

# The Council Meeting

Council Chamber, Town Hall  
16 October 2013 at 6.30pm

# Information for Members of the Public

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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 most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at [www.colchester.gov.uk](http://www.colchester.gov.uk)

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## Access

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# COLCHESTER BOROUGH COUNCIL

**TO ALL MEMBERS OF THE COUNCIL**

16 October 2013

You are hereby summoned to attend a meeting of the Council to be held at the Council Chamber, Town Hall on **16 October 2013 at 6:30pm** for the transaction of the business stated below.



**Chief Executive**

## AGENDA

### **Pages**

#### **1. Welcome and Announcements**

(a) The Mayor to welcome members of the public and Councillors and to invite the Chaplain to address the meeting. The Mayor to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Mayor's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to silent;
- audio recording of the meeting;
- location of toilets.

#### **2. 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!').

### **3. Minutes**

**1 - 7**

A... Motion that the minutes of the meeting held on 17 July 2013 be confirmed as a correct record.

### **4. Mayor's Announcements**

Mayor's Announcements (if any) and matters arising pursuant to Council Procedure Rule 8(3).

### **5. Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

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

To consider any items referred by the Strategic Overview and Scrutiny Panel or the Finance and Audit Scrutiny Panel under the Call-In Procedure because they are considered to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with the budget.

## **7. Recommendations of the Cabinet, Panels and Committees**

### **i. Trading Board Terms of Reference**

**8 - 9**

B... Motion that the recommendation contained in minute 29 of the Cabinet meeting of 4 September 2013 be approved and adopted.

### **ii. 2012/13 Year End Review of Risk Management**

**10**

C... Motion that the recommendation contained in minute 30 of the Cabinet meeting of 4 September 2013 be approved and adopted.

### **iii. Scrap Metal Dealers Act 2013**

**11 - 12**

D... Motion that the recommendations contained in minute 8 of the Licensing Committee meeting of 11 September 2013 be approved and adopted.

## **8. Presentation by the Local Government Boundary Commission for England**

Presentation by the Local Government Boundary Commission for England on the process of the electoral review of the Borough of Colchester followed by an opportunity for Members to ask questions.

## **9. Notices of Motion pursuant to Council Procedure Rule 11**

### **i. Street Lighting**

Proposer: Councillor T. Young

E... Motion that this Council:

Is opposed to the street light switch-off being imposed on the Borough of Colchester by Essex County Council from 1 November 2013 between the hours of midnight to 5am for the following reasons:

- Community safety will be compromised as there is clear evidence that well-lit areas provide a deterrent to crime and anti-social behaviour;

- Fear of crime will increase as evidence shows that darker areas make people feel less safe;
- Road safety will also be adversely affected as it will be more difficult to see pot-holes and other defects leading to the potential for more vehicle damage and accidents;
- Cyclists and pedestrians will suffer from unlit pathways, pavements, alleyways and cycle lanes also compromising their personal safety;
- Alternatives such as LED lighting, dimming, solar power and part-lighting have not been thoroughly investigated and piloted;
- the views of Essex Police have not been properly sought or considered;
- the trials undertaken in Maldon and Uttlesford districts were not representative of Colchester or, indeed, Essex as a whole;
- from surveys and responses taken it would appear that the residents of Colchester overwhelmingly do not support the proposal
- no definitive map of streets where the lights will be switched off has been provided to this Council and Councillors therefore have not had an opportunity to consult residents in detail about this.

The Council therefore resolves to write to the Portfolio Holder for Highways and Transportation at Essex County Council enclosing a copy of this motion and requesting that he abandons the switch-off in Colchester until he has held substantive talks with representatives of this Council.

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

ii. Abbots Activity Centre

Proposer: Councillor Quince

F.... Motion that

Council informs Cabinet of its opinion that the premises known as Abbots Activity Centre should be used as a community centre for the benefit and enjoyment of residents throughout the Borough.

As the Motion relates to an executive function, it stands referred to Cabinet without discussion for consideration and determination in accordance with Council Procedure Rule 11(2).

iii. Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill

Proposer: Councillor Bourne

G... Motion that:

This Council is concerned about the unintended consequences of Parliament passing the unamended Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill. Part 2 of the Bill will unreasonably constrain legitimate activities of charities, local organisations and campaigners that this Council supports.

The Bill is not supported by the National Council of Voluntary Organisations, nor the Association of Chief Executives of Voluntary Organisations.

In highlighting the wealth and variety of voluntary sector organisations operating across Colchester, this Council also recognises that effective campaigning by local organisers must be allowed to continue throughout the year. Despite assurances from Government, small Colchester charities may fall foul of election law and thus be subjected to needless bureaucratic checks.

Therefore, this Council urges the government to amend Part 2 of the Bill, allowing our Colchester charities the freedom to campaign and raise awareness for our residents without the fear of legal action.

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

#### iv. Licensing and the Night Time Economy

H... Motion that:-

This Council takes on board the points made and discussions held at the recent meeting of the Crime and Disorder Committee and as a result:

- Instructs the Chief Executive of Colchester Borough Council to write to all licensed premises operating in Colchester Borough, inviting them to make a financial contribution towards the running costs of Colchester's SOS bus;
- Recognises the problem of 'pre-loading' with regards to alcohol misuse and recommends the setting up of an all-party task and finish group to investigate the issues surrounding this and to report back to Full Council by March 2014;
- Calls on the MPs representing Colchester Borough, The Hon Bernard Jenkin MP, Priti Patel MP and Sir Bob Russell MP to

- call for reform of our licensing laws;
- Invites the three MPs representing Colchester Borough, The Hon Bernard Jenkin MP, Priti Patel MP and Sir Bob Russell MP to spend a Saturday evening in Colchester town centre with the Group Leaders to view and discuss the issues and problems surrounding the night-time economy at first hand.

As the Motion relates to a non-executive function, it will be debated and determined by Council.

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

To receive and answer pre-notified questions in accordance with Council Procedure Rule 10(1) followed by any oral questions (ie not submitted in advance) in accordance with Council Procedure Rule 10 (3).

(Note: A period of up to 60 minutes is available for pre-notified questions and oral questions by Members of the Council to Cabinet Members and Chairmen (or in their absence, Deputy Chairmen)).

No pre-notified questions have been received at the time of the publication of this Summons.

#### **11. Schedules of Decisions taken by Portfolio Holders**

**13 - 16**

To note schedules covering the period 4 July 2013 - 1 October 2013.

#### **12. Urgent items**

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

#### **13. Reports Referred to in Recommendations**

**17 - 44**

The reports specified below are referred to in the recommendations specified in item 7 on the agenda and are submitted for information:

2012/13 Year End Review of Risk Management: Report to Cabinet 4 September 2013

Scrap Metal Dealers Act 2013: Report to Licensing Committee 11 September 2013

#### **14. Exclusion of the Public**

In accordance with Section 100A(4) of the Local Government Act



1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).



# COUNCIL

## 17 JULY 2013

*Present :-* Councillor Colin Sykes (Mayor)  
Councillor John Elliott (Deputy Mayor)  
Councillors Christopher Arnold, Nick Barlow,  
Kevin Bentley, Elizabeth Blundell, Tina Bourne,  
Mark Cable, Peter Chillingworth, Helen Chuah,  
Barrie Cook, Mark Cory, Beverly Davies, Andrew Ellis,  
Annie Feltham, Stephen Ford, Bill Frame, Ray Gamble,  
Martin Goss, Scott Greenhill, Marcus Harrington, Julia  
Havis, Jo Hayes, Peter Higgins, Theresa Higgins,  
Mike Hogg, Martin Hunt (Deputy Leader) , Brian Jarvis,  
John Jowers, Margaret Kimberley, Sonia Lewis,  
Cyril Liddy, Michael Lilley, Sue Lissimore,  
Jackie Maclean, Jon Manning, Richard Martin,  
Kim Naish, Philip Oxford, Will Quince, Lesley Scott-  
Boutell, Peter Sheane, Paul Smith, Laura Sykes,  
Dennis Willetts, Julie Young and Tim Young

The meeting was opened with prayers by the Mayor's Chaplain, Pastor Eric Blowes.

### **12. Apologies**

Apologies were received from Councillors Barton, Blandon, Cope, Chapman, Fairley-Crowe, Harris, Hazell, Mudie, B. Oxford, G. Oxford, Sutton and Turrell.

### **13. Minutes**

The minutes of the meeting held on 22 May 2013 were confirmed as a correct record.

### **14. Have Your Say!**

Angel Kalyan addressed the Council pursuant to the provisions of Council Procedure Rule 7(5). She reminded Councillors of their duty in respect of Council governance. She explained that she had written to all Councillors in 2011 with evidence of malpractice and had requested that Councillors investigate and make public their findings. She asked Councillors whether and how they would investigate the allegations made.

Adrian Pritchard, Chief Executive, was invited to respond. He indicated that the Council had looked at the allegations made and entered into significant correspondence with Mrs Kalyan. No evidence had been found to support the allegations made and the Leader of the Council was satisfied that that was the case. Mrs Kalyan had been advised to seek legal advice if she wished to pursue the matter further. If there was any

substance in the allegations she made, a lawyer would be able to advise her how to take the matter forward.

Christopher Manby, Essex Grassroots Co-ordinator of the Taxpayers Alliance, addressed the Council pursuant to the provisions of Council Procedure Rule 7(5). He noted the proposal in the minutes of the Parking Partnership meeting of 20 June to install parking meters on North Station Road. There was widespread opposition to this amongst business on North Station Road who feared this would deter their customers. It would harm rather help businesses. He had raised a petition containing approximately 100 signatures, including 9 businesses, opposing the proposal which he handed into the Parking Officer. He asked the Portfolio Holder for Street Services why, in the current tough economic times, with businesses facing rising costs, he was considering a proposal that would only increase their costs further?

Councillor Hunt, Portfolio Holder for Street and Waste Services, replied that he would be content to receive the petition and take it into account. Whilst a suggestion had been included in a report to the North Essex Parking Partnership (NEPP) about the possible introduction of parking meters, it had been made clear that it was not for the NEPP to make such a proposal for Colchester. The decision on this lay with Colchester Borough Council, not the NEPP. The press article was based on the report and not on a first hand account of the meeting. He would seek the views of Cabinet colleagues on the principle of the introduction of parking meters and only if they were in agreement would any such proposal even be considered. If such a scheme was to be brought forward he would then seek the views of ward councillors, residents and businesses. Also any scheme that was introduced would have an element of free parking but he reiterated that there was no intention to impose such a scheme anywhere within the Borough.

## **15. Mayor's Announcements**

The Mayor made the following announcements:-

- He was arranging visits to the Town Hall for the classes of each of the mascots for the Tour Series;
- An Open Day would be held at Colchester Zoo on 27 July 2013, which would be an opportunity to meet representatives of the Mayor's Charities;
- Invitations for the Opening of the Oyster Fisheries would be issued shortly. In line with the theme of "Colchester ... United" the Mayor explained that the ceremony would be held on-shore at Cudmore Grove to ensure that nobody was excluded from the event;
- The Mayor announced that Colchester Borough Council had won a Gold Award in Essex County Council's sustainable business travel plan accreditation scheme and presented the award to Councillor Nick Barlow, Portfolio Holder for Regeneration.

## **16. Local Authority Mortgage Scheme (LAMS)**

**Councillors Bentley and Jowers (in respect of being members of Essex County Council Cabinet) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

*RESOLVED* that the recommendations contained in minute 21 of the Cabinet meeting of 10 July 2013 be approved and adopted (MAJORITY voted FOR).

## **17. Redisplay Works at Colchester Castle**

Council received a presentation from Tom Hodgson, Colchester Development Manager, and Bill Seaman, Colchester and Ipswich Museums Manager, on Colchester's heritage and the exhibition and display works for Colchester Castle.

Council thanked Tom Hodgson and Bill Seaman for the presentation and then debated the presentation. In the course of the debate the following points and issues were raised:-

- The content of the new displays and if they would present a balanced chronological history of Colchester;
- The use of mortar and lime in the restoration of the Roman walls;
- The importance of partnership working and the role of EU in securing funding for the restoration and display works;
- Access to the Castle for those with disabilities and the installation of a glass lift within the Castle;
- Whether progress had been made on proposals for the lighting of the Roman walls;
- Whether there were any plans for the Temple of Mithras;
- Projected visitor numbers and how the exhibition and display works could be promoted to Colchester residents and further afield;
- The use of artefacts not used in the displays;
- How the new displays at the Castle could be tied into other cultural and historic attractions in Colchester.

## **18. Blacklisting of Union Members**

**Councillors Hogg and Smith declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

It was PROPOSED by Councillor T. Young that:-

This Council:

- Notes and welcomes campaigning by trade unions to end the scandalous practice of 'blacklisting';

- Shares the serious concerns of Unite the Union, with regard to allegations of 'blacklisting' by joint venture BAM, Ferrovial and Kier (BFK) at Crossrail;
- Notes that meaningful evidence exists to support the view that Unite Shop Steward, Frank Morris, was victimised and sacked by BAM, Ferrovial and Kier (BFK) for being a trade unionist and raising legitimate safety concerns;
- Calls on BAM, Ferrovial and Kier (BFK) to take responsibility for this unethical conduct and reinstate Unite Shop Steward, Frank Morris.

On being put to the vote, the MOTION was LOST (MAJORITY voted AGAINST).

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

<b>Questioner</b>	<b>Subject</b>	<b>Response</b>
<b>Verbal Questions</b>		
Councillor Quince	Had the Portfolio Holder looked at allowing a charity to occupy the Keddies building in order to make a saving on business rates and how long would the Council pay business rates on the building before deciding to knock it down?	Councillor Smith, Portfolio Holder for Business and Resources, indicated that Slack Space were occupying the building for that reason. The situation on business rates was complex and the Council would lose income from business rates should the building be knocked down.
Councillor Quince	Why did the Council chose to fund the Tour Series when the funding could have been used to help keep Abbots Activity Centre open? When would there be an opportunity to scrutinise the decision, rather than the process by which the decision was reached?	Councillor Feltham, Portfolio Holder for Communities and Leisure Services, responded that the Tour Series had widespread appeal and helped bring in visitors to Colchester. Abbots required a considerable subsidy to keep it open. The decision was due to be pre-scrutinised at the Scrutiny Panel meeting on 23 July 2013.
Councillor	Was the fact that neither	Councillor Feltham,

Jarvis	the Portfolio Holder nor an officer attended the recent Older Persons Forum, where Abbots was on the agenda, indicative of the low priority the administration placed on the vulnerable and their organisations? Should Abbots Activity Centre be closed, what was the most likely future use of the building?	Portfolio Holder for Communities and Leisure Services, explained that it was unfortunate that she could not attend, but the fact that the administration had set up the Forum indicated that it took it seriously. The use of the building would be decided once a final decision had been taken on the service.
Councillor Arnold	Could the Portfolio Holder explain what the next steps in the regeneration of the south east parts of the town centre would be?	Councillor Barlow, Portfolio Holder for Regeneration, explained that the Creative Business Centre was being set up. He was looking at a number of other ideas with officers, but much of the detail was commercially sensitive. He would be happy to arrange a briefing for Councillor Arnold with the relevant officers.
Councillor Arnold	Was the Portfolio Holder satisfied with the quality of the recycling sacks which seemed smaller and less robust than previously and did he agree that if this was the case, it was a false economy?	Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated that he did not believe there had been a change to specifications of the sacks but would check.
Councillor Cable	Could the Portfolio Holder assure the residents of Dedham and the members of Dedham Parish Council that their views would be heard and that sufficient time would be given for the implementation of the new parking scheme?	Councillor Hunt, Portfolio Holder for Street and Waste Services, explained that the Parish Council and ward councillors had been kept informed throughout the process. The plans were not finalised and were subject to changes to make them more

		acceptable. He would look into the scheme suggested by the traders.
Councillor Harrington	Could the Portfolio Holder convince Council that she had taken the human cost into account in reaching her decision to close Abbots Activity Centre? Would better marketing improve attendance at Abbots?	Councillor Feltham, Portfolio Holder for Communities and Leisure Services, responded that the Council had taken due care with its legal responsibilities, but had gone further than this and had signposted users to other providers. However, the services Abbots provided were not a statutory function. She believed that Abbots had been marketed positively.
Councillor J. Young	What progress had been made in making the bus station a better facility?	Councillor Barlow, Portfolio Holder for Regeneration, indicated that he would send a written response.
Councillor Bentley	When would food waste collections be rolled out to the whole borough and would be detailed information be provided to all members	Councillor Hunt, Portfolio Holder for Street and Waste Services, set out the timescales for the delivery of food waste containers for each collection route and confirmed that collections would begin a week later. However, there were issues with extending the collections to older flats. Ward Councillors would be kept fully informed.
Councillor Naish	Could the Portfolio Holder confirm what ages were covered by the definition of an "older person"?	Councillor Feltham, Portfolio Holder for Communities and Leisure Services, confirmed the definition covered the ages 50+.
Councillor Cook	Could the Portfolio Holder provide an update on	Councillor Barlow, Portfolio Holder for



	<p>negotiations with Essex County Council on the future arrangements for access to the High Street and would there be a successful outcome?</p>	<p>Regeneration, confirmed he had met with the Essex County Council Portfolio Holder. It was hoped an announcement on future plans that everyone would be able to support would be made in August.</p>
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**20. Schedules of Decisions taken by Portfolio Holders**

*RESOLVED* that the Schedules of Portfolio Holder decisions for the period 9 March 2013 - 3 July 2013 be noted.

**29. Trading Board Terms of Reference**

Minute 8 of the Trading Board's meeting of 14 August 2013 was referred to Cabinet.

*RESOLVED* that the revised Terms of Reference for the Trading Board be agreed.

*RECOMMENDED to COUNCIL* that the Revised Terms of Reference be approved and that the Monitoring Officer be given authority to make the necessary amendments to the Constitution.

*REASONS*

The Trading Board had proposed revised Terms of Reference to address concerns that the original Terms of reference were too detailed could unduly hinder the working of the Board.

As the Board's Terms of Reference were agreed by both Cabinet and Council, the appropriate mechanism for amending them is a recommendation from the Board to Cabinet, which Cabinet can refer to Council if it is in agreement.

*ALTERNATIVE OPTIONS*

Cabinet could choose not to agree the revised Terms of Reference or to recommend alternative Terms of Reference to Council.

For ease of reference the revised Terms of Reference are set out below:-

- a) Consider and review the activities performed by:
  - the commercial services arm of the Council
  - those services generating income of approximately £250,000 or above
  - any trading arms of the Council
  - any partly or wholly owned companies of the Council
- b) Identify and develop any new commercial agreements generating significant income for the Council for approval by Cabinet or Council.
- c) Develop the composition of any new body or bodies created wholly or in part by the Council for commercial purposes including their purpose; governance; operating model; business planning function; risk factors; and to recommend approval for such new arrangements to Cabinet or Council.
- d) Ensure any Council capital investment and/or assets that are to be transferred to or used by an outside body for commercial purposes is

properly specified, protected and used by the outside body and recommended to Cabinet or Council for approval.

- e) Consider any proposed new/transfer or sale/purchase of company shares and make recommendations on these for approval by Council.
- f) Identify and recommend to Cabinet or Council major strategic opportunities for procurement of services from other companies, organisations, social enterprises and the voluntary and third sector.
- g) Receive regular reports of procurement agreements entered into including financial and service performance measures against those stated in the contract and bring any concerns or risks as recommendations to Cabinet.

**30. 2012/13 Year End Review of Risk Management**

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

*RESOLVED* that:-

- (a) The risk management work undertaken during 2012/13 be noted.
- (b) The current strategic risk register be noted.
- (c) The proposed risk management strategy for 2013/14 be approved.

*RECOMMENDED TO COUNCIL* that the Risk Management Strategy for 2013/14 be included in the Council's Policy Framework.

*REASONS*

Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.

During the year quarterly progress reports are presented to the Governance Committee detailing work undertaken and current issues. This report was presented to the Governance Committee on 25 June 2013 where they approved its referral to this meeting.

The Risk Management Strategy is one of the key corporate governance documents that supports the Constitution of the Council and forms part of the Policy Framework. Accordingly any amendments have to be approved by full Council.

*ALTERNATIVE OPTIONS*

Cabinet could choose not to approve the Risk Management Strategy or to make amendments to the Strategy.

**Extract from the minutes of the Licensing Committee meeting on 11 September 2013**

**The Chairman had agreed pursuant to the provisions of Section 100B(4)(b) of the Local Government Act 1972 to consider the following item at the meeting as a matter of urgency because the need to have the governance arrangements in place to enable the Council to discharge its functions under the Scrap Metal Dealers Act 2013 came into effect on 1 October 2013.**

**8. Scrap Metal Dealers Act 2013**

The Committee considered a report by the Monitoring Officer on the changes to the terms of reference of the Licensing Committee and the scheme of delegation to officers necessitated by the new Scrap Metal Dealers Act 2013 which would come into effect on 1 October 2013.

The Scrap Metal Dealers Act 2013 had been introduced in response to the growth in metal thefts, driven by increased commodity costs, which was having a damaging and disruptive effect on the country's infrastructure. The new legislation brought together the licensing of scrap metal dealers and motor salvage and would require both sites and operators to be licensed. The licensing regime introduced by the new Act was very similar to that for the licensing of taxi drivers and personal licence holders in which the suitability of applicants is assessed on a number of factors, outlined in the Act. The proposed changes to the terms of reference and the scheme of delegation were set out in the report. It was expected that straightforward applications would be determined by the Head of Professional Services under delegated powers but any disputed decisions would need to be heard by a Licensing Sub-Committee with a further right of appeal to the Magistrates Court.

*RESOLVED that:-*

(i) That subject to the approval by Council of recommendation (i) below the amendments to the Scheme of Delegation to Officers as set out in paragraphs 2.8 (b) and (d) of the report to the Licensing Committee be approved.

*RECOMMENDED TO COUNCIL that:-*

(i) The changes to the Licensing Committee's terms of reference as set out in paragraphs 2.8 (a) and (c) of the report to the Licensing Committee be approved subject to the amendment in the final paragraph of 2.8 (c) to read "to revoke or vary licence applications under the Scrap Metal Dealers Act 2013, where appropriate, where representations have been received".

(ii) That the Monitoring Officer be authorised to make all necessary amendments to the Constitution to give effect to the contents of the report to the Licensing Committee.

**Agenda item 11**  
**Record of Decisions taken under Scheme of Delegation to Cabinet Members**  
**4 July – 1 October 2013**

<b>Portfolio – Business and Resources</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>
10/7/13	BUS-002-13	Irrecoverable Debts over £5,000	Debbie Greenwood	To approve the writing off of debts which have proved irrecoverable.	Agreed 17/7/13
22/8/13	BUS-003-13	Local Authority Mortgage Rate	Debbie Greenwood	To set the locally determined Interest Rate as 4.81% for the 6 months starting 1 October 2013.	Agreed 30/8/13
27/8/13	BUS-004-13	Former Magistrates Courts, Town Hall, High Street , Colchester	Grace Olowe	To grant a lease of Former Magistrates Courts, Town Hall, Colchester to Pacheco Ltd.	Agreed 3/9/13

<b>Portfolio – Communities and Leisure Services</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>
16/7/13	COM-002-13	Sport & Leisure Pricing Framework	Tim Swallow	To adopt the new Pricing Framework for Sport and Leisure.	Agreed 23/7/13
26/7/13	COM-003-13	Woodland Management	Paul Vickers	To approve a summary of management plans for Charter Wood and the Colne Local Nature Reserve, and an updated timetable for woodland management works at High Woods Country Park in accordance with recently acquired Felling Licenses from the Forestry Commission.	Agreed 2/8/13
26/7/13	COM-004-13	Sale of Beach Hut 527 at Victoria Esplanade West Mersea	Bob Penny	To approve the sale of Beach Hut 527 at Victoria Esplanade West Mersea.	Agreed 2/8/13

**Agenda item 11**  
**Record of Decisions taken under Scheme of Delegation to Cabinet Members**  
**4 July – 1 October 2013**

27/9/13	COM-005-13	Allotment charges and review of tenancy agreements	Bob Penny Claire Pick	To approve allotment plot rental effective from October 2014 and a review of the Allotment Strategy.	Due 4/10/13
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<b>Portfolio – Customers</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>

<b>Portfolio – Housing</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>
17/7/13	HOU-002-13	Lease Agreement for Forest Road Meeting Hall and Car Park, 121 Forest Road, Colchester	Bidget Tighe	To approve a lease arrangement between Colchester Borough Council and Greenstead Community Association for 121 Forest Road Meeting Hall and car park.	Agreed 24/7/13
15/8/13	HOU-003-13	Transfer of Housing Revenue Account Owned Land on 5 Garage Sites to Estuary Housing Association	Mike Taylor	To transfer the Housing Revenue Account Owned Land on 5 Garage Sites to Estuary Housing Association.	Agreed 22/8/13
22/8/13	HOU-004-13	Demolition of garages at 1-6 Wheeler Close, 1-27 Dilbridge	Tina Hinson	To agree to proceed with the demolition of garages at 1-6 Wheeler Close and 1-27 Dilbridge Road.	Agreed 30/8/13



**Agenda item 11**  
**Record of Decisions taken under Scheme of Delegation to Cabinet Members**  
**4 July – 1 October 2013**

<b>Portfolio – Planning, Community Safety and Culture</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>
29/8/13	PLA-001-13	S106 Developer contributions monitoring fee schedule	Simon Cairns	To increase scale of fees for planning legal agreements between the Council and developers with effect from 1 September 2013.	Agreed 5/9/13

<b>Portfolio – Regeneration</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>
22/8/13	REG-001-13	Town Station Square – appointment of the main contractor	Neil Hopkins	To appoint the main contractor for the Town Station Square Project.	Agreed 30/8/13
30/9/13	REG-002-13	Berryfield Works (Remediation of former bus station)	Howard Davies	To appoint the main contractor for the remediation of the former bus station back to a Greenfield site.	Due 7/10/13

<b>Portfolio – Strategy</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>

<b>Portfolio – Street and Waste Services</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>
20/9/13	STW-001-13	Fees for applications made under the Scrap Metal Dealers Act 2013	Martin Nelson	To approve the proposed fees for applications made under the Scrap	Decision can be

**Agenda item 11**  
**Record of Decisions taken under Scheme of Delegation to Cabinet Members**  
**4 July – 1 October 2013**

				Metal Dealers Act 2013	implemented immediately as accompanied by an Urgency Authorisation Notice and therefore not subject to the 5 day call-in procedure
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**4 September 2013**

<b>Report of</b>	<b>Assistant Chief Executive</b>	<b>Author</b>	<b>Hayley McGrath</b> ☎ 508902
<b>Title</b>	<b>2012/13 Year End Review of Risk Management</b>		
<b>Wards affected</b>	Not applicable		

**This report concerns the Risk Management work undertaken for the period 1 April 2012 to 31 March 2013.**

**1. Decisions Required**

- 1.1 Note the risk management work undertaken during 2012/13.
- 1.2 Note the current strategic risk register.
- 1.3 Approve the proposed risk management strategy for 2013/14 and refer it to full Council for inclusion in the Council's Policy Framework.

**2. Reason for Decisions**

- 2.1 Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.
- 2.2 During the year quarterly progress reports are presented to the Governance Committee detailing work undertaken and current issues. This report was presented to the Governance Committee on 25 June 2013 where they approved its referral to this meeting.
- 2.3 The Risk Management Strategy is one of the key corporate governance documents that supports the Constitution of the Council and forms part of the Policy Framework. Accordingly any amendments have to be approved by full Council.

**3. Key Messages**

- The economy and cuts in public spending continue to have had a significant impact on the key risks during the year. The highest risk on the year end strategic register remains the potential impact of future central government decisions to reduce public funding, including that of the Council's partners.
- As well as having a direct effect on resources, cuts in public spending are also influencing non-financial risk areas, such as staff motivation, as a result of implementing the changes required to ensure that effective services continue to be provided.
- The strategic risk register identifies actions to minimise risks. It is recognised that there are also external factors, such as changes in the borough economy, that the Council has less direct influence over however actions are identified to reduce the potential impact of these risks
- Risk Management principles continue to be reinforced and embedded in the organisation. The 2011/12 Annual Governance Report, issued by the Audit Commission in September 2012, stated that "Good systems, processes and controls are in place, including effective risk management systems". This is demonstrated by the 2012/13 internal audit review which provided a substantial assurance level.

#### **4. Supporting Information**

- 4.1 The aim of the Council is to adopt best practices in the identification, evaluation, cost-effective control and monitoring of risks across all processes to ensure that risks are properly considered and reduced as far as practicable.
- 4.2 In broad terms risks are split into three categories:
- Strategic – those risks relating to the long term goals of the Council
  - Operational – risks related to the day-to-day operation of each individual service
  - Project – consideration of the risks relating to specific initiatives
- 4.3 Strategic risks are essentially those that threaten the long term goals of the Council and therefore are mainly based around meeting the objectives of the Strategic Plan. They may also represent developing issues that have the potential to fundamentally affect service provision, such as proposals to dramatically change the corporate assessment process. Strategic risks are owned by members of the Senior Management Team.
- 4.4 Operational risks are those that threaten the routine service delivery of the Council. Each service area has their own operational risk register that details the risks associated with providing the service. These registers are reported, in summary format, to the Senior Management Team and committee on an annual basis. High risks and the success in controlling them are reported to Senior Management Team on a quarterly basis, as these assist in the formulation of the strategic risk register.
- 4.5 Project risks are those that relate solely to the successful delivery of that specific project. They tend to be quantifiable issues, such as resource or time related, and constantly change and develop over the course of the project as each stage is completed. The lead on the project is responsible for ensuring that there is an appropriate risk register and high level issues are reported to the senior management team.

#### **5.0 Summary of 2012/13**

- 5.1 A major area of work during the year has been the comprehensive review of motor fleet risks. In August 2012 the Council experienced a significant increase in motor vehicle insurance premiums, primarily due to the number of incidents involving Council fleet vehicles. This led to the creation of a team to fundamentally review the issues surrounding the fleet and in turn an action plan to reduce the risks faced by the fleet. The action plan identified various objectives including senior management commitment, the creation of a driver's handbook and various types of training. The work undertaken so far has already seen a reduction in claim numbers from the previous year and a lower than anticipated insurance premium for 2013/14.
- 5.2 The work started in the previous year to embed anti-fraud and corruption processes has continued during 2012/13. Work has been undertaken with CBH to review their policies and training sessions are being organised for their staff. As part of the review of anti-fraud and corruption policies it was recognised that the Council did not have any formally trained investigators to conduct suspected fraud reviews. Therefore the Risk and Resilience Manager undertook the BTEC Advanced Professional Certificate in Investigative Practice to ensure that investigation reports are completed to the required standard.
- 5.3 There were no fundamental changes to the risk management function, or the processes used to identify and control risk, during 2012/13.
- 5.4 An audit of the risk management function was carried out in January 2013. This produced four recommendations three at level two and one at level three. These related

to updating on-line documents and inclusion of partnership and flexible working risks in all operational risk registers.

- 5.5 The risk registers for the Joint Museum Service and the North Essex Parking Partnership both continue to be produced and reported to the joint committees.

## **6. Strategic Risk Register**

- 6.1 During 2012/13 the strategic risk register was reviewed by the senior management team every quarter and reported to the Finance and Audit Scrutiny Panel every six months. The register for quarter 4 is shown at appendix 1. These risks have been mapped onto a risk chart as shown at appendix 2.
- 6.2 Currently the issues relating to the uncertainties around the economic climate and the impact that this is having on staff morale continue to be the highest risks.
- 6.3 Due to the implementation of the new organisational structure both the operational and strategic registers are currently being comprehensively reviewed to ensure that they accurately capture the risks faced by the Council. The results of this review will be reported to the Governance Committee in November this year.
- 6.4. Appendix 1 and 2 reflect the historic review carried out of risks and the risks assessments will be updated to reflect the current position. For example, it is considered that the following 2 risks could be changed as follows:-

Risk 1c, Reduce probability from 3 to 2

Risk 6d, Reduce impact from 4 to 3

## **7. Risk Management Strategy for 2013/14**

- 7.1 The Council's current approach to managing risk was introduced in 2006/07. A requirement within the strategy, and also of the annual audit assessment, is to review the approach each year to ensure that it is still appropriate to the Council's needs.
- 7.2 Therefore a review has been undertaken and the strategy has been updated for 2013/14. The revised strategy is attached at appendix 3. There are no fundamental changes proposed to the risk process with amendments only to external review comments and the updating of titles to reflect the new organisational structure.

## **8. Proposals**

- 8.1 To note and comment upon the Council's progress and performance in managing risk during 2012/13 and the current strategic register, and endorse the submission of the revised Risk Management Strategy to full Council for inclusion in the Policy Framework.

## **9. Strategic Plan References**

- 9.1 The strategic risk register reflects the objectives of the strategic plan and the actions have been set with due regard to the identified key strategic risks. Therefore the risk process supports the achievement of the strategic objectives.

## **10. Risk Management References**

- 10.1 The failure to adequately identify and manage risks may have an effect on the ability of the Council to achieve its objectives and operate effectively.

## **11. Other Standard References**

- 11.1 There are no direct Consultation, Publicity, Financial, Human Rights, Equality and Diversity, Community Safety or Health and Safety implications as a result of this report.

**Quarter 4 2012/13**  
**Colchester Borough Council – Corporate Strategic Risk Register**  
**January 2013 – March 2013**

<b>1. AMBITION</b>								
Specific Risks		SCORE						Consequence
		Current			Previous			
		P	I	O	P	I	o	
1a	In a period of public sector resource reductions the ability to have ambition and to deliver on that ambition.	3	2	6				Major changes needed to the town would not be delivered thus affecting the quality of life of its residents and businesses.
1b	Unrealistic internal and external expectations on the speed of delivery.	3	3	9				Major economic downturn in public sector resourcing over the next few years will hamper the speed of delivery across the services provided.
1c	The Council is unable to effectively influence changes in the Borough economy.	3	4	12	2	4	8	Poorer external assessments by independent agencies and loss of Council reputation.
1d	Over reliance on a limited number of people limits ability to deliver our ambition.	3	3	9	2	3	6	The Borough Council loses its status and influencing ability at sub-regional, regional and national levels.
1e	The resource implications, including ICT, staffing and financial, of the UCC FSR are greater than anticipated.	2	4	8				The review does not achieve its full potential and anticipated improvements are not realised, resulting in Customers not receiving an improved level of service.

<b>ACTION PLAN – AMBITION</b>		
Action	Owner	Review
Constantly challenge the ambition shown by the Council and look for new and innovative ways of delivering that ambition.	Chief Executive / Executive Directors / Heads of Service	March 2013
Make the most of information and communication technology; continue the process of Fundamental Service Reviews	Executive Management Team	March 2013
Continue internal assessment of service effectiveness and seek external assessments as appropriate for continuous improvement purposes.	Senior Management Team	March 2013
Consider longer term impacts of staffing reductions.	Senior Managers and Human Resources function	March 2013
The resourcing issues around the UCC FSR are managed by the UCC FSR risk register which covers ICT, Cultural Change, Financial and External risks.	Executive Director	The register is reviewed by the implementation group monthly and by the project board bi-monthly.

<b>2. CUSTOMERS</b>								
Specific Risks		SCORE						Consequence
		Current			Previous			
		P	I	O	P	I	O	
2a	The increasing expectations of our customers, set alongside the financial challenges to service delivery may pose some challenges to customer excellence, service and delivery and the reputation of the authority.	4	3	12	3	3	9	The Authority fails to deliver the high standards of service and delivery which our customers expect, especially in relation to self service and the reliance on IT capabilities.
2b	There is increasing expectation that the Council will step in to deliver services when other providers either fail or reduce service provision	4	3	12				The Council suffers from a loss of reputation as customer's expectations are not met. There is increased demand on existing services leading to a reduction in standards of delivery

### ACTION PLAN – CUSTOMERS

Action	Owner	Timing
A programme of engagement and consultation is put in place to ensure customers are able to inform service priorities and delivery	ED Customer Excellence	March 2013
Front line services need to ensure that customers are fully aware of the level of service that can be expected and details should be made available to sign post customers to other relevant organisations.	ED Customer Excellence	March 2013

<b>3. PEOPLE</b>									
Specific Risks		SCORE						Consequence	
		Current			Previous				
		P	I	O	P	I	O		
3a	Unable to update skills at a time when we need a changing skill set to deliver in a different economic climate	3	3	9				Decline in service performance	
3b	Failure to sustain adequate resource to support Training and Development because of the financial situation	3	3	9				Disengaged and demotivated staff	
3c	Failure to provide effective and visible political and managerial leadership.	3	3	9				Efficiency and productivity reduction	
3d	Staff motivation declines with impact of fundamental service reviews and implementation of other budget efficiencies	4	4	16				Inability to meet changing requirements and needs	
3e								Customer perceptions decline as we deliver less	
								Loss of key staff	



**ACTION PLAN – PEOPLE**

Action	Owner	Timing
Ensure effective communications strategy around budget implications with staff	ED People & Performance	March 2013
Ensure people strategy is updated to reflect changing needs as appropriate	ED People & Performance	March 2013
Continue to recognise the importance of training and development budgets and use more innovative methods to keep skills up to date	ED People & Performance	March 2013
Ensure performance management process is effectively implemented and monitored to include development needs and plans	ED People & Performance	March 2013
Active promotion and use of Colchester Learning Managers programme and development to meet evolving needs	ED People & Performance	March 2013
Ensure outcomes of fundamental service reviews reflect training and development needs to support changes in services.	ED Customer Excellence	March 2013

#### 4. HORIZON SCANNING

Specific Risks	SCORE						Consequence	
	Current			Previous				
	P	I	O	P	I	O		
4a	To continuously assess future challenges to ensure Council is fit for future purpose	2	4	8				If not properly managed then either the Council will lose the opportunity to develop further or will have enforced changes to service delivery.
4b	Not taking or creating opportunities to maximise the efficient delivery of services through shared provision, partnerships or commercial delivery	4	3	12				Adverse impact on local residents / resources.  Missed opportunities to boost local economy.
4c	Failure by the Council to spot / influence at an early stage the direction of Central Government policies / new legislation.	3	3	9	2	3	6	Conflict between Council / Government agendas.  Reduction in levels of service provision and potential withdrawal of services.
4d	Potential impact of future central government decisions to reduce public funding, including that of our partners	4	5	20	3	5	15	

#### ACTION PLAN – HORIZON SCANNING

Action	Owner	Timing
Ensure organisational readiness to respond to external challenges through the Way We Work programme strands: - People - Transformation - Customer Excellence - Leadership of Place	EMT	March 2013
Supported by a robust Medium term Financial strategy and organisational development strategy.	EMT	March 2013
Continuous review of strategies and policies to reflect changing context.	EMT	March 2013
The budget situation is under constant review, including the impact of decisions from central government. Additional actions and areas for spending reviews are being identified.	EMT	March 2013

5. PARTNERSHIPS										
Specific Risks		SCORE						Consequence		
		Current			Previous					
		P	I	O	P	I	O			
5a	Failure or inappropriate performance management of one or more strategic partnerships or key contracts E.g. Haven Gateway, Growth Cities Network, CAPITA, CBH	4	3	12						The cost of service delivery is increased however quality decreases.  Failure to deliver key priorities.  Reputational and financial loss by the Authority.  Failure to deliver expected outcomes through partnerships
5b	Change of direction / policy within key partner organisations and they revise input / withdraw from projects.	4	3	12	3	3	9			Requirement to repay external funding granted to partnership – taking on the liabilities of the ‘withdrawn’ partner.  External assessment of the Councils partnerships are critical and score poorly.
5c	Potential inability to agree shared outcomes/ agendas with partners and the Council’s ability to influence partner’s performance.	3	4	12	3	3	9			

ACTION PLAN – PARTNERSHIPS		
Action	Owner	Timing
Assess proposed strategic partnerships to ensure that they will satisfy the Council’s objectives before commitment to new partnerships is made.	EMT	March 2013
Define a relationship / performance management process for partnerships	ED People & Performance	March 2013
Ensure that there is a mechanism to review partnerships and assess the value added.	ED People & Performance ED Leadership of Place	March 2013

## 6. ASSETS & RESOURCES

Specific Risks		SCORE						Consequence
		Current			Previous			
		P	I	o	P	I	o	
6a	Failure to protect public funds and resources – ineffective probity / monitoring systems	3	4	12	2	4	8	Service delivery failure Financial and reputational loss by the Authority
6b	Risk that Asset Management is not fully linked to strategic priorities and not supported by appropriate resources	3	4	12				Personal liability of Officers and Members. Legal actions against the Council
6c	Inability to deliver the budget strategy in the current economic climate	3	4	12	3	5	15	Loss of stakeholder confidence in the Borough Inability to sustain costs
6d	Failure to set aside sufficient capital funds for strategic priorities	3	4	12	3	2	6	Failure to deliver a balanced budget Required to use Reserves & Resources to fund services and capital priorities Severe impact on cash-flow leading to negative effect on performance targets
6e	Increased risk to ICT resilience with migration to new supplier and ever increasing demands around information security	2	5	10				

## ACTION PLAN – ASSETS & RESOURCES

Action	Owner	Timing
Ensure that there is a robust system of internal control that encompasses all assurance systems including Internal Audit, Risk Management, Budget process, Corporate Governance and performance management. This must be reported to senior officers and members on a regular basis to ensure that it is fully embedded	EMT / Head of Resource Management	There is cycle of reviewing and reporting including internal Audit, Risk management and the AGS Review March 2013
Continue to ensure that the budget monitoring process is reflective of finances across the whole Council not just individual service areas	Head of Resource Management	Regular reporting to PMB. & FASP. Review March 2013
Develop the annual budget strategy to ensure it has controls built in to be able to respond to changes in the strategic objectives and is innovative to reflect the current climate and emerging options	Head of Resource Management	Annual exercise. Council approves budget in Feb 2013
Review the medium term financial outlook and capital programme processes to ensure they are kept up to date and realistic	Head of Resource Management	MTFS is part of the budget strategy & considered during the process. Capital programme reported to FASP quarterly Review March 2013
Regular reviews with new ICT supplier Ensure IT policies comply with information security requirements and that staff are aware of the correct procedures.	ED People & Performance	From beginning of new contract and ongoing. Next review March 2013

<b>SCORE DEFINITIONS</b>	<b>1 Very Low</b>	<b>2 Low</b>	<b>3 Medium</b>	<b>4 High</b>	<b>5 Very High</b>
<b>Impact</b>	Insignificant effect on delivery of services or achievement of Strategic Vision & Corporate Objectives.	Minor interruption to service delivery or minimal effect on Corporate Objectives.	Moderate interruption to overall service delivery/effect on Corporate Objectives or failure of an individual service.	Major interruption to overall service delivery or severe effect on Corporate Objectives.	Inability to provide services or failure to meet Corporate Objectives
<b>Probability</b>	10% May happen – unlikely	10 -25% Possible	26 – 50% Could easily happen	51 – 75% Very likely to happen	Over 75% Consider as certain

RISK MATRIX YEAR END 2012/13

Low Risks	Medium Risks	High Risks
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Scoring 1-5

Risk Tolerance Line

Probability of Occurrence	5 Very High					
	4 High			2a 2b 4b 5a 5b	3e	4d
	3 Medium		1a	1b 1d 3a 3b 3d 4c	1c 5c 6a 6c 6d	
	2 Low				1e 4a	6e
	1 Very Low					
		1 Very Low	2 Low	3 Medium	4 High	5 Very high
<b>Severity of Impact</b>						

**Removed Risks**

3c

Declining number of staff affects our capacity and impacts on our ambitions  
Removed Qtr 1 2012/13



# DRAFT Risk Management Strategy 2013/14



## **RISK MANAGEMENT STRATEGY**

*This document outlines the Council's commitment to managing risk in an effective and appropriate manner. It is intended to be used as the framework for delivery of the Risk Management function and provides guidance on developing risk management as a routine process for all services.*

## **INTRODUCTION**

The Council undertakes that this strategy will ensure that:

1. The management of risk is linked to performance improvement and the achievement of the Council's strategic objectives.
2. Members and the Senior Management Team own, lead and support on risk management.
3. Ownership and accountability are clearly assigned for the management of risks throughout the Council.
4. There is a commitment to embedding risk management into the Council's culture and organisational processes at all levels including strategic, programme, project and operational
5. All members and officers acknowledge and embrace the importance of risk management as a process, by which key risks and opportunities are identified, evaluated, managed and contribute towards good corporate governance.
6. Effective monitoring and reporting mechanisms are in place to continuously review the Council's exposure to, and management of, risks and opportunities.
7. Best practice systems for managing risk are used throughout the Council, including mechanisms for monitoring and reviewing effectiveness against agreed standards and targets.
8. Accountability to stakeholders is fully demonstrated through periodic progress reports and an annual statement on the effectiveness of and the added value (benefits) from the Council's risk management strategy, framework and processes.
9. The Council's approach is regularly assessed by an external, independent body against other public sector organisations, national standards and Best Practice.
10. The Risk Management Strategy is reviewed and updated annually in line with the Council's developing needs and requirements.

**Endorsement by Adrian Pritchard, Chief Executive**

*“Colchester Borough Council is committed to ensuring that risks to the effective delivery of its services and achievement of its overall objectives are properly and adequately controlled. It is recognised that effective management of risk will enable the Council to maximise its opportunities and enhance the value of services it provides to the community. Colchester Borough Council expects all officers and members to have due regard for risk when carrying out their duties.”*

A handwritten signature in black ink that reads "A. R. Pritchard." The signature is written in a cursive style with a long, sweeping underline.**WHAT IS RISK MANAGEMENT**

Risk Management is the control of business risks in a manner consistent with the principles of economy, efficiency and effectiveness. It is an essential performance management process to ensure that both the long and short term objectives of the Council are achieved and that opportunities are fully maximised.

Risk Management is not about eliminating risk, as this would limit the ability of the organisation to develop and deliver its ambitions. Its purpose is to recognise the issues that could effect the achievement of our objectives and develop actions to control or reduce those risks. Acknowledgement of potential problems and preparing for them is an essential element to successfully delivering any service or project. Good management of risk will enable the Council to rapidly respond to change and develop innovative responses to challenges and opportunities.

‘The Good Governance Standard for Public Services’ issued by The Independent Commission on Good Governance in Public Services states that there are six core principles of good governance including ‘Taking informed, transparent decisions and managing risk’. The document goes on to state ‘Risk management is important to the successful delivery of public services. An effective risk management system identifies and assesses risks, decides on appropriate responses and then provides assurance that the chosen responses are effective’.

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## BACKGROUND

A process for managing risks was first adopted by the Council in 2003 and since then has been developed to ensure that it continues to be an effective management system. This strategy defines Colchester Borough Council's definition of risk and the processes to be followed.

In broad terms risks are split into three categories:

- Strategic – those risks relating to the long term goals of the Council
- Operational – risks related to the day-to-day operation of each individual service
- Project – consideration of the risks occurring as a result of the Council's involvement in specific initiatives

The following are some of the practical ways that risks are managed and how effectiveness is measured.:

- Creation of an overall strategic register.
- Creation of operational risk registers for all service areas.
- Consideration of risk in Committee reports.
- Development of a comprehensive risk register for the regeneration programme and consideration of risk as a project management tool.
- Successful internal and external assessment.
- Provision of advice to other authorities regarding our management of risk.

The Audit Commission, in their 2011/12 Annual Governance Report stated that the Council has "Good systems, processes and controls in place, including effective risk management systems".

This is an endorsement that we have devised a practical and workable approach to managing risk. This has resulted in the Council becoming more risk aware and actually taking more risks, as demonstrated by the comprehensive risk register for the regeneration projects. Colchester is also highly regarded for managing risk by both our insurers and other authorities.

The 2012/13 internal audit of risk management gave a substantial assurance opinion. Some recommendations were raised during this audit and these mainly related to the availability of information on line.

## OWNERSHIP

The responsibility to manage risk rests with every member and officer of the Council however it is essential that there is a clearly defined structure for the co-ordination and review of risk information and ownership of the process.

Appendix D is from the CIPFA/SOLACE risk management guide, Chance or Choice. It is a generic map of responsibility for each part of the risk management process.

The following defines the responsibility for the risk management process at Colchester:

**Cabinet** – Overall ownership of the risk management process and endorsement of the strategic direction of risk management.

**Portfolio Holder for Business & Resources** – Lead member for the risk management process

**Governance Committee** – Responsible for reviewing the effectiveness of the risk management process and reporting critical items to Cabinet as necessary.

**Performance Management Board (PMB)** – Ownership of the strategic risks and overview of the operational risks. Actively support the Risk Management Strategy and framework.

**Chief Operating Officer** – Lead officer for the risk management process, demonstrating commitment to manage risk.

**Assistant Chief Executive** – Responsible for co-ordination of the risk management process, co-ordinating and preparing reports and providing advice and support.

**Heads of Service** – Ownership, control and reporting of their service's operational risks. Contribute to the development of a risk management culture in their teams.

**All Employees** – To understand and to take ownership of the need to identify, assess, and help manage risk in their individual areas of responsibility. Bringing to the management's attention at the earliest opportunity details of any emerging risks that may adversely impact on service delivery.

**Internal Audit, External Audit and other Review Bodies** – Annual review and report on the Council's arrangements for managing risk throughout the Council, having regard to statutory requirements and best practice. Assurance on the effectiveness of risk management and the control environment.

## AIMS & OBJECTIVES

**The aim** of the Council is to adopt best practices in the identification, evaluation, cost-effective control and monitoring of risks across all processes to ensure that risks are properly considered and reduced as far as practicable.

**The risk management objectives** of Colchester Borough Council are to:

- Integrate risk management into the culture of the Council
- Ensure that there are strong and identifiable links between managing risk and all other management and performance processes.
- Manage risk in accordance with best practice
- Anticipate and respond to changing social, environmental and legislative requirements
- Prevent injury, damage and losses and reduce the cost of risk
- Raise awareness of the need for risk management by all those connected with the Council's delivery of services.
- Ensure that opportunities are properly maximised through the control of risk.
- Reduce duplication between services in managing overlapping risks and promote 'best practise'.

Risk Management forms an important part of the Council's system of Internal Control. Previously the Audit Commission assessed the function as operating at level 3 as part of their 'Use of Resources' review.. However, the Use of Resources assessment is no longer carried out but the criteria laid down for each assessment level , set out in Appendix C, still provides a robust framework for delivering an effective service.

## STRATEGIC RISK MANAGEMENT

Strategic risks are essentially those that threaten the long term goals of the Council and therefore are mainly based around meeting the objectives of the Strategic Plan. They may also represent developing issues that have the potential to fundamentally effect service provision, such as proposals to dramatically change the corporate assessment process.

Strategic risks will be controlled using a register that will detail the risks and associated controls. The register will be owned by the Senior Management Team, with ownership for risks being assigned to individual officers, and will be reviewed every quarter. The strategic risks will be reported to the Governance Committee at least twice a year.

## **OPERATIONAL RISK MANAGEMENT**

Operational risks are those that threaten the routine service delivery of the Council. Each service area will have their own operational risk register that details the risks associated with providing the service. These registers will be reported, in summary format, to the Senior Management Team and committee on an annual basis. High risks and the success in controlling them will be reported to Senior Management Team on a quarterly basis, as these will help in the formulation of the strategic risk register.

## **LINKS**

It is essential that risk management does not operate in isolation to other management processes. To fully embed a risk management culture it has to be demonstrated that risk is considered and influences all decisions that the Council makes. It is essential that there is a defined link between the results of managing risk and the following:

- The Strategic Plan
- Service Plans
- Revenue and Capital Budgets
- Annual Internal Audit Plan

## **ACTION REQUIRED**

The following actions will be implemented to achieve the objectives set out above:

- Considering risk management as part of the Council's strategic planning and corporate governance arrangements.
- Ensuring that the responsibility for risk management is clearly and appropriately allocated
- Maintaining documented procedures for managing risk
- Maintaining a corporate approach to identify and prioritise key services and key risks across the Council and assess risks on key projects.
- Maintain a corporate mechanism to evaluate these key risks and determine if they are being adequately managed and financed.
- Establish a procedure for ensuring that there is a cohesive approach to linking the risks to other management processes
- Including risk management considerations in all committee reports
- Providing risk management awareness training to both members and officers.
- Developing risk management performance indicators.
- Establishing a reporting system which will provide assurance on how well the Council is managing its key risks and ensures that the appropriate Members and officers are fully briefed on risk issues.
- Preparing contingency plans in areas where there is a potential for an occurrence to have a significant effect on the Council and its business capability.
- Regularly reviewing the risk process to ensure that it complies with current national Governance Standards and Best Practice.
- Developing risk management links with key partners and contractors, to ensure that principles are adopted in all areas of service delivery.

## REVIEW

To ensure that the risk management process is effective it will need to be measured and reported to P.M.B., Governance Committee & Cabinet. As well as a structured reporting process of risks and controls during the year there will need to be an annual review demonstrating the success of the following:

- The inclusion of risk management principles within Service Plans and budgets.
- The development of the Internal Audit plan based on the risk issues.
- Achievement against identified performance indicators.
- Members consistently ensuring managing risk is considered as part of the decision making processes within the Council.
- Service managers making recommendations that regard risk as an opportunity as well as a threat .
- Risk management principles being considered in service reviews, for example in areas such as options for change and service improvements.
- Changes in risk being independently identified and assessed by Service Managers
- Compliance with the use of resources criteria and self assessment requirements.

Suitable opportunities to benchmark the risk management service against other organisations should also be explored to ensure that it is effective and the work carried out by the Council conforms to best practise.

The four appendices attached give greater detail of key issues:

Appendix 1 – Outline of the risk management process

Appendix 2 – Details of how Risk Management will be reported.

Appendix 3 – The 2007 Use of Resources Criteria for Risk Management

Appendix 4 – CIPFA guidance on Risk Management Responsibilities

## APPENDIX A

### The Risk Management Process

Risk Management is a continual process of identifying risks, evaluating their potential consequences and determining the most effective methods of controlling them and / or responding to them. The risks faced by the Council are constantly changing and the continual process of monitoring risks should ensure that we can respond to the new challenges. This process is referred to as the risk management cycle.

#### **Stage 1 – Risk Identification**

Identifying and understanding the hazards and risks facing the council is crucial if informed decisions are to be made about policies or service delivery methods. There is detailed guidance available on how to identify risks which includes team sessions and individual knowledge. Once identified a risk should be reported to the Head of Service who will consider its inclusion on the relevant risk register. If the risk is identified in between register reviews then it is reported to the Risk & Resilience Manager for information and the Head of Service is responsible for managing the risk.

#### **Stage 2 – Risk Analysis**

Once risks have been identified they need to be systematically and accurately assessed. If a risk is seen to be unacceptable, then steps need to be taken to control or respond to it.

#### **Stage 3 – Risk Control**

Risk control is the process of taking action to minimise the likelihood of the risk event occurring and / or reducing the severity of the consequences should it occur.

#### **Stage 4 – Risk Monitoring**

The risk management process does not finish with the risk control procedures in place. Their effectiveness in controlling risk must be monitored and reviewed. It is also important to assess whether the nature of the risk has changed over time.



## APPENDIX B

### Reporting

No matter how good the process to identify and control risks is, it will not be effective unless the information gained from it is reported and used to influence other management issues / processes. Therefore it is essential that there is a defined process and timetable for reporting the results of the risk management process to both members and officers.

#### Types of Report

- The strategic risk register needs to be reviewed on a quarterly basis by P.M.B.
- Six monthly review of the operational risk registers and a summary report of these reviews to P.M.B.
- A six monthly report needs to be provided to Committee (Governance) detailing the current strategic and high level operational risks and the progress made in controlling them.
- An annual report reviewing Risk Management activity and an action plan for the coming year - taking into account changes in methodology and results of internal and external reviews. Going to P.M.B., Governance and Cabinet. This needs to cover all of the three areas of risk
- Ad-hoc reports need to be provided to P.M.B. when new, significant risk issues arise.

The reports can be summarised as follows:

	<b>Service's</b>	<b>P.M.B.</b>	<b>Governance</b>	<b>Cabinet</b>
<b>Quarterly</b>		Review of strategic risk register		
<b>6 Monthly</b>	Review of operational risk register	Summary of operational review from services	Progress report of strategic & high level operational risks	
<b>Yearly</b>		Scrutiny of annual progress report to cttee on R.M.	Endorsement of annual progress report on R.M.	Summary of past years work on R.M.

## Appendix C

# Audit Commission Key Line of Enquiry Criteria

<b>4. INTERNAL CONTROL</b> <b>How well does the council's internal control environment enable it to manage its significant business risks?</b>		
<b>Key line of enquiry</b> 4.1 The council manages its significant business risks		
<b>Audit Focus</b> Evidence that: the council has a risk management process in place the risk management system covers partnership working		
<b>Criteria for Judgement</b>		
<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
<p>* The council has adopted a risk management strategy/policy that has been approved by members.</p> <p>* The risk management strategy/policy requires the council to:</p> <ul style="list-style-type: none"> <li>• identify corporate and operational risks</li> <li>• assess the risks for likelihood and impact</li> <li>• identify mitigating controls</li> <li>• allocate responsibility for the mitigating controls.</li> </ul> <p>* The council maintains and reviews a register of its corporate business risks linking them to strategic business objectives and assigns named individuals to lead on the actions identified to mitigate each risk.</p> <p>* Member responsibility for corporate risk management is identified in the terms of reference of one or more committees as appropriate.</p> <p>* Reports to support strategic policy decisions, and project initiation documents, include a risk assessment.</p>	<p style="text-align: center;">1.1.2</p> <p>* The risk management process is reviewed and updated at least annually.</p> <p>* The risk management process specifically considers risks in relation to significant partnerships and provides for assurances to be obtained about the management of those risks.</p> <p>* All appropriate staff are given relevant training and guidance to enable them to take responsibility for managing risk within their own working environment.</p> <p>* The members with specific responsibility for risk management have received risk management awareness training.</p> <p>* Members with responsibility for corporate risk management receive reports on a regular basis and take appropriate action to ensure that corporate business risks are being identified and effectively managed, including reporting to full council as appropriate.</p>	<p>* A senior officer and member jointly champion and take responsibility for embedding risk management throughout the council.</p> <p>* The council can demonstrate that it has embedded risk management in its business processes, including:</p> <ul style="list-style-type: none"> <li>• strategic planning</li> <li>• financial planning</li> <li>• policy making and review</li> <li>• performance management</li> </ul> <p>* All members receive risk management awareness training appropriate to their needs and responsibilities</p> <p>* The council considers the opportunity side of innovative and challenging projects.</p> <p>* Reports to support strategic policy decisions, and initiation documents for all major projects, require a risk assessment including sustainability impact appraisal.</p>

## Appendix D Risk Management Responsibilities – CIPFA / SOLACE Guidance

	Framework, Strategy and Process	Identifying risk	Analysing Risk	Profiling risk	Prioritising action based on risk appetite	Determining action on risk	Controlling risk	Monitoring & Reporting	Reporting to external stakeholders.
<b>Members</b>	Agreeing the Framework, Strategy and Process Determined by Officers	Identifying risk	Analysing Risk	Profiling Risk	Determining the risk appetite and prioritising risk. Agreeing the priorities determined by officers			Reviewing the effectiveness of the risk management process.	Reporting to external stakeholders on the framework, strategy, process and effectiveness .
<b>Risk Management Team</b>	Providing advice And support to the executive Management Team and Members	Providing advice and support.	Providing Advice and support	Providing advice and support	Providing advice and support			Co-ordinating the results for reporting to the corporate management team and members	
<b>Senior Management Team</b>	Determining the framework, Strategy and Process	Identifying strategic and cross-cutting issues	Analysing Strategic and cross-cutting issues.	Profiling strategic and cross-cutting issues.	Determining the risk appetite and prioritising strategic and cross-cutting issues	Determining action on strategic and cross-cutting issues. Delegating responsibility for control.		Monitoring progress on managing strategic and cross-cutting risks and reviewing the implementation of the risk management framework, strategy and process. Reporting to members.	Reporting to external stakeholders on the framework, strategy, process and effectiveness.
<b>Assistant Chief Executive</b>	Providing Advice and Support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Co-ordinating the results for reporting to the executive management team and members	Preparing draft reports for the corporate management team and members to issue.
<b>Service Managers / G.M.T's</b>		Identifying service Risks	Analysing Service risks.	Profiling service risks.	Prioritising action on service risks.	Determining action on service risks. Delegating responsibility for control.		Monitoring progress on managing service risks. Reporting to the group management team	
<b>Employees, contractors And partners</b>		Maintaining awareness of risks and feeding these into the formal process.	Maintaining awareness impact of risks and feeding information into the processes				Controlling risk in their jobs.	Monitoring progress on Managing job related risks Reporting to the service manager.	



## Licensing Committee

Item  
**3**

11 September 2013

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Scrap Metal Dealers Act 2013		
Wards affected	All		

**This report requests the Committee to agree the amendment to its terms of reference and delegations to officers**

### 1. Decision(s) Required

- 1.1 To recommend to Council that it approves the changes to the Licensing Committee's terms of reference as set out in paragraphs 2.8 (a) and (c) of this report.
- 1.2 That subject to 1.1 above that the Committee approves the amendments to the Scheme of Delegation to Officers as set out in paragraph 2.8 (b) and (d) of this report.
- 1.3 That the Monitoring Officer be authorised to make all necessary amendments to the Constitution to give effect to the contents of this report.

### 2. Background

- 2.1 The Scrap Metal Dealers Act 2013 received Royal Assent on 28 February 2013 and its measures are being implemented with effect from 1 October 2013. The new Act repeals the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries in England and Wales.
- 2.2 The Act was introduced in response to the growth in metal theft offences, driven by increased commodity costs, which in addition to the direct impact on the victims of theft have also had a damaging and disruptive effect on the country's infrastructure. The current regulation of the scrap metal industry consists of a simple registration scheme which has done little to prevent this type of crime.
- 2.3 Local authorities remain the principal regulators but a new licensing regime provides stronger regulation, including the power to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'. The cashless trading measures brought into force via the Legal Aid, Sentencing and Punishment of Offenders Act 2012 are incorporated into the new Act, which also closes off loopholes in the earlier legislation by drawing vehicle dismantlers and former itinerant collectors into the cashless trading regime. Other changes include a national register and a requirement for scrap metal dealers to verify the full names and addresses of sellers.
- 2.4 The Act provides that an application for a licence must be accompanied by a fee. The fee is required to be set locally by each local authority on a cost recovery basis. Local authorities have a duty to have regard to the Guidance issued by the Home Secretary which outlines the issues that should be considered when setting the fee and what activities the fee can cover. This fee will be an essential component of the new regime as it will provide local authorities with the funding they need to administer the legislation and

ensure compliance. The level of the fee will be agreed by the Portfolio Holder for Street and Waste Services.

- 2.5 The Home Office Guidance published on 12 August 2013 includes a transitional arrangement that allows existing Scrap Metal Dealers to make applications from September 2013. It is therefore necessary to have the governance arrangements in place as soon as possible.
- 2.6 The licensing regime introduced by the new Act is very similar to the licensing of taxi drivers and the issuing of Personal Licences under the Licensing Act. The suitability of applicants is based on a number of factors as outlined in the Act including any unspent relevant criminal convictions. Whilst it is expected that straightforward applications will be decided under delegated powers to Officers, any disputed decisions would need to be heard by a Member Panel with a further option to appeal to the Magistrates' Court.
- 2.7 Current arrangements for the Scrap Metal Dealer Act 1964 fall within the Terms of Reference of the Licensing Committee, with delegation of functions to the Head of Professional Services. This reflects the simplicity and largely environmental background of the earlier legislation. Part 1 of the Vehicles (Crime) Act 2001 falls within the remit of the Licensing Committee, reflecting the potential requirement for Member hearings. The wider aims of the new licensing regime sit more comfortably within the licensing related Terms of Reference of the Licensing Committee. They particularly require the ability for disputed applications to be heard by the Panel drawn from the Licensing Committee.
- 2.8 The following changes to terms of reference and delegations are proposed:
- (a) To the terms of reference of the Licensing Committee, effective from the 1 October 2013, delete reference to power to licence scrap yards under Scrap Metal Dealers Act 1964.
- (b) To the scheme of delegation to officers from the Licensing Committee, effective from the 1 October 2013, delete the delegation to Head of Professional Services to determine and issue licences, permits, registrations and certificates where no objections have been received in respect of Scrap Metal Dealers.
- (c) To the terms of reference for the Licensing Committee, add
- “To determine licence applications under the Scrap Metal Dealers Act 2013 where the Head of Professional Services is minded to refuse the application and representations have been received; and
- To revoke or vary licence applications under the Scrap Metal Dealers Act 2013 where representations have been received”.
- (d) To the Scheme of Delegation to Officers from the Licensing Committee, add to the Head of Professional Services:
- “(i) The grant, issue, renewal or variation of a Scrap Metal Dealer Licence where the applicant is deemed to be a suitable person and no objections are received;
- (ii) The refusal or rejection of an application for a Scrap Metal Dealer Licence where no representations are received;
- (iii) The revocation of a Scrap Metal Dealers Licence where no representations are received;
- (iv) To ensure all Scrap Metal Dealer Licences are reported to the National database.”

#### **4. Strategic Plan References**

- 4.1 The new provisions introduced by the Scrap Metal Dealers Act will introduce a stronger licensing regime which will strengthen the Council's licensing function and will link to the Council's strategic plan for improving our streets and local environment.

#### **5. Publicity Considerations**

- 5.1 The changes to the Council's procedures will be reflected in the Constitution and published on the website. The new licence process for scrap metal dealers will also be published on the website.

#### **6. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety and Risk Management Implications**

- 6.1 None.

