

COLCHESTER BOROUGH COUNCIL

Council Meeting

8 December 2016, 6.00pm

Supplementary Information

Apologies: Councillors D. Ellis, F. Maclean

Please note that the business will be subject to short breaks at approximately 90 minute intervals.

3. Minutes

A... Motion that the minutes of the meeting held on 2 November 2016 be confirmed as a correct record (see page 9 of the Council Summons).

6. Items (if any) referred under the Call-in Procedure

None

7. Recommendations of the Cabinet, Panels and Committees

To consider the following recommendations:-

(i) Adoption of Myland and Braiswick Neighbourhood Plan

B...Motion that the recommendation contained in minute 90 of the Local Plan Committee meeting of 7 November 2016 be approved and adopted (page 21 of the Council Summons).

(ii) Adoption of Boxted Neighbourhood Plan

C... Motion that the recommendation contained in minute 91 of the Local Plan Committee meeting of 7 November 2016 be approved and adopted (page 23 of the Council Summons).

(iii) Establishment of the North Essex Garden Communities Local Delivery Vehicles and Funding Requirements

D... Motion that the recommendation contained in minute 117 of the Cabinet meeting of 30 November 2016 be approved and adopted (page 4 of the Supplementary Information).

Main Amendment

Proposer: Councillor Willetts

That the motion on the Establishment of the North Essex Garden Communities Local Delivery Vehicles and Funding Requirements be approved and adopted subject to the following amendments:-

- to add after the words “Motion that recommendations” the following words: “(n), (o), (p) and (r). “
- Add after the word “adopted” “but that in regard to recommendation (q) Council informs Cabinet that the emerging local plan for 2017-2033 can be delivered without recourse to a garden community on the Colchester/Braintree borders, for which the economic case is unproven. Therefore Council considers that it would be strategically inopportune to proceed with the formation of Colchester Braintree Borders Ltd.”

If approved the revised wording of the Motion would be:-

D... Motion that recommendations (n), (o), (p) and (r) contained in minute 117 of the Cabinet meeting of 30 November 2016 be approved and adopted but that in regard to recommendation (q) Council informs Cabinet that the emerging local plan for 2017-2033 can be delivered without recourse to a garden community on the Colchester/Braintree borders, for which the economic case is unproven. Therefore Council considers that it would be strategically inopportune to proceed with the formation of Colchester Braintree Borders Ltd.

(iv) Local Council Tax Support 2016-17

E... Motion that the recommendation contained in minute 119 of the Cabinet meeting of 30 November 2016 be approved and adopted (page 8 of the Supplementary Information).

(v) Officer Pay Policy Statement 2017-18

F... Motion that the recommendation contained in minute 120 of the Cabinet meeting of 30 November 2016 be approved and adopted (page 10 of the Supplementary Information).

(vi) Nomination for Deputy Mayor 2017-18

G... Motion that the recommendation contained in minute 123 of the Cabinet meeting of 30 November 2016 be approved and adopted (page 11 of the Supplementary Information).

8. Notices of Motion pursuant to Council Procedure Rule 11

(i) Sustainability and Transformation Plan

Proposer: Councillor Bourne

H... Motion that this Council notes:

- The increasing level of public disquiet on the publication of the Five Year Forward View 2016-2021 'A Guide to the local health and care plan for North East Essex, West & East Suffolk', otherwise known as the Sustainability and Transformation Plan (STP).

- That it is essential for closer integration and joint working around hospital, ambulance, primary care, social care and community services to not just meet common resource challenges in public and voluntary sectors, but to improve the patient/resident experience and outcomes.
- The lack of transparency around this latest NHS England overlay of health plans at a much wider footprint, together with the recent news revelations about hospital reconfigurations and changes to hospital and GP services without any engagement for Colchester residents undermines local democratic and public confidence in the STP process.

In these circumstances the Council calls upon those responsible for producing the forward view to agree that no steps will be taken to implement any changes until there is effective engagement with the public, patients and those many organisations, such as Colchester Borough Council, that are expected to be contributors to the planning and implementation of the STP. This includes formal public consultation on the Business Case that justifies the changes.

As the Motion relates to a non-executive function it will be debated and determined at the meeting.

9. Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10

No pre-notified questions received.

10. Members Allowances Scheme

I... Motion that the recommendations contained in the Monitoring Officer's report be approved (see page 25 of the Council Summons).

11. Schedules of Decisions taken by Portfolio Holders

To note schedules covering the period 17 October 2016 -21 November 2016 (page 53 of the Council Summons).

12. Urgent items

To consider any business not specified in this summons which by reason of special circumstances the Mayor determines should be considered at the meeting as a matter of urgency.

Extract from the minutes of the Cabinet meeting on 30 November 2016

117. Establishment of the North Essex Garden Communities Local Delivery Vehicles and Funding Requirements

The Strategic Director, Commercial and Place, Section 151 Officer and Monitoring Officer submitted a report a copy of which had been circulated to each Member.

Councillor Peter Chillingworth attended and with the consent of the Chairman addressed the Cabinet. He noted the scale of the Garden Communities project. The concept was untested in this era and he was concerned that the Government was effectively trialing the concept in North Essex. Seeking to deliver two Garden Communities within the borough was likely to stretch the Council to the limit. In terms of the proposed West Tey development the development would be premature as the essential infrastructure would not be in place by 2033. For instance, the funding for the dualing of the A120 had not yet been allocated and a major upgrade of the railway network was required and it was not clear when this would be delivered. He believed that the Colchester/Braintree border settlement should not proceed and other options be explored.

Rosie Pearson of CAUSE addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to express her concerns about the creation of two new Garden Communities. These were enormous and complex projects and a small change in the assumptions on which they were based could have huge consequences. Taxpayers would bear most of the risks involved but with little reward, which would mostly go to landowners and developers. Concern was also expressed about the lack of public involvement or representation on the Local Delivery Vehicles. The Council needed to consider very carefully and look at the proposals and modelling in detail, before proceeding.

John Akker of Stop 350, addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to express his concern about development in the borough. The proposed development of 350 homes in West Mersea had led to many objections to draft Local Plan, and the Council need to reflect on its mandate. The Garden Communities were a high risk project, especially given the economic uncertainties and the consequences of the vote to leave the European Union. To consider the delivery of two Garden Communities was particularly risky. The Council should consider and take further advice.

Councillor Alan Walker, Chairman of Marks Tey Parish Council, addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He believed that the issue needed a wider debate and should be considered by Full Council. The process needed to be apolitical in order to succeed and therefore backing from Full Council was critical. There were critical weaknesses in the report before Cabinet which would hamper delivery and expose the Council to risk. The report failed to look at alternative options for delivery of development. For example Ebbsfleet had set up a development corporation in order to deliver a similar community.

Ian Vipond, Strategic Director, made a presentation to the Cabinet setting out the challenges faced by the Council and how Garden Communities could help the Council meet them. He highlighted the Garden Community principles and set out the governance and funding arrangements for the Local Delivery Vehicles. He stressed that the decisions the Cabinet were

being invited to make were about the mechanisms to bring forward Garden Communities and were not related to site specific considerations.

Councillor Smith, Leader of the Council and Portfolio for Strategy, explained that there was a clear need for more housing in the borough. In the past development had failed Colchester in that the necessary infrastructure to support housing and population growth had not been delivered. Therefore a different approach was necessary. One of the key aspects of Garden Communities was that the infrastructure was developed first. Whilst it was acknowledged that there were risks involved, there were also considerable benefits. There would be greater risks in not proceeding and allowing developers to lead on the provision of housing development. This involved a collaborative approach with landowners and developers. The option of proceeding through a development corporation had been looked at, but the membership of development corporations were appointed by central government and so there was less local accountability.

It was important to progress in a non- partisan way and the proposals would be referred to Full Council to debate. The proposals had received unanimous support at Braintree and Tendring.

As part of the project, an Independent Peer Review had been commissioned and had commenced. The review was being led by Lord Kerslake and the results were due in December and would be made public. The findings would be carefully considered as the project progressed.

Other Cabinet members also indicated their support for the proposals and highlighted that the Garden Communities had been in both the Liberal Democrat and Labour manifestos so the administration had a clear mandate to proceed. This was an excellent example of partnership working and the four authorities would work together to get the best possible deal for their residents.

RESOLVED that:-

(a) The external legal advice received that these decisions cannot and do not prejudice the outcome of any future decisions that the Council may make about the Local Plan to be made by Council in relation to the allocation of any Garden Community be noted.

(b) The proposal that, if appropriate terms can be agreed, the Local Delivery Vehicles will need to enter into legal agreements with landowners to enable the delivery of the proposed schemes be noted

North Essex Garden Communities Limited

(c) In line with the resolution contained at minute 60 of the Cabinet Meeting of 27 January 2016, Cabinet agrees to set up and subscribe to North Essex Garden Communities Limited in accordance with the terms set out in the report and Appendix 2.

(d) The North Essex Garden Communities Limited shareholder agreement between the Local Authorities in accordance with the terms set out in the report and Appendix 3 be approved.

(e) Councillor Paul Smith be appointed in his capacity as Leader of the Council to represent the Council as a Director on the Board of North Essex Garden Communities Limited.

Tendring Colchester Borders Limited

- (f) In line with the resolution contained at minute 60 of the Cabinet Meeting of 27 January 2016, Cabinet endorses the formation of Tendring Colchester Borders Limited by North Essex Garden Communities Limited in accordance with the terms set out in the report and Appendix 4.
- (g) The Tendring Colchester Borders Limited shareholder agreement between the Local Authorities in accordance with the terms set out in the report and Appendix 5 be approved.
- (h) Ian Vipond be appointed to represent the Council as a Director on the Board of Tendring Colchester Borders Limited, and gives Delegated Authority to the Chief Executive to undertake any future appointments.
- (i) In principle Cabinet agrees to provide an appropriate proportion of necessary funding to Tendring Colchester Borders Limited (by a combination of loan or equity) subject to a satisfactory business case setting out the full terms of the arrangement, which will need to accord with the approved Business Plans and masterplans for the project and the funding options available at the time any funding is required by the LDV. Such commitment to be subject to Council approval.

Colchester Braintree Borders Limited

- (j) In line with the resolution contained at minute 60 of the Cabinet Meeting of 27 January 2016, Cabinet endorses the formation of Colchester Braintree Borders Limited by North Essex Garden Communities Limited in accordance with the terms set out in the report and Appendix 6.
- (k) The Colchester Braintree Borders Limited shareholder agreement between the Local Authorities in accordance with the terms set out in the report and Appendix 7 be approved.
- (l) Ian Vipond be appointed to represent the Council as a Director on the Board of Colchester Braintree Borders Limited, and gives Delegated Authority to the Chief Executive to undertake any future appointments.
- (m) In principle Cabinet agrees to provide an appropriate proportion of necessary funding to Colchester Braintree Borders Limited (by an appropriate combination of loan or equity) subject to a satisfactory business case setting out the full terms of the arrangement, which will need to accord with the approved Business Plans and masterplans for the project and the funding options available at the time any funding is required by the LDV. Such commitment to be subject to Council approval.

RECOMMENDED to COUNCIL that it:

- (n) Notes the decision of the Cabinet to set up and subscribe to the North Essex Garden Communities Limited.
- (o) Notes the Cabinet's endorsement of the formation of Tendring Colchester Borders Limited and Colchester Braintree Borders Limited.
- (p) Endorses the in principle decision of Cabinet to provide an appropriate proportion of necessary funding to Tendring Colchester Borders Limited (by an appropriate combination of loan or equity) subject to a satisfactory business case setting out the full terms of the

arrangement, which will need to accord with the approved Business Plans and masterplans for the project and the funding options available at the time any funding is required by the LDV.

(q) Endorses the in principle decision of Cabinet to provide an appropriate proportion of necessary funding to Colchester Braintree Borders Limited (by an appropriate combination of loan or equity) subject to a satisfactory business case setting out the full terms of the arrangement, which will need to accord with the approved Business Plans and masterplans for the project and the funding options available at the time any funding is required by the LDV.

(r) Notes the external legal advice received that these decisions cannot and do not prejudice the outcome of any future decisions that the Council may make about the Local Plan to be made by Council in relation to the allocation of any Garden settlement.

REASONS

To seek Cabinet's on-going support, working together with Braintree District Council, Essex County Council and Tendring District Council, to progress the concept of 'garden communities' and to approve governance arrangements for the project

ALTERNATIVE OPTIONS

No alternative options are presented.

Extract from the minutes of the Cabinet meeting on 30 November 2016

119. Local Council Tax Support 2017/18

The Head of Customer Services submitted a report a copy of which had been circulated to each Member together with minute 93 of the Scrutiny Panel meeting of 8 November 2016.

Councillor Cory, Portfolio Holder for Resources, highlighted that the new scheme introduced changes to amend backdating to one calendar month and to reduce the period a person could be absent from the country and still receive Local Council Tax Support to four weeks. It remained one of the most generous schemes in Essex and provided valuable support to vulnerable residents.

RESOLVED that the proposals set out in the Head of Customer Services' report in respect of the Local Council Tax Support Scheme for 2017-18 be agreed.

RECOMMENDED TO COUNCIL that the Local Council Tax Support Scheme 2017-18 be approved and adopted.

REASONS

Colchester Borough Council implemented a Local Council Tax Support scheme from 1 April 2013.

Legislation requires that following public consultation, amendments to the scheme for 2017/18 need to be agreed by Full Council before 31 January 2017.

It is recommended to bring the scheme in line with national legislative amendments and to propose the following changes:

Amend backdating to one calendar month

Reducing the period for which a person can be absent from Great Britain and still receive Local Council Tax Support from 1 April 2017.

All other fundamental features of the scheme, other than those described under paragraph 2.3 of the Head of Customer Services report are proposed to remain unaltered.

ALTERNATIVE OPTIONS

Removal of the family premium for new working age Local Council Tax Support awards from 1 April 2017.

Consultation proposals included an option to remove the family premium for new working age Local Council Tax Support awards from 1 April 2017.

Applicants to Local Council Tax Support have a maximum amount of weekly income they can receive before their income starts to affect their level of entitlement. This figure is called the applicable amount.

Where one member of a family is a child or young person a Family Premium can be awarded adding £17.45 to the applicant's weekly applicable amount. The Government has removed the family premium for new claims for Housing Benefit from May 2016. This change would not affect those on Universal Credit, Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance. Modelling indicates this would reduce total scheme provision by £137,380.

The removal of the family premium would reduce the applicable amount for new applicants with dependent children yet will provide consistency with the Housing Benefit scheme.

The option of removing the family premium for new working age Local Council Tax Support awards from 1 April 2017 received support in consultation. However this would not be recommended, taking into account the following considerations:

Maintaining the current assessment basis for families would provide further stability for this resident basis in terms of wider welfare adjustments

The removal of the family premium would have a disproportionate effect on families on a low income.

Respondents were also asked to provide wider comment on alternative options for scheme funding including increasing the level of Council Tax, accrue savings from reducing other Council Services or using Council's reserves.

The alternative options did not receive support through consultation.

If Colchester Borough Council keeps the current scheme, it will be administratively more complex as it will not align with Housing Benefit which is also administered by the Colchester Borough Council and this will have a cost implication.

Extract from the minutes of the Cabinet meeting on 30 November 2016

120. Officer Pay Policy Statement for 2017/18

The Assistant Chief Executive submitted a report a copy of which had been circulated to each Member.

RECOMMENDED TO COUNCIL that the Officer Pay Policy for 2017/18 be approved and adopted.

REASONS

The Localism Act requires “authorities to prepare, approve and publish pay policy statements articulating their policies towards a range of issues relating to the pay of its workforce, which must be approved by full Council annually. An authority’s pay policy statement must be approved by a resolution of that authority before it comes into force”.

ALTERNATIVE OPTIONS

The only alternative would be to not recommend the approval of the Pay Policy Statement but that would be contrary to the requirements of the Localism Act.

Extract from the minutes of the Cabinet meeting on 30 November 2016

123. Nomination of Deputy Mayor 2017-18

Consideration was given to the appointment of the Deputy Mayor for the 2017-18 Municipal Year.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet to propose that Councillor Peter Chillingworth be nominated as Deputy Mayor for the 2017-18 municipal year. Councillor Chillingworth had been elected in 2002 and had a long history of service including holding positions as Portfolio Holder and Chairman of Planning Committee.

Councillor G. Oxford addressed Cabinet to support the nomination and to state that he looked forward to working with Councillor Chillingworth during his Mayoral Year.

Councillor Lilley and Councillor Smith indicated their support for the nomination of Councillor Chillingworth.

RECOMMENDED TO COUNCIL that Councillor Peter Chillingworth be nominated for appointment as Deputy Mayor for the Borough of Colchester for the 2017-18 Municipal Year.