

## **CABINET**

### **17 November 2021**

*Present:* - Councillor Dundas (Chair)  
Councillors Crow, Laws, Lissimore and B. Oxford

Also in attendance: Councillors Barber, Fox, Goacher, Goss\*, Harris\* Lilley, G. Oxford, Warnes and J. Young

\*Attended remotely

#### **603. Minutes**

*RESOLVED* that the minutes of the meeting held on 13 October 2021 be confirmed as a correct record.

#### **604. Have Your Say!**

Councillor Goss attended and with the consent of the Chair addressed Cabinet to indicate the Liberal Democrat Group's support for the nomination of Councillor Jowers as Deputy Mayor for the 2022-23 Municipal Year. Concern was expressed that the Kirby Road allotments had not yet reopened despite assurances that this would happen. This was frustrating for local residents and the Council was also losing potential income. The Litter and Dog Bin Policy was supported. However several bins had been removed without consultation with the ward councillors, which was contrary to the proposed policy, and they needed to be put back. Despite the investment by both Essex County Council and the Borough Council, grout was still missing from the High Street paving, causing a trip hazard.

Adrian Pritchard, Chief Executive, explained that it was the intention to reopen the Kirby Road allotments. However, resourcing issues as a result of staff sickness had meant that the Council had had to reprioritise and unfortunately the target date for the reopening had been missed. It remained the intention to reopen the allotments and this would be done as soon as resources allowed.

Councillor B. Oxford, Portfolio Holder for Communities, indicated that one of the reasons for introducing the Litter and Dog Bin policy was to standardise processes and ensure that ward and parish councillors were consulted when bins were removed. There were occasionally operational issues that meant individual bins needed to be removed, for instance if they encouraged flytipping. In respect of the grouting on the High Street, this was a contractual issue between Essex County Council and their contractor.

A question from Councillor Scordis was read to Cabinet asking that with flytipping becoming a rising issue in some wards, would the Council look at increasing the frequency

of the freighter service and consult with councillors about more potential sites?

Councillor Crow, Portfolio Holder for Environment and Sustainability, explained that he had already asked officers to consider options and any implications arising from extending the Freight Service and would be discussing this in more detail next week. Any option needed to be considered in terms of community, environmental and cost implications. He was not convinced of the link between flytipping and the availability of the freighter service.

Councillor Warnes attended and with the consent of the Chair addressed Cabinet to ask when Councillor Pearson and he would receive written responses to questions raised at Full Council on 20 October 2021.

Councillor Lissimore, Portfolio Holder for Resources, indicated that she had approved a response to Councillor Warnes, which would be sent shortly. She would investigate the position in respect of the response to Councillor Pearson.

Councillor Barber attended and with the consent of the Chair addressed Cabinet in respect of Boxted Bridge. He was pleased the Essex County Council Cabinet member had agreed to his request to delay submitting a planning application for Boxted Bridge. The Borough Council should make a representation once the application was made and consider the impact that the bridge would have on the heritage of the area and the AONB. He also reiterated the request made at the last Cabinet meeting for small financial contribution towards a scheme to improve access for cyclists and pedestrians from Langham and Boxted to the Northern Gateway site. At its next meeting, the Local Highway Panel would be looking at funding requests and it would be helpful if the Council had shown some support at this stage. Concern was also expressed about the rise in incidences of drink spiking. Whilst the Safer Colchester Partnership were looking at the issue an update from the Council on how the issue was being addressed might also provide reassurance.

Councillor B. Oxford, Portfolio Holder for Communities, Councillor Laws, Portfolio Holder for Economy, Business and Heritage and Councillor Crow, Portfolio Holder for Environment and Sustainability, addressed the issue of drink spiking. This was a serious crime and was taken very seriously by venues and the Council. A safety campaign relating to the nighttime economy was planned and would be timed to address the increase in drinking around the festive season. The request in respect of Boxted Bridge would be referred to the Portfolio Holder for Housing and Planning, and the Portfolio Holder for Resources indicated that she would look at the issue relating to the funding for the scheme improving access to the Northern Gateway.

#### **605. Establishment of a Joint Committee for Tendring Colchester Borders Garden Community**

The Monitoring Officer submitted a report a copy of which had been circulated to each Member.

Councillor Warnes attended and with the consent of the Chair addressed Cabinet to express concerns that the Joint Committee would combine both executive and non-executive powers. This would mean that the same members would take decisions on major strategic and policy decisions, and decisions on individual planning applications.

Whilst the concerns on this issue may be allayed by the DPD, this was contrary to the separation of functions in the Council's constitution. It would be preferable if the composition of the Joint Committee was flexible and could change on the basis of competencies. Concern was also expressed that by establishing the Joint Committee the Council was giving up powers to solely determine planning applications in that part of the borough included in the Garden Community.

Councillor G. Oxford attended and with the consent of the Chair addressed the Cabinet to stress his view that it was important that the Council was a member of the Joint Committee, as it could not influence matters if it was not involved.

A statement from Councillor Cory was read to the Cabinet suggesting that wider representation should be sought on the proposed future Joint Committee. Five members from each authority would allow greater diversity of contribution and more democratic input. The Essex County Council membership of the Committee, if widened to five, could include local division members. The Leader's ongoing discussions with Essex and Tendring on this issue were supported.

Councillor Goacher attended and with the consent of the Chair addressed the Cabinet to express his concern about the breadth of representation on the Joint Committee. The Council was effectively concentrating power in three representatives. In addition all three authorities were led by the same political group and therefore the Joint Committee was likely to be dominated by views representing a narrow element of the political spectrum. Tendering and Essex could outvote Colchester on the Committee so there was a danger that the Council was ceding influence.

Councillor J. Young attended and with the consent of the Chair addressed the Cabinet to highlight that the part of the borough that most directly affected by the Garden Community development was Greenstead. This was also the most deprived ward in the borough. Residents of Greenstead would expect that their representatives would be at the heart of the development and for their issues to be heard. A ward councillor from Greenstead should be one of the Council's representatives on the Joint Committee. Concerns were also expressed about the Council giving up some of its powers and the possibility of the Council being outvoted on the Joint Committee.

Councillor Barber attended and with the consent of the Chair addressed the Cabinet and stressed the importance of the proposed constitutional changes being suitable for the long term. It was reassuring that the decisions would be taken by Full Council where each member had a vote, and that Full Council could in future change the arrangements if they were no longer suitable. The complexity of the Garden Community Project was also stressed. It was important that ward councillors understood this and did the necessary research to work to bring themselves up to speed on the project.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, introduced the report and responded to the comments made. It was accepted that following the Inspector's conclusions and the adoption of the Local Plan that development would happen on the site and there was a responsibility on the Council to ensure that the development was the best it could be.

It was stressed that at least 90% of the Garden Community site and nearly all the

proposed development was within Tendring. Those parts of the borough included were largely buffer zones and it was unlikely that any development in Colchester would come forward in this plan period, as development would be built out from the centre of the Garden Community. Colchester was not ceding influence but was gaining it as it would be able to influence applications which would otherwise fall to Tendring to determine. He was continuing to raise the issue of numbers on the Joint Committee with Essex and Tendring. Tendring's administration was a coalition of seven groups, rather than a Conservative administration. If the Joint Committee was genuinely politically balanced it would be too unwieldy to be effective. A number of representations had been made about the make-up of the Council's representatives on the Joint Committee and these would be considered. It was noted that Essex County Council would also have three representatives and there may be scope to discuss with them the possibility of twin hatted councillors being appointed to maximise Colchester representation.

The Joint Committee was an opportunity to gain influence over the nature of the development and if this was not taken, it may be a source of regret in the future. However, this was an ongoing process and matters could change in the future and the need for the Joint Committee to be reviewed over time was important. It was therefore proposed that the following additional wording be added to the resolution:-

"As with any new governance arrangements, including the terms of reference, they can be reviewed over time."

*RESOLVED* that:-

- (a) It be agreed that a joint Development Plan Document be prepared with Tendring District Council and that that a Joint Committee be established with Tendring District Council and Essex County Council in relation to the Tendring Colchester Borders Garden Community;
- (b) It be agreed that all three Councils should be represented on the appointed Joint Committee with full voting rights;
- (c) Executive functions in relation to the preparation of the joint Development Plan Document are delegated to be discharged by the appointed Joint Committee in accordance with Sections 101(5) and 102(1)(b) of the Local Government Act 1972;
- (d) It be agreed that each Council should be represented on the appointed Joint Committee with 3 members under Section 102(2) of the Local Government Act 1972, one of which will be a member of the Cabinet, appointed by the Leader;
- (e) It be agreed that the Terms of Reference for the Joint Committee, as set out in Appendix A for recommendation onto Full Council in respect of non-executive functions;
- (f) Support to the Leader to delegate further executive functions to the Tendring Colchester Borders Garden Community Joint Committee, in consultation with the Monitoring and Section 151 Officers, be endorsed;
- (g) Authority be delegated to the Assistant Director Place and Client Services, in consultation with the Leader and Portfolio Holder for Resources to enter into a partnership

agreement between the Councils, if deemed necessary to support the operation of the Joint Committee and the Tendring Colchester Borders Garden Community project;

(h) As with any new governance arrangements, including the terms of reference, they can be reviewed over time.

*RECOMMENDED TO COUNCIL that:-*

(i) A Tendring Colchester Borders Garden Community Joint Committee is appointed for the discharge of executive and non-executive functions related to Tendring Colchester Borders Garden Community, pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972 on the terms of reference attached at Appendix A to the Monitoring Officer's report and that the Council's membership be agreed by the Leader;

(ii) The Council enters into an agreement with Tendring District Council under section 28 of the Planning and Compulsory Purchase Act 2004 in relation to the preparation of a joint Development Plan Document in relation to Tendring Colchester Borders Garden Community;

(iii) Part 3 – Responsibility of Functions of the Constitution be amended to include the Terms of Reference of the Joint Committee; and

(iv) The Terms of Reference of the Local Plan Committee be amended as set out in Appendix B of the Monitoring Officer's report and that the Constitution be amended accordingly.

*REASONS*

To ensure appropriate governance and decision making arrangements are in place between the partner Council's in relation to Tendring Colchester Borders Garden Community.

*ALTERNATIVE OPTIONS*

The arrangements, for both plan making (planning policy) and development control purposes (determination of planning applications), to be considered are:

Joint Committees established under Section 101 Local Government Act 1972 (Cabinet and Council resolutions only):

1. DPD functions;  
Membership: Both Borough/District Councils with collective voting
2. Development Control functions;  
Membership: Both District/Borough Councils with collective voting
3. Option 2 plus County Council  
Membership: All three Councils with collective voting

4. DPD and Development Control functions:  
Membership: Both Borough/District Councils with collective voting
5. DPD and Development Control functions:  
Membership: Both Borough/District Councils with collective voting  
Essex Council advisory non-voting membership
6. DPD and Development Control functions:  
Membership: All three Councils with collective voting (but not extensive powers of Section 29 joint committee)

Joint Committees established under Section 29 Planning and Compulsory Purchase Act 2004 (Secretary of State approval required):

7. DPD functions  
Membership: All three Councils with collective voting
8. DPD and Development Control collective voting  
Membership: All three Councils with collective voting

Status Quo:

9. Existing Committees within Tendring and Colchester Councils each retaining DPD functions, for approval by both Councils and determination of planning applications under current rules.

Due to the timetable for production of joint DPD and HIF housing delivery deadlines, it is considered that seeking Secretary of State approval for a Joint Committee with the County Council will cause unnecessary delay which may prevent the establishment of the Joint Committee prior to decisions being required.

The Monitoring Officer's report recommended Option 6 as the proposed model for the establishment of the Joint Committee for TCBGC.

## **606. Estate Regeneration Fund**

The Chief Operating Officer submitted a report a copy of which had been circulated to each Member.

Councillor J. Young attended and with the consent of the Chair addressed the Cabinet. Whilst the significant investment in Greenstead from the Town Deal and the Estate Regeneration Fund was a cause of celebration, this would be short-lived if the Heart of Greenstead were replaced by more housing development. Greenstead needed good community facilities, healthcare, space for residents to connect, good mental health facilities and jobs. Support was dependent on the project being done with the community and not to the community. The co-design must meet the aspirations of local people and it was the responsibility of the Leader to ensure that happened.

A statement from Councillor Cory was read to Cabinet welcoming the investment into Greenstead via the Town Deal and the Estate Regeneration Fund, but imploring the Council to speak to residents before the plans were seen as a 'done deal'. Further consultation was needed with residents and council colleagues about what residents want to gain out of this needed investment. Councillors on all sides understood the importance of buy-in from residents on large strategic projects. Further opportunities to work with the Council to engage and consult with residents were welcomed. Clarification was needed on how and when residents would get to see initial plans and have a chance to comment and the need to keep councillors and residents updated was emphasised.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, indicated that he agreed and was aware of the need to keep the community informed and on board with the project. If he felt that the project was running ahead of the community he would ensure this was addressed. He thanked officers for their success in securing funding from the Estate Regeneration Fund.

Councillor Lissimore, Portfolio Holder for Resources, introduced the report and thanked officers for their successful bid. Colchester was one of only a handful of towns to secure funding from this scheme. The funds would be used carefully and local residents would be at the heart of the project and involved throughout.

*RESOLVED* that:-

- (a) The terms of the Estate Regeneration Fund, and the scope for this funding opportunity to accelerate and enhance the proposed regeneration scheme for the Heart of Greenstead within the Town Deal programme, be noted.
- (b) The progress made towards developing the vision and business case for the Heart of Greenstead scheme be noted.
- (c) The intended purposes of deploying the further £2.3m grant awarded, as outlined in the not for publication appendix to the Chief Operating Officer's report, be noted
- (d) Authority be delegated to the Portfolio Holder for Resources to award key contracts for the transfer of assets.

*REASONS*

This specific part of the Town Deal programme enables a once-in-a-generation investment in this strong and proud community, which now requires renewal of its physical environment.

In the light of the Town Deal award received by Colchester being £6.8m smaller than the original Town Investment Plan, the Town Deal Board agreed in June 2021 to the principle that wherever possible, projects would seek other complementary sources of funding to boost their viability and deliverability.

Approval to commence with this scheme promptly at this time responds to a specific, time-bound opportunity to secure significant external grant funding which will remove a key part of the current viability gap, strengthening the business case for this scheme. It enables Colchester Borough Council as the developer to re-commence detailed engagement with the community and design work for the scheme without further delay.

## **ALTERNATIVE OPTIONS**

No alternative options have been presented to Cabinet. ERF is a specific one-off and time-bound funding opportunity; capital grant funding opportunities for regeneration are very rare. This investment brings strong additionality to the Towns Fund and greatly strengthens the business case for this scheme by closing a key funding gap. Together the Towns Fund and ERF monies address a significant and long-standing market failure as this scheme cannot be delivered on a commercial basis alone.

This intervention sees Town Deal (and further complementary funding and investment) as the funder of last resort to address the fact that this scheme is very unlikely to attract suitable investment from other sources; and cannot be funded within the Council's resources.

## **607. Fees and Charges 2022/23**

The Assistant Director, Corporate and Improvement Services, submitted a report a copy of which had been circulated to each Member.

Councillor Harris attended and with the consent of the Chair addressed the Cabinet. The proposals needed to be seen in the context of the cost of living increases. The proposals for increases in fines for littering and flytipping had support within the community he represented. However there was concern about the above inflation increases in cemetery and cremation fees and charges and the impact of this on residents on low incomes was highlighted. This needed to be reconsidered.

A statement from the Councillor King was read to Cabinet asking that the Portfolio Holder for Resources indicate whether or not:-

- She or officers on her behalf have asked for Government support for lost income as a result of the pandemic to be extended, whilst being mindful of significant continuing losses;
- She supports the Government's levelling up funding transfer funding priority for areas other than Colchester, being mindful of Colchester's areas of deprivation; whether by changes to business rate retention, fair funding formulae and or reduced new homes bonus.
- Whether she would consult with residents on her proposed cremation charge increases.

Councillor Lilley attended and with the consent of the Chair, addressed the Cabinet about



the increase in fees and charges on cemetery and cremation services. This was a tax too far. In the light of the cost of living increases, this would hit those who could least afford it, and would impact on residents at their most vulnerable time. The income raised by these increases could be met instead by a 10 pence increase in all car parking charges.

Councillor Goacher attended and with the consent of the Chair, addressed the Cabinet to express concern about the increase in the fees and charges for cemetery and cremation services. The Council's most sensitive and emotive service was facing the largest increase in fees and charges. An explanation was sought for the 3.25% increase in fees for market street traders, which would be badly received. It was noted that the explanation for the increase was largely around the impact of Covid and did not address the cuts in government funding to local government.

Councillor Lissimore, Portfolio Holder for Resources, introduced the report and responded to the Have Your Say comments. It was appreciated that this was a difficult time to increase fees and charges. However the Council's finances were under considerable stress and there was serious concern about the impact of inflation, which impacted on the cost of running Council services. The Government's proposals on business rate retention had been delayed by the pandemic. In respect of increasing car parking fees as an alternative, the Council needed to be mindful of the impact that this could have on town centre businesses. A written response would be provided to each speaker. Councillors were encouraged to attend the forthcoming budget workshop, if they had constructive suggestions on issues relating to the budget or fees and charges.

Councillor B. Oxford, Portfolio Holder for Communities, explained that fees and charges for the cemetery and cremation services had only been increased reluctantly and had been kept as low as possible. However, they were comparatively small compared to other neighbouring authorities. The costs of cremation or burial were only small part of the overall cost of a funeral. Free funerals for under 18s was being maintained and direct funerals had been capped. The Council's Cemetery and Cremation Service was well renowned and award winning and in view of the increased costs it was facing, a comparatively small increase was necessary to maintain the quality of the service.

Councillor Crow, Portfolio Holder for Environment and Sustainability, explained that parking revenue had suffered through the pandemic and income loss was forecast to continue through this year. Therefore nearly all parking charges would be retained at current levels with only a small number of increases. This would support the town centre's recovery from the pandemic. Any rises had been carefully modelled.

**RESOLVED** that the fees and charges for 2022/23 as set out in the Appendix to the Assistant Director's report be approved.

## **REASONS**

To respond to the significant budget gap created by the coronavirus pandemic and the associated recession and the impact of both on Council income

To make reasonable increases in fees and charges that help fund and support Council services.

## *ALTERNATIVE OPTIONS*

Not to update fees and charges. This would reduce the funding available for Council services and necessitate additional savings or service reductions.

### **608. Local Council Tax Support Scheme 2022-23**

The Assistant Director, Customer submitted a report a copy of which had been circulated to each Member.

Councillor Warnes attended and with the consent of the Chair, addressed the Cabinet to highlight the pressures building up in the economy on costs of living, such as inflation and rising energy bills and food costs. Given these pressures and the flexibility each Council had in setting its Council Tax Support Scheme and noting that no change was proposed to Colchester's scheme, had the Portfolio Holder considered helping hard pressed families by matching the Chancellor's 5 pence in the pound reduction in the Universal Credit taper by reducing the current Council Tax taper from 20 pence in the pound to fifteen pence for those earning above a set level before the taper takes effect. This would ensure it supported hard pressed families who were facing the brunt of the cost of living crisis.

A statement from Councillor Cory was read to Cabinet welcoming that no cuts had been made to the Local Council Tax Support Scheme for this year, and praising the hard work carried out by Jason Granger and the Welfare and Benefits Team to support this scheme and many others which help the most vulnerable residents. He had raised at the Scrutiny Panel, and reiterated again, the rising cost of living for many on lower incomes, compounded by Universal Credit cuts and future National Insurance increases, and sought clarification on what analysis the Council was continuing to do of the cohort using the scheme and whether the portfolio holder or officers believed that the Council would need to make the scheme more generous in the future?

Councillor Lissimore, Portfolio Holder for Resources, introduced the report and explained that the scheme helped 9500 residents with a reduction in their Council Tax bill. It was one of the most generous schemes in the region and she was pleased to recommend that it continue. If a more generous scheme was to be brought forward, this would need to be funded via cuts elsewhere. She paid tribute to the work of officers in the Welfare and Benefits teams for the support they provided to residents.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, also stressed the generous nature of the scheme and highlighted the impact inflation was having on the provision of Council services.

**RESOLVED** that:-

- (a) The current working age entitlement be maintained for the fiscal year effective from 1 April 2022.
- (b) It be noted that the only amendments from the current scheme are the prescribed regulations and mandated national legislative amendments.

**RECOMMENDED TO COUNCIL** that the Local Council Tax Support Scheme 2022-23 be

approved and adopted

### *REASONS*

Legislation requires that the scheme, effective from 1 April 2022, be agreed by March 2022.

### *ALTERNATIVE OPTIONS*

Changes could be made to the scheme. However, stability to the scheme is being recommended as this will provide residents with support and consistency within the context of the Covid-19 pandemic and the resultant financial instability.

### **609. Officer Pay Policy 2022-23**

The Assistant Director, Corporate and Improvement Services, submitted a report a copy of which had been circulated to each Member.

*RECOMMENDED TO COUNCIL* that the Officer Pay Policy 2022-23 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.

**Councillor Lissimore (as Chair of the North Essex Parking Partnership) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 5(1).**

### **610. Future Parking Partnerships**

The Assistant Director, Environment, submitted a report a copy of which had been circulated to each Member.

*RESOLVED* that:-

- (a) Colchester Borough Council remain a partner of the NEPP Joint Committee under a future Agreement and authority for the final agreement details be delegated to the appropriate officer;
- (b) The Council’s position as lead authority for NEPP in providing its operational and support services be retained;

(c) Additional shared services be provided to the County Council for On-Street Parking which may be passed across to the NEPP operational service;

(d) Continued shared services be provided for Off-Street Car Park Operations via the NEPP operational service to Braintree, Uttlesford, and Harlow Councils, and their onward Parish Parking Partnerships.

## **REASONS**

Officers have been in negotiation with the County Council since March 2021 to agree Heads of Terms for a continuing arrangement like the existing and this is considered to be the best option available.

## **ALTERNATIVE OPTIONS**

The Council could choose not to join the Joint Committee and would then receive a baseline service level decided by another authority.

The Council could choose not to provide the operational services or be the lead authority, but there would be substantial TUPE and financial costs associated with that choice.

## **611. Litter and Dog Bin Policy**

The Assistant Director, Environment, submitted a report a copy of which had been circulated to each Member together with draft minute 27 of the Policy Panel meeting of 22 September 2021.

Councillor Warnes attended and with the consent of the Chair addressed the Cabinet to ask for a reassurance that the policy was not a front to reduce the provision of litter bins in residential areas rather than an attempt to address flytipping. He was receiving feedback from resident that bins were not being emptied regularly enough and that staff who would normally do this were being diverted to work in the town centre.

Councillor B. Oxford, Portfolio Holder for Communities, stressed that this policy was not being introduced to cut the provision of bins. It was designed to ensure the bins were in locations where they should be and were managed properly. She was not aware of staff being diverted away from residential areas into the town centre and would look into the issue. Councillor Laws, Portfolio for Economy, Business and Heritage, explained that it was also an opportunity to look issues of design and the design and location of bins could improve the public realm.

Councillor Harris attended and with the consent of the Chair addressed the Cabinet to endorse Councillor Warnes comments. Signage had appeared on bins in his ward warning residents not to flytip by putting rubbish next to bins. Some Zones staff were taken away from wards to support the market which left bins unemptied in the ward. Many councillors supported the Litter Warriors scheme. Rubbish collected through the scheme was deposited next to bins and it was felt that should not be discouraged. The policy needed to address this issue, perhaps through a reporting system to the Zones team. Consultation

with ward councillors on the location of bins was welcomed as they knew their wards and where litter problems occurred. The policy did not make it clear whether Colchester Borough Council locality budgets could be used for new bins. The use of multi-purpose bins was welcomed.

Councillor Crow, Portfolio of Environment and Sustainability, stressed that there was no plan to remove bins by stealth. The policy was designed to create a more efficient service. In terms of flytipping there was a need both to educate residents on what constituted flytipping and to penalise heavily those caught.

Councillor B. Oxford, Portfolio Holder for Communities, explained that the Council had never had a policy on litter bins. The Council did not have a legal duty to provide bins, but did have a duty to ensure that the public highway was kept clear of litter and refuse. There were over 1800 bins in the borough. The policy would ensure that they were managed and emptied in an appropriate manner and were in the right place. Flytipping needed to be addressed through better enforcement action. The work of the Litter Warriors was praised. In her ward they used a different colour bag so the Zone Teams knew it was not fly tipped material. The service was also investing in technology, such as bins which sent a notification when full. It was reiterated that it was not a cut to the service and that no bins would be removed without consultation with ward and parish councils.

She thanked officers for their work in developing the policy forward and the Policy Panel for their work on the policy.

#### *RESOLVED* that

- (a) the Litter and Dog Bin Policy be approved and adopted;
- (b) Approval be given for the Policy Panel to consider, when possible, the expected draft Essex County Council Litter Strategy and make recommendations to Cabinet as to suggestions that Cabinet might wish to make to the County Council regarding the content of that document.

#### *REASONS*

It is recommended that a Policy is introduced to bring about consistency to the way that litter and dog bins are managed by the Council across the Borough. The aim of the Policy is to ensure that street furniture assets are used correctly and responsibly, to embed behaviour change into communities regarding the responsibility of street level waste and recycling disposal, mitigate the impact of street level fly tipping and bin abuse, along with auditing and reducing street furniture and assets where appropriate and in consultation with the local community and Ward Councillors.

#### *ALTERNATIVE OPTIONS*

Continue with the current arrangements which do not deliver the outcomes aimed for in the Policy, thereby continuing with an inconsistent approach to the management of street furniture and assets, bin types and collection methodology.

## **612. Graffiti Policy Review**

The Assistant Director, Environment, submitted a report a copy of which had been circulated to each Member together with draft minute 26 of the Policy Panel meeting of 22 September 2021.

Councillor Warnes attended and with the consent of the Chair addressed Cabinet. Whilst the idea of dedicated areas where graffiti would be tolerated was welcomed, would the Portfolio Holder consider a zero tolerance approach elsewhere and provide adequate resource to enforce it? Tagged street furniture was a very real problem the ward he represented.

Councilor B. Oxford, Portfolio Holder for Communities, indicated that a zero tolerance policy was already in place and that tagging was monitored by the Zones team and the police. The recommendations from the Policy Panel were welcomed. The policy defined graffiti and drew a distinction from street art, which could enhance an area.

*RESOLVED* that the Graffiti Policy be approved and applied, subject to the following changes:

- (a) That the Policy gives assurance that officer discretion will be shown regarding decisions as to whether to levy charges on owners of private residential property targeted by graffiti, where the Council undertakes work in default to remove that graffiti;
- (b) That wording is added to the Policy to clarify how and why exceptions might be made for street art which is deemed to be of artistic benefit, or of value to the community within which it is located, and detailing how 'out-of-policy' exceptions might be made;
- (c) That more provision be made for legitimate and legal graffiti/street art to be practiced, such as on designated art/graffiti walls within the Borough;
- (d) That a collaborative approach be emphasised, where the Council works in partnership with independent parties, as well as in consultation with the local ward councillors, to achieve the best approach and actions, area by area.

### **REASONS**

To formalise the Council's approach to graffiti removal in a sustainable way with minimal impact to the environment.

### **ALTERNATIVE OPTIONS**

Continue with the current Policy, but at the risk that the Policy and its application is no longer relevant or appropriate.

## **613. Unmanned Aerial Vehicle (UAV) and Drone Policy Review**

The Assistant Director, Environment, submitted a report a copy of which had been circulated to each Member together with draft minute 28 of the Policy Panel meeting of 22

September 2021.

*RESOLVED* that the UAV and Drone Policy is approved and applied.

#### *REASONS*

It is good practice to regularly review and update policies to ensure that they remain appropriate and relevant. This policy sets out clear guidance on the use of UAV and drones in the Borough and reflects changes to legislation.

#### *ALTERNATIVE OPTIONS*

Continue with the current policy, but at the risk that the policy is no longer relevant due to changes in legislation.

### **614. Nomination of Deputy Mayor 2022-23**

Consideration was given to the nomination for the appointment of the Deputy Mayor of the Borough of Colchester for the 2022-23 municipal year.

Councillor Dundas nominated Councillor Jowers for appointment as the Deputy Mayor of the Borough of Colchester for the 2022-23 municipal year. The appointment was supported by all political groups on the Council.

*RECOMMENDED TO COUNCIL* that Councillor Jowers be appointed as the Deputy Mayor of the Borough of Colchester for the 2022-23 municipal year.

### **615. Calendar of Meetings 2022-23**

The Assistant Director, Corporate and Improvement Services submitted a report a copy of which had been circulated to each Member.

*RESOLVED* that:-

- (a) The draft Calendar of Meetings for the next municipal year, from May 2022 to April 2023, be approved.
- (b) Authority to cancel meetings be delegated to the Chair of the relevant Committee/Panel in conjunction with the Assistant Director, Corporate and Improvement.

#### *REASONS*

The Calendar of Meetings needs to be determined so that decisions for the year can be timetabled into the respective work programmes and the Forward Plan.

Advance notice of the Calendar of Meetings needs to be made available to Councillors and to external organisations, parish councils and other bodies with which the Council works in partnership, and to those members of the public who may wish to attend meetings of the Council and make representations.

Rooms will also need to be reserved as soon as possible so that room bookings can be made for private functions by private individuals, external organisations and internal Council groups. This will be especially of importance regarding booking Moot Hall when necessary.

A formal arrangement needs to be in place for the cancellation of meetings that no longer need to be held.

#### *ALTERNATIVE OPTIONS*

This proposal has been largely devised based on the current meeting structure and frequency. It would be possible to devise alternative proposals using different criteria.

#### **616. Progress of Responses to the Public**

The Assistant Director, Policy and Corporate submitted a progress sheet a copy of which had been circulated to each Member.

*RESOLVED* that the contents of the Progress Sheet be noted.

#### *REASONS*

The progress sheet was a mechanism by which the Cabinet could ensure that public statements and questions were responded to appropriately and promptly.

#### *ALTERNATIVE OPTIONS*

No alternative options were presented to the Cabinet.

**The Cabinet resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.**

#### **617. Minutes – Not for Publication Extract**

The not for publication extract of the minutes of the meeting of 13 October 2021 was confirmed as a correct record.

**The Cabinet resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.**

#### **618. Estate Regeneration Fund**



Cabinet considered the not for publication appendix to the Assistant Director's report, a copy of which had been circulated to each member.

*RESOLVED* that the not for publication appendix to the Assistant Director's report be noted.