

Cabinet

Wednesday, 09 March 2022

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

No. Publication and Call in Arrangements

Date Published 10 March 2022

Date when decisions may be implemented (unless 'called in') 5pm 17 March 2022.

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 17 March 2022.

638 One Minutes Silence

Cabinet observed a minute's silence in memory of Councillor Cope and to mark the situation in Ukraine.

639 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting held on 26 January 2022 be confirmed as a correct record.

640 Urgent Items

The Chair announced that he had agreed to consider the following recommendations made by the Policy Panel at its meeting on 2 March 2022 in respect of the Covid 19 Commemorations as an urgent item. The urgency arose from the need to consider the recommendations before the next meeting of the Cabinet which was not until 8 June 2022.

RECOMMENDED to CABINET that: -

(a) *Cabinet approves the refurbishment of the Anglican chapel at Colchester Cemetery, including work to make this a site of commemoration for the Covid-19 pandemic.*

(b) *Cabinet considers how residents can be consulted via the Council's website, to seek views on local commemorative sites.*

(c) *Cabinet makes available matched funding for spending from members' locality budgets on commemorations relating to Covid-19.*

Cabinet indicated that whilst it was content to accept recommendations (a) and (b) there were budgetary implications in respect of recommendation (c). The administration had made available Woodland and Diversity Fund and locality budgets which members could use to help fund Covid 19 commemorations as they saw fit. In view of the current budgetary implications recommendation (c) could not be accepted.

RESOLVED that recommendations (a) and (b) in respect of Covid 19 commemorations from the Policy Panel at its meeting on 2 March 2022 be agreed.

Councillor Laws, Portfolio Holder for Economy, Business and Heritage, also highlighted the disparaging comments made on social media about members of the Conservative Group and explained that he had written to the Leader of the relevant party asking them to distance themselves from the comments.

641 Have Your Say (Hybrid Cabinet Meeting)

Councillor Crow (as a relative of the speaker Chris Piggott) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Chris Piggott addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to welcome the recent investment to modernise and improve town centre car parks, which would help Colchester keep up with the competitive marketplace and compete with online shopping. Information was sought as to whether the Council would continue with this investment and also increase the number of EV charging points in Colchester.

Councillor Crow responded and explained that the recent investment had transformed St Marys car park, and the administration would be looking to improve other multi storey car parks. Improving car parks had been a priority for the administration. Three EV charging points had been opened in Priory Street and more were planned.

Sir Bob Russell addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). As a founding member of the Liberal Democrat Group in Colchester, he expressed his concern about the personal comments made on social media about members of the Conservative Group and hoped the Leadership of the Group would distance themselves from the comments. Whilst the removal of the cycle lane on Headgate was welcomed, concerns were expressed about a number of other traffic schemes proposed by Essex County Council. He had written to all Councillors proposing that an Extraordinary Council meeting be called to discuss these issues but he had only received 4 responses. The long gap between Council

meetings was not good for local democracy.

Councillor Lissimore, Portfolio Holder for Resources, stated that she was pleased to see the removal of the cycle lane on Headgate and believed that it should have been removed earlier. There was some confusion on the status of some of the traffic schemes in Colchester, including the North Station Road scheme. Funding was not currently available so they were not going ahead at this time, but the schemes were being kept open in case future funding became available.

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) about flooding in Haven Road. Whilst it was accepted that the Council was not the responsible authority, what efforts had the senior leadership of the Council made to encourage Essex County Council and Anglia Water to deal with the issue and what progress was being made. If this problem was occurring on the other side of Colchester, more priority would be given to resolving it. Residents and businesses needed better communication on the issue.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, and Councillor Crow, Portfolio for Environment and Sustainability, responded and explained they had met Essex County Council on site. The Council had indicated it would contribute towards a solution, but no workable solution had yet been proposed, although Essex Fire Service were experimenting with a pump. The Council had agreed to fund the maintenance of the tide flap valve.

Councillor Ellis, Portfolio Holder for Housing and Planning, indicated that the Council could look at communication on the issue, possibly through a dedicated page on the website.

Councillor Fox attended and with the consent of the Chair addressed the Cabinet. He welcomed the Leader's comments in respect of Councillor Cope, who would be greatly missed, and the Ukraine. He hoped families who were seeking to bring relatives in were being offered the necessary support. In respect of the Council Tax rebate being offered to help address the cost of living crisis, how many people would benefit from this, would those eligible receive it in April, what was being done to help those who did not pay by direct debit and had there been requests for help from those not in properties in bands A-D. Would the Portfolio Holder for Communities be supporting the recommendations on the Town Deal, in view of the comments by her ward colleague?

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that the Council was well positioned to help residents in respect of issues arising from the Ukraine crisis. Councillor Lissimore, Portfolio Holder for Resources, indicated that a written response would be sent setting out the figures requested. Residents were encouraged to pay by direct debit, which made payments and the paying of rebates quick, safe and secure. The Council was still awaiting guidance from government on how to pay the rebate to those who did not pay by direct debit.

Councillor B. Oxford, Portfolio Holder for Communities, indicated that she would be supporting the Town Deal recommendations. She thanked Pam Donnelly and Essex Youth Services for helping provide clarity on the issue. The Highwoods Youth Centre

would be renamed as the Highwoods Resource Centre, which was more appropriate and reflect its role in providing resources to young people. The Town Deal funding would help lever in further funding allowing the Resource Centre to help a wider range of residents.

Councillor Harris attended remotely and with the consent of the Chair addressed the Cabinet to ask what could be done to further engage with those who did not actively recycle, how LED lighting was used across the Council's estate and how would the Council's licensing objectives be strengthened in the light of the recent action the Council had had to take against two licensed premises.

Councillor Crow, Portfolio Holder for Environment and Sustainability, indicated that the failure of some residents to participate in recycling was very frustrating. The Council had run several communication campaigns, and enforced the three bag limit on black bags. He would discuss what could be done further with officers. Councillor Ellis, Portfolio Holder for Housing and Planning, explained that a written response would be sent in respect of LED lighting, but the Housing Revenue Account was used to pursue energy efficiency across the Council's housing stock. Councillor Laws, Portfolio Holder for Economy, Business and Heritage, indicated that the Council continued to build on its relationship with partners, particularly the police, in respect of licensing to build a better culture in and around licensed premises.

Councillor Goss attended remotely and with the consent of the Chair addressed the Cabinet and indicated his support for the Leader's comments on the Ukraine crisis and thanked Councillors for the support and sympathy shown over the death of Councillor Cope, who served his community in an exemplary fashion since 1994. In respect of the Grounds Maintenance contract, this needed to be brought in house at the earliest opportunity and it was hoped it could be done sooner than set out in the report before Cabinet.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, and Councillor B. Oxford, Portfolio Holder for Communities, explained that it was essential to ensure that when the service went in house it was able to provide an excellent service. This had been discussed in detail at the Policy Panel and their recommendation that the existing contract be renewed for a period of three years would be given serious consideration. Three years would provide an adequate breathing space to prepare to bring the service in house and address issues such as creating a new depot. It would also allow engagement with communities to find out their needs and how they could help maintain their local environment.

642 Colchester Town Deal

The Assistant Director, Place and Client Services, submitted a report a copy of which had been circulated to each Member together with the recommendations from the Scrutiny Panel meeting of 15 February 2022.

Councillor Laws, Portfolio Holder for Economy, Business and Heritage, introduced the report to highlight the £20 million of direct funding the Town Deal would provide, which

would be used to fund several flagship developments and improvements to infrastructure.. This would provide leverage to attract considerable further investment

Councillor J. Young attended remotely and with the consent of the Chair addressed the Cabinet. In respect of the Heart of Greenstead project, it had proved difficult to engage with the community, and community engagement had been identified as a red risk. The Project Board should consider the resources allocated for engagement and consider how this could be improved.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, indicated he would look further at the issue. The Heart of Greenstead project would only succeed if the community felt part of it. He expressed his thanks to the wide range of officers and partners who had been involved in securing the Town Deal investment. With a number of partners involved a number of compromises had been inevitable. Improvements to Balmerne Gate had already been completed and work on St Nicholas Square would start in April. Cabinet members highlighted the wide range of projects that would benefit from the funding including investment in skills and infrastructure, investment in Youth Services , as well as addressing some longstanding issues around the fabric of the town centre such as Holy Trinity Church and Jumbo..

Cabinet considered the recommendations made by the Scrutiny Panel at its meeting on 22 February 2022. It noted the recommendation in respect of community engagement and felt that this reflected the Communities Can approach which informed much of the Council's work. It was important communities were able to engage in whatever way was appropriate for each particular project. Cabinet indicated it was content to accept the recommendations from the Scrutiny Panel.

RESOLVED that:-

- (a) Colchester Borough Council's ongoing commitment to the Town Deal Programme in the role of Accountable Body be confirmed.
- (b) The findings of the Section 151 Officer's Internal Assurance process for the Town Deal Business Cases be noted.
- (c) The Town Deal Business Cases and the Summary Documents be approved.
- (d) As Accountable Body, the Summary Document being submitted to Government on behalf of the independent We Are Colchester Board be approved.
- (e) The recommendations from the Scrutiny Panel meeting of 15 February 2022 be accepted.

REASONS

The completion of Business Cases and the submission to Government of Summary Documents is required to allow the funding awarded to Colchester from the Government's Towns' Fund to be accessed. This funding will enable We Are Colchester's c£19m programme to move into delivery. This programme will boost

Colchester's opportunities to realise its economic development, place-making, inward investment, and regeneration ambitions now and on a long-term basis, through delivery of a specific programme of coherent, targeted interventions.

ALTERNATIVE OPTIONS

No alternative options have been presented to Cabinet. Town Deal is recognised as a once in a generation opportunity for Colchester, and there are few other current or anticipated sources of funding and investment of comparable size and scope. Some of the interventions included in the Town Investment Plan see Town Deal as the funder of last resort as they are unlikely to attract suitable investment from other sources; and cannot be funded within the Council's resources, particularly in the light of the current financial situation arising from the Covid-19 pandemic.

643 Cultural Strategy

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

Councillor J. Young attended remotely and with the consent of the Chair addressed the Cabinet. She was delighted to see the Cultural Strategy come forward. She had supported this when she had portfolio responsibility for culture and paid tribute to officers and Counterculture for their work. She asked the Portfolio Holder to confirm what his priorities for culture were going forward and whether he would commit to take the ideas in the Strategy forward.

Councillor Laws, Portfolio Holder for Economy Business and Heritage, stated that he was proud to live in a borough where culture was inclusive and accessible. The flagship arts organisations in Colchester understood the importance of reaching out to those area for which there was comparatively low footfall and understood the importance of community work in securing access to culture. Counterculture were one of the country's most reputable consultancies in the field. It was a ten year Strategy and was based on engagement both within and outside the cultural sector. Over 4000 people worked in the cultural sector in the borough and he considered that the future success of the town centre was largely based on its cultural offer. The development of the Strategy had been an opportunity to self-evaluate and it had demonstrated an upward trajectory. It also demonstrated that Colchester punched above its weight in cultural terms.

Tome Wilcox, Counterculture, and Steve Mannix, Executive Director of the Mercury Theatre, presented the Cultural Strategy to Cabinet highlighting the feedback received from stakeholders and the key themes underpinning the Strategy:-

- Collaboration and Cultural Identity;
- Access and Relevance
- Talent Development
- Growth and Resilience

In response to questions from Councillor Laws, it was highlighted that there were further opportunities for collaboration in the cultural sector such as shared training and

shared digital infrastructure. This could avoid duplication of effort and drive costs down. Colchester had a number of international quality assets as part of its cultural sector. In the national context, this was remarkable for a borough of its size. It was important to retain the assets it had but to look to build on them further. The importance of links into education were particularly highlighted.

Councillor Ellis, Portfolio Holder for Housing and Planning, and Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, highlighted that the major arts organisations had presented to the Scrutiny Panel recently. It had been fascinating and uplifting to see the breadth of their work and their commitment to community engagement.

RESOLVED that the Cultural Strategy be endorsed.

REASONS

The cultural offer is an integral part of what makes the Borough of Colchester a great place to live, visit, work and study, and the wider sector is a key driver of the local economy. Through providing and enabling opportunities for residents to engage with culture and to come together be creative, the sector has a positive impact on health, wellbeing, and community cohesion across the Borough of Colchester. The new Strategy recognises all the above and will provide the context to support further development and investment.

ALTERNATIVE OPTIONS

No alternative options were presented to Cabinet.

644 Additional New Homes Bonus Allocations 2022/23

The Chief Operating Officer submitted a report a copy of which had been circulated to each Member.

Councillor Lissimore, Portfolio Holder for Resources, introduced the report and explained that the New Homes Bonus allocations provided an opportunity for the administration to put its stamp on the municipal year and provide investment into its priorities. For example the investment in Lexden Lake would address a longstanding issue and improve an asset that was used by residents from across the borough.

Councillor Laws, Portfolio Holder for Economy, Business and Heritage, highlighted the investment in mosaics, which was being used to uncover a Roman mosaic at Lion Walk. Further discussions with partners were underway to see how this could be displayed. The Council had further mosaics in storage which could also be displayed. Funding was also being provided for site surveys of Gosbecks with a long term aim of providing a visitor centre on the site.

Councillor Ellis, Portfolio Holder for Housing and Planning, highlighted the investment in planning enforcement work, which he believed was the bedrock of a strong

development control service. The investment in Local Design Codes was needed because of the National Planning Policy Framework being refocused on design. Local design codes would prevent identikit homogeneous homes and lead to housing with high design principles that reflected local distinctiveness and identity. The investment in Masterplanning the town centre was also highlighted.

Councillor Crow, Portfolio Holder for Environment and Sustainability, drew attention to the investment in stocks for recycling, which would help ensure there were sufficient resources for residents and thereby ensure recycling rates remained high. The continued investment in the Woodland and Diversity project would help the Council meet its Climate Emergency objectives and help increase biodiversity.

RESOLVED that the New Homes Bonus Allocations set out in Appendix A of the Chief Operating Officer's report be approved.

REASONS

To utilise New Homes Bonus in full for 2022-23 and take forward the Council's Strategic Plan.

ALTERNATIVE OPTIONS

Not to allocate the unallocated £254k New Homes Bonus in 2022-23.

645 Council Company Business Plans 2022-26

The Assistant Director, Place and Client Services, submitted a report a copy of which had been circulated to each Member together with minute 297 from the Governance and Audit Committee meeting of 18 January 2022.

Councillor Tate, Chair of Colchester Commercial Holdings Ltd (CCHL) and Paul Smith, Managing Director, CCHL, made a presentation to Cabinet demonstrating CCHL's forecast for 2020/21 and addressing the questions raised by the Governance and Audit Committee on 18 January 2022. It also provided the forecast net profit for the forthcoming financial years.

Following the presentation, Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, sought reassurance that in view of the likely uplift in corporation tax, that CCHL was doing all it could within tax rules to minimize the amount of money that came back to the Council as profit or dividend to ensure that the process was as efficient as possible in terms of taxation. In addition the need for CCHL to build up its balance sheet had previously been discussed which could also a driver for CCHL to retain funds. He also queried as to whether there was a duplication between CCHL and Colchester Borough Homes in terms of project management services.

Paul Smith explained that CCHL was doing all it good to minimise its tax burden through group relief. However as services were being commercialised and profits generated, they were liable to corporation tax. The work to build a balance needed to

be taken forward, but CCHL's prime objective was to support the Council through generating income which needed to be passed back to the Council. It would need to build up its balance sheet in due course through the use of private funding, such as through the Public Funds Loan Board. As the companies grew and some of the potential schemes such as the Heat Network developed, they would generate further funds which would give an opportunity to build the balance sheet, but it would be a long term process.

In terms of duplication, Adrian Pritchard, Chief Executive, explained that Colchester Borough Homes managed the Council's corporate assets whilst CCHL managed its capital projects, but it was accepted that both had project management capability.

Councillor Ellis, Portfolio Holder for Housing and Planning, sought confirmation that CCHL had the capacity to deal with the housing development at Northern Gateway and whether CCHL was looking to build relationships with other arm's length bodies to secure further opportunities? Paul Smith confirmed that CCHL did have the capacity with a team of well qualified experts and appointments were being made to the Northern Gateway project team. There were other opportunities and sites with partners that CCHL were looking at.

Councillor Ellis also enquired whether investment could be sought from a local authority pension fund. Adrian Pritchard explained that the government were encouraging pension funds to invest in infrastructure and commercial opportunities and investment from Essex Pension Fund could be worth exploring. The Local Government Association also had a loan scheme which CCHL was exploring.

Councillor Lissimore, Portfolio Holder for resources, thanked Councillor Tate and officers for the presentation and for the work of CCHL over the past municipal year.

RESOLVED that:-

- (a) The progress and achievement of the companies during 2021/22 and the minute of the Governance and Audit Committee on 18 January 2022 be noted.
- (b) The Business Plans of the Colchester Commercial Holdings Ltd, Colchester Amphora Trading Ltd, Colchester Amphora Energy Ltd and Colchester Amphora housing Ltd for 2022-26 be approved.

REASONS

The Cabinet have received Business Plans that have been recommended to them by the Governance and Audit Committee, who in turn who hold the responsibility to act as the shareholder committee for Colchester Commercial (Holdings) Limited and the subsidiary companies. It is the Cabinet's role to subsequently agree these Business Plans annually, a decision that has been taken with the information set out in the report and appendices (both public and confidential) that provide satisfactory information regarding the companies' performance to date and, importantly, the forecasted continuation of their business over the coming years.

ALTERNATIVE OPTIONS

Not to agree the Business Plans; however, this would leave the companies entering a new financial year without an updated Business Plan since last year, in changing times where the global pandemic of Covid has affected all activities in different ways and would be inconsistent with the recommendations of the shareholder committee.

646 West End Sports Ground, Eudo Road

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

Angela Linghorn Baker addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). She had joined the campaign on the site a couple of years ago and spoke to many residents on the issue. Residents did not want housing development but wanted the area retained as green space with sporting provision. The retention of the tennis courts was welcomed. This was not just a local issue as these were the only municipal tennis courts in Colchester. This was an income generating opportunity. It was hoped that this was part of a commitment to look at long term plans for sport in Colchester and that residents would continue to be engaged with.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that the proposals involved funding provided by the Lawn Tennis Association, and the administration had needed to move quickly to take advantage of this. A minimum of six courts were needed to secure the funding. There had not been much support for the idea of housing development on the site or for a medical centre.

A written statement from Luke Hayes was read to the Cabinet pursuant to the provisions of the Remote Meetings Procedure Rules. The consultation could not be taken as an accurate view of those affected as there were so few responses. It was appreciated that the facilities needed to be modernised, but the reasoning behind contracting this out was not understood. The Council had fantastic sporting facilities at Northern Gateway and Leisure World and therefore had the expertise to run such a facility. Moving a public facility into private ownership limited access based on income which would have an effect on the health and well being of those unable to afford an annual membership.

Councillor Dundas responded and explained that the Council had had to move quickly with the consultation. A number of responses had been from sporting clubs and were therefore on behalf of wider number of members. All the existing courts would be retained by the Council. The new facilities would be in addition to the existing courts so this was an improvement on the current situation. No other proposal had come forward for the redevelopment of the site and if a private company was prepared to invest it should be considered seriously. Councillor Laws, Portfolio Holder for Economy, Business and Heritage, highlighted that the previous administration had leased out the upper bowls green in Castle Park to a private contractor.

Councillor King attended and with the consent of the Chair addressed the Cabinet.

He welcomed the comments made about Councillor Cope and the Ukraine. He acknowledged the challenges faced by the Cabinet over the past municipal year and the way these had been approached. There was considerable common ground between this administration and the previous one. In terms of Eudo Road he would welcome anything that would bring improvement and investment, and would improve the life of residents. There was a need to balance the level of investment needed to secure improvements and the outcome. The proposals took did take the matter forward but recommendation 2.2 should be revisited and the provision of badly needed medical facilities should be explored. The two approaches were not necessarily incompatible.

Councillor Dundas explained that the NHS had been approached but had not engaged particularly strongly or moved quickly on the issue. They had wanted to do their own survey on the need for medical facilities which would considerably delay matters.

With the consent of the Chair a statement from Councillor McCarthy was read to the Cabinet asking that the issue be depoliticised. It was appreciated that the site could not continue in its current format. The continued provision of sports facilities on the site was supported alongside another avenue for revenue and funding. The response to the consultation had been poor and from experience it was known that there was wider interest in the site. Councillors should work together cross party with open forums for residents. Whilst recommendations 2.1 and 2.3 were supported, Cabinet should think carefully about 2.2. He supported either the provision of a medical facility and/or further consultation with residents.

With the consent of the Chair a statement from Councillor Barton was read to the Cabinet. It was appreciated that the Council could not continue to subsidise the tennis facility. However, the consultation response was so small it could not be relied upon and should be revisited. The marketing of the middle part of the site was surprising. Would a restriction preventing the leaseholder retaining other parts of the site for housing development in the future be imposed? Residents were also concerned about car parking and could a guarantee be given that whoever leased the site would retain the car park for users of the tennis courts, and would it remain free? The preferred option remained for a medical centre or dentistry provision, with the resulting proceeds funding the redevelopment of the courts and this should be explored.

Councillor Dundas explained that in terms of car parking, the current provision was considered inadequate and that it was likely that a new car park would be provided on another part of the site. The leaseholder would not be allowed to develop other parts of the site for housing and he did not support house building on the site. It was the only green space left in the area. A long term view needed to be taken. It would put the tennis club on a more secure footing and bring some certainty to residents in the area.

Councillor Ellis, Portfolio Holder for Housing and Planning, explained that the previous proposals included a housing development of 130 homes, in order to provide a medical facility. He did not consider that this was a price worth paying.

RESOLVED that:-

(a) The West End Sports Ground including the Tennis Centre should remain as a sports facility for the Borough and be further developed as such to maintain and enhance facilities available.

(b) The area of the site as shown in the plan at Appendix 1 of the Assistant Director's report, excluding the rear grass courts, forward six hard courts, bowls greens and indoor bowls centre, be leased, for a third-party operator to develop, and run as a sports facility with Colchester Borough Council (CBC) retaining the freehold and authority be delegated to the Portfolio Holder for Resources in consultation with the Assistant Director for Corporate and Improvement to take all steps necessary to agree and issue a lease.

(c) That other sources of external funding and support be sought to enhance the site including from the Lawn Tennis Association.

REASONS

The site provides access for all to hard court tennis facilities, and it is important for wider health and wellbeing benefits for residents that it is retained as a sporting facility.

The LTA in its Tennis Supply Analysis recommended that Eudo Road Tennis Centre should operate a minimum of six floodlit tennis courts and has the potential to operate a sustainable and affordable model for community tennis, both via accessible pay and play and associated programmed/coached tennis activity. This insight continues to support the Council's previous statement in the 2015 PPS Colchester report stating that 'This site is integral to the development of a tennis development plan within the Borough'.

The Tennis Centre relies on financial support from Colchester Borough Council as it operates with a net loss each year. Whilst there have been previous initiatives to reduce costs, these may not have encouraged enough use of the site and the current model of operation is financially unsustainable.

ALTERNATIVE OPTIONS

The site could be continued to be operated without any changes by Colchester Borough Council but this would not be financially sustainable for the reasons explained in this report.

There is sufficient land, see Appendix 1 of the Assistant Director's report, to introduce additional or alternative sports to the site to increase usage and therefore revenue. This could be to complement tennis or alternate sporting use altogether and could be considered in a later phase of developing the site as a sports facility.

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

Councillor B. Oxford, Portfolio Holder for Communities, introduced the report and explained that the proposal had been considered in detail at the Policy Panel. It was stressed that the current contractor would remain subject to close monitoring and the standards expected of them had been made clear. This would provide an opportunity to prepare properly to bring the service in house, including engaging with communities.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, paid tribute to the work of Cllr B. Oxford and the officer team for turning round a difficult situation.

RESOLVED that:-

- (a) Authority be delegated to the Assistant Director of Environment to extend the contract with the existing contractor for 3 years in accordance with the existing terms.
- (b) The recommendations made by the Policy Panel at its meeting on 12 January 2022 referred to in section 3 of the Assistant Director's report be approved.

REASONS

At its meeting of Policy Panel on 12 January 2022, the following recommendations were made: -

- a) The contract with the current contractor, Idverde, be extended on the same terms. There is provision within the current contract for an extension of 3 years (only) if the Council decides up to 72 months from the commencement date. The last date for extension notice is 1 April 2022;
- b) Officers should continue with plans for an in-house service meeting the objectives agreed, for commencement at the end of the contract extension agreed in 2.1 above;
- c) An annual update be provided to the Policy Panel on progress of plans towards bringing the grounds maintenance service in-house, with confidential sessions to allow discussion of commercially sensitive matters, where necessary.

The current contract requires formal notification of an extension to be given, if this is agreed, this needs to be given by 1 April 2022 at the latest.

Whilst the Council has a clear ambition for an inhouse model, the decision to extend the current contract, does not preclude the option or ability for the Council to continue to develop the proposal during the extension period via a twin track approach which could provide an opportunity for the planning and strategy to take place ahead of a transition. Regular updates to the Policy Panel will ensure good and robust progress is made.

ALTERNATIVE OPTIONS

In-house model

The business case sets out several significant barriers to overcome that make the transition to an in-house model unachievable by the end of the current contract period. These barriers include the cost to deliver a like for like service, capacity at the Shrub End depot, lack of a community-based approach, lack of innovation to develop a 21st century service, and capacity and resource for a successful transition and delivery of the service. Given the operational and financial risk associated with delivering an inhouse model at the end of the current term, this option is not considered viable at this time.

To retender

It is predicted that the rise in material prices and longer supply times resulting from both Brexit and the Covid-19 pandemic could see tender prices increase significantly during the potential retender period, giving rise to operational and financial risks to the Council during the medium term financial forecast period. This option is not therefore, considered viable at this time.

648 Corporate Key Performance Indicator (KPI) Targets 2022-23

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

RESOLVED that the Corporate KPI Targets for 2022-2023 be set as proposed in the Assistant Director's report.

REASONS

To ensure there is a robust corporate performance monitoring framework.

ALTERNATIVE OPTIONS

To consider alternative KPI Targets than those proposed in the Assistant Director's report.

649 Request for Delegated Authority for Award of HRA Contracts 2022/23

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

RESOLVED that:-

(a) Authority be delegated to the Portfolio Holder for Housing and Planning for the award of the contracts for works within the Housing Investment Programme 2022/23, including but not limited to:

- Heating system renewals
- Climate emergency response works
- External wall insulation works

- Wet rooms
- Bathrooms and second WC
- Windows and doors

(b) Authority be delegated to the Portfolio Holder for Housing and Planning for the award of a replacement contract for void work to empty Council Homes that will commence in March 2023 when the existing contract ends.

(c) Authority be delegated to the Portfolio Holder for Housing and Planning for the award of a new contract for the void works specifically resulting from newly purchased properties under the acquisition programme in 2022/3 and 2023/4. This contract will total 90 properties (approval for the purchase of the properties has already been given by Cabinet).

REASONS

The Council owns almost 6,000 affordable Homes within the Housing Revenue Account, benefitting people in need of social housing. The housing stock is managed through an Arm's Length Management Organisation (ALMO), Colchester Borough Homes (CBH) and each year a number of maintenance contracts are managed within an agreed Housing Investment Programme. This keeps these homes in a suitable condition, as part of an ongoing planned approach set from the HRA Asset Management Strategy and 30-year HRA Business Plan.

The contracts that are due to expire over the next year need new contracts to be procured and awarded for the Housing Investment Programme in 2022/23. These are contracts that are likely to require Cabinet approval due to estimated costs (over £500k for the scope of the contracts, over multiple years) and borough-wide span.

The decision to delegate powers to the Portfolio Holder for Housing and Planning to approve the award of these contracts, as they arise, will make those awards smoother and faster if they arise between Cabinet meetings scheduled for the next year, or during the pre-election period. This avoids delays in the delivery of improvements for tenants. A similar decision was taken in 2020 and 2021 and has demonstrated the success and benefit of this approach in past/current contract awards.

ALTERNATIVE OPTIONS

Not to delegate the powers requested; but this would then need contracts to be individually reported to Cabinet for each contract award increasing the time and resourcing required, for a procurement process that is already heavily scrutinised and regulated. This would delay the start of contracts, and therefore the improvements to homes for tenants, whilst waiting for a Cabinet meeting to arise. The time/benefit balance would therefore suggest that delegation to the Portfolio Holder for Housing and Planning would be more effective and efficient use of Council resources, without introducing risks and demonstrated by the previous approval of delegation. The Portfolio Holder decisions would remain available for call-in should individual concerns arise.

650 Award of Contract for Asbestos Surveying to Social Housing Stock and Corporate Buildings

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

RESOLVED that:-

- (a) Environmental Management Services be appointed to conduct the asbestos surveys to the Colchester Borough Council residential, commercial, and corporate properties.
- (b) The Council enter into a contract with the successful contractor for two years with the possibility to extend for up to two years (24 months), at the Council's discretion and subject to performance. The anticipated start date is 1st April 2022.
- (c) Should the preferred supplier withdraw the contractor in second place be appointed, in consultation with the Portfolio Holder for Resources and the Portfolio Holder for Housing and Planning.

REASONS

Under the Council's constitution contracts with a value of over £500,000 require Cabinet approval unless otherwise delegated. Although the Housing Revenue Account contract awards have been delegated awards in the General Fund have not.

The award of the contract for asbestos surveying has been subject to an open procurement exercise in line with corporate procurement requirements.

The recommended bidder has provided the best offer based upon the evaluation of their bid price, qualitative submission, and Social Value offer.

ALTERNATIVE OPTIONS

Not to appoint a contractor would have a direct impact on the delivery of planned and reactive works to the stock. This would also compromise compliance with legislation which could lead to properties that would result in either, the properties becoming non decent and right to repair or disrepair claim(s) being made by residents not being able to be actioned.

Not to appoint the highest scoring contractor may result in a legal challenge under the Contract Procedure Rules.

651 Award of Contract for Stairlift Equipment

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

RESOLVED that:-

- (a) The Council enter into the 'Procurement for Housing' Framework.
- (b) A 4-year contract be awarded to Stannah Lift Services under the Procurement for Housing Framework, effective 1st April 2022 for both General Fund and Housing Revenue Account installations under a combined agreement to provide a consistent service for all residents across the borough.

REASONS

Under the Council's constitution contracts with a value of over £500,000 require Cabinet approval unless otherwise delegated. Although the Housing Revenue Account contract awards have been delegated the DFG's in the general fund have not.

Since 2017, CBC and Colchester Borough Homes have been operating under the Procurement for Housing Framework which is now due for renewal. Stannah have been reliable and responsive to our requirements and the framework contract also allows us to use alternative contractors if Stannah are unable to provide a specific lift as required by the specification.

The Procurement for Housing Framework enables essential stairlift equipment to be provided into a resident's home by only requiring a quote from the single supplier. This supports both Social Care and the NHS budgets by maximising residents' independence and reducing risks that could lead to admissions to hospital through trips or falls, prolonged stays in hospital or the need for care or increasing the cost of care packages.

Stannah Lift Services have demonstrated their ability to deliver a fast service which is an important consideration when carrying out adaptation works. Stannah are well-known and recognised in the supply and installation of stairlifts and offer a 24-hour 365 day a year repair service.

It is therefore prudent to continue with a specialist contractor in place to facilitate the delivery of Disabled Facilities Grant projects and adaptations to Council owned properties.

ALTERNATIVE OPTIONS

Offer an open tender and award. Engaging in an open tender in normal circumstances allows for wider competition but as stairlift contractors are fairly specialised this may not be the best route. This process can also take considerable time to administer and reach contract award.

Multiple bids/tenders for each individual application. Seeking at least two quotes for each application and awarding to the cheapest. This process is known to take longer and increases the time to process applications.

Other Framework Agreements have been considered although none allow for the use of, third party contractors if the principal contractor cannot meet the requirements of the specific lift, which would then take considerable time to procure, affecting the resident.

Continue to operate with two separate contracts for the general fund and housing revenue account, but this does not offer best value to the Council.

652 Progress of Responses to the Public

The Assistant Director, Corporate and Improvement Services, 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.

653 Colchester Town Deal - Part B

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.

Cabinet noted that the Assistant Director's report considered at minute 642 was supported by several not for publication business cases. Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, indicated that he had read these and that he had very impressed by their professionalism and detail.

654 Council Company Business Plans 2022-26 - Part B

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.

The Assistant Director, Place and Client Services, submitted appendices to the report considered at minute 644, a copy of which had been circulated to each Member,

RESOLVED that Cabinet noted that the Business Plans 2022-26 for Colchester Commercial Holdings Ltd and its three subsidiary companies had been approved under minute 645.

REASONS

As set out in minute 645.

ALTERNATIVE OPTIONS

As set out in minute 645.

655 Award of Contract for Asbestos Surveying to Social Housing Stock and Corporate Buildings - Part B

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.

The Assistant Director Place and Client Services submitted a report a copy of which had been circulated to each Member.

RESOLVED that the contents of the report by the Assistant Director, Place and Client Services, be noted.

REASONS

As set out in minute 650.

ALTERNATIVE OPTIONS

As set out in minute 650.

Also in attendance: Councillors Fox*, Goss*, Harris*, King, Tate and J. Young*.

*Attended remotely