

F. Control Objective

Petty Cash payments were properly supported by receipts, expenditure was approved and VAT appropriately accounted for.

Finding

There is no petty cash.

G. Control Objective

Salaries to employees and allowances to members were paid in accordance with council approvals, and PAYE and NI requirements were properly applied.

Finding

I have not been provided with the new contract of employment for the Clerk following her November 2020 upgrade. During 2020/21 she has been paid consistent with previous contracts of employment before the upgrade agreed by the Council in November 2020.

In addition, the Clerk was paid [REDACTED] for burial ground duties.

I was able to verify that all PAYE and NI requirements were met during 2020/21 other than a payment of £108.20 due in January 2021 had not being made. I understand that this was corrected in early 2021/22.

The PAYE year end returns have been submitted to HMRC by the Clerk.

H. Control Objective

Asset and Investment registers were complete and accurate and properly maintained.

Finding

I have examined the Register of Assets provided for audit examination which includes insurance valuations which can be reconciled with the insurance policy.

The Value of Assets on the Annual Return at the 31st March 2021 is £209,170 which is consistent with the 2021 asset register.

External Audit guidance has changed again regarding how Local Councils should value their assets. This does not require any changes for this year but there may be advantages in reviewing the Council's arrangements before March 2022.

I. Control Objective

Periodic and year end bank account reconciliations were properly carried out.

Finding

Bank reconciliations were carried out throughout the year and the reconciliation as at the 31st March 2021 was formally recorded and verified during the audit.

J. Control Objective

Accounting statements prepared during the year were prepared on the correct accounting basis, agree with the cash book, and were supported by an adequate audit trail from underlying records.

Finding

The Accounting statements prepared during the year were prepared on a receipts and payments basis, they agree with the cash book, and are supported by an adequate audit trail from underlying records.

K. Control Objective

If the authority certified itself as exempt from a limited assurance review in 2019/20, it met the criteria and correctly declared itself exempt.

Finding

In 2019/20, the Council did not exempt itself from a limited assurance review..

L. Control Objective

The authority publishes information on a website/webpage, up to date at the time of the internal audit, in accordance with the transparency code for smaller authorities.

Finding

The Information can be found on tolleshuntarcypc.org.

M. Control Objective

The authority during the previous year (2019-20) correctly provided for the period for the exercise of public rights as required by the Accounts and Audit Regulations

Finding

I have a copy of the 2020 Notice of "Public Rights..." and viewed it on the current website.

N. Control Objective

The authority has complied with the publication requirements for 2019/20 AGAR.

Finding

I can confirm these requirements are being complied with on the current website.

I would draw the Council's attention to the publication requirements for the 2020/21 AGAR, particularly those which must be complied with by the 1st July 2021.

O. Control Objective

Trust funds (including charitable). The council has met its responsibilities as a trustee.

Finding

Not Applicable.

Recommendations

With reference to the above findings I recommend that the Council speedily progress the following-

- **Review the feasibility of providing the Clerk with a bank debit card, effectively controlled, to enable her to conduct Council business more transparently.**
- **Update the Clerk's Contract of employment.**
- **The requirements regarding the web site are fully complied with by the 1st July 2021 and that this is recorded formally in the Councils Minutes.**
- **Review its valuation of assets before March 2022 as per the revised external audit guidance.**

Opinion

After extensive checking of the Council's records and accounts, I have found the systems to be sound. During the year 2020/21 the procedures and processes required by the external auditor have been improved by the Clerk and operated effectively.

M. G. Howard F.C.P.F.A

31st May 2021

Internal Audit Review Checklist – Part 1 - Meeting Standards

Expected standard	Evidence of achievement	Yes or No	Areas for development
1. Scope of internal audit	Terms of reference for internal audit were (re) approved by full council. Internal audit work takes into account both the council's risk assessment and wider internal controls. Internal audit work covers the council's anti-fraud and corruption arrangements.	Yes	
2. Independence	Internal audit has direct access to those charged with governance (see Financial Regulations). Reports are made in own name to management. Internal audit does not have any other role within the council/board.	Yes	
3. Competence	There is no evidence of a failure to carry out internal audit work ethically, with integrity and objectivity.	Yes	
4. Relationships	All responsible officers (Clerk and RFO) are consulted on the internal audit plan. (Evidence is on audit files). Respective responsibilities for officers and internal audit are defined in relation to internal control, risk management and fraud and corruption matters (job descriptions and engagement letter). The responsibilities of council members are understood; training of members is carried out as necessary.	Yes	
5. Audit Planning and Reporting	The annual internal audit plan properly takes account of all the risks facing the council and has been approved by the council. Internal audit has reported in accordance with the plan.	Yes	

Internal Audit Review Checklist – Part 2 – Characteristics of Effectiveness

Characteristics of 'effectiveness'	Evidence of achievement	Yes or No	Areas for development
Internal audit work is planned	Planned internal audit work is based on risk assessment and designed to meet the council's needs.	Yes	
Understanding the whole organisation its needs and objectives	The annual audit plan demonstrates how audit work will provide assurance for the council's Annual Governance Statement.	Yes	
Be seen as a catalyst for change	Internal audit supports the council's work in delivering improved services to the community.	Yes	
Add value and assist the organisation in achieving its objectives.	The council make positive responses to internal audit's recommendations and follows up with action if called for.	Yes	
Be forward thinking	In formulating the annual audit plan, national agenda changes are considered. Internal audit maintains awareness of new developments in the council's services, risk management and corporate governance arrangements	Yes	
Be challenging	Internal audit focuses on the risks facing the council. Internal audit encourages managers/members to develop their own responses to risks, rather than relying solely on audit recommendations.	Yes	
Ensure the right resources are available	Adequate resource is made for internal audit to complete its work. Internal audit understands the council and the legal corporate framework in which it operates.	Yes	



Town and Country Planning Act 1990
Weekly List Of Decisions
Week Ending 25 May 2021

HOUSE/MAL/21/00244 Tolleshunt D'Arcy

Replacement outbuilding to rear of garden to provide car garaging, gym and workspace incidental to use of main dwelling house
 25 Chapel Road Tolleshunt D'Arcy Essex CM9 8TL
 (UPRN - 100091455057)
 Mr Nigel Lempiere

REFUSE for the following reasons:-

1. The proposed outbuilding, due to its scale and bulk would result in an overly large form of development that is disproportionate and incongruous in relation to the original dwelling. Therefore, the proposed outbuilding would detrimentally impact and detract from the existing character and appearance of the application site, contrary to policies S1, H4 and D1 of the Local Development Plan and guidance contained within the National Planning Policy Framework.
2. The proposed vehicular access track is considered to be inadequate and unusable in terms of its width contrary to policies D1 and T2 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

Officer: Jade Elles
 Dated : 21/05/2021



Town and Country Planning Act 1990
Weekly List Of Decisions
Week Ending 11 June 2021

HOUSE/MAL/21/00380 Tolleshunt D'Arcy

Ancillary leisure outbuilding
Grove Cottage Tudwick Road Tiptree CO5 0SA
(UPRN - 200000910486)
Ms LJ Gardiner

REFUSE for the following reason:-

The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The proposed building, due to its size, massing, design and height, would be a disproportionate and visually incongruous addition to the site which would harm the character and appearance of this rural area. Therefore, the development would be contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan, the guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Officer: Amit Patel
Dated : 10/06/2021

Parish/Town Council	Month	Total Number of Hours
Tolleshunt D'Arcy	May-21	2
Number of Tru Cam Patrols	Hours Spent on Tru Cam	Number of Offenders
4	2	9

Officer	Parish	Date	Start	Finish	Total	Speed Enforcement Patrol (TRUCAM)	Drivers caught speeding	Comments/Any other duties
BC	Tolleshunt D'Arcy	06/05/21	10:15	10:45	00:30	M018	2	
JB	Tolleshunt D'Arcy	19/05/21	10:15	10:45	00:30	M020	2	
JB	Tolleshunt D'Arcy	28/05/21	11:00	12:00	01:00	M020 x3 M18 x2	5	
					2:00:00		9	

Maldon District Council are consulting on the revised Statement of Community Involvement.



From Maldon District Council Planning Policy
<maldon.district.council.planning.policy@notifications.service.gov.uk>
To <clerk@tolleshuntarcy.org>
Reply-To <policy@maldon.gov.uk>
Date 2021 06 17 13:00

Maldon District Council are consulting on the revised Statement of Community Involvement.

The Statement of Community Involvement (SCI) sets out what consultation will take place when we are developing and reviewing our planning documents and determining planning applications. It also provides information on the support the Council can give to communities preparing neighbourhood plans or neighbourhood development orders.

The Council reviews the SCI on a regular basis to ensure its approach to community involvement remains both efficient and effective. The revised SCI complies with the relevant Regulations and aligns with modern channels of communication between the Council, the residents and businesses of the District it serves. Once adopted, this SCI will replace the 2018 SCI and its 2020 addendum.

The consultation is from Thursday 17 June to 5pm on Thursday 29 July.

The consultation documents are available on the Council's website: <https://www.maldon.gov.uk/consultations>

Written comments can be made using the on-line comments form, by e-mail to: policy@maldon.gov.uk or by post to: SCI

consultation, Maldon District Council, Princes Road, Maldon CM9 5DL to arrive no later than 5:00pm on Thursday 29 July 2021.

Comments on the SCI can be made using the online form, by email to policy@maldon.gov.uk or by post to SCI consultation, Maldon District Council, Princes Road, Maldon, CM9 5DL. Comments received after the end of the consultation will not be considered.

Comments may be accompanied by a request to be notified when the document is formally adopted by the Council.

You are receiving this notification as you have previously asked to be kept up to date with planning policy consultations in Maldon District.

If you no longer wish to receive information on planning policy consultations, let us know by emailing policy@maldon.gov.uk



MALDON DISTRICT
COUNCIL

MALDON DISTRICT COUNCIL

**STATEMENT OF COMMUNITY
INVOLVEMENT**

2021

IMPORTANT

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

Local Development Documents:

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

Development Management and Listed Building consents:

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

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

The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 <https://www.legislation.gov.uk/uksi/2020/505/contents/made>

Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020 available at: <https://www.legislation.gov.uk/uksi/2020/1398/contents/made>

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Introduction

Background

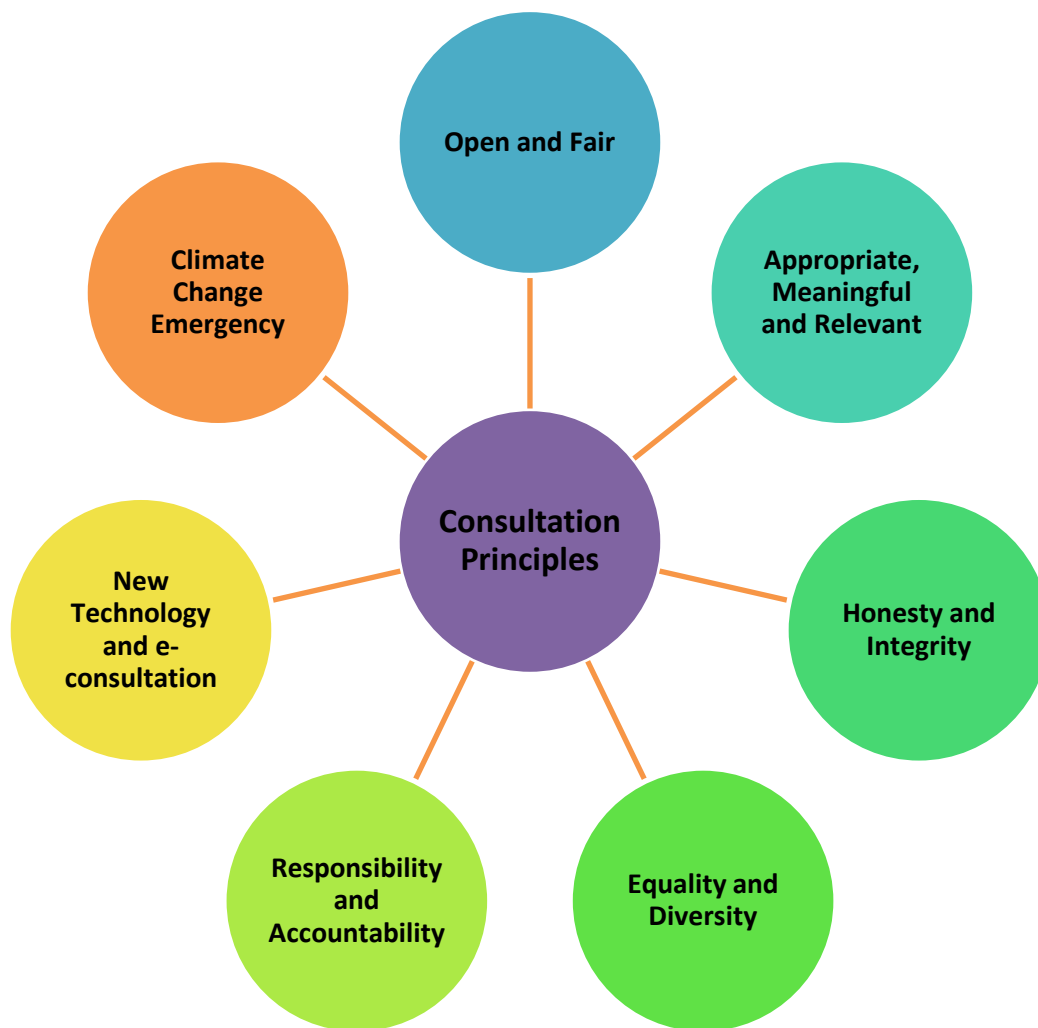
- 1.1 This Statement of Community Involvement (SCI) sets out what consultation will take place when we are developing and reviewing our planning documents and determining planning applications. It also provides information on the support the Council can give to communities preparing neighbourhood plans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

Corporate Plan 2021-2023

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

Consultation Principles

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



Open and Fair

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

Appropriate, Meaningful and Relevant

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

Honesty and Integrity

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

Equality and Diversity

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

Responsibility and Accountability

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

New Technology and e-consultation

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

Climate Emergency

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

How to make your comments count

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

- Adequacy of parking/loading/turning
- Archaeology
- Conflict with planning policies
- Design, appearance and materials
- Disabled access
- Effect on Listed Buildings and Conservation Areas
- Hazardous materials
- Highway safety
- Impact on nature conservation / environment / climate change
- Landscaping
- Loss of light/overshadowing
- Loss of privacy/overlooking
- Loss of trees
- Noise and disturbance resulting from use, including comings and goings
- Previous planning decisions (including appeal decisions)
- Proposals/policies in the Development Plan
- Residential amenity
- Road access
- Smells (fumes/odour)
- Traffic generation
- Visual amenity (but not loss of private view)

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

- Any representations which are libellous, racist or offensive
- The racial or ethnic origin of the applicant, their sexual orientation, religious beliefs, political views or affiliations or any other personal attributes
- Applicant's motives
- Boundary disputes
- Fence lines
- Impact during construction
- Loss of property value
- Loss of trade and competitors
- Loss of view (as opposed to obstruction impacting on amenity)
- Ownership disputes over rights of way
- Personal morals or views about the application
- Private disputes between neighbours
- Restrictive covenants
- Behaviour of the applicant

- Nuisance previously caused by the applicant (unless this relates to an existing development for which retrospective permission is being sought)
- Concerns about possible future development of the site, rather than the development being proposed

Community Involvement in Planning Policy

- 2.1 The government is clear that councils should make Development Plans setting out the council's vision for the district and delivery objectives. The main Development Plan document for our district is the Maldon District Local Development Plan. Details can be found at: www.maldon.gov.uk. The policies within the Local Plan are the legal tools with which the council can manage growth and change to ensure new development is sustainable.
- 2.2 The National Planning Policy Framework sets out the Government's planning policies for England and how they should be applied. The NPPF must be taken into account in preparing the Local Plan and is a material consideration in planning decisions. This section will set out how the Council involves the community in preparing planning policy documents, based on the vision and standards outlined above, and the statutory requirements for consultation.
- 2.3 Information on the Council's programme for preparing all future policy documents is contained within the approved Local Development Scheme (LDS) which is available online.
- 2.4 For all consultations on the Local Plan and Supplementary Planning Documents, the draft documents will be available on the Council's website www.maldon.gov.uk. When it is legal and safe to do so, copies will be available at the Council's offices in Princes Road, Maldon CM9 5DL, and at other suitable 'deposit points' in the District (see notice on page 1).
- 2.5 If you need planning policy documents in other formats, please use the online contact form on the Council's website (www.maldon.gov.uk) or contact us by phone on 01621 854477 or email: Policy@maldon.gov.uk and we will try and help you.
- 2.6 How the Council involves the local community and statutory consultees will vary depending on the type of planning policy document being produced.
- 2.7 This section will outline the process of engagement and involvement used at each stage of the Local Plan process and how the participation of community stakeholders will help influence and shape policy documents.

Local Plans/Development Plan Document

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

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

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

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

- 2.10 The Council will undertake a final consultation (for at least 6 weeks¹) on the draft Local Plan before submitting the Plan to the Government. (This is called the Pre-Submission Plan). A statement of representation procedure will be published, which will explain where the draft Plan can be inspected and how people can comment on it. At this stage, all the comments we receive will be submitted with the draft Local Plan and its supporting documents to the Government for Examination in Public by a Planning Inspector.
- 2.11 After this consultation a Statement of Consultation will also be published on the Council's website outlining the representations received and any potential modifications to the plan the Council wishes to propose to the Inspector.

Stage 3 Independent Examination

- 2.12 The Government will appoint a Planning Inspector to carry out the Independent Examination. This is also called an Examination in Public (EiP). For this Stage, the Council is a participant. A Programme Officer will be appointed to represent the Inspector and coordinate all correspondence relating to the Examination. The Inspector will decide who needs to be involved and they will be contacted by the Programme Officer. We will however keep our website updated with all relevant documents so they can be viewed, and we will use our website and social media to keep people informed of key stages during the Examination.
- 2.13 Once the Inspector has reviewed the submitted Plan, a series of matters, issues and questions (MIQs) in relation to the Plan will be put to the Council and sent to everyone who has made a representation. The Inspector will give all parties time to respond to the MIQs. All these responses will be published on the Council's website.
- 2.14 The Examination will take into account the submitted Local Development Plan, supporting evidence, representations and written statements. This enables the Inspector to judge if the Plan meets the legal requirements and is 'sound'.
- 2.15 The Inspector has the right to call people and organisations to give evidence at the Examination. Examinations are not subject to cross-examination by barristers and questions are asked by the Inspector to the Council and other representatives and discussions held. If you are invited to attend, advice on the Examination will be provided by the Programme Officer.

Stage 4 Adoption

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

¹ The consultation period is to be not less than six weeks from the day the Statement of Representations Procedure is published: Reg 17 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Supplementary Planning Documents (SPDs)

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

Community Infrastructure Levy (CIL)

- 2.22 The Community Infrastructure Levy is a charge on new development in the District. Introducing CIL is optional. Should the Council introduce CIL it will need to prepare a Draft Charging Schedule supported by appropriate viability evidence and an Infrastructure Delivery Plan. There are two stages of consultation to be undertaken: Following the first stage of CIL consultation (the Preliminary Draft Charging Schedule) the Council will consider all representations made, and if required, amendments will be made to the charging schedule and/or its evidence-base. The second stage, (the Draft Charging Schedule), presents the CIL rates, the Council's response to the representations made during the first consultation and the evidence base. The outcome will then be submitted for Examination by a Planning Inspector. The Inspector will decide, in a report, whether the CIL rates are appropriate and can be introduced in the District.

Duty to Co-operate

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

Using the results of consultation and feedback

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

and/or shape the documents, alongside Government legislation, national planning policy and guidance, and other evidence.

Availability of Documents

- 2.27 Draft policy documents, adopted Development Plan Documents, Supplementary Planning Documents, Neighbourhood Plans and other documents such as the Local Development Scheme and the Statement of Community Involvement will be made available on the Council's website at www.maldon.gov.uk.
- 2.28 Normally, consultation documents can be inspected at the Council's office and other suitable deposit point in the District (such as libraries), and hard copies would be available on request. However, due to the Covid- 19 pandemic, documents will not be available for inspection and hard copies are not available. This restriction applies until 31 December 2021, unless the regulations change during the year² (see notice on page 1)

Community Involvement in Neighbourhood Planning

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

Neighbourhood Area

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

Preparation of a Neighbourhood Plan

- 3.4 The Parish Council will lead in putting together the Neighbourhood Plan and they will need to think about how best to involve the community. It is the parish/town council's responsibility to ensure that the local community is kept informed of progress on the Plan. Early engagement with relevant stakeholders, particularly the District Council, is important throughout the Plan's preparation, to ensure the plan meets the 'Basic Conditions' (a set of legal requirements which a Neighbourhood Plan must meet if it is to be successful at the Independent Examination).
- 3.5 Throughout the Plan's preparation, each consultation event or activity needs to be summarised and included in a 'Consultation Statement'. This is a key document for the

² Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020

Neighbourhood Plan and will demonstrate to the Examiner that the Plan has been prepared with a good degree of community involvement.

- 3.6 The neighbourhood planning group must undertake a six-week consultation on a draft Neighbourhood Plan with the local community, interested parties, and the Council (the Regulation 14 consultation).

Submission and Examination

- 3.7 Once this formal consultation has finished, the Parish Council or forum will finalise the draft plan and submit the Neighbourhood Plan to the District Council. The Council will carry out its own formal consultation (the Regulation 16 consultation). We will publicise the consultation, directly notify relevant stakeholders, use the website and social media to inform the local community and key stakeholders of the consultation and you will be able to respond in the same way as for other planning policy consultations (see para 2.8). Where safe and legal to do so, copies of the draft Plan will be available at the Council's offices and at other relevant deposit points in the District (see notice on page 1).
- 3.8 All the comments we receive at this stage will be submitted with the draft Neighbourhood Plan and supporting documents to an Independent Examiner. The Examiner will decide who needs to be involved in the Examination. We will use the website to keep people informed during the Examination.

Referendum

- 3.9 After the Examination, if the Council decides the Neighbourhood Plan should be put to a referendum we will publicise the decision and publish the Council's Decision Statement on the Council's website,. The Information Statement and referendum version of the Plan will also be published on the Council's website before the referendum. We will notify you if you are eligible to vote. You will then get the opportunity to vote on whether or not the plan should be accepted.
- 3.10 Where a Neighbourhood Plan has gained over 50% of the votes cast, the Council will immediately give it full weight in the determination of planning applications within the Neighbourhood Area. The District Council will formally 'make' the Plan following a positive referendum result. The document will then have statutory status and form part of the Maldon District Development Plan. The District Council will publicise the making of the Plan.

Other support offered by the Council

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

[g_and_neighbourhood_plans/2](#)), outlining the process for undertaking a Neighbourhood Plan and the various stages which need to be completed for a Neighbourhood Plan to be effectively and efficiently created.

- Essex County Council's 'Neighbourhood Planning Guide: Information, Help and Support' signposts relevant County Council services and information sources for groups preparing Neighbourhood Plans (available at www.essex.gov.uk).

Community Involvement in Development Management

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

Pre-application

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

- Any 100% Affordable Housing proposals of six dwellings or 0.3ha or more in outline form.
 - Any non-residential development proposal, whose floor area is 1,500 square metres or more or whose site area is 2 hectares or more.
 - Any non-residential proposals relating to development proposals allocated in the LDP.
 - Any retail development 1,000 square meters or more or which of 250 square metres or more and is proposed to be beyond existing town centres as defined in the local plan or emerging LDP.
 - Any mixed use development proposals whose site area is 2 hectares or more, or is of 75 dwellings or 1,000 square metres commercial floor area or more.
 - Any wind energy proposals whose output capacity is 1Mw or more or which proposes three or more turbines of 30m or more.
 - Any Solar energy proposals whose output capacity is 1Mw or more or which proposes 4,000 or more solar panels.
 - Energy from Waste Scheme which is 1KW capacity or more.
- 4.8 Members that attend the meeting will have an opportunity to ask questions and seek clarification. Members may alert the developer to what they perceive as the likely view of their constituents, but this must be in the context of the LDP or alternative policy framework.
- 4.9 Fees are applied for the Pre-Application Service. These vary dependent on the application and type of advice being sought. The type of advice could be in the form of one or more meetings, with or without follow up letters. Details of the fees can be found at: https://www.maldon.gov.uk/info/20046/development_management/9227/planning_advice_and_information
- 4.10 The fee schedule for pre-application advice relates to Maldon District Council's services only. Essex County Council apply their own charges for attending pre-application meetings.
- 4.11 For the most significant major infrastructure projects which are of national importance, the Council is a statutory consultee rather than the Local Planning Authority. For these Nationally Significant Infrastructure Projects (NSIPs), the Government have an established infrastructure planning team within the Planning Inspectorate, who will be responsible for determining these applications. However, the pre-application process and planning application process remain vitally important to community engagement and consultation. Any individual wishing to participate in the examination of an application for development consent for a national infrastructure project (NSIP) is required to register with the Planning Inspectorate, and not the local planning authority, and make a relevant representation about the application. Further information can be found at: <http://infrastructure.planningportal.gov.uk/application-process/participating-in-the-process/>

Planning Performance Agreements

- 4.12 As an alternative to a pre-application fee an applicant may enter into a Planning Performance Agreement (PPA) with the Council. These set out the level of service the applicant will receive from the Council, who they will deal with and how the assigned officer will coordinate all of the Council's and its partners' activities, the length that the PPA will apply and the fee. PPAs can allow for a wider range of meetings, often topic based, so that the Council can provide the appropriate response and engagement to the developer's scheme and ensure that it is, as far possible, policy compliant and deliverable.
- 4.13 PPAs are usually entered into before a planning application is submitted and last until the date of the applications submission. For strategic developments the Council will recommend that a long term PPA is entered into which takes into account not only the initial planning application, but any follow up applications such as reserved matters or discharge of conditions. See the pre-application section for the definition of 'strategic' developments.

- 4.14 In all instances PPAs are clear in that they are entered into without prejudice to the formal consideration of any application subsequently submitted.

Planning Advice and Information

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

Planning Application Stage

- 4.18 Details of all planning applications from approximately 2004 are available to view via the Council's planning application search facility at: <https://publicaccess.maldon.gov.uk/online-applications/>. This includes the application documents, planning decisions, important dates and contact details. Decision notices from approximately 1992 are also available to view via this facility. Decision notices dated pre-1992 can be viewed upon request to the Council (subject to the temporary restrictions outlined on page 1)
- 4.19 The Council's website also contains weekly lists of all planning applications and decisions made, committee agendas and reports, and a list of appeals and appeal decisions at: <https://publicaccess.maldon.gov.uk/online-applications/search.do?action=weeklyList>. Weekly lists of applications are provided for publicity purposes to:
- Amenity societies;
 - Local newspapers;
 - Local radio;
 - Parish and Town Councils
 - Other interested parties are consulted at the discretion of the LPA. Any interested parties can request to receive a weekly list of planning applications
- 4.20 Once an application has been received by the planning service, it will be checked for validation purposes. To make a valid application, there are statutory and local information requirements which apply to each application type. A valid application must consist of:
- Information requested on the standard application form;
 - Statutory national information requirements, including a design and access statement if required; and

- National and local application requirements.

- 4.21 Upon receipt of an application, the Local Planning Authority is obliged to undertake a public consultation process (it should be noted that not all application types are subject to notification or consultations procedures). Statutory and specialist bodies are consulted as set out in Schedule 4 of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). Such statutory consultees include neighbouring authorities, Natural England (<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>), and Historic England (<https://historicengland.org.uk>) and other organisations.
- 4.22 The Town and Country Planning (Development Management Procedure) Order 2015, including the amendments set out in Part 2 of the Town and Country Planning (Local Authority Consultations etc) (England) Order 2018, sets out the publicity and notification requirements for planning applications and is supplemented by other legislation in some cases.
- 4.23 Statutory and local publicity requirements for planning and heritage applications include the following. Due to the current health emergency, Regulations have relaxed the publicity requirements for planning applications. Please see page 1):

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

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Permitted Development) Order 2015 (as amended)				
Prior approval applications for the change of use of buildings under the terms of Part 3 of the Town and Country (General Permitted Development) Order 2015 (as amended)	-	X	-	-
Applications for listed building consent where works to the exterior of the building are proposed	-	X	X	X
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building	X	-	X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	X	-	X	X
Lawful Development Certificate, Works to Trees in Conservation Areas or covered by a Tree Preservation Order, Certificates of Appropriate Alternative Development, Hazardous Substances Consent, Prior Notifications for Agricultural Works and Buildings, Demolitions or Railways and County Matters	-	-	-	-

Table 5.1 Statutory and Local Notification Requirements for Planning Applications (In 2021, these are subject to changes through Coronavirus related regulations).

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

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

Notification of a Decision

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

Appeals

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

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

Permission in Principle

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

S106 agreements

- 4.47. Although we will not consult the public on the preparation of our s106 legal agreements they play an important role in making a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. The Council's Infrastructure Funding Statement and the the list of S106 agreements are now available on the Council's website: www.maldon.gov.uk. These records enable the public and our partners to see the controls that we are exerting over the infrastructure which should attend the planned development.

Making us aware of unauthorised development in your area

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

Monitoring and Review

- 5.2. The Town and County Planning (Local Planning) (England) (Amendments) Regulations 2017 requires the Council to undertake an assessment of the SCI every five years, starting from the date of adoption, to see whether it is being effective. This could result in a partial or full review of the SCI. Changes in national legislation or guidance, and/or a review of the LDP may also trigger a review of the SCI.
- 5.2. Should a review be required stakeholder and community engagement will take place on the draft SCI.

Data Protection

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



Maldon District Council Equality Analysis

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

Title Statement of Community Involvement	Date 29/4/2021	Officer Preparing L Alpin
1. Background		
1.1 Description of proposal / policy / service (Including aims, outcomes and in the case of an existing service how long it has been delivered in its current format)		
<p>The Statement of Community Involvement (SCI) is a statutory document that provides a guideline framework for development management and planning policy consultations undertaken by the Council in its capacity as the local planning authority. The sets out how the Council will consult with the community, residents and stakeholders. The previous Statement of Community Involvement was approved in November 2018 and must be updated periodically.</p>		
1.2 Who are the users of the proposal / policy / service (Refer to data held about the users of the service i.e. numbers of users, demographic breakdown. Having this information is important to understand which sectors of the community might be affected. If that is not available refer to the demographic data held on the intranet.)		
<p>Staff, Members, residents, community groups, stakeholders, Parish & Town Councils, planning applicants, agents and developers. Consultations for plan-making and development management are applicable to the public generally. The Council's policy towards neighbourhood planning engagement is applicable to neighbourhood planning groups generally. The policies contained apply to the public generally and are not intended to focus on any specific group. Where proposed planning policies deal with the accommodation needs of specific groups, those groups or bodies representing those groups will be consulted with.</p>		
1.3 Have users been consulted with? (Have you carried out consultation with users or stakeholders while drawing up the proposal / policy / service? For example, have you carried out a formal consultation, discussed the issue with a Friends/User Group or consulted with stakeholders? If so, outline the results and how it has informed your plans. It's also important to show whether the target audience was reached during the consultation.)		
<p>The SCI will be published for a six week consultation. The outcome of the consultation will inform any further changes to the SCI, and a statement of consultation will accompany the final version when it is considered by Council for approval.</p>		
1.4 If the analysis is regarding an existing Service, what are users' views of that Service? (Base your view on evidence such as satisfaction surveys, levels of compliments and levels of complaints).		
N/A		

Maldon District Council Equality Analysis

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

Aim	How does the proposal / policy / service meet the equality aim?	Action or addition needed in order that the proposal / policy / service meets the aim?
<p>2.1 To eliminate unlawful discrimination, harassment and victimisation</p>	<p>The SCI includes a section on 'how to make your comment count' which emphasises that planning consultation responses should focus on planning matters and not non-planning matters such as the characteristics of the person applying for planning permission. It clearly states that the Council will not consider libellous, racist or offensive comments.</p>	<p>The SCI will ensure that reasonable adjustments are made to the design and delivery of policy consultations and engagement activities to ensure people are not left out of getting involved.</p>
<p>2.2 To advance equality of opportunity between people who share a protected characteristic and those who do not</p>	<p>The SCI sets out how consultation and engagement will be undertaken with communities across the District and therefore contributes to equality be enabling all people to be aware of how they are able to engage with the various aspects of the planning process.</p>	
<p>2.3 To foster good relations between those who share a protected characteristic and those who do not</p>	<p>The SCI sets out how consultation and engagement will be undertaken with communities across the District and therefore contributes to equality be enabling all people to be aware of how they are able to engage with the various aspects of the planning process.</p>	

Maldon District Council Equality Analysis

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

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
<p>3.1 Age (What will the impact be on different age groups such as younger or older people?)</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Neutral – benefits of the document would be equal as they apply to the public generally</p> <p>The draft SCI offers different avenues for consultation, for example, the use of social media and online consultation tools, which may improve access to consultations for people who may not be able to attend events or meetings.</p> <p>The draft SCI recognises that to attract engagement from younger people in particular, specific engagement activities may be necessary depending on what is being consulted on.</p> <p>It is recognised that people without access to the internet may be disadvantaged by a digital first approach to consultation. To mitigate the impact of this, specific accessibility requests for alternative formats or ways of engaging will be responded to in a timely and positive manner.</p>	<p>To mitigate the impact of this, specific accessibility requests for alternative formats or ways of engaging will be responded to in a timely and positive manner.</p> <p>The consultation will ask a question about the preferred means of reading/accessing consultation documents, for people who are unable to access the internet.</p>

Maldon District Council Equality Analysis

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

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
<p>3.2 Disability (Consider all disabilities such as hearing loss, dyslexia etc as well as access issues for wheelchair users where appropriate)</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Accessibility requests will be responded to in a positive manner.</p> <p>The draft SCI offers different avenues for consultation, for example, the use of social media and online consultation tools, which may improve access to consultations for people who may not be able to attend events or meetings.</p> <p>It is recognised that people without access to the internet may be disadvantaged by a digital first approach to consultation.</p>	<p>To mitigate the impact of this, specific accessibility requests for alternative formats or ways of engaging will be responded to in a timely and positive manner.</p> <p>The draft SCI consultation will ask a question about the preferred means of reading/accessing consultation documents, for people who are unable to access the internet, so we can judge how to make changes to the final SCI/ service delivery.</p>
<p>3.3 Pregnancy and Maternity (Think about pregnancy, new and breastfeeding Mums)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Neutral – benefits of the document would be equal as they apply to the public generally.</p> <p>Where people are required to care for children, it may be difficult for them to engage in consultation events and meetings outside school hours.</p> <p>The draft SCI different avenues for consultation and engagement, for example, the use of social media and online consultation tools, which may improve access to</p>	

Maldon District Council Equality Analysis

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

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
				consultations for people who may not be able to attend events or meetings.	
3.4 Sex (is the service used more by one gender and are the sexes given equal opportunity?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Neutral – benefits of the document would be equal as they apply to the public generally.	
3.5 Gender Reassignment (Is there an impact on people who are going through or who have completed Gender Reassignment?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Neutral – benefits of the document would be equal as they apply to the public generally.	
3.6 Religion or belief (Includes not having a religion or belief)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Neutral – benefits of the document would be equal as they apply to the public generally.	
3.7 Sexual Orientation (What is the impact on heterosexual, lesbian, gay or bisexual people?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Neutral – benefits of the document would be equal as they apply to the public generally.	
3.8 Race (Includes ethnic or national origins including Gypsies and Travellers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Neutral – benefits of the document would be equal as they apply to the public generally.	
3.9 Socio-Economic Group (Will people of any particular socio-economic group be particularly affected?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	It is recognised that people without access to the internet may be disadvantaged by a digital first approach to consultation. To mitigate the impact of this, accessibility	To mitigate the impact of this, specific accessibility requests for alternative formats or ways of engaging will be responded to in a timely and positive manner

Maldon District Council Equality Analysis

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

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
				requests will be responded to in a timely and positive manner.	The draft SCI consultation will ask a question about the preferred means of reading/accessing consultation documents, for people who are unable to access the internet.
<p>4. Is there a Cumulative Impact? (If the same group is the subject of many changes or reductions the overall impact is much greater. Consider what else is happening within Maldon District Council that may have an impact and also what we know is happening elsewhere (such as Essex County Council). See Guidance for further advice.)</p> <p>The move to more internet-based consultations may impact on people and communities who do not have access to digital services. This may disproportionately affect older and/or, disabled people and people who are already at a socio-economic disadvantage.</p> <p>The consultation will ask a question about the preferred means of reading/accessing consultation documents, for people who are unable to access the internet so the council can gauge what mitigation needs to be put in place to seek to address this impact as much as possible.</p>					
<p>5. Outcome</p>					
<p>5.1 Consider all the analysis and evidence above and indicate</p> <p>(1) No change needed <input type="checkbox"/> (2) Adjust <input type="checkbox"/> (3) Adverse impact but continue <input checked="" type="checkbox"/> (4) Stop, remove the proposal / policy / service <input type="checkbox"/></p>					
<p>5.2 Adjustments</p> <p>If option (2) above is selected please detail what adjustments are needed, who is responsible and how that will be reviewed. Also outline how that will be agreed (ie Committee, CMT).</p> <p>The comments received on the draft SCI may suggest improvements, which will be considered in finalising the SCI for adoption.</p>					
<p>5.3 Decision Making (How will this equality analysis be taken into account during the decision making process? For example will it be included with a report to Committee/CMT? Will it be considered at department level or by a Head of Service? How will community/stakeholders views be taken into account?)</p> <p>The EqIA will accompany the SCI with the report to Strategy & Resources Committee, when seeking approval for consultation. Any comments received during the consultation process will be taken into account when finalising the SCI for adoption.</p>					

Maldon District Council Equality Analysis

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

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
6.0 Next Steps					
6.1 If there was a lack of evidence or data held on which to base this assessment, how will that gap be addressed for the future? N/A					
6.2 Summary of actions highlighted within this analysis (Include how this will be picked up within service/work plans) The SCI consultation will ask a question about the preferred means of reading/accessing consultation documents, for people who are unable to access the internet. Specific accessibility requests for alternative formats or ways of engaging will be responded to in a timely and positive manner.					
6.3 Arrangements for future monitoring of equality impact of this proposal / policy / service Post adoption of the SCI, every policy consultation will include a set of Equality Monitoring questions that mirror the protected characteristics of the Equality Act 2010. In addition, the council will keep under review any feedback received on how well any consultations have gone and look to continually make improvements, where possible, to future activities.					
6.4 Approved by (Manager or Head of Service signature and date) M WINSLOW 05.05.21					