

The Council Meeting

Council Chamber, Town Hall
18 July 2012 at 6.00pm

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 refer to Attending Meetings and "Have Your Say" 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 or switched to silent before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from St Runwald 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 with lift access, if required, are located on each floor of the Town Hall. 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 you wish
to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

COLCHESTER BOROUGH COUNCIL

TO ALL MEMBERS OF THE COUNCIL

16 July 2012

You are hereby summoned to attend a meeting of the Council to be held at the Council Chamber, Town Hall on **18 July 2012 at 6:00pm** for the transaction of the business stated below.



Chief Executive

AGENDA

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

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 off or to silent;
- location of toilets;
- introduction of members of the meeting.

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 - 34

Motion that the Minutes of the meeting held on 23 May 2012 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. The note on Declaration of Interests contained in this agenda gives further guidance.

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. Standards Committee Annual Report 2011/12

35

B... Motion that the recommendation contained in minute 17 of the Standards Committee meeting on 23 March 2012 be approved and adopted.

ii. Honorary Aldermen

36 - 37

C... Motion that the recommendations contained in draft minute 5 of the Accounts and Regulatory Committee meeting on 26 June 2012 be approved and adopted.

8. Notices of Motion pursuant to Council Procedure Rule 11

i. Diamond Jubilee

D... "Motion that:-

Council conveys its heartfelt congratulations to Her Majesty the Queen on the occasion of her Diamond Jubilee and expresses its thanks and admiration for the dignity of her leadership, and records its hope that her supreme examples of service and duty continues to influence her subjects for generations to come.

Council is of the opinion that the monarchy attracts tourists from around the globe contributing importantly to our economy, both nationally and here in the Borough of Colchester. Her Diamond Jubilee came at a time of austerity when we experience economic gloom. What a welcome relief for our country the Jubilee provided. Our nation had reason to express its joy, to party, to feel excited, and to have something wonderful to remember. Furthermore, communities were brought together and our British identity was heightened, especially because the rain failed to dampen the nation's enthusiasm.

Council notes that Her Majesty the Queen has received in excess of 60,000 messages of congratulations following her hugely successful Diamond Jubilee celebrations and that in this country we are immensely fortunate to have a Head of State with the qualities of Queen Elizabeth II. This remarkable lady, well into her 9th decade, has an unblemished record of public service stretching 60 years. She truly has reigned over us majestically and shone like a beacon as a role model. Support for the monarchy stands at a record high in recent times.

Council therefore resolves that the Mayor should communicate to Her Majesty the Borough's congratulations of the occasion of her Diamond Jubilee."

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

MAIN AMENDMENT

The following Main Amendment to the Motion has been submitted:-

"The Motion concerning the Diamond Jubilee be approved and adopted subject to the following amendments:-

(i) The deletion of the first, second and third paragraphs;

(ii) The fourth paragraph to be amended as follows:-

- The deletion of the word “therefore”;
- After the word” Mayor” the insertion of the words “on behalf of residents of Colchester”;
- The deletion of the word “communicate” and its replacement with the word “convey”;
- After the words “Her Majesty” the insertion of the words “the Queen”;
- After the words “the Borough’s” insert the word “heartfelt”;
- After the word “congratulations” the deletion of the word “of” and its replacement with the word “on” . "

If approved the amended motion would read as follows:-

“Motion that:-

Council resolves that the Mayor on behalf of residents of Colchester should convey to Her Majesty the Queen the Borough's heartfelt congratulations on the occasion of her Diamond Jubilee.”

9. 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 had been received at the time of the publication of the Summons.

10. Election and Term of Office of the Leader of the Council **38 - 39**

E... Motion that the decision proposed in the Monitoring Officer's report be approved and adopted.

11. Annual Scrutiny Report **40 - 44**

F... Motion that the Annual Scrutiny report 2011-12 be noted.

12. Schedules of Decisions taken by Portfolio Holders **45 - 49**

To note schedules covering the period 8 March 2012 - 3 July 2012.

13. Reports Referred to in Recommendations **50 - 59**

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

Standards Committee Annual Report 2011/12: report to Standards Committee 23 March 2012

Honorary Aldermen: report to Accounts and Regulatory Committee 26 June 2012

14. 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.

15. 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 MEETING

23 MAY 2012

Present:-

**The Mayor (Councillor Chuah)
The Deputy Mayor (Councillor Arnold)
Councillors Barlow, Barton, Bentley, Blandon,
Blundell, Cable, Chapman, Cook, Cope, Davies,
Dopson, Elliott, Ellis, Fairley-Crowe, Feltham,
Frame Gamble, Goss, Granger, Greenhill,
Harrington, Harris, Havis, Hayes, Hazell, T.
Higgins, Hogg, Jarvis, Jowers, Kimberley, Lewis,
Liddy, Lilley, Lissimore, Manning, Martin, Naish,
Offen, B. Oxford, G. Oxford, P. Oxford, Quince,
Scott-Boutell, Smith, Sutton, C. Sykes, L. Sykes,
Turrell, Willetts, J. Young and T. Young.**

The meeting was opened with prayers by the Mayor's Chaplain, the Reverend Mark Thompson.

1. Election of Mayor

It was PROPOSED by Councillor Chapman, SECONDED by Councillor Smith and SUPPORTED by Councillors Dopson and G. Oxford and –

RESOLVED UNANIMOUSLY that Councillor Christopher John Arnold be elected Mayor of this Borough for the ensuing Municipal Year.

Councillor Arnold took the customary oath and made and subscribed the declaration of acceptance of office.

The Mayor then took the Chair and returned thanks for his election.

2. Minutes

The minutes of the meeting held on 21 March 2012 were confirmed as a correct record.

3. Election of Deputy Mayor

It was PROPOSED by Councillor Turrell, SECONDED and SUPPORTED by Councillors Quince, T. Young and G. Oxford and –

RESOLVED UNANIMOUSLY that Councillor Colin Leslie Sykes be elected Deputy Mayor of this Borough for the ensuing Municipal Year.

Councillor Sykes then made and subscribed the declaration of acceptance of office and returned thanks for his election as Deputy Mayor.

4. Vote of Thanks to Retiring Mayor

It was PROPOSED by Councillor Frame, SECONDED and SUPPORTED by Councillors Quince, T. Young and G. Oxford and –

RESOLVED UNANIMOUSLY that the best thanks of the Council are due and are hereby accorded to Councillor Helen Chuah for the admirable manner in which she had discharged the responsible duties of the Mayoralty during the past year and that a transcript of this resolution under the Common Seal be furnished to Councillor Helen Chuah.

5. Mayor's Chaplain and Announcements

The Mayor intimated that he had appointed the Reverend Canon David Atkins to be his Chaplain for the ensuing Municipal Year.

The Mayor indicated that the theme of his Mayoralty would be "Making the most of music in Colchester". He indicated that he would be supporting the following charities:-

Colne Valley Youth Orchestra
Army Benevolent Fund
Headway Essex
Girlguiding UK
Grassroots

The Mayor announced the following forthcoming events:-

- The Bishop of Colchester would be hosting a Diamond Jubilee Thanksgiving on 1 June 2012;
- A Falklands Memorial Service would be held on 14 June 2012;
- The Mayoress at Home would be held on 23 June 2012;
- A Civic Carol Service would be held at St Botolphs on 16 December 2012.

The Mayor thanked Councillor Martin for providing the new uniform for the Town Serjeant.

6. Adjournment

RESOLVED that the meeting stand adjourned until 11.30 and be resumed in the Council Chamber.

COUNCIL MEETING 23 MAY 2012 (RECONVENED)

Present:-

**The Mayor (Councillor Arnold)
The Deputy Mayor (Councillor C. Sykes)
Councillors Barlow, Barton, Bentley, Blandon,
Blundell, Cable, Chapman, Chuah, Cook, Cope,
Davies, Dopson, Elliott, Ellis, Fairley-Crowe,
Feltham, Frame Gamble, Goss, Granger,
Greenhill, Harrington, Harris, Havis, Hayes,
Hazell, T. Higgins, Hogg, Hunt, Jarvis, Jowers,
Kimberley, Lewis, Liddy, Lilley, Lissimore,
Manning, Martin, Naish, Offen, B. Oxford, G.
Oxford, P. Oxford, Quince, Scott-Boutell, Smith,
Sutton, L. Sykes, Turrell, Willetts, J. Young and
T. Young.**

7. Have Your Say!

Bobby Hunt addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). He offered his congratulations to Councillor Dopson on her re-election. He drew attention to the nine remaining residents of Joyce Brooks House and stressed that if they were not rehoused together as promised then they would not be moved at all.

Councillor Dopson, Portfolio Holder for Housing, indicated that she was aware of the issue and would endeavour to help and support the residents. She would provide a full written response in due course.

8. Delegations made by the Leader of the Council

RESOLVED that the appointment of the Deputy Leader of the Council, the appointment of Cabinet members, the allocation of responsibility for Portfolios and the Scheme of Delegation to Cabinet members, as circulated at the meeting and appended to these minutes, be noted.

9. Local Plan Committee

RESOLVED that the decisions set out in the report by the Head of Strategic Policy and Regeneration be approved and adopted (MAJORITY voted FOR).

10. Appointment of Panels, Committees and Sub-Committees

RESOLVED that:-

(a) 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, Crime and Disorder Committee, Finance and Audit

Scrutiny Panel, Licensing Committee, Local Plan Committee, Planning Committee, Policy Review and Development Panel, Standards Committee (Localism Act 2011) and the Strategic Overview and Scrutiny Panel for the ensuing municipal year be as circulated at this meeting and as appended to these minutes.

(b) in accordance with the provisions of Section 17 of the Local Government and Housing Act 1989, the appointments of the Standards Committee (Local Government Act 2000) and the Task and Finish Groups shall not be on a Group basis and membership shall be as circulated at this meeting and as appended to these minutes

(c) the membership of the Independent Remuneration Panel be as circulated at this meeting and as appended to these minutes.

11. Motion of Thanks

RESOLVED that the Council record its grateful thanks to former Councillors Bouckley, Garnett, Hardy, Knight, Quarrie and Spyvee for the public service rendered by them to this Borough during their period of office as Councillors and that a transcript of this resolution be furnished to each of them on parchment under the Common Seal of the Borough as a permanent record of the appreciation of the Council.

Colchester Borough Council

SCHEME OF DELEGATION BY THE LEADER OF THE COUNCIL TO CABINET MEMBERS May 2012

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

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

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

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

1. Every delegated power shall be exercised in the name of the Council;
2. The exercise of delegated powers shall be subject to the decision not being contrary to Cabinet (Executive) functions and the Council's Budget and Policy Framework as embodied in a formal resolution and recorded in the minutes of the Council.
3. All decisions taken under this scheme are subject to the Call-In Procedure with the exception of those taken under the urgency provision.
4. A Cabinet Member exercising delegated powers shall do so in a manner consistent with the policy of the Council current at the time. The Proper Officer shall be the final arbiter of the interpretation of policy in relation to any matter.
5. In exercising delegated powers, a Cabinet Member may incur expenditure only if appropriate provision has been made in the approved annual estimates and/or capital programme except as otherwise provided for in Financial Regulations.
6. A Cabinet Member exercising delegated powers shall record the decision and the reasons for it on the Decision Notice and shall deliver it to the Proper Officer who shall publish the Decision Notice in accordance with the Constitution.
7. 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.
8. No action may be taken which is contrary to the Council's Constitution.

9. 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.
10. Delegated powers to acquire property shall not include power to acquire property compulsorily and any proposal to make a Compulsory Purchase Order shall be submitted to the full Council as a recommendation.
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(s)</u>
All Cabinet Members	3
Strategy – Councillor Turrell (Leader of the Council)	4-5
Business and Resources – Councillor Smith	6-9
Communities and Leisure Services – Councillor Feltham	10-11
Customers – Councillor B. Oxford	12
Housing – Councillor Dopson	13-14
Planning, Community Safety and Culture – Councillor T. Young	15-17
Renaissance – Councillor Barton	18
Street and Waste Services – Councillor Hunt (Deputy Leader of the Council)	19-21

Scheme of Delegation to Cabinet Members

Delegation to all Cabinet Members
--

1. To comment on any consultative document on an issue within their Portfolio.
 2. To authorise and determine grant applications within their Portfolio.
 3. The award of the lowest tenders under £500,000 and for which there is financial provision
 4. To fix fees and charges for services within their Portfolio.
 5. To authorise the write-off of individual bad debts over £5,000 on the recommendation of the 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

Functions retained by 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.
3. Matters relating to financial strategy, the budget and resource allocation.
4. All strategic matters relating to major strategic partnerships e.g. ALMO & Waste
5. Following consultation with Group Leaders, to make appointments during the municipal year to Council Groups and Outside Bodies.

PUBLIC RELATIONS

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

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

HEALTH & SAFETY

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.)

COMMUNICATIONS

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

1. External communications with the media and partners.

Scheme of Delegation to Cabinet Members

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

Portfolio Responsibilities

To oversee the development and ongoing review of the Council's Strategic Plan.

To monitor the implementation of the Council's Strategic Plan, including ensuring Council resources are deployed to support strategic priorities.

To promote the Council's Strategic Plan to Councillors, partners and the community as a whole.

To develop and promote community leadership in the Borough.

To oversee and monitor the Council's financial strategy, budget and resource allocation.

To review the opportunities to work with other partners, both within the public and private sectors, to assist in developing 'joined-up' government.

7. To determine a communications strategy that will support and deliver the Council's vision and policy priorities.

8. Localism.

Major Project(s) in Portfolio:

Haven Gateway Partnership, Growth Cities, Waste Strategy, Strategy for the ALMO and Fundamental Service Reviews

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Business and Resources

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.
8. Financial resources in relation to ICT

LAND RESOURCES

In respect of all land and buildings owned by the Council (except 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.

BUSINESS DEVELOPMENT

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

1. Economic development issues affecting the Borough of Colchester.

2. Partnerships that improve and encourage business opportunities within the Borough.

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Business and Resources (continued)</p>

3. Promotion, influence and improvement of the skills base of the Borough.
4. The preparation and publication of the economic development strategy delivery plan.

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.

HUMAN RESOURCES

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

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

GENERAL

1. Legal Services.

ICT

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

1. Information Communication Technology.

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Business and Resources (continued)</p>

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.

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

1. To monitor the operation of Council Tax, Business Rates and the Housing and Council Tax Benefit Schemes.
2. To produce and implement the Council's financial strategy, budget and resource allocation.
3. To monitor progress of obtaining disability access within Council buildings.
4. To monitor the management of repairs and maintenance and planned maintenance programmes for Council buildings (excluding property managed by Colchester Borough Homes).
5. To review sales, purchases and overall management of the Council's property portfolio.
6. To monitor the development of the Asset Management Plan.
7. To monitor the maintenance of the Council's asbestos register.
8. To examine and review the Council's Information Communication Technology Strategy.
9. To oversee all tender and contract processes in accordance with Contract Procedure Rules.
10. To encourage a buoyant and diverse local economy, which encourages full employment and works towards the creation of more high-value local jobs.

Scheme of Delegation to Cabinet Members

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

Portfolio Responsibilities

11. To champion the Borough of Colchester as a centre of business excellence, and to help local companies grow and flourish.
12. To help sustain a thriving town centre which satisfies the needs of all sectors of the community.
13. To encourage lifelong learning and skills development for the whole community to maximise job opportunities.

Major Project(s) in Portfolio:
Photovoltaic contract.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Communities and Leisure Services
--

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.

LIFE OPPORTUNITIES

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

The promotion of public health matters so as to increase public awareness.

Services for the elderly.

3. Community projects supporting the Council's work on life opportunities.
4. Matters relating to young people.
5. The Council's work with partners aimed at improving the life opportunities of residents.

COMMUNITY SERVICES

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

1. Welfare rights.
2. Grants to the voluntary and community sector and village and community halls

PERFORMANCE

1. Monitoring of the Council's performance in relation to national performance indicators and any other Government performance scheme.
2. Monitoring of the Council's performance dashboard.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Communities and Leisure Services (continued)
--

Portfolio Responsibilities

1. To ensure that the Council is working with partners to meet partnership targets.
 2. To support initiatives which tackle deprivation throughout the Borough, but with specific reference to the Council's work on Life Opportunities.
 3. To explore the significance of rural issues in the Borough and determine what programmes and actions may be needed to address these.
 4. To oversee the implementation and monitoring of the Council's policies and services relating to sport, recreation, leisure and the Olympics.
 5. To monitor the implementation of the Council's Single Equality Scheme and Diversity Policy.
-

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Customers

CUSTOMERS

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

1. Customer Service across the Council as a whole.
2. Performance of the Customer Service Centre.
3. Co-ordination of Infopoint@Colchester.
4. Way We Work Programme.
5. Development of Customer Connected Initiative.

GENERAL

1. Freedom of Information and Environmental Information Regulations.
2. Cemeteries, crematorium and allied services.

Portfolio Responsibilities

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

Major Project(s) in Portfolio:
Customer Service Centre, Customer Connect and Infopoint@Colchester

Scheme of Delegation to Cabinet Members

<h2>Delegation to the Portfolio Holder for Housing</h2>
--

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 as varied by Deeds of Variation dated 9 October 2008 and 10 December 2009 and any subsequent agreement or arrangement entered into between the parties.
2. Management of the Housing Revenue Account. (NB. All decisions relating to the financial management of the HRA are reserved to Cabinet).
3. Tenant selection/nomination criteria and conditions of tenancy.
4. The Council's statutory responsibilities to homeless persons.
5. The Council's relationship with Registered Social Landlords.
6. The Right to Buy Scheme.

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.

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Housing (continued)</p>
--

2. To procure the specified service for the dissemination of information regarding all housing matters.
3. Home loss, disturbance and similar payments.
4. Community alarms.

LAND RESOURCES

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

1. Acquisitions and disposals including terms for acquisitions or disposals.
2. Commercial lettings.

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

1. To promote the Council's Housing Strategy and to monitor its implementation.
2. To examine and review the operation of Colchester Borough Homes.
3. To determine investment in "third sector" organisations which deliver services to help the Council to meet its corporate objectives.
4. To engender partnership working between the Council and Town and Parish Councils within the Borough of Colchester.
5. To authorise any grants to Town or Parish Councils.

Major Project(s) in Portfolio:

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

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Planning, Community Safety and Culture</p>

DEVELOPMENT CONTROL

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.

SUSTAINABILITY

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

ENVIRONMENT

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

1. Sea defence and coast protection matters.
2. Water supplies.
3. Port Health matters.

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.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Planning, Community Safety and Culture (continued)

CULTURE AND THE ARTS

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

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

COMMUNITY SAFETY

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

1. Community safety.
2. Crime Prevention including CCTV.
3. To represent the Council on the Essex Police and Crime Panel.

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 oversee the implementation and monitoring of the Borough Council's services and policies relating to environmental initiatives.
3. To promote Colchester as a key destination for visitors.
4. To oversee the implementation and monitoring of the Council's policies and services relating to heritage and culture.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Planning, Community Safety and Culture (continued)
--

Portfolio Responsibilities

5. 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.

Major Project(s) in Portfolio:

Implementation of Localism Act planning changes.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Renaissance

1. The delivery of the Council's renewal agenda including sustainable housing, infrastructure, employment and leisure facilities.
2. To assist the Leader of the Council in the promotion of the Council on regional and sub-regional bodies in relation to developing regional partnerships.

Portfolio Responsibilities

1. To oversee major regeneration projects which impact upon the Council's landholdings.
3. To support local and regional partnerships which can lever in new investment into the Borough's four regeneration areas.
3. To lead the development and implementation of the Council's renewal agenda in partnership with Essex County Council highways in relation to the following projects:
 - (a) Colchester Town Centre (including the bus station)
 - (b) Cultural Quarter
 - (c) Vineyard Gate
4. To oversee the development and implementation of the Council's renewal agenda in relation to the following projects:
 - a. North Colchester
 - b. East Colchester

Major Project(s) in Portfolio:

Renewal of Colchester's built environment

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Street and Waste Services and Deputy Leader of the Council</p>

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. Maintenance of Borough Council owned highways, except for regulatory matters within the remit of the Cabinet.
2. All Borough Council (district) highway functions.

CAR PARKS

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

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

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Street and Waste Services and Deputy Leader of the Council_(continued)

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.

PUBLIC PROTECTION

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

1. Licensing matters.
2. 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.
3. Infectious diseases, disinfestations and the prevention of the spread of disease by or to animals.
4. Pollution and nuisances.
5. Public conveniences and baths.
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. Monitoring of travellers sites.
11. Matters relating to the removal of persons residing unlawfully in vehicles on land in

the Borough.

12. To represent the Council on the Board of the Essex Countywide Traveller Unit.

Scheme of Delegation to Cabinet Members

<p style="text-align: center;">Delegation to the Portfolio Holder for Street and Waste Services and Deputy Leader of the Council (continued)</p>

GENERAL

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

1. Street Naming and Numbering.
2. Street trading.
3. Operation of markets within the Borough.

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

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 operational 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 oversee the implementation and monitoring of the Council's policies and services in respect of car parking.
8. 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.
9. To promote partnership working with Essex County Council, the responsible

Transport Authority.

10. To oversee the implementation and monitoring of the Council's services relating to markets.
 11. To oversee the implementation and monitoring of the Council's Zone areas
-

Membership of Cabinet, Panels and Committees

Municipal Year 2012/13

Deputy Leader of the Council – Councillor Hunt

Cabinet (8 seats)	
Councillors:- Barton, Dopson, Feltham, Hunt, B. Oxford. Smith, Turrell, T. Young	
Group representation – Lib Dem 5, Labour 2, Highwoods Independent 1	
Members:	
Barton	- Renaissance Portfolio Holder
Dopson	- Housing Portfolio Holder
Feltham	- Communities and Leisure Services Portfolio Holder
Hunt	- Street and Waste Portfolio Holder
B. Oxford	- Customers Portfolio Holder
Smith	- Business and Resources Portfolio Holder
Turrell	- Strategy Portfolio Holder
T. Young	- Planning, Community Safety and Culture Portfolio Holder

Municipal Year 2012/13

Accounts and Regulatory Committee (10 seats)			Finance and Audit Scrutiny Panel (10 seats)			Licensing Committee (11 seats)		
Group Representation			Group Representation			Group Representation		
Con	3		Con	3		Con	4	
Lib Dem	5		Lib Dem	5		Lib Dem	5	
Lab	1		Lab	1		Lab	2	
H/wood	1		H/wood	1		H/wood	-	
Members:			Members:			Members:		
Councillor Liddy Councillor Gamble Councillor Granger Councillor Greenhill Councillor Harrington Councillor Havis Councillor T. Higgins Councillor Manning Councillor G. Oxford Councillor Willetts			Councillor Liddy Councillor Gamble Councillor Granger Councillor Greenhill Councillor Harrington Councillor Havis Councillor T. Higgins Councillor Manning Councillor G. Oxford Councillor Willetts			Councillor Blandon Councillor Cope Councillor Fairley-Crowe Councillor Harris Councillor Havis Councillor Hazell Councillor Hogg Councillor Jarvis Councillor Kimberley Councillor Lilley Councillor Mudie		

Local Plan Committee (7 seats)			Planning Committee (14 seats)			Policy Review and Development Panel (7 seats)		
Group Representation			Group Representation			Group Representation		
Con	3		Con	5		Con	3	
Lib Dem	3		Lib Dem	6		Lib Dem	3	
Lab	1		Lab	2		Lab	1	
H/wood	-		H/wood	1		H/wood	-	
Members:			Members:			Members:		
Councillor Blundell Councillor Ellis Councillor Frame Councillor Goss Councillor Jowers Councillor Naish Councillor C. Sykes			Councillor Barlow Councillor Chapman Councillor Chillingworth Councillor Chuah Councillor Elliott Councillor T. Higgins Councillor Lewis Councillor Maclean Councillor Ford Councillor Lilley Councillor Manning Councillor Offen Councillor P. Oxford Councillor L. Sykes			Councillor Cable Councillor Chapman Councillor Cook Councillor Cory Councillor Fairley-Crowe Councillor Hayes Councillor J. Young		

Strategic Overview and Scrutiny Panel (10 seats)			Crime and Disorder Committee (10 seats)			Standards Committee (from 1 July 2012)* (7 seats)		
Group Representation			Group Representation			Group Representation		
Con	4		Con	4		Con	3	
Lib Dem	4		Lib Dem	4		Lib Dem	3	
Lab	1		Lab	1		Lab	1	
H/woods	1		H/woods	1		H/woods	-	
Members:			Members:			Members:		
Councillor Bentley Councillor Chuah Councillor Davies Councillor Ellis Councillor Frame Councillor Hazell Councillor P. Higgins Councillor Naish Councillor Offen Councillor G. Oxford			Councillor Bentley Councillor Chuah Councillor Davies Councillor Ellis Councillor Frame Councillor Hazell Councillor P. Higgins Councillor Naish Councillor Offen Councillor G. Oxford			Councillor Chapman Councillor Chuah Councillor Gamble Councillor Lewis Councillor Liddy Councillor C. Sykes Councillor Willetts Parish Councillors (x3) – non voting members Parish Councillor Bill Anderson Parish Councillor Malcolm Bartier Plus one further member to be nominated by Colchester Association of Local Councils		

* subject to regulations

Municipal Year 2012/13

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 – (until 1 July 2012) (4 seats)	Task and Finish Groups
<p>Members:</p> <p>Councillor Chuah Councillor Gamble Councillor Lewis Councillor C. Sykes</p> <p>Independent members:</p> <p>Ian Andrews Derek Coe Peter Fitton Steven Roberts-Mee</p> <p>Parish members:</p> <p>Parish Councillor Bill Anderson Parish Councillor Malcolm Bartier Plus one further Parish Council representative to be nominated by Colchester Association of Local Councils</p>	<p>Waste Prevention and Recycling Options Appraisal</p> <p>Councillor Cope Councillor Cory Councillor Ellis Councillor B. Oxford Councillor Willetts Councillor J. Young</p> <p>Older Persons Accommodation</p> <p>Councillor Kimberley Councillor Lewis Councillor Lilley Councillor Mudie Councillor B. Oxford Councillor L. Sykes</p> <p>Future of the Magistrates Court</p> <p>Councillor Davies Councillor Frame Councillor G. Oxford Councillor Sutton Councillor L. Sykes Councillor J. Young</p>

Independent Remuneration Panel

David Priest
Stephen Beresky
Richard Aldridge
Amanda Westbrook

**Extract from the minutes of the Standards Committee meeting on 23
March 2012**

Standards Committee Annual Report 2011/12

The Committee considered a report from the Monitoring Officer about the draft report of the Standards Committee for 2011/12.

RESOLVED that

(i) the draft report Annual Report for the Standards Committee for 2011/12 be approved;

(iii) the Monitoring Officer be authorised in consultation with the Chairman to make any necessary changes to the Annual Report to give effect to the Committee's activities up to the end of March 2012.

RECOMMENDED TO COUNCIL that the Standards Committee Annual Report for 2011-12 be noted.

Please note that a copy of the Standards Committee Annual Report 2011-12 is at pages 50 – 55 of this Summons

Extract from the draft minutes of the Accounts and Regulatory Committee meeting on 26 June 2012

5. Honorary Alderman

Mrs. Chidgey presented the report on the Appointment of Honorary Aldermen that requested the Committee to consider a proposition that former Councillors John Bouckley, Christopher Garnett and Henry Spyvee be appointed Honorary Aldermen.

Councillor Willetts said the three former Councillors are absolutely worthy of the honour. Councillor Harrington concurred, saying it was in recognition of their long length of public service. Councillors G. Oxford and Gamble also agreed with the previous speakers, saying they all thoroughly deserved the honour.

In response to Councillor Willetts and in respect of the Honorary Aldermen robes, Mrs. Chidgey said there are currently 20 Honorary Aldermen, five of whom are very unlikely to attend most civic events. In usual circumstances this will mean that the current stock of 16 robes held in the Town Hall would suffice. It was envisaged however, that most of the Honorary Aldermen would attend the special meeting of the Council.

The report explained that the Mayoralty Task and Finish Group recommended in December 2010 that in respect of future Honorary Aldermen ceremonies, that new Aldermen would meet the cost of any new robes, later confirmed by Mrs. Chidgey to be in the region of £1000 each. Councillor G. Oxford a member of the Task and Finish Group explained that this decision had been a cross party decision. Mrs. Chidgey confirmed that the Civic Fund Budget does not have sufficient funds to provide new robes, and this had been explained to the former councillors.

Councillor Harrington said he felt this was not in keeping with the honour given the long service of the former councillors. Councillor Smith, Portfolio Holder for Business and Resources said the Cabinet could consider funding the purchase of new robes in the future, but at present and given the financial pressures on public spending this was not currently possible and would send the wrong message to local people.

Mrs. Chidgey confirmed to Councillor Willetts that no charge was made to Honorary Aldermen for parking in the Town Hall car park.

RECOMMENDED that –

- i) A special meeting of the Council be convened for the purpose of passing the following resolution:

“That in pursuance of the provisions of Section 249 of the Local Government Act 1972, this Council confers the title of “Honorary Alderman” on former Councillors John Gordon Bouckley, John Christopher Garnett and William Henry Forester Spyvee in recognition of their loyal and eminent service as Members of the Council and its constituent authority.”

(ii) An illuminated transcript of the resolution be given to each former Councillor concerned.

18 July 2012

Report of	Monitoring Officer	Author	Andrew Weavers
			☎ 282213
Title	Election and term of Office of the Leader of the Council		
Wards affected	Not applicable		

This report requests Council to confirm the election and term of office of the Leader of the Council

1. Decision Required

- 1.1 That the Leader of the Council continue to be elected by the full council at an Annual meeting for a term of four years or for the remainder of his/her term of office as a councillor (whichever is the shorter).

2. Background

- 2.1 At its meeting on 9 December 2010 Council formally resolved to adopt the Leader and Cabinet Executive (England) model of executive arrangements in accordance with section 11 of the Local Government Act 2000 (as amended) and that the revised arrangements would come into effect on 8 May 2011.
- 2.2 At its meeting on 23 March 2011 Council formally approved the consequential amendments to the Constitution to reflect the adoption of the Leader and Cabinet Executive (England) model. This included the election of the Leader of the Council for a term of four years or for the remainder of his/her term of office as a councillor (whichever was the shorter).

3. The Localism Act 2011

- 3.1 The Secretary of State for Communities and Local Government has recently made a Statutory Instrument (The Localism Act 2011 (Local Authority Governance Transitional Provisions) (England) Order 2012) which requires all local authorities operating Executive Arrangements to formally re-adopt its arrangements in relation to the election and term of officer of the Leader of the Council.
- 3.2 The choices available to the Council are to either to continue with the current arrangements or to revert back to the Leader of the Council being elected annually at the Annual Meeting. All Group Leaders have been consulted regarding their preference and the unanimous result was for the retention of the current arrangements.
- 3.3 Whilst the Statutory Instrument requires local authorities to formally re-adopt their provisions regarding the election and term of office of the Leader of the Council, the Localism Act 2011 contains a reserved power to the Secretary of State to issue regulations regarding the election, term and removal from office of the Leader of the Council. No regulations have to date been issued however if they were to appear in the future Council would probably need to reconsider the matter again.

4. Strategic Plan References

- 4.1 The manner in which Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to lead our communities in delivering high quality accessible services.

5. Financial Considerations

- 5.1 No direct implications.

6. Equality, Diversity and Human Rights Implications

- 6.1 An Equality Impact Assessment Statement has been prepared on the Constitution and is available on the Council website. The following link is to the Equality Impact Assessment:
<http://www.colchester.gov.uk/CHttpHandler.ashx?id=2287&p=0>

7. Publicity Considerations

- 7.1 Any amendments to the Council's Constitution and will be placed on the Council's website.

8. Consultation Implications

- 8.1 No direct implications.

9. Community Safety Implications

- 9.1 No direct implications.

10. Health and Safety Implications

- 10.1 No direct implications.

11. Risk Management Implications

- 11.1 No direct implications.



Council

18 July 2012

Item
11

Report of	The Strategic Overview and Scrutiny Panel	Author	Robert Judd
Title	Annual Scrutiny Report		Tel. 282274
Wards affected	None		

This is a report setting out the work of the Council's Scrutiny Panels during 2011-12.

1. Decision required

- 1.1 To consider, comment on and note the Annual Scrutiny Report, a report that forms the basis for debating the subject of scrutiny at Colchester.

2. Reason for the decision

- 2.1 The Constitution states the Strategic Overview and Scrutiny Panel shall report annually to the full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

3. Purpose and Content of the Report

- 3.1 The purpose of the report is to inform the Council of the work undertaken by the scrutiny panels, and for the Council to form an opinion of the effectiveness of the scrutiny function.
- 3.2 This Scrutiny Report is a descriptive record of the work undertaken by both scrutiny panels during 2011-12.

4. Standard and Strategic Plan References

- 4.1 The Council recognises that effective local government relies on establishing and maintaining the public's confidence, and that setting high standards of self governance provides a clear and demonstrable lead. Effective governance, of which scrutiny is a part, underpins the implementation and application of all aspects of the Council's work.
- 4.2 Scrutiny is a key function to ensure decisions have been subject to full appraisal and that they are in line with the Council's strategic aims. The role of scrutiny is also an important part of the Council's risk management and audit process, helping to check that risks are identified and challenged.
- 4.3 There is no publicity, equality and diversity, human rights, community safety, health and safety, risk management or financial implications in this matter.



Finance and Audit Scrutiny Panel Strategic Overview and Scrutiny Panel

Annual Report 2011-12

This Annual Report demonstrates the contribution made by the scrutiny function at Colchester. Whilst continuing to face the challenging future of providing services in difficult economic times, limited financial resources meant the Council continued to look at how services were provided and commissioned.

Helping the Council address these issues during 2011/12;

The Strategic Overview and Scrutiny Panel (SOSP) considered policies and strategies, having the opportunity to ensure improvements made a positive difference and the actions of the Cabinet were in accordance with the policies and budget of the Council.

The Finance and Audit Scrutiny Panel (FASP) continued to undertake the core functions of an audit committee monitoring the financial and audit performance of the Council and the linking of Council spending with policy.

The success of scrutiny reviews depended on the involvement of Councillors, Council officers, expert witnesses and members of the public, and the Chairman of the scrutiny panels would like to thank everyone for their contribution to scrutiny in 2011-12.

The very low level of call-ins, matters of urgency and pre-scrutiny items suggested Councillors continued to take a responsible approach to Governance. Members are asked to consider whether the scrutiny and review process is a function that remains effective, ensuring the critical friend challenge to the executive policy and decision making that drives improvement in public services.

Following discussions in April 2011 between Group Leaders, Chairman of the scrutiny panels and the Executive Management Team, and in agreement with Cabinet Members, arrangements for the Review of Portfolio Holders changed and rather than specific reviews, from 2011/12 Portfolio Holders were present at meetings to take a lead on major reviews and to discuss policy, spending and performance.

Cabinet Members regularly attended the SOSP meetings to discuss progress and performance, and the Portfolio Holder for Resources and ICT attended FASP meetings.

Prominent Reviews at Colchester Borough Council

The SOSP requested three individual reviews during 2011/12, the Review of the Arts (July 2011), an overview of the St Botolph's Regeneration Project (November 2011) and the Review of Public Transport in the Borough (January 2012).

The Arts review was specifically about the Council's funding and partnership arrangements with Colchester Art Centre, Firstsite and the Mercury Theatre. The Panel noted the current performances against the current standards and the fit between the contribution to the funded arts partners and the Council's Strategic Priorities, and asked the Cabinet to consider giving an indication of two future years funding at the same time as the current grant(s) is agreed. ***Given the current financial climate the Cabinet said the Council was not in a position to give a reliable indication of future funding to Colchester arts organisations and the suggestion to provide an indication of two future years funding was declined.***

An overview of the St Botolph's Regeneration Project provided members the opportunity to note the progress and investment in the development (individually and overall) of the area.

The review of current Public Transport provision in the Borough was an overview of the current situation with representatives from various public transport operators, bus and rail, attending the meeting and providing a valuable contribution to the debate. The Panel requested the Cabinet to continue to promote and develop public transport travel in Colchester to help alleviate traffic congestion in the town centre, and agreed to a further review after the introduction of the new bus station.

Pre Decision Scrutiny

Pre-scrutiny enables the scrutiny panel(s) to examine an issue in depth, and make proposals to the Cabinet or portfolio holder in advance of that decision being taken. This work included the Budget Strategy (Noted in July and December 2011) and the 6-monthly and year-end Performance Report and Strategic Plan Action Plan (Noted in June and December 2011).

Fundamental Service Reviews were considered and noted for Colchester Borough Homes (October 2011) and Sport and Leisure Services (February 2012).

Reviews were undertaken in regards to the decision on the 'Trial doorstep collection of food waste' (Noted July 2011), and the consultation response to Proposals for Business Rate Retention and Localising Support for Council Tax (October 2011). The Panel suggested several amendments and additions to the consultation response. ***Cabinet noted and agreed with the amendments suggested by the SOSP to the consultation response on Localising Support for Council Tax.***

Partnership arrangements

Two regular partnership reviews were undertaken. Both reviews, the 'Safer Colchester Partnership' (August 2011) and the Colchester Community Stadium Limited (March 2012) were noted.

Call-in

There was one call-in. FASP examined the decision Activity Centre services for people aged 50 years and over (November 2011), and confirmed the decision (UNANIMOUS), with the Portfolio Holder for Communities and Diversity agreeing to allow the Panel to pre-scrutinise the future decision on the service level agreement and lease with Colne Housing Society Ltd to operate the Centre.

Councillor Call for Action (CCfA)

There were no CCfA issues brought to the attention of SOSP during 2011/12.

Decisions taken as a matter of urgency

There were no decisions taken as a matter of urgency during 2011/12.

Task and Finish Group

There were no Task and Finish Groups commissioned by the scrutiny panels in 2011/12.

Schedule of meetings and reviews

Strategic Overview and Scrutiny Panel 2011/12

Responsible for reviewing corporate strategies, FSRs, budgetary guidelines for the forthcoming year, partnership reviews and Cabinet / strategic decisions referred to the Panel under Call in.

Councillor Ellis (Chairman) and Councillors Chapman, Cope, Frame, T. Higgins, Naish, G. Oxford, Quince, C. Sykes and Willetts (Deputy Chairman)

7 June 2011	30 August 2011	29 November 2011	10 January 2012
2010-11 Year-end Performance	Safer Colchester Partnership	St Botolphs Regeneration Overview	6- Monthly Performance / SPAP
19 July 2011	11 October 2011	13 December 2011	The Budget Strategy update
Review of the Arts	Consultation – BR Reform	The Budget Strategy	14 February 2012
Budget Strategy and MTFE			Sport and Leisure FSR
Trial of Doorstep Collection	25 October 2011		20 March 2012
	CBH Fundamental Service Review		Colchester Community Stadium

Finance and Audit Scrutiny Panel 2011/12

Responsible for reviewing financial performance, internal & external audit and risk management processes, and Portfolio Holder / service decisions referred to the Panel under Call in.

Councillor Lissimore (Chairman), and Councillors Cory, Feltham, Greenhill, Hazell, Knight, Lilley, Manning, G. Oxford and Quince (Deputy Chairman)

The following schedule does not include routine reporting such as Revenue and Capital Monitors, Audit, Treasury Management and Risk Management

28 June 2011	27 September 2011	6 December 2011	28 February 2012
Consultation – Local Public Audit	Resume – Office Accommodation	Capital Improvement Programme	Audit Commission Certificate of Claims and Returns
26 July 2011	18 October 2011	24 January 2012	27 March 2012
Draft Annual Statement of Account	Review of Polling Districts & Places	Audit Commission Opinion Plan	Cancelled
Capital Improvement Programme	CGR – Stanway Parish Council	Audit Commission progress report	
23 August 2011	23 November 2011	Housing Investment Programme	
No additional items	Call-in Activity Centre Services		

Agenda item 12
Record of Decisions taken under Scheme of Delegation to Cabinet Members
8 March – 3 July 2012

Portfolio – Communities and Diversity					
Date	Number	Report Title	Author	Decision	Result

Portfolio – Customers					
Date	Number	Report Title	Author	Decision	Result

Portfolio – Economic Development and Sustainability					
5/3/12	ECO-006-11	Dedham Vale AONB & Stour Valley Project revised Memorandum of Agreement 2011/12 to 2014/15	Adam John	To agree to the revised Memorandum of Agreement for the Dedham Vale AONB & Agreement 2011/12 to 2014/15	Agreed 12/3/12

Portfolio – Housing and Community Safety					
Date	Number	Report Title	Author	Decision	Result

Portfolio – Renaissance					
Date	Number	Report Title	Author	Decision	Result

Agenda item 12
Record of Decisions taken under Scheme of Delegation to Cabinet Members
8 March – 3 July 2012

--	--	--	--

Portfolio – Resources and Heritage			
2/3/12	RES-009-11	Print and Mailing Contract-Revenues, Benefits and Housing	Sara Wilcock/ Paul McMorris
		To award a Print and Mailing Solution Contract	Agreed 9/3/12

Portfolio – Strategy and Performance			
Date	Number	Report Title	Author
			Decision
			Result

Portfolio – Street and Waste Services			
Date	Number	Report Title	Author
			Decision
			Result
05/03/12	STW-009-11	West Mersea Parking Strategy – Car Park proposals	Christine Belgrove
			Proposals for Car Parking Strategy for West Mersea and consider proposals for taking over operational control of Town Council car parks
05/03/12	STW-010-11	Response to the Consultation on 'Changes to Local Authority Enforcement Powers'	Paul English/ Clare Hornsby
			To approve response from Colchester Borough Council to the Government's consultation paper on 'Changes to Local Authority enforcement powers'
			Agreed 12/3/12
			Agreed 12/3/12

Agenda item 12
Record of Decisions taken under Scheme of Delegation to Cabinet Members
8 March – 3 July 2012

NEW PORTFOLIO HOLDER TITLES FROM 23 MAY 2012

Portfolio – Business and Resources					
Date	Number	Report Title	Author	Decision	Result
20/06/12	BUS-001-12	Depot and offices, 123 Gosbecks Road, Colchester – Supermarket proposal	Mike Shorten	Proposals for the development of a neighbourhood supermarket on part of the Council owned depot at 123 Gosbecks Road, Colchester and adjoining land in private ownership	Agreed 27/06/12

Portfolio – Communities and Leisure Services					
Date	Number	Report Title	Author	Decision	Result
08/06/12	COM-001-12	Procurement of Leisure Management System for Sport & Leisure	Zoe Punchard/ Simon Grady	To award the contract for the supply of a new ICT system and hardware required to deliver the improvements contained in the Sport & Leisure Fundamental Service Review Full Business Case	Agreed 15/06/12

Portfolio – Customers					
Date	Number	Report Title	Author	Decision	Result

Portfolio – Housing					
Date	Number	Report Title	Author	Decision	Result

Agenda item 12
Record of Decisions taken under Scheme of Delegation to Cabinet Members
8 March – 3 July 2012

25/06/12	HOU-001-12	Disposal of Small Parcels of Housing Land	Joanne Webb	Recommend the adoption of a revised policy on the Disposal of Small Parcels of Housing Land following a review of the policy	Agreed 02/07/12
----------	------------	---	-------------	--	--------------------

Portfolio – Planning, Community Safety and Culture

Date	Number	Report Title	Author	Decision	Result

Portfolio – Renaissance

Date	Number	Report Title	Author	Decision	Result

Portfolio – Strategy

Date	Number	Report Title	Author	Decision	Result
19/06/12	STR-001-12	Hythe Forward funding contribution	Patrick O'Sullivan	Proposal that the Council supports Colne Housing in the establishment of "Hythe Forward" with a £30,000 funding contribution.	Call-in received 25/6/12. To be reviewed at Strategic Overview and Scrutiny Panel 11 July 2012.

Agenda item 12
Record of Decisions taken under Scheme of Delegation to Cabinet Members
8 March – 3 July 2012

Portfolio – Street and Waste Services					
Date	Number	Report Title	Author	Decision	Result



Standards Committee

Item
6

23 March 2012

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Standards Committee Annual Report 2011/2012		
Wards affected	Not applicable		

**This report recommends that the committee approves its
Annual Report for 2011/2012**

1. Decision(s) Required

- 1.1 To consider and approve the Standards Committee Annual Report for 2011/2012 and to recommend to the Full Council that it be noted.
- 1.2 To authorise the Monitoring Officer in consultation with the Chairman to make any necessary changes to the Annual Report to give effect to the Committees activities up to the end of March 2012.

2. Background

- 2.1 An Annual report is a method by which the Committee can inform the Council and the public of its activities and raise awareness of ethical issues both within the Borough Council and the Town and Parish Council's situated in the Borough. An Annual Report is seen as good practice and attached to this report is a draft fourth and what will be the final Annual report for the current Committee which covers the period from April 2011 to March 2012.
- 2.3 The draft Annual Report highlights particularly the work undertaken by the Sub-Committees in dealing with the Local Assessments of allegations made against members. The Committee is also requested to recommend the Annual Report to Council for its information.
- 2.4 The draft Annual report also recognises the impact of the changes being made by the Localism Act 2011 and how the standards regime will work in the future.

3. Strategic Plan References

- 3.1 The Council's ethical arrangements forms parts of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

4. Financial Considerations

- 5.1 None.

5. Equality, Diversity and Human Rights Implications

- 5.1 No particular implications.

6. Publicity Considerations

6.1 The Annual Report will be published on the Council's website.

7. Consultation Implications

7.1 None.

8. Community Safety Implications

8.1 None

9. Health and Safety Implications

9.1 None

10. Risk Management Implications

10.1 None.



COLCHESTER BOROUGH COUNCIL

STANDARDS COMMITTEE

Annual Report 2011/2012

1. Introduction

This is the fourth Annual Report of Colchester Borough Council's current Standards Committee and covers the period from 1 April 2011 to 31 March 2012. In reviewing the activities and looking back at issues highlighted in 2011/12, it also looks forward to next year.

The Borough Council is currently required by law to establish a Standards Committee which has an important role to play in providing training for and maintaining ethical conduct of Councillors. Article 9 and Part 3 of the Council's Constitution contain the requirements for and composition of the Standards Committee.

This is the final report of the current Standards Committee as following the commencement of the Localism Act 2011, the statutory Standards Committee will be abolished. It will be for the Council to determine whether it creates a new Standards Committee to promote and maintain high standards of conduct and deal with complaints under the new regime introduced by the Localism Act 2011.

2. Roles and functions of the Standards Committee

The Committee's roles and functions are as follows:

- (a) To promote and maintain high ethical standards of conduct for elected and co-opted Members.
- (b) To help elected and co-opted Members to observe the Members' Code of Conduct.
- (c) To give the Council advice on adoption or revision of the Members' Code of Conduct and on informal codes/protocols covering matters such as planning and Member/officer relations.
- (d) To monitor the effectiveness of the Members' Code of Conduct.
- (e) To train or arrange training for elected and co-opted Members on matters relating to the Members' Code of Conduct.
- (f) To assess and review complaints that elected and co-opted Members have breached the Members' Code of Conduct and in connection with this function.
- (g) To develop and adopt:
 - (i) Assessment criteria for dealing with complaints;
 - (ii) Policies for dealing with vexatious, persistent and anonymous complaints and requests by complainants for confidentiality;
 - (iii) Arrangements for dealing with complaints and publicising the arrangements;
 - (iv) Procedures for dealing with local investigations; and
 - (v) Such other provisions and procedures as may be required.
- (h) To establish and maintain the following three sub-committees each with their own terms of reference:

- Allegations Sub-Committee
 - Allegations Appeals Sub-Committee
 - Hearings Sub-Committee
- (i) To conduct Hearings and make determinations in respect of complaints that elected and co-opted Members have breached the Members' Code of Conduct in accordance with relevant statutory requirements and guidance issued by the Standards for England and in connection with this function; and
- (j) To develop and adopt procedures for dealing with such Hearings.
- (k) To grant dispensations to elected and co-opted Members with prejudicial interests.
- (l) To grant exemptions from politically restricted posts.
- (m) To maintain an overview of the Council's arrangements for dealing with complaints and Local Government Ombudsman investigations.
- (n) To undertake the functions set out at (a) to (k) above in respect of all Parish and Town Councils wholly or mainly within the Borough of Colchester and the Members of those Parish or Town Councils.

Part 5 of the Borough Council's Constitution contains its Ethical Framework comprising various Codes and protocols relevant to the functions of the Committee and in respect of which the Committee has previously given advice and made recommendations.

3. Composition

The Committee comprises Independent Members, Parish Representatives and Borough Councillors. The Borough Council agreed, at its meeting on 18 May 2011, the membership of the Committee for the 2011/2012 municipal year as follows:

Independent Members;

- Mr D Coe (Chairman)
- Mr P Fitton (Deputy Chairman)
- Mr I Andrews
- Mr S Farmer
- Mr S Roberts-Mee

Parish Representatives;

- Councillor W Anderson
- Councillor M Bartier
- Councillor T Abnett

Borough Councillors;

- Councillor C Arnold
- Councillor N Chapman
- Councillor R Gamble
- Councillor H Spyvee

The Independent Members were appointed by the Borough Council following a public recruitment process and provide a valuable pool of experience. These Members will be required to stand down from their role upon the commencement of the Localism Act. The Borough Council thanks them for their contribution to the promotion and maintenance of high ethical standards of conduct amongst elected and co-opted Members.

The Parish Representatives are nominated annually to the Council by the Colchester Association of Local Councils. The Borough Councillors are appointed annually and are senior members who have had/are soon to have mayoral responsibilities.

The Committee wishes to express its gratitude for the contributions made by Mr Sven Farmer and Councillor T Abnett, both of whom died during the year.

The Committee wishes to express its appreciation for the high level of support it receives from the Monitoring Officer, Andrew Weavers and Democratic Services Officer, Richard Clifford.

4. The Committee's Work Programme

The Committee agreed a work programme for 2011/2012 which covered:

- Review of the Local Assessment process
- Review of the Council's Local Code of Corporate Governance
- Review and provision of training for Members on the Members Code of Conduct
- Review of the Whistleblowing Policy
- Review of the Council's Anti- Fraud and Corruption Policy
- Consideration of the Local Government Ombudsman's Annual Letter
- Scheduled meetings so as to be able to respond to complaints within time limits

5. Main Areas of Work

5.1 Implementation of Local Assessment of Allegations Process

In May 2008 the responsibility for the initial assessment of allegations whether or not councillors had failed to follow the Members Code of Conduct was transferred from Standards for England to local Standards Committees.

Following recommendations from Standards for England, the Committee created three Sub-Committees; Allegations Sub-Committee, Allegations Appeals Sub-Committee and the Hearings Sub-Committee. The Committee itself and each of its Sub-Committees are chaired by an Independent Member.

The Committee has a duty to ensure adequate publicity for the Local Assessment process and has kept this under review.

The Local Assessment process has required meetings of the Allegations Sub-Committee (which deals with the initial assessment of allegations) to be diarised monthly. In accordance with the law these meetings are held in private.

During 2011/2012:

The Allegations Sub-Committee met on five occasions and considered five complaints. Two of which were in relation to Town and Parish Councillors and the remaining three Borough Councillors.

The Sub Committee made the following decisions:

- 3 complaints - no further action.
- 1 complaint – referred to Standards for England
- 1 complaint – referred to the Monitoring Officer for investigation

The Allegations Sub-Committee was able to consider the complaints within the recommended time limit of 20 days from receipt.

The Allegations Appeals Sub-Committee, (which hears requests for a review following a finding of no further action by the Allegations Sub-Committee) met once and upheld a decision of no further action.

The Hearings Sub-Committee, (which hears and determines the findings of an investigating officer's report where it is found that a Councillor has not followed the Code of Conduct) did not need to meet as there were no reports to be determined.

5.2 Review of the Local Assessment Process

The Committee undertook a review of its experiences in operating the process and was satisfied that it was functioning correctly. It will keep this under annual review.

5.3 Review of Ethical Governance

The Committee undertook a review of the Council's Anti-Fraud and Corruption Policy, Whistleblowing Policy, Money Laundering Policy and Investigation process which was subsequently endorsed by the full council.

5.4 Training for Members on the Code of Conduct

Although there are impending changes to the Code of Conduct by the Localism Act 2011 the Committee reviewed the level of training that should be provided throughout the year for both the 60 Borough and the 255 Town and Parish Councillors in the 27 Town and Parish Councils situated in the Borough. The Independent Members ensured that at least one of them were present at each session.

The Committee were concerned that all Councillors receive adequate training on the Code of Conduct to ensure that they were up to date with developments and able to fulfil the functions for which they were elected in a proper manner. In the coming year the Committee will be facilitating further training and will be monitoring attendance particularly where there has been evidence of non-compliance with the Code.

6. Standards after the Localism Act 2011

The future of Standards following the Localism Act 2011 is now more certain. It is anticipated that the new regime will come into force on 1 July 2012. The Committee is aware that its current composition will not survive the changes brought in by the Act. The Committee is mindful of new requirements for a different style of Standards Committee and the requirement for the Council to appoint an Independent Person to be a consultee. The Committee still has a role to play in recommending to the Council a new Code of Conduct and how it considers arrangements which are required to be put in place under the Localism Act 2011 will work.

There will be a training requirement for all councillors under the new Code of Conduct and the interests regime (the details of which are still awaited). In addition all Town and Parish Councils will be required to adhere to the new regime and be made aware of its implications. Accordingly the new Standards Committee will still have an important role to play in the continuing obligation under the Localism Act 2011 for the Council to ensure that it complies with its duty to promote and maintain high standards of conduct by members and co-opted members of the authority.

Until the new Localism Act 2011 regime comes into force the Ethical Framework remains in place, Councillors remain subject to the Code of Conduct and the Standards Committee responsible for its monitoring and enforcement.

7. Work Programme for 2012/2013

The work programme looking forward will be a matter for the new Standards Committee to determine.

8. Conclusions

In a busy year, the Committee has completed its work programme and is well placed to continue to face the continuing challenges of handling the initial assessment of allegations and progressing matters that it considers necessary to investigate. Colchester Borough Council and the Town and Parish Councils within the Borough continue to have a sound record in ensuring good standards of conduct.

It is our final recommendation that the Council continues to promote, maintain and enhance standards of conduct expected of elected members and co-opted members of the Colchester Borough Council and Town and Parish Councils within the Borough in accordance with the requirements of the Localism Act 2011.

Dated March 2012

Derek Coe
Chairman



Accounts and Regulatory Committee

Item

8

26 June 2012

Report of	Head of Corporate Management	Author	Amanda Chidgey
Title	Appointment of Honorary Aldermen		☎ 2227
Wards affected	Not Applicable		

This report gives details of a request from Councillor Turrell that former Councillors Bouckley, Garnett and Spyvee be appointed Honorary Aldermen.

1. Decision(s) Required

- 1.1 The Committee is requested to consider a proposition that former Councillors John Bouckley, Christopher Garnett and Henry Spyvee be appointed an Honorary Alderman.
- 1.2 The Committee is further requested to consider approving the following recommendation to the Council:

“*RECOMMENDED* that –

- (i) A special meeting of the Council be convened for the purpose of passing the following resolution:

“That in pursuance of the provisions of Section 249 of the Local Government Act 1972, this Council confers the title of “Honorary Alderman” on former Councillors John Gordon Bouckley, John Christopher Garnett and William Henry Forester Spyvee in recognition of their loyal and eminent service as Members of the Council and its constituent authority”

- (ii) An illuminated transcript of the resolution be given to each former Councillor concerned.”

2. Alternative Options

- 2.1 The Committee has discretion as to how it wishes to respond to the proposal from Councillor Turrell.

3. Supporting Information

- 3.1 Making recommendations regarding the conferment of the title of Honorary Alderman currently falls within the terms of reference of this Committee.
- 3.2 At the Council meeting held on 20 February 2008, this Council’s eligibility criteria for the conferment of the title of Honorary Alderman was determined as follows:

“Former Councillors who have either acquired at least 20 years service as Members of the Council or who have held the office of Mayor of the Borough.”

- 3.3 Councillor Garnett has served on the Council for 30 years, from 6 May 1982 to 3 May 2012 and was Mayor in 2000/01.
- 3.4 Councillor Bouckley has served on the Council for 22 years, from 3 May 1990 to 3 May 2012 and was Mayor in 2004/05.
- 3.5 Councillor Spyvee has served on the Council for 20 years, from 7 May 1992 to 3 May 2012 and was Mayor in 2009/10.
- 3.6 Should the recommendation contained in this report be approved it will be referred to the Council meeting on 18 July 2012 and arrangements will need to be made for a subsequent special meeting of the Council to confer the titles. It is suggested that this special meeting take place on 17 October 2012, to coincide with the date of the next regular meeting of the Council.

4. Publicity Considerations

- 4.1 Should the proposal from Councillor Turrell be approved, arrangements will be made for a press release to be published at the appropriate time.

5. Financial Implications

- 5.1 Set out below are the required arrangements and associated likely cost implications:
- a special meeting of the Council (no significant cost);
 - the presentation of a framed, illuminated transcript of the Council Resolution (£600);
 - The Council's current stock of serviceable robes for use by Aldermen on civic occasions (16) is only just sufficient to meet existing requirements (20 Honorary Aldermen, 5 unlikely to attend).
- 5.2 The Mayoralty Task and Finish Group recommended in December 2010 that, in respect of future Honorary Aldermen ceremonies, the Council would provide the Illuminated Resolutions and free use of the Town Hall Civic Suite for a reception and the new Alderman would meet the cost of any reception, together with the cost of any new robes. As mentioned above, the appointment of additional Honorary Aldermen will require additional robes to be purchased and this cost will fall on the individual Honorary Aldermen.
- 5.3 There is no specific budget allocation for the appointment of Honorary Aldermen but it is anticipated that, with the arrangements being made in accordance with the Task and Finish Group recommendations, capacity will need to be made available within the Civic Fund budget to absorb the cost of the three illuminated resolutions.

6. Equality, Diversity and Human Rights implications

- 6.1 There are no direct implications for Equality and Diversity from these proposals and as such a full EQIA has not been deemed necessary.

7. Standard References

- 7.1 There are no references to the Strategic Plan and no particular consultation considerations; community safety; health and safety or risk management implications.

