

The Council Meeting

Moot Hall, Town Hall
23 May 2012 at 10.30am

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

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

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

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

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COLCHESTER BOROUGH COUNCIL

TO ALL MEMBERS OF THE COUNCIL

22 May 2012

You are hereby summoned to attend a meeting of the Council to be held at the Moot Hall, Town Hall on **23 May 2012 at 10:30am** for the transaction of the business stated below.



Chief Executive

AGENDA

Prayer

Pages

1. Election of Mayor

A... Motion to elect the Mayor for the ensuing Municipal Year.

The Mayor to make the Declaration and take the customary Oath.
(The Mayor and Mayoress will receive the Badges of Office at the conclusion of the Oath.)

The Mayor to return thanks.

2. Minutes

1 - 10

B... Motion that the minutes of the meeting held on 21 March 2012 be confirmed as a correct record.

3. Election of Deputy Mayor

C... Motion to elect the Deputy Mayor for the ensuing Municipal Year.

The Deputy Mayor to make the Declaration and return thanks. *(The Deputy Mayor and the Deputy Mayoress will receive the Badge of Office at the conclusion of the Declaration.)*

4. Vote of Thanks to the Retiring Mayor

D... Motion of Thanks.

The Retiring Mayor to make the acknowledgement.

5. Mayor's Chaplain and Other Announcement

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

6. Adjournment

E... Motion to Adjourn

National Anthem

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

RECONVENED MEETING

(at 11.30am or other such time as the Mayor shall determine and announce).

7. Have Your Say! - Announcements and General Statements/Questions

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!').

8. Delegations made by the Leader of the Council 11 - 31

To note the appointment of the Deputy Leader of the Council, Cabinet members and the allocation of responsibility for Portfolios as determined by the Leader of the Council and resulting changes (if any) to the Scheme of Delegation to Cabinet Members agreed by the Leader of the Council.

9. Local Plan Committee 32 - 41

F... Motion that the recommendations contained in the Head of Strategic Policy and Regeneration's report be approved and adopted.

10. Appointment of Panels, Committees and Sub-Committees 42 - 46

G... Motion that

(i) that in accordance with the provisions of Section 15 of the Local Government and Housing Act 1989 the number of seats, Group Representation and membership of the Accounts and Regulatory

Committee, Crime and Disorder Committee, Finance and Audit Scrutiny Panel, Licensing Committee, Local Plan Committee, Planning Committee, Policy Review and Development Panel, Standards Committee (Localism Act 2011) and the Strategic Overview and Scrutiny Panel for the ensuing municipal year be as set out in the attached document;

(ii) that in accordance with the provisions of Section 17 of the Local Government and Housing Act 1989, the appointments of the Standards Committee (Local Government Act 2000) and the Task and Finish Groups shall not be on a Group basis and membership shall be as set out in the attached document;

(iii) that the membership of the Independent Remuneration Panel be as set out in the attached document.

11. Former Councillors

H... Motion of Thanks to Former Councillors Bouckley, Garnett, Hardy, Knight, Quarrie and Spyvee.

COUNCIL 21 MARCH 2012

Present :- Councillor Helen Chuah (the Mayor) (Chairman)
Councillors Christopher Arnold, Nick Barlow,
Lyn Barton, Kevin Bentley, Mary Blandon,
Elizabeth Blundell, John Bouckley, Nigel Chapman,
Peter Chillingworth, Barrie Cook, Nick Cope, Mark Cory,
Beverly Davies, Tina Dopson, John Elliott, Andrew Ellis,
Margaret Fairley-Crowe, Annie Feltham, Stephen Ford,
Bill Frame, Ray Gamble, Christopher Garnett,
Martin Goss, Scott Greenhill, Mike Hardy, Marcus
Harrington, Dave Harris, Pauline Hazell, Peter Higgins,
Theresa Higgins, Mike Hogg, Martin Hunt (Deputy
Leader) , 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,
Ann Quarrie, Will Quince, Paul Smith, Henry Spyvee,
Colin Sykes, Laura Sykes, Anne Turrell (Leader of the
Council) , Dennis Willetts, Julie Young and Tim Young

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

55. Minutes

The minutes of the meeting held on 22 February 2012 were confirmed as a correct record.

56. Have Your Say!

Angel Kalyan addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). She stated that she had been trying to bring Council's attention to an allegation of malpractice by senior councillors and staff since October 2009. The response from the Chief Executive that he could not justify the use of resources to investigate her claim was contrary to Council policies on corporate governance and was disempowering and discriminatory. She called on Council to follow its policy and meet with her so she could present evidence of maladministration, malpractice and a miscarriage of justice which she believed was being deliberately covered up.

Owen Bartholomew addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) and presented a petition to the Mayor on behalf of local residents calling on the Council to re-open and clean up the public toilets next to Greenstead Library. He questioned why society gave in to the actions of those who forced the closure of public facilities. He believed that re-opening the toilets would also

encourage greater use of the library.

Christine Lavelle addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) to express her concern about the granting of a planning application for an extension to the Stockwell Arms. The extension ran the whole length of the two adjacent houses and had a detrimental impact on her property, which was a listed building. The only amendment to the plans required by officers was an insignificant drop in the height of the extension. Despite objections from the Dutch Quarter Association and the Civic Trust the application had been determined by officers rather than being referred to the Planning Committee.

Adrian Pritchard, Chief Executive, assured Ms Lavelle that the Council would look her into her concerns and respond in writing.

Norman Bailey addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) to highlight the following issues:-

- litter and graffiti problems in residential areas. He highlighted a particular issue in Gray Road. The use of mechanical sweepers was not the best way to deal with litter.
- the scheme for the reduction of traffic in the town centre. He urged the Council to listen to those affected by the proposed changes.
- the relocation of the bus station.
- the review of sheltered housing. This had disregarded the wishes of residents and left them in limbo. The present situation would deter people from seeking sheltered housing. Joyce Brooks House was a model sheltered housing scheme.

Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated he would look into the littering issue raised by Mr Bailey.

Darius Laws addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) to express his concern about the potential sale of tennis courts at the West End Tennis Centre. He stressed that tennis was an affordable sport that was open to all ages. Whilst he appreciated that no decision had yet been taken, he stressed the need to preserve sport and leisure facilities in an Olympic Year and in view of the Fields in Trust scheme.

Bobby Hunt addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) in respect of Joyce Brooks House. He explained that his solicitor had given the Council notice that an injunction would be sought to restrain the Council. The actions of the Council were motivated by financial considerations and called on the people of Colchester to support the residents of Joyce Brooks House.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, explained that the Council's solicitor had responded to the notice of injunction. The Council was working with the residents of Joyce Brooks House and their representatives to find suitable alternative accommodation. Joyce Brooks House was not a model sheltered housing scheme and the Council was looking to improve the standard of accommodation provided. Some of the residents who had moved from Joyce Brooks

House had been very pleased with their new accommodation.

Andy Abbott addressed the Council pursuant to the provisions of Council Procedure Rule (6)1 to express his concern that contrary to previous assurances about how information about decisions on the Sheltered Housing Review would be communicated, the residents of Maytree Court in Tiptree had heard of its possible closure through the local media.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, explained that residents had been made aware and were being kept informed about the Council's decision making. He would look again at the communications with the residents of Maytree Court and would bring the evidence to the attention of Council and members of the public.

John Lonergan addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) about the proposed changes to access to the High Street. The proposals would create a danger to pedestrians who would be less traffic aware. The Council should look at closing the High Street between 10am and 4pm and develop an alternative route for buses. Drivers with disabilities could be allowed to access to the top end of the High Street with a 5mph speed limit. The Council should also reduce parking charges and introduce Park and Ride. The closure of the High Street would benefit retail outlets and allow Colchester to become a market town again.

Councillor Barton, Portfolio Holder for Renaissance, explained that the Council was working in partnership with Essex County Council on this scheme. Essex County Council were bringing forward the Traffic Regulation Orders and detailed questions on these needed to be addressed to them.

57. Mayor's Announcements

The Mayor made the following announcements:-

- On 2 March the Mayor had hosted a very successful Malaysian Festival at the University of Essex which was followed by a Malaysian Cultural Dance and food evening in aid of the Mayor's Charities. The Malaysian High Commissioner and his wife attended the event and had been very impressed by Colchester and had also promised to look into increasing the number of Malaysian students at Essex University.
- On 5 March the Mayor had opened the Dementia Services in Kingwode Centre, Turner Road.
- A second swearing in of free burgesses to the Borough of Colchester had been held on 8 March.
- The Mayor had hosted a chain gang reception in the Old Library on 9 March.
- On 14 March the Mayor had unveiled the HMS Unruffled submarine plaque which

was taken out of storage from the museum and put on display in the North Committee room for all to see.

- The Mayor had been invited to attend the opening of the East Anglia Children Hospice in Ipswich on 19 March where the Duchess of Cambridge came to officially open the Treehouse hospice and made her maiden speech.
- The last big Mayoral Charity function would be the 'Technicolor Banquet' on 11 May.
- The Mayor announced that Lindsay Barker, Head of Strategic Policy and Regeneration, would shortly be leaving the Council and Council expressed its thanks to Lindsay for her service to the Council.

58. Capital Programme

RESOLVED that the recommendation contained in minute 78 of the Cabinet meeting of 14 March 2012 be approved and adopted (MAJORITY voted FOR).

59. Officer Pay Policy

RESOLVED that the recommendation contained in minute 80 of the Cabinet meeting of 14 March 2012 be approved and adopted (MAJORITY voted FOR).

60. Renaming of Harbour Ward

Father Richard Tillbrook addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) in support of the motion. He explained that Old Heath had been recognised as a settlement since the Saxon period. The boundary of the ward was co-terminus with the ancient boundary of Old Heath. The word "Heath" derived from the word "Hythe" which meant harbour. Residents recognised their community as Old Heath rather than Harbour. All local facilities and organisations, such as the school and post office, used the name Old Heath in their title. All other ward names were based on the names of the areas they represented.

Jason Newell addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). He stressed the importance of politicians listening to electors. If residents of Old Heath were asked where they lived, they would answer "Old Heath" rather than "Harbour". He had been encouraged and reassured by the support for the Motion from members of the public. Only a small minority were opposed, mainly on the basis of cost. However, the cost would be approximately £1200, which was smaller than the proposed ward budget for councillors. If the consultation was web based, the costs would be negligible.

Julia Havis addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). As a resident of Harbour Ward she objected to an outsider seeking to rename the ward. Although it was claimed that residents were in favour of the change, her opinion had not been sought. She had also sought residents' views and none had been in favour whilst some were actively opposed to the proposal. The name of the ward was only really used at election time and it was a waste of resources to seek to change it.

It was PROPOSED by Councillor T. Young that:-

"This Council:

(i) agrees to carry out a consultation with local residents to rename Harbour ward as Old Heath ward;

(ii) believes that giving this area its historic name would be in the interests of the Borough and in line with local public opinion;

(iii) agrees to carry out the consultation in a cost-effective and timely fashion."

The MOTION was APPROVED (MAJORITY voted FOR).

Councillor John Jowers (in respect of his membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Kevin Bentley (in respect of his position as the relevant Portfolio Holder at Essex County Council) declared a personal interest in the following item 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.

61. Waste Disposal

Jo Hayes addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). She expressed her concern that Essex County Council was proposing to sign Colchester up to a PFI contract that involved the construction of an MBT plant. This was contrary to the wishes of the residents of Colchester who wished to recycle their waste. Under the terms of the contract, the contractor was guaranteed a certain amount of waste which would undermine Colchester's attempts to be the cleanest and greenest. The House of Commons Treasury Select Committee had warned that PFI contracts did not provide value for money and left future generations to bear the cost. Circumstances had changed since the contract had signed with increased recycling rates, the warning about the PFI contract and the localism agenda.

It was PROPOSED by Councillor Spyvee that:-

"This Council:-

1. Reaffirms its opposition to the PFI-funded contract which Essex County Council is currently negotiating as the centrepiece of its proposed Waste Strategy;
2. Deplores Essex County Council's action in announcing a preferred bidder for the contract in January while public consultation on the Waste Development Document was still going on;
3. Notes that the House of Commons all-party Treasury Select Committee's warning in July 2011 that PFI projects do not give the taxpayer good value for money in view of the high cost of private sector borrowing compared with public sector financing in the current financial crisis;
4. Believes that:
 - (i) The people of Essex want to deal with waste on the principle of Reduce, Re-use, Recycle with green solutions to the disposal of residual waste;
 - (ii) New technology is likely over time to enable us to move ever closer to the goal of zero waste;
 - (iii) The contract being negotiated will lock Essex into a 25 year obligation to use technology that is likely to be obsolete within a few years;
 - (iv) Essex County Council should not be committed to importing waste from outside the County;
 - (v) The proposed MBT plant will lead to heavy lorry traffic from all parts of the County.
5. Therefore calls on Essex County Council as waste disposal authority for Colchester to:
 - (i) Put the current negotiations on hold;
 - (ii) Urgently reconsider whether the PFI basis of finance is suitable and whether the use of new powers under the Localism Act would be preferable;
 - (iii) Ensure that any contract signed should be on terms that allows cancellation at intervals of not more than five years and avoids a commitment to provide a minimum level of waste to an MBT plant with no incentive to improve recycling rates."

A SECONDARY AMENDMENT was PROPOSED by Councillor Willetts to amend the Motion so that it read as follows:-

"This Council:

1. Understands that there are disagreements between CBC's political administration and ECC over the Waste Strategy but recognises that the two authorities are working closely together on recycling and waste collection and disposal issues.

2. Understands that Essex County Council conducted a consultation on the Waste Development Document that was separate to the announcement of the Preferred Bidder Status for Waste Strategy.

3. Notes that the House of Commons all-party Treasury Select Committee's warning in July 2011 on PFI projects, but understands that the Waste Strategy had been scrutinised by both Essex County Council, Southend Borough Council and the Government; and the outline and final business cases have found to be proven and sound.

4. Believes that:

(i) The people of Essex want to deal with waste on the principle of Reduce, Re-use, Recycle with green solutions to the disposal of residual waste;

(ii) New technology is likely over time to enable us to move ever closer to the goal of zero waste;

5. Therefore calls on Essex County Council as waste disposal authority for Colchester to;

(i) understand that: the PFI case has been fully scrutinised by both Essex County Council and Southend Borough Council and accepted; and that vigorous scrutiny will be constantly undertaken in the public interest.

(ii) Ensure that any contract signed should be on terms that allows cancellation at intervals of not more than five years and avoids a commitment to provide a minimum level of waste to an MBT plant with no incentive to improve recycling rates."

Councillor Spyvee indicated that the SECONDARY AMENDMENT was accepted and Council signified its acceptance of the SECONDARY AMENDMENT. The MOTION was therefore deemed AMENDED and the MOTION as AMENDED became the SUBSTANTIVE MOTION. The SUBSTANTIVE MOTION was thereupon put and APPROVED (MAJORITY voted FOR).

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

Questioner	Subject	Response
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Verbal Questions

Councillor Naish	Could the Leader of the Council confirm whether the Portfolio Holder for	Direct verbal response given by the Leader of the Council and Portfolio Holder for Strategy and Performance
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	Communities and Diversity admitted that she wanted to close the Abbots Activity Centre and was she put under pressure by Cabinet colleagues to consider community bids?	
Councillor Naish	Could the Portfolio Holder for Renaissance give details of how much time and how many meetings she had attended on the pedestrianisation of the High Street?	Direct verbal response given by the Portfolio Holder for Renaissance
Councillor Quince	Following the proposals to offer those prosecuted for littering the opportunity to go on a re-education course rather than pay a fine, could the Portfolio Holder confirm that attendees would be charged for attending so there was no burden on the tax payer?	Direct verbal response given by the Portfolio Holder for Street and Waste Services.
Councillor Quince	Would the Leader of the Council and Portfolio Holder for Strategy and Performance consider podcasting Council and Cabinet meetings in order to increase transparency and accountability?	Direct verbal response given by the Leader of the Council and portfolio Holder for Strategy and Performance.
Councillor Quince	Were Essex County Council imposing the proposals for the changes to the access to the High Street or had the proposals been brought forward at the request of the Council?	Direct verbal response given by the Portfolio Holder for Renaissance.
Councillor Bentley	Would the Portfolio Holder for Housing and Community Safety pass on thanks to staff and partner organisations for their efforts in the Day of Action in Stanway and when would intelligence arising from the day be distributed?	Direct verbal response given by the Portfolio Holder for Housing and Community Safety.
Councillor	Was the Portfolio Holder for	Direct verbal response given by the

Bentley	Communities and Diversity put under pressure in respect of the decision to close Abbots Activity Centre and did Cabinet colleagues say that what she was doing was wrong?	Portfolio Holder for Communities and Diversity.
Councillor Bentley	Would the Leader of the Council and Portfolio Holder for Strategy and Performance make a commitment to correct and apologise for any inaccuracies in party literature?	Direct verbal response given by the Leader of the Council and Portfolio Holder for Strategy and Performance.
Councillor Bentley	Would the Portfolio Holder for Resources and Heritage make a commitment to correct and apologise for any inaccuracies in party literature?	Direct verbal response given by the Portfolio Holder for Resources and Heritage.
Councillor Harrington	In view of the closure of Ernest Newson could business rates for small town centre traders be reduced?	Direct verbal responses given by the Portfolio Holder for Economic Development and Sustainability and the Leader of the Council and Portfolio Holder for Strategy and Performance.
Councillor Harrington	Whether Park and Ride should be introduced before the pedestrianisation of the High Street?	Direct verbal response given by the Leader of the Council and Portfolio Holder for Strategy and Performance.
Councillor Bouckley	Was the Chairman of the Local Highway Panel aware of the disappointment caused by the cancellation of the meeting on 28 March 2012 where the Panel were due to consider issues relating to the flooding of the Strood?	Direct verbal response given by the Chairman of the Local Highway Panel.
Councillor Harris	Would the Leader of the Council ensure that the consultation by Essex County Council on street lighting was thorough and open?	Direct verbal response given by the Leader of the Council and Portfolio Holder for Strategy and Performance.
Councillor Willetts	Would the Portfolio Holder for Renaissance release the minutes of the partnership meetings about the town centre pedestrianisation for scrutiny?	Direct verbal response given by the Portfolio Holder for Renaissance.

Councillor Lissimore	What contingency arrangements were put in place for the Castle Park in case of drought conditions?	Direct verbal response given by the Portfolio Holder for Communities and Diversity.
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63. Schedules of Decisions taken by Portfolio Holders

RESOLVED that the schedules of Portfolio Holder decisions for the period 9 February 2012 - 7 March 2012 be noted.

Colchester Borough Council

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

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

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

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

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

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

9. Where powers to acquire or dispose of property or land are being exercised, the delegation is subject to such acquisition or disposal being in accordance with terms approved by the District Valuer or other professional adviser.
10. Delegated powers to acquire property shall not include power to acquire property compulsorily and any proposal to make a Compulsory Purchase Order shall be submitted to the full Council as a recommendation.
11. Nothing in this scheme of delegation shall be construed in such a way as to remove the requirement that any proposal involving the granting of planning permission shall be submitted to the Planning Committee.

C O N T E N T S

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Scheme of Delegation to Cabinet Members

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

<h3>Functions retained by the Leader of the Council and Portfolio Holder for Strategy</h3>

1. The promotion of the Council on regional and sub-regional bodies in relation to developing regional partnerships.
2. Relations with the general public, local authorities, the media and all other external agencies.
3. Matters relating to financial strategy, the budget and resource allocation.
4. All strategic matters relating to major strategic partnerships e.g. ALMO & Waste
5. Following consultation with Group Leaders, to make appointments during the municipal year to Council Groups and Outside Bodies.

PUBLIC RELATIONS

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

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

HEALTH & SAFETY

1. To be responsible for the management and monitoring of health and safety provision across the whole of the Councils' undertakings.

(NB. Cabinet are jointly and severally the primary duty holders for health and safety across the Councils' undertakings.)

COMMUNICATIONS

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

1. External communications with the media and partners.

Scheme of Delegation to Cabinet Members

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

1. To oversee the development and ongoing review of the Council's Strategic Plan.
2. To monitor the implementation of the Council's Strategic Plan, including ensuring Council resources are deployed to support strategic priorities.
3. To promote the Council's Strategic Plan to Councillors, partners and the community as a whole.
4. To develop and promote community leadership in the Borough.
5. To oversee and monitor the Council's financial strategy, budget and resource allocation.
6. To review the opportunities to work with other partners, both within the public and private sectors, to assist in developing 'joined-up' government.
7. To determine a communications strategy that will support and deliver the Council's vision and policy priorities.
8. Localism.

Major Project(s) in Portfolio:

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

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Business and Resources

FINANCIAL RESOURCES

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

1. The functions of the Council as the Billing Authority (except the power to levy the amount of the Council Tax for each category of dwelling).
2. The operation of Council Tax and residual Community Charge legislation, Council Tax Benefits Scheme legislation, Housing Benefit Scheme legislation and the National Non-Domestic Rate (NNDR) legislation.
3. Collection, enforcement and matters of security in relation to the General Fund monies payable to the Council.
4. Determination of interest paid to investors and arrangements to meet the Council's borrowing requirements.
5. Matters relating to financial management, corporate governance, audit, risk management and business continuity.
6. Determination of the Council's financial provisions.
7. Appointment of the Council's bankers.
8. Financial resources in relation to ICT

LAND RESOURCES

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

1. Acquisitions and disposals including terms for acquisitions or disposals.
2. Industrial estates and commercial lettings.

BUSINESS DEVELOPMENT

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

1. Economic development issues affecting the Borough of Colchester.
2. Partnerships that improve and encourage business opportunities within the Borough.

Scheme of Delegation to Cabinet Members

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

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

GENERAL

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

1. Approval and maintenance of Standing Approved Lists of Contractors.
2. Matters relating to the management of the Council's assets.
3. Matters relating to procurement.

HUMAN RESOURCES

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

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

GENERAL

1. Legal Services.

ICT

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

1. Information Communication Technology.

Scheme of Delegation to Cabinet Members

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

CIVIC

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

1. All civic matters including civic aspects of town twinning.

TOWN TWINNING

To procure the specified service in the provision, implementation, maintenance and management of the Council's role in town twinning and encourage exchange visits between local groups and similar groups in twinned towns.

Portfolio Responsibilities

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

Scheme of Delegation to Cabinet Members

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

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

Major Project(s) in Portfolio:
Photovoltaic contract.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Communities and Leisure Services

RECREATION

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

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

LIFE OPPORTUNITIES

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

1. The promotion of public health matters so as to increase public awareness.
2. Services for the elderly.
3. Community projects supporting the Council's work on life opportunities.
4. Matters relating to young people.
5. The Council's work with partners aimed at improving the life opportunities of residents.

COMMUNITY SERVICES

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

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

PERFORMANCE

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

Scheme of Delegation to Cabinet Members

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

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

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Customers

CUSTOMERS

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

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

GENERAL

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

Portfolio Responsibilities

1. To monitor, fund and arrange for the continuing delivery of the Council's t-government agenda.
2. To examine and review the Council's customer service culture, processes and performance and to champion the customer point of view.
3. To review, monitor and improve consultation and communication between the Council and its customers.
4. To monitor customer compliments and complaints and referrals to the Local Government Ombudsman.
5. To improve communications and access to Council services by urban and rural communities within the Borough.
6. To examine and review the development of all forms of communication and community engagement.

Major Project(s) in Portfolio:

Customer Service Centre, Customer Connect and Infopoint@Colchester

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Housing

PUBLIC SECTOR HOUSING

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

1. Public sector dwellings, management of Council owned dwellings and other properties and their environs including the setting of rents in accordance with the Management Agreement dated 11 August 2003 between the Council and Colchester Borough Homes Limited as varied by Deeds of Variation dated 9 October 2008 and 10 December 2009 and any subsequent agreement or arrangement entered into between the parties.
2. Management of the Housing Revenue Account. (NB. All decisions relating to the financial management of the HRA are reserved to Cabinet).
3. Tenant selection/nomination criteria and conditions of tenancy.
4. The Council's statutory responsibilities to homeless persons.
5. The Council's relationship with Registered Social Landlords.
6. The Right to Buy Scheme.

PRIVATE SECTOR HOUSING

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

1. Non-statutory housing functions such as housing advice, etc.
2. The Council's statutory responsibilities in respect of housing standards.
3. Support schemes to Building Societies and Banks and the making of mortgage advances by the Council for house purchase and improvement.
4. Housing standards and the protection of persons from unlawful eviction or harassment.
5. Private sector housing grants.

GENERAL HOUSING MATTERS

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

1. The promotion of the Council on regional and sub-regional bodies in relation to housing completions, housing developments.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Housing (continued)

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

LAND RESOURCES

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

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

Portfolio Responsibilities

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

Major Project(s) in Portfolio:

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

Scheme of Delegation to Cabinet Members

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

DEVELOPMENT CONTROL

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

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

SUSTAINABILITY

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

ENVIRONMENT

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

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

TOURISM

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

1. The Visitor Information Centre and the promotion of the Borough for tourism purposes.
2. Liaison with other tourism agencies for the development of tourism in the Borough.

Scheme of Delegation to Cabinet Members

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

CULTURE AND THE ARTS

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

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

COMMUNITY SAFETY

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

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

Portfolio Responsibilities

1. To oversee the implementation and monitoring of the Council's policies and services relating to all planning activities including conservation and building control.
2. To oversee the implementation and monitoring of the Borough Council's services and policies relating to environmental initiatives.
3. To promote Colchester as a key destination for visitors.
4. To oversee the implementation and monitoring of the Council's policies and services relating to heritage and culture.

Scheme of Delegation to Cabinet Members

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

5. To agree the Crime and Disorder Reduction Strategy and ensure that the Council is working with partners to meet the key targets identified within the strategy.

Major Project(s) in Portfolio:
Implementation of Localism Act planning changes.

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Renaissance

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

Portfolio Responsibilities

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

Major Project(s) in Portfolio:
Renewal of Colchester's built environment

Scheme of Delegation to Cabinet Members

Delegation to the Portfolio Holder for Street and Waste Services and Deputy Leader of the Council

WASTE

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

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

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

HIGHWAYS

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

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

CAR PARKS

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

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

Scheme of Delegation to Cabinet Members

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

TRANSPORTATION

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

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

PUBLIC PROTECTION

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

1. Licensing matters.
2. Premises and/or vehicles used for the preparation, storage, sale, slaughter and/or consumption of food and the enforcement of standards for food, health and safety at work, hygiene, quality and allied matters.
3. Infectious diseases, disinfestations and the prevention of the spread of disease by or to animals.
4. Pollution and nuisances.
5. Public conveniences and baths.
6. Caravans and Caravan Sites.
7. Matters relating to the control of dogs.
8. The control of rodents/pests.
9. Premises used for the provision of services to the public and/or the keeping of animals.
10. Monitoring of travellers sites.
11. Matters relating to the removal of persons residing unlawfully in vehicles on land in the Borough.
12. To represent the Council on the Board of the Essex Countywide Traveller Unit.

Scheme of Delegation to Cabinet Members

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

GENERAL

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

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

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

1. To oversee the implementation and monitoring of the Borough Council's services and policies in relation to waste collection, litter enforcement and cleansing operations.
2. To encourage operational activities which support the corporate priority to be the cleanest and greenest Borough in the Country.
3. To encourage operational activities which support the corporate priority to be cleaner and greener.
4. To monitor the implementation of the Council's Waste Strategy.
5. To oversee and monitor the Council's engineering services.
6. To oversee the implementation and monitoring of the Council's policies and services relating to all licensing activities.
7. To oversee the implementation and monitoring of the Council's policies and services in respect of car parking.
8. To promote and procure the implementation of the Borough Council's Transport Strategy in partnership with Essex County Council, the responsible Transport Authority and other partners to improve infrastructure.
9. To promote partnership working with Essex County Council, the responsible Transport Authority.
10. To oversee the implementation and monitoring of the Council's services relating to markets.
11. To oversee the implementation and monitoring of the Council's Zone areas

Report of	Head of Strategic Policy and Regeneration	Author	Karen Syrett
Title	Local Plan Committee		 506477
Wards affected	All		

This report concerns arrangements for discharging the Council's responsibilities relating to Local Planning, Neighbourhood Planning and Community Assets.

1. Decision(s) Required

- 1.1 To note the implications of the Local Plan and Neighbourhood Planning Regulations.
- 1.2 To establish a Committee to be known as the Local Plan Committee to discharge the Council functions identified below.
- 1.3 To agree terms of reference for the Local Plan Committee as identified below.
- 1.4 To give the Monitoring Officer authority to make the necessary consequential changes to the Constitution.

2. Reasons for Decision(s)

- 2.1 The Council as Local Planning Authority is obliged under the Planning and Compulsory Purchase Act 2004 and Regulations to implement the obligations placed upon it.
- 2.2 The Council needs to agree how it will discharge its obligations

3. Alternative Options

- 3.1 No alternative options are suggested as the Council is obliged to implement the new legislation.

4. Supporting Information

- 4.1 This report gives a high level overview of the new regulations as far as they relate to Local Planning and Neighbourhood Planning. Both sets of regulations form part of the Government's Localism agenda and relate to the Localism Act 2011.
- 4.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 came into force on 6th April 2012. They set out requirements in relation to the form and content of Local Development Documents (including the Local Plan), Supplementary Planning Documents and the Proposals Map.

- 4.3 Part 2 of the Planning and Compulsory Purchase Act 2004 (“the Act”) established a system of local development planning in England. The Local Planning Regulations make provision for the operation of that system.
- 4.4 Section 33A of the Act imposes a duty to co-operate in relation to planning of sustainable development. The Regulations prescribe the bodies (in addition to local planning authorities and county councils) which are subject to this duty to co-operate (regulation 4).
- 4.5 Part 2 of the Act makes provision in relation to the local plan and supplementary planning documents. Parts 4 and 5 of the Regulations prescribe the form and content of local plans and supplementary planning documents and prescribe which documents are to be local plans. The Regulations also prescribe the process for preparation of the local plans and supplementary planning documents.
- 4.6 The main steps in the supplementary planning document procedure are publication of the supplementary planning document, consultation on it and consideration of representations made (regulations 12 and 13) followed by the adoption of the supplementary planning document by the local planning authority (regulation 14). The Regulations also include provisions as to the withdrawal or revocation of supplementary planning documents (regulation 15) and the intervention of the Secretary of State in the supplementary planning document preparation process (regulation 16).
- 4.7 The main steps in the local plan procedure are-
- a) publication of the proposals for a local plan, consultation on it and consideration of representations (regulations 18 to 20);
 - b) submission to the Secretary of State, independent examination of the local plan and publication of the recommendations of the person appointed to examine the local plan (regulations 22 to 25); and
 - c) adoption of the local plan by the local planning authority (regulation 26).
- 4.8 The Regulations also include provisions as to the withdrawal or revocation of local plans (regulations 27 and 28), the intervention of the Secretary of State in the local plan preparation process (regulation 30 and Schedule 1) and the Secretary of State’s default power in relation to the preparation of local plans (regulation 31 and Schedule 2).
- 4.9 The Regulations also make provision in relation to joint development documents, including withdrawal from such a document by a local planning authority or the dissolution of a joint committee (regulations 32 and 33). They make provision in relation to the content of monitoring reports which local planning authorities must prepare (regulation 34) and make general provision as to the availability of documents and copies of documents (regulations 35 and 36).
- 4.10 The Localism Act 2011 provided a new statutory regime for neighbourhood planning. The Neighbourhood Planning (General) Regulations 2012 which also came into force on 6th April make provision in relation to that new regime.
- 4.11 Regulation 2 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before Parliament within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.
- 4.12 Part 2 of the Regulations makes provision in relation to the procedure for designating a

neighbourhood area, including the content of the application and what the local planning authority must do to publicise such an application (regulations 5 and 6).

- 4.13 Part 3 of the Regulations makes provision in relation to the procedure for designating an organisation or body as a neighbourhood forum, which authorises them to act in relation to the related neighbourhood area. In particular, provision is made as to the content of an application, what the local planning authority must do to publicise an application and publicising any designation of a neighbourhood forum (regulations 8 to 12).
- 4.14 Part 4 of the Regulations makes provision in relation to additional prescribed conditions a community organisation must satisfy in order to be a community right to build organisation. Including allowing anyone from the area to be a member of the organisation and ensuring that such members have majority voting rights for the body and prescribing the way profits must be used and assets distributed on a winding up (regulation 13).
- 4.15 Part 5 of the Regulations makes provision in relation to procedure for making neighbourhood development plans. These are plans which the parish council or neighbourhood forum proposes and following a referendum, the local planning authority makes. In particular, provision is made as to the consultation and publicity prior to submission of a proposal to a local planning authority, the content of a proposal, what the local planning authority must do to publicise a proposal and their decision on a proposal, and for publicising any neighbourhood development plan which is made. (Regulations 14 to 20)
- 4.16 Part 6 of the Regulations makes provision in relation to neighbourhood development orders (and community right to build orders, which are a particular type of neighbourhood development order). These orders grant planning permission in the area, they are proposed by the parish council or neighbourhood forum and following a referendum, made by the local planning authority. In particular, provision is made as to the consultation and publicity prior to submission of a proposal to a local planning authority, the content of a proposal, what the local planning authority must do to publicise a proposal and their decision on a proposal, and for publicising any neighbourhood development order (or community right to build order) which is made. (Regulations 21 to 27)
- 4.17 Part 8 of the Regulations makes provision in relation to the revocation or modification of neighbourhood development orders (including community right to build orders) and neighbourhood development plans. In particular, provision is made for publicising any modifications or revocations made. (Regulations 30 and 31)
- 4.18 Schedule 1 sets out the two different lists of consultation bodies, paragraph 1 provides the list of consultees for neighbourhood development plans, and paragraph 2 provides the list of consultees for neighbourhood development orders and community right to build orders.
- 4.19 In addition to these regulations, it has become apparent that a mechanism is required for the adoption of non statutory documents. These may include master plans, development briefs and technical guidance to assist with planning applications. For consistency and transparency it is recommended that these are also reported to Local Plan Committee to be endorsed as Council policy/guidance.

5. Proposals

- 5.1 Regulations have been issued by the Secretary of State in respect of Local Planning and Neighbourhood Planning Functions. Unlike the Local Development Framework all the various components of the new processes are functions for the Council. It is expected that the Community Assets Regulations will adopt a similar approach.
- 5.2 To enable the Council to deal with the new legislative requirements it needs to alter the Constitution. Functions that are for the Council require the Full Council to agree on the method of discharging those functions on its behalf.
- 5.3 It is suggested that Full Council delegates to a new Committee some of its functions. This Panel called The Local Plan Committee would replace the Local Development Framework Committee. It would not be appropriate for members of the Planning Committee to also sit on the Local Plan Committee given that they may find it difficult to avoid prejudicial statements during the Committee's public meetings. The Committee would have an on-going remit like the previous Local Development Framework Committee. The Committee's terms of reference would comprise dealing with those matters identified in the table below. The existing and revised Terms of Reference are attached as Appendix 2 to this report. Certain functions contained within the previous Act and Regulations were executive functions and were included within the Leader's scheme of delegation to Cabinet Members but this is no longer the case and all functions under the new regime are non-executive functions..

5.4

Function	Council	Local Plan Committee	Comments
Preparation of Local Plan		*	Includes agreeing content, consultation and submission
Preparation of other Local Development Documents		*	Includes agreeing content, consultation and submission
Preparation of Supplementary Planning documents		*	Includes agreeing content and consultation
Adoption of Local Plan	*		
Adoption of other Local Development Documents	*		
Adoption of Supplementary Planning Documents		*	
Withdrawal of Local Plan	*		
Bring Local Development Scheme (LDS) into effect		*	There is no longer a requirement to submit the LDS to the Secretary of State
Preparation of Monitoring Report (AMR)		*	There is no longer a requirement to submit the AMR to the Secretary of State
Joint Local Plan or Supplementary Planning Document and the creation of a joint committee		*	

Approval of Neighbourhood Area		*	
Approval of Neighbourhood Forum		*	
Withdraw Neighbourhood Forum status		*	
Approval of Community Right to Build organisation		*	
Making of Neighbourhood Plans		*	The Council has no discretion in adopting a neighbourhood plan – if it passes a referendum the Council has to ‘make’ the plan.
Making of Neighbourhood Development Orders		*	This includes community right to build orders, which are a particular type of neighbourhood development order.
Revocation or modification of neighbourhood development orders and neighbourhood plans		*	
Adoption of other non-statutory planning related documents		*	These may include development briefs, master plans and technical guidance.

6. Strategic Plan References

- 6.1 The Local Plan will be a critical tool in helping to deliver the aims and priority areas identified in the [Strategic Plan 2012-15](#). It will also contribute to the following Council priority areas and outcomes: regenerating our borough through buildings, employment, leisure and infrastructure; improving opportunities for local business to thrive including retail; promoting sustainability and reducing congestion; bringing investment to the borough; providing more affordable homes across the borough; and providing sport and leisure for all, alongside good quality green spaces and play areas.

7. Consultation

- 7.1 The legislation for the preparation of documents forming part of the Local Plan and the Neighbourhood Planning processes require a significant amount of consultation and public involvement. Extensive engagement is at the heart of the new regulations concerning planning. Consultation will take place on all matters and is intended to be widespread.

8. Publicity Considerations

- 8.1 N/A.

9. Financial Implications

- 9.1 There will be costs associated with the production of documents and for the statutory notices. Within existing budgets there is provision to commence a review of the Core Strategy. In the short term this will be used to ensure the Local Development Framework

(now known as the Local Plan) complies with the National Planning Policy Framework (NPPF).

- 9.2 Additional financial implications may arise from the need for consultation, examination and referendum under the Neighbourhood Planning Regulations.

10. Equality, Diversity and Human Rights implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework which is available following this pathway from the homepage: -Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Strategic Policy and Regeneration > Local Development Framework. This will be reviewed to ensure it remains appropriate as new policies are introduced.

11. Community Safety Implications

- 11.1 These will be taken into account in the preparation of the Local Plan and Neighbourhood Plans.

12. Health and Safety Implications

- 12.1 These will be taken into account in the preparation of the Local Plan and Neighbourhood Plans.

13. Risk Management Implications

- 13.1 The adoption of a Local Plan and Neighbourhood Plans is intended to reduce the risk of inappropriate development. The Plans provide consistent advice to landowners, developers, officers, Councillors and members of the public.

Background Papers

N/A.

Appendix 1 – Glossary

Local Plan - The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.

Neighbourhood Plan - communities will be able to establish general planning policies for the development and use of land in a neighbourhood. They will be able to say, for example, where new homes and offices should be built, and what they should look like. The neighbourhood plan will set a vision for the future. It can be detailed, or general, depending on what local people want

Neighbourhood Area - The local planning authority is required to approve the neighbourhood area for which a neighbourhood plan or development area being suggested by a parish or town council or neighbourhood forum.

Neighbourhood Forum - In areas without a parish or town council, local people will need to decide which organisation should lead on coordinating the local debate. In some places, existing community groups may want to put themselves forward. In other places, local people might want to form a new group. In both cases, the group must meet some basic standards. It must, for example, have at least 21 members, and it must be open to new members.

Neighbourhood Development Order - the community can grant planning permission for new buildings they want to see go ahead. Neighbourhood development orders will allow new homes and offices to be built without the developers having to apply for separate planning permission.

Supplementary planning documents: Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Appendix 2 – Extracts from the Constitution – as existing (Part 3)

SCHEME OF DELEGATION TO PLANNING COMMITTEE, LICENSING COMMITTEE, ACCOUNTS AND REGULATORY COMMITTEE, APPOINTMENTS COMMITTEE AND LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

The Council has delegated its planning functions to the Planning Committee and its licensing functions to the Licensing Committee and its Statement of Accounts to the Accounts and Regulatory Committee, its appointment of certain officers to the Appointments Committee and the discharge of certain of its functions in relation to the Local Development Framework to the Local Development Framework Committee.

Local Development Framework Committee

1. Authority to determine on behalf of the Council:
 - (a) Preparation of or a revision of a Development Plan Document
 - (b) Withdrawal of a draft Development Plan Document
 - (c) Examination of Development Plan Document
 - (d) Decision on whether to do a joint Local Development Document and the creation of a joint committee with another authority
 - (e) Adoption of Supplementary Planning Documents
2. To make recommendations to the Council on:
 - (a) The adoption of Development Plan Documents

Delegation to the Portfolio Holder for Economic Development and Sustainability

LOCAL DEVELOPMENT FRAMEWORK

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

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

Proposed Terms of Reference for the Local Plan Committee

1. Authority to determine on behalf of the Council:
 - (a) Preparation of or a revision of a Local Plan
 - (b) Preparation of or a revision of a local development document
 - (c) Submission of a Local Plan or Local Development Document
 - (d) Decision on whether to do a joint Local Plan or Supplementary Planning Document and the creation of a joint committee with another authority
 - (e) Preparation and adoption of Supplementary Planning Documents
 - (f) Bring Local Development Scheme into effect
 - (g) Preparation of Monitoring Report
 - (h) Approval of Neighbourhood Area
 - (i) Approval of Neighbourhood Forum
 - (j) Withdraw Neighbourhood Forum status
 - (k) Approval of Community Right to Build organisation
 - (l) Making of Neighbourhood Plans
 - (m) Making of Neighbourhood Development Orders
 - (n) Revocation or modification of neighbourhood development orders and neighbourhood plans
 - (o) Adoption of other non statutory planning documents.

2. To make recommendations to the Council on:
 - (a) The adoption of the Local Plan
 - (b) The withdrawal/revocation of the local Plan
 - (c) The adoption of other local development documents

Local Plan Committee

Since the publication of the report on the Local Plan Committee at pages 11-18 of the Council Summons, it has proved necessary to amend the report by the inclusion of additional text to paragraphs 4.19 and 5.4 of the report. The revised text for these paragraphs is set out below, with the additional wording highlighted.

4.19 In addition to these regulations, it has become apparent that a mechanism is required for the adoption of non statutory documents. These may include master plans, development briefs and technical guidance to assist with planning applications. For consistency and transparency it is recommended that these are also reported to Local Plan Committee to be endorsed as Council policy/guidance. **The committee would also authorise the withdrawal of all documents other than the Local Plan which shall be a Council function.**

5.4

Function	Council	Local Plan Committee	Comments
Preparation of Local Plan		*	Includes agreeing content, consultation and submission
Preparation of other Local Development Documents		*	Includes agreeing content, consultation and submission
Preparation of Supplementary Planning documents		*	Includes agreeing content and consultation
Adoption of Local Plan	*		
Adoption of other Local Development Documents	*		
Adoption of Supplementary Planning Documents		*	
Withdrawal of Local Plan	*		
<u>Withdrawal of all other documents</u>		*	<u>This would apply to supplementary planning documents and all other planning related documents.</u>
Bring Local Development Scheme (LDS) into effect		*	There is no longer a requirement to submit the LDS to the Secretary of State
Preparation of Monitoring Report (AMR)		*	There is no longer a requirement to submit the AMR

			to the Secretary of State
Joint Local Plan or Supplementary Planning Document and the creation of a joint committee		*	
Approval of Neighbourhood Area		*	
Approval of Neighbourhood Forum		*	
Withdraw Neighbourhood Forum status		*	
Approval of Community Right to Build organisation		*	
Making of Neighbourhood Plans		*	The Council has no discretion in adopting a neighbourhood plan – if it passes a referendum the Council has to 'make' the plan.
Making of Neighbourhood Development Orders		*	This includes community right to build orders, which are a particular type of neighbourhood development order.
Revocation or modification of neighbourhood development orders and neighbourhood plans		*	
Adoption of other non-statutory planning related documents		*	These may include development briefs, master plans and technical guidance.

Membership of Cabinet, Panels and Committees

Municipal Year 2012/13

Deputy Leader of the Council – Councillor Hunt

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

Municipal Year 2012/13

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

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

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

* subject to regulations

Municipal Year 2012/13

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

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

Independent Remuneration Panel

David Priest
Stephen Beresky
Richard Aldridge
Amanda Westbrook

