

Council Meeting

**Moot Hall, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 23 May 2018 at 10:30**

Information for Members of the Public

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COLCHESTER BOROUGH COUNCIL
Council
Wednesday, 23 May 2018 at 10:30

TO ALL MEMBERS OF THE COUNCIL

Published 11/05/2018

You are hereby summoned to attend the Annual Meeting of the Council to be held at the Town Hall, Colchester on Wednesday, 23 May 2018 at 10:30 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)

1 Election of the Mayor

Motion A

Motion to elect Councillor Peter Chillingworth as Mayor for the ensuing municipal year.

The Mayor to make the declaration and take the customary oath.

The Mayor to return thanks.

2 Minutes of the Previous Meeting (Council)

Motion B

Motion that the minutes of the meeting held on 21 February 2018 be confirmed as a correct record.

21-02-18 minutes

7 - 18

3 Election of the Deputy Mayor

Motion C

Motion to elect Councillor Nick Cope as Deputy Mayor for the ensuing municipal year.

The Deputy Mayor to make the declaration and return thanks.

4 Vote of Thanks to Retiring Mayor

Motion D

Motion of thanks to the Retiring Mayor, Councillor Gerard Oxford.

The Retiring Mayor to make an acknowledgement.

5 Mayor's Chaplain and Other Announcements

The Mayor to announce the the appointment of the Mayor's Chaplain and make other announcements.

6 Adjournment

Motion E

Motion to Adjourn

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

7 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.

8 Appointment of the Leader of the Council

Motion F

Motion to appoint the Leader of the Council for the remainder of their term of office.

9 Delegations Made by the Leader of the Council

To note the appointment of the Deputy Leader of the Council, the appointment of the Cabinet members and the allocation of responsibility for portfolios as determined by the Leader of the Council (to follow).

10 Amendments to the Constitution

19 - 26

Motion G

Motion that the decisions set out in the Monitoring Officer's report be approved and adopted.

11 Appointment of Panels, Committees and Sub-Committees

Motion H

(i) that in accordance with the provisions of section 15 of the Local Government and Housing Act 1989 the number of seats, Group representation and membership of the Governance and Audit Committee, Licensing Committee, Local Plan Committee, Planning Committee, Policy Review Panel and Scrutiny Panel (including the Crime and Disorder Committee) for the ensuing municipal year be as circulated at this meeting (to follow).

(ii) that in accordance with the provisions of Section 17 of the Local Government and Housing Act 1989, the appointments to Task and Finish Groups shall not be on a Group basis and membership shall be as circulated at this meeting (to follow).

(iii) that the membership of the Independent Remuneration Panel be as circulated at this meeting (to follow).

12 Former Councillors

Motion I

Motion of Thanks

Motion of thanks to former Councillors Chaplin, Ellis, Feltham, Graham, Scott, Scott-Boutell and Smith.

13 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, 21 February 2018

Attendees:

Councillor Christopher Arnold, Councillor Lewis Barber, Councillor Nick Barlow, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Beverly Davies, Councillor Andrew Ellis, Councillor Daniel Ellis, Councillor Annie Feltham, Councillor Vic Flores, Councillor Adam Fox, Councillor Martin Goss, Councillor Dominic Graham, Councillor Dave Harris, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Mike Hogg, Councillor Brian Jarvis, Councillor John Jowers, Councillor Darius Laws, Councillor Cyril Liddy, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Fiona Maclean, Councillor Jackie Maclean, Councillor Patricia Moore, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Rosalind Scott, Councillor Jessica Scott-Boutell, Councillor Lesley Scott-Boutell, Councillor Paul Smith, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Julie Young, Councillor Tim Young

241 Prayers

The meeting was opened with prayers from the Mayor's Chaplain, the Reverend Hannah Cooper.

242 Apologies

Apologies were received from Councillors Buston, Davidson, Elliott and Wood.

243 Have Your Say! (Council)

Jo Hayes addressed Council pursuant to the provisions of Council Procedure Rule 6(5) about air quality in Colchester. She had been contacted in 2012 by a resident whose health had been harmed by air pollution, but had asked her to prevent harm to younger generations. She was seeking to raise awareness of the sources of air pollution, such as leaving car engines idling unnecessarily, and of the seriousness of the risk to health it posed. The town centre was an Air Quality Management Area and this behaviour only made the pollution worse. In 2013 Essex County Council Portfolio Holder had cancelled

a scheme to reduce traffic in the town centre, which suggested he was unaware of the health risk posed by air pollution. The motion she had proposed to Council in 2015 for a clean air zone had been blocked by the Conservative group, again due to a lack of knowledge on the issue. Air quality was monitored and the data published, which showed the extent of the problem. Did the Portfolio Holder agree that a campaign to raise public awareness of the exhaust pollution issue would be beneficial?

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy thanked Jo for her work on this issue. The Portfolio Holder was committed to addressing this issue and was working with Essex County Council to obtain grants to ensure buses were fitted with green technology to reduce emissions.

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 6(5). He noted the contents of the proposed Strategic Plan 2018-2021 in particular the Wellbeing priority to “Support those who need most help” and to “Target support to the most disadvantaged residents and communities”. He drew attention to the fact that there were 30,900 residents of retirement age in the borough. These were the generations that had been born during or after the Second World War and had known real adversity and austerity. Today’s society had been built through their efforts and the taxes they had paid. Some were very vulnerable. In this context, the Council should give a grant of £25,000 grant to Age Concern from its reserves in order to ensure the continuation of their valuable welfare rights service.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, thanked Sir Bob Russell for his comments. The administration had maintained its support for the voluntary sector. It was difficult to balance the needs of the many groups that requested support from the Council. He understood that Age Concern had previously used their own reserves to maintain this service and he thanked them for doing so.

Mark Goacher addressed Council pursuant to the provisions of Meetings General Procedure Rule 6(5). The Green Party had been undertaking monitoring of air quality in Castle Ward. The results were alarming and demonstrated that pollution levels were above legal limits at a number of places, including the bottom of East Hill, on North Station Road and at the bottom of Mersea Road. These were dangerous levels of air pollution. He was not seeking to criticise Colchester Borough Council, who monitored air quality and he appreciated that members of all groups wanted to address the issue. However, more could be done to reduce emissions. For instance idling car engines was illegal and action should be taken to enforce this. Electric charging points should be provided in all car parks. The planting of grass and plants on walls also helped reduce pollution by up to 30% and this should be trialled at an appropriate site, such as at the bottom of Mersea Road.

Councillor Lilley, Portfolio Holder for Public Safety and Licensing, responded and

explained that he believed that radical action, such as pedestrianizing the High Street and the introduction of electric buses, was needed to tackle the issue. The Council was looking at setting aside some car parking spaces in its car parks for charging points, and he had discussed with a taxi firm the possibility of their taxi drivers using electric vehicles and how this could be incentivised.

Mr Orton addressed Council pursuant to the provisions of Meetings General Procedure Rule 6(5) about the condition of the town centre. Members of the public did not understand the divisions of responsibility between Essex County Council and Colchester Borough Council and were of the view that the problems in the town centre were for the Council to deal with. They just wanted to see someone take responsibility and action taken to address some of the issues in the town centre. Nothing was being done to tackle issues such as dirty lifts, the traffic lights in Osborne Street not working and the condition of the underpass.

Councillor Lilley, Portfolio Holder for Public Safety and Licensing, explained that he discussed these issues regularly with Mr Orton. He had also recently met with officers from Essex County Council and would be drawing up an action plan to improve the pavements and the street furniture in Colchester town centre.

Isobel Merry addressed Council pursuant to the provisions of Meetings General Procedure Rule 6(5). Gosbecks Archaeological Park was a site of major historical importance, but it was underutilised and needed to be promoted more. Whilst it was appreciated that resources were tight, more could be made of Colchester's Roman history. It was often hard for visitors to access Colchester's Roman sites and to appreciate their significance. A more joined up approach needed to be taken to Colchester's history. This would increase visitor numbers and boost Colchester's economy.

Councillor Bourne, Portfolio Holder for Housing and Communities, agreed that Colchester's Roman history was very important. Gosbecks Archaeological Park was a stunning site, and she was looking at opportunities for the site. She anticipated that she would report on the issue later this year. Councillor T. Young, Portfolio Holder for Business and Culture, stressed that tourism was very important and the administration continued to invest to support it.

Emmanuel Blondell addressed Council pursuant to the provisions of Meetings General Procedure Rule 6(5) about universal credit. He was part of group of concerned Colcestrians who had recently been speaking to residents about universal credit. Some of the concerns and issues that had been raised with them included the five week period after claiming in which no payment would be made, and how claimants could obtain an advance payment. There were also concerns that it could result in tenants being made homeless. There was a lack of information about how it would work alongside other benefits, and how claimants could protect themselves.

Dr Nicholas Blondell addressed Council pursuant to the provisions of Meetings General Procedure Rule 6(5). He was a general practitioner who had been working in Colchester for the past three years. He was concerned by the number of patients he saw who were presenting because their mental and physical health was being affected through not being able to pay for essentials such as rent and food. Thousands of people in Colchester were worried that they would not be able to pay rent once universal credit was introduced. The Council should guarantee that no one be made homeless as a result of universal credit.

Victoria Weaver addressed Council pursuant to the provisions of Meetings General Procedure Rule 6(5). Experience elsewhere had shown that claimants elsewhere had had to wait unacceptably long times in order for universal credit payments to be made, or had been mistakenly removed from the system. They had spoken to many residents about Universal credit and there was considerable anxiety about its introduction. Other Councils were diverting funds to help claimants. She queried how much funding the Council was putting into the transition scheme, and asked whether the scheme would ensure that there were no evictions as a result of arrears. In addition there was concern that there were no work coaches, who were important in advising people on Universal credit, in Colchester. In their absence then the Council should be proactive in informing people, and do all it could to protect the homeless and those threatened with homelessness.

Jasmin Stone addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(5). She was on Universal credit and it was a difficult experience. She had previously lived in Croydon, and her work coach was still in Croydon, which made complying with some of the procedures difficult. Support needed to be put in place for those being transferred onto universal credit. Studies had shown a significant rise in the use of foodbanks in areas where universal credit was rolled out. The roll out of universal credit was causing significant social issues, such as rises in physical and mental health issues, and increases in borrowing and debt. It was essential that a safety net be put in place for those affected.

Camille Barbagallo addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(5). Universal credit was causing a social crisis. It was deeply concerning that in such a prosperous country that hundreds of thousands of people were turning to foodbanks, and that diseases such as rickets were being seen. The Council had a responsibility to ensure that people were supported and consideration needed to be given to what the Council could do to alleviate this social crisis.

Councillor Bourne, Portfolio Holder for Housing and Communities, responded to the speakers on universal credit. It was incorrect to portray the Council as uncaring. Councillors across the political spectrum were very concerned with ensuring the welfare of Colchester residents. The Council had an experienced team, used to dealing with changes to welfare provision. It worked with partners in the clinical commissioning

group, Essex County Council, housing associations and the voluntary sector in order to help its residents. In December, Council had unanimously agreed a motion on universal credit which set out how the Council would respond to the introduction of universal credit. Full service had been delayed until July 2018 which gave a longer period to prepare, and a number of changes to universal credit had been agreed in December. Full service only affected new claimants, and it would be counterproductive to be too alarmist as this would only cause unnecessary anxiety. A proper implementation plan would be prepared together with partners and building on the experience of previous welfare reforms and other authorities where it had already been introduced. Whilst the administration did not support universal credit, it had an excellent relationship with the Department of Work and Pensions. The Council would ensure Councillors were trained to help residents on universal credit and refer them to the appropriate sources of help. If other groups were speaking to residents they had an obligation to ensure they had the necessary expertise, and were aware of the support that was available.

Councillor Cory, Portfolio Holder for Resources, explained that £300,000 had been invested in the Welfare Team to ensure that the Council was prepared for the welfare reforms that were being proposed. The Council had received a grant from the Department of Work and Pensions which was being used to create two new posts who would help those on universal credit to find work.

244 Minutes of the Previous Meeting (Council)

RESOLVED that the minutes of the meeting held on 7 December 2017 be confirmed as a correct record.

245 Mayor's Announcements

Parish Councillor John Gili-Ross, Vice Chairman of the Local Council Awards Scheme addressed Council about the Local Council Awards Scheme. The Mayor presented Councillor Allan Walker, Chairman of Marks Tey Parish Council and Steve Marriott, Clerk of Marks Tey Parish Council, with Marks Tey Parish Council's certificate of accreditation at the Foundation Level of the Local Council Awards Scheme.

The Mayor announced the following events:-

- A comedy night on 25 February 2018 at the Headgate Theatre;
- "Colchester Through the Ages" film night on 16 April at Firstsite;
- Michael J Fitch cabaret night on 12 May 2018 in the Moot Hall.

246 Strategic Plan 2018 - 2021

RESOLVED (UNANIMOUSLY) that the recommendation contained in draft minute 230 of 31 January 2018 be approved and adopted, subject to the inclusion of an additional priority under the Opportunity theme to read “Promote initiatives to help residents live healthier lives”.

247 2018-19 General Fund Revenue Budget, Capital Programme and Medium Term Financial Forecast

Councillor Jowers (as Chair of the Essex Police and Crime Panel) declared a non-pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).

RESOLVED that Council Procedure Rule 14(3) be suspended for this item only to allow the Portfolio Holder for Resources and the Leaders of the Conservative, Labour and Highwoods Groups to speak untimed on this item only.

It was proposed by Councillor Cory, Portfolio Holder for Resources, that the recommendation contained in draft minute 232 of the Cabinet meeting of 31 January 2018 and the recommendations contained in the Assistant Director, Policy and Corporate’s report entitled “Precept and Council Tax Levels 2018-201 be approved and adopted.

It was proposed by Councillor Laws that the recommendation contained in draft minute 232 of the Cabinet meeting of 31 January 2018 and the recommendations contained in the Assistant Director, Policy and Corporate’s report entitled “Precept and Council Tax Levels 2018-201 be approved and adopted, subject to the main amendment the details of which were at page 2 of the Supplementary Information for the meeting.

On being put to the vote the main amendment was lost.

In accordance with the provisions of Council Procedure Rule 15(3) a named vote was taken and the voting was as follows:-

FOR: Councillors Arnold, Barber, Bentley, Chapman, Davies, A. Ellis, D. Ellis, Flores, Hazell, Jarvis, Jowers, Laws, Lissimore, Loveland, F. Maclean, J. Maclean, Moore, Willetts and the Deputy Mayor (Chillingworth).

AGAINST: Councillors Barlow, Barton, Bourne, Chuah, Coleman, Cope, Cory, Feltham, Fox, Goss, Graham, Harris, Higgins, Hogg, Liddy, Lilley, B. Oxford, P. Oxford, Pearson, Scordis, Scott, J. Scott-Boutell, L. Scott-Boutell, Smith, Warnes, J. Young and T. Young.

ABSTAINED FROM VOTING: The Mayor (Councillor G. Oxford).

The substantive motion was then put to the vote and the motion was carried.

In accordance with the provisions of Council Procedure Rule 15(3) a named vote was taken and the voting was as follows:-

FOR: Councillors Barlow, Barton, Bourne, Chuah, Coleman, Cope, Cory, Feltham, Fox, Goss, Graham, Harris, Higgins, Hogg, Liddy, Lilley, B. Oxford, P. Oxford, Pearson, Scordis, Scott, J. Scott-Boutell, L. Scott-Boutell, Smith, Warnes, J. Young and T. Young.

AGAINST: None

ABSTAINED FROM VOTING: Councillors Arnold, Barber, Bentley, Chapman, Davies, A. Ellis, D. Ellis, Feltham, Hazell, Jarvis, Jowers, Laws, Lissimore, Loveland, F. Maclean, J. Maclean, Moore, Willetts, the Deputy Mayor (Chillingworth) and the Mayor (G. Oxford).

248 Mandatory Member Development

It was proposed by Councillor Cory, Portfolio Holder for Resources, that the recommendation contained in draft minute 239 of the Cabinet meeting of 31 January 2018 and the recommendations contained in the report by the Assistant Director Policy and Corporate entitled “Mandatory Member Development – consultation with the Independent Remuneration Panel” be approved and adopted.

Following the debate, Councillor Cory, Portfolio Holder, Portfolio Holder for resources, indicated that he would alter the motion so that the recommendation from the Member Development Group be approved subject to the amendments incorporated below and to the recommendation being submitted to Council again once the all party Member Development Group had given further consideration to the period within which mandatory training should be completed.

(a) Training on Safeguarding, Equality and Diversity and Data Protection be made mandatory for all Councillors from May 2018.

(b) All such training to be completed within a period to be defined by the all party Member Development Group.

(c) All new Councillors elected post May 2018 to undertake Safeguarding, Equality and Diversity and Data Protection training within a period to be defined by the all party Member Development Group.

(d) Training in Chairing Skills for all Chairs newly elected to the Council’s Committees

and Panels from May 2018 to be mandatory, unless the Monitoring Officer considers that the relevant Councillor had extensive experience of chairing meetings in a local authority environment.

(e) All such training to be completed within three months of election as Chair.

(f) The views on the Independent Remuneration Panel be sought on the principle of withholding payment of relevant allowances should relevant mandatory training not be undertaken.

The motion was then put to the vote and was carried (majority voted for).

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

Questioner	Subject	Response
Pre-notified Questions		
Councillor Laws	Joy from Frinton visits Colchester often but she notes that Culver Square and Red Lion Walk have cleaner floor surface and less litter. I told Joy our Zones team work incredibly hard in what is often a thankless task. How can Council managed streets be of the same standard of cleanliness?	Question withdrawn
Councillor Laws	Julie from North Station Rd recently moved to the area, she has little option to travel to work by car but when she returns home she finds it difficult to park. Two years ago 124 permanent parking tickets were issued in the F2 Zone. This year the figure has increased to 137, yet no additional space capacity	Councillor Lilley, Portfolio Holder for Public Safety and Licensing, expressed his sympathy but the Council could not make further space available. In order to try and manage the number of permits issued, the Council limited permits to two per

	<p>has been made available. Can we keep an eye on the numbers of permanent parking tickets made available vs space allocation please?</p>	<p>household. He would keep an eye on the issue.</p>
Councillor Laws	<p>A young mother from Albert St told me last month that she and her two immediate neighbours have had no option but to visit the tip because they live in a property with no rear access and limited storage space but that they don't want wheelie bins - probably because they are unsightly and we don't want to end up looking like Ipswich. Can the Portfolio Holder for Waste and Sustainability please assure residents in Castle Ward that there are no plans for a roll out of compulsory wheelie bins? Could the Council look at the provision of additional collections of black rubbish sacks at peak times, such as Christmas.</p>	<p>Councillor J. Scott-Boutell, Portfolio Holder for Waste and Sustainability, indicated that there were no plan for a compulsory roll out of wheelie bins in Castle Ward. She would look into the issue of additional collections of black sacks at peak times.</p>
Councillor Barber	<p>Does the Portfolio Holder think it is acceptable that around two dozen bags were left at a gate of a public footpath for three days? This is unsightly, reflects poorly on our town and was an environmental hazard close to a children's playground. Please can she explain what she will do to ensure similar</p>	<p>Councillor Lilley, Portfolio Holder for Public Safety and Licensing, explained that the issue had been reported on a Friday night, and cleared on the following Monday morning. The Zones Teams did not work on Saturdays and Sundays, so it had been cleared on the next working day. The bags had</p>

	situations are not repeated in future across the borough?	been traced to a retail unit and the owner had issued with a Fixed Penalty Notice and had been provided with advice on how to dispose of waste properly.
Councillor Scott	<p>The problem of poor air quality in Colchester has been highlighted and is very clear from our own figures. We know that there is no safe level of nitrous oxide and that micro particles from exhaust fumes are a modern plague causing disease and premature deaths in all demographics, from unborn children to very elderly people.</p> <p>Do you agree with me that Colchester needs to take back control of our air?</p> <p>Can you please tell me what CBC is doing to improve air quality, and to ensure that air pollution is taken into consideration in all planning decisions?</p>	Councillor J. Scott-Boutell, Portfolio Holder for Waste and Sustainability, responded. Nitrogen dioxide was the pollutant of particular concern in Colchester, and the high levels were a result of traffic emissions. It was recognised that there were no safe limits. Pollution levels were improving but some hot spots remained. The Council was working with Essex County Council and all park and ride busies had been retro fitted with filters to reduce emissions. The hackney carriage policy was being revised to encourage cleaner taxis. Further detail would be provided in a written response.
Councillor Goss	What is the latest situation regarding positive work with Essex County Council over congestion improvements at North Station and also Stanway and East Colchester please?	Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained he had held a series of meeting with Councillor Bentley and the County Council Portfolio Holders. In the Stanway area Cllr Bentley had been working with the ward councillors to improve a

	<p>junction and was confident the relevant action would be taken. To the east of Colchester, Essex County Council had put in a bid for a link road between the A133 and the A134. Work was also progressing in Mile End and Essex County Council were looking to improve the flow of traffic along Cowdray Avenue by redesigning the roundabouts at the junctions with Ipswich Road and Harwich Road. Concerns had been expressed about the limited provision for cyclists and pedestrians at these roundabouts.</p> <p>Councillor Bentley was also invited to respond and indicated that in respect of the North Station Road area, a redesign was being looked at. This would be a very significant piece of work and would not be delivered quickly. Changes to the Park and Ride should also help reduce congestion in this area. He stressed the difference between undertaking design work and securing funding for the improvement works. Essex County Council and Colchester Borough</p>
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		Council were working positively together.
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250 **Schedule of Portfolio Holder decisions**

RESOLVED that the schedule of Portfolio Holder decisions for the period 29 November 2017 - 5 february 2018 be noted.

23 May 2018

Report of	Monitoring Officer	Author	Andrew Weavers
Title	Amendments to the Constitution		☎ 282213
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report outlines changes required to the Constitution to enable the Trading Board to be changed and renamed the Policy Panel with revised terms of reference. In addition this report confirms the delegated powers from Council to the Licensing Committee.

1. Decision(s) Required

- 1.1 To agree the transformation of the Trading Board in to the Policy Review Panel with the terms of reference as detailed at Appendix 1 of this report.
- 1.2 To agree that the Governance and Audit Committee is the shareholder committee for Colchester Commercial (Holdings) Limited and that the additional functions (23) – (27) detailed at Appendix 2 are included in its terms of reference.
- 1.3 To agree that the Scrutiny Panel will scrutinise Colchester Commercial (Holdings) Limited's business plans and financial performance at year end.
- 1.4 To agree the delegated functions from Council to the Licensing Committee as contained at Appendix 3 of this report.

2. Background

Trading Board

- 2.1 The Trading Board was created in 2013 to advise Cabinet on its approach to commercial matters and how it could generate income. Its terms of reference were expanded last year following the creation of Colchester Commercial (Holdings) Ltd and its subsidiary companies including its role as the shareholder committee.
- 2.2 The Trading Board at its meeting on 7 March 2018 considered a report which considered the meeting governance arrangements for the 2018/19 municipal year and it was agreed that the Trading Board had achieved its original aims and it would now be appropriate for its responsibilities in relation to Colchester Commercial (Holdings) Limited to be transferred to other meetings and for it to focus on legislative and policy issues facing the Council including the impact of Brexit.
- 2.3 Following a workshop for the members of the Trading Board held in November 2017 it was suggested that the Trading Boards' terms of reference should include advising Cabinet on wider policy issues.
- 2.4 It is proposed that the Trading Board be transformed into a new advisory panel to Cabinet and it be named the Policy Review Panel. This Panel would provide legislative,

improvement and policy advice to Cabinet and Portfolio Holders on issues that may affect executive functions. The proposed terms of reference for the Policy Review Panel is attached at Appendix 1. It would be for the Policy Review Panel to manage its work programme.

- 2.5 It is proposed that the role of shareholder committee for Colchester Commercial (Holdings) Limited be undertaken by the Governance and Audit Committee and that the additional functions (23) – (27) set out at Appendix 2 be included as part of its terms of reference. It would be for the Governance and Audit Committee to determine how it undertakes this as part of its work programme. Whilst the Committee's terms of reference appears to be large, the functions mentioned at (8) – (21) are rarely required to be used.
- 2.6 The Scrutiny Panel will have a role in scrutinising the performance of Colchester Commercial (Holdings) Limited in the same context as it does for Colchester Borough Homes Limited. It is suggested that this would be probably twice a year. The first being to scrutinise the Company's business plans and second to review the Company's performance at the end of the financial year. Again it would be for Scrutiny Panel to manage its work programme.
- 2.7 Meetings of the Policy Review Panel will be held on the meeting dates already agreed in the municipal diary for the Trading Board.

Licensing Committee

- 2.8 The Council last reviewed the Licensing Committee's delegated functions in 2014. These have been updated to reflect legislative changes and are attached at Appendix 3.

3. Strategic Plan References

- 3.1 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.

4. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health, Publicity and Safety and Risk Management Implications

- 4.1 None identified.

	Membership	Terms of Reference
Policy Review Panel	Councillors tbc	<p>(1) To proactively identify issues and legislative changes that may require review and improvement and to seek Cabinet's agreement as to whether and how they should be examined.</p> <p>(2) To review strategies and policies at the request of the Cabinet and to make recommendations back to Cabinet for decision.</p> <p>(3) To review issues at the request of a Portfolio Holder and to make recommendations back to the Portfolio Holder for decision.</p>

	Membership	Terms of Reference
Governance and Audit Committee	Councillors tbc	<p>Accounts and Audit</p> <p>(1) To consider and approve the Council's Statement of Accounts in accordance with the Accounts and Audit Regulations.</p> <p>(2) As part of the Council's governance arrangements, to consider the findings of the annual review of governance (which includes a review of the effectiveness of the system of internal audit) and approve the signing of the Annual Governance Statement by the Leader of the Council and the Chief Executive in accordance with the Accounts and Audit Regulations.</p> <p>(3) To have an overview of the Council's control arrangements including risk management and in particular with regard to the annual audit plan, the audit work programme and progress reports and to make recommendations to Cabinet as appropriate.</p> <p>(4) To review the Council's external auditor's annual audit letter.</p> <p>Miscellaneous regulatory matters</p> <p>(5) To make recommendations to Council on the Council's functions contained in Parts D (elections), E (name and status of areas and individuals), F (making, amending, revoking , re-enacting or enforcing byelaws) G (promotion or opposing local or personal bills), of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).</p> <p>(6) To determine Community Governance Reviews.</p> <p>(7) An overview of the Council's complaint handling procedure and Local Government Ombudsman investigations</p> <p>Standards</p> <p>(8) Promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council.</p> <p>(9) Advising the Council on the adoption or revision of the Members' Code of Conduct.</p> <p>(10) Advising and assisting Parish Council(s) and Councillors to maintain high standards of conduct.</p> <p>(11) To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the Council's assessment criteria.</p> <p>(12) Receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct.</p> <p>(13) Advising, training or arranging to train Members and Co-opted Members on matters relating to the Members' Code of Conduct.</p> <p>(14) Assisting Councillors and co-opted Members to observe the Members' Code of Conduct.</p> <p>(15) To create a Hearings Sub-Committee to hear and determine complaints about Members and Co-opted Members referred to it by the Monitoring Officer.</p>

		<p>(16) To conduct hearings on behalf of the Parish and Town Councils and to make recommendation to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish or Town Councillor to comply with the Code of Conduct.</p> <p>(17) To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.</p> <p>(18) Advising the Council upon the contents of and requirements for codes/ protocols/ other procedures relating to standards of conduct throughout the Council.</p> <p>(19) To grant dispensations after consultation with the Independent Person pursuant to Sections 33(2) (b), (c) and (e) of the Localism Act 2011.</p> <p>(20) To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to Sections 33(2)(a) and (d) of the Localism Act 2011.</p> <p>(21) To make recommendations to Council regarding the appointment of Independent Persons in accordance with section 28 (7) and (8) of the Localism Act 2011.</p> <p>General</p> <p>(22) Review of the Constitution including governance issues around formal meetings, processes and member training and to make recommendations to Council.</p> <p>Colchester Commercial (Holdings) Limited</p> <p>(23) Consider and review the activities and financial performance of:</p> <p>(a) Colchester Commercial (Holdings) Limited and its subsidiary companies i.e. Housing Company, Energy Company and Trading Company;</p> <p>(b) those Council services generating income of approximately £250,000 or above; and</p> <p>(c) any other partly or wholly owned company of the Council</p> <p>(24) Receive, review and recommend Colchester Commercial (Holdings) Limited's business plans (including its subsidiary companies) annually.</p> <p>(25) Monitor, challenge and make recommendations to Cabinet regarding Colchester Commercial (Holdings) Limited and its subsidiary companies and other Council services with significant income streams.</p> <p>(26) Make recommendations to Cabinet on how it should exercise the functions flowing from its ownership of shares in Colchester Commercial (Holdings) Limited and its subsidiary companies.</p> <p>(27) Recommend the constitution and appointment of the Board of Directors of Colchester Commercial (Holdings) Limited to Cabinet.</p>
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Extract from SCHEME OF DELEGATION TO REGULATORY COMMITTEES

Licensing Committee

1. Authority to determine on behalf of the Council:
 - (a) The Council's licensing and registration functions as detailed in Part B of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended);
 - (b) To hear and determine licensing applications and appeals including applications for hackney carriages and private hire vehicles and drivers and private hire operators; and sex establishments and any other licensing matters as may from time to time require determination by the Committee;
 - (c) All licensing functions pursuant to the Licensing Act 2003;
 - (d) All gambling functions pursuant to the Gambling Act 2005;
 - (e) Authorisation of all enforcement actions in relation to the Council's licensing and registration functions;
 - (f) To review, consider and recommend to Council all policies related to those matters with the remit of the Licensing Committee;
 - (g) To agree policy and licensing of markets and street trading.

Licensing Sub-Committees

- (1) Authority to determine on behalf of the Licensing Committee in relation to Licensing Act 2003 matters

Matter to be dealt with	Delegated to the Licensing Sub-Committee
Personal Licences	
Determination of an application for a personal licence	Where a Police objection notice is received
Determination of an application for the renewal of a personal licence	Where an objection is received from the Police
Revocation of licence where convictions come to light after grant	Where a Police objection notice is received
Determination of an application to vary a designated premises supervisor	Where a notice is received from the Police
Premises Licences and Club Premises Certificates	
Determination of an application for a premises licence/club premises certificate	Where representations have been made
Determination of an application for a provisional statement	Where representations have been made
Determination of an application to vary a premises licence/club premises certificate	Where representations have been made
Determination of an application for the	Where a notice is received from the

transfer of a premises licence	Police
Consideration of Police objection made to an interim authority notice	Where a notice is received from the Police
Determination of an application to review a premises licence/ club premises certificate	Where relevant representations have been made
Review following a Closure Order	Where relevant representations have been made
Temporary Event Notices	
Decision to give a counter notice to a temporary event notice	Where an objection is received from the Police

- (2) Authority to determine on behalf of the Licensing Committee in relation to Gambling Act 2005 matters.

Matter to be dealt with	Delegated to the Licensing Sub-Committee
Determination of an application for a premises licence	Where representations have been received and not withdrawn
Determination of an application for the variation of a premises licence	Where representations have been received and not withdrawn
Determination of an application for the transfer of a premises licence	Where representations have been received and not withdrawn
Application for a provisional statement	Where representations have been received and not withdrawn
Determination of an application club gaming/club machine permits	Where objections are made and not withdrawn
Cancellation of club gaming/ club machine permits	In all cases
Decision to give a counter notice to a temporary use notice	In all cases

