

# Cabinet

Wednesday, 31 January 2018

**Attendees:** Councillor Tina Bourne, Councillor Mark Cory, Councillor Annie Feltham, Councillor Michael Lilley, Councillor Beverley Oxford, Councillor Jessica Scott-Boutell, Councillor Paul Smith, Councillor Tim Young

**Substitutes:** No substitutes were recorded at the meeting

**Also Present:** Also in attendance: Councillors Barber, Flores, Higgins, Hazell, Jarvis, Laws and Willetts

## Publication and Call in Arrangements

Date Published 1 February 2018

Date when decisions may be implemented (unless 'called in') 5pm 8 February 2018

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 Thursday 8 February 2018.

## 228 Minutes of Previous Meeting

*RESOLVED* that the minutes of the meeting held on 22 November 2017 be confirmed as a correct record.

## 229 Have Your Say!

Mr Orton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) about the town centre. He expressed his concern about a number of issues including that the traffic lights at the bottom of Queen Street were still not operational, which was dangerous and unacceptable. He also drew attention to other

problems such as the condition of a lift, the safety of underpasses and cleanliness issues. Neither the local Member of Parliament nor Essex County Council would take responsibility for these issues. He did not believe that it would cost a lot to tackle these issues but that someone needed to take responsibility. Residents were being let down and needed to see action being taken.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, thanked Mr Orton for his comments and highlighted that highways issues were a matter for Essex County Council. Councillor Lilley, Portfolio Holder for Public Safety and Licensing, explained that he spoke regularly to Mr Orton. The Council was dealing with the concerns he had raised previously. The way that the Zones Teams allocated tasks was being changed to make them more responsive and to make it easier for the public to raise issues.

Emily Reddie addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). She had recently written to the Prime Minister about issues of modern slavery and homelessness and read her letter to the Cabinet. This explained how vulnerable people were exploited and enslaved, and her concerns about the difficulties rough sleepers faced in securing shelter.

Councillor Smith thanked Emily for her comments and explained that he was proud that Colchester had taken more refugees than other authorities in Essex combined, and also paid the living wage. Councillor Bourne, Portfolio Holder for Housing and Communities, explained how the public sector dealt with these issues through sharing information and partnership working. The Council was concerned by both rough sleeping and homelessness and worked closely with charitable organisations. For example, it provided funding to the Night Shelter to meet the costs of those who were unable to pay the modest nightly fee. Councillor Lilley, Portfolio Holder for Licensing and Public Safety acknowledged that slavery and trafficking issues did occur in Colchester. The Council and other public authorities were working across borders to address the issue.

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to stress the need to raise public awareness of the New Homes Bonus and how it was spent. This should be publicised through newsletters and manifestos. In addition the Council should produce an annual list of the expenditure and publish it in libraries and community centres. He also queried whether Street Services had received its fair share of New Homes Bonus to purchase equipment and sought a reassurance that the budget for the Zones Teams would be protected in the next financial year.

Councillor Cory, Portfolio Holder for Resources, agreed with the suggestion that the Council could do more to publicise and inform the public on the use of New Homes Bonus, particularly in respect of some of the smaller items. Considerable equipment, including a hot jet washer, gum remover and industrial hoover, had been purchased for

Street Services. Front line zone services were being protected, although a saving of £90,000 on management costs was being secured through changes in working practices. Councillor Smith highlighted that 20% of New Homes Bonus went to Essex County Council who used it to support their general fund budget and did not provide information on how it was used.

Christopher Lee addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to raise his concerns about how information on the Local Plan was presented by Councillors. For example, whilst the Council had stated that no housing would be built south of the A133, the University had permission to build housing south of the A133, and the local Conservative website contained misleading information. How would the Council address the false information that was being given out?

Councillor Smith explained that his position was that he did not believe that there should be housing development south of the A133. This was clear from meetings with residents and the University. The Local Plan was now with the Inspector. Councillor T. Young, Portfolio Holder for Business and Culture, reiterated that he did not support housing south of the A133 and this had been made clear to the University.

## **230 Strategic Plan 2018-21**

The Assistant Director Policy and Corporate submitted a report a copy of which had been circulated to each Member together with minute 149 of the Scrutiny Panel meeting of 30 January 2018.

Mike Hardy addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). It was noted that one of the priorities under the “Opportunities” theme was to “Promote Colchester’s heritage and visitor attractions to increase in visitor numbers and to support job creation”. He provided a brief history of the management of the Gosbecks site and the use of Gosbeck’s reserve fund. Concerns had previously been raised about an unexplained overspend and about the use of funds from the reserve for heritage at the Castle which was not specifically related to the management of the Gosbecks site.

Councillor Hazell attended and with the consent of the Chairman addressed the Cabinet about the Gosbecks site. She explained the original intentions behind the management of the site. Whilst the land management of the site had been good, very little work had been done on the archaeological interpretation of the site, as had been the original intention. For example in 1996 the Council obtained planning permission for portakabins to be used for exhibitions and interpretation, but this had never been progressed. There were only three simple interpretation boards on the site, which were now in a poor state. The full story of the history of the site, which was of national and international

importance, was not told. The Gosbecks fund would be exhausted in seven years time and it was essential that a wide ranging look at the future management and funding of the site be undertaken. This would be best achieved by the creation of a Task and Finish Group.

Councillor Laws attended and with the consent of the Chairman addressed the Cabinet. He suggested that the wording of the first point of the Opportunity theme should be amended to read "To promote and enhance Colchester's heritage and visitor attractions..." which would demonstrate the Council's commitment to developing Colchester's heritage further. Also it was incorrect to say that the "Fixing the Link" project had been completed. He urged the Cabinet to be bold on the Growth theme and consider how Colchester should develop up to 2043.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, thanked Councillor Laws for his comments and indicated he accepted his suggested amendment to the "Opportunity" theme. The suggestions from the Scrutiny Panel were also welcomed and accepted. The Strategic Plan set out a bold and exciting vision and he hoped it would be approved and adopted unanimously at Council. The only alternative to the growth it set out was decline and stagnation.

*RESOLVED* that:-

(a) The Strategic Plan 2018 - 2021 be agreed subject to the inclusion of the suggestions of the Scrutiny Panel and the first sub-paragraph of the Opportunity theme being amended to read:-

"Promote and enhance Colchester borough's heritage and visitor attractions to increase visitor numbers and to support job creation".

(b) Officers be asked to prepare an action plan to achieve its aims and priorities.

*RECOMMENDED TO COUNCIL* that the Strategic Plan 2018 - 2021 be adopted and included in the Policy Framework.

## *REASONS*

The Strategic Plan sets the framework for the Council's three-year Medium Term Financial Forecast and its Capital Programme.

This new Strategic Plan addresses the key challenges facing the Borough by describing 20 priorities organised into four key themes: Growth, Responsibility, Opportunity and Wellbeing.

## *ALTERNATIVE OPTIONS*

The current Strategic Plan expires at the end of the financial year. A new plan is required and needs to be adopted by full Council. The absence of a Strategic Plan would create a significant risk of the Council failing to identify and deliver on its core priorities.

## **231 Taking Action to Tackle Homelessness**

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

Councillor Bourne, Portfolio Holder for Housing and Communities introduced the report. The proposals in the report were aimed at tackling homelessness by increasing the supply of permanent housing and temporary accommodation. In particular the aim was to reduce the number of families being housed in bed and breakfast accommodation by providing help and support in different ways and increasing the housing stock. It was explained that right to buy was having a significant impact on the Council's housing stock. The Council was losing approximately 50 properties per year through Right to Buy.

It was proposed to invest £3.63 million to tackle homelessness across the borough. £2.9 million would be used to purchase up to 16 units for use as temporary accommodation. The properties would be owned by the Council and managed by Colchester Borough Homes. A pilot would be introduced to increase the supply of private rented sector accommodation. Process changes would be introduced to the way the Allocations Policy was implemented, and it was proposed that the Council continue to buy former right to buy properties to be used as permanent accommodation.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet. It was agreed that homelessness was a serious problem, and it was a paradox that homelessness was growing at the same time as record levels of housing growth were being experienced. A tougher approach needed to be taken to ensure developers provided higher levels of affordable housing, particularly in rural areas. Whilst the proposals were supported, they did not address the fundamental problem as they did not increase the housing stock and did not address the needs of rough sleepers.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, responded that government policies prevented enough houses for rent being built and allowed developers to avoid their responsibilities to provide affordable housing. Government policies also prevented Council's building new Council housing. The proposals were sensible and were a good use of New Homes Bonus.

Councillor Bourne, Portfolio Holder for Housing and Communities, stressed that if the government were serious about tackling the problem of homelessness they would allow Council's more freedom such as allowing them to use all their Right to Buy receipts. It was not acceptable to propose lower standards of accommodation for street homeless.

*RESOLVED* that:-

- (a) Up to 16 homes be purchased to be used as temporary accommodation for homeless households up to a value of £2.9 million.
- (b) The requirement for General Fund prudential borrowing to enable these purchases be noted and be *RECOMMENDED TO COUNCIL* for approval as part of the budget item.
- (c) The use of up to £1 million of Affordable Housing New Homes Bonus income to fund a proportion of the purchase costs of the 16 properties be approved, as set out in the financial implications of the Assistant Director's report.
- (d) Authority be delegated to the Strategic Director Commercial and Place or Assistant Director Policy and Corporate Services, in consultation with the Portfolio Holder for Business and Culture, to negotiate the terms and purchase price of individual properties.
- (e) The use of £100,000 new homes bonus income and £150,000 from the Government's Flexible Homelessness Support Grant to fund a two year pilot scheme to increase the supply of private sector rented accommodation be approved.
- (f) The purchase of, for use as permanent accommodation, former council properties bought under the right to buy offered back to the Council under the "right of first refusal" legislation be continued, where these offer good value for money and are in areas of high housing need.

## *REASONS*

Colchester Borough Council has a legal duty to provide accommodation to people who are homeless, so long as they meet the criteria set out in law, as set out in detail in paragraph 5.1 of the Assistant Director's report.

Whilst the Council and its arms-length management organisation, Colchester Borough Homes, are preventing more people from becoming homeless each year, the number of homeless households in temporary accommodation continues to increase.

The recommended decisions contained in the Assistant Director's report will support the Council and Colchester Borough Homes to prevent homelessness and improve the

experience of temporary accommodation for those who are homeless and waiting for permanent housing to become available.

#### *ALTERNATIVE OPTIONS*

Not to proceed with the recommended decisions contained within the Assistant Director's report. This could result in households who are homeless being placed in less suitable temporary accommodation (such as bed and breakfast) or in accommodation outside of the Colchester Borough.

Pursue other options. Research was undertaken to look at options to tackle homelessness and improve the experience of temporary accommodation. These options are contained in the background paper to this report. Other options were rejected because they were not cost effective; took too long to deliver; and/or there were too many risks attached to successful delivery.

#### **232 2018/19 General Fund Revenue Budget, Capital Programme and Medium Term Financial Forecast**

The Assistant Director Policy and Corporate submitted a report a copy of which had been circulated to each Member together with minute 147 of the Scrutiny Panel meeting of 30 January 2018.

Councillor Flores attended and with the consent of the Chairman addressed the Cabinet, about the management of the Gosbecks Reserve Fund. This had been established from £500,000 of section 106 funding. He explained some of the background to an overspend of £60,000 which had only come to light in 2016. In addition he expressed concern about the use of the Gosbecks Reserve for funding other heritage related spending not strictly related to Gosbecks. This was against the spirit of the Gosbecks Reserve and it was suggested that the misspent funds should be transferred back in order to ensure that Gosbecks could be properly maintained.

Councilor Bourne, Portfolio Holder for Housing and Communities, indicated that this was probably too narrow an issue to justify the establishment of a Task and Finish Group but she would meet with the ward councillors and Councillor Laws to discuss the issue in more detail. Councillor Feltham, Portfolio Holder for Commercial Services, indicated that she had had responsibility for Gosbecks at some of the periods in question and was willing to help.

Councillor Barber attended and with the consent of the Chairman addressed the Cabinet. He sought a reassurance about the impact of the efficiency savings on the Zone teams. They provided a valuable service and should be a priority for

resources. There could also be scope for parishes to take on some of the work undertaken by the Zone teams. The roll out of the digital strategy had been disappointing so far, and further information about the rollout to rural areas was requested.

Councillor Laws attended and with the consent of the Chairman addressed Cabinet. He noted the allocation of £177,000 for Borough Council elections and suggested that a debate should be held on moving to four yearly whole Council elections. The unallocated expenditure in the heritage reserve should be used to light up the Roam Walls.

In response, Councillor Cory, Portfolio Holder for Resources, explained that the saving of £90,000 was only a small proportion of the total Zones budget and it would not impact on frontline services. It would be achieved through a management reorganisation and a rationalising of rotas. In terms of the digital strategy, the Council was working with the government to bring forward 5G connectivity. Elections by thirds kept the Council responsive and reflective, and even if the Council moved to whole Council elections, there would be still be costs in administering national and county elections.

The budget protected front line services and would ensure that the Council would continue to support residents with good quality services. In the light of further cuts to the Revenue Support Grant and the New Homes Bonus, it was necessary to raise Colchester's element of Council Tax by 2.75%. The budget provided investment to protect the vulnerable, by providing funds to address homelessness and for the Council Tax Support Scheme. Locality budgets would be maintained, allowing ward councillors to choose how they supported their communities. The Medium Term Financial Forecast remained challenging, with a budget gap of £2.6 million over the next three years. Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, endorsed his comments and expressed his support for the proposed budget.

*RESOLVED* that:-

- (a) It be noted that for the purpose of assessing the impact on balances the outturn for the current financial year is assumed to be an overspend of £200k (see paragraph 6.4 of the Assistant Director's report).
- (b) The provisional Finance Settlement figures set out in Section 7 of the Assistant Director's report showing a cut to the Settlement Funding Assessment of £524k be noted.
- (c) The figures for the business rates retention scheme and the arrangements for completion of the required return of estimated business rates income as set out at paragraph 7.8 of the Assistant Director's report be noted.



(d) The reduction in the New Homes Bonus grant and that there further reductions in later years are expected be noted as set out in section 7 of the Assistant Director's report.

(e) The cost pressures, proposed use of New Homes Bonus, savings and increased income options identified during the budget forecast process as set out at in section 8 and detailed in Appendices C and D of the Assistant Director's report be approved.

(f) It be agreed and *RECOMMENDED TO COUNCIL* the 2018/19 Revenue Budget requirement of £19,695k (paragraph 8.13) and the underlying detailed budgets set out in summary at Appendix E and Background Papers of the Assistant Director's report subject to the final proposal to be made in respect of Council Tax.

(g) It be agreed and *RECOMMENDED TO COUNCIL* that Colchester's element of the Council Tax for 2018/19 be set at £185.13 per Band D property, which represents an increase of £4.95 (2.75%) from the current rate noting that the formal resolution to Council will include Parish, Police, Fire and County Council precepts and any changes arising from the formal Finance Settlement announcement and final completion of the business rates NNDR 1. This will be prepared in consultation with the Leader of the Council.

(h) The Revenue Balances for the financial year 2018/19 as set out at Appendix I of the Assistant Director's report be agreed and it also be agreed that:-

- the minimum level be set at a minimum of £1,900k
- £136k of balances, including sums carried forward from 2017/18, be applied to finance items in the 2018/19 revenue budget

(i). The updated position on earmarked reserves set out in section 11 of the Assistant Director's report be noted and the following be agreed:-

- Release of £300k use of capital expenditure reserve for ICT strategy
- Release of £185k use of parking reserve
- Contribution to the business rates reserve of £600k

(j) The reinstatement of balances in respect of the pensions deficit payment made in 2017/18 as set out in section 8.12 of the Assistant Director's report be noted.

(k) *RECOMMENDED TO COUNCIL* that £100k of Revenue Balances be earmarked for potential unplanned expenditure within the guidelines set out at paragraph 12.3 of the Assistant Director's report.

(l) The Medium Term Financial Forecast for the financial years 2018/19 to 2021/22 set out in section 14 of the Assistant Director's report be noted.

(m) The position on the Capital Programme, including forecast underspend shown at section 12 of the Assistant Director's report be noted and to *RECOMMEND TO COUNCIL* the inclusion in the Capital Programme of:-

- The proposed lending to the Council's company to support housing development as set out in the CCHL Business Plan.
- The inclusion of £2.9m in respect of the acquisition of properties for use as temporary accommodation.
- The proposed allocation in respect of the Council's waste fleet.
- The proposed transfer of resources from the DFG budget to Discretionary Financial Assistance Programme

(n) The comments made on the robustness of budget estimates at section 13 of the Assistant Director's report be noted.

(o) The 2018/19 Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy, as set out in the background paper at Appendix M of the Assistant Director's report, be approved and *RECOMMENDED TO COUNCIL*.

## *REASONS*

The Council is required to approve an annual budget.

The Assistant Director's report sets out supporting information and also statutory commentary about the robustness of the budget and the level of balances.

## *ALTERNATIVE OPTIONS*

There are different options that could be considered as part of the budget within the constraints set out in the Assistant Director's report.

## **233 Housing Revenue Account Estimates 2018/19**

The Assistant Director Policy and Corporate submitted a report a copy of which had been circulated to each Member together with minute 147 of the Scrutiny Panel meeting of 30 January 2018.

*RESOLVED* that:-

- (a) The 2018/19 HRA revenue estimates as set out in Appendix A of the Assistant Director's report be approved.
- (b) Dwelling rents as calculated in accordance with central Government's rent policy (set out in paragraph 5.7 of the Assistant Director's report) be approved.
- (c) The HRA revenue funded element of £6,658,200 included within the total management fee for Colchester Borough Homes (CBH) (set out in paragraph 5.13 of the Assistant Director's report) be approved.
- (d) The revenue contribution of £3,453,600 to the Housing Investment Programme included in the budget be noted (as set out in paragraph 5.27 of the Assistant Director's report).
- (e) The HRA balances position in Appendix B of the Assistant Director's report be noted.
- (f) The Medium Term Financial Forecast (MTFF) set out at Appendix C of the Assistant Director's report and the 30 Year HRA financial position set out at Appendix E of the Assistant Director's report be noted.

#### *REASONS*

Financial Procedures require the Assistant Director of Policy and Corporate to prepare detailed HRA estimates for approval by the Cabinet, setting the new rent levels for the new financial year.

#### *ALTERNATIVE OPTIONS*

No alternative options were proposed.

### **234 Housing Investment Programme 2018/19**

The Assistant Director Policy and Corporate submitted a report a copy of which had been circulated to each Member together with minute 147 of the Scrutiny Panel meeting of 30 January 2018.

*RESOLVED* that:-

- (a) The Housing Investment Programme for 2018/19 be approved.
- (b) The Capital Medium Term Financial Forecast (CMTFF) set out at Appendix A of

the Assistant Director's report be noted.

### *REASONS*

Each year as part of the process to agree the Council's revenue and capital estimates the Cabinet is required to agree the allocations to the Housing Stock Investment Programme. These allow for work to be undertaken to maintain, improve, and refurbish the housing stock and its environment.

Cabinet annually agree to accept a proposed 5 year Housing Investment Programme (HIP) in principle as the framework for procuring housing related planned works, improvements, responsive and void works and cyclical maintenance.

The proposed investment programme is linked to the Asset Management Strategy (AMS) and reviewed annually in the light of available resources and for each annual allocation to be brought to Cabinet for approval as part of the overall HIP report.

The Colchester Borough Homes (CBH) Board have considered the content of the Cabinet report submitted and is now seeking approval for the 2018/19 Capital programme.

The Assistant Director's report seeks the release of funds under grouped headings as described in the AMS and supported by the Management Agreement dated 9th August 2013, which governs the contractual relationship between Colchester Borough Council (CBC) and CBH.

### *ALTERNATIVE OPTIONS*

No alternative options were proposed.

## **235 Review of Waste Collection Strategy**

The Chief Operating Officer submitted a report a copy of which had been circulated to each Member together with draft minute 143 of the Scrutiny Panel meeting of 12 December 2017.

Councillor Barber attended and with the consent of the Chairman addressed the Cabinet. The increase in recycling rates was welcomed. However, it was noted that notices were being put on public bins stating that they should not be used for domestic waste, which was indicative that some families were experiencing problems with the new system. There had also been an increase in fly-tipping. He queried why the Portfolio Holder had used her locality budget to provide more services in her ward. If more

services were required, these should be provided across the borough.

Councillor J. Scott-Boutell, Portfolio Holder for Waste and Sustainability, introduced the report and responded to Councillor Barber. The new system had now been in place for six months and had delivered its aims. The amount of residual waste sent to landfill had reduced and there had been very significant increases in recycling. For example there had been an 87% increase in food waste recycling. She thanked residents for all their efforts in adjusting to the new arrangements. In response to queries from other members of the Cabinet, clarification about the introduction of “leaf warriors” was provided.

Councillor T. Young, Portfolio Holder for Business and Culture, expressed his thanks to Councillor J. Scott-Boutell and officers for the successful introduction of the new arrangements. Councillor Lilley, Portfolio Holder for Safer Communities and Licensing, explained that the notices had been put on litter bins as there was evidence that some businesses and households were using litter bins to dispose of their waste. It was for individual councillors to decide how they spent their locality budget. Councillor Feltham, Portfolio Holder for Commercial Services, and Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, also welcomed the introduction of the new arrangements and thanked Councillor Scott-Boutell and Councillor Graham for their work.

*RESOLVED* that:-

- (a) The Exemption Policy be amended to simplify the process and make renewal an annual process.
- (b) A full review of the collections service from flats begin in January 2018.
- (c) A “leaf champion” scheme similar to the current “litter warrior” scheme be introduced for autumn 2018 to allow residents who want to collect leaves outside their property to have these removed.
- (d) A full analysis of the impact of wheelie bins on recycling and residual waste rates to be undertaken in June 2018 following a full year of operation.

#### *REASONS*

It was agreed that there would be a review of the changes to the waste collection strategy six months after implementation and a number of changes and additional actions are now felt to be required.

#### *ALTERNATIVE OPTIONS*

To not make any further changes to the Waste Collection Strategy.

There are a range of other changes that could be made. Two were specifically included in the Scrutiny report for discussion. Feedback from Scrutiny was that neither of the items below should be introduced at this point but they will be reviewed again after a full twelve months of implementation.

- Introduction of Section 46 powers. These powers would enable us to issue fines for people that are putting the wrong items in their recycling and rubbish. For example if residents are putting recycling in their residual waste. It is not felt that this is necessary at this stage. We have powers around fly tipping that enable us to deal with most issues including residents that fail to take rubbish back onto their property. At the moment this feels sufficient but the opportunity to introduce Section 46 powers should be kept under review.
- Introduction of a voucher system for other recycling items. This proposal was included in the paper that went to Scrutiny in December 2017. We currently ask residents to obtain a voucher for white garden sacks (either by downloading for the internet or contacting our Customer Service Centre). This is because we know that they are useful for lots of purposes that there have been examples of residents using them for all sorts of things other than the disposal of garden waste. The voucher system provides an element of control. The extension of this process for other recycling containers was discussed at Scrutiny and was not felt to be useful as it could be a deterrent to people recycling. This does need to be kept under review to ensure that the costs of the service are managed.

## **236 Colchester Commercial Holdings Ltd Business Plan**

The Assistant Director Colchester Commercial Holdings submitted a report a copy of which had been circulated to each Member.

Councillor Feltham, Portfolio Holder for Commercial Services, and Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, introduced the report and welcomed the proposals set out. Whilst the borrowing requirement was substantial it would fund very significant levels of investment in the future of Colchester. It would generate the construction of 300 new homes in Colchester and would also provide significant income streams.

*RESOLVED* that:-

The Colchester Commercial Holdings Ltd business plan be approved including the revenue and capital assumptions and implications for the Council's budget:-

- To include the borrowing forecast in the capital programme on the assumption of the £31m borrowing requirement shown within the Assistant Director's report.
- To approve the Direct Trading Income Targets and Council Asset Income Targets with the Council for the next three years of the business plan.
- To approve that any Direct Trading Income surpluses above the Income Target will be retained by CCHL either for reinvestment or holding as future reserves.

#### *REASONS*

Cabinet agreed to create CCHL to enable Colchester Borough Council to operate its direct trading services and development functions within a more commercial culture and environment to address the challenges of ongoing Council wide budget reductions. The business plan sets out the projected financial position for CCHL and the borrowing requirement from the Council over the next three years.

#### *ALTERNATIVE OPTIONS*

The Council could decide not to approve the business plan but this would limit its ability to meet financial, economic and environmental targets within the Corporate Plan.

### **237 Refurbishment of 5-6 St Nicholas St**

The Strategic Director Policy and Place submitted a report a copy of which had been circulated to each Member.

Councillor Laws attended and with the consent of the Chairman addressed the Cabinet to support the proposals. This was a positive outcome. He stressed the need to be ambitious and seek the transformation of this area through the development of a Town Square.

Councillor Feltham, Portfolio Holder for Commercial Services, thanked Councillor Laws for his comments and agreed that the square merited further attention. Cabinet expressed its thanks to Holly Brett for her working in bringing forward the scheme.

*RESOLVED* that:-

- (a) The recommended option to carry out limited refurbishment of the building and then lease the building to a prospective tenant be agreed.

(b) The decision required in the report on Part B of the agenda to approve the draft Heads of Terms for the proposed letting be noted.

(c) Authority be delegated to the Strategic Director for Policy and Place in consultation with the Portfolio Holder for Commercial Services to procure and appoint professional services and a contractor to carry out the necessary works to the building

## *REASONS*

Jacks has suffered from underinvestment for many years and as a result is dilapidated and requires significant repairs to bring the building back into use.

This scheme would bring a local landmark building back into economic use and provide an ongoing income stream to the Council.

It will allow an existing locally based business to expand within the town and provide important investment into this area.

## *ALTERNATIVE OPTIONS*

The alternative options would be to:

- Do nothing; this is not a viable option as leaving the building in its current state presents a real risk to the council, the opportunity to generate income would be lost and the building would continue to decline as would its value. The declining building would also have a negative impact on its immediate surrounds at a time when considerable investment is being made from the private sector to improve the area.
- Sell the building in its current state: it is unlikely that the building would sell in its current state. It would also mean that the Council would have lost a landmark building in the town centre along with control over its future and the loss of potential income over the longer term.
- Let the building in its current state: it is highly unlikely that anyone would wish to take a lease on the building in its current state as it has considerable repair and maintenance issues that need addressing, if a tenant could be found it would likely be at a very low rent, if any. Meaning that the Council would again see no return from the building.



**238 Half Yearly Performance Report including Progress on Strategic Plan Action Plan**

238. Half Yearly Performance Report including progress on Strategic Plan Action Plan

The Assistant Director Policy and Corporate submitted a report a copy of which had been circulated to each Member together with minute 144 from the Scrutiny Panel meeting of 12 December 2017.

*RESOLVED* that:-

- (a) The progress update of the Strategic Plan Action Plan for the period ending 30 September 2017 be noted.
- (b) The performance update on the Council's key performance measures for the period ending 30 September 2017 be noted.
- (c) The recent awards and accreditations received by the Council be noted.

*REASONS*

The Council has agreed a number of key performance areas which it uses as part of its Performance Management Framework to help monitor progress and improvement. This report provides an update of our indicators along with a half-yearly review of progress against our Strategic Plan Action Plan.

*ALTERNATIVE OPTIONS*

No alternative options were proposed.

**239 Mandatory Member Development, Member Role Profiles and Training Plan**

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

*RESOLVED* that:-

- (a) The recommendation from the Member Development Group in respect of mandatory member training be noted and *RECOMMENDED TO COUNCIL* for approval.
- (b) The views of the Independent Remuneration Panel be sought on the principle of

withholding payment of relevant allowances should relevant mandatory training not be undertaken.

(c) The Councillor Role Profiles at Appendix B of the Assistant Director's report be approved.

(d) The Training Plan at Appendix C of the Assistant Director's report be approved.

#### *REASONS*

As part of the Review of Meetings and Ways of Working, the Governance and Audit Committee asked the Member Development Group to look at the issue of mandatory member training and report to Cabinet.

The Councillor Role Profiles and Training Plan are key member development documents, which need to be reviewed. They also part of the evidence base for the forthcoming assessment for Member Charter Status. Due to the linkages between the Strategic Plan and the Training Plan, it is timely to review the Plan alongside the approval of the new Strategic Plan.

#### *ALTERNATIVE OPTIONS*

No alternative options were proposed.

### **240 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.

**241 Refurbishment of 5-6 St Nicholas St - 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.**

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).