

The Council Meeting

Council Chamber, Town Hall
22 April 2009 at 6:00pm

Information for Members of the Public

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Have Your Say!

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

Private Sessions

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

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COLCHESTER BOROUGH COUNCIL

TO ALL MEMBERS OF THE COUNCIL

28 April 2009

You are hereby summoned to attend a meeting of the Council to be held at the Council Chamber, Town Hall on **22 April 2009 at 6:00pm** 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 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 - 17

A... Motion that the Minutes of the meetings held on 11 December 2008 and 18 February 2009 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. Personal Interests of Members

Disclosures by Members under Council Procedure Rule 9(3) to 9(9) (if any).

6. Prejudicial Interests of Members

Disclosures by Members under Council Procedure Rules 9(10) and 9(11) (if any).

(Note: Members should only declare personal and/or prejudicial interests on items that are to be considered at the meeting).

7. 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.

8. Appointment of Portfolio Holder for Resources and Business

B... Motion that Councillor Nigel Offen be appointed as Portfolio Holder for Resources and Business for the remainder of the 2008/09 municipal year.

9. Recommendations of the Cabinet, Panels and Committees

i. Empowerment Agenda

C.. Motion that the recommendations contained in minute 63 of the Cabinet's meeting of 18 March 2009 be approved and adopted.

ii. Sustainable Communities Act 2007

D...Motion that the recommendations contained in minute 64 of the Cabinet's meeting of 18 March 2009 be approved and adopted.

iii. Local Code of Corporate Governance

E... Motion that the recommendation contained in minute 69 of the Cabinet's meeting of 18 March 2009 be approved and adopted.

iv. Standards Committee Annual Report 2008/09

F... Motion that the recommendation contained in minute 12 of the Standards Committee's meeting of 6 March 2009 be approved and adopted.

v. Revised Whistle-blowing Policy

G... Motion that the recommendations contained in minute 14 of the Standards Committee's meeting of 6 March 2009 be approved and adopted.

10. Schedules of Decisions taken by Portfolio Holders

18 - 26

To note schedules covering the period 7 February - 7 April 2009

11. 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 90 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)).

The following pre-notified questions have been received:-

Questioner: Councillor Smith

To the Leader of the Council and Portfolio Holder for Strategy

Can the Portfolio Holder update the Council on the progress on the residents parking schemes reviews that were passed to the County Council for implementing last year?

Questioner: Councillor Smith

To the Portfolio Holder for Planning and Regeneration

Can the Portfolio Holder update the Council on the progress of the Cycle Town investments in the Borough?

Questioner: Councillor Smith

To the Leader of the Council and Portfolio Holder for Strategy

Can the Leader of the Council advise the Council of the costs to both the Housing Revenue Account and the General Fund (including the cost of recalculating benefits etc) of the additional processing that will be required to implement the reduction in this year's rent increase, following the Government announcement that was unfortunately not made until after the Council had already issued notices to tenants advising of the higher increase?

Questioner: Councillor Barlow

To the Portfolio Holder for Culture, Tourism and Diversity

I congratulate the officers of the Council and the Portfolio Holder for reaching Level 3 of the Equality Standard for Local Government. Could the Portfolio Holder explain what achieving this means for the Council?

12. Notices of Motion pursuant to Council Procedure Rule 11

i. Policing

Proposer: Councillor T. Young

H.. Motion that this Council calls upon the Local Government Association General Assembly to approve and adopt the following motion:-

“This Association

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

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

The Notice of Motion does not relate to an executive function and will be considered and determined by the Council.

ii. St George's Day

Proposer: Councillor Willetts

I... “That this Council:

1. Considers that, at present, St George’s Day is not celebrated in Colchester with as much vigour and enthusiasm as St David’s Day in the towns of Wales, St Andrew’s Day in Scotland and St Patrick’s Day in

Ireland;

2. Therefore calls for cross-party support within the Borough of Colchester to promote greater celebration of St George's Day;

3. Requests that the Leader of the Council and the Mayor work together to take forward this objective of ensuring that St George's Day is given the recognition it deserves within Britain's oldest recorded town;

4. Expects that in future years this action will inspire a variety of events across the Borough and give residents the opportunity to show their pride in their Town and to celebrate their heritage accordingly."

The Notice of Motion does not relate to an executive function and will be considered and determined by the Council.

Main Amendment

Proposer: Councillor Naish

The Motion concerning St George's Day be approved and adopted subject to the following amendments:-

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

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

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

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

If adopted the amended Motion would read:-

"That this Council:

1. Considers that, at present, St George's Day is already commemorated in Colchester with a civic service and parade;

2. Understands that there may be a call for more celebrations across the

Borough;

3. Requests that the Mayor works together with suitable organisations to take forward an objective of exploring further opportunities to celebrate St George's Day in Britain's oldest recorded town;

4. Expects that in future years, under the Mayoral function, and with leadership and support from a range of interested organisations – including business, garrison, voluntary and community - events may be held across the Borough giving residents the opportunity to show pride in their Town.”

13. Scrutiny Report

27 - 35

J... Motion that the Annual Scrutiny Report be noted (see report by the Scrutiny Officer).

14. Reports Referred to in Recommendations

36 - 89

The reports specified below are submitted for information and are referred to in the recommendations specified in item 9 of the agenda:

Report to Cabinet 18 March 2009 on Empowerment Agenda

Report to Cabinet 18 March 2009 on Sustainable Communities Act 2007

Report to Cabinet 18 March 2009 on Local Code of Corporate Governance

Report to Standards Committee 6 March 2009 on Standards Committee Annual Report 2008-09

Report to Standards Committee 6 March 2009 on Revised Whistle-blowing Policy

15. 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.

16. 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

11 DECEMBER 2008

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

The meeting was opened with prayers by the Mayor's Chaplain, the Reverend Doctor Chris Garland.

26. Minutes

Councillor Arnold PROPOSED an AMENDMENT to minute 23 of the meeting on 8 October 2008 to amend the record of the question put by him to the Portfolio Holder for Street and Waste Services to include a reference to the publication of proposals for increasing recycling in order to meet the ambitious targets in the Labour manifesto.

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

RESOLVED that the minutes of the meeting on 8 October 2008 be confirmed as a correct record.

27. Have Your Say!

Mr Heaton addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to suggest that the Council seek advice from Lloyds TSB in relation to the review of the Customer Service Centre (CSC). The review should seek to consolidate the existing expertise in the CSC. Councillor Hunt, Portfolio Holder for Communications and Customers, responded and paid tribute to the staff in the CSC.

Mr McKinney addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to express his concern about the design of the Christmas lights, the costs of the Visual Arts Facility, car parking revenue and members allowances. He also requested a meeting with the Leader of the Council. Councillor T. Higgins, Portfolio Holder for Culture, Tourism and Diversity, responded on the issue of the Christmas lights and Councillor Turrell, Leader of the Council, indicated she would be happy to meet with Mr McKinney.

Bob Russell, MP, addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He expressed his congratulations to Councillor Sonia Lewis on the recommendation that she be appointed Deputy Mayor. He stated his concern about the unprofessional manner in which the annual meeting of the Colchester Community Stadium had been conducted. He compared it to the annual meeting of the Straight Road Community Centre which had conducted in an exemplary and professional manner. He thanked all Councillors for the work they did on behalf of the residents of Colchester and stressed that Colchester was a thriving and successful town. Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, endorsed Mr Russell's comments about the success of Colchester.

Paula Whitney addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to stress the importance of reducing car use and increasing public transport use in Colchester. This would deliver economic and environmental benefits Chelmsford and Ipswich, which both had Park and Ride schemes, had been the most successful towns in the region in economic terms in 2007. Domestic and European legislation was being introduced which would require stringent cuts to emissions of climate change gases. In order to reduce car use in the borough, the bus station should be retained on its existing site and a car free high street should be introduced. Councillor Barton, Portfolio Holder for Planning and Regeneration, responded and explained that the preferred location for a Park and Ride site was in north Colchester, which was dependent on the new junction off the A12. Work on the introduction of the new junction was moving forward. Colchester had also achieved Cycling Town status.

28. Mayor's Announcements

The Mayor announced that Michael Kirby had been appointed as Town Serjeant and the Council congratulated Michael on his appointment.

The Mayor also announced that Colchester Borough Council had won the Environmental category at the Colchester Business Awards.

29. Declarations of Interests

Councillor Lesley Scott-Boutell (in respect of her daughter attending Stanway School) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Tina Dopson (in respect of her employment at Willowbrook School) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Margaret Fisher, Councillor Margaret Fisher, Councillor Theresa Higgins, Councillor Anne Turrell and Councillor Julie Young (in respect of her membership of Essex County Council) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Pauline Hazell (in respect of her son's employment at Stanway School) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Jon Manning (in respect of his employment at Sir Charles Lucas Art College) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Jowers (in respect of his membership of Essex County Council) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Elliott (in respect of his position as a governor of Thurstable School) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Peter Higgins and Councillor Tim Young (in respect of his spouse being a member of Essex County Council) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Nigel Chapman (in respect of being an ambassador for firstsite) declared a personal interest in Minute No. 32 which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.

Councillor Nigel Chapman (in respect of being an ambassador for firstsite) declared a personal interest in Minute No. 35 which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination

Councillor John Jowers (in respect of his membership of Essex County Council and the Regional Planning Panel) declared a personal interest in Minute No. 37 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Theresa Higgins and Councillor Anne Turrell (in respect of her membership of Essex County Council) declared a personal interest in Minute No. 40 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Julie Young (in respect of her membership of Essex County Council) declared a personal interest in Minute No. 40 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Jowers (in respect of his membership of Essex County Council) declared a personal interest in Minute No. 40 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Peter Higgins and Councillor Tim Young (in respect of his spouse being a member of Essex County Council) declared a personal interest in Minute No. 40 pursuant to the provisions of Meetings General Procedure Rule 7(3)

30. Essex County Council Consultation on Secondary Education in Colchester

Bob Russell, MP, addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He expressed support for the proposal put forward by Alderman Blaxill, Stanway and Thomas, Lord Audley schools to create a single school operating on three sites, commonly known as option 4. He had attended a number of the public meetings held by Essex County Council and there had been little support for options 2 and 3 in the consultation paper. There was no support for the closures proposed under option 1. A fifth option involving the creation of a military style academy, had not been put to the people of Colchester. Option four, which was a Colchester based solution, enjoyed overwhelming public support.

Adam Norgate and Abigail Stringer of Stanway School addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) and raised the following points about the consultation proposals:-

- What would happen to teachers of any schools that were closed;
- The environmental impact of increased car journeys that would be generated by school closures;
- The ability of pupils to partake in after school activities if they had to travel further to school;
- Those schools currently classified as underperforming could improve their performance, as Stanway School had done;
- The importance of local schools in keeping communities sustainable and vibrant;
- Whether any of the selective schools in Colchester would benefit from the Building Schools for the Future funding and whether this funding would be better spent on training and recruiting teachers.

Councillor Dopson, Portfolio Holder for Performance and Partnerships, responded and thanked Adam and Abigail for their comments.

Mr Capes addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). Mr Capes explained that he had been head teacher at Thomas Lord Audley for twenty four years. It had a long history of producing successful students. The School had improved significantly under Mr Tippet's leadership. He supported option 4 as it

looked after students in south Colchester without having a detrimental impact on the other schools.

Richard Bourne addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) in his capacity as a member of the interim board of Alderman Blaxill. He supported option 4, which was a natural extension of what was already happening. Standards had been raised across all three schools already and if option 4 was pursued standards of attainment would be raised well above the threshold that would concern the regulatory authorities. Option five had not been raised in public meetings and had already been excluded by Essex County Council.

It was PROPOSED by Councillor Dopson that the Council consider Cabinet's recommended response to the Essex County Council consultation on Secondary Education in Consultation as set out in draft minute 41 of the Cabinet's meeting of 3 December 2008, in order to further inform the Portfolio Holder for Performance and Partnerships before a formal response was submitted, subject to the following amendments:-

(a) In the first sentence of paragraph 3, the ~~word~~ to be deleted and replaced by the word "the".

(b) The text in paragraph 3(a) to be deleted and replaced with the following:-

(a) a written guarantee stating categorically that such a establishment will be located at the existing Charles Lucas Art College site.

A MAIN AMENDMENT was MOVED by Councillor Hazell as follows:-

The recommended reply contained in draft minute 41 of the Cabinet meeting be accepted subject to the following amendments:-

(a) That paragraph 6 of the reply proposed by Cabinet be renumbered paragraph 2 and repositioned accordingly, with the revision of sub-paragraph (d) to read *"the prospect for many pupils of being unable to participate in after-school activities is unacceptable."*

(b) That paragraph 2 of the reply proposed by Cabinet be deleted and replaced with the following:

3. The Council is all too aware of the intractable and chronic transport problems in Colchester's Eastern Approaches and believes that these would make Options 1, 2 and 3 entirely unworkable. It follows that the revised secondary provision for Colchester will need to include separate establishments in the south and in the east.

(c) That paragraph 3 of the reply proposed by Cabinet be renumbered paragraph 4.

(d) That paragraphs 4 to 5 of the reply proposed by Cabinet be deleted and replaced with the following:

5. *The Council is aware that the reputation of secondary schools in the south of the Borough is such that a significant proportion of parents in their catchment area transport their children to much more distant schools. The Council believes that this practice is so entrenched that only provision of a new school (of whatever designation) on a new and if necessary greenfield site to the south of Colchester could deliver the radically-improved education and social cohesion which is its goal. The substantially reduced use of the highway network will bring a worthwhile environmental bonus. Once the new school had opened, both Thomas Lord Audley and Alderman Blaxill would close, though parts of their site should be considered for the provision of local community need.*

6. *Armed by this fresh start the new, showcase establishment will aim from the outset to provide first-class education for children from Colchester Garrison families and from Shrub End, Berechurch, Mersea Island and the surrounding villages and communities. The Council anticipates that the Garrison will be involved from the outset, both in the search for a site and in shaping the ethos of the new school.*

7. *The Council's overriding objective is to provide a permanent and sustainable centre of excellence. It therefore believes that whilst the fourth option advanced by the head of Stanway School could form the basis of a transitional provision of secondary education, from the outset the aim must be to provide a free-standing centre of learning at the heart of the communities of the south of the Borough, for and run by the people who live there. The involvement of senior staff from other schools, however capable, will inevitably be interpreted as dependency and so undermine the reputation that the new school must develop. The communities that make up the south of the Borough deserve nothing less than the best and the school will strive to be regarded as one of their greatest assets.*

8. *The provision of this new school will inevitably lead to a drop in admissions to other secondary schools in the Borough. In particular it should be an objective of the reorganisation that pressure on Philip Morant School to expand will be removed. It follows that there will be no need to for development of any sort at that school which would encroach on the open land at and adjacent to Norman Way, between Christchurch, Lexden and Prettygate wards. Such development has long been regarded by the Council as environmentally harmful and as such will continue to be strongly resisted. The Council would welcome a clear indication from Essex*

County Council that it shares this view.

(e) That paragraphs 7 and 8 of the reply proposed by Cabinet be renumbered as paragraph 9 and 10 respectively, with the replacement of the phrase “Option 4, for the reason set” with the phrase “the proposals set out”.

The MAIN AMENDMENT was LOST (TWENTY FOUR voted FOR and THIRTY ONE voted AGAINST).

The MOTION was thereupon put and CARRIED (MAJORITY voted FOR).

31. Suspension of Council Procedure Rules

It was *RESOLVED* that Council Procedure Rule 14(3) be suspended to allow group leaders to speak for an unlimited period on the following item.

32. Visual Arts Facility - firstsite:newsite

Bob Russell, MP, addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He expressed his dismay at the options open to the Council and that the project to construct the Visual Arts Facility had been brought forward despite widespread public opposition. He considered that the Cabinet’s recommended course of action was the least worst option open to the Council. Those responsible for the position that the Council found itself in should apologise and explain their actions.

Mr Barker addressed the Cabinet pursuant to the provisions of Council Procedure Rule 6(2). The difficulties now faced by the Council arose from the failure to agree a proper contract with Banner. If this had been done, the later problems stemming from the Council agreeing to be liable to cost over-runs would not have occurred. It was incredible that the Council had allowed work to commence on such a large project without a proper contract being in place.

Dee Evans addressed the Cabinet pursuant to the provisions of Council Procedure Rule 6(2) to explain the benefits the Visual Arts facility would bring to Colchester. It would be a beautiful and inspiring place where young people in particular would be able to exercise their imagination. The Council was in a difficult position but it was noted that some partners had already indicated that they would help contribute towards the cost of finishing the project. As the additional funding was to be borrowed it would not impact on the existing capital programme.

Rob Brown addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He expressed concern that the Council proceeded without a signed contract being in place and also later accepted unlimited liability for cost over-runs. He expressed scepticism about the claim that the Visual Arts Facility would be part of a

“Cultural Quarter” given that the area had lost Greyfriars and the Public Records Office. Other funders should be challenged to provide the additional funding or the project should be abandoned.

It was PROPOSED by Councillor Hunt that the recommendation in draft minute 42 of the Cabinet meeting of 3 December 2008 be approved and adopted.

It was *RESOLVED* that the recommendation in draft minute 42 of the Cabinet meeting of 3 December 2008 be approved and adopted.

A named vote having been requested pursuant to the provisions of Council Procedure Rule 15(2), the voting was as follows:-

Those who voted FOR were:- Councillors Arnold, Barlow, Barton, Bentley, Blandon, Blundell, Bouckley, Chillingworth, Chuah, Cook, Cope, Davidson, Davies, Ellis, Elliott, Fisher, Foster, Gamble, Goss, Hall, Hardy, Hazell, P. Higgins, T. Higgins, Hogg, Hunt, Jowers, Knight, Lewis, Lissimore, Maclean, Manning, Martin, Offen, B. Oxford, G. Oxford, P. Oxford, Pyman, Quarrie, Scott-Boutell, Smith, Sutton, Sykes, Taylor, Tod, Turrell and Willetts.

None voted AGAINST.

Those who ABSTAINED from voting were:- The Mayor (Councillor Fairley-Crowe), the Deputy Mayor (Councillor Spyvee), Councillors Dopson, Ford, Harris, Lilley, Naish, J. Young and T. Young.

33. Office Accommodation Strategy: Purchase of Rowan House

It was PROPOSED by Councillor Smith that the recommendation in draft minute 43 of the Cabinet meeting of 3 December 2008 be approved and adopted.

It was *RESOLVED* that the recommendation in draft minute 43 of the Cabinet meeting of 3 December 2008 be approved and adopted.

34. Borrowing Limits and Prudential Indicators - purchase of the freehold of Rowan House

It was PROPOSED by Councillor Smith that recommendation (a) in draft minute 44 of the Cabinet meeting of 3 December 2008 be approved and adopted.

It was *RESOLVED* that recommendation (a) in draft minute 44 of the Cabinet meeting of 3 December 2008 be approved and adopted.

35. Borrowing Limits and Prudential Indicators - firstsite:newsite

It was PROPOSED by Councillor Smith that recommendation (b) in draft minute 44 of the Cabinet meeting of 3 December 2008 be approved and adopted.

It was *RESOLVED* that recommendation (b) in draft minute 44 of the Cabinet meeting of 3 December 2008 be approved and adopted.

36. Appointment of Deputy Mayor

It was PROPOSED by Councillor Turrell and supported by Councillors Davidson, T. Young and G. Oxford that Councillor Sonia Lewis be appointed as Deputy Mayor for the Borough of Colchester for the municipal year 2009-10.

It was *RESOLVED* that Councillor Sonia Lewis be appointed as Deputy Mayor for the Borough of Colchester for the municipal year 2009-10 (UNANIMOUS).

37. Adoption of the Colchester Core Strategy Development Plan Document

It was PROPOSED by Councillor Cope that the recommendation in draft minute 12 of the Local Development Framework Committee meeting of 2 December 2008 be approved and adopted.

It was *RESOLVED* that the recommendation in draft minute 12 of the Local Development Framework Committee meeting of 2 December 2008 be approved and adopted.

38. Schedules of Decisions taken by Portfolio Holders

It was *RESOLVED* that the Schedule of Portfolio Holder decisions be noted.

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

In view of the late hour it was *RESOLVED* that the questions to Cabinet member and Portfolio Holders item be cancelled and that written responses be provided to the pre-notified questions.

40. Notices of Motion // Greenways Care Home

It was PROPOSED by Councillor J. Young that:-

This Council:

- Notes with concern the closure of Greenways Care Home in Colchester and supports the need for a serious case review into the circumstances of the closure and the treatment of the former residents;
- Agrees to inform Essex County Council that many warnings were given from many different quarters of the potential pitfalls and dangers of selling off its remaining council-owned care homes of which Greenways was one;
- Demands that Essex County Council discloses what intentions are proposed for the Greenways site as, at present, day care services are still being offered there and assurances are required that this will continue;
- Requires written confirmation from Essex County Council that the care of older people in Colchester will remain of the highest priority for Social Services and would offer an invitation to the relevant County Portfolio Holder to attend the Borough Council's Strategic Overview & Scrutiny Panel to explain the circumstances which have led to the recent situation at Greenways.

Councillor Jowers MOVED a SECONDARY AMENDMENT that the Motion be approved and adopted subject to:-

"The deletion of the first two bullet points and the insertion of the following two bullet points:-

- Recognises and praises the decisive action taken by Essex County Council in the closure of Greenways Care Home and compliments its staff on their professional and compassionate handling of the transfer of residents to alternative accommodation;
- Council recognises that up until 2000, Essex County Council members, in a multi-party decision, collaborated in the sale of the County's residential homes to a range of external providers, however, retaining ten residential care homes in Essex County Council ownership.

In the third bullet point the deletion of the word "Demands" and the insertion of the word "Requests".

Pursuant to Council Procedure Rule 14(11) Councillor J. Young indicated that the SECONDARY AMENDMENT was accepted whereupon, with the consent of Council, the Motion was deemed amended accordingly.

The MOTION as amended was thereupon approved and adopted (UNANIMOUS).

41. Appointment of Deputy Electoral Registration Officer

It was *RESOLVED* that:-

- (a) Sarah Cheek be designated as the Council's Deputy Electoral Registration Officer with effect from 12 December 2008;

(b) The designation of the Chief Executive, Adrian Pritchard, as the Council Electoral Registration Officer be confirmed.

42. The Deputy Mayor agreed to consider the following item as a matter of special urgency pursuant to the provisions of paragraph 8(3)(16) of the Council Procedure Rules Urgent items // British National Party Activity in Colchester

Councillor T. Young addressed the Council to express concern about recent activity by the British National Party (BNP) in Colchester. This included the erection of a stall outside Angel Court and campaigning in St Anne's and St Andrew's ward. He expressed concern that a party based on anti-democratic principles should seek to campaign in Colchester, which had a history of tolerance and diversity. Councillors Davidson, Hunt and G. Oxford supported the views expressed by Councillor T. Young and indicated their concern about BNP activity in Colchester.

COUNCIL 18 FEBRUARY 2009

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

The meeting was opened with prayers by the Mayor's Chaplain, the Reverend Doctor Chris Garland.

44. Have Your Say!

Brian Jarvis addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He had spoken at the meeting of the Finance and Audit Scrutiny Panel on 25 November 2008 when it considered firstsite:newsite but had not had time to finish his comments. When construction work had ceased on the Visual Arts Facility in March 2008 he had asked officers to commission a legal opinion, in order to break the deadlock that had been reached. He understood that this was available for the new administration in May 2008 and he sought confirmation from the Leader of Council as to whether she had seen the legal opinion and why it had not been made public. He had acted responsibly and on the advice of officers, which in turn had been based on legal advice. If those sources of advice had subsequently proved to be flawed, this should be made public. An open independent inquiry should be held as soon as possible. This should not await the completion of the project. The current delays on the project were an attempt to gain political capital at the expense of the tax payer.

Councillor Hunt, Portfolio Holder for Communication and Customers, responded and reiterated the comments he had made at the last Council meeting that he did not hold individual past or present Councillors to blame. The administration was not seeking to delay the project and had no interest in seeking to delay an inquiry. The implication that it was seeking to do so was resented. However, Essex County Council, Eastern Arts

and the East of England Development Agency were all of the view that the inquiry should await the completion of the project.

Nick Chilvers addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He invited the Council to think again about withdrawing the grant to Shopmobility. Shopmobility provided an invaluable service to disadvantaged groups and had been created at the request of the Council. It helped the Council meet its objective of reducing social exclusion. The town centre would also lose valuable business if Shopmobility was forced to close. Whilst it was acknowledged that the Council faced a difficult decision, it should reinstate the grant to Shopmobility or find other ways of funding it. Councillor Dopson, Portfolio Holder for Performance and Partnerships, responded and stressed that the work of Shopmobility was highly regarded. However the administration was exploring how it could use the finance available to maximise impact. The withdrawal of the funding did not mean that Shopmobility would have to cease to operate. Support would be offered to help Shopmobility to find other sources of funding.

Parish Councillor Richard Belcham addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to request that the decision to withdraw funding from the Colne Riverside project be reconsidered. The Countryside Project Officer funded by the project had helped with a number of important schemes such as the Community Orchard and Riverside Walk. Unlike the Dedham Vale, the Colne Valley did not receive statutory funding from other sources, so the project was particularly important. Councillor Smith, Portfolio for Resources and Business, responded and explained that the work of the Countryside Project Officer would be covered by the Countryside Ranger post.

Andy Hamilton addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) and expressed his support for the recent decisions to appoint solicitors to advise on issues relating to the Visual Arts Facility and to launch a new free swimming programme. These compared well with the recent decisions of Essex County Council in relation to the consultation on secondary education in Colchester and the closure of the exit from Sheepen Road.

Bob Russell addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) and invited the Council to address recent criticisms of care homes in Colchester which had caused distress. He expressed regret that the Council's decision in respect of the consultation on secondary education in Colchester had been ignored by Essex County Council. He noted that the Leader of Essex County Council had been invited to a Conservative Group meeting.

Antony Roberts, Director of Colchester Arts Centre, addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) on behalf of firstsite, the Mercury Theatre and the Arts Centre. He thanked the Council for the continued investment in the arts, even though it was not proposed to increase this in budget. The reasons for this were understood. Continued stand still funding would compromise the organisations in the long run, however. The investment these organisations received from the Council was the bedrock which enabled them to bring in a further £10 million of revenue. This created over 100 full time jobs and facilitated important community work and therefore

contributed towards meeting the Council's corporate objectives. Councillor Theresa Higgins, Portfolio for Culture, Tourism and Diversity, responded to thank the three organisations for the excellent work they did and to assure them that they would continue to work with them in relation to next year's budget.

Mr Duggan addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He explained that he was a tenant of Colchester Borough Homes and had suffered systematic harassment and racial abuse from his upstairs neighbour, who was also a tenant of Colchester Borough Homes. His wife had been hospitalised as a result. Colchester Borough Homes had not acted to prevent the abuse continuing, despite complaints. Mr Duggan compared his situation with the prompt and wide ranging action taken against a tenant in Highwoods about whom complaints had been received about flying a flag. Councillor B. Oxford, Portfolio Holder for Neighbourhoods, offered her apologies for the service he had received. She assured Mr Duggan that the Council took racial harassment very seriously and promised to look into his complaint. Councillor T. Young explained that as ward councillors both he and Councillor J. Young were aware of Mr Duggan's complaints and had taken them forward. He would share his information with Cllr B. Oxford.

Paula Whitney addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). The minutes of her Have Your Say! comments on 11 December 2009 were inaccurate. The point she was making was that out of the three towns Ipswich, Chelmsford and Colchester it was Colchester which had the best economic success in 2007 and that this success had been achieved without a costly Park and Ride, which did not encourage the use of local bus services. In addition she stressed the need to reduce traffic as emissions from traffic were the main source of greenhouse gases.

45. Minutes

RESOLVED that consideration of the minutes of the meeting on 11 December 2008 be deferred in order for minute 27 to be amended in the light of Paula Whitney's comments.

46. Mayor's Announcements

The Mayor expressed the Council's condolences to the Leader of the Council following the sad loss of her brother.

47. Declarations of Interests

Councillor Mary Blandon (in respect of her position as a director of CCVS) declared a personal interest in Minute No. 50 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Sonia Lewis (in respect of her previous membership of the Shopmobility Committee) declared a personal interest in Minute No. 50 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Margaret Fisher, Councillor Theresa Higgins, Councillor John Jowers and Councillor Julie Young (in respect of their membership of Essex County Council) declared a personal interest in Minute No. 53 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Peter Higgins and Councillor Tim Young (in respect of their spouse being a member of Essex County Council) declared a personal interest in Minute No. 53 pursuant to the provisions of Meetings General Procedure Rule 7(3)

48. Strategic Plan 2009-12

It was PROPOSED by Councillor Hunt that the recommendation in minute 51 of the Cabinet's meeting of 28 January 2009 be approved and adopted.

It was *RESOLVED* that the recommendation in minute 51 of the Cabinet's meeting of 28 January 2008 be approved and adopted.

A named vote having been requested pursuant to the provisions of Council Procedure Rule 15(2), the voting was as follows:-

Those who voted FOR were:- Councillors Barlow, Blandon, Chuah, Cook, Cope, Cory, Dopson, Fisher, Ford, Gamble, Goss, Hall, Harris, P. Higgins, T. Higgins, Hogg, Hunt, Knight, Lilley, Manning, Naish, Offen, B. Oxford, G. Oxford, P. Oxford, Scott-Boutell, Smith, Sykes, J. Young, T. Young.

Those who voted AGAINST were:- Councillors Arnold, Bentley, Blundell, Bouckley, Chapman, Chillingworth, Davidson, Davies, Ellis, Foster, Garnett, Hardy, Hazell, Jowers, Kimberley, Lewis, Lissimore, Maclean, Martin, Pyman, Quarrie, Sutton, Taylor, Tod, Willetts.

Those who ABSTAINED from voting were:- The Mayor (Councillor Fairley-Crowe), The Deputy Mayor (Councillor Spyvee).

49. Suspension of Council Procedure Rules

It was *RESOLVED* that Council Procedure Rule 14(3) be suspended to allow the Portfolio Holder for Resources and Business and group leaders to speak for an unlimited time on the following item.

50. 2009/10 Revenue Budget and Medium Term Financial Forecast; Precept and Council Tax Levels 2009/10; Approval of Minimum Revenue Provision Policy

It was PROPOSED by Councillor Smith that the recommendations in minute 53 of the Cabinet meeting of 28 January 2009 and the recommendations contained in the Head of Resource Management's reports entitled Minimum Revenue Provision Policy and Precept and Council Tax Levels 2009/10 be approved and adopted.

A SECONDARY AMENDMENT was moved by Councillor Arnold as follows:-

"That the recommendations contained in minute 53 of the Cabinet meeting of 28 January 2009 and the recommendations contained in the Head of Resource Management's reports entitled Minimum Revenue Provision Policy and Precept and Council Tax Levels 2009/10 be approved and adopted. subject to:-

(i) the levels of Council Tax levied by Colchester Borough Council for the year 2009/10 be the same as those levied for 2008/09;

(ii) the cost of (i) be met by reducing the provision to increase staff salaries contained within the "inflationary pressure" figure of £1,190 thousand shown on page 123 of the Council agenda;

(iii) members allowances be frozen for the municipal year 2009/10;

(iv) the Head of Resource Management be given delegated authority to make the necessary consequential changes to the Precept and Council Tax statutory resolution contained in his report to this meeting."

Pursuant to the provisions of Council Procedure Rule 14(11) Councillor Smith indicated that the SECONDARY AMENDMENT was not accepted; whereupon Council then indicated that the SECONDARY AMENDMENT was not accepted.

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

A named vote having been requested pursuant to the provisions of Council Procedure Rule 15(2), the voting was as follows:-

Those who voted FOR were:- Councillors Arnold, Bentley, Blundell, Bouckley, Chapman, Chillingworth, Davidson, Davies, Ellis, Foster, Garnett, Hardy, Hazell, Jowers, Kimberley, Lewis, Lissimore, Maclean, Martin, Pyman, Quarrie, Sutton, Taylor, Tod, Willetts.

Those who voted AGAINST were:- Councillors Barlow, Blandon, Chuah, Cook, Cope, Cory, Dopson, Fisher, Ford, Gamble, Goss, Hall, Harris, P. Higgins, T. Higgins, Hogg, Hunt, Knight, Lilley, Manning, Naish, Offen, B. Oxford, G. Oxford, P. Oxford, Scott-Boutell, Smith, Sykes, J. Young, T. Young.

Those who ABSTAINED from voting were:- The Mayor (Councillor Fairley-Crowe), The Deputy Mayor (Councillor Spyvee)

The SUBSTANTIVE MOTION was thereupon put and CARRIED (THIRTY voted FOR, TWENTY FIVE voted AGAINST and TWO ABSTAINED from voting).

51. Schedules of Decisions taken by Portfolio Holders

RESOLVED that the Schedule of Portfolio Holder decisions be noted.

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

In view of the late hour it was *RESOLVED* that the questions to Cabinet members and Chairmen be cancelled.

53. Adoption of the Joint Municipal Waste Management Strategy for Essex

Paula Whitney addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to urge the Council not to adopt the Joint Waste Management Strategy. If adopted, the Strategy could result in the siting of an incineration plant at Stanway. The Strategy was being driven by the requirements of the Landfill Directive which required that the amount of biodegradable waste sent to landfill be reduced by approximately two-thirds by 2020. However, it was more sensible to prioritise recycling and support was expressed for WRAP who had demonstrated the benefits of separated kerbside collection.

It was *PROPOSED* by Councillor Dopson that the Joint Municipal Waste Management Strategy for Essex not be approved and adopted for the reasons set out in the report of the Head of Street Services.

RESOLVED that the Joint Municipal Waste Management Strategy for Essex not be approved and adopted for the reasons set out in the report of the Head of Street Services.

A named vote having been requested pursuant to the provisions of Council Procedure Rule 15(2), the voting was as follows:-

Those who *VOTED* for were:- Councillors Barlow, Blandon, Chuah, Cook, Cope, Cory, Dopson, Fisher, Ford, Gamble, Goss, Hall, Harris, P. Higgins, T. Higgins, Hogg, Hunt, Knight, Lilley, Manning, Naish, Offen, B. Oxford, G. Oxford, P. Oxford, Scott-Boutell, Smith, Sykes, J. Young, T. Young

Those who *ABSTAINED* from voting were:- Arnold, Bentley, Bouckley, Chapman, Chillingworth, Davidson, Davies, Ellis, Foster, Garnett, Hardy, Hazell, Kimberley, Lewis, Lissimore, Maclean, Martin, Pyman, Quarrie, Sutton, Taylor, Tod, Willetts, the Mayor (Councillor Fairley-Crowe), the Deputy Mayor (Councillor Spyvee).

Extract from the minutes of the Cabinet meeting held on 18 March 2009

63. Empowerment Agenda

The Interim Head of Corporate Management submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix B to these minutes.

Councillor Harris attended and, with the consent of the Chairman, addressed the Cabinet in support of the proposals. The empowerment agenda was visionary, inclusive and would enhance the work of ward councillors. He particularly welcomed the Councillor Call for Action proposals. This would help residents feel that they were listened to and help counter apathy about public life.

RESOLVED that:-

- (a) The broad principles contained within the Government's Empowerment agenda be noted;
- (b) That further investigations and discussions take place, possibly including the mechanism of a joint member / officer working group, in order to determine the appropriate direction for the Council to take in relation to the powers to delegate council functions to individual members and other related neighbourhood working issues;

RECOMMENDED to Council that:-

- (a) The detailed guidelines and procedural arrangements to provide a framework within which the Councillor Calls for Action could be dealt with, as set out in Appendix B to the Interim Head of Corporate Management' report, be approved;
- (b) In accordance with the Local Government and Public Involvement in Health Act 2007, the Terms of Reference of the Strategic Overview and Scrutiny Panel be amended to provide for the designation of this Panel as the appropriate route for any member to refer a 'local government matter' in the context of the Councillor Call for Action regime and, further, to identify those 'local government matters' specifically excluded from this regime, namely matters:
 - (i) relating to a planning decision;
 - (ii) relating to a licensing decision;
 - (iii) where a right of recourse to a review or right of appeal is already provided for in law;

- (iv) which are vexatious, discriminatory or not reasonable to be included in an agenda.

(c) In accordance with the Police and Justice Act 2006 the Terms of Reference of the Strategic Overview and Scrutiny Panel be amended to provide for the following:

The Strategic Overview and Scrutiny Panel be designated as the 'crime and disorder committee' with power:

- (i) to review and scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (ii) to make reports and recommendations to the Council or the Cabinet with respect to the discharge of those functions;

(d) Procedure Rules in relation to Petitions, as set out in Appendix C to the Interim Head of Corporate Management's report be approved;

(e) The Monitoring Officer be authorised to make all necessary amendments to the Council's Constitution to reflect the measures contained in (a) to (d) above.

REASONS

The decisions made by the Cabinet were either requirements of the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006 or were measures to address new duties likely to be required when the Local Democracy, Economic Development and Construction Bill was enacted.

ALTERNATIVE OPTIONS

The Council was required to designate one of its Panels as the Crime and Disorder Committee. However there was discretion as to which Panel it could to so designate. In the same way the Council had scope to determine its own guidelines and procedures for Councillor Calls for Action and petitioning.

The measures proposed in the Interim Head of Corporate Management's report were formulated following detailed research and in accordance with the good practice guidelines recently made available. However it was for the Cabinet to determine whether these were appropriate and sufficient.

Extract from the minutes of the Cabinet meeting held on 18 March 2009

64. Sustainable Communities Act 2007

The Interim Head of Corporate Management submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix C to these minutes in the Minute Book.

Peter Lynn addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He had previously urged the Council to adopt the Act so was in favour of the recommendations of the report. However he considered that the report slightly downplayed some aspects of the Act. For instance, the citizens/community panel was not a "rubber stamping" body and no proposals should be submitted to the Local Government Association without their agreement. Also the Act specified that authorities had a "duty" to ensure persons from under-represented groups were involved, rather than having to take "reasonable steps" to involve them.

Councillor Harris attended and, with the consent of the chairman, addressed the Panel. He considered that the provisions of the Act were a welcome step forward and would help give ordinary people a voice. It would help reverse the trend of apathy about public life and help with the engagement of the silent majority. It was important that under-represented groups be defined as widely as possible to ensure that groups such as young people and those with disabilities were included and therefore represented on the citizens/community panel.

Councillor Barton, Portfolio Holder for Planning and Regeneration endorsed the proposal that Council be asked to adopt the Act. However the undoubted benefits needed to be balanced against the costs involved in establishing the citizens /community panel and the difficulties in securing public engagement, as evidenced by the problems in filling school governorships and vacancies on Neighbourhood Action Panels. The Council was already taking forward many of the issues identified in the Schedule to the Act, to which authorities should have regard when developing proposals.

Councillor T. Higgins, Portfolio Holder for Culture, Tourism and Diversity, stressed the diverse nature of the Borough's population and that work was underway to identify and involve under-represented groups.

RESOLVED that the potential benefits, timescales, scope and requirements of the Sustainable Communities Act 2007 be noted.

RECOMMENDED to Council that:-

(a) The provisions of the Sustainable Communities Act 2007 be adopted by this Council;

(b) That further investigations be undertaken at both officer and member level and arrangements be put in place to establish and or recognise a panel of local representatives, taking into account the steps identified in the Sustainable Communities Regulations 2008 in terms of:

- Taking reasonable steps to provide for local people and under-represented people to be adequately involved, where 'under-represented people' means those not currently involved in civic and political activity in the area and
- Consulting and attempting to reach agreement with the Panel about any proposals.

(c) That, upon the establishment / recognition of a panel, referred to in paragraph (b) above, work be progressed with a view to the submission of a proposal or number of proposals to the Secretary of State for Communities and Local Government either in the current round of invitations or future rounds, as appropriate.

(d) The Monitoring Officer be authorised to make amendments to the Council's Constitution, as necessary, to reflect the measures contained in (a) to (c) above

REASONS

The Sustainable Communities Act aimed to promote the sustainability of local communities. It began from the principle that local people know best what needs to be done to promote the sustainability of their area, but that sometimes they need central government to act to enable them to do so. It provided a channel for local people to ask central government to take such action. It was also a new way for local authorities to ask central government to take action which they believe would better enable them to improve the economic, social or environmental well-being of their area.

ALTERNATIVE OPTIONS

An invitation was issued to all Local Authorities in October 2008 which asked each Local Authority if they wished to participate. Those wishing to 'opt in' were given until 31 July 2009 to do so in the current round. Further invitations would be issued although the timetable for these was not yet available. The Council had discretion therefore to choose when to 'opt in' and whether to 'opt in'.

Agenda item 9(iii)

Extract from the minutes of the Cabinet meeting held on 18 March 2009

69. Local Code of Corporate Governance

The Monitoring Officer submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix I to these minutes in the Minute Book together with minute 13 of the Standards Committee meeting on 6 March 2009.

Councillor T. Higgins, Portfolio Holder for Culture, Tourism and Diversity, expressed her disappointment that a member to member protocol had still not been introduced.

RESOLVED that the Local Code of Corporate Governance be approved.

RECOMMENDED TO Council that the Local Code of Corporate Governance be included in the Council's Policy Framework

REASONS

The Council sought to meet the highest standards of corporate governance to help ensure it met its objectives. Members and Officers were responsible for putting in place proper arrangements for the governance of the Council's affairs and the stewardship of the resources at its disposal. The Local Code of Corporate Governance was a key element in those arrangements.

The Council had previously approved a Local Code of Corporate Governance several years ago. The revised Local Code of Corporate Governance had been developed in accordance with guidance issued in 2007 jointly by CIPFA (The Chartered Institute of Public Finance and Accountancy) and SOLACE (The Society of Local Authority Chief Executives) entitled "Delivering Good Governance in Local Authorities".

ALTERNATIVE OPTIONS

Not to approve the Local Code of Corporate Governance nor to recommend to Council that it be included in the Council's Policy Framework

Extract from minutes of the Standards Committee meeting held on 6 March 2009

12. Standards Committee Annual Report 2008/09

The Monitoring Officer presented a report proposing an Annual Report for the Standards Committee for the 2008/09 municipal year. As well as being good practice in terms of governance, an Annual Report would also help raise the profile of the Standards Committee. It was proposed that the Annual Report be submitted to Full Council in April 2009. In view of this timescale delegated authority was sought for the Monitoring Officer to make any necessary changes to the report in consultation with the Chairman to update it to the end of March 2009. The report concentrated largely on the introduction of the Local Assessment of Allegations processes.

The Monitoring Officer explained that the Annual Report would be placed on the Council's website on a new page dedicated to the Standards Committee and the local assessment process. This would again help raise the Committee's profile as well as provide a one stop shop for information about the work of the Committee and the complaints process.

The Committee endorsed the concept of the Annual Report and approved the content of the draft report, subject to the following minor amendments:-

- The second paragraph of the introduction be amended to read:-

"The Borough Council is 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."

- The first paragraph of section 5.1 be amended to read:-

"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 the Standards Board for England to local Standards Committees. "

RESOLVED that:-

(a) The Standards Committee Annual Report 2008/2009 be approved, subject to the minor amendments specified above;

(b) The Monitoring Officer, in consultation with the Chairman, be authorised to make any necessary changes to the Annual Report to give effect to the Committee's activities up to the end of March 2009.

RECOMMENDED to Council that the Standards Committee Annual Report 2008/09 be noted.

Extract from minutes of the Standards Committee meeting held on 6 March 2009

14. Revised Whistleblowing Policy

The Monitoring Officer presented a report proposing a revised whistleblowing policy. The existing Whistleblowing policy had been in place for approximately ten years, and was therefore due for review. No complaints had ever been made under the existing policy so it was difficult to assess its adequacy, but it was now good practice to include more information and widen the scope of whistleblowing policies. The most important introduction in the new policy was arrangements for whistleblowing by persons other than employees.

The Committee welcomed the updated policy and considered that if approved and adopted by Council that arrangements should be put in place for the revised policy to be disseminated and publicised to all staff and contractors. The Committee also considered that it should be drawn to the attention of Town and Parish Councils with a recommendation that they consider adopting it. The Council should also hold an exercise to test the policy.

RECOMMENDED to Council that the revised Whistleblowing policy be approved and adopted.

RESOLVED that if the revised Whistleblowing policy be approved by Council that:-

- (i) the Whistleblowing policy be circulated to all staff and contractors employed by the Council;
- (ii) the Whistleblowing policy be drawn to the attention of Town and Parish Councils with a recommendation that they consider adopting it;
- (iii) an exercise be held to test the policy.

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
7 February 2009 – 7 April 2009**

Item 10

Portfolio - Communication and Customers					
Date	Number	Report Title	Author	Decision	Result

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
7 February 2009 – 7 April 2009**

Portfolio – Culture, Tourism and Diversity					
Date	Number	Report Title	Author	Decision	Result
13/2/09	CUL-010-08	Colchester Tennis Centre	Simon Grady	To agree the priorities for developing tennis in the Borough and the basis on which the tennis centre at West End Sports Ground is operated	Agreed 24/2/09
13/2/09	CUL-011-08	Management Plan (draft) for High Woods Country Park 2009-2014	Paul Vickers	Proposes the formal adoption of the draft management plan for High Woods Country Park	Agreed 24/2/09

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
7 February 2009 – 7 April 2009**

Portfolio - Neighbourhoods					
Date	Number	Report Title	Author	Decision	Result
29/1/09	NEI-011-08	Virement from the Renewal Budget to the Disabled Facilities Grant Budget and the allocation of the 2008/09 Housing Capital Grant to the Renewal Budget	Jo Tawell	To approve a virement from the Renewal Budget to the Disabled Facilities Grant Budget and the allocation of 2008/09 Housing Capital Grant to the Renewal Budget for operational purposes	Agreed 12/2/09

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
7 February 2009 – 7 April 2009**

Portfolio - Performance and Partnerships						
Date	Number	Report Title	Author	Decision	Result	
6/3/09	PER-008-08	Essex County Council Proposal for Consultation on Secondary Education in Colchester	Gareth Mitchell	To agree the Council's response to Essex County Council's proposal for consultation on Secondary Education in Colchester "Raising Achievement through the Transformation of Secondary Schooling in Colchester"	Agreed 16/3/09	
2/4/09	PER-009-08	Allocation of investment in voluntary welfare organisations 2009-10	Fay Mathers	To approve grant awards through the Revenue Budget 2009-10, Project and Development Budget 2009-10 and the Life Opportunities Capital Fund 2009-10	Due 14/4/09	
2/4/09	PER-010-08	Allocation of grant to Age Concern 2009-10	Tamara Moreau	To approve grant of £30,000 to Age Concern from the Welfare Rights Service Budget for one year	Due 14/4/09	

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
7 February 2009 – 7 April 2009**

Portfolio - Planning and Regeneration					
Date	Number	Report Title	Author	Decision	Result
30/3/09	PLA-005-08	Proposed Supplementary Planning Document – Provision of Community Facilities	Karen Syrett	To agree the draft Supplementary Planning Document (SPD) in respect of Community Facilities and to approve a period of public consultation	Agreed 7/4/09

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
7 February 2009 – 7 April 2009**

Portfolio – Resources and Business						
Date	Number	Report Title	Author	Decision	Result	
11/2/09	RES-021-08	Banking Contract	Peter Evans	To award contract for banking services to Barclays Bank plc from 1 April 2009	Agreed 6/3/09	
12/2/09	RES-022-08	Weston Homes Community Stadium Travel Management Plan	Neil Hopkins	In the capacity of Stadium owner recommend that the Weston Homes Community Stadium Travel Management Plan be approved by Colchester Borough Council Planning Services and Essex County Council Highways Department	Called in 6/3/09. Reviewed at Strategic Overview and Scrutiny Panel 17/3/09. Decision confirmed (see minute 45)	
26/2/09	RES-023-08	Corporate Management Fees and Charges 2009-10	John Gilbert	To approve fees and charges for Corporate Management services (excluding Land Charges) to take effect from 1 April 2009	Agreed 10/3/09	
4/3/09	RES-024-08	Local Authority Mortgage Interest Rates	Peter Evans	To set the Locally Determined Interest Rate as 6.02% for the 6 months starting 1 April 2009	Agreed 16/3/09	
4/3/09	RES-025-08	Irrecoverable Debts over £5,000	Peter Evans	To approve the writing off of debts totalling £65,713.68 which have proved irrecoverable	Agreed 16/3/09	
19/3/09	RES-026-08	Concessionary Travel Scheme –	Peter Evans	To agree the details of the transfer	Agreed	

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
7 February 2009 – 7 April 2009**

30/3/09	RES-027-08	participation agreement		of responsibility for the payment to bus operators to Essex County Council for 2009/10 and 2010/11 and to confirm administrative arrangements	30/3/09
		Fees for the Local Land Charges Service 2009/2010	Andrew Weavers	To approve a fee structure for the Local Land Charges Service for the 2009/2010 financial year.	Agreed 7/4/09

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
7 February 2009 – 7 April 2009**

Portfolio - Strategy					
Date	Number	Report Title	Author	Decision	Result
11/02/09	STR-006-08	Housing Revenue Account Fees and Charges 2009-10	Paul Clarke Rachel Eley	To approve Housing Revenue Account fees and charges to take effect from 6 April 2009	Agreed 20/02/09

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
7 February 2009 – 7 April 2009**

Portfolio - Street and Waste Services					
Date	Number	Report Title	Author	Decision	Result
9/2/09	STS-006-08	Response to Essex County Council Speed Management Strategy Consultation	Paul Wilkinson	To approve Colchester Borough Council's response to the Essex County Council Speed Management Strategy Consultation Document	Agreed 16/2/09



Council

22 April 2009

Item
13

Report of	The Scrutiny Officer	Author	Robert Judd
Title	Scrutiny Report		Tel. 282274
Wards affected	None		

This is a report setting out the work of the Finance and Audit Scrutiny Panel and Strategic Overview and Scrutiny Panel during 2007-2008 and the first half of 2008-09.

1. Decision required

- 1.1 To note the Scrutiny Report, covering the 2007-08 municipal year and the first half of 2008-09. The Scrutiny Report forms the basis for debating the subject of scrutiny at Colchester, what it was about and how it could be further developed.

2. Reason for Action(s)

- 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 Scrutiny Report (a copy of which is attached at Appendix 1) 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. The minute of the Strategic Overview and Scrutiny Panel's consideration of the Scrutiny Report is at Appendix 2.
- 3.2 This Scrutiny Report includes a record of the reviews undertaken by both panels where there is a specified outcome / resolution. The reviews include Pre-Scrutiny Reviews of decisions and consultation papers, Partnership reviews, internal service reviews and decisions referred to the panel under the call-in procedure.
- 3.3 Both panels continued to scrutinise standard items, for example, the continual reviews of the effectiveness of the work undertaken by each Portfolio Holder and the continued good practice of regular examination of Audit Activity, Risk Management, Revenue and Capital outturns.

4. Standard and Strategic Plan References

- 4.1 There are no policy plan references or financial, human rights, community safety or health and safety implications in this matter.

4.2 Scrutiny is a key function to ensure decisions and scrutiny reviews have been subject to full appraisal and that they are in line with the aims of the strategic plan. The role of scrutiny is also an important part of the Council's risk management process, helping to check that risks are identified and challenged.

Colchester Borough Council

Finance and Audit Scrutiny Panel

Strategic Overview and Scrutiny Panel

OVERVIEW AND SCRUTINY

Scrutiny Report

Period May 2007 – December 2008

An Overview

During 2007/08 and the first half of 2008/09, the scrutiny panels continued to play a vital role in the decision-making process at Colchester, contributing and making suggestions to the way the Council conducts its business.

The scrutiny function at Colchester is a very important one, offering an opportunity to look at policies and strategies from a borough-wide perspective, ensuring performance improvements actually make a positive difference. By doing this a culture of positive and meaningful challenge has been created.

The following information confirms that during the period of this report, the scrutiny function at Colchester remained challenging and effective.

Pre Decision Scrutiny

Whilst Call-In is an important part of Overview and Scrutiny's role, it has proven during this period of time to quite often be profitable to pre-scrutinise decisions, allowing the panel(s) to examine an issue in depth, take oral and written evidence and to make proposals to the Cabinet or portfolio holder in advance of that decision being taken. This was the case for example, for the Strategic Plan, Budget Strategy process and a number of Consultation Paper responses.

Scrutiny

Both scrutiny panels continued to conduct one-off investigations / reviews on a variety of topics, and Cabinet Members continue, as in previous years, to discuss with the Strategic Overview and Scrutiny Panel Members, the progress and performance of the work which fell within their portfolio.

Scrutiny away from the Town Hall

The Strategic Overview and Scrutiny Panel agreed in November 2007 to hold meetings where appropriate at venues in other urban and rural areas of the

borough, but for all other meetings held in the Town Centre to be held at the Town Hall.

Creating Higher Value Jobs in Colchester – The University of Essex

This review was undertaken on 26 March 2008 at the University of Essex. The purpose of this review was to define 'higher value jobs', get a better understanding of the Colchester economy and the roles of The University of Essex, The Colchester Institute and the Council in helping to create jobs in the area.

The meeting was attended by Mr. Jim Addison, Director of Development and Quality (Colchester Institute), Councillor Don Henshall, Portfolio Holder for Business, Pamela Donnelly, Executive Director of Colchester Borough Council and Nigel Myers, Enterprise Manager, Colchester Borough Council.

Whilst the review was well received it was disappointing in so much as the timing of the meeting coming outside University term time and there being no representatives attending from the University.

A New Nuclear Power Station at Bradwell

This review was undertaken on the 23 September 2008 at the West Mersea Centre.

The meeting was held at West Mersea, across the estuary from Bradwell, in response to the Council's request. Mr. Adam Dawson, Director of New Nuclear (BERR), representatives from British Energy and the public agencies, four expert witnesses in the field of nuclear energy and approximately 100 members of the public attended the meeting in what was generally agreed to be a thoughtful and balanced debate.

The outcome from this meeting was the panel resolving to set up a Task and Finish Group to complete more in depth reviews on specific issues which remained of concern to the members, and to complete and recommend a draft response to the Government consultation (completed in November 2008).

The work by the Task and Finish Group will continue during early 2009.

In-depth Reviews

The Finance and Audit Scrutiny Panel is currently in the process of undertaking two in-depth reviews, each taking a period of several months to complete. These are the reviews of The Financial Arrangements for Firstsite:Newsite and the Decent Homes Programme. Details of these reviews are shown in the appendices. These reviews and subsequent outcomes will be determined during the first half of 2009.

Call in

There were five decisions referred to scrutiny in 2007-08, four of these decisions were upheld, the fifth, Concessionary Travel Scheme was referred back to the Portfolio Holder for further consideration.

Changes have been made to the Concessionary Travel Scheme, locally and county wide since this decision was called-in. See appendix for further details.

There have been two decisions so far referred to scrutiny in 2008-09, both of which were upheld by the panel.

Strategic Overview and Scrutiny Panel – 2007-08

Membership for 2007-08: Councillor T Young (Chairman) and Councillors Bentley, Gower, T Higgins, Maclean, Pyman, Smith and Turrell (Deputy Chairman).

The Overview and Scrutiny Panel has responsibility for reviewing corporate strategies within the Strategic Plan and Action Plan, the Council's budgetary guidelines for the forthcoming year, the performance of Portfolio Holders and Cabinet decisions being reviewed under the Call in procedure.

Type of Review, Title and date of review (S) Strategic, (P) Partnership, (I) Internal review (C) Consultation (CI) Call in	Reviews with a specified outcome(s) / resolution
(P) Colchester Crime and Disorder Reduction Partnership - 12-June-07	A further review of the CCDRP in 2008-09, and partnership reviews of the Probation Service (11-Dec-07) and Essex Police (8-Jan-08). The panel would receive regular feedback on the Best Value Performance of Community Safety Indicators (National Indicators).
(C) Essex Rivers Health care NHS Trust Foundation Status 3-July-07	The panel noted the presentation on the ERHT's consultation process for applying for Foundation Trust, and expressed their endorsement of the trust's Foundation Trust bid.
(S) Country Wide Waste Strategy – Memo of Understanding – 3-July-07.	The panel voted against the proposal to refer the item to Full Council for further debate and voted in favour of the actions to be taken by the Portfolio Holder for Culture and Environment.
(C) Proposals for a Single Equality Bill for Great Britain – 28-Aug-07	The panel requested the Portfolio Holder for Resources to consider five additions and amendments to the Council's response to the consultation paper. A further review of the current scheme, plus progress on level three of the Government's Equality Standard and the new single equality plan (see 25-Feb-08).
(S) Budget Strategy and Timetable – 28-Aug-07	The panel's following comments were referred to the Cabinet for consideration, including; i Opposition briefings on the Budget to be built upon and continued in 2007/08 and an additional update on the Budget Strategy and Timetable (see 26-Nov-08).
(C) Formula Grant Distribution – 25-Sept-07	The Portfolio Holder for Resources considered and agreed to the panel's comments to include within the response the need to ensure that the grant was increased in line with inflation, and emphasise the need to maintain the grant floor system.
(S) Colchester's Renaissance Programme – 25-Sept-07	The panel noted the progress of Colchester's Renaissance Programme and requested an update with progress on risk management (see 11-Mar-08).
(C) Consultation on changes to the Post Office Network – 22-Oct-07	The Portfolio Holder for Neighbourhoods agreed to the panel's request to add to the Council's consultation response the following; i) The Post Office remove the number 11 bus route from the modelling completed on the Parsons Heath Branch. ii) The Post Office proactively resurveys discussions with the Mobile Library Service to determine a way of introducing joint working. iii) The Post Office investigate and considers the need for two post offices in the Town Centre. iv) The Post Office expand their modelling to include population and housing growth beyond 2011, to take account of future growth. Post Office representatives, present at the meeting understood the panel's concerns, and agreed to investigate the issues raised by the panel.

Type of Review, Title and date of review	Reviews with a specified outcome(s) / resolution
(S) CBC Vending for staff & Customers – 6-Nov-07	The panel noted the progress on healthy vending at Leisure World and asked the Portfolio Holder for the Environment and Culture to arrange for officers from Sports and Leisure Services to meet with the local Primary Care Trust to discuss all aspects of healthy active lifestyles (undertaken).
(S) A Review of Public Transport in Colchester – 6-Nov-07	The panel requested that Council officers liaise with County officers to examine the possibility of extending the wait time of buses that provide a bus link to the last train(s) into Colchester Station, when such trains are late running, and that the Portfolio Holder for Street Services ask County Officers to help the bus operators in finding a solution to extending the ways of purchasing BusPlus tickets beyond railway stations, and to investigate the opportunity of the offer by the local bus operators to free bus travel to parking enforcement officers around the Borough to hot spots in reference to cars parking illegally at bus stops / lay-bys so the appropriate parking enforcement action could be taken, and that the Portfolio Holder for Planning and Regeneration investigated the opportunity for a co-ordinated approach to section 106 money for the improvement of the public transport system.
(S) Review of the Strategic Plan 2006-09 – 26-Nov-07	The panel requested the Portfolio Holder for Street Services to consider the work at Thurrock Council on litter campaigns and ticket enforcement.
(S) The work of the Essex Probation Service – 18-Dec-07	The panel requested the Executive Director, Lead Officer for the Innovations Panel to progress the partnership working on the programme of unpaid work for offenders.

Strategic Overview and Scrutiny Panel – May to December 2008

Membership for 2008-09: Councillor C Arnold (Chairman) and Councillors Barlow, Cory, Hazell, P Higgins, Hogg, Kimberley (Deputy Chairman), Pymon, Naish, Taylor and J Young.

Type of Review, Title and date of review	Reviews with a specified outcome(s) / resolution
(P) Essex Police – Neighbourhood Action Panels (11-June-08)	Joint Action Group to consider a review of NAP boundaries. A need for NAPS to share good practice. Better use made of the Council's CRM facility, and better feedback from NAPs to residents. A further update in 2009-10.
(S) Budget Strategy and Timetable (8-Sept-08)	The Budget Strategy and Timetable was noted, with a request to Cabinet to give greater clarity to budget report with headings e.g. 'Projects put on hold', 'Impact of change'.
(S) A new Nuclear Power Station at Bradwell (23-Sept-08)	The panel resolved to respond to the Government's consultation on the Strategic Siting process and siting criteria, and to set up a task and finish group to complete more in-depth reviews on issues highlighted in the review.
(S/P) Investment in Firstsite (4-Nov-08)	A review, with representatives from Firstsite was undertaken. It was agreed that a further review should be undertaken, at the earliest convenient time, to review the Firstsite Business Plan + details of fundraising activities. A further review was requested for 2009.
(S) Climate Change and Carbon Management (16-Dec-08)	The panel noted the presentation and report and requested the Cabinet to consider with qualification, that reports should incorporate 'carbon impact' as a standard item. A further review was requested for 2009-10.
(IR) Performance Related Pay for Cabinet Members (16-Dec-08)	The panel proposed not to introduce a scheme to provide for an apportionment of Cabinet Member Allowance to be linked to performance.

Finance and Audit Scrutiny Panel 2007-08

Membership: Councillor G Oxford (Chairman) and Councillors Barton, Dopson, Kraft, Levy, Lewis, Scott-Boutell, Smith (Deputy Chairman) T Sutton and Willetts.

The Finance and Audit Scrutiny Panel has responsibility for monitoring the operational and financial performance of the Council. The panel receive regular updates on internal and external audit reports, financial monitoring reports and capital expenditure reports, and progress checks against Best Value Performance Indicators (National Indicators from April 2008). The panel also review executive service decisions not implemented, but referred to the panel through the call-in procedure.

Type of Review, Title and date of review	Reviews with a specified outcome(s) / resolution
(S) Strategic (P) Partnership (IR) Internal Review (CI) Call in.	
(IRP) Financial Arrangements at West End Tennis Centre (24-July-07)(26-Feb-08)	The panel noted the financial arrangements relating to the new working arrangements at the West End Tennis Centre. The PH was asked to consider the points raised by the panel on 26-Feb-08.
(IR) Section 106 monitoring (21-Aug-07)	Officers agreed that the Planning Agreement Compliance Officer would look into the possibility of including within the S106 information on the Hub a breakdown of developments by Ward and with the name of the development / site included, and for ward members to be notified when new S106 money is agreed for development within their ward.
(IR) Sale of Jarmin Road/Brook Street (18-Sep-07)(13-Nov-07) (23-Jan-08)	Following a number of updates, the panel noted the sale of Brook Street and Jarmin Road.
(IR/P) Value for money review of funding to the Colchester Town Partnership (CTP) 23-Oct-07	The panel noted the funding arrangements in place for the provision of town management services from the CTP and requested the CTP to consider the introduction of tighter procedures on 'declarations of interest' and introducing a procedure whereby contracts over a stipulated value are let, subject to board approval.
(S) Financial Implications of Park and Ride (23-Oct-07)	The panel noted the report and requested a further update once a business case for a park and ride scheme is complete.
(IR) Decent Homes Programme (13-Nov-07)	The panel noted the report on the DHP and given the concerns over the contract being adrift, but soon to recommence, requested further reviews on the Inspace Contract, and a detailed chronological review of the DHP (13-Nov-07).
(S) 2008-09 Revenue Budget (23-Jan-08)	The panel referred the 2008-09 Revenue Budget back to Cabinet for further consideration. The Cabinet (30-Jan-08) noted the comments of the panel. The procurement of recyclable clear plastic sacks was a Portfolio Holder decision subject to call-in referred to the SOS (5-Feb-08).
(CI) Concessionary Travel Scheme (23-Jan-08)	The panel referred the decision back to the Portfolio Holder for further consideration on rural bus routes, the Government rationale for a scheme commencing at 9am. The Cabinet upheld the decision of the Portfolio Holder (30-Jan-08) but confirmed further work would be undertaken to investigate the impact of an earlier start time to the concessionary travel scheme. ECC officers (Local Bus Team) agreed with Heddinghams to extend by up to 5 minutes the waiting time for the last journeys from the station on routes 11 and 15.

Finance and Audit Scrutiny Panel – May to December 2008

Membership for 2008-09: Councillor Lissimore (Chairman) and Councillors Bentley, Bouckley, Goss, Harris, Maclean, Manning, Offen, G Oxford, Sykes and Willetts (Deputy Chairman).

Type of Review, Title and date of review	Reviews with a specified outcome(s) / resolution
(IR) Early Cessation of DH and Housing Repairs Contract (30-June-2008)(2-Sept-08) - ongoing	The panel (30-June-08) agreed to a further review to determine the background, the extent of financial controls in place and the outstanding works. The panel (2-Sept-08) considered and noted the report by Anthony Collins Solicitors on the Mediation Process DHP, and agreed to follow-up meetings to discuss the DHP Contract from 2004 to May 2008 and the role of Colchester Borough Homes. A Members briefing was conducted to provide details of the DHP contract, the Final Default Notice and a timeline of key points and crucial events (23-Oct-08).
(R) Treasury Management (29-July-08) Ethical Investments (19-Aug-08) Treasury Management Investments (21-Oct-08) Treasury Management Investment Policy (18-Nov-08)	The panel noted the report and requested a further report on Ethical Investments. The panel also noted the report on Ethical Investments and agreed to review the Council's Lending List prior to approval of future Annual Treasury Management decisions. The panel noted the current situation in respect of the Council's outstanding deposits in the Icelandic Bank, Landsbanki (21-Oct-08). The panel noted the changes made to the Investments policy and requested a regular six monthly update report (18-Nov-08).
(S/P) Firstsite:Newsite(25-Nov-08) - ongoing	The panel, noting the report, requested the Cabinet to instigate an independent external review of the project, with a follow-up review undertaken by FASP in public.

Extract from the minutes of the Strategic Overview and Scrutiny Panel meeting on 10 February 2009

40. Scrutiny Report

Mr. Robert Judd, Scrutiny Officer presented the Scrutiny Report to the panel, explaining that this was the panel's opportunity to comment on the report to go to Council, for Council to form an opinion of the effectiveness of the scrutiny function at Colchester.

Councillor J Young said the report was comprehensive and a good reflection of the work of both scrutiny panels in the period May 2007 to December 2008.

RESOLVED that the panel considered and noted the Scrutiny report.

18 March 2009

Report of	Interim Head of Corporate Management	Author	Amanda Chidgey
Title	Empowerment Agenda // Councillor Call for Action, Petitions and Neighbourhood Working		
Wards affected	All wards		

This report gives details of the Government's Empowerment agenda and proposes appropriate changes to be made to the Constitution to reflect new duties shortly to come into force.

1. Decision(s) Required

- 1.1 That the broad principles contained within the Government's Empowerment agenda be noted;
- 1.2 That further investigations and discussions take place, possibly including the mechanism of a joint member / officer working group, in order to determine the appropriate direction for the Council to take in relation to the powers to delegate council functions to individual members and other related neighbourhood working issues;
- 1.3 That the Council be recommended to approve the following:
 - (i) The detailed guidelines and procedural arrangements to provide a framework within which the Councillor Calls for Action can be dealt with, as set out in Appendix B to this report;
 - (ii) In accordance with the Local Government and Public Involvement in Health Act 2007, the Terms of Reference of the Strategic Overview and Scrutiny Panel be amended to provide for the designation of this Panel as the appropriate route for any member to refer a 'local government matter' in the context of the Councillor Call for Action regime and, further, to identify those 'local government matters' specifically excluded from this regime, namely matters:
 - (a) relating to a planning decision;
 - (b) relating to a licensing decision;
 - (c) where a right of recourse to a review or right of appeal is already provided for in law;
 - (d) which are vexatious, discriminatory or not reasonable to be included in an agenda.
 - (iii) In accordance with the Police and Justice Act 2006 the Terms of Reference of the Strategic Overview and Scrutiny Panel be amended to provide for the following:

The Strategic Overview and Scrutiny Panel be designated as the 'crime and disorder committee' with power:

- (a) to review and scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (b) to make reports and recommendations to the Council or the Cabinet with respect to the discharge of those functions;

(iv) Procedure Rules in relation to Petitions, as set out in Appendix C to this report;

(v) The Monitoring Officer be authorised to make all necessary amendments to the Council's Constitution to reflect the measures contained in (i) to (iv) above

2. Reasons for Decision(s)

2.1 The decisions set out above are either requirements of the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006 or are measures to address new duties likely to be required when the Local Democracy, Economic Development and Construction Bill is enacted.

3. Alternative Options

3.1 The Council is required to designate one of its Panels as the Crime and Disorder Committee however it does have discretion as to which Panel it chooses to so designate. In the same way the Council does have scope to determine its own guidelines and procedures for Councillor Calls for Action and petitioning.

3.2 The measures proposed in this report have been formulated following detailed research and in accordance with the good practice guidelines recently made available. However it is for the Cabinet to determine whether these are appropriate and sufficient.

4. Supporting Information

4.1 Communities in Control: Real People, Real Power, the so-called 'Empowerment' White Paper, was published in July 2008 by the Department for Communities and Local Government, aiming to transfer power into the hands of local communities and to enable people to take a more active role in shaping their neighbourhoods. It also sought to encourage democratic involvement and proposed a duty to promote local democracy and extended the duty for local authorities to involve communities in the decisions that affect their local area.

4.2 The White Paper addressed seven issues from the perspective of individual citizens: Being Active in your Community; Access to Information; Having an Influence; Challenge; Redress; Standing for Office and Ownership and Control. Whilst the key messages in the White Paper included:

- Councillors would be given more powers to make changes in their wards with discretionary localised budgets that they could target on ward priorities and the power for all councillors to refer local government and crime and disorder matters to overview an scrutiny committees for consideration, known as the Councillor Call for Action.
- A new 'duty to promote democracy' to help councils increase involvement through clearer information, better trained staff and more visible councillors in the community;
- Strengthened powers for petitions – the need to respond to petitions and any petition signed by 5% of residents would be required to be debated in a full council meeting;

- Raising the visibility of the overview and scrutiny function by making local senior public officers face public scrutiny as a result of residents' petitions, with the intention that such public officers would become more visible locally;
- More directly elected Mayors with consultation on making it easier for local people to demand a referendum to decide on a local mayor;
- Local authorities to be charged with a new duty to promote voting and to run information campaigns. To explain the processes, this might involve local councils forging partnerships with schools to use citizenship education to advocate voting;
- Making it easier and more attractive to stand for office by opening up the opportunity for a wider range of people to stand for election;

4.3 It is understood that the current economic climate has prompted the Government to change emphasis on some of the empowerment initiatives. Nevertheless, the Local Democracy, Economic Development and Construction Bill was published on 5 December 2008 and is currently in the Committee stage. This Bill includes the provisions relating to the duty to promote local democracy, the requirements for online petitioning arrangements and to respond to and debate petitions and the enhancement of the scrutiny role by means the right to petition to hold senior officers to account.

4.4 The Government has, however, brought in the new powers for ward councillors to tackle local problems on behalf of their constituents, the Councillor Call for Action, within the Police and Justice Act 2006 (for crime and disorder issues) and the Local Government and Public Involvement in Health Act 2007 (for all matters other than those connected to crime and disorder). These provisions are required to be implemented by 1 April 2009 and the detailed best practice guidance associated with putting the provisions into practice has also now been issued. A summary of the new powers relating to Councillor Call for Action and the devolving of council functions is set out in Appendix A.

5. Proposals

5.1 This Council's Constitution already provides for any Councillor to request that any matter be considered at the next available meetings of the Strategic Overview and Scrutiny Panel and the Finance and Audit Scrutiny Panel and, in this sense, the existing arrangements have been made sufficiently robust such that a Councillor Call for Action mechanism already exists. Nevertheless it will assist the process further for some guidelines and procedural arrangements to be put in place to provide a framework within which the CCfAs can be dealt with. Appendix B illustrates the basis of such arrangements in the form of a flowchart.

5.2 It would, however, be prudent to amend the Terms of Reference of the Strategic Overview and Scrutiny Panel to specifically designate this Panel as the appropriate route for any member to refer a 'local government matter' in the context of the Councillor Call for Action regime and, further, to identify those 'local government matters' specifically excluded from this regime, namely matters:

- (i) relating to a planning decision;
- (ii) relating to a licensing decision;
- (ii) where a right of recourse to a review or right of appeal is already provided for in law;
- (iv) which are vexatious, discriminatory or not reasonable to be included in an agenda.

5.3 The Constitution does not however currently provide for a designated 'Crime and Disorder Committee' as required by the Police and Justice Act 2006 and it is therefore

proposed that the Terms of Reference of the Strategic Overview and Scrutiny Panel be amended to provide for the following:

The Strategic Overview and Scrutiny Panel be designated as the 'crime and disorder committee' with power:

- (i) to review and scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (ii) to make reports and recommendations to the Council or the Cabinet with respect to the discharge of those functions.

5.4 Although not an immediate requirement, it is likely that with the passage of the Local Democracy, Economic Development and Construction Bill will become a duty to respond to and debate valid petitions and for a facility to be provided for online petitioning. Whilst awaiting the details of these new duties to emerge, it would therefore be prudent to approve procedure rules in relation to petitions, proposed details of which are attached at Appendix C.

5.5 In considering the content of the proposed procedure rules, consideration may like to be given, in particular, to the following matters:

- The level of support in terms of the minimum number of signatories;
- Whether the signatories should be resident, working or studying in the Borough;
- Whether there should be an age restriction on signatories.

5.5 Investigations are underway in relation to an online petition facility and it is anticipated that these will progress satisfactorily to meet future statutory requirements.

5.6 The powers to delegate council functions to individual members and other related neighbourhood working issues are discretionary and cover a broad spectrum of possibilities and opportunities. It is proposed that further investigations and discussions take place, possibly including the mechanism of a joint member / officer working group, in order to determine the appropriate direction for the Council to take in these matters.

6. Strategic Plan References

6.1 The Local Government and Public Involvement in Health Act 2007 forms part of the Government's wider Community Empowerment agenda and as such it would potentially significantly contribute towards all of the Council's Strategic Plan Priorities but particularly those relating to Community Development.

7. Consultation and Publicity Considerations

7.1 The new provisions will involve changes to the way scrutiny operates in the Council and it will be necessary to communicate these changes to the public mainly by means of the web site. In addition, it will be of assistance to ensure that Councillors and officers are made fully aware of the changes and new arrangements and this will be done through workshop sessions and presentations, as considered appropriate.

8. Financial implications

8.1 It is difficult to assess the likely financial impact of the changes identified in the report, however from experience elsewhere, it is unlikely that the Councillor Call for Action mechanism will generate significant numbers of issues that require action.

8.2 Similar conclusions could be drawn in respect of the introduction of a policy on petitions, however the implications in respect of the requirement for online petitioning is less clear. This is because the manual management, monitoring and administration requirements may prove to be an essential element to the provision of an online petitioning solution.

8.3 Neighbourhood Working also has potentially significant financial implications, in terms of support to Councillors and administration of devolved budgets.

9. Equality, Diversity and Human Rights implications

9.1 The ability of Councillors to take on issues of importance from within communities is likely to have a positive impact on the promotion of equality and may, to some extent, overcome discrimination in relation to gender, gender reassignment, disability, sexual orientation, religion or belief, age and race/ethnicity.

10. Community Safety Implications

10.1 The Councillor Call for Action mechanism specifically identifies a crime and disorder committee to consider these issues. It is therefore very likely to generate issues relating to community safety and have a correspondingly positive impact upon crime and disorder.

11. Health and Safety and Risk Management Implications

11.1 There are no particular references to health and safety or risk management implications.

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**1. What are the new powers?**

- 1.1 Under Section 119 of the Local Government and Public Involvement in Health Act Councillors will have the ability to call for debate and discussion at the scrutiny panel on a topic of neighbourhood concern. These powers are known as the Councillor Call for Action (CCfA). The powers are limited to issues affecting single council wards. More general policy issues can continue to be dealt with by scrutiny committees under their existing powers. This council already makes provision for individual councillors to put items on scrutiny panel agendas. However CCfA is intended to be an opportunity for the whole council and a way for members to try to bring about specific solutions for local problems. It is designed to sit alongside existing mechanisms already at councillors' disposal to resolve local issues.
- 1.2 The power to delegate, under section 236 of the Act, gives councils the right to devolve council functions to individual members, enhancing the role of ward members and giving them the ability to get things done without going through the council's executive decision-making process. Functions which could be delegated include those relating to environmental services, community grants and youth activities. However, it will be necessary to put in place support to allow members to exercise these roles effectively, possibly as part of neighbourhood working arrangements. Some authorities already delegate budgets, and functions, to individual wards or individual members under neighbourhood working arrangements. These new provisions, which are optional, will allow those powers to be placed on a more formal footing, and will also allow them to become more streamlined.

2. Who will use the powers?

- 2.1 Any member can bring a CCfA on any issue they choose. However, there are certain exceptions (for example, if a CCfA is vexatious, or where it deals with an individual complaint). It will also be necessary to put in place guidelines and detailed procedures to make sure issues can be dealt with under CCfA quickly and effectively.
- 2.2 The powers to delegate council functions to individual members would need to be exercised by full Council in terms of deciding what functions to delegate and how, or whether, those functions will be exercised. It will then be for individual members to carry out those functions according to the council's particular policies.

3. Why use the powers?

- 3.1 CCfA is designed as a 'long stop', to be used when all other attempts at resolution have failed. It is not designed to provide an immediate solution, but high-profile public discussion of an issue. It offers a chance to bring a pressing issue to a wider audience and to discuss such issues in an independent, neutral forum.
- 3.2 Examples of why members might use CCfA include calls for action regarding:
- Sustained poor performance at a local school;
 - Poor maintenance of a park, leading to increased anti-social behaviour;
 - A series of complaints about refuse collection services, which demonstrate a continuing trend of poor performance.
- 3.3 Examples of why members might want to exercise delegated functions include:

- To carry out improvements to the local streetscene;
- To provide funding to local community projects;
- To help organisations such as the police, council and NHS to work better together at a neighbourhood level.

4. How will CCfA work in practice?

4.1 It is up to each local authority to specify how CCfA will work in their authority. Generally speaking it will become relevant when a councillor has exhausted all other steps to resolve an issue in his or her ward. The following provides a general illustration of how things might operate in practice. Precise procedures are down to individual councils to formulate and agree.

- The councillor would make representations to the Strategic Overview and Scrutiny Panel to request that a CCfA on an issue be considered at the meeting;
- The Panel would determine if a CCfA was appropriate, based on the council's policy and the rules on exclusions;
- If agreed, the issue would be placed on the agenda for a subsequent meeting;
- The Panel would be able to use its powers under the 2007 Act, and other legislation, to invite representatives from partner organisations to attend, where relevant, and to request information;
- The discussion would take place at the meeting, based on how to achieve the outcomes that the member bringing the CCfA had specified;
- The ensuing discussion would explore potential solutions, and the item would end with the Panel recommending that certain action be taken;
- It should be borne in mind that discussions at one meeting may not necessarily resolve the issue immediately;
- The CCfA process will act as a spur for members and officers to work together to jointly develop policies to overcome the problem.

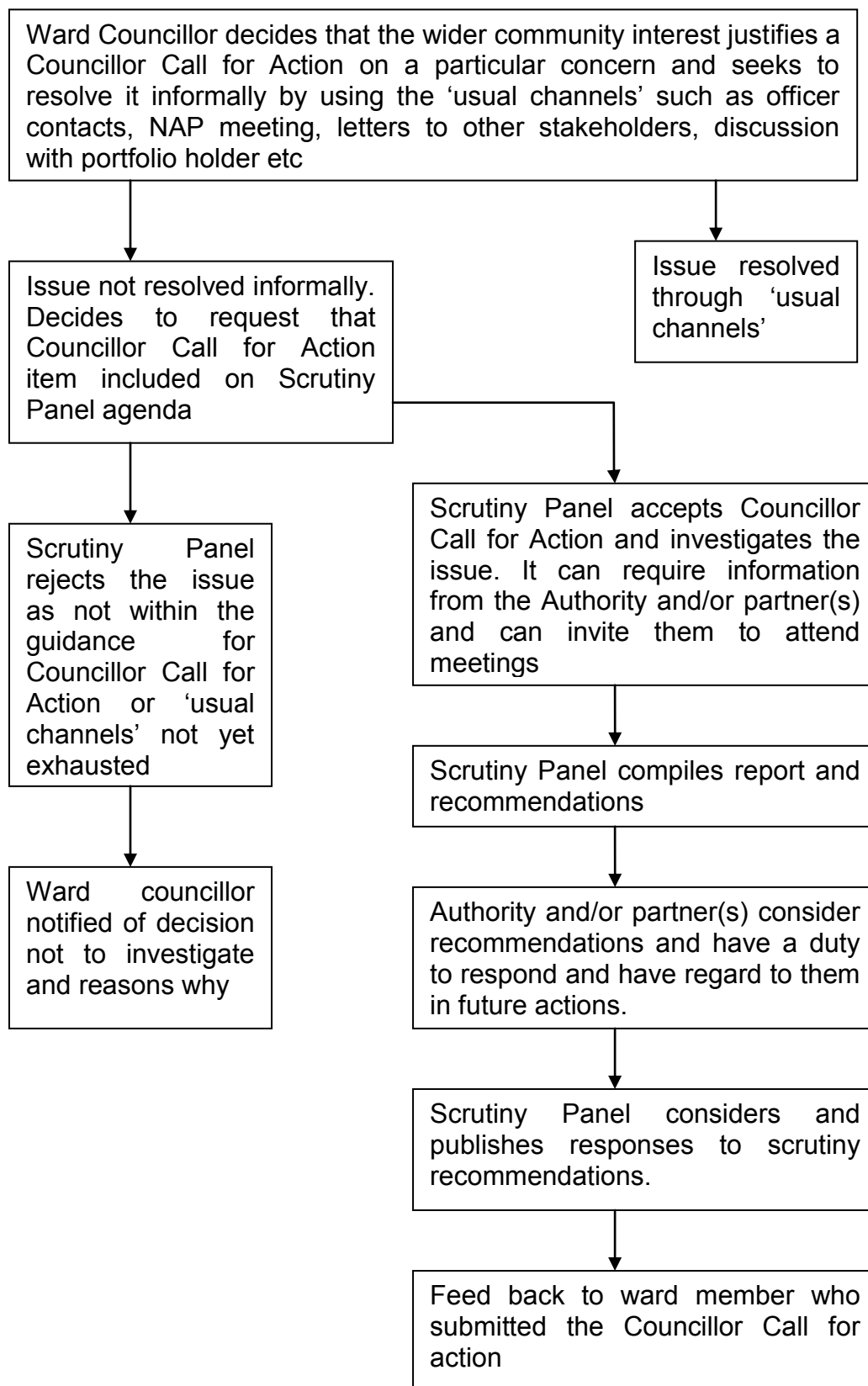
5. What has to done?

5.1 Detailed procedures will need to be formulated taking into account some of the following issues:

- Petitions (subject to the Local Democracy, Economic Development and Construction Bill);
- Complaints;
- The scrutiny work programme;
- Freedom of Information;
- Planning and Licensing considerations
- How partners and the executive will be involved;
- How CCfAs will operate in detail and whether there is the need for a formal process for CCfA discussions;
- Who should define whether or not a CCfA issue has been resolved or whether further action needs to be taken.

COUNCILLOR CALL FOR ACTION

HOW WILL IT WORK?



COLCHESTER BOROUGH COUNCIL

PETITION PROCEDURE RULES


1. These instructions apply whenever a petition is received which contains six or more signatures of people who live, work or study in the Borough.
2. A petition should include:
 - (i) A reason for petitioning the Council (what the Council is being asked to do);
 - (ii) The signatures of each petitioner followed by the date of signature, their name printed and their address;
 - (iii) An indication of the person designated as the lead petitioner or petition organiser.
3. A valid petition must:
 - (i) Relate to a function of the council;
 - (ii) Relate to an improvement in the economic, social or environmental well-being of the council's area to which any of the council's partner authorities could contribute;
 - (iii) Not relate to a planning or licensing decision;
 - (iv) Not relate to a matter where a right of recourse or right of appeal is already provided for in law.
4. A petition will not be accepted as valid, and the lead petitioner will be informed as such, in the following circumstances:
 - (i) In the opinion of the Monitoring Officer, the petition is vexatious, abusive or otherwise inappropriate to be dealt with;
 - (ii) A petition to the same or substantially similar effect has been made to the council within the previous six months of the petition being received.
5. Whenever a petition is received it must be sent to the Democratic Services Manager who will:
 - (i) arrange for details of the petition to be communicated to all Councillors;
 - (ii) send a copy to Ward Councillors where the petition relates to or affects particularly part(s) of the borough;
 - (iii) send a copy to the relevant Portfolio Holder(s);
 - (iv) send a copy of the petition to the relevant Head(s) of Service;
 - (v) within five working days, formally acknowledge receipt by the Council.

In addition:

- (vi) within a further ten working days the lead petitioner will be informed by the relevant Head of Service of the course of action being proposed;
 - (vii) within six weeks of a petition being received the lead petitioner will be informed by the relevant Head of Service of the decision of the Council.
6. All petitions will be reported to the Cabinet with a note of the action taken or recommended.

7. The appropriate Portfolio Holder(s) after consulting with the appropriate Head(s) of Service and ward councillors will determine the most appropriate course of action which could be:
 - (i) to decide the council's response using delegated powers and then report on this to the Cabinet;
 - (ii) to report the petition to the Cabinet setting out the action taken/options/recommendations.
8. Action taken in response to a petition and brief reasons why will be communicated by the Head of Service to the lead petitioner/petition organiser and to all councillors.
9. Where a petition is reported to the Cabinet in open session – other than for noting - the lead petitioner (or substitute) will, at the Chairman's discretion, be permitted to speak for up to 3 minutes before the report is debated. In the interests of fairness, the Chairman may also invite one other speaker from the public to speak for up to 3 minutes against the petition. The Cabinet will not normally delay considering a matter if the petitioner does not attend the meeting to speak.
10. If the subject matter of a petition is included in the papers already published for a meeting of the Cabinet by the time the petition is received then the petition will be circulated at the meeting at which the report is considered (along with any written comments on the petition that officers may wish to make).

18 March 2009

Report of	Interim Head of Corporate Management	Author	Amanda Chidgey
Title	Sustainable Communities Act 2007		 282227
Wards affected	All wards		

This report provides background information to the Sustainable Communities Act 2007 and recommends the provisions of the Act be adopted by this Council.

1. Decision(s) Required

- 1.1 That the potential benefits, timescales, scope and requirements of the Sustainable Communities Act 2007 be noted.
- 1.2 That Council be recommended to approve that the provisions of the Sustainable Communities Act 2007 be adopted by this Council;
- 1.3 That further investigations be undertaken at both officer and member level and arrangements be put in place to establish and or recognise a panel of local representatives, taking into account the steps identified in the Sustainable Communities Regulations 2008 in terms of:
 - Taking reasonable steps to provide for local people and under-represented people to be adequately involved, where 'under-represented people' means those not currently involved in civic and political activity in the area and
 - Consulting and attempting to reach agreement with the Panel about any proposals.
- 1.4 That, upon the establishment / recognition of a panel, referred to in 1.3 above, work be progressed with a view to the submission of a proposal or number of proposals to the Secretary of State for Communities and Local Government either in the current round of invitations or future rounds, as appropriate.
- 1.5 The Monitoring Officer be authorised to make amendments to the Council's Constitution, as necessary, to reflect the measures contained in 1.1 to 1.4 above

2. Reasons for Decision(s)

- 2.1 The Sustainable Communities Act aims to promote the sustainability of local communities. It begins from the principle that local people know best what needs to be done to promote the sustainability of their area, but that sometimes they need central government to act to enable them to do so. It provides a channel for local people to ask central government to take such action. It is also a new way for local authorities to ask central government to take action which they believe would better enable them to improve the economic, social or environmental well-being of their area.

3. Alternative Options

- 3.1 An invitation was issued to all Local Authorities in October last year asking each Local Authority if they wished to participate. Those wishing to 'opt in' have until 31 July 2009 to do so in the current round. Further invitations will be issued although the timetable for these is not yet available. The Council has discretion therefore to choose when to 'opt in' and whether to 'opt in'.

4. Supporting Information

- 4.1 The Sustainable Communities Act received Royal Assent on 23 October 2007, the aim being to promote the sustainability of local communities. The Bill had been introduced as a Private Members Bill, supported by all of the main English political parties. The Bill was the result of a five year campaign led by a coalition of organisations under the banner 'Local Works'.
- 4.2 The scope of the Act is very broad, covering economic, social and environmental issues. It does not limit the type of action that could be put forward, provided the action is within that broad scope. It is for local people to decide what they think needs to be done to promote the sustainability of their area. This could include a proposal to transfer the functions of one public body to another, for example by giving new powers to local authorities or transferring certain powers to parishes.
- 4.3 Should a council decide to accept the invitation to 'opt in', it must then invite submissions from the public (the Act is part of the wider Community Empowerment agenda) and then consult with one or more recognised panels of local residents (including persons from 'under-represented' groups) who are representative of the wider community (a definition of 'representative' is included in the guidance). Crucially, it will be for this citizen's / community panel to consider all the proposals submitted, rank them in order of priority and then decide which they wish to put forward for consideration.
- 4.4 Although local authorities have discretion as to how the citizen's / community panel is run, the Sustainable Communities Regulations 2008 sets out the procedures with which local authorities need to comply before any proposals can be submitted. These are in terms of:
- Establishing or recognising a panel of local representatives;
 - Taking reasonable steps to provide for local people and under-represented people to be adequately involved, where 'under-represented people' means those not currently involved in civic and political activity in the area;
 - Consulting and attempting to reach agreement with the Panel about any proposals.
- 4.5 A Schedule to the Act identifies a range of matters to which local authorities must have regard in developing proposals. This includes:
- The provision of local services;
 - Access to healthy food;
 - Increasing the local food economy and organic production;
 - Promoting walking and cycling;
 - Energy use;
 - Anything that promotes community health and well-being.

- 4.6 It is anticipated that, in practice, a range of existing local bodies could be used as a source of ideas and potential proposals. For example the Local Strategic Partnership, Council Scrutiny Panels, local parish and town councils and others may have ideas and suggestions that could be tested through the citizens / community panel.
- 4.7 Once a prioritised list has been agreed by the panel, the favoured options are then submitted to the Local Government Association (LGA), who has been appointed by the Secretary of State as the 'Selector'. It is the role of the LGA to collate all the suggestions from local government and to then select those of most interest for submission to the Secretary of State. The Secretary of State will retain the final decision on which suggestions will progress to implementation.
- 4.8 One further provision of the Act relates communities being better informed about the public funding that is spent in their area. Consequently, with effect from April 2009, new 'Local Spending Reports' will be published by the Government to provide quick and easy access to information about where public money is spent. This is intended to enable local authorities, their partners and communities to take better informed decisions about the priorities they choose to pursue to promote the sustainability of their local community.

5. Proposals

- 5.1 It is proposed that the Council adopts the provisions of the Act with a view to the submission of a proposal or number of proposals to the Secretary of State for Local Government and Communities. It will, however, be necessary to undertake further investigations at both officer and member level to determine the scope of the provisions likely to be appropriate and the realistic timescales involved in putting in place the necessary decision making processes. These issues will, in turn, impact upon the practicalities of submitting proposals in the current round of invitations or future rounds.

6. Strategic Plan References

- 6.1 The Sustainable Communities Act forms part of the Government's wider Community Empowerment agenda and as such it would potentially significantly contribute towards all of the Council's Strategic Plan Priorities but particularly those relating to Community Development; Healthy Living and Reduce, Re-use, Recycle.

7. Consultation and Publicity Considerations

- 7.1 The provisions of the Sustainable Communities Act centre around the formation of a Panel made up of representative members of the local community and local authorities must demonstrate that they have taken actions to address this requirement. It will therefore be necessary to publicise the setting up of the panel and the reasons behind it and to invite expressions of interest from those wishing to participate. It is likely that this will be done by means of the Council's web site but also via the distribution of publicity material within communities and to recognised community/ interest / representative groups.

8. Financial implications

- 8.1 The Sustainable Communities Act provides for opportunities to attract more financial resources to deliver the corporate priorities, however, the extent of those additional resources is, as yet, unknown.

8.2 Adopting the provisions of the Act will involve advertising for suggestions from the community and convening and facilitating a panel of local representatives, all of which is likely to require additional resources or other priorities to be changed.

9. Equality, Diversity and Human Rights implications

9.1 The Sustainable Communities Act provides for the convening of a panel of local people representative of the local community. It will therefore significantly contribute towards the promotion of equality and involve measures to overcome discrimination in relation to gender, gender reassignment, disability, sexual orientation, religion or belief, age and race/ethnicity.

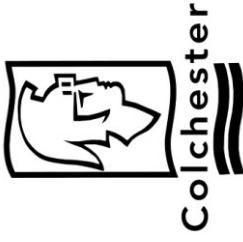
10. Community Safety Implications

10.1 The provisions of the Sustainable Communities Act will provide mechanisms to enable members of the local community to identify issues of importance such as those relating to community safety.

11. Health and Safety and Risk Management Implications

11.1 There are no particular references to health and safety or risk management implications.

DRAFT
(March 2009)



COLCHESTER BOROUGH COUNCIL

CODE OF CORPORATE GOVERNANCE

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- Core Principle 1** *Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area.*
- Core Principle 2** *Members and officers working together to achieve a common purpose with clearly defined functions and roles.*
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- Core Principle 4** *Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.*
- Core Principle 5** *Developing the capacity and capability of members and officers to be effective.*
- Core Principle 6** *Engaging with local people and other stakeholders to ensure robust public accountability.*

COLCHESTER BOROUGH COUNCIL CODE OF CORPORATE GOVERNANCE

INTRODUCTION

“Governance is about how local government bodies ensure that they are doing the right things, in the right way for everyone, in a timely, inclusive, open, honest and accountable manner.

It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and where appropriate, lead their communities”.

Delivering Good Governance in Local Authorities (CIPFA/SOLACE 2007)

The CIPFA/SOLACE guidance “Delivering Good Governance in Local Authorities” identified six Core Principles against which local authorities should review their existing corporate governance arrangements and develop and maintain a local code of governance. These principles are;

- *Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area*
- *Members and officers working together to achieve a common purpose with clearly defined functions and roles*
- *Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour*
- *Taking informed and transparent decisions which are subject to effective scrutiny and managing risk*
- *Developing the capacity and capability of members and officers to be effective*
- *Engaging with local people and other stakeholders to ensure robust public accountability.*

This Code of Governance has been prepared in accordance with the Guidance and will be reviewed by the Accounts and Regulatory Committee and the Standards Committee on an annual basis.

Additionally authorities are required to prepare and publish an Annual Governance Statement in accordance with this framework under Regulation 4(2) of the Accounts and Audit (Amendment) (England) Regulations 2006. The Annual Governance Statement is a key corporate document. The Chief Executive and the Leader of the Council have joint responsibility as signatories for its accuracy and completeness.

COLCHESTER BOROUGH COUNCIL: CODE OF CORPORATE GOVERNANCE

<p>Core Principle 1 – Focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area</p>		
<p>Our aims in relation to focusing on the purpose of the Council and outcomes for the community and creating and implementing a vision for the local area are to:</p>		
<p>1.1 Exercise strategic leadership by developing and clearly communicating the authority’s purpose, vision and its intended outcome for citizens and service users</p>	<p>1.2 Ensure users receive a high quality service whether directly, or in partnership, or by commissioning</p>	<p>1.3 Ensure that the authority makes best use of resources and that tax payers and service users receive excellent value for money</p>
<p>In order to achieve our aims we have/will:</p>		
<p>1.1.1 Develop and promote the Council’s purpose and vision</p>	<p>Strategic Plan 2009-12 Service Plans Sustainable Community Strategy Local Area Agreement Communications Strategy Consultation – “Knowing Your Community” Policy Framework Performance and reward system links to strategic objectives</p>	<p>Further work ongoing Strategic Plan 2009-12 Action Plan</p>
<p>1.1.2 Review on a regular basis the Council’s vision for the local area and its impact on the authority’s governance arrangements</p>	<p>Strategic Plan 2009-12 Medium Term Financial Strategy and Capital Programme Sustainable Community Strategy Local Code of Corporate Governance Annual Governance Statement and Assurance Framework</p>	<p>Local Code of Corporate Governance updated as required by CIPFA Guidance</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
1.1.3 Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties	Strategic Plan 2009-12 Sustainable Community Strategy Local Area Agreement Public Service Partnership	Partnership strategy including governance arrangements and protocols is currently being developed. A partnership register is being developed. Research is currently being undertaken into establishing the Council's partners key values and vision
1.1.4 Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance	Statement of Accounts	Strategic plan actions and annual monitoring of delivery
1.2.1 Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available	Performance Dashboard which is underpinned by an on-line performance management system. Customer Excellence. Consultation – "Knowing Your Community"	Developing Mosaic and Touchstone customer research tools Govmetric Corporate Improvement programme – Environmental & Protective Services review, Housing Review, Street Services review
1.2.2 Put in place effective arrangements to identify and deal with failure in service delivery	National Indicators Performance Dashboard Local Area Agreement Complaints Procedure Internal Audit Process Finance and Audit Scrutiny Panel Executive Director for People and Performance Performance Management Board	Customer Service Centre becoming responsible for taking on web site management Group monitoring of summary service plan delivery

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>1.3.1 Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions.</p>	<p>Use of Resources Assessment Performance Dashboard Local Area Agreement Local Authority Carbon Management Nottingham Declaration Strategy and Action Plan</p>	<p>Value for money methodology as described in Value for Money section of Use of Resources Carbon Management programme Sustainability assessments for Local Development Framework</p>

Core Principle 2 – Members and Officers working together to achieve a common purpose with clearly defined functions and roles			
Our aims in relation to Members and Officers working together to achieve a common purpose with clearly defined functions and roles are to:			
2.1	Ensure effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function		
2.2	Ensure that a constructive working relationship exists between authority members and officers and the responsibilities of members and officers are carried out to a high standard		
2.3	Ensure relationships between the authority, its partners and the public are clear so that each knows what to expect of the other		
In order to achieve our aims we have/will:		Source documents/Processes	Further work ongoing
2.1.1	Set out a clear statement of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice	Constitution (Cabinet terms of reference) Record of decisions and supporting materials Member/Officer Protocol Member Training and Development Senior officer training	The Constitution will continue to be reviewed on a rolling basis.
2.1.2	Set out a clear statement of the respective roles and responsibilities of other authority members, members generally and of senior officers	Constitution (Statutory Officer positions, Terms of Reference for Committees, Member roles) Protocols on planning, the representational role of Members, Chairmen, Officer/Members Schemes of Delegation Conditions of Employment	Development of a protocol to cover the working arrangements between Portfolio Holders and senior Officers.
2.2.2	Make the chief executive or equivalent responsible and accountable to the authority for all aspects of operational management	Chief Executive designated Head of Paid Service Constitution (Head of Paid Service responsibilities) Conditions of Employment Schemes of Delegation Job Accountability Statement / Person Specification Signature on Annual Governance Statement	The Constitution will continue to be reviewed on a rolling basis. Support for this from Executive Director People and Performance

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.2.3 Develop protocols to ensure that the leader and chief executive (or equivalent) negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained	Constitution Member/Officer Protocol Regular 1:2:1's	The Constitution will continue to be reviewed on a rolling basis.
2.2.4 Make a senior officer (usually the section 151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control	Head of Resource Management has been appointed as the Council's Chief Financial Officer (S151 Officer). Constitution Job Accountability Statement / Person Specification S151 Officer Protocol Report template includes financial implications before report considered by Members	
2.2.5 Make a senior officer (other than the responsible financial officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes, regulations are complied with (usually the Monitoring Officer)	Legal Services Manager has been appointed as the Council's Monitoring Officer Monitoring Officer Protocol Report template requires that Legal Services are consulted before a report considered by Members	
2.3.1 Develop protocols to ensure effective communication between members and officers in their respective roles	Member / Officer Protocol Planning Procedures Code of Practice Outside Bodies advice given to Members Member and Officer Codes of Conduct	
2.3.2 Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process including an effective remuneration panel (if applicable)	Pay and conditions policies and practices Independent Remuneration Panel Terms of Reference and Reports Regular liaison meeting with Unison	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
2.3.3 Ensure that effective mechanisms exist to monitor service delivery	<p>Performance Dashboard National Indicators Local Area Agreement Executive Director for People and Performance designated in new structure in July 2008 Complaints Procedure Heads of Service monitoring Service Plans Performance Management Board Performance and Reward system Scrutiny Panels</p>	<p>New performance management framework to reflect changes in relation to Local Area Agreements, Comprehensive Area Assessments and new National Indicators. Customer insight work</p>
2.3.4 Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated	<p>Strategic Plan 2009-12 underpinned by a review of all existing consultation work. Specific consultation with hard to reach groups. Medium Term Financial Strategy National Indicators Performance Dashboard Local Area Agreement Website Communications Strategy Courier</p>	<p>Strategic Plan 2009-12 Action Plans.</p>
2.3.5 When working in partnership ensure that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority	<p>Constitution Individual Partnership Agreements Service Level Agreements Advice given to members in relation to outside bodies</p>	<p>Partnership strategy including governance arrangements and protocols is currently being developed. A partnership register is being developed. Research is currently being undertaken into establishing the Council's partners key values and vision</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>2.3.6 When working in partnership:</p> <ul style="list-style-type: none"> • ensure that there is clarity about the legal status of the partnership • ensure that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions. 	<p>Constitution Individual Partnership Agreements Service Level Agreements Advice given to members in relation to outside bodies</p>	<p>Partnership strategy including governance arrangements and protocols is currently being developed. A partnership register is being developed. Research is currently being undertaken into establishing the Council's partners key values and vision</p>

Core Principle 3 – Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour		
Our aims in relation to promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour are to:		
3.1	Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance	
3.2	Ensuring that organisational values are put into practice and are effective	
In order to achieve our aims we have/will:		Source documents/Processes
3.1.1	Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect	<p>Constitution Chief Executives and Leaders blog on the Council's intranet Performance and Reward Leadership days Standards Committee has an overall view of conduct issues established by their terms of reference Member and Officer Codes of Conduct Increased numbers of Independent Members appointed to Standards Committee Member/Officer Protocol Whistleblowing Policy Anti Fraud and Corruption Policy Freedom of Information Policy statement and publication scheme Monitoring Officer and S151 Officer Protocols Planning Procedures Code of Practice Officer Register of Gifts and Hospitality Officer voluntary register of interests Member's Register of Interests Website</p>
		Further work ongoing
		Best Council's survey work
		Quarterly briefing for staff
		Review of Whistleblowing Policy

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
	<p>Corporate Road shows by Chief Executive for staff Executive Management Team shadowing Executive Management Team listening circles Hub and Spokes Officers focus group Portfolio Holders monthly sessions with senior officers</p>	
<p>3.1.2 Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols</p>	<p>Members and Officer Codes of Conduct Performance and Reward System Complaints procedures Anti-fraud and Corruption Policy Member/Officer Protocols Member Development Programme Officer training on Member/ officer relationship Whistleblowing Policy Information and Communication Technology (ICT) Security Policy</p>	<p>Review of Whistleblowing Policy</p>
<p>3.1.3 Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice</p>	<p>Member and Officer Codes of Conduct Equality and Diversity training for Members and Officers Financial Regulations Contract Procedure Rules Anti-Fraud and Corruption Policy Whistleblowing Policy Registers of Interests (Officers and Members) All of these arrangements are reported on through the Monitoring Officer Services and processes are underpinned by Equality Impact Assessments Officer induction and training</p>	<p>Review of Whistleblowing Policy</p>

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
3.2.1 Develop and maintain shared values including leadership values both for the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners	Member and Officer Codes of Conduct Strategic Plan 2009-12 Administration's vision, 3 objectives and 9 priorities in place and being shared Way We Work Programme - organisational values for People, Customer Excellence, Place Shaping and Flexible Working Performance and Reward Customer Excellence	Strategic Plan 2009-12 Action Plan People Strategy actions
3.2.2 Put in place arrangements to ensure that procedures and operations are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice	Contract Procedure Rules Anti-Fraud and Corruption Policy Whistle Blowing Policy Member and Officer Codes of Conduct Monitoring of the above takes place by the Standards Committee ICT Security Policy	Reporting through to Standards Committee on a regular basis
3.2.3 Develop and maintain an effective Standards Committee	Agenda and Minutes Terms of Reference Regular meetings The number of Independent Members and Parish Representatives exceeds statutory minimum Local Assessment of complaints Framework implemented	The Local Assessment Framework will be monitored by the Standards Committee. Annual Report

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>3.2.4 Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority</p>	<p>Member and Officer Codes of Conduct Strategic Plan 2009-12 Administration's vision, 3 objectives and 9 priorities in place and being shared Way We Work Programme Performance and Reward Customer Excellence Leadership days Portfolio Holder sessions with Senior Managers</p>	<p>Strategic Plan 2009-12 Action Plan</p>
<p>3.2.5 In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively</p>	<p>Values agreed with each partner Partnership Register</p>	<p>Protocols for partnership working are in the process of being developed. Implementation of Partnership Strategy</p>

Core Principle 4 – Taking informed and transparent decisions which are subject to effective scrutiny and managing risk			
Our aims in relation to taking informed and transparent decisions which are subject to effective scrutiny and managing risk are to:			
4.1	Being rigorous and transparent about how decisions are taken and listening and acting on the outcomes of constructive scrutiny		
4.2	Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs		
4.3	Ensuring that an effective risk management system is in place		
4.4	Using their legal powers to the full benefit of the citizens and communities in their areas		
In order to achieve our aims we have/will:		Source documents/Processes	Further work ongoing
4.1.1.	Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the organisation's performance overall and of any organisation for which it is responsible	Scrutiny is supported by robust evidence and data analysis Agenda and Minutes Work programme Successful outcome of reviews Training on developing meaningful work programme Training for scrutiny chairman Scrutiny conference Scrutiny of partners and joint projects	Individual skills for successful scrutiny training in for members in conjunction with Ipswich and Tendring District Council
4.1.2	Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based	Constitution Decision making protocols Record of decisions and supporting materials Report template Decision list published	Meetings Factory on website
4.1.3	Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice	Member and Officer Codes of Conduct Member and Officer Registers of Interests Declaration of Interests at meetings Code of Conduct guidance and training provided to Members and Officers	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
	<p>Planning procedures Code of Practice Standards Committee have responsibility for these issues Monitoring Officer reports on these issues Politically restricted posts</p>	
<p>4.1.4 Develop and maintain an effective Audit Committee (or equivalent) which is independent or make other appropriate arrangements for the discharge of the functions of such a committee</p>	<p>Finance and Audit Scrutiny Panel Terms of Reference Accounts and Regulatory Committee Audit awareness training Agenda and Minutes</p>	
<p>4.1.5 Put in place effective transparent and accessible arrangements for dealing with complaints</p>	<p>Complaints procedure Local Assessment Framework</p>	<p>Complaints procedure currently being reviewed Customer insight work</p>
<p>4.2.1 Ensure that those making decisions whether for the authority or partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications</p>	<p>Website Report templates dealing with key aspects Report by Head of Service with necessary technical expertise included Training and professional development</p>	
<p>4.2.2 Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately</p>	<p>Report template requires that consultation is undertaken with Monitoring Officer and S151 Officer before report considered by Members Record of decision making and supporting materials S151 and Monitoring Officer Protocols</p>	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
4.3.1 Ensure that risk management is embedded into the culture of the organisation, with members and managers at all levels recognising that risk management is part of their job	<p>Risk Management Strategy part of the Policy Framework</p> <p>Corporate Risk Manager</p> <p>Corporate/service planning</p> <p>Cabinet Member with accountability for risk management</p> <p>Finance and Audit Scrutiny Panel monthly monitoring role of top 5 risks and regular review of whole risk register</p> <p>Performance Management Board quarterly risk review</p> <p>Risk Registers- Strategic, Operational and Project</p> <p>Risk and Control self assessment completed by all managers</p> <p>Training for Members and Officers</p>	Currently developing Members training session. Officer training as and when required through Group Management Teams
4.3.2 Ensure that arrangements are in place for whistle blowing to which staff and all those contracting with the authority have access	Whistleblowing Policy Information for contractors Monitoring Officer Constitution	Review of Whistleblowing Policy
4.4.1 Actively recognise the limits of lawful activity placed on them by, for example the ultra vires doctrine but also strive to utilise powers to the full benefit of their communities	Constitution Monitoring Officer Report templates	
4.4.2 Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law	Availability of professional legal advice Monitoring Officer Protocol Report templates	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>4.4.3 Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice into their procedures and decision making processes</p>	<p>Monitoring Officer Protocol Procedure Rules Report template Constitution Format for quasi judicial committees “Have Your Say” leaflet Planning Procedure Code of Practice</p>	

Core Principle 5 – Developing the capacity and capability of Members and Officers to be effective

Our aims in relation to developing the capacity and capability of Members and Officers to be effective are:

- 5.1 Making sure that Members and Officers have the skills, knowledge, experience and resources they need to perform well in their roles
- 5.2 Developing the capability of people with governance responsibilities and evaluating their performance as an individual and as a group
- 5.3 Encouraging new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>5.1.1 Provide induction programmes tailored to individual needs and opportunities for Members and Officers to update their knowledge on a regular basis</p>	<p>Member training and development Member and Officer Induction programmes Refresher courses Briefings Officer Development Plan (individual and corporate) Appraisals for officers People Strategy Personal Development Plans Learning and Development Strategy/Annual Plan</p>	<p>Member skills development</p>
<p>5.1.2 Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the organisation</p>	<p>Appraisals Training Induction Monitoring Officer and S151 Officer Protocols Employee Policies Learning and Development Strategy/Annual Learning and Development Plan</p>	

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
5.2.1 Assess the skills required by Members and Officers and make a commitment to develop those skills to enable roles to be carried out effectively	Appraisals for officers SMART objectives Personal Development Plans for officers Member training and development People Strategy Learning and Development Strategy/Annual Learning and Development Plan	Member skills development
5.2.2 Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed	Appraisals for officers Personal Development Plans for officers Member training and development Member scrutiny training People Strategy	Member skills development
5.2.3 Ensure that effective arrangements are in place for reviewing the performance of the authority as a whole and of individual members and agreeing an action plan which might for example aim to address any training or development needs	Performance Dashboard Performance management and appraisals for officers SMART objectives People Strategy Investors in People Assessment	
5.3.1 Ensure that effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority	Equality Impact Assessments on services and policies Knowing your community on web site Voluntary Sector Compact Public meetings Race Equality Scheme Disability Equality Scheme Strategic Plan Consultation Local Development Framework consultation Life opportunities and Community development work Neighbourhood Action Panels	Reassessment at Level 3 Diversity Standard

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
5.3.2 Ensure that career structures are in place for Members and Officers to encourage participation and development	People Strategy Internal Recruitment Process Internal Secondments	Human Resource Plans

Core Principle 6 – Engaging with local people and other stakeholders to ensure robust public accountability		
Our aims in relation to engaging with local people and other stakeholders to ensure robust public accountability are to:		
6.1	Exercise leadership through a robust scrutiny function which engages effectively with local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships	
6.2	Take an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly, in partnership or by commissioning	
6.3	Make best use of human resources by taking an active and planned approach to meet responsibility to staff	
In order to achieve our aims we have/will:		Further work ongoing
Source documents/Processes		
6.1.1	Make clear to themselves, all staff and the community, to whom they are accountable and for what	Constitution Community Strategy Stakeholder identification Targets and Performance Monitoring Website and intranet Consultation Strategy Communications Strategy Satisfaction Surveys
6.1.2	Consider those institutional stakeholders to whom they are accountable and assess the effectiveness of the relationships and any changes required	Stakeholder identification Statutory provisions Stakeholder surveys Consultation Strategy Communications Strategy
6.1.3	Produce an annual report on scrutiny function activity	Annual Report

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
6.2.1 Ensure that clear channels of communication are in place with all sections of the community and other stakeholders including monitoring arrangements to ensure that they operate effectively	Communications Strategy Web sites Equality Impact Assessments Courier	Safeguarding agenda
6.2.2 Hold meetings in public unless there are good reasons for confidentiality	Constitution Access to information rules	
6.2.3 Ensure arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands	Strategic Plan 2009-12 Web site - "Knowing Your Community" section Consultation strategy Communications strategy Community strategy Equality Impact Assessments Place Survey Corporate business plan Service Plans Budget Consultation Meeting	Strategic Plan 2009-12 Action Plan Single Equality Scheme
6.2.4 Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users including a feedback mechanism for those consultees to demonstrate what has changed as a result	Statement of Community Involvement Customer Excellence Customer insight project team Partnership framework Communication strategy Consultation Strategy Budget Consultation meeting Strategic Plan consultation	Mosaic and Touchstone development Govmetric

In order to achieve our aims we have/will:	Source documents/Processes	Further work ongoing
<p>6.2.5 On an annual basis, publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period</p>	<p>Statement of Accounts Strategic Plan 2009-12 Performance Dashboard</p>	<p>Strategic Plan 2009-12 Action Plan</p>
<p>6.2.6 Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so</p>	<p>Constitution Customer service standards Voluntary Sector Compact "Have Your Say" at meetings Freedom of Information Act Publication Scheme Member and Officer Codes of Conduct Way We Work Programme Whistle Blowing Policy Anti-Fraud and Corruption Policy Monitoring Officer Protocol Communications Policy Data Protections Policy ICT Security Policy</p>	
<p>6.3.1 Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making</p>	<p>Investors in People Facilities and Recognition Agreement with UNISON</p>	



Standards Committee

Item
5

6 March 2009

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Standards Committee Annual Report 2008/2009		
Wards affected	Not applicable		

**This report recommends that the committee approves an
Annual Report for 2008/2009**

1. Decision(s) Required

- 1.1 To approve the Standards Committee Annual Report for 2008/2009 and to recommend to 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 2009.

2. Background

- 2.1 The Standards Committee's role has changed significantly since it was created in 2001. More responsibilities have been placed upon it by successive legislation recently culminating in the local assessment of complaints against members.
- 2.2 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. An Annual Report is seen as good practice and attached to this report is a draft first Annual report for the Committee which covers the period from April 2008 to March 2009.
- 2.3 The draft Annual Report highlights particularly the work undertaken by the Allegations Sub-Committee in dealing with the Local Assessments of allegations made against members. The Committee is also asked to recommend the Annual Report to Council for its information.

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 None

6. Publicity Considerations

- 6.1 The Annual Report will be placed 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 2008/2009

1. Introduction

This is the first Annual Report of Colchester Borough Council's Standards Committee and covers the period from 1 April 2008 to 31 March 2009. In reviewing the activities and looking back at issues highlighted in 2008/09, it also looks forward to next year.

The Borough Council is required by law to establish a Standards Committee and 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.

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 two sub-committees each with their own terms of reference:
 - Allegations Sub-Committee
 - Allegations Appeal Sub-Committee
- (i) To establish and maintain a Hearings Sub-Committee with its own terms of reference
- (j) 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 Board for England and in connection with this function; and
- (k) To develop and adopt procedures for dealing with such Hearings.
- (l) To grant dispensations to elected and co-opted Members with prejudicial interests.
- (m) To grant exemptions from politically restricted posts.
- (n) To maintain an overview of the Council's arrangements for dealing with complaints and Local Government Ombudsman investigations.

- (o) To undertake the functions set out at (a) to (l) 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 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 14 May 2008, to increase the membership of the Committee and accordingly the composition for 2008/2009 was 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 M Bartier
- Councillor G Brown
- Councillor V Eden

Borough Councillors;

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

The Independent Members were appointed by the Borough Council for a term expiring in May 2011 following a public recruitment process although three of the five were previous members who sought re-appointment and have provided a valuable pool of experience. 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 Officer support for the Committee is provided by the Monitoring Officer, Andrew Weavers and Democratic Services Officer Richard Clifford.

4. The Committee's Work Programme

The Committee agreed a work programme for 2008/2009 which covered:

- Consideration of the Ombudsman's Annual Letter
- Review of the Local Assessment process
- Review of the Council's Local Code of Corporate Governance

- Review of the Council's Whistleblowing Policy
- Review and provision of Training for Members on the Members Code of Conduct
- Responding to Government consultation papers on revisions to the Members Code of Conduct
- Scheduled meetings so as to be able to respond to complaints within the specified 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 councillors had failed to follow the Members Code of Conduct was transferred from the Standards Board for England to local Standards Committees.

This new responsibility led to the Committee having to meet regularly to agree and implement new policies and procedures to meet the challenges posed. The Committee recommended to the Borough Council that its membership be increased to ensure that the process was fair and transparent and that it had enough members to deal with all parts of the process appropriately. Following recommendations from the Standards Board for England, the Committee created three new 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 members of the Committee, along with other Standards Committee members across Essex, attended a training session on how to practice the process.

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 2008/2009:

The Allegations Sub-Committee met on five occasions and considered seven complaints. Of these, two related to Borough Councillors and five to Town and Parish Councillors.

The Sub Committee made the following decisions:

- 4 complaints - no further action
- 2 complaints - referred to the Monitoring Officer for Investigation
- 1 complaint – referred to the Standards Board for England

The Allegations Sub-Committee was able to consider five of the complaints within the recommended time limit of 20 days from receipt. The remaining two were received shortly after the scheduled monthly meeting of the Sub-Committee and were duly considered within two days of that time limit at the next meeting.

The Allegations Appeals Sub-Committee met on one occasion to consider an appeal following a decision of no further action by the Allegations Sub-Committee. Following an independent consideration of the complaint it upheld the Allegations Sub-Committee's decision.

The complaint referred to the Standards Board for England resulted in a decision of no further action.

The Hearings Sub-Committee (which will hear and determine the results of an investigation where a complaint has been made against a Councillor that they have not followed the Code of Conduct) did not meet. There are currently two complaints under investigation which should be concluded shortly.

5.2 Review of the Local Assessment Process

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

5.3 Consultation Paper on codes of conduct for local authority members and officers

The Department of Communities and Local Government in late 2008 published a consultation paper on proposals to further amend the Members' Code of Conduct and on the introduction of a code of conduct for Officers. The Committee made a full response to this consultation paper and several suggestions were made for improving or further clarifying the Members' Code of Conduct. The Government's intention is to implement a revised Members' Code of Conduct with effect from May 2009. The Committee will need to meet to consider any revised Code of Conduct and make recommendation to the Borough Council and the Town and Parish Councils in the Borough as appropriate.

5.4 Training for Members on the Code of Conduct

The Committee organised via the Monitoring Officer several training sessions throughout the year for both Borough and the 255 Town and Parish Councillors in the 28 Town and Parish Councils situated in the Borough. In addition sessions were arranged for Town and Parish Clerks. Some sessions were better attended than others. The Independent Members ensured that at least one of them was present at each session.

The Committee is concerned that all Councillors receive adequate training on the Code of Conduct to ensure that they are up to date with developments and able to fulfil the functions for which they are 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. Dispensations

The Members' Code of Conduct requires that a councillor who has a personal and prejudicial interest in a matter must disclose the existence and nature of that interest and withdraw from the meeting (after making representations if appropriate) when the matter is considered.

Section 81 of the Local Government Act 2000 and The Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002 ("the 2002 Regulations") enable members of the Borough Council and of the Town and Parish Councils within the Borough to apply in writing to the Standards Committee for dispensation to allow them to take part in the discussion of an issue in respect of which they have an interest. The 2002 Regulations require that dispensations may only be granted where failure to do so would result in the transaction of business being impeded because more than 50 per cent of members entitled to participate in the consideration of the matter would be prohibited from doing so or, in the case of the Borough Council only, it would not be possible to comply with the political balance requirements under Section 15(4) of the Local Government and Housing Act 1989.

Since the 2002 Regulations came into force, there have been no requests made to the Standards Committee for a dispensation.

7. Work Programme for 2009/2010

The main focus of the Committee in the coming year will be on the proposed revised Members' Code of Conduct and possibly that for Officers should such a document be produced in this time period. The Committee will continue to monitor the Local Assessment process and also review the Borough Council's Ethical Framework.

8. Conclusions

In a busy year, the Committee has completed its work programme and is well placed to continue to face the challenges of handling the initial assessment of allegations and progressing matters that it considers necessary to investigate. Colchester Borough Council continues to have a sound record in ensuring good standards of conduct and it is our intention to promote, maintain and enhance those standards.

Dated March 2009

Derek Coe
Chairman



Standards Committee

Item
7

6 March 2009

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Revised Whistleblowing Policy		
Wards affected	Not applicable		

This report recommends that the Committee approves a revised Whistleblowing Policy

1. Decision(s) Required

- 1.1 To agree the revised Whistleblowing Policy and to recommend to Cabinet that it be approved and referred to Council for inclusion in the Council's Ethical Framework.

2. Background

- 2.1 The Committee on Standards in Public Life recommended in 1997 the "Every local authority should institute a procedure for whistleblowing, which would enable concerns to be raised confidentially inside and, if necessary, outside the organisation." The Government accepted this recommendation in 1998 and the Council duly introduced such a procedure, and which has been updated subsequently.
- 2.2 The Public Interest Disclosure Act 1998 provides employees with statutory protection against dismissal and victimisation when raising genuine concerns about crime, civil offences, miscarriage of justice and danger to health and safety and the environment, so long as the manner in which the concerns are raised complies with the requirements of the Act.
- 2.3 The attached Whistleblowing Policy seeks to follow the latest guidance and supports the Council's strategy to help fight fraud and corruption by expands its position to include other types of "wrongdoing". It makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable councillors, employees, contractors, suppliers and members of the public to raise concerns with the Council, irrespective of status, rather than overlooking and issue or reporting the matter externally.
- 2.4 The Policy seeks to make it clear that the Council wants "wrongdoing" to be reported, providing the Council with the opportunity to deal with potentially damaging situations, rather than give rise to the possibility of financial loss, regulatory breach or damaged reputation.
- 2.5 The new Policy has been the subject of consultation with UNISON who have not raised any concerns.

3. Changes introduced in the new Policy

- 3.1 The most significant change in the updating of the Policy is to incorporate arrangements for whistleblowing by persons other than employees.

3.2 The new Policy also;

- seeks to draw the distinction between whistleblowing and pursuing a complaint, giving greater clarity of understanding to those who might wish to pursue either.
- makes a clear statement of the Council's intent
- deals with the Council's position on anonymous allegations
- brings greater clarity and accountability to the process of dealing with concerns and reporting back to the whistleblower action taken
- makes an officer responsible for the Policy

3.3 The adoption of a revised Whistleblowing Policy will provide clear mechanisms by which the Council can be made aware of "wrongdoing" whilst also explaining the process for their investigation.

3. Strategic Plan References

3.1 The standards regime 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 None

6. Publicity Considerations

6.1 The Whistleblowing Policy forms part of the Council's Ethical Framework and will be placed 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 A clear Whistleblowing Policy which can encourage individuals to make contact where they have serious concerns about inappropriate behaviour occurring at or against the Council is a key element in being able to mitigate against the risk of fraud or corruption being perpetrated against the Council.

Colchester Borough Council

Whistleblowing Policy and Procedure

1. Introduction

- (1) Employees or Councillors are often the first to realise that there may be some form of inappropriate conduct within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of misconduct, but this can have serious consequences if wrongdoing goes undetected.
- (2) The Council is committed to the highest possible standards of openness, probity, accountability and honesty. In line with that commitment we expect employees, councillors and others that we deal with who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.
- (3) This policy document makes it clear that employees and councillors can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy and Procedure is intended to encourage and enable employees and councillors to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. With the exception of employment related grievances, this policy will apply to any act of Whistleblowing as defined by the charity Public Concern at Work to mean;" A disclosure of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of its employees." Examples of these matters are given below in paragraph 2.2.
- (4) This policy and procedure applies to all employees, councillors, partners and contractors. It also covers suppliers and members of the public.
- (5) These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures. Officers are responsible for making customers aware of the existence of these procedures.
- (6) This policy has been discussed with the relevant trade unions and has their support.

2. Aims and Scope of this Policy

2.1 This policy aims to:

- (a) encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice without fear of recrimination.
- (b) provide avenues for you to raise those concerns and receive feedback on any action taken
- (c) ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- (d) reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.
- (e) advise you of the support that the Council will provide if you raise concerns in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Whistleblowing Policy and Procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:

- (a) conduct which is an offence or a breach of law
- (b) disclosures related to miscarriages of justice
- (c) health and safety risks, including risks to the public as well as other employees
- (d) damages to the environment
- (e) the unauthorised use of public funds
- (f) possible fraud and corruption
- (g) other unethical conduct
- (h) unacceptable business risks.

2.3 This concern may be about something that:

- (a) makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- (b) is against the Council's Procedure Rules and policies; or
- (c) falls below established standards of practice; or
- (d) amounts to improper conduct.

3. Safeguards Harassment or Victimisation

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of employees and councillors.
- 3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to the Council and those for whom you are providing a service. In these situations you are a witness and not a complainant.
- 3.3 The Council will not tolerate the harassment or victimisation of any person who raises a concern. The Council's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern and such behaviour by a councillor will be reported under the Members' Code of Conduct.
- 3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you if you are an employee.

Confidentiality

- 3.5 All concerns will be treated in confidence and the Council will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation that is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reason for its disclosure at this stage has been fully discussed with you.

Anonymous Allegations

- 3.6 This policy encourages you to put your name to your allegation whenever possible.
- 3.7 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

- 3.8 In exercising this discretion the factors to be taken into account would include the:
- (a) seriousness of the issues raised;
 - (b) credibility of the concern; and
 - (c) likelihood of confirming the allegation from attributable sources.

Untrue Allegations

- 3.9 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, you make an allegation maliciously or for personal gain, disciplinary action may be taken against you, or if you are a councillor a complaint may be made under the Members' Code of Conduct.

4. How to raise a concern

- 4.1 As a first step, if you are an employee you should normally raise concerns with your immediate manager or their superior. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your line manager or one of their superiors is involved, you should approach the Chief Executive, an Executive Director, the Monitoring Officer, the Head of Resource Management (in his/her capacity as the Council's Chief Finance Officer) or the Audit Manager.
- 4.2 Concerns may be raised verbally or in writing. Employees or councillors who wish to make a written report are invited to use the following format:
- (a) the background and history of the concern (giving relevant dates); and
 - (b) the reason why you are particularly concerned about the situation.
- 4.3 The earlier you express the concern the easier it is to take action.
- 4.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 4.5 Advice and guidance on how matters of concern may be pursued can be obtained from:
- Chief Executive, Adrian Pritchard ☎ 282211
Executive Director, Ian Vipond ☎ 282717

Executive Director, Ann Wain ☎ 282212

Executive Director, Pamela Donnelly ☎ 282901

Monitoring Officer, Andrew Weavers ☎282213

Finance Manager Audit and Governance, Elfreda Walker ☎282461.

4.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

4.7 If you are an employee you may invite your trade union or a friend to be present during any meetings or interviews in connection with the concerns you have raised. If you are a councillor you may be accompanied by your group leader.

5. How the Council will respond

5.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as rejecting them.

5.2 Where appropriate, the matters raised may be:

(a) investigated by management, internal audit, or through the disciplinary process

(b) referred to the police

(c) referred to the Council's external auditor

(d) the subject of an independent inquiry.

5.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Council will have in mind, is the public interest.

5.4 Some concerns may be resolved by agreed action without the need for investigation.

5.5 Within **five** working days of a concern being raised, one of the Officers named at 4.5 above will write to you:

(a) acknowledging that the concern has been received

(b) indicating how it is proposed to deal with the matter

- (c) giving an estimate of how long it will take to provide a final response
 - (d) informing you whether any initial enquiries have been made
 - (e) supplying you with information on staff support mechanisms, and
 - (f) informing you whether further investigations will take place and if not, why not.
- 5.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 5.7 Where any meeting is arranged, off-site where appropriate, if you so wish, you can be accompanied by a union or professional association representative or a friend, or the group leader if you are a councillor.
- 5.8 The Council will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure and will help you with the preparation of statements.
- 5.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigation.

6. The Responsible Officer

- 6.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will provide an annual report on the operation of the policy to the Standards Committee.

7. How the matter can be taken further

- 7.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- (a) the Audit Commission hotline - 0845 052 2646

- (b) your local Citizens Advice Bureau
- (c) relevant professional bodies or regulatory organisations
- (d) the police
- (e) Local Government Ombudsman
- (f) the Council's Standards Committee.

7.2 If you are considering taking the matter outside of the Council, you should ensure that you are entitled to do so and that you do not disclose confidential information. An independent charity, Public Concern at Work, can offer independent and confidential advice. They can be contacted on ☎ 020 7409 6609 or by email at whistle@pcaw.co.uk

8. Questions regarding this policy

8.1 Any questions should, in the first instance, be referred to the Monitoring Officer.

