

Cabinet

**Moot Hall, Town Hall
10 June 2009 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.

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COLCHESTER BOROUGH COUNCIL CABINET

10 June 2009 at 6:00pm

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

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 to 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, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

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 18 March 2009.

6. Call-in Procedure

1 - 20

To consider Portfolio Holder decision STS-007-08, Extension of free special collections, taken by the Portfolio Holder for Street and Waste Services on 24 April 2009.

7. Street and Waste Services

i. Sale of Materials

21 - 37

See report by the Head of Street Services

8. Culture and Diversity

i. Visual Arts Facility: Associated Issues 38 - 41

See report by the Executive Director, Ian Vipond

9. Planning, Regeneration and Sustainability

i. New Build Nuclear Power Station at Bradwell 42 - 58

See extract from the minutes of the Strategic Overview and Scrutiny Panel meeting of 5 May 2009 and the report of Bradwell Task and Finish Group to the Strategic Overview and Scrutiny Panel.

10. General

i. Section 5A report under the Local Government and Housing Act 1989 in relation to the decision to cease revenue funding to Shopmobility 59 - 63

See report by the Monitoring Officer

ii. Appointments to External Organisations and Council Groups 64 - 89

See report by the Head of Corporate Management

iii. Progress of Responses to the Public 90 - 92

To note the contents of the Progress Sheet.

11. Resources and Business

i. Disposal of Angel Court 93 - 95

See report by the Executive Director, Ann Wain

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**

10 June 2009 at 6:00pm

AGENDA - Part B

(not open to the public or the media)

	Pages
13. Resources and Business	
i. Disposal of Angel Court	96 - 98

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 report from the Executive Director, Ann Wain



Cabinet

Item
6

10 June 2009

Report of	Head of Street Services	Author	Matthew Young
Title	Extension of free bulky waste special collections		
Wards affected	St. Andrew's; St. Anne's; Berechurch, Harbour and East Donyland		

This report concerns the extension of the free special collection service to small areas within Berechurch and Harbour Wards

1. Decision(s) Required

- 1.1 To confirm the Portfolio Holder decision to extend the free special collection service currently provided in selected roads within identified smaller output areas in St Andrew's and St Anne's to selected roads within identified smaller areas in the wards of Harbour and Berechurch including an area in East Donyland Ward adjacent to Berechurch.

2. Reasons for Decision(s)

- 2.1 The original decision by the Portfolio Holder for Street and Waste Services was 'called in' and the Finance and Audit Scrutiny Panel (FASP) at their meeting on 19th May 2009 agreed to refer the decision back to the Portfolio Holder for Street and Waste Services for further consideration, asking him to extend the special collection scheme not on a ward basis, but to those super output areas having the greatest need regardless of ward.
- 2.2 Alongside this the Panel asked the Portfolio Holder to agree to a further review of the Free Freighter Service in 2009-10 and requested information in regards to car ownership by ward, the number of flytipping collections by ward with this information split by collections on private and public land.
- 2.3 This report was requested to build on the information provided with the original report, which is attached as Appendix One, and include the information provided at the FASP meeting on 19th May 2009. The Portfolio Holder has also subsequently asked that the locations of the Summer Freighter service be reviewed when the area receiving the extension of the free bulky waste special collections scheme are agreed.

3. Alternative Options

- 3.1 The existing scheme could be retained or the scheme could be extended beyond that proposed. However, the latter would significantly reduce the number of collections available and lessen the effectiveness of the scheme because of the distances the freighter would have to travel on the morning it is operated. The scheme could be extended further if it was decided to provide further funding to increase capacity by allocating extra staff resources.

4. Supporting Information

4.1 The background and history to the creation of this scheme are detailed in the original Portfolio Holder report attached as Appendix One.

4.2 Officers have identified that the existing free bulky waste collection scheme has available capacity to be extended without the allocation of further resources. The existing scheme is available in selected parts of St Andrew's and St Anne's wards. These wards were originally selected using the index of multiple deprivation (2000), which was updated by the 2004 indices which refined the data to smaller areas within wards originally known as 'super output areas'. St Andrews and St Anne's were the two wards with super output areas that had the highest levels deprivation in the Borough and this is still the case.

4.3 The capacity within the existing scheme is sufficient to extend to two more 'deprived' areas within Wards. The decision on where to extend balances the following three factors (the percentages in brackets indicate the weighting put on each factor).

- Deprivation (50%)
- Incidents of fly tipping (40%)
- Use of resources (10%)

4.4 *Deprivation*

The 2007 indices of multiple deprivation (IMD) classified 21 small areas in Colchester as 'deprived' which meant they were ranked as within the 40% most deprived small areas in England. The IMD takes into account seven domains which cover education, skills and training; crime; employment; living environment; health deprivation and disability; income; barriers to housing and services. Using all these domains, which is the recommended approach, the table below shows the 21 areas with their ward, local area name and national ranking.

Deprivation %	Ward name	Local area name	Rank
11-20%	St Anne's	St Anne's Estate	4032
	St Andrew's	Magnolia	4338
	Harbour	Barnhall	5880
21-30%	St Andrew's	Salary Brook South	6766
	St Andrew's	Forest	6973
	Harbour	Speedwell	7008
	St Andrew's	Sycamore	7155
	Shrub End	Iceni Square	8124
	New Town	New Town North	8340
	Castle	Castle Central	8351
	New Town	Paxmans	8466
31-40%	Shrub End	Rayner Road	10492
	St Andrew's	Eastern Approaches	10573
	St Anne's	Harwich Road	10921
	Berechurch	Monkwick	11044
	St Anne's	East Ward	11617
	Berechurch	Friday Wood	11639
	Lexden	Collingwood	11932
	Tiptree	Maypole	11948
	Berechurch	Blackheath	12136
Berechurch	Berechurch North	12405	

In this table you can see that in terms of small areas St. Andrew's has 5; Berechurch has 4; St. Anne's has 3 and Harbour, Newtown and Shrub End have 2 each in the top 40%.

4.5 Fly Tipping

Fly tipping is defined as the illegal dumping of waste including general household waste; domestic items such as fridges, beds and washing machines; garden waste and commercial waste such as builders' rubble, tyres and clinical waste. Members need to note that authorities are asked to include in the figures general household waste so black bag refuse bags put out early, or with the incorrect waste presented have to be reported to the National database as fly tipping.

The following table shows the reports of fly tipping during the 2008/09 year broken down by ward and private and public land as requested by FASP.

Ward	Public	Private	Total
Berechurch	32	2	34
Birch & Messing	16		16
Boxted & Langenhoe	14	1	15
Castle	27	2	29
Dedham	7		7
East Donyland	5		5
Fordham	6		6
Great Horkesley	3	1	4
Great Tey	1		1
Harbour	15		15
Highwoods	29	5	34
Lexden	2		2
Marks Tey	7		7
Mile End	10	2	12
New Town	61	4	65
Prettygate	2		2
Pyefleet	3		3
Shrub End	4		4
St Andrew's	203	9	212
St Anne's	46		46
St John's	10		10
St Mary's	9		9
Stanway	13		13
Tiptree	40		40
West Bergholt	3		3
West Mersea	3		3
Winstree	0		0
Wivenhoe	11	5	16
TOTAL	582	31	613

This data shows that the St Andrew's ward suffers from the majority of the annual fly-tipping reported. Since the introduction of the free collection service these reports have mainly been for black sack waste rather than the larger items, although we still do have some hot spot areas for larger items which are being targeted by officers. New Town is next on the list and in this area again it is the result of the number of black bag/household waste reports received.

St Anne's and Tiptree have the next largest number of reports. St Anne's tends to be more bulky waste such as white goods and larger household items whilst Tiptree tends to suffer larger fly-tips such as builder and construction waste. This ward is due to benefit from the deployment of a covert CCTV system in an attempt to identify those responsible. In many places this particular ward is rural and officers suspect that much of the waste deposited is done so locally by those people who work out of the Borough, bringing waste back with them where it is deposited illegally.

The next two highest wards are Berechurch and Highwoods. Data shows that the majority of reports in Berechurch are for the larger household items and centred on the smaller areas that are 'deprived' whilst the reports from Highwoods are linked to household waste. In the original report there was an area around Holt Drive which is adjacent to the Monkwick Estate in Berechurch, but located in East Donyland ward that has suffered recently from large fly tips.

Another factor that needs to be considered is access to a car as this can influence a resident who may be tempted to fly tip an item. Regular access to a car normally means that an item will be taken to the nearest Recycling Centre for Household Waste (for most people this is Shrub End). However, if transport is not readily available then fly tipping in the local area (normally the nearest open space to where an item can be carried) becomes an option. In the table below the Customer Insight team have mapped those areas least likely to have access to a car using Mosaic data.

Ward	Number of households rated mosaic type E28, F35, F36, F37, F39 and I48
Berechurch	99
Birch and Winstree	0
Castle	245
Christ Church	7
Copford and West Stanway	0
Dedham and Langham	2
East Donyland	0
Fordham and Stour	2
Great Tey	0
Harbour	115
Highwoods	208
Lexden	9
Marks Tey	0
Mile End	0
New Town	465
Prettygate	2
Pyefleet	0
St Andrew's	828
St Anne's	174
St John's	0
Shrub End	91
Stanway	159
Tiptree	44
West Bergholt and Eight Ash Green	4
West Mersea	71
Wivenhoe Cross	1
Wivenhoe Quay	0

Mosaic is a classification system designed specifically to support public sector policy decisions, communications activity and resource strategies. Its comprehensive analysis of citizens at postcode and household level provides deep insight into the socio-demographics, lifestyles, culture and behaviour of UK citizens. Using data from a wide range of public and private sources, Mosaic Public Sector has been linked to specific data sources from health, education, criminal justice and local and central government. The table counts number of households in the following mosaic types who are likely to have no access to a car compared to an average UK citizen. These are Mosaic type E28 (1.97 times more likely) F35 (2.00 times more likely) F36 (2.15 times more likely) F37 (1.99 times more likely) F39 (2.40 times more likely) and I48 (2.49 times more likely). Unfortunately the Mosaic data is not broken down to the smaller areas at present although this could be done if it was required.

The data shows us that in all the Wards that have smaller areas in the top 40% 'deprived' nationally all have a larger number of households least likely to have access to a car than the average ward in Colchester.

4.6 ***Use of resources***

The service is provided every other Saturday morning to 25 properties by one refuse freighter with a crew of two starting and finishing at Shrub End Depot. To make best use of this limited resource the most effective route has to be worked out for the vehicle that will take in the largest amount of properties in the most deprived areas of the Borough.

To use the freighter over a larger area, including all the small areas identified as 'most deprived', would significantly reduce the number of collections available and lessen the effectiveness of the scheme because of the distances the freighter would have to travel on the morning it is operated.

The scheme could be extended further if it was decided to provide further funding to increase capacity by allocating extra staff resources, but this would mean identifying resources from other budgets in the Street Services Group which would impact on service delivery elsewhere.

4.7 ***Summary***

Officers have reviewed and analysed all the above factors and data when planning the extension of the service to further areas in line with the weighting stated in paragraph 4.3. Looking at this the next recommended smaller areas it should be extended into are those in Harbour ward as the deprivation ranking is next highest, there is some fly tipping which is mainly larger household items (although it is not as much a problem here as in other wards) and the area is adjacent to the present route of the vehicle.

The primary factor of the deprivation indices show that small areas in Shrub End, Newtown or Castle rank higher than the next areas which are in Berechurch. However, when we look at the fly tipping data there is an appreciable difference between Shrub End and Berechurch and this would indicate that there is less demand for the bulky waste collection service. The difference is less so with Castle, however records show that the Castle Ward fly tipping reports do not occur in the 'Central' small area. As stated before the fly tipping in the Newtown Ward is mainly black bag domestic waste and not larger items which this service is there to collect.

Therefore, taking these main factors into account

- the service is offered to communities that deprivation indices indicate would most struggle to afford the charged service;
- where fly tipping of larger items is an issue;
- where the Council is making the best use of the resource that provides the service

it is the recommendation of officers that the smaller areas within Berechurch ward (including the adjacent roads in East Donyland ward) are included in the scheme.

5. Proposals

- 5.1 It is proposed to allocate the 25 available collection slots across the roads in the smaller 'deprived' areas located in St. Andrew's; St. Anne's; Harbour and Berechurch wards as well as a small area of East Donyland ward that is adjacent to Berechurch. The slots will be booked on a first come first served basis through the Customer Service Centre. The roads the scheme applies to are shown in Appendix Two to this report.
- 5.2 As a result of this decision the locations of the advertised summer freighter scheme will be looked at and adjustments made to reflect the fact that the free scheme is operating in certain areas.

6. Strategic Plan References

- 6.1 This initiative supports the Strategic Plan aim of being Clean and Green as this will contribute to a reduction on fly tipping.

7. Consultation

- 7.1 Ward councillors within the wards concerned have been consulted.

8. Publicity Considerations

- 8.1 If agreed the extension of the scheme will be publicised to the roads identified in Appendix two. A press release will also be sent to the local media.

9. Financial Implications

- 9.1 There are no financial implications within the operation of the scheme. The existing scheme is funded through existing resources and the extension is within service capacity
- 9.2 In order to manage this scheme changes will be necessary to the electronic management systems within the Customer Service Centre. These changes may carry a maximum cost of £1,000. Savings will be identified within the service budget allocation to accommodate these costs.

10. Equality, Diversity and Human Rights Implications

- 10.1 Taking this decision will provide a service to smaller areas of wards in the Borough who rank in the top 40% nationally in index of multiple deprivation and are described as 'deprived'. The two highest small areas in the index are already served by this scheme.
- 10.2 The scheme is particularly beneficial to older people and people with disabilities who have difficulty in disposing of larger items of waste.

11. Community Safety Implications

- 11.1 The disposal of bulky waste by householders in areas of high deprivation can be difficult. Fly tipping can often occur in these areas which in turn leads to poor environmental quality.
- 11.2 There is a direct correlation between litter, waste and crime and the prevention of fly tipping will in part improve the fear of crime in these areas.

12. Health and Safety Implications

- 12.1 Fly tipping of waste materials, including hazardous waste, is a danger to the public and the environment. It is the intention of this scheme to reduce fly tipping therefore reducing the risk of harm.

13. Risk Management Implications

- 13.1 The risk in not agreeing to this decision is that fly tipping in these wards will continue or increase
- 13.2 There is also a slight risk that by extending the scheme it will outstrip the slots available which could lead to customers waiting longer for a collection date. This will be monitored over the first six months of operation and reported to the Portfolio Holder.

Background Papers

There are none

COLCHESTER BOROUGH COUNCIL

RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

Explanatory Note

The Council has established Delegation Schemes by which certain decisions may be made by the relevant cabinet member or specific officers.

Such decisions are subject to review under the Call-in Procedure. From the date the decision is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed and deliver it to the Proper Officer. If, at the end of the period, no request has been made, the decision may be implemented. If a valid request has been made, the matter will be referred to either the Finance and Audit Scrutiny Panel if the Type of Decision is Service, or the Strategic Overview and Scrutiny Panel if the Type of Decision is Strategic/Corporate.

For decisions which are deemed to be Key Decisions, these must be included in the Forward Plan and 14 days must elapse between publication of the Forward Plan and the decision being taken.

In addition, any report (excluding confidential ones) relating to a Key Decision must have been made available to the public at least five clear days prior to the decision being signed.

Part A – To be completed by the appropriate Cabinet Member/Officer

Title of Report

Extension of free bulky special collections

Delegated Power

To procure the specified service in the provision, implementation, maintenance and management of: - refuse collection

Decision Taken

To extend the free special collection service currently provided to St Andrew's and St Anne's to the wards of Berechurch, Harbour and East Donyland. The scheme will be provided to selected parts of these wards.

Key Decision

This is not a key decision

Appendix One

Forward Plan

N/A

Reasons for the Decision

The existing scheme has available capacity to be extended without the allocation of further resources. The existing scheme is available in selected parts of St Andrew's and St Anne's wards. These wards were selected using the index of multiple deprivation 2000. St Andrews and St Anne's are the two wards with the highest areas of deprivation in the Borough.

The capacity within the existing scheme is sufficient to extend to two more wards. Again using the index of deprivation Berechurch and Harbour are third and fourth highest in the Borough.

It is also recognised that a small part of East Donyland ward, Holt Drive, would fall within the criteria and the area served adjacent to Berechurch ward.

Alternative Options

There is no alternative option other than to retain the existing scheme. Any extension of the scheme beyond that proposed would significantly reduce the number of collections available and lessen the effectiveness of the scheme.

Conflict of Interest

N/A

Type of Decision

Service

Dispensation

N/A

Authorisation

Signature _____

Designation _____

Date _____

(NB For Key Decisions five clear days must have elapsed between the report being made available (see date in **Key Decision** box above) and the decision being taken i.e. signed)

Appendix One
Part B – To be completed by the Proper Officer

Call-in Procedure

Date published on The Hub and placed in Members' Room and Customer Service Centre

Date by which request for reference must be made to the Finance and Audit Scrutiny Panel if the Type of Decision is Service or the Strategic Overview and Scrutiny Panel if the Type of Decision is Strategic/Corporate

5pm _____

Signed _____

Proper Officer

Reference Number

Implementation

Date decision can be implemented if no request (Call-in) for the decision to be reviewed has been made

After 5pm _____



Portfolio Holder for Street and Waste

Item

23 April 2009

Report of	Head of Street Services	Author	Dave McManus
Title	Extension of free special collections		☎ 282625
Wards affected	Berechurch, Harbour and East Donyland		

This report concerns the extension of the free special collection service to parts of Berechurch, Harbour and East Donyland Wards

1. Decision(s) Required

- 1.1 To extend the free special collection service currently provided in St Andrew's and St Anne's to the wards of Berechurch, Harbour and East Donyland. The scheme will be provided to selected parts of these wards.

2. Reasons for Decision(s)

- 2.1 The existing scheme has available capacity to be extended without the allocation of further resources. The existing scheme is available in selected parts of St Andrew's and St Anne's wards. These wards were selected using the index of multiple deprivation 2000. St Andrews and St Anne's are the two wards with the highest areas of deprivation in the Borough.
- 2.2 The capacity within the existing scheme is sufficient to extend to two more wards. Again using the index of deprivation Berechurch and Harbour are third and fourth highest in the Borough.
- 2.3 It is also recognised that a small part of East Donyland ward, Holt Drive, would fall within the criteria and the area served adjacent to Berechurch ward.

3. Alternative Options

- 3.1 There is no alternative option other than to retain the existing scheme. Any extension of the scheme beyond that proposed would significantly reduce the number of collections available and lessen the effectiveness of the scheme.

4. Supporting Information

- 4.1 In 1988 a special collection scheme using a manned freighter commenced in the ward of St Andrews primarily aimed at reducing the levels of fly tipping in and around the estate of Greenstead. At that time fly tipping was a significant issue and was seriously affecting the environmental quality of the estate and impacting upon the quality of life of the residents.

Appendix One

- 4.2 In 2004 this scheme had outgrown its intended use and had become so popular with residents from St Andrews and surrounding wards that the Health and Safety implications of the site and its visitors forced its closure.
- 4.3 As a result of the schemes closure an alternative scheme was introduced in late 2004.
- 4.4 This new scheme, providing roving refuse freighters proved to be problematic and the advance notification of vehicle times led to fly tipping.
- 4.5 In 2006 the scheme was varied once again and a pre bookable collection scheme introduced. Sixteen collection slots were initially introduced and residents in the affected wards were able to book a collection through the Customer Service Centre. The collections had conditions attached and were only available for waste which could not be reused or recycled.
- 4.6 The number of slots was increased in 2008 to 25 as the time to undertake each collection was not as long as first estimated.

5. Proposals

- 5.1 Over the last 12 months the usage of the scheme has been monitored and it is considered that an extension to the scheme is currently possible.
- 5.2 When considering these extensions, areas of relatively high fly tipping and high deprivation were considered. For operational effectiveness the extension was determined to cover two wards only
- 5.3 It is proposed to allocate the 25 available collection slots equally across the four wards involved in the scheme.
- 5.4 It is also proposed to allocate dedicated areas within Berechurch, Harbour and East Donyland wards where the scheme will operate

6. Strategic Plan References

- 6.1 This initiative supports the Strategic Plan aim of being Clean and Green as this will contribute to a reduction on fly tipping.

7. Consultation

- 7.1 Ward councillors within the wards concerned have been consulted.

8. Publicity Considerations

- 8.1 If agreed the extension of the scheme will be publicised in the areas identified in paragraph 5.4 above. A press release will also be sent to the local media.

9. Financial Implications

- 9.1 There are no financial implications within the operation of the scheme. The existing scheme is funded through existing resources and the extension is within service capacity
- 9.2 In order to manage this scheme changes will be necessary to the electronic management systems within the Customer Service Centre. These changes may carry a

Appendix One

maximum cost of £1k. Savings will be identified within the service budget allocation to accommodate these costs.

10. Equality, Diversity and Human Rights Implications

- 10.1 Taking this decision will provide a service to three wards of the Borough who rank the third, fourth and fifth highest in the index of multiple deprivation. The two highest wards in the index are already served by this scheme.
- 10.2 The scheme is particularly beneficial to older people and people with disabilities who have difficulty in disposing of larger items of waste.

11. Community Safety Implications

- 11.1 The disposal of bulky waste by householders in areas of high deprivation can be difficult. Fly tipping can often occur in these areas which in turn leads to poor environmental quality.
- 11.2 There is a direct correlation between litter, waste and crime and the prevention of fly tipping will in part improve the fear of crime in these areas.

12. Health and Safety Implications

- 12.1 Fly tipping of waste materials, including hazardous waste, is a danger to the public and the environment. It is the intention of this scheme to reduce fly tipping therefore reducing the risk of harm.

13. Risk Management Implications

- 13.1 The risk in not agreeing to this decision is that fly tipping in these wards will continue or increase
- 13.2 There is also a slight risk that by extending the scheme it will outstrip the slots available which could lead to customers waiting longer for a collection date. This will be monitored over the first six months of operation and reported to the Portfolio Holder.

Background Papers

There are none

Appendix Two**Pre-booked Special Collections - Existing Roads**

St. Andrews Slots	St. Andrews Slots (Continued)
Affleck Road	Hewes Close
Acacia Avenue	Hickory Avenue
Alefounder Close	Holborough Close
Almond Way	Honeysuckle Way
Alyssum Walk	Howe Close
Antonio Walk	Hunwicke Road
Ariel Close	Jessica Close
Arnold Drive	Juniper Way
Arrow Road	Laburnum Grove
Ashdown Way	Laing Road
Aspen Way	Larch Close
Avon Way	Leam Close
Balfe Court	Imogen Close
Bennett Court	Jasmine Close
Berberis Walk	Lime Avenue
Berrimans Close	Linden Close
Blackthorn Avenue	Lugar Close
Bridgebrook Close	Macbeth Close
Britten Close	Magnolia Drive
Brockenhurst Court	Marigold Close
Bromley Road	Miranda Walk
Buckingham Drive	Oberon Close
Buffett Way	Patmore Road
Charles Pell Road	Penrice Close
Chase Court	Pickford Walk
Clarkia Walk	Primrose Walk
Clematis Way	Prospero Close
Conifer Close	Purcell Close
Cook Crescent	Redwood Close
Cooper Walk	Rochdale Way
Cypress Grove	Rosalind Close
Cyril Child Close	Scarfe Way
Dahlia Walk	Sebastian Close
Delius Walk	Sherbourne Road
Dewberry Close	Sherwood Close
Duffield Drive	Spruce Avenue
Elm Crescent	Stanley Wooster Way
Erica Walk	Stevens Walk
Ferdinand Walk	Sullivan Close
Forest Road	Sycamore Road
Foxglove Walk	Tamarisk Way
Gardenia Walk	Tangerine Close
Geranium Walk	Tara Close
Gorse Walk	Thelsford Walk
Hamlet Drive	Thorpe Walk
Handel Walk	Tippett Close
Hawthorn Avenue	Titania Close
Heatley Way	Tulip Walk
Orsino Walk	Veronica Walk
Othello Close	Viola Walk
Panton Crescent	Wheeler Close

Appendix Two

St. Andrews Slots (Continued)	St. Anne's Slots (Continued)
Whitethorn Close	Compton Road
William Boys Close	Compton Road, Dansie Court
Willingham Way	Fairfield Gardens
Woodcock Close	Fairhead Road North
Woodrow Way	Francis Way
Yew Tree Close	Frank Clater Close
St. Anne's Slots	Gascoigne Road
Alderton Road	Goring Road
Ayloff Road	Hazelton Road
Barkstead Road	Mary Frank House
Barnardiston Road	Orchard Gardens
Compton Road	Royal Court
Crown Bays Road	St Anne's Road
Dilbridge Road East	The Causeway
Dilbridge Road West	Wilson Marriage Road
Fairhead Road South	

Pre-booked Special Collections – Proposed new roads

Berechurch/East Donyland	Harbour
Bardfield Rd	Barn Hall Ave
Beeleigh Close	Bell Close
Berefield Way	Brittany Way
Boyles Court	Cheveling Rd
Buntingford Court	Churchill Way
Buxton Road	Colne View
Byng Court	Cunningham Close
Coronation Ave	Dedham Court
Coronation Ave	Docker Court
Firlie Walk	Dowding Close
Garrod Court	Foresight Road
Holt Drive	Harwood Close
Inworth Walk	Hilltop Close
Marasca End	Horrocks Close
Middlewick Close	Meopham Court
Monkwick Avenue	Montgomery Close
Moy Rd	Mulberry Ave
Nathan Court	Normandy Ave
Parnell Close	Place Farm Court
Persardi Court	Ramsey Mews
Prince Charles Rd	Roosevelt Way
Prince Philip Road	Russell Court
Queen Elizabeth Way	Savill Rd
Ridgewell Way	Speedwell Rd
Sage Road	Stalin Rd
School Road	Tedder Close
Sheering Walk	Thornfield Court
Stansted Rd	Unity Close
Sturmer Court	Wick Rd
Talcott Road	
Terling Close	
The Parade	
Windsor Close	

Agenda Item 6

Extract from the minutes of the Finance and Audit Scrutiny Panel meeting of 19 May 2009

79. Referred items under the Call in procedure

Have Your Say

Councillor Smith addressed the panel saying he believed the decision taken was in line with the Cabinet Strategy. In respect of the background to this service, he said it started with the closure of the Greenstead Amenity Site leading to the introduction of the free freighter service scheme operating in St Andrew's and St Anne's wards. Councillor Smith said he would welcome clarification on the exact areas in which this service would operate.

Councillor Smith believed the 'super output areas' as mentioned by Councillor Arnold in his reasons for the call in, was the right criteria for determining where the service should be extended to, and St Anne's was a good example of where under this criteria St Anne's would receive an extended service, whereas under the current arrangements it would not. Councillor Smith concluded by suggesting the Portfolio Holder should give careful consideration to the merits of using 'super output areas' as well as just deprived wards, for the means of determining extended areas of collection.

Extension of free bulky special collections

The service decision, reference STS-007-08, Extension of free special collections, taken by the Portfolio Holder for Street and Waste Services on 24 April 2009 was called in by Councillor Arnold, supported by four Councillors. Councillor Arnold and Councillor Tim Young, Portfolio Holder for Street and Waste Services both attended the meeting for this item.

Councillor Arnold presented the case for the call in. Councillor Arnold thanked Councillor Smith for his comments and reiterated the reasons for the call in as stated on the Request for Call in Form.

The principle of providing the special collection service within those areas of greatest need is not challenged, indeed it is strongly supported. However, the decision called-in relies on the outdated concept of "deprived wards" to identify these needy areas within Colchester. It also relies on data from the year 2000, whereas the latest survey dates from 2007. The Government's preferred definition, long ago accepted by the Council, uses "super output areas", a table of which based on the 2007 data was published on the Council's own website on 30 March 2009. This identifies five super output areas (in three wards) which have greater need than all those in Berechurch and some within St. Andrew's and St. Anne's.

The decision also proposes to extend the services to Holt Drive in East Donyland on the basis that there is recognition that this area “would fall within the criteria”. However, this is unsupported by evidence presented within the report and neither the criteria nor those recognising the need in Holt Drive are identified. Holt Drive is within a super output area ranking 29 out of 104. There was 21 super output areas, in eight wards, not currently receiving the service are identified as having greater need.

The service should be provided to those areas that have the greatest need on the nationally-recognised scale regardless of the ward in which they for the time being are located.

Councillor Arnold concluded by saying he believed the areas to which this service should be extended should be a judgement made by those officers in Community Services, not those in Street Services, and the service should not be extended ward by ward, but by ‘super output area’ thereby providing a service to those who can least afford to pay for it.

Councillor Tim Young, Portfolio Holder for Street and Waste Services responded to Councillor Arnold. Councillor Young gave a PowerPoint presentation explaining the reasons behind the decision taken.

The decision was not just based on deprivation indices alone, but with three factors been considered, with flytipping hotspots, deprived small areas and the freighter routeing all looked at in detail. From the records of the Street Care team, this is where the most reports of fly tipping are reported of larger goods that cannot be put out either with the recycling or refuse collections.

Councillor Young said that by using the Mosaic data, the Council could plan where it can best direct or focus services, and these are also the areas where residents are least likely to have access to a car. The original areas were chosen using the 2000 Deprivation indices, but officers then compared this to the 2007 indices using the advice and knowledge of the Customer Insight Team. This should have been mentioned in the report for which Councillor Young apologised to members.

The information shows that St. Andrew’s has most deprived small areas (‘super output areas’) in the top forty percent deprived nationally. This is followed by Berechurch, Newtown and then Harbour. There are then a number of wards with two areas one of which is St. Anne’s. Councillor Young explained that when this data is mapped against the fly tipping data it can be seen that Newtown does not receive that many fly tipping reports. The issues here tend to be around litter and residual waste bags put out too early, or in the wrong place. On this basis they were not recommended by officers for inclusion in the scheme.

Councillor Young showed a slide illustrating the current route of the freighter in the St. Andrew’s and St. Anne’s wards, and the proposed route, adding those areas identified within deprivation indices and fly tipping report data.

Councillor Young showed photographs of recent fly tipping incidents in the areas the freighter service was to be extended into. In regards to the inclusion of Holt Drive being included in the scheme, Councillor Young said he was persuaded by officers that because of the number of fly tipping incidents experienced here as well as its geographical location close to the Monkwick estate in Berechurch this would be a good use of the limited service that operates.

In response to Councillor Hazell who suggested the route appeared to have been produced via a Routemaster, and asked how could we not be sure the abandoned trailer shown in his presentation was an abandoned trailer, Councillor Young said of the three factors used to determine the extended areas of collection, the routeing was of least importance, that a greater weighting was given to small deprived areas and fly tipping hotspots. Councillor Young later explained that the abandoned trailer had been reported by local residents and had been there for some time.

In response to Councillor Lissimore, Councillor Young said that in respect of Shrub End estate, there was believed to be less demand for this service within this area, and the close proximity to the Shrub End Amenity Site was a consideration.

Councillor Chillingworth questioned the wisdom of using spare resources within this service for the collection of flytipping items, when the new data on super output areas provided us with the opportunity to extend this service to other more needy super output areas.

Councillor Young believed it was a reasonable assumption to make that flytipping is done by people local to the area, citing Greenstead Estate as an example, that following the introduction of the free freighter service the estate saw a decrease in flytipping.

Councillor Harris expressed support for the decision that would extend the service to the Harbour and Berechurch Wards, and was amazed that the decision had been called in. Councillor Harris said areas within these wards had been continually monitored and information given by the public acted on, but still the flytipping keeps reoccurring, blighting many green and urban areas. Councillor Harris said the service would reduce flytipping and urged councillors to support the decision to extend the service.

Councillor Offen said having heard the comments from the speakers so far, he remained unconvinced that differentiating between deprived wards and super output areas was an argument to oppose the decision that had been taken.

Councillor Arnold reaffirmed his request to not to use a ward based system, but one where the areas where the service was extended to were those areas where the service was most needed. Councillor Arnold said the service was never intended to tackle flytipping and that it was wrong to make a connection

between flytipping and the residents in that area, reiterating that enforcement powers should be used to tackle flytipping.

Councillor Lewis questioned the wisdom of including flytipping within this service, saying that when there had been instances of flytipping in the Spring Lane and Collingwood Road areas of her ward, these had been dealt with speedily and efficiently by officers within Street Services. Councillor Young said the service only had finite resources and the purpose of the change was not to open out the collection of flytipping to all areas, but only to those hotspot and problem areas, saying he believed the extension of the collection service would actually stop potential flytipping in that area.

Councillor Goss requested information in regards to car ownership (a measure of deprivation) by ward and the number of flytipping collections by ward (Councillor Goss later asked that this information differentiated between private and public land), and asked for an explanation to the weighting given to each of the three factors for determining the new areas to be given this service. Councillor Young confirmed the information requested by Councillor Goss could be made available. In regards to weighting, Councillor Young said deprived small areas and fly tipping hotspots were the primary factors for determining to what areas the service could be extended and with this information the routing of the freighter was determined within the resources available.

Councillor Manning said that given the freighter had to travel through the Shrub End Ward, and area of deprivation, to go to the Amenity Site, it made no sense that this area should not form one of the twenty five stops. Councillor Hazell asked how it could be known what the demand for this service in the Shrub End Ward would be, given it is not available to residents in the area?

Councillor Young said the service would remain under constant review, but at this time it was the professional judgement of officers, supported by statistics, that the recommended route was the best way to extend the service. Councillor Young said it was the best way to help those who are deprived and residents effected by flytipping, and the best use of current resources.

Mr. Dave McManus, Street Care and Recycling Manager addressed the panel, and in response to Councillor Goss, explained the take up of the current service ward by ward, and confirmed that since the introduction of the scheme there had been a reduction in flytipping.

Councillor Offen said he believed common sense had been applied to the decision and there would be an opportunity to review and change the service as appropriate.

Councillor Lewis said that she would like the Portfolio Holder to consider a system of meantesting for the free freighter service. Councillor Lewis also thanked Councillor Young, Arnold and panel members for a very meaningful and excellent debate.

Councillor G Oxford said that should any review recognise spare capacity within the provision of the summer freighter service would the Portfolio Holder consider Chinook, High Woods as one of the stops.

Councillor Young confirmed to Councillor Hazell that whilst he would rather a twelve monthly review of the service, that a review within 2009-10 could be undertaken.

Councillor Arnold and Councillor Young were invited to give closing remarks following the discussions.

Councillor Willetts proposed that the panel refer the decision back to the Portfolio Holder for Street and Waste Services for further consideration, asking him to extend the special collection scheme not on a ward basis, but to those super output areas having the greatest need regardless of ward. Councillor Manning seconded the proposal.

RESOLVED that the panel;

- i) Referred the decision back to the Portfolio Holder for Street and Waste Services for further consideration, asking him to extend the special collection scheme not on a ward basis, but to those super output areas having the greatest need regardless of ward (SEVEN voted FOR, FOUR voted AGAINST).
- ii) Agreed to further review of the Free Freighter Service in 2009-10.
- iii) Requested information in regards to car ownership by ward, the number of flytipping collections by ward with this information split by collections on private and public land.



Cabinet

10 June 2009

Item
7(i)

Report of	Head of Street Services	Author	Dave McManus
Title	Sales of Materials		 282625
Wards affected	Not applicable		

This report concerns the awarding of contracts for the sale of recyclable materials under Contract Procedure 9 (4)

1. Decision(s) Required

- 1.1 To invoke Contract Procedure 9 (4) and award two year contracts for the sale of recyclable materials to Berrymans and James Heys and Sons Ltd.

2. Reasons for Decision(s)

- 2.1 There are currently no formal documented contracts for the sale of recycled materials although there are agreements in place with various contractors as detailed below. In summary the current arrangements for the collected materials are:
- Mixed Glass: bring sites emptied by Berrymans
 - Mixed Glass: collected at kerbside and taken to Shrub End Depot before being delivered to Berrymans at Thurrock or Dagenham
 - Mixed Cans: collected and taken to Shrub End Depot before being delivered loose by CBC to James Heys and Sons, Canvey Island
 - Mixed Cans: bring sites serviced by CBC and delivered to Shrub End Depot before being delivered loose by CBC to James Heys and Sons, Canvey Island
 - Mixed Paper and Cardboard: baled without sorting by CBC and collected from Shrub End Depot by James Heys and Sons, Canvey Island
 - Mixed Plastics: baled by CBC and collected from Shrub End Depot by James Heys and Sons, Canvey Island
- 2.2 A report to Finance and Audit Scrutiny Panel on 24 February 2009 detailed the current arrangements and clarified the price paid to the Council for the various items it collects for recycling. This is attached as Appendix One to this report for information.
- 2.3 It was recommended by members of the Finance and Audit Scrutiny Panel that contracts are entered into as soon as possible in order to ensure compliance with procurement requirements. It was also requested by the Panel that investigations are conducted looking at comparisons with other Councils. Details of investigation into comparisons can be seen within section 4, although it has been difficult to identify Councils with comparable collection and disposal methods to Colchester.
- 2.4 The current situation acknowledges that these contracts have been in place for a number of years it is therefore in the Council's best interests that agreements should be drawn up and signed by the Authority and the sub-contractors for the provision of these services.

3. Alternative Options

3.1 Alternative options were listed in the report to Finance and Audit Scrutiny Panel on 24 February 2009. However, a Task and Finish Group has been set up looking at the options available to the Council in terms of how we recycle collect, market and sell our waste in the future. It is anticipated that this group will make recommendations on the processing and sale of recyclable materials beyond the point of these proposed contracts. It was though felt that it was in the best interests of the Council at this stage to formalise the current arrangements with a clear clauses covering termination and review.

4. Supporting Information

4.1 The Procurement Hub (Braintree District Council) was asked to investigate alternative arrangements or contracts and to date has been unable to present a cost-effective alternative to the present system without a change to our collection systems and disposal methods. A summary of their investigations was included as an appendix to the report to Finance and Audit Scrutiny Panel on 24 February 2009. The Procurement Hub felt that the Council was receiving value for money in its current arrangements.

4.2 At the request of members of the Finance and Audit Scrutiny Panel officers have conducted limited comparison analysis with similar authorities.

4.3 This Council collects materials in the following way:

- Paper and Cardboard – clear recycling sack
- Plastics (all with few exceptions) – clear recycling sack
- Mixed glass/cans – recycling box

Research conducted did not find another authority that collected paper, cardboard and plastics and sold the materials as they are collected which makes direct comparison very difficult.

4.4 Prices received for materials vary through authorities, but research has been unable to find true comparisons other than for mixed glass and cans. This has shown that, whilst the prices have increased recently in terms of the amount per tonne the Council receives, it is not matching the industry averages as reported by the Waste and Resources Action Programme (Wrap). The establishment of a contract with regular pricing reviews would allow officers to negotiate these and ensure that the best prices available were being obtained.

4.5 Income received by neighbouring authority Chelmsford Borough Council has been highlighted recently. Officers have spoken to this authority and it evident that Chelmsford collect, handle and dispose of materials in a manner not currently available to this Council at an operational cost per tonne collected that exceeds those of this Council. Again these are matters that will be considered by the Task and Finish Group.

4.6 However, It would not be prudent or cost effective for the Council to delay the awarding of these contracts until the completion of the Task and Finish Group. The anticipated timetable of the Task and Finish Group and then the likely re-adjustments to the service would be in line with the timeframe of these contracts. The contracts would also contain detailed clauses around review and termination.

5. Proposals

- 5.1 To invoke Contract Procedure 9 (4) authorising an exception to the requirement to invite tenders in respect of the sale of recyclable materials given that the contracts to be entered into is an extension of current arrangements and that these arrangements are of a specialist nature, need to be relatively locally based and are reliant on the supplier of the services being able to handle the mix and condition of materials as presented to the Council and can show evidence of an acceptable audit trail for the onwards processing of the materials supplied.
- 5.2 Legal services have prepared agreements to be formalised by all parties. The agreements will take into account:
- Length of agreement
 - Terms of agreement
 - Agreement of six monthly contract and price review meetings
 - Details of early termination clauses by both parties, and
 - Initial financial agreements
- 5.3 To award a two year contract to Berrymans to receive mixed glass from the Council and to collect glass from the Councils network of bring sites.
- 5.4 To award a two year contract to James Heys and Sons to receive mixed cans from the Council and to collect bales of mixed paper, cardboard and plastics from the Council's depot.

6. Strategic Plan References

- 6.1 This report covers issues directly linked to the Strategic Plan aim of 'To be clean and green' and the priority of 'Reduce, Reuse, Recycle'.

7. Consultation

- 7.1 All consultations carried out are detailed in the main sections of the report to Finance and Audit Scrutiny Panel on 24 February 2009.

8. Publicity Considerations

- 8.1 The Council needs to continue to encourage its residents to recycle its waste to enable it to maintain the level of income and recycling credits that it receives.

9. Financial implications

- 9.1 Income received in 2008/09 for recycled materials at period 13 amount to £179,267 with the breakdown as follows.
- 9.2 The combined income budget for 2009/10 for these two items is £190,000, but this does not include the amount that the Council will receive for Recycling Credits from Essex County Council.
- 9.3 During 2008/09 the market for the sale of recyclable materials saw a downturn which began in October 2008. A number of factors were identified as being the cause for the market decline. This affected the prices realised for materials. The market has improved and should see the budget achieved.

9.4 It is anticipated that the formalising of the current arrangements will allow for increased prices to be negotiated with contractors. As part of the contract terms prices will be reviewed on a six-monthly basis.

10. Other standard references

10.1 Having considered equality, diversity and human rights, health and safety and community safety implications, there are none which are significant to the matters in this report.

11. Risk Management Implications

11.1 The Council collects recycled materials in a manner that has been found to be commercially unacceptable to most pre-processors. There is a significant risk that moving away from current arrangements before the results of the Task and Finish Group and public consultation is complete and reported to the Cabinet as this could mean changes to our collection methods. This may have a negative effect on the overall recycling rate and would require extensive re-education to achieve public participation.

Appendix One

Report to Finance and Audit Scrutiny Panel entitled Sale of Recyclable Materials and dated 24 February 2009



Finance and Audit Scrutiny Panel

Item

11

24 February 2009

Report of	Head of Street Services	Author	Dave McManus
Title	Sale of Recyclable Materials		Tel. 282625
Wards affected	None		

To review and comment on the current arrangements for the sale of recyclable materials which will be used to inform the further development and procurement in this area.

1. Action required

The Panel is asked to note and comment on the details of this report

2. Reason for scrutiny

This report has been produced in response to the request from the Panel from its meeting on 29th July 2008. It seeks to clarify the price paid by the Council for the various items it collects for recycling.

3. Background

Colchester Borough Council currently collects the following materials for resale:

- Paper
- Cardboard
- Glass
- Cans
- Plastics

Garden waste is not sold but is subject to composting credit income from Essex County Council. All other recycled materials are subject to recycling credit income from Essex County Council.

3.1 Contractual arrangements

There are currently no formal documented contracts for the sale of recycled materials although there are agreements in place with various contractors as detailed in the following paragraphs. In summary the current arrangements for the collected materials are:

- Mixed Glass – bring sites emptied by Berrymans.
- Mixed Glass - collected at kerbside and taken to Shrub End Depot before being delivered to Berrymans at Thurrock or Dagenham.
- Mixed Cans – collected and taken to Shrub End Depot before being delivered loose by CBC to James Heys and Sons, Canvey Island
- Mixed Cans – bring sites serviced by CBC and delivered to Shrub End Depot

- Mixed Paper and Cardboard – baled without sorting by CBC and collected from Shrub End Depot by James Heys and Sons, Canvey Island
- Mixed Plastics – baled by CBC and collected from Shrub End Depot by James Heys and Sons, Canvey Island

3.2 **General**

The Procurement Hub (Braintree District Council) was asked to investigate alternative arrangements or contracts and to date has been unable to present a cost-effective alternative to the present system. A summary of their investigations is included as Appendix One to this report.

At the time of the initial work it was likely that final agreement of Joint Municipal Waste Management Strategy (JMWMS) for Essex and the associated Inter Authority Agreements (IAA) would change both collection practices and the way recycling materials are processed, although the impact of this on materials handling was unlikely to be evident during the next 2 years. Therefore an interim and flexible arrangement was proposed and it was intended to formalise the current arrangements for a period of 2 years, with an option to extend for up to a further 2 years.

It is now unknown whether the Council's relationship with Essex County Council will result in changes to collection practices and the way recycling materials are processed. The Council could therefore consider entering into a longer-term arrangement although this will be impacted upon by the Options Appraisal work which also appears on the Panel's agenda for this meeting.

The Procurement Hub concluded that it felt CBC was receiving value for money in their current arrangements. Other than the changes for the sale of steel and aluminium cans the arrangements remain unchanged.

Following consultation with the then Portfolio Holder for Street Services on Thursday 17 April 2008 the Portfolio Holder for Street Services agreed to invoke Contract Procedure 8[4] authorising an exception to the requirement to invite tenders in respect of the sale of recycling materials. This was based on the following reasons:

- The contract to be entered into is an extension of current arrangements and that these arrangements are of a specialist nature
- The need for the contractor to be relatively locally based and are reliant on the supplier of the services being able to handle the mix of materials as presented by the Council
- The contractor can show evidence of an acceptable audit trail for the onwards processing of the materials supplied.

Although a draft contract has now been prepared it has not yet been awarded or approved by the current administration.

3.3 **Berrymans**

A contract previously existed which has now expired. Despite extensive research through professional contacts and organisations there are very few, if any alternatives to these arrangements. It is therefore advisable to re-negotiate this contract with Berrymans.

3.4 James Heys and Sons

Colchester Borough Council has for around 15 years had an arrangement in place with James Heys and Sons Ltd, Canvey Island, for the reprocessing of the paper and cardboard collected through its kerbside collections. This arrangement was put in place when the existing arrangement with Essex Reclamation became ineffective and collections were unreliable. In recent years plastics and mixed cans have been added to these materials.

James Heys and Sons in turn then remunerate the Council at an agreed rate per tonne. The prices reflect the current market trends. There is currently no formal mechanism to review these prices although the prices are adjusted on a six-monthly basis based on current market price available.

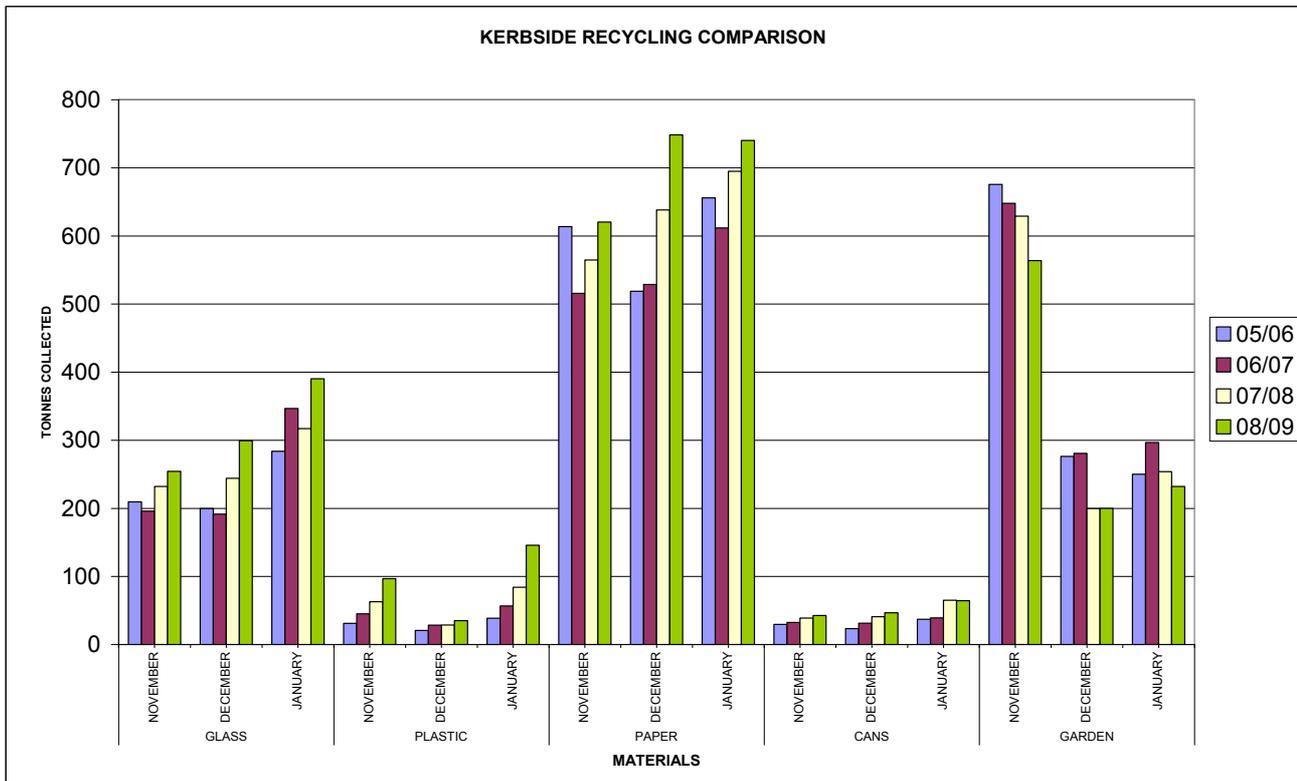
Last year the Council investigated expanding its range of collectable plastics. At this time James Heys and Sons were approached after an alternative company in Boreham confirmed that they are capable of accepting **all plastics** subject to a few exceptions detailed within the Councils recycling guide. This firm, however, required a payment of £75 per tonne to accept the mixed plastics collected rather than the income the Council receives under the present arrangement. At this time James Heys and Sons were able to confirm the audit trail of these materials and ensure that they were all used in the recycling industry. The Council at that time made a decision to extend the range of plastics collected at kerbside based upon this confirmation.

Materials

In 2007/08 the Council collected the following tonnage's of materials

Material	Tonnage
Paper & Card – kerbside	7,482.06
Paper & Card – bring sites	388
Glass – kerbside	3,057.3
Glass – bring sites	529.6
Cans – kerbside	541.1
Cans – bring sites	17.37
Plastics – kerbside	634.56
Plastics – bring sites	3.34
Books – bring sites	7.213
Textiles – bring sites	175.68
Totals	12,836.22

The tonnages of materials expected to be collected in 2008/09 will exceed this figure based on the actual situation up until December 2008. In evidence of this the graph below shows the collections compared over the Christmas period for the last four years.



4. Options

There is little doubt that there are options available to the Council. These options include engaging once more with the Procurement Hub, looking at delivery to Material Recycling Facilities (MRFs), advanced material separating at Shrub End or formalising current arrangements.

4.1 Procurement Hub

Although this arrangement was explored in 2007/08 it is still available to the Council. The Hub would explore markets informally initially to receive indicative prices and then formally to award contracts. At this current time it is unlikely that the results of the exercise would have different results as the market for recyclable materials is poor.

4.2 MRFs (Material Recycling Facility)

There are a number of facilities available and currently used by Essex Authorities. MRFs specialise in taking co-mingled materials, but would accept materials such as those collected in Colchester. It is though unlikely that they would accept materials contained in clear plastic sacks.

There also other issues associated with MRFs and in most cases mixed plastics, of the types we collect, and gummed envelopes would be rejected. This would not only result in a downturn in our recycling performance, but would require significant re-education of our customers.

Despite these issues the significant one would be the loss of income. Should the Council deliver materials to any of the available MRFs it is likely that a gate fee would

be payable per tonne. This gate fee would be instead of income received and would therefore have a significant and detrimental effect on the Council's budgets. It should also be noted that in the current market some MRFs are reportedly refusing to accept certain materials.

4.3 Improvements to Shrub End Depot

In the past materials collected in the Borough have been sorted at Shrub End Depot and then delivered directly to the various mills. As a result of this a better price was received. Increased recycling and the methods of collections have ruled this out in the existing facility. Combined recycling rates alone have risen from 21% in 2001/02 to almost 33% in 2007/08. This in turn means in the region of 75% additional tonnage to be handled given the additional growth in households.

It is almost 15 years since Shrub End Depot saw any improvements to the handling machinery when a £125,000 baling machine was installed. This machinery is now outdated and in need of replacement. Replacement of a similar machine would be likely to cost in the region of £225,000.

If extensive material sorting was to be attempted it would require significant capital and revenue investment. The current volume of materials collected would certainly require improved infrastructure and machinery. The option has not been fully evaluated but would certainly require capital investment in the region of £750,000 and ongoing revenue investment in the region of £140,000.

This investment would therefore improve the quality of the materials collected and sorted and would allow the Council to deal directly with the mills and re-processors. This would then allow the potential top end of the market prices to be achieved without the involvement of a third party, but at a significant investment cost in line with the figures detailed above.

5. Market conditions

5.1 Background

The downturn in the recycling market began in October 2008. A number of factors were identified as being the cause for the market decline including:

- Commodity prices rose very quickly in the first part of year and became over inflated.
- China closed their doors to imports of recycled materials due to the inflated prices and also because of the reduction in manufacturing due to reduced demand for export from the US and Europe – affecting particularly paper and plastic markets.
- Other materials such as metals are being influenced by the downturn in the construction and automotive industries.
- Market participants were waiting for prices to fall further or holding onto recycled materials waiting for the prices to increase.

These factors had the following impacts:

- Stock piling of material as markets closed and prices for material dropped.
- Cash flow problems for MRFs, recyclers and exporters.
- Reduced revenue income for local authorities as price of material drops.
- Risk of public confidence potentially affecting the amount of material being placed out for collection.

5.2 Current Situation

Although market prices for recovered materials are fragile at the moment, WRAP's (Waste to Resources Action Programme) view is that they are showing signs of stabilising (4th Jan 09).

WRAP surveyed 200 organisations, including local authorities, waste management companies, re-processors and exporters, to determine market confidence and prices before Christmas 2008. Although views were mixed, the overall sentiment was that markets are recovering, albeit not to previous price levels and more materials are now moving through the export market. The Chinese export market is expected to improve after the Chinese New Year.

While demand for some lower quality recycled materials, such as those which are mixed with other materials like plastic trays, tubs, pots and film, has dropped; there is still capacity and demand for other high quality recyclables such as plastic bottles and glass. Quality material is moving at good volumes and generally has less trouble finding end markets.

A snapshot Local Government Association (LGA) survey (w/c 15th Dec), found 95% of local authority services are continuing as normal despite the fall in prices for recyclable materials. Only 5% of local authorities have to store recyclable materials for any longer than usual. Further detail taken from WRAP's Market Conditions Forum and show the trends in specific material recycling markets for 2008 is attached as Appendix Two.

5.3 Current status for Waste Collection Authorities (WCA) in Essex

Details of WCA Collections:

WCA	Collection types	MRF used (if applicable)
Basildon DC	Co-mingled	Newport Paper (Thetford)
Braintree DC	Co-mingled	Nordic Recycling (Holmen's) (Tilbury)
Brentwood BC	Co-mingled	Newport Paper (Thetford)
Castle Point BC	Co-mingled	Newport Paper (Thetford)
Chelmsford BC	Kerbside sort	N/A
Colchester BC	Kerbside sort	N/A
Epping Forest DC	Co-mingled	SITA (Dagenham)
Harlow C	Co-mingled	Viridor (Crayford)
Maldon DC	Kerbside sort	N/A
Rochford DC	Co-mingled	Nordic Recycling (Holmen's) (Tilbury)
Tendring DC	Co-mingled	Viridor (Crayford) – changing regularly
Uttlesford DC	Co-mingled	Edwards Recycling (Barking)

6. Strategic Plan References

This scrutiny report covers issues directly linked to the Strategic Plan aim of 'To be cleaner and greener' and the priority of 'Reduce, Reuse, recycle'.

7. Consultation

7.1 All consultations carried out are detailed in the main sections of this report

8. Publicity considerations

- 8.1 The Council needs to continue to encourage its residents to recycle its waste to enable it to maintain the level of income and recycling credits that it receives.

9. Financial implications

9.1 Current situation

As at 27 October 2008 the Council received the following income for these materials:

- Paper & Card (mixed) £12.00 per tonne
- Paper & Card – bring sites -£20.00 per tonne (**paid to** contractor – Premier)
- Glass (mixed) £10.00 per tonne
- Glass (mixed) – bring sites -£10.00 per tonne (**paid to** contractor – Berrymans)
- Cans (mixed) £50.00 per tonne
- Plastics (mixed) £45.00 per tonne

As at 3 February 2009 the Council received the following income for these materials:

- Paper & Card (mixed) £5.00 per tonne
- Paper & Card – bring sites -£20.00 per tonne (**paid to** contractor – Premier)
- Glass (mixed) £10.00 per tonne
- Glass (mixed) – bring sites -£10.00 per tonne (**paid to** contractor – Berrymans)
- Cans (mixed) £10.00 per tonne
- Plastics (mixed) £10.00 per tonne

It should be noted that the above prices are inclusive of collection and operational charges. Paper, cardboard and plastics are also contained in clear plastic sacks, which require extensive sorting. These prices are those received or paid net.

As at 27 October 2008 the materials are collected or delivered to:

- Paper & Card (mixed) James Heys and Sons, Canvey Island
- Paper & Card (mixed – bring sites) Premier
- Glass (mixed) Berrymans Ltd
- Cans (mixed) James Heys and Sons, Canvey Island
- Plastics (mixed) James Heys and Sons, Canvey Island

Net Income received in 2007/8 was £188,000

Net income forecast in 2008/09 is in the region of £155,000

This loss is offset to an extent due to the increased levels of recycling, despite the downturn in the market.

A forecast for 2009/10, assuming prices did not improve, would be in the region of £105,000

9.2 Market prices

The WRAP pricing report of 19 January 2009 shows prices per tonne as follows:

Material	Price
Mixed papers	£10 - £20
Mixed glass	£15 - £20
Mixed cans	£20 - £40

Mixed plastics as collected by CBC are not provided.

All prices provided are those delivered directly to mills or re-processors

Income forecast for CBC based on these prices is as follows:

Material	Market prices	CBC actual
Mixed papers	£74,820 - £149,640	£74,820
Mixed glass	£45,855 - £61,140	£30,570
Mixed cans	£10,820 - £21,640	£5,410

These materials are kerbside collected only.

Against market prices CBC could increase income in the region of £26,695 - £121,620. This increased income would be subject to increased expenditure (delivery) and procurement of suitable mills or re-processor. These prices are also “best available” and not necessarily guaranteed.

It is also unlikely that top or bottom range prices for paper particular would be achieved as CBC collects and delivers in clear plastic sacks. Additional sorting at Shrub End Depot would be required in advance of delivery to mills. Taking this into account it is unlikely that the Council would increase its income if materials continued to be collected and processed using current methods.

It should be noted that the exercise conducted by the Procurement Hub in 2007/08 did not realise market prices.

10. Risk Management implications

- 10.1 The Council collects recycled materials in a manner that has been found to be commercially unacceptable to most pre-processors. There is a significant risk that moving away from current arrangements could result in changes needed to be made to our collection methods. This may have a negative effect on the overall recycling rate and would require extensive re-education to achieve public participation.

11. Other Standard References

- 11.1 Having considered equality, diversity and human rights, health and safety and community safety implications, there are none which are significant to the matters in this report.

Appendix One

Procurement Hub

In 2007/2008 the Procurement Hub, through John Wickes (Braintree District Council), were asked to investigate the current position and evaluate the current arrangements in terms of value for money for CBC.

The exercise found the following:

Material	Company 1	Company 2	Comments
Paper – not mixed	Aylesford Newsprint Ltd, Newsprint House, Bellingham Way, Aylesford, ME20 7DL 01622 796000 – Gill Denburgh	Holmen Paper Ltd. Berth 6, Basin 3, Kent, ME4 4SR 01634 899301 – Charles Thompson	CBC do not currently collect material this way and do not have resource or facility to achieve
Paper and Card – mixed	Essex Reclamation, 7 Perry Road, Witham, Essex, CM8 3UD, 01376 503773 – Chris Short	Newport Paper, Aston House, 3 Springfield Industrial Estate, Newport, Shropshire, TF10 7NB, 01952 811121 – Esther Kirby	Both companies require payment per tonne rather than income to CBC Essex reclamation has also been used previously. Reliability was poor at that time.
Mixed plastics *	Recoup Services Ltd, 1 Metro Centre, Welbeck Way, Woodston, Cambridgeshire, PE2 7UH – 01733 390021	Roydon Polythene Ltd, Dumers Lane, Redcliffe, Manchester, M26 2QS	Both companies require payment per tonne rather than income to CBC
Steel	European Metal Recycling Ltd, 29 Ridder Street, Canning Town London	Corus (UK)	CBC do not currently collect material this way and do not have resource or facility to achieve
Aluminium	Novelis UK, Latchford Lock Office, Warming, Cheshire, WA4 7NR- 01325 784136	SB Wheeler, Industrial Estate, Waltham Road, Boreham, CM3 3AW	CBC do not currently collect material this way and do not have resource or facility to achieve
Mixed steel and aluminium	SB Wheeler, Industrial Estate, Waltham Road, Boreham, CM3 3AW – 01345 468907		For approximately 10 years prior to 2008 this company were used for the reprocessing of CBC can collections. In 2008 they cancelled the arrangement without notice.

			This company have recently been removed as contractor for the removal of abandoned vehicles due to unreliability
Brown glass	OI Manufacturing, Edinburgh Way, Harlow, CM20 2UG – 01279 773032 – Martin Langshaw	Berrymans, Lidgate Crescent, Langthwaite Grange Industrial Estate, South Kirby, West Yorkshire, WF9 3NR – 01977 608020 – Brian Head – 07712490403	CBC do not currently collect material this way and do not have resource or facility to achieve
Green glass	OI Manufacturing, Edinburgh Way, Harlow, CM20 2UG – 01279 773032 – Martin Langshaw	Berrymans, Lidgate Crescent, Langthwaite Grange Industrial Estate, South Kirby, West Yorkshire, WF9 3NR – 01977 608020 – Brian Head – 07712490403	CBC do not currently collect material this way and do not have resource or facility to achieve
Clear glass	OI Manufacturing, Edinburgh Way, Harlow, CM20 2UG – 01279 773032 – Martin Langshaw	Berrymans, Lidgate Crescent, Langthwaite Grange Industrial Estate, South Kirby, West Yorkshire, WF9 3NR – 01977 608020 – Brian Head – 07712490403	CBC do not currently collect material this way and do not have resource or facility to achieve
Mixed glass	Berrymans, Lidgate Crescent, Langthwaite Grange Industrial Estate, South Kirby, West Yorkshire, WF9 3NR – 01977 608020 – Brian Head – 07712490403		Current contractors

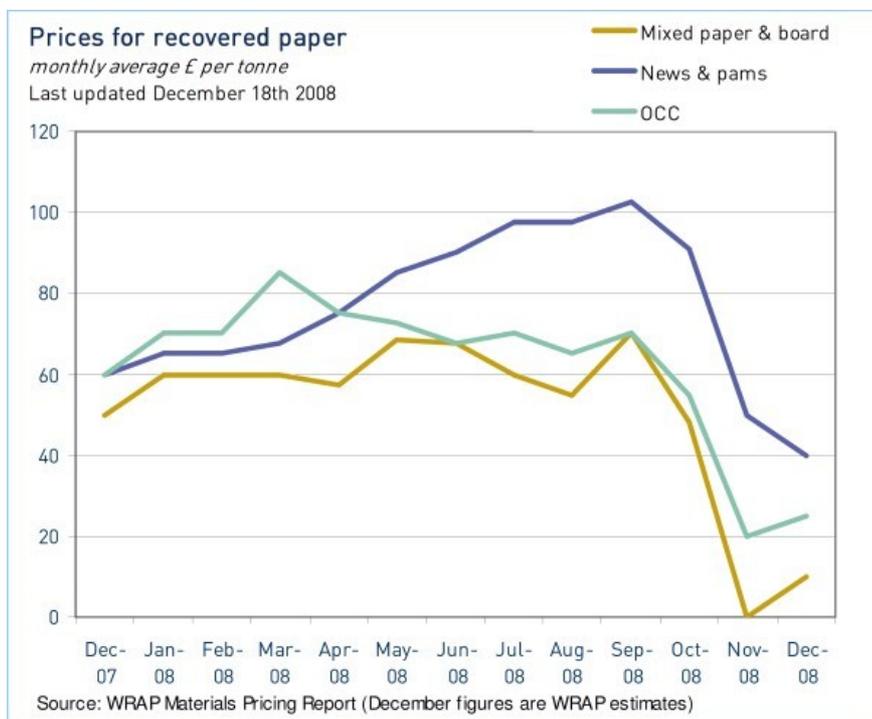
* Only recognised recyclable plastics accepted

Appendix Two – WRAP Market Conditions Survey – December 2008

Glass - Although they have fallen slightly since September, prices for recovered glass containers and glass PRNs have remained stable throughout 2008.

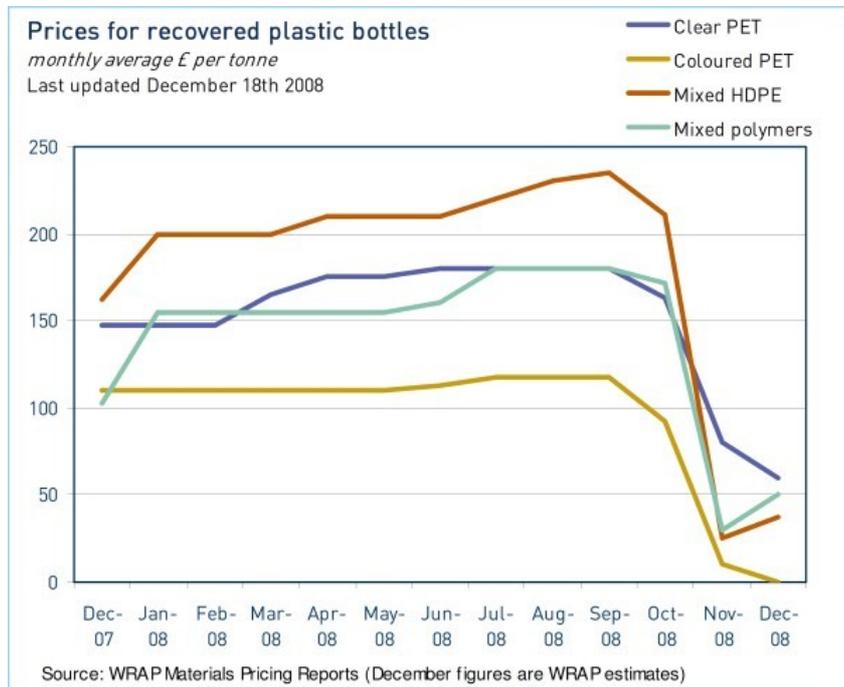


Paper – UK prices for recovered paper fell sharply in November, with Mixed Paper & Board falling by 100%, OCC by 64% and News & Pams by 45% against the October average. Early indications for December show a slow in the fall of News & Pams prices and slight price rises for both Mixed Paper & Board and OCC.



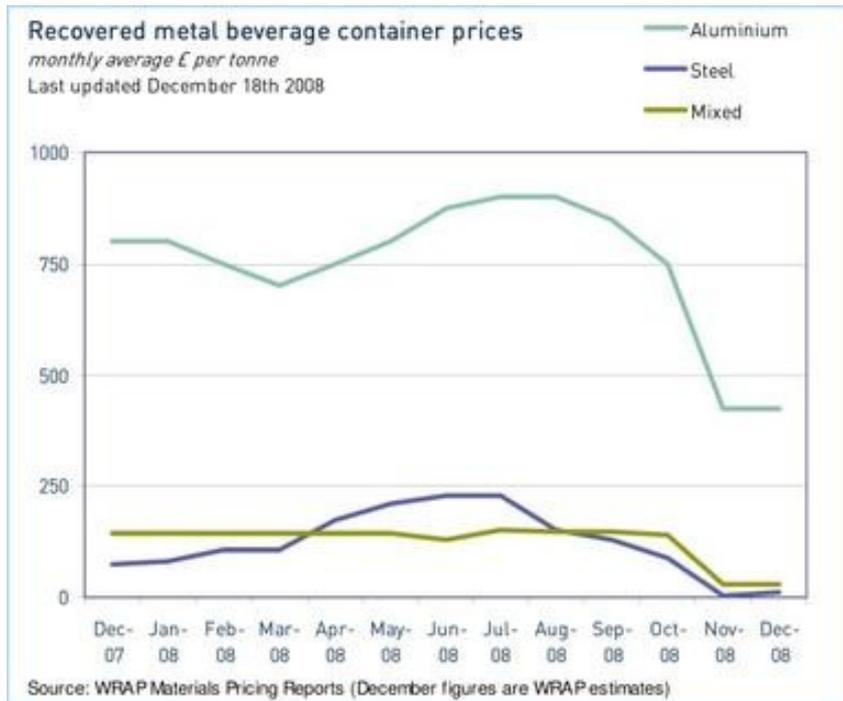
*OCC = Old Corrugated Containers

Plastic - The price obtained for recovered bottles of all types fell sharply in November, with mixed plastics falling by 62%, coloured PET and mixed HDPE both falling by 46% and clear PET falling by 29%. Early indications for December show that the price for coloured PET has fallen to zero and that the price for clear PET is continuing to fall. Mixed HDPE and mixed plastics prices on the other hand have both recovered slightly.



Metals - Ferrous metal prices continued to fall in November. Steel prices have fallen by 87% and iron prices by 88% since their peak in June. Non-ferrous prices fell sharply in October and November, having been relatively stable over the previous 12 months. Compared to the September average, the price for recovered stainless steel has fallen by 66%, zinc by 60%, brass by 58%, aluminium by 56% and copper by 49%. The prices achieved for metal containers fell sharply in November, with aluminium prices falling 43% versus the October average. Steel cans are currently estimated to be trading at £5 per tonne against prices of over £200 per tonne just a few months ago.

Steel giant Corus withdrew from the scrap metal market pre Christmas and it expects to re-enter the scrap market in the second quarter of 2009. Demand for steel cans has been hit by the downturn in the automotive and construction industries. However, the company has revealed that it is unlikely to look at buying packaging - including cans - until the second half of the year, due to the ongoing economic downturn (letsrecycle.com 12/01/09).



10 June 2009

Report of	Executive Director	Author	Ian Vipond x 2717
Title	VAF Associated Issues		
Wards affected	Castle Ward		

This report requests the Cabinet to note decisions in relation to the ending of contracts with Banner Holdings Limited and in relation to Turner and Townsend Project Management and Cost Management services. Further to agree that the Council can retain the services of Anthony Collins Solicitors and appoint MACE Ltd to deal with ongoing project management for the VAF.

1. Decision Required

- 1.1 To note that the Contract with Banner Holdings Limited (BHL) was determined based on the advice of external professional advisers.
- 1.2 To note that Turner and Townsend Project Management Limited (TTPM) and Turner and Townsend Cost Management Limited (TTCM) are providing post determination services to the Council following the determination (ending) of the Council's contract with BHL and that once those services have been completed the contractual arrangements with TTPM and TTCM will be at an end.
- 1.3 To approve the continued retention of Anthony Collins Solicitors (ACS) in respect of any legal proceedings issued and/or brought by third parties in relation to the Visual Arts Facility and to authorise an exception under Contract Procedure Rule 2(2) from the need to seek further competition under Contract Procedure Rule 6(2) for the reasons set out in paragraph 4 of this report.
- 1.4 To appoint MACE Ltd in accordance with paragraph 5 of this report and to authorise an exception under Contract Procedure Rule 2(2) from the need to seek competition under Contract Procedure Rule 6(2) for the reasons set out in this report.

2. BHL Determination

- 2.1 Following consultation between the Chief Executive and the relevant Portfolio Holder it was agreed, based on the advice of the Council's external professional advisers, that the contract with BHL would be determined (ended) because BHL had failed to rectify the breaches that were set out in two Employer's Warning Notices that TTPM issued on behalf of the Council. The period for compliance with the second of the Warning Notices had passed and there had been no evidence of the contractor actively working to rectify the key breaches.

- 2.2 The later Notice on 5 February stated that the contractor had failed to comply with a number of instructions of the project manager (PMI's) and quoted the last thirty, of which 14 had not been complied with, 7 partially complied with and only eight complied with (one was no longer applicable). These covered a whole range of issues. In addition the Notice stated that the quality of work to the cladding, roofing and various rainwater and drainage goods had not been to specification leading to elements being condemned, and water damage to other material. There was work identified as substandard on the quality register which had not been attended to. There was evidence of poor workmanship. There was a requirement of the contractor to prevent damage to the roof, but damage had been done because ferrous debris was allowed to land on the roof and had not been cleared away.
- 2.3 The Notice concluded that in the opinion of the project manager they believed that the contractor was unable to secure the completion of the works by the date for completion in the supplementary agreement of 22 May 2009. Indeed the contractor's own reports put them several weeks behind schedule. The project manager recommended determination (ending) of the contract with BHL with immediate effect. Given the seriousness of the breaches of contract and the lack of evidence of any significant attempt to remedy the breaches the Council agreed with the recommendation and the contract was determined (ended).

3. TTPM and TTCM issues

- 3.1 Following the determination of the contract with BHL it was considered an appropriate time to review the contractual arrangements with TTPM and TTCM. It was considered appropriate to end these contracts without prejudice to any future claim that the Council may wish to consider with regard to their performance.
- 3.2 TTPM and TTCM have agreed to provide post determination services for the Council following the determination of the contract with BHL and they will still have an ongoing obligation to assist the Council with bringing any claims against BHL and/or any other relevant third parties and to assist the Council in defending against any claims those parties may issue against the Council.

4. Retained Service of ACS

- 4.1 The Portfolio Holder for Communication and Customers agreed on 30th January 2009 that ACS would be appointed to act for the Council in respect of a number of potential disputes with advisers to the Council in order to establish whether there were potential claims and, if so, what loss had been suffered by the Council as a consequence.
- 4.2 Whilst ACS was appointed following a tender process it related mainly to the potential disputes relating to specific advisers. However, following the determination of the contract with BHL, it is likely that the Council is going to incur further legal costs in relation to a dispute with the main contractor in respect of the determination of the contract and/or other members of the professional team. The Council will also need specific advice in relation to the procurement that will be required to complete the building.

- 4.3 An exception is requested under Contract Procedure Rule 2(2) to continue to use the services of ACS in respect of the ongoing issues without the need for further competition under Contract Procedure Rule 6(2) because all the issues are interrelated and it would not offer the Council best value if it had to appoint different legal firms for different elements of work and there would be duplication of costs and resources.
- 4.4 It is intended that a report will be presented to a later Cabinet which will set out the interim findings of ACS and set out suggested associated budgets in respect of the legal costs associated with potential disputes. Accordingly, officers may need the agreement of the Leader of the Council to use her approved revenue budget to fund any legal costs that may be required on an interim basis pending the formal approval of a suitable budget by the Cabinet, assuming the Cabinet is minded to agree relevant budgets for the legal costs.

5 Authority to appoint MACE Ltd

- 5.1 The Council is looking to appoint MACE Ltd, who is a single supplier under the terms of the Smart EAST Framework Agreement, to carry out project management and associated services including cost management and possibly construction management services under the terms of the Framework Agreement.
- 5.2 Smart East Framework Agreement was awarded following competition under the EC Procurement Regulations.
- 5.3 It is intended that MACE will initially carry out work for the Council as set out in an agreed scope of services document up to the value of £72, 000. Thereafter MACE will assist the Council in determining what services will be required to complete the project based on the hourly rates set out in the Framework Agreement. It is intended that the costs of the service to be provided by MACE will not cause the overall agreed budget for the project to be increased and it may be the case that the Council will be able to agree a fixed price with MACE for the project management required to complete the project following an initial assessment.
- 5.4 Whilst there is an exception from the need to seek further competition under Contract Procedure Rule 10 where it relates to multi supplier framework agreements, it does not relate to single supplier framework agreement. The Smart East Framework Agreement is a single supplier agreement and accordingly Officers are seeking a specific exception from the need to seek further competition under Contract Procedure Rule 2(2) and for authority to be given to appoint MACE Ltd in accordance with paragraph 5.3 of this report.

6. Alternative Options

- 6.1 An alternative option would be not to appoint ACS to provide ongoing advice and support and/or to limit the amount of advice and/or support provided. However, this is a specialised area of work and all the issues are very interrelated. This approach would also create further project risks and potential liabilities and would result in less certainty and confidence from the Council and its funding partners to move the project forward. The Council would also risk the potential to make claims under the bond and/or other insurance policies. If BHL, or other parties, issues proceedings

against the Council then in that event the Council will have no choice but to defend those proceedings and/or to counterclaim in any event.

- 6.2 The Council could choose not to appoint MACE Ltd under the framework agreement and to carry out a full EC compliant tender process. However, this alternative is likely to create further delays to the programme and professional costs could potentially increase.

7. Strategic Plan references

- 7.1 The delivery of the Visual Arts Facility was identified in the 2006 Strategic Plan.

8. Consultation

- 8.1 Not applicable.

9. Publicity considerations

- 9.1 This is a high profile project and so any report may attract public and media interest.

10. Financial implications

- 10.1 There are significant financial implications for the Council in respect of the VAF project and these issues have been set out in reports to Cabinet. Action taken to end contracts is believed to restrict further increases in the VAF project costs. Further reporting is likely in connection with legal disputes and will be presented to a later Cabinet. However in the context of this report the appointment of replacement Project Managers is considered not to increase the project costs. The retention of ACS in the interim will involve a cost which it is considered can be contained, subject to circumstances, within the Leader's budget.

11. Equality, Diversity and Human Rights Implications

- 11.1 There are no particular equality, diversity or human rights implications.

12. Community Safety Implications

- 12.1 There are no particular community safety implications.

13. Health and Safety Implications

- 13.1 There are no particular Health and Safety implications apart from the risks associated with a construction site that has been handed back to the Council without practical completion taking place. However, this risk is being managed.

14. Risk Management Implications

- 14.1 Because of the nature of this project there are and will continue to be, for the foreseeable future, risks connected with the Visual Arts Facility. There is a risk register and risks identified continue to be actively managed.

Extract from the Minutes of the Strategic Overview and Scrutiny Panel meeting on 5 May 2009

62. A new build nuclear power station at Bradwell

Have Your Say

Mr. Newton addressed the panel, saying all nuclear power stations were located on the shoreline, facing open sea, except Bradwell, built on a peninsular within a shallow estuary. Mr. Newton spoke about the effect that the old magnox station had had on the marine life within the estuary during the years of operation and was fearful of the environmental effect of a new reactor, that he believed would have a capacity six times greater than the old reactor. Mr. Newton had heard that EDF had brought more land in the Bradwell vicinity, with rumours suggesting there could be more than one new nuclear power station built. Mr. Newton mentioned the massive volumes of heated water that will be dispersed to the estuary from a new reactor, the possible effects on marine life and Maldon salt and whether the higher rate of breast cancer reported in some local areas was attributable to the original power station. Mr. Newton concluded by expressing concern about the continual on site storage of radioactive waste for both the old and any new build reactors.

Mrs. Nolly Urquhart addressed the panel, saying that if it was understood that the location of the current Bradwell site would through climate change and storm surge, inundate by 2080, consideration should be given to the appropriateness of this site given that at this point all roads links to the site would be under water. Mrs. Urquhart also felt that given this information it would surely be appropriate to extend evacuation zones to four miles. Mrs. Urquhart said any study by British Energy on the social and economic benefits to a new build nuclear power station would only be pertinent to Maldon District, that Mersea Island would receive no benefits, only problems. Mrs. Urquhart concluded by asking whether the estuary's triple SSI (Special Scientific Interest) status provided protection to the estuary given the effects of hot water plumes and the chlorination process.

Councillor Arnold said he understood the concerns raised by Mrs. Urquhart, explaining that these issues would be considered by further review as concluded within the report's recommendations.

Mrs. Paula Whitney addressed the panel, firstly to request under the freedom of information act, the presentations given to the task and finish group in secrecy.

Councillor Arnold explained that the work of the task and finish group was not about secrecy, that the minutes of all their meetings are included in the appendices to the report for all to see. Mr. Judd confirmed that the only electronic presentation given was from Cefas, a simulation of the water

conditions within the estuary with a fully operational new build reactor, a presentation owned by Cefas and not in the Council's ownership.

Mrs. Whitney continued, asking why Professor Blowers, with all his years of knowledge on radioactive waste, and a member of the the Committee on Radioactive Waste Management (CoRWM) that provide independent scrutiny and advice on the UK's management of its solid radioactive waste, was not invited to attend one of the task and finish group meetings. Mrs. Whitney spoke about the political bias of local MPs and Essex County Council towards pro-nuclear support, whilst only one part, the Liberal Democrats, openly speak against nuclear power.

Councillor Arnold said the issue of radio active waste storage was not considered by the task and finish group as it was tasked to look at issues specific to the locality not those forming part of the national nuclear debate. Councillor Arnold said the report had addressed local issues and was one of the best pieces of work undertaken by the Council in many years and politics had not interfered with the scrutiny process.

Mrs. Val Mainwood addressed the panel, saying she understood that the Council had considered many aspects and issues of nuclear power, but given the complexes, more research was needed for the Council to make a considered judgment. Mrs. Mainwood said there still remained problems with spent nuclear fuel and as yet the Council had not addressed this issue. Mrs. Mainwood believed there are factual errors in the response by the Health Protection Agency in regards to Childhood Cancer around nuclear installations, and that in terms of Emergency Planning and evacuation, whilst there had been a history of complacency, further work was needed to resolve this issue.

Councillor Arnold responded to Mrs. Mainwood, saying that the issue of spent nuclear fuel had not been addressed, but as a feature of all nuclear power plants, was not site specific, but part of the national debate on the nuclear fuel industry. Councillor Arnold concurred with Mrs. Mainwood that further work was still needed in terms of emergency planning and evacuation.

Councillor Spyvee addressed the panel paying tribute to the task and finish group, commending the group for the work undertaken and thanking the Scrutiny Officer for supporting this process. Councillor Spyvee said nuclear power was at the forefront of national politics, so now was the time to firm up on the recommendations to the Cabinet, highlighting evacuation, impact on the local fishing industry, the local health effects of radiation and the threat of site inundation as the major issues to be addressed. Councillor Spyvee welcomed the proposals for further studies and considered there was now a need for political pressure to move these issues forward.

Councillor Arnold thanked Councillor Spyvee for his words, adding that the issues highlighted by Councillor Spyvee had been addressed in the report, and further to this, and drawing on the work of the task and finish group, would invite the Leader to respond on Government's Comment Window.

A new build nuclear power station at Bradwell

Councillor Young, in response to the issues raised on public health asked that any future work should consider the Essex County Council report on the access to cancer drugs.

Councillor Hogg, understanding that this was not a last opportunity to respond to Government consultation felt it was clear that the further work as laid out in the recommendations to Cabinet should continue, that this was an ongoing process.

In response to Councillor Higgins, Councillor Arnold agreed that the report did not give a final conclusion, but that all the local issues raised and considered by the task and finish group are addressed within the recommendations of the report, and also, that the recommendations did address the need for further work on local issues.

Councillor Cory said he understood the comment of Councillor Higgins concerning the lack of a final conclusion within the recommendations, saying he and members of the task and finish group had been alarmed and found unacceptable some of the evidence submitted, though accepting that further investigation was needed.

Councillor Arnold responded by saying he was content that the response to the Cabinet was as agreed by the task and finish group, based on a solid piece of respected work that recommended a way forward.

Councillor Sutton said the work of the task and finish group is work in progress, providing evidence for any future planning committee or consultation, rather than saying it was opposed or not opposed to nuclear power. Councillor Sutton said the report was extremely good, examining the issues that were local to West Mersea and the surrounding coastline and on a non political basis.

Councillor Young said the aim must be for members to work towards a collective view and it was evident that as recommended, more research was needed. Councillor Young said it was imperative that more research was gathered in order to provide the evidence to contest any planning consideration. Councillor Hazell concurred with the comments of Councillor Young, saying she would not be happy if the panel took a political stance, that the outcome for Colchester would be better if based on evidence and not political ideology.

Councillor Chapman said the report was one of the best he had seen for a long time, but was reluctant to go further, saying he accepted the recommendations, suggesting more evidence and scrutiny was required. At this point Councillor Arnold reiterated to the panel that there were seven recommendations, so to identify four in particular would put the other three into the shade.

The panel agreed with Councillor Cory that the second piece of outstanding work as highlighted within the first recommendation should be expanded to include the issue of warm water dispersed to the estuary, 'thermal plumes', and the impact on wildlife of the increased water temperature, not sufficiently understood and needing further research. Councillor Arnold concurred with Councillor Cory that this had been identified as an issue by the task and finish group and should be made part of the recommendations.

The panel also agreed with Councillor Arnold that there should be one additional recommendation requesting the Leader of the Council to respond on behalf of the Cabinet to the Government's 'Comment Window' drawing on all the evidence gathered by the task and finish group.

Councillor Barlow concluded the debate by thanking the Scrutiny Officer for completing the report on behalf of the task and finish group.

RESOLVED that the panel;

- i) Considered and endorsed the proposals of the task and finish working group, to be reported to Cabinet at the meeting of 10 June 2009.
- ii) Agreed that the outstanding work as mentioned in the first recommendation should be expanded to include the issue of hot water dispersed to the estuary, 'thermal plumes', an issue not concluded during the investigations.
- iii) Requested the Leader of the Council to respond on behalf of the Cabinet to the Government's 'Comment Window' drawing on all the evidence gathered by the task and finish group.



Strategic Overview and Scrutiny Panel

Item
12

5 May 2009

Report of	Strategic Overview and Scrutiny Task and Finish Group	Author	Robert Judd Tel. 282274
Title	A new build nuclear power station at Bradwell		
Wards affected	All		

The Panel is invited to consider the report from the task and finish group, who undertook an in depth review of the issues raised by the panel on civil nuclear electricity generation in respect of a new build nuclear power station at Bradwell.

1. Action(s) Required

- 1.1 To consider and endorse the proposals of the working group as set out in paragraph 4, that provide actions to issues raised by the panel in respect of a new build nuclear power station at Bradwell.

2. Reasons for Action(s)

- 2.1 Following a Council motion on the 20 February 2008, where the Council considered that the possible construction of a new nuclear power station, so close to the Borough of Colchester would arouse a great deal of local interest, discussion and even controversy. The Council therefore requested the Strategic Overview and Scrutiny Panel to consider all sides of the argument with a recommendation that expert witnesses be invited to assist the Panel in its deliberations and that the outcome and any recommendations be reported to the Cabinet and Full Council for decision.

3. Contents of report

- Section 4 – Summary of Recommendations based on the work by the Strategic Overview and Scrutiny Panel and the task and finish group.
- Section 5 – The Government's Consultation process for new build nuclear power stations
- Section 6 – Summary of work undertaken by the task and finish group
- Section 7 – Details of the issues reviewed by the task and finish Group

4. Summary of Recommendations

4.1 The task and finish group requests the Strategic Overview and Scrutiny Panel to propose the following recommendations to the Cabinet;

- The Cabinet approves the formation of an internal Bradwell Liaison Working Group to consider all the issues and proposals for the Bradwell site as they develop. There remains important pieces of investigative work that could not be finished within the time and resources allotted to the task and finish group and should form part of the work of this new group, including;
 - ❖ The examination of future flooding and sea defences in relation to climate change and any new build station at Bradwell, and consideration to such documents as the Shoreline Management Plan for Essex (see paragraph 7.3.2).
 - ❖ To get a more informative view of the chlorination process of any new build station and what this would mean for the eco system of the estuary and the livelihoods of local fisherman (see paragraph 7.4).
- The Cabinet requests Essex County Council to consider the formation of the Essex Nuclear Energy Group, comprising Essex County Council, Maldon District Council and Colchester Borough Council and other leading key organisations for the purpose of meeting informally to discuss any proposals put forward for the Bradwell site and to consider the strategic issues and benefits of such a proposal, and be in a position of ensuring thorough and effective consultation with local people, businesses and key organisations.
- The Cabinet requests the NHS North East Essex to determine the validity of the information submitted by Mr. Urquhart in reference to the new registered cases (by age group) of malignant neoplasms, and the suggestion of discrepancies in respect of the data from the Essex Shared Services Agency (part of NHS PCT) and the North Thames Cancer Registry, and to give reassurances that any change to the data base material is reflected in any future conclusions made by COMARE.
- That the Cabinet, in the likely event of a planning application for a new build be forthcoming, will respond to the new Infrastructure Planning Commission (IPC) on planning consultation processes, and furthermore, that the Council will consider the design and scale of any new build, what must be done to mitigate against the potential obtrusiveness of the structure to the residents of West Mersea and the surrounding area, and respond accordingly.
- That the Cabinet seeks assurances from the Government that the site owner / energy company will be required to commission independent intensive field studies of the Bradwell estuary to the end of the productive life of any new build nuclear power station.
- That the Cabinet seeks assurances from the Government that as part of the planning process (Infrastructure Planning Commission) it should be a requirement of the energy company / site operator to produce a strategy for engaging with the local population (for the Bradwell site, to include Mersea island and the surrounding area), using every medium of communication to provide information on the current and future operation, risks and developments of the operating site(s).

- That the Cabinet requests the Health and Safety Executive / National Emergency Planning Liaison Group (Part of the Government department of Business, Enterprise and Regulatory Reform) to consider a new DEPZ (Detailed Emergency Planning Zone) beyond the current 2.4 km, for all new and more powerful nuclear power reactors/stations, and also to consider whether the DEPZ, graphically shown as concentric circles around the Bradwell site, could differ given that, as we believe, the emergency planning zones for the Control of Major Accident Hazards (COMAH) are egg shaped. If either the distance or shape of the DEPZ was changed it was acknowledged that Mersea island would almost certainly fall within the DEPZ, and the difficulty of evacuating the island would become an issue that would require addressing, having the potential to make the site considered unsuitable.

5. The Government's Consultation Process for new build nuclear power stations

Consultation on the Strategic Siting Assessment Process and Siting Criteria for New Nuclear Power Stations in the UK

- 5.1 The task and finish group presented a report and draft consultation response to the Strategic Overview and Scrutiny panel meeting of **4 November 2008**. The purpose of this item was to have the opportunity to make recommendations on the proposed response to the consultation paper. The Government consultation was duly signed off by the Leader of the Councillor.

Have Your Say – leaflet from the Government's Department of Energy and Climate Change

- 5.2 At a meeting of the task and finish group, British Energy had informed the group of the Government's Department of Energy and Climate Change (DECC) leaflet on Have Your Say, a leaflet briefly explaining how new nuclear power station sites will be chosen and how people can have their say. The group felt that it was appropriate that this leaflet was distributed to all households of West Mersea. Colchester received 3,500 leaflets from the Department of Energy and Climate Change that were distributed to all households on Mersea Island during April at a cost of £150.00.

Nominations for sites for new build nuclear power stations

- 5.3 Nominators had to inform local authorities and landowners that they planned to nominate a site. They also needed to publicise that they planned to nominate a site through adverts in local papers, and published in the Colchester Gazette on Thursday 16 April 2009. The deadline for nominations was 31 March 2009. The Government published the nominated sites and the Council arranged for details of nominations and comment sheets to be seen at the West Mersea Town Council, East Mersea Parish Council, West Mersea Library, Colchester Town Library and Colchester Town Hall. Comments were invited by the Government, as an opportunity to gather further relevant information to be considered by the Government. This was not a formal consultation, but an opportunity for comments on the Strategic Siting Assessment Criteria. The comment window is from 15 April 2009 to 14 May 2009.

6. Summary of work undertaken by the task and finish group

- 6.1 The first meeting, by the Strategic Overview and Scrutiny Panel (SOSP), undertook a review of the possibility of a new nuclear power station at Bradwell, at the Mersea Centre

on **23 September 2008**. A number of issues were raised but not resolved on the evening, and the Panel agreed that a task and finish group should undertake further studies of these issues and report their findings back to the panel so that a more informed proposal could be put to Cabinet.

- 6.2 The task and finish group presented a report and draft consultation response to SOSP on the **4 November 2008**. The purpose of this item was to have the opportunity to make recommendations on the proposed response to the consultation paper "Consultation on the Strategic Siting Assessment Process and Siting Criteria for New Nuclear Power Stations in the UK". At this meeting it was agreed that any response should not state seismic risk as an exclusionary criterion as this would harm the credibility of the Council's response, and that the consultation response would include 'storm surge and coastal processes' as a separate exclusionary criterion as this was inextricably linked to flooding. The Government consultation was duly amended and signed off by the Leader of the Council.
- 6.3 The Environment Agency and the Health and Safety Executive published an article in the January edition of LGA First "Nuclear Reaction" <http://www.lga.gov.uk/lga/aio/1546377> The task and finish group acknowledged this report and noted that West Somerset Council now meets informally with Sedgemoor District Council and Somerset County Council at the Somerset Nuclear Energy Group (SNEG) and considered the possibility of a similar group in Essex.
- 6.4 The task and finish group held meetings on the **3 March 2009, 25 March 2009, 31 March 2009** and the **21 April 2009**, to address the issues raised by SOSP.

Members of the task and finish group:

- Cllr Arnold (Chairman)
- Cllr Barlow
- Cllr Bouckley
- Cllr Cory
- Cllr Ford

The following guests attended the group meetings:

- Mr. Colin Daines, Protective Services Manager, Colchester Borough Council
- Mr. Paul Walker, Joint Emergency Planning Officer, Colchester BC and Essex CC
- Mr. Nigel Knee, Integration Manager, British Energy (EDF)
- Mr. Colin Taylor, Marine Ecologist, British Energy (EDF)
- Mr. Alan Bird, West Mersea Oystermen and member of the Blackwater Oystermans Ass.
- Mr. David Smart, Essex Wildlife Trust
- Ms. Sarah Allison Conservation Officer, Essex Wildlife Trust
- Mr. Brian Robinson, Centre for Environment, Fisheries and Aquaculture Science (Cefas)
- Mr. Steve Millward, Centre for Environment, Fisheries and Aquaculture Science (Cefas)
- Professor Graham Underwood, Professor of Ecology, University of Essex

7. Details of the Issues reviewed by the task and finish group

- 7.1 Appendix A shows the minutes of all the task and finish group meetings.

7.2 Health issues

- 7.2.1 The Scrutiny Officer wrote to Dr David Irwin, Essex Health Protection Unit concerning the issue of Childhood Cancer, and the research commissioned by the German Government on Leukaemia risk to children who live near nuclear power stations, and as the results suggested there could be a risk to children living in close proximity to the Bradwell site. Appendix B shows the response from Dr David Irwin, including details of a statement the Health Protection Agency's Radiation Protection Division prepared concerning the German study. In short, Dr Irwin refers the Council to the reports from the Committee on Medical Aspects of Radiation in the Environment (COMARE) on the issue of childhood cancer. The COMARE reports show that childhood leukaemia and many other types of childhood cancers do not occur evenly within the population of Great Britain. There are a variety of incidence rates in different geographical and social circumstances and that these differ more than would be expected from simple random or chance variations. This uneven distribution (or clustering) occurs at all levels of population distribution throughout the country, down to very local levels such as those of electoral wards. It is not known why childhood cancers tend to cluster like this. The data base compiled by the Childhood Cancer Research Group and used by COMARE, is believed to be the worlds largest national database.
- 7.2.2 ***It was concluded that having considered the response from Dr Irwin, the Council are sympathetic to the concerns of local people and groups about the potential health risks associated with nuclear power stations. Should new evidence on health risks be provided to the Council in the future, the responsible way to proceed would be for the Council to write to the Director of Public Health and Health Policy, NHS North East Essex to ask for assurances that the Essex Health Protection Unit would request COMARE to undertake further examination of the information submitted.***
- 7.2.3 It was brought to the task and finish group's attention that a leading cancer researcher, Mr J Urquhart, has recently unearthed what he believes are discrepancies in data from the Essex Shared Services Agency (part of Primary Care Trust) and the North Thames Cancer Registry in reference to new registered cases (by age group) of malignant neoplasms. Both agencies monitor almost identical geographical areas. See appendix C for further details. The Council cannot make a judgement on this evidence, but it was acknowledged that it could have an effect on the data base compiled by the Childhood Cancer Research Group at Oxford.
- 7.2.4 ***The task and finish group concluded that the Council should write to the Director of Public Health and Health policy, NHS North East Essex to ask that the Essex Health Protection Unit request the Childhood Cancer Research Group to examine the data and determine the reasons for the discrepancies, and for the Essex Health Protection Unit and COMARE to determine whether any new data effects their previous conclusions.***
- 7.2.5 ***The task and finish group also noted that the Council's response to the Government consultation in November covered health issues generally, in asking that there should be an additional discretionary criterion on health issues that could take account of all relevant current and future research.***
- 7.3 **Effect to new build of climate change, sea level surges and major flooding**

- 7.3.1 The task and finish group noted that in terms of the design of new build nuclear power stations, the designers do take account of climate change, weather patterns in general including storm surges when modelling new designs. It was also noted that the Environment Agency had previously confirmed that the Generic Design Assessment focused on the safety and security of the design during the whole life of the build and should a licence application not meet the required standards a license would not be granted.
- 7.3.2 Professor Underwood later informed the group that this year the Colne Estuary Partnership was revamped, and it is now partly run under the auspices of the University. A GIS database is being developed to hold all the information the University has gathered over 30 years of research activity, along with other information and designations, all in an accessible fashion. Such amalgamated data sets are what was needed to help deal with the type of questions the group had discussed in relation to Bradwell. Professor Underwood said it was the aim of the University to be more proactive with local communities and statutory bodies and act as a centre point for consultation on matters, such as the Shoreline Management plans, the Water Framework directive, Water Quality, and the new Marine Bill and Marine Framework Directive, matters he believed the Council, as a key public organisation should be engaged in, and the Colne Estuary Partnership was an ideal vehicle for such activity.
- 7.3.3 ***The task and finish group noted the advice given by British Energy, the Environment Agency and the Health and Safety Executive, that the design would be flood proof, even in a state of inundation. It was also noted that climate change and weather patterns are changing, and will do so, probably more progressively, as we move further into this century, though there remains differing expert opinion to the degree and effects of future climate change.***
- 7.3.4 ***The task and finish group recognised that residents of Mersea Island and the surrounding area will become vulnerable to major flooding as this century progresses, regardless of whether or not a new nuclear power station is built at Bradwell and the Council have a responsibility to mitigate against this eventuality and the risk to the safety of their local residents (See Emergency Planning and Local Evacuation.***
- 7.3.5 ***The task and finish group noted that a document titled the Shore Line Management Plan for Essex, due to go to public consultation in July 2009 was shortly to be published. The document was divided into three epochs, to 2025, 2025 – 2050 and 2050 – 2100, and would be a good piece of work for a future working group to draw a conclusion in terms of the future cumulative effects of climate change and storm surge to flooding and sea defences and any new build.***
- 7.4 Shallow Blackwater estuary, thermal plumes and power station discharges**
- 7.4.1 The task and finish group heard from marine ecologists from British Energy, Cefas and the University of Essex, the Essex Wildlife Trust and a local fisherman.
- 7.4.2 It was confirmed that low level gas and liquid emissions are extremely small, almost undetectable, but strictly monitored by the regulatory bodies, and that whilst the exact permitted levels for any new build are yet to be decided, the new design will in terms of emissions improve greatly from the original Magnox reactors. At the September meeting

at West Mersea, officers from the Environment Agency said radioactive discharges are strictly monitored and the doses to all effluent discharges to both the atmosphere and local water to Bradwell is subject to rigorous monitoring. The legal limit of radiation dose is one thousand microsievarts from an artificial, non medical source of radioactivity per year. Latest reports say the most exposed people (for liquid discharge) receive a dose of 10 microsievarts per year, 0.1% of the legal limit, and for terrestrial discharges, 5 microsievarts per year. To put this into context the average dose of natural radiation to the general public is about 2,400 microsievarts per year.

- 7.4.2 The group discussed a report brought to their attention where researchers claim that nuclear power plants are sucking the sea life from British waters.
- 7.4.3 A representative from Cefas explained that future scenarios were based on the water intake and outflow of the new generation of nuclear power stations, 72,000 cubic litres of water per second, more than twice the volume of the original nuclear reactor, and representing 10% of the total volume of exchange water on each tide.
- 7.4.4 A presentation showed the oceanographic layout of the Blackwater estuary, including the deep channel running through the estuary. The presentation simulated water conditions within the estuary with a fully operational new build reactor, showing the movement of the thermal plume created from the power stations warm water outflow. The simulation was a projection of the water dynamics of the estuary taking into account future climate change predictions from the Met Office. It was confirmed that the baseline for climate change predictions is from the work of the Defra funded UK climate Impacts programme. It was explained that a number of intake and outlet configurations had been modelled and the simulation that had showed the optimum environmental results was for water intake to come from the deep channel and for outflow to happen south of the deep channel to the east of the inlet. This configuration would avoid excessive temperature rises for the environmentally sensitive areas of the inner estuary and the north shore. Temperature rises of up to 10C would be experienced on the south shore in the vicinity of the power station. With the intake and outflow pipes sited in this configuration thermal recirculation from the outfall to the infall would be limited to a maximum of approximately 2 per cent.
- 7.4.5 The group was told that nuclear power stations taking in coastal sea water will not tolerate marine growth, and the use of chlorine compounds prevents marine life sticking to inlet and outflow pipes. Some of these compounds do get discharged to the estuary though they decay rapidly and residual oxidants normally cannot be detected once 500 to 1000 metres beyond the outflow pipe. Mr. Bird, a local Oysterman since 1964, said that during the period of the late 1960s to the mid 1970s, the foreshore and sea beds along the Bradwell coast became sterile and barren, with the ground very bleached for approximately one and a half miles either side of the outflow pipe. Native oysters disappeared from along the northern shore of the Bradwell coastline. Mr. Bird said that within six months of the closure of the Power Station, this coastline began to regenerate with new growth appearing along with new oysters.
- 7.4.6 In regards to concerns of the affect on marine life, the group were informed that it was in the operational interest of the power station owners to avoid large intakes of fish, which could cause blockages in the system and compromise the efficiency of cool water intake and ultimately the power station economics. Fish inlet screens and deterrents were installed to mitigate these occurrences for large fish. That said it was inevitable that larvae and eggs will get through the screening, and depending upon the species a large

percentage would be killed or damaged by the 10C temperature rise, pressure changes and the chlorination process. Cefas were undertaking detailed research on this subject to more precisely determine effects on marine life.

- 7.4.7 Mr. Bird said he believed that the information currently held by the environment agencies in regards to the Blackwater Estuary was flawed, especially given that information he had recently disclosed was new information, a point echoed by the Essex Wildlife Trust. Mr. Bird also believed that the thermal plume of a new build power station, and as shown in a simulated model presented by Cefas would almost certainly have an effect on the seed oysters placed close to Mersea Island for fattening (a farming technique used in the estuary to improve cultivation, unlike other areas where oysters are only fished), and the oyster beds to the south shore of the river at Chapel Point and Batchelor Spit.
- 7.4.8 ***The task and finish group noted the advice given to members, that the design application would take account of fish impingement and the systems to be used to minimise the impact on fish stocks at the point of water intake***
- 7.4.9 ***The task and finish group noted the effect of the chlorination process, that is, a bleaching of the immediate coastline that becomes almost void of all marine life.***
- 7.4.10 ***The task and finish group believed more information and evidence was required to understand the overall effect of fish impingement and chlorination on marine life and fish stocks in the estuary to thereby make a more considered judgement.***
- 7.4.11 ***The task and finish group concluded that it was imperative that the intensive independent field studies, like those of Cefas (as commissioned by the energy companies), should be continually undertaken within the estuary to the end of the productive life of any new build nuclear power station..***

7.5 Emergency Planning and Local Evacuation

- 7.5.1 The task and finish group noted the Government's Emergency Planning legislation and Guidance, such as the Civil Contingencies Act (CCA), Emergency Preparedness guide to the CCA and the Emergency Response and Recovery guide to the CCA, cascade down to various Government offices, feeding into the Essex County Council Emergency Planning Service. Essex Police Contingency Planning provides the Combined Operational Procedures for Essex (COPE) that deal with emergency plans for Essex Police, Essex Fire and Rescue, East of England Ambulance Services and all Local Authorities. Within these plans are numerous plans and guidance including a Flood Plan and a Bradwell Emergency Plan.
- 7.5.2 Colchester Borough Council's Emergency Response Plan consists of the generic response procedure the Council will deploy to any major emergency, and where appropriate identifies specific hazards and sets out unique response procedures including those for major incidents such as Bradwell Power Station (release of radioactive pollution), Flooding (tidal flooding, the isolation of mainland and island communities, fluvial flooding and contaminated water) and terrorist attack. One of Essex County Councils Emergency Plans is the Bradwell off-site Emergency Plan, which is site specific, and details response and operational arrangements in respect of an incident resulting in the release of radioactive pollutants at the site and the possible impact off-site. The Detailed Emergency Planning Zone (DEPZ) for Bradwell Power Station has been set at 2.4 km (1.5 miles). The nearest point within the Borough of Colchester is

West Mersea, which is just outside the 2.4 km zone. Maldon District Council has prepared an Emergency Plan which sets out to deal with the consequences of a partial or total evacuation of the DEPZ. The author of the Bradwell off-site plan is Essex County Council Emergency Planning Unit. The plan is written in consultation with all external professional partners and the site. Whilst Colchester Borough Council consults on the plan; it has no direct responsibilities under the plan although assistance with the general welfare and support of evacuees may be requested. In the event of an incident invoking an evacuation (for example, of Mersea Island) the Police Service would take the lead, with a combined input from LA Emergency Planning Officers, Essex Fire and Rescue, and the East of England Ambulance Services, and members of the Essex Resilience Forum that includes all professional partners regularly attending Emergency Planning forums.

- 7.5.3 *The task and finish group noted the emergency plans and procedures in place in the event of a major emergency, including in the event of an incident invoking an evacuation of Mersea Island.***
- 7.5.4 *The task and finish group considered that it should be a requirement of the energy company / site operator to produce a strategy for engaging with the local population (to include Mersea island and the surrounding area), using every medium of communication to provide information on the current and future operation, risks and developments of the operating site(s).***
- 7.5.5 *The task and finish group considered that a new and more powerful nuclear reactor / station could merit a new DEPZ which in turn could change graphically from the current concentric circles to egg shaped rings as is currently the case with other emergency planning zones. If the distance of the DEPZ changed and thereby include Mersea Island the difficulty of evacuating the island would become an issue that would require addressing, having the potential to consider the site unsuitable.***
- 7.6 *The remoteness of the Bradwell site / visually intrusive / noise and blight to the community***
- 7.6.1 Following discussions the group agreed that whilst technically, and from a point of view of road travel, Bradwell was relatively remote, there was a visual impact to the residents of Mersea Island and therefore from their perspective could not be considered remote.
- 7.6.2 British Energy said that the old style Magnox reactors, with gas circulated motors, were noisy, and could be heard from many miles away with a prevailing wind. The new build modern EP reactors such as that at Sizewell, and powered by turbines are significantly quieter, and when on site it is difficult to tell whether or not they are running. British Energy also confirmed that on-site light pollution would feature as part of the overall design within the planning considerations, but would be at a level that enabled safe operations.
- 7.6.3 It was agreed that the blight on the landscape would be greater during the period of construction, though following this, it would be difficult to evaluate whether there was a depression in local property prices as a result of the new build. The new build would not be like the current station, described as a brutal design from the 1960s, but would stand out on the local landscape similarly to Sizewell, though not much different in scale to the current Bradwell station.

7.6.4 ***The group concluded that any new build nuclear power station would be obtrusive to the residents of Mersea Island and surrounding areas, though it would be difficult to determine whether this would result in a depression in local property prices. It was noted that that the local population increased during the lifetime of the original station and current property prices compared favourably with those of other areas of the borough. It was further noted that should a planning application for a new build be forthcoming, Colchester, like Maldon District Council would as part of the planning process be a consultee to the new Infrastructure Planning Commission (IPC) and it would be at this point that the Council could consider the design and scale of any new build, and what could be done to mitigate against the potential obtrusiveness of the structure, and respond accordingly.***

7.7 Local benefits of a new build nuclear power station at Bradwell

7.7.1 The task and finish group deliberated this at length and unanimously agreed that in their opinion the only two benefits that could come from a new build at Bradwell are, i) in the short term, and primarily from within the Maldon District, an unquantifiable economic boost for local companies, businesses and job creation for the estimated five year duration of the build, and ii) in the long term, and primarily from within the Maldon district, any permanent local employment at the new power station, or additional local business that results from having a new power station.

7.7.2 The group also agreed that a Mersea – Bradwell ferry could provide some benefit to Mersea Island in the form of commuting, and also an impetus to win over some local sceptics. Other benefits were recognised but considered not to be of a specific local nature, but a national benefit that would form part of the national debate. It was understood that EDF (British Energy) are to undertake a study of the social and economic benefits to a new build nuclear power station that will underpin a planning application for the site.

7.7.3 ***The group concluded that whilst there are the two aforementioned benefits of a new build nuclear power station at Bradwell, these were of a far greater benefit to residents and businesses closer to the site by land and primarily within the boundaries of Maldon District Council, than they were to the residents of West Mersea. A local ferry between West Mersea and Bradwell may provide an employment impetus to Mersea Island, but to be realised would almost certainly rely upon independent private investment.***

8. Standard and Strategic Plan References

8.1 There are no policy plan references or financial, human rights, community safety or health and safety implications in this matter.

8.2 Scrutiny is a key function to ensure the decisions and policies of the Council and the performance of the Executive functions by the Council are subject to full appraisal and that they are in line with the aims of the strategic plan. The role of scrutiny is also an important part of our risk management, helping to check that risks are identified and challenged.

Childhood Cancer around specific nuclear installations – response from Dr David Irwin

I have been forwarded details of a statement the HPA's Radiation Protection Division prepared concerning the German study.

I have also been in contact with colleagues at the Committee on Medical Aspects of Radiation in the Environment (COMARE) who have advised me that the survey you suggest should be undertaken, has already been published by COMARE.

In 2005, at the request of the Department of Health, COMARE published its Tenth Report, which reviewed earlier evidence and presented new data relating to childhood cancers around nuclear installations in Great Britain. By doing this they have attempted to see if the claims of an excess of childhood cancer (0-15 year olds) around some specific nuclear installations are a regular feature of the majority of the largest nuclear sites in Great Britain.

The report concluded that no evidence of excess numbers of cases in any local 25 km area around nuclear power stations, which would include either primary exposure to radioactive discharges or secondary exposure from re-suspended material. This report puts various allegations of other cancer clusters around nuclear installations into context.

The 11th COMARE report shows that childhood leukaemia and many other types of childhood cancers do not occur evenly within the population of Great Britain. There are a variety of incidence rates in different geographical and social circumstances and that these differ more than would be expected from simple random or chance variations. This uneven distribution (or clustering) occurs at all levels of population distribution throughout the country, down to very local levels such as those of electoral wards. It is not known why childhood cancers tend to cluster like this. Much attention has been given to interactions between exposure to infections and immune responses. Other possible explanations have also been considered, including exposure to environmental agents. The analyses in this report have been carried out on the largest data set of childhood cancer cases ever compiled anywhere in the world. The very large data set gives considerable confidence in the results

To carry out the studies described in their 11th Report required a very large database. This was compiled over a considerable time scale. The database was constructed from the National Registry of Childhood Tumours by staff of the Childhood Cancer Research Group in Oxford. The current data set consists of 12,415 cases of childhood leukaemia and non-Hodgkin lymphoma (NHL) and 19,908 cases of children with solid tumours registered under the age of 15 in England, Wales and Scotland from 1969 to 1993 inclusive. As you can see this is a much larger data set than that used in the German studies and covers a much larger age range. In statistical terms this study is therefore more powerful than the German studies.

These reports are published in full on the COMARE web site www.comare.org.uk and hard copies can be obtained from the COMARE secretariat.

There is also a recent re-analysis of data on childhood leukaemia around nuclear power plants in England and Wales, undertaken in the light of the German study which can be found at: http://www.ncbi.nlm.nih.gov/pubmed/18936090ordinalpos=1&itool=EntrezSystem2.PEntrez.Pubmed.Pubmed_ResultsPanel.Pubmed_DefaultReportPanel.Pubmed_RVDocSum

Childhood Cancer around Nuclear Power Plants in Germany

Two papers recently published in the peer-reviewed literature (1,2) and a more detailed report issued by the German Federal Office for Radiation Protection (3) describe a case-control study of childhood cancer conducted in the vicinity of nuclear power plants in western Germany. The studies follow two earlier geographical studies that examined childhood cancer rates around these plants. The original study (4) did not find a raised risk of cancer overall, or leukaemia specifically, at ages up to 15 years within 15 km of the nearest nuclear power plant during 1980-90. However, in the course of analysing subsets of the data, a statistically significantly raised risk of leukaemia at ages up to 5 years was found within 5 km of plants. A second geographical study (5), conducted using the same design but looking at the period 1991-95, did not find a statistically significantly raised risk within this subset, although the relative risk was greater than 1.

The new study was a case-control study, rather than a geographical correlation study. There were two aspects to the study. First, rather than classifying the child's place of residence at the time of diagnosis by administrative area, the proximity of this residence from the nearest nuclear power plant was determined more precisely by using the actual address. Secondly, information on potential risk factors was sought from the parents of sub-groups of cases and controls. However, the authors noticed that there was considerable self-selection on the part of those who agreed to be interviewed. Consequently, the findings from this part of the study were not used in the main analysis.

There is a considerable overlap between the time period for this study (ie. 1980-2003) and that for the previous geographical studies (ie. 1980-90 and 1991-95 respectively). As in the earlier studies, there was a statistically significantly raised risk of leukaemia at ages up to 5 years within 5 km of the nearest nuclear power plant (odds ratio 2.19, lower 95% confidence limit 1.51). Much of the evidence of this increase arose from the cases included in the previous studies, particularly over the period 1980-90, although there was some suggestion of an increased risk – but at a lower level – for the period 1996-2003, ie. following the earlier studies. More than 5km from the nearest plant, the odds ratio for leukaemia was very close to 1. As before, there was little evidence to indicate raised risks of other childhood cancers. Since this study was restricted to childhood cancers at ages up to 5 years, it did not provide information on childhood cancers at ages 5-14 years over and above that provided by the earlier studies.

The findings from this case-control study – based on a more precise measurement of the proximity of residences from nuclear power plants – largely agree with those from the earlier geographical studies in Germany. However, it should be stressed that:

- there is a large overlap between the cancer cases at ages under 5 years in this study and those in the earlier studies, and
- the focus on leukaemia at ages under 5 years within 5 km of a nuclear power plant arose from a *post hoc* analysis of data from the original study.

Whilst data for the period post-1995 also provide some evidence of a raised risk within this category, the strength of evidence and the level of risk appear to be lower. Furthermore, it was not possible from the questionnaire part of the study to determine whether other factors might explain these findings.

As the authors point out, studies conducted in other countries have generally not found raised risks of childhood cancer, or childhood leukaemia in particular, near nuclear power plants (6). This conclusion was drawn by COMARE (7) in its analysis conducted around nuclear plants in Great Britain. That analysis, as in most other analyses of this topic (including the original German studies), focussed primarily on cancers at ages up to 15 years. However, a sub-analysis specific to myeloid leukaemia at years up to 5 years around nuclear power plants in Great Britain again did not show raised risks (7). Amongst studies elsewhere, a study in France (8) gave a standardised incidence ratio for leukaemia at ages under 5 years of 0.97 (95% confidence interval 0.69-1.33) within 5 km of a nuclear site. This result was based on a similar number of cases to the German study (39 in the former study compared with 37 in the latter). Nevertheless, the two sets of findings are clearly discrepant.

COMARE (9) also examined the general pattern of childhood leukaemia and other childhood cancers within Great Britain. This analysis showed that rates of these diseases are not uniform, but rather that there is a general tendency for clustering to arise, more often than would be expected from chance alone. The reasons for these variations are not clear. However, the results from studies around nuclear installations should be viewed in the light of this non-uniformity in baseline rates of childhood cancer. The German study did not take account of any such variations.

The German study focussed on proximity to the child's residence at the time of diagnosis, rather than any measure of radiation dose. The authors note that annual doses to residents as a consequence of living near nuclear power plants in Germany are likely to be a factor of 1,000-100,000 times lower than those from background radiation. At these dose levels, no observable increase in childhood leukaemia would be expected based on knowledge of radiation carcinogenesis.

In conclusion:

- The new German study adds to the information on childhood cancer around nuclear installations;
- Studies conducted in Great Britain and other countries have generally not shown raised risks of childhood leukaemia near nuclear power plants, even though some of these studies are at least as large as that conducted in Germany;
- The increased risk reported in the new German study is heavily influenced by the same cases that had been identified in earlier German investigations as suggesting a raised risk of childhood leukaemia;
- The identification of a raised risk in the original German study arose from a *post hoc* decision to focus on cases at ages under 5 years within 5 km of a nuclear power plant; the more recent data provide less evidence of a raised risk in this category;
- A comprehensive study conducted in Great Britain has shown that childhood leukaemia and other childhood cancers have a general tendency to cluster; the Germany study did not include an adjustment for this or for other possible risk factors;
- Annual radiation doses due to living near nuclear power plants in Germany are likely to be a factor of 1,000-100,000 times lower than doses from background radiation; no observable increase in childhood leukaemia rates would be expected at these levels.

HPA
10 January 2008



Cabinet

10 June 2009

Item
10(i)

Report of	Monitoring Officer	Author	Andrew Weavers
Title	Section 5A report under the Local Government and Housing Act 1989 in relation to the decision to cease revenue funding to Shopmobility		
Wards affected	Not applicable		

This report requires the Cabinet to consider its contents and to endorse the actions suggested.

1. Decision Required

- 1.1 To note the contents of this report.
- 1.2 That the Portfolio Holder for Performance and Partnerships reconsiders her report published on 3 April 2009 "Allocation of investment in voluntary welfare organisations 2009-10" in accordance with the Monitoring Officer's conclusions
- 1.3 To confirm that all future reports which potentially affect disabled persons must demonstrate that the Council has given due regard to the general duty under the Disability Discrimination Act 1995 and are accompanied by an Equality Impact Assessment.
- 1.4 That the Council's Equality and Diversity Officer carries out awareness training for both Members and Officers covering the Disability Discrimination Act 1995 general duty.

2. Reasons for Decision(s)

- 2.1 The Cabinet is obliged to consider this report in accordance with the Local Government and Housing Act 1989 where the Monitoring Officer is aware that the Council is acting or has acted unlawfully.

3. Alternative Options

- 3.1 No alternative options are presented.

4. Introduction

- 4.1 Under Section 5A of the Local Government and Housing Act 1989, the Monitoring Officer is under a duty to bring a report to Cabinet where there has been a breach by the Cabinet of any enactment or rule of law.
- 4.2 As required in law, the Monitoring Officer has consulted with the Head of Paid Service and the Chief Finance Officer, as the Council's statutory officers, with regard to the contents of this report.

5. Background

- 5.1 At its meeting on 28 January 2009 Cabinet approved a report from the Head of Resource Management entitled "2009/10 Revenue Budget and Medium Term Financial Forecast". Recommendation 1.2 requested Cabinet to "To approve the cost pressures, growth items and saving / increased income options identified during the budget forecast process as set out at Appendices B, C and D" which Cabinet duly approved.
- 5.2 Following its deliberations of the report, Cabinet duly approved for inclusion within the 2009/10 Revenue Budget the cost pressures set out at Appendix B the growth items set out at Appendix C and the savings/increased income items set out at Appendix D. One of the results of this decision was that the total revenue funding available for grants to voluntary welfare organisations in 2009/10 was reduced, albeit that there was additional investment of £25,000 in the welfare rights service. The overall net position was an additional £5,000 investment in this area which enabled a grant of £30,000 to be made to Age Concern.
- 5.3 In accordance with the Scheme of Delegation to Cabinet Members the Portfolio Holder for Performance and Partnerships was then required to determine which organisations would be funded from the total voluntary welfare budget of £231,800.00.
- 5.4 The Portfolio Holder for Performance and Partnerships subsequently made a formal decision on 2 April 2009 (PER-009-08) which allocated this budget following Cabinet's approval as mentioned above and also following Full Council's approval of the overall revenue budget at its meeting on 18 February 2009. The decision was entitled "Allocation of investment in voluntary welfare organisations 2009-10" ("the Decision") The Decision was published on 3 April 2009 and was not subject to call-in. The Portfolio Holder for Performance and Partnerships had previously made a decision which had redirected some of the funding from the welfare rights budget to Age Concern and this had been referred to in the report.
- 5.5 The Decision was that the revenue funding to Shopmobility was reduced from the previous year's grant of £22,300 to £1,901.36. The purpose of paying a reduced grant was to ensure that the Council complied with its Voluntary and Community Organisations Compact which states that the Council would give at least three months prior notice of any funding reduction or cessation. Shopmobility had received a letter in January from the Council informing them of the Council's intentions.
- 5.6 In April 2009 following the implementation of the Decision, I received a letter from the Public Law Project (which is an independent legal charity which aims to provide access to public law remedies on behalf of those suffering discrimination) which was the first step in Judicial Review proceedings of the decision to cease the revenue funding to Shopmobility. The matter had been referred to them by a user of the Shopmobility service. The basis of the claim was that the Council had failed to discharge its statutory duty under section 49A of the Disability Discrimination Act 1995 ("the 1995 Act") and had failed to consult either Colchester Community Voluntary Services or users of the Shopmobility service bearing in mind the impact of the cessation of Council funding on users of the service and the commitments given in the Council's Disability Equality Scheme.
- 5.7 Following receipt of the letter I carried out an investigation. This identified that although an Equality Impact Assessment had been prepared in relation to the Decision, unfortunately it had not been referred to in the actual Decision nor had it been published.

Furthermore, the Decision did not demonstrate that the Council had complied with its statutory duty under the 1995 Act and was accordingly unlawful.

5.8 I therefore concluded that the Decision made by Portfolio Holder for Performance and Partnerships on 2 April 2009 was unlawful since the reduction of the Shopmobility funding was an integral part of that decision which could not be separated and accordingly the whole decision on funding of voluntary welfare organisations for 2009-10 required to be re-considered in accordance with the Council's statutory duty under the 1995 Act. I duly communicated my conclusion to the Public Law Project who subsequently confirmed to me in writing that they would not proceed with their Judicial Review proceedings provided that the Decision was properly re-considered.

6. The Legal Position

6.1 The 1995 Act requires the Council and other public authorities to place disability equality for all at the centre of the organisation, policy making and functions, so as to further the goal of elimination of discrimination and harassment of disabled people and the promotion of equality of opportunity for them in society in general. Section 21B of the 1995 Act states that it is unlawful for a local authority to discriminate against a disabled person in carrying out its functions.

Section 49A of the 1995 Act imposes a mandatory general duty on every public authority which requires that it shall, in carrying out its functions have due regard to the need to:-

- (a) eliminate discrimination that is unlawful under the 1995 Act;
- (b) eliminate harassment of disabled persons that is related to their disabilities;
- (c) promote equality of opportunity between disabled persons and other persons;
- (d) take steps to take account of disabled persons disabilities, even where that involves treating disabled persons more favourably than other persons;
- (e) promote positive attitudes towards disabled persons; and
- (f) encourage participation by disabled persons in public life.

6.2 "Due regard" means that public authorities must be able to demonstrate proper regard for all the points contained in paragraphs (a) to (f) above in the context of the function being exercised at the time by the authority. In addition, the authority must take in account all other reasonable factors in the context of the function being exercised.

6.3 Public authorities are not under a duty to carry out a formal Disability Equality Impact Assessment when carrying out its functions. However, there is duty to consider undertaking a Disability Equality Impact Assessment, along with other means of gathering information, and to consider whether it is appropriate to have one in relation to the function or policy at issue, when it will or might have an impact on disabled persons and disability. The public authority must balance all, and bring all to mind before it makes its decision on what it is going to do in carrying out the particular function or policy in question.

6.4 Public Authorities are also obliged to comply with the Disability Rights Commission Statutory Code of Practice "The Duty to Promote Disability Equality". The Code identifies steps which assists public authorities in complying with their general duty:

- Mainstreaming – impact assessment
- Gathering and analysing evidence
- Prioritising remedial action
- Involvement
- Effectiveness

- Partnerships

6.5 There have been several recent court cases regarding the general duty under the 1995 Act. This is undoubtedly an area where the Council and other public authorities subject to the 1995 Act will be subject to close scrutiny and challenge by way of Judicial Review in the future.

7.0 Conclusions

7.1 My investigation of this matter has highlighted that whilst the decision itself was unlawful due to the failure demonstrate compliance with the statutory duty under the 1995 Act, consideration had been given to the consequences to users of the Shopmobility service by the completion of an Equality Impact Assessment. Unfortunately, this had not been referred to in the Decision. In addition some consultation had taken place with Colchester Voluntary Services however, this appears to have been more around informing them of the Council's intention rather than from a user of the service perspective.

7.2 The Council has approved a Disability Equality Scheme which contains various commitments regarding consultation etc. Again, the Decision did not demonstrate that this had been complied with. The Decision did however refer to the three month commitment under the Voluntary and Community Organisations Compact regarding withdrawal of funding.

7.3 The revised report to the Portfolio Holder for Performance and Partnerships regarding the allocation of investment in voluntary welfare organisations 2009-10 will need to clearly demonstrate that the Council has given due regard to its general duty under the 1995 Act, that proper consultation has taken place with both Colchester Voluntary Services and users of Shopmobility and that it has complied with its commitments under the Council's Disability Equality Scheme. It should also refer to the Voluntary and Community Organisations Compact obligations.

7.4 This incident has highlighted a need for training for both Members and Officers regarding the Council's general duty under the 1995 Act and the fact that we must demonstrate that this is embedded in our decision making process in relation to any decision that could potentially have an effect on disabled persons. The Council's Equality and Diversity Officer will be carrying out training awareness sessions for both Members and Officers.

7.5 Officers must ensure in the future that they pay as much attention to Equality and Diversity implications as other issues in future reports. This will be particularly pertinent once the Equalities Bill currently going through Parliament is enacted which will impose a higher duty on public authorities. The Equalities and Human Rights Commission are also monitoring public authorities compliance with legalisation.

8. Publicity Considerations

8.1 Media interest is expected due to the significant coverage around this issue to date. A statement will be prepared by the Council and distributed after this meeting.

9. Strategic Plan References

9.1 This matter links into the Council's corporate objective to shift resources to deliver priorities.

10. Financial Implications

10.1 None other than those identified in this report. The budget for 2009/10 including sums available for grants referred to above was approved by Full Council on 18 February 2009.

11. Equality and Diversity Implications

11.1 None other than those identified in this report and in the Council's Disability Equality Scheme.

12. Human Rights Implications

12.1 No direct implications contained in this report and those identified in the Council's Disability Equality Scheme.

13. Community Safety Implications

13.1 No direct implications.

14. Health and Safety Implications

14.1 No direct implications.

15. Risk Management Implications

15.1 Failure to comply with the general duty under the 1995 Act could potentially lead to a Judicial Review action against the Council.

10 June 2009

Report of	Head of Corporate Management	Author	Richard Clifford
Title	Appointments to external organisations and council groups		
Wards affected	Not applicable		

This report concerns the appointment of representatives to external organisations and Council reference groups.

1. Decision(s) Required

- 1.1 To agree the appropriate classification of each organisation or group as set out in the attached appendices.
- 1.2 To agree representatives for the Municipal Year 2009/10 to the various external organisations and Council groups listed in Appendix A, such appointments to cease if the representatives cease to be members of the Council during the year. (Please note that the details of the representatives are not yet complete. A revised Appendix A will be circulated once this work is complete);
- 1.3 To confirm that those Councillors who are not members of the Council groups for the Municipal Year 2009/10 be confirmed as a pool of members able to act as substitute members on Council groups, in accordance with the normal requirements relating to substitute members set out in the Council's Constitution;
- 1.3 To authorise the Leader of the Council to make a determination where a nomination is deemed to be in dispute.

2. Reasons for Decision(s)

- 2.1 It is important for the Council to continue to make formal appointments to certain organisations and council groups such as those with statutory functions, our key strategic and community partners and groups with joint working arrangements. These groups have been identified in Appendix A.
- 2.2 However, there are a number of groups and organisation whereby it would now be more appropriate for links to be maintained through the Council lead officer or relevant Portfolio Holder, rather than by a formal appointment to the organisation. These Groups have been identified in Appendix B.
- 2.3 At Appendix C are those appointments which will cease as a consequence of the work of the group being completed or no longer being funded by the Council.

3. Alternative Options

- 3.1 No alternative options are proposed other than to authorise the Leader of the Council to make a determination where a nomination is deemed to be in dispute.

4. Supporting Information

- 4.1 An exercise has been conducted to review the organisations and groups to which the Council has made appointments in the past and these have been categorised in accordance with the criteria set out in paragraphs 2.1 - 2.3 above. In addition, the appointment to the Braintree, Uttlesford and Colchester Joint Parking Committee has been added.
- 4.2 In accordance with the agreed procedure for making appointments to external organisations and council groups, if any seat or vote allocation remains in dispute by the date of the first Cabinet meeting after the Annual Meeting, the Leader of the Council can determine the matter.

5. Financial implications

- 5.1 Members continue to be entitled to claim travel allowance in respect of attendance at meetings of the external organisations and Council groups to which they have been appointed.

6. Strategic Plan References

- 6.1 The particular contribution that each of the external organisations and Council groups makes towards the aims of the Strategic Plan is indicated in the Appendices.

7. Publicity Considerations

- 7.1 Members appointed as representatives will be notified accordingly. Confirmation of appointments will be sent to the relevant external organisation and to officer contacts for the various Council groups.

8. Equality, Diversity and Human Rights, Community Safety and Health and Safety Implications

- 8.1 None.

9. Risk Management Implications

- 9.1 Councillors fulfilling external and partnership appointments need to have regard to the information and advice contained within the 'Guidance for Members on Outside Bodies', a copy of which is in the Members' Room for reference. This guidance is to be reviewed by the Standards Committee at its meeting on 12 June 2009.

APPENDIX A

Organisations / Groups requiring formal appointment				
Organisation	Existing Representative (s)	Role of the Representative and Voting Capacity	Contact Name and Address	Compliance with the Strategic Plan
Local Government Organisations				
Local Government Association, General Assembly [Local Government Association dealing with all aspects of local government] [Meetings are held in June/July and December at 2pm. The meeting in June/July is held at the annual conference venue and the December meeting in London]	Leader of the Council (voting member) – Cllr Turrell Substitute members) – Cllr T. Higgins Main Group Leaders as observers – Cllrs Bentley, G. Oxford and T. Young	Representative is a member of the general assembly and has a voting right (if more than one member is appointed there remains only one voting right)	Miss Noleen Rosen Project Support officer Local Government Association Local Government House, Smith Square, London Sw1P 3HZ noleen.rosen@lga.gov.uk Tel: 020 7664 3215 Fax: 020 7664 3030	

<p>Local Government Association, Urban Commission</p> <p>[Local Government association dealing with urban affairs]</p> <p>[Two meetings held per annum between 11am and 4pm. One meeting is held in London and the other in an urban authority]</p>	<p>Cllr Offen (voting member)</p> <p>Cllr T. Young (non-voting member)</p>	<p>Representatives are members of the Commission and one member is able to vote</p>	<p>Marion Stribling, Member Services Local Government Association Local Government House Smith Square London SW1P 3HZ memberservices@lga.gov.uk Tel: 020 7664 3040 Fax: 020 7664 3030</p>	<ul style="list-style-type: none"> • Promote economic prosperity • Tackle deprivation • Foster social inclusion
<p>Local Government Association, Rural Commission</p> <p>[Local Government Association dealing with rural affairs]</p> <p>[Two meetings held per annum, one in London and the other in a rural authority. Meetings held between 11am and 4pm]</p>	<p>Cllr Chillingworth (voting member)</p> <p>Cllr Garnett (non-voting member)</p>	<p>Representatives are members of the Commission and one member is able to vote</p>	<p>Marion Stribling, Member Services Local Government Association Local Government House Smith Square London SW1P 3HZ memberservices@lga.gov.uk Tel: 020 7664 3040 Fax: 020 7664 3030</p>	<ul style="list-style-type: none"> • Supporting rural communities
<p>Local Government Association, Coastal Issues Special Interest Group</p> <p>[Local Government Association dealing with coastal issues]</p> <p>[Three meetings per annum held in London]</p>	<p>Cllr T. Young</p>	<p>Representative is a committee member. Voting is not applicable</p>	<p>Marion Stribling, Member Services Local Government Association Local Government House Smith Square London SW1P 3HZ memberservices@lga.gov.uk Tel: 020 7664 3040 Fax: 020 7664 3030</p>	<ul style="list-style-type: none"> • Protecting Colchester's heritage and environment

<p>East of England Regional Assembly [Local Authority]</p>	<p>Leader of the Council - Cllr Turrell Cllr T. Higgins (substitute member)</p>	<p>Representatives participate fully one is able to vote</p>	<p>Colin Robertshaw East of England Regional Assembly Flempton House Flempton, Bury St Edmunds Suffolk IP28 6EG colin.robertshaw@eera.gov.uk Tel: 01284 729412</p>	
<p>Essex Partnership Forum (reconstituted to partially replace Essex Local Government Association, Executive Committee) [Two meetings per year]</p>	<p>Leader of the Council - Cllr Turrell</p>		<p>Kate Crofts Essex County Council Room 113, County Hall Market Road Chelmsford CM1 1QH kate.crofts@essex.gov.uk Tel: 01245 437552</p>	
Key Strategic Organisations				
<p>Local Strategic Partnership (Colchester 2020)</p>	<p>Leader of the Council - Cllr Turrell Cllr T. Young</p>	<p>Full voting capacity</p>	<p>Adrian Pritchard, Chief Executive adrian.pritchard@colchester.gov.uk Tel: 282211 Delivery Point 31 Irene Swift Colchester2020@colchester.gov.uk Tel: 282348 Fax: 282261 Delivery Point 31</p>	<p>Key Strategic Body</p>

<p>Haven Gateway Partnership</p> <p>[A sub-regional economic partnership]</p> <p>The purpose of the Partnership is to be a framework through which partner organisations can work together to promote the economic opportunities and secure the future prosperity of this major gateway to the East of England</p> <p>[The Management Board meets bi-monthly at Haven Gateway Offices, Colchester]</p>	<p>Leader of the Council - Cllr Turrell</p> <p>Cllr Barton (substitute member)</p>	<p>The Chairman is appointed annually. The Chairman and each partner have one vote. The Secretary may not vote.</p>	<p>Lisa Brazier Haven Gateway Partnership Suites 3 & 5, The Centre The Crescent Colchester Business Park Colchester CO4 9QQ</p> <p>Lisa.brazier@haven-gateway.org Tel: 01206 848412 Fax: 01206 848419</p> <p>Officer contact - Jim Leask, Tel: 502864 Delivery Point 30</p>	<ul style="list-style-type: none"> • Promote economic prosperity
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<p>Waste Management Advisory Board for Essex and Southend</p> <p>[Local authority advisory body involved in waste management]</p> <p>[Meetings to be held during the day, other details to be advised at a later date]</p>	<p>Portfolio holder for Performance and Partnerships – Cllr Dopson</p> <p>Cllr Smith (substitute member)</p>	<p>The Waste Management Advisory Board discusses and progresses a number of waste management issues that are of county wide significance such as the Essex Municipal Waste Management Strategy, Essex's long term waste management contract and the appointment of consultants for the Strategy.</p>	<p>Ian Myers Member Support and Governance Essex County Council County Hall Chelmsford CM1 1QH ian.myers@essex.gov.uk Tel: 01245 430481 Fax: 01245 280180</p>	<ul style="list-style-type: none"> • Reduce, Reuse and Recycle • Be cleaner and greener
<p>Fixed Term Appointments</p>				

<p>Colchester Institute Corporation Board of Governors</p> <p>[Corporation Board meetings are held six times a year and Committee meetings are held at least six times a year, at Colchester Institute]</p>	<p>Cllr Pyman (until 31 July 2010) (4 year term of office)</p>		<p>Hazel Paton Clerk to the Governors Colchester Institute Corporation Sheepen Road Colchester CO3 3LL</p> <p>hazel.paton@colchester.ac.uk Tel: 518606 Fax: 718155</p>	<ul style="list-style-type: none"> Engaging with young people
<p>Colchester Sixth Form College, Corporation Board of Governors</p>	<p>Cllr Blundell (until November 2009)</p> <p>Cllr Barlow (from November 2009)</p>	<p>Full member with voting rights – serves a 4 year term of office from November</p>	<p>Celia Douglas Clerk to the Governing Body The Sixth Form College North Hill Colchester CO1 1SN</p> <p>douglasc@colchsf.ac.uk Tel: 500532 Fax: 500532</p>	<ul style="list-style-type: none"> Engaging with young people
<p>All other organisations/groups</p>				
<p>Annual Rail Seminar</p> <p>[Liaison meeting between representatives of the rail industry and other stakeholders]</p> <p>[One meeting held per year, usually March, with change of venue year on year generally held daytime. Next meeting will be in March 2010 in Chelmsford.]</p>	<p>Cllr Naish</p>	<p>To participate in discussions and to raise issues of concern to this Council, able to vote</p>	<p>Teresa Milbourn Senior Transport development Specialist Essex County Council County Hall Chelmsford CM1 1QH</p> <p>teresa.milbourn@essex.gov.uk Tel: 01245 437154 Fax: 01245 496764</p>	<ul style="list-style-type: none"> Congestion busting

<p>Braintree, Colchester and Uttlesford Joint Parking Committee</p> <p>To develop and implement a joint parking service for Braintree, Colchester and Uttlesford</p>	<p>Portfolio Holder with responsibility for Street and Waste Services</p> <p>Cllr T. Young—and Portfolio Holder for Communication Customers and Leisure – Cllr Hunt</p>	<p>Matthew Young Head of Street Services Street Services</p> <p>matthew.young@colchester.gov.uk 01206 282902</p>	<ul style="list-style-type: none"> • Congestion busting
<p>Colchester Borough Homes Board</p> <p>[Commercial Partnership]</p>	<p>Cllrs Sykes, Chapman, Harris, Kimberley, Fisher and J. Young</p>	<p>Nick White Colchester Borough Homes PO Box 7888 Colchester CO3 3YB Delivery Point 4 nick.white.cbhomes@colchester.gov.co.uk</p> <p>Tel 01206 282354 Fax 01026 506938</p>	<ul style="list-style-type: none"> • Homes for all

<p>Colchester Children's and Young People's Strategic Partnership Group</p> <p>[To ensure an integrated approach to development and delivery of quality services for young people aged 0 to 19.]</p>	<p>Cllr Dopson (Plus officer member – Gareth Mitchell, Head of Life Opportunities))</p>	<p>Kirsty Studd CYPSP Co-ordinator Ground Floor Rowan House 33 Sheepen Road Colchester CO3 3WG</p> <p>Officer contact – Gareth Mitchell Tel: 506972 Delivery Point 30</p>	<p>Addressing younger people's needs</p>
<p>Colchester Community Stadium Board</p> <p>[Commercial Partnership]</p>	<p>Cllrs Turrell and Hunt Chief Executive Adrian Pritchard</p>	<p>Chief Executive of the Board, Clive Gilham</p> <p>Officer contact – Steve Clarke, Tel: 282251 Delivery Point 30</p>	<ul style="list-style-type: none"> • Community development • Healthy living

<p>Colchester Crime and Disorder Reduction Partnership - Responsible Authority Group</p>	<p>Cllr T. Young (Plus officer member – Ian Vipond, Executive Director)</p>	<p>Full voting rights</p>	<p>Peter Carrington, Community Safety Co-ordinator peter.carrington@colchester.gov.uk Tel: 717816</p>	<p>Community Safety</p>
<p>Colchester Hospital University NHS Foundation Trust</p>	<p>Cllr Hunt</p>		<p>Gareth Mitchell Head of Enterprise and Communities Colchester Borough Council Town Hall Colchester CO1 1PJ gareth.mitchell@colchester.gov.uk Tel: 01206 506973 Fax: 01206 507814</p>	<p>Health living</p>
<p>Colchester and Ipswich Joint Museums Committee To develop and implement a joint museum service for Colchester and Ipswich</p>	<p>Portfolio Holder with responsibility for Culture and Diversity Cllr Smith—and Portfolio Holder for Resources and Business – Cllr Offen</p>		<p>Peter Berridge, Colchester and Ipswich Museum Manager, Street and Leisure Services Peter.berridge@colchester.gov.uk 01206 282925</p>	<p>Community development Addressing younger people's needs</p>

<p>Cory Environmental Trust in Colchester</p> <p>[Registered Charitable Trust giving grants in various categories relating to the environment, public amenity and public education]</p> <p>[Meetings are held 3 times a year at 6pm at various town centre venues]</p>	<p>Cllr Arnold</p>	<p>Trustee and able to vote</p>	<p>Karen Daniel Street Services Support Manager Tel: 282910 karen.daniel@colchester.gov.uk</p>	<ul style="list-style-type: none"> • Cuts across all corporate priorities
<p>Dedham Vale (AONB) and Stour Valley Joint Advisory Committee</p> <p>[Partnership project funded by local authorities and Natural England.</p> <p>[Meetings held 2 or 3 times a year at various times and venues throughout the Stour Valley area. Additional meetings and workshops as necessary.]</p>	<p>Dedham and Langham/Fordham and Stour Ward Councillors (2)</p> <p>Councillor Chapman and Councillor Garnett</p>	<p>Representatives are involved in steering the work of the project and in particular matters affecting the Area of Outstanding Natural Beauty. Representatives are able to vote.</p>	<p>Simon Amstutz, Project Manager Dedham Vale (AONB) and Stour Valley Countryside Project c/o Suffolk County Council Endeavour House (B3 F1) 8 Russell Road Ipswich IP1 2BX Tel: 01473 264263 Fax: 01473 216824 Mobile: 07971 909649 E:mail Dedhamvale.projct@suffolk.gov.uk</p> <p>Officer contact – Adam John, Tel: 282469 Delivery Point 12</p>	<ul style="list-style-type: none"> • Community development

<p>East Essex Waste Management Joint Committee</p> <p>[Joint Authority Partnership with Chelmsford, Essex, Maldon and Tendring]</p>	<p>Portfolio holder for Performance and Partnerships - Cllr Dopson</p> <p>Cabinet member substitute – Cllr Smith</p>	<p>Ian Myers Committee Officer Member Support and Governance Essex County Council PO Box 11 County Hall Chelmsford CM1 1LX</p> <p>ian.myers@essex.gov.uk</p> <p>Tel: 01245 430481 Fax: 01245 280180</p>	<ul style="list-style-type: none"> • Reduce, Reuse and Recycle
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<p>Equality and Diversity Team</p> <p>[Council Group]</p>	<p>Cllrs T. Higgins, G. Oxford, Scott Boutell, J. Young and Willetts</p>		<p>Pamela Donnelly Executive Director, Colchester Borough Council Tel: 01206 282212 pamela.donnelly@colchester.gov.uk</p>	<ul style="list-style-type: none"> • Cuts across all strategic priorities
<p>Local Government Arts Forum</p> <p>[LGAF is the membership organisation of the 54 local authorities in the East of England, working in partnership with Arts Council England, East to build opportunities for growth by the region's artists and arts organisations.</p> <p>The work of the LGAF is managed by the LGAF Executive, a group of 12 representatives (one Councillor and one Officer from each county)]</p> <p>[The LGAF Executive meets 3 times a year.]</p>	<p>Cllr Smith (substitute Cllr Barton)</p>	<p>Representative encouraged to participate fully in the meeting and is able to vote</p>	<p>Belinda Bryan Regional Partnerships Officer Arts Council England, East, Eden House 48-49 Batemen Street Cambridge CB2 1LR Belinda.bryan@artscouncil.org.uk Tel: 01223 454406 Officer contact – Josie Worner, Tel: 282914 Delivery Point 6</p>	<p>Community development</p>

<p>Highway Panel</p> <p>Panel will provide for local authorities and their communities to make recommendations associated with where certain funds should be spent on the local highway network. They will be asked to prioritise the way in which funds are allocated and to monitor progress against this budget. The County Council Portfolio Holder would set the budget and formally 'sign off' any decisions.</p>	<p>Relevant Portfolio Holder to act as Chairman and five Councillors, representing urban wards that are partially or entirely non-parished.</p> <p>Cllrs T. Young, Gamble, Cope, Harris, Lewis and Hazell</p>	<p>Amanda Chidgey, Democratic Services Manager, Colchester Borough Council amanda.chidgey@colchester.gov.uk 01206 282227</p>	<p>Congestion busting Community development</p>
<p>Member Development Group</p> <p>Group constituted to assist in the formulation, implementation, monitoring and evaluation of member development strategies.</p>	<p>Cllrs Offen, Chapman, G Oxford, and Naish</p>	<p>Richard Clifford, Democratic Services Officer. richard.clifford@colchester.gov.uk 01206 507832</p>	<p>Supports members to meet all strategic priorities</p>

<p>Mercury Theatre Limited [Limited Company and Charity running an arts repertory company] [Meetings held every 4-6 weeks at 6pm at the Mercury Theatre]</p>	<p>Cllr Hall</p>	<p>Representatives act as Directors who are able to participate fully in the meetings and vote</p>	<p>Tom Lagden Administration Manager Mercury Theatre Balkerne Gate Colchester CO1 1PT toml@mercurytheatre.co.uk Tel: 01206 245515 Fax: 01206 769607 Officer contact – Josie Womer, Tel: 282914 Delivery Point 6</p>	<p>Community development</p>
<p>Museums in Essex Committee [Countrywide consultative committee regulated by constitution. Involved in the improvement of museum provision and standards in the country] [Three meetings held per annum at 10.30am. Meetings held by local authorities and museum members around the country]</p>	<p>Cllr Smith The representative could be elected as Chairman or Vice Chairman. There are sub-groups to which representatives are invited to join as and when appropriate.</p>	<p>Elected members receive and consider reports from the Museums in Essex officer and act in a consultative role. Each local authority is entitled to appoint one elected member to serve on the committee.</p>	<p>Glynis Evans Essex County Council County Hall Chelmsford CM1 1LX glynis.evans@essex.gov.uk Tel: 01245 244666 Officer contact – Peter Berridge, Tel: 282930 Delivery Point 18</p>	<p>Community development Addressing the needs of younger people</p>

<p>Police and Community Consultative Group</p> <p>[Unincorporated association concerned with community and police liaison]</p> <p>[Three public meetings being held in 2007]</p>	<p>Cllr T. Young</p>	<p>Fully participative member</p>	<p>Jo van Zanten (Mrs) PCCG Secretariat (North Division) Essex Police Authority 3 Hoffmanns Way Chelmsford CM1 1GU Jo.Vanzanten@essex.pnn.police.uk Tel: 01245 291608 Fax: 01245 291601</p>	<p>Community safety</p>
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APPENDIX B

Organisation/Groups without formal appointment and where links to be maintained by officer or Portfolio Holder				
Organisation	Representatives in 2008-09	Role of the Representative and Voting Capacity	Contact Name and Address	Compliance with the Strategic Plan
Activity Centres Management Committee [Council Group]	Cllrs Blandon, Lewis and J. Young		Bridget Tighe Community Development Co-ordinator Tel: 282104 Delivery Point 30 bridget.tighe@colchester.gov.uk	<ul style="list-style-type: none"> Addressing older people's needs
April Centre [A Private Limited Company and Registered Charity. It is a day centre for the homeless and unemployed] [Meetings held quarterly, both evening and daytime, at 9 Queen Street, Colchester]	Cllr B. Oxford	Member of the management committee and able to participate fully and vote	David Egan April Centre 12B Mersea Road Colchester CO2 7EX theaprilcentre@hotmail.com Tel: 500509	<ul style="list-style-type: none"> Healthy living Homes for all Enabling job creation

<p>Bradwell Local Community Liaison Council (LCLC) (formerly Bradwell Site Stakeholder Group)</p> <p>[An independently constituted body]</p> <p>The purpose of the Council is to inform the public of activities on site and of the site operator; to act as a conduit for two-way information; and to act as a clearing house for community concerns by providing independent interpretation of information in ways that carry the confidence and trust of the community.</p> <p>[Meetings held bi-annually at 10.30am at an off-site venue in the Maldon District]</p>	<p>Cllr Bouckley</p>	<p>Representatives have no specific role but attend on behalf of the Council and participate where appropriate. Voting is not applicable.</p>	<p>The LCLC Secretariat c/o Communications Team Bradwell Reactor Site Bradwell on Sea Southminster CM0 7HP</p> <p>rhiannon.williams@magnoxsouthsites.com</p> <p>Tel: 01621 873565</p>	<p>Community development</p>
<p>CBC/Serco Partnership Board (formerly Information Technology Partnership Board)</p> <p>[Commercial Partnership]</p> <p>[Set up to manage the Serco contract.]</p>	<p>Portfolio Holder with responsibility for communication – Cllr Hunt</p>		<p>Ann Wain Executive Director ann.wain@colchester.gov.uk Delivery Point 31 Tel: 282212 Fax: 282261</p>	<ul style="list-style-type: none"> • Internal Improvement Agenda

<p>Campaign to Protect Rural Essex (Countryside and environment organisation)</p> <p>[Meetings held six times a year at 10.30am at the Essex Record Office, Wharf Road, Chelmsford]</p>	<p>Cllr Dopson</p>	<p>Representatives have no specific role but attend on behalf of the Council to facilitate two way communications. Representatives are not able to vote</p>	<p>Tony Middleton Campaigns and Development Manager Campaign to Protect Rural Essex CPRE House Threshelfords Park Inworth Road Feering, Colchester CO5 9SE office@cpressex.org.uk Tel/Fax: 01376 572023</p>	<p>Community development</p>
<p>Colchester Access Group [To improve access for people with disabilities] [Meetings held every two months at 2pm Day Centre, Fairfield Gardens, Harwich Road, Colchester]</p>	<p>Cllr Foster and Cllr T. Higgins</p>	<p>Members are able to vote and their role is largely to offer support to the group</p>	<p>Clayton Beckwith 14 Blackheath Colchester Essex CO2 0AA Officer contact – Matthew Young, Tel: 282214 Delivery Point 30</p>	<p>Cuts across all strategic priorities</p>

<p>Colchester Business Against Crime Steering Group (ColBAC)</p> <p>[A steering group to oversee the management of the project and to ensure data protection requirements and performance management measures are met]</p> <p>[Meetings held four to six times a year, mainly during the day at a location in the town centre]</p>	<p>Cllr Smith</p>	<p>Representative is a full participating member with voting rights</p> <p>* From 09/10 Municipal Year will become a company limited by guarantee. Representative will have a liaison role rather than being a full Board member.</p>	<p>Shona Bryan Business Against Crime Co-ordinator Tel: 717820 shona.bryan@colchester.gov.uk</p>	<p>Community safety</p>
<p>Colchester Community Voluntary Service</p> <p>[An independent charitable infrastructure organisation whose aim is to promote and support the effectiveness of voluntary and community groups, services and activities in the Colchester area]</p> <p>[Meetings held bi-monthly at 10am at Winsley's House, Colchester]</p> <p>[Receives a grant from CBC]</p>	<p>Portfolio Holder for Neighbourhoods – Cllr B. Oxford</p>	<p>Representative acts as an observer to the Board of Trustees and is not able to vote.</p>	<p>The Chairman Colchester Community Voluntary Service Winsley's House High Street Colchester CO1 1UG information@ccvs.org Tel: 505250 Fax: 500367 Samantha Drummond, Chief Executive</p>	<p>Addressing older peoples needs Addressing younger people's needs Community development</p>

<p>Colchester and North East Essex Building Preservation Trust</p> <p>[Trust and Limited Company concerned with the preservation of buildings of architectural and historic interest]</p> <p>[Meetings held quarterly at 5pm in the Town Hall]</p>	<p>Cllr Spyvee</p>	<p>Trustee and Director, able to vote</p>	<p>Mr A Bartleet Chairman of the North East Essex Building Preservation Trust Bucklers Farm, Bucklers Lane, Coggeshall CO6 1SB</p> <p>anthony@bartleet.demon.co.uk Tel: 01376 561505</p>	<p>Community development</p>
<p>Colchester Rural Age Concern</p> <p>[A charity concerned with welfare issues]</p> <p>[Five meetings per annum held at 2pm at the Town Hall]</p> <p>[Receives a grant from CBC]</p>	<p>Cllr Lilley</p>	<p>Committee Member</p>	<p>Mrs Betty Carter, Secretary Colchester Rural Age Concern 9 Heather Close Layer de la Haye Colchester CO2 0EQ</p> <p>betty.carter@btinternet.com Tel: 734178</p>	<p>Addressing older people's needs; Healthy living</p>
<p>Colchester Twinning Society</p> <p>[Twinning Society liaises with and supports Colchester Borough Council in all matters relating to Twinning]</p> <p>[Meetings held at six-weekly intervals at 7pm in the Town Hall]</p>	<p>Cllr Quarrie Cllr T. Higgins</p>	<p>Representatives act as committee members and are able to vote</p>	<p>Mrs Jenny Glayzer, Chairman 94 Colchester Road Lawford Manningtree CO11 2BH</p> <p>jenny@glayzer.fsworld.co.uk Tel: 396174</p> <p>Officer contact – Nigel Myers, Tel: 507814 Delivery Point 30</p>	

<p>Essex Home Safety Liaison Committee</p> <p>[Local authority committee with advisory members, concerned with home safety and accident prevention]</p> <p>[Meetings held once every six to eight weeks at 10am at Chelmsford Borough Council offices]</p>	<p>Cllr Dopson</p>	<p>Able to participate fully and vote</p>	<p>Mrs Elizabeth Goodchild Chelmsford Borough Council Corporate Policy Unit Civic Centre Duke Street Chelmsford CM1 1JE Tel: 01245 606289 Fax: 01245 606657</p> <p>Officer contact – Rachel Palmer, Tel: 282574 Delivery Point 8</p>	<p>Healthy living; Homes for all</p>
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APPENDIX C

Organisations here appointments no longer necessary

Organisation	Representative (s) in 2008-09	Role of the Representative and Voting Capacity	Contact Name and Address	Compliance with the Strategic Plan
<p>Greater Essex Prosperity Forum [A public/private sector partnership]</p> <p>[The Forum meets every six months and at the annual conference]</p>	Cllr Smith		<p>Elizabeth Pearce Assistant to Corporate Business Manager Essex Development and Regeneration Agency Aquila House, Waterloo Lane Chelmsford CM1 1BD</p> <p>elizabeth.pearce@exdra.co.uk Tel: 01245 702431 Fax: 01245 702401</p> <p>Officer contact - Nigel Myers, Tel: 282878 Delivery Point 30</p>	<ul style="list-style-type: none"> Promote economic prosperity
<p>Colne Estuary Members' Liaison Group</p> <p>Colne Estuary project now completed</p>	Cllrs Davidson, Quarrie, Manning and Lilley		<p>Beverley McClean Coast and Countryside Planner Tel: 282480 Fax: 282711 Delivery Point 7</p> <p>beverley.mcclean@colchester.gov.uk</p>	<ul style="list-style-type: none"> Protecting Colchester's heritage and Environment
<p>River Colne Countryside Project Steering Committee</p> <p>No longer funded by the Council</p>	Cllrs Arnold, Chillingworth, Spyve and Hall		<p>Richard Parmee River Colne Countryside Project Tel: 282472 Delivery Point 8</p>	<ul style="list-style-type: none"> Protecting Colchester's heritage and environment

PETITIONS, PUBLIC STATEMENTS, QUESTIONS

Date of Meeting	Details of Member of the Public	Subject Matter	Form of Response	Date Completed
Cabinet 18 March 2009	Andy Hamilton	Communication issues; flower beds	Written response sent by the Leader of the Council on 25 March 2009	25 March 2009
Cabinet 18 March 2009	Peter Lynn	Sustainable Community Strategy, Sustainable Communities Act, Nottingham Declaration	Written response sent by the Leader of the Council on 25 March 2009	25 March 2009
Cabinet 18 March 2009	Paula Whitney	Nottingham Declaration Action Plan, waste issues	Written response sent by the Leader of the Council on 25 March 2009	25 March 2009

Date of Meeting	Details of Member of the Public	Subject Matter	Form of Response	Date Completed
Cabinet 18 March 2009	Nick Chilvers	Waste Prevention and Recycling Options	Written response sent by the Leader of the Council on 25 march 2009	25 March 2009
Council 22 April 2009	Andy Hamilton	Shopmobility; shopping trolleys and the bus station; Standards Committee	Oral response given at the meeting by the Portfolio Holder for Street and Waste Services	22 April 2009
Council 22 April 2009	Will Quince	Suspension of Portfolio Holder	Oral response given at the meeting by the Deputy Leader of the Council and Portfolio Holder for Communication and Customers	22 April 2009
Council 20 May 2009	Adam Norgate and Abigail Stringer	Visual Arts Facility	Oral response given at the meeting by the Deputy Leader of the Council and Portfolio Holder for Communication, Customers and Leisure and written response to follow.	To be advised

Date of Meeting	Details of Member of the Public	Subject Matter	Form of Response	Date Completed
Council 20 May 2009	Andy Hamilton	Visual Arts Facility and firstsite	Written response to follow	To be advised

Report of	Executive Director	Author	Ann Wain
Title	Disposal of Angel Court		☎ 282212
Wards affected	Castle		

This report concerns the disposal of Angel Court.

1. Decision Required

- 1.1 To authorise the Portfolio Holder and Executive Director to progress and complete the sale of Angel Court.

2. Reasons for Decision(s)

- 2.1 As flexible working is implemented Angel Court will be surplus to our office accommodation requirements.

3. Alternative Options

- 3.1 While the impression may be that it is not a good time to be marketing any site, the offers received are of a high enough value to make the sale attractive. The sale could be delayed in order to wait for the property market to improve, however the timescales for this are unpredictable and in the meantime we would continue to have significant revenue costs for the building.
- 3.2 The building could be retained, and while there are some opportunities for alternative use these would require a capital investment and are unlikely to deliver a significant enough payback for the timescale we would want to retain the building for.

4. Supporting Information

- 4.1 A Cabinet report dated September 2008 authorised the marketing of Angel Court for sale and to retain a Town Centre site for face to face customer service.
- 4.2 A full market evaluation of the building was undertaken in July prior to that report.
- 4.3 A tender process was undertaken to appoint an agent to manage the sale of Angel Court. Bidwells were the successful agent, and they commenced a marketing campaign which included national and local press advertisements, web site advertisements, and the dissemination of sales particulars and other information to likely purchasers. The sales information included a development brief prepared by our planning colleagues outlining the type of use that would be acceptable.
- 4.4 Two formal offers were received which are detailed below:
1. Aldridge & Partners made an offer subject to planning consent for hotel use on the

upper parts of the building with a mix of retail uses on the ground floor and basement. They did indicate it would be feasible for the Customer Service Centre to remain in occupation in part.

2. City & Country made an unconditional offer, indicating that the main building would continue to be used for offices and the peripheral buildings would be retail. They indicated a claw back provision based on the Council receiving 10% of any increase in site value of areas developed for residential within a five year period. They also indicated that lease back of part of the building is possible.

- 4.5 The recommendation from our agent is to accept City & Country's offer.
- 4.6 We have met with City & Country to discuss options, subject to the formal decision, and their approach is very flexible.
- 4.7 The recommended purchaser is proposing to lease back parts of the building to us, including space on the ground floor which will mean that the Customer Service Centre can stay where it is. They have also offered us some space on the first floor which would mean that the IT Server room and CCTV monitoring centre could also stay where they are which would reduce capital spend. The space proposed, the length of lease and rent are all subject to negotiation.
- 4.8 Some costs of retaining this space will be recouped through InfoPoint@Colchester which will see a number of partners sharing the space to offer face to face customer service for a range of public sector organisations from the same building. We are currently talking to partners about the level of contribution.
- 4.9 An additional space on the first floor was also offered to us by the recommended purchaser. While this is surplus to our needs two of our partners are keen to take this space. This would be sub let by us with partners making a commitment for the agreed length of the lease.

5. Proposals

- 5.1 The proposal is to authorise the Portfolio Holders and Executive Director to progress the unconditional offer from City & Country.

6. Strategic Plan References

- 6.1 The sale of the site will support the objective of shifting resources from overhead expenditure to delivery of priorities and enable greater efficiency.

7. Consultation

- 7.1 The marketing included local advertising.

8. Publicity Considerations

- 8.1 Two press releases have been issued, the first as the decision to market the building was made and a second as the offers were received to indicate that there was interest in the building. A further release is planned as the formal decision to sell is made.

9. Financial implications

- 9.1 The sale of Angel Court will deliver a capital receipt. As indicated above, we could retain the building but no cost effective alternative options have been found. Selling the

building will also deliver a revenue saving. The capital receipt is not currently included in the capital programme.

- 9.2 There is a potential for a significant revenue saving as the building currently costs £320k to run. Not all of this will be a saving as we will need to maintain a town centre location for our Customer Service Centre. We currently anticipate a saving in the region of £200k per year.

10. Equality, Diversity and Human Rights implications

- 10.1 Any changes to the building will need to be compliant with legislation for access.

11. Community Safety Implications

- 11.1 The proposed use of the building meets the outline planning brief and means that the building will be fully used. Angel Court is a major building on the High Street and we needed to be confident that suggested use would not impact on the Town Centre. Once ownership has transferred, any change of use would be subject to planning approval.

12. Health and Safety Implications

- 12.1 N/A.

13. Risk Management Implications

- 13.1 If this proposal is not agreed the building will remain in Council ownership and anticipated revenue savings would not be delivered.

Background Papers

Sales Particulars

Planning brief

