

Cabinet

**Grand Jury Room, Town Hall
8 September 2010 at 6.00pm**

The Cabinet deals with the implementation of all council services, putting into effect the policies agreed by the council and making recommendations to the council on policy issues and the budget.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the first floor and ground floor.

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www.colchester.gov.uk

COLCHESTER BOROUGH COUNCIL CABINET

8 September 2010 at 6:00pm

| | |
|----------------------|--|
| Leader (& Chairman): | Councillor Anne Turrell (Liberal Democrats) |
| Deputy Chairman: | Councillor Martin Hunt (Liberal Democrats) |
| | Councillor Beverley Oxford (The Highwoods Group) |
| | Councillor Paul Smith (Liberal Democrats) |
| | Councillor Tina Dopson (Labour) |
| | Councillor Lyn Barton (Liberal Democrats) |
| | Councillor Tim Young (Labour) |
| | Councillor Nick Barlow (Liberal Democrats) |

AGENDA - Part A

(open to the public including the media)

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

3. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

4. Have Your Say!

(a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

5. Minutes

To confirm as a correct record the minutes of the meeting held on 30 June 2010.

6. Call-in Procedure

To consider any items referred by the Strategic Overview and Scrutiny Panel under the Call-In Procedure. At the time of the publication of this Agenda there were none.

Please note that Portfolio Holder decision RES-003-10 Proposed Travellers Site, Severall Lane East, Colchester has been called in and will be considered by the Finance and Audit Scrutiny Panel at its meeting on 31 August 2010. Dependent on the outcome of the call-in, the matter may be referred to this meeting of the Cabinet for determination.

7. Strategy and Performance

i. 2009/10 Year End Review of Risk Management 1 - 29

See report by the Head of Resource Management

8. Street and Waste Services

i. Payment Options for the Provision of New Cremators for Colchester Crematorium 30 - 31

See report by the Head of Resource Management

9. Customers

i. Local Government Ombudsman - Annual Review 2009/2010 32 - 45

See report by the Monitoring Officer

10. General

i. Revised Executive Arrangements 46 - 52

See report by the Monitoring Officer

ii. Revised Scheme of Delegation to Officers 53 - 80

See report by the Monitoring Officer

iii. Progress of Responses to the Public 81 - 84

To note the contents of the Progress Sheet

11. Planning and Sustainability

i. Impact of Emerging Government Policy of "Localism" and the Revocation of Regional Housing Targets 85 - 106

See report by the Head of Strategic Policy and Regeneration and the draft minute extract from the Local Development Framework Committee meeting of 16 August 2010.

ii. Proposed Purchase of the Old Police Station, Queen Street, 107 - 112

Colchester

See report by the Head of Strategic Policy and Regeneration

12. Exclusion of the Public

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

COLCHESTER BOROUGH COUNCIL CABINET

8 September 2010 at 6:00pm

AGENDA - Part B

(not open to the public or the media)

Pages

13. Planning and Sustainability

i. Proposed Purchase of the Old Police Station, Queen Street, Colchester

The following report contains exempt information (financial/business affairs of a particular person, including the authority holding information) as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

See appendix to the report by the Head of Strategic Policy and Regeneration

8 September 2010

| | | | |
|-----------------------|---|---------------|----------------------------------|
| Report of | Head of Resource Management | Author | Hayley McGrath 508902 |
| Title | 2009/10 Year End Review of Risk Management | | |
| Wards affected | Not applicable | | |

This report reviews the Risk Management work undertaken for the period 1 April 2009 to 31 March 2010.

1. Decision(s) Required

- 1.1 Consider and note the risk management work undertaken during 2009/10.
- 1.2 Consider and note the current strategic risk register.
- 1.3 Approve the proposed risk management strategy for 2010/11 and refer it to full Council for inclusion in the Policy Framework.

2. Reason for Decision(s)

- 2.1 Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.
- 2.2 During the year quarterly progress reports are presented to the Finance and Audit Scrutiny Panel (FASP) detailing work undertaken and current issues. This report was presented to FASP on 27 July 2010 where they approved its referral to this meeting.
- 2.3 The Risk Management Strategy is one of the Corporate Governance documents that supports the Constitution of the Council. Therefore any amendments have to be approved by full Council.

3. Key Messages

- The economy and cuts in public spending have had a significant impact on the key risks during the year. The highest risk on the current strategic register relates to the potential impact of future central government decisions to reduce public funding, including that of the Council's partners.
- As well as having a direct effect on resources, cuts in public spending are also influencing non-financial risk areas, such as staff motivation, as a result of implementing required savings.
- The 2008/09 Audit and Inspection Letter, issued by the Audit Commission in December 2009, stated that "There is an effective internal risk management system embedded within the organisation". Which was endorsed by the 2008/09 Use of Resources level 3 score for the 'management of risk' key line of enquiry.

4. Supporting Information

- 4.1 The aim of the Council is to adopt best practices in the identification, evaluation, cost-effective control and monitoring of risks across all processes to ensure that risks are properly considered and reduced as far as practicable.
- 4.2 In broad terms risks are split into three categories:
- Strategic – those risks relating to the long term goals of the Council
 - Operational – risks related to the day-to-day operation of each individual service
 - Project – consideration of the risks occurring as a result of the Council's involvement in specific initiatives
- 4.3 Strategic risks are essentially those that threaten the long term goals of the Council and therefore are mainly based around meeting the objectives of the Strategic Plan. They may also represent developing issues that have the potential to fundamentally effect service provision, such as proposals to dramatically change the corporate assessment process. Strategic risks are owned by members of the Senior Management Team.
- 4.4 Operational risks are those that threaten the routine service delivery of the Council. Each service area has their own operational risk register that details the risks associated with providing the service. These registers are reported, in summary format, to the Senior Management Team and committee on an annual basis. High risks and the success in controlling them are reported to Senior Management Team on a quarterly basis, as these assist in the formulation of the strategic risk register.
- 4.5 Project risks are those that relate solely to the successful delivery of that specific project. They tend to be quantifiable issues, such as resource or time related, and constantly change and develop over the course of the project as each stage is completed. The lead on the project is responsible for ensuring that there is an appropriate risk register and high level issues are reported to the senior management team.
- 4.6 Identified risks, in all three categories, are judged against levels of probability and impact to give them an overall score. This allows the risks to be shown as 'high, medium or low' which enables the Council to set a prioritised action plan for managing its risks. There are insufficient resources to be able to reduce all risks - and in some cases it would not be cost effective. Therefore resources are more effectively targeted at the high, and in some cases medium, risks as these would have the severest effect on the Council if they occurred. Categorising an issue as 'high risk' indicates that it would have a fundamental effect on the Council, if it occurred, and therefore plans need to be put in place to either stop it happening or reducing the effect if it does. High risk does not mean that it has, or will definitely, occur.
- 4.7 In many cases the causes of risks are outside of the Council's control, such as general economic issues. The Council cannot stop these risks from occurring (the probability score) but can put plans in place to mitigate against their effect if they occur (the impact score). Likewise there are occasions that risks can be reduced with preventative actions but there is not much that can be done to mitigate their effect if they do occur, such as a failure to protect public resources. Therefore some risks will tend to maintain the same score, regardless of the controls that the Council puts in place.

5. Summary of 2009/10

- 5.1 The primary focus for 2009/10 was to ensure that the operational risk registers were reviewed and had a more defined link to the strategic risk register. Work has been undertaken with many of the service management teams, to provide additional risk awareness training and to ensure that the registers reflect the key risks. The top risks for each service are now included, for information, as part of the strategic risk register.
- 5.2 There were no fundamental changes to the risk management function, or the processes used to identify and control risk, during 2009/10.
- 5.3 The internal audit of the risk management function, carried out in February 2010, gave a substantial assurance and produced four level 2 recommendations, all of which related to the way that information was shown on the registers. These were implemented before the end of the year.
- 5.4 The Audit Commission qualified the 2008/09 accounts for the Joint Museums Service due to a lack of a dedicated risk management strategy and specific risk register. Therefore work has been undertaken with the service during the year to ensure that they have an embedded risk management process. This has also been undertaken for the Parking Partnership.
- 5.5 The project risk management process was reviewed during the year and a more structured approach to risk identification and recording was adopted by the regeneration team.
- 5.6 The strategic risk register has been refined so that it now includes details of any previous scores for the risks and details of how the scores are made up.

6. Strategic Risk Register

- 6.1 During 2009/10 the strategic risk register was reviewed every quarter and reported to FASP. A detailed fundamental review of the strategic risks was carried out in May 2010 which set the register for 2010/11, a copy of which is attached at appendix 1. These risks have been mapped onto a risk chart as shown at appendix 2.
- 6.2 The fundamental review revised several of the risks with many of the wordings and scores being updated to reflect the economic issues. Due to the changes to the risks previous scores have not been included on the register in all cases. The review has decreased the number of risks but it can be seen from the risk chart that the scores have increased. The previous risk chart, from the end of 2009/10, has also been included at appendix 2 so that it can be seen how the spread of risk has changed.

7. Risk Management Strategy for 2010/11

- 7.1 The Council's approach to managing risk was fundamentally reviewed in 2006/07 and a revised strategy was produced. A requirement within the strategy, and also of the annual audit assessment, is an annual review of the strategy to ensure that it is still appropriate to the Council's needs.
- 7.2 Therefore a review has been undertaken and the strategy has been updated for 2010/11. The revised strategy is attached at appendix 3. There are no fundamental changes proposed to the risk process with amendments only to the areas of external review comments and work plans.

8. Proposals

- 8.1 To note and comment upon the Councils progress and performance in managing risk during 2009/10, the current strategic register and the revised risk management strategy and endorse the submission of the revised Risk Management Strategy to full Council.

9. Strategic Plan References

- 9.1 The strategic risk register reflects the objectives of the strategic plan and the actions have been set with due regard to the identified key strategic risks. Therefore the risk process supports the achievement of the strategic objectives.

10. Risk Management References

- 10.1 The failure to adequately identify and manage risks may have an effect on the ability of the Council to achieve its objectives and operate effectively.

11. Other Standard References

- 11.1 There are no direct Publicity, Financial, Consultation, Human Rights, Community Safety or Health and Safety implications as a result of this report.

Colchester Borough Council – Corporate Strategic Risk Register
Quarter 1 2010/11 - June 2010

| 1. AMBITION | | | | | | | | | | ACTION PLAN – AMBITION | | |
|----------------|--|---------|---|---|----------|---|---|---|--|--|------------|--|
| Specific Risks | | SCORE | | | | | | Consequence | Action | Owner | Timing | |
| | | Current | | | Previous | | | | | | | |
| | | P | I | O | P | I | O | | | | | |
| 1a | In a period of public sector resource reductions the ability to have ambition and to deliver on that ambition. | 3 | 2 | 6 | | | | Major changes needed to the town of Colchester would not be delivered thus affecting the quality of life of its residents and businesses. | Constantly challenge the ambition shown by the Council and look for new and innovative ways of delivering that ambition. | Chief Executive / Executive Directors / Heads of Service | Sep 2010 | |
| 1b | Unrealistic internal and external expectations on the speed of delivery. | 3 | 3 | 9 | | | | Major economic downturn in public sector resourcing over the next few years will hamper the speed of delivery across the services provided. | To make the most of Information and Communication Technology; continue the process of Fundamental Service Reviews; and concentrate on the core strategic, tactical and operational services. | Executive Management Team | March 2011 | |
| 1c | The Council is unable to effectively respond to changes in the Borough economy. | 2 | 4 | 8 | | 2 | 5 | Poorer external assessments by independent agencies and loss of Council reputation. | Continue internal assessment of service effectiveness and seek external assessments for continuous improvement purposes. | Senior Management Team | March 2011 | |
| 1d | Over reliance on a limited number of key personnel to deliver the ambition. | 3 | 3 | 9 | | 2 | 3 | The Borough Council loses its status and influencing ability at sub-regional, regional and national levels. | Consider longer term impacts of short-term decisions in staffing reductions. | Senior Managers and Human Resources function | Sep 2010 | |

| 2. CUSTOMERS | | | | | | | | | | ACTION PLAN – CUSTOMERS | | |
|---|---------|---|---|----------|---|---|--|---|------------------------|-------------------------|--|--|
| Specific Risks | SCORE | | | | | | Consequence | Action | Owner | Timing | | |
| | Current | | | Previous | | | | | | | | |
| | P | I | O | P | I | O | | | | | | |
| 2a The increasing expectations of our customers, set alongside the financial challenges to service delivery may pose some challenges to customer excellence, service and delivery and the reputation of the authority. | 3 | 3 | 9 | | | | The Authority fails to deliver the high standards of service and delivery which our customers expect | A programme of engagement and consultation is put in place to ensure customers are able to inform service priorities and delivery | ED Customer Excellence | July 2010 | | |

| 3. PEOPLE | | | | | | | | | | ACTION PLAN – PEOPLE | | |
|----------------|--|---------|---|----|----------|---|---|--|--|--|----------------------------|--|
| Specific Risks | | SCORE | | | | | | Consequence | Action | Owner | Timing | |
| | | Current | | | Previous | | | | | | | |
| | | P | I | O | P | I | O | | | | | |
| 3a | Economic climate means very low turnover with a risk that skills date and we have a stagnant workforce | 3 | 4 | 12 | | | | Decline in service performance Disengaged and demotivated staff | Develop capacity planning and monitoring plans to anticipate needs Ensure effective communications strategy around budget implications with staff | ED People & Performance ED People & Performance | July 2010 July 2010 | |
| 3b | Unable to update skills at a time when we need a changing skill set to deliver in a different economic climate | 3 | 3 | 9 | | | | Efficiency and productivity reduction Inability to meet changing requirements and needs Customer perceptions decline as we deliver less Loss of key staff | Ensure people strategy is updated to reflect changing needs Continue to recognise the importance of training and development budgets and use more innovative methods to keep skills up to date Ensure performance management process is effectively implemented and monitored to include development needs and plans | ED People & Performance ED People & Performance | Sept 2010 Sept 2010 | |
| 3c | Failure to sustain adequate resource to support Training and Development because of the financial situation | 3 | 3 | 9 | | | | | | ED People & Performance | July 2010 | |
| 3d | Declining number of staff affects our capacity and impacts on our ambitions | 3 | 4 | 12 | | | | | Active promotion and use of Colchester Learning Managers programme and development to meet evolving needs | ED People & Performance | July 2010 | |

7

| 3. PEOPLE | | | | | | | | | | ACTION PLAN – PEOPLE | | |
|----------------|--|---------|---|----|----------|---|---|---|------------------------|----------------------|--------|--|
| Specific Risks | | SCORE | | | | | | Consequence | Action | Owner | Timing | |
| | | Current | | | Previous | | | | | | | |
| | | P | I | O | P | I | O | | | | | |
| 3e | Failure to provide effective and visible political and managerial leadership. | 3 | 3 | 9 | | | | Ensure outcomes of fundamental service reviews reflect training and development needs to support changes in services. | ED Customer Excellence | Sept 2010 | | |
| 3f | Staff motivation declines with impact of fundamental service reviews and other budget implications | 4 | 4 | 16 | | | | | | July 2010 | | |

| 4. HORIZON SCANNING | | | | | | | | | | ACTION PLAN – HORIZON SCANNING | | |
|---------------------|---|---------|---|----|----------|---|----|---|--|--------------------------------|----------------------------------|--|
| Specific Risks | | SCORE | | | | | | Consequence | Action | Owner | Timing | |
| | | Current | | | Previous | | | | | | | |
| | | P | I | O | P | I | O | | | | | |
| 4a | To continuously assess future challenges to ensure Council is fit for future purpose | 2 | 4 | 8 | | | | If not properly managed then either the Council will lose the opportunity to develop further or will have enforced changes to service delivery. Adverse impact on local residents / resources. | Ensure organisational readiness to respond to external challenges through the Way We Work programme strands: - People - Transformation - Customer Excellence - Leadership of Place | EMT | July 2010 & ongoing agenda items | |
| 4b | Not taking or creating opportunities to maximize the efficient delivery of services through shared provision, partnerships or commercial delivery | 4 | 3 | 12 | | | | Missed opportunities to boost local economy. Conflict between Council / Government agendas. Reduction in levels of service provision and potential withdrawal of services. | Supported by a robust Medium term Financial strategy and organisational development strategy. | EMT | July 2010 & ongoing agenda items | |
| 4c | Failure by the Council to spot / influence at an early stage the direction of Central Government policies / new legislation. | 3 | 3 | 9 | 2 | 3 | 6 | | Continuous review of strategies and policies to reflect changing context. | EMT | July 2010 & ongoing agenda items | |
| 4d | Potential impact of future central government decisions to reduce public funding, including that of our partners | 4 | 5 | 20 | 3 | 5 | 15 | | The budget situation is under constant review, including the impact of decisions from central government. Additional actions and areas for spending reviews are being identified. | EMT | July 2010 & ongoing agenda items | |

| 5. PARTNERSHIPS | | | | | | | | | | ACTION PLAN – PARTNERSHIPS | | |
|-----------------|---|---------|---|----|----------|---|---|--|--|---|---|--|
| Specific Risks | | SCORE | | | | | | Consequence | Action | Owner | Timing | |
| | | Current | | | Previous | | | | | | | |
| | | P | I | O | P | I | O | | | | | |
| 5a | Failure or inappropriate performance management of one or more strategic partnerships or key contracts E.g. Haven Gateway, RCE, Serco, CBH | 4 | 3 | 12 | | | | The cost of service delivery is increased however quality decreases. Failure to deliver key priorities. Reputational and financial loss by the Authority. | Assess proposed strategic partnerships to ensure that they will satisfy the Council's objectives before commitment to new partnerships is made. | EMT | July 2010 & Ongoing as part of partnership strategy | |
| 5b | Change of direction / policy within key partner organisations and they revise input / withdraw from projects. | 3 | 3 | 9 | 3 | 2 | 6 | Failure to deliver expected outcomes through partnerships Requirement to repay external funding granted to partnership – taking on the liabilities of the ‘withdrawn’ partner. External assessment of the Councils partnerships are critical and score poorly. | Define a relationship / performance management process for partnerships Ensure that there is a mechanism to review partnerships and assess the value added. | ED People & Performance | July 2010 | |
| 5c | Potential inability to agree shared outcomes/ agendas with partners and the Council’s ability to influence partner’s performance, particularly in relation to LAA requirements. | 3 | 3 | 9 | 3 | 2 | 6 | | | ED People & Performance ED Leadership of Place | July 2010 | |

| 6. ASSETS & RESOURCES | | | | | | | ACTION PLAN – ASSETS & RESOURCES | | | |
|-----------------------|--|---|---|----------|---|---|----------------------------------|---|-----------------------------|---|
| Specific Risks | SCORE | | | | | | Consequence | Action | Owner | Timing |
| | Current | | | Previous | | | | | | |
| | P | I | O | P | I | O | | | | |
| 6d | Failure to set aside sufficient capital funds for strategic priorities | 3 | 4 | 12 | 3 | 2 | 6 | Review the medium term financial outlook and capital programme processes to ensure they are kept up to date and realistic | Head of Resource Management | MTFS is part of the budget strategy & considered during the process. Capital programme reported to FASP quarterly Review July |

| SCORE DEFINITIONS | 1 Very Low | 2 Low | 3 Medium | 4 High | 5 Very High |
|----------------------|---|---|---|--|---|
| Impact | Insignificant effect on delivery of services or achievement of Strategic Vision & Corporate Objectives. | Minor interruption to service delivery or minimal effect on Corporate Objectives. | Moderate interruption to overall service delivery/effect on Corporate Objectives or failure of an individual service. | Major interruption to overall service delivery or severe effect on Corporate Objectives. | Inability to provide services or failure to meet Corporate Objectives |
| Probability | 10% May happen – unlikely | 10 -25% Possible | 26 – 50% Could easily happen | 51 – 75% Very likely to happen | Over 75% Consider as certain |

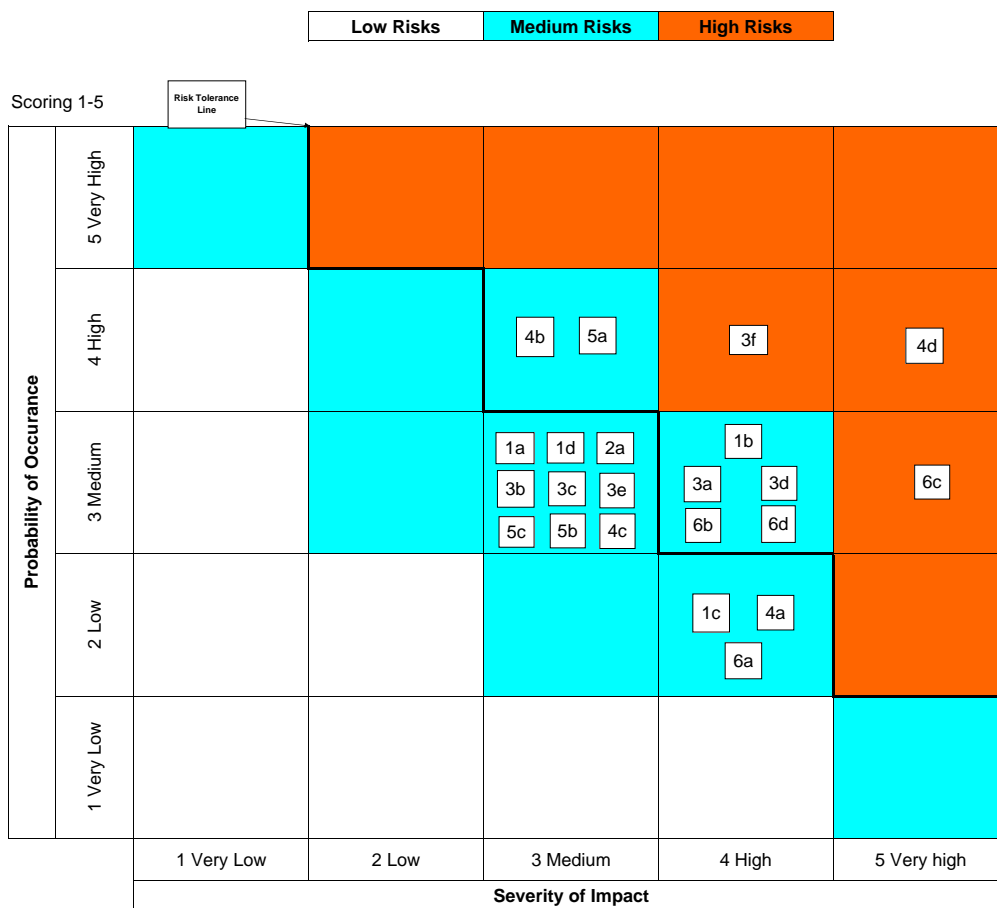
KEY OPERATIONAL RISKS – For Information

| SERVICE | RISK | CONSEQUENCE | CONTROLS | RESPONSIBILITY |
|-----------------------------------|--|--|--|------------------------------|
| Corporate Management | Failure to comply with statutory duties (e.g. health and safety, freedom of information, data protection) and failure to comply with The Constitution. | <ul style="list-style-type: none"> Financial and reputation loss to the service, and to the Council. Injury to staff. Complaints and potential threat of legal action Prosecution of staff | <ul style="list-style-type: none"> Ensure that the responsibility for the health and wellbeing of staff is properly allocated within the service. Ensure that there is adequate training for staff, at all levels, to understand their responsibilities. Ensure that information is up to date and available to all staff on the Hub (intranet) | Head of Corporate Management |
| Corporate Management | Unplanned emergency expenditure on repairs and maintenance of buildings | <ul style="list-style-type: none"> Lack of resources to fund essential items of expenditure or deliver on agreed targets. Cuts in service provision. | <ul style="list-style-type: none"> Work with Estates to ensure Asset Management Plan is up to date. | Head of Corporate Management |
| Enviro & Protect Servs | Inability to recruit suitably qualified / experienced staff. | <ul style="list-style-type: none"> Lack of expertise Missed deadlines Burden on remaining staff. | <ul style="list-style-type: none"> Embed a succession planning process linked to a structured training programme | Head of EPS |
| Enviro & Protect Servs | Need to ensure that back / front office functions are integrated. | <ul style="list-style-type: none"> Failure to realise efficiency savings and increase capacity | <ul style="list-style-type: none"> Produce a development strategy. | Head of EPS & Systems team. |
| Life Opportunities | Inadequacy of Repairs and Renewals provision. | <ul style="list-style-type: none"> Reduction or closure of services due to failure of plant, equipment or infrastructure. | <ul style="list-style-type: none"> Funding programmes presented during budget setting process. | Head of Life Opportunities |
| Life Opportunities | Significant loss of customers. | <ul style="list-style-type: none"> Reduction in income leading to cuts in service provision, negative impact on customers and reputation. | <ul style="list-style-type: none"> Continuous review and improvement of use / satisfaction and level/type of service provision / competitors Insurance against disasters. | Head of Life Opportunities |

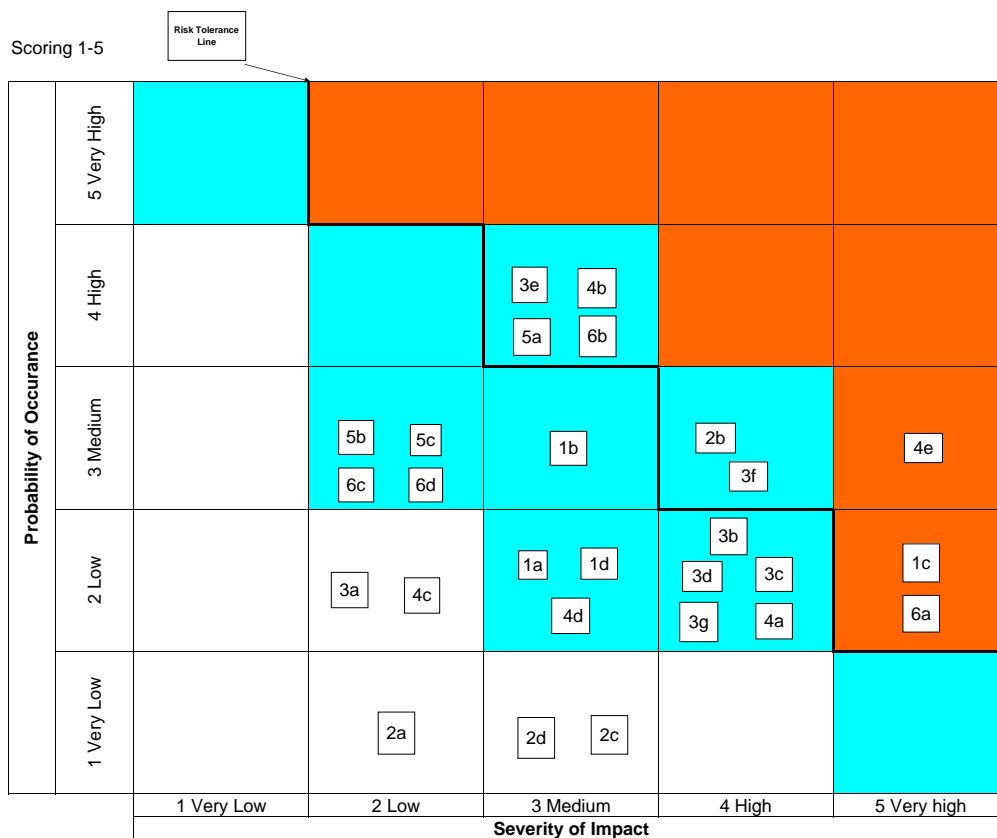
| SERVICE | RISK | CONSEQUENCE | CONTROLS | RESPONSIBILITY |
|--|---|---|---|--|
| Resource Management | Loss of key members of staff | <ul style="list-style-type: none"> Lack of expertise Impact on service provision Impact on other staff | <ul style="list-style-type: none"> Identification of key staff and roles Succession planning Documented procedures Establishment of training for customer focused, vulnerable service and roles | Head of Resource management & HRBP |
| Resource Management | The detrimental effect that Fundamental Service Reviews may have on staff morale and productivity | <ul style="list-style-type: none"> Decrease in service delivery levels and output Personal impact on staff wellbeing | <ul style="list-style-type: none"> Ensure that there are adequate staff support mechanisms in place to address staff concerns. | Finance Manager Collections & Control |
| Strategic Policy & Regeneration | Lack of focus on governance issues | <ul style="list-style-type: none"> Poorly informed business processes Lack of focus on critical issues | <ul style="list-style-type: none"> Clear information and expectations are required as part of the management process. SSP to allow focus on priorities FSR to tackle process in Housing Project management in regen | Head of SPR |
| Strategic Policy & Regeneration | Inability to deliver the Decent Homes programme within budget and according to timetable | <ul style="list-style-type: none"> Negative effect on reputation Increased customer complaints Over spend on budget allocation | <ul style="list-style-type: none"> Ensure there is effective partnership working COG group SPG | Contract risk and Service Manager |
| Street Services | Reduction in investment in services | <ul style="list-style-type: none"> Cuts in service provision Negative impact on image / reputation | <ul style="list-style-type: none"> Financial planning and reporting to Members / CMT / SMT Ensure services meet community needs and strategic plan objectives Measure to increase on external income | Head of Street Services |
| Street Services | Car park income targets not met | <ul style="list-style-type: none"> 10% shortfall in takings equates to over £400k reduction in income that supports other services. | <ul style="list-style-type: none"> Regular monitoring in use and income. | Parking Services Manager. |

Appendix 2

RISK MATRIX QUARTER 1 2010/11 - JUNE 10



PREVIOUS CHART FOR COMPARISON - FROM MARCH 2010



RISK MANAGEMENT STRATEGY

This document outlines the Council's commitment to managing risk in an effective and appropriate manner. It is intended to be used as the framework for delivery of the Risk Management function and provides guidance on developing risk management as a routine process for all services.

INTRODUCTION

The Council undertakes that this strategy will promote and ensure that:

1. The management of risk is linked to performance improvement and the achievement of the Council's strategic objectives.
2. Members and the Senior Management Team own, lead and support on risk management.
3. Ownership and accountability are clearly assigned for the management of risks throughout the Council.
4. There is a commitment to embedding risk management into the Council's culture and organisational processes at all levels including strategic, programme, project and operational
5. All members and officers acknowledge and embrace the importance of risk management as a process, by which key risks and opportunities are identified, evaluated, managed and contribute towards good corporate governance.
6. Effective monitoring and reporting mechanisms are in place to continuously review the Council's exposure to, and management of, risks and opportunities.
7. Best practice systems for managing risk are used throughout the Council, including mechanisms for monitoring and reviewing effectiveness against agreed standards and targets.
8. Accountability to stakeholders is fully demonstrated through periodic progress reports and an annual statement on the effectiveness of and the added value (benefits) from the Council's risk management strategy, framework and processes.
9. The Council's approach is regularly assessed by an external, independent body against other public sector organisations, national standards and Best Practice.
10. The Risk Management Strategy is reviewed and updated annually in line with the Council's developing needs and requirements.

Endorsement by Adrian Pritchard, Chief Executive

“Colchester Borough Council is committed to ensuring that risks to the effective delivery of its services and achievement of its overall objectives are properly and adequately controlled. It is recognised that effective management of risk will enable the Council to maximise its opportunities and enhance the value of services it provides to the community. Colchester Borough Council expects all officers and members to have due regard for risk when carrying out their duties.”

A handwritten signature in black ink that reads "A. R. Pritchard." The signature is written in a cursive style with a long, sweeping underline.

WHAT IS RISK MANAGEMENT

Risk Management is the control of business risks in a manner consistent with the principles of economy, efficiency and effectiveness. It is an essential performance management process to ensure that both the long and short term objectives of the Council are achieved and that opportunities are fully maximised.

Risk Management is not about eliminating risk, as this would limit the ability of the organisation to develop and deliver its ambitions. Its purpose is to recognise the issues that could effect the achievement of our objectives and develop actions to control or reduce those risks. Acknowledgement of potential problems and preparing for them is an essential element to successfully delivering any service or project. Good management of risk will enable the Council to rapidly respond to change and develop innovative responses to challenges and opportunities.

‘The Good Governance Standard for Public Services’ issued by The Independent Commission on Good Governance in Public Services states that there are six core principles of good governance including ‘Taking informed, transparent decisions and managing risk’. The document goes on to state ‘Risk management is important to the successful delivery of public services. An effective risk management system identifies and assesses risks, decides on appropriate responses and then provides assurance that the chosen responses are effective’.

BACKGROUND

Current Position

The first Risk Management Strategy was adopted by the Council in September 2003 and incorporated in the Council's policy framework. This introduced the concept of risk and identified the process to be followed.

In broad terms risks are split into three categories:

- Strategic – those risks relating to the long term goals of the Council
- Operational – risks related to the day-to-day operation of each individual service
- Project – consideration of the risks occurring as a result of the Council's involvement in specific initiatives

A significant amount of progress has been made in managing the risks to the Council. The following are some of the achievements since the adoption of the strategy:

- Creation of an overall strategic register.
- Creation of operational risk registers for all service areas.
- Consideration of risk in Committee reports.
- Development of a comprehensive risk register for the regeneration programme and consideration of risk as a project management tool.
- Successful internal and external assessment.
- Provision of advice to other authorities regarding our management of risk.

The Audit Commission, in the 2008/09 Audit and Inspection Letter, stated that "There is an effective internal risk management system embedded within the organisation".

This is an endorsement that we have devised a practical and workable approach to managing risk. This has resulted in the Council becoming more risk aware and actually taking more risks, as demonstrated by the comprehensive risk register for the renaissance projects. Colchester is also highly regarded for managing risk by both our insurers and other authorities.

The annual Use of Resources assessment for 2008/09 scored the Key Line of Enquiry that covers risk management at a level 3, well managed. And the 2009/10 internal audit of risk management gave a substantial assurance opinion. Some recommendations were raised during this audit and these mainly related to how the information was shown on the risk registers.

OWNERSHIP

The responsibility to manage risk rests with every member and officer of the Council however it is essential that there is a clearly defined structure for the co-ordination and review of risk information and ownership of the process.

Appendix D is from the CIPFA/SOLACE risk management guide, Chance or Choice. It is a generic map of responsibility for each part of the risk management process.

The following defines the responsibility for the risk management process at Colchester:

Cabinet – Overall ownership of the risk management process and endorsement of the strategic direction of risk management.

Portfolio Holder for Resources & Diversity – Lead member for the risk management process

Finance & Audit Scrutiny Panel (FASP) – Responsible for reviewing the effectiveness of the risk management process and reporting critical items to cabinet as necessary.

Performance Management Board (PMB) – Ownership of the strategic risks and overview of the operational risks. Actively support the Risk Management Strategy and framework.

Executive Director – People & Performance – Lead officer for the risk management process, demonstrating commitment to manage risk

Head Of Resource Management – Responsible for co-ordination of the risk management process, co-ordinating and preparing reports and providing advice and support.

Heads of Service – Ownership, control and reporting of their service's operational risks. Contribute to the development of a risk management culture in their teams.

All Employees – To understand and to take ownership of the need to identify, assess, and help manage risk in their individual areas of responsibility. Bringing to the management's attention at the earliest opportunity details of any emerging risks that may adversely impact on service delivery.

Internal Audit, External Audit and other Review Bodies – Annual review and report on the Council's arrangements for managing risk throughout the Council, having regard to statutory requirements and best practice. Assurance on the effectiveness of risk management and the control environment.

THE WAY FORWARD

Aims & Objectives

The aim of the Council is to adopt best practices in the identification, evaluation, cost-effective control and monitoring of risks across all processes to ensure that risks are properly considered and reduced as far as practicable.

The risk management objectives of Colchester Borough Council are to:

- Integrate risk management into the culture of the Council
- Ensure that there are strong and identifiable links between managing risk and all other management and performance processes.
- Manage risk in accordance with best practice
- Anticipate and respond to changing social, environmental and legislative requirements
- Prevent injury, damage and losses and reduce the cost of risk
- Raise awareness of the need for risk management by all those connected with the Council's delivery of services.
- Ensure that opportunities are properly maximised through the control of risk.
- Reduce duplication between services in managing overlapping risks and promote 'best practise'.

Risk Management forms an important part of the Council's system of Internal Control and is therefore one of the Use of Resources Key Lines of Enquiry. The Risk Management function was assessed at level 3 in 2008/09. The objectives outlined above have been set to ensure that the function can maintain this assessment level. Currently, however, the Use of Resources assessment has been discontinued but the criteria laid down for each assessment level, set out in Appendix C, still provides a robust framework for delivering an effective service.

Strategic Risk Management

Strategic risks are essentially those that threaten the long term goals of the Council and therefore are mainly based around meeting the objectives of the Strategic Plan. They may also represent developing issues that have the potential to fundamentally effect service provision, such as proposals to dramatically change the corporate assessment process.

Strategic risks will be controlled using a register that will detail the risks and associated controls. The register will be owned by the Senior Management Team, with ownership for risks being assigned to individual officers, and will be reviewed every quarter. The strategic risks will be reported to F.A.S.P. every quarter.

Operational Risk Management

Operational risks are those that threaten the routine service delivery of the Council. Each service area will have their own operational risk register that details the risks associated with providing the service. These registers will be reported, in summary format, to the Senior Management Team and committee on an annual basis. High risks and the success in controlling them will be reported to Senior Management Team on a quarterly basis, as these will help in the formulation of the strategic risk register.

Links

It is essential that risk management does not operate in isolation to other management processes. To fully embed a risk management culture it has to be demonstrated that risk is considered and influences all decisions that the Council makes. It is essential that there is a defined link between the results of managing risk and the following:

- The Strategic Plan
- Service Plans
- Revenue and Capital Budgets
- Annual Internal Audit Plan

Action Required

The following actions will be implemented to achieve the objectives set out above:

- Considering risk management as part of the Council's strategic planning and corporate governance arrangements.
- Ensuring that the responsibility for risk management is clearly and appropriately allocated
- Maintaining documented procedures for managing risk
- Maintaining a corporate approach to identify and prioritise key services and key risks across the Council and assess risks on key projects.
- Maintain a corporate mechanism to evaluate these key risks and determine if they are being adequately managed and financed.
- Establish a procedure for ensuring that there is a cohesive approach to linking the risks to other management processes
- Including risk management considerations in all committee reports
- Providing risk management awareness training to both members and officers.
- Developing risk management performance indicators.
- Establishing a reporting system which will provide assurance on how well the Council is managing its key risks and ensures that the appropriate Members and officers are fully briefed on risk issues.
- Preparing contingency plans in areas where there is a potential for an occurrence to have a significant effect on the Council and its business capability.
- Regularly reviewing the risk process to ensure that it complies with current national Governance Standards and Best Practice.
- Creation of an annual 'Action Plan' that details particular areas of development for the coming year, including details of the value added and how they will be embedded.

REVIEW

To ensure that the risk management process is effective it will need to be measured and reported to P.M.B., F.A.S.P. & Cabinet. As well as a structured reporting process of risks and controls during the year there will need to be an annual review demonstrating the success of the following:

- The inclusion of risk management principles within Service Plans and budgets.
- The development of the Internal Audit plan based on the risk issues.
- Achievement against identified performance indicators.
- Members consistently ensuring managing risk is considered as part of the decision making processes within the Council.
- Service managers making recommendations that regard risk as an opportunity as well as a threat .
- Risk management principles being considered in service reviews, for example in areas such as options for change and service improvements.
- Changes in risk being independently identified and assessed by Service Managers
- Compliance with the use of resources criteria and self assessment requirements.

Suitable opportunities to benchmark the risk management service against other organisations should also be explored to ensure that it is effective and the work carried out by the Council conforms to best practise.

The four appendices attached give greater detail of key issues:

Appendix 1 – Outline of the risk management process

Appendix 2 – Details of how Risk Management will be reported.

Appendix 3 – The 2007 Use of Resources Criteria for Risk Management

Appendix 4 – CIPFA guidance on Risk Management Responsibilities

APPENDIX A

The Risk Management Process

Risk Management is a continual process of identifying risks, evaluating their potential consequences and determining the most effective methods of controlling them and / or responding to them. The risks faced by the Council are constantly changing and the continual process of monitoring risks should ensure that we can respond to the new challenges. This process is referred to as the risk management cycle.

Stage 1 – Risk Identification

Identifying and understanding the hazards and risks facing the council is crucial if informed decisions are to be made about policies or service delivery methods. There is detailed guidance available on how to identify risks which includes team sessions and individual knowledge. Once identified a risk should be reported to the Head of Service who will consider its inclusion on the relevant risk register. If the risk is identified in between register reviews then it is reported to the Risk & Resilience Manager for information and the Head of Service is responsible for managing the risk.

Stage 2 – Risk Analysis

Once risks have been identified they need to be systematically and accurately assessed. If a risk is seen to be unacceptable, then steps need to be taken to control or respond to it.

Stage 3 – Risk Control

Risk control is the process of taking action to minimise the likelihood of the risk event occurring and / or reducing the severity of the consequences should it occur.

Stage 4 – Risk Monitoring

The risk management process does not finish with the risk control procedures in place. Their effectiveness in controlling risk must be monitored and reviewed. It is also important to assess whether the nature of the risk has changed over time.

APPENDIX B

Reporting

No matter how good the process to identify and control risks is, it will not be effective unless the information gained from it is reported and used to influence other management issues / processes. Therefore it is essential that there is a defined process and timetable for reporting the results of the risk management process to both members and officers.

Types of Report

- A quarterly report to P.M.B., detailing the *high level* operational risks along with comment from the Services regarding the progress that they have made in controlling the risk.
- The strategic risk register needs to be reviewed on a quarterly basis by P.M.B.
- A quarterly report needs to be provided to Committee (F.A.S.P.) detailing the current strategic and high level operational risks and the progress made in controlling them.
- Six monthly review of the operational risk registers and a summary report of these reviews to P.M.B.
- An annual report reviewing Risk Management activity and an action plan for the coming year - taking into account changes in methodology and results of internal and external reviews. Going to P.M.B., FASP and Cabinet. This needs to cover all of the three areas of risk
- Ad-hoc reports need to be provided to P.M.B. when new, significant risk issues arise.

The reports can be summarised as follows:

| | Service's | P.M.B. | F.A.S.P. | Cabinet |
|------------------|-------------------------------------|--|---|--|
| Quarterly | | Progress of high level operational risks Review of strategic risk register | Progress report of strategic & high level operational risks | |
| 6 Monthly | Review of operational risk register | Summary of operational review from services | | |
| Yearly | | Scrutiny of annual progress report to cttee on R.M. & action plan for coming year. | Endorsement of annual progress report on R.M. & action plan for coming year | Summary of past years work on R.M. and agreement of action plan for the coming year. |

Appendix C

Use of Resources Criteria

| 4. INTERNAL CONTROL | | | |
|---|--|--|--|
| How well does the council's internal control environment enable it to manage its significant business risks? | | | |
| Key line of enquiry | | | |
| 4.1 The council manages its significant business risks | | | |
| Audit Focus | | | |
| Evidence that: the council has a risk management process in place the risk management system covers partnership working | | | |
| Criteria for Judgement | | | |
| Level 2 | Level 3 | Level 4 | |
| <p>* The council has adopted a risk management strategy/policy that has been approved by members.</p> <p>* The risk management strategy/policy requires the council to:</p> <ul style="list-style-type: none"> • identify corporate and operational risks • assess the risks for likelihood and impact • identify mitigating controls • allocate responsibility for the mitigating controls. <p>* The council maintains and reviews a register of its corporate business risks linking them to strategic business objectives and assigns named individuals to lead on the actions identified to mitigate each risk.</p> <p>* Member responsibility for corporate risk management is identified in the terms of reference of one or more committees as appropriate.</p> <p>* Reports to support strategic policy decisions, and project initiation documents, include a risk assessment.</p> | <p>1.1.2</p> <p>* The risk management process is reviewed and updated at least annually.</p> <p>* The risk management process specifically considers risks in relation to significant partnerships and provides for assurances to be obtained about the management of those risks.</p> <p>* All appropriate staff are given relevant training and guidance to enable them to take responsibility for managing risk within their own working environment.</p> <p>* The members with specific responsibility for risk management have received risk management awareness training.</p> <p>* Members with responsibility for corporate risk management receive reports on a regular basis and take appropriate action to ensure that corporate business risks are being identified and effectively managed, including reporting to full council as appropriate.</p> | <p>* A senior officer and member jointly champion and take responsibility for embedding risk management throughout the council.</p> <p>* The council can demonstrate that it has embedded risk management in its business processes, including:</p> <ul style="list-style-type: none"> • strategic planning • financial planning • policy making and review • performance management <p>* All members receive risk management awareness training appropriate to their needs and responsibilities</p> <p>* The council considers the opportunity side of innovative and challenging projects.</p> <p>* Reports to support strategic policy decisions, and initiation documents for all major projects, require a risk assessment including sustainability impact appraisal.</p> | |

Appendix D

Risk Management Responsibilities – CIPFA / SOLACE Guidance

| | Framework, Strategy and Process | Identifying risk | Analysing Risk | Profiling risk | Prioritising action based on risk appetite | Determining action on risk | Controlling risk | Monitoring & Reporting | Reporting to external stakeholders. |
|--|---|---|--|---|--|---|---------------------------------|--|--|
| Members | Agreeing the Framework, Strategy and Process Determined by Officers | Identifying risk | Analysing Risk | Profiling Risk | Determining the risk appetite and prioritising risk. Agreeing the priorities determined by officers | | | Reviewing the effectiveness of the risk management process. | Reporting to external stakeholders on the framework, strategy, process and effectiveness . |
| Risk Management Team | Providing advice And support to the executive Management Team and Members | Providing advice and support. | Providing Advice and support | Providing advice and support | Providing advice and support | | | Co-ordinating the results for reporting to the corporate management team and members | |
| Senior Management Team | Determining the framework, Strategy and Process | Identifying strategic and cross-cutting issues | Analysing Strategic and cross-cutting issues. | Profiling strategic and cross-cutting issues. | Determining the risk appetite and prioritising strategic and cross-cutting issues | Determining action on strategic and cross-cutting issues. Delegating responsibility for control. | | Monitoring progress on managing strategic and cross-cutting risks and reviewing the implementation of the risk management framework, strategy and process. | Reporting to external stakeholders on the framework, strategy, process and effectiveness. |
| Head of Resource Management | Providing Advice and Support | Providing advice and support | Providing advice and support | Providing advice and support | Providing advice and support | Providing advice and support | Providing advice and support | Reporting to members. Co-ordinating the results for reporting to the executive management team and members | Preparing draft reports for the corporate management team and members to issue. |
| Service Managers / G.M. T'ss | | Identifying service Risks | Analysing Service risks. | Profiling service risks. | Prioritising action on service risks. | Determining action on service risks. Delegating responsibility for control. | | Monitoring progress on managing service risks. Reporting to the group management team | |
| Employees, contractors And partners | | Maintaining awareness of risks and feeding these into the formal process. | Maintaining awareness impact of risks and feeding information into the processes | | | | Controlling risk in their jobs. | Monitoring progress on Managing job related risks Reporting to the service manager. | |

| | | | |
|-----------------------|--|---------------|--------------------|
| Report of | Head of Resource Management | Author | Steve Heath |
| Title | Payment options for the provision of new cremators for Colchester Crematorium | | 282389 |
| Wards affected | Not applicable | | |

This report concerns the payment options for the provision of new cremators for Colchester Crematorium

1. Decision Required

- 1.1 Approval for the Capital Programme to be amended to reflect the outright purchase of two cremators.

2. Reasons for Decision

- 2.1 On 9 September 2009 Cabinet recommended to Council that the provision of two new cremators be included in the capital programme, with the payment method being a combination of leasing and borrowing due to the Council's forecast VAT partial exemption position.

3. Alternative Options

- 3.1 The proposals contained in this report represent the best value for money both on an annual basis, as well as over the whole life of the asset.

4. Supporting Information

- 4.1 The Cabinet report of 9 September 2009 considered the different payment options available for the purchase of the new cremators, and concluded that the best value for money could be achieved by borrowing funds to purchase the cremators. However, a forecast of the Council's VAT partial exemption position showed that there would be insufficient headroom to enable the two cremators to be purchased outright without breaching the limit. A combination of leasing and borrowing was therefore approved, with the Capital Programme being increased to reflect 50% of the cost of the cremators.
- 4.2 Subsequent forecasts of the partial exemption position highlighted an increased risk with this approach, and it became obvious that the Council would need to lease both cremators to remain within the limit. In March 2010, a letter was sent to HMRC detailing the position. This highlighted that the cremators were required to meet new environmental health legislation, and the Council was to incur significant additional expenditure solely to avoid breaching the 5% partial exemption limit.
- 4.3 Further correspondence and discussions with HMRC have now resolved the potential breach of the partial exemption limit in 2010/11. This, therefore, presents the opportunity to purchase the cremators outright. The table below shows that this represents the best value on both an annual basis and over the whole life of the assets.

| | Lease £'000 | Borrow £'000 |
|-------------------------------|----------------|-----------------|
| Whole Life Cost | | |
| Gross Net Present Value | 839 | 830 |
| Annual Cost (10 years) | | |
| Annual Payment | 82 | |
| Interest | | 17 |
| Minimum Revenue Provision | | 50 |
| | 82 | 67 |

5. Proposals

- 5.1 That the value of the 'Replacement of Cremators' scheme within the Council's capital programme be increased from £350k to £699k to reflect the outright purchase of both cremators, with £500k being funded through external borrowing and the remaining £199k coming from the fund that was built up for this purpose in the Repairs and Renewals reserve.

6. Strategic Plan References

- 6.1 The provision of the new cremators links to the corporate objective of striving to be cleaner and greener.

7. Financial implications

- 7.1 The capital cost of the cremators will be £699k. The annual interest payments and the provision for the repayment of the principle will be met from existing budgets and is also reflected in the 2011/12 budget forecast.

8. Standard References

- 8.1 There are no particular publicity or consultation considerations; or equality, diversity and human rights; community safety; health and safety or risk management implications as a result of this report.

Background Papers

None

8 September 2010

Item
9(i)

| | | | |
|-----------------------|---|---------------|-----------------------|
| Report of | Monitoring Officer | Author | Andrew Weavers |
| Title | Local Government Ombudsman – Annual Review 2009/2010 | | ☎ 282213 |
| Wards affected | Not applicable | | |

This report request the Cabinet to note the Local Government Ombudsman's Annual Review for 2009/2010

1. Decision Required

- 1.1 To note the contents of the Local Government Ombudsman's Annual Review for 2009/2010.

2. Reasons for Decision(s)

- 2.1 To inform the Cabinet of the number and type of decisions made by the Local Government Ombudsman in relation to Colchester during 2009/2010.

3. Alternative Options

- 3.1 No alternative options are presented.

4. Supporting Information

- 4.1 The Local Government Ombudsman issues an Annual Review to each local authority. The Annual Review for the Colchester for the year ending 31 March 2010 is attached to this report at Appendix 1. Appendix 2 comprises statistical data. The Local Government Ombudsman has re-organised the manner in which they handle complaints so that the information provided is now divided between the Advice Team, which deals with initial assessments of enquiries and/or complaints and the Investigative Team which actually investigates complaints.
- 4.2 It is worth noting that anyone can choose to make a complaint to the Local Government Ombudsman. Accordingly, the number of complaints is not an indicator of performance or level of customer service. In most instances there was no case to answer. The Local Government Ombudsman will normally insist that the Council has the opportunity to resolve the complaint locally through its own complaints procedure before commencing its own investigation.
- 4.3 The Standards Committee has an overview of Local Government Ombudsman investigations and the contents of the Annual Review will be reported to the Committee in due course.

5. Key Headlines

- 5.1 There were no findings of maladministration against the Council and no formal reports were issued.
- 5.2 Last year 34 enquires were received by the Advice Team a 29% decrease from the 48 received in the previous year. Of these 6 were referred back to the Council to be considered as through its own complaints procedure. A further 7 enquiries were dealt with by the Ombudsman providing advice and the remaining 21 were referred to the Investigative Team for consideration.
- 5.3 The main subject areas covered by the Advice Team were housing (which includes homelessness and repairs) where 11 enquires were received. Of these 6 were referred for investigation. They also received 10 enquires in relation to planning issues. Of these 4 were referred for investigation.
- 5.4 The Investigative Team decided 21 complaints against the Council which is a 25% reduction from the 28 decided in the previous year. A total of 4 local settlements were agreed (where the Council agreed to take action which the Ombudsman considered was a satisfactory response to a complaint) which is an increase from the previous years total of 2. The Council paid a total of £575 in compensation. However, which was a reduction from the previous year's total of £1768. The service areas involved have learnt from the circumstances of the particular complaints and have improved their procedures accordingly.
- 5.5 The Council's average response time to the Ombudsman's written first enquiries was 29.3 days which is an improvement from the previous year's figure of 34.5 days. The Ombudsman's target is 28 days. Steps are being taken to continue to improve the response times in order to meet the Ombudsman's target.
- 5.6 The Annual Review refers to training and we are reviewing this option for officers within the Services who respond to Ombudsman queries in order to assist in improving our response times.

6. Financial Considerations

- 6.1 No direct implications other than mentioned in this report.

7. Strategic Plan References

- 7.1 The lessons learnt from complaints to the Ombudsman link in with our Customer Excellence element of the Strategic Plan by constantly learning and putting lessons learnt into practice. This will in turn lead to improved customer service as we continue to meet and exceed our customers' expectations

8. Equality, Diversity and Human Rights Implications

- 8.1 No direct implications.

9. Publicity Considerations

- 9.1 Details of the Annual Review will be posted on the Council's website.

10. Consultation Implications

- 10.1 No direct implications.

11. Community Safety Implications

11.1 No direct implications.

12. Health and Safety Implications

12.1 No direct implications.

13. Risk Management Implications

13.1 No direct implications.

**The Local Government Ombudsman's
Annual Review
Colchester Borough Council
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

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Section 1: Complaints about Colchester Borough Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Colchester Borough Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

During the year our advice team received 34 enquiries about the Council; this was a decrease from the 41 enquiries received in the previous year. We treated six of these enquiries as premature and referred them back to be dealt with under the Council's complaints procedure. We gave advice in response to a further seven enquiries. The other 21 complaints were passed to the investigation team. This figure included seven complaints that we had previously referred to the Council to be dealt with under its complaints procedure but where the complainants remained dissatisfied with the outcome.

As has been the case in previous years, housing (mainly allocations, tenancy management and repairs) and planning and building control were the most common subjects of complaint.

Complaint outcomes

During the year we decided 21 complaints. In 10 cases we decided there was no or insufficient fault to justify further investigation. One complaint fell outside my jurisdiction because the complainant had a right of appeal to the Parking Adjudicator in relation to the issue of penalty charge notices.

Sometimes I will exercise discretion not to pursue a complaint even though there may have been some fault by a council. Often this is done where the fault has not caused any significant injustice to the person making the complaint. However, in some cases there will still be lessons for the council to learn. I used my discretion in this way on six complaints. In one case, the Council agreed to review the wording of the standard letters it sends to notify neighbours that it has received a planning application which may affect them. In another case, I suggested that the Council might wish to review its procedure for visiting elderly tenants without prior notice.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Four of the complaints we decided against your authority this year resulted in local settlements (20% of decided cases which were within jurisdiction). Two of them were complaints which we had previously asked the Council to deal with but the complainants then resubmitted their complaints, dissatisfied with the outcome.

One local settlement was in relation to a (resubmitted) complaint made by a person whose application for planning permission had been refused. We do not normally investigate complaints about refusal of planning permission because an appeal can be made to the Planning Inspectorate but in this case, the applicant had been incorrectly advised by officers that an access and design statement was not required. The failure to submit an access and design statement meant that the Planning Inspectorate would not accept an appeal, so the applicant had to reapply to the Council, and so I asked the Council to pay £500 compensation to reflect the inconvenience of this unnecessary effort.

Two housing complaints resulted in local settlements: in one (resubmitted) case the Council had decided that the applicant was not entitled to bid for a bungalow but, in the light of new medical information that became available during our investigation, the Council changed its decision. In another case a person in temporary accommodation complained about delays in dealing with repairs and damp issues. I asked the Council to pay £75 compensation for delay in carrying out some minor repair work but I felt the complainant had contributed to the problem by failing to follow advice provided by the Council.

The other local settlement arose in a complaint where a family with a disabled child was unsuitably housed and there was a question over whether the problem could be solved by moving home or by having adaptations done in their current property. The Council agreed to amend the standard letter that it had been sending to housing applicants with disabilities (or with family members with disabilities) saying that it would not be able to fund adaptations if they selected a property that is not suitable for them and did not already meet their needs. The Council agreed to add a statement confirming that if applicants needed a number of adaptations, and could not find properties which had all of them, they should discuss with the adaptations coordinator whether funding would be available.

Liaison with the Local Government Ombudsman

The Council took an average of 29.3 days to reply to our written enquiries on complaints. This is an improvement on the previous year when the average response time was 34.5 days. However, we expect councils to reply to our enquiries within 28 days and so I hope the Council will continue to improve its response times over the coming year.

Two of your officers attended the link officer seminar which we held in May 2009 and I hope this was a useful experience for them.

Training in complaint handling

I would like to take this opportunity to remind the Council that part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your authority's services.

**Tony Redmond
Local Government Ombudsman
10th floor
Millbank Tower
Millbank
London
SW1P 4QP**

June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway and Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London
SW1P 4QP

June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Premature complaints: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the LGO's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.


Table 4. Average local authority response times 2009/10

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

Investigative Team

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | T |
|-------------|---------|----|--------|---------|--------|----------|----------------------|---|
| 2009 / 2010 | 0 | 4 | 0 | 0 | 10 | 6 | 1 | |
| 2008 / 2009 | 0 | 2 | 0 | 0 | 12 | 12 | 1 | |

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| | | | |
|-----------------------|---------------------------------------|---------------|---|
| Report of | Monitoring Officer | Author | Andrew Weavers |
| Title | Revised Executive Arrangements | |  282213 |
| Wards affected | All wards | | |

This report provides an update of the process required to comply with the requirement for the Council adopt revised Executive arrangements.

1. Decision(s) Required

- 1.1 That the Council be recommended to note the procedure and timetable for the review of executive arrangements under Part 3 of the Local Government and Public Involvement in Health Act 2007 and to authorise that the required public consultation be carried out as the initial stage of the procedure.
- 1.2 To delegate to the Leader of the Council in consultation with the Group Leaders on the outcome of the public consultation and the decision required of Council.
- 1.3 That the Council be recommended to delegate to the Leader of the Council in consultation with the Group Leaders the decision on which of the options to adopt.

2. Reasons for Decision(s)

- 2.1 The Council is obliged to comply with the requirements set out in part 3 of the Local Government and Public Involvement in Health Act 2007. If it fails to adopt either, the Secretary of State has power to impose on it the Leader and Executive form.

3. Alternative Options

- 3.1 Although options will be available to the Council at a later stage of this process, for now this report deals with a statutory procedure which the Council must follow.

4. Background Information

- 4.1 The Cabinet at its meeting on 30 June 2010 considered a previous report on executive arrangements and resolved that:
 - “the report be deferred to the next Cabinet meeting, and
 - advice be sought from a senior government minister as to the Coalition Government’s intentions as regards any review of executive arrangements”.
- 4.2 On 7 July 2010 the Minister for Housing and Local Government, Rt Hon Grant Shapps MP wrote to all Leaders on Non-Metropolitan District Councils in England confirming whilst it was the Governments’ intention to repeal the requirement to adopt revised executive arrangements under the Local Government and Public Involvement in Health Act 2007 until new legislation could be implemented district councils “must resolve by 31

December 2010 to move to either the new leader and cabinet model or mayor and cabinet model". A copy of the letter is attached at Appendix 1 to this report. Accordingly the Minister's letter is expecting District Councils to follow the process. It does however also raise the prospect of a further changes being required within a year or so. Any changes to this legislation will be included in the Decentralism and Localism Bill which is expected to be introduced into Parliament in the Autumn.

- 4.3 The Council's present executive arrangements were adopted under the Local Government Act 2000 and are based on a Leader and Cabinet form of executive. They came into effect in May 2001. Part 3 of the Local Government and Public Involvement in Health Act 2007 amends the 2000 Act and requires that local authorities adopt new types of executive arrangements in accordance with set timetables. In the case of district councils, the new arrangements must be adopted by 31 December 2010 and will come into effect on 8 May 2011.
- 4.4 Under the 2007 Act, councils have the choice of adopting one of two types of executive:
- a Leader and Executive, or
 - an elected Mayor and Executive
- 4.5 Both models place all executive powers in the hands of one individual, either an elected Mayor or a "strong" Leader. The features of each model and the powers of the Leader and elected Mayor are described below.

5. The Options for Executive Arrangements

Leader and Executive Model

- 5.1 The Leader is elected by the Council at the Annual Meeting after the borough elections. He or she serves as Leader for the remainder of his or her term of office as a councillor, i.e. a maximum of four years. However, the Constitution may, if the Council wishes, provide for the removal of the Leader by a majority resolution of the Council. This is particularly relevant where there is change in political control of the Council. The Minister's letter has indicated that the Government intend to remove the necessity to elect a leader for four years.
- 5.2 When initially appointed the Leader holds all of the Council's executive functions under his or her personal control, except for those reserved to the full Council under the Constitution (these include the setting of the budget and adoption of major policies and strategies). It will then be for him or her to choose whether to exercise some or all of these functions personally or to make arrangements for their discharge by the executive (i.e. the Cabinet), by a Cabinet member, or by officers. The extent of these delegation arrangements will need to be detailed in the Constitution, as they are now.
- 5.3 The Leader will choose which members to appoint to the executive, and how many, although it must be between two and nine members. One of them must be appointed as Deputy Leader who will ordinarily serve for the length of the Leader's term of office. The Leader will decide which portfolios to allocate to the Cabinet members and what, if any, executive powers they should exercise. Cabinet members may be appointed and dismissed at any time by the Leader during his or her term of office. If the Leader is unable to act or the position becomes vacant, the Deputy Leader will assume his/her responsibilities.

- 5.4 Budget proposals from the Leader (or Cabinet, depending on the delegation arrangements) may be overturned by a simple majority of the Council.

The Elected Mayor Model

- 5.5 If this option is chosen, the Mayor will be elected by the local government electors for Colchester at the same time as the local elections on 5 May 2011. As with the Leader and Executive option the Mayor will:
- be elected for four years unless he or she resigns or becomes disqualified.
[That person need not be a member of the Council but if a serving councillor is elected as Mayor his or her seat on the Council automatically becomes vacant]
 - initially hold all the authority's executive powers (except for those reserved to the Council by its Constitution);
 - appoint between two and nine members of the Council to the Executive and decide what, if any executive powers they will exercise. The Mayor may dismiss any executive member at any time and appoint a replacement;
 - appoint one of those executive members as Deputy Mayor and that person will exercise the powers of the Mayor in his or her absence or if he or she no longer holds office;
 - the Mayor's budget proposals can be overturned only by a two thirds majority of the Council

6. The Procedure for Changing Executive Arrangements

- 6.1 The 2007 Act requires that the process for making changes to the executive arrangements is carried out in three distinct stages:

1. Before drawing up proposals for change, the authority must "take reasonable steps to consult the local government electors and other interested persons in the area".

The Minister's letter has clarified this requirement by highlighting the Government's view that Council's should not incur any significant expenditure on this requirement and that it should be pursued at minimal cost. It is therefore suggested that whilst there are a range of channels through which the Council can consult at no cost, any consultation is undertaken via the Council's web site.

2. The authority must then draw up proposals, which should be a schedule of the proposed changes to the Constitution, the implementation timetable and any transitional arrangements. The reference to the "authority" drawing up the proposals indicates that this requires a second resolution of Council. Once the proposals have been drawn up, the authority must make them available to the public and advertise that they are available (although there is no provision for anyone to comment on them or for the authority to have regard to any such comments). The period for such publicity is also not prescribed.
3. The Act then requires that the authority (i.e. Council) must resolve to implement the proposals.

- 6.2 The first step, therefore, is to consult the residents of Colchester and find out which of the options they prefer. It is proposed to do this during October.
- 6.3 The results of the consultation will then be reported to the Cabinet, which will be asked to recommend to the Council the preferred option, taking into account the views expressed by the residents of Colchester.
- 6.4 The Council must then give notice of its intention to adopt its preferred option and publish the detailed arrangements for moving over to it, including the amendments required to the Constitution and the timetable for implementing the change. There is no requirement to seek the views of residents on the details of the proposals, merely a requirement to publish them. The Council must then formally resolve to adopt the new arrangements.
- 6.5 In drawing up the proposals, the Council must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

7. Proposed Timetable

The timetable for the review and implementation of the new arrangements is suggested as follow:

- 8 September 2010 - Report to Cabinet
- 13 October 2010 - Report to Council seeking approval to timetable
- Consultation period to 1 November 2010
- Due to the tight timetable:

Cabinet to agree that the decision on the outcome of the consultation and the decision required of Council be delegated to the Leader of the Council in consultation with Group Leaders.

Council to agree to delegate to the Leader of the Council in consultation with the Group Leaders the decision on which of the options to adopt

- 22 November 2010 - Publication of notice of intention to adopt new arrangements and publication of detailed proposals
- 9 December 2010 - Resolution of the Council to give effect to the new executive arrangements and to adopt the required constitutional changes from the next Annual Meeting
- 10 December 2010 - Inform Secretary of State of change in executive arrangements
- 17 December 2010 - Publish notice of change in arrangements
- 8 May 2011 - New form of executive arrangements come into effect

8. Conclusion

- 8.1 The Council must adopt one of the forms of executive described in this report, in the timescale mentioned. If it fails to adopt either, the Secretary of State has power to impose on it the Leader and Executive form.
- 8.2 The consultation on the options should present a balanced statement of the features of each and it would not be appropriate for the Council to come to a view on which it prefers until local people have had a chance to make their views known.
- 8.3 The process for changing executive arrangements and the timing of its elements are such that an additional meeting of the Council will need to be held in November to pass the necessary resolution to give notice of the Council's preferred option before it

9. Strategic Plan References

- 9.1 The Council's governance arrangements forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

10. Financial Considerations

- 10.1 None at this stage. However at later stages there will be costs associated with giving public notice of proposals and electoral costs associated with holding a referendum to elect a Mayor, if that option is chosen.

11. Equality, Diversity and Human Rights Implications

- 11.1 No particular implications

12. Publicity and Consultation Considerations

- 12.1 The Council's proposals will be subject to public consultation as mentioned above.

13. Community Safety Implications

- 13.1 None

14. Health and Safety Implications

- 14.1 None

15. Risk Management Implications

- 15.1 If the Council fails to adopt new executive arrangements within the prescribed timescale, the Government will impose changed arrangements, to the detriment of the Council's reputation.



Leaders of Non-Metropolitan District Councils
in England

The Rt Hon Grant Shapps MP
Minister for Housing and Local Government

**Department for Communities and Local
Government**

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www.communities.gov.uk

7 July 2010

Dear Leader

Requirement to consult under the Local Government and Public Involvement in Health Act 2007

I am writing to you about the requirements on your council to adopt a new governance model from May 2011, and before doing so to consult your local electorate and interested parties in the area. Whilst it is for each council to decide how it will meet these requirements, I would wish to highlight the Government's view that councils need not incur any significant expenditure on these requirements, and our expectation in today's circumstances that all councils will pursue this at minimal cost.

These requirements are in the Local Government and Public Involvement in Health Act 2007 and necessarily remain in force unless or until that Act is repealed by fresh primary legislation. It is our intention to do this. For your council the requirements mean that you must resolve by 31 December 2010 to move to either the new leader and cabinet model or mayor and cabinet model, and before so resolving you must take reasonable steps to consult the local electorate and other interested parties in your council's area.

In considering how to approach these requirements you will wish to have regard to the circumstances of today, including both the priority of cutting out all wasteful spending and the Government's commitments to allow councils to return to the committee system, should they wish to, and on elected mayors. We also intend to remove the necessity to elect a leader for four years. We intend to provide for these commitments in our Localism Bill to be introduced later in this Parliamentary session. This may mean that any governance model you adopt in May 2011 may be further changed within a year or so. Your decisions about consultation will also be taken in the context of the greater transparency and openness agenda which I am confident you will be putting in place throughout your council.

Accordingly, the case is strong for any consultation now about future governance arrangements to be the minimal cost option. It will be for each council to decide, but in our view no more than a small newspaper advert/article or press release on your website may be proportionate and right in these circumstances.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Grant Shapps', followed by a period.

GRANT SHAPPS MP

Cabinet

8 September 2010

Item
10(ii)

| | | | |
|-----------------------|---|---------------|-----------------------|
| Report of | Monitoring Officer | Author | Andrew Weavers |
| Title | Revised Scheme of Delegation to Officers | | ☎ 282213 |
| Wards affected | Not applicable | | |

This report requests Cabinet to approve a revised scheme of delegation to officers.

1. Decision Required

- 1.1 To approve the revised Scheme of Delegation to Officers from the Cabinet attached to this report and for it to be effective with immediate effect.

2. Reasons for Decision(s)

- 2.1 The existing Scheme of Delegation to Officers from the Cabinet requires updating primarily to reflect changes in functions and responsibilities following the Fundamental Service Review of Housing Services.

3. Alternative Options

- 3.1 No alternative options are presented.

4. Supporting Information and Proposals

- 4.1 The present Scheme of Delegation to Officers from the Cabinet was agreed on 9 July 2008. As part of our governance arrangements it should be reviewed regularly. The opportunity has been taken to review the Scheme of Delegation in light of the implementation of the structural changes following the Housing Services Fundamental Service Review. The principal changes are as follows:

- Private Sector Housing functions moved from Life Opportunities to Environmental and Protective Services;
- the function in relation to the management of the Council's Art Collection and Artefacts has been moved from Strategic Policy and Regeneration to Environmental and Protective Services (as it actually sits with the Museum Service); and

5. Strategic Plan References

- 5.1 The Constitution is an integral part of the Council's arrangements to ensure that it delivers quality services.

6. Financial Considerations

- 6.1 None

7. Equality, Diversity and Human Rights Implications

7.1 No particular implications.

8. Publicity Considerations

8.1 Whatever changes may be agreed will need to be publicised by way of an amendment to the Constitution which is published on the Council's web site.

9. Consultation Implications

9.1 None.

10. Community Safety Implications

10.1 None

11. Health and Safety Implications

11.1 None

12. Risk Management Implications

12.1 None.

SCHEME OF DELEGATION TO OFFICERS

September 2010

The Cabinet has delegated to individual members of the Cabinet most of its executive powers of implementation within the confines of the Council's budget and policy framework.

In addition, the Council has delegated some of its regulatory powers to Planning Committee, Licensing Committee and Accounts and Regulatory Committee.

In order to ensure that business is conducted efficiently and that services are provided to the specified standards, the Council, Cabinet, Planning Committee, Licensing Committee and Accounts and Regulatory Committee have delegated some of their powers to officers.

There are two schemes of delegation which have been approved by the Cabinet:

1. Powers delegated to Cabinet Members.
2. Powers delegated to officers.

The following conditions apply to the powers delegated to officers by the Council, Cabinet, Planning Committee, Licensing Committee and Accounts and Regulatory Committee.

1. Every delegated power shall be exercised in the name of the Council.
2. The exercise of delegated powers shall be subject to the decision not being contrary to any policy of the Council as embodied in a formal resolution and recorded in the minutes of the Council or Cabinet.
3. All Key Decisions taken under this scheme are subject to the Call-in Procedure.
4. No officer shall exercise any delegated power that comprises a Key Decision unless that decision is contained within the Council's Forward Plan and complies with the Forward Plan process.
5. An officer exercising delegated powers shall do so in a manner consistent with the policy of the Council current at the time. The Proper Officer shall be the final arbiter of the interpretation of policy in relation to any matter.
6. In exercising delegated powers, an officer may incur expenditure only if appropriate provision has been made in the approved annual estimates and/or capital programme except as otherwise provided for in Financial Procedure Rules.
7. No action may be taken which is contrary to the Council's Constitution.
8. Where powers to acquire or dispose of property or land are being exercised, the delegation is subject to such acquisition or disposal being in accordance with terms approved by the District Valuer or other professional officer.

9. Delegated powers to acquire property shall not include power to acquire property compulsorily and any proposal to make a Compulsory Purchase Order shall be submitted to the Council as a recommendation.
10. Powers delegated to an officer may be exercised by another officer acting on behalf of the named officer, provided the latter has authorised the other officer so to act.
11. The Proper Officer may require that a decision which may be taken by an officer under this scheme shall be referred to the Council, the Cabinet or the Committee, as appropriate, for determination.
12. An officer exercising delegated powers in respect of any key decision shall record the decision and the reasons for it on the Decision Notice and shall deliver it to the Proper Officer who shall publish the Decision Notice in the approved manner.
13. Nothing in this scheme of delegation shall be construed in such a way as to remove the requirement that any proposal involving the granting of planning permission shall be submitted to the Planning Committee.
14. No officer shall have delegated power to incur any expenditure, to take any course of action or to enter an item of account contrary to a Prohibition Order made by the External Auditor under Section 25A of the Local Government Finance Act 1982.

Note Any reference to an Act of Parliament or Statutory Instrument shall include any statutory amendment or modification thereof.

DELEGATION TO EXECUTIVE DIRECTORS

Where matters have been delegated in this Scheme to named Heads of Service, the delegation may also be exercised by an Executive Director.

C O N T E N T S

| SCHEME OF DELEGATION:- | CABINET | COUNCIL | PLANNING | LICENSING |
|---|----------------|----------------|-----------------|------------------|
| <u>Officer</u> | <u>Page</u> | <u>Page</u> | <u>Page</u> | <u>Page</u> |
| Chief Executive | | | | |
| Chief Executive and all Heads of Service | | | | |
| All Heads of Service | | | | |
| Head of Corporate Management | | | | |
| Head of Environmental and Protective Services | | | | |
| Head of Life Opportunities | | | | |
| Head of Resource Management | | | | |
| Head of Strategic Policy and Regeneration | | | | |
| Head of Street Services | | | | |
| Monitoring Officer | | | | |

SCHEME OF DELEGATION TO OFFICERS BY THE CABINET

Delegated to the Chief Executive

GENERAL

1. To act as District Controller in all emergency matters.
2. To implement the electoral registration function.

HUMAN RESOURCES

1. The implementation of locally determined pay awards to the employee group in accordance with the Council's agreed pay strategy for Council employees.

Delegated to the Chief Executive and all Heads of Service

FINANCIAL RESOURCES

1. To authorise financial remedies or compensation including; waiver or reduction of fees, ex-gratia or goodwill payments up to £3000 (Chief Executive) or £1000 (Heads of Service).
2. To incur revenue expenditure and recover revenue income up to the levels contained in the annual estimates of expenditure and income or any other approved revisions thereto.
3. To purchase works, supplies and services included in the approved capital programme.
4. To dispose of surplus or obsolete equipment plant, vehicles and stock on the most favourable terms in accordance with the Council's Financial Procedure Rules.
5. When a contract is won in open competition with another local authority or public body, following acceptance of the tender, power to offer to amend the tender sum if the authority or body is prepared to waive the requirement of a performance bond.
6. To employ such sub-contractors as may be required to fulfil all obligations entered into by the Council.
7. To purchase such works, supplies or services required to fulfil all obligations entered into by the Council.

HUMAN RESOURCES

1. Subject to corporate policies and standards, to determine staffing levels for services within their Groups, including variations to meet budgetary and business plan requirements and to maintain efficient and effective services.

2. Subject to corporate policies and standards to determine recruitment, training and dismissal of staff.
3. Subject to corporate policies and standards to approve secondary employment, leave, overtime, training courses, membership of and attendance at professional bodies, granting of ex-gratia payments up to £500 (Chief Executive) or £250 (Heads of Service) to staff for damage and destruction of personal items resulting directly from their employment.

Delegated to all Heads of Service

GENERAL

1. In respect of every function of the Council, power to serve Notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requiring information on interests in land.
2. To select shortlists of contractors to be invited to tender for contracts with the Council from those available pursuant to the Contract Procedure Rules.
3. Power to authorise requests in relation to applications for, renewal of and cancellation of covert or directed surveillance in accordance with the Regulation of Investigatory Powers Act 2000.

Delegated to the Head of Corporate Management

ENVIRONMENTAL PROTECTION

1. To apply for an injunction to prevent the occurrence of indoor or outdoor entertainments (or similar events) where, in the opinion of the Head of Environmental and Protective Services, there is risk that a nuisance or a hazard to health and/or safety may be created and to give an undertaking in damages to a court if required.
2. Power to institute legal proceedings under the Dogs (Fouling of Land) Act 1996.
3. To prosecute applicants for hackney carriage and private hire licences who give false information on their application forms.
4. Power to institute legal proceedings under the Shops Act 1950 and the Sunday Trading Act 1994.
5. Power to institute legal proceedings under legislation relating to the quality, safety and content of food.
6. Power to institute legal proceedings under the Environmental Protection Act 1990 in relation to litter control subject to a report to appropriate Cabinet Member on action taken.
7. Power to institute legal proceedings in respect of the unauthorised disposal of trade refuse at Civic Amenity Sites.

GENERAL

1. Power to administer and effect changes in Members' Allowances consequent upon Councillors' and any co-opted persons' appointment changes.
2. Power to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Proper Officer considers that such action is necessary to protect the Council's interests.
3. Power to authorise appearances in Court pursuant to section 60(2) of the County Court Act 1984 and section 223 of the Local Government Act 1972 on behalf of the Council.
4. Power to designate officers of the Council or nominated third parties who are performing statutory functions on behalf of the Council as 'authorised officers' for the purposes of carrying out any of the Council's functions under statutory enactments or regulations as may be relevant to that officer including the appointment and authorisation of inspectors under Section 19 of the Health and Safety at Work etc. Act 1974.
5. To institute proceedings where the requirements of Notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requiring information on interests in land are not complied with within the statutory time limits.
6. Power to make an application for an Anti- Social Behaviour Order under section 1 of the Crime and Disorder Act 1998.
7. Power to institute proceedings relating to abandoned vehicles under the Refuse Disposal (Amenity) Act 1978(as amended by the Clean Neighbourhoods and Environment Act 2005).
8. To make objections to the registration of Goods Vehicle Operating Centres pursuant to the approved policy.
9. To act as registrar of Local Land Charges.

HIGHWAYS

1. Power to take prosecutions arising out of Section 6 of the Essex Act 1987 (damage to grass verges etc).
2. Power to prosecute offences under Paragraph 10 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 relating to illegal street trading.
3. Authority to determine house numbering and street names under sections 64 and 65 of the Town Improvement Clauses Act 1847 where there are no objections and power to object to a suggested street name.
4. Authority to alter the names of streets in accordance with section 21 of the Public Health Act Amendment Act 1907.

HUMAN RESOURCES

1. The signing and issuing of all contracts of employment and of any associated terms and conditions
2. The granting of temporary Council housing accommodation to new staff for up to one year, after consultation with the appropriate Cabinet Member.
3. To approve regradings following evaluation in accordance with the approved job evaluation scheme.
4. To authorise agreements in respect of applications made to the Advisory Conciliation and Arbitration Services. These agreements to be only used in instances where there are pending employment tribunal claims and with the prior agreement of the relevant Head of Service. Each agreement must be supported by the appropriate analysis which clearly defines the business benefits of the agreement.

PUBLIC SECTOR HOUSING

1. After consultation with the Head of Life Opportunities, to commence injunction proceedings against tenants causing nuisance/annoyance to their neighbours where he/she is satisfied upon evidence that it is appropriate to do so.

| |
|---|
| Delegated to the Head of Environmental and Protective Services |
|---|

ENVIRONMENTAL PROTECTION

1. Power to agree payments for compensation arising under section 20 of the Public Health (Control of Disease) Act 1984, up to the limit prescribed in the Council's Financial Management Procedures for payments from the Insurance Provision, when satisfied with the Head of Financial Services that the claims are reasonable and justified.
2. To administer relevant environmental protection provisions, give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same or incorporating them and under any order or regulations made under the said Act or Acts:

Anti-Social Behaviour Act 2003
Building Act 1984
Clean Air Act 1993
Clean Neighbourhoods & Environment Act 2005
Control of Pollution Act 1974
Dogs Act 1871
Dangerous Dogs Act 1991
Dangerous Dogs Act (Amendment) 1997
Dogs (Fouling of Land) Act 1996
Environment Act 1995
Environmental Protection Act 1990
Environmental Damage (Prevention and Remediation) Regulations 2009
Essex Act 1987

Local Government Act 1972
Local Government Miscellaneous Provisions Act 1976
Local Government Miscellaneous Provisions Act 1982
Noise & Statutory Nuisance Act 1993
Pollution, Prevention & Control Act 1999
Prevention of Damage by Pests Act 1949
Private Water Supplies Regulations 2009
Public Health Act 1936
Public Health Act 1961
Water Industries Act 1991

Health and Safety at Work etc Act 1974
Food Safety Act 1990
European Communities Act 1972 and legislation made thereunder
Sunday Trading Act 1994
Health Act 2006

3. Power to object to applications for consent to discharge under section 119 of the Water Industry Act 1991.
4. To authorise works being carried out in default up to a maximum cost of £5,000 in cases where a breach of legislation can be remedied by the Council carrying out works in default.
5. Control of the drainage of paved areas under section 84 of the Building Act 1984.
6. Power to take such action as may be necessary to deal with dangerous trees under section 23 of the Local Government (Miscellaneous Provisions) Act 1976 and to appoint other named officers to enter land to ascertain whether action should be taken under section 23 of the Act.
7. The approval, disapproval or rejection of plans for the purposes of building regulations and power to dispense with or relax building regulations under statutory requirements.
8. Power to take appropriate action under sections 7 and 13 of the Essex Act 1987 relating to building regulations.
9. Power to take appropriate action under section 77 and 78 of the Buildings Act 1984 in respect of dangerous buildings.
10. Power to take appropriate action and to serve counter-notices relating to the demolition of buildings under sections 80 and 81 of the Buildings Act 1984.
11. Power to take appropriate action under the Safety at Sports Grounds Act 1975 (as amended) following consultation with Essex County Council and Essex Police.
12. Service of Notices under section 262 of the Public Health Act 1936 relating to culverting of watercourses and ditches, and the institution of legal proceedings where Notices are not complied with after consultation with the Ward Councillors.

13. Power to reply to consultations from Essex County Council on licences for the disposal of refuse.
14. Arrangements for funerals under the Public Health (Control of Disease) Act 1984.
15. Take all necessary legal action required to enforce the provisions of relevant legislation relating to the following environmental protection functions:
 - Air quality
 - Contaminated land
 - Culverting of watercourses and ditches
 - Smoke from bonfires
 - Determination of applications for the installation of boilers, furnaces and chimneys
 - Filthy and verminous premises, articles and persons
 - Houseboats
 - Noise from construction sites
 - Noise in the street
 - Obstructed, blocked or defective drains and private sewers and/or insufficient provision of drainage
 - Overflowing cesspools and septic tanks
 - Prescribed processes liable to give rise to air pollution
 - Prevention of damage by pests
 - Private Water Supplies
 - Re-securing empty or unoccupied buildings
 - Statutory nuisances
 - Surface water drainage
 - Water supply
 - Employment of persons relating to health and safety at work in premises
 - Sunday trading
 - Licensing, registration and hygiene standards of food premises and other commercial or domestic premises
 - Quality, safety and content of food produced, sold or stored within the Borough of Colchester
 - Control of infectious diseases
 - Port Health matters
 - Dog control
 - Pest control
 - Sale or keeping of animals
16. To administer relevant anti-social behaviour provisions, give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same or incorporation them and under any order of regulations made under the said Act or Acts:
 - Anti Social Behaviour Act 2003
 - Crime & Disorder Act 1998
 - Criminal Justice & Police Act 2001

- Criminal Justice & Public Order Act 1994
 - Housing Act 1996
 - Local Government Act 1972
 - Local Government Act 2000
 - Police & Justice Act 2006
 - Policing and Crime Act 2009
 - Protection from Harassment Act 1997
 - Serious Organised Crime & Police Act 2005
17. To take all necessary legal action required to enforce the provisions of relevant legislation relating to the following anti-social behaviour control functions:
 - Behaviour which causes alarm, distress or harassment to persons not of the same household
 - Unauthorised Encampments of Gypsies or travellers
 18. Power to serve notices under section 19, commence legal proceedings under section 20 and provide certificates under section 22 of the Criminal Justice and Police Act 2001 in relation to closure orders where there are suspected unauthorised sales of alcohol or breach of licence conditions or unauthorised licensable activities taking place at premises.
 19. Power to take action within the approved budget and policy objectives of the Council in relation to the cemetery and crematorium.
 20. The granting of Rights of Burial at the cemetery other than the fixing of charges.

PRIVATE SECTOR HOUSING

1. To authorise works being carried out in default up to a maximum cost of £5,000 in cases where a breach of legislation can be remedied by the Council carrying out works in default.
2. To exercise the powers available under the provisions of Parts 1, 2, 3 and 4 of the Housing Act 2004 ("the 2004 Act") and any orders or regulations made in respect of private sector housing and in particular to:
 - a) administer the relevant enforcement provisions and serve notices or orders including taking emergency remedial action in appropriate cases as provided for in Part 1 of the 2004 Act
 - b) be the Proper Officer for the purposes of section 4(2) of the 2004 Act (dealing with official complaints)
 - c) impose reasonable charges for enforcement action as allowed for by Section 49 of the 2004 Act
 - d) administer the relevant licensing provisions and determine applications for licences as provided for in Part 2 or Part 3 of the 2004 Act
 - e) administer the additional control provisions in relation to residential premises including the application of management orders, empty dwelling management orders and overcrowding notices as provided for in Part 4 of the 2004 Act
 - f) approve and enter into such nomination, management and other agreements as shall be necessary for the purpose of implementing management orders or empty dwelling management orders under Part 4 of the 2004 Act.
 - g) authorise officers to enter premises in connection with their duties under sections 131, 239, 243(3) and paragraph 3(4) of Schedule 3 and paragraph 25 of Schedule 7 of the Act and to authorise officers to require documents to be

- produced under section 235 of the 2004 Act
- h) take appropriate enforcement action in accordance with the provisions of the Act to recover any costs, expenses, fees or other monies due to the Council from actions taken under the provisions of the 2004 Act
 - i) determine applications for HMO licences under Part 2 of the 2004 Act
 - j) grant, revoke or vary such licences and issue any necessary notices or certificates for those purposes
 - k) grant temporary exemption from licensing under section 62 of the 2004 Act
 - l) determine the conditions that should be attached to HMO licences that are granted or varied
 - m) exercise the enforcement provisions in respect of the licensing of HMO's set out in Part 2 of the 2004 Act
 - n) the implementation of the transitional arrangements for HMO licensing under section 76 of the 2004 Act and the issue of any necessary notices or certificates
3. To administer relevant private sector housing provisions, give directions, serve notices, enforce, carry out work in default, issue formal cautions and to lay information and complaints to Court in relation of offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same or incorporating them and under any order of regulations made under the said Act or Acts:
- Public Health Act(s) 1936 and 1961
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Building Act 1984
 - Housing Act 1985
 - Environmental Protection Act 1990
4. To administer the provisions of the Colchester Borough Council (Registration of Houses in Multiple Occupation) Control Scheme 1998.

GENERAL

1. To act as the Appointing Officer under the Party Wall etc Act 1996.

MUSEUMS

1. Power to take action within the approved budget and policy objectives of the Council in relation to the museum service.
2. Agreement of reproduction and copyright fees in respect of museum items.
3. Power to take action within the approved budget and policy objectives of the Council in relation to the presentation, conservation and/or restoration of archaeological sites and monuments.
4. Power to take action within the approved budget and policy objectives of the Council in relation to the care of the Council's art collection and artifacts.
5. Power to agree minor amendments to fees and charges relating to museum services in response to changes in market forces after consultation with the appropriate Cabinet Member.
6. To act as lead officer for the Council in accordance with the Colchester and Ipswich Joint Museums Committee Agreement

Delegated to the Head of Life Opportunities

COMMUNITY

1. Power to take action within the approved budget and policy objective of the Council in relation to the management and maintenance of Activity Centres for the purpose of providing activities for older people.

COMMUNITY PARTNERSHIPS

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to:
 - a) the promotion of Community Partnerships
 - b) the management and maintenance of the Community Partnerships Team

SPORT AND LEISURE - GENERAL

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to the management and maintenance of sport and leisure facilities in the Borough
2. Power to agree minor amendments to fees and charges relating to sport and leisure services in response to changes in market forces.

PARTNERSHIP WORKING

1. To represent the Council's interests on the Members' Council of Colchester Hospital University NHS Foundation Trust in the absence of the Portfolio Holder.
2. To represent the Council's interests on the North East Essex Children's Trust Board.
3. To represent the Council's interests on any partnership with which the Council may be involved from time to time.

PRIVATE SECTOR HOUSING

1. The determination of applications for housing advances.
2. To reclaim money recoverable where conditions relating to house renovation grants are not met, subject to a right of appeal to the appropriate Cabinet Member.
3. To administer the provisions of the Council Financial Assistance Policy for Private Sector Housing including Disabled Facilities Grants, Disabled Facilities Assistance, Home Safety Grants, Home Repair assistance, Home Renovation Assistance, Landlord energy Efficiency Grants, HMO Fire Safety Grants, Landlord Renovation Grants and Landlord Empty Property Loans and in

particular to determine all applications, authorize payment of grants or loans, issue certificates, reclaim monies where conditions relating to grants or loans are not met or when a property is sold.

PUBLIC SECTOR HOUSING

1. The assessment of housing need of applicants admitted to the Housing Needs Register, the allocation of tenancies of Council dwellings, the nomination of applicants for tenancies of Registered Social Landlord dwellings.
2. To use any Council dwellings within the Housing Revenue Account for the purposes of Part VII of the Housing Act 1996 and to use bed and breakfast accommodation for homeless families in cases of emergency.
3. Determination of applications relating to homelessness under Part VII of the Housing Act 1996.

PARKS AND RECREATION

1. Power to take action within the approved budget and policy objectives of the Council in relation to the promotion and encouragement of recreational events.
2. Power to take action within the approved budget and policy objectives of the Council in relation to liaison with voluntary organisations and clubs in the development and use of sporting and recreational facilities.
3. The granting of easements, way leaves, licences and sale of small areas of parks and recreation land.
4. Letting of beach hut sites and administration thereof other than fixing of charges.
5. Letting of open spaces, allotments and recreation grounds other than fixing of charges.
6. Granting free use of open spaces and recreation grounds to charitable, voluntary and non-profit making organisations.
7. Refusal of applications for the purchase of land held as open spaces, recreation grounds and allotments.
8. Acceptance or refusal of open space donated to the Council in accordance with the conditions of planning consents.
9. Power to take such action as considered necessary to deal with dangerous trees on land under the operational management of the Council.
10. All matters relating to the enforcement of and prosecution of alleged offenders relating to all leisure relating byelaws made by the Council and in particular:-

The Maldon District and Colchester Borough Byelaws relating to the River Blackwater made by the Maldon District Council and the Council and confirmed on 21 July 1999.

The byelaws for the proper regulation of the speed of pleasure boats within the Harbour of Colchester made by the Council on 7 June 1972 and confirmed on 26 March 1973 (as amended by the byelaws made on 10 June 1985) and confirmed on 19 July 1985.

The Seashore byelaws made by the Council on 29 August 2001 and confirmed on 5 November 2001.

11. To provide play equipment on play areas.
12. Power to take action under the Wildlife and Countryside Act 1981.
13. Granting and management of mooring rights in the River Colne.

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| Delegated to the Head of Resource Management |
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FINANCIAL RESOURCES

1. The operation of the Collection Fund including the power to invest surplus monies and to borrow to cover any shortfall in monies required by the Fund.
2. To implement variations to the interest rates chargeable on all Council mortgages and to determine the date for implementation in accordance with the notifications received from the Secretary of State subject to the appropriate Cabinet Member being informed of the action taken.
3. The Council's Treasury Management Function in accordance with the approved Treasury Policy Statement.
4. Authority to write-off individual bad debts not exceeding £5,000.
5. Matters relating to procurement.
6. The collection and recovery of any Council Tax, rates or residual community charge payable and to carry out or make appropriate arrangements for the carrying out of all the Council Tax, rating and residual community charge functions of the Council including the following powers in respect of Council Tax, residual community charge and national non-domestic rating:-

Council Tax and Residual Community Charge

- To impose and/or quash penalties.
- To take summary proceedings in the Magistrates Court for recovery (including penalties).
- To exercise distraint, issue requests for information, apply for attachment of earnings orders, deduction from income support, committal to prison and to issue winding up/bankruptcy proceedings and charging orders.
- To select and appoint bailiffs and tracing agents.
- To refund all payments and interest where appropriate.
- To write-off individual bad Council Tax and Community Charge debts up to £5,000.
- To estimate occupancy level for collective community charge when the landlord has defaulted.

- To execute arrest warrants issued by the Magistrates' Court and to select and appoint suitably qualified contractors if necessary.

National Non-Domestic Rating

- To take summary proceedings in the Magistrates Court for recovery.
 - To exercise the Council's power of distraint, committal to prison, bankruptcy/winding up proceedings.
 - To select and appoint bailiffs and tracing agents.
 - To refund all payments and interest where appropriate.
 - To write-off individual bad National Non-Domestic Rate debts up to £5,000.
 - To grant allowances under section 44 of the Local Government Finance Act 1988.
 - To grant discretionary relief under section 47 of the Local Government Finance Act 1988 within criteria set down by the Council.
 - To reduce or remit liability on the grounds of hardship under section 49 of the Local Government Finance Act 1988.
 - To execute arrest warrants issued by the Magistrates' Court and to select and appoint suitably qualified contractors if necessary.
7. To operate and administer the Council Tax Benefit Scheme and the recovery of overpayment Council Tax Benefit and including the waiving of recovery of overpayments and to accept late applications (including consideration of backdating of benefit) where appropriate and to top up the benefit payable to the most vulnerable who are not in receipt of maximum benefit.
 8. To operate and administer the Housing Benefit Scheme and the recovery of overpayment Housing Benefit and including the waiving of recovery of overpayments and to accept late applications (including consideration of backdating of benefit) where appropriate and to top up the benefit payable to the most vulnerable who are not in receipt of maximum benefit.
 9. The use of debt collection agencies to recover Housing Benefit and Council Tax Benefit overpayments.
 10. To commence legal proceedings for the recovery of Housing Benefit overpayments and in cases of fraud.
 11. To write-off individual irrecoverable Housing Benefit Overpayments up to £5,000.
 12. To administer the Concessionary Fares Scheme.
 13. Authority to exercise discretion to agree such arrangements as are considered appropriate with borrowers in arrears to assist them in meeting their mortgage obligations.

PROPERTY

1. To grant licenses, easements and way leaves and agree the sale of small areas of land and electricity sub-station sites.
2. To manage and let land or property held in advance of the Council's requirements and held for investment purposes.

3. To let and assign leases in respect of shops on Council housing estates.
4. To grant leases on the Council's industrial estates after consultation with the appropriate Cabinet Member.
5. To negotiate and agree rent reviews on the Council's leasehold properties.
6. Power to take action within the approved budget and approved policy objectives of the Council in relation to:
 - a) the promotion, management and maintenance of the Estates Team
 - b) the management and maintenance of the Council's assets.

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| Delegated to the Head of Strategic Policy and Regeneration |
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ARTS AND CULTURE

1. Power to take action within the approved budget and policy objectives of the Council in relation to management and funding of the Mercury Theatre, Colchester Arts Centre, Firstsite and any similar organisations.
2. Power to take action within the approved budget and policy objectives of the Council in relation to the promotion and encouragement of events of cultural and artistic merit.

ENTERPRISE

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to:
 - (a) the promotion of economic development
 - (b) the management and maintenance of the Enterprise Team

ENVIRONMENTAL POLICY

1. Power to take action within the approved budget and approved policy objectives of the Council in relation to:
 - (a) the production of the Local Development Framework;
 - (b) development of policy for the provision of homes, jobs and places to create sustainable communities;
 - (c) development of policy and project implementation with regard to planning, transportation and waste.
2. Power to take action under the Conservation (Natural Habitats) Regulations 1994.

HOUSING POLICY

1. Power to take action within the approved budget and policy objective of the Council in relation to housing strategies.
2. Power to take action within the approved budget and policy objective of the Council in relation to the dissemination of information regarding all housing matters.
3. To act as lead officer for the Council in accordance with the Management Agreement dated 11 August 2003 between the Council and Colchester Borough Homes Limited.
4. To manage the Housing Revenue Account budget.

REGENERATION

1. Power to take action within approved programme, budget and policy objectives of the Council in relation to regeneration activities in the four main regeneration areas: St Botolph's, East Colchester, North Colchester and the Garrison

TOURISM

1. Power to take action within the approved budget and policy objective of the Council in relation to the management and maintenance of a Visitor Information Centre and the promotion of the Borough for tourism purposes.
2. Power to take action within the approved budget and policy objective of the Council relation to liaison with other tourist agencies.

TOWN TWINNING

1. Power to take action within the approved budget and policy objective of the Council in relation to town twinning (except civic aspects) and encourage exchange visits between local groups and similar groups in twinned towns.

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| Delegated to the Head of Street Services |
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COMMUNITY

1. Power to take action within the approved budget and policy objective of the Council in relation to the management and provision of the Council's community alarm (Helpline) service for the elderly.

CRIME AND DISORDER

1. Power to take action within the approved budget and policy objective of the Council in relation to the management and provision of the Council's CCTV system to contribute to the reduction of crime and disorder in Colchester.

PUBLIC PROTECTION

1. Power to take appropriate action under Part II of the Land Drainage Act 1991

(facilitating or securing the drainage of land or dealing with flooding).

2. Day to day operation of markets and the granting of Christmas Eve markets.
3. Fixing and levying of charges in accordance with Council policy in relation to street trading.
4. The granting, suspension or revocation of street trading licences.

TRAFFIC MANAGEMENT

1. To consolidate into a single order any waiting restriction orders currently in force when amendments to waiting restrictions in the villages are proposed.
2. Power to approve and rescind Traffic Regulation Orders relating to disabled parking bays under the Road Traffic Regulation Act 1984.

TRANSPORTATION

1. Temporary road closures under the Town Police Clauses Act 1847 in connection with functions, after consultation with Essex County Council and the Police.
2. Power to erect suitable Notices on grass verges etc under section 6 of the Essex Act 1987.
3. Power to arrange for the removal of vehicles on grass verges etc under section 6 of the Essex Act 1987.
4. Service of notices under section 46 of the Environmental Protection Act 1990 for the provision of waste receptacles.
5. Power to serve notices under sections 92 and 93 of the Environmental Protection Act 1990 in relation to Litter Abatement Notices and Street Litter Control Notices subject to report to appropriate Cabinet Member on action taken.
6. Day to day management of car parks, residents' parking schemes and decriminalised parking including determination of applications from organisations for the short term use of car parking spaces on public car parks which are similar to applications previously agreed by the appropriate Cabinet Member.
7. To enable management of parking under appropriate sections of legislation, a power to make or vary Off Street Car Park Orders and Traffic Regulation Orders under either the Road Traffic Regulation Act 1984 or the Traffic Management Act 2004 (as appropriate).
8. To consolidate into a single order any waiting restriction orders currently in force when amendments to waiting restrictions in the villages are proposed.
9. Power to approve and rescind Traffic regulation Orders relating to disabled parking bays under the Road Traffic Regulation Act 1984.
10. Power to take all necessary action under the following sections of the Highways

Section

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| 25 | To respond to consultations concerning creation of footpath or bridleway by agreement |
| 151 | Soil washed on to streets |
| 152 | Removal of projections from buildings |
| 153 | Opening of doors on to streets |
| 154 | Cutting or felling trees |
| 164 | Removal of barbed wire |
| 165 | Dangerous land |
| 166 | Forecourt abutting street |
| 174 | Execution of street works |
| 179 | Control of construction of cellars |
| 293 & 294 | Powers of entry |
| 296 | Execution of works |
| 297 | Information as to ownership of land |
| 305 | Recovery of expenses |
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11. Power to take all necessary action in relation to vehicles for sale on a road and vehicles being repaired on a road under sections 3 and 4 of the Clean Neighbourhoods and Environment Act 2005
 12. Power to take appropriate action regarding abandoned vehicles under sections 3, 4 and 5 of the Refuse Disposal (Amenity) Act 1978 (as amended by the Clean Neighbourhoods and Environment Act 2005).

WASTE POLICY

1. To negotiate and agree contracts for the sale of material collected for recycling or salvage and from time to time to review the operation of such contracts to determine that best value is being achieved in relation to the Council's objectives.

WASTE COLLECTION

1. Power to take action within the approved budget and policy objectives of the Council in relation to refuse collection, street cleaning, litter collection and removal, recycling, composting, workshops, fleet and toilets.

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| Delegated to the Monitoring Officer |
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GENERAL

1. To respond on behalf of the Council to all enquiries from the Local Government Ombudsman including the determination of levels of compensation payable in respect of local settlements.
2. To agree with Heads of Service responsibility for any other Acts or regulations that may be relevant to the Heads of Services' area and to maintain a written record of such delegations.
3. Power to designate officers of the Council or nominated third parties who are

performing statutory functions on behalf of the Council as 'authorised officers' for the purposes of carrying out any of the Council's functions under statutory enactments or regulations as may be relevant to that officer including the appointment and authorisation of inspectors under Section 19 of the Health and Safety at Work etc Act 1974.

4. Power to authorise appearances in Court pursuant to section 60(2) of the County Court Act 1984 and section 223 of the Local Government Act 1972 on behalf of the Council.
5. Power to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Proper Officer considers that such action is necessary to protect the Council's interests.
6. To sign on behalf of the Council all Inland Revenue Land Transaction Return Forms, Land Registry declarations and forms and Court declarations and forms.

SCHEME OF DELEGATION TO OFFICERS BY THE COUNCIL

Delegated to the Chief Executive

ELECTIONS

1. Assignment of officers to the Electoral Registration Officer.
2. Assistance at European Parliamentary elections.
3. The holding of elections/the filling of certain vacancies.
4. The declaration of vacancies.
5. Notices of casual vacancies.
6. Fees for and conditions of supply of elections documents.
7. All other functions relating to elections and electoral registration.

GAMBLING ACT 2005

1. Review of premises licences.

Delegated to Heads of Service

1. Power to appoint officers for particular purposes (appointment of "Proper Officers").
2. Power to appoint staff (below Head of Service level), and to determine the terms and conditions on which they hold office (including procedures for their dismissal).
3. Power to make payments or provide benefits in cases of maladministration.

Delegated to Head of Resource Management as Chief Finance Officer

1. Functions relating to local government pensions.
2. Duty to make arrangements for proper administration of financial affairs etc.
3. Power to make and amend Financial Procedure Rules.

SCHEME OF DELEGATION TO OFFICERS BY THE PLANNING COMMITTEE

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| Delegated to the Head of Environmental and Protective Services |
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1. The determination of all planning applications irrespective of sale and size including changes of use and all applications for Listed Building Consent and Conservation Area Consent except any application:
 - (a) contrary to the provisions of an approved or draft development plan, and which is recommended for approval;
 - (b) contrary to approved Council policies or standards and which is recommended for approval;
 - (c) which any Councillor requests in writing to the Head of Planning, Protection and Licensing Services within 21 days of the date of the weekly list circulating details of the application, should be subject of consideration by the Committee;
 - (d) on which a material planning objection(s) (including those from Parish/Town Councils and statutory consultees) has been received in the stipulated time span, which has not been resolved by negotiation or through the imposition of conditions; however, this subsection shall not apply:
 - (i) to proposed development involving the extension/alteration of a single dwelling unit;
 - (ii) all types of applications that are recommended for refusal;
 - (e) submitted by or on behalf of a Colchester Borough Council Councillor (or their spouse/partner) or by any Council officer (or their spouse/partner);
 - (f) submitted by or on behalf of the Council or Essex County Council except for the approval of routine minor developments to which no objection has been received;
2. The determination of applications for approval of reserved matters, details required by a condition on a planning permission and minor amendment unless the Planning Committee at the granting of the outline permission indicates that it requires to determine the aforementioned matter itself.
3. The determination of applications for consent to display advertisements.
4. Authority to make observations on applications to be determined by another local planning authority (normally but not exclusively Essex County Council) except where the application falls outside the general category of delegation under Paragraph 1. Where an application is required to be considered by the Committee and the local planning authority determining the application does not accede to a request for additional time to enable such consideration to be undertaken, the Head of Environmental and Protective Services may make provisional comments.
5. The determination of applications for Certificates of Lawfulness or applications

for the determination as to whether prior approval of details is required.

6. Authority to refuse planning applications where a proposed legal agreement remains uncompleted for six months from the decision regarding its provision.
7. Authority to appoint consultants where the Council's case may be enhanced or when specialist information needs to be provided.
8. Power to make and confirm tree preservation orders where there are no unresolved objections thereto and to determine applications to carry out works to preserved trees and trees in Conservation Areas.
9. Authority to administer the Hedgerow Regulations 1997 and to issue notice in accordance with the Council's policy.
10. Service of Building Preservation Notices.
11. Authority to institute proceedings in respect of any offence against the advertisement regulations, including prosecution where it is considered appropriate. In the cases where repeated prosecution fails, this includes the authority to seek an injunction under Section 222 of the Local Government Act 1972.
12. Authority to institute proceedings in respect of any enforcement actions where a valid notice exists, no appeal decision thereon is pending, the prescribed time for compliance with the notice has expired, and where the breach of planning control continues to exist.
13. Authority to serve "Planning Contravention Notices" under the Town and Country Planning Act 1990, Sections 171(C) and 171(D), and to arrange for the institution of proceedings where the requirements of such Notices are not complied with within statutory time limits.
14. Authority to serve "Breach of Condition Notices" under the Town and Country Planning Act 1990, Section 187(A), and to arrange for the institution of proceedings where the requirements of such Notices are not complied with within statutory time limits, subject to a report being made to the Committee as soon as practical thereafter.
15. Authority to serve an enforcement notice, stop notice or breach of condition notice under the Town and Country Planning Act 1990 (Part VII), where the land has been in use as a car boot sale or market for more than fourteen days in any one calendar year and to arrange for the institution of proceedings where the requirements of such Notices are not complied with within statutory time limits.
16. Power to serve a notice under Section 330 of the Town and Country Planning Act 1990 (to require information as to interests in land).
17. Authority to give a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 as to whether an Environmental Impact Assessment is required and to determine the scope of the environmental issues to be covered in any such assessment subject to notification of the Ward Councillors forthwith upon the giving of such an opinion.

18. Authority to respond to all notifications of schemes within the Borough for the installation of a cable television network under the Town & Country Planning General Development Order 1995 and the Telecommunications Act 1984.
19. Authority to defend the Council's decision in respect of any appeal proceedings, provided that where any additional or revised information is submitted which may overturn the Council's initial decision, the case shall be referred back to Planning Committee to determine the Council's case. In the event that timescales do not allow the matter to be referred back to Planning Committee, then the Head of Environmental and Protective Services shall consult the Planning Committee Chairman, and Group Spokespersons, before determining the Council's case. In the unlikely event that none of the foregoing is possible, then as an emergency procedure, an Executive Director can determine the action required, which will be reported to Committee as soon as is practical thereafter.
20. Authority to institute legal proceedings (including the serving of injunctions and enforcement notices) under the Town and Country Planning Act 1990 (Part VII and Part VIII) and the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (Part IV) where it is considered the most appropriate remedy in relation to the circumstances of the case, and expedient to do so, without referral to Planning Committee, subject to a report being made to Committee as soon as practical thereafter.
21. That, subject to written confirmation from the Head of Financial Services and the Monitoring Officer, the Head of Environmental and Protective Services be authorised to agree the release of funds secured by means of a legal agreement under the Planning Acts for expenditure, for purposes solely in accordance within the specified legal agreement. Such delegated powers would only operate where such expenditure is entirely in accordance with the legal agreement attached to the development.
22. Authority to prosecute for the failure to comply with the statutory time limit imposed by any notices served in respect of Section 16 of the 1976 Act and Sections 171C, 171D and 330 of the Town and Country Planning Act 1990, or for providing false/misleading information.
23. Determination of cases where:
 - (i) investigations conclude that no breach of planning has occurred and therefore no further action is required;
 - (ii) a breach of control has occurred but it is not expedient in the public interest to take action;
 - (iii) investigations conclude that a breach has occurred in excess of four years or ten years (as appropriate) and is therefore, immune from further action.
24. Power to make orders for the creation, diversion or extinguishment of public rights of way.

SCHEME OF DELEGATION TO OFFICERS BY THE LICENSING COMMITTEE

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| Delegated to the Head of Environmental and Protective Services |
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1. Determination of applications and issue of licences, permits, registrations and certificates where no objections have been received in respect of:-

Amusement with Prize Machines
Animal Boarding Establishments
Betting, Gaming and Lotteries
Caravan Sites
Cinemas and Theatres
Dangerous Wild Animals
Deratting and Deratting Exemptions
Dog Breeding Establishments
Food Exports
Food Hawkers
Food Premises
Game Dealers
Hackney Carriage and Private Hire Vehicles drivers and operators
House to House and Street Collections
Knackers Yards
Late Night Refreshments
Minibuses
Moneylenders
Motor Cycle Scramble Track Practices and Events over Public Footpaths
Pawnbrokers
Pet Shops
Pleasure Boats and Boatmen
Premises and persons involved in acupuncture, tattooing, ear piercing and electrolysis
Public Entertainments (including registered door staff)
Rag and Bone Dealers
Riding Establishments
Scrap Metal Dealers
Sex Shops
Sports Entertainment
Stage Plays
Zoos
2. Revocation or suspension of licences, permits, registrations, certificates.
3. Approval of individual identification signs for display on taxis and private hire vehicles, after consultation with the Chairman of the Licensing Committee.
4. To determine applications for permission to place advertisements on hackney carriages and private hire vehicles.
5. Determination of motor salvage operators' licences.

The determination of the following Licensing Act 2003 functions:

| Matter to be dealt with | Delegated to Head of Environmental and Protective Services |
|---|---|
| PERSONAL LICENCES | |
| Application for a personal licence | If no objection is made |
| Application for personal licence with unspent convictions | |
| Application to vary Designated Premises Supervisor | All other cases |
| Request to be removed as a Designated Premises Supervisor | All cases |
| PREMISES LICENCES AND CLUB PREMISES CERTIFICATES | |
| Application for premises licence/club premises certificate | If no representation is made |
| Application for provisional statement | If no representation is made |
| Application to vary premises licence/club premises certificate | All other cases |
| Application for transfer of premises licence | All other cases |
| Application for interim authorities | All other cases |
| Application to review premises licence/club premises certificate | |
| Decision on whether a complaint is irrelevant, frivolous, vexatious, etc | All cases |
| Decision to object when local authority is a consultee and not the lead authority | All cases |
| TEMPORARY EVENT NOTICES | |
| Determination of a Police representation to a temporary event notice | |
| RIGHT TO DISPENSE WITH HEARING | |
| Dispensation of need to hold hearing if all persons required by the Licensing Act 2003 (other than the Authority) have written and agreed that a hearing is unnecessary | All cases |

The determination of the following Gambling Act 2005 functions:

| Matter to be dealt with | Delegated to Head of Environmental and Protective Services |
|--|--|
| Final approval of three year licensing policy | |
| Policy not to permit casinos | |
| Application for Premises Licence | Where no representations received or representations have been withdrawn |
| Application for a variation to a licence | Where no representations received or representations have been withdrawn |
| Application for a transfer of a licence | Where no representations received from the Commission |
| Application for a provisional statement | Where no representations received from the Commission |
| Application for club gaming/club machine permits | Where no objections made/objections have been withdrawn |
| Application for other permits | |
| Cancellation of licensed premises gaming machine permits | |
| Application for other permits | |
| Cancellation of licensed premises gaming machine permits | |
| Consideration of temporary use notices | |
| Consideration of occasional use notices | |

PETITIONS, PUBLIC STATEMENTS, QUESTIONS

(i) Have Your Say speakers

| Date of Meeting | Details of Member of the Public | Subject Matter | Form of Response | Date Completed |
|-----------------------|---------------------------------|--|--|----------------|
| Cabinet, 30 June 2010 | Paula Whitney | Reducing carbon emissions and Friends of the Earth "Get Serious" campaign. | Verbal response provided at the meeting by the Portfolio Holder for Planning and Sustainability and the Portfolio Holder for Street and Waste Services. Written response sent on 12 July 2010. | 12 July 2010 |
| Cabinet, 30 June 2010 | Nick Chilvers | Development and planning in Colchester | Verbal response provided at the meeting by the Leader of the Council and Portfolio Holder for Strategy and Performance and Portfolio Holder for Resources and Diversity. | 30 June 2010 |
| Cabinet, 30 June 2010 | Parish Councillor Gili-Ross | Progress on previous request for a Task and Finish Group on development in north Colchester. | Written response sent by the Leader of the Council and Portfolio Holder for Strategy and Performance on 27 July 2010. | 27 July 2010 |

| Date of Meeting | Details of Member of the Public | Subject Matter | Form of Response | Date Completed |
|------------------------|--|--------------------------------------|---|-----------------------|
| Cabinet, 30 June 2010 | Ron Levy | Support for the Visual Arts Facility | Comments acknowledged at the meeting by the Leader of the Council and Portfolio Holder for Strategy and Performance | 30 June 2010 |
| Cabinet, 30 June 2010 | David Clouston | Development in north Colchester | Written response sent on behalf of the Leader of the Council and Portfolio Holder for Strategy and Performance on 12 July 2010. | 12 July 2010 |
| Cabinet, 30 June 2010 | Bill Hayton | World Heritage Status bid | Comments acknowledged at the meeting by the Leader of the Council and Portfolio Holder for Strategy and Performance | 30 June 2010 |
| Council, 14 July 2010 | Darius Law | Gosbecks Archaeological Park | Written response sent by the Leader of the Council and Portfolio Holder for Strategy and Performance on 6 August 2010 | 6 August 2010 |

| Date of Meeting | Details of Member of the Public | Subject Matter | Form of Response | Date Completed |
|------------------------|---|--|---|-----------------------|
| Council, 14 July 2010 | The Mayor of Wivenhoe, Councillor Brian Sinclair | The impact of the redevelopment of Cooks Shipyard on Wivenhoe Town Council | Verbal response provided at the meeting by the Portfolio Holder for Communities and a written response sent by the Leader of the Council and Portfolio Holder for Strategy and Performance on 4 August 2010 | 4 August 2010 |
| Council, 14 July 2010 | Paula Whitney | Reducing carbon emissions and Friends of the Earth "Get Serious" campaign. | Verbal response provided at the meeting by the Leader of the Council and Portfolio Holder for Strategy and Performance on 4 August 2010 | 4 August 2010 |
| Council, 14 July 2010 | Mr Slatter | Secondary school education in Colchester | Written response sent by the Leader of the Council and Portfolio Holder for Strategy and Performance on 4 August 2010 | 4 August 2010 |

(ii) Petitions

| Date petition received | Lead Petitioner | Subject matter | Form of response | Date completed |
|------------------------|--------------------|--|---|----------------|
| 7 June 2010 | Catherine Clouston | Withdrawal of North Colchester Growth Area SPD and preparation of Area Action Plan DPD | Letter to Lead Petitioner from Head of Strategic Policy and Regeneration advising that the petition will be submitted to the Local Development Framework Committee when the SPD is referred back to the Committee, so it can be taken into consideration. | 7 July 2010 |

| | | | |
|----------------|--|--------|------------------------------|
| Report of | Head of Strategic Policy and Regeneration | Author | Karen Syrett 01206 506477 |
| Title | Impact of emerging government policy of 'localism' and the revocation of regional housing targets. | | |
| Wards affected | All | | |

Cabinet is asked to consider the governments emerging policy of localism, the revocation of regional housing targets and the implications for Colchester's Local Development Framework (LDF).

1. Decision(s) Required

- 1.1 To note the coalition government's emerging policy of localism, the revocation of regional housing targets and the implications for Colchester's LDF.
- 1.2 Cabinet are asked to note the resolution of the Local Development Framework Committee to retain the Core Strategy.

2. Reasons for Decision(s)

- 2.1 Cabinet agreed at its meeting on 30.6.2010 to ask officers to prepare a report for their meeting in September. The agreed minutes requires the report to set out the following;

'the position regarding the Core Strategy, whether it was possible for it to be abandoned or revoked and if so exploring the potential benefits and risks in doing so. In particular the impact on social housing was to be addressed in the report.'

3. Alternative Options

- 3.1 Legal advice has been sought which confirms that the Core Strategy cannot be revoked or abandoned. It forms part of the statutory development plan which the Council has a duty to provide. It would only be possible to replace the Core Strategy after going through all the statutory processes with a new document and there would need to be a good reason for doing so.
- 3.2 LDF Committee considered a number of options at their meeting on 16 August;
 - The Core Strategy is retained unchanged.
 - The Core Strategy, or parts of it, is reviewed leading to the eventual replacement of the existing adopted document. This would require;
 - Parts or the entire evidence base on which the Core Strategy is based to be reviewed.
- 3.3 Development Plan Documents (DPDs) are subject to an examination process which assesses both whether they have been produced in accordance with the legislative process and for 'soundness'. Soundness is explained in PPS12 at paragraph 5.2. One of the tests of soundness is whether the content is 'justified' by reliable, up to date and

convincing evidence. This is reinforced by PPS12 which requires DPDs to be 'founded on a robust and credible evidence base.' It therefore follows that the Council cannot in accordance with the regulations, act to review, revoke or abandon the Core Strategy without new evidence.

4. Supporting Information

4.1 Revocation of the Regional Spatial Strategy

On the 27th May the Rt Hon Eric Pickles MP, Secretary of State (SofS) for Communities and Local Government indicated his intention to abolish Regional Spatial Strategies (RSS). This announcement was made without any explanation as to how it would be implemented and any guidance on transitional arrangements. Understandably many people saw this as an opportunity to discard the Core Strategy and in particular housing targets which reflected regional policy. The follow up statement on 6th July by the SofS announcing the revocation of Regional Spatial Strategies with immediate effect made it clear that in fact it was not possible to simply abandon those policies and documents which had already been prepared. In this statement the SofS made it clear that 'it will be important for local planning authorities to carry on delivering local development frameworks and making decisions on applications.' A document attached at Appendix 1 sets out further details and explains that new ways for local authorities to address strategic planning and infrastructure issues will be introduced. Interim guidance sets out how Local Authorities (LA's) can continue to bring forward LDFs and make planning decisions in the transitional period. It is therefore important that the public are made aware of the limitations of the announcements. The key issues to come out of the statements are;

- In determining planning applications LA's must continue to have regard to the Development Plan. This now consists of adopted DPDs (the Core Strategy) and saved policies from the Local Plan. LA's should also have regard to other material considerations including national policy and evidence used to prepare the RSS.
- Local Planning Authorities should continue to develop LDF documents.
- Adopted DPDs, such as the Core Strategy will continue to provide the statutory planning framework. LA's may wish to review their adopted documents now that the RSS has been revoked. There is no need to review the whole LDF, only those issues or policies which the LA wishes to revisit.
- There is still a requirement to provide a 5 year land supply of deliverable/viable housing sites and plans should identify sufficient sites and broad areas for development to deliver their housing needs for at least 15 years.
- Housing numbers will be determined by local authorities based on robust evidence, in line with current policy in PPS3 ie Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments.
- If amendments are sought to housing numbers and associated policies they should be based upon robust evidence.

4.2 In August a major house builder launched a legal challenge to the Government's plan to revoke Regional Strategies. Cala Homes believes the Secretary of State acted unlawfully as the move required primary legislation and that transitional arrangements should have been put in place before the announcement. The developer also claims the action has breached obligations under European law by failing to assess the environmental effects of withdrawing regional strategies. They have asked for a court hearing in the first half of September given the national implications of the challenge. A verbal update will be given if more information is available.

4.3 Also launched in August was an inquiry by MPs on the Communities and Local Government Committee to investigate the effects of the sudden abolition of regional spatial strategies. The inquiry will focus in particular on the implications for housing development in light of the abolition of regional housing targets and the likely effectiveness of the government's proposed financial incentives for communities to accept new housing, including the nature and level of incentives which will need to be put in place to ensure an adequate long-term supply of housing.

4.4 Localism

The new Government has indicated their intention to introduce new legislation on this matter through the Localism Bill. The 'Draft Structural Reform Plan' prepared by the Department for Communities and Local Government in July 2010 includes the action:

Radically reform the planning system to give neighbourhoods much greater ability to determine the shape of the places in which their inhabitants live, based on the principles set out in the Conservative Party publication "Open Source Planning". Local Planning Authorities are able to begin working in new ways on local plans in advance of the passing of the Localism Bill.

4.5 However, this action is not timetabled to start until November 2010, it has an end date of November 2011, therefore the detail of how the localism agenda will work in practice with regard to the Development Plan process is still unclear. Speaking at the National Planning Forum, the Under Secretary of State set out the Government's vision for the future where councils and local people work together with developers and planners to deliver new development in their area.

4.6 Material Changes arising from the Ministerial Statement

The main change centres on the abolition of Regional Spatial Strategies (RSS) and the top down housing targets. The Ministerial Statement now allows individual local planning authorities the opportunity to review their current housing targets and associated strategies if they believe they are inappropriate for their areas' needs.

4.7 The Question and Answer note attached to the Ministerial Statement (Appendix 1), however, outlined the following parameters to assist local authorities in this process:

- Evidence supporting the revoked RSSs still remains a material consideration;
- There is an opportunity to review documents but the emphasis is on consultation and sustainability appraisal.
- In setting an area's housing target the local authority will have to justify it with evidence and this would still have to be defensible at an Independent Examination. If the Inspector rejects the council's evidence or accepts other stakeholders evidence that housing need is higher or lower, he/she still has the power to impose the revised target;
- Sufficient sites for at least a 15 year housing supply should be identified in broad terms and a detailed 5 year supply of deliverable site is also still required;
- The same guidance, PPS3, which governed the production of Colchester's current housing target and supporting policies is still relevant.
- In effect the Council now has the ability to set its own housing targets, although the formal process for doing this and the governing parameters are virtually the same. Any amendments to housing numbers will need to be justified by a robust evidence base and would be subject to formal Examination in Public. The result of this process could affect the now revoked housing targets in either way i.e. decrease or increase the Council's housing target.

- 4.8 The overall housing target for the period 2001-2023 of 19,000 new dwellings (830 dwellings per annum) contained within the adopted Core Strategy is still considered to be a relevant target. This assessment is based upon:
- In the period 1974 - 2009 the average annual housing completion figure has been between 830 - 845 dwellings;
 - Demographic projections and economic evidence used to underpin the East of England Plan housing targets were found sound when the RSS was approved;
 - The housing demand identified in the Council's Strategic Housing Market Assessment (SHMA) 2008 is 1425 dwellings per annum - far in excess of the Core Strategy target.
 - Decreasing the housing supply would not provide for regeneration and support the economy of the borough associated with new house building.
- 4.9 In addition to housing targets, the revocation of the RSS has left a policy vacuum in several key areas eg renewable energy targets. An initial assessment of RSS policies has been undertaken to establish where there are gaps which should be addressed through local policies in a review of our DPDs or in new single issue documents. A report will be produced for the next LDF Committee in September which identifies these and makes a series of recommendations.
- 4.10 Strategic Housing Market Assessment
- A Strategic Housing Market Assessment (SHMA) is defined in Planning Policy Statement (PPS)3: Housing (November 2006) as a process, carried out within a Housing Market Area (HMA). Its purpose is to help local authorities develop a shared evidence base to inform the development of spatial housing policies. In addition, it will help to inform decisions about the policies required in housing strategies. They can provide valuable insights into how housing markets operate both now and in the future. They should provide a fit for purpose basis upon which to develop planning and housing policies by considering the characteristics of the housing market, how key factors work together and the probable scale of change in future housing need and demand. Strategic housing market assessments are a crucial aspect of the evidence base in terms of preparing local development documents and local housing strategies. The value of the SHMA is in assisting policy development, decision-making and resource-allocation processes by:
- enabling local authorities to think spatially about the nature and influence of the housing markets in respect to their local area;
 - providing robust evidence to inform policies aimed at providing the right mix of housing across the whole housing market – both market and affordable housing;
 - providing evidence to inform policies about the level of affordable housing required, including the need for different sizes of affordable housing;
 - supporting authorities to develop a strategic approach to housing through consideration of housing need and demand in all housing sectors – owner occupied, private rented and affordable – and assessment of the key drivers and relationships within the housing market;
 - drawing together the bulk of the evidence required for local authorities to appraise strategic housing options including social housing allocation priorities, the role of intermediate housing products, stock renewal, conversion, demolition and transfer; and
 - ensuring the most appropriate and cost-effective use of public funds.
- 4.11 The Core Outputs from a Strategic Housing Market Assessment are;
1. Estimates of current dwellings in terms of size, type, condition, tenure

2. Analysis of past and current housing market trends, including balance between supply and demand in different housing sectors and price/affordability. Description of key drivers underpinning the housing market
3. Estimate of total future number of households, broken down by age and type where possible
4. Estimate of current number of households in housing need
5. Estimate of future households that will require affordable housing
6. Estimate of future households requiring market housing
7. Estimate of the size of affordable housing required
8. Estimate of household groups who have particular housing requirements eg families, older people, key workers, black and minority ethnic groups, disabled people, young people, etc.

4.12 Colchester commissioned an assessment with Chelmsford and Braintree and the report was published in Spring 2008. It has been updated regularly with the last update produced in June 2010. The report used various data sources but the primary data source was a survey completed by 3200 people. When the SHMA was produced a linked report looking at affordable housing viability was also produced. This would need to be reviewed alongside any review of the SHMA and it must be borne in mind that viability at the current time is unlikely to compare favourably to that in July 2007. This could result in evidence suggesting the Affordable Housing targets should be changed.

4.13 The traditional way to measure housing need (defined as 'the quantity of housing required for households who are unable to access suitable housing without financial assistance') is by the CLG Needs model. In 2008 according to this model the resultant annual need for new affordable housing was 1082 new dwellings per annum. An alternative model based more directly on the realities of the market was also applied and is known as the Balancing Housing Market (BHM). This looks at inflows and outflows of households as well as internal newly forming households, dissolutions and deaths. The overall growth from this model is 1425 new households per annum, which can be broken down as follows;

| Table S9 Balancing Housing Markets results for Borough of Colchester (per annum) | | | | | |
|---|------------------|------------|------------|-------------|-------------|
| Tenure | Size requirement | | | | TOTAL |
| | 1 bedroom | 2 bedrooms | 3 bedrooms | 4+ bedrooms | |
| Market housing | 159 | 442 | 132 | 171 | 904 |
| Intermediate | 73 | 83 | 38 | 0 | 193 |
| Social rented | 71 | 9 | 89 | 158 | 328 |
| TOTAL | 303 | 534 | 259 | 329 | 1425 |

Source: Table 16.11 of the Colchester SHMA Fordham Research 2008

This suggests that 63% of future housing should be market and 37% affordable. Of the affordable housing about 37% could be intermediate in the BHM perspective.

4.14 The average price of a 3 bed property at the time the fieldwork was undertaken (2007/8) was £161,000. There had been a 64% price increase since 2001. The average median household income in the Borough was £23,874 in 2007. In 2010 the average price for a 3 bed property was £189,205 (an increase of 17.52 %.) For someone to pay a mortgage on a 3 bed property at the lower end of the market they would need an annual household income of £33,220, well above the median income for the Borough. In addition to this they would need a deposit of £32,435, equivalent to over a years salary, to be able to purchase a home in this way. Incomes now are broadly similar to levels reported in the original SHMA. The data does however show that there has been a 40% increase in the

number of Housing Benefit claims made by tenants in the Private Rented Sector. The most recent data shows that 3,705 private tenants in Borough are claiming housing benefit to help pay their rent. As at 18.5.10 the number of people on the Housing Register was 4935 (an increase of 684 since December 2009). There is therefore a very real and pressing requirement to deliver more homes in Colchester to meet local needs.

4.15 Affordable Housing

The table below shows the trends in delivering the different tenures of affordable housing over the past decade. The high point of delivery was in 2007/08 prior to the credit crunch and the recession when 265 affordable units were built. The impact on delivery since has been extensively minimised by additional Government funding which has now come to an end. Colchester will now need to go back to delivering it's affordable homes through Section 106 agreements. Affordable Rented continues to be the most important tenure in meeting housing need in the Borough. Intermediate homes are more useful in supporting households who wish to move towards becoming home owners.

| Year | Affordable Rented | Intermediate Tenures | Shared Ownership | HomeBuy Direct | Total AH | Total no. of all homes built | AH as % of homes built |
|---------|-------------------|----------------------|------------------|----------------|----------|------------------------------|------------------------|
| 2009/10 | 118 | 15 | 8 | 15 | 156 | 518 | 30% |
| 2008/09 | 97 | 23 | | | 120 | 1041 | 11% |
| 2007/08 | 211 | | 54 | | 265 | 1243 | 21% |
| 2006/07 | 146 | 42 | | | 188 | 1250 | 15% |
| 2005/06 | 32 | 52 | | | 84 | 896 | 9% |
| 2004/05 | 143 | 15 | | | 158 | 1277 | 12% |
| 2003/04 | 33 | 1 | | | 34 | 916 | 4% |
| 2002/03 | 85 | 35 | | | 120 | 980 | 12% |
| 2001/02 | 40 | 3 | | | 43 | 566 | 8% |

4.16 Although the provision of affordable housing had been increasing it still does not address the needs in Colchester. Using the SHMA models there needs to be at least 521 additional affordable homes built each year. In May there were 4935 people on the Council's housing register, this had risen by 684 in the 6 months from December 2009. All these people are in some form of housing need but the Homechoice Guide advises that it is likely the Council will only be able to offer a property to people within Bands A and B of the register. This covers 740 people, the Council is unlikely to be able to help the remaining 4000+ people in bands C, D and E.

4.17 Core Strategy Policy H4 sets out the Councils commitment to improving housing affordability in Colchester. The policy sets out that 35% of new dwellings will be provided by the developer, as affordable housing (normally on site) subject to the following thresholds;

- In Colchester Town, Stanway, Tiptree, Wivenhoe and West Mersea, affordable housing will be required on housing developments of 10 or more dwellings
- In the other villages, affordable housing will be required on housing developments of 3 or more dwellings
- A financial contribution will be sought for developments below this threshold.

Support is also given to rural exception schemes.

4.18 The use of empty homes is often suggested to help solve the housing need. The latest information from Council Tax records (correct at June 2010) shows that 1930 properties were registered as empty. 788 of these have been empty only for a few months, a further

767 for a year and only 115 for more than 4 years. The most common reason for a property being empty is that they have been inherited by family members following a death and are either still going through probate or are awaiting a decision by the family. The Councils Housing Service are taking all possible steps to bring empty homes back in to use but it is a minimal source of supply of new housing and not often affordable.

4.19 The Core Strategy

The Council adopted its Core Strategy in December 2008. The strategy has three main strands – what we build, where we build it and the infrastructure required. The Core Strategy identified a Borough-Wide housing target of 17,100 new dwellings for the period between 2001 and 2021 (rounded up to 19,000 to cover the longer period up to 2023 to provide a 15 year supply.) This target was based upon work carried out by the East of England Regional Assembly (EERA) and was incorporated into the Council's Core Strategy in advance of the finalisation of the East of England Plan. The Council was consulted during the preparation of the Plan and did not object to the 17,100 figure although it shared ECC concerns about infrastructure delivery and the balancing of housing and jobs. It also advocated the "plan, monitor manage" approach.

4.20 The 19,000 target represents an annual figure of 830 dwellings per annum. Through Policy H1 and Table H1a of the Core Strategy, the Council identified a potential housing provision of 19,000 units to ensure a robust supply to meet the agreed dwelling target. The policy identifies just over 3000 dwellings on greenfield land to the north of Colchester and in Stanway. Broad locations for this development were shown on Key Diagram 2, also within the Core Strategy. Public consultation took place on four occasions as part of the preparation of the Core Strategy in March 2006, November 2006, July 2007 and November 2007.

4.21 The Core Strategy also contains a policy covering the provision of affordable housing. In the absence of a regional policy dealing with this it is the only policy which requires developers to provide affordable housing as part of their development.

4.22 If the Core Strategy did not exist it would leave the Council in a policy vacuum. The only local policies on which planning applications could be considered are those within the local plan which have been 'saved' in agreement with the Government Office. There would be no policies covering the following subject areas; broad location of housing, affordable housing, coastal protection, protection of the countryside, provision of community facilities (including schools), provision for walking, cycling and off street parking provision, employment provision, town centre and retail uses. This situation would render it difficult to determine planning applications and could leave the Council vulnerable to planning by appeal.

4.23 Earlier this year the Planning Advisory Service (PAS) published a report which looked at the benefits of having an adopted Core Strategy. At the end of 2009, only 14 per cent of authorities were in this position. Their report is based on the experiences of a range of authorities to highlight the benefits of having an adopted core strategy. Case study authorities reported that an adopted core strategy allows them to:

- move from plan-making to place-shaping: the core strategy sets a clear planning framework that enables planners to get on and deliver the vision and objectives unique to their area
- provides certainty for developers, businesses and utility providers: people investing in an area value the strategic clarity that a core strategy provides
- influence corporate decisions: an adopted core strategy is a crucial document for the wider council, and the case study authorities are using it to drive change

- help colleagues and partners to deliver: it's not just planners that recognise the value of an adopted core strategy – other departments and external organisations are using it for their own benefit too
- access more funding and attract investment: the clarity of the planning framework set out in an adopted core strategy has helped the case study LPAs to make the case directly and indirectly – for more money to be spent in their areas.

4.24 To summarise, there are a number of good reasons to retain the Core Strategy:-

- The need for an adopted strategy to provide for market and affordable housing, regeneration, economic needs and environmental needs of the borough.
- The evidence base could be considered to be out of date and would need to be revisited if the Core Strategy was reviewed which would be both costly and time consuming.
- Abandoning the Core Strategy could lead to 'planning by appeal' with developers submitting applications outside development boundaries, or contrary to policy, challenging the 5 year housing supply in the absence of housing allocations in the Core Strategy.

4.25 Decision Making Process

Adoption, preparation of or a revision of a Development Plan Document is a Full Council function, although it was previously agreed that some of these functions be delegated to the LDF Committee, as set out in the constitution. Accordingly a report was presented to the Local Development Framework Committee on 16th August 2010. After hearing from a number of speakers and an informed discussion the following recommendation was agreed;

RECOMMENDED (MAJORITY voted FOR) to Cabinet that –

- (a) The adopted Core Strategy should remain on the basis that the development plan and the ability to retain control over the determination of planning applications would be seriously undermined without it;
- (b) David Couttie, Managing Director of DCA be invited to attend the Cabinet meeting to share his experience and expertise.

4.26 It is a function of Cabinet to agree the programme for preparation of documents as set out in the Local Development Scheme. This sets out a three year programme detailing the documents which the Council will prepare, their timetable for preparation, when they will be reviewed and whether they are to be prepared jointly with one or more authorities. The current LDS covers the period from the end of 2008 to the end of 2011 and it is envisaged within that, that the Core Strategy will need reviewing once every five to ten years. It is therefore recommended that when the three year programme is reviewed in 2011 it will include a review of the Core Strategy commencing in 2013 (5 years from adoption of the existing.) This will also tie in with the Government's plans to reform the planning system through the Localism Bill and publish new national planning policy (expected November 2011 and 2012 respectively.)

5. **Proposals**

5.1 The letter from the Secretary of State for Communities and Local Government, Eric Pickles MP, has been followed by a number of high profile speeches, decisions and interpretations. Whilst the letter removed the East of England Plan's top down housing targets, the Core Strategy still contains housing figures which accord with that document. Whilst the emerging guidance confirms that housing numbers can be reviewed, it makes it clear that any review must be based on evidence concerning housing need, a five year land supply and that any changes must be subject to an Examination in Public as

happened with the adopted Core Strategy. Any revised housing numbers must be based upon sound evidence which is robust enough to withstand external scrutiny. The current evidence in the Strategic Housing Market Assessment indicates that if the Councils housing figures are reviewed it would more than likely lead to increased numbers, not least to meet the need for affordable housing. Whatever the outcome of any review, there will still be a need to deliver housing to meet the needs of future generations, those people that already live here and to support the economic vitality of the borough. There is a popular misconception that housing delivery can stop but this would not address housing needs within the Borough. Concentrating development on brownfield sites and the identified greenfield sites has already been found to be the most appropriate strategy by an independent Inspector and it is therefore difficult to see how an alternative position could now be justified. By retaining the Core Strategy we also maintain maximum control of the development process which will be relied upon to deliver affordable housing.

- 5.2 Cabinet are asked to note the resolution of the Local Development Framework Committee and retain the Core Strategy.

6. Strategic Plan References

- 6.1 The Local Development Framework contributes to all the Strategic Plan priorities.

7. Consultation

- 7.1 Any decision to review the Core Strategy and/or other parts of the LDF will necessitate consultation. This will as a minimum need to comply with the Town and Country Planning (Local Development) (England) Regulations 2004 and 2008. Members have expressed a desire to enhance consultation procedures which could have financial implications.

8. Publicity Considerations

- 8.1 Decisions could prompt publicity concerning changes to documents and the costs involved.

9. Financial Implications

- 9.1 Any further work reviewing the LDF and/or the evidence base will have financial implications. The SHMA is a detailed piece of work which needs to be commissioned externally and is estimated to cost approximately £30,000. Although the annual updates to the SHLAA have been done internally if an independent and fresh look is required this may need to be an external report costing in the region of £40,000. If the Core Strategy or parts of it are to be reviewed the evidence base would need to be updated which could involve additional updates to studies not detailed above. There are also the associated costs of publication and consultation (at three stages) and formal examination. The previous examination cost in the region of £100,000 including £63,000 paid to the Planning Inspectorate. If the Core Strategy is reviewed it will also necessitate a review of the Site Allocations DPD which in itself will require consultation and examination with associated costs.

10. Equality, Diversity and Human Rights Implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage :- Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Strategic Policy and Regeneration > Local Development Framework.

11. Community Safety Implications

11.1 None

12. Health and Safety Implications

12.1 None

13. Risk Management Implications

13.1 If the Core Strategy is revoked there is a risk that a policy vacuum will result. This will make it difficult to determine planning applications and could result in more appeals.

Background Papers

Adopted Core Strategy 2008

Secretary of State letter dated 6.7.10

The Chief Planning Officer
Local Planning Authorities in England

6 July 2010

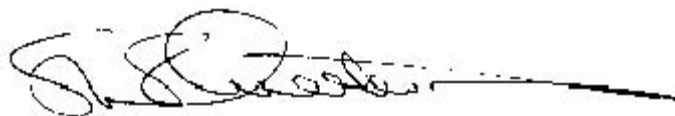
Chief Planning Officer Letter:

REVOCATION OF REGIONAL STRATEGIES

Today the Secretary of State announced the revocation of Regional Strategies with immediate effect.

I have attached some 'questions and answer' advice on immediate issues that may arise from this announcement. It will be important for local planning authorities to carry on delivering local development frameworks and making decisions on applications and the attached document focuses on how to continue taking these forward.

Please address any queries to Eamon Mythen at CLG in the first instance (Eamon.Mythen@communities.gsi.gov.uk).



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Guidance for Local Planning Authorities following the revocation of Regional Strategies

The Secretary of State for Communities and Local Government confirmed today that Regional Strategies will be revoked (see the attached copy of the Parliamentary Written Statement). In the longer term the legal basis for Regional Strategies will be abolished through the “Localism Bill” that we are introducing in the current Parliamentary session. New ways for local authorities to address strategic planning and infrastructure issues based on cooperation will be introduced. This guidance provides some clarification on the impact of the revocation; how local planning authorities can continue to bring forward their Local Development Frameworks (LDFs); and make planning decisions in the transitional period.

1. Under what powers are Regional Strategies being revoked?

Regional Strategies have been revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. This guidance covers the period between revocation of Regional Strategies and legislation to abolish them altogether.

2. Do Planning Policy Statements (PPSs) remain in force?

Yes. The Policy Statement on Regional Strategies (February 2010) is cancelled, and references to Regional Strategies in other Policy Statements are no longer valid. But all other PPSs will continue to apply until they are replaced by the National Planning Framework.

3. Will this affect the London Plan?

The London Plan will continue to provide the planning framework for London boroughs. As part of a wider process of decentralisation in London, we are reviewing how powers and discretion can be shifted downwards from central government to the Mayor and Assembly, to London Boroughs and to local neighbourhoods. This will include reviewing the scope for devolving power from the Greater London Authority down to the Boroughs and below.

The following sections provide advice on some of the issues likely to arise following revocation of Regional Strategies, until the “Localism Bill” and the new National Planning Framework are in place. This guidance should be regarded as a material consideration by local planning authorities and the Planning Inspectorate in their decisions.

4. How will this affect planning applications?

In determining planning applications local planning authorities must continue to have regard to the development plan. This will now consist only of:

- Adopted DPDs;
- Saved policies; and

- Any old style plans that have not lapsed.

Local planning authorities should also have regard to other material considerations, including national policy. Evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration, depending on the facts of the case.

Where local planning authorities have not yet issued decisions on planning applications in the pipeline, they may wish to review those decisions in light of the new freedoms following the revocation of Regional Strategies. The revocation of the Regional Strategy may also be a material consideration.

5. Should we continue preparing LDF documents?

Yes – the revocation of Regional Strategies is not a signal for local authorities to stop making plans for their area.

Local planning authorities should continue to develop LDF core strategies and other DPDs, reflecting local people's aspirations and decisions on important issues such as climate change, housing and economic development.

These local plans will guide development in their areas and provide certainty for investors and communities. Local authorities may wish to review their plans following the revocation of Regional Strategies. We recommend reviews should be undertaken as quickly as possible.

6. How does this affect adopted local plans / LDFs?

Adopted DPDs and saved policies will continue to provide the statutory planning framework. Local authorities may decide to review these now that Regional Strategies have been revoked. There is no need to review the whole LDF, only those issues or policies which local authorities wish to revisit. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

7. What if my LDF document is still being prepared?

Where local planning authorities are currently bringing forward development plan documents they should continue to do so. Authorities may decide to review and/or revise their emerging policies in the light of the revocation of Regional Strategies. Where authorities decide to do this they will need to ensure they meet the requirements for soundness under the current legislation. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

8. Will Examinations in Public continue for DPDs?

Yes – where local planning authorities are bringing forward new development plan documents or reviewing adopted plans they should present evidence to support their plans. The examination process will continue to assess the soundness of plans, and Inspectors will test evidence put forward by local authorities and others who make representations.

9. Will data and research currently held by Regional Local Authority Leaders' Boards still be available?

Yes. The regional planning function of Regional LA Leaders' Boards – the previous Regional Assemblies – is being wound up and their central government funding will end after September this year. The planning data and research they currently hold will still be available to local authorities for the preparation of their local plans whilst they put their own alternative arrangements in place for the collection and analysis of evidence. Notwithstanding, the new Government regards the Regional Leaders' Boards as an unnecessary tier of bureaucracy.

Clarification on policy issues

There are a number of areas where Regional Strategies supplemented the national policy framework. Further clarification on these areas is set out below.

10. Who will determine housing numbers in the absence of Regional Strategy targets?

Local planning authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets. Some authorities may decide to retain their existing housing targets that were set out in the revoked Regional Strategies. Others may decide to review their housing targets. We would expect that those authorities should quickly signal their intention to undertake an early review so that communities and land owners know where they stand.

11. Will we still need to justify the housing numbers in our plans?

Yes – it is important for the planning process to be transparent, and for people to be able to understand why decisions have been taken. Local authorities should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process. They should do this in line with current policy in PPS3.

12. Can I replace Regional Strategy targets with “option 1 numbers”?

Yes, if that is the right thing to do for your area. Authorities may base revised housing targets on the level of provision submitted to the original Regional Spatial Strategy examination (Option 1 targets), supplemented by more recent information as appropriate. These figures are based on assessments undertaken by local authorities. However, any target selected may be tested during the examination process especially if challenged and authorities will need to be ready to defend them.

13. Do we still have to provide a 5 year land supply?

Yes. Although the overall ambition for housing growth may change, authorities should continue to identify enough viable land in their DPDs to meet that growth. Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments can help with this. Local planning authorities should continue to use their plans to identify sufficient sites and broad areas for development to deliver their housing ambitions for at least 15 years from the date the plan is adopted. Authorities should also have a five year land supply of deliverable sites. This too will need to reflect any changes to the overall local housing ambition.

14. How do we determine the level of provision for travellers' sites?

Local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs. They should continue to do this in line with current policy. *Gypsy and Traveller Accommodation Assessments* (GTAAs) have been undertaken by all local authorities and if local authorities decide to review the levels of provision these assessments will form a good starting point. However, local authorities are not bound by them. We will review relevant regulations and guidance on this matter in due course.

15. How do we establish the need for minerals and aggregates supply without Regional Strategy targets?

Minerals planning authorities will have responsibility for continuing to plan for a steady and adequate supply of aggregate minerals to support economic growth. They should do this within the longstanding arrangements for minerals planning. Technical advice provided by the Aggregate Working Parties, including their current work in sub-apportioning the CLG guidelines for 2005-2020 to planning authority level will assist with this.

Planning authorities in the South East should work from the apportionment set out in the "Proposed Changes" to the revision of Policy M3, published on 19 March 2010.

Planning authorities can choose to use alternative figures for their planning purposes if they have new or different information and a robust evidence base. We will work with the minerals industry and local government to agree how minerals planning arrangements should operate in the longer term.

16. How do we establish the need for waste management without Regional Strategy targets?

Planning Authorities should continue to press ahead with their waste plans, and provide enough land for waste management facilities to support the sustainable management of waste (including the move away from disposal of waste by landfill). Data and information prepared by partners will continue to assist in this process. For the transitional period this will continue to be the data and information which has been collated by the local authority and industry and other public bodies who

currently form the Regional Waste Technical Advisory Bodies. We intend for this function to be transferred to local authorities in due course.

17. Does the abolition of the hierarchy of strategic centres mean the end of policies on town centres?

No. Local authorities must continue to have regard to PPS 4: *Planning for Sustainable Economic Growth* in preparing LDFs and, where relevant, take it into account in determining planning applications for retail, leisure and other main town centre uses.

In assessing any planning applications proposing unplanned growth in out of town shopping centres, particularly those over 50,000 sqm gross retail floor area, local authorities should take account of the potential impacts of the development on centres in the catchment area of the proposal.

18. What about regional policies on the natural environment?

Local authorities should continue to work together, and with communities, on conservation, restoration and enhancement of the natural environment – including biodiversity, geo-diversity and landscape interests. Authorities should continue to draw on available information, including data from partners, to address cross boundary issues such as the provision of green infrastructure and wildlife corridors.

19. What about regional policies on Flooding and Coastal Change?

Local authorities should continue to work together across administrative boundaries to plan development that addresses flooding and coastal change. For flooding matters local authorities already have a duty to co-operate under the Floods and Water Management Act. The Environment Agency will continue to work with local authorities individually and/or jointly to provide technical support on these matters. The Coalition agreement is clear that we should prevent unnecessary building in areas of high flood risk.

20. What about regional policies on Renewable and Low Carbon Energy?

Through their local plans, authorities should contribute to the move to a low carbon economy, cut greenhouse gas emissions, help secure more renewable and low carbon energy to meet national targets, and to adapt to the impacts arising from climate change. In doing so, planning authorities may find it useful to draw on data that was collected by the Regional Local Authority Leaders' Boards (which will be made available) and more recent work, including assessments of the potential for renewable and low carbon energy.

21. What about regional policies on Transport?

Local authorities should continue to ensure their land use and local transport plans are mutually consistent, and deliver the most effective and sustainable development for their area. Local authorities should work with each other and with businesses and communities to consider strategic transport priorities and cross boundary issues.

22. Does the end of Regional Strategies mean changes to Green Belt?

No. The Government is committed to the protection of the Green Belt and the revocation of Regional Strategies will prevent top-down pressure to reduce the Green Belt protection. Local planning authorities should continue to apply policies in PPG2. As part of their preparation or revision of DPDs, planning authorities should consider the desirability of new Green Belt or adjustment of an existing Green Belt boundary, working with other local planning authorities as appropriate.

Parliamentary Statement Revoking Regional Strategies

Today I am making the first step to deliver our commitment in the coalition agreement to “*rapidly abolish Regional Spatial Strategies and return decision-making powers on housing and planning to local councils*”, by revoking Regional Strategies.

Regional Strategies added unnecessary bureaucracy to the planning system. They were a failure. They were expensive and time-consuming. They alienated people, pitting them against development instead of encouraging people to build in their local area.

The revocation of Regional Strategies will make local spatial plans, drawn up in conformity with national policy, the basis for local planning decisions. The new planning system will be clear, efficient and will put greater power in the hands of local people, rather than regional bodies.

Imposed central targets will be replaced with powerful incentives so that people see the benefits of building. The coalition agreement makes a clear commitment to providing local authorities with real incentives to build new homes. I can confirm that this will ensure that those local authorities which take action now to consent and support the construction of new homes will receive direct and substantial benefit from their actions. Because we are committed to housing growth, introducing these incentives will be a priority and we aim to do so early in the spending review period. We will consult on the detail of this later this year. These incentives will encourage local authorities and communities to increase their aspirations for housing and economic growth, and to deliver sustainable development in a way that allows them to control the way in which their villages, towns and cities change. Our revisions to the planning system will also support renewable energy and a low carbon economy.

The abolition of Regional Strategies will provide a clear signal of the importance attached to the development and application of local spatial plans, in the form of Local Development Framework Core Strategies and other Development Plan Documents. Future reform in this area will make it easier for local councils, working with their communities, to agree and amend local plans in a way that maximises the involvement of neighbourhoods.

The abolition of Regional Strategies will require legislation in the “Localism Bill” which we are introducing this session. However, given the clear coalition commitment, it is important to avoid a period of uncertainty over planning policy, until the legislation is enacted. So I am revoking Regional Strategies today in order to give clarity to builders, developers and planners.

Regional Strategies are being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004.

Revoking, and then abolishing, Regional Strategies will mean that the planning system is simpler, more efficient and easier for people to understand. It will be firmly

rooted in the local community. And it will encourage the investment, economic growth and housing that Britain needs.

We will be providing advice for local planning authorities today and a copy has been placed in the house library.

**Extract from the minutes of the
Local Development Framework Committee's meeting
held on 16 August 2010**

Councillor Jowers (in respect of being a member of Essex County Council and a Cabinet member with responsibility for Planning) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).

16. Impact of emerging government policy of 'localism' and the revocation of regional housing targets

The Head of Strategic Policy and Regeneration submitted a report following the impact of emerging government policy of 'localism' and the revocation of regional housing targets and the implications for Colchester's Local Development Framework.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. She explained that any review of the Core Strategy or parts of it would need to be supported by new evidence, and targets would need to be justifiable and defensible at an Examination in Public. She confirmed that the documents were relevant and extant and she considered it difficult to see how a review would show that the background information had changed. She made reference to the housing needs register and the numbers of people on the register. She also referred to Government announcements which have been made recently such as the intention to reward authorities who deliver house building, and that there has been a legal challenge to the decision to revoke the Regional Spatial Strategies and that the Communities and Local Government Committee was undertaking an enquiry into the RSS. She also mentioned the extra funding for councils who go for growth now with the prospect of extra funding in the future.

Peter Hewitt addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He believed that the report chose to ignore the impact of urbanisation and that the current infrastructure would be unable to cope if 4,000+ homes were required. He wanted the Core Strategy to be reviewed because circumstances had changed since it had been adopted and he asked the Committee not to succumb to threats that a higher housing target would be the outcome of a review. He considered that the greenfield land that had been included in the Core Strategy could be removed, preventing the irreversible loss of biodiversity.

Councillor Gamble attended and, with the consent of the Chairman, addressed the Committee on a number of concerns. He considered that should the Core Strategy be abandoned it could lead to a position of planning by appeal. He believed that the current infrastructure was inadequate to support more than 830 new homes a year; and he acknowledged the genuine concerns regarding the affordable housing situation but was concerned that a reassessment of housing need could lead to a higher target. He urged the Committee to support the retention of the Core Strategy without reviewing housing targets or any of the supporting documents.

In response, the Spatial Policy Manager referred to infrastructure being a key point. The Core Strategy was based on discussions held with key providers and a robust evidence base which was collected prior to the Examination in Public when the document was found sound.

The Chairman acknowledged the safeguard that the Core Strategy provided against unlimited development and that Colchester was fortunate in being one of a few authorities which had adopted a Core Strategy. Once adopted the Site Allocation Development Plan Document would also provide the authority with protection and firm guidance for developers and he referred to several parcels of land which could not be developed until certain infrastructure was in place. The Committee could ask the Cabinet to authorise a review of the Strategic Housing Market Assessment (SHMA) but such a review may result in figures which were uncomfortable. He reminded the public in attendance that this was not a simple choice and a review may result in a higher target.

Members of the Committee made a number of observations:-

- the views of Mile End residents regarding the site allocations and the housing target figures had been put forward clearly and the Committee should take them on board, the rest of the Core Strategy was sound. New sites or the housing targets should be investigated;
- infrastructure needs to be improved and has not been given enough attention; Mile End and the whole of Colchester could come to a standstill;
- the new A12 junction will solve the problem of getting into Colchester;
- the Core Strategy must not be revoked because it has been found sound and any challenge would require proof that the evidence is now incorrect;
- the Office of National Statistics predictions would see Colchester take 28,000 new homes and a great deal of effort was put into getting this figure reduced; if the SHMA was reviewed it could result in a target of 1,400 per annum. The target is as low as can be achieved;
- a road from the Cowdray Centre through to Colchester North Station will cost £16million;
- the target of 17,200 new homes by 2023 was about right. If an allocation is in the wrong place an alternative location which is at least as sustainable elsewhere in the borough would need to be identified and supported with appropriate evidence;
- although the Secretary of State has indicated that communities do not have to take the previously imposed figures, any change would need to provide supporting evidence;
- an independent review was supported because it would provide confidence in the figures;
- the data on Registered Social Landlords' waiting lists may not be correct because it was believed that they may not undertake frequent reviews;
- some brownfield sites would come forward later in the timeframe whilst some greenfield sites would come forward earlier; a brownfield site in Brook Street was one such site and it was considered that brownfield sites should be built on before looking at greenfield sites;
- no affordable housing was provided from brownfield sites;
- there were no big employers coming to Colchester. It was believed that many jobs do not pay well and people have to commute;
- developers may be disinclined to seek planning permission on brownfield sites because of the requirement for 35% social housing;
- local enterprise partnerships is a funding source which only those with a policy could access.

In response, the Spatial Policy Manager made reference to the section on infrastructure in the Core Strategy document which had been based on information supplied by a number of statutory bodies and subject to examination: the Highways Agency, Highway Authority,

Primary Care Trust, Anglian Water, Fire Service, etc. An independent report on the SHMA was undertaken by independent consultants and was published in February 2008 with updates every year which take account of up to date housing projections, sales figures, etc. The viability of affordable housing was also tested, so there was no need for a further independent test. She confirmed that all the evidence base had been prepared at a local level. The SHMA and retail studies included adjoining authorities and each included a sub-section on Colchester.

In respect of brownfield sites, she referred to schemes in the pipeline with Section 106 agreements. The Severalls site had always been predicted to start delivering in 2012/13 and this was still achievable; there was an application for phase 1 which would deliver approximately 240 units and the scheme as a whole would deliver over a period of five to seven years. The remaining PCT land would be sold off when the price was acceptable. At Tollgate there was a speculative office development under construction and the largest Sainsburys store in the country. Colchester was very proud of having a significant number of small and medium sized businesses in the town. Colchester has a relatively low figure for out-commuting; 70% of people live and work in the borough. She confirmed that it would be possible to review the numbers in the SHMA and live with the consequences but it could result in a higher housing target. In respect of traffic and infrastructure, she was confident that the documents did not need to be reviewed because they related to the same scale of development. In response to suggestions that a decision be deferred until the Inspector's reports were available on the Site Allocations DPD, she confirmed that the Core Strategy and broad locations had already been through an Examination and the Inspector had stated that the Core Strategy provided the most appropriate and sustainable strategy for development in Colchester.

RECOMMENDED (MAJORITY voted FOR) to Cabinet that –

- (a) The adopted Core Strategy to remain on the basis that the development plan and the ability to retain control over the determination of planning applications would be seriously undermined without it;
- (b) David Couttie, Managing Director of DCA be invited to attend the Cabinet meeting to share his experience and expertise.

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|-----------------------|--|---------------|----------------------------|
| Report of | Head of Strategic Policy and Regeneration | Author | Howard Davies x7885 |
| Title | Proposed purchase of the Old Police Station, Queen St, Colchester | | |
| Wards affected | N/A | | |

This report concerns the proposed purchase of the Old Police Station building as part of the ongoing regeneration of St. Botolph's and delivery of a Cultural Quarter

1. Decision(s) Required

- 1.1 Delegate authority to the Head of Strategic Policy and Regeneration to negotiate the purchase of the Old Police Station building, Queen Street subject to confirmation of external funding being awarded, a full structural survey and completion of the provisionally arranged lease for the licensed premises.
- 1.2 Agree that the capital receipt from the sale of Roman and St. James House be used as part of the payment for the Old Police Station. With revisited Heads of Terms presented to Cabinet in October.

2. Reasons for Decision(s)

- 2.1 The original Heads of Terms, agreed by Cabinet in September 2009 included the delivery of a new Hotel a refurbished St. James House with 7,500 sq ft of space leased back to the Council, on a peppercorn rent, to locate a creative business centre. Given the current revised proposals to deliver the hotel it is necessary to consider an alternative approach to provide the creative business centre.
- 2.2 This proposal will offer the Council a revenue saving. Both Roman and St. James Houses are liable for rates, management and maintenance costs which can be saved. Also, the purchase of the Old Police Station offers potential lease value.
- 2.3 It is estimated that around 172 jobs will be created from the Hotel, retail and creative business centre. There will also be a multiplier effect in terms of secondary jobs in Colchester.
- 2.4 Secures this strategically important site for delivery of the Cultural Quarter element of the St. Botolph's Masterplan agreed by full Council in June 2005.
- 2.5 Offers an opportunity to secure £500,000 of external funding which otherwise would not be available.

3. Alternative Options

- 3.1 The Council could do nothing and look to purchase this building at a later date, possibly through the CPO process. Members should be minded that whatever happens to the market value of this building there will be legal costs associated with any CPO. These are sometimes costs to the developer, but this is not always the case when putting together a development site. If the Council does nothing it would lose the funding from Haven Gateway EEDA (subject to approval) for this project. Potential funding from Europe would be put at risk. In addition the hotel development could be put at risk.

4. Background

- 4.1 Cabinet previously agreed, in September 2009, Heads of Terms with the Council's developer partner, Garbe, for a proposal including a hotel, retail units and a creative business centre as part of a development on the site of St. James and Roman House. Plans were tabled showing Roman House demolished and a new 85 bedroom hotel built on the site, with St James House being refurbished and including an 8,000 sq ft area retained by the Council for a creative business centre. Retail units would be provided at ground level. During this process it became clear that the current site offered little in real value. Several designs for the new hotel building were investigated but it became evident that there was insufficient space to provide the required number of hotel rooms, 89, to make the development viable and deal with height and massing issues raised by English Heritage and Council planners. One solution was to demolish both buildings and construct a new 95 room hotel, with ground floor retail. This option affected both viability and the loss of the creative business centre space. As part of this process the Council has been looking at options to bring forward the creative business centre and how a fit out could be funded along with some subsidy during its early years. This has received positive support from EEDA, Haven Gateway, Arts Council and European funding pots.
- 4.2 The Old Police Station building is a strategic building within the Cultural Quarter proposals set out in the St. Botolph's Masterplan. The building is listed and will be included in phase two of the concept Masterplan drawn up by architects Ash Sakula following a competition in 2007. The competition stated that the Council would work with the winning party to secure properties in third party ownership throughout the site, using CPO powers if necessary. The two buildings of note are the old police station and the existing First Group bus depot. The opportunity to purchase this strategically important building must be investigated seriously.
- 4.3 Currently the Old Police Station, a listed building, is a public house on the ground floor of the main building (red on the plan attached). The upper floors are an area of minimal storage and the north wing (blue on the attached plan) is not used. The north wing, approx 9,000 sq ft is where the proposed creative business centre would be established. The wing consists of three floors and can be entered without having to go through the public house. The Council is seeking European funding for the refurbishment and to provide the centre with financial help in the early years.
- 4.4 The basis of this report does not differ radically from what had been agreed in the Heads of Terms from September 2009, other than the Creative business centre will now be located in an area of the Old Police Station, as described above.
- 4.5 The current proposal offers an opportunity to replace two unpopular large buildings with a new building that will sit more comfortably in this historic part of Colchester

4. Supporting Information

- 4.1 Supporting documentation appears in the list of background papers at the end of this document

5. Proposals

- 5.1 A bid has been lodged with the agent, subject to a full structural survey and completion of the provisionally arranged lease for the licensed premises.
- 5.2 Discussions have taken place with two funding bodies. Part funding has been secured from the Haven Gateway Partnership and written confirmation from EEDA is awaited for a further part funding.
- 5.3 Discussions to continue with Garbe with regard to a set of revised Heads of Terms for a hotel and retail development on the site of St. James and Roman House. As part of the sale CBC will receive a capital sum.
- 5.4 The ground floor of the Old Police Station currently has a tenant. As noted above the lease is in a provisionally agreed state and the offer is subject to this being completed.
- 5.5 The Heads of Terms agreed with Garbe 12 months ago included the provision of space to house a creative business centre and searches have been ongoing to secure funding for a fit out and support to help establish the centre in the first three years. This funding would be diverted to the unoccupied wing of the Old Police Station, of about 9,000 sq ft, where the creative business centre will be housed.
- 5.6 The Haven Gateway Partnership has agreed to fund, in sum of £250,000, part of the purchase price of the Old Police Station. The funding has been confirmed for this purpose and needs to be spent by December 2010.
- 5.7 EEDA has agreed, in principal, to fund, in the sum of £250,000, part of the purchase price of the Old Police Station. We are awaiting written confirmation from EEDA
- 5.8 This proposal will deliver a two storey creative business centre plus an income from letting the ground floor Chicago unit in the short term and a key landholding for Phase 2 of the Cultural Quarter in the longer term.
- 5.9 Delivery of the Hotel and Creative Business Centre will provide much needed town centre job opportunities
- 5.10 Given the significant level of investment already made by the Council and the Cultural Quarter competition winners Garbe/Ash Sakula to the Cultural Quarter scheme and their strong belief that they could create a development which would work even in the current market, negotiations have continued in respect of this project. In the current economic climate all parties have worked closely to uncover the best way to bring this project forward in a way that enhances this neglected part of town.
- 5.11 Buying this property gives the Council a good opportunity to increase its land holdings in phase 2 of the cultural quarter development
- 5.12 The property offers an excellent location for the creative business centre.

6. Strategic Plan References

- 6.1 The proposal is seen as driving the Council's objective to make Colchester a place where people want to live, work and visit. Job creation is a priority for the Council and specifically aims to increase incubation space for business and to support the retail economy in the town. The St. Botolph's Regeneration programme is a key project for the future of the town

7. Consultation

- 7.1 Substantial consultation was undertaken prior to the approval of the St. Botolph's Quarter Masterplan. In addition, further consultation has been carried out during the competition process, including public exhibitions and discussions with key stakeholders, including English Heritage, Inspire East, EEDA, firstsite and Essex County Council. Further Public Engagement took place as part of the bettertowncentre process earlier this year.

8. Financial implications

- 8.1 The detailed financial implications of the proposals within this report are set out in the attached appendix on the Part B agenda. The key issues to note are:-
- The estimated savings of £60k from reduced cost associated with Roman House and St James House
 - There is a rental income of up to £70k in respect of the Old Police House which it is understood would be received by the Council
 - Contributions from partner organisations have been arranged and written confirmation is being sought
 - Overall, at this stage there is the expectation that the Council's net capital contribution can be met from the new capital receipt and therefore there will be no additional capital cost in respect of the purchase.
- 8.2. The proposal is subject to the condition survey and completion of the provisionally arranged lease. In addition it is subject to confirmation of external funding. Consideration of these issues will enable any changes to the financial implications to be assessed.
- 8.3 A start has been made on possible European funding to carry out works to the building towards providing a creative business centre and is entitled Strategic Business Clusters. A second project is called Creative Urban Renewal in Europe and we are asking for money to operate the Creative Business Centre in years 1 to 3 to establish it and a suitable management structure.

9. Equality, Diversity and Human Rights implications

- 9.1 N/A

10. Community Safety Implications

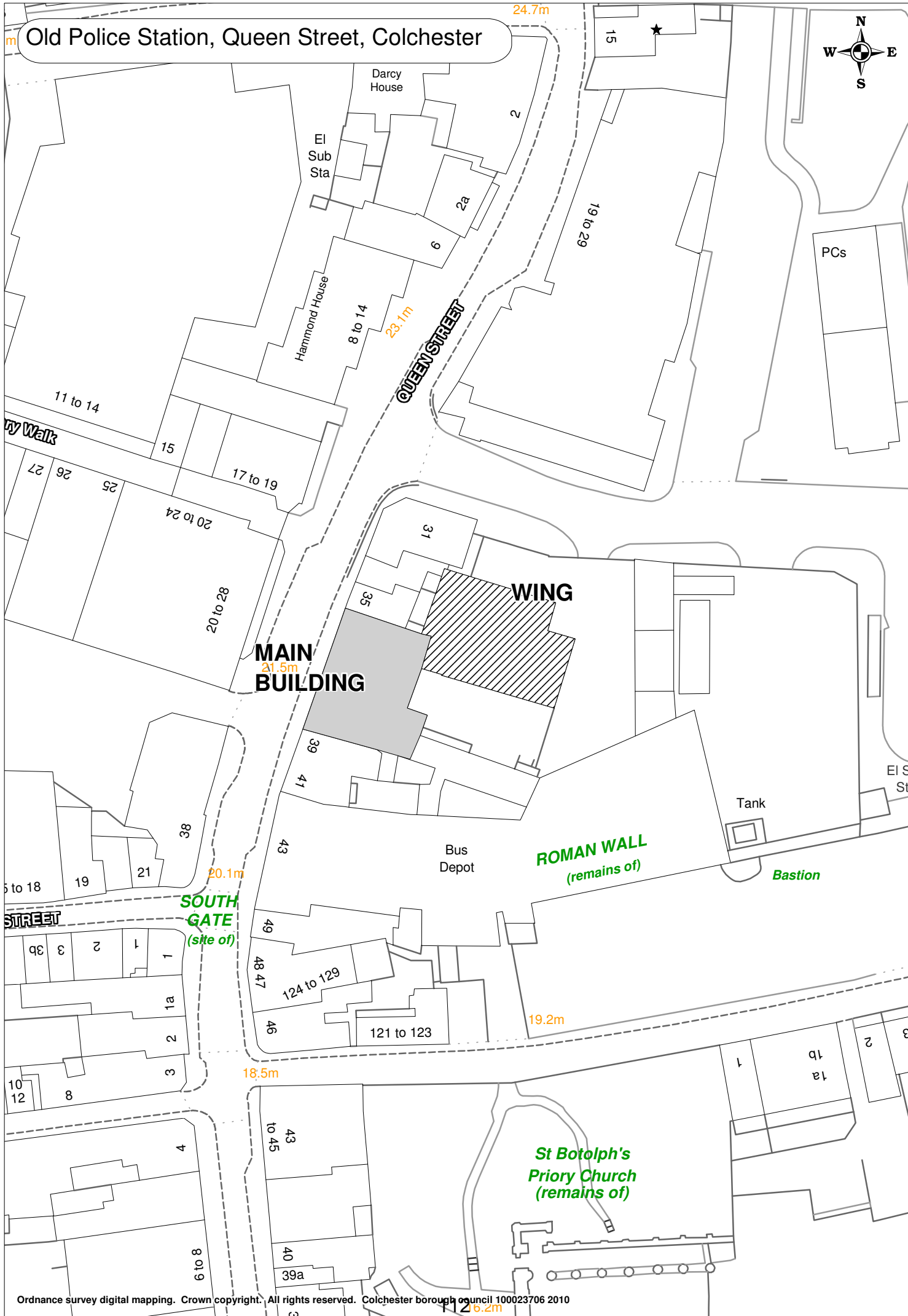
- 10.1 N/A

11. Risk Management Implications

- 11.1 Funding from the Haven Gateway has been secured, but this must be spent by December 2010.
- 11.2 We are awaiting written confirmation of funding from EEDA; this is expected early in September.
- 11.3 As part of a revised Heads of Terms with Garbe a capital receipt will be received.
- 11.4 There is a risk over the EEDA funding and the final amount agreed as a capital receipt from Roman and St James House of this expenditure, some of which could be covered by the enabling budget for the St. Botolph's regeneration. This would, however, leave a funding deficit for other projects.

Background Papers

- 1. St. Botolph's Masterplan
- 2. Colchester Borough Council Marketing Competition document
- 3. Winning scheme by Garbe/Ash Sakula
- 4. Report on Heads of Terms with Garbe, September 2009
- 5. Plan of buildings



Old Police Station, Queen Street, Colchester



Darcy House

El Sub Sta

Hammond House

QUEEN STREET

PCs

WING

MAIN BUILDING

Bus Depot

ROMAN WALL
(remains of)

Bastion

SOUTH GATE
(site of)

St Botolph's
Priory Church
(remains of)

