

The Council Meeting

Moot Hall, Town Hall
20 May 2009 at 10:30am

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

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

Facilities

Toilets are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or
textphone 18001 followed by the full number that you wish to call
e-mail: democratic.services@colchester.gov.uk
www.colchester.gov.uk

COLCHESTER BOROUGH COUNCIL

TO ALL MEMBERS OF THE COUNCIL

26 May 2009

You are hereby summoned to attend a meeting of the Council to be held at the Moot Hall, Town Hall on **20 May 2009 at 10:30am** for the transaction of the business stated below.



Chief Executive

AGENDA

- | | Pages |
|--|---------------|
| 1. Election of Mayor | |
| Motion A | |
| 1. Motion to elect the Mayor for the ensuing Municipal Year. | |
| 2. The Mayor to make the Declaration and take the customary Oath. (<i>The Mayor and Mayoress will receive the Badges of Office at the conclusion of the Oath.</i>) | |
| 3. The Mayor to return thanks. | |
| 2. Minutes | 1 - 10 |
| Motion B | |
| Motion that the Minutes of the meeting held on 22 April 2009 be confirmed as a correct record. | |
| 3. Election of Deputy Mayor | |
| Motion C | |
| 1. Motion to elect the Deputy Mayor for the ensuing Municipal Year. | |
| 2. The Deputy Mayor to make the Declaration and return thanks. (<i>The Deputy Mayor will receive the Badge of Office at the conclusion of the Declaration.</i>) | |

4. Vote of Thanks to the Late Mayor, Councillor Peter Crowe, and Retiring Mayor, Councillor Margaret Fairley-Crowe

Motion D

1. Motion of Thanks.
2. The Retiring Mayor to make the acknowledgement.

5. Mayor's Chaplain and Other Announcements

The Mayor to intimate the appointment of Chaplain and make announcements.

6. Adjournment

Motion E

Motion to Adjourn

National Anthem

(Members of the public are asked to remain standing after the National Anthem whilst the Council procession leaves the Moot Hall).

7. Reconvened Meeting

(At 11.30 or other such time as the Mayor shall determine).

8. Have Your Say!

(a) The Mayor to ask members of the public to indicate if they wish to ask a question, make a statement or present a petition on any matter relating to the business of the Council – either on an item on the agenda for this meeting or on a general matter not on this agenda (Council Procedure Rule 6(2)).

(b) The Mayor to invite contributions from members of the public who wish to address the Council on a general matter not on this agenda.

(Note: A period of up to 15 minutes is available for general statements and questions under 'Have Your Say!').

9. Appointment of the Leader of the Council and Cabinet

11 - 15

F... Motion to appoint the Leader of the Council for the ensuing Municipal Year.

G... Motion to appoint the Deputy Leader of the Council for the ensuing Municipal Year

H... Motion to appoint the Cabinet for the ensuing Municipal Year

10. Delegations made by the Leader of the Council

16 - 35

To note the allocation of responsibility for Portfolios as determined by the Leader of the Council.

11. Appointment of Panels, Committees and Sub-Committees

I... Motion that:-

(i) that 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 Accounts and Regulatory Committee, Finance and Audit Scrutiny Panel, Licensing Committee, Local Development Framework Committee, Planning Committee, Policy Review and Development Panel and the Strategic Overview and Scrutiny Panel for the ensuing municipal year be as circulated at this meeting;

(ii) that in accordance with the provisions of Section 17 of the Local Government and Housing Act 1989, the appointments of the Standards Committee and the Task and Finish Groups shall not be on a Group basis and membership shall be as circulated at this meeting;

(iii) that the membership of the Council's Independent Remuneration Panel be confirmed as follows:-

Samantha Drummond,
Paul Nunny and
David Priest.

COUNCIL 22 APRIL 2009

Present :- Councillor Margaret Fairley-Crowe (The Mayor)
(Chairman)
Councillors Christopher Arnold, Nick Barlow,
Lyn Barton, Kevin Bentley, Mary Blandon,
Elizabeth Blundell, John Bouckley, Nigel Chapman,
Peter Chillingworth, Helen Chuah, Barrie Cook,
Mark Cory, Robert Davidson, Beverly Davies,
Tina Dopson, John Elliott, Andrew Ellis,
Margaret Fisher, Stephen Ford, Wyn Foster,
Ray Gamble, Christopher Garnett, Martin Goss,
Chris Hall, Mike Hardy, Dave Harris, Peter Higgins,
Theresa Higgins, Mike Hogg, Martin Hunt, John Jowers,
Margaret Kimberley, Justin Knight, Sonia Lewis,
Sue Lissimore, Jackie Maclean, Jon Manning,
Richard Martin, Kim Naish, Nigel Offen,
Beverley Oxford, Gerard Oxford, Philip Oxford,
Gaye Pyman, Ann Quarrie, Lesley Scott-Boutell,
Paul Smith, Henry Spyvee, Terry Sutton, Laura Sykes,
Nick Taylor, Jill Tod, Anne Turrell, Dennis Willetts and
Tim Young

The meeting was opened with prayers by the Mayors Chaplain, The Reverend Bob Fuller.

54. Have Your Say!

Andy Hamilton addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to express concern about the reduction in the opening hours of Shopmobility. He considered that the disabled residents of Colchester deserved a better service. He also expressed concern about the banning of supermarket trolleys from the bus station, which he believed indicated that the Council did not understand the difficulties faced by disabled residents. Councillor Tim Young responded that the Council had tried to enter into a discussion with Sainsburys about the issue of abandoned supermarket trolleys, but they had not responded. The Council had introduced a charge for abandoned trolleys to cover the costs incurred in dealing with them.

55. Minutes

The minutes of the meetings held on 11 December 2008 and 18 February 2009 were confirmed as a correct record.

56. Mayor's Announcements

The Mayor announced that the Council had achieved Level 3 of the Equality Standard for Local Government. This was a significant achievement and the Council was one of only 21 district councils which had achieved this level.

57. Personal Interests of Members

Councillor John Jowers (in respect of his membership of Essex County Council, the Regional Planning Panel and the Regional Flood Defence Committee) declared a personal interest in Minute No. 65 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Margaret Fisher and Councillor Theresa Higgins (in respect of their membership of Essex County Council) declared a personal interest in Minute No. 65 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Peter Higgins and Councillor Tim Young (in respect of their spouses being a member of Essex County Council) declared a personal interest in Minute No. 65 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Margaret Fisher (in respect of her membership of Essex Police Authority) declared a personal interest in Minute No. 66 pursuant to the provisions of Meetings General Procedure Rule 7(3)

58. Appointment of Portfolio Holder for Resources and Business

Mr Will Quince addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to seek clarification about the departure of Councillor Smith from the Cabinet. Councillor Hunt, Deputy Leader of the Council and Portfolio Holder for Communication and Customers, explained that Councillor Smith had been suspended for an alleged breach of Liberal Democrat Group rules. An investigation into the incident was underway. There was no issue about his competence as a Portfolio Holder.

Councillor Turrell PROPOSED that Councillor Nigel Offen be appointed to the Cabinet for the remainder of the 2008/09 Municipal Year and invited the Council to note the allocation of the Resources and Business Portfolio to Councillor Offen.

Councillor Willetts raised a point of order and sought confirmation as to whether the criteria of Article 7.04 of Part 2 of the Constitution had been met. Following a short adjournment, Councillor Turrell withdrew the proposal that Councillor Offen be appointed to the Cabinet.

59. Empowerment Agenda

It was PROPOSED by Councillor Turrell that the recommendations in minute 63 of the Cabinet meeting of 18 March 2009 be approved and adopted.

It was *RESOLVED* that the recommendations in minute 63 of the Cabinet meeting of 18 March 2009 be approved and adopted.

60. Sustainable Communities Act 2007

It was PROPOSED by Councillor Barton that the recommendations in minute 64 of the Cabinet meeting of 18 March 2009 be approved and adopted.

It was *RESOLVED* that the recommendations in minute 64 of the Cabinet meeting of 18 March 2009 be approved and adopted.

61. Local Code of Corporate Governance

It was PROPOSED by Councillor Turrell that the recommendation in minute 69 of the Cabinet meeting of 18 March 2009 be approved and adopted.

It was *RESOLVED* that the recommendation in minute 69 of the Cabinet meeting of 18 March 2009 be approved and adopted.

62. Standards Committee Annual Report 2008/09

Andy Hamilton addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He explained that he had made a complaint which had been referred to the Standards Board, who had decided not to take it forward. He considered that there was no point in making official complaints and this reinforced that negative perception the public had of local political parties.

It was PROPOSED by the Deputy Mayor that the recommendation in minute 12 of the Standards Committee meeting of 6 March 2009 be approved and adopted.

It was *RESOLVED* that the recommendation in minute 12 of the Standards Committee meeting of 6 March 2009 be approved and adopted.

63. Revised Whistle-blowing Policy

It was PROPOSED by the Deputy Mayor that the recommendation in minute 14 of the Standards Committee meeting of 6 March 2009 be approved and adopted.

It was *RESOLVED* that the recommendation in minute 14 of the Standards Committee meeting of 6 March 2009 be approved and adopted.

64. Schedules of Decisions taken by Portfolio Holders

It was *RESOLVED* that the Schedule of Portfolio Holder decisions for the period 7 February 2009 -7 April 2009 be noted.

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

Questioner	Subject	Response
Pre-notified Questions		
Councillor Smith	Can the Leader of the Council update the Council on the progress on the residents parking scheme reviews that were passed to the County Council for implementing last year?	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy.
Councillor Smith	Can the Portfolio Holder for Planning and Regeneration update the Council on the progress of the Cycle Town investments in the Borough?	Direct oral answer given by the Portfolio Holder for Planning and Regeneration.
Councillor Smith	Can the Leader of the Council advise the Council of the costs to both the Housing Revenue Account and the General Fund (including the cost of recalculating benefits etc) of the additional processing that will be required to implement the reduction in this year's rent increase, following the Government announcement that was unfortunately not made until after the Council had already issued notices to tenants advising of the higher increase?	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy.
Councillor Barlow	I congratulate the officers of the Council and the Portfolio Holder for reaching Level 3 of the Equality Standard for Local Government. Could the Portfolio Holder for Culture, Tourism and Diversity explain what achieving this means for the Council?	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity.
Oral Questions		
Councillor Chillingworth	Would the Leader of the Council and the Portfolio Holder for Strategy confirm the pay increase for the 2009/0 financial year and explain why it was greater than the	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy

	national average pay rise.	
Councillor Davidson	As the Deputy Leader of the Council did not take up the increase in his allowance in the current financial year, would he accept the increase this year, and whether Councillor Smith's allowance was suspended.	Direct oral answer given by the Deputy Leader of the Council and Portfolio Holder for Communication and Customers
Councillor Chapman	The impact of the increased demand for its services on the Customer Service Centre, whether additional resources were needed and if so, whether they were being made available?	Direct oral answer given by the Deputy Leader of the Council and Portfolio Holder for Communication and Customers
Councillor Lewis	Was the Leader of the Council aware of discussions with officers and the public meeting about the "mothballing" of the pavilion of the King George V playing field, and whether Lexden and Prettygate Councillors could be consulted on future decisions about the pavilion.	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy
Councillor Lewis	The current position in respect of homelessness units, especially Ascot House.	Direct oral answer given by the Portfolio Holder for Neighbourhoods
Councillor Foster	Problems arising from the booking of the Grey Room via Colchester Museums Service on behalf of Colchester Access Group and how in retrospect the Portfolio Holder for Culture, Tourism and Diversity would have acted differently.	Written answer to be provided by the Portfolio Holder for Culture, Tourism and Diversity
Councillor Harris	Would the 2012 deadline for the closure of the temporary bus station be extended and would the Council work with Essex County Council to ensure a proper service?	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy
Councillor Harris	Whether there were any figures of usage for the free swimming programmes for the under 16's and over 60's and how were these programmes promoted.	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity
Councillor Bentley	Would each of the political groups that made up the administration accept the 1.5% rise in their allowance payments?	Direct oral answers given by the Leader of the Council and Portfolio Strategy, the Portfolio Holder for Neighbourhoods and a written answer to be provided by the Portfolio Holder for Street and Waste

		Services.
Councillor Bentley	What efforts were being made to bring the Olympic Torch to Colchester and to secure the use of Colchester as a training camp and base for Olympic teams.	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity and a briefing paper to be sent by the Portfolio Holder to all Councillors.
Councillor Naish	The accuracy of a statement in the press that the Portfolio Holder for Communication and Customers was of the view that the previous administration were not at fault over the construction of the Visual Arts Facility.	Direct oral answer given by the Portfolio Holder for Communication and Customers
Councillor Willetts	In what circumstances would the Portfolio Holder for Communication and Customers step down in relation to the Visual Arts Facility?	Direct oral answer given by the Portfolio Holder for Communication and Customers
Councillor Willetts	What alternative plans were in place to secure funding for a visitor centre for the Roman Circus given that the application for a grant had been rejected and would the Leader of the Council be kept informed of progress in future?	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity
Councillor Maclean	What progress had been made in the collection of recyclable materials from flats?	Direct oral answer given by the Portfolio Holder for Street and Waste Services
Councillor Lissimore	Were there plans for the Farmer's market and Christmas Fayre to be held at the Community Stadium and had the impact on the town centre of any such move been considered?	Written answer to be provided by the Leader of the Council and Portfolio Holder for Strategy
Councillor Lissimore	What contact had been made with Colchester Allotment Association? Given the waiting list for allotments why had the Portfolio Holder cut the budget, failed to open the field next to Irvine Road or consult with the Allotment Association so they could apply for grants to allow the additional site off Bergholt Road to open, which could accommodate another forty plots.	Written answer to be provided by the Portfolio Holder for Culture, Tourism and Diversity
Councillor P. Higgins	Could the Chairman of the Strategic Overview and Scrutiny Panel provide an	Direct oral answer given by the Chairman of the

	update on the progress of the Task and Finish Group on Bradwell Nuclear Power station?	Strategic Overview and Scrutiny Panel
Councillor Davies	Was there complete staff backing for the new shift system and levels of staffing in the CCTV centre and whether he was aware of any grievances?	Direct oral answer given by the Portfolio Holder for Street and Waste Services
Councillor Hardy	How was the investigation into the issues surrounding the mishandling of a planning application for a phone mast in Lexden progressing and would the results be made public? What steps were being taken to prevent the marginalisation of ward councillors?	Direct oral answer given by the Portfolio Holder for Planning and Regeneration
Councillor Arnold	The contribution of former Councillor Jarvis and Essex County Council to the Cycle Town schemes.	Direct oral answer given by the Portfolio Holder for Planning and Regeneration
Councillor Arnold	In view of the Leader of the Council's statement that she would not be accepting the increase in her allowance, why had she not supported the Conservative budget amendment designed to secure this?	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy
Councillor Blundell	Would the shrubs dug up in Marks Tey be replaced as the Parish Council were not in favour of them being replaced by daffodils.	Written response to be provided by the Portfolio Holder for Culture, Tourism and Leisure
Councillor Goss	The significance of the nomination of Colchester Visitor Information Centre for an Enjoy England award.	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity
Councillor Goss	Whether the Portfolio Holder for Street and Waste Services had prevented the installation of dog waste bins in Prettygate.	Direct oral answer given by the Portfolio Holder for Street and Waste Services
Councillor Smith	Potential improvements to the Council's communication about recycling.	Direct oral answer given by the Portfolio Holder for Street and Waste Services
Councillor T. Young	Under the proposals brought forward by Essex County Council's consultation document "Transforming Secondary Education in Colchester", was the academy the only new school proposed for Greenstead?	Direct oral answer given by the Portfolio Holder for Performance and Partnerships

66. Policing

It was PROPOSED by Councillor T. Young that:-

This Council calls upon the Local Government Association General Assembly to approve and adopt the following motion:-

“This Association

1. Stresses the need for the Police Service to work closely with Local Councils and other agencies, and commends the successful relationships built up in many Crime and Disorder Reduction Partnerships;
2. Notes that a significant proportion of council tax is spent on policing;
3. Welcomes steps taken to increase the responsiveness of the service and keep the public informed e.g. by crime mapping, policing pledge, etc;
4. Recognises that greater transparency and accountability are required at neighbourhood, basic command unit and force level but
5. Rejects proposals for the direct election of police authority members or police commissioners and welcomes the Home Secretary’s decision not to proceed with such proposals.

The Association calls upon all the major political parties to enter into discussion with it and the Association of Police Authorities (APA) to seek to build a consensus on ways of achieving the objectives set out in paragraph 4 above, without establishing competing mandates with local councils, but by means of, inter alia, greater support for all police authority members, training, peer review, closer scrutiny (involving independent members) to enhance the effectiveness of police authorities within the local democratic framework”

Councillor Maclean moved a SECONDARY AMENDMENT that the Motion be approved and adopted subject to the deletion of the word “but” in paragraph 4, and the deletion of paragraph 5.

Pursuant to Council Procedure Rule 14(11) Councillor T. Young indicated that the SECONDARY AMENDMENT was not accepted.

On being put to the vote, the SECONDARY AMENDMENT was LOST.

The MOTION was thereupon approved and adopted (the MAJORITY voted FOR).

67. St George's Day

It was PROPOSED by Councillor Willetts that:-

“That this Council:

1. Considers that, at present, St George’s Day is not celebrated in Colchester with as much vigour and enthusiasm as St David’s Day in the towns of Wales, St Andrew’s Day in Scotland and St Patrick’s Day in Ireland;
2. Therefore calls for cross-party support within the Borough of Colchester to promote greater celebration of St George’s Day;
3. Requests that the Leader of the Council and the Mayor work together to take forward this objective of ensuring that St George’s Day is given the recognition it deserves within Britain’s oldest recorded town;
4. Expects that in future years this action will inspire a variety of events across the Borough and give residents the opportunity to show their pride in their Town and to celebrate their heritage accordingly.”

Councillor Naish moved a MAIN AMENDMENT that the Motion be approved and adopted subject to the following amendments:-

“(i) In paragraph 1 the deletion of the words “not celebrated in Colchester with as much vigour and enthusiasm as St David’s Day in the towns of Wales, St Andrew’s Day in Scotland and St Patrick’s Day in Ireland” and the insertion of the words “already commemorated in Colchester with a civic service and parade”;

(ii) The deletion of the wording at paragraph 2 and its replacement with the words “Understands that there may be a call for more celebrations across the Borough”;

(iii) In paragraph 3 the deletion of the words “the Leader of the Council and” and the deletion of the words “work together to take forward this objective of ensuring that St George’s Day is given the recognition it deserves within” and its replacement with the words “works together with suitable organisations to take forward an objective of exploring further opportunities to celebrate St George’s Day in”;

(iv) In paragraph 4 the deletion of the words “this action will inspire a variety of events across the Borough and give residents the opportunity to show their pride in their Town and to celebrate their heritage accordingly” and the insertion of the words “, under the Mayoral function, and with leadership and support from a range of interested organisations – including business, garrison, voluntary and community - events may be held across the Borough giving residents the opportunity to show pride in their Town.”

Pursuant to Council Procedure Rule 14(11) Councillor Willetts indicated that the MAIN AMENDMENT was not accepted.

On being put to the vote the MAIN AMENDMENT was approved and the MOTION was deemed amended accordingly. The substantive MOTION as amended was thereupon approved and adopted (MAJORITY voted FOR).

68. Scrutiny Report

It was PROPOSED by Councillor Arnold that the Annual Scrutiny Report be noted. Councillor Arnold paid tribute to the work of Robert Judd, Scrutiny Officer for the sterling work he had done in support of the scrutiny of issues relating to a new nuclear power station at Bradwell.

RESOLVED that the Annual Scrutiny report be noted.

Membership of Cabinet, Panels and Committees

Municipal Year 2009/10

Cabinet (8 seats)	
Councillors:- Barton, Dopson, Hunt, B. Oxford, Offen, Turrell, Smith, T. Young	
Group representation – Lib Dem 5, Labour 2, Highwoods Independent 1	
Members:	
Councillor Barton	- Planning, Regeneration and Sustainability Portfolio Holder
Councillor Dopson	- Performance and Partnerships Portfolio Holder
Councillor Hunt	- Communication, Customers and Leisure Portfolio Holder
Councillor B. Oxford	- Neighbourhoods Portfolio Holder
Councillor Offen	- Resources and Business Portfolio Holder
Councillor Turrell	- Strategy Portfolio Holder
Councillor Smith	- Culture and Diversity Portfolio Holder
Councillor T. Young	- Street and Waste Services Portfolio Holder

Municipal Year 2009/10

Accounts and Regulatory Committee (11 seats)			Finance and Audit Scrutiny Panel (11 seats)			Licensing Committee (12 seats)		
Group Representation			Group Representation			Group Representation		
Con	5		Con	5		Con	5	
Lib Dem	4		Lib Dem	4		Lib Dem	5	
Lab	1		Lab	1		Lab	1	
H/wood	1		H/wood	1		H/wood	1	
Members:			Members:			Members:		
Councillor Arnold Councillor Foster Councillor Goss Councillor Harris Councillor T. Higgins Councillor Maclean Councillor Manning Councillor G. Oxford Councillor Scott-Boutell Councillor Taylor Councillor Willetts			Councillor Arnold Councillor Foster Councillor Goss Councillor Harris Councillor T. Higgins Councillor Maclean Councillor Manning Councillor G. Oxford Councillor Scott-Boutell Councillor Taylor Councillor Willetts			Councillor Bouckley Councillor Chuah Councillor Cook Councillor Cope Councillor Foster Councillor Garnett Councillor Hogg Councillor Kimberley Councillor Lilley Councillor P. Oxford Councillor Quarrie Councillor Sykes		

Local Development Framework Committee (8 seats)			Planning Committee (12 seats)			Policy Review and Development Panel (6 seats)		
Group Representation			Group Representation			Group Representation		
Con	4		Con	5		Con	3	
Lib Dem	3		Lib Dem	6		Lib Dem	2	
Lab	1		Lab	1		Lab	1	
H/wood	-		H/wood	-		H/wood	-	
Members: Councillor Blundell Councillor Cope Councillor Davidson Councillor Garnett Councillor Goss Councillor Hall Councillor Jowers Councillor Naish			Members: Councillor Blandon Councillor Chuah Councillor Cory Councillor Elliott Councillor Ellis Councillor Ford Councillor Gamble Councillor T. Higgins Councillor Lewis Councillor Maclean Councillor Manning Councillor Quarrie			Members: Councillor Barlow Councillor Chapman Councillor Hardy Councillor Knight Councillor Tod Councillor J. Young		

**Strategic Overview and
Scrutiny Panel (Crime and
Disorder Committee)
(11 seats)**

Group Representation

Con	5	
Lib Dem	4	
Lab	2	
H/woods	-	

Members:

Councillor Arnold
Councillor Barlow
Councillor Cory
Councillor Hogg
Councillor Maclean
Councillor Naish
Councillor Pyman
Councillor Sykes
Councillor Taylor
Councillor Willetts
Councillor J. Young

Municipal Year 2009/10

In accordance with the provisions of Section 17 of the Local Government and Housing Act 1989, it will be proposed that appointments to the undermentioned Committees/Groups shall not be on a Group basis and membership shall be as follows for the ensuing Municipal Year:-

Standards Committee (3 seats)	Task and Finish Groups
<p>Members:</p> <p>Councillor Lewis Councillor Chapman Councillor Gamble</p> <p>Independent members:</p> <p>Ian Andrews Derek Coe Sven Farmer Peter Fitton Steven Roberts-Mee</p> <p>Parish members:</p> <p>Parish Councillor Malcolm Bartier Parish Councillor Gillian Brown Parish Councillor Vivienne Eden</p>	<p>Night Time Economy</p> <p>Councillor Barlow Councillor Davies Councillor Naish Councillor B. Oxford</p> <p>20 mph speed limit</p> <p>Councillor Ford Councillor Hardy Councillor Offen Councillor G. Oxford</p> <p>Mayoralty</p> <p>Councillor Garnett Councillor Hall Councillor Naish Councillor B. Oxford</p> <p>Waste Prevention and Recycling Options Appraisal</p> <p>Councillor Arnold Councillor Barlow Councillor Chillingworth Councillor P. Oxford Councillor Smith Councillor J. Young</p> <p>Bradwell</p> <p>Councillor Arnold Councillor Bouckley Councillor Barlow Councillor Cory Councillor Ford</p>

Colchester Borough Council

SCHEME OF DELEGATION TO CABINET MEMBERS – May 2009

The Cabinet leads the implementation of policy within the Council's Budget and Policy Framework. In doing this 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.

The Cabinet has delegated to individual members of the Cabinet most of its powers of implementation within the confines of the Council's Budget and Policy Framework.

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

1. Powers delegated to Cabinet Members;
2. Powers delegated to Officers.

The following conditions apply to the Scheme of Delegation to Cabinet Members and shall be complied with:-

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 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 Procedure Rules.
6. No action may be taken which is contrary to the Council's Constitution.
7. 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.
8. Delegated powers to acquire property shall not include power to acquire property compulsorily and any proposal to make a Compulsory Purchase Order shall be submitted to the Council as a recommendation.

9. 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 the approved manner.
10. 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.
11. 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.

C O N T E N T S

<u>Portfolio Holder</u>	<u>Page</u>
All Cabinet Members	
Strategy (Leader of the Council) – Councillor Turrell	
Communications, Customers and Leisure (Deputy Leader of the Council) – Councillor Hunt	
Culture and Diversity – Councillor Smith	
Neighbourhoods – Councillor B Oxford	
Performance and Partnerships – Councillor Dopson	
Planning, Regeneration and Sustainability – Councillor Barton	
Resources and Business – Councillor Offen	
Street and Waste Services – Councillor T Young	

Scheme of Delegation to Cabinet Members

Delegation to all Cabinet Members
--

1. To comment on any consultative document.
 2. Grant applications.
 3. The award of the lowest tenders under £500,000 and for which there is financial provision.
 4. To fix fees and charges.
 5. To authorise the write-off of individual bad debts over £5,000 on the recommendation of the Head of Resource Management and appropriate Head of Service.
 6. To approve minutes of any Cabinet, Committee, Panel or Group in respect of which they have responsibility.
-

Scheme of Delegation to Cabinet Members

Delegation to the Leader of the Council and Portfolio Holder for Strategy

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 including the Local Strategic Partnership (Colchester 2020).
3. Matters relating to financial strategy, the budget and resource allocation.
4. Following consultation with Group Leaders, to make appointments during the municipal year to Council Groups and Outside Bodies.

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.

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. Member Development

HEALTH & SAFETY

1. 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.)

Scheme of Delegation to Cabinet Members

Delegation to the Leader of the Council and Portfolio Holder for Strategy (continued)
--

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.

Major Project(s) in Portfolio:

Haven Gateway Partnership, Regional Cities East Partnership and Colchester 2020

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Communications, Customers and Leisure and Deputy Leader of the Council</p>

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.

CUSTOMERS

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

1. Customer Service.
2. Way We Work Programme

RECREATION

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

1. Sports and leisure facilities, parks and gardens, allotments, playing fields, beach facilities, public open spaces, amenity areas and country parks.
2. Liaison with voluntary organisations and clubs in the development and use of sporting and recreational facilities.
3. The promotion and encouragement of recreational events.
4. Colchester Leisure World.

CIVIC

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

1. 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.

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Communications, Customers and Leisure and Deputy Leader of the Council (continued)</p>

ICT

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

1. Information Communication Technology.

<p style="text-align: center;">Portfolio Responsibilities</p>
--

1. To monitor, fund and arrange for the continuing delivery of the Council's t-government 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 improve communications and access to Council services by urban and rural communities within the Borough.
5. To examine and review the development of all forms of communication and community engagement.
6. To oversee the implementation and monitoring of the Council's policies and services relating to heritage, culture, sport, recreation and leisure.
7. To examine and review the Council's Information Communication Technology Strategy and to represent the Council on the Partnership Board.

Major Project(s) in Portfolio: Customer Service Centre and Info point

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Culture and Diversity

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 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.

FINANCIAL RESOURCES

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

1. Financial Management of the Housing Revenue Account.

GENERAL

1. Freedom of Information.

Portfolio Responsibilities

1. To monitor the implementation of the Council's Diversity Policy.
2. To monitor progress of obtaining disability access within Council buildings

Major Project(s) in Portfolio: Visual Arts Facility

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Neighbourhoods

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 11 August 2003 between the Council and Colchester Borough Homes Limited and any subsequent agreement or arrangement entered into between the parties.
2. Tenant selection/nomination criteria and conditions of tenancy.
3. The Council's statutory responsibilities to homeless persons.
4. The Council's relationship with Housing Associations.
5. The Right to Buy Scheme.

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. Support schemes to Building Societies and Banks and the making of mortgage advances by the Council for house purchase and improvement.
4. Housing standards and the protection of persons from unlawful eviction or harassment.
5. 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.
2. To procure the specified service for the dissemination of information regarding all housing matters.
3. Home loss, disturbance and similar payments.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Neighbourhoods (continued)

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: Housing Review

Scheme of Delegation to Cabinet Members

<h2>Delegation to the Portfolio Holder for Performance and Partnerships</h2>

PERFORMANCE

1. Monitoring of the Council's performance in relation to national performance indicators and local area agreements.
2. Monitoring of the Council's performance dashboard.
3. Monitoring of partner organisations performance in relation to the delivery of the comprehensive area assessment.

PARTNERSHIPS

1. To exercise the functions delegated to the East Essex Waste Management Joint Committee on behalf of the Cabinet.
2. To oversee the Council's work with partners aimed at improving the life opportunities of residents.

COMMUNITY SERVICES

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

1. The promotion of public health matters so as to increase public awareness.
2. Services for the elderly.
3. Community projects supporting the Council's work on life opportunities.
4. Welfare rights.
5. Matters relating to young people.
6. Grants to the voluntary and community sector and village and community halls.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Performance and Partnerships (continued)
--

Portfolio Responsibilities

1. To promote partnership working with Essex County Council, the responsible waste disposal authority.
 2. To determine investment in “third sector” organisations which deliver services to help the Council to meet its corporate objectives.
 3. To ensure that the Council is working with partners to meet the key health targets identified in the Local Area Agreement.
 4. To support initiatives which tackle deprivation throughout the Borough, but with specific reference to the Council’s work on Life Opportunities.
 5. To engender partnership working between the Council and Town and Parish Councils within the Borough of Colchester.
 6. To explore the significance of rural issues in the Borough and determine what programmes and actions may be needed to address these.
 7. To authorise any grants to Town or Parish Councils.
-

Scheme of Delegation to Cabinet Members

<h2>Delegation to the Portfolio Holder for Planning, Regeneration and Sustainability</h2>
--

PLANNING

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

1. Functions as Local Planning Authority.
2. Building Regulations and allied legislation relating to dangerous buildings and safety at sports grounds.

LOCAL DEVELOPMENT FRAMEWORK

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

1. The preparation of Supplementary Planning Documents and the issue of draft Supplementary Planning Documents for consultation.
2. To agree the Statement of Community Involvement and the Annual Monitoring Report.

REGENERATION

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

1. The delivery of the Council's regeneration agenda including sustainable housing, infrastructure, employment and leisure facilities.

SUSTAINABILITY

1. To develop policies in relation to sustainability and to oversee and promote the implementation of the Nottingham Declaration objectives.

ENVIRONMENTAL INITIATIVES

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

1. Environmental initiatives and apportionment of the Environmental Initiatives budget.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Planning, Regeneration and Sustainability (continued)

ENVIRONMENT

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

1. Sea defence and coast protection matters.

Portfolio Responsibilities

1. To oversee the implementation and monitoring of the Council's policies and services relating to all planning activities including conservation and building control.
2. To monitor the implementation of the Local Plan.
3. 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.
4. To promote partnership working with Essex County Council, the responsible Transport Authority.
5. To oversee major regeneration projects which impact upon the Council's landholdings.
6. To support local and regional partnerships which can lever in new investment into the Borough's four regeneration areas.
7. To oversee the implementation and monitoring of the Borough Council's services and policies relating to environmental initiatives.

Major Project(s) in Portfolio: Cultural Quarter, Vineyard Gate; North Colchester and East Colchester.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Resources and Business

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, risk management and business continuity.
6. Determination of the Council's financial provisions.
7. Appointment of the Council's bankers.

LAND RESOURCES

In respect of all land and buildings owned by the Council including in its capacity as Housing Authority, 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.

SKILLS

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

1. Promotion, influence and improvement of the skills base of the Borough.

Scheme of Delegation to Cabinet Members

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

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 Colchester.
2. The preparation and publication of an annual economic prosperity strategy delivery plan.
3. Partnerships that improve and encourage business opportunities within the Borough.
4. Appropriate exhibitions, seminars etc for local businesses and economic development at local, national and international events.

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.

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.

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.

Scheme of Delegation to Cabinet Members

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

3. To monitor the management of repairs and maintenance and planned maintenance programmes for Council buildings (excluding property managed by Colchester Borough Homes).
 4. To review sales, purchases and overall management of the Council's property portfolio.
 5. To monitor the development of the Asset Management Plan.
 6. To monitor the maintenance of the Council's asbestos register.
 7. To encourage a buoyant and diverse local economy, which encourages full employment and works towards the creation of more high-value local jobs.
 8. To champion the Borough of Colchester as a centre of business excellence, and to help local companies grow and flourish.
 9. To help sustain a thriving town centre which satisfies the needs of all sectors of the community.
 10. To encourage lifelong learning and skills development for the whole community to maximise job opportunities.
 11. To promote Colchester as a key destination for visitors.
-

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Street and Waste Services

WASTE

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

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

1. Refuse collection.
2. Street cleansing.
3. Litter collection and removal.
4. Recycling/Composting.
5. Workshops/Fleet and Toilets.

HIGHWAYS

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

1. Street Naming and Numbering.
2. Maintenance of Borough Council owned highways, except for regulatory matters within the remit of the Cabinet.
3. All Borough Council (district) highway functions.
4. Local Highway Panels.

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 Colchester, Braintree and Uttlesford Joint Parking Committee on behalf of the Cabinet.

TRANSPORTATION

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

1. Traffic management schemes funded by the Borough Council.
2. Public transport infrastructure.
3. Concessionary Fares.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Street and Waste Services (continued)

PUBLIC PROTECTION

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

1. Public conveniences and baths.
2. Licensing matters.
3. 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.
4. Infectious diseases, disinfestations and the prevention of the spread of disease by or to animals.
5. Pollution and nuisances.
6. Caravans and Caravan Sites.
7. Matters relating to the control of dogs.
8. The control of rodents/pests.
9. Premises used for the provision of services to the public and/or the keeping of animals.
10. Water supplies.
11. Port Health matters.
12. Monitoring of travellers sites.
13. Matters relating to the removal of persons residing unlawfully in vehicles on land in the Borough.
14. Cemeteries, crematorium and allied services.
15. Markets within the Borough.
16. Street trading.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Street and Waste Services (continued)

COMMUNITY SERVICES

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

1. Community safety.
2. Crime Prevention.
3. Street Wardens.

Portfolio Responsibilities

1. To oversee the implementation and monitoring of the Borough Council's services and policies in relation to waste collection, litter enforcement and cleansing operations.
 2. To encourage operational activities which support the corporate priority to be the cleanest and greenest Borough in the Country.
 3. To encourage strategic activities which support the corporate priority to be cleaner and greener.
 4. To monitor the implementation of the Council's Waste Strategy.
 5. To oversee and monitor the Council's engineering services.
 6. To oversee the implementation and monitoring of the Council's policies and services relating to all licensing activities.
 7. 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.
 8. To oversee the implementation and monitoring of the Council's policies and services in respect of car parking.
 9. To oversee the implementation and monitoring of the Borough Council's services relating to markets
-

