

Cabinet

Wednesday, 13 October 2021

Attendees: Councillor Paul Dundas, Councillor Andrew Ellis, Councillor Darius Laws, Councillor Sue Lissimore, Councillor Beverley Oxford

Also in attendance: Councillors Barber, Cox* Fox, Goacher, G. Oxford, Pearson, Willetts, J. Young*

*Attended remotely

No. Publication and Call in Arrangements

Date Published 14 October 2021

Date when decisions may be implemented (unless 'called in') 5pm 21 October 2021.

NB All decisions except urgent decisions, those subject to pre-scrutiny and those recommended to Council may be subject to the Call-in Procedure.

Requests for the scrutiny of relevant decisions by the Scrutiny Panel must be signed by at least ONE Councillor AND FOUR other Councillors to countersign the call-in form OR to indicate support by e-mail. All such requests must be delivered to the Proper Officer by no later than 5pm on 22 October 2021.

596 Minutes of Previous Meeting

The minutes of the meeting held on 1 September 2021 were confirmed as a correct record.

597 Have Your Say! (Hybrid meetings)

Dorian Kelly addressed the Cabinet pursuant to the provisions of paragraph 5(1) of the Meetings General Procedure Rules to indicate that he believed that the arts and cultural sector in Colchester supported the bid for City Status. The costs involved were low. It was key that public engagement commenced quickly and was properly funded. Colchester was the regional centre for heritage and culture and much of it was independent and at the grass roots level. The four year funding plan for the major arts organisations welcomed, although it was important also to fund grass roots projects.

Councillor Laws, Portfolio Holder for Business, Economy and Heritage thanked Mr Kelly for his comments.

Sir Bob Russell addressed the Cabinet pursuant to the provisions of paragraph 5(1) of the Meetings General Procedure Rules and indicated his support for the bid for City Status. In view of the Prime Minister's comments against further that building on greenfields in the south-east the Cabinet should invite him to Colchester to visit Middlewick, and give him the opportunity to prove his words.

Councillor Ellis, Portfolio Holder for Housing and Planning, explained that the position in regard to Middlewick was difficult. It had been put in the Local Plan by the previous administration. It was not possible to remove one site from the Local Plan. However the Inspector's modifications to Section 2, which were currently out to consultation, were very restrictive in respect of Middlewick and would make development of the site difficult. It was important to keep liaising with Defense Infrastructure Organisation, and Councillor Lissimore, Portfolio Holder for Resources, stressed that Will Quince MP was lobbying extensively on this matter.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, indicated that he would be happy to invite the Prime Minister and would wait to see what policies followed from his statement.

Catherine Spindler addressed the Cabinet pursuant to the provisions of paragraph 5(1) of the Meetings General Procedure Rules in support of a Youth Zone for Colchester. The past two years had been very difficult for young people and they faced an uncertain future. They needed help and reassurance. A Youth Zone would be of great benefit to young people by providing physical and mental support and steering them away from gang culture and county lines. It should be a top priority for the Council and Councillors should work cross party to provide one. An urgent meeting with relevant Councillors and officers, together with Councillor Coleman, was requested.

Councillor Lissimore, Portfolio Holder for Resources, thanked her for her comments. The issues on funding a Youth Zone had been comprehensively discussed at the previous night's Scrutiny Panel. As the previous Chair of the Youth Strategy Group, she was aware of how successful it had been in allocating funding from Essex County Council on youth services, and also in attracting funding from other organisations. It would be helpful if there was greater attendance by other Councillors at meetings of the Youth Strategy Group so they could see what was being provided in terms of youth provision. There was cross party agreement on the principle of a Youth Zone but not on how it could be funded.

Councillor Cox attended and with the consent of the Chair, addressed the Cabinet remotely to ask that further to Councillor Dundas' encouraging response to her question on the future of the ABRO site at the Local Plan Committee could Cabinet confirm that the Council was conducting, or planning to conduct, a feasibility study into the possible purchasing of the ABRO site? If so, what were the timescales for this? In addition further to the encouraging response of officers at the same meeting on the matter of adding a Supplementary Planning Document (SPD) to the current development brief for the site, could Cabinet allocate resource for this and set a target timescale for commencement of work on the SPD? Could an update be provided on the Gosbecks Feasibility Plan.?

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that the site was now on the open market. The Council had undertaken a viability study some years ago which was being updated. The Council planned to bid for the site but was currently considering what level of bid should be made. He would be happy to meet and provide more detail separately. In terms of the Supplementary Planning Document, this would go out consultation on 15 October with a view to being adopted by the Local Plan Committee in December. Unfortunately that was after bids would be received for the site, but the selling agents were aware that an SPD was being prepared.

Councillor Laws, Portfolio Holder for Economy, Business and Heritage, explained there were no immediate plans or budget to implement the proposals in the feasibility study for Gosbecks. His long-term aspiration was for the site to be presented and interpreted in a similar way to Sutton Hoo.

Councillor Goacher attended and with the consent of the Chair addressed Cabinet and supported Sir Bob Russell's comments in respect of Middlewick. Concerns were also expressed about the removal of a number of bins, the prevalence of tarmac patches in central Colchester and the continued use of glyphosates by Colchester Borough Homes, despite the Council stopping their use in March 2021.

Councillor Laws, Portfolio Holder for Economy, Business and Heritage, stressed the importance of ensuring bins were both designed and positioned sympathetically. Councillor B. Oxford, Portfolio Holder for Communities, explained that several bins had been removed temporarily as they were being misused through fly tipping or being used for domestic refuse. Notices had been posted to give advance warning of removal if misuse continued and relevant Parish Councils informed. Some bins were also no longer fit for purpose. A revised Bin Policy would be submitted to Cabinet in November.

Councillor Lissimore, Portfolio Holder for Resources, indicated that issues relating to tarmac patches were for Essex County Council. However she was aware that on occasion temporary patch repairs were undertaken before a permanent repair was undertaken. Concerns should be reported to the County Division member. Colchester Borough Homes did not use glyphosates on grass margins and their use was now limited to hardstanding and would be phased out completely by April 2022.

A written statement from Councillor Goss was read to Cabinet by the Monitoring Officer expressing disappointment that he had not received a written response to comments made at previous Cabinet meetings. Concern was expressed about the cleanliness of the pavement of the High Street, which had deteriorated since the last administration left office. The new pavement grouting was also crumbling. The contractor was supposed to be remedying the issue but this had not yet occurred. Litter bins were being removed without consultation with ward councillors. Bins needed to be replaced or sited with the agreement of ward councillors. If this was being done in line with the proposed new policy this had not yet been agreed by Cabinet.

Councillor B. Oxford, Portfolio Holder for Communities, expressed her disappointment in the language used by Councillor Goss which she considered would affect the

morale of hard-working officers. The cleaning regime for the town centre had not changed since the previous administration and litter picking and pressure washing were undertaken daily. Officers had done a walkabout of the town centre and found two issues of staining of the pavement which were dealt with. Issues in respect of bins had already been addressed. Councillor Lissimore, Portfolio Holder for Resources, indicated that the reason the grouting was missing was because it had been removed by a machine used by Colchester Borough Council.

Councillor J. Young attended and with the consent of the Chair, addressed the Cabinet remotely and endorsed Dorian Kelly's comments about the importance of support to grass roots arts organisations, as was demonstrated by the success of Colchester Free Festival. The importance of ensuring safety on Colchester's streets was emphasised in the wake of the Sarah Everard case. There were problems with the street lighting on Lightship Way, which was an issue that had been raised previously in Five a-Side meetings with Essex County Council and needed to be resolved. The Council needed to consider more generally its responsibility for women's safety. What plans did the administration have to address the issue in the light of not receiving Safer Streets funding?

Councillor Lissimore indicated that she would ask Colchester Borough Council officers to look in the issues of lighting and the condition of the pavement on Lightship Way. Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, confirmed that Lightship Way was on the agenda for the next Five-a-Side meeting and that a bid for funding for CCTV in Greenstead had been made.

Councillor Willetts attended and with the consent of the Chair, addressed the Cabinet. The Rotary Club were seeking to install defibrillators in public places, including at a site on Crouch Street. It had transpired that this required listed building consent and planning permission as the installation of a defibrillator was not covered under the Permitted Development Regulations. Would the Portfolio Holder seek the inclusion of defibrillators within the scope of the Permitted Development Regulations and also waive the fees for planning permission and listed building consent in the circumstances?

Councillor Ellis, Portfolio Holder for Housing and Planning, indicated he would investigate the matter.

Councillor Barber attended and with the consent of the Chair, addressed the Committee to seek support including a small financial contribution towards implementing a scheme to improve the access for cyclists and pedestrians from Langham and Boxted to the Northern Gateway site. Essex Highways had indicated they were content with the scheme.

Councillor Lissimore, Portfolio Holder for Resources, indicated that she would ask officers to look at what help could be provided.

The Assistant Director Place and Client Services submitted a report a copy of which

had been circulated to each Member.

Councillor Laws introduced the report to explain that this was the fifth time that Colchester had applied for City Status, and it had narrowly missed out in 2012. Colchester had historically been recognised as a city. Its Roman name meant City of the Victorious, and it was listed as one of 12 cities in the Domesday Book. It had many of the assets that were indicative of a city, such as a University, significant arts and cultural organisations, major tourist and heritage attractions. Whilst many of the benefits of City Status were intangible, it was a recognition of Colchester's values of being open to business, open to the future and open to diversity and tolerance. It could put Colchester on the international tourist map. There would be great business benefits and make Colchester more attractive to large and medium sized business and government departments looking to relocate. It was well supported by the Colchester MPs and partner organisations. It would give Colchester the status it deserved.

Councillor Fox attended and with the consent of the Chair addressed the Cabinet indicated his support for the bid for City Status, but to stress the need for wider public engagement. It was important that the bid enjoyed support beyond the "great and the good" and key stakeholders, and he did not consider enough had been done to win this support since he last addressed Cabinet on this issue. One possible way to engage and gain this support would be to set up an online petition which local residents could sign to demonstrate their support for the bid.

Councillor Laws accept that more could have been done, but there were both budgetary and time constraints. However he was happy to look at what more could be done to secure engagement. As the bid would be referred to Full Council to endorse, all Councillors would have an opportunity to demonstrate their communities' support for the bid.

Councillor Willetts attended and with the consent of the Chair addressed the Cabinet to seek clarity on the area that would be served by City Status, should the bid be successful. There was no clear definition of where the boundaries of the town of Colchester were. It was understood that the bid presented considerable opportunities for the town centre. However the outlying villages such as Aldham and Fordham were only loosely connected to Colchester and residents rarely visited. These communities felt that the old Lexden and Winstree Rural Council had better understood their needs. The Town Deal had identified Colchester town as the central areas where there was significant deprivation. Many of the villages were considerably less enthusiastic about the prospect of City Status, and the Portfolio Holder should consider the area to be considered as a city should the bid be successful.

Councillor Laws explained that he would consider the comments with officers working on the bid and look at how the engagement process could seek to address these issues. The concerns raised could also be addressed through the use of appropriate signage to reflect how people felt about their communities.

Councillor G. Oxford attended and with the consent of the Chair addressed the Cabinet in support of the bid for City Status which would give Colchester the status it deserved and had held historically.

Councillor Barber attended and with the consent of the Chair addressed the Cabinet. Whilst he was open to persuasion, he did not currently support the bid for City Status. He felt that the residents he represented were comfortable with the identity of Colchester as a town. City Status would not help address the issues that Colchester faced, would not result in extra powers or opportunities and was not prestigious of itself.

Councillor Laws explained that he recognised that some residents had doubts or were ambivalent. But he felt that there were clear benefits to being a city although it was appreciated that many of the benefits were intangible.

RESOLVED that:-

- (a) The process to deliver Colchester's bid for City Status, the plan for engagement and the timescale required be noted.
- (b) Authority to agree the final wording of Colchester's application for City Status be delegated to the Portfolio Holder for Economy, Business and Heritage.

RECOMMENDED TO COUNCIL that it endorses and supports Colchester's bid for City Status.

REASONS

City status will enhance Colchester's image and reputation and provide support for a more confident recovery from the economic impact of the pandemic. However, there is a strict deadline for submission of the bid and there is an opportunity to engage with a variety of groups and individuals to seek their support, both for the bid and for the key messages about Colchester it contains.

ALTERNATIVE OPTIONS

City status is an honour conferred by Her Majesty the Queen. In the last 20 years there have been four opportunities to apply: the Millennium, 2002 Queen's Golden Jubilee, the 2012 Queen's Diamond Jubilee and next year Her Majesty will confer City Status to celebrate her Platinum Jubilee. There are no alternative options.

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Budget 2022/23 and Medium Term Financial Forecast

The Assistant Director, Corporate and Improvement Services submitted a report a copy of which had been circulated to each Member, together with the draft recommendation from the Scrutiny Panel meeting of 12 October 2021. Councillor Lissimore, Portfolio Holder for Resources, introduced the report and thanked officers for their work on the budget and medium term financial forecast (MTFF).

The Monitoring Officer read the following statement from Councillor Cory, Chair of the Scrutiny Panel.

“It was discussed at length by Scrutiny Panel, with the following outcome agreed by all. That Scrutiny sets up a sub group to discuss the funding of a Youth Zone.

We need to continue to discuss this issue, in-line with the recommendations agreed by Scrutiny and Cabinet at its meeting on September 1st - that members are included in the discussions over the £400K funding for the Youth Zone, including at Budget Workshops. I strongly believe that since agreeing this recommendation, members have had little chance to progress the discussions.

Previously the Leader and this Cabinet and supported a Youth Zone in principle and said that the political will was there. Cllr Lissimore promised last night to continue to work with members to find ways to fund the Youth Zone and better youth services if viable suggestions are put forward. I welcome this”.

Councillor Lissimore indicated that it was proposed to agree the recommendation from the Scrutiny Panel, but with the text amended to clarify what was agreed at the Scrutiny Panel. It was important to note that there were crucial issues still to be resolved: the capital funding for the build of the Youth Zone, the revenue funding to support and the location for the Youth Zone. It was hoped that the Sub-Group could look at these issues and provide a solution on which there was agreement and which could allow for a balanced budget. The proposed amended wording was:-

RECOMMENDED to CABINET that further work be conducted by a sub-group of the Scrutiny Panel, to meet informally and identify and discuss potential options for providing and funding a future Youth Zone, whilst maintaining a balanced budget for the Council. The sub-group should aim to work towards finding a broad political consensus on an agreed site which meets Onside’s criteria, capital financing options and contingency in the annual revenue cost which recognises that £400,000 is Q1 2021 cost based and will experience cost pressure uplift by time of completion.

Councillor Pearson attended and with the consent of the Chair addressed Cabinet to raise the following issues:-

- At paragraph 7 of the report the main inflationary pressure was identified as pay. Why were energy and fuel costs not also identified as key inflationary pressures?
- Could further clarification be given to the meaning of paragraph 10.1 and what this meant in terms of actual increases to fees and charges?
- Could details of the extensive modelling referred to in paragraph 13.1 be circulated all Councillors.
- Could information about the comparator Councils referred to in paragraph 14.1 be provided.

Councillor Lissimore indicated that a written response would be sent that would be copied to all Councillors.

Councillor Willetts attended and with the consent of the Chair addressed the Cabinet in respect of the Scrutiny Panel’s recommendation to Cabinet. The Panel’s view had been that whilst youth services was a County Council responsibility, there was a cross party support amongst back bench Councillors for accelerating the provision of a Youth Zone and that there should be some acknowledgement of this in the budget.

The Chief Executive had confirmed the Council could proceed using its general

powers of competence. Therefore the priority of the Youth Zone needed to be raised in the budget setting process, and another spending allocation also needed to lose priority to provide for this. This needed to be done quickly in view of where the Council was in the budget setting process. No progress had been made at the Budget Workshop. The Scrutiny Panel recommendation put the onus on members to find a solution quickly.

Councillor Lissimore responded to stress that the costs were likely to increase over the course of the project, and that the Council's responsibility could increase if there was a shortfall in funding from partners. The advice of the Section 151 officer was that the funding for the Youth Zone should be removed from the MTFF, and the Council had a duty to set a balanced budget.

Councillor Barber attended and with the consent of the Chair addressed the Cabinet. As the Deputy to the Executive Member for Youth Services at Essex County Council, he was working with Colchester Borough Council to explore how to best invest in youth services, particularly the funding received through the Town Deal. There would be considerable investment in the Town House, which would transform it. He would share the County Council's position on the Youth Zone with members. It was felt a local delivery model with services in communities was most appropriate. A Youth Zone could be difficult to access for rural communities. It was noted that in Barking the Youth Zone was the only youth service provided.

Councillor Laws highlighted the proposal that funding for the major arts organisations be allocated on a four yearly basis, which would be enormously helpful to them in budgeting terms and in attracting external funding.

RESOLVED that:-

- (a) The transformation savings set out in Section 6 and Appendix A of the Assistant Director's report be approved.
- (b) That Locality Budgets be increased to £2,000 per Councillor from 2022/23 onwards as set out in Section 8 of the Assistant Director's report.
- (c) That Arts Partners are funded at current levels in 2022/23 and from 2023-24 onwards as set out in Section 9 of the Assistant Director's report.
- (d) The updated Medium Term Financial Forecast 2022/23 to 2025/26 set out in Section 11 of the Assistant Director's report be noted.
- (e) The updated Medium Term Financial Forecast assumptions 2022/23 to 2025/26 set out in Appendix B of the Assistant Director's report be noted.
- (f) The Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources be authorised to submit National Non-Domestic Rates Return 1 to the Department of Levelling Up, Housing and Communities and determine the Council's continuing membership of the Essex Business Rates Pool.
- (g) The Head of Finance in consultation with the Deputy Leader and Portfolio

Holder for Resources determine the reserves to be used in 2021/22 and 2022/23 to fulfil the requirements to meet Covid costs set out in Section 16 of the Assistant Director's report.

(h) That the Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources determine the 2022/23 tax base and notify preceptors in accordance with the statutory timetable.

RECOMMENDED TO COUNCIL that Colchester Borough Council becomes an opted in authority to Public Sector Audit Appointments for 2023/24 audit appointments as set out in Section 20 of the Assistant Director's report.

(i) That the recommendation from the Scrutiny Panel on 12 October 2021 be approved subject to being amended as below:-

RECOMMENDED to CABINET that further work be conducted by a sub-group of the Scrutiny Panel, to meet informally and identify and discuss potential options for providing and funding a future Youth Zone, whilst maintaining a balanced budget for the Council. The sub-group should aim to work towards finding a broad political consensus on an agreed site which meets Onside's criteria, capital financing options and contingency in the annual revenue cost which recognises that £400,000 is Q1 2021 cost based and will experience cost pressure uplift by time of completion.

REASONS

To balance the 2022/23 budget and revise the Medium Term Financial Forecast.

ALTERNATIVE OPTIONS

The Council is obliged to balance its budget on an annual basis. There are no alternatives.

600 2020/21 Year End Review of Risk Management

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

RESOLVED that:-

(a) The Council's progress and performance in managing risk during the period from April 2020 to March 2021 be noted.

(b) The current Strategic Risk Register be noted.

(c) The proposed Risk Management Strategy for 2021/22 be approved and *RECOMMENDED TO COUNCIL* that it be included in the Council's Policy Framework.

REASONS

Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore, the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.

During the year progress reports are presented to the Governance and Audit Committee, detailing work undertaken and current issues. This report was presented to the Governance and Audit Committee on 27 July 2021, where they approved its referral to Cabinet.

As part of the Policy Framework, any changes and reviews of the Strategy need to be approved by Cabinet and ratified by Full Council.

ALTERNATIVE OPTIONS

No alternative options were proposed to Cabinet.

601 Progress of Responses to the Public

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

RESOLVED that the contents of the Progress Sheet be noted.

REASONS

The progress sheet was a mechanism by which the Cabinet could ensure that public statements and questions were responded to appropriately and promptly.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

602 Update on the Northern Gateway Heat Network and Contract for the Construction of the Energy Centre

The Cabinet resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

This minute is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business

affairs of a particular person, including the authority holding the information).