

COLCHESTER BOROUGH COUNCIL

Annual Council Meeting (Reconvened)

22 May 2019

Supplementary Information

7. Have Your Say! – Announcement and General Statements/Questions

8. Declarations of Interest

9. Appointment of the Leader of the Council

F.... Motion to appoint the Leader of the Council for the remainder of their term of office.

10. Delegations made by the Leader of the Council

Council to note the appointment of Deputy Leader of the Council, the appointment of Cabinet members and the allocation of responsibility for portfolios, as determined by the Leader of the Council, is as circulated at this meeting (see page 3 of this Supplementary Information).

11. Appointment of Panels, Committees and Sub-Committees

G... Motion that:-

(i) in accordance with the provisions of Section 17 of the Local Government and Housing Act 1989 the appointments to the Governance and Audit Committee for the ensuing municipal year shall not be on a Group basis and membership shall be as circulated at this meeting (see page 25 of this Supplementary Information).

(ii) in accordance with the provisions of section 15 of the Local Government and Housing Act 1989 the number of seats, Group representation and membership of the Licensing Committee, Local Plan Committee, Planning Committee, Policy and Public Initiatives Panel and Scrutiny Panel (including the Crime and Disorder Committee) for the ensuing municipal year be as circulated at this meeting (see page 25 of this Supplementary Information).

(iii) in accordance with the provisions of section 17 of the Local

Government and Housing Act 1989 the appointments to the Task and Finish Groups shall not be on a group basis and be as circulated at this meeting (see page 25 of this Supplementary Information).

(iv) that the membership of the Independent Remuneration Panel be as circulated at this meeting (see page 25 of this Supplementary Information).

(v) that Council agrees that the terms of reference for the Governance and Audit Committee are amended by deleting

“(27) Recommend the constitution and appointment of the Board of Directors of Colchester Commercial (Holdings) Limited to Cabinet.”

and that the constitution and appointment of the Board of Directors of Colchester Commercial (Holdings) Limited be agreed by Cabinet as part of the nominations to outside bodies

12. Motion of Thanks to former Councillors

H... Motion of thanks to former Councillors Flores and Laws

13. Appointment of Interim Section 151 Officer

I.... Motion that the decision set out in the report of the Chief Operating Officer be approved and adopted (page 19 of the Council Summons).

14. Adoption of Wivenhoe Neighbourhood Plan

J... Motion that the Wivenhoe Neighbourhood Plan 2019-2033 be made following its approval at referendum (see page 27 of this Supplementary Information)..

15. Exclusion of the Public

In accordance with Section 100A of the Local Government Act 1972 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) may be decided. Exempt information is defined in Section 100(1) and Schedule 12A of the Local Government Act 1972).

Colchester Borough Council

SCHEME OF DELEGATION BY THE LEADER OF THE COUNCIL TO CABINET MEMBERS May 2019

The Leader of the Council in conjunction with the Cabinet leads the implementation of policy within the Council's Budget and Policy Framework. In doing this the Leader of the Council in conjunction with the Cabinet carries out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

By this Scheme of Delegation, the Leader of the Council has delegated to individual members of the Cabinet most of the Leader's executive powers within the confines of the Council's Budget and Policy Framework.

The Leader of the Council has also approved a Scheme of Delegation to Officers which is contained in Part 3 of the Constitution.

The following conditions apply to this Scheme of Delegation to Cabinet Members and shall be complied with at all times: -

1. Every delegated power shall be exercised in the name of the Council;
2. The exercise of delegated powers shall be subject to the decision not being contrary to Cabinet (Executive) functions and the Council's Budget and Policy Framework as embodied in a formal resolution and recorded in the minutes of the Council.
3. All decisions taken under this scheme are subject to the Call-In Procedure with the exception of those taken under the urgency provision.
4. A Cabinet Member exercising delegated powers shall do so in a manner consistent with the policy of the Council current at the time. The Proper Officer shall be the final arbiter of the interpretation of policy in relation to any matter.
5. In exercising delegated powers, a Cabinet Member may incur expenditure only if appropriate provision has been made in the approved annual estimates and/or capital programme except as otherwise provided for in Financial Regulations.
6. A Cabinet Member exercising delegated powers shall record the decision and the reasons for it on the Decision Notice and shall deliver it to the Proper Officer who shall publish the Decision Notice in accordance with the Constitution.

7. Any Cabinet Member who is consulted by another Cabinet Member prior to taking a decision and who has a conflict of interest in that decision shall ensure that the interest is recorded together with any note of dispensation granted by the Head of Paid Service.
8. No Cabinet Member shall exercise any delegated power that comprises a Key Decision unless that decision is contained within the Council's Forward Plan and complies with the Forward Plan process.
9. No action may be taken which is contrary to the Council's Constitution.
10. Where powers to acquire or dispose of property or land are being exercised, the delegation is subject to such acquisition or disposal being in accordance with terms approved by the District Valuer or other professional adviser.
11. Delegated powers to acquire property shall not include power to acquire property compulsorily and any proposal to make a Compulsory Purchase Order shall be submitted to the full Council as a recommendation.
12. Nothing in this scheme of delegation shall be construed in such a way as to remove the requirement that any proposal involving the granting of planning permission shall be submitted to the Planning Committee.
13. The Leader of the Council may determine which member of the Cabinet shall attend as his substitute for any meeting.

C O N T E N T S

<u>Portfolio Holder</u>	<u>Page(s)</u>
All Cabinet Members	3
Strategy – Councillor Cory (Leader of the Council)	4
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Business and Resources – Councillor King	9
Commercial Services – Councillor Higgins	12
Communities, Wellbeing and Public Safety – Councillor Lilley	13
Customers – Councillor G. Oxford	16
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Waste, Environment and Transportation – Councillor Goss	20

Scheme of Delegation to Cabinet Members

Delegation to all Cabinet Members
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1. To comment on any consultative document on an issue within their Portfolio.
 2. To authorise and determine grant applications within their Portfolio.
 3. The award of the lowest tenders and or agree contract variations under £500,000 for which there is financial provision.
 4. To fix fees and charges for services within their Portfolio.
 5. To authorise the write-off of individual bad debts over £5,000 on the recommendation of the Section 151 Officer and appropriate Assistant Director.
 6. To approve minutes of any Cabinet Committee, Panel or Group in respect of which they have responsibility.
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Scheme of Delegation to Cabinet Members

Functions retained by the Leader of the Council and Portfolio Holder for Strategy
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1. The promotion of the Council on regional and sub-regional bodies in relation to developing regional partnerships.
2. Relations with the general public, local authorities, the media and all other external agencies.
3. Matters relating to financial strategy, the budget and resource allocation.
4. All strategic matters relating to major strategic partnerships e.g. ALMO & Waste
5. Following consultation with Group Leaders, to make appointments during the municipal year to Council Groups and Outside Bodies.
6. Matters relating to emergency planning.

PUBLIC RELATIONS

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

1. The understanding of the Council 's vision, actions and objectives throughout the Borough of Colchester and beyond.

HEALTH & SAFETY

To be responsible for the management and monitoring of health and safety provision across the whole of the Councils' undertakings.

(NB. Cabinet are jointly and severally the primary duty holders for health and safety across the Councils' undertakings.)

COMMUNICATIONS

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. External communications with the media and partners.

Scheme of Delegation to Cabinet Members

Functions retained by the Leader of the Council and Portfolio Holder for Strategy (continued)
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Portfolio Responsibilities

1. To oversee the development and ongoing review of the Council's Strategic Plan.
2. To monitor the implementation of the Council's Strategic Plan, including ensuring Council resources are deployed to support strategic priorities.
3. To promote the Council's Strategic Plan to Councillors, partners and the community as a whole.
4. To develop and promote community leadership in the Borough.
5. To oversee and monitor the Council's financial strategy, budget and resource allocation.
6. To review the opportunities to work with other partners, both within the public and private sectors, to assist in developing 'joined-up' government.
7. To determine a communications strategy that will support and deliver the Council's vision and policy priorities.
8. To oversee the Council's use of social media and social media policy.

Major Project(s) in Portfolio:

Haven Gateway Partnership, Essex Leaders, major organisational change and public sector reform.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Culture and Performance and Deputy Leader of the Council
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CULTURE AND THE ARTS

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

1. The Council's involvement in the Mercury Theatre, Colchester Arts Centre, Firstsite and similar organisations.
2. The Council's art collection and artefacts.
3. Events of cultural and artistic merit.
4. To exercise the functions delegated to the Colchester and Ipswich Joint Museums Committee on behalf of the Cabinet.
5. Archaeological sites and monuments.
6. Approval of expenditure under the Heritage Fund.

TOURISM

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

1. The Visitor Information Centre and the promotion of the Borough for tourism purposes.
2. Liaison with other tourism agencies for the development of tourism in the Borough.

LOCAL PLAN

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

1. Contributions to the preparation of the Local Plan and associated documents. [formal approval of the Local Plan and associated documents is reserved to the Local Plan Committee].
2. Monitoring performance of the Local Plan.
3. Marine planning issues.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Culture and Performance and Deputy Leader of the Council (continued)
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PERFORMANCE

1. Monitoring of the Council's performance in relation to national performance indicators and any other Government performance scheme.
2. Monitoring of the Council's performance dashboard.
3. Monitoring of the indices of deprivation for the Borough of Colchester and to take action in conjunction with partner organisations, to improve the quality of life of residents in the Borough.

CIVIC

To procure the specified service in the provision, implementation, maintenance and management of all civic matters including civic aspects of town twinning.

TOWN TWINNING

To procure the specified service in the provision, implementation, maintenance and management of the Council's role in town twinning and encourage exchange visits between local groups and similar groups in twinned towns.

Portfolio Responsibilities

1. To support local and regional partnerships which can lever in new investment into the Borough.
2. To lead the development and implementation of the Council's renewal agenda in partnership with Essex County Council highways in relation to Colchester Town Centre (including the bus station).
3. The promotion of Colchester as a key destination for visitors.
4. To oversee the implementation and monitoring of the Council's policies and services relating to heritage and culture.

Major Project(s) in Portfolio:

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Business and Resources

ECONOMIC DEVELOPMENT

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. Economic development issues affecting the Borough of Colchester.
2. The preparation and publication of the economic growth strategy delivery plan.
3. Effects of anti-social behaviour as an inhibitor on economic growth

BUSINESS

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

1. Partnerships that improve and encourage business opportunities within the Borough.
2. Promotion, influence and improvement of the skills base of the Borough.

FINANCIAL RESOURCES

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

1. The functions of the Council as the Billing Authority (except the power to levy the amount of the Council Tax for each category of dwelling).
2. The operation of Council Tax and residual Community Charge legislation, Council Tax Benefits Scheme legislation, Housing Benefit Scheme legislation and the National Non-Domestic Rate (NNDR) legislation.
3. Collection, enforcement and matters of security in relation to the General Fund monies payable to the Council.
4. Determination of interest paid to investors and arrangements to meet the Council's borrowing requirements.
5. Matters relating to financial management, corporate governance, audit, insurance, risk management and business continuity.
6. Determination of the Council's financial provisions.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Business and Resources (continued)
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7. Appointment of the Council's bankers.
8. Financial resources in relation to ICT

LAND RESOURCES

In respect of all land and buildings owned and held by the Council in the General Fund, to procure the specified service in the provision, implementation, maintenance and management of:-

1. Acquisitions and disposals including terms for acquisitions or disposals.
2. Industrial estates and commercial lettings.

GENERAL

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

1. Approval and maintenance of Standing Approved Lists of Contractors.
2. Matters relating to the management of the Council's assets.
3. Matters relating to procurement.
4. Legal Services.

HUMAN RESOURCES

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

1. The employment of staff, the terms and conditions of service of all Council employees and industrial relations.
2. Corporate in-service training arrangements.
3. Schemes operated by the Council under Government Training Programmes.
4. Negotiations on corporate terms and conditions of service with Bodies recognised for the purposes.
5. Councillor Development.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Business and Resources (continued)
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Portfolio Responsibilities

1. To monitor the operation of Council Tax, Business Rates and the Housing and Council Tax Benefit Schemes.
2. To produce and implement the Council's financial strategy, budget and resource allocation.
3. To monitor progress of obtaining disability access within Council buildings.
4. To monitor the development of the Asset Management Plan.
5. To monitor the maintenance of the Council's asbestos register.
6. To oversee all tender and contract processes in accordance with Contract Procedure Rules.
7. To ensure that the Council is working with partners to meet partnership targets.
8. To explore the significance of rural issues in the Borough and determine what programmes and actions may be needed to address these.
9. To engender partnership working between the Council and Town and Parish Councils within the Borough of Colchester.
10. To authorise any grants to Town or Parish Councils.
11. To monitor the management of repairs and maintenance and planned maintenance programmes for Council buildings.
12. To review sales, purchases and overall management of the Council's property portfolio.
13. To encourage a buoyant and diverse local economy, which encourages full employment and works towards the creation of more high-value local jobs.
14. To champion the Borough of Colchester as a centre of business excellence, and to help local companies grow and flourish.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Business and Resources (continued)
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Portfolio Responsibilities

15. To help sustain a thriving town centre which satisfies the needs of all sectors of the community.
16. To encourage lifelong learning and skills development for the whole community to maximise job opportunities.

Major Project(s) in Portfolio: Customer Enterprise Programme

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Commercial Services

COLCHESTER COMMERCIAL (HOLDINGS) LIMITED

To review and monitor the performance of Colchester Commercial (Holdings) Limited and its subsidiaries: Colchester Amphora Housing Limited, Colchester Amphora Trading Limited and Colchester Amphora Heating Limited together with the commercial aspects of Sports and Leisure.

REGENERATION

The delivery of the Council's renewal agenda including sustainable housing, infrastructure and employment.

LAND RESOURCES

In respect of all land and buildings owned and held by the Council in the General Fund, to procure the specified service in the provision, implementation, maintenance and management of land to be transferred to Colchester Commercial (Holdings) Limited or its subsidiary companies for commercial development.

Portfolio Responsibilities

1. To oversee major regeneration projects which impact upon the Council's landholdings.
2. To lead the development and implementation of the Council's renewal agenda in partnership with Essex County Council highways in relation to St Botolph's Quarter.
3. To oversee the development and implementation of the Council's renewal agenda in relation to the Northern Gateway.
4. To monitor the implementation of the business plan for Colchester Amphora Housing Limited.
5. To monitor the implementation of the business plan for Colchester Amphora Energy Limited.
6. To monitor the implementation of the business plan for Colchester Amphora Trading Limited.
7. To monitor the financial performance of Colchester Lesiureworld

Major Project(s) in Portfolio: _____

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Communities, Wellbeing and Public Safety
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COMMUNITY SAFETY

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

1. Community safety.
2. Crime Prevention (excluding CCTV) including police liaison/ support.
3. To represent the Council on the Essex Police and Crime Panel.
4. Licensing matters.
5. To represent the Council on the Essex Countywide Traveller Unit Joint Committee.

COMMUNITY SERVICES

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

1. Welfare benefits and Macmillan welfare benefits service
2. Grants to the voluntary and community sector and village and community halls.

CAR PARKS

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

1. Operational car parking.
2. To exercise the functions delegated to the North Essex Parking Partnership Joint Committee on behalf of the Cabinet.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Communities, Wellbeing and Public Safety (continued)
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PUBLIC HEALTH & WELLBEING

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

1. Premises and/or vehicles used for the preparation, storage, sale, slaughter and/or consumption of food and the enforcement of standards for food, health and safety at work, hygiene, quality and allied matters.
2. Infectious diseases, disinfestations and the prevention of the spread of disease by or to animals.
3. Pollution and nuisances.
4. Matters relating to the control of dogs.
5. The control of rodents/pests.
6. The promotion of public health matters so as to increase public awareness.
7. Liaison with voluntary organisations and clubs in the development and use of sporting and recreational facilities.
8. To oversee the implementation and monitoring of the Council's policies and services relating to sport, recreation and leisure.
9. The Council's work with partners aimed at improving the life opportunities of residents; tackling deprivation and building community resilience.
10. The Council's equality and safeguarding responsibilities.

DEVELOPMENT AND BUILDING CONTROL

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

1. Monitoring performance of Development Control.
2. Dangerous buildings and safety at sports grounds.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Communities, Wellbeing and Public Safety (continued)
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SCRAP METAL DEALERS

1. To determine licence applications under the Scrap Metal Dealers Act 2013 where the Assistant Director - Environment is minded to refuse the application and representations have been received; and
2. To revoke or vary licence applications under the Scrap Metal Dealers Act 2013 where representations have been received.

Portfolio Responsibilities

1. To agree the Crime and Disorder Reduction Strategy and ensure that the Council is working with partners to meet the key targets identified within the strategy.
2. To oversee the implementation and monitoring of the Council's policies and services relating to all licensing activities.
3. To oversee the implementation and monitoring of the Council's policies and services in respect of car parking.
4. To oversee the implementation and monitoring of the Council's services relating to the licensing of street trading.
8. To oversee the implementation and monitoring of the Council's policies and services relating to all planning activities including conservation and building control.
9. To support initiatives which tackle deprivation throughout the Borough, but with specific reference to the Council's work on Life Opportunities.
7. To determine investment in "third sector" organisations which deliver services to help the Council to meet its corporate objectives.
8. To oversee the implementation and monitoring of the Council's policies and services relating to all public protection activities.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Customers

CUSTOMERS

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. Customer Service across the Council as a whole.
2. Performance of Customer Services.
3. Co-ordination of Community Hub and Digital Access Programme.
4. Development of the Council's websites and online transactional processes.

GENERAL

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. Crematorium and cemetery (Bereavement Services)
2. Freedom of Information and Environmental Information Regulations.

ICT

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. Information Communication Technology.

Portfolio Responsibilities

1. To monitor, fund and arrange for the continuing delivery of the Council's digital agenda.
2. To examine and review the Council's customer service culture, processes and performance and to champion the customer point of view.
3. To review, monitor and improve consultation and communication between the Council and its customers.
4. To examine and review the Council's Information Communication Technology Strategy.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Customers (continued)

Portfolio Responsibilities (continued)

5. To monitor customer compliments and complaints and referrals to the Local Government and Social Care Ombudsman and Housing Ombudsman.
6. To improve access to Council services by urban and rural communities within the Borough.
7. To examine and review the development of all forms of communication and community engagement.

Major Project(s) in Portfolio:

Customer Services, Digital Challenge and Community Hub

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Housing

PUBLIC SECTOR HOUSING

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

1. Public sector dwellings, management of Council owned dwellings and other properties and their environs including the setting of rents in accordance with the Management Agreement dated 9 August 2013 between the Council and Colchester Borough Homes Limited and any subsequent agreement or arrangement entered into between the parties.
2. Management of the Housing Revenue Account. (NB. All decisions relating to the financial management of the HRA are reserved to Cabinet).
3. Tenant selection/nomination criteria and conditions of tenancy.
4. The Council's statutory responsibilities to homeless persons.
5. The Council's relationship with Registered Social Landlords.
6. The Right to Buy Scheme.
7. The approval of minor or technical changes to the Allocations Policy.

PRIVATE SECTOR HOUSING

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

1. Non-statutory housing functions such as housing advice, etc.
2. The Council's statutory responsibilities in respect of housing standards.
3. Private sector housing grants.

GENERAL HOUSING MATTERS

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

1. The promotion of the Council on regional and sub-regional bodies in relation to housing completions, housing developments.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Housing (continued)

2. To procure the specified service for the dissemination of information regarding all housing matters.
3. Home loss, disturbance and similar payments.
4. The authorisation and determination of awards of funding from specified capital and revenue budgets to registered providers to facilitate the provision of affordable housing in return for nomination rights.

LAND RESOURCES (HOUSING REVENUE ACCOUNT)

In respect of all land and buildings owned by the Council in its capacity as Housing Authority (Housing Revenue Account land and buildings), to procure the specified service in the provision, implementation, maintenance and management of:-

1. Acquisitions and disposals including terms for acquisitions or disposals.
2. Commercial lettings.
3. Land to be transferred to Colchester Commercial (Holdings) Limited or its subsidiary companies for commercial development.

Portfolio Responsibilities

1. To promote the Council's Housing Strategy and to monitor its implementation.
2. To examine and review the operation of Colchester Borough Homes.

Major Project(s) in Portfolio:

Review of the Housing Revenue Account and the Housing Management Agreement with Colchester Borough Homes.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Waste, Environment and Transportation

WASTE POLICY

To develop and promote policies in relation to waste reduction, re-use and recycling.

WASTE SERVICES

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

1. Refuse collection.
2. Recycling and composting.
3. Workshops and fleet.

SUSTAINABILITY

To develop policies in relation to sustainability and to oversee and promote the implementation of the Council's Environmental Sustainability Strategy.

ENVIRONMENT

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

1. Water supplies.
2. Port Health matters.
3. Sea defence and coastal protection matters.
4. Air quality policy and monitoring.

TRANSPORTATION

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of Public transport infrastructure.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Waste, Environment and Transportation (continued)

HIGHWAYS

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

1. Maintenance of Borough Council owned highways, except for regulatory matters within the remit of the Cabinet.
2. All Borough Council (district) highway functions.
3. To act as the Council's representative on Essex County Council's Highways Panel.
4. Traffic management schemes funded by the Borough Council.

ZONES

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. Zone areas
2. Street cleansing
3. Operation of markets within the Borough
4. Leisure facilities, parks and gardens, allotments, playing fields, beach facilities, public open spaces, amenity areas and country parks.
5. Public conveniences.

Portfolio Responsibilities

1. To promote and procure the implementation of the Borough Council's Transport Strategy in partnership with Essex County Council, the responsible Transport Authority and other partners to improve infrastructure.
2. To promote partnership working with Essex County Council, the responsible Transport Authority.
3. To oversee the implementation and monitoring of the Borough Council's services and policies in relation to waste collection.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Waste, Environment and Transportation (continued)

Portfolio Responsibilities (continued)

4. To encourage operational activities which support the corporate priority to be the cleanest and greenest Borough in the Country.
5. To encourage operational activities which support the corporate priority to be cleaner and greener.
6. To monitor the implementation of the Council's Waste Strategy.
7. To oversee the implementation and monitoring of the Borough Council's services and policies relating to environmental initiatives.
8. To oversee the implementation and monitoring of the Council's services relating to markets.
9. To review and monitor the performance of the Council's Zone areas.
10. To oversee the implementation and monitoring of the Council's services and policies in relation to litter enforcement and cleansing operations.

Major Project(s) in Portfolio:
Waste Strategy

Membership of Cabinet, Panels and Committees Municipal Year 2019/20

Cabinet (8 seats)								
Group representation Lib Dem 4, Labour 3, Highwoods Independent 1								
Members:			Portfolio					
Mark Cory			Strategy (and Leader of the Council)					
Julie Young			Culture and Performance (and Deputy Leader of the Council)					
Adam Fox			Housing					
Martin Goss			Waste, Environment and Transportation					
Theresa Higgins			Commercial Services					
David King			Business and Resources					
Mike Lilley			Communities, Wellbeing and Public Safety					
Gerard Oxford			Customers					
Governance and Audit Committee (7 seats)			Licensing Committee (11 seats)			Local Plan Committee (9 seats)		
Group Representation			Group Representation			Group Representation		
Lib Dem	2		Lib Dem	3		Lib Dem	2	
Con	3		Con	5		Con	4	
Lab	2*		Lab	2		Lab	2	
High	0		High	1		High	1	
Members: Nick Barlow Paul Dundas Mark Goacher Sam McCarthy Chris Pearson Dennis Willetts Barbara Wood *To note that the Labour Group has agreed to relinquish one seat to Cllr Goacher (Green).			Members: Lyn Barton Roger Buston Helen Chuah Simon Crow John Elliott Dave Harris Mike Hogg Patricia Moore Beverley Oxford Barbara Wood Tim Young			Members: Lewis Barber Nick Barlow Tina Bourne Phil Coleman Andrew Ellis Chris Hayter Patricia Moore Beverley Oxford Lee Scordis		

Planning Committee (9 seats)			Policy and Public Initiatives Panel (7 seats)			Scrutiny Panel (including Crime and Disorder Committee) (8 seats)		
Group Representation			Group Representation			Group Representation		
Lib Dem	2		Lib Dem	2		Lib Dem	2	
Con	4		Con	3		Con	4	
Lab	2		Lab	2		Lab	2	
High	1		High	0		High	0	
Members: Lyn Barton Andrew Ellis Pauline Hazell Brian Jarvis Cyril Liddy Andrea Luxford Vaughan Jackie Maclean Philip Oxford Martyn Warnes			Members: Christopher Arnold Helen Chuah Phil Coleman John Jowers Derek Loveland Lee Scordis Martyn Warnes			Members: Kevin Bentley Tina Bourne Beverley Davies Paul Dundas Chris Hayter Mike Hogg Sam McCarthy Lorcan Whitehead		
Heritage and Tourism Task and Finish Group			Alternative Service Delivery Task and Finish Group			Independent Remuneration Panel		
Lyn Barton Helen Chuah Simon Crow Fiona Maclean Gerard Oxford Lee Scordis Tim Young			David King Cyril Liddy Sue Lissimore Sam McCarthy Beverley Oxford Martyn Warnes Dennis Willetts			David Priest Richard Aldridge Amanda Westbrook		

Report of	Assistant Director Policy and Corporate	Author	Laura Chase
Title	Adoption of the Wivenhoe Neighbourhood Plan		☎ 282473
Wards affected	Wivenhoe		

1. **Executive Summary**

- 1.1 The Wivenhoe Neighbourhood Plan has successfully completed the process of examination and approval at referendum and has now come before the Council to be made (adopted) as part of the Colchester Local Plan.

2. **Recommended Decision**

- 2.1 The Council is asked to make (adopt) the Wivenhoe Neighbourhood Plan following its approval at referendum.

3. **Reason for Recommended Decision**

- 3.1 To ensure the Council's planning policies provide a robust basis for decisions on future planning applications in the Borough.
- 3.2 The latest version of Planning Practice Guidance provides that if the majority of those who vote in a referendum are in favour of the draft neighbourhood plan then the neighbourhood plan must be 'made' by the local planning authority within 8 weeks of the referendum.

4. **Alternative Options**

- 4.1 The alternative would be not to adopt the Neighbourhood Plan. This alternative, however, would be contrary to the positive approach to Neighbourhood Plans found in the National Planning Policy Framework (Paras 29-30) and Planning Guidance (PPG).

5. **Background Information**

- 5.1 In July 2013, Colchester Borough Council designated the Wivenhoe Neighbourhood Plan Area for the purpose of preparing a Neighbourhood Plan (in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012). The plan area includes the whole of Wivenhoe Ward.

- 5.2 The Wivenhoe Neighbourhood Plan Working Group carried out extensive consultation to support the development of the Neighbourhood Plan. This included the following:
- Regular progress reports to Wivenhoe Town Council
 - Establishment and maintenance of a website in mid-2013 with a substantial make-over in mid-2015;
www.wivenhoeneighbourhoodplan.org.uk
 - Articles about the Neighbourhood Plan in each edition of the quarterly Wivenhoe News; twice yearly Wivenhoe Town Council newsletters; tri-annual Wivenhoe Society newsletter; and local free monthly newspaper
 - Delivery of a survey Questionnaire to every household in the Parish in November 2013
 - Regular consultation events, beginning with a Public Open Day in July 2013, continuing with attendance at local events, public consultation on proposals for a draft plan in November 2014; public consultation on housing development site proposals in July 2015; and publication of a summary of the plan in December 2014 with distribution at local venues.
- 5.3 The Plan allocates four sites for residential development providing a total of 250 dwellings. It contains 32 policies that cover a wide range of issues including the designation of a new settlement boundary for Wivenhoe and a River Colne Special Character Area as well as including site specific policies on key sites throughout the Plan area. In addition, a number of community actions are proposed.
- 5.4 Colchester Borough Council appointed an independent examiner, Ms. Ann Skippers, to examine the Neighbourhood Plan in March 2018. The examination process was paused whilst clarity over the position with Habitats Regulations Assessment was sought. This was an issue that affected authorities around the country following a legal decision concerning the correct stage to consider mitigation measures on Habitats sites and uncertainty about whether an appropriate assessment could be prepared for neighbourhood plans. The issue was resolved by amending the basic conditions for neighbourhood plans to make it clear that a neighbourhood plan can be subject to an Appropriate Assessment.
- 5.5 Once this issue was resolved, the Inspector was able to conclude that subject to minor amendments the plan satisfied all the Basic Conditions i.e. it promoted Sustainable Development, was in general conformity with National Planning Policy & Guidance and with strategic policies in Colchester's adopted Local Plan and complied with EU Regulations. The Inspector also recommended that the draft plan could proceed to Referendum.
- 5.6 The Referendum on the Wivenhoe Neighbourhood Plan was held on 2 May 2019 with the following results: 2771 in favour of the plan and 342 against, or 89% in favour.
- 5.7 The latest version of Planning Practice Guidance provides that if the majority of those who vote in a referendum are in favour of the draft neighbourhood plan

then the neighbourhood plan must be 'made' by the local planning authority within 8 weeks of the referendum. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. An Order must be made by the local authority before it has effect.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on this link:- <https://www.colchester.gov.uk/info/cbc-article/?catid=equality-impact-assessments&id=KA-01528>
- 6.2 There are no particular Human Rights implications.

7. Strategic Plan References

- 7.1 Effective strategic planning supports the Strategic Plan Action Plan which includes a commitment to make Colchester a vibrant, prosperous, thriving and welcoming place. The Wivenhoe Neighbourhood Plan will contribute towards achieving these objectives.

8. Consultation

- 8.1 The preparation of the Wivenhoe Neighbourhood Plan was underpinned by extensive public consultation. The consultation process was documented in a Consultation Statement submitted along with the Neighbourhood Plan document as part of the examination process.

9. Publicity Considerations

- 9.1 Both Wivenhoe Town Council and Colchester Borough Council have publicised the Neighbourhood Plan on their respective websites.
- 9.2 On adoption, the document will be made available on the Colchester Borough Council and Wivenhoe Town Council websites, and stakeholders will be notified, in accordance with Section 20 of the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012.

10. Financial Implications

- 10.1 Colchester Borough Council is financially responsible for organising the examination and referendum for Neighbourhood Plans in their areas. The Council however, can reclaim £20,000 from the Ministry of Housing, Communities and Local Government for all Neighbourhood Plans once a date is set for a referendum following a successful examination. These payments have been made by Central Government to Local Authorities to reflect the additional financial burdens associated with supporting Parish Councils or Neighbourhood Plan Forums prepare Neighbourhood Plans. The grant will cover the cost of the examination and referendum.

11. Community Safety Implications

11.1 None identified.

12. Health and Safety Implications

12.1 None identified.

13. Risk Management Implications

13.1 The adoption of the Wivenhoe Neighbourhood Plan will help ensure that the Council's planning policies are robust and up-to-date and help to reduce the risk of inappropriate development being permitted.

14. Disclaimer

14.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omissions.