

Council Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ
Thursday, 05 December 2019 at 18:00**

Information for Members of the Public

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Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

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COLCHESTER BOROUGH COUNCIL
Council
Thursday, 05 December 2019 at 18:00

TO ALL MEMBERS OF THE COUNCIL

Published 04/12/2019

You are hereby summoned to attend a meeting of the Council to be held at the Town Hall, Colchester on Thursday, 05 December 2019 at 18:00 for the transaction of the business stated below.



Chief Executive

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

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

Please note that Agenda items 1 to 6 are normally dealt with briefly.

1 Welcome and Announcements (Council)

The Mayor will welcome members of the public and Councillors and will ask the Chaplain to say a prayer. The Mayor will also remind everyone to use microphones at all times when they are speaking, explain action required in the event of an emergency, mobile phones switched to silent and audio-recording of the meeting.

2 Have Your Say! (Council)

The Mayor will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the business of the Council. Please indicate if you wish to speak at this point if your name has not been noted by Council staff.

3 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

4	Minutes of the Previous Meeting (Council)	
	A... Motion that the minutes of the meeting held on 16 October 2019 be confirmed as a correct record.	
	Council minutes 161019	9 - 20
5	Mayor's Announcements	
	The Mayor to make announcements.	
6	Items (if any) referred under the Call-in Procedure (Council)	
	The Council consider any items referred by the Scrutiny Panel under the Call-in Procedure because they are considered to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.	
7	Recommendations of the Cabinet, Panels and Committees	
	Council will consider the following recommendations:-	
7(i)	North Essex Garden Communities Ltd – Approval of 2019/20 Interim Business Plan and Budget	21 - 24
	B... Motion that the recommendation contained in draft minute 377 of the Cabinet meeting of 4 September 2019 be approved and adopted.	
7(ii)	Local Council Tax Support 2020-2021	25 - 26
	C.... Motion that the recommendation made in draft minute 398 of the Cabinet meeting of 20 November 2019 be approved and adopted.	
7(iii)	Officer Pay Policy Statement for 2020-2021	27 - 28
	D... Motion that the recommendation contained in draft minute 399 of the Cabinet meeting of 20 November 2019 be approved and adopted.	
7(iv)	Colchester's Homelessness and Rough Sleeping Strategy 2020-2025	29 - 30
	E... Motion that the recommendation contained in draft minute 401 of the Cabinet meeting of 20 November 2019 be approved and adopted.	
7(v)	Nomination for Deputy Mayor 2020-2021	31 - 32
	F... Motion that the recommendation contained in draft minute 406 of the Cabinet meeting of 20 November 2019 be approved and adopted.	
7(vi)	Review of Ethical Governance Policies	
	G... Motion that the recommendation contained in the draft minute of the Governance and Audit meeting of 26 November 2019 be approved and adopted (to follow).	
8	Adoption of the Eight Ash Green Neighbourhood Plan	33 - 116
	H... Motion that the Eight Ash Green Neighbourhood Plan be made (adopted) following its approval at referendum.	

9 **Notices of Motion pursuant to the provisions of Council Procedure Rule 11**

Council will consider the following Motions:-

(Note: The maximum length of time for the consideration of all such motions shall be 80 minutes. In the event that a motion is still being debated when the 80 minutes have elapsed the Mayor shall invite the proposer of the motion to respond to the debate and the move straight to the vote.)

9(i) **Retention of Planning Authority Powers - WITHDRAWN**

9(ii) **Local Electricity Bill**

Proposer: Councillor Liddy

i... Motion that:

Colchester Borough Council

(i) acknowledges the efforts that it staff have made to reduce greenhouse gas emissions and promote renewable energy;

(ii) recognises that councils can play a central role in creating sustainable communities, particularly through the provision of locally generated renewable electricity;

(iii) further recognises

- that very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,
- that making these financial costs proportionate to the scale of a renewable electricity supplier's operation would create significant opportunities for councils to be providers of locally generated renewable electricity directly to local people, businesses and organisations, and
- that revenues received by councils that became local renewable electricity providers could be used to help fund local greenhouse gas emissions reduction measures and to help improve local services and facilities;

(iv) accordingly resolves to support the Local Electricity Bill, currently supported by a cross-party group of 115 MPs, and which, if made law, would make the setup and running costs of selling renewable electricity to local customers proportionate by establishing a Right to Local Supply; and

(v) further resolves to inform the

- local media of this decision,

- local MPs after the General Election, asking them to support the Bill in the new Parliament, and
- organisers of the campaign for the Bill, Power for People, (at 8 Delancey Passage, Camden, London NW1 7NN or info@powerforpeople.org.uk) expressing support.

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

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

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

(i) Councillor Liddy to Councillor King, Portfolio Holder for Business and Resources:-

2019 was another year of climatic extremes. A wet spring followed by at times a very hot summer, including the hottest day on record. As the year draws to a close, will the PFH for Resources and all other cabinet members, along with all group leaders and members join me in expressing our thanks to our all CBC, CBH and Amphora employees, managerial, professional, administrative and manual, especially the recycling operatives, who have worked so hard this year to keep this Borough's services to their usual high standard?

11 **Schedule of Portfolio Holder decisions** 117 - 120

To note the Schedule of Portfolio Holder decisions covering the period 1 October 2019 - 26 November 2019.

12 **Urgent Items (Council)**

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

13 **Reports Referred to in Recommendations**

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

NEGC Business Plan - report to Cabinet, 4 September 2019 121 -
184

Local Council Tax Support Scheme - report to Cabinet, 20 November 2019 185 -
188

Officer Pay Policy Statement 2020-21 - report to Cabinet, 20 November 2019	189 - 204
Colchester's Homelessness and Rough Sleeping Strategy - report to Council, 20 November 2019	205 - 256
Review of Ethical Governance Policies, report to Governance and Audit Committee 26 November 2019	257 - 346

14 Exclusion of the Public (not Scrutiny or Executive)

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).

Part B
(not open to the public including the press)

Council

Wednesday, 16 October 2019

Attendees:

Councillor Lewis Barber, Councillor Nick Barlow, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Roger Buston, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Simon Crow, Councillor Robert Davidson, Councillor Beverly Davies, Councillor Paul Dundas, Councillor John Elliott, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Dave Harris, Councillor Chris Hayter, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor John Jowers, Councillor David King, Councillor Cyril Liddy, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Andrea Luxford Vaughan, Councillor Fiona Maclean, Councillor Jackie Maclean, Councillor Sam McCarthy, Councillor Patricia Moore, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Martyn Warnes, Councillor Lorcan Whitehead, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

342 Prayers

The Reverend Canon Paul Norrington opened the meeting with prayers.

343 Apologies

Apologies were received from Councillors Arnold, Chuah and Hogg.

344 Have Your Say! (Council)

Anna Appleyard addressed Council pursuant to the provisions of Council Procedure Rule 6(5) on behalf of Refill Colchester This was a scheme to reduce the use of plastic bottles through the use of an app which showed users where bottles could be refilled without charge. It had been launched in 2018 and had received considerable support from members of the public and Councillors. There were now 50 refilling stations in Colchester, and Refill Colchester was looking for support in order to widen usage of the scheme. In particular it would be beneficial to have representative at the Council's

public events, for it to be promoted through the Council's print and digital channels and through working with the Better Colchester brand.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, responded and indicated that he would be happy to meet to discuss how to promote their work further. Councillor King, Portfolio Holder for Business and Resources, indicated his support for their work and highlighted the work the Council was taking forward in order to reduce the use of single use plastics.

Tom Foster, Chairman of CAUSE, addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to express his concerns about North Essex Garden Communities Ltd. The Council had already provided £600,000 of funding and was due to commit a further £350,000 in December 2019. Over the following two years it would provide a further £5 million. Whilst its interim Business Plan stated that it would raise funding through the private sector, the Council would carry the risk as NEGC Ltd had no assets. It was a delivery vehicle with no plan to deliver, no structure to deliver it with and no land to build on. The Directors of NEGC Ltd had authorised a programme of community engagement. However, this had been launched before the responses to the consultation had been considered. Three of the four directors of NEGC Ltd were senior Cabinet members of the relevant authorities and he considered that the Local Plan was pre-determined. He asked whether the Council taken legal advice on whether the community engagement work by NEGC Ltd could prejudice the Local Plan inspection and whether it conflicted with rules on state aid.

Councillor King, Portfolio Holder for Business and Resources, stressed the importance of learning from critics of the proposals and of working together with partners and with affected communities, no matter what the conclusions of the Inspector were. Consideration also had to be given to the needs of those who were silent on the issue and to those who suffered through the lack of planning and of social infrastructure. There was value in the work that NEGC Ltd were undertaking on community engagement. Issues on state aid had already been addressed and published and there were no issues in the community engagement work running alongside the Inspection process.

John Akker addressed Council pursuant to the provisions of Council Procedure 6(5) on behalf of Stop 350 to express his concern about Part 2 of the Local Plan. There were grave dangers from developers applying for planning permissions before Part 2 was agreed. Whilst this was an issue for the whole borough, this was illustrated in West Mersea. Over 1700 residents had commented on the Local Plan, over 600 had attended a local meeting and the community was engaged in the preparation of a Neighbourhood Plan. This was in the belief that their detailed comments would be submitted to the Inspector next year. However, multiple planning applications were now being submitted in advance of the Local Plan being agreed. If approved, these would set aside the Local Plan. This was not how planning policy should be developed: there should be a planned approach with policy being approved by the Inspector and not developed through the

piecemeal approval of applications. The Council should resist such planning applications and be prepared to defend its decisions at appeal, the danger of which were sometimes overstated.

Councillor J. Young, Portfolio Holder for Culture and Performance, indicated that a written response would be sent.

Neil Gilbranch addressed Council pursuant to the provisions of Council Procedure Rule 6(5) and expressed his support for the motion proposing a contingency Plan B for the Local Plan. It was difficult for members of the public to engage with the Local Plan process. For example in respect of the A12 there were 4 new options which was causing further uncertainty for residents. NEGC Ltd were now undertaking further engagement to find out what residents wanted in Garden Communities, rather than what they wanted in the borough as a whole. This suggested predetermination and undue haste.

Councillor J. Young, Portfolio Holder for Culture and Performance, thanked Mr Gilbranch for his comments which were noted.

Ali Wilkin addressed Council pursuant to the provisions of Council Procedure Rule 6(5). Members of the Equality Action Group Now had been labelled as “conspiracy theorists” by the Department of Work and Pensions on Channel Four news. However, the oppression of disabled people was not a conspiracy theory. Their income had been cut and had been subject to humiliating assessments. Disability hate crime had doubled, and people with disabilities claiming benefits were often reported for suspected benefits fraud on the most spurious of grounds. It was a misconception that inclusion and accessibility was the norm, when it was normally an add on, secured through the hard work of disability campaigners. Therefore, people with disabilities took the business of politics seriously, and asked that when they approached politicians for help, they were given respect in return.

Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, responded and thanked Ali Wilkin for attending and drawing the Council's attention to these issues. The Police had set up a specialist unit to deal with hate crimes. He invited her to send in further details and he would look into the issues.

345 Minutes of the Previous Meeting (Council)

RESOLVED that the minutes of the meeting held on 17 July 2019 be confirmed as a correct record.

346 Mayor's Announcements

The Mayor announced that Peldon had been awarded Essex Village of the Year 2019. This was an award made by the Rural Community Council of Essex. In order to win the

award the village had highlighted its work in building a new village hall, as well as demonstrating its community focus, its business and services and its environmental and sustainability work. The Mayor presented the award to representatives of the bid team, Bob Holmes, Liz Davidson, Alma Thomas and Crissy Lee.

Bob Holmes responded and thanked the Mayor for the presentation. He also expressed his thanks to Councillors Jowers and Davidson for their help, and for the support of the Council towards rebuilding of the village hall, which had been an integral part of their submission.

The Mayor announced the following events:-

Tea Dance, 6 November 2019, Moot Hall

Wine Tasting November 2019 (date and venue to be confirmed)

Army Band Concert, 20 November 2019, Moot Hall

A recital of A Christmas Carol with Anthony Roberts, 1 December 2019, MICA West Mersea

Big Junior Fun Run, 8 December 2019, Recreation Ground

Mercury Carol Concert, 19 December 2019, Mercury at Abbey Field

Bach Choir Concert, 22 February 2020, venue to be confirmed

Opening of Mayoral Wood, 28 March 2019.

347 2018/19 Year End Review of Risk Management

RESOLVED that the recommendation contained in draft minute 378 of the Cabinet meeting of 4 September 2019 be approved and adopted (UNANIMOUS).

348 Changes to the Hackney Carriage and Private Hire Licensing Policy

RESOLVED that the recommendation contained in minute 83 of the Licensing Committee meeting of 27 March 2019 be approved and adopted (UNANIMOUS).

349 Polling Districts and Polling Places Review

RESOLVED that the recommendation contained in draft minute 168 of the Governance and Audit Committee meeting of 3 September 2019 be approved and adopted (MAJORITY voted FOR).

350 Adoption of the West Bergholt Neighbourhood Plan

Councillor Chris Stevenson, Chairman of West Bergholt Parish Council and Chairman of the Neighbourhood Plan Steering Group, addressed Council pursuant to the provisions Council Procedure Rule 6(5). He hoped that Council would endorse the West Bergholt Neighbourhood Plan. 862 residents had voted in favour of the Plan, which was 94% of the votes cast. It had been put together carefully and was in step with the emerging Local Plan. It would deliver sustainable housing development in West Bergholt and the draft plan had already helped protect the village from unsuitable development. It also addressed other issues such as employment and sport and leisure provision. Thanks were expressed to the ward councillors and to the following planning officers who had supported and advised on the Plan: Shelley Blackaby, Sandra Scott, Karen Syrett and Rachel Forkin.

RESOLVED that the West Bergholt Neighbourhood Plan be made (UNANIMOUS).

351 Building Council Houses

It was proposed by Councillor Warnes that:-

“This Council calls upon the Government to significantly enhance the ability of Councils such as Colchester to build more new council homes.

It’s 100 years since the passing of the Addison Act which gave Councils significant new duties and funding to build their own housing. Colchester has, as have many other places in the UK, a housing crisis. We have many residents either facing or experiencing homelessness within our borough, yet we also have a chronic shortage of council housing.

This Council is committed to building new council housing, but we face continuing restraints on our ability to deliver at scale and need Government to make council house building more viable.

We therefore call upon the borough’s MP’s Bernard Jenkin, Priti Patel and Will Quince to find new inspiration through the laudable aims of Christopher Addison that inspired council house building throughout the country and lobby the Ministry of Housing, Communities and Local Government and Her Majesty’s Treasury to:

- end restrictions on the use of the Right to Buy receipts so all the money we raise from council house sales could go back into building replacement homes
- provide clarity over long-term social rent levels so we can continue to prudently borrow in order to deliver at scale a new generation of council housing for working families and those households in greatest need within our borough.”

On being proposed, as the motion related to an executive matter, it stood referred direct to Cabinet.

352 Contingency Plan B for the Local Plan

It was proposed by Councillor Barber that:-

“This Council notes that:

- In a recent planning appeal decision, the inspector concluded that “Colchester Borough Council cannot demonstrate a five-year supply of deliverable housing sites.”
- A lack of five-year supply would put the Council and the Borough at risk of speculative planning applications being permitted at appeal and highlights the importance of having a new, valid Local Plan.

Given that Colchester Borough Council’s 5 year supply is now being challenged, the lack of unanimity on and belief in the suitability of the current proposals in Section 1 of the emerging local plan by council members, it is resolved by this Council that:

- Officers are instructed to develop, with immediate effect, a contingency Plan B to the current proposals in Section 1 of the emerging local plan.
- This Plan B will go through the necessary local plan procedures and, if agreed by the Local Plan Committee and/or Full Council, be submitted to the Planning Inspectorate and the Secretary of State for Housing, Communities and Local Government if the current plans in Section 1 of the emerging Local Plan are found to be unsound. This will ensure communities across the borough are protected from speculative development.
- That a copy of this motion is sent to all three Colchester Borough MPs, the Planning Inspectorate and the Secretary of State for Housing, Communities and Local Government by signature of the Leader of the Council.”

Councillor Cory moved a main amendment as follows:-

That the motion on a Contingency Plan B for the Local Plan be approved and adopted subject to the following amendments:

- In paragraph 1 the deletion of the word “the” and its replacement with the word “an”;
- In paragraph 3 the deletion of the words “is now being challenged” and their replacement with the words “has been questioned”;
- The deletion of paragraph 4 and the addition of the following two paragraphs after paragraph 3:-

- Officers should continue to offer every support to the Planning Inspector in his review of the Local Plan as recently endorsed by the Council's Local Plan Committee.

- Officers are instructed to develop a contingency Plan B to the current proposals in Section 1 of the emerging Local Plan, for submission to the Local Plan Committee within one month of the completion of the Section 1 public hearing.

- The deletion of paragraph 6.

Councillor Barber indicated that the main amendment was accepted, and the motion was deemed amended accordingly.

In the course of the debate Councillor Ellis moved a secondary amendment that an additional paragraph be added to the end of motion as follows:-

"That Braintree District Council and Tendring District Council as the two authorities who share a common section 1 with Colchester Borough Council be informed of this decision."

Council indicated that it was content to accept the secondary amendment and the motion was deemed amended accordingly. The amended wording of the motion was as follows:-

This Council notes that:

- In a recent planning appeal decision, an inspector concluded that "Colchester Borough Council cannot demonstrate a five-year supply of deliverable housing sites."

- A lack of five-year supply would put the Council and the Borough at risk of speculative planning applications being permitted at appeal and highlights the importance of having a new, valid Local Plan.

Given that Colchester Borough Council's 5 year supply has been questioned, the lack of unanimity on and belief in the suitability of the current proposals in Section 1 of the emerging Local Plan by council members, it is resolved by this Council that:

- Officers should continue to offer every support to the Planning Inspector in his review of the Local Plan as recently endorsed by the Council's Local Plan Committee.

- Officers are instructed to develop a contingency Plan B to the current proposals in Section 1 of the emerging Local Plan, for submission to the Local Plan Committee within one month of the completion of the Section 1 public hearing.

- This Plan B will go through the necessary local plan procedures and, if agreed by the Local Plan Committee and/or Full Council, be submitted to the Planning Inspectorate and the Secretary of State for Housing, Communities and Local Government if the current plans in Section 1 of the emerging Local Plan are found

to be unsound. This will ensure communities across the borough are protected from speculative development.

- That Braintree District Council and Tendring District Council as the two authorities who share a common section 1 with Colchester Borough Council be informed of this decision

On being put to the vote, the motion was approved and adopted (MAJORITY voted FOR).

353 Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10

Questioner	Subject	Response
Pre-notified questions		
Councillor Dundas	<p>In our recent survey in Stanway which thus far has had approaching 1000 responses with more still arriving daily around 85% of respondents when asked whether they felt they had been properly consulted on the Local Plan and Garden Community proposals replied "Not at all" or "0" on a Scale of 1 to 10. Only around 5% replied that they felt they had been fully consulted.</p> <p>Furthermore, an online residents' survey on recollection of having received the "Local Plan" information leaflet elicited over 200 responses in 24 hours from people who said they had never seen it. Of the few who did recall</p>	<p>Councillor J. Young, Portfolio Holder for Culture and Performance, explained that the Council had sent out over 80,000 leaflets, largely by post. It was also available online. It had been supported by a communications campaign in local press and social media. The Council had received over 1000 comments from over 800 responses to the leaflet. These had been sent to the Inspector. Where there was evidence that delivery rates had been poor, they had been redelivered. Research by the delivery company had demonstrated a good recall rate amongst residents.</p>

	<p>receiving it some said they'd received two copies and others had received it in a bundle of takeaway menus.</p> <p>Is the Portfolio Holder concerned that these figures are so poor, particularly when community engagement was a stated requirement by the Planning Inspector and what measure do they propose to take to improve them?</p>	
Oral questions		
Councillor Luxford Vaughan	<p>Why were the NEGC public engagements sessions not held in the local areas affected, and why were local Councillors and campaign groups not invited to attend? Were such events premature and a waste of taxpayers' money in advance of the Inspectors report?</p>	<p>Councillor King, Portfolio Holder for Business and Resources, explained that he had written to Cllr Luxford Vaughan on these issues. NEGC had been given a direction by the four Councils to continue with engagement work. There had been some criticism that there was insufficient information available about the Garden Communities project and this engagement would help address that. He would continue to liaise with NEGC Ltd and would stress the need to include community groups and those who were opposed to the scheme in these events. There had been</p>

		some confusion over the invitations in that some Councillors had been invited as members of community groups. NEGC and Council officers were working hard to ensure deep and effective community engagement.
Councillor Harris	Would the Portfolio Holder for Communities, Wellbeing and Public Safety, write to Paxman Academy to welcome them and to wish them well in supporting the local community.	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety indicated that he would.
Councillor Barber	Following a recent e-mail exchange on the provision of air quality monitoring equipment for Aldham, would the Portfolio Holder for Waste, Environment and Transportation look at the budget for the provision of air quality monitoring equipment to ensure it was provided holistically across the borough.	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation explained that the equipment Councillor Barber had requested would be obtained and that the administration would continue to roll out air quality monitoring equipment where it was needed. Councillor King, Portfolio Holder for Business and Resources, explained that that the administration was continuing to look for resources to help deal with issues that would help address the climate emergency
Councillor Barber	Could the Portfolio Holder for Communities, Wellbeing and Public Safety provide	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public

	<p>an update on the provision of play equipment across the borough and the Play Provision project, Could he confirm that all play equipment would be above the standard that required to comply with the Equalities Act, so it catered for children with disabilities.</p>	<p>Safety, indicated that a written response would be sent.</p>
<p>Councillor Scordis</p>	<p>Could the Portfolio Holder for Waste, Environment and Transportation provide an update on issue of algae on the River Colne.</p>	<p>Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained he had spoken to the Environment Agency about issues relating to the River Colne. They had confirmed that they had a duty to act and received funding to deal with issues of flood risk and to deal with threats to wildlife. It had suffered funding cuts in recent years. The current conditions of the river were partly caused by the fact there had been drought conditions for the last 18 months and it was anticipated that the river would start to improve naturally as rainfall increased and as there was less sunlight. The Council had approached contractors who worked for the Environment Agency, and a local firm who were working on an innovative solution, for an estimate of the costs involved in</p>

		improvement works should this become necessary.
Councillor Crow	Could the Portfolio Holder for Waste, Environment and Transportation confirm who was responsible for removing algae from the River Colne?	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that the Environment Agency would remove algae where it was a danger to wildlife or where it was a flood risk. The Council could remove it in other circumstances, but it would have to fund this itself.

354 **Schedule of Portfolio Holder decisions**

RESOLVED that the Schedule of Portfolio Holder decisions covering the period 2 July 2019 - 30 September 2019 be noted.

Extract from the minutes of the Cabinet meeting on 4 September 2019

Councillor King (in respect of his position as a Director of North Essex Garden Communities Ltd) and Councillor J. Young (in respect of her position as an alternate director of North Essex Garden Communities Ltd and a member of Essex County Council) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

377. North Essex Garden Communities Ltd – Approval of 2019/20 Interim Business Plan and Budget

The Strategic Director of Policy and Place submitted a report a copy of which had been circulated to each Member together with draft minute 228 of the Scrutiny Panel meeting of 29 August 2019.

Councillor Davies, Chairman of the Scrutiny Panel, attended and with the consent of the Chairman addressed the Cabinet. The Scrutiny Panel had scrutinised the interim North Essex Garden Communities Ltd (NEGC) business plan and budget at its meeting on 29 August. The meeting had been very positive and there had been cross party agreement on the recommendations to Cabinet. Further context was provided about the recommendations, in particular recommendation (a) which was essentially looking for further evidence of deliverability before Full Council was asked to commit the £350,000 to NEGC Ltd.

Councillor King, Portfolio Holder Business and Communities, was invited to respond to the Scrutiny Panel's recommendations. In respect of recommendation (a) the Cabinet would do all it could to provide further evidence and was committed to working in a spirit of transparency. In respect of recommendation (b), the focus was very much on evidence gathering and communications in response to the Inspector's request, in order to ensure a successful outcome. However, the Cabinet would look to undertake some contingency planning in case the Planning Inspector concluded that Section 1 of the Emerging Local plan was not sound. On recommendation (c), the selection of the delivery model was a matter for the four authorities rather than for NEGC Ltd. Discussions on this were in the early stages and would take some time to resolve. Detailed information could not be provided until these discussions were complete, but Cabinet would look to see if there was information that could be usefully shared now. Full details would be provided when this was available. An assurance was given that the Cabinet was committed to openness and members would be kept abreast of issues on Garden Communities generally, and that quarterly briefings were being considered.

Councillor Dundas attended and with the consent of the Chairman, addressed the Cabinet. He thanked Councillor King and Councillor J. Young for improving the flow

of information. However concerns about the Business Plan remained. The 2019/20 Business Plan had effectively already been implemented and Cabinet should be looking at a forward looking business plan for 2020/2021. There was insufficient information in the Business Plan: for example there were no management accounts. There not enough evidence on which investment decisions could be based. There remained a significant risk that the Council could lose any funding invested and it was noted there was no contingency plan. In view of its low overheads, NEGC Ltd would not collapse if no further funding was invested.

Councillor J, Maclean attended and with the consent of the Chairman, addressed the Cabinet. There was nothing to show for the funding invested so far in NEGC Ltd, and the funding could have been used more effectively on other priorities. There needed to be a better understanding of where the Garden Communities project was going and how public money would be used before further funding was made available.

Councillor Harris attended and with the consent of the Chairman addressed the Cabinet to stress the importance of Garden Communities in providing housing for future generations in well built, well defined communities supported by the necessary infrastructure.

Councillor King responded to members comments and introduced the report. The Business Plan made it clear that the funding was used to maintain a key team of officers to develop and deliver the Garden Communities project. Continuity and momentum were key and there would be little point in stalling or stopping the project now. The potential benefits were very large, for a relatively small investment. Garden Communities would provide housing (including affordable housing), employment, infrastructure, open space and good transport links. The Councils would be able to control the nature of the development and provide ongoing stewardship. The proposals in the report had been subject to rigorous analysis and had been approved by the Section 151 Officer and Monitoring Officer from each authority. Councillor J. Young, Portfolio Holder for Culture and Performance, and Councillor Cory, Leader of the Council and Portfolio Holder for Strategy also expressed their support for the proposals.

RESOLVED that:-

- (a) The 2019/20 Interim Business Plan and Budget (subject to confirmation of government funding) for NEGC Ltd as attached at Appendix A be approved.
- (b) The Section 151 Officers be authorised to agree any future allocation of the project funds held by Colchester Borough Council between NEGC Ltd and the North Essex Authorities;
- (c) It be noted that a report will be considered at a future Cabinet meeting in respect of funding requirements and financing options for 2020/21 and 2021/22.
- (d) Recommendations (a) and (b) contained in minute 228 of the Scrutiny Panel meeting of 29 August 2019 be accepted, and recommendation (c) be accepted

subject to it being amended so that clear details about the preferred delivery model be provided by the four local authorities as soon as practicable.

RECOMMENDED TO FULL COUNCIL that it approves committing £350,000 already reserved in the 2019/20 Budget and the associated delegations to enable phased drawdowns upon a formal request by way of a NEGC Board resolution in accordance with the agreed milestones.

REASONS

To seek Cabinet's ongoing support, working together with Braintree and Tendring District Councils, Colchester Borough Council and Essex County Council, to progress the concept of 'garden communities' and to approve the Interim Business Plan for 2019/20 for NEGC Ltd and specific governance arrangements for the project.

ALTERNATIVE OPTIONS

No further options are being presented within the context of the report, as the alternative decision would be not to approve the 2019/20 Interim Business Plan and Budget.

Extract from the draft minutes of the Cabinet meeting of 20 November 2019

398. Local Council Tax Support Scheme 2020-2021

The Assistant Director, Customer, submitted a report a copy of which had been circulated to each Member.

Councillor King, Portfolio Holder for Business and Resources, explained that 9000 residents benefited from the Local Council Tax Support Scheme. The scheme provided help and stability to vulnerable residents. This support to vulnerable residents was also reflected by the excellent service provided by the Council's award winning benefit team who had a record of paying benefits quickly.

Councillor King also expressed the Cabinet's thanks to Councillors Gerard and Beverley Oxford for the leadership they had provided on such issues in their role as Portfolio Holder for Customers.

RESOLVED that:-

(a) The current working age entitlement be maintained for the financial year effective 1 April 2020 to maximise ongoing support for residents. The only changes from the current scheme are the prescribed regulation changes, mandated national legislative uprating, and to disregard Windrush Compensation payments from any relevant calculation.

(b) Continued consideration be given to progress of Universal Credit, its impact on Local Council Tax Support and banded income schemes, and other alternatives.

(c) *RECOMMENDED to COUNCIL* that the Local Council Tax Support Scheme 2020-2021 be approved and adopted.

REASONS

Legislation requires that the scheme, effective from 1 April 2020, be agreed by March 2020.

ALTERNATIVE OPTIONS

Changes could be made to the scheme. However, stability to the scheme is being recommended due to the introduction of Universal Credit. This will provide residents with some consistency within the context of a fundamental change to other forms of benefit and support.

The Local Council Tax Support Scheme 2020-21 can be viewed on the Council's website following the pathway www.colchester.gov.uk / Our Council / Councillors and Meetings / Agendas and Minutes / Council / 5 December 2019 and scrolling to the bottom of the page, or by clicking the link below:-

[Local Council Tax Support Scheme 2020 -21](#)

Extract from the draft minutes of the Cabinet meeting of 20 November 2019

399. Officer Pay Policy Statement 2020/21

The Assistant Director, Policy and Corporate, submitted a report a copy of which had been circulated to each Member.

Councillor King, Portfolio Holder for Business and Resources, explained that the Council had a legal duty to publish an officer pay policy statement on an annual basis. This was part of its commitment to transparency. This demonstrated the Council's good practice in respect of pay and benefits. In particular the Council had paid the Living Wage as set by the Living wage Foundation since 2013, and required contracted staff and suppliers working on Council business to be paid the Living Wage.

RECOMMENDED TO COUNCIL that the Officer Pay Policy Statement 2020-21 be approved and adopted.

REASONS

The Localism Act requires “authorities to prepare, approve and publish pay policy statements articulating their policies towards a range of issues relating to the pay of its workforce, which must be approved by full Council annually. An authority’s pay policy statement must be approved by a resolution of that authority before it comes into force”.

ALTERNATIVE OPTIONS

The only alternative would be to not recommend the approval of the Pay Policy Statement, but that would be contrary to the requirements of the Localism Act.

Extract from the draft minutes of the Cabinet meeting of 20 November 2019

401. Colchester's Homelessness and Rough Sleeping Strategy (2020 - 2025)

The Assistant Director, Policy and Corporate, submitted a report a copy of which had been circulated to each Member.

Councillor Fox, Portfolio Holder for Housing, introduced the Homelessness and Rough Sleeping Strategy 2020-2025. This was built on the existing strategy, but also took account of the additional duties placed on the Council by the Homelessness Reduction Act 2017. The Strategy had been developed in conjunction with partners and key stakeholders. The four key aims of the Strategy were:-

- Increasing access to accommodation and providing settled homes.
- Helping people to sustain their accommodation.
- Improving the health and wellbeing of people that experience homelessness.
- Improving communication and challenging the perception and culture of homelessness.

To address homelessness and rough sleeping the Council was committed to building Council housing, but despite the council's best efforts homelessness was rising. The Council had worked with Colchester Borough Homes to secure over £600,000 of funding to reduce rough sleeping and it had appointed a Rough Sleeping Co-ordinator and Outreach workers. As a result the Council was making progress in tackling rough sleeping.

Councillor Fox thanked officers and partners for their work in bringing forward this significant piece of work.

Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety paid tribute to the work of Colchester Borough Homes Outreach workers for their valuable work in tackling rough sleeping.

RESOLVED that the new Homelessness and Rough Sleeping Strategy for Colchester for 2020 to 2025 be approved.

RECOMMENDED to COUNCIL that the Homelessness and Rough Sleeping Strategy be adopted as part of the Council's Policy Framework.

REASONS

The Council has a statutory responsibility to produce and publish a Homelessness Strategy based on a homelessness review every five years.

The new Homelessness and Rough Sleeping Strategy for Colchester takes account of national guidance and local priorities arising from the homelessness review and consultation responses. A corporate commitment to preventing homelessness is fundamental to achieving the main objectives of the Strategy.

ALTERNATIVE OPTIONS

To not adopt the Homelessness and Rough Sleeping Strategy. However, it is a legal requirement to have a Homelessness Strategy and no alternatives exist to a review of homelessness and the development of a new strategy and delivery plan. The Council would not be fulfilling its legal duty if it did not produce a strategy.

Extract from the draft minutes of the Cabinet meeting of 20 November 2019

406. Appointment of the Deputy Mayor 2020-21

Consideration was given to the nomination for the appointment of the Deputy Mayor for the Borough of Colchester for the 2020-21 Municipal Year.

Councillor Barber proposed Councillor Robert Davidson for appointment as Deputy Mayor for the Borough of Colchester for the 2020-21 Municipal Year. He had served on Council since his election in 1998 and his collaborative approach to leadership would make him an ideal Mayor.

Councillor Cory, Leader of the Council and Portfolio for Strategy, and Councillor J. Young, Deputy Leader of the Council and Portfolio Holder for Culture and Performance, expressed their support for the nomination.

RECOMMENDED TO COUNCIL that Councillor Robert Davidson be nominated for appointment as Deputy Mayor for the Borough of Colchester for the 2020-21 Municipal Year.

5 December 2019

Report of	Assistant Director of Policy and Corporate	Author	Bethany Jones
Title	Adoption of the Eight Ash Green Neighbourhood Plan		282541
Wards affected	Eight Ash Green		

1. Executive Summary

- 1.1 The Eight Ash Green Neighbourhood Plan has successfully completed the process of examination and approval at referendum and has now come before the Council to be made (adopted) as part of the Colchester Local Plan.

2. Recommended Decision

- 2.1 The Council is asked to make (adopt) the Eight Ash Green Neighbourhood Plan following its approval at referendum.

3. Reason for Recommended Decision

- 3.1 To ensure the Council's planning policies provide a robust basis for decisions on future planning applications in the Borough.
- 3.2 The latest version of Planning Practice Guidance provides that if the majority of those who vote in a referendum are in favour of the Neighbourhood Plan then the Neighbourhood Plan must be 'made' by the Local Planning Authority within 8 weeks of the referendum.

4. Alternative Options

- 4.1 The alternative would be not to adopt the Neighbourhood Plan. This alternative, however, would be contrary to the positive approach to Neighbourhood Plans found in the National Planning Policy Framework (Paras 29-30) and Planning Practice Guidance.

5. Background Information

- 5.1 In June 2015, Colchester Borough Council designated the Eight Ash Green Neighbourhood Plan Area for the purpose of preparing a Neighbourhood Plan (in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012). The plan area includes the whole of the parish of Eight Ash Green.
- 5.2 The Eight Ash Green Neighbourhood Plan Group carried out extensive consultation to support the development of the Neighbourhood Plan. The Group spoke to as many individuals, local groups and businesses as possible throughout the process. There was ongoing engagement with the community, to share and disseminate information and to seek input. The following key and statutory consultation activities were carried out at strategic points in the process:
- Questionnaire to each household in the Parish;
 - Focus Group Meetings and Open Village Meetings;
 - Various communication via newsletters, flyers, newspaper articles and Annual Public Meetings;
 - Regulation 14 consultation (a statutory consultation stage required by the Neighbourhood Planning Regulations);
 - Regulation 16 consultation (a statutory consultation stage required by the Neighbourhood Planning Regulations).
- 5.3 The Plan allocates one single site for residential development providing for a total of 150 dwellings. It contains 23 planning policies that cover a wide range of issues under the following themes: Village Settlement Boundary, Fiddlers Field Development, Future Domestic Housing, Environment, Heritage, Natural Resources - Renewable Energy, Local Businesses, Community Amenities and Habitat Regulations Assessment.
- 5.4 Colchester Borough Council appointed an independent examiner, Mr Jeremy Edge BSc (Hons) MRTPI FRICS, to examine the Eight Ash Green Neighbourhood Plan and to prepare a report of the examination. The Examiner's report, which was issued on 20 September 2019, concluded that subject to modifications recommended by the examiner being made, the Eight Ash Green Neighbourhood Plan met the Basic Conditions set out in legislation and should proceed to a referendum. The examiner recommended that the Referendum Area should extend to those persons entitled to vote who are resident in the Designated Plan Area.
- 5.6 The Referendum on the Eight Ash Green Neighbourhood Plan was held on 7 November 2019 with the following results: 401 in favour of the plan and 47 against, or 89% in favour. The turnout was 33%.
- 5.7 A Neighbourhood Plan comes into force as part of the Statutory Development Plan once it has been approved at referendum. If the majority of those who vote in a referendum are in favour of the draft Neighbourhood Plan, then the Neighbourhood Plan must be made by the Local Planning Authority within 8 weeks of the referendum.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on this link:
<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf>
- 6.2 There are no particular Human Rights implications.

7. Strategic Plan References

- 7.1 The Eight Ash Green Neighbourhood Plan contributes to the Council's Strategic Plan (2018-21) themes of Growth (ensuring all residents benefit from the growth of the borough), Responsibility (encouraging everyone to do their bit to making our borough even better) and Opportunity (promoting and improving Colchester and its environment). Neighbourhood planning contributes positively to the priority of promoting responsible citizenship by encouraging residents to get involved in their communities and to identify solutions to local issues.

8. Consultation

- 8.1 The preparation of the Eight Ash Green Neighbourhood Plan was underpinned by extensive public consultation. The consultation process was documented in a Consultation Statement submitted along with the Neighbourhood Plan document as part of the examination process.

9. Publicity Considerations

- 9.1 Both Eight Ash Green Parish Council and Colchester Borough Council have publicised the Neighbourhood Plan on their respective websites.
- 9.2 On adoption, the Neighbourhood Plan will be made available on the Colchester Borough Council and Eight Ash Green Parish Council websites, and stakeholders will be notified, in accordance with Section 20 of the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012.

10. Financial implications

- 10.1 Colchester Borough Council is financially responsible for organising the examination and referendum for Neighbourhood Plans in their areas. The Council however, can reclaim £20,000 from the Ministry of Housing, Communities and Local Government for all Neighbourhood Plans once a date is set for a referendum following a successful examination. These payments are made by Central Government to Local Authorities to reflect the additional financial burdens associated with supporting Parish Councils or Neighbourhood Plan Forums to prepare Neighbourhood Plans. The grant will cover the cost of the examination and referendum.

11. Health, Wellbeing and Community Safety Implications

- 11.1 None identified.

12. Health and Safety Implications

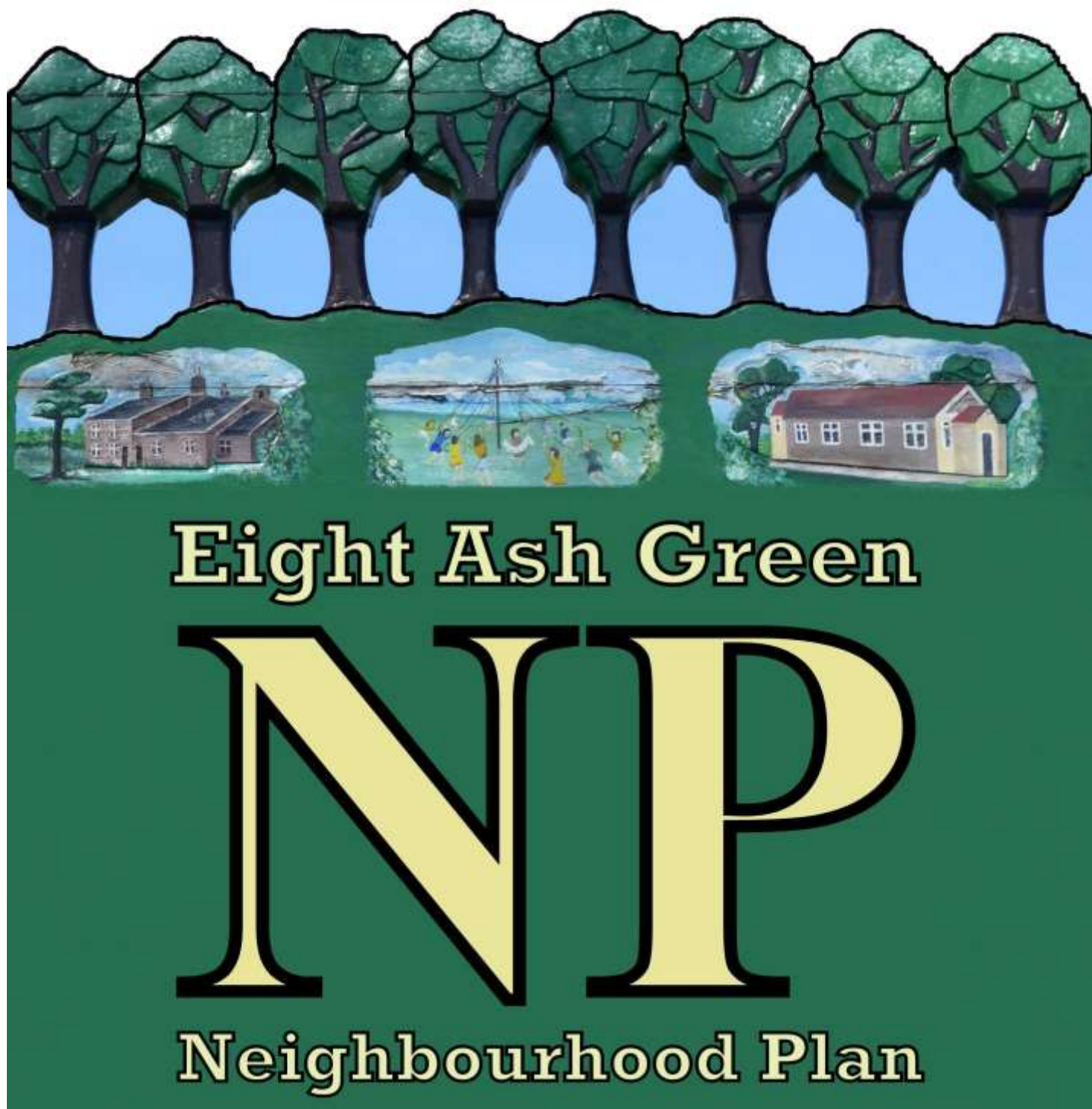
- 12.1 None identified.

13. Risk Management Implications

- 13.1 The adoption of the Eight Ash Green Neighbourhood Plan will help ensure that the Council's planning policies are robust and up-to-date and help to reduce the risk of inappropriate development being permitted.

Appendix

Eight Ash Green Neighbourhood Plan



The Vision for Eight Ash Green is that it should remain a small village located in a rural setting, mainly consisting of residential dwellings interspersed with open farmland but also containing some small business premises. Eight Ash Green should continue to enjoy wide open spaces within the village with uninterrupted views of the countryside. It should remain clearly separated from other nearby villages - it is not and should not become a suburb of either Stanway, Colchester or the proposed West Tey Garden Community/New Town.

Eight Ash Green Neighbourhood Plan 2017 – 2033
Date: November 2019

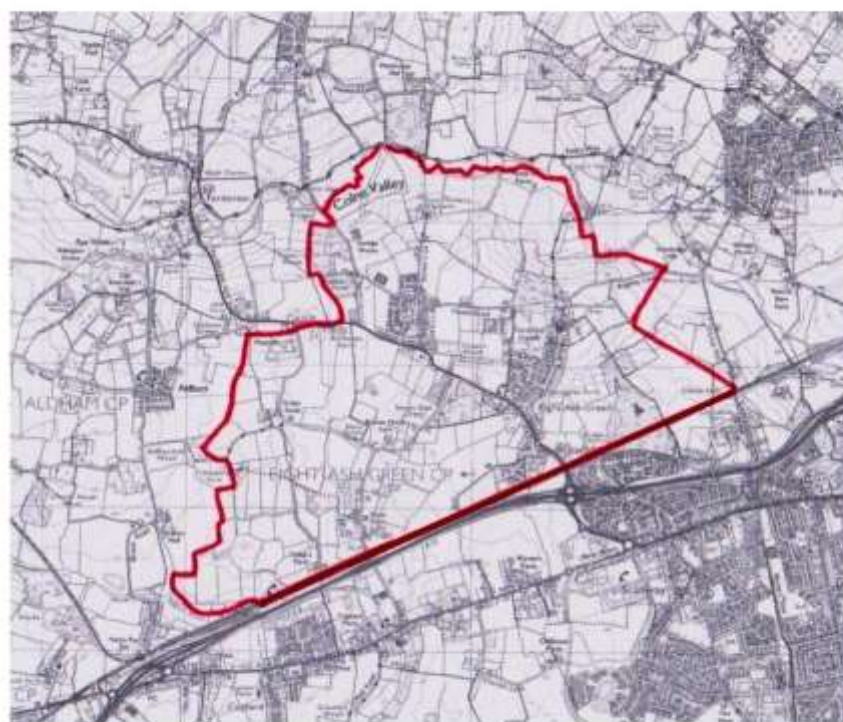
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Foreword

1.1 Following over three years of work by the Neighbourhood Plan Group, this document represents the Neighbourhood Plan for Eight Ash Green in respect of the period 2017 – 2033. It covers the area within our parish boundary including the distinct communities of Eight Ash Green, Fordham Heath, Daisy Green, Lexden Heath and Seven Star Green. – see below. Colchester Borough Council approved this designation in June 2015.

Map of the Eight Ash Green 'Neighbourhood Area'



1.2 In developing the Plan, wide ranging and continuous consultation has taken place both informally and formally to include the Parish Council, the villagers of the Parish, landowners/agents and business owners working in close liaison with Colchester Borough Council. Advice has also been sought from Colchester Borough Council; the Rural Community Council for Essex and a very experienced town planner who has examined some 50 neighbourhood plans and Health Checks for Neighbourhood Plan groups. Full details are set out in the Consultation Statement available at www.eightashgreen.net

1.3 The outcome from the six week (42 days) consultation of v26 of the Neighbourhood Plan (12th February 00.00 – 25th March 2018 24.00), undertaken under Regulation 14 of the Neighbourhood Plan Regulations 2012, showed over 90 per cent of the villagers fully supported the Plan and its contents, with 633 hits on the website, 177 hits on the comments form and 70 comments form completed. Detailed comments and observations from this exercise can be found in the Consultation Statement and have been incorporated in the Plan where appropriate.

1.4 The very strong measure of support from the village not only for the Plan itself but also the Objectives and Policies, reflects the extensive consultation process undertaken, as reflected in Section 7 below.

Eight Ash Green Neighbourhood Plan Group

Authorised by the Eight Ash Green Parish Council to prepare this Neighbourhood Plan

November 2019



Lower Fordham Heath

Introduction

2.1A Neighbourhood Plan sets out a vision for an area and the planning policies for the use and development of land. It forms part of the statutory planning framework. The policies and proposals contained within it will be used as a basis for the determination of planning applications. The Plan must be in conformity with the Government's National Planning Policy Framework and must satisfy the Basic Conditions which are:

- The policies, having regard to national policies and advice contained in guidance issued by the Secretary of State, are appropriate to make the Neighbourhood Plan.
- The plan contributes towards the achievement of sustainable development.
- The policies are in general conformity with the strategic policies in the Development Plan prepared by the Local Planning Authority.
- The Plan is compatible with and otherwise does not breach EU obligations.
- The making of the neighbourhood plan is not likely to have significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats) Regulations 2007) (either alone or in combination with other plans or projects).

2.2 The Neighbourhood Plan has been prepared with regard to the 2012 National Planning Policy Framework¹ as well as guidance set out in the National Planning Practice Guidance. The policies in the Neighbourhood Plan are in general conformity with the strategic policies in the adopted development plan which consists of the Core Strategy adopted in 2008 and amended in 2014, the Site Allocations Development Plan Document (DPD) adopted in 2010 and the Development Policies DPD adopted in 2010 and amended in 2014. Colchester Borough Council is currently preparing a new Local Plan 2017 - 2033. The general direction and policies of the emerging Local Plan have also been taken into account in preparing this Neighbourhood Plan.

¹ (March 2012) *National Planning Policy Framework*

2.3 In accordance with the notice given by the Eight Ash Green Parish Council to the Local Planning Authority on 15th June 2015, the area contained within the Parish boundary is designated as the formal Neighbourhood Area. The Parish Council is able to confirm that this is the only Neighbourhood Plan for the Parish.

2.4 A Neighbourhood Plan ensures communities play a greater role in determining the future of their area. Once it is adopted following a successful result at a local referendum, it becomes part of the statutory development plan. Together with the Local Plan prepared by Colchester Borough Council, the policies in the Neighbourhood Plan, which relate to the development and use of land, will provide the statutory basis for the determination of planning applications (by Colchester Borough Council) in the Eight Ash Green Neighbourhood Area. Neighbourhood planning policies only affect development that requires a planning application. The Plan cannot therefore include projects that fall outside the remit of planning control. In the course of consulting the residents about the Neighbourhood Plan, a number of other issues arose that could not be included in the Plan as planning policies. These are dealt with in the 'Projects' section (see Annex C) and whilst these cannot be delivered by a Neighbourhood Plan, they are considered by the Parish Council as equally important to pursue.

2.5 In support of the Neighbourhood Plan, there are a number of documents which are available on line at www.eightashgreen.net². They include the Project Plan; the Basic Conditions Statement; the Consultation Statement; the Regulation 14 Process – Consultation – Outcomes document; the Evidence Base; the Village Settlement Boundary; the Site Selection process; and the Neighbourhood Plan Objectives and Policies - Supporting Evidence.

² www.eightashgreen.net

The Parish of Eight Ash Green

Brief History

3.1 The Parish of Eight Ash Green came into existence in 1947 taking land from the surrounding Parishes – 641 acres from Fordham, 844 acres from Copford, 125 acres from Stanway and 4 acres from Aldham. At the time, the population was approximately some 600 and the villagers were mainly involved in agriculture and local trades. There were scattered farms and cottages with two main dwelling areas around Fordham Heath as well as the crossroads by what was the Brick and Tile Public House. The Commons at Seven Star Green and Daisy Green were given to our Parish Council in 1973 by deed of gift by the Lord of the Manor of Copford.

Socio-economic profile

3.2 The current socio economic profile of the village shows:-

- Some 1,730 people live locally made up of 1,070 working age adults (62%); 295 children under age 16 (17%); and 365 people over age 65 (21%) - 2011 census³
- The majority who work are employed at locations outside the village. Agriculture is no longer a principal class of work. (responses to the 2017 questionnaire)⁴
- There are four distinct areas of residential housing:-
 - Spring Lane / Fordham Heath / Heathfields and Searle Way/The Walk and the Rise (medium density);
 - Wood Lane and adjacent cul de sacs (low density);
 - Fiddlers Folly/Porters Lane and Close (high density); &
 - Seven Star Green (low density).
- The 2017 physical survey of the village undertaken by the Neighbourhood Plan Group shows there are some 680 dwellings containing a mixture of housing types comprising:-

³ (2011) *Office for National Statistics Census*

⁴ (2017) *Eight Ash Green Neighbourhood Plan Questionnaire*



- 252 detached houses (37%)
- 129 semi-detached houses (19%)
- 7 semi-detached bungalows (1%)
- 143 terraced houses (21%)
- 122 bungalows (18%)
- 27 flats (4%)

Key facilities and assets

3.3 Within the village is an ancient 36 acre Heath which is both a registered green and has common land status; an open, green landscape both internal and external to the village with several conservation areas; thirteen Grade 2 listed buildings; a public house; a village hall; a church; allotments; a hotel and leisure club; two dental surgeries; a play area for children; eight ponds that support a myriad of wildlife; an Ofsted rated good primary school; and recreation facilities by way of both a cricket and football pitch.

3.4 Assets within 5 kilometres include Colchester town with its multitude of shops and facilities; a good transport infrastructure with links via the A12 and the main London to Norwich rail line at Colchester and local rail services at Marks Tey station; the Stanway shopping and leisure facilities; three GP surgeries including a health centre; and good secondary and further education establishments.

The future

3.5 Following extensive consultations within the village, residents are prepared to accept 150 additional dwellings as outlined in the emerging Local Plan. This represents a twenty-two per cent uplift on the present housing stock but there is no desire to expand any further either in terms of the number of houses or building on any more land in the village during that plan period. That said, the intention is to welcome and integrate the newcomers to the village and way of life.

3.6 The overriding wish of the village is to remain a sustainable, quiet, rural Parish, which overlooks and is part of the beautiful Colne Valley to the north,

and is sited on the edge of, but not part of, Colchester/Stanway or the proposed West Tey Garden Community/ New Town.

Landscape Character of the village

3.7 The Colchester Borough Council Landscape Character Assessment⁵ provides a baseline inventory and description of the Borough's landscape character types and areas. "Character" is defined as a distinct, recognisable and consistent pattern of elements that make each landscape (or townscape) different. Character is influenced by particular combinations of visual, ecological, historical, settlement, built components, and other intangible aspects such as tranquillity and sense of place.

3.8 The need to protect landscape character has been recognised by Essex County Council together with the need to protect the distinctive character of villages and countryside. The unique character of the village has been set out in the Eight Ash Green Village Design Statement of 2013⁶ refreshed by the responses to the questionnaire of spring 2017.

3.9 Regionally, Eight Ash Green is categorised as being in the North Thames Regional Character Area. In terms of the Essex County Character Areas, it is categorised as being in the E2 South Colchester Farmlands Area, nestled right up against the C7 Colne Valley Character Area to the north. See map below. It is described as being a "small linear village settlement" with its "setting providing visual and physical separation from Colchester".



Pond at bottom of Lower Heath

⁵ Chris Blandford Associates (2005) *Colchester Borough Landscape Character Assessment* – for Colchester Borough Council

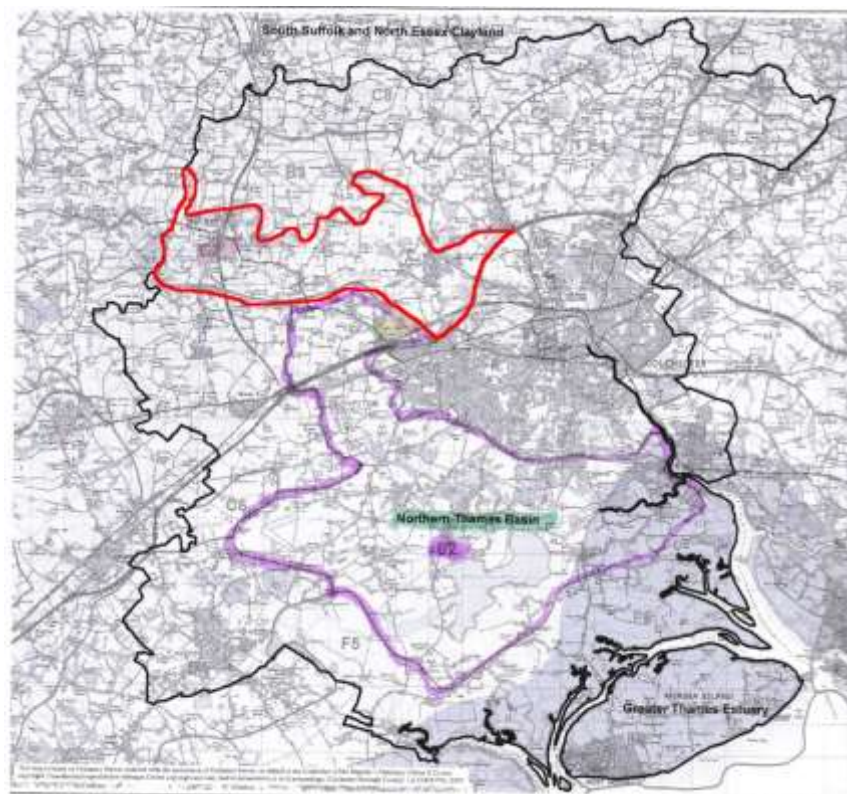
⁶ (July 2013) *Eight Ash Green Village Design Statement*

3.10 The village is based on sediments of sand and gravel as well as clay deposits and comprises a gently undulating broad plateau predominantly used for arable or improved pasture. It interspersed with woodland and natural habitats in an open environment that provides wildlife corridors, combined with an ancient 36 acre heath.

3.11 The community of Eight Ash Green greatly values the benefits of living in a truly rural village where it does not wish to become a suburb of Colchester as part of a creeping urban sprawl. Whilst the landscape does not merit the award of being an Area of Outstanding Natural Beauty, it is characterised by a lovely open feel with many natural features such as the Heath, mature trees and woods, ponds and fields lined with ancient hedgerows, footpaths and bridleways. These distinctive features are much valued by the community.

3.12 The Landscape Character Assessment recommends a landscape strategy that will preserve and enhance the distinctive character of villages and countryside. References to and support for such a strategy, are set out below in the appropriate Objectives and Policies sections.

Landscape Character Area



Colne Valley (Eight Ash Green) █

South Colchester Farmlands █

The key issues for Eight Ash Green and our Vision Statement

4.1 The key issues were identified from extensive meetings with villagers, businesses, landowners and the Parish Council, the responses to the 2017 questionnaire and local knowledge and include:-

- retaining the rural character of the village by protecting the environment – landscape/open spaces, thus helping to support nature conservation
- ensuring there is no coalescence with Stanway and/or Colchester or the proposed West Tey Garden Community/New Town i.e. the prevention of urban sprawl and urbanisation of the village
- providing high quality housing with good design and layout on a site chosen by the villagers.

4.2 These are reflected in the Vision Statement for the village:-

The Vision for Eight Ash Green is that it should remain a small village located in a rural setting, mainly consisting of residential dwellings interspersed with open farmland but also containing some small business premises. Eight Ash Green should continue to enjoy wide open spaces within the village with uninterrupted views of the countryside. It should remain clearly separated from other nearby villages - it is not and should not become a suburb of either Stanway, Colchester or the proposed West Tey Garden Community/New Town.

4.3 Other key issues which are important include:-

- encouraging the domestic use of green energy
- looking after the biodiversity present in the village
- jobs – encouraging local employment/businesses and the best use of land
- having effective and convenient transport links in the village
- valuing the local heritage
- the provision of effective wired broadband.

Background

5.1 In broad terms, what is the Eight Ash Green Neighbourhood Plan seeking to achieve?

- To define a new settlement boundary for the village;
- To set out an overarching Vision for the locality underpinned by a broad set of Objectives and detailed Policies on the development and use of land both for domestic properties and for businesses;
- To identify how and where in Eight Ash Green, growth proposed in the emerging Local Plan for Colchester is to be met; and
- To set out how the residents of Eight Ash Green would like to see their community develop and prosper in a sustainable way over a particular time frame of 2017 to 2033.

5.2 What are the issues the villagers of Eight Ash Green are seeking to address in the Plan?

Fundamentally, there are four issues:-

- First, how to preserve all that is good about living in a small rural village, the latter being an important factor as to why people like living in Eight Ash Green;
- Second, how to play a responsible part in the continuing growth of the Borough of Colchester;
- Third, how to ensure that over the proposed Local Plan period of 2017 to 2033, future development is managed to ensure 150 dwellings are built on a location chosen by the villagers; and
- Fourth, to encourage more small businesses into the village with the aim of expanding the opportunities for local employment.

5.3 How does the Neighbourhood Plan link with the emerging Colchester Borough Council Local Plan?

- Section 3 of the Basic Conditions Statement explains how this Neighbourhood Plan fully conforms to the current Colchester Borough Council's Core Strategy Policies as set out in the 2014 Focussed Review.
- Colchester Borough Council is in the throes of producing a Local Plan that will set out the future development of the Borough over their

plan period of 2017 – 2033 which will include the vision and strategic objectives for Colchester as a whole. As part of this process, it will detail the policies for those areas identified as having the capacity to help deliver the future growth of the population. The Eight Ash Green Neighbourhood Plan will deliver 150 new dwellings, thereby contributing to the Borough's wider housing target of 18,400 new dwellings. The Neighbourhood Plan will also seek to deliver a range of supporting infrastructure needed to ensure that all new growth is as sustainable as possible.

5.4 What does the Publication draft of the proposed Local Plan⁷ for Colchester say about Eight Ash Green?

- Paragraph 6.161 says “A preferred site for development in Eight Ash Green has been identified by the Neighbourhood Plan Group through consultation with the local community”.
- The Local Plan Policy SS5 describes the proposals for Eight Ash Green in which it states that the Neighbourhood Plan will:-
 - Define the extent of a new Settlement Development Boundary for Eight Ash Green
 - Allocate a preferred site(s) for 150 dwellings in Eight Ash Green
 - Set out any associated policies needed to support the site allocation i.e. housing mix, type of new housing and density for each site allocated for housing
 - The Neighbourhood Plan will also set out the policy framework to guide the delivery of any infrastructure/ community facilities required to support the development.

⁷ (May 2017) *The publication Draft stage of the Colchester Borough Council Local Plan 2017 - 2033*

In detail, what does the Neighbourhood Plan do?

6.1 The various elements set out below reflect the strongly held views of the villagers and what they want to see happen in the village. They were obtained by way of village meetings, responses to the 2017 questionnaire, surveys carried out by the Neighbourhood Plan Group and the Regulation 14 consultation exercise.

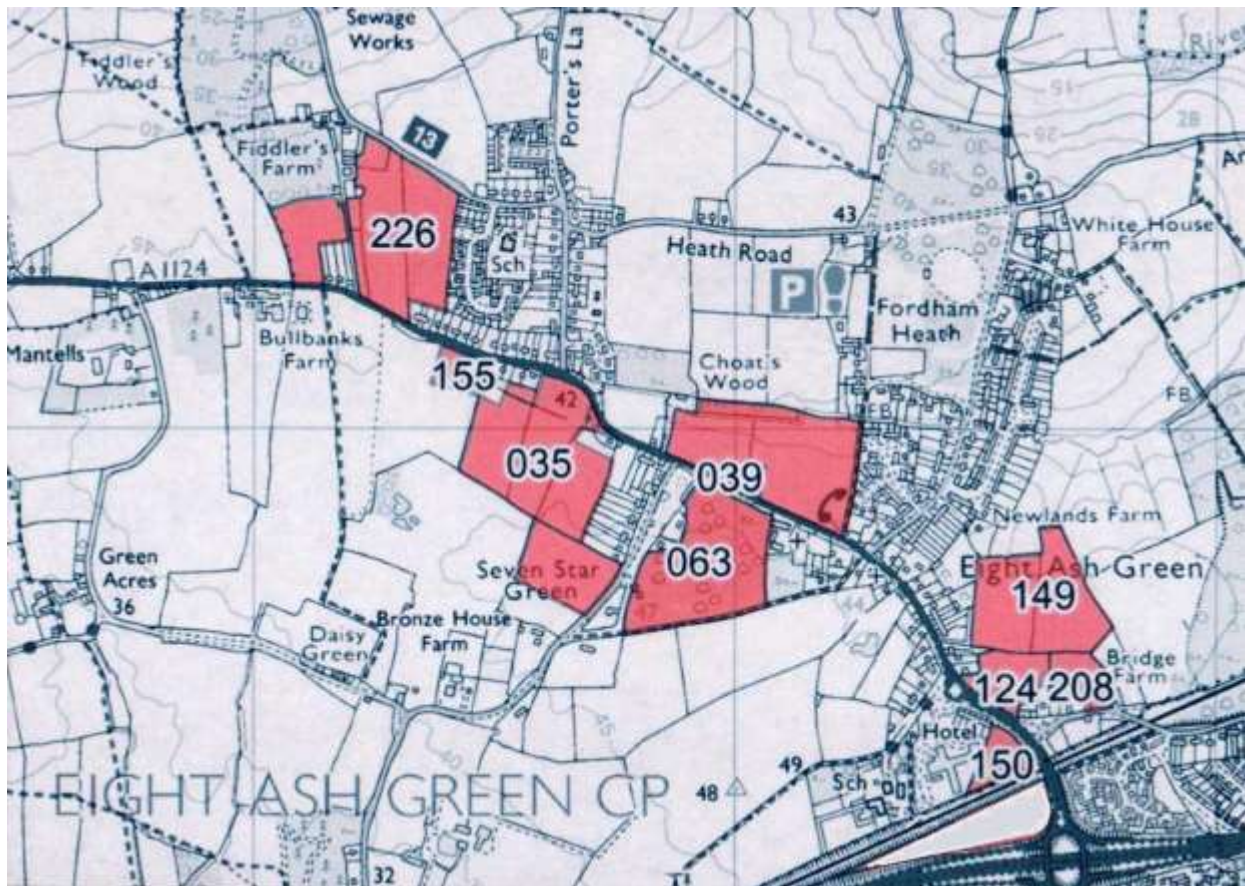
Subject	NP Policy	What does it do?
Housing	FF 2-3 DH1	Provides for an increase and mixture of residential dwellings of no more than 2 storeys high, for first time buyers, downsizers, families and executives by way of a medium density with reference to a percentage of affordable housing
Design	FF 2	Provides for the layout and design to be compatible with the character and context of the village
Environment	FF4	Provides for a new direct access road across Fiddlers Field
	FF 8 DH1	Provides for wiring to be installed to allow for charging of electric vehicles
	FF 8 DH1	Provides for storage of renewable energy
	FF 7, EP5	Provides for mitigation of any potential flooding
	FF 6	Provides for improved landscaping and noise reduction measures
	FF 5	Proposes a new footpath linking the new estate with the local primary school
	EP1	Provides for retention of existing gap between Eight Ash Green and other settlements
	EP2	Provides for protection of green spaces
	EP3	Provides for protection for hedgerows
	EP4	Provides for protection and enhancement of footpaths, cycle and bridleways
	RE 1-2	Provides for efficient use of the Earth's natural resources
	Her1	Provides for any listed building or Heritage Asset to be maintained or where possible enhanced to protect from any future

		development
Business	BP1	Provides for the provision of a Designated Business area
Transport	FF 5	Proposes two new bus stops
Connectivity	FF 8 DH1	Provides for access to the internet
Roads and pavements	FF 4 -5 DH1	Provides for a new access road coupled with an improved pavement along the A1124
Community amenities	FF 9 CS1	Provides for a new play area and recreational routes Designates land for a new village community hub/hall
	Projects	
	Environment Business Infrastructure Roads Education Comms Land Safety Access and Leisure	Support for wildlife Support for the local economy – business Protection for the rural nature of village Promotion of safety for the local primary school Support for the local primary school Provision of superfast broadband Promotion of maintenance of land and parking Promotion for modern street lighting Maintenance of sports pitches; dog poo bins; National Cycle Route No 13 – dedicated cycle network and stands; footpaths and bridleways; the annual Music Festival

Consultation and process

7.1 Development of the Plan throughout its whole process has been based on continuous consultation with a wide variety of different parties with a particular focus on the villagers. Full details are contained in the Consultation Statement but broadly speaking, these were the main steps:-

- Following the decision taken by the Parish Council in February 2015 to produce a Plan, a Neighbourhood Plan Group was formed (see Annex A)
- The Group then undertook a wide programme of work (full details are contained in our Project Plan and Consultation Statement both of which are available on the Neighbourhood Plan website) to:
 - obtain agreement of Colchester Borough Council of the Designated Area for the Neighbourhood Plan (the Parish boundary)
 - obtain the necessary funds at various stages to support the programme of work
 - draw up a list of potential stakeholders
 - undertake a physical housing survey to establish the number, type and location of all the houses currently in the village
 - undertake a physical survey of the nine potential sites put forward as part of the Colchester Borough Council Call for Sites programme (see below) as well as three other possible sites identified by Colchester Borough Council but not put forward by the respective landowners
- meet with and fully consult with all the landowners and/or agents for the 9 Call for Sites localities
 - audit the existing infrastructure in the village
 - create a profile of the area
 - meet with various businesses/owner in the village
 - meet with the local farmers
 - carry out (3) surveys, to include an assessment of all the sites being put forward for development; the number and location of houses in the village; as well as obtaining details of the traffic survey carried out by Essex County Council



MAP OF EIGHT ASH GREEN

showing the nine Call for Sites localities.
(Site 226 now know as “Fiddlers Field”)

- gather the evidence required from local stakeholders e.g. health, education, transport, the church
- consult the villagers as appropriate by way of (3) focus group meetings, (11) open village meetings (e.g. 254/102 villagers attended) as well as (3) home visits and displays at (3) village festivals, all the while keeping them informed of progress e.g. (12) flyers – updates delivered to every household; (11) articles in the village newsletter delivered to every household; and (14) regular updates to the Neighbourhood Plan website
- hold an Annual Public Meeting every year (3) to remind villagers about progress over the previous year; to seek their views and answer questions; and to set out the forthcoming programme of work

- distribute a questionnaire to every household to obtain the views of the villagers on a number of specific points (477 responses received equivalent to a 33 per cent response rate)
- continue close liaison with Colchester Borough Council throughout the whole process (18 meetings)
- establish a good working relationship with the Rural Community Council for Essex (participated in 7 training – network events) to include obtaining their neighbourhood profile of our village
- deliver (29) presentations/updates to the Parish Council to include the submission of 2 papers
- being mentioned (9) times in the local newspaper

The future provision of additional housing in the village

8.1 A number of steps have been taken to validate where the additional housing should be located in support of the emerging Local Plan. Full details are contained in the “Site Selection process” document available on the Neighbourhood Plan website.

Neighbourhood Plan Objectives and Policies

VILLAGE SETTLEMENT BOUNDARY

Objective

To provide for a new Village Settlement Boundary for Eight Ash Green

Policy

VSB 1: The Village Settlement Boundary includes Fiddlers Field (formerly known as Site 226) and excludes land south of Seven Star Green, to the south of the A1124, as shown on the Village Boundary Map. On land outside the Village Settlement Boundary, there will be a general presumption against new development, unless it accords with the special circumstances set out in the Development Plan or the National Planning Policy Framework

Context

Colchester Borough Council undertook a Settlement Boundary Review⁸ as part of the evidence base for the proposed Local Plan 2017 - 2033. The Review makes reference to the development of a Neighbourhood Plan for Eight Ash Green; an appropriate level of growth of around 150 additional dwellings in the village; and site RNW67 – referred later on as Site 226 – now known as Fiddlers Field.

As mentioned in Section 5 above, the draft Local Plan Policy SS5 states the Neighbourhood Plan will “Define the extent of a new Settlement Development Boundary for Eight Ash Green”.

Intent

Although the proposed Local Plan has not yet been adopted, nevertheless, the Eight Ash Green Parish Council has long recognised and accepted that as a result of the exponential growth of the population in Colchester and surrounding localities, it is inevitable that additional housing will be developed

⁸ (July 2016) Colchester Borough Council Local Plan Settlement Boundary Review

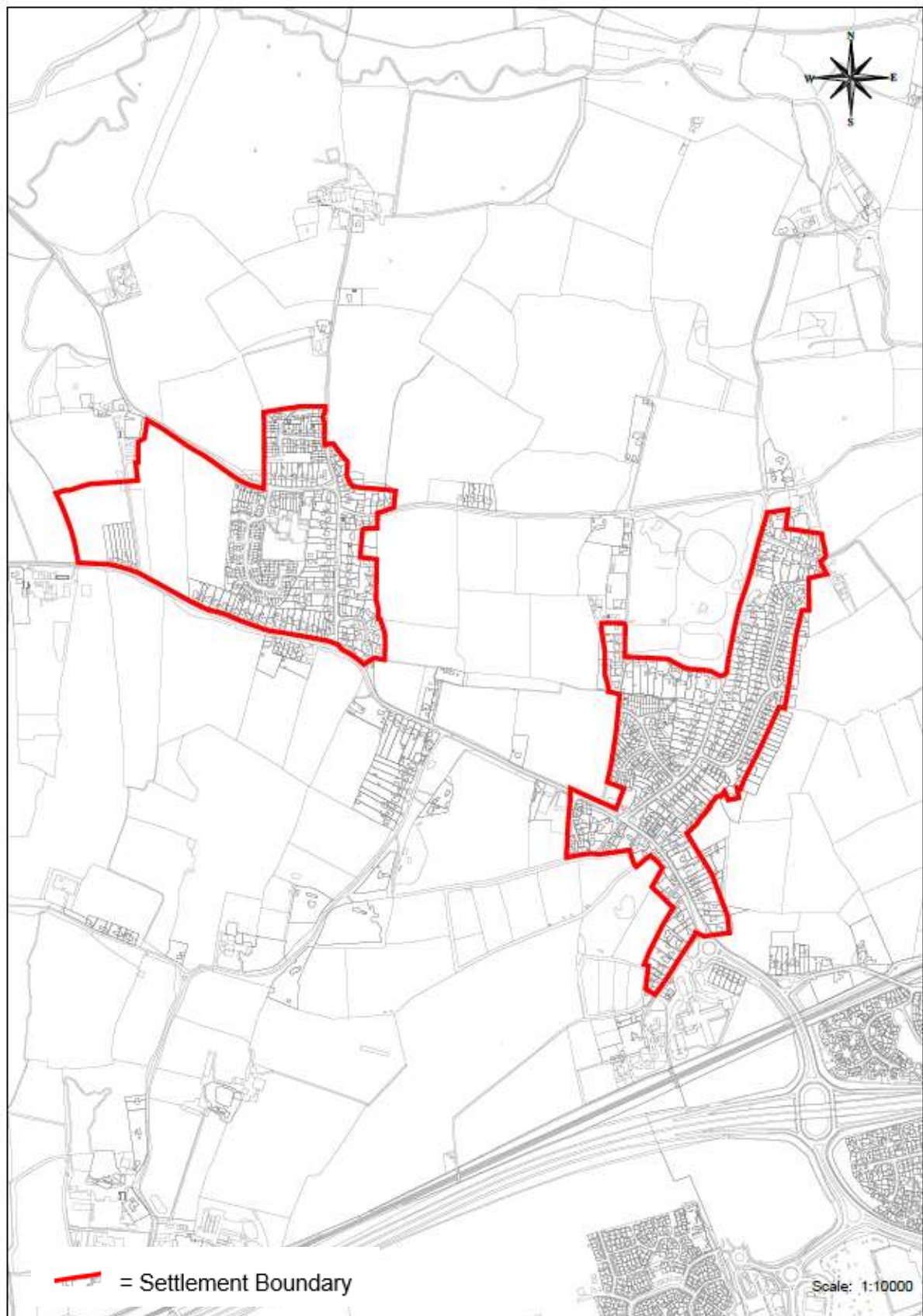
in the village at some stage in the future⁹, irrespective of the outcome of the proposed 2017-2033 Local Plan. As a consequence, the current Settlement Boundary will need to be extended in due course to accommodate further housing. Following consultations with the villagers about their preferred location for any potential future development, the Parish Council subsequently agreed to the extension of the Village Settlement Boundary to include the Fiddlers Field site¹⁰ - see below - therefore providing the opportunity for additional domestic housing to be built, in keeping with the existing dwellings in the village.

Further details can be found in the Village Settlement Boundary document available on the Neighbourhood Plan website.

⁹ (13th January 2016) *Eight Ash Green Parish Council meeting*

¹⁰ (8th February 2017) *Eight Ash Green Parish Council meeting*

Village Settlement Boundary Map



FIDDLERS FIELD DEVELOPMENT (FORMERLY SITE 226)

Objectives

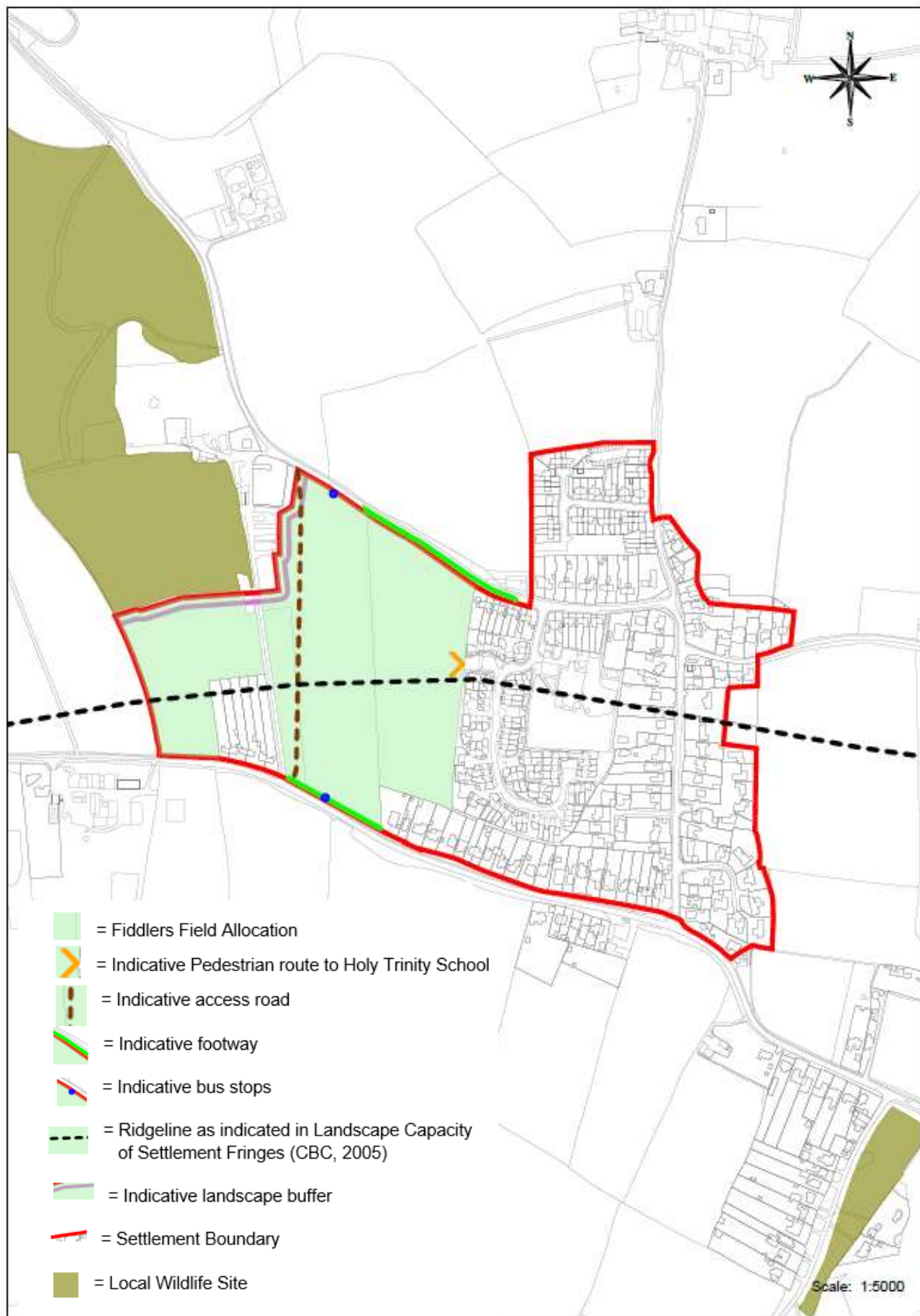
To provide for one new, single Strategic Site for development of 150 domestic dwellings as part of the emerging Colchester Borough Council Local Plan

To provide high quality housing that reflects the existing, distinct open character area of the village and meets the appropriate needs of the community both now and in the future

Policy

FF 1 – To designate Fiddlers Field as a single Strategic Site for the development of 150 dwellings as shown on the Eight Ash Green Neighbourhood Plan Policies Map

Fiddlers Field Policy Map



Policy

Development proposals will be supported where it can be clearly demonstrated by way of relevant plans and supporting documents that they will provide:-

FF 2 – Up to 150 residential dwellings on Fiddlers Field with a layout of medium density and design to be compatible with the character and context of the village

FF 3 – A mix of residential dwellings comprising houses, bungalows and flats of no more than two storeys high which meet the evidenced housing needs of the village offering housing choice across the local housing market, including first time buyers, downsizers, families and executives. Proposals offering to deliver 30% affordable housing in accordance with the expectations of the emerging Local Plan will be supported

FF 4 - A new direct access road built to a standard which can accommodate HGV traffic and to the satisfaction of the local Highways Authority, will be provided directly linking Fiddlers Hill to the A1124 with access to the said road being provided by way of priority junctions

FF 5 – Proposals, including the following transport improvements, prepared in accordance with the Essex Design Guide¹¹ comprising:

- a) a new footway provided along the northern edge of the A1124 to connect the site to the village facilities;**
- b) a pedestrian through route linking to the Holy Trinity School and the Fiddlers Folly development; and**
- c) two new bus stops located on the A1124 within a safe and convenient distance of the site entrance, will be supported**

FF 6 – A suitable landscaping plan which provides screening to the existing businesses on Fiddlers Farm and adjacent houses, to include the Grade 2 listed Fiddlers Farmhouse, all of which border and limit any expansion of the site, to ensure that ambient noise and amenity currently enjoyed at these properties is maintained

¹¹ (2018) *Essex Design Guide, Highways Technical Manual*

FF 7 – A scheme demonstrating that appropriate surface water drainage is provided within the site conforming to the guidance within the Sustainable Drainage Systems Design Guide, published by Essex County Council, April 2016 and any subsequent revisions

FF 8 – Appropriate wiring to be installed within each property to provide for charging for electric cars/vehicles; and ducting for the provision of superfast broadband. Development proposals that demonstrate that the design and layout of dwellings on the site have the potential for the effective installation of sustainable battery pods that stores energy from renewable sources will be supported

FF 9 – a) Financial contributions will be required, as appropriate, from each developer of the Fiddlers Field site, as identified on Fiddlers Field Policy Plan, to mitigate the impact of new development by providing necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposals including:

- * a recreational play area on the site;**
- * provision for open space to meet the recreational needs of the new residents including for dog walking;**
- * a contribution towards the delivery of a new community centre/hub;**
- * a contribution towards the expansion of the local primary school;**
- * a contribution towards the expansion of capacity of Junction 26 of the A12;**
- * safe, direct routes for walking and cycling and appropriate bus services to serve the new communities;**

b) financial contributions will be required, as appropriate, from each developer to fund additional healthcare, education and leisure services justified by reference to the Colchester Local Plan Adopted Focussed Review¹² Core Strategy Policy SD2 – Delivering facilities and infrastructure or subsequent adopted Local Plan policies relating to planning obligations over the life of the Eight Ash Green Neighbourhood Plan

FF 10 – Development proposals will make provision for a sufficient and accessible area of public open space within the Fiddlers Field site for public access, appropriately laid out with facilities for informal recreation and dog walking designed to avoid adversely affecting the Local Wildlife Site. Ownership of the open

¹² (2008) *Colchester Local Plan Adopted Focussed Review of the Core Strategy* and (2010), July 2014 *Development Policies*

space together with an appropriate commuted management and maintenance sum shall be transferred, for that purpose by the developer to the Parish Council or residents' association if established, at the discretion of the Parish Council, on occupation of the 135th dwelling

Context

Eight Ash Green is a small, quiet village with its own distinct open character made up not just of the open views to be found externally to the settlement, but also within the village, both of which reproduces a sense of spaciousness. There is a strong link here with the Landscape Character Assessment referred to in Section 3 above where "Character is influenced byother intangible aspects such as tranquillity and sense of place".

Having accepted that the village is to deliver 150 dwellings in support of the emerging Colchester Borough Council Local Plan, the primary question is where they should be located.

Intent

The intent behind the various elements of the Policy is to ensure they support the Objectives set out above. They do this by clarifying there is to be a single Strategic Site (Fiddlers Field) (FF 1) that is to accommodate the number of dwellings agreed with Colchester Borough Council (FF 2); the layout of the new housing to be in keeping with the character and context of the village (FF 2); the new development to accommodate the different types of housing (FF 3) to include having appropriate landscape measures (FF 6 and 9) that help to reinforce the rural nature of the village e.g. the protected Fiddlers Wood on the North West boundary of Fiddlers Field; and the provision of effective pedestrian and transport links (FF 5).

Supporting Evidence

Supporting Evidence for the Policies FF1-10 can be found in the “Neighbourhood Plan Objectives and Policies – Supporting Evidence” document available on the Neighbourhood Plan website.

FF1 – To designate Fiddlers Field as a single Strategic Site for the development of 150 dwellings as shown on the Eight Ash Green Neighbourhood Plan Policies Map

Rationale

- As fully described in the Site Selection process document, as part of the democratic process, Fiddlers Field has become the Chosen Site by the villagers for future development in the village in support of the emerging Local Plan. The assessment of all the sites put forward for potential development, undertaken by the Neighbourhood Plan Group, fully supports the Fiddlers Field choice.
- Discussions with both the villagers and the Parish Council has shown that there is no appetite for the 150 houses to be built across numerous sites or plots around the village - the strong preference is for them to be built on a new single “strategic” site chosen by the villagers. The present estates are well defined with distinct boundaries and any extension to these could lead to the development of urban sprawl and/or ribbon development difficult to control coupled with additional traffic passing through the already busy estate roads, potentially posing a danger to children and/or elderly residents.

FF 2 – Up to 150 residential dwellings on Fiddlers Field with a layout of medium density and design to be compatible with the character and context of the village

Rationale

- Having an open layout to a development not only encourages wellbeing but also is more in keeping with living in Eight Ash Green which is a rural village with its wide open spaces nestled in the beautiful Essex countryside.

- Medium density housing is more in keeping with the feel of a rural village like Eight Ash Green whereas high density housing is more in keeping with an urban environment. See also paragraph 3.2 above which shows that three out of the four existing settlement areas in Eight Ash Green have medium or low density housing.

FF 3 – A mix of residential dwellings comprising houses, bungalows and flats of no more than two storeys high which meet the evidenced housing needs of the village offering housing choice across the local housing market, including first time buyers, downsizers, families and executives. Proposals offering to deliver 30% affordable housing in accordance with the expectations of the emerging Local Plan will be supported

Rationale

- The provision of a mixture of different types of housing not only contributes to the sustainability of a community providing the opportunity to meet and mix with other family units but it also provides a measure of choice for potential residents. In addition, a mixture will provide housing for first time buyers such as young people who want to get on the housing ladder and for elderly people to downsize and be able to continue to live within the village. Annex B provides an indicative housing mix providing broad ranges of the housing composition expected to be delivered to meet local need and demand at Eight Ash Green.
- Although the adopted Core Strategy expects the delivery of 20% affordable housing for site allocation of the scale anticipated at Fiddlers Field, the adopted Core Strategy policies are out of date in relation to the as yet unadopted Local Plan expectations and related evidence upon which the emerging policies are founded. Furthermore, the applicant for the long-standing planning proposals at Fiddlers Field for a proposal for 150 dwellings on this site, acknowledges and accepts that 30% affordable housing is acceptable together with a tenure mix of affordable rent and shared ownership dwellings as sought by the Borough Council. In relation to the tenure mix of affordable housing and shared ownership dwellings as sought by the Borough Council. In relation to the tenure mix of affordable housing to be delivered at Fiddlers Field, it is reasonable to expect the delivery of 30% affordable housing, (45 dwellings), of which, not less than 80% would be for affordable rent and no more than 20% for shared ownership.

- It is important that the new dwellings to be built on Fiddlers Field do not materially alter the character of the village (see for example details of the physical survey of the village carried out in 2017 as set out in Section 3.2 above) and an indication of both the type/number and style/number of properties that may be built on Site 226, reflecting the views of the villagers are set out in Annex B.
- Eight Ash Green is an open, rural village with plenty of open spaces and views. The construction of either very tall houses and/or high rise flats of more than 2 storeys would not only look odd but would not be in keeping with the current feel and look of the village.
- Another strong link with the Landscape Character Assessment referred to in Section 3 above is relevant here where Character is defined “as a distinct, recognisable and consistent pattern of elements that make each landscape different”. The “consistent pattern of elements” referred to are that in the village, there are no dwellings more than two storeys high.

FF 4 - A new direct access road built to a standard which can accommodate HGV traffic and to the satisfaction of the local Highways Authority, will be provided directly linking Fiddlers Hill to the A1124 with access to the said road being provided by way of priority junctions

Rationale

- The key reasons why the villagers chose Fiddlers Field (in March & April 2016 and January 2017 and the 2017 Annual Public Meeting of the Neighbourhood Plan Group) as their preferred option for future development, were:-
 - the proposed link road directly connecting the A1124 and Fiddlers Hill, thus taking traffic and HGVs in particular, away from the school at Fiddlers Folly and the dangerous bend by Porters Cottages; and
 - the proposed priority junctions by way of mini-roundabouts on the A1124 and Fiddlers Hill which in the case of the former, would have the ability to slow the traffic down – motorists are observed exceeding the 40mph speed limit on the A1124 and also ignoring the 30mph speed limit upon entering the village itself on the edge of Fiddlers Field

FF 5 – Proposals, including the following transport improvements, prepared in accordance with the Essex Design Guide¹³ comprising:

- a) a new footway provided along the northern edge of the A1124 to connect the site to the village facilities;*
- b) a pedestrian through route linking the Holy Trinity School and the Fiddlers Folly development; and*
- c) two new bus stops located on the A1124 within a safe and convenient distance of the site entrance, will be supported*

Rationale

- It is vital that pedestrians, particularly parents with children in prams/buggies, people using wheelchairs and/or the elderly are able to walk safely in the village alongside the road network, in the knowledge that they are doing so on a safe and stable surface, clearly separated from the nearby traffic. The current pavement that sits alongside the very busy A1124 and the Fiddlers Field site is both very low, narrow and is poorly maintained.
- It is anticipated by both the local primary school, and Essex County Council (which is planning for up to 45 new school places) that amongst the new residents of Fiddlers Field, there will be a number of young children who will be attending the local primary school Holy Trinity, located in Fiddlers Folly. At present, a pavement does extend from Fiddlers Folly along Fiddlers Hill but not as far as the anticipated new development which means that without a new pavement, parents and children would have to walk on the road to access the school. A new pedestrian route providing a connection between the existing pavement and the new development would not only mean a safe route for parents and children but also reduce the number of potential car journeys to and from Fiddlers Folly thus helping to reduce emissions.
- As the nearest bus stop to Fiddlers Field is some 200m away along the A1124 and some 80m to the east on Fiddlers Hill, the provision of new bus stops are important not just to encourage greater use of public transport, thus helping to reduce reliance on cars and reduce the carbon footprint, but also for elderly residents who may not either be able to walk 200m or do not have access to a car or no longer wish to drive.

¹³ Essex Design Guide 2018, Highways Technical Manual

- A new bus stop will also provide an improvement to access for services for residents of Fiddlers Folly.
- The A1124 is a very busy road with the need to ensure that the traffic flows freely and is not held up unnecessarily, possibly leading to drivers getting impatient and thereby taking risks and/or speeding to “make up lost time”. The provision of a designated bus stop only lay by will help in this regard.

FF 6 – A suitable landscaping plan which provides screening to the existing businesses on Fiddlers Farm and adjacent houses, to include the Grade 2 listed Fiddlers Farmhouse, all of which border and limit any expansion of the site, to ensure that ambient noise and amenity currently enjoyed at these properties is maintained

Rationale

- Some of the new domestic housing on Fiddlers Field will sit alongside the existing small commercial premises at Fiddlers Farm to the north, so the latter should be screened off from the new development. Such screening may include the planting of native hedgerows and/or trees so as to provide a natural, environmentally friendly buffer zone as well as appropriate aesthetic acoustic barriers.
- Domestic housing on Fiddlers Field will also sit alongside the existing houses located in both Fiddlers Folly (to the east) and Choats Cottages (to the south) so they should be screened off on the field boundary from the new development. Such screening may include the planting of native hedgerows and/or trees so as to provide a natural, environmentally friendly buffer zone.
- The aim is to protect a residential amenity and privacy so as to prevent undesirable overlooking, noise and dust disturbance and to encourage good neighbourliness.

FF 7 – A scheme demonstrating that appropriate surface water drainage is provided within the site conforming to the guidance within the Sustainable Drainage Systems Design Guide, published by Essex County Council¹⁴, April 2016 and any subsequent revisions

¹⁴ www.essex.gov.uk

Rationale

- At present, Fiddlers Field comprises open, uncultivated fields that have never been subject to flooding. However, with the prospect of 150 houses and a road network being built on the site, it will be prudent to ensure an appropriate draining system is incorporated into the development.

FF 8 – Appropriate wiring to be installed within each property to provide for charging for electric cars/vehicles; and ducting for the provision of superfast broadband. Development proposals that demonstrate that the design and layout of dwellings on the site have the potential for the effective installation of sustainable battery pods that stores energy from renewable sources will be supported

Rationale

- The installation of wiring that can lead to the provision of electric charging facilities represents a measure of “future proofing” whereby the Government and the car industry is encouraging/supporting the move toward more electronic/hybrid vehicles. For example, Volvo cars have announced they will only produce partially or fully battery powered vehicles by 2019 and Jaguar/Land Rover have said the same but from 2020 onwards.¹⁵
- There is no additional burden here as the installation of appropriate wiring for the potential provision of external electric charging facilities can be accommodated as part and parcel of the general wiring provision for any new dwelling e.g. for lights, power etc.
- High speed broadband is necessary for domestic properties, both for leisure purposes and to enable people to work from home.
- There is no additional burden here as ducting can be installed as part and parcel of the build of any new dwelling.
- Sustainable battery pods are being developed as a way to store energy for the future and their introduction into domestic housing would be welcomed and supported. Recent studies released during the preparation of the Eight Ash Green Neighbourhood Plan have demonstrated the expected growth in demand for sustainable residential renewable energy and storage systems in the UK. To

¹⁵ (23rd October 2017) *BBC News* and (25th March 2018) *the Sunday Times*

encourage this more sustainable form of development and to allow households to exercise greater choice over future domestic energy supply and storage, development proposals at Fiddlers Field will be expected to demonstrate how site layout, orientation and housing design will facilitate the effective installation of this technology. This may be provided in the Design and Access statement forming part of the planning application, or through a separate energy statement forming part of the planning application.

FF 9 – a) Financial contributions will be required, as appropriate, from each developer of the Fiddlers Field site as identified on Fiddlers Field Policy Plan, to mitigate the impact of the new development by providing necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposals, including:

** a recreational play area on the site;*

**provision for open space to meet the recreational needs of the new residents including for dog walking;*

** a contribution towards the delivery of a new community centre/hub;*

** a contribution towards the expansion of the local primary school;*

**a contribution towards the expansion of capacity of Junction 26 of the A12;*

** safe, direct routes for walking and cycling and appropriate bus services to serve the new communities;*

b) financial contributions will be required, as appropriate, from each developer to fund additional healthcare, education and leisure services justified by reference to the Colchester Local Plan Adopted Focussed Review ¹⁶Core Strategy Policy SD2 – delivering facilities and infrastructure or subsequent adopted Local Plan policies relating to planning obligations over the life of the Eight Ash Green Neighbourhood Plan

Rationale

- Financial contributions from each developer are about providing support for measures that will encourage sustainability and bio-diversity, helping to mitigate the impact of building new homes. One example of this is the need to ensure the residents of the new development on Fiddlers Field

¹⁶ Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010), July 2014

have access to a green open space on the site to include a recreational play area rather than having to access the existing facilities on the Heath which is one kilometre away as the crow flies. The items shown in Policy FF 9 help achieve such goals.

FF 10 – Development proposals will make provision for a sufficient and accessible area of public open space within the Fiddlers Field site for public access, appropriately laid out with facilities for informal recreation and dog walking designed to avoid adversely affecting the Local Wildlife Site. Ownership of the open space together with an appropriate commuted management and maintenance sum shall be transferred, for that purpose by the developer to the Parish Council or residents' association if established, at the discretion of the Parish Council, on occupation of the 135th dwelling

Rationale

- During the preparation of the Strategic Environment Assessment in conjunction with the Appropriate Assessment Report for the Eight Ash Green Neighbourhood Plan compiled in January 2019, it was evident that the allocation of Fiddlers Field for 150 dwellings and subsequent development could give rise to some harmful environment effects caused by increase use of the adjacent wildlife site. To mitigate such potentially harmful effects and in order that housing proposals may be supported, planning applications should make provision of open space to meet the recreational needs of the new residents including for dog walking to ensure that adverse effects including harm to biodiversity on the adjacent wildlife site is avoided.
- On occupation of 90% of the development, the Parish Council will expect that such additional open space would be transferred to the Council for nominal consideration (£1.00), together with a commuted maintenance and management sum to cover these costs for not less than 20 years, including anticipated inflation, in order that the open space is not a burden on the local community over that period. Alternatively, these ownership, maintenance and management responsibilities could be transferred to a Fiddlers Field residents' association, if established by that time, at the discretion of the Parish Council. These arrangements would be included as planning obligations in the s106 Agreement.

FUTURE DOMESTIC HOUSING

Objective

To ensure that any future domestic housing built in Eight Ash Green reflects the existing, distinct open character area of the village, is of high quality and meets the appropriate needs of the community both now and in the future

Context

Whilst the immediate focus for future house building in the village is on the proposed development of 150 dwellings on Fiddlers Field, it is recognised that in the future, other developments may well occur whether they are in respect of a single house, the construction of more than one property and/or rural exception sites.

Intent

The intent behind the Policy set out below is to ensure where applicable, that any future housing is both appropriate to and in scale with the existing settlement.

In terms of the first two bullet points below in Policy DH1 (density, design and mix etc), the bullet points 3 to 5 set out above in Policy FF3 under “Rationale” are particularly relevant here as they clearly both reflect the views of the villagers as well as referring to the existing nature and make-up of the current housing in the village.

In terms of the third and fourth bullet points below in Policy DH1 (wiring, energy storage and broadband connections), all 5 of the bullet points set out above in Policy FF8 under “Rationale” are also relevant here.

Domestic Housing Policy (DH1): Residential development proposals other than at Fiddlers Field, should:

- *Be of a density, design, and layout that respects and responds to the local character of the village and the location/site’s context and not extend more than two storeys above ground level*
- *Provide a mix of dwelling size, type and tenure that reflects the housing*

needs of the Parish as indicated in the Technical Report 2017¹⁷

- *Provide appropriate wiring within each property for charging for electric cars/vehicles and demonstrate that the design and layout of the dwelling(s) on the site has the potential for the effective installation of sustainable battery pods to store energy from renewable resources*
- *Provide suitable connections for the installation of high quality telecommunications infrastructure including ducting for the provision of superfast broadband*

¹⁷ Eight Ash Green Neighbourhood Plan Questionnaire, Technical Report, May 2017
<http://eightashgreen.net/Reg16Docs/EAG%20NP%20Questionnaire%20-%20Technical%20Report.pdf>

ENVIRONMENT

Reference has already been made to the rural nature of the village, (see Sections 3, 4 and 5 above), which is highly valued by the residents. “It is one of the reasons why I came to live in Eight Ash Green” is a common refrain.

There is a sense of spaciousness and calm to be found in the village. The Heath, open fields, network of footpaths, hedgerows, trees and woods, the biodiversity, play and sports facilities, and clean fresh air all contribute to an environment conducive towards a healthy, vibrant community across the whole age range from children, young families to senior citizens.

The green infrastructure also contributes to and helps sustain an abundance of wildlife utilising the numerous green corridors that includes a myriad of birds (sparrows, blackbirds, jays, pigeons, robins, pheasants, owls to name but a few) but also “land based” animals such as squirrels, deer, foxes, badgers for example as well as aquatic wildlife in the ponds located across the village such as ducks, moorhens, dragonflies, the Essex Skipper butterfly, Foesel’s Bush cricket and the Meadow grasshopper.

And finally, Seven Star Green, which is a registered Village Green of medieval legacy, contains some 125 species of wildflower grasses that have been uncultivated for hundreds of years with plants such as the Meadow Foxtail and Soft Rush to be found there.



Seven Star Green

Collectively, these provide the opportunity for a safe habitat for the animal kingdom as well as a tranquil setting and backdrop for the human population to enjoy nature at its best, helping to improve the physical/mental well-being and generally adding to the quality of life.

COALESCENCE

Objective

To maintain the existing gap between Eight Ash Green and Stanway/Colchester and other potential settlements such as the proposed West Tey Garden Community/New Town

Policy

Environment Policy 1 (EP1): Development beyond the settlement boundary of Eight Ash Green as defined on the Village Settlement Boundary Map resulting in coalescence between Eight Ash Green and neighbouring and existing and proposed settlements in adopted plans will not be supported

Rationale

The separation of Eight Ash Green from existing nearby developments/localities is very important to the village which is one of the key issues for the village, as set out in the Vision Statement. The defined settlement boundary is clearly marked out on the Village Settlement Boundary Map.

Context

Eight Ash Green is geographically separated from other nearby settlements both large and small. It is the wish of the villagers to maintain that separation and therefore the distinct identity of living in Eight Ash Green. The Landscape Character Assessment referred to in Section 3 above adds weight where the village is described as being a “small linear settlement” with its “setting providing visual and physical separation from Colchester”.

Intent

The intent behind this Policy is to help maintain a clear separation of Eight Ash Green, both from current and potential future settlements. The Policy EP1 clearly supports the Objective above.

Supporting Evidence

Supporting Evidence for the Policies EP1–5 can be found in the “Neighbourhood Plan Objectives and Policies – Supporting Evidence” document available on the Neighbourhood Plan website.



Aerial view of Eight Ash Green showing the green spaces in and around the village

PROTECTION FOR THE GREEN OPEN SPACES IN THE VILLAGE

Objective

To protect and where possible, enhance green/open spaces and biodiversity in the whole of the village

Policy

Environment Policy 2 (EP 2): The areas of green space indicated on the Eight Ash Green Neighbourhood Area Policies Map are protected from development, including change of use.

Proposals for development will not be supported unless it is demonstrated that:

- the chosen site represents the only available location for the development proposal;*
- the proposal would not result in significant loss of amenity, contribution to biodiversity, recreation or landscape character within Eight Ash Green; and*
- Alternative appropriate provision is provided in a location well related to the functional requirements of the relocated use*

Rationale

- Protection, enhancement and where practical, the “connectivity” of the open aspects, both within and external to the settlement, and the rural nature and feel of the village are important to the villagers. Such a small village is fortunate to have two Registered Village Greens, Protected Lanes, as well as the 10.5 acre Iron Latch nature reserve consisting of a flower-rich meadow and four acres of woodland where nightingales nest. There are five designated wildlife sites in the village – Fordham Heath, Fiddlers Wood, Seven Star Green, Iron Latch and Daisy Green Grove.

Context

Eight Ash Green sits in a truly rural setting surrounded by green, wide open spaces, containing a habitat rich in biodiversity.

Intent

The intent behind this Policy is to provide protection of the open spaces within the neighbourhood area. Development proposals will only be supported where no other locations are available to meet the development need and where such development would not cause significant harm through loss of amenity, biodiversity, recreation or landscape character within Eight Ash Green. To be acceptable, development proposals, will also need to provide appropriate alternative provision to mitigate loss of open space as a consequence of the proposed development.

The intention is not to seek compensatory mitigation which might be considered as inappropriate and unlawful.

PROTECTION FOR HEDGEROWS, TREES AND WOODS

Objective

To protect the existing hedgerows in the whole of the village

Policy

Environment Policy 3 (EP 3): Development proposals in the Neighbourhood Plan Area resulting in the destruction and/or removal of existing hedgerows will only be supported if replaced, on the same site

Rationale

- Protection and enhancement of the open aspect, rural nature and feel of the village is important to and much valued by the villagers. In addition, hedgerows, trees and woods provide a vital habitat and wildlife corridors for a wide variety of species enhancing the biodiversity and ecology of a locality which also helps to reduce carbon dioxide in the atmosphere.
- The village contains a Priority Deciduous Woodland Habitat alongside the south east corner of Choats Wood, a Priority Woodland and Old Orchard Habitat site alongside Blind Lane. The protection of trees and woodland are a material consideration in determining planning applications. In addition, guidance provides for formal protection is available through designation by Tree Preservation Orders and within conservation areas.

Context

The Hedgerow Regulations 1997 make provision for the appropriate protection of important hedgerows in England and Wales. The Landscape Character Assessment referred to in Section 3 above makes reference to the “Character” of a locality by reference to a combination of factors to include its ecological component i.e. the existing hedgerows, trees and woods in the village.

Intent

The intent behind this Policy is to ensure that should any damage be caused to the existing hedgerows in the village as a result of any development, that mitigation measures are put in place to restore what was there before.

FOOTPATHS, CYCLE & BRIDLEWAYS

Objective

To protect the existing footpaths, cycleways and bridleways in the village

Policy

Environment Policy 4 (EP 4): Existing footpaths, cycleways and bridleways shown on the Eight Ash Green Neighbourhood Areas Policies Map provide a high level of amenity value and will be protected. New developments which integrate with the current green infrastructure network improving the connectivity between local wildlife sites and green spaces improving and extending the existing footpath and cycle path network, allowing greater access to housing and retail facilities, green spaces, public open spaces and the countryside will be supported

Rationale

- There are 15 numbered footpaths in the village coupled with other non-numbered paths that provide a good network of walking opportunities coupled with two bridleways all of which are used regularly. They also provide opportunities for social interaction and informal meeting points.
- The Neighbourhood Areas Policies Map shows the existing public footpaths, bridleways and cycleways in the neighbourhood area.

Context

The Parish Paths Partnership working party undertakes a regular programme of maintenance throughout the year to keep the footpaths in good order and to ensure the finger posts and way markers can clearly be seen.

The Neighbourhood Plan Group met with the Essex Bridleway Association on 14th November 2016 to discuss the two, unconnected bridleways in Eight Ash Green. They confirmed that it is possible to divert a bridleway but this would involve a public consultation process.

The Neighbourhood Plan Group met with Sustrans, the national cycling organisation, on 24th January 2017 to discuss potential development of a network of new cycle routes in the village potential linking up with the existing National Cycle Network Route no 13 that runs through the centre of Eight Ash Green.¹⁸ Reference to this may be found in the Access and Leisure Project No 3.

Intent

The intent behind this Policy is to ensure that existing footpaths, cycleways and bridleways are protected. To enhance sustainability, the policy seeks to encourage a modal shift from car to walking and cycling associated with new development proposals by linking publicly accessible green space wherever possible to walking and cycling routes.

¹⁸ (2013) Ordnance Survey OS Explorer Map 184 - Colchester

PREVENTION OF FLOODING

Objective

To take steps to prevent flooding in the village

Policy

Environment Policy 5 (EP 5): Development will be supported where it is shown that drainage strategies for major development within the Plan area accord with the Essex SuDs Guide and will not negatively impact upon the existing network of drainage ditches within the Neighbourhood Area. The protection, extension and enhancement of these facilities are encouraged. Where it is necessary to enable development, any changes to a watercourse may require consent from Essex County Council as the Lead Local Flood Authority (LLFA) for an ordinary watercourse, or the Environment Agency for main rivers. Developers should contact the LLFA or Environment Agency for further advice.

Rationale

- Flooding as a result of new domestic or business developments would not be welcomed in the village.

Context

Apart from a narrow strip of land on the northern edge of the Parish boundary along the River Colne (the Neighbourhood Area), the risk of flooding is low with the village mainly positioned on the high ground having a surface geology consisting mostly of thin layers of sand and gravel. Up to date information/maps can be obtained from the Environment Agency and/or Colchester Borough Council.

However, should the existing ditches become blocked, coupled with heavy downpours of rain, then there is a risk of localised flooding. There are eight ponds in the village that might be able to absorb flood waters should they occur although not all are located near domestic housing.

Intent

The intent behind this Policy is to ensure that any development will not result in any part of the village being flooded. Developers for major development within the Plan area, such as Fiddlers Field, should refer to the Essex SuDs Guide (or future versions) and the recommendation is that they should engage in pre-applications discussions with the LLFA to ensure that any recommendations can be incorporated into site design as early into the planning process as possible.

HERITAGE

Objective

To protect the ancient heritage of our village

Context

Although the Civil Parish of Eight Ash Green as a separate, identifiable community is only some 70 years old, the village settlement pre-dates that, containing some ancient heritage, both man-made and natural.

Intent

Although listed buildings have some protection under primary legislation in the 1990 Planning (Listed Buildings and Conservation Areas) Act and the NPPF we see the provision of such a Policy in the Neighbourhood Plan as sending out a clear signal of the importance attached to the preservation and long term survival of our ancient heritage in its present form. Aside from Listed Buildings, there are also a number of other Heritage Assets within the village which require protection. These include, for example the 36 acre Fordham Heath, the Protected Lanes and the five designated wildlife sites in the village. A list of the 13 Grade 2 listed buildings; a map showing where they are located and a table listing the Assets are set out below.

Policy

Heritage Policy 1 (Her 1):

Any Listed Building or Heritage Asset and their setting within the Neighbourhood Plan Area should be maintained or where possible enhanced to protect from any future development.

Rationale

- The 13 Grade 2 Listed Buildings in Eight Ash Green, the oldest of which dates back to circa 1500, represent a priceless ancient heritage which needs to be preserved and protected.

- Although the village of Eight Ash Green is not an ancient village as a separate entity, nevertheless elements that make up the modern settlement have some very long standing characteristics such as the 13 listed buildings and the Registered Village Greens for example and these help to shape the Landscape Character of our village where “Character is influenced by particular combinations of visual historical and settlement components...”.

A table setting out details of our 13 Listed Buildings

Listed Buildings in EAG

No	Name	Grade	Location	Age	Date Listed	English Heritage Building ID
1	Abbots Hall	2	Abbots Lane	Circa 1500	23/6/1952	417617
2	Bakery Cottage	2	A1124, EAG	17 th C	27/1/1982	417652
3	Brick Stables House	2	Halstead Road	16 th C	27/1/1982	417692
4	Chippetts Farmhouse	2	Chippetts Lane	Late 16 th C	27/1/1982	417644
5	Coach House	2	Turkey Cock Lane	18 th C	27/1/1982	417698
6	Fiddlers Farmhouse	2	Fiddlers Hill	Circa 1900	27/1/1982	417649
7	Green Acres	2	Foxes Lane	16 th C	27/1/1982	417650
8	Kemps Farmhouse	2	Turkey Cock Lane	17 th C	27/1/1982	417696
9	Lampitts Farmhouse	2	Turkey Cock Lane	Circa 1560 & 17 th C	27/1/1982	417697
10	Little Porters	2	Porters Lane	17 th C	27/1/1982	417693
11	Malting House	2	Turkey Cock Lane	18 th C	27/1/1982	417694
12	Mantills Farmhouse	2	Foxes Lane	17 th C	27/1/1982	417651
13	Moat Farmhouse	2	Turkey Cock Lane	Circa 1690	27/1/1982	417695

Further details can be found at

<http://www.britishlistedbuildings.co.uk/england/essex/eight+ash+green>

A map showing the locations of our 13 Listed Buildings



Heritage Assets in Eight Ash Green

Serial	Grouping	Heritage item	Date	Protected status	Location Name and Grid ref
1	The National Heritage List for England	Thirteen Grade 2 listed buildings	Various	Yes	See table and map above
2	NMR Excavation Index	Excavation	1996	No	Choats Wood TL 943258
3	Church Heritage Records	All Saints Church (Church code 608942)	Not stated	No	Beside A1124 TL 941257
4	Colchester Heritage Register (CHR)	Cropmarks	Undated	No	North side of Bullbanks Farm TL 930264
5	CHR	Cropmarks	Undated	No	East of Moat Farm TL 937249
6	CHR	Cropmarks	Undated	No	South East of Bronze House Farm TL 938253
7	CHR	Cropmarks	Undated	No	Newlands Farm TL 947258
8	CHR	Cropmarks	Undated	No	West of Heathside Farm TL 939261
9	CHR	Cropmarks	Undated	No	West of Fordham Heath TL 940266
10	CHR	Cropmarks	Undated	No	South of White House Farm TL 945262
11	CHR	Cropmarks	Undated	No	South of Pooles Farm TL 945270
12	CHR	Cropmarks	Undated	No	North East of Chitts Hill TL 953258
13	CHR	Cropmarks	Undated	No	West of Great Porters Farm TL 932271
14	CHR	Cropmarks	Undated	No	South East of Thurgoods Farm TL 930252 & 928253
15	CHR	Cropmarks	Undated	No	White House Farm TL 949263
16	CHR	Cropmarks	Undated	No	White House Farm TL 947265
17	CHR	Cropmarks	Undated	No	Porters Lane TL 937267

18	CHR	Milestone Inscription reads "IV to Colchester IX to Halstead"	Late c18 – early c19	No	Milestone Farm TL 937259
19	CHR	Pillbox AA type	WW2	No	Porters Farm TL 940271
20	CHR	Pillbox AA type	WW2	No	Porters Farm TL 934272
21	CHR	Pillbox	WW2	No	Porters Farm TL 946273
22	CHR	Pillbox	WW2	No	Porters Farm TL 939273
23	CHR	Pillbox	WW2	No	Porters Farm TL 934274
24	CHR	Pillbox	WW2	No	Porters Farm TL 932273
25	CHR	Pillbox AA type	WW2	No	Argents Lane TL 950266
26	CHR	Pillbox	WW2	No	North West corner of Fiddlers Wood TL 928269
27	CHR	Ammunition shelter	WW2	No	Fiddlers Wood TL 930269
28	CHR	Fordham Heath Registered Village Green VG 187	1391	No	Fordham Heath TL 944264 (The 36 acre Heath, first recorded in 1391 is shown on the 1777 Chapman & Andre Historic Map and the "Epoch and Historic Map 1876-1887")
29	CHR	"Eight Ash Green"	1777	No	East of Spring Lane TL 946257 Ancient green, no longer in existence. Shown on the Chapman & Andre Historic Map
30	CHR	Seven Star Green Registered Village Green VG 188	Medieval "1066 AD to 1539 AD"	No	NE to SW along Turkey Cock Lane TL 936256 VG 188 designation also includes Daisy Green
31	CHR	Axes Neolithic polished axe and other flint axes	Neolithic	No	South of White House Farm TL 949262 Found c 1968 Now in Colchester museum
32	PROW	Footpaths	Undated	No	Details on OS Explorer Map 184 Colchester TL 92 -96 Eastings TL 24 – 28 Northings
33		Bridleways	Undated	Yes	
34	Protected Lanes	Daisy Green Highway	1970's	Yes	TL 9225

35	Wildlife sites	Fiddlers Wood HC1 – Ancient Woodland Site	Undated	Yes	Co43 TL 929267
36	Wildlife sites	Daisy Green Grove HC1 – Ancient Woodland Site	Undated	Yes	Co47 TL 932258
37	Wildlife sites	Seven Star Green HC9 – Lowland Meadows HC13 – Heathland and Acid Grassland		Yes	Co55 TL 939258
38	Wildlife sites	Fordham Heath HC2 – Lowland Mixed Deciduous Woodland on non ancient sites HC9 – Lowland Meadows HC13 – Heathland and Acid Grassland SC1 – Vascular Plants		Yes	Co60 TL 945264
39	Wildlife sites	Iron Latch Lane HC2 – Lowland Mixed Deciduous Woodland on non ancient sites HC3 – Other Priority Habitat Woodland Types on non ancient sites HC9 – Lowland Meadows HC11 – Other Neutral Grasslands	Undated	Yes	Co68 TL 956260
40	Ponds	Fordham Heath	Undated	No	TL 944264
41	Ponds	Lower Heath	Undated	No	TL 945268
42	Ponds	Seven Star Green	Undated	No	TL 939258
43	Ponds	Daisy Green	Undated	No	TL 933258

NATURAL RESOURCES – RENEWABLE ENERGY

Objective

To encourage and support the effective and efficient use of the Earth's natural resources and promote energy efficiency in Eight Ash Green

Context

At a time when there are continual reminders and/or warnings of the effects of climate change and the need to harness the earth's natural resources, it seems only right that there should be a level of support and encouragement where possible at the local level.

Intent

The intent behind these Policies is not only to make it clear where the Neighbourhood Plan supports appropriate provision regarding domestic properties but in respect of possible commercial enterprises, where the geographical boundaries or limitations should apply.

Policy

Renewable Energy 1 - (Homes) (RE 1): Proposals for small-scale renewable energy generation associated within single residential properties will be supported provided it can be shown that they are located and designed in such a manner so as to minimise any increase in ambient noise levels and avoid any unacceptable impacts upon visual amenity

Rationale

- In terms of domestic properties, it is vital to ensure the maximum use is made of the Earth's natural resources as well as harnessing both existing and potential future renewable energy sources, thus helping to reduce reliance on fossil fuels. Existing domestic properties can already install solar panels without planning permission through their permitted development rights.

Policy

Renewable Energy 2 - (Solar Farms) (RE 2): Proposals for commercial solar farms will be supported where they are directed towards low grade agricultural land or brownfield sites and are designed in such a way so as to minimise increases in ambient noise levels and deliver adequate natural screening to avoid impacts upon visual amenity

Rationale

- Currently, there is little appetite in the village for commercial solar panel farms as they would detract from the rural feel and look of the village. However, should such developments be proposed, then they should be located on low grade agricultural land and/or brownfield sites. Appropriate screening should be considered should, for example, any solar farm be located adjacent to any domestic housing.

Supporting Evidence

Supporting Evidence for the Policies RE1–2 can be found in the “Neighbourhood Plan Objectives and Policies – Supporting Evidence” document available on the Neighbourhood Plan website.

LOCAL BUSINESSES

Objective

To support and where appropriate, expand the local businesses to boost the local economy and employment

Context

A Neighbourhood Plan addresses both the development and use of land for domestic housing and also for business use. In keeping with a small, rural village, Eight Ash Green only has a limited amount of land designated or approved for business use and therefore employment opportunities. Currently, there are two main parcels of land for business use in the village, the six acre Moat Farm complex (currently with some twelve small businesses) and Fiddlers Farm (currently with some three small businesses). See map below. There are also a number of other enterprises primarily at the Holiday Inn hotel, a cluster of shops and a garage at Wood Corner, as well as farm shop and garden centre/cafe in Turkey Cock Lane.

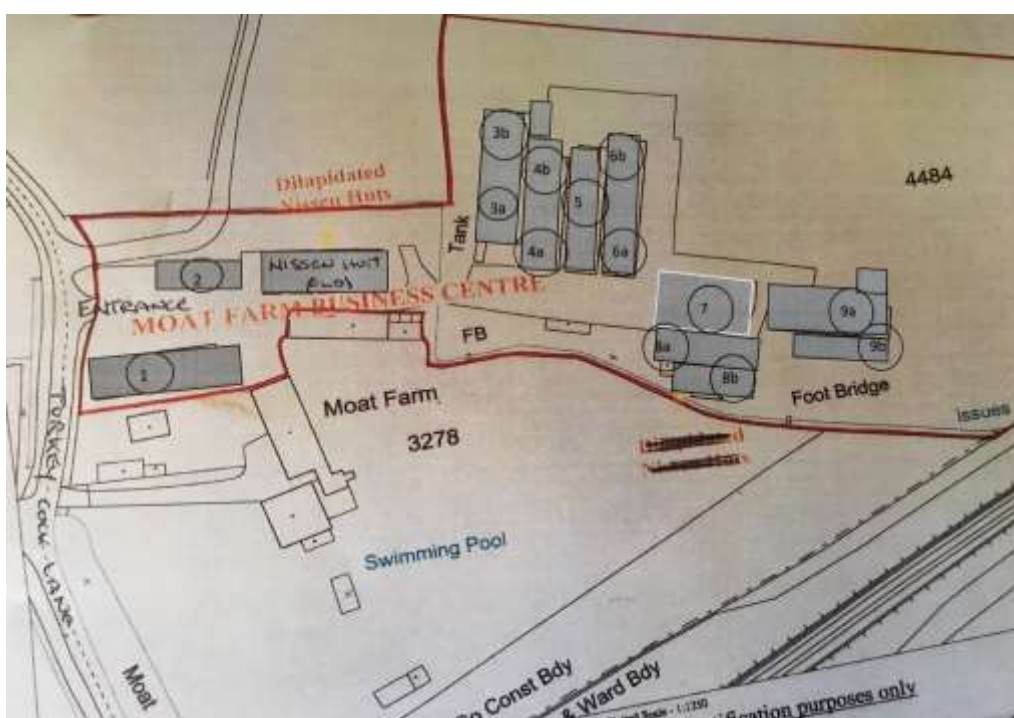
The two Business Areas



Moat Farm

It has emerged from discussions with the land owner at Moat Farm that he is looking to improve and expand the site so as to encourage more small firms to come to the village and thereby helping to create the opportunity for more local employment. The Neighbourhood Plan Group and the Parish Council are keen to support such an approach and therefore intend that the land comprising the Moat Farm complex should become a “Designated Business Area” whereby, in future, if small businesses wish to set up in Eight Ash Green, they will be directed towards that site.

Layout of the Moat Farm business area



Moat Farm has been chosen because it is a good, open site capable of expansion. In addition, the owner is working hard to improve both the layout and the infrastructure and it has good access.

Moat Farm is capable of absorbing some additional small businesses. It is located on the southern boundary of our Neighbourhood Area/Parish Boundary away from what are the more densely populated areas of the village. The site, which has good access for medium size vehicles, (vehicles over four metres in height cannot obtain access from London Road, Stanway) is nestled

in the countryside surrounded by trees and fields and the existing buildings do not detract from the wider ambience of the area. Whilst the Parish Council wants to help encourage more local employment, large commercial enterprises requiring premises of three or more storeys e.g. warehouses, storage, distribution centres or large industrial premises would not be appropriate on this land. The aim is to encourage/bring small, new single or two storey businesses on to the Moat Farm site.

The Neighbourhood Plan Group met with the owner of the Moat Farm business area on 7th August 2017 who confirmed he agrees with the rationale set out above – as owner of the site, he does not wish to see large businesses/commercial concerns on his land.

Intent

The intent behind *Policy BP1* below, which clearly supports the Objective above, is to clarify the expectations for the future businesses in the village, to help boost the local economy by expanding the opportunities for local employment where it is appropriate to do so.

Policy

Businesses Policy 1 (BP 1): Moat Farm (shown on the Eight Ash Green Neighbourhood Area Policies Map) is designated as a business area.

Proposals should demonstrate how likely significant adverse environmental effects of development will be mitigated during construction, subsequent use and estate management, as appropriate. Proposals encouraging more sustainable means of transport will be supported.

Rationale

- In designating the existing employment at Moat Farm as a Business Area in the Eight Ash Green Neighbourhood Plan, the Parish Council supports the retention and proposals for expansion of employment activity on the site in buildings constructed on up to two storeys, within use classes¹⁹

¹⁹ The Town and Country Planning (Use Classes) Order 1987, Statutory Instruments 1987 No 764
See also the amendments to the original order at
<http://www.legislation.gov.uk/changes/affected/uksi/1987/764>

B1, B2 and B8 where it is demonstrated that the rural character of the area will not be significantly harmed.

- The Moat Farm site is the preferred location for small businesses in the neighbourhood area to boost the local economy, encourage local employment and the provision of additional services.
- To mitigate possible adverse environmental impact associated with additional employment development at Moat Farm, as identifies in the Strategic Environmental Assessment, policy precautions were considered necessary to mitigate possible environmental harm.
- To meet this concern and acknowledging that further employment development at Moat Farm will deliver positive economic benefits, development proposals should demonstrate through Design and Access Statements and where appropriate, construction management statements, the measures incorporated to mitigate likely adverse effects.
- Development at Moat Farm, for which the objective is to boost local employment opportunities should encourage cycling as a means of accessing the site as a sustainable choice through design and provision of appropriate facilities.
- Promotion of this site for additional employment development will increase the opportunity for improvements to be realised for on-site infrastructure and provision of acceptable waste is subject to agreement with the County Council as waste authority.
- It is understood that the site has capacity for development of approximately 3,000m² provided in 5 to 6 units of accommodation.



Moat House Farm Business Area

COMMUNITY AMENITIES

Objective

To provide, support, maintain and where appropriate, introduce a range of amenities in the village

Context

Eight Ash Green has a range of good quality community amenities that includes a public house, allotments, two dental surgeries and a hotel with a leisure centre. In addition, there is a designated play area on the Heath, the Heath itself and footpaths for walkers, two bridleways, two sports pitches and National Cycle Route No 13 which runs from NW to SE across the Parish.



Village Pub (The Cricketers)



Eight Ash Green Football Club



Children's Play Area on Fordham Heath



Cricket Pitch and Pavilion on Fordham Heath

Intent

To ensure there is a range of modern community facilities in the village which people can participate in either collectively or individually that will help to reinforce a sense of community.

Policy

Community Site (CS 1): Land on the site of the Church of England Church (as shown on the Eight Ash Green Neighbourhood Area Policies Map) is designated as the site for a new Community Hub/Hall and shall be safeguarded for that purpose. Development proposals which promote alternative uses on the site will not be supported.

Layout of the Church site



Rationale

- The current village hall located in Spring Lane to the East of the village, which was formerly an army hut located in Matching Green, having moved to Eight Ash Green in 1948, is no longer fit for purpose. It is small, it will be at least 70 years old in 2018 and the facilities such as the toilets are in need of updating, hooks are available rather than a proper cloakroom and storage is poor. In addition, the car park only has some ten spaces which means that visitors either have to park on the busy

Spring Lane, thus blocking the views of drivers looking either north or south (the hall is located on a sloping bend in the road) or park in nearby streets.

- The owner of the site of the Church is the Diocese of Chelmsford and the local vicar is supportive of the proposed Policy.
- The proposed site is located in the centre of the village, has good access, there is plenty of land for parking and room to build a new, bigger hub/community hall which will be able to host larger audiences and provide more modern facilities such as film showings, dance hall, indoor badminton court, gymnasium equipment etc.
- The site of the existing village hall, which is on a different locality and at one end of the village, is owned by the Parish Council. Upon the erection of a new hall/hub, it is likely the old village hall will be dismantled and the site used for other purposes that might include a new domestic dwelling.

Supporting evidence

Supporting Evidence for the Policies CA1 and CS1 can be found in the “Neighbourhood Plan Objectives and Policies – Supporting Evidence” document available on the Neighbourhood Plan website.

Habitat Regulations Assessment

- 10.1 Habitat Regulations Assessments have been completed for Colchester Borough Council's Section 1 Local Plan and Section 2 Local Plan. Both of these assessments identified that the in-combination effects of the Section 1 and Section 2 Local Plans (including the cumulative effects of the Section 2 allocations), together with neighbouring local planning authorities Local Plans and neighbourhood plans are likely to adversely affect the integrity of European designated nature conservation sitesⁱ²⁰ ('European Sites').
- 10.2 In view of that Colchester Borough Council is working with ten other Greater Essex local planning authorities, and Natural England, on a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex coast. RAMS is a strategic solution to protect the Essex coast from the recreational pressures of a growing population. A RAMS is usually driven by challenges and opportunities arising from planning issues. RAMS generally applies more broadly than at a single designated European site, provides strategic scale mitigation and enables the development of a generic approach to evidence collection and use.
- 10.3 Financial contributions will be sought for all residential development, which falls within the zones of influence, towards a package of measures to avoid and mitigate likely significant adverse effects in accordance with policy SP2b of the Shared Strategic Section 1 Plan and policy ENV1 (Environment) of the Section 2 Colchester Borough Local Plan. This includes development allocated in Neighbourhood Plans within Colchester Borough. Details of the zones of influence and the necessary measures will be included in the Essex Coast RAMS Supplementary Planning Document (SPD).
- 10.4 In the interim period, before the Essex Coast RAMS is completed, proposals within the zones of influence for recreational disturbance to European sites will need to carry out a project level Habitat Regulations Assessment and implement bespoke mitigation measures to ensure that in-combination recreational disturbance effects are avoided and/or mitigated.

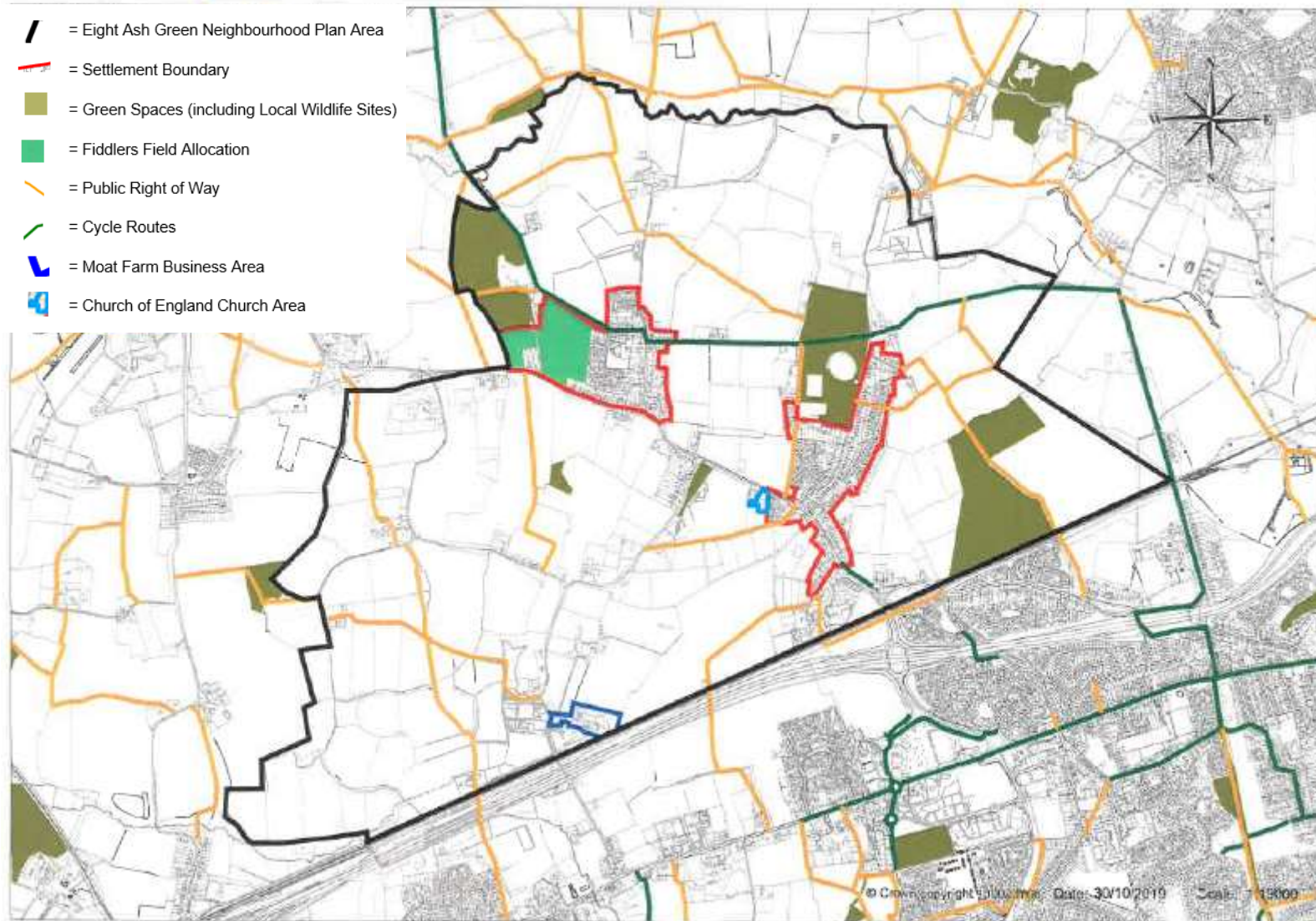
²⁰ Colne Estuary Special Protection Area and Ramsar, Blackwater Estuary Special Protection Area and Ramsar and Essex Estuaries Special Area of Conservation

Recreational disturbance Avoidance and Mitigation Policy

RAMS 1 - All residential development within the zones of influence of European Sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex coast RAMS, to avoid adverse in-combination recreational disturbance effects on European Sites.

In the interim period, before the Essex Coast RAMS is completed, all residential development within the zones of influence will need to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.

Eight Ash Green Neighbourhood Area Policies Map



Supporting documents

11.1 In support of this Neighbourhood Plan, there are a number of documents available at www.eightashgreen.net :-

- A Project Plan
- A Basis Conditions Statement
- A Consultation Statement
- An Evidence base
- Village Settlement Boundary
- Site Selection process
- Assessment of sites put forward in Eight Ash Green
- The Neighbourhood Plan Objectives and Policies Supporting Evidence
- Regulation 14 – Process – Consultation - Outcomes
- The March 2017 questionnaire and Technical report setting out the results
- The Village Design Statement of 2013

Annex A: Members of the Neighbourhood Plan Group and acknowledgements

Annex B: The type/number and style/number of properties that may be built on Fiddlers Field

Annex C: Projects

Key milestones, next steps and monitoring

KEY MILESTONES

12.1 Full details are contained in the Project Plan available on the website but the key milestones have been:

- Agreement by the Parish Council to develop a Neighbourhood Plan in February 2015
- The formation of a Neighbourhood Plan Group in March 2015
- Informing the village of the proposal to develop a Neighbourhood Plan in April 2015
- Designation of the Neighbourhood Area by Colchester Borough Council in June 2015
- Setting up the Neighbourhood Plan website in June 2015
- Obtain the neighbourhood profile of the village from the Rural Community Council for Essex in July 2015
- Meeting with relevant stakeholders 2015 – 2018
- Distribution of questionnaire to villagers in March 2017
- Undertaking the Regulation 14 consultation – February to March 2018

MONITORING

13.1 It is anticipated the Parish Council will monitor this Plan on a regular basis taking into account any new national guidance and developments undertaken or introduced by Colchester Borough Council. This will take place annually as part of the preparations for the Annual Public meeting of the Parish Council.

Annex A

Members of the Neighbourhood Plan Group and acknowledgements

Members

- Leon Coombs (Chairman) [ex 8th February 2017]
- Alistair McGarry (Chairman) – from 29th March 2017
- John Allcock (Vice Chair)
- Steve Brown (Secretary)
- Adam Hildred (Member) – from 29th November 2016 to 21st June 2017
- Lewis Hopkins (Analyst) – from 29th June 2015
- Jenny Jones (Treasurer)
- Jason Nottage (Member) - from 27th May 2015 to 8th August 2018
- Dennis Willetts (Adviser)

Acknowledgements

- The villagers of Eight Ash Green
- Colchester Borough Council
 - Daniel Cameron
 - Bethany Jones
 - Beverley McClean
 - Marie Rutherford
 - Sandra Scott
- Rural Community Council for Essex
 - Michelle Gardner
 - Sarah Sapsford
 - Jan Stobart
- Ann Skippers (Ann Skippers Planning)
- Jeremy Edge (Examiner)

Annex B

Illustrative Housing Mix

1. Type and number of properties

	Range	Number of Properties
First Time Buyers & downsizers (1-2 Beds)	37-45%	61
Family Homes (2-4 Beds)	39-47%	65
Larger Family Homes (5+ beds)	14-18%	24
TOTAL		150

2. Style and number of properties

	Range	Number of Properties
Houses	65-75%	105
Bungalows	22-30%	39
Flats	3-5%	6
TOTAL		150

3. High degree of support (90%) for some 'adapted' properties for independent living

	Range	Number of Properties
Adapted Properties	8-12%	15

4. In addition, there is a requirement for 'affordable housing'

Proposed housing budget at Fiddlers Field of 150 new dwellings	Rate %	Number of Properties
Policy compliant affordable housing	30%	45
Target Affordable Housing Tenure		
<i>Affordable rent</i>	>=80%	>=36
<i>Shared ownership</i>	<= 20%	<= 9

Notes:

1. If a higher number of one type and/or style of property is chosen in respect of any of the three elements in either sections 1 and 2, then it needs to correspond with an equivalent lower amount in any of the other two elements so as to keep within the total of 150 properties.
2. The indicative figures in sections 3 and 4 are to be included within the overall total of 150 properties i.e. they are NOT in addition.
3. Section 4 to include the target Affordable Tenure agreed with the applicant at Fiddlers Field on 19th May 2019.

Annex C

Projects

14.1 The Neighbourhood Plan Group has identified a number of projects the village wishes to pursue/see adopted. The projects listed below are matters that are outside the scope of the statutory neighbourhood plan i.e. they fall outside the remit of the planning system. Taken in conjunction with the various Objectives and Policies that form part of the Neighbourhood Plan, they provide a package of measures the villagers wish to see implemented.

The natural environment

14.2 Protection and enhancement of the open aspect, rural nature and feel of the village is important. The Parish Council owns and maintains the Heath, the “Jewel in the Crown” of the village. Project 1 below garnered 100 per cent support at the village open meeting of 6th May 2017.

Environment Project 1: Support and encouragement is to be provided to farmers and other land-owners who wish to introduce new and/or maintain current natural habitats for wildlife

Environment Project 2: To retain and protect the five designated wildlife sites in the village, ensuring they are well maintained and kept in good condition

Economy – Business

14.3 Although the installation of charging points for electric vehicles is a widespread permitted development, Business Project 1 below sends a clear signal of support for such an expansion thus helping to reduce the carbon footprint in the village.

Business Project 1: To support the introduction of charging points for electric cars and commercial vehicles on both the Moat Farm and Fiddlers Farm business areas

14.4 Separate to the two business areas in the village (Moat and Fiddlers Farms), there are a number of small retail outlets that includes the cluster of shops and a garage at Wood Corner, as well as farm shop and garden centre/cafe in Turkey Cock Lane. Project 2 below garnered some 88 per cent support at the village open meeting of 6th May 2017.

Business Project 2: To support the various small retail businesses located in the village by encouraging local people to use these facilities where practicable, thus helping to contribute towards the sustainability of the village

Infrastructure

14.5 The village, which contains the very busy A1124, is only some 5 km from the very large town of Colchester. Nevertheless, Eight Ash Green is a rural village much valued by all who live here. In addition, there are some truly rural parts of the village and these include Foxes Lane (which is a Protected Lane) and Daisy Green for example. Seven Star Green is a registered Village Green of medieval legacy and Abbots Lane has the historical feature of its pond which provides a safe habitat for wildlife. The desire to maintain the rurality of these locations remains strong with no wish to “urbanise” any of these locations. The Project below garnered support in the 90s in percentage terms at the village open meeting of 6th May 2017.

Infrastructure Project: To continue to retain and protect the unique rural nature of the village and in particular Foxes Lane; Daisy Green; Seven Star Green; Turkey Cock Lane; and Abbots Lane by not introducing any form of “urban” infrastructure such as road widening, street lights, yellow lines or pavements

Road safety

14.6 Anti-social parking in Abbots Lane can prevent, or make difficult, access to Doucecroft School which is located at the far south eastern end of the narrow Lane. Design Guideline no 67 of the Village Design Statement of 2013 provides the basis of Project 1 below.

Road safety Project 1: To ensure that parking in Abbotts Lane does not obstruct access to the school by the emergency services, by way of the introduction of appropriate traffic orders

14.7 Due to the substantial number of HGV vehicles using the unclassified road between Fordham Heath and Fordham in the vicinity of the Holy Trinity School and Fiddlers Folly, traffic calming measures would help to ensure the possibility of an incident is reduced. Design Guideline no 68 of our Village Design Statement of 2013 provides the basis of Project 2 below.

Road safety Project 2: To ensure safe and appropriate access to the Holy Trinity School by the installation of traffic calming measures such as chicanes on both sides of the local road and its junction with Fiddlers Folly

Education

14.8 A good primary school education provides the foundation for pupils as they progress through the education system and any appropriate development on the school land/premises that supports this, is to be encouraged and supported. The Project below garnered some 98 per cent support at the village open meeting of 6th May 2017.

Education Project: To encourage and support the effective and optimum use of the land at the school with the aim of maintaining and where appropriate, enhancing the education provided to the pupils

Communications

14.9 High speed broadband is the lifeblood of business and is highly desirable for domestic properties, not only for leisure purposes but also to enable people to work effectively from home. The Project below garnered 100 per cent support at the specific Focus Group meeting of 25th February 2017 and in response to question 28 of the March 2017 questionnaire, some 80 per cent of householders said they would wish to change to superfast broadband. Action Plan no 9 of the 2011 Parish Plan concerned “Broadband in the Village” where the expectation was described as follows:-

- An improvement in Broadband speed for the whole village, by the best economical means possible”.

Communications Project: The provision of effective fibre superfast broadband to both the Designated Business Area in the village and the existing houses in Eight Ash Green is to be supported.

Effective use of land

14.10 There are various parcels of land in the village that include areas where people park their cars so as to use the appropriate facility as per below. They should be kept in good order, safe to use and navigate, especially in view of the number of different groups, ages and disabilities of people who regularly use them. These include the Village Hall booked by numerous groups or societies; the Cricketers Public House which is a really key asset, well supported by the villagers (and beyond); the C of E Church especially if this area is to become a “community hub” with the introduction of a new village hall in due course; and the car park along Heath Road to the north of the football pitch.

Land Project: To maintain and where appropriate, to improve both the land itself and the areas for parking at the existing Village Hall on Spring Lane, the Cricketers Public House; the C of E Church; and along Heath Road

Community safety

14.11 To help ensure the safety of both pedestrians and motorists, it is important all the street lights in the village are in good working order and effective use is made of the latest technology. The Project below garnered some 99 per cent support at the village open meeting of 6th May 2017.

Community Safety Project: To work with Essex County Council to ensure the existing street lights are kept in good order and, where necessary, are repaired promptly and to encourage ECC to replace the existing street lights with LED technology. A similar approach should be taken by the Parish Council in respect of the street lights that are the responsibility of the Parish Council

Access and leisure

14.12 If the activities set out below are to be enjoyed, particularly by the participants, then it is vital the land is kept in good condition especially in terms of the playing surface for cricket. As owners of both pitches, the Parish Council fully supports Project 1 below.

Access and Leisure Project 1: To ensure that both the football and cricket pitches are well maintained and are kept in good condition

14.13 To help counter irresponsible dog fouling, having safe and effective dog “poo” bins is essential.

14.14 An article in the village newsletter of November 2015, reminded dog owners of the need to act responsibly and use the dog “poo” bins. The article in the Essex County Standard of Friday 10th February 2017 highlighted how “dirty dog owners” were making residents’ lives a misery around the Holy Trinity School leaving their dogs’ mess on the ground.

Access and Leisure Project 2: To ensure the existing dog “poo” bins are well maintained and are kept in good condition

14.15 If cycling is to be encouraged and supported, it is vital to ensure the National Cycle Network Route 13 route is kept open and as safe as possible. Discussions with Sustrans, the national cycling organisation, emphasised the importance of this Route as a means of access to and from Colchester.

Access and Leisure Project 3: To work with Essex County Council and Colchester Borough Council to ensure that the route of the National Cycle Network Route 13 within the village is well maintained and is kept in good condition

14.16 Again, if cycling is to be encouraged and supported, a dedicated cycle path would be a key component, linking in with the village footpaths. Some 49 per cent of villagers who responded to question 22 of the March 2017

questionnaire said they would be encouraged to make use of a cycle network in the village should one be developed.

Access and Leisure Project 4: Working with Sustrans, to support and encourage the introduction of a dedicated cycle network in the village and where possible, linking this with the footpath network in the village

14.17 The provision of cycle stands located in four frequently used/visited areas covering the breadth of the village, may help encourage the villagers to cycle more often.

Access and Leisure Project 5: The placement of cycle stands at the Holy Trinity school; the car park on the northern edge of the Heath by the play area; the Cricketers PH; and at the southern end of Wood Lane by the post box is to be supported

14.18 So as to ensure both the enjoyment and safety of participants, it is vital that the footpaths and bridleways are kept in good condition. So as to encourage villagers to participate in/adopt a healthy lifestyle, it is important they have a clear and safe access to the countryside via Public Rights of Ways. Members of the village work under the auspices of the Parish Paths Partnership arrangements to clear and maintain the footpaths and bridleways on a regular basis. Design Guideline 18 of our Village Design Statement of 2013 underpins Project 6 below.

11.19 In addition, farmers and other landowners should be encouraged to report any problems in respect of the routes, way markers and finger posts to Essex County Council.

Access and Leisure Project 6: To ensure the footpaths and bridleways are well maintained and are kept in good condition and to encourage and support farmers/landowners to maintain, mark out and where appropriate, improve the Public Rights of Ways and Bridleways on their land

14.20 The annual village music festival is by now an annual tradition enjoyed by many hundreds of people (Eight Ash Green residents and beyond).

Access and Leisure Project 7: To support and encourage the continuation of the annual village music festival on Parish Council land

SUMMARY

The table below summarises the Projects with regard to non-planning issues; the proposed Action(s); the lead organisation; and the Priorities:

Serial	Project	Theme	Action	Lead and <i>partners</i>	Priority
1	Environment 1	Encouragement of natural habitats for wildlife	PC to meet with farmers and landowners	PC in conjunction with <i>farmers and landowners</i>	Long term
2	Environment 2	Retention and protection of the five designated wildlife sites	PC to monitor the status of the sites annually	PC	Long term
3	Business 1	Charging points for electric vehicles	In conjunction with the land owners, PC to survey businesses	PC with <i>land owners</i>	Long term
4	Business 2	Support for small businesses	Adverts – flyers printed and distributed by business owners Articles (i.e. not just adverts) in the village newsletters “Sponsorship” for NPG flyers	PC <i>working with businesses</i>	On-going

5	Infrastructure	Protection of rural areas	PC to monitor any potential developments very closely	PC	On-going
6	Road safety 1	Parking in Abbots Lane	PC to survey households in Abbots Lane to ascertain the extent of any problems (if any)	PC with <i>households and ECC</i>	Low
7	Road safety 2	Traffic calming near the school	PC to survey/ask parents and the Head of the Holy Trinity School about the extent of any problems	PC with <i>households and Head of school</i>	Medium
8	Education	Effective use of school land	To approach the PC about any desirable proposals and/or developments	School Head	On-going
9	Comms	Provision of superfast fibre broadband	PC to survey businesses about their current speeds and requirements	PC with <i>appropriate suppliers</i>	High
10	Use of land	Enhancement of parking areas	Landowners to monitor use of land and to record any adverse comments	Landowners <i>working with PC where appropriate</i>	On-going

11	Community safety	Improvement to street lights	PC to check on standard and type of street lights	PC with ECC	Long term
12	Access and Leisure 1	Maintenance of the football and cricket pitches		PC with sports clubs	On-going
13	Access and Leisure 2	Maintenance of the dog poo bins	PC to monitor bins on a regular basis	PC	On-going
14	Access and Leisure 3	Maintenance of National Cycle Network Route 13	PC to monitor on a regular basis	PC with ECC and CBC	On-going
15	Access and Leisure 4	To consider establishing a dedicated cycle network in the village	PC to consider a feasibility study in conjunction with Sustrans	PC with Sustrans	Medium
16	Access and Leisure 5	New cycle stands	PC to survey residents to establish a need	PC	High
17	Access and Leisure 6	Maintenance of footpaths and bridleways	PC to establish a working group of interested parties	PC in conjunction with farmers and landowners	On-going
18	Access and Leisure 7	Annual music festival	PC to support the Festival Committee	Festival Committee with PC	On-going

Record of Decisions taken under Scheme of Delegation to Cabinet Members
1 October 2019 – 26 November 2019

Portfolio – Business and Resources					
Date	Number	Report Title	Author	Decision	Result
5 November 2019	RES-008-19	Changes to the CBC Senior Management Team	Dan Gascoyne	To create an additional post of Assistant Director for Client Relationships and Place. To amend the Job Accountability Statement for the Assistant Director, Policy and Corporate to become Assistant Director for Corporate Services and Improvement.	Decision agreed 12 November 2019

Portfolio – Culture and Performance					
Date	Number	Report Title	Author	Decision	Result
None in this period					

Portfolio – Commercial Services					
Date	Number	Report Title	Author	Decision	Result
None in this period					

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
1 October 2019 – 26 November 2019**

Portfolio – Customers					
Date	Number	Report Title	Author	Decision	Result
None in this period					

Portfolio – Housing					
Date	Number	Report Title	Author	Decision	Result
17 September 2019	HOU-005-19	Contract Award for new Housing Management System	Geoff Beales	To agree to appoint Northgate Public Services to install and implement a new housing management system.	Decision agreed 1 October 2019
29 October 2019	HOU-006-19	Sale of Housing Revenue Account Land to side of 37 Boadicea Way	Suzanne Norton	To approve the sale of a parcel of land to the side of 37 Boadicea Way shaded in red on the plan in Appendix A of this report, to the owner of 37 Boadicea Way, in accordance with the Disposal of Small Parcels of Land Policy.	Decision agreed 7 November 2019
8 November 2019	HOU-007-19	Rent setting & Service Charge Policy Review	Suzanne Norton	To approve amendments to the rent setting and service charge policy to reflect the changes of the government's Policy statement on rents for social housing issued in February 2019 and effective from April 2020. To approve amendments to the policy to include affordable rent as a new	Decision agreed 15 November 2019

**Record of Decisions taken under Scheme of Delegation to Cabinet Members
1 October 2019 – 26 November 2019**

				<p>rentable type of accommodation to support the council's house building projects. The council is committed to deliver 30% of the properties at affordable rent, allowing rent to be charged at up to 80% of market rent (inclusive of service charges).</p> <p>To approve amendments to the policy to reflect changes to the Community Caretaking service charge apportionment methodology from April 2020 to ensure the service charge split remains fair and proportionate to those who receive the service.</p> <p>To approve amendments to the policy to reflect changes to the Communal Wi-Fi service charge collection methodology from April 2020 to include the recovery of costs associated with works to improve the wi-fi provision undertaken in 2019. The installation costs will be recovered over a two-year period starting in April 2020.</p>	
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**Record of Decisions taken under Scheme of Delegation to Cabinet Members
1 October 2019 – 26 November 2019**

Portfolio – Communities, Well Being and Public Safety					
Date	Number	Report Title	Author	Decision	Result
None in this period					

Portfolio – Strategy					
Date	Number	Report Title	Author	Decision	Result
None in this period					

Portfolio – Waste, Environment and Transportation					
Date	Number	Report Title	Author	Decision	Result
None in this period					

Cabinet

Item
7(i)

4 September 2019

Report of	Strategic Director of Policy & Place Interim Section 151 Officer Monitoring Officer	Author	Ian Vipond ☎ 282992 Paul Cook ☎ 505861 Andrew Weavers ☎ 282213
Title	North Essex Garden Communities Ltd – Approval of 2019/20 Interim Business Plan and Budget		
Wards affected	All		

1. Executive Summary

- 1.1 North Essex Garden Communities Ltd (NEGC Ltd) was established in January 2017 by Colchester Borough, Braintree, and Tendring District and Essex County Councils (the company shareholders) and is the current strategic delivery vehicle for the North Essex Garden Communities project. The basis for this is the Councils shared ambition to promote, plan and deliver sustainable strategic growth at scale and over the long-term; providing the housing, employment and necessary supporting infrastructure required to ensure the best outcomes for current and future communities of North Essex.
- 1.2 In the period to date NEGC Ltd has developed its strategic rationale and operational capacity with the support of both its' shareholder Councils, the Ministry of Housing, Communities & Local Government (MHCLG) and key national agencies such as Homes England. The North Essex Garden Communities project is part of the national Garden Towns Villages & Cities programme run by MHCLG, which provides direct access to other Garden Towns with associated learning and knowledge/information sharing opportunities, and resources. NEGC Ltd is the largest and most ambitious project in the programme.
- 1.3 The role of NEGC Ltd has been successfully developed to the point where it is a fully operational company recognised by the public, private sectors, and local communities, as the focal point for the North Essex Garden Communities project. This includes developing a strategic proposition for the North Essex Garden Communities which has gained significant traction with key government departments and the development industry. This report provides an update on overall progress to date and seeks approval of key documents and resources that are required to ensure the effective operation of the company moving forward.
- 1.4 This report overall seeks the Council, as one of the 4 shareholders, to continue to support North Essex Garden Communities Ltd as the strategic delivery vehicle for the North Essex Garden Communities projects through approval of the 2019/20 Interim Business Plan and Budget.
- 1.5 The Board of NEGC Ltd has agreed an Interim Business Plan for 2019-20 for approval by its shareholders setting out the vision, objectives, workstreams and funding requirements for the company in order to continue to support delivery of North Essex Garden Communities. The primary tasks during the year are to assist the North Essex

Authorities with the work required for the Local Plan Section 1 Examination in Public; undertake public engagement to increase awareness and understanding of a range of key topic areas relevant to the garden community principles; evolve the approach to economic development, masterplanning, innovation, programme funding, governance and delivery, including consideration of the transition towards a locally-led development corporation as one of a number of delivery vehicle options for the NEGC project. The potential for the establishment of a Locally-Led Development Corporation will form part of an options appraisal for future delivery of the NEGC programme.

- 1.6 The 2019-20 Interim Business Plan is a precursor to the future preparation at the appropriate time of a 5-year Business Plan, which will be progressed when further progress is made with the Local Plan Section 1. This is considered to be the best, and most prudent, approach to ensuring that NEGC Ltd continues to deliver positive outcomes on behalf of shareholders and grant funders as the overall North Essex Garden Communities project progresses.
- 1.7 At the end of March 2019 the council shareholders of NEGC Ltd agreed the following milestones:
- Local Plan (submission of evidence) – October 2019
 - NEGC Public Engagement – October & November 2019
 - Outline Business Case for Delivery Options – initial draft November 2019 and final draft in January for Council approval in February & March 2020
 - NEGC Business Plan 2020/21 & 2021/22 – initial draft November 2019 and final draft in January 2020 for Council approval in February & March 2020
- 1.8 The 2019-20 Interim Business Plan includes a draft budget for 2019/20, which requires agreement of shareholders (as part of agreeing the Interim Business Plan). The draft budget for 2019/20 includes expenditure of £2.131m. The assumed income includes an additional £350,000 phased contribution from each shareholder Council within 2019/20, which is subject to review. The budget currently assumes an additional £600,000 from Government in 2019/20. A final determination is still awaited on the exact amount of Government support; however, in the event that this support is less than is assumed, NEGC Ltd will scale back and/or cease certain activities contained within the 2019/20 Interim Business Plan so as to mitigate the budget shortfall. In these circumstances Councils will be provided with a further update. The balance of £131,000 will be funded from income received in 2018/19 and carried forward into 2019/20. This report therefore seeks agreement to commit £350,000 from the Council subject to a formal request from NEGC Ltd Board.
- 1.9 To date the funding and spending for NEGC Ltd has mostly taken place through Colchester Borough Council's accounts. The Interim Business Plan assumes that at some point in the future a significant part of the 2019/20 budget will pass to NEGC Ltd, with the remainder of costs retained within Colchester Borough Council's accounts. The allocation of costs will be based on assumptions of which costs should be appropriately met by NEGC Ltd. It is proposed that this allocation will be determined by the shareholder council's Section 151 officers.
- 1.10 Beyond 2019/20 and assuming that Section 1 of the Local Plans has been adopted by the North Essex Authorities, it would then be an appropriate time to move away from public revenue (grant) funding and obtain securitised external finance to fund the progression of detailed planning and set-up of the preferred delivery vehicle. It is envisaged that this set-up process will begin in 2020/21 and take around two years with a budget in the range of £16m to £20m across a two-year period. Depending on the type and nature of external finance obtained it is anticipated that there would be a need for on-going financial undertakings or support from shareholders. Thereafter, it is envisaged

that longer-term finance will be required to support 'on the ground' development activity from 2022/23 onwards, which would also be used to pay back the shorter-term finance required for 2020/21 and 2021/22.

- 1.11 This report also references the importance of the topic of Garden Community stewardship and how detailed consideration of this issue by the Councils will be required in the near future.
- 1.12 Note that this report does not, other than for information, address any Local Plan issues. Decisions relating to the Local Plan and any wider planning functions are dealt with separately. Any decisions made in relation to, or by, NEGC Ltd cannot predetermine or prejudge the outcome of the proper Local Plan process.

2. Recommended Decisions

- 2.1 To approve the 2019/20 Interim Business Plan and Budget (subject to confirmation of government funding) for NEGC Ltd as attached at Appendix A;
- 2.2 To authorise the Section 151 Officers to agree any future allocation of the project funds held by Colchester Borough Council between NEGC Ltd and the North Essex Authorities;
- 2.3 To recommend to Full Council that it approves committing £350,000 already reserved in the 2019/20 Budget and the associated delegations to enable phased drawdowns upon a formal request by way of a NEGC Board resolution in accordance with the agreed milestones;
- 2.4 To note that a report will be considered at a future Cabinet meeting in respect of funding requirements and financing options for 2020/21 and 2021/22.

3. Reasons for Recommended Decision

- 3.1 To seek Cabinet's ongoing support, working together with Braintree and Tendring District Councils, Colchester Borough Council and Essex County Council, to progress the concept of 'garden communities' and to approve the Interim Business Plan for 2019/20 for NEGC Ltd and specific governance arrangements for the project.

4. Alternative Options

- 4.1 No further options are being presented within the context of this report, as the alternative decision would be not to approve the 2019/20 Interim Business Plan and Budget.

5. Background Information

- 5.1 Colchester Borough Council, Braintree District Council, Tendring District Council and Essex County Council (the North Essex Authorities) as Shareholders for NEGC Ltd have for the last four years been working on an agreed strategic approach to the allocation and distribution of large scale, mixed-use developments, including employment opportunities and infrastructure provision, in the form of Garden Communities through the Local Plan process.
- 5.2 As part of this agreed approach, the Cabinets of each of the Authorities agreed in December 2016 to establish a dedicated delivery structure and special purpose vehicle for the Garden Communities. This included:

- The setting up of NEGC Ltd, being a corporate entity wholly owned by all the four Authorities; and
- To approve the NEGC Ltd Shareholder Agreement, with each Authority holding an equal shareholding.

- 5.3 Since this approval, NEGC Ltd was formally established in January 2017 with Directors being appointed by each of the North Essex Authorities. The Board of NEGC Ltd is currently chaired by Essex County Councillor, John Spence and has been meeting every two to three months.
- 5.4 In September 2017, the Cabinet of each Authority supported the approach of NEGC Ltd and its Directors to actively engage with Government to promote the positioning of the NEGC Ltd as a “Responsible Body” for the establishment of a single new locally controlled Development Corporation across all three of the proposed North Essex Garden Communities – subject to the consideration by Members of this approach alongside other delivery vehicle options in the form of an options appraisal.
- 5.5 In November 2018 the Cabinet of each Authority approved the 2018/19 Interim Business Plan and accompanying budget as well as Financial Procedure Rules for NEGC Ltd. Key tasks for 2018/19 were to evolve the approach to master-planning, innovation, economic development, programme funding, governance and delivery including consideration of transition towards a locally led development corporation style of approach to delivery of the NEGC project. The potential for the establishment of a Locally Led Development Corporation will form part of an options appraisal of a range of options for future delivery of the NEGC programme.
- 5.6 In order to enable NEGC Ltd to move forward it is required to adopt a further Interim Business Plan and approve its budget for the 2019/20 financial year. Under the terms of the Shareholders Agreement, NEGC Ltd is permitted to operate under an interim business plan and the board shall determine until such time as a long-term business plan is adopted.
- 5.7 The NEGC Ltd board has recently approved an Annual Review for 2018/19 which provides details of the outcomes in relation to the NEGC programme.

2019/20 Interim Business Plan

- 5.8 NEGC Ltd is required to have in place a Long-Term Business Plan, which is defined within the Shareholder Agreement as including a high level 5-year business plan in relation to NEGC Ltd and that such a business plan shall cover infrastructure requirements, finance, planning and such other matters as NEGC Ltd determines, and take into account the aims and requirements of the Master Plan for the garden communities.
- 5.9 The Shareholder Agreement requires the Long-Term Business Plan to be submitted to the Shareholders within three months of the full NEGC Ltd Board being appointed. The full Board was established in January 2017. However, the production of the Long-Term Business Plan has not been possible to date, due to ongoing discussions around the future delivery model.
- 5.10 However, the Board are able, in accordance with the Shareholder Agreement, to operate under an Interim Business Plan until such time as a Long-Term Business Plan is developed. Accordingly, the NEGC Ltd Board determined at its meeting on the 17 January 2019 that the Company may operate under an Interim Business Plan for 2019/20

- 5.11 The Shareholder Agreement does not require the Authorities to provide approval of the Interim Business Plan prior to its adoption by the Board. The proposed 2019/20 Interim Business Plan (Appendix A) for NEGC Ltd has been produced for the 2019/20 financial year largely to enable NEGC Ltd to provide support to the Local Planning Authorities in progressing Section 1 of their Local Plans and to develop proposals for the delivery strategy including a potential locally-led development corporation.
- 5.12 The 2019/20 Interim Business Plan provides an overview of the vision, objectives, necessary workstreams, governance, funding and actions required to deliver NEGC Ltd's scope of work and bringing forward a number of priorities during 2019/20 to move the Garden Communities towards the delivery phase. The key operational priorities include:
- Assisting the North Essex Authorities in their planning capacity by carrying out further work in relation to the Local Plan evidence base including: additional infrastructure, delivery and phasing work; employment floorspace forecasting; demonstrating the viability of the Garden Communities; input into the overall Transport work, including proposals for a Rapid Transit System, and supporting the Council's and presenting evidence on deliverability at the re-opened Examination in Public for Part 1 of the Local plan;
 - Continuing with high-level engagement with the existing and proposed new communities on a number of key topics to give them a strong sense of participation in and ownership of the emerging new Garden Communities;
 - Continuing to ensure that the North Essex Economic Strategy maximises benefits to Garden Communities and the area as a whole;
 - Evolving the best approach for delivery strategy including a locally-led Development Corporation(s) in North Essex with Government, including the preparation of a locally – led development corporation operating structure and funding requirements for testing with funders;
 - Working with the Councils to prepare a Mandate in support of a designation for a locally-led development corporation that is financed and supported by all NEGC Ltd's directors and shareholders;
 - Continuing to explore approaches to secure an interest in land either via negotiation or compulsory purchase;
 - Working with the Councils and key partners on Stewardship to identify a range of income earning and community assets together with potential management vehicles across the Garden Communities;
 - Developing Masterplans for each of the Garden Communities;
 - Designing local (e.g. transport) and social (e.g. education, health, community facilities etc.) infrastructure required to support each of the garden communities;
 - Engaging with Infrastructure and Utility providers to confirm anticipated infrastructure demand and how it may be provided (considering the benefit of public/private ownership options), over the proposed NEGC development period;
 - Exploring options available and delivering a commercial strategy to implement the supporting Infrastructure and utilities required to deliver the Garden Communities;

- Working closely with partner organisations to progress four priority areas identified for innovation (infrastructure, economy & business, living space, health & wellbeing) and develop a formal work plan to progress them;
- Prepare a costed Business Plan for 2020/21 and 2021/22 for approval by the NEGC Board in January 2020.

- 5.13 The primary tasks during the year are to assist the North Essex Authorities with the work required for the Local Plan Section 1 Examination in Public; undertake public engagement to increase awareness and understanding of a range of key topic areas relevant to the garden community principles; evolve the approach to economic development, masterplanning, innovation, programme funding, governance and delivery options, including consideration of the transition towards a locally-led development corporation as one of a number of delivery vehicle options for the NEGC project.
- 5.14 NEGC Ltd will present delivery strategy options to the North Essex Authorities during 2019/20 to consider and decide upon the future operating model(s) for the delivery of the garden communities.
- 5.15 The 2019/20 Interim Business Plan followed by the subsequent 2020/21 & 2021/22 Interim Business Plan will act as a precursor to the preparation of a 'Long-Term Business Plan', which NEGC Ltd will be in a position to begin preparing following the outcome of the Local Plan Section 1 Examination in Public.
- 5.16 The 2019/20 Interim Business plan sets out the Vision, Strategic Objectives and key operational priorities for NEGC Ltd during 2019/20.
- 5.17 Key activities for each of the workstreams and activities that will be undertaken by NEGC Ltd during 2019/20 are included within the document, together with details of its Programme Management. In common with all business plans this document will be kept under review.

6. 2019/20 Budget

- 6.1 The Shareholder Agreement provides that the draft Budget must be approved by the Authorities prior to its adoption by NEGC Ltd. It further provides that the Board shall submit any draft Budget to the Authorities no later than two months before the start of each financial period of NEGC Ltd.
- 6.2 The following table sets out a summary of the budget for 2019/20 by workstream which was agreed on a working basis by the North Essex Authorities at the end of March 2019. The budget includes provision for the additional work required to progress the locally-led development corporation proposition in conjunction with Government.

£000's	Q1	Q2	Q3	Q4	Total
Local Plan / DPD					
Staff	£103.8k	£119.6k	£126.5k	£120.8k	£470.7k
Overheads	£27.3k	£33.5k	£36.5k	£30.4k	£127.7k
Supporting studies	£45.5k	£65.1k	£79.5k	£10.5k	£200.6k
Planning	£79.5k	£84.5k	£71.75k	£69.75k	£305.5k
Engagement	£6.0k	£18.0k	£13.3k	£5.5k	£42.8k
Risk/Contingency	£14.0k	£14.0k	£13.8k	£29.6k	£71.4k
Total					£1,218.7k
Delivery Strategy					
Staff	£68.7k	£70.2k	£71.7k	£72.7k	£283.3k
Overheads	£20.8k	£22.3k	£21.3k	£20.8k	£85.2k
Governance	£9.0k	£4.0k	£7.5k	£54.2k	£74.75k
Delivery & Stewardship	£15.3k	£29.4k	£37.6k	£38.5k	£120.8k
Masterplan/Transport	£1.0k	£1.0k	£11.0k	£20.1k	£33.1k
Infrastructure & Utilities	£5.0k	£15.0k	£25.0k	£30.0k	£75.0k
Strategic Business Planning	£31.0k	£61.0k	£81.1k	£44.0k	£217.1k
Risk/Contingency	£6.2k	£5.0k	£5.0k	£6.3k	£22.5k
Total					£911.7k
Overall Total					£2,131k

6.3 There are a number of key assumptions to note in the budget forecast:

Expenditure

- The project resource and delivery team includes the managing director of NEGC Ltd and staff resources seconded to the project. This budget also includes an allowance for support services provided to NEGC Ltd such as HR, finance, ICT and accommodation.
- Provision for specialist advice and support across legal, finance and land and property matters is also included.

Income

- The budget includes a contribution of £350,000 from each of the North Essex Authorities and an additional £600,000 from Government in 2019/20. A final determination is still awaited on the exact amount of Government support and in the event that this support is less than is assumed, the Councils will be provided with a further report on the implications and any proposed mitigation. The balance of funding in 2019/20 will be from income received in 2018/19 and carried forward into 2019/20.

Local Authority Contributions

6.4 The 2019/20 Interim Business Plan and associated budget includes the assumption that the North Essex Authorities will commit additional funding of £350,000 each in 2019/20. The request from NEGC Ltd is that this funding is set aside by each authority for future drawdown from NEGC Ltd as it is required.

Transfer of the Project Budget

6.5 In February 2016 the shareholder councils agreed to commit £250,000 to support the joint work on the garden communities project. In September 2017 an additional £250,000 from each Authority was approved, followed by a further £100,000 each in November / December 2018 to fund further work undertaken by NEGC Ltd in the development of the project. In addition to the contributions from the Councils, grants from the Government of £3.213m has been received to date to support the project.

- 6.6 To date project funding and spending has mostly taken place through Colchester Borough Council's accounts.
- 6.7 The 2019/20 Interim Business Plan assumes that in future part of the 2019/20 budget will pass to NEGC Ltd, with some costs retained in the Council's accounts. The allocation of costs will be based on assumptions of which costs should be appropriately met by NEGC Ltd. It is proposed that this allocation will be determined by the North Essex Authorities Section 151 officers.

7. Stewardship

- 7.1 Long-term stewardship and management of the Garden Communities is a crucial part of the successful legacy of new communities. Recognising that such arrangements need to be in place from the outset to support the delivery model chosen by the Councils, the North Essex Authorities have previously committed to undertake long-term stewardship for the Garden Communities, as detailed in the "Active Local Stewardship" principle in the NEGC Charter that was approved in 2016:

"The Garden Communities will be developed and managed in perpetuity with the direct involvement of their residents and businesses; residents will be directly engaged in the long-term management and stewardship, fostering a shared sense of ownership and identity".

- 7.2 Likewise, within the final draft Section 1 Local Plan, Policies SP8, SP9 and SP10 set out the detailed requirements for each of the proposed Garden Communities and include the following wording:

"Establishment at an early stage in the development of the garden community, of appropriate and sustainable long-term governance and stewardship arrangements for community assets including green space, public realm areas and community and other relevant facilities; such arrangements to be funded by the development and include community representation to ensure residents have a stake in the long-term development, stewardship and management of their community".

- 7.3 Such large-scale new communities have significant income generating and community asset (such as green space, community buildings and public realm) opportunities and options to participate in such arrangements will be presented to the Councils for initial consideration in the coming months. For example, the Letchworth Garden Village Heritage Foundation has existed for over 100 years and provides ongoing maintenance of public open space and management of the town centres and industrial buildings, as well as supporting, funding and promoting activities for the benefit of the Garden City and its communities. As at 31 December 2018, Letchworth had an asset portfolio value of £163m with an annual income of £12.2m, a property income of £9.5m and a charitable spend of £7.6m.
- 7.4 Early next year (Q4 19/20) the Councils are scheduled to formally make a decision on the preferred delivery model for the Garden Communities, which will also provide an opportunity for Members to review and comment on the supporting investigative work that will inform the consideration of the stewardship options available to the Councils and enable a clear and collective course of action to be agreed.

8. Financial implications

8.1 This report set out the proposed budget for NEGC Ltd for 2019/20 and associated funding. The proposals include the allocation of a further £350,000 in 2019/20.

8.2 There is provision in the 2019/20 budget to make the £350,000 contribution.

8.3 Future reports will consider any funding requirements for 2020/21 onwards.

9. Legal implications

9.1 The General Power of Competence provided for by the Localism Act 2011 was relied upon as the authority for the District/Borough/County Council to establish and subscribe to North Essex Garden Communities Limited. Consequently, a Shareholders Agreement was entered into and the relevant provisions and requirements of the agreement are referred to within the context of this report.

9.2 In exercising the General Power of Competence Local Authorities must do so in a way which does not contravene any pre-existing statutory limitations. The actions identified in this report do not contravene any such restrictions.

9.3 The New Towns Act 1981 (Local Authority Oversight) Regulations 2018 came into force in July 2018, making provision for the local oversight of new town development corporations. Guidance has been issued that outlines the way in which Locally Led New Town Development Corporations (LLNTDC) will work.

9.4 The 2018 Regulations apply where the Secretary of State, pursuant to section 1A(2) of the New Towns Act 1981 ("the Act") makes an order under section 1 of the Act appointing one or more local authorities to oversee ("an oversight authority") the development of an area as a new town ("locally led new town").

9.5 Further decisions will be required from both Cabinet and Council following consideration of an options appraisal before any request can be made to the Secretary of State for the North Essex Authorities to be appointed as oversight authorities and for LLNTDC's to be designated.

10. Risk Management Implications

Local Plan - Section 1

10.1 Before a Local Plan can be formally adopted by a Council, it must be examined by a government-appointed Inspector whose job it is to check that; 1) the plan has been prepared in line with various legal requirements and 2) that the policies and proposals in the plan comply with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF). Examination hearings for the Section 1 Plan took place between January and May 2018; and in June 2018 the Inspector wrote to the North Essex Authorities setting out his initial findings. Whilst he confirmed the legal compliance and soundness of some elements of the plan and praised the North Essex Authorities' innovation and ambition, the Inspector found some of the evidence and justification in support of Garden Communities to be lacking and was therefore unable to pass the Section 1 Plan as sound. The Inspector's specific concerns were reported to Members in October 2018.

- 10.2 In his letter, the Inspector offered the North Essex Authorities advice and options for how best to proceed. Having considered his advice, the North Essex Authorities in October 2018 confirmed that they remained committed to using Garden Communities principles to secure the future housing requirements in North Essex and would produce additional evidence to address each of the Inspector's concerns. On the 10th December 2018, the Inspector confirmed that he was satisfied that the proposals for further work on the evidence base satisfactorily responded to the points he had raised as identified issues and paused the examination until the North Essex Authorities further work on the evidence base and an Additional Sustainability Appraisal was completed. Monthly updates have been submitted to the Inspector on the programme timetable as requested.
- 10.3 The additional evidence has now been completed and the findings are detailed within the reports which have been presented to the Local Plan Committee and Council.
- 10.4 The findings of the Additional Sustainability Appraisal indicate that many of the site proposals and alternative spatial strategy options are closely matched when assessed against the sustainability objectives. However, none of the alternative spatial strategies stand out as performing notably stronger than the current strategy in the submitted Section 1 Local Plan. There is consequently nothing arising from this new evidence that would suggest that the current spatial strategy is not justified or needs to change to make way for an alternative approach. The North Essex Authorities have decided to continue promoting the current spatial strategy involving the creation of three new Garden Communities in the locations currently proposed.
- 10.5 The additional evidence requested by the Inspector, supports the current proposals within the Section 1 Local Plan are sound and, when presented to the Planning Inspector, will address his previous concerns.
- 10.6 As well as producing the above evidence in response to the Planning Inspector's concerns about Garden Communities, the North Essex Authorities have also compiled a table of proposed amendments to the Section 1 Plan. These amendments are aimed at addressing certain issues identified by the Inspector, partner organisations and objectors to the Plan and ensuring the plan meets the tests of soundness. Many of the proposed amendments arose from suggestions and discussions at the examination hearings in 2018 and the Inspector's interim findings whereas others arise from the findings of the additional evidence base.
- 10.7 It will be the Inspector's choice whether or not to accept the proposed amendments to the Local Plan through the resumed examination process, in determining whether it satisfies the necessary statutory requirements and is sound.
- 10.8 The additional new evidence base documents and the table of proposed amendments are published for six weeks public consultation between 19th August and 30th September 2019 before they are submitted, along with any representations received, to the Planning Inspector to enable him to resume the examination. It is expected that the further examination hearings will take place in late 2019 or early 2020.

Delivery Mechanisms Options Appraisal:

- 10.9 The Section 1 Local Plan explains that the North Essex Authorities are committed to ensuring that the new garden communities are as sustainable and high quality as possible and that the infrastructure needed to support them is delivered at the right time. This will require the Councils to work very closely with the relevant landowners using a robust delivery mechanism that ensures a fair and equitable distribution of the costs and land requirements needed to secure the ambitions for the Garden Communities and create a long term legacy appropriate to the scale of the ambition. Given the scale of

complexity of the proposed Garden Communities, it is envisaged that 'Local Delivery Vehicles' (LDVs), with both private and public sector representation, will be used to oversee these developments.

- 10.10 Whilst, in his letter, the Inspector acknowledged that this approach was generally compatible with national planning policy and deploying new models of delivery was a legitimate aspiration, he questioned if other delivery mechanisms could be adopted – suggesting that there was no substantial evidence to show that only new models of delivery were capable of delivering Garden Communities in the way envisaged.
- 10.11 In response to this, the Councils' legal advisors Dentons have produced a specific paper entitled 'Delivery of the Garden Communities' which explains that since the submission of the Local Plan in 2017, the government has placed greater emphasis on local authorities taking a more pro-active role in the delivery of new homes and the delivery of Garden Communities. It also explains that new statutory provisions have been put in place promoting 'Locally Led New Town Development Corporations' (LLNTDCs) as a mechanism by which new development can be delivered. It is proposed that modifications to the Local Plan are made to reflect the potential for Garden Communities to be delivered via LLNTDCs but that it will ultimately be for the Councils to decide whether this is the most appropriate means by which to proceed.
- 10.12 The paper also explains that if LLNTDCs are not used as a vehicle to deliver the Garden Communities and landowners and developers are left to bring the development forward on their own, they will be expected to meet all costs associated with their delivery in accordance with both the policies in the Local Plan and any more detailed requirements set to be included in the new Development Plan Documents (DPDs) for each of the schemes. It also explains that if landowners were unwilling to release their land at a reasonable price which allows for these costs to be met, the NEAs would be willing to use 'Compulsory Purchase Order' (CPO) powers to acquire the land – something that is supported by national planning policy, where necessary.
- 10.13 Dentons' paper will help to explain to the Inspector that whilst a Local Delivery Vehicle or a LLNTDC is the preferred means by which to deliver the Garden Communities, other delivery mechanisms are available and could be employed to ensure that the developments come forward in the way envisaged. When the detailed delivery mechanisms for the Garden Communities are discussed and decided, State Aid issues will be addressed.
- 10.14 A full options appraisal of the Garden Communities delivery options will be prepared to enable members to take future decisions on potential local-led development corporation proposals, with linked oversight arrangements between the North Essex Authorities. The options appraisal will consider the key priorities for the North Essex Authorities, the delivery routes available, risks and the potential scale of any financial commitments and liabilities.

11. Equality and Diversity Implications

- 11.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

11.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

11.3 The proposals are for the approval of a range of key documents which will enable NEGC Ltd and its Shareholders to create an inclusive community which meets the needs of all residents regardless of whether or not they have a protected characteristic. The differing needs of people, including those with different protected characteristics, will need to be considered during the design and planning stage of the development and kept under review as the project progresses.

12. Strategic Plan References

12.1 The Strategic Plan sets out the Council's ambitious goals to help make Colchester an even better place to live, work and visit by working with multiple partners to get the best for residents. The Council has identified four key overarching themes, and these are Growth, Responsibility, Opportunity and Wellbeing. Additionally, each of these themes have five priorities, and a number of these relate directly and indirectly to the Garden Communities programme.

- **Growth:**
 - Ensure residents benefit from Colchester's economic growth with skills, jobs and improving infrastructure.
 - Promote inward investment to the borough.
 - Develop jobs, homes, infrastructure and communities to meet the borough's future needs by creating new Garden Communities.
- **Responsibility:**
 - Promote responsible citizenship by encouraging residents to get involved in their communities and to identify solutions to local issues.
 - Encourage re-use and recycling to reduce waste to landfill.
 - Create new routes for walking or cycling and work with partners to make the borough more pedestrian-friendly.
- **Opportunity:**
 - Promote green technologies through initiatives such as SMART Cities.
 - Help business to flourish by supporting infrastructure for start-up businesses and facilitating a Business Improvement District.
 - Ensure a good supply of land available for new homes through our Local Plan
 - Promote initiatives to help residents live healthier lives.
- **Wellbeing:**
 - Encourage belonging, involvement and responsibility in all the borough's communities.
 - Create new social housing by building Council homes and supporting Registered Providers.
 - Help residents adopt healthier lifestyles by enabling the provision of excellent leisure facilities and beautiful green spaces, countryside and beaches.

13. Consultation and Publicity Implications, Health, Wellbeing and Community Safety and Implications and Health and Safety Implications

13.1 No direct implications.

List of Appendices

Appendix A – NEGC Ltd 2019/20 Interim Business Plan

List of Background papers

Cabinet Report – Establishment of the North Essex Garden Communities Local Delivery Vehicles and funding requirements– 30 November 2016

Cabinet Report – North Essex Garden Communities- Progress to date and key developments – 6 September 2017

Cabinet report November 2018 – North Essex Garden Communities Ltd – Shareholder Approvals and update

NEGC Ltd Board minutes insofar as published <https://www.ne-gc.co.uk/about/>

North Essex Garden Communities Ltd

Interim Business Plan

2019/20, 2020/21 & 2021/22

(agreed by NEGC Board in June 2019;
to be approved at Local Authority Cabinets & Full Councils by October 2019)

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1. Executive Summary

Strategic Context

North Essex is a key location in the UK, well related to London, with international sea and air connections, as well as links to wider growth corridors across the South East.

Braintree District Council, Colchester Borough Council, Tendring District Council and Essex County Council have developed a shared vision for the future across North Essex, as set in their emerging Local Plans, The North Essex Garden Communities Charter and Prospectus.

The Councils have a shared desire to promote, plan and deliver sustainable strategic growth at scale and over the long-term; providing the housing, employment and necessary supporting infrastructure required to ensure the best outcomes for current and future communities of North Essex.

The centrepiece of the Programme is the creation of three new Garden Communities. These new settlements will act as the catalyst for economic growth and address the aspirations of the wider UK's population, making North Essex an attractive place to live, work and spend time for future generations to come.

These proposed Garden Communities will be key to creating a more prosperous North Essex through inclusive economic growth, with new businesses able to compete successfully in national and international markets. The intention is for North Essex to have a diverse and thriving economy, a great choice of job opportunities across many sectors, growing prosperity and improving life chances for all its citizens, today and into the future.

The Councils have come together to create 'North Essex Garden Communities Ltd' (NEGC) as a private company wholly owned by The Councils with an overall mission to "lead, create, inspire and develop exemplar self-sustaining Garden Communities across North Essex through working proactively and effectively in partnership with local communities and key stakeholders."

This Plan

This is the second Business Plan that has been produced for NEGC Ltd and is a key step on the journey to delivering the Garden Communities. As such, it builds on the work that was delivered through the revised 2018/19 Interim Business Plan, which included work on revising evidence for the Local Plan together with preparatory work on a potential North Essex Locally-Led Development Corporation to deliver the three Garden Communities. This document sets out a three-year Business Plan for NEGC from 2019/20 to 2021/22.

The first year 2019/20 contains a detailed work programme that focuses on building upon the foundations laid in 2018/19 to deliver the major outcomes for the year and for the programme as a whole, which are obtaining adoption of Section 1 of the Local Plans as well as enabling the shareholder Councils to reach a decision regarding governance and oversight authority arrangements, which could lead to the submission to Government of an application for a mandate for a North Essex Locally-Led Development Corporation as per the proposed direction of travel that was formally supported by the NEGC Board in November 2018. 2019/20 is therefore a crucial year for the programme as without the achievement of those major outcomes it will increase the risk of the Garden Communities not being delivered in the years that follow. Indeed, the delivery of those major

outcomes by the end of 2019/20 would mean that the programme could move to being externally financed and the Councils would then not need to provide further revenue grant contributions.

It also sets out a high-level programme and milestones for 2020/21 and 2021/22 as there are a number of key aspects that will need to be considered during 2019/20 that are anticipated to influence or be dependencies on the approach over the latter two years. As well as delivering the major outcomes, the work programme for 2019/20 will also provide the building blocks for the programme to move into the delivery phase and begin to mobilise during 2020/21 and 2021/22. In particular, the Engagement & Economy as well as the Masterplanning & Transport work elements in 2019/20 will enable the programme to undertake the more detailed design work during the following two years in a manner that ensures the residents and communities can provide input and participate. The Delivery & Finance, Legacy & Stewardship and the Infrastructure & Utilities work elements in 2019/20 will provide the structure for the programme to mobilise and implement the public/private financed development vehicles and structures to deliver the programme during the following two years. In addition, the cross-cutting Innovation work element during 2019/20 and beyond will enable the delivery of the programme to be undertaken in a manner that has a focus on quality and being future-proofed.

Taken together, the elements of this Business Plan will enable the programme to deliver the first homes in the first half of 2023. As such, this Business Plan acts as a precursor to the preparation of a 'Long-Term Business Plan' as defined within the NEGC Shareholders Agreement, which will underpin the operation of the preferred delivery model approach from April 2022 onwards.

2. Introduction

2.1 Introduction to North Essex

North Essex is a key location in the UK; it is well connected to London, includes close proximity to the country's largest deep sea freight port at Felixstowe together with its sister port at Harwich and the third-largest air bound freight gateway at London Stansted Airport, as well as being related and linked to the growth areas of Cambridge and the economic growth corridors of Cambridge – Stansted – M11 and Cambridge – Milton Keynes – Oxford.

As a result, the area around the key existing towns and settlements is already a vibrant hub for innovation and creativity and has seen significant growth in housing, a burgeoning multi-sector economy and highly-skilled employment over recent years and is well-placed for providing further desirable opportunities to live and work in the future.

However, statistically North Essex is a part of the UK economy that is currently underperforming in the context of the South East of England. Initial research has identified that the current GVA for North Essex is 0.8% pa compared to the UK national level of 1.3%. Furthermore, the North Essex area lags behind comparable GVA per capita in the South East with North Essex currently at £18k compared to at least £25k for comparator areas in the Greater South East which includes £44k for Milton Keynes.

The North Essex Councils (Essex County Council, Braintree District Council, Colchester Borough Council and Tendring District Council – thereafter referred to in the remainder of this document as 'The Councils') are determined to work together to not only reverse this trend but to put North Essex on the international map using the collective 'North Essex Opportunity' identity launched at MIPIM UK in October 2018. The Councils have developed plans to provide a roadmap for its economic ambition by creating what is currently the largest scale housing, employment and infrastructure programme in the UK.

2.2 The North Essex Garden Communities Programme

The North Essex Garden Communities (NEGC) programme comprises a coalition of The Councils, established because of their shared desire to promote, plan and deliver sustainable strategic growth at scale and over the long term; providing the housing, employment and necessary supporting infrastructure required to ensure the best outcomes for current and future communities of North Essex.

The centrepiece of the NEGC Programme is the creation of three new Garden Communities. Subject to examination through the Local Plan process, these new settlements will act as the catalyst for economic growth and address the aspirations of the wider UK's population, making North Essex an attractive place to live, work and spend time for future generations to come. This growth will require an appropriate response from The Councils to ensure that a broad range of new homes, employment opportunities, and supporting social and other infrastructure are provided in an effective and timely manner.

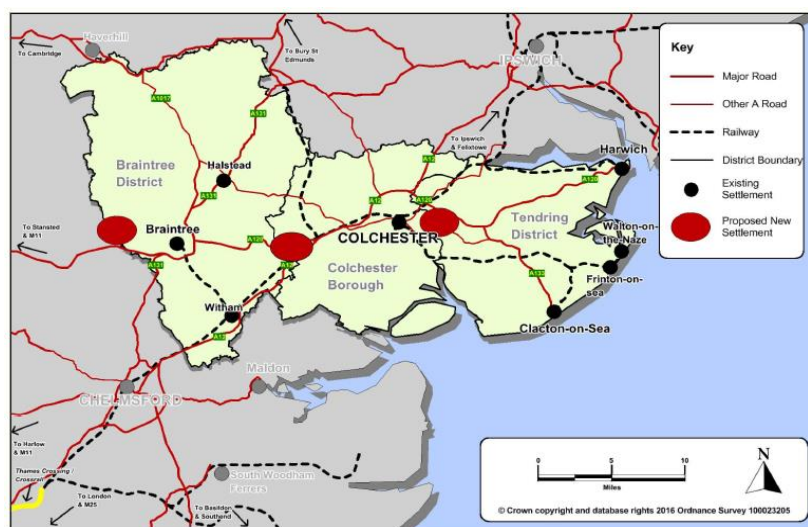
The Garden Communities concept is ideally suited to deliver on this local ambition because it can:

- Respond positively to the context of North Essex – providing the best of town and country;
- Be planned comprehensively with timely delivery of infrastructure;
- Provide a key role in promoting local economic development, both within the Garden Communities and across the wider North Essex corridor, creating and attracting new jobs and businesses into the area;
- Place the concept and function of community at the heart of place making with active local engagement and long-term stewardship of community assets;
- Enable the provision of integrated and sustainable transport options, reducing reliance on the private car;
- Enable public sector leadership and a long-term approach to investment and community development; and
- Create a great place to live, work and spend leisure time overall.

Figure 1 shows the location of the three new Garden Communities that are proposed in the North Essex Authorities' Local Plan (2013 – 2033) Section 1, which has been submitted to the Planning Inspectorate and is undergoing the due process, with an Examination anticipated to take place in December 2019. These will accommodate a substantial amount of the housing and employment growth planned for North Essex within the Local Plan period and well into the future (the ranges are taken from the North Essex Authorities' Local Plan (2013 – 2033) Section 1):

- Tendring Colchester Borders, a new garden community will deliver between 7,000-9,000 homes (with at least 2,500 homes within the Local Plan period to 2033).
- Colchester Braintree Borders, a new garden community will deliver between 15,000-24,000 homes (around 1,400 homes within the Local Plan period to 2033).
- West of Braintree in Braintree DC, a new garden community will deliver between 7,000-10,000 homes (with at least 2,500 homes within the Local Plan period to 2033).

Figure 1: North Essex and locations of proposed Garden Communities



Each of the Garden Communities will be holistically planned new settlements that respond directly to their regional, local, and individual site context and opportunities, to create developments

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underpinned by a series of interrelated principles which are based on the Town and Country Planning Association (TCPA) Garden City Principles, adapted for the specific North Essex context through the NEGC Charter and NEGC Prospectus.

The Garden Communities will be designed and delivered to attract residents and businesses who value innovation, community cohesion and high-quality environment, and who will be keen to take an active role in managing the garden community to ensure its continuing success. Residents will live in high quality innovatively designed, contemporary homes, accommodating a variety of needs and aspirations. These will be set within a network of leafy streets and green spaces, incorporating and enhancing existing landscape features, and providing areas for leisure and recreation. The level of ambition is set out comprehensively in the ‘North Essex Garden Communities Charter’, produced in 2016 as part of initial work to inform and support the preparation of Local Plans. A North Essex ‘Strategic Narrative’ has also been produced by The Councils to set out the strategic approach and rationale.

2.3 North Essex Garden Communities Ltd

In order to progress the delivery of the programme’s key objectives and ensure the delivery of the three Garden Communities, a new dedicated delivery structure has been put in place to take the proposals forward.

This delivery structure was approved by The Councils’ respective Cabinets and Council Committees in November and December 2016 with North Essex Garden Communities Ltd (NEGC) formally established on 30 January 2017 (Company No: 10319743).

In addition, site specific ‘Local Delivery Vehicles’ (LDVs) were also created on 30 January 2017 to potentially act as separate operating companies tasked with the delivery of each individual Garden Community.

NEGC was established as a wholly owned public entity between The Councils to act as the body to guide the proposed Garden Communities through the design process and into implementation, providing ultimate oversight and scrutiny of the delivery.

The Shareholders of NEGC are Essex County Council (Essex), Braintree District Council (Braintree), Colchester Borough Council (Colchester) and Tendring District Council (Tendring) (together referred to as “The Councils”) with each holding a 25% shareholding.

As approved by each of The Councils (as shareholders of the Company), the Directors of NEGC are currently nominated as:

- Cllr David King (representing Colchester Borough Council);
- Cllr Neil Stock OBE (representing Tendring District Council);
- Cllr John Spence CBE (representing Essex County Council); and
- Cllr Graham Butland (representing Braintree District Council).

In addition to the Directors, there are nominated Alternate Directors in place for each of the shareholders as follows:

- Cllr Carlo Guglielmi (representing Tending District Council in the absence of Cllr Neil Stock OBE);
- Cllr Julie Young (representing Colchester Borough Council in the absence of Cllr David King);
- Cllr David Finch (representing Essex County Council in the absence of Cllr John Spence CBE); and
- Cllr Gabrielle Spray (representing Braintree District Council in the absence of Cllr Graham Butland).

Cllr John Spence OBE currently acts as the Chairman of the NEGC Board, a position that the Board has agreed should continue until the end of the 2019/20 financial year, or until such point as a Development Corporation is established in North Essex. There will therefore be a need for the NEGC Board to formally elect a Chairman for the 2020/21 financial year.

The Purpose of NEGC is set out in Schedule 1 of the NEGC Shareholders Agreement as follows:

The purpose of the Company is to coordinate the funding of the LDVs and to oversee and hold to account the LDVs in order to develop each of the Properties as Garden Communities, being self-sustaining communities which secures the future stewardship of public assets for community benefit, the design, development and delivery of which is underpinned by local public sector leadership, a strong vision and long term planning and effective engagement.

In addition to the above, and in August and September 2017, all four councils approved the ability for NEGC to explore with Government the potential for creating a locally-led development corporation for North Essex as one potential delivery mechanism. This is currently the primary focus of the work that NEGC will undertake ahead of progressing the Local Delivery Vehicles.

Alongside the Purpose, Schedule 1 of the NEGC Shareholders Agreement also sets out key objectives that a Garden Community should achieve, which are detailed in Section 4.4 of this Business Plan.

NEGC will operate to deliver its services in a commercial way, while maintaining high standards of integrity and social purpose. As a private limited company, it is controlled by Board Members who have a duty to promote the success of the company for the benefit of its shareholders as a whole.

The Board has an overall responsibility for overseeing the successful delivery of the Garden Communities across the area in accordance with its Business Plans and masterplanning frameworks, which will acknowledge and complement the North Essex Authorities' Local Plans.

The Board meets at least quarterly to carry out this work and receives regular reports on progress against operational matters and programme budgets.

2.4 Progress so far

The Councils have been successfully collaborating over the last few years to effectively plan for long-term growth across the area. NEGC has developed its strategic rationale and operational capacity with the support of its shareholder Councils, the Ministry of Housing, Communities & Local Government (MHCLG) and key national agencies such as Homes England. The role of NEGC has also been developed to the point where it is a fully operational company recognised by the public, private

sectors, and local communities, as the focal point for the North Essex Garden Communities programme. This includes developing a strategic proposition for the North Essex Garden Communities, which has gained significant traction with key government departments and the development industry. Details of the considerable progress NEGC Ltd has made since it was formally established on 30 January 2017 to deliver the garden communities include:

Government Support

- Becoming part of the Garden Towns Villages & Cities programme run by the Ministry of Housing, Communities & Local Government (MHCLG). North Essex Garden Communities is the largest and most ambitious proposition in the programme. Being part of this programme provides direct access to other Garden Towns with associated learning and knowledge/information sharing opportunities.
- Securing over £3m of Government capacity funding up to and including 2018/9 to support in bringing forward the project management, design, planning, delivery and technical work necessary to evolve and bring forward the proposals. This is in addition to £2.4m of capacity funding that the partner Councils have also contributed to the programme.
- North Essex Garden Communities has to date received more funding than any other Garden City proposal in the UK, and there has been clear recognition by Government of the ground-breaking work that NEGC is undertaking on bringing forward large new communities, and an appreciation for the economic opportunity offered by the North Essex corridor.
- This has also been seen in the officer support with a senior MHCLG officer attending NEGC Steering Group and working group meeting, regular government civil servant site visits and ongoing support from Homes England.

Local Plan

- Coordinating the Council's approach to Local Plans, including the confirmation, publication and Examination in Public of a joint 'Section 1' of the Local Plans, which sets out a shared strategy for growth in North Essex and preferred locations for new Garden Communities.
- Work to support the Councils to provide further evidence for the ongoing Examination in Public process, including liaison with Homes England, Highways England and other key Government bodies.
- Council preparation and publication of Issues and Options for each Garden Community and support of the consultation events.

Delivery Approach

- Successful influencing of and high-level engagement with Government to enable the 1981 New Towns legislation to be amended and Guidance to be produced in 2018 to enable locally-led development corporations to be implemented.
- Developing the approach and structure for a locally-led development corporation in North Essex, including strategic masterplanning work to identify a phasing and costings plan, financial modelling, discussions with Institutional Investors and Government over long-term funding.

- Building relationships with land owners and promoters in order to develop necessary structures and commercial agreements to enable delivery to be progressed potentially through a locally-led development corporation.
- Undertaking initial property cost estimate work to identify the overall land and disruption cost for acquisition through CPOs under ‘no scheme’ by a locally-led development corporation.
- Identifying stewardship arrangements for the long-term maintenance of public amenities and potential participation in income earning asset portfolios.

Infrastructure & Utilities

- Working with ECC to support the initial feasibility and design work for the expansion and realignment of the A12 and A120 schemes in/around Colchester to provide the necessary highways infrastructure to support the garden communities.
- Identifying and enhancing plans in conjunction with ECC for a Rapid Transit Scheme to be implemented across the North Essex corridor to support future economic growth including the garden communities.
- Supporting two Forward Funding Housing Infrastructure Funding bids that were submitted by ECC for approximately £165m in total have made it through to Round 2 which is a period of co-development of a potential business case.
- Undertaking strategic masterplanning work that has identified the key local transport and social (e.g. education, health, community etc.) infrastructure required to support each garden community and developed a high-level phasing plan to ensure that infrastructure is delivered either ahead or alongside the delivery of homes and commercial assets.
- Identifying the scope and nature of the work required to upgrade utilities provision to support the delivery of the garden communities which now enables an option appraisal analysis to be undertaken to establish commercial relationships with the various utility companies.

Economic Growth

- Developing the key components of a long-term economic strategy for North Essex that is capable of leveraging the future benefits of the garden communities in a manner that would enable North Essex to begin to match the performance of its comparator areas in the Greater South East.
- Identification of the principal workstream elements to put in place the key ‘enablers’ (e.g. future workforce skills development and Research & Development) as well as the inward investment proposition.
- Attendance at MIPIM UK 2018 under the ‘North Essex Opportunities’ banner to promote the future economic growth opportunities in the area and begin to put North Essex on the map, both nationally and internationally with employers and investors. This brought together both public sector bodies and the private sector, supported by the University of Essex and Bosch.

Innovation

- Holding an Innovation event in May 2018 involving key partners and stakeholders, which has enabled the development of a framework and identification of initial priority workstreams to be progressed to ensure that the garden communities have a focus on quality and are future-proofed from a technological perspective.

- Establishment of a Strategic Health & Wellbeing group led by the local Clinical Commissioners to ensure that best practice can be applied from the national Healthy New Towns programme and from NHS-sponsored research establishments.
- Successfully organised an Innovation in Health & Wellbeing event, hosted by the Hothouse facility at BT and involving public, private and voluntary sector stakeholders, to identify the key local challenges and holistic interventions on which the emerging strategy will be based.

NEGC Ltd Structure

- Established NEGC Ltd as a separate body to The Councils, resourcing the company with the appropriate expertise to deliver the programme, and undertake the developer work required to bring large-scale developments to fruition.
- Developed operational and employment policies to enable NEGC to function as a company and ensure that it complies with applicable legislation.
- Held the first NEGC Ltd AGM in July 2018, which was open to the public to attend.

Kerslake Review

A peer review of the programme was undertaken by a team of experts led by Lord Kerslake in 2017. The report's recommendations can be found [here](http://www.essex.gov.uk/News/Documents/Garden_Communities.pdf) [http://www.essex.gov.uk/News/Documents/Garden_Communities.pdf].

Since the review was conducted, NEGC and The Councils have responded as follows:

- Preparing individual 'concept frameworks' for each community and a 'Prospectus' that sets out the vision and strategic narrative for the programme as a whole.
- Appointed a full-time Group Managing Director for NEGC and a dedicated programme team has been appropriately resourced.
- Strengthened engagement with Government leading to a number of high-profile visits from Government officials to North Essex, including the MHCLG Permanent Secretary, Melanie Dawes, and adding Homes England representation to the NEGC Board.
- Further evidence work for the Local Plan Examination in Public has been undertaken and will be presented to the Inspectorate in Autumn 2019.
- Undertaken informal dialogue with key local stakeholders and developed a three-stage public engagement programme to commence prior to the next Local Plan Examination in Public.

Progress has been made in respect of the delivery strategy including identifying the key phases for each of the three sites and an exploration of key delivery and finance partners.

2.5 The Local Plan Process

The Local Plan process is clearly relevant to the work that NEGC will be undertaking in 2019/20. For the sake of clarity, it is therefore worth setting out the different roles that the North Essex Authorities (NEAs) have in their function as planning authorities and their roles with respect to the operation and ownership of NEGC.

The three NEAs (Colchester, Tendring and Braintree) are responsible for taking forward their respective Local Plans and are currently promoting the allocation of the Garden Community sites

through their Draft Local Plans. The soundness of the Local Plans will ultimately be determined by an independent Inspector appointed by the Secretary of State.

However, it is clear that the work undertaken by NEGC to help to deliver the Vision is consistent with, and will not pre-judge, the outcome of the Local Plan processes. Indeed, the work of NEGC does not propose to adjust or alter the approach to the Local Plan provisions regarding these communities.

Following the conclusion of the Section 1 Local Plans Examination in Public (EiP) hearing sessions, the NEAs received the Inspector's interim findings in June 2018. The Inspector raised a number of issues with the soundness of the Local Plans and the accompanying Sustainability Appraisal. The Inspector also set out options for proceeding with the Examination, including: removing the Garden Communities from the Local Plan; proceeding with the Garden Communities in the Local Plan but with a revised evidence base and Sustainability Appraisal; or withdraw the Local Plan from Examination (and effectively start the process again).

Each of the NEAs considered the three options and agreed to proceed with the Garden Communities in the Local Plan (albeit with additional caveats relating to infrastructure delivery, viability and local engagement), and they are committed to rectifying the evidence base and carrying out an additional Sustainability Appraisal. The timetable for carrying out this work is currently anticipated to result in submission of the evidence base and Sustainability Appraisal in Autumn 2019 following on from public consultation on the documents. This would allow for EiP hearing sessions to recommence by the end of 2019 and Local Plan adoption in Summer 2020.

The planning, transport/infrastructure and viability/delivery work that NEGC will need to do to support the NEAs with progressing the evidence base as well as providing support at the EiP of the Section 1 Local Plans therefore forms a significant part of the 2019/20 Business Plan for NEGC.

On 24 July 2018, the New Towns Act 1981 (Local Authority Oversight) Regulations 2018 came into force. In June 2018, MHCLG issued Guidance for the implementation of locally-led development corporations. Taken together, these Regulations and Guidance enable Local Authorities to present a proposal to Government for the creation of a locally-led development corporation in their area(s). As part of the delivery mechanism options NEGC is undertaking work to evaluate and develop a proposal for a locally-led development corporation to deliver the three garden communities in North Essex. This delivery work therefore forms a significant part of the 2019/20 Business Plan for NEGC. The aim is to prepare options for consideration by the Board and the Shareholder Councils during 2019.

2.6 Role & Purpose of this document

This document has been produced to set a Business Plan for NEGC for the 2019/20 financial year to enable it to undertake technical work that will be relevant to the statutory work that the North Essex Authorities are doing in relation to the Local Plan process, appearing at the Examination in Public as a potential delivery body for the Garden Communities, and to develop proposals for a locally-led development corporation in accordance with the NEGC Board's support of the proposed direction of travel for the company. It has been prepared in accordance with the NEGC Shareholders Agreement.

This Business Plan provides an overview of the vision, objectives, necessary workstreams, governance, funding and actions required to deliver NEGC scope of work and bring forward a number of priorities for the next three years to move the Garden Communities towards delivery phase. The

focus for 2019/20 is to work with The Councils to enable Section 1 of the Local Plans to be adopted as well as progressing proposals for delivery of Garden Communities including a potential locally led development corporation. The programme of work identified for the second and third years will enable NEGC to begin to identify and secure external (i.e. non-Council) funding for April 2020 onwards. Given the early stage of the full three-year programme, including a continual evolution of the delivery approach, it is recommended that this document is kept under regular review.

This Business Plan will act as the first precursor to the preparation of a 'Long-Term Business Plan' as defined at Section 5.2 of the NEGC Shareholders Agreement. It is envisaged that this Long-Term Business Plan, including proposals to secure external finance for NEGC, will be submitted to the Board for approval in January 2020 (noting that this may need to be reviewed should a decision be made on whether to proceed with a locally-led development corporation).

3. Strategic Outline Case

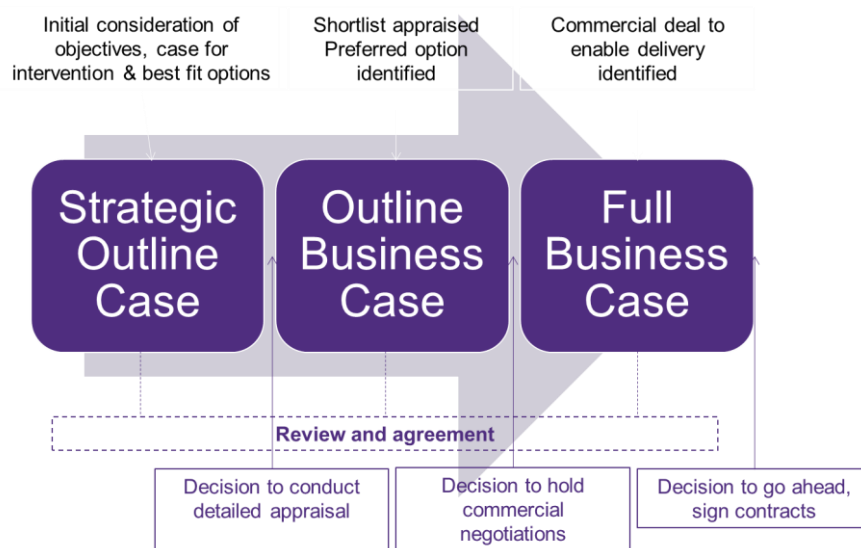
3.1 Introduction

The Councils have been evolving the approach to the NEGC programme for some time, including detailed consideration of the spatial approach to development across the local area (through the preparation of Local Plans), and associated consideration of delivery and implementation mechanisms.

Given the scope and scale of the anticipated public sector role in delivery, potential financing and the wider achievement of garden community ambitions, the approach that is adopted will need to accord with the process of preparing an appropriate ‘Business Case/s’ in line with the HM Treasury Green Book. This will be separate to but closely associated and aligned with wider business planning activity related to the operations of NEGC as set out in this document, and as required by the Company’s Articles of Association.

The overall process map relating to the preparation of such HM Treasury Green Book Business Case/s is set out at Figure 2, providing an overview of how the programme progresses from outline to full detail stages.

Figure 2: Business Case Development Process Map



Activity undertaken by The Councils to date has advanced work pertaining to several key components of the Strategic Outline Case stage of the process, most notably in defining the strategic need and partner objectives, and beginning to consider the associated management, commercial, financial and economic considerations. In essence the programme has effectively completed this stage of the process.

The approach going forward through 2019/20 will further evolve and refine the way forward and lead to the preparation of a subsequent Outline Business Case/s in line with the Green Book methodology. This will enable The Councils and other partners (as appropriate) to make decisions on the scope and scale of public sector direct involvement in the delivery process. This will focus on the planning (pre-

procurement) phase to better define the preferred option, value for money assessment, affordability and achievability. It will set out further information across:

- the Strategic Case – further evolving the business strategy aims and objectives;
- the Economic Case – a full review of business options, their economic appraisal (including consideration of benefits, risks and sensitivities);
- the Commercial Case – outlining the envisaged structure/s, key contractual terms/operational and implementation considerations;
- the Financial Case – a detailed analysis of funding needs, affordability and net impacts on income/expenditure and balance sheets; and
- the Management Case – setting out how the scheme will be delivered with an outline of the proposed programme management plan and procurement.

It is anticipated that the final elements of the work on the Outline Business Case/s would be complete sometime during Year 2 (2020/21) of this Business Plan period.

The final stage will be to draw together the approach into a Full Business Case/s, which will define and select the preferred service solution, fully define the implementation arrangements and funding requirements. This can follow relatively quickly from the Outline Business Case stage with the main Full Business Case/s (i.e. Locally-Led Development Corporation and initial Delivery Vehicles) anticipated to be complete during Year 3 (2021/22) of this Business Plan period.

Appendix B provides an overview of the key rationale for intervention and decision making to date, including the strategic context to the proposal, the case for change and an indication of the proposed way forward. It sets out information pertaining to several key components of the ‘Strategic Outline Case’ as per the HM Treasury Green Book and forms the basis of subsequent work in 2019/20, which will feed into the development of the ‘Outline Business Case/s’.

4. NEGC Vision & Strategic Objectives

4.1 Introduction

A mission statement, a vision and a set of objectives provides the strategic framework within which the company will operate and which emerging proposals can be evaluated over time. The strategic context will continue to evolve over time and new influences will undoubtedly emerge.

4.2 Mission Statement for North Essex Garden Communities Limited

The overall Mission Statement for NEGC sets out in high level terms what the company will do:

To lead, create, inspire and develop exemplar self-sustaining Garden Communities across North Essex through working proactively and effectively in partnership with local communities and key stakeholders.

4.3 Vision for North Essex Garden Communities Ltd

The overall Vision Statement for NEGC sets out in high level terms why and how the company is pursuing its mission statement.

There have been a number of vision statements prepared for the three individual North Essex Garden Communities projects, including those set out in the Local Plan and NEGC Prospectus. The overall Vision Statement for NEGC detailed on the next page is consistent with both documents as well as the NEGC Charter.

Our vision is to establish an area for growth across North Essex that is of strategic national importance. At the heart of our vision is the creation of new Garden Communities where people want to live, work and play.

Our vision has three interconnecting strands: sustainable communities, jobs and a supportive infrastructure:

- ***Communities:*** sustainable development principles will be at the core of the Garden Communities, balancing social, economic and environmental issues. The garden communities will attract residents and businesses who value innovation, community cohesion and a high quality environment, and who will be provided with opportunities to take an active role in managing the garden community to ensure its continuing success;
- ***Jobs:*** to achieve our vision, we will strive to make North Essex an area of inclusive economic growth and prosperity, of strategic importance to the economy of the UK, with businesses capable of competing on a national and international stage. To make this happen we will help North Essex create a diverse and thriving economy, with a great choice of job opportunities across many sectors, and growing prosperity and improving life-chances for all its citizens, today and into the future; and
- ***Infrastructure:*** within the new garden communities, there will be a focus on providing the right level of infrastructure (roads, utilities, education, health, green areas, community and leisure centres etc.) at the right time to in a manner that supports the development of substantial new growth whilst ensuring that the countryside and heritage assets are protected and enhanced. Surrounding the garden communities, there will be a focus on ensuring that improvements to the supporting strategic infrastructure will be planned and implemented alongside the development of the new garden communities.

4.4 Strategic Objectives for North Essex Garden Communities Ltd

The following strategic objectives have been derived from the objectives as set out in Schedule 1 of the NEGC Shareholders Agreement. They have been designed to deliver the mission statement and vision for NEGC. They have not been set in any order of priority on the basis that the delivery of Garden Communities requires an holistic approach that ensures the key strands are delivered in an inter-connected manner.

The NEGC Ltd overarching mission is to make North Essex a place where people want to live, work and play by delivering new Garden Communities. We will achieve that goal by delivering the following objectives:

- Undertaking consistent and meaningful engagement with existing and proposed communities to ensure they are at the heart of the Garden Communities' evolution.
- Fostering economic development within the Garden Communities in order to create a resilient and self-sustaining economy, and also offering access to a strong, local jobs offer in North Essex in order to help achieve a better balance between the location of jobs and housing.
- Providing connectivity to and within the new Garden Communities to be achieved through the timely provision of physical and social infrastructure in an integrated manner to ensure ease of access and movement across the North Essex area.
- Focusing on innovation within the Garden Communities to future-proof them by securing the delivery of a smart and sustainable approach to the design and management of services, infrastructure and utilities through the application of the highest standards of technology.
- Ensuring that the quality and design of place in the Garden Communities are seen to be exemplar and can create great places to live, work and play with access to great green spaces; in a manner that attracts both existing and future residents in North Essex as well as those from further afield, including the provision of different types of tenure (e.g. a range of affordable and rented housing for all ages and income levels to exist alongside outright market sale housing).
- Establish and implement suitable models for the long-term stewardship of community and place-making assets that are structured and funded in a manner that provides long-term management and governance of those assets.
- Achieve sustainability in its widest sense, not only because the new Garden Communities are places that excel in their environmental quality and performance including healthy living, but also because the places are commercially sustainable in a manner that supports delivery and is capable of providing ongoing revenue receipts for reinvestment by the respective shareholders.

4.5 The North Essex Garden Communities Prospectus

A prospectus has been produced to set out and illustrate the strategic potential, with an ambition to establish North Essex as a key corridor of growth of national significance. The prospectus focuses on two key strands:

- creating a corridor of economic growth and prosperity, with North Essex having a diverse and thriving economy; and
- securing investment in supportive infrastructure, ranging from transport through to green infrastructure, innovation, skills, social and community development.

The prospectus also sets out 10 strategies that will ensure that the objectives are delivered, and these are listed below:

Strategy 1: “Community Engagement”

Strategy 2: “Employment Opportunity” – growing the productive economy of North Essex

Strategy 3: “Green Infrastructure” – blue and green spaces all

Strategy 4: “Integrated and Sustainable Transport” - mobility for all

Strategy 5: “Smart and Sustainable Living” – community infrastructure

Strategy 6: “Living Environment” – new homes to support growth

Strategy 7: “Good Design” – the very best in Garden Community planning and design

Strategy 8: “Active Local Stewardship”

Strategy 9: “Strong Corporate and Political Public Leadership”

Strategy 10: “Innovative Delivery Structure”

These strategies are consistent with NEGC mission statement, vision and objectives outlined in sections 4.1 – 4.4 above.

5. NEGC Strategy

5.1 Overarching Strategy

The delivery of this ambitious vision of the Garden Communities will require a positive and active approach by both the public and private sectors.

Notably, and different from standard development approaches, The Councils are taking a proactive approach to delivery of the Garden Communities through their masterplanning, promotion and development.

The approach reflects an anticipated need for strong public-sector leadership, but with flexibility to integrate appropriate partnership approaches and sharing of project risk and reward where these can deliver on the programme's objectives.

The active involvement of the public sector in supporting the delivery of the Garden Communities will be rewarded not just by the creation of great places for the residents of North Essex to live, work and play in, but also through unlocking a share of the value created through this endeavour.

For the delivery structure to succeed, deliver on the vision and realise the potential, there will need to be close working between The Councils, Government, landowners, developers, funding and delivery partners as well as local communities.

From the outset NEGC has been established to oversee and coordinate this activity.

It is also recognised that the delivery structure will need to adapt to local circumstances and adopt the most appropriate structure to deliver on the vision and objectives.

The Councils have agreed that NEGC should explore the establishment of a locally-led Development Corporation (as enabled by the Neighbourhood Planning Act 2017 and the establishment of the formal Regulations in 2018) as one of the delivery mechanism options available. A locally-led Development Corporation has great potential to provide a strong and focused body responsible for delivery with wide ranging powers in terms of land acquisition, funding and planning.

- Secure appropriate control and/or take ownership of the land through whatever means necessary (via negotiation or compulsory purchase);
- Bring forward proposals in line with an approved masterplan and secure necessary approvals);
- Undertake pre-development and facilitating works;
- Deliver infrastructure works to meet requirements of the masterplan, planning application/s and conditions;
- Create serviced development plots that are designed to deliver the planned communities;
- Either market the development sites and seek the best price achievable in the open market or work in partnership with developers/contractors to build out the plots, both options would be consistent with the achievement of desired design and quality standards, including a range of different tenures of housing (i.e. mix of affordable and market rent and for sale);

- Arrange development agreements including licences with the successful developers/contractors;
- Supervise the construction to ensure the desired design and quality standards are achieved;
- Distribute the receipts in accordance with the terms of and associated land, funding or delivery partner agreements; and
- Ensure that public facilities and assets are adopted and/or transferred to appropriate bodies to secure their long-term stewardship.

Funding arrangements would be agreed for each operational delivery body in liaison with NEGC. The operational delivery bodies would be responsible for identifying and securing appropriate funding to enable the provision of services and infrastructure at the time when it is needed by the community.

5.2 Approach to Masterplanning & Infrastructure

The proposed Garden Communities will need to be planned carefully, be appropriately located, and accessible by a wide range of sustainable forms of transport. Provision will need to be made to provide the full range of supporting services and facilities. Job creation would need to go hand in hand with population growth to provide new and enhanced economic opportunities for existing and new residents.

Future growth at scale will undoubtedly create demand for additional road and rail use with the associated need for new and upgraded infrastructure, both within and outside the Garden Communities. The education needs of a growing population must also be addressed, requiring careful planning to assess future pupil numbers and address further education needs. Opportunities must be provided for local affordable housing (with a range of rental and partial sale options), helping all on to the property ladder. The ageing profile of residents also requires a proactive response to provide the right type and mix of homes, including independent living and supporting services; as well as sufficient healthcare facilities to support both older residents and the population as a whole. It will also be important to ensure a housing mix that encourages older people to live in the Garden Communities from day one.

To facilitate this, NEGC will need to lead a programme of masterplanning work to enable progression once Section 1 of the Local Plan has been agreed. This masterplanning will enable the local Planning Authorities to progress further iterations of the Development Plan Documents for the three sites, a process that could evolve into the preparation of Local Development Order(s) should a Development Corporation designation be forthcoming.

In relation to Infrastructure, the timely delivery of this will be a central element of the work that NEGC will need to undertake in order to ensure effective delivery of well-planned Garden Communities. Infrastructure includes onsite (e.g. roads, utilities, energy, green spaces, education, health, community centres etc.) and off-site (e.g. roads, public transport etc.). The benefit of this 'infrastructure-led' approach is that there can be more confidence by existing communities that the appropriate level of supporting infrastructure is planned, delivered and financed at the right times during the phasing of the future development of the Garden Communities.

5.3 Approach to Delivery & Finance

NEGC Ltd will continue to investigate a Development Corporation-based delivery strategy across the three Garden Communities alongside an Options Appraisal of other delivery structures.

The options appraisal will include consideration of a public/private sector-led delivery structure, with responsibility for bringing the Garden Community projects forward through further design and planning stages, and into implementation through the direct delivery of infrastructure alongside the generation of income from serviced-land sales. Such a structure could facilitate the delivery of infrastructure and disposal of serviced plots to house builders/commercial developers potentially in combination with the public/private sector-led delivery structure who could be responsible for physical building construction costs and property sales, within approved design and quality standards. Such an approach would not preclude the opportunity for public sector stakeholders to directly deliver development should they wish; however, it would enable The Councils and the delivery project vehicles to manage their risks.

In accordance with approved Cabinet decisions across The Councils, ‘in principle’ commitment has been given to consider funding options. Subsequent business cases will determine a detailed set of funding requirements; including the scale of funding required and the timescales which will be relevant to each block of funding. This further work will be presented back to The Councils and will include consideration of an appropriate future funding mix, including opportunities for leveraging in private sector and other sources of funding.

5.4 Approach to Engagement & Communications

As NEGC moves more to the delivery phase, it will also need to focus on its PR and Communications activity. In particular, the masterplanning work (including infrastructure aspects as a key theme) will require a more in depth and sophisticated public engagement programme than has taken place to date – moving it away from being a statutory and Local Plan issue. In addition, the North Essex economic strategy will need to be communicated and ‘marketed’ both across the region and internationally.

5.5 Approach to Economy

The development of three substantial Garden Communities of up to 43,000 homes requires an ambitious economic strategy for North Essex to ensure that the new settlements don’t just become dormitory towns but more importantly have a catalytic effect in the wider economy. At the heart of the economic offer for the Garden Communities will be the creation of an ambitious economic strategy for North Essex involving The Councils, the University of Essex, economic partnerships and NEGC. As this work progresses, key business representatives will also play an important role, ultimately becoming advocates for the strategy.

5.6 Approach to Innovation

Given the long-term nature and overall scale of the ambition, it will be important to ensure that the Garden Communities embed a forward-thinking approach, including full and active consideration across new and innovative aspects of community life and place management. It will also be important to ensure that opportunities for innovation across the Garden Communities should support Garden City Principles and improve the quality of life for both new and existing residents.

Following an NEGC Innovation event in May 2018, a number of priority areas were identified to be explored and developed across the North Essex Garden Communities to ensure they can accommodate and make full advantage of new and modern approaches that can add value. The priority areas or opportunities include: infrastructure, utilities & connectivity; integrated & sustainable transport; place making & economy; promoting healthy lifestyles; stewardship, participation & governance; research & development. Essentially these opportunities range from new forms of transport, including accommodating future anticipated trends in movement, through to implementing the 'Smart City' agenda such as via technology and sensors to ensure the new places and associated utility infrastructure are run effectively and efficiently to achieve sustainability gains.

The approach will continue to draw from the very best innovators from local, national and international realms. It will consider key opportunities and involve horizon scanning to ensure that NEGC is at the forefront of both thinking and implementation.

A key part of the approach will be the need to define the inter-relationships and pre-conditions needed to encourage and facilitate innovation across a variety of topics and themes and ensure these are embedded in all aspects of the delivery of the Garden Communities.

5.7 Approach to Legacy & Stewardship

Some elements of the Garden Communities will be developed and managed in perpetuity with the direct involvement of their residents and businesses. The initial work undertaken on Legacy & Stewardship has identified two categories or types of assets in the Garden Communities that will require future management – incoming earning and community.

The principal purpose of the income earning assets portfolio will be to provide on-going revenue streams to support the community assets to deliver high levels of quality of place. A range of potential income earning assets will need to be explored and could include: commercial; private rental; affordable housing; older age living; energy & utilities. These income earning assets might be part of management vehicles that include private as well as public investors.

The principal purpose of the community assets portfolio will be to ensure that they support high levels of quality of place in the Garden Communities. A range of potential community assets will need to be explored and could include: parks; allotments; community & local centres; other forms of communal space; schools; health facilities; opportunities for formal and passive recreation. It is likely that residents will be directly engaged in the long-term management and stewardship of the community assets, fostering a shared sense of ownership and identity.

Organisations such as a community trust, Parish/Town Council or similar, could be set up and funded to maintain and develop community assets over the long term.

6. NEGC - Priorities & Deliverables for 2019/20

6.1 Operational Priorities for 2019/20

The major outcomes for 2019/20 and for the project as a whole are obtaining adoption of Section 1 of the Local Plans and enabling the shareholder Councils to submit to Government an application for a Mandate for a North Essex Locally-Led Development Corporation. Delivery of those major outcomes by the end of 2019/20 would mean that the programme could move to being externally financed and the Councils would then not need to provide further revenue contributions.

In order to achieve those major outcomes in 2019/20, the key operational priorities for NEGC will be:

1. Local Plan
 - Continuing to assist the North Essex Authorities (NEAs) with the work required to progress their Local Plans, including: additional infrastructure, delivery and phasing work; employment floorspace forecasting; demonstrating the viability of the Garden Communities; and input into the overall Transport work, including the Rapid Transit System project.
 - Supporting the NEAs and presenting evidence on the deliverability of the Garden Communities at the reopened Examination in Public for the Section 1 Local Plans.
 - Appear at Uttlesford District Council (UDC) Examination in Public on delivery and viability of the West of Braintree Garden Community site.
2. Engagement
 - Continuing with a high-profile level of engagement with the existing and proposed new communities to give them a strong sense of ownership of the emerging Garden Communities.
3. Economy
 - Active liaison with the North Essex Economic Board to ensure that the North Essex Economic Strategy maximises the benefits to the Garden Communities and the area as a whole, with a particular focus on developing strategic approaches to local upskilling and inward investment.
4. Delivery & Stewardship
 - Evolving the best approach for delivery of Garden Communities in North Essex with Government, including the preparation of operating structures and financing requirements for testing with funders. This will be achieved by undertaking an Options Appraisal and producing an Outline Business Case.
 - Subject to the decisions by The Councils to prepare a Mandate in support of a designation for a locally-led Development Corporation in North Essex that is supported by all NEGC directors and shareholders.
 - Continuing to explore approaches to secure an interest in land, either via negotiation or compulsory purchase.

- Work with The Councils and key partners on Stewardship to identify a range of income earning and community assets together with potential management vehicles for each of these across the Garden Communities.
5. Masterplanning & Transport
 - Developing the masterplans for each of the Garden Communities.
 - Designing the local (e.g. transport) and social (e.g. education, health, community facilities etc.) infrastructure required to support each of the Garden Communities.
 6. Infrastructure & Utilities
 - Engaging with Infrastructure and Utility providers to confirm anticipated infrastructure demand and how it may be provided (considering the benefit of public/private ownership options), over the proposed NEGC development period.
 - Exploring the options available and developing a commercial strategy to implement the supporting Infrastructure and Utilities required to deliver the Garden Communities.
 7. Innovation
 - Work closely with partner organisations to progress the four priority areas that have been identified for Innovation (Infrastructure, Living Space, Health & Wellbeing, Economy & Business) and develop a formal work plan to progress these.
 8. NEGC Strategic Business Planning
 - Preparing a costed Business Plan for 2020/21 and 2021/22 for approval by the Board by January 2020 (noting that this may need to be reviewed should a decision be made on whether to proceed with a Locally-Led Development Corporation).

These operational priorities, along with the key Council dates, are set out in the table below. It should be noted that these dates are contingent on the Local Planning Authorities continuing to prepare evidence to support the proposed Garden Communities and that the Garden Communities continue to be included within the respective Local Plans. The milestones are also reliant on the Local Plan process and associated timings as set out below. Should the Local Plan process be delayed then these dates would need to be reviewed.

Similarly, the milestones have also assumed that NEGC continues to consider and investigate delivery models, including a Development Corporation-based delivery strategy across the three Garden Communities. This approach doesn't prejudice the shareholders from needing to formally consider and approve any decision to apply for Development Corporation status but assumes that NEGC continue to lead the necessary preparatory work with Government and the partner Councils on a Development Corporation delivery strategy if that option is decided upon.

	Q1 (Apr-Jun 19)	Q2 (Jul-Sep 19)	Q3 (Oct-Dec 19)	Q4 (Jan-Mar 20)
1. Local Plan / DPD			October – main milestone	
NEA support	Apr: NEA other evidence May: NEA SA evidence ¹ Jun: NEA committees briefs	Jul: NEA committees Jul/Aug: NEA consultation Sep: NEA revised evidence	Oct/Nov: reopened EIP Dec: review Inspectors report	Jan-Mar: modifications
NEGC evidence	Apr-Jun: NEGC evidence	Jul: NEGC UDC EIP Jul/Aug: NEGC submissions	Oct/Nov: reopened EIP Nov/Dec: DPD prep + HIF	Jan-Mar: begin DPD masterplan work for Sequence 2 Q1 2020
Council Decision Making		Jul: Evidence considered by LPCs/Councils & approval to consult		Jan: Approval of consultation for modifications
2. Engagement			October – main milestone	
Sequence 1	Apr-Jun: preparing material	Jul: detailed Board approval Sep: commence programme	Oct: complete programme	
Sequence 2				Jan-Mar: preparing material
3. Delivery Models			December – main milestone	March – main milestone
(i) Options appraisal	Apr/May: Councils debate			
(ii) Outline Business Case	Jun: begin drafting	Jul/Aug: initial draft for review Sep: initial NEGC Board paper	Oct/Nov: further Board paper Oct/Nov: Councils briefing	

¹ Included for completeness as NEGC is not supporting the NEA Sustainability Appraisal workstream
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	Q1 (Apr-Jun 19)	Q2 (Jul-Sep 19)	Q3 (Oct-Dec 19)	Q4 (Jan-Mar 20)
(iii) Mandate submission	Jun: begin drafting	Jul/Aug: initial draft for review Sep: initial NEGC Board paper	Oct/Nov: Councils briefing Nov: next NEGC Board paper	
Council Decision Making		Jul/Aug: Delivery Vehicle options and Stewardship key questions		Jan: Councils approval Mar: Councils submission
4. Business Plan				Jan/Mar – main milestones
Medium Term Funding	Apr-Jun: funding options	Jul-Sep: funding proposals	Oct-Dec: detailed proposals	Jan: NEGC Board approval
Interim Business Plan 20/21 & 21/22		Jul-Sep: initial draft of IBP Sep: initial NEGC Board paper	Oct: revised draft of IBP Nov: next NEGC Board paper	Jan: Board to recommend IBP for Council approval
Council Decision Making	Jun: Approval of Interim Business Plan 2019/20	Jul: Approval of Interim Business Plan 2019/20	Oct: Initial budget conversations	Feb: Councils budget approval Feb/Mar: Councils approve Business Plan

Further detail on the sequencing of these milestones and the NEGC priorities is set out in **Appendix A** of this Business Plan.

Clearly, the creation of the Garden Communities is a long-term programme. During the first few years of operation NEGC will be engaging and working with partners and local communities to further evolve the vision for the area, develop the forward strategy and agree longer term delivery plans.

6.2 Key Workstreams & Activities for 2019/20

The workstream elements and deliverables for each of the NEGC operational priorities are set out below:

1. Local Plan

NEGC has an important role to play in supporting the NEAs to secure the approval of Section 1 of their Local Plans during 2019/20. In particular NEGC can assist in the preparation of specific

evidence that relates to the viability, delivery, employment and infrastructure aspects of the Garden Communities as well as appearing and presenting complementary evidence at the reopened Examination in Public in a developer capacity.

During 2019/20 NEGC will:

- Continue to assist the NEAs with the work required to progress their Local Plans, including: additional infrastructure, delivery and phasing work; employment floorspace; demonstrating the viability of the Garden Communities; and input into the Transport work, including the Rapid Transit System project.
- Presenting evidence on the deliverability and viability of the Garden Communities at the reopened Examination in Public for the Section 1 Local Plans.

2. Engagement

Once the revised Sustainability Appraisal has been approved by the NEAs, NEGC can move from the informal engagement strategy that it began in 2018/19 to implement its formal three-sequence engagement plan, which is designed to ensure that residents, businesses and other key partners have the opportunity to play a central role in the development of the masterplanning proposals for the Garden Communities. This will be distinct and separate to The Councils engagement and consultation processes associated with the statutory Local Plan process.

During 2019/20 NEGC will:

- Deliver the first sequence of the formal public engagement programme with the existing and proposed communities to enable stakeholders and other interested parties to provide input and information on the issues and opportunities that the Garden Communities present.
- Continue to lobby the main areas of Government, including MHCLG, Homes England, Department for Transport, Highways England and HM Treasury.
- Create a communications plan to launch the proposed Delivery Model for the North Essex Garden Communities.

3. Economy

NEGC, The Councils and key economic Partners (e.g. University of Essex and Haven Gateway) will need to progress the work that was begun in 2018/19 to implement the North Essex Economic Strategy, in particular the key ‘enabling’ workstreams of education & skills development and inward investment. This will enable the North Essex economy to leverage the potential that the Garden Communities provide and attract major businesses and organisations to locate to the area such that North Essex can begin to match the performance of comparator regions across the Greater South East. During 2019/20 NEGC will:

- Work with The Councils and key economic partners to deliver the high-level work plan, including education & skills, to deliver the North Essex Economic Strategy, ensuring that it can leverage the benefits of Garden Communities.

- Work closely with partner marketing and communications teams to ensure that the North Essex Economic Strategy is communicated and marketed using the recently created North Essex Opportunity branding across the region, nationally and internationally as part of the NEGC's approach to inward investment.

4. Delivery and Stewardship

The Councils agreed (through Cabinet resolutions in late 2017) that NEGC should explore the potential for creating a Locally-Led Development Corporation(s) in North Essex. Since that time, NEGC has identified a potential operating/delivery structure and financing arrangements for a Locally-Led Development Corporation in North Essex. This now enables NEGC to begin to work with The Councils to prepare a Mandate submission to Government, which will include a request for those powers to be devolved as part of any designation. Included in that Mandate would be a long-term approach for Stewardship across the Garden Communities. The submission of this Mandate would be subject to Section 1 of the NEAs Local Plans being found sound.

The delivery workstream will also need to consider whether commercial deals that meet the Development Corporation's objectives can be agreed with the existing landowners across the Garden Community sites or, alternatively, whether there is sufficient evidence to progress Compulsory Purchase Orders to gain control of the land once the Development Corporation is in place.

During 2019/20 NEGC will:

- Undertake an options appraisal and produce an Outline Business Case.
- Draft a Mandate submission for a potential Development Corporation(s) on behalf of The Councils that sets out the operating/delivery structure and high-level financing arrangements.
- Continue to engage closely with Government to consider the scope and scale of potential Government support for a Locally-Led Development Corporation in North Essex.
- Continue to liaise with the existing landowners and potential developers to establish whether commercial deals can be agreed that accord with the Development Corporation's objectives.
- Identify a range of income earning and community assets together with potential management vehicles and develop a long-term approach to Stewardship across the Garden Communities.

5. Masterplanning & Transport

The creation of NEGC-led masterplans for each Garden Community will enable the Local Planning Authorities to progress further iterations of the Development Plan Documents for the three Garden Community sites. This masterplanning work will also provide the basis for Local Development Order(s), should the Locally-Lead Development Corporation designation be forthcoming.

Equally extensive work has already been undertaken and will continue to be progressed by Essex County Council, working with Highways England, on the strategic transport infrastructure (e.g. the A12 and A120 enhancements) and also by all four councils on the North Essex Rapid Transit proposals. It is envisaged that this work will be connected to the Masterplanning workstream.

During 2019/20 NEGC will:

- Begin the preparation of masterplans and LDO(s) for each of the new Garden Communities so that work on detailed layout options can commence once the outcome of the Section 1 Examination in Public has been released.
- Prepare key additional evidence base and technical studies necessary to support the masterplans and the progression of the site-specific Development Plan Documents.
- Continue to work with Essex County Council, Highways England, the Department for Transport, Government, and other relevant stakeholders to advocate for, and assist in, the delivery of the A12 and A120.
- Engage with Network Rail and other relevant stakeholders to consider and evolve wider transport opportunities including those presented in relation to the Greater Anglia network.
- Progress the feasibility work for the implementation of the North Essex Rapid Transit System proposals in partnership with The Councils.

6. Infrastructure & Utilities

Some initial scoping work has already been undertaken by NEGC to establish the onsite infrastructure and utilities requirements to support the delivery of the Garden Communities. This has provided a baseline of information that will now enable commercial discussions to begin with infrastructure and utility providers and provide significant input to the Masterplanning. Consequently, it is envisaged that this work will be connected to the Masterplanning and Transport workstream outlined above.

During 2019/20 NEGC will:

- Engage with infrastructure and utility providers to ensure their best co-operation and wherever possible the inclusion within their capital programmes of the relevant infrastructure demand from the proposed NEGC development.
- Produce a commercial approach to the delivery of the on-site infrastructure and utilities based on the outcome of an options appraisal.

7. Innovation

Work is currently underway and will continue throughout 2019/20 to develop an approach to Innovation for the Garden Communities in North Essex. This work will be led by NEGC and involve The Councils as well as other key partners, including education and health research organisations as well as businesses. The approach will aim to ensure that the design and delivery of the Garden Communities embrace leading edge innovative techniques and that the Garden Communities deliver high levels of quality of place.

During 2019/20 NEGC will:

- Develop business plans to progress the four priority areas that have already been identified for Innovation, namely Infrastructure, Living Space, Health & Wellbeing and Economy & Business.
- Facilitate innovation networking events to develop a further understanding of the opportunities for the Garden Communities.

8. NEGC Strategic Business Planning

This Business Plan acts as a precursor to the preparation of a financed Long-Term Business Plan as defined at Section 5.2 of the NEGC Shareholders Agreement that will be developed during years 2 and 3 (i.e. 2020/21 and 2021/22) to support the ‘on the ground’ delivery of the Garden Communities.

During 2019/20 NEGC will:

- Prepare a costed Business Plan for the period 2020/21 and 2021/22 that will be submitted to the Board for approval in January 2020 and thereafter to The Councils for their approval.
- Secure external finance to fund the Business Plan for the period 2020/21 and 2021/22.

It is envisaged that the NEGC operating structure will continue to be reviewed through 2019/20 and informed by a number of workstreams, to ensure that an appropriate approach is in place to deliver on the programme’s vision and objectives, and level of local ambition.

For NEGC to achieve the objectives, deliverables and targets set out in this document, there will need to be sufficient resources in place to take proposals forward and these are outlined in Section 9.

6.3 Programme Timeline & Key Milestones

This 2019/20 period reflects the current position of the NEGC as a relatively new organisation and the detailed programme set out above includes the workstreams that are required to be developed with engagement with key partners and stakeholders in order to develop longer-term detailed plans. Future business plans will then be able to provide more detailed information on those workstreams, activities, outputs, performance measures and outcomes.

7. Strategic Milestones for 2020/21 & 2021/22

7.1 Strategic Milestones for 2020/21 & 2021/22

Section 6 of this document sets a Business Plan for NEGC for the 2019/20 financial year, which also includes key milestones for the 2020/21 and 2021/22 financial years. The reason for this approach of including 2020/21 and 2021/22 in the key milestones is to set out the future route map should The Councils decide to pursue a Development Corporation to deliver the Garden Communities, given that the approval of NEGC's role in any potential Development Corporation to deliver the Garden Communities would not be known until later in 2019. In addition, there is considerable reliance on the adoption of the Section 1 Local Plan in relation to NEGC activities from the end of 2019 onwards.

Whilst it is standard practice for a private company to prepare a fully detailed three-year Business Plan, it seems prudent given the uncertainty around various key elements of the NEGC programme and its associated dependencies, to set out a detailed plan for 2019/20 and then the key milestones only for the 2020/21 and 2021/22 financial years.

The priorities for 2020/21 and 2021/22, along with the key Council dates, are set out in the table below. As with the priorities for 2019/20, it should be noted that these dates are contingent on the Local Planning Authorities continuing to prepare evidence to support the proposed Garden Communities and that the Garden Communities continue to be included within the respective Local Plans. The milestones are also reliant on the Local Plan process and associated timings as set out in Paragraph 6.1 being met. Should the Local Plan process be delayed then these dates would need to be reviewed.

Similarly, the milestones have also assumed that NEGC continues to consider and investigate a Development Corporation based delivery strategy across the three Garden Communities. This approach doesn't prejudice the shareholders from needing to formally consider and approve any decision to apply for Development Corporation status but assumes that NEGC continue to lead the necessary preparatory work with Government and The Councils in moving forward with a Development Corporation delivery strategy.

Finally, and as with the priorities for 2019/20, these dates also assume that NEGC would have a long-term role in the setting up, implementing and subsequent structure of any such Development Corporation(s). Again, should this not be the case, then the Business Plan would need to be reviewed accordingly.

Date	Organisation	Planning Activity	Delivery Model Activity
20/21 Q1	NEGC	<ul style="list-style-type: none"> Preparation of masterplan layouts for each Garden Community NEGC Sequence 2 Public Engagement 	<ul style="list-style-type: none"> Preparatory phase for establishment of preferred delivery model
	NEAs	<ul style="list-style-type: none"> Inspector's final report on Section 1 Local Plans LDO preparation 	<ul style="list-style-type: none"> Should the Development Corporation model be preferred, Local authorities to submit the request for the appointment of the

Date	Organisation	Planning Activity	Delivery Model Activity
			Oversight Authority and designation of Development Corporation for each development corporation, as appropriate
20/21 Q2	NEGC	<ul style="list-style-type: none"> • Delivery of draft masterplan layouts for each Garden Community 	
	NEAs	<ul style="list-style-type: none"> • Adoption of Section 1 Local Plans • LDO preparation 	
20/21 Q3	NEGC	<ul style="list-style-type: none"> • NEGC Sequence 3 Public Engagement 	<ul style="list-style-type: none"> • Designation of Development Corporation, if the preferred delivery vehicle • Appointment by Oversight Authorities of agent • CPO made
	NEAs	<ul style="list-style-type: none"> • Preferred Options DPD consultation • LDO preparation 	<ul style="list-style-type: none"> • Designation of Development Corporation, if the preferred delivery vehicle • Formal appointment of Dev Corp Board by Oversight Authority and initial financial and governance controls, if the preferred delivery vehicle
20/21 Q4	NEGC		
	NEAs	<ul style="list-style-type: none"> • LDO preparation 	
21/22 Q1	NEGC		<ul style="list-style-type: none"> • CPO Inquiry
	NEAs	<ul style="list-style-type: none"> • Draft DPD consultation 	
21/22 Q2	NEGC		
	NEAs	<ul style="list-style-type: none"> • DPD Examination in Public hearing sessions 	
21/22 Q3	NEGC		<ul style="list-style-type: none"> • CPO confirmed
	NEAs	<ul style="list-style-type: none"> • Inspector's interim findings on DPD • DPD modifications consultation 	
21/22 Q4	NEGC		
	NEAs	<ul style="list-style-type: none"> • Inspector's final report on DPD 	

8. Programme Management

8.1 Operating Model

For NEGC to achieve the objectives, deliverables and targets set out in this document, there will need to be sufficient structures and staff resources in place to take proposals forward.

The NEGC operating model is based on a small core team which has responsibilities for:

- Programme and project leadership and vision.
- Business strategy and structure.
- Programme and project management, including the coordination of workstreams and commissioned work.
- Concept development through the evolution of site-specific masterplans.
- Planning for infrastructure, identifying and lobbying for funding.
- Evolving the economic strategy and exploring opportunities for innovation.
- Community outreach and engagement to make resources available to local Parish Councils and interest groups to help engagement in the process.
- Communications, engagement and marketing to ensure proposals evolve with local community involvement and are understood by wider audiences.

The operating structure will become more self-sufficient as time goes on but will continue, where appropriate, to draw on the support of a range of specialists across the partners, including on planning, legal and financial officers within each of The Councils. A service level agreement has been put in place with Colchester Borough Council to provide support services for NEGC such as accommodation, ICT, human resources and payroll. Other specialist services like Planning, Engineering, Architects, Strategic Finance, Tax, Commercial Delivery, and Property Agents will be provided by external consultants.

8.2 Staffing Structure

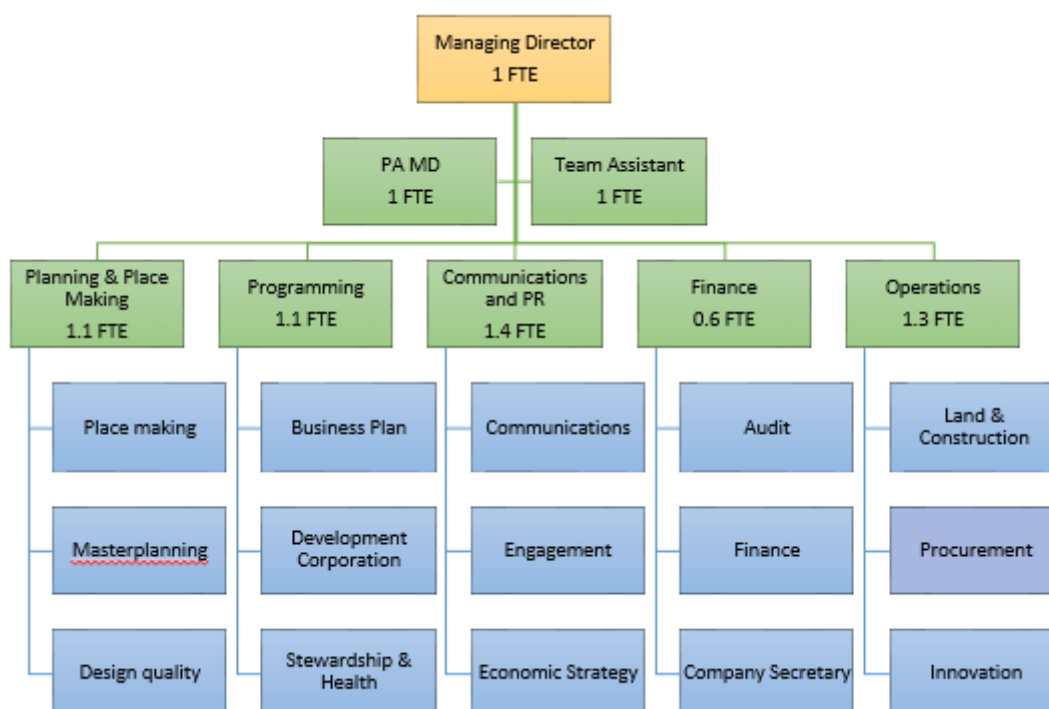
The team scope and remit will evolve and expand as necessary over the next few years as the preferred delivery model structure and individual project vehicles require more detailed support in terms of design and planning, including the need for multi-disciplinary technical inputs.

During the course of 2019/20, the current staff at NEGC (see organisation chart in Figure 3) are likely to remain in place and be supplemented (if required) by specific expert contractors:

- Employees: Group Managing Director (currently directly employed by NEGC); Programme Manager (seconded from Colchester Borough Council); and Communications Manager (seconded from Essex County Council).
- Expert contractors: Operations, Commercial; Procurement; MMC/Construction; Finance; Engagement & Marketing; Place Making & Masterplanning; Administration.
- Consultants: Economic Strategy; Delivery & Financial; Tax; Planning & Property; Legal; Land & Valuation; Masterplanning & Transport; PR & Communications; Company Secretary.

Figure 3: NEGC Programme Team– Total 8.5 FTE)

Note: The orange/green boxes denote the number of positions required and the blue boxes are topic areas



8.3 Governance & Workstreams

The NEGC Board oversees and provides strategic direction to the overall programme.

The day-to-day working of NEGC is overseen by the company's Group Managing Director and supported by a dedicated Programme Delivery Team (employees and expert contractors) who coordinate all work and programme-related activity, including overall programming and budget management.

The work of the core NEGC team will also involve some close joint working with a range of internal and external stakeholders, including officers from The Councils and key partners across a number of specialist areas.

The Programme workstreams will focus on the following specific areas:

- **Engagement & Economy:** to evolve the economic strategy and manage programme-wide external engagement, communications and public relations activity.
- **Masterplanning & Transport:** to assist the NEAs with their Local Plan Section 1 and to advance masterplanning and transport requirements and dependencies, including the Rapid Transit proposals.
- **Infrastructure & Utilities:** to engage with infrastructure and utility providers to ensure effective partnership working and commercially-focused delivery.

- **Commercial & Delivery:** to evolve the commercial delivery and land model, financial analysis, legal and corporate financing and tax considerations, including input to the evolution of associated Business Cases.
- **Stewardship & Innovation:** to evolve an appropriate approach to innovation and a local approach to long term stewardship, including the management and governance of local community assets.

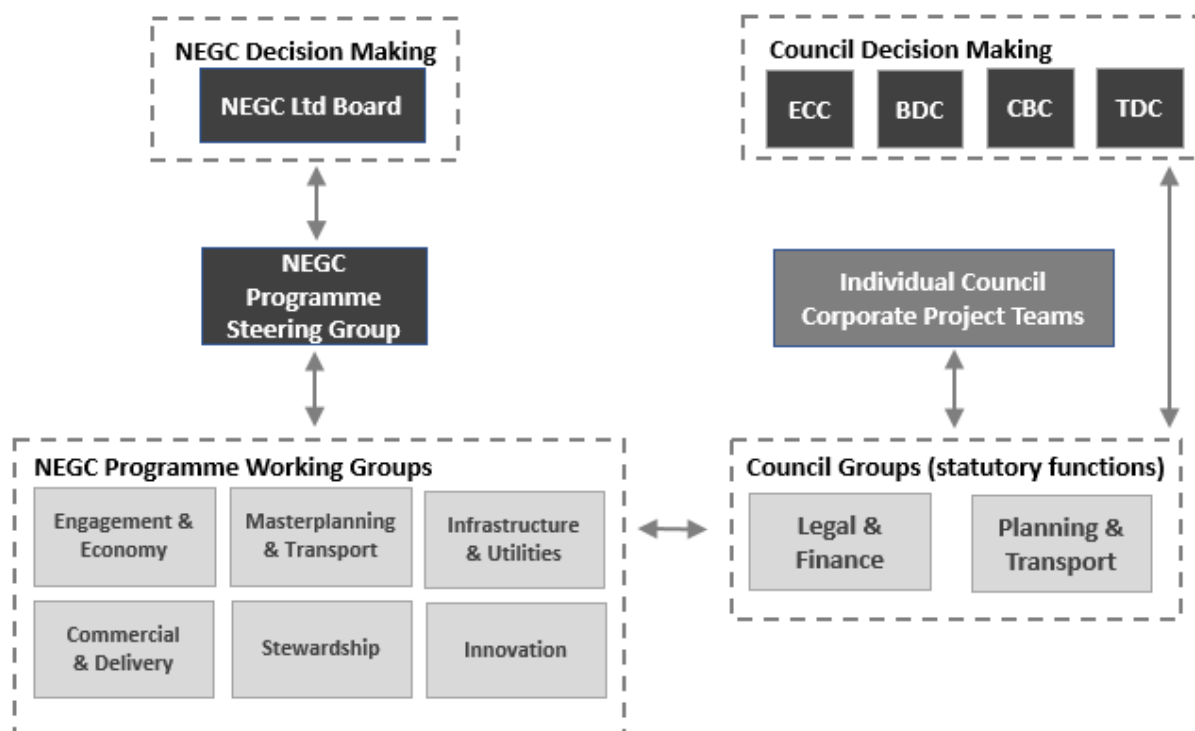
It is anticipated that Task & Finish project groups will be set up, as appropriate, and will report into the workstreams to take forward specific pieces of work. An overarching Steering Group oversees and monitors the outcomes from across the workstreams, including the NEGC business planning and the budget, enabling input into the Board. This is led by the Group Managing Director of NEGC and comprise of Senior Officers from The Councils, together with key staff in NEGC and external stakeholders, including representatives from Homes England and the University of Essex.

Additionally, a number of specialist groups are in place formed by the Council leads on key statutory functions to ensure there is close working between the NEGC programme and the wider statutory functions of The Councils. This approach ensures that there is distinction between the operational activities of NEGC, such as in relation to the evolution of land use proposals and its business model, and the statutory functions/duties and wider roles of The Councils. The statutory function groups will enable close communication, regular structured liaison and effective joint working between NEGC and The Councils across the following themes:

- **Finance:** to establish regular liaison between the programme and Council finance representatives (Section 151 Officers).
- **Legal:** to establish regular liaison between the programme and Council legal representatives (Monitoring Officers).
- **Planning:** to consider the approach alongside statutory planning functions of The Councils with respect to plan making and development management.
- **Transport:** to consider the approach alongside statutory transport functions and initiatives.

Each Council will also draw together specific inputs to the programme via internal project groups to ensure coordination across separate Council officers who are working with NEGC.

Figure 4: Workstreams & Governance



8.4 Outcome Resourcing

The following table sets out how each of the NEGC key priorities will be delivered by the programme workstreams, the anticipated outcomes of these projects and the resourcing they will require.

Priorities	Workstreams	NEGC Outcomes	Resourcing	
			NEGC Team	Consultancy
1. Local Plan	Statutory Planning & Transport	<ul style="list-style-type: none"> Adopted Section 1 	Place Making, Planning, Programming	Planning, Transport, Delivery & Viability
2. Engagement	Engagement, Stewardship Health	<ul style="list-style-type: none"> Improved 2-way communication with communities Informed stakeholders 	Comms & PR	Masterplanning, Comms & Engagement
3. Delivery & Stewardship	Commercial & Delivery Stewardship Statutory Legal & Finance	<ul style="list-style-type: none"> Mandate for appropriate delivery mechanism Funding options Stewardship strategy Construction strategy (including consideration of a Modern Methods of Construction proposition) 	Operations, Programming, Asset Management	Delivery, Legal, Finance, Cost, Design & Construction

Priorities	Workstreams	NEGC Outcomes	Resourcing	
			NEGC Team	Consultancy
		in partnership with Homes England) • Asset Management Strategy		
4. Economy	Economic North Essex Economic Board	• Skills and Education strategy • Inward investment strategy using “North Essex Opportunity” • Input into wider North Essex Economic Corridor Strategy	Comms & PR	Economic & Employment
5. Masterplanning & Transport	Masterplanning & Transport Statutory Planning & Transport	• Rapid Transit Business Case • HIFs implementation • Opportunities & Issues for the Masterplans of Garden Communities • Forecast Demand Report (including types of demographics & affordability)	Place Making & Planning, Programming	Strategic Place Making & Masterplanning, Housing Demand, Transport
6. Infrastructure & Utilities	Infrastructure & Utilities	• Utilities Capacity Report • Commercial discussions with Utility providers	Operations	Cost, Infrastructure & Utilities
7. Innovation	Innovation	• Infrastructure report – “digital backbone” and future proofing assets for stewardship • Living Space report – optimising design for a Construction strategy and delivering high quality & smart homes • Health & Wellbeing report – innovations to deliver Healthy Garden Communities • Economy & Business report – attract new organisations to locate to North Essex and encourage existing organisations in North Essex to grow	Operations, Programming	Industry/Business partners
8. Strategic Business Planning	NEGC Board Steering Group	• Long-Term Business Plan • Medium and Long-Term Funding	Managing Director, Programming, Finance, Operations	N/A

9. Finance

9.1 Overview

The programme to date has been supported through a combination of MHCLG capacity funding (grant) and additional equal revenue (grant) contributions from each of the four shareholder Councils.

As set out in this document, taking the programme forward during 2019/20 is resource intensive as the workload steps up to fund all necessary technical and design work to progress the Local Plan (Section 1) process, including beginning a three-sequence programme of public engagement whilst also developing a Delivery approach, including a potential Locally-Led Development Corporation proposition, so that the schemes to delivery-ready status. As such, the work during 2019/20 will ensure that the programme is able to get on site as soon as is practically possible after the adoption of the Local Plan progress. Essentially the work in 2019/20 will be a precursor and so enable the more detailed masterplanning work including further public engagement and site-specific infrastructure/utilities planning that will need to be progressed in 2020/21 onwards. In addition, the further supporting work on transport infrastructure and economic growth work plan across the North Essex area during 2019/20 will provide the surface access and employment foundations for the programme to be progressed in 2020/21 onwards. It should be noted that whilst this Business Plan reflects the work that needs to be done by NEGC during 2019/20, The Councils will continue to resource work associated with the Local Plan process and documentation.

9.2 2019/20 Budget

In the light of the need to progress the Local Plans (Section 1), it is deemed appropriate that this budget is funded by a mix of council and government funding (subject to a successful bid for grant funding). The level of funding required to deliver the programme workstreams contained in 2019/20 is £2.1m. It is proposed that the £2m is comprised of £1.4m Councils contribution (£350k for each of the four Council shareholders) and the remaining funding from a combination of Government funds (£0.6m) and funds carry forward from 2018/19 (£0.1m). North Essex Garden Communities is the largest programme in the MHCLG Garden Towns and Villages scheme. As at the end of 2018/19, the NEGC programme had received £3.2m Government funding from the MHCLG scheme and £2.4m funding from the Council shareholders. Once the proposed funding splits for 2019/20 are added to those historic amounts it would mean that there would be an equal split of Government MHCLG and the Councils funding for the NEGC programme by the end of 2019/20.

The programme for 2019/20 has been structured to ensure that the Local Plan and Engagement elements are prioritised especially during the first part of the year. During the second part of the year, the Delivery and Business Plan elements are prioritised in order to enable the project to progress the delivery of new homes and employment in the Garden Communities as quickly as possible after the conclusion of the Local Plan EIP. The table below provides an analysis of the main expenditure budget categories for 2019/20 and **Appendix C** sets out further detail on the budget for 2019/20 under each of the main budget categories:

2019/20 - £k	end Jul	end Oct	end Jan	end Mar
Expenditure				
Local Plan	400	723	1,050	1,220
Delivery	200	460	730	911
Total	600	1,183	1,780	2,131

The progress of the activity to deliver the 2019/20 element of this Business Plan, together with a reconciliation of spend against budget, will be monitored monthly via a programme report and presented as a standing item at future NEGC Board meetings. In addition, there will be three formal review milestone dates (end of July, end of October, end of January) where the NEGC Board will receive a report from the Group MD setting out the remaining budget requirements and corresponding expenditure together with a recommendation of how much of the total £1.4m Councils contribution should be drawn down to enable NEGC to progress to the next review milestone date. Consequently, the 2019/20 Interim Business Plan is not predicated on a need to receive the full £1.4m Councils contribution upfront in the year and allows a profile of Councils contributions that can be phased in accordance with the needs of the project.

9.3 2020/21 and 2021/22 Budget

Once Section 1 of the Local Plans has been adopted by The Councils, it is considered an appropriate time to move away from public revenue (grant) funding and obtain securitised external finance to fund the progression of detailed planning and the set-up of the delivery vehicle (potentially a locally-led development corporation) for the Garden Communities. In financial terms, the opportunity to prepare planning applications once the Local Plan is adopted means that there is a reduced level of development risk which in turn would lead to a more acceptable external financing risk for The Councils. These risks are reduced further when land is acquired and/or planning permission obtained.

It is envisaged that the set-up process will begin in 2020/21 and take around two years with a budget in the range of £16m to £20m (£4m-£5m each Council) across that two-year period, which is benchmarked on similar large-scale development projects and a range of funding options will be explored during 2019/20. Thereafter, it is envisaged that longer-term finance will be required to support the Long-Term Business Plan to begin the ‘on the ground’ development activity from 2022/23 onwards. This longer-term finance would be used to pay back the shorter-term finance required for 2020/21 and 2021/22.

Consequently, on the basis that the major outcomes are delivered by the end of 2019/20, it would mean that the programme could move to being externally financed and The Councils would then not need to provide further revenue (grant) contributions. Depending on the type and nature of external finance obtained for the two years 2020/21 and 2021/22, it is anticipated that there would be a need for on-going financial undertakings or support from The Councils.

Should Section 1 of the Local Plans not be adopted in the timescales envisaged in this Business Plan, the NEGC Board will undertake a review of the business plan and supporting budget for 2020/21 onwards.

10. Risk

10.1 Overview

To support the successful delivery of the NEGC Programme, the Programme Team maintains a high-level Strategic Risk Register for the NEGC Board.

The Strategic Risk Register focuses on the key risks the Board have identified as the most significant areas that need to be monitored and reported to them on a regular basis. These risks are set out in accordance with the Treasury Green Book approach to risk appraisal and are categorised as follows:

- Strategic;
- Economic;
- Commercial;
- Financial Case; and
- Management.

The Register uses a RAG (red, amber, green) rating system to highlight the total score of the recommended probability and impact of these strategic risks and also details the mitigation that has been put in place to manage these concerns. The programme's workstreams have contributed to the validity of these ratings to ensure they reflect the current position.

These key risks will continue to be monitored and updated as the programme progresses and will reflect the impact of the key workstreams and activities of NEGC. Any changes to the status of each of the risks will be reported to the Board in a timely fashion, as appropriate.

APPENDIX A: NEGC PRIORITIES AND MILESTONES 2019/20

NEGC PROGRAMME (19/20)														
	PRIORITY	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	
1	Local Plan	Assist the NEAs and UDC with the work required to progress their Local Plans							Appear and present evidence at the EIP for the Section 1 Local Plans					
2	Engagement	Engage closely with and lobby Government to consider the scope/scale of their involvement/support for a LLDC in North Essex												
							Sequence 1 engagement with communities		Create comms plan to launch the North Essex Development Corporation proposal					
3	Economy				Work with The Councils and key economic partners to deliver the high level work plan to deliver the North Essex Economic Strategy									
					Work with partner marketing and communications teams to ensure North Essex Economic Strategy is communicated and ‘marketed’ using the North Essex Opportunity branding									
4	Delivery & Stewardship				Consideration of preferred operating structure and funding requirements for the future delivery of Garden Communities under a Locally-led Development Corporation (Outline Business Case)									
		Initial legal & delivery analysis work		Prepare a draft Mandate for approval of proposed Oversight Authority/Local Authorities					Draft Mandate and outline Business Plan to Board		Final Mandate and Business Plan to Board for approval		Recommendation of Mandate & Business Plan to Councils for approval	
					Evolve corporate delivery and financing structure to best achieve the aims/objectives of The Councils									
		Liaise with the existing landowners and potential developers to establish whether commercial deals can be agreed that accord with the Development Corporation’s objectives										Initial work on CPO (subject to progress with negotiations)		
		Task and Finish working to progress identification of income earning and community assets, and potential management vehicles, developing a long-term stewardship approach												
5	Masterplanning & Transport					Prepare for Sequence 1 engagement to support masterplans and DPDs					Prepare key evidence base / technical studies to support the masterplans and DPDs			
					Masterplanning engagement with Stewardship group					Commence the preliminary work for the preparation of masterplans and LDO(s) for each of the new Garden Communities				
		Work with local government & Highways England partners and other relevant stakeholders to advocate for, and assist in, the delivery of the A12 and A120												
		Feasibility work for the implementation of the North Essex Rapid Transit System proposals in partnership with The Councils												
		Engage with Network Rail and other relevant stakeholders to consider and evolve wider transport opportunities including those presented in relation to the Greater Anglia network												
6	Infrastructure & Utilities	Evolve demand and capacity studies for strategic onsite infrastructure works, engaging with Utility providers as required							Produce a commercial approach to the delivery of the on-site infrastructure and utilities based on the outcome of an options appraisal					
7	Innovation	Task and Finish working to progress priority areas and develop topic work plans												
							Infrastructure Workshop		Economy & Business Workshop		Health & Wellbeing Report			
8	NEGC Strategic Business Planning	Work with Councils to consider their ‘hard’ and ‘soft’ ambitions and wider objectives for GCs												
					Prepare a costed Business & Finance Plan for the period 2020/21 and 2021/22							Board to approve 2020/21 & 2021/22 Business Plan		
		Undertake Options Appraisal / Commence Outline Business Case			Evolve Outline Business Cases for funding needs and financing proposals and secure external finance to fund the Business Plan for the period 2020/21 and 2021/22									
NEGC Board Meetings		<div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div>												

APPENDIX B: RATIONALE AND STRATEGIC BUSINESS CASE CONTEXT

This Appendix sets out information pertaining to several key components of the ‘Strategic Outline Case’ as per the HM Treasury Green Book and forms the basis of subsequent work in 2019/20 which will feed into the development of the ‘Outline Business Case/s’.

The Rationale: Key Issues – Opportunities and Challenges

North Essex will be an area of significant growth over the period to 2033 and beyond, embracing positively the need to build well-designed new homes, create jobs and improve and develop infrastructure for the benefit of existing and new communities.

Future growth at scale across North Essex will need to address a number of key issues. It will be challenging and require a robust response to ensure proposals come forward that can meet the overall scale of ambition, vision and a clear set of defined local objectives. Sustainable development principles will be at the core of the strategic area’s response to its growth needs, balancing social, economic and environmental issues.

The future response will need to address the following key components.

Meeting the need for new housing

The North Essex authorities are committed to plan positively for new homes and to significantly boost the supply of housing to meet the needs of the area. To meet the requirements of national policy to establish the number and type of new homes, the authorities commissioned an Objectively Assessed Housing Need Study.

The study has identified the objectively assessed need across the Housing Market Area (which includes Braintree, Colchester, Tendring and Chelmsford) and sets a challenging context to The Councils in needing to plan positively for future growth in a sensible and sustainable manner.

The Councils are also taking a long-term approach to ensure that new development can be planned in a thorough and holistic way to set the basis for future growth and infrastructure planning across North Essex for many years into the future. This in turn helps to consider and define appropriate strategic infrastructure needs in response to the overall scale of growth.

Providing for Employment

A key objective for the area is to strengthen and diversify local economies to provide the capacity and opportunity to enhance and diversify local employment; and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth.

Braintree District’s employment is relatively focused on industrial-type sectors, including construction and manufacturing. London Stansted airport plays a significant role in not only employing residents of the District, but through the indirect economic benefits associated with proximity with such a large employment hub. Retail is the second largest sector by employment and plays an important role in sustaining the District’s three key town centres. The financial and insurance sector, where Braintree District traditionally has a relatively small proportion of employment, has seen some strong employment growth in recent years.

Colchester is the dominant town within the Essex Haven Gateway and will accommodate much of the future growth in the sub-region. It is one of the UK's fastest growing towns and has developed a strong economy, linked to the town's historic character, cultural activities, and its university.

Tendring District has a diverse economy with local employment across a range of activities. Health, retail and education are the largest sectors in terms of the number of jobs and together represent 45% of the District's total employment.

The employment offer will need to provide new opportunities, taking care to ensure that it supplements and complements existing employment areas, settlement hierarchies, and the role and function of existing centres of activity.

Infrastructure and Connectivity

A growing economy requires good accessibility and has impacts on travel demand. The challenge is to provide a sustainable transport system, while providing good access to jobs and services, to support economic growth.

The new Garden Communities will need to be supported by appropriate transport infrastructure. Braintree, Colchester and Tendring will continue to work closely with Essex County Council, Highways England, and other partners to improve roads and public transport and to promote cycling and walking, and to better integrate all forms of transport.

The A12 is set to have major improvements as part of the Government's Roads Investment Strategy (2015-2020) (RIS), with the aim of improving capacity and relieving congestion. The plans were announced in December 2014 and will represent the largest investment in road infrastructure received by Essex.

The A120 is a key east-west corridor across Essex providing access to London Stansted Airport in the west to Harwich Port in the east and serving the economies of Colchester, Tendring and Braintree, with links to Chelmsford via the A130. The road is dualled between the M11 and Braintree, but the section from Braintree to the junction of the A120/A12 is of a low standard with heavy congestion, high accident risk and poor journey reliability. Highways England and Essex County Council are working together to study options for dualling the A120 between Braintree and A12 junction, with the County Council taking the lead.

The aim is to ensure that the work on both the A12 and A120 are directly linked and informed by the planned growth across North Essex through partnership working between all parties. In addition, such projects are essential in enabling planned growth to come forward supported by the necessary strategic infrastructure. The scale of new development envisaged will also need to deliver public transport improvements, including improved rail infrastructure and potential for rapid transit services.

The rail network is heavily used by passenger trains and through freight from the Haven Ports. The Great Eastern Main Line provides services to London Liverpool Street. The Anglia Route Study shows that while capacity varies along the line, capacity to accommodate growth is limited and is particularly constrained in peak times from Chelmsford to London. Improvements are required along the line to accommodate growth and provide a faster more competitive service across the region. A package of improvements will be necessary to respond to the need for increased capacity, which are seen as priorities to enable growth, improve services and journey reliability.

Promoting sustainable transport opportunities

Alternative forms of transport to the private car (walking, cycling and public transport, including rapid transit) to travel will be key to managing congestion and to accommodating sustainable growth. By promoting travel by sustainable modes there are wider benefits to local people such as personal health, less pollution and using less resources (including land), and they are cost effective.

The levels of growth will require proactive travel planning and management. Travel planning and smarter choices initiatives will be promoted to ensure that all residents have good access to local jobs, services and facilities, preferably by either walking or cycling. For longer trips and in rural areas where there are fewer local services and employment opportunities, public transport will be promoted.

Education and Healthcare

New development must provide for the educational needs of new communities. A range of educational opportunities will need to be addressed as part of a sustainable growth strategy, including practical vocational training and apprenticeships.

NEGC will need to work with the NHS and key local health providers to ensure the provision of healthcare facilities to support new and growing communities. This will be particularly important given the ageing profile of existing and future residents. There is already a need for more and better quality health care facilities across the region.

Broadband

High quality communications infrastructure is crucial for sustainable growth. The availability of high speed and reliable broadband is a key factor in unlocking new development opportunities and ensuring that people can access services online and work from home. Fast broadband connections and telecommunications are an increasingly important requirement to serve all development. The priority is to secure the earliest availability for universal broadband coverage and fastest connection speeds for all existing and new developments.

Creating Quality Places

New development must reflect high standards of urban and architectural design. It must also be functional and viable. The new Garden Communities will be planned carefully with the use of masterplans and design codes, and potentially independent design panels, to further evolve the approach set out in Local Plans and emerging Concept Frameworks.

This requirement for high design standards will apply to public and private buildings across all scales of development as well as to infrastructure projects. Enhancements to the public realm, landscaping measures and attention to architectural detail will be important features that the authorities will wish to see included in new developments.

At new Garden Communities, there will be a particularly strong emphasis on strategic scale and local green infrastructure, creating a strong natural environment for living, working and leisure whilst also making a vital contribution to quality of place, biodiversity and health outcomes.

The Councils Response: Spatial Planning for North Essex

Local authorities are required to set out the strategic priorities for the area and be ultimately responsible for ensuring such plans come to fruition. The Councils through Local Plans, a North Essex Garden Communities Charter, and Prospectus have come together to establish a strategic context which establishes the case for change and starts to inform a potential way forward.

The approach is being evolved to enable a joined up and effective approach that can:

- Deliver the homes and jobs needed in the area over the long term;
- Secure the provision of infrastructure for transport and telecommunications, education, health, community and cultural infrastructure; and
- Ensure the creation of quality places including the conservation and enhancement of the natural and historic environment, including landscape, together with an affective long-term approach to effective local stewardship.

Braintree, Colchester and Tendring have all been evolving new Local Plans which have been brought forward through separate decision-making structures within the respective Councils. Alongside this and in accordance with the Duty to Cooperate, The Councils have worked closely to plan effectively for the long term.

The Local Plan making processes have considered the most appropriate spatial approach to future development, including formal consideration and consultation on initial issues & options, and identification and consultation on preferred options, leading to the proposed joint approach being agreed and submitted to the Planning Inspectorate for examination.

The approach has evolved into the consideration of cross boundary strategic matters (including the potential location of 3 proposed Garden Communities) through a joint “Section 1” component of the plan, together with separate “Section 2” components which address local matters for each separate Council. The Plans are accompanied by a broad evidence base which has informed decision making, have included formal stages of public and stakeholder consultation and strategic environment assessment, which included evaluation of potential alternatives.

The vision for North Essex at a strategic level has been set out by the local planning authorities within Section 1 of the Preferred Option Local Plans. This addresses both an agreed joint spatial vision for the wider area together with the role and significance of the proposed Garden Communities. The vision sets out a clear statement of local ambition and establishes a strategic basis from which to move forward. It enables The Councils to plan positively for the future homes and jobs needed across the area, the provision of high quality infrastructure (transport, telecommunications, education, health, community and cultural infrastructure); and the creation of quality places including the conservation and enhancement of the natural and historic environment, including landscape.

Corporate Consideration of the Delivery Approach

The Local Plans have been brought forward through respective plan making committees and decision-making structures, which has considered the spatial approach and evidence underpinning the consideration of options leading to a preferred spatial scenario including the 3 proposed Garden Communities.

Cabinet Meetings for each of the NEAs in January/February 2016 specifically considered the progress of joint work relating to Local Plans, with specific reference to the potential for cross-boundary sites to come forward, and the NEAs' role in their further consideration and potential delivery.

The Councils agreed to formalise the joint working into a joint working governance structure including representation on a Shadow Joint Delivery Board, programme Steering Group and topic based working group structures. Initial advice had been provided in respect of potential delivery options and implications, and further advice was to be commissioned. The Shadow Delivery Board was established to provide overall direction in respect of the programme and an appropriate delivery structure should the partners decide to progress with strategic cross boundary Garden Communities, subject to the plan-making process.

At the meetings, The Councils agreed to the continued joint working and further consideration of proposals including scope to take an active role in the development and construction of the new proposal Garden Communities. Following this the Council committed resources both in relation to officer time and a financial contribution to support the joint work alongside grant funding secured from the Department for Communities and Local Government to support the evolution of further feasibility studies.

Reports were subsequently brought back to respective Council Cabinets in November/December 2016 to seek approval for The Councils to enter into joint arrangements with the other Councils to create an overarching body to be known as North Essex Garden Communities Limited (NEGC) to coordinate the development of the sites and establish further companies (Local Delivery Vehicles (LDVs) for each proposed garden community. The Councils were asked to give in principle agreement to provide proportionate funding to enable the initiative to proceed.

Further papers were considered at Council Cabinet meetings in August/September 2017, which provided an update on the general approach, and secured endorsement to promote the positioning of NEGC with respect to the potential establishment of a single new locally-led development corporation as one of several delivery model options, as well as support to the principle of using compulsory purchase orders to secure control of land if voluntary agreements could not be achieved in a reasonable time. The Councils committed further revenue contributions to continue working on the initiative.

Importantly, the decisions made clear that the corporate decision relating to delivery did not commit any council to allocate any sites within the Local Plan, as this has been subject to separate decision-making processes in accordance with the statutory requirements and material considerations at the relevant time.

The Commercial Case & Options Considered

The Councils have considered a wide range of alternative delivery mechanisms and structures.

The principal alternative options would be to allow for the development of the settlements, namely:

1. by the private sector under traditional approaches to such development;
2. via some form of public/private partnership/joint venture; or
3. via a public sector led delivery structure.

Current and past experience provides evidence of the difficulty of relying upon a solely private sector approach, and weaknesses in relying purely on planning policy to secure suitable outcomes. Multiple issues have hindered the progress of such large-scale sites, be it due to the nature of land promoters/developers, their ability to deliver and raise suitable finance, and often a reliance on the public sector to ultimately intervene and/or provide some form of funding support. In addition, planning policy can be open to interpretation and a degree of flexibility, most notably in respect of viability concerns, meaning that full policy objectives have potential to not be achieved.

Given the level of local policy and place-making ambition and choice that has been made to bring forward schemes along true ‘Garden City’ principles, their scale and timescale of delivery, complexity and landownership position of the sites being considered, it was considered that neither private sector led or joint public/private approaches (whereby the private sector retains a controlling stake) would offer the same level of confidence that over a development programme of 30 years that the garden community objectives would be met throughout different economic cycles.

The approach has therefore focussed on adopting a positive and proactive public sector leadership role from the outset, with a strong planning policy basis and direct role in delivery. This was considered to offer sufficient certainty about ambition and eventual delivery.

The projects will take in the order of 30-40 years to deliver; infrastructure which supports the development of the whole programme will necessarily have a long payback period, the public sector is well placed to act as a patient investor taking a long-term approach to payback enabling higher levels of investment at early stages.

It was originally envisaged that land would be acquired via the LDV’s in the governance structure created by The Councils and through successful negotiations with existing landowners, or via a CPO made by the planning authorities if necessary. Negotiations have as yet not been able to conclude to a satisfactory outcome.

Changes to the law made by the Neighbourhood Planning Act 2017 has meant that the prospect of a New Town style, Locally-Led Development Corporation (LLDC) with local accountability has emerged as a realistic option for the onward development of the programme. Whilst this would change the currently formulated delivery model, it would be based on the same vision and delivery principles as outlined above; particularly early development of infrastructure and it being public sector led.

If a LLDC was created, the use of LLDC planning powers would be supported by land ownership to provide a stronger mechanism than traditional planning agreements or Community Infrastructure Levy (CIL) for the recovery of investment and a safeguard against opportunistic planning applications that are contrary to the agreed plans.

Initial consideration of the key issues indicated that speedy establishment of an LLDC could provide major advantages, both in terms of ensuring effective delivery in line with the aspirations of The Councils through the Vision, and in respect of delivering effective funding arrangements.

The programme was reviewed by Lord Kerslake in January 2017, which identified a series of recommendations that had an influence over programme resourcing, risk management and appropriate timescales. This has informed the approach. The proposals will enable the Council to have a significant role in ensuring that there is a sustainable environment with strong community facilities,

including green spaces. This focus on a sustainable community with strong infrastructure will also include both education and health facilities, which meet the needs of all sectors of the community.

Clearly within the proposals there is the potential for a significant investment by The Councils. This would need to be managed in such a way as to ensure that this is viable. The Council's will be looking at this as a long-term investment and therefore there may need to be careful consideration of the details of future funding agreements and their impacts on The Council's budgets, while also recognising affordability within budget envelopes.

Such matters will evolve further and be encapsulated into the progression of related Business Cases, prepared to align with HM Treasury Green Book approaches. This Business Plan sets out information aligned to elements of the initial scoping and Strategic Outline Case stage of the process.

Working with Stakeholders

The existing stakeholder picture is a complex one. NEGC is currently working together with The Councils, along with a number of statutory organisations and local business groups such as the Haven Gateway and South East Local Enterprise Partnership. In addition, the future delivery at the scale envisaged through the NEGC programme interfaces with the expansion plans for many key bodies such as the University of Essex, Stansted Airport, Harwich/Felixstowe ports, and the opportunity and ambition for economic growth as set out in the NEGC Prospectus.

The focus will need to be placed on NEGC having a key focus on delivery, distinct from the wider roles of the founding Councils. This refocussing will provide an opportunity for a wider discussion with key individuals / groups and an emphasis on aligning the work to achieve broader aims and objectives across the North Essex area.

Having a structured approach to stakeholder management will help to identify quick wins to progress or where there are stakeholder issues that may take longer to fix. It can also help to identify issues, where there are gaps in relationship management or where additional support is needed to facilitate new relationships.

An initial list of stakeholder groups is set out below. All will need to continue to be effectively engaged in the programme for it to be a success, and deliver on wider ambitions:

- Political (national/local MPs / Members / parish and town councils)
- Officials (key Government Departments and organisations, Civil Servants / Senior Officers)
- Local Interest & Pressure Groups (national/local)
- Social & Community Groups (local authority area)
- Business Groups (national/local)
- Education & Skills (sub region/local authority area)
- Health (sub-region/local authority area)
- Statutory groups (Police/Fire, Transport, Utility, Environment, Heritage etc.)
- Housing & Construction sector (national/local)
- Economic (national/regional (LEPs & corridors)/local)

NEGC will need to continue to interface with key stakeholder groups so that joint initiatives can be progressed and delivered. To do this successfully, responsibilities need to be refined between the key partners and then allocated accordingly.

It is important to recognise that stakeholders directly (or indirectly) interface across a number of relationship owners. For example, they may have an interest in multiple issues or areas of control. Their influence may change over time. Stakeholders can ‘wear different hats’ for different scenarios and issues (and may behave differently with different situations or audiences). Continuing to be aware of these interfaces and multiple interests is important, plus knowledge of stakeholder networks and cross- connections will be key.

It will be important for NEGc to consider how it expands its existing engagement programme and continues to raise its profile in the future. Further detailed analysis, building on the work done to date, will be undertaken on comprehensive stakeholder mapping as part of a wider approach to publicity and & communications and as work on a North Essex Economic Strategy and site-specific masterplans begin to take shape.

Stakeholders and relationships will change over time and any stakeholder analysis can only provide a snapshot in time. Therefore, it will be important to continue to regularly monitor and measure stakeholder views, interfaces and associated influencing factors.

APPENDIX C: NEGC BUDGET FORECAST 2019/20

£000's	Q1	Q2	Q3	Q4	Total
Local Plan / DPD					
Staff	£103.8k	£119.6k	£126.5k	£120.8k	£470.7k
Overheads	£27.3k	£33.5k	£36.5k	£30.4k	£127.7k
Supporting studies	£45.5k	£65.1k	£79.5k	£10.5k	£200.6k
Planning	£79.5k	£84.5k	£71.75k	£69.75k	£305.5k
Engagement	£6.0k	£18.0k	£13.3k	£5.5k	£42.8k
Risk/Contingency	£14.0k	£14.0k	£13.8k	£29.6k	£71.4k
Total					£1,218.7k
Delivery Strategy					
Staff	£68.7k	£70.2k	£71.7k	£72.7k	£283.3k
Overheads	£20.8k	£22.3k	£21.3k	£20.8k	£85.2k
Governance	£9.0k	£4.0k	£7.5k	£54.2k	£74.75k
Delivery & Stewardship	£15.3k	£29.4k	£37.6k	£38.5k	£120.8k
Masterplan/Transport	£1.0k	£1.0k	£11.0k	£20.1k	£33.1k
Infrastructure & Utilities	£5.0k	£15.0k	£25.0k	£30.0k	£75.0k
Strategic Business Planning	£31.0k	£61.0k	£81.1k	£44.0k	£217.1k
Risk/Contingency	£6.2k	£5.0k	£5.0k	£6.3k	£22.5k
Total					£911.7k
Overall Total					£2,131k

20 November 2019

Report of	Assistant Director - Customer	Author	Kevin Bridge ☎ 508820
Title	Local Council Tax Support 2020 - 2021		
Wards affected	All Wards		

1. Executive Summary

- 1.1 Colchester Borough Council's Local Council Tax Support scheme provides a reduction in Council Tax Liability for eligible residents.
- 1.2 Each year the scheme is reviewed, and proposals are formulated to potentially update the scheme or to maintain the scheme in its existing form.
- 1.3 This report provides details of the proposals effective from 1 April 2020.

2. Recommended Decision

- 2.1 It is recommended that current working age entitlement is maintained for the financial year effective 1 April 2020 to maximise ongoing support for residents. The only changes from the current scheme are the prescribed regulation changes, mandated national legislative uprating, and to disregard Windrush Compensation payments from any relevant calculation.
- 2.2 It is also recommended that continued consideration is given to progress of Universal Credit, its impact on Local Council Tax Support and banded income schemes, and other alternatives.
- 2.3 Finally it is recommended Cabinet refers the Local Council Tax Support Scheme, as described in 2.1 -2.2, onto Full Council for approval and adoption.

3. Reason for Recommended Decision

- 3.1 Legislation requires that the scheme, effective from 1 April 2020, is agreed by March 2020.

4. Alternative Options

- 4.1 Changes could be made to the scheme. However, stability to the scheme is being recommended due to the introduction of Universal Credit. This will provide residents with some consistency within the context of a fundamental change to other forms of benefit and support.

5. Background Information

- 5.1 Colchester Borough Council's Local Council Tax Support scheme provides a reduction in Council Tax Liability for eligible residents. Each year the scheme is reviewed ready for 1 April. Local Council Tax Support currently helps 9,000 residents reduce their Council Tax bill – 3,500 state pension age and 5,500 working age residents. The value of Local Council Tax Support being granted in 2019/20 is £8.5 million. National regulations still require local schemes to 'protect' those residents of state pension credit age from any reduction to their level of support as a result of the localisation of the scheme.
- 5.2 Local Council Tax Support entitlement in Essex, for those of working age, still overwhelmingly follows means tested principles, based broadly on Housing Benefit legislation. Only one of the 14 Essex Authorities has a minimum contribution lower than 20%.
- 5.3 As Universal Credit expands, working age claims for Housing Benefit will begin to fall. However, the administration of Local Council Tax Support will still rest with Colchester Borough Council. In line with take-up of Universal Credit, and the fall in Housing Benefit claims, it is expected the Department for Work and Pensions grants which partly cover the administrative cost of awarding Housing Benefit will also decrease, which will then increase the cost of administration within the Local Council Tax Support scheme.
- 5.4 However, the expected rate of conversion to Universal Credit has been slowed. The process of conversion referred to as Managed Migration, is now on a significantly longer timeline, with full migration tabled between November 2020 and 2023. The national context sees few Local Authorities developing new schemes, such as banded schemes, due to the slowdown in this Managed Migration and because new software solutions are still underdeveloped.
- 5.5 Stability to the scheme is being recommended. This will provide residents with consistency within the context of an ongoing change to other forms of benefit. Stability of scheme entitlement will allow us to monitor the Universal Credit timeline and evolving models that may emerge.
- 5.6 The disregard of Windrush Compensation payments is in line with treatment of these payments throughout the wider Welfare Benefits system. This alteration allows us to exclude the payments when considering the relevant Income and Capital to be used in our calculation. It prepares us should a Resident, in receipt of these payments, claim Local Council Tax Support.

6. Equality, Diversity and Human Rights implications

- 6.1 No changes are being proposed to the current scheme other than prescribed / mandated national legislative amendments and the minor change to disregard Windrush Compensation payments. The existing Equality Impact Assessment has therefore not been revised.

7. Strategic Plan References

- 7.1 The Council's Strategic Plan sets out four themes, one of which being: 'Wellbeing - Making Colchester an even better place to live and supporting those who need most help'.

One of the five priorities under the Wellbeing theme is to:

‘Target support to the most disadvantaged residents and communities’

- 7.2 Precepting authorities contributed additional funding to assist with the collection of Council Tax, recognising the additional number of residents we had to collect from and the potential difficulties we would experience collecting from residents who have either not previously paid Council Tax or who are paying an increased amount. This additional money has helped fund a proactive intervention programme which provides a range of services including flexible payment plans, debt and back to work advice as well as administration of an Exceptional Hardship fund.

8. Consultation

- 8.1 It is recommended that the current scheme is maintained so a consultation is not required.

9. Publicity Considerations

- 9.1 Local Council Tax Support is publicised via our website and we continue to provide information within our annual Council Tax bills and other mailings.

10. Financial implications

- 10.1 There is no specific funding for the Local Council Tax Support scheme. The cost is shared between the preceptors.

The medium-term financial forecast assumes a rise in Council Tax by the major preceptors of 5% in 2020/21. Based on this assumption the total cost of Local Council Tax Support is estimated at £8.750 million in 2020/21. Colchester Borough Council's share is £0.950 million. This will not require additional budget provision. The cost of the scheme can also be affected, negatively or positively by changes to entitlement, which in turn will affect tax base income.

Scheme Cost

	Total Local Council Tax support costs (£'000)	Colchester Borough Council share (£'000)
2019/20 (estimate)	8,511	936
2020/21 (estimate)	8,750	950

11. Health, Wellbeing and Community Safety Implications

- 11.1 The proposals contain provision for dealing with welfare concerns of residents, particularly vulnerable people. It is intended to limit hardship and to increase the health and wellbeing of residents.

12. Health and Safety Implications

- 12.1 There are no health and safety implications.

13. Risk Management Implications

- 13.1 Fundamental changes to the current criteria could potentially affect the collection

fund position, especially in consideration of the introduction of Universal Credit.

- 13.2 The absence of an adopted Local Council Tax Support Scheme for 2020/2021 by March 2020 could lead to introduction of a prescribed default scheme which broadly represents the former Council Tax Benefit scheme with an additional funding requirement.

Background Papers

- [Local Council Tax Support policy document 2020 - 2021](#)

Report of	Assistant Director – Policy and Corporate	Author	Jessica Douglas / Chris Reed ☎ 282240
Title	Officer Pay Policy Statement for 2020/21		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 Local authorities must publish an officer pay policy statement each year. The statement must be approved by Full Council.
- 1.2 The statement covers all pay and benefits for all Colchester Borough Council employees.
- 1.3 The draft statement for 2020/21 is attached, with the detailed rates in the appendix.

2. Recommended Decision

- 2.1 To recommend the approval and adoption of the 2020/21 Statement by Full Council.

3. Reason for Recommended Decision

- 3.1 The Localism Act requires “authorities to prepare, approve and publish pay policy statements articulating their policies towards a range of issues relating to the pay of its workforce, which must be approved by full Council annually. An authority’s pay policy statement must be approved by a resolution of that authority before it comes into force”.

4. Alternative Options

- 4.1 The only alternative would be to not recommend the approval of the Pay Policy Statement, but that would be contrary to the requirements of the Localism Act.

5. Background Information

- 5.1 Local authorities must publish a pay policy statement for the financial year. The Officer Pay Policy for 2019/20 was approved by Full Council on 6 December 2018.

The Localism Act specifies items that must be covered by the statement including the level and elements of remuneration for each chief officer, remuneration of chief officers on recruitment, increases and additions to remuneration for each chief officer, the use of performance-related pay and bonuses for chief officers, the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and the publication of and access to information relating to remuneration of chief officers.

- 5.2 The Council's pay policy statement has been extended beyond the statutory requirements relating to chief officers as shown in 5.1 above to include all officers employed by the Council, in the interests of openness and transparency.
- 5.3 Please see the attached Officer Pay Policy. Appendix 1 of the policy contains the mostly numerical data which sits behind it, and the definitions of terms such as 'chief officer'. These two documents form the Council's officer pay policy statement.
- 5.4 The statement covers all pay and benefits for every employee of Colchester Borough Council. There are no financial allowances or bonuses other than those mentioned.
- 5.5 The Colchester Commercial (Holdings) Ltd holding company (CCH) and Amphora trading companies set up in January 2018 are not covered by this statement.
- 5.6 Mandatory requirements for data publication under the [Local government transparency code 2015](#), and for the Council's [Statement of Accounts](#) under the [Accounts and Audit Regulations 2015](#) have also been taken into account when preparing this year's update of the pay policy to ensure that the published data is complete and consistent.

6. Living Wage

- 6.1 The Council has chosen to pay the [Living Wage](#) as set by the Living Wage Foundation, since 2013 as part of its commitment to being a good employer, and its approach to [Social Value](#). The Council will continue to pay the Living Wage as a minimum standard for all its employees. More than 300 permanent/casual Council staff and 50 third-party contracted employees receive the Living Wage.
- 6.2 The Living Wage is set independently and calculated according to the basic cost of living in the UK. From 11 November 2019 the Living Wage rate is now £9.30 (up 30p or 3.3% from the previous £9 an hour), for workers who are 18 and older (see Appendix 1 of policy for more details, annual salary rate etc).
- 6.3 This Living Wage hourly rate, paid by the Council and set by the Living Wage Foundation, is higher than the statutory [National Living Wage](#) brought in by central government in April 2016 for workers who are 25 years or over (currently £8.21) or the [National Minimum Wage](#) (£7.70 if 21-24, £6.15 if 18-20, £4.35 if under 18).
- 6.4 The Council signed a 'Living Wage Employer' licence with the Living Wage Foundation in February 2016. This means that as well as paying the Living Wage Foundation's recommended hourly rate to staff, this has been included in new third-party contracts from that date for contracted staff and suppliers working on Council business.

- 6.5 The new cleaning contract comprising of all office, communal areas and sheltered schemes started from March 2019. The Living Wage was part of that contact renewal, improving the pay for around 12 to 16 third-party contracted cleaning staff.
- 6.6 With the cleaning contract and Rowan House lease, the Council has now completed the implementation of its phased plan to enable third-party contracted staff to also receive the Living Wage. This was rolled out as contracts come up for renewal.
- 7. Payroll improvements – partnership working, resilience and ‘digital by default’**
- 7.1 A shared payroll service was set up from 3 June 2019 to deliver a business case built on partnership working and ‘digital by default’. Colchester, Braintree and Epping now run a shared payroll and pension service for all three councils which is based at Braintree District Council’s offices at Causeway House, Braintree.
- 7.2 By working together to share the costs and resources needed to develop the systems, the Council has been able to deliver a broad range of online self-serve payroll options for all staff and also improve the resilience of this service.
- 7.3 This is also helping the Council to move away from any remaining paper-based pay processes. Examples are that from November 2019, there will be no paper timesheets for any staff, including casuals, and from January 2020 all annual leave will be booked and recorded online. The reduction in paper will also have environmental benefits.
- 8. Strategic Plan References**
- 8.1 The performance, remuneration and motivation of employees are key to delivering effective, efficient public services and the Strategic Plan’s aspirations and priorities.
- 9. Publicity Considerations**
- 9.1 The statistical data within the Officer Pay Policy is publicly available on the Council’s [Datashare](#) web resource so that it is all in one place, helping to improve openness and transparency. Employee benefits including pay scales are also published on the website [here](#), with gender pay gap information [here](#) (our narrative along with a link to the national GOV.UK statistics).
- 10. Financial implications**
- 10.1 The pay policy statement provides transparency about the Council’s pay and benefits.
- 11. Equality, Diversity and Human Rights implications**
- 11.1 The Equality Impact Assessment is on the Council’s website [here](#) or by following the path: www.colchester.gov.uk > Your Council > How the Council Works > Equality and Diversity > Equality Impact Assessments
- 12. Other Implications**
- 12.1 There are no community safety, consultation, health and safety or risk implications.



Officer Pay Policy



Customer Business Culture

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Introduction

The purpose of this policy is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of officers.

The Council will comply with this policy which covers all officers. It ensures that employees are paid on a fair and equitable basis in accordance with equality legislation.

Colchester Borough Council recognises the importance of administering pay in a way that:

- attracts, motivates and retains appropriately talented people needed to maintain and improve the Council's performance and meet future challenges
- reflects the market for comparable jobs, with skills and competencies required to meet agreed delivery and performance outcomes
- allows for a proportion of remuneration to be at risk, depending upon the delivery of agreed outcomes and results
- delivers the required levels of competence within an overall workforce strategy within approved budget parameters
- is affordable and transparent.

1. Pay strategy and framework

- 1.1 The Council determines the level of annual salary for employees, including chief officers, using an established job evaluation scheme. Jobs are independently evaluated, using this scheme, by experienced Human Resources staff and all employees have the right of appeal against their pay grade.
- 1.2 The pay grades and salary spines are shown on the Council's website [here](#), and in Appendix 1 along with other definitions such 'chief officer'. Each pay grade has a number of incremental points and employees normally progress up their pay grade by one increment on an annual basis, subject to satisfactory levels of performance (see also section 5 - rewarding performance).
- 1.3 The exception to this principle is where employees have transferred their employment to the Council and salary protection exists under the Transfer of Undertakings (Protection of Employment) legislation commonly known as TUPE.
- 1.4 The pay policy incorporates the Council's Equality and Diversity policy (website link [Equality and Diversity in employment - Colchester Borough Council](#)), and periodic equal pay audits will be conducted.
- 1.5 From April 2017, [Equality Act regulations](#) require public organisations with more than 250 employees to publish a range of gender pay gap figures to show whether there are any differences in pay between male and female employees. The annual gender pay 'snapshot' is published on the Council's website [here](#), with a link to the Government's website where figures from other public and private organisations can also be seen/searched to help with openness and transparency.
- 1.6 The Council implemented the '[Living Wage](#)', which is independently calculated by the Living Wage Foundation, from April 2013 and became an accredited Living Wage Employer in February 2016.

2. Pay review and annual increases

- 2.1 The Council supports the principle of collective bargaining and has a recognition agreement with the trade union 'Unison'. Negotiation and consultation is conducted at a local level in relation to levels of pay and benefits for all employees including Chief / Senior Officers (see definitions in Appendix 1) using 'Colchester Managed Grades' (CMG) pay grades. The Council is therefore not part of any national terms and conditions for local government employees.
- 2.2 Local negotiations around a pay review are conducted on an annual basis, and any increase is agreed taking into account inflationary factors, local salary levels and affordability. Any decision to increase salary levels for all employees has to be approved by the Portfolio Holder under delegated powers set in the Council's [Constitution](#).
- 2.3 The Council publishes its pay multiple (the ratio between the highest and lowest paid employees) and does not currently set a target for this.

3. Remuneration of Chief Officers

- 3.1 The remuneration of all officers is determined using the Council's job evaluation and performance management schemes.
- 3.2 The median average value of Chief Officers' pay is shown in Appendix 1 together with the relationship to the lowest paid staff and other staff (referred to in the legislation as "the pay multiple").
- 3.3 The remuneration of all Chief Officers and Senior Officers is published in the Council's [Annual Statement of Accounts](#), which also includes a wide range of financial information.

4. Other items in addition to salary

The Council pays the following additions to annual salary:

- 4.1 [Overtime:](#)
This is paid to employees who are required to work in excess of their contracted weekly hours. All overtime is paid at plain-time rate derived from annual salary, and enhancements are not normally paid for working at weekends or public holidays. Employees on pay grade CMG5 or above do not receive overtime pay.
- 4.2 [Unsocial hours working:](#)
The Council pays an allowance to employees who work unsocial hours which cover 24-hour shift working. Allowances are also paid to employees who undertake standby and call out duties. A small payment can also be made to 'front-line' employees who are required to work over the Christmas and New Year period.
- 4.3 [Maternity, paternity and shared parental arrangements:](#)
The Council has a policy that supports parents and provides some enhancement to the statutory maternity, paternity and shared parental provisions. These enhancements are shown in Appendix 1.

4.4 Recruitment and retention payments:

Where the Council is faced with difficulties in recruitment to and retention of specific jobs, as a result of market pressures and skills shortages, the Chief Executive is able to sanction the use of a temporary recruitment/retention supplement, reviewed on a regular basis. This may include a non-consolidated payment on appointment and/or a retention payment to reflect the employment market and the needs of the business. Any such payment is to be authorised by the Chief Executive. If the employee leaves the Council voluntarily within a year, they will be required to pay back this non-consolidated payment.

Where an individual is being recruited and has significant experience or skills in the role for which they are being employed, Assistant Directors and above have discretion to appoint at any scale point (within the grade) above the lowest level.

Where an employee is upgraded using the Council's job evaluation scheme, the employee will move to the lowest point of the new pay grade such that they receive at least one increment. Any proposal to move the employee to a higher point on the pay grade has to be authorised by the Chief Executive.

4.5 Increases in responsibility:

Temporary or permanent payments can be paid at the discretion of the Chief Executive (for employees on CMG 7 and above), or at the discretion of a member of the Executive Management Team (for employees on CMG 8 and below), to reflect operational needs, the level of additional responsibility and the Council's increment/acting-up policies.

4.6 Other items:

The Council only reimburses reasonable business expenses actually incurred and in line with the Council's travel and subsistence policy.

Professional membership fees are reimbursed to employees at the rate of 50% of fees incurred and only one membership per employee is reimbursed.

External training costs are paid where they form part of agreed learning and development, and in line with the post-entry training policy.

There are no expense allowances or bonuses other than those mentioned within this pay policy.

5. Rewarding performance

- 5.1 The Council uses a performance management scheme to appraise the performance of all employees, including Chief / Senior Officers. Issues of poor performance can result in any annual increment being withheld.
- 5.3 The Council also recognises the need to incentivise specific jobs whose role involves a proportion of sales or income generation. In such cases a reward package will be developed, which needs approval by Senior Management Team. The annual salary and incentive payment will be determined outside of the job evaluation scheme and will be risk-assured in relation to equal pay.
- 5.4 The Council incentivises and recognises employees for their individual contribution towards the three organisational goals of 'Customer, Business and Culture' through a non-salary rewards scheme. Where an employee's contribution is deemed to be excellent, they can be nominated for a non-consolidated payment up to the maximum value if authorised by an Executive Director. See Appendix 1 for the value of these incentives.

6. Pension

- 6.1 In accordance with statutory provisions, employees are offered membership of the Local Government Pension Scheme. The Council has a published pension policy and this policy applies to all employees including Chief / Senior Officers. It sets out the Council's decisions relating to discretionary powers allowed within the scheme. The pension contribution rates are shown in Appendix 1.
- 6.2 The Council also supports the principle of flexible retirement whereby employees are able to gain access to their pension whilst continuing in employment, subject to the restrictions laid down within the scheme and in the Council's Pension policy. This approach allows the Council to retain skilled employees and to assist individuals in managing the transition to retirement.

7. Other financial benefits

The Council currently offers the following financial benefits to employees, with the value of these charges and benefits shown in Appendix 1:

7.1 [Travel Plan incentives/charges:](#)

In order to encourage employees to use 'greener' travel modes, which also help to reduce town centre congestion, the Council has developed a package of travel plan measures. These measures include a charge for car parking for employees based in the town centre, and discounts for 'home to work' use of bus and rail travel.

7.2 [Salary sacrifice schemes:](#)

The Council has adopted approved government salary sacrifice schemes which enable employees to have deductions from pay to purchase childcare vouchers or cycles for travel to work. These schemes are tax efficient for the employee and are cost-neutral to the Council.

7.3 [Long Service Awards:](#)

The Council recognises the commitment of employees to public service and provides a gift to employees for 25 years' service with the Council.

7.4 [Other allowances:](#)

An allowance is paid for employees who volunteer to be designated First Aiders in the workplace.

8. Recruitment

8.1 In accordance with the Council's [Constitution](#), appointments to Head of Paid Service (Chief Executive), Executive Directors, Assistant Directors, Chief Finance Officer and Monitoring Officer, have to be approved by the Full Council.

8.2 All appointments are made in line with this pay policy.

8.3 The appointment of other Chief Officers and starting salaries within the grade must be approved by the Chief Executive.

8.4 The appointment of employees other than Chief Officers is delegated to the appropriate management level, relevant to the vacant job. The starting salary within the pay grade range is determined taking into account the skills and experience of the applicant and market pressures.

8.5 The Council does not restrict the re-employment of employees previously made redundant by either the Council or other Local Government. All applicants for vacancies are considered equally, based on their knowledge, skills and experience.

8.6 Full Council will be offered the opportunity to vote before large salary packages are offered in respect of new appointments. This level is set out in statutory guidance, and the current level is shown at Appendix 1 along with definitions of roles/posts.

9. Sick Pay

The Council applies the following sick pay scheme for all employees.

Service (years)	Full Pay (months)	Half Pay (months)
During first year	1	*2
During second year	2	2
During third year	4	4
During fourth/fifth years	5	5
After five years	6	6

* After completing 4 months' service

10. Payments when employment status changes

10.1 Redundancy:

The Council operates a redundancy payment scheme which applies to all employees including Chief / Senior Officers. The scheme is based on the employee's rate of pay and on the number of weeks paid under the statutory scheme, with an enhancement of 50% subject to a maximum of 45 weeks' pay.

10.2 Pay Protection:

The Council operates pay protection for a limited time period, within the terms of its change management and redundancy policy. This applies when staff have their pay reduced as part of a process of re-deployment or job evaluation.

10.3 Agreements:

Where the Council is in dispute with an employee, the Council will make use of legally binding agreements to settle disputes in appropriate circumstances. The use of these agreements and the value of any settlement will be determined by a consideration of factors such as the potential costs of litigation, the degree of risk at employment tribunal adjudications and any reputational impact. The decision to agree a legally binding agreement will rest with the Chief Executive or, in the case of the Chief Executive, will rest with the Cabinet.

11. Election duties

11.1 The Council has determined that the Returning Officer is the Chief Executive, and the remuneration is separate from the Chief Executive's salary. Remuneration levels for employees who assist with election duties on a secondary employment basis are set by Essex County Council for local elections, and by central government for national and European elections.

11.2 The amount paid for election duties will vary depending on the number and type of elections which take place. The amount paid to the Returning Officer in the previous year is shown in Appendix 1.

12. Temporary staff and interim arrangements

12.1 The Council occasionally uses temporary agency or interim staff where it meets specific business needs and delivers best value. Levels of reward are determined by market rates. However, the Council will not use payment arrangements that could be perceived to be designed to deliberately avoid personal taxation.

13. Supporting Information

The following references have been used in producing this Pay Policy, along with the Council's existing Human Resource policies:

Legislation

- The Localism Act 2011 - [chapter 8 - pay accountability](#).
- The Equality Act 2010
- Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006
- Local Government Pension Scheme Regulations 2008
- [Accounts and Audit Regulations 2015](#).

Best practice guidance

Ministry of Housing, Communities and Local Government:

- [Openness and accountability in local pay: Guidance under section 40 of the Localism Act](#) and [Local government transparency code](#)

The Chartered Institute of Public Finance and Accountancy:

- [Code of Practice in Local Authority Accounting](#)

Local Government Association

- [Pay Policy Statements - guidance](#).

Our website

The Council's website www.colchester.gov.uk has a [section with more information about employment](#) and [gender pay gap statistics](#) for Colchester Borough Council.

The following policies and forms should be taken into account alongside this document:

Policies	
Equality and Diversity policy	Increment policy
Maternity and Paternity policies	Acting up policy
Pensions policy	Overtime policy/Standby and Call-out Policy
Local Government Pension Scheme (Administration) Regulations 2013 Discretionary Decisions by Colchester Borough Council	Performance management scheme
Post-entry training policy	Change Management and Redundancy policy
Travel and subsistence policy	Travel Plan

The policies are on the Intranet in the HR section: [A to Z of HR Policies and Procedures](#)

Document Information

Title :	Officer Pay Policy
Status :	2020/21 update of existing policy
Version :	Draft
Consultation :	Cabinet 20 November 2019
Approved By :	Full Council
Approval Date :	5 December 2019
EQIA :	click here
Review Frequency :	Annual
Next Review :	November / December 2020

This policy applies to you if you are working under the Terms and Conditions of Colchester Borough Council.

Pay Data – Appendix 1

1. [Annual Salary scales](#). The last pay increase was in April 2019 – 2%.

Salary spine

point	Annual salary (£.p)	point	Annual salary (£.p)
4*	17,942.34	32	36,341.77
5*	17,942.34	33	37,741.63
6*	17,942.34	34	39,040.90
7*	17,942.34	35	40,340.18
8*	17,942.34	36	41,639.45
9*	17,942.34	37	42,990.40
10*	17,942.34	38	44,341.38
11*	17,942.34	39	45,692.30
12	18,077.99	40	49,050.83
13	18,473.35	41	52,409.37
14	18,871.52	42	55,767.89
15	19,264.09	43	60,242.71
16	19,659.46	44	64,717.49
17	20,054.81	45	69,192.30
18	20,444.63	46	73,667.07
19	21,036.96	47	78,141.86
20	21,629.34	48	82,432.55
21	22,221.66	49	86,722.96
22	22,814.01	50	91,013.32
23	23,406.36	51	95,303.74
24	24,046.22	52	99,594.11
25	25,953.22	53	103,884.53
26	27,907.70	54	108,705.83
27	29,862.19	55	113,527.09
28	31,088.83	56	118,348.37
29	32,315.45	57	123,169.63
30	33,542.07	58	127,990.92
31	34,941.91	59	130,578.28

The Living Wage rate, as set by the Living Wage Foundation, was uplifted to £9.30 an hour/£17,942.34 a year on 11 November 2019. * these salary points are 'Living Wage'.

Employers can choose to pay the Living Wage on a voluntary basis, and the Council has done so since 2013. This is higher than the compulsory National Living Wage introduced by the government from April 2016 for all employees who are over 25 (currently £8.21).

Pay Grade range – Colchester Managed Grades (CMG)

Pay Grade (CMG)	Salary spinal column point (SCP) range	Pay Grade (CMG)	Salary spinal column point (SCP) range
14	4 to 7	6	35 to 39
13	7 to 12	5	38 to 42
12	11 to 18	5 GMT	38 to 45
11	18 to 24	4 AD	42 to 49
10	23 to 27	4	42 to 47
9	26 to 30	2-3	46 to 55
8	29 to 33	1	54 to 59
7	32 to 36		

OFFICER PAY POLICY

Apprentices

The national introduction of an Apprenticeship Levy in April 2017 aimed to encourage businesses to create three million new apprenticeships by 2020. Employers operating in the UK with a pay bill over £3 million each year are now required to invest in apprenticeships via an apprenticeship levy charged at a rate of 0.5% of the annual pay bill.

The Council's first intake of apprentices joined in September 2017. CBC agreed the apprenticeship pay rate as the [National Minimum Wage by age](#) - this is more than the NMW rate for apprentices of £3.90 an hour, and CBC apprentices gets the NMW for their age straight away without having to complete the first year of an apprenticeship or be 19.

2. [Pay relationship for Chief Officers](#)

	2019/20
Median average pay for Chief Officers	£82,432.55
Median average pay for staff other than Chief Officers	£24,046.31
Median average pay for lowest paid staff	£17,363.55
Pay multiple of Chief Officer (Chief Executive) pay to staff other than this Chief Officer	5.43
Pay multiple of Chief Officers' pay to staff other than Chief Officers	3.43
Pay multiple of Chief Officers' pay to lowest paid staff	4.75 ¹

Notes – please also see definitions of officers at section 8 below:

- Median average pay is based on full-time equivalent annual salary plus additional payments for Chief Officers. It excludes election fees.
- 'Lowest paid staff' is defined as those paid the 'Living Wage' - see chart of pay grades on page 8.
- ¹The ratio would be 6.95 if the definition included apprentices.
- Pay multiple - the ratio between the highest and lowest paid staff (£82,432.55 Chief Officers when compared to £17,363.55 Living Wage rate as shown in table above).

3. Additional payments for Chief Officers

[Returning Officer election fees paid to the Chief Executive](#)

Elections held	Amount paid	Year
Borough and Parish elections	£9,136.98	2018/19

4. Other pay additions and allowances – see pages 2 and 4 for eligibility

[Unsocial hours working:](#)

Where an employee is required to be on call "out of hours" as part of their duties:

Standby allowance from 1 April 2019:

- higher rate – immediate response must be made – day rate £17.29
- standard rate - non-immediate response – day rate £8.65

Call-out from 1 April 2019: £43.14.

[Maternity, Paternity and Shared Parental pay:](#)

In addition to the statutory provisions, the Council pays 20 weeks at half-pay for mothers who go on maternity leave and subsequently return to work. Up to two weeks' paid paternity leave is granted to eligible employees.

OFFICER PAY POLICY

Non-salary rewards scheme:

Quarterly – 1,500 loyalty points (£15 in value) can be redeemed on activities or products within Colchester Leisure World. Maximum of 42 staff across all services each quarter.
Annually – incentive is sourced via reciprocal marketing and voucher schemes.

Exceptional performance:

Non-consolidated payment/honorarium to a maximum of £1,000 if authorised by an Executive Director.

6. Pension contribution rate

Employer rate is 15.1%. Employee rates are:

LGPS Contribution Bands April 2018	
Actual Pay (includes overtime, additional hours and so on)	Contribution rate per year
Up to £14,100	5.5%
£14,101 - £22,000	5.8%
£22,001 - £35,700	6.5%
£35,701 - £45,200	6.8%
£45,201 - £63,100	8.5%
£63,101 - £89,400	9.9%
£89,401 - £105,200	10.5%
£105,201 - £157,800	11.4%
More than £157,801	12.5%

7. Other financial benefits – see page 5 for eligibility

Travel Plan benefits and charges:

Car parking charge – for employees using designated CBC car parks whilst at work:

- £2 per day.

Home to work travel, in line with Travel Plan policy:

- Bus season ticket discount 50% / train season ticket or 'bulk buy' discount 35%.

Long Service award:

- Maximum value of £250 for 25 years' service with the Council.

First Aid allowance - for employees designated as First Aiders in the workplace:

- £159 a year (pro rata for part-time staff).

8. Definition of terms used in the Officer Pay Policy and Pay Data documents

- Chief Officers – posts requiring appointment by elected councillors - designated as Chief Executive, Strategic Directors, Chief Operating Officer and Assistant Directors within the Council's constitutional arrangements for appointment. It also includes the Section 151 and the Monitoring Officer where those roles are not performed by an Assistant Director. These posts meet the Chief Officer definition in [paragraph 43 Localism Act](#).
- Chief Officer – this is the Chief Executive.
- Senior Officers – any post with a salary of £50,000 and above ([Accounts and Audit Regulations 2015](#))
- Senior Management Team – Chief Executive and Executive Directors and Assistant Directors. Executive Management Team - Chief Executive and Executive Directors.
- Large salary package – this is defined in statutory guidance and the current threshold is £100,000 ([paragraph 14 Localism Act guidance](#)).

Report of	Assistant Director of Policy and Corporate	Author	Karen Paton ☎ 282275
Title	Colchester's Homelessness and Rough Sleeping Strategy (2020 - 2025)		
Wards affected	All wards		

1. Executive Summary

- 1.1 A new Homelessness and Rough Sleeping Strategy has been developed for Colchester. The strategy has been produced in line with the Council's legal duty to carry out a homelessness review, develop a Homelessness Strategy for their area to prevent homelessness, and provide accommodation and/or support for people who are or may become homeless, including rough sleepers.
- 1.2 The Homelessness Reduction Act 2017 fundamentally changed the way local authorities work to support homeless people in their areas, giving them new duties to prevent homelessness for more people. Colchester Borough Council has worked collaboratively with its partners to build on this approach to produce the new Homelessness and Rough Sleeping Strategy for Colchester.
- 1.3 The involvement of key stakeholders and a project group have been fundamental in the development of the strategy. An overarching vision has been identified for Colchester's new Homelessness and Rough Sleeping Strategy:

To build collaborative partnerships to Increase early intervention and prevention of homelessness in Colchester. This vision also reflects Colchester's Homelessness Prevention Charter which was launched in 2019.

To achieve the vision 4 key aims for the strategy were agreed:

- Increasing access to accommodation and providing settled homes.
- Helping people to sustain their accommodation.
- Improving the health and wellbeing of people that experience homelessness.
- Improving communication and challenging the perception and culture of homelessness.

The Strategy will achieve its aims and objectives through the implementation of a 5-year Plan that will tackle homelessness in the borough, by working closely with partner organisations and focusing on early interventions that prevent homelessness.

2. Recommended Decision

- 2.1 To adopt a new Homelessness and Rough Sleeping Strategy for Colchester for 2020 to 2025
- 2.2 To recommend to full Council that the strategy be adopted as part of the Council's Policy Framework.

3. Reason for Recommended Decision

- 3.1 The Council has a statutory responsibility to produce and publish a Homelessness Strategy based on a homelessness review every five years.
- 3.2 The new Homelessness and Rough Sleeping Strategy for Colchester takes account of national guidance and local priorities arising from the homelessness review and consultation responses. A corporate commitment to preventing homelessness is fundamental to achieving the main objectives of the Strategy.

4. Alternative Options

- 4.1 To not adopt the Homelessness and Rough Sleeping Strategy. However, it is a legal requirement to have a Homelessness Strategy and no alternatives exist to a review of homelessness and the development of a new strategy and delivery plan. The Council would not be fulfilling its legal duty if it did not produce a strategy.

5. Background Information

- 5.1 The Homelessness Act 2002 required all local authorities to carry out a homelessness review, develop a Homelessness Strategy for their area to prevent homelessness, and provide accommodation and/or support for people who are or may become homeless.

The new Homelessness Code of Guidance published in February 2018, states that local authorities with rough sleepers ought to consider provision for rough sleepers within their homelessness strategy. In line with the Ministry of Housing, Communities and Local Government's National Rough Sleeping Strategy and to satisfy the requirements for the Rough Sleeping Initiative funding which Colchester Borough Council received, it was agreed that rough sleeping be included in Colchester's strategy.

- 5.2 The Homelessness Reduction Act 2017 fundamentally changed the way local authorities work to support homeless people in their areas, giving them new duties to prevent homelessness for more people. Colchester Borough Council has worked collaboratively with its partners to build on this approach to produce a new Homelessness and Rough Sleeping Strategy for Colchester. Colchester's Homelessness Strategy has been reviewed and a new strategy developed for the next 5 years.

5.3 Developing the new Homelessness and Rough Sleeping Strategy for Colchester

A Consultation event was held in January led by Homeless Link (a national homelessness charity) to review homelessness in Colchester and identify key principles and aims for the new strategy. Representatives from partner organisations and teams from Colchester Borough Council and Colchester Borough Homes who work with and for homeless people were invited to attend.

- 5.4 The event provided the opportunity to take a fresh approach to reducing and preventing homelessness in Colchester by reviewing the current challenges facing both services and clients and identifying the key priorities that we need to focus on to do this.

The event focused on 4 main questions to prompt discussion:

- How do we build collaborative partnerships in Colchester?
- How do we make prevention of homelessness everyone's responsibility?
- How do we foster a person-centred approach?
- How can we create environments where people thrive?

- 5.5 Following the consultation event, a project group was set up with some of the key organisations that attended the event, to develop the new Homelessness and Rough Sleeping Strategy for Colchester.

The project group reviewed the feedback from the event, identified the gaps in homelessness prevention and agreed the main aims for the strategy to meet the challenges. In addition, the group agreed that further consultation with people that were or had been homeless was necessary to shape the new strategy.

- 5.6 Consultation and the gathering of qualitative data with people who have experienced homelessness were set up in the form of Focus groups/drop in sessions which were held over 2 days in April 2019. The sessions took place at the Youth Enquiry Service (y.e.s), Colchester Emergency Night Shelter (CENS), Beacon House and Sanctuary Housing.

- 5.7 12 people that had or were experiencing homelessness were interviewed informally about their experiences: The interviewees were asked about the main reasons that they became homeless, whether homelessness could have been prevented earlier, what

organisations or services are or were particularly helpful to them and what other support or service could have helped or prevented them from becoming homeless. All the anonymised case studies are available at Appendix 2 of the strategy document.

- 5.8 Using all the information gathered from the Homelessness event and consultation with people that have been or are currently homeless, the project group identified an overarching vision for the Strategy: *to build collaborative partnerships to Increase early intervention and prevention of homelessness in Colchester*. This also reflects Colchester's Homelessness Prevention Charter.
- 5.9 To achieve the vision 4 key aims for the strategy were agreed:
- Increasing access to accommodation and providing settled homes.
 - Helping people to sustain their accommodation.
 - Improving the health and wellbeing of people that experience homelessness.
 - Improving communication and challenging the perception and culture of homelessness.
- 5.10 A Delivery Plan has also been developed which sets out actions to meet the key aims identified for the strategy. The Delivery Plan will be monitored and progress on the actions updated annually and reviewed by the Portfolio Holder. A progress report will be published on the Council's website and shared with stakeholders.
- 5.11 The Draft Homelessness and Rough Sleeping Strategy and Delivery Plan went out for consultation with all key stakeholders in July and August. All comments and suggestions have been incorporated into the document.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment on the Homelessness and Rough Sleeping Strategy has been completed and a link to the document can be found by following the link below:

<https://cbccrmdata.blob.core.windows.net/noteattachment/Homelessness%20and%20Rough%20Sleeping%20Strategy%20EqIA%20.pdf>

7. Strategic Plan References

- 7.1 The new Homelessness and Rough Sleeping Strategy links with the Council's Strategic Plan under:
Wellbeing - Making Colchester an even better place to live and supporting those who need most help by targeting support to the most disadvantaged residents and communities

8. Consultation

- 8.1 A Consultation event was held for all key stakeholders and partners led by Homeless Link (a national homelessness charity) to review homelessness in Colchester and identify key principles and aims for the new strategy.
- 8.2 Consultation with people who have experienced homelessness were set up in the form of Focus groups/drop in sessions. The sessions took place at Youth Enquiry Service (y.e.s), Colchester Emergency Night Shelter (CENS), Beacon House and Sanctuary Housing.

- 8.3 Feed back from the Consultation event and Focus groups has been shared with the project group and partners and are included as appendices to the Homelessness and Rough Sleeping Strategy document.
- 8.4 The draft Homelessness and Rough Sleeping Strategy and Delivery Plan was circulated for consultation with all key stakeholders and comments and suggestions have been incorporated into the Strategy documents.

9. Publicity Considerations

- 9.1 Colchester's Homelessness and Rough Sleeping Strategy documents will be published on the Council's website. A communications plan has been developed to publicise the Strategy and generate interest and commitment to the Delivery Plan.

10. Financial implications

- 10.1 Any resources required to implement the actions in the Homelessness and Rough Sleeping Strategy will be delivered from existing budgets. The Council will work to encourage its partners to commit their resources to meeting the priorities set out in the strategy. As many of the organisations are members of the Homelessness Strategy Project Group, they have already helped to shape the strategy and shown their commitment to its delivery.
- 10.2 Colchester Borough Council receives a grant annually from the Ministry of Housing Communities and Local Government which is administered by Colchester Borough Homes. Part of the funding is used to work with partner organisations to prevent homelessness in the borough. This will help towards the implementation of some of the actions identified in the strategy.
- 10.3 Since 2017 Colchester Borough Council in conjunction with Colchester Borough Homes have secured £605,583.00 from government funding streams to prevent and reduce rough sleeping. This funding has provided a Rough Sleeping Co-ordinator and Outreach workers within Colchester Borough Homes and initiatives with partner organisations to help rough sleepers access accommodation and support. Details are included in the Homelessness and Rough Sleeping Strategy.

11. Health, Wellbeing and Community Safety Implications

- 11.1 Research has shown that Homelessness and Rough Sleeping can have a detrimental impact on people's health and wellbeing and this was also highlighted in the review of homelessness in Colchester. The new Homelessness and Rough Sleeping Strategy has acknowledged these factors and identified actions that can help to improve the health of people that are or have experienced homelessness.
- 11.2 It is anticipated that with the implementation of the Homelessness and Rough Sleeping Strategy Delivery Plan there will be a positive benefit for Community Safety.

12. Health and Safety Implications

- 12.1 There are no Health and Safety implications

13. Risk Management Implications

- 13.1 There are no Risk Management implications

Appendices

Appendix 1: Colchester's Homelessness and Rough Sleeping Strategy 2020-2025

Appendix 2. Delivery Plan 2020-2025

Background Papers

Housing and Homelessness Strategy Evidence Base update

Link to document on the Council's website below:

<https://cbccrmdata.blob.core.windows.net/noteattachment/CBC-Housing-Colchester%27s-Housing-and-Homelessness-Strategy-Housing%20and%20Homelessness%20and%20Rough%20Sleeping%20Strategy%20Evidence%20Base%202019%20.pdf>

Colchester's Homelessness and Rough Sleeping Strategy (DRAFT)

2020 – 2025

**Building collaborative partnerships to Increase
early intervention and prevention of
homelessness in Colchester**

Forward

Homelessness is often the result of a combination of events such as relationship breakdown, ill health, problems with debt, adverse experiences in childhood or the ending of a tenancy with no prospect of securing another. We all have a role in tackling these issues together; as Councillors, statutory agencies, the voluntary sector and residents of Colchester.

This is Colchester Borough Council's Fourth Homelessness Strategy which seeks to build on the successes of the last strategy which was published in 2014.

Since the publication of the last Strategy significant progress has been made in the prevention of homelessness in Colchester against a backdrop of national and local housing challenges and a major change in legislation with the Introduction of the Homelessness Reduction Act in 2017. But there is still more to do.

Colchester Borough Council and its partner organisations continue to adopt a strong approach to preventing and relieving homelessness.

The demand for social housing in Colchester continues to outweigh supply therefore the focus has been on supporting people who are at risk of homelessness or vulnerably housed to find sustainable solutions to meet their housing and support needs. By working together with our partner organisations we have also been able to provide support to tenants and residents affected by welfare reforms.

Despite our best efforts we saw an increase in the number of homeless people sleeping rough in Colchester over the last five years. Colchester Borough Council in conjunction with Colchester Borough Homes have been successful in securing government funding to develop initiatives with our partner organisations to reduce and prevent rough sleeping in Colchester by supporting people to access services and help them into accommodation.

Whilst the new Homelessness and Rough Sleeping Strategy looks to build on these successes it has been developed against fresh challenges that threaten to increase homelessness and make it more difficult for people to meet their housing need. However, by continuing to work in partnership with organisations in Colchester to prevent homelessness, we will focus on our key aims to; Increase access to accommodation and providing settled homes, helping people to sustain their accommodation, improving the health and wellbeing of people who experience homelessness and improving communication and challenging the perception and culture of homelessness.

I would like to thank all our partner organisations that continue to work with us to prevent homelessness in Colchester. I continue to be impressed by the commitment and energy of everyone who work to prevent homelessness and improve the lives of those that have experienced it.

Councillor Adam Fox
Portfolio Holder for Housing

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Introduction

The Homelessness Act 2002 places a statutory obligation on all local authorities to undertake a review of homelessness in their area and, based on the findings of this review, to develop and publish a strategy to tackle and prevent homelessness.

A fundamental change to homelessness legislation with the introduction of the Homelessness Reduction Act in 2017, places two additional Prevention and Relief duties on the Local Housing Authority and an additional 'duty to refer' on all public authorities specified in the legislation.

The new Homelessness code of Guidance introduced alongside the Act sets out new guidance for local authorities on formulating a strategy for homelessness in their district.

This is Colchester's fourth Homelessness and Rough Sleeping Strategy. It has been developed by Colchester Borough Council and its partner organisations, all of whom are strongly committed to developing initiatives and objectives to prevent and relieve homelessness in the borough.

The new Homelessness and Rough Sleeping Strategy has looked back at the achievements since the last strategy, reviewed the current homelessness situation in Colchester and based on this, set out its aims for the next five years to work collaboratively to meet the new challenges that we face in the future.

Demand for all types of housing in Colchester continues to grow whilst the supply of affordable accommodation is reducing. In order to mitigate this, we continue to focus on innovative ways to prevent homelessness occurring in the first place.

In addition to supporting people facing homelessness, or who are homeless, to meet their housing and support needs, the strategy also focuses on supporting people to have the same opportunities to access training, volunteering, leisure and employment opportunities as the rest of the community.

Colchester Borough Council, Colchester Borough Homes and our partners will also identify, develop and deliver support pathways into accommodation by adopting a person-centered approach in line with the new legislation.

What we have achieved

A summary of the key achievements from the Homelessness Strategy 2014-19

We have increased the provision of tenancy support including floating support to tenants

- One Support continue to support people in the community, in their homes and at drop-ins, delivering housing related support. This includes; Homelessness prevention and tenancy sustainment In Colchester, One Support have a capacity of approximately 150 customers at any one time along with 14.5 hours of drop-ins each week and telephone support.
- Colchester Borough Homes (CBH) provides tenancy sustainment to support CBC tenants who are at risk of eviction and lead a partnership with Catch 22 who provide Intensive family support for social housing tenants in Colchester. A pilot service “Start well” has been funded by Colchester Borough Council (CBC) to provide intense intervention and support to families living in temporary accommodation, especially Bed and breakfast, which has provided positive outcomes.

We have provided services that will support young tenants to maintain their tenancy and prevent unnecessary evictions through Anti-Social Behaviour (ASB) and rent arrears

- The continuation of pre-tenancy workshops by the Youth Enquiry Service and CBH. The content of the workshop is continually updated to ensure that young people are fully aware of welfare benefit reforms.
- All new CBC tenants under 25 years old are visited by the Support team to ensure they have the skills to manage their tenancy. Prompt intervention is put in place if the tenancy becomes at risk.
- No young people have been evicted for rent arrears/ASB from CBC properties since 2017.

We have increased the prevention of homelessness caused by domestic abuse

- CBC, in partnership with Braintree, Tendring and Maldon Councils, successfully secured £263,453 for a 15-month project to provide specialist services at the refuge and in the community for Gypsy and Roma Travellers and hard to reach victims and their families. The project was delivered by Colchester and Tendring Women’s Refuge. The service started in May 2017.
- From May 2017 to the end of March 2018, 181 Colchester households who were experiencing domestic abuse were referred to the project. Of these, 169 were

from hard to reach groups and 12 from the Gypsy and Roma Traveller Community. A total of 24% of all the referrals were accommodated in the Refuge and 76% were offered support in the community. An additional £14,573 of funding was secured from the Ministry of Housing Communities and Local Government (MHCLG) to continue the project.

- In 2018/2019 CBC led on a successful bid and secured £398,643 of funding to provide services to women and their families fleeing domestic abuse in Colchester, Tendring, Braintree and Maldon. The bid was made in partnership with Colchester and Tendring Women's Refuge (now called Next Chapter).
- The funding is being used for services including; increasing the number of available spaces at the refuge and provide accommodation for women and their children seeking to live independently after suffering domestic abuse and provide support and accommodation to women with complex needs including substance misuse arising from the abuse they have experienced.

We have provided advice and support to tenants and residents potentially affected by the welfare reforms.

- The CBC Customer Support Team continues to engage with customers affected by welfare reforms to minimize the effect of the reforms, reduce reliance on discretionary funds and prevent homelessness.
- Discretionary Housing Payments (DHP) were used to support residents affected by Welfare Reforms and to remove the risk of homelessness. The DHP fund of £444,224 (including £50,000 from CBC) was fully spent in 2018/19.
- A total of £71,003.32 was spent to support residents affected by the Benefit Cap. A further £88,219.72 was spent to support residents affected by the removal of the Spare Room Subsidy.
- Exceptional Hardship Payments were utilised to support customers in managing their Council Tax accounts – a total of £15,688 was spent to alleviate this financial pressure.

We have provided advice and information about the changes to the Council's Homelessness Service brought about by the introduction of the Homelessness Reduction Act (HRA) and the new Homelessness Code of Guidance.

- CBH held a successful Stakeholder event in February 2018 to introduce partners to the changes being made to the service with the implementation of the HRA.
- Training on the HRA was also carried out for partner organisations by CBH Officers. Upskilling of Housing Solutions Officers took place to meet the new requirements and additional officers were recruited to carry out the initial

assessment process. Systems and processes have been reviewed to assist customers to self-serve.

- CBH Housing Solutions team implemented the Homelessness Reduction Act following significant preparation as detailed above. A significant change implemented in 2018/2019 was the provision of an Enhanced Housing Options website to provide advice and guidance to those who may be homeless or threatened with homelessness and to make appointments online to see an advisor.
- During the first year; 1344 households approached CBH as homeless or threatened with homelessness and 744 Personal Housing Plans were completed. 115 households were accepted as homeless and in priority need, with the Council accepting a duty to provide permanent accommodation. This is a 37.5% reduction from 2017/2018.
- Action was taken to prevent and relieve homelessness for another 276 households.

We reviewed the Allocations Policy to meet the requirements of the Homelessness Reduction Act to ensure that it is sufficiently geared towards preventing homelessness.

- The Allocations Policy was reviewed in 2017-18 to meet the requirements of the Homelessness Reduction Act to reflect the new prevention and relief duties placed on local authorities under the new Homelessness prevention Act. The Policy was adopted in February 2018.

Rough sleeping

We have made significant progress to reduce the number of rough sleepers in Colchester by identifying the support needs of different types of rough sleepers including entrenched rough sleepers, young people that are 'new' to the streets and people suffering from mental health to help engage with different groups

- In December 2016 CBC and Tendring District Council successfully secured the then Department of Communities and Local Government (DCLG) funding of £239,000 for 2 years to provide a co-ordinated response to rough sleeping across both local authority areas to support and prevent homelessness for this group. Two Early Response Rough Sleeper co-ordinators (one for Colchester and one for Tendring) were in post by November 2017. The Early Response Rough Sleeper Co-ordinator for Colchester works within the CBH Housing Solutions Team.
- The role of the Rough Sleeper Co-ordinator was initially to work with local organisations who have the skills and expertise in this field, to develop a more targeted and assertive approach to rough sleeping in Colchester and to support and help secure accommodation for people living on the street.

- The outcomes from the project fall into 3 main categories:
- Culture change and good practice
- Better joined up working
- Getting rough sleepers into accommodation

The initial funding for the Rough Sleeper Co-ordinator will come to an end in October but due to the success of the project the post will continue to be funded as part of the Ministry of Housing Communities and Local Government (MHCLG) Rough Sleeper Initiative funding for 2019-20 (see below).

- In Colchester from November 2017 to the end of July 2018, 20 rough sleepers or those at risk of rough sleeping were housed or supported to remain in their homes.

We have established a multi-agency group of support services for single homeless and rough sleepers.

- Colchester's Homeless Service User Panel (CHASUP) was reviewed by the Rough Sleeper Coordinator and is now known as Colchester Homeless Action Panel (CHAP). A matrix has been developed to provide an accommodation and support pathway. CHAP is currently working with 18 clients to provide support and assist them into accommodation.
- A Community of Practice has been set up in partnership with Homeless Link (a national good practice and innovation organisation). A forum is held quarterly to look at innovation and ideas and provide training for all services in Colchester to help address single homelessness and rough sleeping. The Forums are well attended.

We have extended the opening times of agencies to reduce the amount of time that rough sleepers spend on the street.

- Daytime activities at Colchester Emergency Night Shelter (CENS) remain well attended by residents and ex residents. This has created a mentoring and peer support environment which allows residents to see that positive outcomes can be made if engagement is continued. Emergency bed spaces at CENS increased during the cold period in 2018- and 24-hour opening was introduced during extreme bad weather.

Additional funding for Rough Sleepers

In May 2018 the Ministry of Housing Communities and Local Government (MHCLG) identified Colchester as an area eligible to bid for additional funding during 2018/19 to further reduce rough sleeping. CBC in conjunction with CBH, were successful in securing £192,683 of funding. 4 key interventions were identified for the funding:

- To provide an assertive street outreach service, especially out of hours provision and helping those rough sleepers who have no local connection to Colchester return to the area where they do have a local connection.
- To provide an opportunity to pilot a 'Housing First' approach for 6 months with a Registered Provider that provides supported housing (The concept of Housing First is to provide a stable home and intensive personalised support and case management to homeless people with multiple and complex needs).
- To Increase bed spaces and support staff capacity at Colchester Night Shelter, specifically, for Colchester people at risk of rough sleeping.
- To provide continuous Severe Weather Emergency Provision (SWEP) from the end of October - mid March, with specialist support staff to prevent people moving back to the street once the provision ends.

Outcomes from December 2018 to the end of April 2019:

- 25 rough sleepers have been supported into emergency accommodation
- 7 rough sleepers have been supported into temporary accommodation
- 7 rough sleepers have been supported into long term accommodation
- 10 rough sleepers have been reconnected back to the area from which they came
- 4 people at risk of rough sleeping were supported into accommodation and prevented from living on the street
- The Housing First scheme has been successful in supporting 2 people to move on into more permanent accommodation.
- 21 rough sleepers have been referred and accepted into Colchester Emergency Night Shelter.

Colchester Borough Council were also invited to bid for further funding to continue the interventions for 2019-20. Further funding of £204,753 has been awarded.

In total **£517,123.50** of funding has been secured from the three government funding streams to prevent, reduce and support rough sleepers in Colchester.

Colchester's Homelessness Prevention Charter

In March 2019 Colchester Borough Council and Colchester Borough Homes set up the Homelessness Prevention Charter.

Under Colchester's Homelessness Strategy, the council is committed to tackling homelessness in the borough by working closely with partner organisations and focusing on early interventions that prevent people losing their homes.

The Homelessness Prevention Charter encourages residents and businesses to help play their part in supporting this ambition by signing up to the Charter and making a pledge.

Examples of the pledges that can be made include:

- donating to a local homelessness charity or project
- volunteering for a local homelessness organisation
- having a Homeless Support Champion in the workplace to help inform colleagues about homelessness and alternative ways of supporting the homeless
- raising money for a local organisation to help people that are at risk or are experiencing homelessness
- companies offering a person who is or has been homeless training or work experience

Alternatively, residents and businesses will be able to develop their own pledge.

The Strategic Context

To put the Homelessness and Rough Sleeping Strategy into perspective, this section focuses on the legal, national and local context.

The legal framework

The Housing Act 1996

Part 7 of the Housing Act 1996 continues to be the overarching piece of legislation that relates to homelessness and informs the way in which local authorities respond to homelessness.

The Act has since been amended by the Homelessness Act 2002 and the Localism Act 2011. These subsequent pieces of legislation have placed a requirement on Local Authorities to adopt a strategic approach to managing and preventing homelessness.

The Localism Act 2011

Section 153 of the Localism Act 2011 prescribes the relationship between schemes and strategies that local authorities must have regard to in developing or modifying their local preventing homelessness strategies:

‘In formulating or modifying a homelessness strategy, a local housing authority in England shall have regard to—

(a) its current allocation scheme under section 166A of the Housing Act 1996,

(b) its current tenancy strategy under section 150 of the Localism Act 2011’

The Care Act 2014

The Act came into effect on 1st April 2015 and represents the most significant reform of care and support in more than 60 years. The main purpose of the Act is to put people and their carers in control of their care and support.

The Act combines various existing pieces of legislation which were previously used to shape how social care was arranged in Britain.

Key areas of change from April 2015 included:

- general responsibilities on local authorities including promoting people's wellbeing, focusing on prevention and providing information and advice
- the introduction of new national eligibility criteria
- new rights to support for carers on an equivalent basis to the people they care for
- a legal right to a personal budget and direct payment
- the extension of local authority adult social care responsibility to include prisons
- new responsibilities around transition, provider failure, supporting people who move between local authority areas and safeguarding.

The Welfare Reform and Work Act - 2016.

The Welfare Reform and Work Act took forward the government commitment to introduce a duty to report to Parliament on progress made towards achieving full employment and the target of three million apprenticeships in England. In addition, the Act ensured reports on the effect of support for troubled families and provision for social mobility, the benefit cap, social security and tax credits, loans for mortgage interest, and social housing rents.

The key changes in the Welfare Reform and Work Act which impact on homelessness are:

- Welfare benefits changes; lowering of the Benefit cap, freeze on certain social security benefits, freeze on tax credits, changes to the child element of universal credit, Universal credit: work-related requirements.
- Reduction in social housing rents.

The Homelessness Reduction Act 2017

The Homelessness Reduction Act came into force in April 2018. The government also published a new code of guidance that set out in more detail how the changes should be implemented.

The Act is the first change to Homelessness Legislation for 16 years although some commentators argue it is the greatest change since the original 1977 Homeless Persons Act.

The new Homelessness Reduction Act places two additional statutory duties on local housing authorities:

- The prevention duty – requires councils to intervene to prevent homelessness at an earlier stage, when a household is at risk of losing their home in the next 56 days. This is particularly relevant for those living in privately rented homes who are served with notice and provides more opportunity to support people directly into another tenancy.
- The relief duty - requires councils to offer more advice and support to anyone who is already homeless, regardless of whether they are in priority need and may involve offering accommodation.

Councils are also required to draw up personal housing plans for people that are homeless and anyone who is at risk of becoming homeless. Public authorities that are specified in the legislation and that have contact with clients who are homeless or at risk of homelessness will be required to refer them to local authorities, with the persons consent. Clients can choose which local authority they want to be referred. This is known as a 'duty to refer'.

The duties that existed under the previous homelessness legislation, known as the main duty, remain in place. A main housing duty is owed where homeless households are eligible (certain persons from abroad are ineligible for housing assistance), have a priority need for accommodation and are not homeless intentionally. Certain categories of household, such as pregnant women, families with children, and households that are homeless due to an emergency such as a fire or flood, have priority need if homeless.

Other groups may be assessed as having priority need because they are vulnerable as a result of old age, mental ill health, physical disability, having been in prison or care or as a result of becoming homeless due to domestic abuse. This duty is usually ended through the offer of a settled/permanent home.

As a result of the Homelessness Reduction Act processes, procedures, information being collected, and statutory returns have all had to change.

National Context

National Rough Sleeping Strategy

In August 2018 the government published its Rough Sleeping Strategy. The strategy sets out the government's vision to support every person who sleeps rough off the streets and into a home, which will deliver its commitment to halve rough sleeping by 2022 and eliminate it by 2027.

The strategy acknowledges that in order to achieve this will require central and local government, as well as business, communities, faith and voluntary groups and the general public to work together in new ways.

The main focus of the strategy is to put in place new programmes and structures to support people off the streets immediately.

The strategy is based around three core objectives: Prevention, Intervention and Recovery.

- Prevention - providing a focus on timely support before someone becomes homeless.
- Intervention - helping people who are already in crisis get swift, targeted support to get them off the streets.
- Recovery – supporting people to find a new home quickly and rebuild their lives via a new rapid rehousing approach.

The actions to deliver the commitment are set out in a delivery plan that was published alongside the strategy.

The document also states that all local authorities will be required to:

- Update their Homelessness strategies and rebadge them as Homelessness and Rough Sleeping strategies
- Make strategies available online and submit them to the Ministry of Housing, Communities and Local Government (MHCLG)
- Report progress on delivering these strategies and publish annual action plans.

Local context

Essex Joint Health and Wellbeing Strategy (JHWS) 2018-22

The Strategy sets out the priorities identified through the Joint Strategic Needs Assessment (JSNA) that local government, the NHS and other partners deliver together through the Health and Wellbeing Board. The JHWS identifies ‘a small number of key strategic priorities for action’, where there is an opportunity for partners working through the Health and Wellbeing Board to ‘have a real impact’ on improving health and wellbeing outcomes and a reduction in health inequalities.

The JHWS is jointly owned by partners through the Essex Health and Wellbeing Board, the District, Borough and City Council’s HWB Partnership Boards, the Police, Fire and Crime Commissioner, Safeguarding Boards and the voluntary and community sector.

The strategy sets out a shared vision for health and wellbeing in Essex through key countywide strategic priorities, which address four areas of focus:

- Improving mental health and wellbeing
- Addressing obesity, improving diet and increasing physical activity
- Influencing conditions and behavior's linked to health inequalities
- Enabling and supporting people with long-term conditions and disabilities.

Essex Vision

The Essex Vision was developed by the top 100 Essex leaders, community groups and businesses in 2017 to promote collaboration and focus public sector organisations on the pursuit of common goals. The Essex Partners agreed on 8 key areas of work. Sponsors and leading organisations were appointed to lead on each key area:

- Essex Innovates: Data analytics to support early intervention strategies
- Essex Supports: Early help to reduce number of crisis mental health incidents
- Essex Unites: Supporting a community in building civic pride and social capital
- Essex Communities: Maximise economic, community and public health potential of new developments
- Essex Inspires: Skills and educational performance
- Essex Leads: Taking a whole-systems approach to promoting physical activity to support physical and mental health
- Essex Spirit: Safer communities
- Essex Prevents: A countywide approach to homelessness reduction

Essex Prevents:

This workstream links with Colchester's Homelessness and Rough Sleeping Strategy and a summary of the key actions are below:

- Recognise those groups most at risk of homelessness to develop earlier intervention and prevention
- Improve communication and understanding between partners to reduce risks and improve outcomes for all involved, e.g. multi-agency training, pooling resources and protocols
- Open, honest, transparent services that enable people to take responsibility, make considered choices and manage expectations
- Improve the flow of information and management of cases, removing duplication and streamlining the way we work between organisations
- Improve the understanding and prioritisation of the commissioning of support services between organisations that prevent homelessness
- Tackling the perception and stigma of homelessness and affordable housing by collectively identifying need throughout Essex
- Using the information, we collate to drive changes to organisational plans and lobby collectively for improvements to wider policy such as welfare reform, social care and local plans.
- What will have changed in six months: Developing a partnership roadmap and generating insight on those groups most at risk of homelessness to develop earlier intervention and prevention.

Our Colchester - The Strategic Plan 2018-21

The Strategic Plan sets out how Colchester Borough Council will play its part in making Colchester a place where people want to live, learn, work and visit.

The plan describes the priorities and direction for the borough and sets out the Council's ambitious goals to help make Colchester an even better place to live, work and visit. We will work with many partners to get the best for our residents.

The priorities are set out under four themes:

- GROWTH Ensuring all residents benefit from the growth of the borough
- RESPONSIBILITY Encouraging everyone to do their bit to make the borough even better
- OPPORTUNITY Promoting and improving Colchester and its environment
- WELLBEING Making Colchester an even better place to live and supporting those who need most help

The Strategic Plan is accompanied by an Action Plan, which sets out specific actions and outcomes for each priority area. The action plan is reported to Cabinet twice a year.

Colchester's Housing Strategy 2015-20

The Housing Strategy 2015 – 2020 provides an important summary of how the Council and its partners will achieve its vision to:

Make Colchester a place where people choose to live in a decent, safe and healthy home which; meets their needs, at a price they can afford and in locations and neighborhoods that are sustainable and desirable.

Work to improve the quality of life of residents.

The document sets out the following key priorities for the strategy:

- Maximise the supply of housing to meet local needs
- Work with partners and residents to create mixed communities which are economically, environmentally and socially healthy and resilient
- Prevent homelessness and rough sleeping (Colchester's Homelessness and Rough Sleeping Strategy)
- Improve the life chances of Colchester's residents including their Health and Wellbeing
- Work with customers to help them make informed choices about their housing options
- Make the best use of existing homes
- Work to ensure that existing and new homes are healthy, safe and energy efficient
- Ensure that housing and related services meet a range of specialist needs

These priorities have been translated into a series of actions included in a Delivery Plan which forms part of the strategy document. The plan is updated and reported annually.

Reviewing Homelessness in Colchester

The Local picture

Colchester is the largest district in Essex, with a rapidly growing population and economy. Over the next 15 years Colchester is anticipated to experience one of the fastest growth rates within the county. Colchester has a population of **190,098** (mid-year estimate 2017) and as at 31st March 2019 the number of households in the borough was **82,055**. The population is projected to grow to **216,300** by 2030.

During the year 2018-19

- A total of **1165** homes were built in Colchester of which **125** were recorded as affordable housing completions.
- The average household price across the borough in April 2019 was **£291,855**.
- The number of households on the Council's Housing Register as at 30 April 2019 was **3107**
- The number of social housing lettings in Colchester was **658** of which **190** were let to homeless households.
- The Housing Solutions Team prevented homelessness for **186** households and relieved homelessness for **90** households and
- Accepted a duty under the homelessness legislation for **115** households and helped them into accommodation.
- The number of households in temporary accommodation as at 31st March 2019 was **179**.
- In November 2018 the annual street count was conducted on one night in Colchester and **13** people were found to be sleeping rough as verified by Homeless Link.

Developing the new Strategy

A consultation event was held at the end of January 2019 for the Council's partner organisations that work with people that are or have been homeless in Colchester. The event was led by Homeless Link (a national charity who support organisations working directly with people who become homeless) and supported by the Ministry of Housing Communities and Local Government (MHCLG). There were 35 attendees from organisations including:

Colchester Borough Homes
Essex County Council
MHCLG
y.e.s
Emmaus
Peabody
Rough Sleepers Group
Essex Community Rehabilitation Company

Phoenix Futures
Sanctuary Housing
YMCA
DWP
Nacro
Open Road

The event provided the opportunity to take a fresh approach to reducing and preventing homelessness in Colchester by reviewing the current challenges facing both services and clients and identifying the key priorities that we need to focus on to do this.

The event focused on 4 main questions to prompt discussion:

- How do we build collaborative partnerships in Colchester?
- How do we make prevention of homelessness everyone's responsibility?
- How do we foster a person-centered approach?
- How can we create environments where people thrive?

Feedback from the event is available at Appendix 1, but some of the main themes that came out of the workshops were:

- *Ensure that our approaches to communication and information sharing are effective and the right people know the right information*
- *Organisations need to consider the impact of homelessness on them and individuals need to take responsibility for their actions - everyone needs to take their part*
- *Giving service users ownership and input towards planning and how they feel a service could be improved through consultations and attendance at these at all levels.*
- *In enable them to 'thrive' clients need to be able to access the right support at the right time when it is needed, and they need to be valued.*

Feedback from the event also provided ideas for consideration to be included within the strategy:

- *It should be central – not simply a 'one stop shop' but a centre of excellence that considers the overall infrastructure of sharing information and accessing services correctly that provides a vibrant environment which is creative and demonstrates real and appropriate access and assessment*
- *It should have realistic aims and objectives which involves all stakeholders including those who are accessing the service*
- *It should demonstrate realistic pathways for people when accessing support, layout expectation of and for all stakeholders*
- *It should have positive and ongoing engagement from other statutory services i.e. A&E, adult social care, social services*

- *It should include positive and focused education opportunities for younger people to enable the development of life skills and identify needs at a younger age – e.g. trauma*
- *It should include actions for improved information sharing at the right level and right time, making sure people have the information when they need it.*
- *It should identify intervention at an earlier stage.*
- *There should be joint ownership over the strategy, with shared outcomes and shared understanding of the system, everyone's role within this, and what is trying to be achieved. People should be held account to uphold their part in the process.*

Following the consultation event, a project group was set up with some of the key organisations that attended the event, to develop the new Homelessness and Rough Sleeping Strategy for Colchester.

The project group...

- reviewed the feedback from the event
- identified the gaps in homelessness prevention and
- agreed the main aims for the strategy to meet the challenges.

In addition, the group agreed that further consultation with people that were or had been homeless was necessary to shape the new strategy.

Focus group consultation

Focus groups/drop in sessions were held over 2 days in April 2019. The sessions were held at Youth Enquiry Service (y.e.s), Colchester Emergency Night Shelter (CENS), Beacon House and Sanctuary Housing.

12 people that had or were experiencing homelessness were interviewed informally about their situation: The interviewees were asked about the main reasons that they became homeless, whether homelessness could have been prevented earlier, what organisations or services are or were particularly helpful to them and what other support or service could have helped or prevented them from becoming homeless.

11 out of the 12 people interviewed were or had been single and homeless and one was a couple. There were 9 men and 3 women. Under half of the people interviewed came from Colchester. As this is not representative of all homeless households in Colchester there will be an action in the strategy to continue to seek the views of other households (e.g. Families with children) to inform initiatives to prevent homelessness in Colchester.

The case studies are available at appendix 2.

Key aims of the Homelessness and Rough Sleeping Strategy

Using the information gathered from the review of homelessness and rough sleeping in Colchester and linking with Colchester's Homelessness Charter, the project group identified an overarching vision for the Strategy:

Building collaborative partnerships to increase early intervention and prevention of homelessness in Colchester.

To achieve this vision 4 key aims for the strategy were agreed:

- **Increasing access to accommodation and providing settled homes.**
- **Helping people to sustain their accommodation.**
- **Improving the health and wellbeing of people who experience homelessness**
- **Improving communication and challenging the perception and culture of homelessness.**

Aim 1: Increasing access to accommodation and providing settled homes.

To enable the strategy to deliver the vision for preventing homelessness in Colchester the project group agreed that one of the main issues was access to the right type of accommodation at the right time, to provide a settled home.

As the demand for social housing in Colchester continues to grow and the supply of accommodation is reducing, Colchester Borough Council, Colchester Borough Homes and our partner organisations need to focus on alternative ways to access and provide settled accommodation to meet the needs of people that are homeless.

To achieve this aim we will need to undertake the following actions to overcome the challenges identified:

- Create opportunities for accessing housing of the right kind and quality, to prevent people from becoming homeless
- Evaluate how well the Homelessness Reduction Act is working and what difference it is making to preventing homelessness in Colchester
- Influence the commissioning of supported housing to ensure that the supply meets the demand for this type of accommodation
- Ensure people are not discharged from services such as Prisons, Mental Health, leaving Care, armed forces and hospitals in an unplanned way which could result in them ending up on the street
- Increase homelessness prevention for people suffering domestic abuse

- Increase and support housing options for people moving on from supported housing to reduce the reliance on social housing
- Identify accommodation opportunities for rough sleepers to help with the transition from living on the street

Aim 2: Helping people to sustain their accommodation.

Some of the main reasons that people become homeless is by losing their accommodation due to rent and mortgage arrears, anti-social behaviour and abandoning their home.

We recognise that to prevent people from losing their homes we need to work with our partner organisations to provide good quality advice and support services for people at an earlier stage to help them to retain and maintain their accommodation.

To achieve this aim we will need to undertake the following actions to overcome the challenges identified:

- Ensure tenants in the social rented sector at risk of homelessness are provided with more intensive tenancy support including that provided by floating support
- Ensure the provision of debt and welfare rights advice is targeted at those at risk of losing their accommodation
- Reduce the number of owner occupiers losing their properties through mortgage arrears
- Develop services that will support young tenants to maintain their tenancy and prevent unnecessary evictions through ASB and arrears
- Provide advice and support to tenants/residents affected by the welfare cap, removal of the spare room subsidy etc
- Develop a strategic approach with Children's services to help meet the housing needs of Care leavers
- Minimise isolation so that single people that have been homeless/rough sleeping have less chance of reverting to their former lifestyle once housed

Aim 3: Improving the health and wellbeing of people who experience homelessness.

The review of homelessness and rough sleeping highlighted the impact that this has on people's health.

Evidence tells us that the health of people experiencing homelessness is significantly worse than that of the general population, and the cost of homelessness experienced by single people to the NHS and social care is considerable. Poor health can impact on a person's ability to move on, secure and maintain settled accommodation.

Building relationships between local professionals to integrate services is key to improving health outcomes for those facing and experiencing homelessness. Therefore, improving the health of people who are homeless and providing better access to healthcare services is central in reducing health inequalities, and preventing and reducing homelessness.

To achieve this aim we will need to undertake the following actions to overcome the challenges identified:

- Improve and simplify referral processes into services which support people with substance misuse
- Improve access to employment, volunteering and training opportunities for people that are or have experienced homelessness
- Encourage statutory services to be more joined up when commissioning Mental Health services to make better use of the options available including personal budgets. This would provide a more efficient and cost-effective service
- Work with the police to identify and support vulnerable clients at risk of exploitation that are being targeted by drug dealers, to reduce evictions due to drug related crime
- Promote the integration between health and housing to meet the indicator around homelessness in the Public Health Outcomes Framework: Improving the wider determinants of Health for homeless acceptances and households in temporary accommodation
- Identify the support needs of different types of rough sleepers including entrenched rough sleepers, young people that are 'new' to the streets and people suffering from mental health to provide a better understanding of gaps in support services
- Seek to improve the availability of day services for rough sleepers by exploring the viability of extending the opening times of agencies
- Ensure that all discharges from hospital, in-patient mental-health services, and drug and alcohol detox treatment are planned, with continuity of support where needed so that no-one is left homeless

Aim 4: Improving communication and challenging the perception and culture of homelessness.

One of the key themes that was identified during the workshops at the consultation event was the need to have an effective approach to communication and information sharing to ensure that people have access to the right information, at the right time around homelessness prevention.

Additionally, with more young people becoming homeless in Colchester, educating families on the consequences of being homeless is key to challenging the perception and culture of the realities of homelessness.

To achieve this aim we will need to undertake the following actions to overcome the challenges identified:

- Provide advice and information to support people to access services that could prevent them becoming homeless. Raising awareness about realistic housing options and homelessness in Colchester
- Improve access to advice and support around welfare benefits for single clients that are homeless to prevent delays in receiving benefits and to avoid sanctions which cause reductions in the amount of benefit they receive
- Develop early intervention and prevention options for young People at risk of becoming homeless in the Borough to educate them in the reality of leaving home in an unplanned way
- Identify people at risk of homelessness at an earlier stage, and interventions that need to be put in place to prevent them being threatened with or becoming homeless and to fulfill the 'duty to refer' under the Homelessness Reduction Act
- Promote a person-centered approach to people that are homeless by creating structures which encourage voluntary sector services to work better together and share good practice
- Provide better communication to the public and organisations about how they can play their part in helping to prevent homelessness and support those that are homeless
- Enable more robust sharing of information about rough sleepers by setting up a system between the Rough Sleeper Team (CBH) and the voluntary sector organisations
- Educate the public on the difference between rough sleepers and street beggars who are not homeless to discourage them from giving money to people that are begging on the street

- Involve people that have experienced homelessness in designing services to ensure they are relevant and accessible and to continue to inform the development of the strategy

Monitoring the Homelessness and Rough Sleeping Strategy

The Homelessness and Rough Sleeping Strategy is intended to be a working document with the actions identified in the Delivery Plan being implemented throughout the life of the strategy. Therefore, the Delivery Plan will be updated on a regular basis and a report on progress will be produced annually and circulated to the relevant stakeholders.

Appendix 1 – Feedback from the consultation event

How do we build collaborative partnerships in Colchester?	How do we make prevention of homelessness everyone's responsibility?	How do we foster a person-centred approach?	How can we create environments where people thrive?
<p>How do we bring people together to work effectively? Inter- disciplinary meeting</p> <p>Good working partnership with the DWP</p> <p>Ensure that our approaches to communication and information sharing are effective and the right people know the right information The group talked about ways in which this could be coordinated to be more cost effective</p> <p>Sign up to common aims - Hold Prevention Charter Forum/Homelessness Strategy Forum</p> <p>More accurate data and counts – being shared/available</p>	<p>Whose responsibility is it currently? Statutory sector as they make a lot of the decisions on how services are made</p> <p>Duty to refer: Prisons, hospitals, probation services (Not: police or voluntary sector)</p>	<p>Why is it important to foster a person-centred approach? To provide a 'move on' that makes sense to the person receiving the support</p> <p>To allow a better understanding of the trauma they have faced and not making people relive this therefore allowing them to see progression and not knock-backs</p> <p>To enable the building of trusting and meaningful relationships</p> <p>Enabling an assessment process that is holistic and not focused on one</p>	<p>What does it mean to thrive? What does this look like? Some members of the group felt that the word 'thrive' was not appropriate as we all have different understandings of what this word means. The group agreed that for the purpose of the work we would consider this as meaning the removal of stigma and accessing to appropriate support and being valued as an equal member of society.</p> <p>Being valued and allowing people to be able to be themselves</p> <p>Being able to access the right support at the right</p>

		<p>area and accepting contributing factors</p> <p>Better engagement is needed/Tailoring support - being open and honest and managing expectations.</p>	<p>time and when it is needed.</p>
<p>What outcomes should we see?</p> <p>A designated coordinator to oversee sector communications and ensure inclusiveness/Navigat or role</p> <p>Access and/or development of tool kits --- Smoother referral methods</p> <p>One door approach/No Wrong Door</p>	<p>Who should also be part of the any prevention activity?</p> <p>All public services</p> <p>Health care services</p> <p>All housing providers – including private/social landlords</p> <p>Prisons/Probatio n – many people dealing with being released as NFA or made homeless through short sentences</p> <p>Current problem with perception: Homelessness is viewed as solely</p>	<p>How do we gather the views of people using services?</p> <p>Regular surveys and evaluations – generally this are part of the commissioning process</p> <p>Consultation events with service users</p> <p>Commissioners should speak to service users</p>	<p>What do people need in order to ‘thrive’?</p> <p>Choice – the ability to choose what kind of support they need – an informed choice</p> <p>Opportunity – work, education, accommodation, security</p> <p>Confidence, self-worth and acceptance</p> <p>Need to focus on sustainable solutions.</p>

	<p>the LAs responsibility</p> <p>Organisations need to consider impact of homelessness on them and individuals need to take responsibility for their actions - everyone needs to take their part</p>		
<p>Who should be part of a collaborative partnership?</p> <p>All services - voluntary, non-profit, statutory and private sector</p> <p>Prisons – especially those dealing with prison release directly</p> <p>Health – particularly mental health</p>	<p>Where does prevention start from your point of view?</p> <p>As soon as risk of homelessness is recognised</p> <p>As early as school – some people are homeless due to trauma and lack of life and social skills</p>	<p>How could we implement any recommendations ?</p> <p>Ensure that those accessing services are viewed as stakeholders (without them would a service exist?)</p> <p>Giving service users ownership and input towards planning and how they feel a service could be improved through consultations and attendance at these at all levels</p> <p>Budgets to use for this and develop more appropriate ways of measuring outcome – what we</p>	<p>What should services be putting in place to enable this?</p> <p>Transitional support for those in temporary/supporte d housing/prison</p> <p>Assessing things in the here and now – focus on what is relevant about current and future support needs. This does not mean a total disregard for past events, but we need to make sure they are relevant.</p> <p>Exploring and developing creative housing solutions</p>

		as front-line workers see as an outcome may be very different to the view of those who are using the service, soft outcome against hard outcomes	e.g. containers, luxury cabins as sustainable low-cost alternatives Using host families.
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Additional comments: Priorities or consideration that should be included within the strategy

- Central – not simply a ‘one stop shop’ but a center of excellence that considers the overall infrastructure of sharing information and accessing services correctly that provides a vibrant environment which is creative and demonstrates real and appropriate access and assessment
- Realistic aims and objectives which involves all stakeholders including those who are accessing the service
- Demonstrate realistic pathways for people when accessing support layout expectation of and for all stakeholders
- Positive and ongoing engagement from other statutory services i.e. A&E, adult social care, social services
- Positive and focused education within younger people to enable the development of life skills and identify needs at a younger age – e.g. trauma
- Improved information sharing at the right level and right time, making sure people have the information when they need it.
- Intervention at an earlier stage.
- Joint ownership over the strategy, with shared outcomes and shared understanding of the system, everyone's role within this, and what is trying to be achieved. People should be held account to uphold their part in the process.

Appendix 2 – Focus group consultation case studies

Focus groups/drop in sessions were held over 2 days in April 2019. The sessions were held at Youth Enquiry Service (y.e.s), Colchester Emergency Night Shelter (CENS), Beacon House and Sanctuary Housing.

The questions used to prompt discussion were:

What are the main reasons that you became homeless? – Think about the chain of events that lead to this, could homelessness have been prevented earlier?

What organisations or services are or were particularly helpful to you? – Describe how the service helped

What other support or service could have helped or prevented you from becoming homeless?

Case Study 1

A is a young girl who was pregnant and staying with parents but was asked to leave.

B is a young man who had lost his job and was living in a car.

A and B presented to the Housing Options Service as a couple rather than individuals as they wanted to live together with their baby. Both were supported by the Youth Enquiry Service (y.e.s). B was helped to access accommodation with Korban a supported housing scheme for young people.

As B was housed, they were advised by the Housing Options Service that they could not be longer be considered as a couple and felt they were given contradictory advice, as Korban is only a temporary housing solution. This delayed the process.

Securing Private Sector Accommodation was difficult due to the lack of a guarantor and Landlords not wanting to accept people receiving benefits.

Eventually the couple were provided with emergency temporary accommodation through the Council which the couple considered to be unsuitable for them and a baby due to the condition but was all that was available at the time. A and B are now living in more suitable temporary accommodation awaiting permanent housing.

The couple were very grateful for the support they received through the y.e.s and considered Korban an excellent project that had helped B with budgeting skills.

Newwhythe mother and baby supported housing project could have helped but access to this is now through Essex County Council and the criteria is for people known to social care therefore the couple would not have met the criteria for the scheme.

Case Study 2

C - Young man left home at 17 under social care 7 years ago (prior to Homelessness Reduction Act). C applied to the council for housing and was provided with temporary accommodation as unable to access supported housing. Once housed in permanent accommodation, benefit issues caused arrears. C suffered with dyslexia so was unable to read the letters he was sent informing him of the arrears. C considered that he was too young to be able to cope with a

tenancy and although his parents paid the arrears, he ended the tenancy and became street homeless.

C considered that supported housing would have been a more appropriate housing solution at that time.

Case Study 3

D escaped a Domestic Abuse situation about 3 years ago with the help of the Police and was brought to Colchester from London directly to Colchester Emergency Night Shelter (CENS). D stayed at CENS for 6 months which helped him to establish a local connection to the area. CENS helped with budgeting, life skills and completing forms and continued to help D once rehoused. CENS helped D to access accommodation in the private rented sector and provided a rent deposit.

D has a physical disability which inhibits his ability to gain employment.

There are some issues with the accommodation due to lack of heating and this is causing D chest infections/problems.

Case Study 4

E was initially homeless at 16 as evicted by parents due to behaviour problems. E was referred to Social Care. During his life E spent time in and out of Prison. After release from Prison E ended up sofa surfing as there was no resettlement programme available at that time. The situation of having no settled accommodation created reoffending. There are problems with support from Probation due to large caseloads and therefore the onus to obtain support and accommodation is put back on the individual.

E re-established a relationship with his mother and family as he had 'grown up' a bit. Relationship breakdown with a partner created his current homelessness situation and E is now at the Colchester Emergency Night Shelter (CENS).

E considers drug and alcohol testing at CENS to be a good thing as although he recognises that people depend on drugs and alcohol as a way of surviving on the street, they need to make a judgement call on whether they want to drink and sleep on the street or abstain and have a bed for the night. He considers it to be a good way to control drinking and substance misuse.

E was very complimentary about the help and support he had received from CENS.

E recognised that he needed support to maintain accommodation as had problem privately renting due to rent arrears, budgeting etc. E is currently on the waiting list for Sanctuary Housing but can remain at CENS until a place at the scheme becomes available.

Case Study 5

F was living at home with his parents in Colchester but when his father passed away his mother decided to sell up and move away. F was given some money by his mother and use it to secure private rented accommodation.

F became an alcoholic and lost his accommodation as he spent the money on drink. F became homeless and self-referred to Open Road. F managed to get accommodation at CENS and was also able to do some voluntary work with CENS to keep him occupied.

F approached Colchester Borough Council for housing and joined the Gateway to Homechoice Housing Register. F was placed on Band B and has been allocated accommodation which he was moving into the following day.

F recognised that he would need support in his new accommodation to ensure that he maintains his tenancy. He is still attending Open Road but has some concerns about loneliness so intends to continue his voluntary work at CENS or look for other opportunities.

F thinks it would be useful to have a leaflet available about what you need to do when you become homeless, like a step by step guide. This would help people to understand the situation and how to navigate the types of help available.

Case study 6

G came to Colchester from Southend after his mother passed away. He managed to get a job and a flat but had problems with Universal credit and couldn't pay the rent. G moved out as he knew he was going to be evicted.

G found accommodation on a campsite for 6 months but unfortunately had an accident and broke his arm and hip and ended up in hospital for 2 weeks. The hospital was unable to discharge him due to his living situation. G contacted Colchester Borough Council and was referred to Colchester Emergency Night Shelter, however this was unsuitable due to G's recovery and needing somewhere to go during the day.

G couldn't work and had no benefits so was unable to go back to the campsite. He managed to get himself a tent and found somewhere out of town to live where he felt relatively safe. G uses the facilities at Beacon House, which enable him to maintain his health and wellbeing and "not to look like I am homeless". G managed to get another job but lost it due to alcohol and gambling addiction.

The Outreach Team and Beacon House are currently supporting G to access services to help with his addictions and to find settled accommodation.

Case study 7

H had been street homeless for 4 months due to a relationship breakdown with his partner. The accommodation was in his partner's name, so he left and managed to get a room at CENS, however it meant that he had to leave his job as it cost him too much to stay there. He stayed at CENS for 2 months and then lived in a tent just outside the town for 2 months.

As H had previously been in the armed forces, he was offered help and support from SAFRA. H managed to find a flat with a local landlord. SAFRA provided funding for the rent in advance. H is also receiving support from his Mum.

H believes that during his time as homeless, Beacon House have been a 'lifeline' and continue to provide resettlement support once you find accommodation.

H also mentioned that access to clean drinking water is a problem in Colchester for people living on the street and mentioned that the water fountain in Castle Park is no longer working. Although some food outlets do provide water free, street homeless people often find it awkward going into these places to ask.

H suggested that it would be beneficial if there was a service open between 5-7pm as this is the time when people are going home, and homeless people have nowhere to go. Somewhere where people could go especially in the Winter during this time would be good.

Case study 8

J was released from Prison and had been in custody with a tag for 3 months. Previously J had been an alcoholic which he said was through his Dad. Being an alcoholic had made him violent at times. He was provided with accommodation whilst he was in custody because he had a tag but was due to lose it imminently.

J has a Probation Officer and is known to the Outreach Team who are trying to help find accommodation. J has put in an application for housing through G2H and Emmaus. J is keen to work and get his life back on track. He is in contact with Open Road and appreciates the help he has received by Beacon House.

Case study 9

K came to Colchester from Margate about 7-8 years ago. He had been evicted from private rented accommodation due to arrears. He was sofa surfing and spent a short time in Suffolk looking after his elderly parents. Since returning to Colchester he has been helped to find supported accommodation through the Outreach Team via the Joint Referral Panel.

With the support of the scheme he is managing to adapt but found moving from a life on the street difficult, especially if you don't have support.

K had previously been at CENS who had helped him access shared accommodation. However, he had left because he felt safer living on the street than in the accommodation due to those around him. K acknowledged that he had felt safe at CENS but that it was difficult to stay there if you are drug or alcohol dependent.

In terms of the other services he had used, K had attended Beacon House but preferred the previous building/location as he felt there was more privacy due to the new building being open plan. K also mentioned that once you are housed you are not supposed to use Beacon House unless its emergency type accommodation like CENS.

K also discussed issues with the Soup Run with people that are housed taking food away from people on the street. He suggested that the food should be allocated per person and that more control should be in place to stop people taking more than they need. K felt that some of the services providing food were being abused and the people that needed it the most were going without.

Case study 10

L was suffering Domestic Abuse and had to leave. She had children and managed to secure accommodation in the private rented sector. Over a period, the children left to live with their Dad. Due to the abuse that L had suffered she was unable to work and couldn't afford the rent. The landlord wouldn't renew the tenancy and she found herself on the street.

After 6 years the Council offered L temporary accommodation but with no support. L found it difficult in temp due to the other tenants having very chaotic lifestyles and started drinking in order to cope with the situation.

L decided to leave the accommodation as she felt safer living on the street in a tent with her friends that 'looked out for her'. She described it as a little 'community' of support. Due to this support network L believed that there was no difference between Men and Women on the street, they all looked out for each other and felt supported.

After a few years rough sleeping L became tired of this life and with a friend being murdered and people being stabbed this created uncertainty.

The Outreach Team helped L access accommodation with 24/7 support at Sanctuary Housing, which she said gave her confidence to build a new life away from the street. L recognises that although she is now looking forward to moving on and having a new life, she does miss her friends and the comradery they had together. L acknowledges that sometimes it is very lonely being on your own.

The services that L has used during her time being homeless include:

Open Road for alcohol dependency. Phoenix drug and alcohol project offered her counselling when her friend was murdered. There are also counsellors available at Open Road.

L also used the services at Beacon House which she considered were very good.

L believes that living in Supported Housing is a good stepping stone to living independently for people that have been in and out of homelessness and that having a 'weekly plan' really helps.

Case Study 11

M is a young person with severe mental health issues. M was arrested and on bail and couldn't return to her parents. M spent time in the lakes and when discharged M contacted the y.e.s and applied to CBC as homeless. M's support needs were deemed too high for supported housing and she should have been referred to the Mental Health Joint Referral Panel but there were referral issues with the Community Mental Health Team (CMHT) with a 14 week wait for referrals.

M was housed in temporary accommodation by the Housing Options Team. M felt that she was able to understand and work through the system well due to her ability to understand the process and life skills. She also had support from her parents.

M considered that being in temporary accommodation 'opened her eyes' to how people that are homeless struggle without support especially those that have addictions. Many of the other tenants in the temporary accommodation that M was placed in had drug and alcohol issues and M was moved to alternative accommodation as this was deemed to be more appropriate.

M tried to support the other tenants to access the help they needed including accompanying some to apply for benefits. M felt that there was a lack of support provided in temporary accommodation. In addition, she felt that there were problems in accessing Universal credit as this is all online and/or you must phone in to get an appointment and not all homeless people have a phone. Appointments are therefore often missed, and sanctions are applied which leaves people with nothing to live on.

With the support of her parents M was able to find accommodation in the private rented sector and is now living with her partner and continuing her A levels at sixth form college.

M was particularly grateful for the help and support she received from the y.e.s and recommends them to her friends who are facing difficulties.

Case study 12

N became homeless at 16 partly due to smoking cannabis and a family argument. Between the age of 16 and 18 N was mainly sofa surfing, staying with friends. At the age of 18 N went to Colchester Night Shelter but recognised that there was not enough support available at the shelter for mental health.

N approached the y.e.s for support with his homeless problem and was referred to Nacro for supported housing. N felt that the support provided by Nacro was not enough for his needs and that if he wanted to try and better himself and get a job, the accommodation would be too expensive.

N decided to go and live back home with Mum, but this was unsuccessful.

N is now 21 and living in Council temporary accommodation and feels very vulnerable with a lack of support especially due to living in a house with a shared kitchen and living space.

Having been homeless for many years N has some strong ideas about what is needed in Colchester to improve the situation for people that are homeless. N believes that when you become homeless you don't know where to go for help so a 'Hub' where people could go to access different services would help. N would also like there to be more activities for people with mental health especially outdoors and there needs to be more services including counselling for this group.

The y.e.s have agreed to support N to resolve the issues he is having with his current living situation and help him to access mental health services.

Homelessness and Rough Sleeping Strategy Delivery Plan 2020-25 (Draft)

Aim 1: Increasing access to accommodation and providing settled homes				
Challenge	Action	Outcome	Timeframe	Who will deliver?
Create opportunities for accessing housing of the right kind and quality, to prevent people from becoming homeless	Implement and sustain the private rented sector (PRS) access scheme – “Bond Assure” and the Homestep scheme	PRS access scheme is implemented and more people are helped to access accommodation in the private sector. An increase in Landlords signing up to Homestep.	2021	CBH Accommodation Team
Evaluate how well the Homelessness Reduction Act is working and what difference it is making to preventing homelessness in Colchester	Set up a monitoring system to measure the impact of the Homelessness Reduction Act	Monitoring in place and outcomes identified. More households prevented from becoming homeless	2021	CBH Housing Solutions Team/CBC Housing Strategy Team
The current demand for supported accommodation outweighs the need.	Influence the future commissioning of services to ensure that the need for this type of accommodation is met	Waiting lists for supported housing are reduced and demand for supported accommodation in Colchester is met	Throughout the life of the strategy	CBC Housing Strategy Team
Ensure people are not discharged from services such as Prisons, Mental Health, care, armed forces and hospitals in an unplanned way	Set up/improve release/discharge protocols for people leaving Institutions. Work with Social Care to ensure that	Protocols set up and agreed. Planned move-on pathways created Fewer people leaving institutions end up on the streets.	2021	ECC – (Essex Vision work) CBC – Housing Strategy Team CBH – Housing Solutions Team/Phoenix Futures - Horizon

which could result in them ending up on the street	Care leavers have a move-on pathway			Project/Adult Social Care
Increase homelessness prevention for people suffering domestic abuse.	Work with providers of DA services to ensure that the model commissioned does not create a barrier to settled accommodation and a move on pathway is identified. Ensure that refuge provision is protected. Continue to promote the Sanctuary scheme. Ensure continued housing representation at MARAC	Reduction in homelessness for people experiencing Domestic Abuse	Throughout the life of the strategy	CBH Housing Solutions Team/New Chapter
Increase and support housing options for people moving on from supported housing to reduce the reliance on social housing	Identify, support and promote access to alternative housing options in the private rented sector including shared houses	Increase in alternative housing options and planned move on routes	Throughout the life of the strategy	Supported Housing Providers/Housing Solutions Team/Beacon House/CENS
Identify accommodation opportunities for rough sleepers to help with transition from living on the street	Work with local landlords to increase accommodation opportunities for this group. Use positive outcomes from 'Housing First' approach to encourage other organisations to	Move-on options identified Increase in number of Landlords signing up to the scheme Decrease in number of rough sleepers Increase in organisations	Ongoing	CBH Rough Sleeper Co-ordinator/CBC Housing Strategy Team

	adopt a similar scheme.	willing to adopt Housing First approach		
Aim 2: Helping people to sustain their accommodation				
Challenge	Action	Outcome	Timeframe	Who will deliver?
Ensure tenants in the social rented sector at risk of homelessness are provided with more intensive tenancy support including that provided by floating support	Encourage the take up of tenancy support including floating support to vulnerable tenants moving into accommodation including temporary accommodation	Increased take up of support services – increase in tenants sustaining tenancies – reduction in number of evictions for rent arrears and ASB	Ongoing	CBH Housing Management Team/Peabody
Ensure the provision of debt and welfare rights advice is targeted at those at risk of losing their accommodation	Provide support and advice to tenants on managing debt and welfare benefits including organisations working with single homeless Increase the take up of debt advice in the Borough and promote existing services. Work with private rented sector and social landlords to establish new approaches to reduce evictions.	Reduction in the number of evictions for rent arrears Increase take up of welfare benefits	Ongoing	CBC Benefits Team/CBH Financial Inclusion Team/Private Sector Landlords
Reduce the number of owner occupiers losing their properties through mortgage arrears	Provide advice and support services to home owners threatened with repossession	Reduction in homeless applications due to repossession	Ongoing	CBH Housing Solutions Team

	at an early stage so that homelessness can be prevented in a sustainable way			
Develop services that will support young tenants to maintain their tenancy and prevent unnecessary evictions through ASB and arrears	Develop early intervention initiatives for young people under 25 including pre eviction panels/pre tenancy workshops with some tailored 1:1's as and when they are identified through New Tenant Visits.	Reduction in young people in temporary accommodation and supported housing being evicted	2020-2025 with regular reviews	Supported Housing Providers/y.e.s/ CBH Housing Management Team
Provide advice and support to tenants/residents affected by the welfare cap, removal of the spare room subsidy etc	Promote the availability of Discretionary Housing Payments (DHP) Work with the Job Centre Plus to help assist tenants to access employment Promote mutual exchange to encourage tenants to move including via Mutual Exchange fairs Review existing policies to encourage tenants to move and make better use of housing stock Identify and	Increase in the take up of services. Better use of housing stock.	Ongoing	Colchester Borough Council/Colchester Borough Homes/Job Centre Plus

	support tenants with managing budgets			
Develop a strategic approach with Children's Services to meet the housing needs of Care Leavers. Care leavers need to have a better understanding of the responsibilities of being a tenant	Work with commissioners so that a broad range of high to low supported accommodation is provided. Develop training to ensure that clients are made aware at an early stage about the consequences of being evicted and the skills required to maintain a tenancy.	Level of support provided meets the needs of clients accommodated. Training developed so that clients have the skills to maintain a tenancy. To be considered as part of the new young person's contract	2022	ECC Adult Social Care/CBC Housing Strategy Team/Supported Housing Providers
Minimise isolation so that single people that have been homeless/rough sleeping have less chance of reverting to their former lifestyle once housed	Encourage organisations to provide outreach tenancy support to their clients once housed. Set up a peer mentoring scheme/navigator roles	Support provided. Reduction in repeat homelessness	2020-21	CBH Rough Sleeping Team/Beacon House/CENS/Health in Mind
Aim 3: Improving the health and wellbeing of people who experience homelessness				
Challenge	Action	Outcome	Timeframe	Who will deliver?
Increase in service provision for clients who are entrenched in substance misuse. The referral process to access services needs to be less complicated for	Information needs to be provided to influence commissioners and statutory services. Commissioners need to have a better understanding of gaps in	Better services provided Referral processes improved with better access to services	Ongoing	Open Road/Supported Housing Providers/Beacon House/CBH Rough Sleeper Team/CBC Housing Strategy Team/CBH/Phoenix Futures

clients to navigate. There is a gap in service provision for clients with Dual Diagnosis	service provision. Navigators/Phoenix Futures Horizon Project may help with this			
Improve access to employment, volunteering and training opportunities for people that are or have experienced homelessness	In partnership with the Work Coach Programme and DWP identify how to overcome the barriers to employment faced by homeless people. Research good practice. Develop an action plan.	Better access to employment, volunteering and training opportunities for people that are or have been homeless	Ongoing	CBC/DWP Work coach programme/Peabody/CBH - Peer mentoring
Statutory services need to be more joined up when commissioning Mental Health services to make better use of the options available including personal budgets. This would provide a more efficient and cost-effective service	Proactively encourage joint working and shared budgets as part of the recommissioning process - to be considered as part of the new contract. Help to provide a better understanding between organisations of mental health services.	More joined up approach to commissioning mental health services More efficient, cost effective service	2020-21 (or in line with the new contract)	ECC/CBC/CBH/Supported Housing Providers
Drug use has increased and—drug dealers are more organised and specific areas where there are vulnerable clients are being targeted	Continue to work with the Police to identify and support clients that are being targeted.	Reduction in tenants evicted due to drug related crime	Ongoing	CBH/CBC ASB teams/Essex Police

Households and individuals that are eligible but not in priority need or are in temporary accommodation can have greater public health needs than the rest of the population.	Promote the integration between health and housing to meet the indicator around homelessness in the Public Health Outcomes Framework: Improving the wider determinants of Health for homeless acceptances and households in temporary accommodation	Better joined up working. Identified outcomes in the framework met	Ongoing	ECC Public Health Team/CBC
Identify the support needs of different types of rough sleepers including entrenched rough sleepers, young people that are 'new' to the streets and people suffering from mental health to provide a better understanding of gaps in support services	Research the possibility of conducting a health needs audit (using the Homeless Link toolkit) for single homeless/rough sleepers.	Support needs Identified and met	2021 - ongoing	CBH Rough Sleeper Co-ordinator/CBC Housing Strategy Team
Ensure that all discharges from hospital, in-patient mental-health services, and drug and alcohol detox treatment are planned, with continuity of support where needed so that	Work with partners in health and the voluntary sector to research best practice and set up discharge protocols/policy to provide a planned accommodation and support	Discharge protocols/policy in place People are not discharged from hospital as homeless.	Ongoing	NHS CCG /CBC/CBH/ECC

no-one is left homeless.	pathway for clients.			
Aim 4: Improving Communication and challenging the perception and culture of homelessness				
Challenge	Action	Outcome	Timeframe	Who will deliver?
Provide advice and information to support people to access services that could prevent them becoming homeless. Raising awareness about realistic housing options and homelessness in Colchester	Improve communication of services provided by the Council to statutory and voluntary sector organisations through Information days. Identify gaps in information and publish and promote information on the website on the Council's homelessness and housing service for partner organisations.	Statutory and Voluntary organisations and service users more aware of housing and homelessness services and have more realistic expectations.	Throughout the life of the strategy	CBC Housing Strategy Team/ CBH/Project Group Members
Improve access to advice and support around welfare benefits for single clients that are homeless to prevent delays in receiving benefits and to avoid sanctions which cause reductions in the amount of benefit they receive	Work with the DWP and advice services to explore the best way to improve access to benefit advice for single homeless clients	Improved access to advice for single homeless clients	2021	CBH Housing Solutions Team/DWP/CAB
Develop early intervention and	Provide basic strategies and signposting to	An increase in homelessness prevention for	Ongoing	CBH Housing Solutions Team/ECC

prevention options for Young People at risk of becoming homeless in the Borough	support families to resolve conflict. Continue to work in partnership with Schools in the Borough to educate young people and their parents of the risks of leaving home in an unplanned way	young people. A decrease in homeless applications for young people		Social Care Teams/ y.e.s
Identify people at risk of homelessness at an earlier stage, and interventions that need to be put in place to prevent them being threatened with or becoming homeless.	Develop local protocols and referral arrangements with public bodies and other appropriate agencies to assist with early identification of people at risk of homelessness.	Referral process in place. An Increase in Homelessness prevention at an earlier stage – 'Duty to refer' fulfilled.	Ongoing	
Promote a person-centred approach to people that are homeless by creating structures which encourage voluntary sector services to work better together and share good practice	Multi agency working group Community of Practice – Homeless link	Better joined up working/reduction in duplication of services	Ongoing	Project Group members
Provide better communication to the public and organisations about how they can play their part in helping to prevent homelessness and support	Promote Colchester's Homelessness Charter – providing information about how people/organisations can pledge their support to help	More people/organisations signing up to the Charter. Better understanding around homelessness prevention	Throughout the life of the Strategy	CBC Housing Strategy Team/CBH Housing Solutions Team

those that are homeless	people that are homeless			
To educate the public on the difference between rough sleepers and street beggars that are not homeless to discourage them from giving money to people that are begging on the street	Work on a 'behaviour change' project to educate the public on the best way to help rough sleepers in Colchester and to discourage them from giving money to street beggars.	Increase in public awareness between the difference in rough sleeping and street begging. Increase in funds for local charities who support people that are homeless	Ongoing	CBC Housing Strategy Team/Rough Sleeper Co-ordinator/CBC Research Team
Involve people that have experienced homelessness in designing services to ensure they are relevant and accessible and to continue to inform the development of the strategy	Hold focus groups/drop in sessions with different groups of clients i.e. homeless families	Better understanding of services for people that are homeless.	Throughout the life of the strategy	CBC Housing Strategy Team/Rough Sleeper Co-ordinator/Project Group members
Rough Sleeping Action Plan				
Challenge	Action	Outcome	Timeframe	Who will deliver?
More assertive approach to rough sleepers needed in order to help them access support services and accommodation	Funding awarded by MHCLG Rough sleeper Initiative funding to provide a more assertive street outreach, especially out of hours provision and reconnection.	Outreach Team set up within CBH and more rough sleepers helped to access support services and into accommodation	2018-19 2019-20	Housing Strategy Team/Housing Solutions/Rough Sleeper Team
Accommodation with wraparound support needed for entrenched rough sleepers	Funding awarded by MHCLG Rough sleeper initiative funding to provide an	Entrenched rough sleepers move on from the streets into settled accommodation	2018-19 2019-20	Housing Strategy Team/Housing Solutions/Rough Sleeper

to help them move from the streets into settled accommodation	opportunity to pilot a 'Housing First' Registered Provider that provides supported housing.			Team/Sanctuary Housing
Colchester has a night shelter that attracts people that are homeless from neighbouring boroughs that don't have emergency provision and reduces the number of emergency bed spaces for people that have a local connection to Colchester	Funding awarded by MHCLG Rough sleeper initiative funding to increase bed spaces and support staff capacity at Colchester Night Shelter, specifically for Colchester people at risk of rough sleeping.	Better access to emergency beds at the night shelter for people that have a local connection Colchester	2018-19 2019	Housing Strategy Team/Housing Solutions/Rough Sleeper Team/Colchester Emergency Night Shelter
During severe weather such as high wind, heavy rain, snow and heatwaves, emergency accommodation with support is needed to ensure that rough sleepers have somewhere to stay	Funding awarded by MHCLG Rough sleeper initiative funding to provide proper continuous Severe Weather Emergency Provision (SWEP) from October - mid March, with specialist support staff to prevent people moving back to the street once the provision ends.	SWEP set up, accommodation and staff identified and trained. Provision available for rough sleepers during severe weather	2018-19 2019-20	Housing Strategy Team/Housing Solutions/Rough Sleeper Team
Dedicated duty line required to support SWEP	Set up a dedicated duty line for the team	Duty line set up	2018-19	

and outreach Team	so that people on the street that need emergency accommodation can be identified and provided with somewhere to stay and help to access support services			
Rough sleepers who are facing multiple disadvantage and experiencing a combination of problems need more intensive support to access services	Funding awarded by MHCLG Rapid rehousing Fund for 2 Navigator roles to work within the rough sleeping Team to provide more intensive support to rough sleepers identified by Outreach who have complex needs including substance misuse, mental ill health and contact with the criminal justice system.	Consistent support provided to rough sleepers with complex needs to gain access to services and help to break down barriers to housing by establishing good working relationships with services across Colchester.	2019-20	Housing Strategy Team/Housing Solutions/Rough Sleeper Team
Enable more robust sharing of information about rough sleepers by setting up a system between the Rough Sleeper Team (CBH) and the voluntary sector organisations	Research the viability of using a system i.e. inform to identify and provide information on rough sleepers in Colchester	Research undertaken. System in place to 'track' rough sleepers	2021-22	CBC – Housing Strategy Team/CBH Rough Sleeper Co-ordinator
Seek to improve the availability of day services for rough sleepers/single	To be progressed with CENS/Beacon House	Opening times extended – more places for rough sleepers to go during the day	2021	CENS/Beacon House/CBH Rough Sleeper Team

Appendix 2

homeless by exploring the viability of extending the opening times of agencies				
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26 November 2019

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Review of the Council's Ethical Governance Policies		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report requests the Committee to review the Council's updated Ethical Governance policies. These are the key policies which set out the standards of conduct and integrity that the Council expects of councillors, staff, partners, suppliers and customers when conducting Council business. They contain procedures for dealing with breaches of the policies and processes to be followed.
- 1.2 The report also requests the Committee to recommend to Full Council to include the updated policies in the Policy Framework which comprises all of the Authority's key policies.

2. Recommended Decision

- 2.1 To review the following revised policies:

- Anti-Fraud and Corruption
- Whistleblowing
- Anti-Money Laundering
- Covert Surveillance
- Information Security
- Data Protection
- Acceptable Use
- Data Retention
- Income and Debt Management

and to recommend to Full Council that they be approved for inclusion in the Council's Policy Framework.

3. Background

- 3.1 The Council is committed to maintaining the highest standards of governance including the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly, openly and accountably in order to protect public safety and public money.
- 3.2 A varied range of policies and procedures form the Corporate Governance framework and a selection of these relate to Ethical Governance - those specifically regarding conduct and integrity.
- 3.3 The Ethical Governance policies set out the standards of conduct and integrity that it expects from staff, elected members, suppliers, partners, volunteers and the public. Breaches of the policies will be pursued and procedures have been introduced to enable

any person to raise genuine concerns they may have about the conduct of anybody acting for or on behalf of the Council.

- 3.4 At its meeting on 6 December 2018 full Council adopted a statement of intent in relation to both Ethical and Corporate Governance which gave a high organisational commitment to zero tolerance of fraud, corruption and bribery.

4. Review of Ethical Governance Policies

- 4.1 The Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering, Information Security, Data Protection, Covert Surveillance and Income and Debt policies were last reviewed by this Committee at its meeting on 30 October 2018. The Ethical Governance policies were subsequently adopted as part of the Council's Policy Framework by Full Council.

The following table indicates the number of times a policy was invoked in the past year and where appropriate whether it was effective.

Policy	No. of times invoked during 2017/18	No. of times invoked during 2018/19	Whether procedures effective
Anti-Fraud and Corruption	None	None	n/a
Whistleblowing	None	1	Yes, procedure effective
Anti-Money Laundering	None	None	n/a
Covert Surveillance	None	None	n/a
Information Security	None	None	n/a
Data Protection	None	None	n/a

The Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering, Information Security and Covert Surveillance policies have been reviewed to ensure that they remain fit for purpose and no changes are proposed to these policies which are appended to this report.

- 4.2 The Monitoring Officer writes an annually to both Members and Officers reminding them of their obligations regarding the Anti-Fraud and Corruption and Whistleblowing policies.
- 4.3 The Data Protection policy has been rewritten to comply with the requirements of the Data Protection Act 2018 which enacts the General Data Protection Regulations. The policy sets out the required roles and responsibilities of both officers and councillors. Data Protection training has been provided for both councillors and officers and refresher training will be provided going forward.
- 4.4 As a consequence of the Data Protection Act 2018 it has been necessary to strengthen the Council's Acceptable Use policy which states the organisations requirements for both councillors and officers when using its information and communications technology to ensure the integrity of the Council's systems. This policy has now been included within the suite of Ethical Governance policies.
- 4.5 In addition the Council has refreshed its Data Retention Policy in light of the Data Protection Act 2018. and This policy is broadly to ensure that that all personal data held by the Council is retained and disposed of correctly. This policy has now been included within the suite of Ethical Governance Policies.

- 4.6 The Income & Debt Management Policy has been reviewed and there are no proposed changes for this year. The processes are still relevant and meet legislative requirements, whilst supporting strong collection rates. During the last full financial year, the Council achieved its highest ever collection rates for Council Tax and Business Rates, achieving 97.91% collection of Council Tax, with an increase in tax base of £6.65million and achieving collection of 99.36% for Business Rates.
- 4.7 The Council continues to improve processes to support residents and businesses to pay on time, including the use of text messages, email and more complex enforcement where necessary. It is proposed to undertake a full review of the policy in 2020 to integrate emerging technology and legislation.

5. Strategic Plan References

- 5.1 The manner in which the Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to set out the direction and future potential for our Borough.

6. Publicity Considerations

- 6.1 The Council's ethical governance policies will be published on the Council's website.

7. Financial, Equality, Diversity and Human Rights, Consultation, Health, Wellbeing and Community Safety, Health and Safety and Risk Management Implications

- 7.1 None.



Anti-Fraud and Corruption Policy 2019/20

A guide to the Council's approach to preventing fraud and corruption and managing any suspected cases

November 2019

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ANTI-FRAUD AND CORRUPTION POLICY

1.0 INTRODUCTION

Colchester Borough Council, like every Local Authority, has a duty to ensure that it safeguards the public money that it is responsible for.

The Council expects the highest standards of conduct and integrity from all that have dealings with it including staff, members, contractors, volunteers and the public. It is committed to the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly and to the highest possible standard of openness and accountability so as to protect public safety and public money.

All suspicions or concerns of fraudulent or corrupt practise will be investigated. There will be no distinction made in investigation and action between cases that generate financial benefits and those that do not. Any investigations will not compromise the Council's commitment to Equal Opportunities or the requirements of the Human Rights Act or any other relevant statutory provision.

This policy has been created with due regard to the CIPFA better Governance Forum's Red Book 2 'Managing the Risk of Fraud', the CIPFA 2014 Code of practise on managing the risk of fraud and corruption and the Audit Commission Publication 'Protecting the Public Purse'.

2.0 OVERVIEW

This policy provides an overview of the measures designed to combat any attempted fraudulent or corrupt act. For ease of understanding it is separated into four areas as below:

- Culture
- Responsibilities and Prevention
- Detection and Investigation
- Awareness and Monitoring.

Fraud and corruption are defined as:

Fraud – “the intentional distortion of financial statements or other records by persons internal or external to the Authority, which is carried out to conceal the misappropriation of assets or otherwise for gain”.

In addition, fraud can also be defined as “the intentional distortion of financial statements or other records by persons internal or external to the authority, which is carried out to mislead or misrepresent”.

Corruption – “the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”.

The Council also abides by the Bribery Act 2010 which covers, amongst other things, the offences of bribing another person, of allowing to be bribed and organisational responsibility. Such offences include:

- The offer, promise or giving of financial or other advantage to another person in return for the person improperly performing a relevant function or activity
- Requesting, agreeing to receive or accepting a financial or other advantage intending that, in consequence a relevant function or activity should be performed improperly.
- Commercial organisation responsibility for a person, associated with the organisation, bribing another person for the purpose of obtaining or retaining business for the organisation.

In addition, this policy also covers “the failure to disclose an interest in order to gain financial or other pecuniary benefit.”

3.0 CULTURE

The prevention/detection of fraud/corruption and the protection of public money are responsibilities of everyone, both internal and external to the organisation. The Council’s elected members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will, wherever possible, be treated in confidence. The public also has a role to play in this process and should inform the Council if they feel that fraud/corruption may have occurred.

Concerns must be raised when members, employees or the public reasonably believe that one or more of the following has occurred, is in the process of occurring or is likely to occur:

- A criminal offence
- A failure to comply with a statutory or legal obligation
- Improper or unauthorised use of public or other official funds
- A miscarriage of justice
- Maladministration, misconduct or malpractice
- Endangering an individual’s health and/or safety
- Damage to the environment
- Deliberate concealment of any of the above.

The Council will ensure that any allegations received in any way, including by anonymous letter or telephone call, will be taken seriously and investigated in an appropriate manner. The Council has a whistle blowing policy that sets out the approach to these types of allegation in more detail.

The Council will deal firmly with those who defraud the Council or who are corrupt, or where there has been financial malpractice. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as employees/members raising malicious allegations) may be dealt with as a disciplinary matter (employees) or through Group procedures (members).

When fraud or corruption has occurred due to a breakdown in the Council's systems or procedures, Directors will ensure that appropriate improvements in systems of control are implemented in order to prevent a re-occurrence

4.0 RESPONSIBILITIES AND PREVENTION

4.1 Responsibilities of Elected Members

As elected representatives, all members of the Council have a duty to protect the Council and public money from any acts of fraud and corruption. This is done through existing practice, compliance with the Council's Members' Code of Conduct, the Council's Constitution including Financial Regulations and Standing Orders and relevant legislation. Conduct and ethical matters are specifically brought to the attention of members during induction and include the declaration and registration of interests. Officers advise members of new legislative or procedural requirements.

4.2 Responsibilities of the Monitoring Officer

The Monitoring Officer is responsible for ensuring that all decisions made by the Council are within the law. The Monitoring Officer's key role is to promote and maintain high standards of conduct throughout the Council by developing, enforcing and reporting appropriate governance arrangements including codes of conduct and other standards policies.

All suspected instances of fraud or corruption (apart from benefit claim issues) should be reported to the Monitoring Officer.

4.3 Responsibilities of the Section 151 Officer

The Strategic Finance Manager has been designated with the statutory responsibilities of the Finance Director as defined by s151 of the Local Government Act 1972. These responsibilities outline that every local authority in England and Wales should: "make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility or the administration of those affairs"

'Proper administration' encompasses all aspects of local authority financial management including:

- Compliance with the statutory requirements for accounting and internal audit;
 - Managing the financial affairs of the Council
 - The proper exercise of a wide range of delegated powers both formal and informal;
 - The recognition of the fiduciary responsibility owed to local tax payers.
- Under these statutory responsibilities the Section 151 Officer contributes to the anti-fraud and corruption framework of the Council.

4.4 Responsibilities of the Senior Management Team

Managers at all levels are responsible for the communication and implementation of this policy. They are also responsible for ensuring that their employees are aware of the Council's personnel policies and procedures, the Council's Financial Regulations and Standing Orders and that the requirements of each are being met. Managers are expected to create an environment in which their staff feel able to approach them with any concerns they may have about suspected irregularities. Special arrangements may be applied from time to time for example where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments, for example payroll or the Revenues and Benefits computer system. These procedures will be supported by relevant training.

The Council recognises that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts and agency staff. The Council's formal recruitment procedure contains appropriate safeguards in the form of written references, the verification of qualifications held and employment history. Disclosure and Barring Service (DBS) checks are undertaken for employees working with or who may have contact with children or vulnerable adults.

4.5 Responsibilities of Employees

Each employee is governed in their work by the Council's Standing Orders and Financial Regulations, and other policies on conduct and IT usage. Included in the Council policies are guidelines on Gifts and Hospitality, and codes of conduct associated with professional and personal conduct and conflict of interest. These are issued to all employees when they join the Council. In addition, employees are responsible for ensuring that they follow any instructions given to them, particularly in relation to the safekeeping of the assets of the Council. Employees are expected always to be aware of the possibility that fraud, corruption and theft may exist in the workplace and be able to share their concerns with management.

4.6 Role of Internal Audit

Internal Audit plays a preventative role in trying to ensure that systems and procedures are in place to prevent and deter fraud and corruption. Internal Audit may be requested to investigate cases of suspected financial irregularity, fraud or corruption, except Benefit fraud investigations, in accordance with agreed procedures. Within the Financial Procedure Rules in the Constitution, representatives of Internal Audit are empowered to:

- enter at all reasonable times any Council premises or land
- have access to all records, documentation and correspondence relating to any financial and other transactions as considered necessary
- have access to records belonging to third parties such as contractors when required
- require and receive such explanations as are regarded necessary concerning any matter under examination

- require any employee of the Council to account for cash, stores or any other Council property under his/her control or possession
- Internal Audit liaises with management to recommend changes in procedures to reduce risks and prevent losses to the Authority.

4.7 Role of the Benefits Investigation

Any allegations of benefit fraud are to be referred to the Department of Work and Pensions for investigation.

4.8 Role of the Corporate Governance Team

The team consists of various officers whose roles include governance issues and the objective is to promote and embed a governance culture throughout the organisation by implementing policies, reviewing issues, providing training and sharing information.

4.9 Role of the External Auditors

Independent external audit is an essential safeguard of the stewardship of public money. This is currently carried out by BDO UK LLP through specific reviews that are designed to test (amongst other things) the adequacy of the Council's financial systems and arrangements for preventing and detecting fraud and corruption. It is not the external auditors' function to prevent fraud and irregularities, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity, and will act without undue delay if grounds for suspicion come to their notice. The Council contributes to the bi-annual National Fraud Initiative which is designed to cross-match customers across authorities to highlight areas where there are potential fraudulent claims.

4.10 Role of the Public

This policy, although primarily aimed at those within or associated with the Council, enables concerns raised by the public to be investigated, as appropriate, by the relevant person in a proper manner.

4.11 Conflicts of Interest

Both elected members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with externalisation of services, internal tendering, planning and land issues etc. Effective role separation will ensure decisions made are seen to be based upon impartial advice and avoid questions about improper disclosure of confidential information.

4.12 Official Guidance

In addition to Financial Regulations and Standing Orders, due regard will be had to external and inspectorate recommendations.

The Council is aware of the high degree of external scrutiny of its affairs by a variety of bodies such as Government Inspection bodies, the Local Government and Social Care Ombudsman, HM Customs and Excise and the Inland Revenue. These bodies are important in highlighting any areas where improvements can be made.

5.0 DETECTION AND INVESTIGATION

Internal Audit plays an important role in the detection of fraud and corruption. Included within the audit plans are reviews of system controls including financial controls and specific fraud and corruption tests, spot checks and unannounced visits.

In addition to Internal Audit, there are numerous systems and management controls in place to deter fraud and corruption but it is often the vigilance of employees and members of the public that aids detection. In some cases frauds are discovered by chance or “tip-off” and the Council will ensure that such information is properly dealt with within its whistle blowing policies.

Detailed guidance on the investigation process is available separately.

5.1 Disciplinary Action

The Council's Disciplinary Procedures will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees. Theft, fraud and corruption are serious offences which may constitute gross misconduct against the Council and employees will face disciplinary action if there is evidence that they have been involved in these activities, including Benefit fraud. Disciplinary action will be taken in addition to, or instead of, criminal proceedings depending on the circumstances of each individual case.

Members will face appropriate action under this policy if they are found to have been involved in theft, fraud and corruption against the Authority. Action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case but in a consistent manner. If the matter is a breach of the Members' Code of Conduct then it will be dealt with in accordance with the Arrangements agreed by the Council in accordance with the Localism Act 2011.

5.2 Prosecution

In terms of proceedings the Council will endeavour to take action in relevant cases to deter others from committing offences against the Authority.

5.3 Publicity

The Council will optimise the publicity opportunities associated with anti-fraud and corruption activity within the Council. Wherever possible, where the Council has suffered a financial loss action will be taken to pursue the recovery of the loss. All anti-fraud and corruption activities, including the update of this policy, will be publicised.

6.0 AWARENESS AND MONITORING

The Council recognises that the continuing success of this policy and its general credibility will depend in part on the effectiveness of training and awareness for members and employees and will therefore take appropriate action to raise awareness levels.

The Monitoring Officer will provide an annual report to senior management and members outlining investigations undertaken during the year.

This policy and associated procedures will be reviewed at least annually and will be reported to senior management and the Governance and Audit Committee.



Whistleblowing Policy 2019/20

A guide for employees and
Councillors on how to raise concerns
about conduct within the Council

November 2019

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WHISTLEBLOWING POLICY

1.0 Introduction

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.

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.

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."

This policy and procedure applies to all employees, councillors, partners, volunteers and contractors. It also covers suppliers and members of the public.

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.

This policy has been discussed with the relevant trade unions and has their support.

2.0 Aims and Scope of the Whistleblowing Policy

This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice without fear of recrimination.
- Provide avenues for you to raise those concerns and receive feedback on any action taken.
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- 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.
- Advise you of the support that the Council will provide if you raise concerns in good faith.

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:

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

This concern may be about something that:

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

3.0 Safeguards

3.1 Harassment or Victimisation

The Council is committed to good practice and high standards and wants to be supportive of employees and councillors.

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.

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.

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.

3.2 Confidentiality

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.

3.3 Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

In exercising this discretion the factors to be taken into account would include the:

- seriousness of the issues raised;
- credibility of the concern; and
- likelihood of confirming the allegation from attributable sources.

3.4 Untrue Allegations

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.

4.0 How to raise a concern

You should normally raise concerns with the Monitoring Officer or the Section 151 Officer. However if your concern relates to one of these officers you should raise your concerns with the Chief Executive.

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:

- the background and history of the concern (giving relevant dates); and
- the reason why you are particularly concerned about the situation.

The earlier you express the concern the easier it is to take action.

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.

Advice and guidance on how matters of concern may be pursued can be obtained from:

Chief Executive, Adrian Pritchard ☎ 282211

Monitoring Officer, Andrew Weavers ☎ 282213

Section 151 Officer, Paul Cook ☎ 505861

Deputy Monitoring Officer, Hayley McGrath ☎ 508902

Deputy Monitoring Officer, Julian Wilkins ☎ 282257.

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.

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.

The Council has a dedicated email address whistleblowing@colchester.gov.uk

Further guidance on protection for anyone raising a concern can be found in the Public Interests Disclosure Act 1998.

5.0 How the Council will respond

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

Where appropriate, the matters raised may be:

- investigated by management, Internal Audit, or through the disciplinary process
- referred to the police
- referred to the Council's external auditor
- the subject of an independent inquiry.

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.

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

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

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms, and
- informing you whether further investigations will take place and if not, why not.

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.

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.

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.

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.

6.0 The Responsible Officer

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 Governance and Audit Committee.

7.0 How the matter can be taken further

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) Citizens Advice Bureau
- (b) relevant professional bodies or regulatory organisations
- (c) the police
- (d) Local Government and Social Care Ombudsman
- (e) the Council's Governance and Audit Committee.

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 7404 6609 or by email at whistle@pcaw.co.uk

website: www.whistleblowing.org.uk

8.0 Questions regarding this policy

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

9.0 Review

This policy will be reviewed annually.



Anti-Money Laundering Policy 2019/20

A guide to the Council's anti-money laundering safeguards and reporting arrangements

November 2019

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ANTI-MONEY LAUNDERING POLICY

1. Introduction

Although local authorities are not directly covered by the requirements of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, guidance from CIPFA indicates that they should comply with the underlying spirit of the legislation and regulations.

Colchester Borough Council is committed to the highest possible standards of conduct and has, therefore, put in place appropriate and proportionate anti-money laundering safeguards and reporting arrangements.

2. Scope of the Policy

This policy applies to all employees, whether permanent or temporary, and Members of the Council.

Its aim is to enable employees and Members to respond to a concern they have in the course of their dealings for the Council. Individuals who have a concern relating to a matter outside work should contact the Police.

3. Definition of Money Laundering

Money laundering describes offences involving the integration of the proceeds of crime, or terrorist funds, into the mainstream economy. Such offences are defined under the Proceeds of Crime Act 2002 as the following 'prohibited acts':

- Concealing, disguising, converting, transferring or removing criminal property from the UK
- Becoming involved in an arrangement which an individual knows or suspects facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person
- Acquiring, using or possessing criminal property
- Doing something that might prejudice an investigation e.g. falsifying a document
- Failure to disclose one of the offences listed in a) to c) above, where there are reasonable grounds for knowledge or suspicion
- Tipping off a person(s) who is or is suspected of being involved in money laundering in such a way as to reduce the likelihood of or prejudice an investigation.

Provided the Council does not undertake activities regulated under the Financial Services and Markets Act 2000, the offences of failure to disclose and tipping off do not apply. However, the Council and its employees and Members remain subject to the remainder of the offences and the full provisions of the Terrorism Act 2000.

The Terrorism Act 2000 made it an offence of money laundering to become concerned in an arrangement relating to the retention or control of property likely to be used for the purposes of terrorism, or resulting from acts of terrorism.

Although the term ‘money laundering’ is generally used to describe the activities of organised crime, for most people it will involve a suspicion that someone they know, or know of, is benefiting financially from dishonest activities.

Potentially very heavy penalties (unlimited fines and imprisonment up to fourteen years) can be handed down to those who are convicted of one of the offences above.

4. Requirements of the Money Laundering Legislation

The main requirements of the legislation are:

- To appoint a money laundering reporting officer
- Maintain client identification procedures in certain circumstances
- Implement a procedure to enable the reporting of suspicions of money laundering
- Maintain record keeping procedures.

5. The Money Laundering Reporting Officer (MLRO)

The Council has designated the Monitoring Officer as the Money Laundering Reporting Officer (MLRO). He can be contacted on 01206 282213 or at andrew.weavers@colchester.gov.uk

In the absence of the MLRO or in instances where it is suspected that the MLRO themselves are involved in suspicious transactions, concerns should be raised with the Council’s Section 151 Officer, Sean Plummer.

6. Client Identification Procedures

Although not a legal requirement, the Council has developed formal client identification procedures which must be followed when Council land or property is being sold. These procedures require individuals and if appropriate, companies to provide proof of identity and current address.

If satisfactory evidence is not obtained at the outset of a matter, then the transaction must not be progressed and a disclosure report, available on the Hub, must be submitted to the Money Laundering Reporting Officer.

All personal data collected must be kept in compliance with the Data Protection Act.

7. Reporting Procedure for Suspicions of Money Laundering

Where you know or suspect that money laundering activity is taking/has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under the Act, you must disclose this as soon as practicable to the MLRO. The disclosure should be within “hours” of the information coming to your attention, not weeks or months later.

Your disclosure should be made to the MLRO using the disclosure report, attached at Appendix 1 to this policy. The report must include as much detail as possible including

- Full details of the people involved

- Full details of the nature of their/your involvement.
- The types of money laundering activity involved
- The dates of such activities
- Whether the transactions have happened, are ongoing or are imminent
- Where they took place
- How they were undertaken
- The (likely) amount of money/assets involved
- Why, exactly, you are suspicious.

Along with any other available information to enable the MLRO to make a sound judgment as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable him to prepare his report to the National Crime Agency (NCA), where appropriate. You should also enclose copies of any relevant supporting documentation.

If you are concerned that your involvement in the transaction would amount to a prohibited act under sections 327 – 329 of the Act, then your report must include all relevant details, as you will need consent from the NCA, via the MLRO, to take any further part in the transaction - this is the case even if the client gives instructions for the matter to proceed before such consent is given. You should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline;

Once you have reported the matter to the MLRO you must follow any directions he may give you. You must NOT make any further enquiries into the matter yourself: any necessary investigation will be undertaken by the NCA. Simply report your suspicions to the MLRO who will refer the matter on to the NCA if appropriate. All members of staff will be required to co-operate with the MLRO and the authorities during any subsequent money laundering investigation.

Similarly, at no time and under no circumstances should you voice any suspicions to the person(s) whom you suspect of money laundering, even if the NCA has given consent to a particular transaction proceeding, without the specific consent of the MLRO; otherwise you may commit a criminal offence of “tipping off”.

Do not, therefore, make any reference on a client file to a report having been made to the MLRO – should the client exercise their right to see the file, then such a note will obviously tip them off to the report having been made and may render you liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

8. Consideration of the disclosure by the Money Laundering Reporting Officer

Upon receipt of a disclosure report, the MLRO must note the date of receipt on his section of the report and acknowledge receipt of it. He should also advise you of the timescale within which he expects to respond to you.

The MLRO will consider the report and any other available internal information he thinks relevant, for example:

- reviewing other transaction patterns and volumes

- the length of any business relationship involved
- the number of any one-off transactions and linked one-off transactions
- any identification evidence held.

The MLRO will undertake such other reasonable inquiries he thinks appropriate in order to ensure that all available information is taken into account in deciding whether a report to the NCA is required (such enquiries being made in such a way as to avoid any appearance of tipping off those involved). The MLRO may also need to discuss the report with you.

Once the MLRO has evaluated the disclosure report and any other relevant information, he must make a timely determination as to whether:

- there is actual or suspected money laundering taking place; or
- there are reasonable grounds to know or suspect that is the case; and
- whether he needs to seek consent from the NCA for a particular transaction to proceed.

Where the MLRO does so conclude, then he must disclose the matter as soon as practicable to the NCA on their standard report form and in the prescribed manner, unless he has a reasonable excuse for non-disclosure to the NCA (for example, if you are a lawyer and you wish to claim legal professional privilege for not disclosing the information).

Where the MLRO suspects money laundering but has a reasonable excuse for non-disclosure, then he must note the report accordingly; he can then immediately give his consent for any ongoing or imminent transactions to proceed.

In cases where legal professional privilege may apply, the MLRO must liaise with the Council's Section 151 Officer to decide whether there is a reasonable excuse for not reporting the matter to the NCA.

Where consent is required from the NCA for a transaction to proceed, then the transaction(s) in question must not be undertaken or completed until the NCA has specifically given consent, or there is deemed consent through the expiration of the relevant time limits without objection from the NCA.

Where the MLRO concludes that there are no reasonable grounds to suspect money laundering then he shall mark the report accordingly and give his consent for any ongoing or imminent transaction(s) to proceed.

All disclosure reports referred to the MLRO and reports made by him to the NCA must be retained by the MLRO in a confidential file kept for that purpose, for a minimum of five years.

The MLRO commits a criminal offence if he knows or suspects, or has reasonable grounds to do so, through a disclosure being made to him, that another person is engaged in money laundering and he does not disclose this as soon as practicable to the NCA.

9. Training

Officers considered likely to be exposed to suspicious situations, will be made aware of these by their senior officer and provided with appropriate training.

Additionally, all employees and Members will be familiarised with the legal and regulatory requirements relating to money laundering and how they affect both the Council and themselves.

Notwithstanding the paragraphs above, it is the duty of officers and Members to report all suspicious transactions whether they have received their training or not.

10. Conclusion

Given a local authority's legal position with regard to the legislative requirements governing money laundering, the Council believes that this Policy represents a proportionate response to the level of risk it faces of money laundering offences.

11. Review

This policy will be reviewed annually.

CONFIDENTIAL

Appendix 1

REPORT TO MONEY LAUNDERING REPORTING OFFICER
RE: SUSPECTED MONEY LAUNDERING ACTIVITY

To: Monitoring Officer, Money Laundering Reporting Officer
From: *[Name of employee]*
Department: *[Post title and Service Area]*
Ext / Tel No:

DETAILS OF SUSPECTED OFFENCE:**Name(s) and address(es) of person(s) involved:***[If a company / public body please include details of nature of business]***Nature, value and timing of activity involved:***[Please include full details e.g. what, where, how. Continue on a separate sheet if necessary]***Nature of suspicions regarding such activity:***[Please continue on a separate sheet if necessary]*

Has any investigation been undertaken (as far as you are aware)? *[Please tick relevant box]*

Yes ☐No ☐

If yes, please include details below:

Have you discussed your suspicions with anyone else?

Yes ☐No ☐

[Please tick relevant box]

If yes, please provide details of who the discussions took place with and explain why such discussion was necessary:

Have you consulted any supervisory body guidance re: money laundering (e.g. the Law Society) *[Please tick relevant box]* Yes ☐ No ☐

If yes, please specify below:

Do you feel you have a reasonable justification for not disclosing the matter to the NCA? (e.g. are you a lawyer and wish claim legal privilege?) *[Please tick relevant box]* Yes ☐ No ☐ to

If yes, please set out full details below:

Are you involved in a transaction which might be a prohibited act under sections 327-329 of the Act and which requires appropriate consent from the NCA

Yes ☐No ☐

[Please tick relevant box]

If yes, please include details below:

Please set out below any other information you feel is relevant:

Please do not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity described. To do so may constitute a tipping off offence, which carries a maximum penalty of 5 years imprisonment.

Signed:

Dated:

Use of Social Media in Investigations Policy and Procedure 2019/20

A guide to the Council's approach to the use of social media in relation to Regulation of Investigatory Powers Act 2000 investigations.

USE OF SOCIAL MEDIA IN INVESTIGATIONS

POLICY AND PROCEDURES

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1.0 INTRODUCTION & BACKGROUND

- 1.1 Social Media has become a significant part of many people's lives. By its very nature, Social Media accumulates a sizable amount of information about a person's life, from daily routines to specific events. Their accessibility on mobile devices can also mean that a person's precise location at a given time may also be recorded whenever they interact with a form of Social Media on their devices. All of this means that incredibly detailed information can be obtained about a person and their activities.
- 1.2 Social Media can therefore be a very useful tool when investigating alleged offences with a view to bringing a prosecution in the courts. The use of information gathered from the various different forms of Social Media available can go some way to proving or disproving such things as whether a statement made by a defendant, or an allegation made by a complainant, is truthful or not. However, there is a danger that the use of Social Media can be abused, which would have an adverse effect, damaging potential prosecutions and even leave the Council open to complaints or criminal charges itself.
- 1.3 This Policy sets the framework on which the Council may utilise Social Media when conducting investigations into alleged offences. Whilst the use of Social Media to investigate is not automatically considered covert surveillance, its misuse when conducting investigations can mean that it crosses over into the realms of covert and/or targeted surveillance, even when that misuse is inadvertent. It is therefore crucial that the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA), as it relates to covert and directed surveillance, are followed at all times when using Social Media information in investigations.
- 1.4 It is possible for the Council's use of Social Media in investigating potential offences to cross over into becoming unauthorised surveillance, and in so doing, breach a person's right to privacy under Article 8 of the Human Rights Act. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not obtained, the surveillance carried out will not have the protection that RIPA affords and may mean it is rendered inadmissible.
- 1.5 It is the aim of this Procedure to ensure that investigations involving the use of Social Media are done so lawfully and correctly so as not to interfere with an accused's human rights, nor to require authorisation under RIPA, whilst ensuring that evidence gathered from Social Media is captured and presented to court in the correct manner.
- 1.6 Officers who are involved in investigations, into both individuals and business they suspect to have committed an offence, should consult Legal Services if they are unsure about any part of this Policy and how it affects their investigative practices.

2.0 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

- 2.1 With the increasing use of smartphones and personal devices, there is a significant amount of information on an individual's Social Media pages. This information might be relevant to an investigation being undertaken by the Council. However, unguided research into the sites of suspects could fall within the remit of RIPA and therefore require authorisation prior to it being undertaken. Officers should therefore seek advice from Legal Services prior to undertaking any investigation using Social Media sites.
- 2.2 Officers embarking on any form of investigatory action should always do so with RIPA in mind. Whilst RIPA will not always be relevant to every investigation, it is vital that officers involved in investigative practices against individuals, regularly review their conduct with respect to investigatory actions. Any investigation is capable of evolving from being one that does not require RIPA authorisation, to one that does, at any point.
- 2.3 Accordingly, this Policy should be read in conjunction with the Council's current Code of Practice on Covert Surveillance, as well as the statutory codes of practice issued by the Secretary of State and the Office of Surveillance Commissioners' Guidance.
- 2.4 Instances of repeated and/or regular monitoring of Social Media accounts, as opposed to one-off viewing, may require RIPA authorisation. Advice should be sought from Legal Services where it is envisaged that this level of monitoring will be required in relation to a particular investigation. See paragraph 6.2 below.

3.0 WHAT IS MEANT BY 'SOCIAL MEDIA' FOR THE PURPOSES OF THIS POLICY

- 3.1 Social Media, sometimes also referred to as a Social Network, can take many forms. This makes defining Social Media, for the purposes of this policy, difficult, however there are some facets which will be common to all forms of Social Media.
- 3.2 Social Media will always be a web-based service that allows individuals and/or businesses to construct a public or semi-public profile. Beyond this, Social Media can be very diverse, but will often have some, or all, of the following characteristics;
- The ability to show a list of other users with whom they share a connection; often termed "friends" or "followers",
 - The ability to view and browse their list of connections and those made by others within the system
 - Hosting capabilities allowing users to post audio, photographs and/or video content that is viewable by others

Social Media can include community based web sites, online discussions forums, chatrooms and other social spaces online as well.

- 3.3 Current examples of the most popular forms of Social Media, and therefore the most likely to be of use when conducting investigations into alleged offences, include:

Facebook	Twitter	Instagram
LinkedIn	Pintrest	Tumblr
Reddit	Flickr	Google+

- 3.4 The number and type of Social Media available to the public is fluid. In a given year, many new sites can open whilst some of the more established names can wain in popularity. This Policy will concentrate on Social Media generally and will not make reference to specific sites or services.

4.0 PRIVACY SETTINGS

- 4.1 The majority of Social Media services will allow its users to decide who can view their activity, and to what degree, through the use of privacy settings. Whilst some users are happy, or otherwise indifferent about who is able to view their information, others prefer to maintain a level of privacy.
- 4.2 Depending on their intentions, many users will purposely use Social Media with no privacy setting applied whatsoever. This could be due to the fact that they are actively promoting something, such as a business or event, and therefore require as many people as possible to be able to view their Social Media profile at all times; others may do so for reasons of self-promotion or even vanity. The information publicly available is known as an individual's public profile.
- 4.3 Those individuals with public profiles who operate on Social Media without any, or only limited, forms of privacy settings being activated do so at their own risk. Often, Social Media sites will advise its users through its terms and conditions of the implications of not activating privacy controls, namely that all content they publish or share will be viewable by everyone, including sometimes people who, themselves, do not have an account with that provider.
- 4.4 Whilst the content or information shared by individuals on Social Media remains the property of that individual, it is nonetheless considered to be in the public domain. Publishing content or information using a public, rather than a private setting, means that the individual publishing it is allowing everyone to access and use that information, and to associate it with them.
- 4.5 The opposite of a public profile is a private profile. Some users of Social Media will not wish for their content, information or interactions to be viewable to anyone outside of a very small number of people, if any. In

these instances, users will normally set a level of privacy on their Social Media profiles that reflects what they are comfortable with being made available, meaning that, for example, only friends, family and other pre-approved users are able to view their content or make contact with them through that site.

- 4.6 By setting their profile to private, a user does not allow everyone to access and use their content, and respect should be shown to that person's right to privacy under Article 8 of the Human Rights Act. This does not, however, extend to instances where a third party takes it upon themselves to share information which originated on a private profile on their own Social Media profile. For example, Person A publicises on their *private* Social Media page that they intend to throw a party, at which they will be selling alcohol and providing other forms of licensable activities, despite not having a licence from the Council to do so. Person B, who "follows" Person A's Social Media page, re-publishes this information on their *public* Social Media page. The information on Person A's profile cannot be used, however the same information on Person B's profile, can.

5.0 WHAT IS PERMITTED UNDER THIS POLICY

- 5.1 Whether or not Social Media can be used in the course of investigating an offence, or potential offence, will depend on a number of things, not least of which is whether the suspect has a Social Media presence at all. Investigating offences will always be a multi-layered exercise utilising all manner of techniques, and it is important not to place too high an emphasis on the use of Social Media in place of more traditional investigative approaches.
- 5.2 Further to this, a lack of information on an individual's Social Media profile should not be taken as evidence that something is or is not true. For example, a lack of evidence corroborating an individual's assertions that they were at a particular location on a specific day does not prove that they are being misleading and it is important to consider it only as part of a well-rounded investigation.
- 5.3 For those individuals who do have a presence on Social Media, a lot of what is permitted under this policy for use in investigations will depend on whether they have a public or private profile. As outlined in 4.4 above, where a person publishes content on a public profile, they allow everyone, including those not on that particular Social Media platform, to access and use that information whilst also allowing it to be associated with them.
- 5.4 In practice, this means that things such as photographs, video content or any other relevant information posted by individuals and businesses to a public profile on any given Social Media platform can be viewed, recorded and ultimately used as evidence against them should the matter end in legal proceedings, subject to the usual rules of evidence.

- 5.5 When considering what is available on an individual's public Social Media profile, those investigating an offence, or potential offence, should always keep in mind what relevance it has to that investigation. Only information that is relevant to the investigation at hand, and goes some way toward proving the offence, should be gathered. If there is any doubt as to whether something is relevant, then advice should be sought from Legal Services.

6.0 WHAT IS NOT PERMITTED UNDER THIS POLICY

- 6.1 When it is discovered that an individual under investigation has set their Social Media account to private, Officers should not attempt to circumvent those settings under any circumstances. Such attempts would include, but are not limited to;
- sending "friend" or "follow" requests to the individual,
 - setting up or using bogus Social Media profiles in an attempt to gain access to the individual's private profile,
 - contacting the individual through any form of instant messaging or chat function requesting access or information,
 - asking family, friends, colleagues or any other third party to gain access on their behalf, or otherwise using the Social Media accounts of such people to gain access, or
 - any other method which relies on the use of subterfuge or deception.

Officers should keep in mind that simply using profiles belonging to others, or indeed fake profiles, in order to carry out investigations does not provide them with any form of true anonymity. The location and identity of an officer carrying out a search can be easily traced through tracking of IP Addresses, and other electronic identifying markers.

- 6.2 A distinction is made between one-off and repeated visits to an individual's Social Media profile. As outlined at paragraph 2 above, a RIPA authorisation must be sought in order to carry out directed surveillance against an individual. Whilst one-off visits, or otherwise infrequent visits spread out over time, cannot be considered "directed surveillance" for the purposes of RIPA, repeated or frequent visits may cross over into becoming "directed surveillance" requiring RIPA authorisation. A person's Social Media profile should not, for example, be routinely monitored on a daily or weekly basis in search of updates, as this will require RIPA authorisation, the absence of which is an offence. For further guidance on this point, officers should contact Legal Services.
- 6.3 Regardless of whether the Social Media profile belonging to a suspected offender is set to public or private, it should only ever be used for the purposes of evidence gathering. Interaction or conversation of any kind should be avoided at all costs, and at no stage should a Council Officer seek to make contact with the individual through the medium of Social Media. Any contact that is made may lead to accusations of harassment or, where a level of deception is employed by the Officer, entrapment,

either of which would be detrimental and potentially fatal to any future prosecution that may be considered.

7.0 CAPTURING EVIDENCE

- 7.1 Once content available from an individual's Social Media profile has been identified as being relevant to the investigation being undertaken, it needs to be recorded and captured for the purposes of producing as evidence at any potential prosecution. Depending on the nature of the evidence, there are a number of ways in which this may be done.
- 7.2 Where evidence takes the form of a readable or otherwise observable content, such as text, status updates or photographs, it is acceptable for this to be copied directly from the site, or captured via a screenshot, onto a hard drive or some other form of storage device, and subsequently printed to a hard copy. The hard copy evidence should then be exhibited to a suitably prepared witness statement in the normal way.
- 7.3 Where evidence takes the form of audio or video content, then efforts should be made to download that content onto a hard drive or some other form of storage device such as a CD or DVD. Those CD's and/or DVD's should then be exhibited to a suitably prepared witness statement in the normal way. Any difficulties in downloading this kind of evidence should be brought to the attention of the Council's IT Team who will be able to assist in capturing it.
- 7.4 When capturing evidence from an individual's public Social Media profile, steps should be taken to ensure that all relevant aspects of that evidence are recorded effectively. For example, when taking a screenshot of a person's Social Media profile, the Council Officer doing so should make sure that the time and date are visible on the screenshot in order to prove when the evidence was captured. Likewise, if the evidence being captured is a specific status update or post published on the suspected offender's profile, steps should be taken to make sure that the date and time of that status update or post is visible within the screenshot. Without this information, the effectiveness of the evidence is potentially lost as it may not be admissible in court.
- 7.5 Due to the nature of Social Media, there is a significant risk of collateral damage in the form of other, innocent parties' information being inadvertently captured alongside that of the suspected offender's. When capturing evidence from a Social Media profile, steps should be taken to minimise this collateral damage either before capturing the evidence, or subsequently through redaction. This might be particularly prevalent on Social Media profiles promoting certain events, where users are encouraged to interact with each other by posting messages or on photographs where other users may be making comments.

8.0 OTHER INFORMATION TECHNOLOGY TOOLS AVAILABLE FOR INVESTIGATIVE PURPOSES

- 8.1 Whilst Social Media can be a useful and fruitful means of investigating offences and potential offences, it is by no means the only tool available within the realm of Information Technology. A vast array of other, mostly web-based tools are also at the disposal of those conducting investigations. For example, where there is a website advertising the services of a local business, and there is evidence that this business is engaging in illegal activity, there are IT tools available that can track who is responsible for setting up that website, and so can be a good starting point when trying to link potential offenders to the offending business.
- 8.2 For assistance in identifying which tools may be appropriate, and how best to utilise them, advice should be sought from the Legal Services and or the Council's IT team.

9.0 RETENTION AND DESTRUCTION OF INFORMATION

- 9.1 Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should **not** be destroyed, but retained in accordance with the requirements of the Data Protection Act 2018 , the Freedom of Information Act 2000, and any other legal requirements, including those of confidentiality, and the Council's policies and procedures regarding document retention. Advice should be sought from the Data Protection Officer or the Monitoring Officer.
- 9.2 Personal data gathered by the Council is subject to the Data Protection Act 2018. When considering whether to retain the data, the Council should:
- review the length of time it keeps personal data;
 - consider the purpose or purposes it holds the information for in deciding whether (and for how long) to retain it;
 - securely delete information that is no longer needed for this purpose or these purposes; and
 - update, archive or securely delete information if it goes out of date
- 9.3 Due to the nature of Social Media, it is important to remember that when information produced as a hard copy is destroyed in line with this paragraph, that all digital copies of that evidence is likewise destroyed.

10.0 REVIEW

- 10.1 This Policy will be reviewed periodically and in line with the Council's Code of Practice on Covert Surveillance to ensure that both documents remain current and compliant with relevant legal requirements and best practice guidance.



Code of Practice on Covert Surveillance 2019/20

A guide to the Council's approach to
the Regulation of Investigatory
Powers Act 2000

November 2019

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CODE OF PRACTICE ON COVERT SURVEILLANCE

1.0 INTRODUCTION

The Council enforces the law in a number of areas. As part of this enforcement there will be occasions where surveillance of individuals or property is necessary to ensure that the law is being complied with. When the Council does decide to undertake surveillance it is important that it remains within the law which is contained in the Regulation of Investigatory Powers Act 2000 ("the Act") as amended by the Protection of Freedoms Act 2012 and the Investigatory Powers Act 2016.

The GOV website provides an overview of the Act and procedures:

<http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/>

The Act sets out certain criteria that the Council has to comply with before it undertakes surveillance and those are also reflected in the Office of Surveillance Commissioners' Procedures and Guidance in relation to covert surveillance by public authorities ("the Code"). This is available on the Home Office website:

<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>

The Home Office has also issued guidance ("the Guidance") on the judicial approval process for the Regulation of Investigatory Powers (RIPA) Act 2000 and the crime threshold for directed surveillance. This is available on the Home Office website:

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/local-authority-ripa-guidance/local-authority-england-wales?view=Binary>

Officers will need to familiarise yourself with the contents of the Code and the Guidance.

The Investigatory Powers Commissioner's Office now has responsibility for oversight of investigatory powers from the Office of Surveillance Commissioners.

<https://www.ipco.org.uk/>

The Council will comply with the Code when carrying out directed surveillance and officers should be aware of its provisions. Failure to observe the provisions of the Act may result in the protection of the Act not being available. This may mean that the evidence gathered:

- *is not admissible in court proceedings.*
- *is a breach of an individual's human rights.*

This policy sets out how Colchester Borough Council (including Colchester Borough Homes) will comply with the Act, the Code and the Guidance. It also clarifies the circumstances in which officers will be able to use covert surveillance and the internal requirements that will need to be observed when conducting that surveillance.

The Policy Statement should be read in conjunction with the Council's Data Protection Policy.

The Policy Statement will be made available for inspection at Council offices.

Any officer considering an application under the Act should first seek the advice of the Senior Responsible Officer in Legal Services.

2.0 What does the Act and the Code cover?

The Act and the Code cover covert surveillance, which is defined in the Act as being surveillance which *"is carried out in manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place"*.

2.1 Directed surveillance

Local authorities can only use a form of covert surveillance called "directed surveillance". This is defined in the Act as where the surveillance is covert but not intrusive and is undertaken:

- for the purposes of a specific investigation or operation
- in such a manner as is likely to result in the obtaining of private information about a person (whether or not specifically identified for the purposes of the investigation) and
- otherwise than by way of an immediate response to events or circumstances, the nature of which is such that it would not be reasonably practicable for an authorisation under the Act to be sought.

"Private Information" in relation to a person includes any information relating to their private or family life.

Surveillance is not covert if notification has been sent to the intended subject of the surveillance. For example, in a noise nuisance case a letter notifying a subject that the noise will be monitored by officers visiting will make the surveillance overt. However, as a matter of good practice, surveillance should be considered covert if the notification to the subject is over 3 months old. All communications of this nature should be sent by Registered Post or delivered by hand.

2.2 General observations

General observations by officers in the course of their duties are not covered by the Act

Directed surveillance will not include surveillance that is undertaken as an immediate response to events or circumstances which, by their nature could not have been foreseen. This will include situations where officers are out in the normal course of their duties and happen to witness an activity, for example a housing officer visiting tenants and witnessing anti-social behaviour by an individual. *In other words, where there is no systematic surveillance.*

If there is any doubt as to whether a RIPA authorisation is required you should seek advice from the Council's Legal Services.

2.3 Intrusive surveillance

“Intrusive Surveillance” is surveillance that is:

- carried out in relation to anything taking place on any residential premises or in any private vehicle; and
- involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

Intrusive Surveillance cannot be authorised by local authority officers and all officers are strictly prohibited from engaging in Intrusive Surveillance.

2.4 Covert Human Intelligence Sources

The Council is also permitted to use Covert Human Intelligence Sources under the Act. A Covert Human Intelligence Source is someone who establishes or maintains a personal or other relationship for the covert purpose of helping the covert use of the relationship to obtain information. However at the current time the Council does not consider this necessary and will not use Covert Human Intelligence Sources.

All officers are strictly prohibited from using Covert Human Intelligence Sources.

Unlike directed surveillance, which relates specifically to private information, authorisations for the use or conduct of a Covert Human Intelligence Source do not relate specifically to private information, but to the covert manipulation of a relationship to gain any information. European Court of Human Rights case law makes it clear that Article 8 of the European Convention on Human Rights includes the right to establish and develop relationships. Accordingly, any manipulation of a relationship by a public authority (e.g. one party having a covert purpose on behalf of a public authority) is likely to engage Article 8, regardless of whether or not the public authority intends to acquire private information.

Not all human source activity will meet the definition of a Covert Human Intelligence Source. For example, a source may be a public volunteer who discloses information out of professional or statutory duty, or has been tasked to obtain information other than by way of a relationship.

Certain individuals will be required to provide information to public authorities or designated bodies out of professional or statutory duty. For example, employees within organisations regulated by the money laundering provisions of the Proceeds of Crime Act 2002 will be required to comply with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 and report suspicious transactions. Similarly, financial officials, accountants or company administrators may have a duty to provide information that they have obtained by virtue of their position to the Serious Fraud Office.

Any such regulatory or professional disclosures should not result in these individuals meeting the definition of a Covert Human Intelligence Source, as the business or professional relationships from which the information derives will not have been established or maintained for the covert purpose of disclosing such information.

Individuals or members of organisations (e.g. travel agents, housing associations and taxi companies) who, because of their work or role have access to personal information, may voluntarily provide information to the police on a repeated basis and need to be managed appropriately. Public authorities must keep such human sources under constant review to ensure that they are managed with an appropriate level of sensitivity and confidentiality, and to establish whether, at any given stage, they could be regarded as a Covert Human Intelligence Source.

Any officer concerned must seek urgent advice from the Senior Responsible Officer.

3.0 Areas of operation

The Council has examined its functions and considers that the following areas may use directed surveillance from time to time. The following is not meant to be an exhaustive list but covers areas where directed surveillance may be necessary in the course of the Council's business.

- Neighbour nuisance and anti-social behaviour
- Protection of Council property
- Licensing enforcement
- Fraud against the Council(including benefit fraud)
- Misuse of Council property, facilities and services
- Enforcement of the planning regime
- Environmental monitoring and control
- Food Safety enforcement.
- CCTV, but more on this later (see 8.2).

However this is subject to the crime threshold referred to at 5.0 below.

4.0 AUTHORISATION AND AUTHORISING OFFICERS

If directed surveillance is proposed to be carried out then **authorisation must be sought**. Under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 as amended by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2015, the Council considers that the following officers can authorise directed surveillance ("Authorising Officer"):

Chief Executive;
Chief Operating Officer;
Executive Director; and Strategic Director.

Any case involving Confidential Information must be authorised by the Chief Executive.

An Authorising Officer when being requested to authorise directed surveillance must be satisfied that the request is necessary and meets the criteria set down in the Act, the Code and the Guidance. An Authorising Officer must not authorise directed surveillance connected with an investigation in which they are directly involved.

Any application to extend or cancel surveillance must also be approved by an Authorising Officer.

Once any application is approved by the Authorising Officer it must be referred to Legal Services who will make an application for approval by a Magistrate.

No directed surveillance may be undertaken by the Council without the prior approval of a Magistrate.

5.0 CRIME THRESHOLD

The Guidance states that the Council:

- **can** only grant an authorisation under RIPA for the use of directed surveillance where it is investigating criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.
- **cannot** authorise directed surveillance for the purpose of preventing disorder unless this involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment.
- **can** authorise use of directed surveillance in more serious cases as long as the other tests are met – ie that it is necessary and proportionate and where prior approval from a Magistrate has been granted. Examples of cases where the offence being investigated attracts a maximum custodial sentence of six months or more could include more serious criminal damage, dangerous waste dumping and serious or serial benefit fraud.
- **can** authorise the use of directed surveillance for the purpose of preventing or detecting specified criminal offences relating to the underage sale of alcohol and tobacco where the necessity and proportionality test is met and prior approval from a Magistrate has been granted.
- **cannot** authorise the use of directed surveillance under RIPA to investigate disorder that does not involve criminal offences or to investigate low-level offences which include, for example, littering, dog control and fly-posting.

6.0 GROUNDS FOR GRANTING AN AUTHORISATION

An authorisation for directed surveillance may only be granted if the Authorising Officer believes that authorisation is necessary:

for the purposes of preventing or detecting crime or of preventing disorder and it meets the crime threshold mentioned in 5.0 above.

AND the Authorising Officer must also be satisfied and believe that the surveillance is proportionate to what it seeks to achieve.

The Code advises that following elements of proportionality should be fully considered:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived mischief;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others;
- that the activity is an appropriate use of the legislation and the only reasonable way, having considered all others, of obtaining the necessary result; and
- providing evidence of other methods considered and why they were not implemented.

Covert surveillance will only be used for one of the legitimate purposes where sufficient evidence exists to justify the surveillance and the surveillance is the least harmful method of meeting that purpose. The surveillance itself must be a proportionate response to the issue it is seeking to address. Consideration should be given to alternative methods of resolving the situation or obtaining the evidence sought and this should be documented.

Particular attention should be paid to the effect of the surveillance on the privacy of other persons ("collateral intrusion"). Measures should be taken to avoid or minimise intrusion. Any collateral intrusion should be taken into account when an Authorising Officer is assessing proportionality.

7.0 PROCEDURE FOR AUTHORISATIONS, CANCELLATIONS AND RENEWALS

7.1 Authorisations

An authorisation must be granted by those persons authorised at 4 above. No other person is permitted to authorise directed surveillance.

Authorisations must be in writing on the form attached.

Authorisation cannot be given to operations after they have commenced. Failure to obtain correct authorisation may mean that evidence is not admissible in legal proceedings and may breach a subject's human rights.

The authorisation form must be kept on the relevant case papers and held securely. A copy of the authorisation must be passed to Legal Services to be held on a central file and monitored for consistency of approach of Authorising Officers and validity.

An authorisation will cease to have effect (unless renewed) at the end of a period of *three months* beginning with the day on which it took effect.

7.2 Magistrates' Approval

Once an authorisation form has been completed Legal Services will:

- contact the Magistrates' Court to arrange for a hearing
- supply the court with a partially completed judicial application/order form

- supply the court with a copy of the authorisation and any supporting documents setting out the Council's case
- the hearing will be in private and be heard by a single Justice of the Peace.

The Justice of the Peace may decide to either:

- (i) approve the grant (or renewal) of an authorisation; or
- (ii) refuse to approve the grant (or renewal) of an authorisation.

It is preferable for the Authorising Officer also to attend the hearing to give the Bench assistance if necessary.

7.3 Review

Officers should, as a matter of good practice, review authorisations on a regular basis during the course of that surveillance to ensure that the authorisation still meets the criteria. If it does not, the authorisation should be cancelled using the procedure described below. A review form is attached. Officers in charge of investigations will be required to keep a record of these reviews and will submit a record of that review (normally by email) to the Monitoring Officer to be held centrally.

7.4 Renewals

A renewal of an authorisation can be made at any time before it expires and must be done on the form attached. The original should be kept on the case file and a copy passed to the Monitoring Officer for retention centrally. When considering whether to grant a renewal of an authorisation the Authorising Officer will consider the same factors outlined at 5 above. All renewals must be subject of an application to the Magistrates' Court in line with the procedure at 7.2 above.

7.5 Cancellations

The Authorising Officer who last granted or renewed the authorisation must cancel it if s/he is satisfied that the directed surveillance no longer meets the criteria for authorisation. A cancellation should be made on the form attached. The original should be retained on the case file and a copy passed to Legal Services for retention centrally.

Authorisations, renewals and cancellations are subject to monitoring on an annual basis by the Monitoring Officer as to validity under the Act and the Code.

7.6 Audit

At the end of each calendar year each of the Authorising Officers referred to at 4 must provide the Monitoring Officer with a list of all directed surveillance authorised by them throughout that year or provide written and signed confirmation that no such surveillance has been authorised by them

8.0 MISCELLANEOUS POINTS

8.1 Material obtained from covert surveillance ("product")

Material produced as a result of covert surveillance will be secured and transported securely. Where the product obtained is to be used in criminal proceedings the Council must comply with the provisions of the Police and Criminal Evidence Act 1984. In all other cases the treatment of product must follow Council's guidelines on access, retention and storage as set out in the Data Protection Policy.

8.2 CCTV

The Act and the Code will not usually apply to use of an overt CCTV system because the public are aware that the system is in use. However there are circumstances where the system is used for the purposes of a *specific operation or investigation* and in these circumstances an authorisation will be required. If the police assume operational control of the system an authorisation complying with their own procedures must be supplied to the Council. Further information in respect of these procedures can be found in the Council's CCTV Code of Practice, which has been produced in conjunction with Essex Police.

9.0 SOCIAL NETWORKING SITES

With the increasing use of social media there is a significant amount of information on an individual's social networking pages. This information might be relevant to an investigation being undertaken by the Council. However, unguided research into the sites of suspects could fall within the remit of RIPA and therefore require authorisation prior to it being undertaken. **You should therefore seek advice from Legal Services prior to undertaking any investigation using social networking sites.**

Where privacy settings are available but not applied the data available on Social Networking Sites may be considered 'open source' and an authorisation is not usually required.

Repeat viewing of 'open source' sites, however, may constitute directed surveillance on a case by case basis and this should be borne in mind e.g. if someone is being monitored through, for example, their Facebook profile for a period of time and a record of the information is kept for later analysis, this is likely to require a RIPA authorisation for directed surveillance.

To avoid the potential for inadvertent or inappropriate use of social network sites in investigative and enforcement roles, Officers should be mindful of any relevant guidance and the Council's separate Use of Social Media in Investigations Policy and Procedure attached at Annex 1 of this Policy.

10.0 TRAINING

The Council will endeavour to ensure that the Officers who are authorising directed surveillance are appropriately trained.

All Authorising Officers and those routinely engaged in directed surveillance have been provided with this guidance, have access to the Code and the standard forms.

This Code of Practice and the standard forms are available in electronic format on the Council's intranet COLIN.

11.0 GENERAL BEST PRACTICES

The following guidelines are considered as best working practices by all public authorities with regard to all applications for authorisations covered by the Code:

- applications should avoid any repetition of information;
- information contained in applications should be limited to that required by the relevant legislation;
- an application should not require the sanction of any person in the Council other than the Authorising Officer;
- where it is foreseen that other agencies will be involved in carrying out the surveillance, these agencies should be detailed in the application;
- authorisations should not generally be sought for activities already authorised following an application by the same or a different public authority.

12.0 SENIOR RESPONSIBLE OFFICER

The Council's nominated Senior Responsible Officer in accordance with the Code is Andrew Weavers, Monitoring Officer who will be responsible for:

- the integrity of the process in place within the Council to authorise directed surveillance
- compliance with Part II of the Act, the Code and the Guidance
- engagement with the Office of the Surveillance Commissioners and inspectors when they conduct their inspections, and where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner
- assurance that all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of the Surveillance Commissioners
- supervising the maintenance of records.

13.0 COMPLAINTS

The Act, the Code and the Guidance are subject to monitoring by the Office of the Surveillance Commissioners. Any complaints regarding use of surveillance powers should be dealt with initially through the Council's Complaints and Compliments Procedure. If this does not result in a satisfactory outcome for the complainant then they should be referred to:

The Investigatory Powers Tribunal
PO Box 33220
London SW1V 9QZ
Tel: 0207 035 3711
Website : www.ipt-uk.com

14.0 QUERIES ABOUT THIS CODE OF PRACTICE

Any queries regarding this Code of Practice should be referred to the Monitoring Officer, Andrew Weavers on ☎ 01206 282213 or by email at andrew.weavers@colchester.gov.uk



Information Security Policy

November 2019



Customer Business Culture

Information Security Policy

CONTEXT

Information is essential to delivering services to citizens and businesses. Information security refers to the defence of information or information systems from unauthorised or unintended access, destruction, disruption or tampering. It is important that the Council acts appropriately with the information we obtain and hold. Confidentiality, integrity and availability of information must be proportional and appropriate to maintain services, comply with the law and provide trust to our customers and partners.

APPLICATION OF POLICY

Everyone who accesses information the organisation holds must be aware of these policy statements and their responsibilities in relation to information security.

Colchester Borough Council commits to informing all employees, Councillors, voluntary workers, agency staff, contractors and other third parties of their obligations before they are authorised to access systems and information and subsequently at regular intervals. Other organisations, and their users, granted access to information held by Colchester Borough Council must abide by this policy.

This policy should be read in conjunction with the Acceptable Use policy and Data Protection policy. This policy will be reviewed annually.

All those who access information may be held personally responsible for any breach or misuse.

INFORMATION SECURITY PRINCIPLES

Information security is the preservation of:

- Confidentiality – ensuring that information is accessible only to those authorised to have access
- Integrity – safeguarding the accuracy and completeness of information and processing methods
- Availability – ensuring that authorised users have access to information and associated assets when required.

ROLES AND RESPONSIBILITIES

The Organisation

- Ensures compliance with law governing the processing and use of information.

The Chief Executive

- Acts as Accountable Officer ensuring that all information is appropriately protected.

Senior Information Risk Owner

- Assures information security within the organisation
- Promotes information security at executive management level
- Provides an annual statement about the security of information assets.

Information Security Manager

- Provides a central point of contact for information security
- Manages the investigation and mitigation of information security breaches
- Supports Information Asset Owners to assess risks and implement controls
- Ensures that staff are unable to gain unauthorised access to council IT systems
- Ensures the security of the central computer suite, ensuring that access is restricted to staff with specific job functions
- Ensures that all system developments comply with the Council's IT Strategy. All system developments must include security issues in their consideration of new developments
- Ensures that a third-party specialist routinely reviews network security
- Ensures that no external agency are given access to any of the Council's networks unless that body has been formally authorised to have access
All external agencies will be required to sign security and confidentiality agreements with the council.

System Owners

- Ensure they delete or disable all identification codes and passwords relating to members of staff who leave the employment of the council on their last working day
- Ensure that all system developments must comply with the Council's IT Strategy. All system developments must include security issues in their consideration of new developments
- Ensure that written backup instructions for each system under their management are produced. The backup copies should be clearly labelled and held in a secure area. Procedures should be in place to recover to a useable point after restart of this back-up
- Ensure that all systems should be adequately documented and are kept up to date so that it matches the state of the system at all times.

Information Asset Owners

- Assess the risks to the information they are responsible for
- Define the protection measures of the information they are responsible for, taking consideration of the sensitivity and value of the information
- Communicate the protection controls to authorised users and ensure controls are followed

All Managers Must:

- Ensure their employees are fully conversant with this policy and all associated standards, procedures, guidelines and relevant legislation; and are aware of the consequences of non-compliance
- Develop procedures, processes and practices which comply with this policy for use in their business areas
- Determine which individuals are given authority to access specific information systems. The level of access to specific systems should be on a job function need, irrespective of status
- Ensure that the relevant system administrators are advised immediately about staff changes affecting computer access (for example job function changes, leaving business unit or organisation) so that passwords may be withdrawn or changed as appropriate
- Ensure that staff are not able to gain unauthorised access to council IT systems or manual data
- Ensure all contractors and other third parties to which this policy may apply are aware of their requirement to comply
- Ensure that those users who have access to any part of the Council's Cash Receipting systems whereby they are taking payments either in person or over the phone should only enter card numbers into the relevant Capita payment screens and **under no circumstances** should Card Holder data such as card numbers be written down or copied by anybody as this would breach The Payment Card Industry Data Security Standard (PCI DSS) compliance
- Ensure that if the Council vacates any of its premises, the manager of the service area occupying the premises must undertake appropriate checks of all areas, including locked rooms, basements and other storage areas, to ensure all Council information is removed. Such checks should be documented, dated and signed.

All Employees, Councillors, Voluntary Workers and Agency Staff must:

- Conduct their business in accordance with this policy
- Only access systems and information for which they are authorised
- Only use systems and information for the purposes authorised
- Comply with all applicable legislation and regulation
- Comply with controls communicated by the Information Asset Owner
- Not disclose confidential or sensitive information to anyone without the permission of the Information Asset Owner
- Ensure confidential or sensitive information is protected from view by unauthorised individuals
- Not copy, transmit or store information to devices or locations (physical or digital) where unauthorised individuals may gain access to it; the security of devices and locations you use are your responsibility
- Protect information from unauthorised access, disclosure, modification, destruction or interference
- Keep passwords secret and do not allow anyone else to use your access to systems and accounts

- Notify the Technology Services Manager of any actual or suspected breach of information security policy and assist with resolution
- Co-operate with compliance, monitoring, investigatory or audit activities in relation to information
- Take responsibility for familiarising themselves with this policy and understanding the obligations it places on them
- Reporting any breach, or suspected breach of information security without delay
- When disclosing personal or sensitive information to customers, particularly over the phone or in person, ensure that they verify their identity. Service areas dealing with customers on a daily basis should have suitable security questions which must always be used
- Always secure laptops and handheld equipment when leaving an office unattended and lock equipment away when you are leaving the office. Users of portable computing equipment are responsible for the security of the hardware and the information it holds at all times on or off Council property
- Physical security to all office areas is provided through the access control system. Staff should challenge strangers in the office areas without an ID badge. Never let someone you don't know or recognise to tailgate you through security doors
- Staff working from home must ensure appropriate security is in place to protect Council equipment or information. This will include physical security measures to prevent unauthorised entry to the home and ensuring Council equipment and information is kept out of sight. Council issued equipment must not be used by non-Council staff.

ICT is responsible for maintaining the security and integrity of the Council's infrastructure and network by:

- Ensuring all parts of the network, at entry points and internally including wifi connections, are secured appropriately, following industry standards
- Ensuring that all infrastructure components are secured to industry standards through managed permissions, firewalls and regular security, application and operating system patching
- Ensuring all infrastructure component, server and network devices, have up to date anti-virus application and tools installed
- Maintaining, patching, upgrading and updating via managed ITIL Change Control procedures
- Regularly conducting internal and external penetration tests and ensuring that outcomes are acted on appropriately and within required timeframes
- Ensuring that Global Administration and Administrator accounts are closely monitored and reviewed on a weekly basis
- Enforcing security policies and taking appropriate action when any breach is detected or reported.

MONITORING

The organisation maintains the right to examine any system or device used in the course of our business, and to inspect any data held there.

To ensure compliance with this policy, the volume of internet and network traffic, and the use and content of emails and visited internet sites, may be monitored. Specific content will not be monitored unless there is suspicion of improper use.

It is the employee's responsibility to report suspected breaches of security policy without delay to their line manager and to the ICT team.

All breaches of this policy will be investigated. Where investigations reveal misconduct, disciplinary action may follow in line with the Council's disciplinary procedures.

Also see

Acceptable Use Policy

Data Protection Policy

Contact

ICT@colchester.gov.uk

01206 507340



Data Protection Policy

November 2019



Customer Business Culture

Data Protection Policy

CONTEXT

Colchester Borough Council has to collect and use information about the people with whom it works; members of the public; current, past and prospective employees; customers; suppliers and others in order to carry out its duties.

Colchester Borough Council will ensure that it treats all personal information entrusted to it lawfully and correctly.

APPLICATION OF POLICY

The Council fully endorses and adheres to the principles set out in the Data Protection legislation (Data Protection Act 2018 and General Data Protection Regulations). The Council will therefore ensure that all employees, Councillors, contractors, agents, consultants, partners or anyone else who has access to any personal data held by or for the Council are fully aware of and abide by their duties and responsibilities under Data protection legislation.

This Policy and the procedures set down in it are reviewed annually to ensure that the Council continues to comply with all relevant statutory requirements.

The Council will ensure that all personal data is handled properly and with confidentiality at all times, irrespective of whether it is held on paper or by electronic means.

This includes:

- the obtaining of personal data
- the storage and security of personal data
- the use and processing of personal data
- the disposal of or destruction of personal data.

The Council will ensure that data subjects have appropriate access, upon written request, to personal information relating to them and will ensure the data subjects' rights to rectification, erasure, restriction, portability and object are adhered to.

THE PRINCIPLES OF DATA PROTECTION

Whenever collecting or handling information about people the Council will ensure that:

- personal data is processed, lawfully, fairly and in a transparent manner
- the purposes for which personal data is obtained and processed are specified and that data is not used for any other purpose
- processing of personal data is adequate relevant and limited to what is necessary
- any data used or kept is accurate and up to date
- personal data is retained only for as long as necessary
- data is disposed of properly
- all personal data is processed in accordance with the rights of the individual concerned
- personal data is processed in an appropriate manner to maintain security
- the movement of personal data is done in a lawful way, both inside and outside the Council, and that suitable safeguards exist, at all times.

DEFINITION OF PERSONAL AND SENSITIVE DATA

The legislation makes a distinction between 'personal data' and 'personal sensitive data':

Personal data is defined as data relating to a living individual who can be identified from that data, or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller. This will include any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Personal sensitive data is defined as personal data consisting of information as to:

- Racial or ethnic origin
- Political opinion
- Religious or other beliefs
- Trade union membership
- Physical or mental health or condition
- Sexual life or sexual orientation
- Criminal proceedings or convictions
- Philosophical
- Genetic data
- Biometric data.

ROLES AND RESPONSIBILITIES

Colchester Borough Council will ensure that:

- A member of staff, the Data Protection Officer (DPO), is appointed who has specific responsibility for data protection within the Council
- Any disclosure of personal data is in compliance with the law and with approved procedures
- Anyone managing and handling personal information understands that they are legally bound to follow good data protection practice
- Anyone managing and handling personal information is appropriately trained and supervised
- Staff have access only to personal information relevant to their roles
- Appropriate advice and guidance is available to anyone wanting to make enquiries about personal information held by the Council
- Enquiries and requests regarding personal information are handled courteously and within the time limits set out in law
- All councillors are to be made fully aware of this policy and of their duties and responsibilities under legislation
- Where personal data may need to be shared with third parties in order to deliver services or perform our duties, the Council will only share personal data when a lawful basis from the legislation can justify that sharing, where it is necessary to achieve a clear purpose and, with that purpose in mind, it is fair and proportionate to do so
- Data Protection Impact Assessments (DPIA) are conducted, and signed off by the Data Protection Officer and the Senior Information Risk Owner (SIRO) where processing presents a high risk to the privacy of data subjects
- A record of personal data processing is kept and maintained, this will include a data classification.

All managers and staff will ensure that:

- Paper files and other records or documents containing personal and or sensitive data are kept securely and destroyed securely
- Personal data held electronically is protected by the use of secure passwords which are changed regularly
- All users must choose passwords which meet the security criteria specified by the Council
- Staff working remotely from home or elsewhere must keep any Council owned equipment they use secure and prevent systems and data for which the Council is responsible being used or seen by members of their family or any other unauthorised person
- No personal data is disclosed either verbally or in writing, accidentally or otherwise, to any unauthorised third party
- Personal data is not stored on personal devices or forwarded to personal email accounts
- Personal data is not be left where it can be accessed by persons not authorised to see it
- Personal data is kept up to date and accurate
- Personal data is kept in accordance with the Council's retention schedule
- Any data protection breaches are swiftly brought to the attention of the Data Protection Officer and that they support the Data Protection Officer assistance in resolving breaches
- Where there is uncertainty around a data protection matter advice is sought from the Data Protection Officer.

All contractors, consultants, partners or other servants or agents of the Council must:

- Confirm in writing that they will abide by the requirements of the legislation with regard to information obtained from the Council
- Provide assurance relating to their compliant handling of personal data and when requested allow the Council to audit the protection of data held on its behalf
- Ensure that they and all persons appointed by them who have access to personal data held or processed for or on behalf of the Council are aware of this Policy and are fully trained in their duties and responsibilities under data protection legislation
- Ensure that the Council receives prior notification of any disclosure of personal data to any other organisation or any person who is not a direct employee of the contractor
- Indemnify the Council without limitation against any prosecutions, claims, proceedings, actions or payments of compensation or damages arising from the loss or misuse of data. Any breach of any provision of Data Protection Act 2018 (DPA 2018) or the General Data Protection Regulations (GDPR) will be deemed as being a breach of any contract between the Council and that individual, company, partner or firm.

The Council's Data Protection Officer is responsible for:

- Advising the Council and its staff of its obligations under data protection legislation
- Ensuring the provision of cascade data protection training, for staff within the Council
- The development of best practice guidelines
- Ensuring compliance checks are undertaken to ensure adherence, throughout the authority, with Data Protection legislation
- Providing advice where requested on data protection impact assessments
- To co-operate with and act as the contact point for the Information Commissioner's Office
- For conducting an annual review of this Data Protection Policy and the practices and procedures pertaining to it to ensure continuing compliance with all relevant statutory provisions.

The Council's Senior Information Risk Owner, is responsible for:

- Being the organisations leader and Champion for Information Risk Management and Assurance
- Advocating good information management and security practices
- Acting in an arbitrary role – to challenge risk mitigation
- Ensuring others are undertaking risk assessments and assurance activities
- Reporting annually to the Accountable Officer
- Is the senior manager with accountability for data protection and information risk and provides a link to the Council's senior management team (SMT).

COUNCILLORS

An officer has also been designated in each service as responsible for ensuring that this Policy is adhered to.

The Council's Chief Executive Officer is the Accountable Officer ultimately responsible for ensuring that all information is appropriately protected.

This policy applies to councillors, and all councillors are made aware of the advice produced by the Information Commissioners Office, which can be read by clicking on the link below:

<https://ico.org.uk/media/for-organisations/documents/1432067/advice-for-elected-and-prospective-councillors.pdf>

Councillors must be registered with the Information Commissioner as data controllers.

THE INFORMATION COMMISSIONER

Colchester Borough Council is registered with The Information Commissioner as a data controller.

The DPA 2018 requires every data controller who is processing personal data to notify and renew their notification on an annual basis. Failure to do so is a criminal offence.

Designated officers will be responsible for notifying and updating the Data Protection Officer with regard to the processing of personal data within their department.

The Data Protection Officer will review the Information Asset Register with designated officers annually.

FURTHER INFORMATION

Contact

ICT

ICT@colchester.gov.uk

DPO

DPO@colchester.gov.uk

01206 507340

In the event of an information breach, or suspected breach, contact the ICT team and Data Protection Officer.



Acceptable Use Policy

November 2019



Customer Business Culture

Acceptable Use Policy

CONTEXT

We must act appropriately with the information we obtain and hold, and with the systems we use and access. How you use our systems, telephony, email and intranet is important for our reputation and the trust of our customers. This Acceptable Usage Policy covers the security and use of all IT equipment. This policy applies to all employees, Councillors, voluntary workers, agency staff and contractors.

APPLICATION OF POLICY

Everyone who uses information and communications technology provided by Colchester Borough Council must be aware of these policy statements and the obligations it places upon them.

Colchester Borough Council commits to informing all employees, members, voluntary workers, agency staff, contractors and other third parties of their obligations before they are authorised to access systems and information. Other organisations, and their users, granted access to technology managed by the organisation must abide by this policy.

This policy will be reviewed annually.

ACCESS TO IT SYSTEMS

- You must not allow anyone else to use your user username and password on any IT system.
- You must not disclose your password to anyone or ask anyone else for their password. If you suspect your password has become known to anyone else, change it immediately and report it to the ICT team.
- You must not leave user accounts logged in at an unattended and unlocked computer.
- You must not attempt to access data that you are not authorised to use or access.
- You must not install, access or modify applications, systems or data without authorisation.
- You must maintain the security of information as defined in the Information Security Policy.
- You must not access other people's email without their permission.
- You must not forward corporate emails to personal email accounts.
- If you receive or view email or other content not intended for you, you must protect its confidentiality.
- You must take care when replying or forwarding to ensure that only relevant parties are included

PASSWORDS

- You must not use someone else's username and password to access any IT systems.
- You must not leave your password unprotected (for example writing it down or sharing it with another person).
- Passwords must meet complexity requirements:
 - Passwords must contain characters from three of the following categories:
 - Upper case letters of European languages (A through Z, with diacritic marks, Greek and Cyrillic characters)
 - Lower case letters of European languages (a through z, sharp-s, with diacritic marks, Greek and Cyrillic characters)
 - A number from 0 to 9
 - Non-alphanumeric characters (special characters): (~!@#\$%^&* -+=\|{}[];'"<>.,?/). Currency symbols such as the Euro or British Pound are not counted as special characters for this policy setting.
 - Any Unicode character that is categorized as an alphabetic character but is not upper case or lower case. This includes Unicode characters from Asian languages.
 - Passwords may not contain the user's samAccountName (Account Name) value or entire displayName (Full Name value).
 - Passwords must be changed every 45 days
 - All CBC devices must be password protected.

BEHAVIOUR

- You must not participate in unlawful, libellous, immoral or offensive activities, including accessing, downloading, storing, creating, copying or disseminating offensive material. This includes, but is not limited to, material of a pornographic, sexual, violent, criminal, racist, sexist or otherwise discriminatory nature. Further, you must not use the systems to perpetrate any form of fraud or piracy.
- You must not publish a website, or any content on a website, that could bring the organisation into disrepute. This includes publishing defamatory or knowingly false material about the organisation, colleagues or customers in any online publishing format.
- Only subscribe to services with your professional email address when representing the organisation.
- CBC facilities and identity must not be used for commercial purposes outside the authority or remit of the Council, or for personal financial gain.
- You must not use the internet or email to make personal gains or conduct a personal business.
- You must not use the internet or email to gamble.
- You must not bring the Council into disrepute through use of online, 'social networking' activities.
- Report faults with information and communications technology and co-operate with fault diagnosis and resolution.

- If you use our technology or our internet provision for personal use, the Council takes no responsibility for the security of your personal information. It is recommended you do not carry out personal financial transactions.

DEVICES

- You must not connect any non-authorised device to the network or IT systems.
- You must not store data on any non-authorised equipment.

STORAGE

- You must not give or transfer data or software to any person or organisation, without following the Security Policy.
- Documents must not be stored locally (for example on c drive) on a desktop computer or laptop, as they are not backed up and information may be irretrievable if the device fails or is stolen. This includes synchronising SharePoint and OneDrive to a local device without ICT authorisation.
- The use of mobile devices such as memory sticks, CDs, DVDs and removable hard drives must be authorised by the Strategic ICT Manager. Personal data must not be stored on mobile devices.

SECURITY AND LICENCING

- You must not attempt to disable or bypass anti-virus, malware or other security protection, and you should take care not to introduce viruses or malware. If you discover a virus or malware, you must notify ICT immediately.
- You must not use the email systems in a way that could affect its reliability or effectiveness, for example distributing chain letters or spam.
- You must only use software that is appropriately licensed and materials which are not copyrighted, or for which you have been granted use.

WORKING REMOTELY

- Working away from the office must be in line with Colchester Borough Council's remote working policy.
- Equipment and media taken off-site must not be left unattended in public places and not left in sight in a car.
- Laptops must be carried as hand luggage when travelling.
- Information should be protected against loss or compromise when working remotely.

USE OF SHAREPOINT

- You must not purposely engage in activity that may deprive an authorized user access to a SharePoint resource.
- You must not attempt to access content for which you do not have permission.
- You must not circumvent SharePoint security measures. Corporate data/information must only be stored on team sites (not Office 365 groups).
- All staff must maintain the supported infrastructure setup by filing the documents via Adding Properties and not creating folders within folders.

- Site owners are responsible for managing the use of SharePoint in their area and are accountable for their actions.
- Site owners are responsible for the custody or operation of their SharePoint sites and are responsible for proper authorisation of user access.
- Data used in SharePoint must be kept confidential and secure by the user.
- You must ensure that permissions to document libraries are appropriately set and maintained to ensure the security of information.
- You must ensure that private or personal documents are secured (through the use of the 'only me' function) to ensure the security of information.
- Data can be shared with external people/organisations using the 'External sharing' SharePoint site. All documents shared must be removed once the need to share has expired. Any sensitive data shared in this way must be done with the appropriate set up of SharePoint permissions to ensure the security of that data.

USE OF ONEDRIVE

- Only personal documents should be saved to OneDrive. OneDrive must not be used as a replacement for corporate shared document management, SharePoint.
- OneDrive documents, for example training notes, certificates, 121 meeting notes must not be kept for longer than necessary.

MOBILE PHONES

- Requests for a mobile phone will be subject to a valid business case being made and management authorisation.
- In order to prevent unauthorised access, devices must be password protected using the features of the device and a strong password is required to access the network.
- The primary reason for being given a work mobile phone is for business purposes. Using the phone for personal calls should not interfere with daily business and wherever possible be made outside of working hours.
- Employees are expected to use the internet responsibly and productively. Excessive personal internet browsing, including social media use, is not permitted.
- Calls to premium rate numbers and overseas are not permitted, unless there is a real business need and authorisation has been provided by the relevant Assistant Director.
- You must not use Colchester Borough Council mobile devices for conducting private business.
- Mobile devices may not be used at any time to, store or transmit illicit materials or harass others.
- When driving, staff are expected to comply with the Council's Vehicle User Handbook and the Road Vehicles (Construction and Use) (Amendment) (No4) Regulations 2003, which prohibit the use of handheld mobile devices at all times when driving.
- If your device use is deemed unacceptable, we may cancel your plan and ask for the return of the device.

WHEN AN EMPLOYEE LEAVES

- Line managers must notify the ICT of any leavers or changes to staff roles so that access can be terminated or amended as appropriate.
- All IT equipment and data, for example laptops and mobile devices including telephones, smartphones, USB memory devices and CDs/DVDs, must be returned to the ICT team.

MONITORING

The Council maintains the right to examine any system or device used in the course of its business, and to inspect any data held there.

To ensure compliance with this policy, the volume of internet and network traffic, and the use and content of emails and visited internet sites, may be monitored. Specific content will not be monitored unless there is suspicion of improper use.

It is the employee's responsibility to report suspected breaches of security policy without delay to their line management and to the ICT team.

All breaches of this policy will be investigated. Where investigations reveal misconduct, disciplinary action may follow in line with the Council's disciplinary procedures.

Also see

Information Security Policy

Data Protection Policy

Contact

ICT

ICT@colchester.gov.uk

01206 507340



Data Retention Policy

November 2019



Retention Policy

CONTEXT

Colchester Borough Council has to collect and use information about the people with whom it works; members of the public; current, past and prospective employees; customers; suppliers and others in order to carry out its duties. Colchester Borough Council will ensure that it treats all personal information entrusted to it lawfully and correctly.

The Council fully endorses and adheres to the principles set out in the Data Protection legislation (Data Protection Act 2018 and General Data Protection Regulations). This Retention Policy and the procedures set down in it are reviewed annually to ensure that the Council continues to comply with the requirements of Article 5 (e) of the General Data Protection Regulations (GDPR), *'kept in the form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed'*.

The purpose of this Policy is to ensure that Colchester Borough Council ensures that:

- crucial records can be located and retrieved as required
- records are kept in accordance with legislation
- records are kept in accordance with business requirements
- the best use is made of available storage facilities
- the medium used for each record is the most appropriate.

This policy should be read in conjunction with the Council's Data Protection Policy.

APPLICATION OF POLICY

The Council will ensure that all personal data is retained and disposed of correctly. For the purposes of this policy, personal data can be held in any medium including, but not exclusively, paper documents or files, electronic images and documents, emails, data records within an electronic dataset, other images, video and audio recordings.

In addition to meeting the requirements of Data Protection legislation, The Freedom of Information (Fol) Act and the Environmental Information Regulations (EIR) require the Council to maintain records management practices that enable it to respond to requests for information as soon as possible and at the latest within 20 working days.

The Retention Schedule is a control document setting out the periods for which records should be retained to meet the operational needs of the Council and to comply with legal and other requirements. This is a 'live' document which is continually maintained.

RELEVANT PRINCIPLES OF DATA PROTECTION

Whenever retaining or disposing of personal information the Council will ensure that:

- Personal data is retained only for as long as necessary
- Data is disposed of properly
- All personal data is processed in accordance with the rights of the individual concerned
- Security is maintained at all times;
- The movement of personal data is done in a lawful way, both inside and outside the Council, and that suitable safeguards exist, at all times.

DEFINING RETENTION PERIODS

There are a number of considerations that must be made when deciding upon an appropriate retention period.

- Statutory - some retention periods are governed by statute, for example the 'Health and Safety at Work Act 1974' and 'HMRC VAT Notice 700/21: keeping VAT records'. It is therefore essential that any relevant statutory provisions are taken into account when deciding upon a retention period.
- Civil Action - personal data must be retained if it may be needed to defend possible future legal claims. However, linked information that could not possibly be relevant to any claim must not be retained. Personal data must be deleted when a claim could no longer arise. The Limitation Act 1980 imposes various time limits for the taking of legal action.
- DPA, FoI and EIR - if a request for information is made where the records holding that information are due to be destroyed, the destruction of these records must be suspended.
- Data Protection Act - does not specify retention periods. However, the Act does state that where other statutory record retention provisions exist these take precedence. Data controllers are responsible for implementing the DPA and must decide for how long personal data is retained, taking into account the Data Protection Principles, business needs, other legal requirements, any professional guidelines, and best or common practice.
- Historical and research - there may be good grounds for keeping personal data for historical, statistical or research purposes.

There is no requirement to keep records of material routinely discarded in the course of any administrative activity such as duplicates, leaflets or other publicity material, rough drafts or ephemera such as sticky notes.

It is an offence to destroy, delete or amend records or data in order to prevent or attempt to prevent the release of information requested under the FoI Act or the EIR. Where the records holding the information requested have been destroyed in accordance with the retention schedule again the Council has a duty to explain why the information is no longer held.

ROLES AND RESPONSIBILITIES

Colchester Borough Council will ensure that:

- Anyone managing and handling personal information understands that they are legally bound to follow good data protection practice
- Anyone managing and handling personal information is appropriately trained and supervised
- Members of staff have access only to personal information relevant to their roles
- A record of personal data processing is kept and maintained, this will include a data classification.

All managers and staff will ensure that:

- Paper files and other records or documents containing personal and or sensitive data are kept securely and destroyed securely
- All personal data is kept in accordance with the Council's retention schedule
- Where there is uncertainty around a retention matter ensure that advice is sought from the Data Protection Officer
- The retention Schedule reflects current legislative requirements for document and records in their care
- The Retention of documents and records is fully defined
- Records are accessible and are made available when necessary so that information requests can be responded to promptly
- Records and documents are destroyed or deleted at the end of the retention period in a secure way
- Records are held in accordance with the Data Protection and Freedom of Information Acts and any other relevant provisions.

All contractors, consultants, partners or other servants or agents of the Council must:

- Provide assurance relating to their compliant destruction of personal data and when requested allow the Council to audit the protection of data held on its behalf.

The Council's Data Protection Officer, is responsible for:

- Advising the Council and its staff on matters relating to the retention and destruction of personal data.

FURTHER INFORMATION

Contact

DPO

DPO@colchester.gov.uk

01206 507340

In the event of an information breach, or suspected breach, contact the ICT team and Data Protection Officer.



Income & Debt Management Policy

Customer Solutions

November 2019

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1. Introduction

- 1.1 The Council is being increasingly commercial in every aspect and service. We balance the importance of supporting our vulnerable customers whilst increasing our income and streamlining processes.
- 1.2 It is important that the Council offers a wide range of easy payment methods to our customers which are available 24 hours a day to aid swift payment in a safe and secure way. The options available to our customers are continually reviewed and improved.
- 1.3 The Income and Corporate Debt Teams manage services on behalf of other services and organisations. Specific Service Level Agreements will be in place for these services.
- 1.4 This policy covers the collection and procedures of the following debts:
 - Council Tax
 - Business Rates (NNDR)
 - Housing Benefit Overpayment
 - Sundry Debts (including Commercial Rent)
 - Penalty charge notices
 - Mortgages and Shared Ownership Schemes

2 Policy Aims

- To ensure that the Council bill/invoice, collect and recover all debts in an economic, effective and efficient manner in accordance to legislation and best practice
- To ensure that all customers will be treated fairly and objectively
- To provide consistent guidelines and procedures
- To set out preferred payment options which are cost effective and support prompt payments whilst enabling payments to be made 24 hours a day, 7 days a week
- Advise and assist customers to avoid debt issues before they arise
- Make pro-active contact whenever possible, by text, emails or telephone to ensure early intervention and payment

3. Billing and Invoicing Arrangements

- 3.1 There is a legal duty placed on the Council to bill for Council Tax and Non Domestic Rates (Business Rates) in accordance with legislation. The processes are automated and managed by the Technical Control Team and the Income Team.
- 3.2 Sundry (Commercial) debts are more varied and can be dealt with by the Income Team in liaison with the individual services.
- 3.3 The below table shows the billing and recovery process in terms of team responsibility for the different types of debt.

	<i>Council Tax</i>	<i>Business Rates</i>	<i>Housing Benefit Overpayments</i>	<i>Sundry Debts</i>
<i>Account administration</i>	Council Tax Team	Business Rates Team	Housing Benefit Team	Individual Service Area
<i>Systems Support</i>	Technical Team	Technical Team	Technical Team	Finance
<i>Billing</i>	Technical Team	Technical Team	Technical Team	Income Team
<i>Payment Processing</i>	Income Team	Income Team	Income Team	Income Team
<i>Debt Recovery</i>	Corporate Debt Team	Business Rates Team	Corporate Debt Team	Income Team

For all types of income the following principles must be followed:

- When goods or services are being provided payments should always be made up front of service delivery
- For charges relating to hire of goods or premises a reasonable deposit should be taken on booking to cover any potential damage and the full cost of hire
- Services should always consider the risk of non-payment and should actively monitor customer accounts and payment activities to highlight possible accumulation of debts

4. Methods of payment

4.1 The Council offers the following payment methods:

- Direct debit
- BACS
- Online payments
- Automated telephone line payments

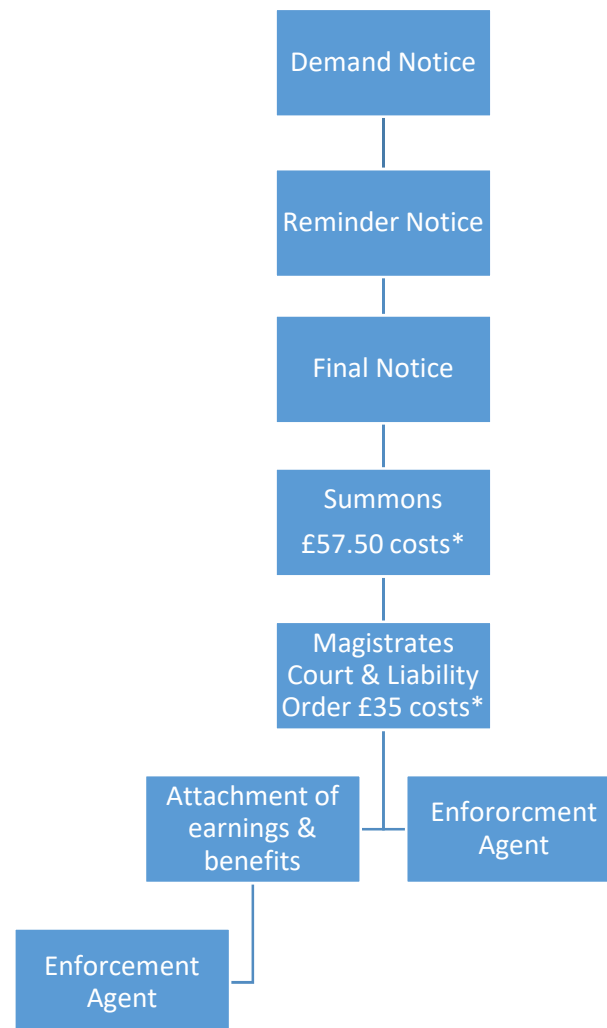
4.3 Services should remove any payment options from promotional materials, bills or other correspondence other than the preferred payment methods. For recurring or regular charges Direct Debit must be promoted as the payment option. For one off charges an upfront debit card internet payment should be promoted followed by other self-serve options.

4.4 It is acknowledged that there may be exceptional circumstances where payments would be received in a method that is not listed above for example if a customer is very vulnerable or if they were in a formal enforcement process.

5. Recovery of unpaid debts

- 5.1 For a variety of reasons, revenue due to the Council will not be paid on time. The Corporate Debt Team and individual services must commence recovery action as soon as possible to maximise the probability of debt recovery.
- 5.2 Reminders will use nudge and persuasive techniques that are most likely to attract prompt payment.

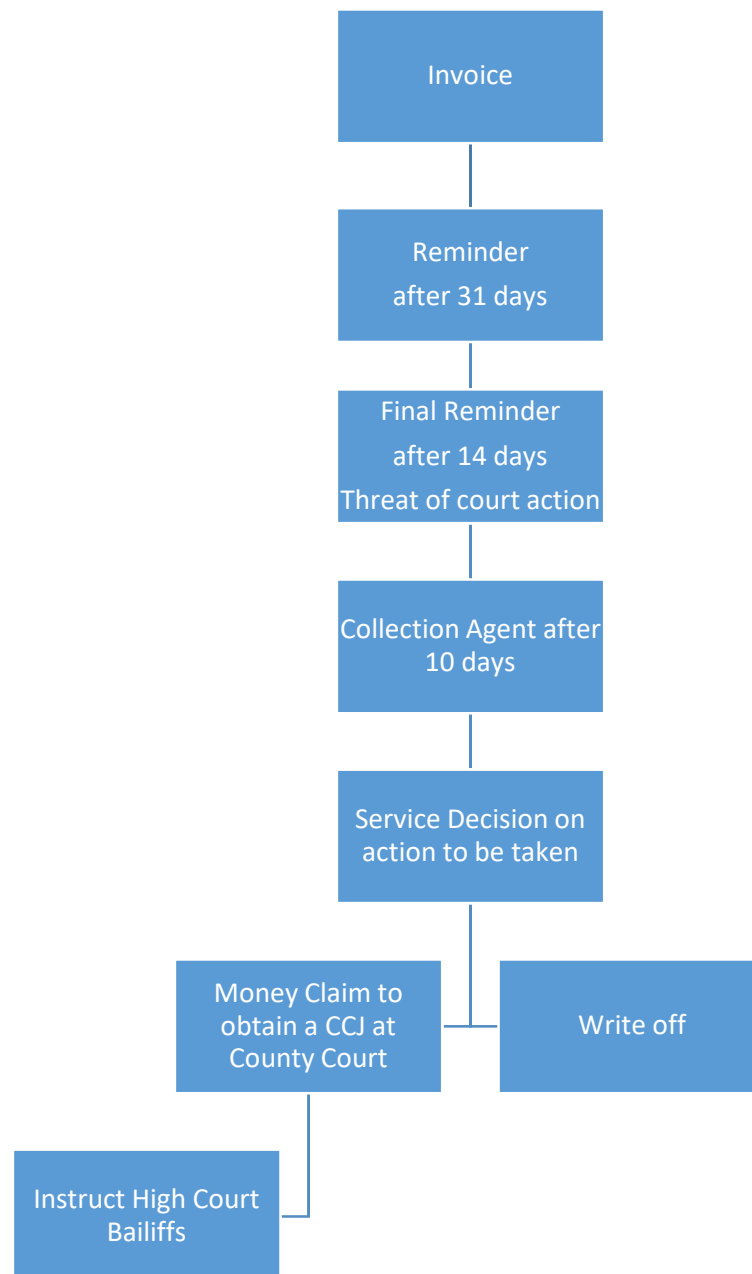
6.1 Council Tax and Business Rates Process



* Please note that Summons and Liability Order costs are subject to review prior to April 2019. The Council calculates the actual cost of issuing the documents and this recovered as part of the debt. The Council will keep costs to a minimum where possible.

7. Sundry Debt Processes

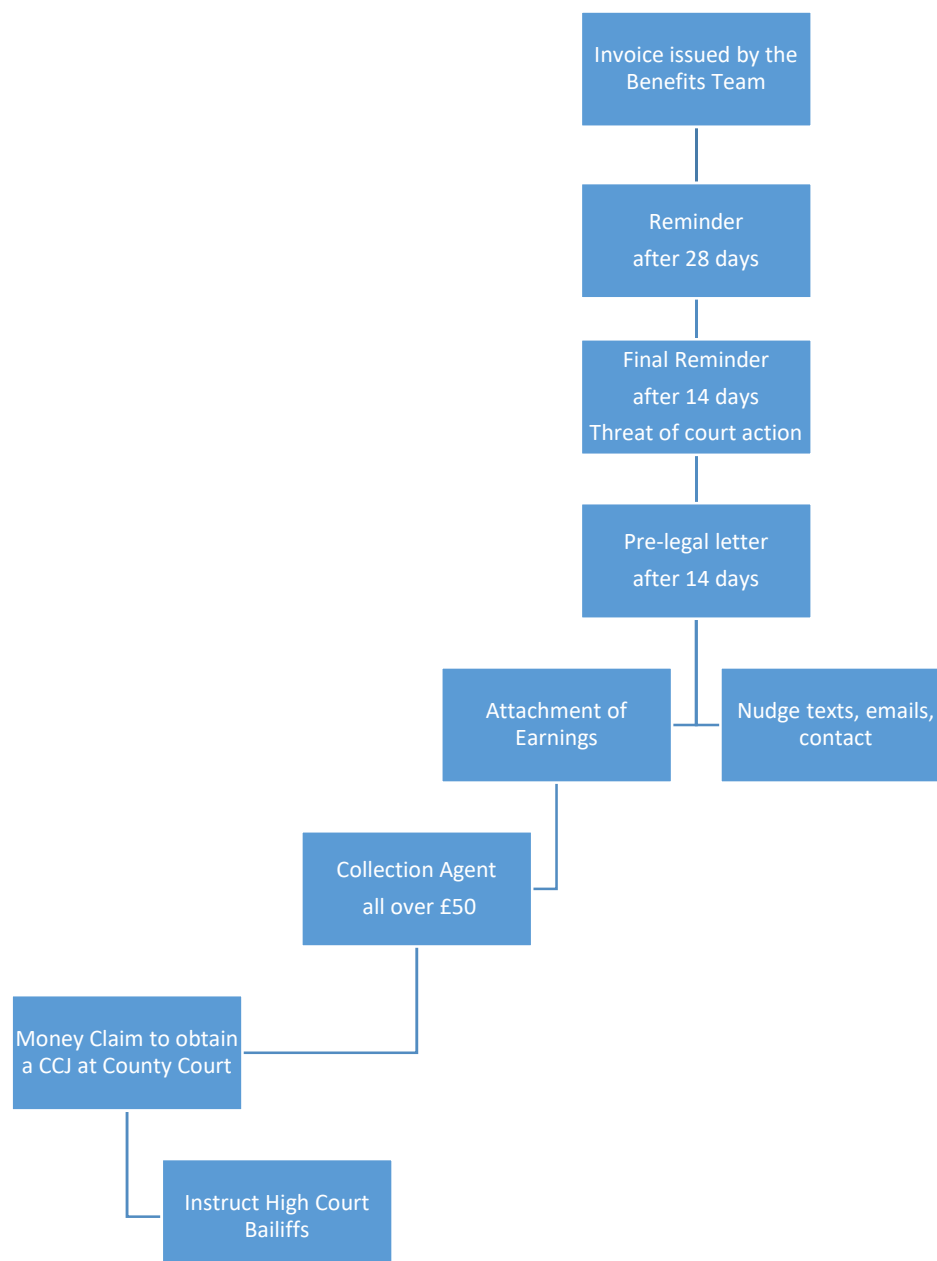
- 7.1 In the cases of sundry debts it is the service or relevant manager who should decide whether enforcement action should be taken. The Income Team will inform services of any debts owing to them and they should respond to say whether each case should then be enforced.



- 7.2 Actions within sundry debt recovery should be complete in a timely manner. Where delays of over 28 days past the due date are encountered at any stage, the reasons should be detailed within the case notes on system.
- 7.3 Forfeiture can also be considered for the recovery of commercial rent. This is where the Council will forfeit a lease due to non-payment of rent. The Council will instruct an Enforcement Agent to carry out the process of securing the property.

8. Housing Benefit Overpayment

- 8.1 A Housing Benefit Overpayment is where an individual has been overpaid benefit for a period that they were not entitled.
- 8.2 A deduction from the claimant's weekly Housing Benefit shall be set following Housing Benefit Regulations. The claimant will receive notification that the overpayment will be recovered in this way.
- 8.3 Where recovery is not possible from existing Housing Benefit an invoice is issued to the claimant or landlord depending on who is liable. The Income Management Team will make use of landlord 'blameless tenant' recovery in cases where the debt is a landlord overpayment and that landlord has other tenants receiving Housing Benefit. The landlord will be notified that we are to recover the overpayment from the claimant and vice versa.



9. Enforcement

- 9.1 The Council will use all means at its disposal to ensure that any debts owed are recovered following any relevant statutory or civil process to enforce payment.
- 9.2 When initiating recovery action the officer must also consider whether the debtor is vulnerable and how any action would impact on them.
- 9.3 The following enforcement options will be considered by Council Officers (as well as other options specific to an individual case):

10. Enforcement Agents (previously bailiffs)

- 10.1 All Enforcement Agents are regulated and have to act in prescribed ways to our customers. They are all fully trained on how to identify vulnerable customers and wear body cameras so all customer contacts are recorded and can be viewed back if required.
- 10.2 There is a clearly defined stage process and Enforcement Agents can only charge fees for each stage when certain trigger actions have been completed.
 - Stage 1- Compliance stage £75.00
 - Stage 2 – Enforcement Stage £235.00 + 7.5% on the original debt over £1,500
 - Stage 3 – Sale Stage £110.00 + 7.5% on the original debt over £1,500

11. Attachment of Earnings, Fees or Benefits

- 11.1 Used where the debtor is employed or in receipt of other regular income where payments can be taken directly from this income. Deductions are made at a rate determined by legislation.

12. Bankruptcy Proceedings/Liquidation

- 12.1 Used when the debtor is a property owner and it is thought that there will be sufficient equity within the property to support full or partial repayment of the debt.
- 12.2 Cases considered suitable for bankruptcy are selected from cases that have been returned from the bailiff, either unable to gain entry or unable to access or returned no goods.
- 12.3 The following factors must be considered:
 - The level of equity available in the liable property and any other associated properties where the debtor has a financial interest must cover the outstanding debt and associated costs
 - Whether the property is up for sale and therefore a charging order would be more appropriate

13. Charging Orders on Property

- 10.1 Used where the debtor owns a property, the Council is able to recover debt when the property is sold in the future. The Council may consider this action where the debtor is on a low income and or is classed as vulnerable or elderly.

11. Committal Proceedings

- 11.1 The law allows Councils to apply to the Magistrates Court to have a person sent to prison where there is culpable neglect or wilful refusal to pay debt.
- 11.2 This will be used when bankruptcy or charging orders are not appropriate. It is not generally accepted by the local magistrates' court as appropriate action, but can be used when other remedies have been exhausted.

12. Money Claim

- 12.1 This is an efficient and inexpensive way for the Council to commence the County Court Judgement (CCJ) process via the County Court. Customers are contacted in regard to any debt by The County Court and given the option to pay in full, set up an arrangement for payment or dispute the debt.
- 12.2 If the judgement is for more than £600 the Council may be able to ask a High Court Enforcement Officer to try to collect the money or remove goods to sell at auction. A warrant is required for this action.

13. Vulnerable customers and those who are in financial difficulty

- 13.2 The Council is committed to support and assist our vulnerable customers. The Income and Corporate Debt Team work closely with the Customer Support Team and external partners to offer the best solution and advice possible for the vulnerable customer and the Council.
- 13.3 Extenuating circumstances will be taken into account when considering recovery action in order to protect the vulnerable and avoid transference of a problem elsewhere.

Considerations may include:

- Whether there are very young or elderly people in the household
- Chronic or terminal illness
- Recent bereavement of spouse or member of household
- Potential homelessness
- The ability of the individual or household to make a payment
- Is an Exceptional Hardship Payment (EHP) or Discretionary Housing Payment (DHP) appropriate

For business debts considerations may include:

- Potential loss of employment for employees of the business
- Loss of key facilities for the local community
- A payment option is the only choice because the business has no assets

- Consideration to any relief that may be appropriate.
- 13.4 Where it has been identified that a customer is suffering from financial difficulties or other extenuating circumstances the Council is committed to providing advice and support as well as a variety of payment options including:
- Holding enforcement action once a customer makes contact to inform of a difficulty in making payment
 - Voluntary payment solutions considered in preference to statutory or civil remedies as a first stage
 - Past history of payments should be considered when making a decision to proceed with enforcement action
 - Where a payment solution is agreed this should be confirmed in writing by the Council including any action that will be taken should the agreed payments not be made
 - Payment solutions should be made with an agreed up-front payment from the debtor whenever possible
 - Where a payment solution cannot be agreed, the debtor will be advised of the reasons why and that the recovery process will continue should an alternative arrangement not be made

14. Tracing and Searches

- 14.1 As part of the recovery process as number of traces and searches can be carried out to try and establish further information on a debtor. This is particularly useful when we have no forwarding address for someone who has moved home before settling a debt.
- 14.2 Locating Council Tax Absconders (LOCTA) is a local government tracing tool that provides a suite of information including, forwarding address, DWP information, credit reports and telephone numbers.
- 14.3 If a LOCTA search is unsuccessful the Council may use a Credit Referencing Agency to trace an individual. The Data Protection Act section 29 allows Local Authorities to credit check and search individuals in regard to the collection of Tax.
- 14.5 The use of internet searches and Social Media to access information in the public domain is also very useful, particularly in establishing employment details for attachment of earnings.
- 14.6 We can also use a Customer Information System (CIS) check that allows certain authorised officers to search DWP database. This information can only be used for the recovery of Housing Benefit Overpayments.
- 14.7 If necessary the Council may ask a Revenues Inspector to carry out a visit to establish the status of a property.

15. Bad debts

15.1 For the purpose of this policy a bad debt is classified as:

- Money due when there is little or no likelihood of recovery after all methods have been exhausted
- Money due where it is uneconomical or inefficient to recover the sum due
- Money due but the debt is too old (aged) to continue recovery
- Money due where the Council does not wish to pursue recovery because the circumstances of a case would attract well-founded adverse publicity or public reaction, or the concept of natural justice would be compromised

15.2 Where it is considered that a debt is a bad debt the Council will ensure that it is written off promptly to preserve and maintain the principle of accurate and up to date information. Decisions will be made based on the circumstances that exist at the time and any unusual circumstances should be referred to the Head of Service or Portfolio Holder.

<i>Debt Value</i>	<i>Process</i>	<i>Authorised Person</i>
Up to £25	Write off on the system with screen notes using write off code	Corporate Debt/Revenues Officer
£25 to £100	As above. Income and Corporate Debt Manager to carry out spot checks and record for audit purposes.	Corporate Debt/Revenues Officer Corporate Debt Manager
£100 - £5,000	Detailed system checks/searches carried out. If unsuccessful and investigation form is complete and signed. Investigation forms batched and front schedule to be signed.	Corporate Debt Manager S151 Officer
Over £5,000	A Portfolio Holder report must be complete with details of individual write-offs	Portfolio Holder

15.3 The cumulative total of debts written off will be monitored by the Income and Corporate Debt Manager to ensure that the incidence of bad debt remains consistent with the Councils estimates and projections.

16. Complaints and errors

16.1 If an error or mistake is made in the process of recovering debt the account will reviewed and appropriate action taken.

- 16.2 If a customer is unhappy with the service provided or disagrees with the decisions made they are able to complain through the Councils standard complaints procedure. Details of this can be found on the Council website - <http://www.colchester.gov.uk/complaints>.
- 16.3 During the process of enforcing payment of outstanding debts it is possible that evidence or facts emerge after enforcement proceedings have been taken or have been completed.
- 16.4 In these cases the Council will take appropriate action to remedy the situation as far as possible:
- Proceedings will be stopped immediately
 - The debtors account will be noted to reflect the revised situation
 - Where appropriate the Court involved will be advised
- 16.5 Although the Council will make every effort to resolve a misrepresentation of the true situation, some issues can only be resolved by reference to the Courts.

Appendix 1

Standard Enforcement Actions for Mortgages and Shared Ownership Scheme

Individual accounts are monitored on a regular basis to ensure that regular monthly payments are received, and reminders sent. Where all or part of the debt is paid by the Pensions Service or the Benefits Division, the receipt of these sums will also be monitored. Whilst standard reminders are available, a more personal approach will often be required.

If the debtor fails to maintain regular payments the Corporate Debt Team will attempt to discuss options. Should this not prove possible, or if arrangements are not adhered to, then the following action will be taken:

Mortgages

Legal Services will be approached and given sufficient information to allow for the preparation of a possession order to be requested from the District Judge. Whilst Court papers are being prepared, Legal Services will warn the debtor of the implications of non-payment.

If a possession order is obtained, the Income Management Team will monitor the arrangement made. Should payment cease, a Portfolio Holder decision will be required if it becomes necessary to implement the order.

Shared ownership cases

Where a mortgage is held on the property, then the lender will be advised that rent is not being paid and that forfeiture proceedings are being considered. If the lender will not make payment on behalf of the borrower, or if there is no lender, the Council will decide whether to pursue forfeiture or to attempt to obtain a money judgment for the County Court.

Appendix 2

Standard Enforcement Actions for Penalty Charge Notices (North Essex Parking Partnership)

This debt is collected directly by the North Essex Parking Partnership and not Customer Services.

Parking enforcement is carried out in accordance with the provisions and procedures laid out in the Traffic Management Act 2004. A parking penalty is not a debt until the motorist has exhausted all avenues of appeal.

- 1. Penalty Charge Notice** issued.
- 2. DVLA enquiry** made if no correspondence received or payment received within 31 days.
- 3. Notice to Owner** sent if full payment is not received within 31 days of issue.
- 4. Charge Certificate** sent and charge increased by 50% of full payment, or representation against Notice to Owner, if not received within 31 days.
- 5. Debt registered at County Court** and fees added if full payment is not received within 17 days of Charge Certificate being sent.
- 6. Order for Recovery** sent.
- 7. Apply for a Warrant of Execution and instruct Enforcement Agents (bailiffs)** if full payment or Witness Statement is not received within 21 days of Notice of Debt Registration being sent. A Warrant of Execution has a lifespan of 12 months only and cannot be reissued thereafter. If the Council has been unsuccessful in recovering the penalty charge by means of a Warrant within 12 months and wishes to pursue, the Council must ask the Traffic Enforcement Centre (Northampton County Court) for authorisation to prepare another Warrant. Warrants that have been returned from the Bailiff after a period of 6 months because the debtor could not be traced or there are no funds or goods to seize can be sent to other Bailiff companies for collection.
- 8.** If warrants remain unpaid, the council is now able to recover debt using a different process where a valid warrant is not required.