

# Cabinet Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ  
Wednesday, 07 September 2022 at 18:00**

**The Cabinet** deals with the implementation of all Council services, putting into effect the policies agreed by Full Council and making recommendations to Full Council on policy issues and the budget.



## **Information for Members of the Public**

### **Access to information and meetings**

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

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

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

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**COLCHESTER BOROUGH COUNCIL**  
**Cabinet**  
**Wednesday, 07 September 2022 at 18:00**

Leader and Chair	Councillor King (Liberal Democrats) Councillor Cory (Liberal Democrats) Councillor Cox (Labour) Councillor Fox (Labour) Councillor Goss (Liberal Democrats) Councillor Luxford Vaughan (Liberal Democrats) Councillor Nissen (Green) Councillor J. Young (Labour)
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**AGENDA**  
**THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING**  
**(Part A - open to the public)**

**Live Broadcast**

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

**1 Welcome and Announcements**

The Chair will welcome members of the public and Councillors to the meeting and remind those participating to mute their microphones when not talking. The Chairman will invite all Councillors and Officers participating in the meeting to introduce themselves.

**2 Urgent Items**

The Chair will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

**3 Declarations of Interest**

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

#### **4 Minutes of Previous Meeting**

Cabinet will be invited to confirm that the minutes of the meeting held on 7 September 2022 are a correct record.

**Cabinet minutes 06-07-22**

9 - 20

#### **5 Have Your Say! (Hybrid meetings)**

Members of the public may make representations to the meeting. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Council via Zoom. Each representation may be no longer than three minutes. Members of the public wishing to address the Council remotely may register their wish to address the meeting by e-mailing [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk) by 12.00 noon on the working day before the meeting date. In addition a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself. There is no requirement to pre register for those attending the meeting in person.

#### **6 Decisions Reviewed by the Scrutiny Panel**

The Councillors will consider the outcome of a review of a decision by the Scrutiny Panel under the call-in procedure. At the time of the publication of this agenda, there were none.

#### **7 Housing and Communities**

##### **7(i) Financial Assistance Policy**

21 - 56

Cabinet will consider a report requesting that it grant authority to adopt an updated Financial Assistance Policy in order to improve and maximise delivery of the Council's Disabled Facilities Grant allocation.

#### **8 Local Economy and Transformation**

##### **8(i) Creation of a Northern Gateway Solar Park and Micro Grid**

57 - 64

Cabinet will consider a report setting out the work undertaken to date on the development of a Solar Park and Micro Grid, and requesting that the further development of the "CNG Energy System Business Model" be agreed.

##### **8(ii) 2021/22 Year End Review of Risk Management**

65 - 92

Cabinet will consider a report inviting it to approve the proposed risk management strategy for 2022/23 and recommend to Full Council that it be included in the Council's Policy Framework.

<b>9</b>	<b>Culture and Heritage</b>	
<b>9(i)</b>	<b>Policy Panel recommendation re: City Status</b>	<b>93 - 96</b>
	Cabinet will consider recommendations made by Policy Panel in respect of the celebration of Colchester being granted city status.	
<b>10</b>	<b>Resources</b>	
<b>10(i)</b>	<b>Local Government and Social Care Ombudsman – Annual Review Letter 2022</b>	<b>97 - 104</b>
	Cabinet will consider a report inviting it to note the contents of the Local Government & Social Care Ombudsman’s Annual Review Letter for 2022.	
<b>11</b>	<b>Strategy</b>	
<b>11(i)</b>	<b>Year End April 2021 - March 2022 Performance Report, Key Performance Indicators and Other Performance News</b>	<b>105 - 132</b>
	Cabinet will consider a report which provides details of performance against Key Performance Indicators for 2021-22 and other performance news.	
<b>11(ii)</b>	<b>Year End April 2021 - March 2022 Performance Report, Strategic Plan Action Plan</b>	<b>133 - 146</b>
	Cabinet will consider a report providing details of the Council's progress in delivering against the Council’s Strategic Plan for 2020-2023 at the end of 2021-2022.	
<b>12</b>	<b>Neighbourhood Services and Waste</b>	
<b>12(i)</b>	<b>Award of Corporate Fuel Contract</b>	<b>147 - 152</b>
	Cabinet will consider a report inviting it to award the contract for the supply of liquid fuels at the Shrub End Depot for use by the Council’s fleet vehicles for the period 1 October 2022 – 30 September 2024, to include the option to extend the supply contract for a further two years (1 October 2024 – 30 September 2026) subject to performance.	
<b>13</b>	<b>General</b>	
<b>13(i)</b>	<b>Revised Contract Procedure Rules</b>	<b>153 - 176</b>

Cabinet will consider a report inviting it to approve the revised Contract Procedure Rules contained at Appendix 1 of the report, and resolve that they be included in the Council's Constitution.

**13(ii) Progress of Responses to the Public**

177 -  
178

Cabinet will be invited to note a report containing details of members of the public who have addressed meetings of Council and Cabinet under the Have Your Say provisions.

**14 Exclusion of the Public (Cabinet)**

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

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

**15 Local Economy and Transformation - Part B**

**15(i) Creation of a Northern Gateway Solar Park and Micro Grid - Part B**

Cabinet will consider an appendix to the report by the Assistant Director, Place and Client Services, in part A of the agenda, which contains not for publication information





<p style="text-align: center;"><b>CABINET</b> <b>6 July 2022</b></p>
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*Present:* - Councillor King (Chair)  
Councillors Cory, Cox, Fox, Goss, Luxford Vaughan,  
Nissen, J. Young

Also in attendance: Councillors Kirkby-Taylor, Scott-  
Boutell, Sunnucks, Willetts

#### **669. Minutes**

*RESOLVED* that the minutes of the meetings held on 25 May 2022 and 8 June 2022 be confirmed as a correct record.

#### **670. Urgent item – Recommendations from the Scrutiny Panel**

The Chair announced that he had agreed to consider the recommendations made by the Scrutiny Panel at its meeting on 5 July 2022 in respect of Council Tax Rebate, Haven Road Flooding and Bus Service Provision. The urgency arose from the need to consider the recommendations before the next scheduled meeting of Cabinet on 7 September 2022.

Councillor Willetts, Chair of the Scrutiny Panel, attended and with the consent of the Chair addressed Cabinet to introduce the recommendations.

#### **Council Tax Rebate**

Councillor Willetts explained that the Panel had looked in detail at the processes around the scheme for payment of the Council Tax rebate and it was working very well. Of the £10 million pounds available, 82% of claims had been processed. There were three categories of claims:

- Those who paid by direct debit, for whom the Council could pay the rebate direct into their back account. 97% of such payments had been made;
- Those who had a Council Tax account who paid by another method and for whom the Council needed to obtain back account details. 25%% of this group had received their rebate payment and the project to identify and pay this group was well under control.

- The hardest to reach group were those who paid Council Tax but whose details were not known. It was estimated that this was approximately 2000 people. It would take considerable effort to identify this group and it was payments to this Group that the Panel was most concerned about.

The Panel had also looked at the discretionary scheme which covered some of the more difficult issues, such as payments to those in Houses of Multiple Occupation.

The overall funding had to be reconciled and reported back to government by the end of September and any unspent funding returned to government, so it was important the Cabinet ensured progress continued at a pace. It was important that all the funding was used in the interests of those in real need. The Panel were satisfied this was likely to happen and were satisfied that the processes used by officers to identify those eligible for payment were robust. The Panel had recommended to Cabinet the crediting of eligible Council Tax accounts as a last resort.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, thanked Councillor Willetts for his comments and the Panel for the scrutiny and challenge it provided. Councillor Cory, Portfolio Holder for Resources, welcomed the support for the Council's policy of getting payments to those in need as quickly as possible. Cabinet was content to accept the recommendation from the Scrutiny Panel.

#### ***RESOLVED that***

- (a) Cabinet acknowledges and continues to approve of the measures being used by officers to identify those eligible for Council Tax rebates and to pay out these rebates, in line with the robust assurances provided to, and accepted by, the Scrutiny Panel
- (b) Cabinet approves of the crediting of eligible Council Tax accounts, as a last resort and where other options for payment of a rebate have been exhausted.

#### **Haven Road Flooding**

Councillor Willetts explained that the Panel had looked at the long and complex history of this issue. Whilst the Council was not the responsible authority for flooding but it did have land interests in the area. The Member of Parliament had established a Task Force of interested groups which had identified the problem but there was no ownership of the solution. The Panel believed that what was needed was a co-ordinator with project management skills to provide guidance and co-ordinate the delivery of a solution. Whilst the MP's office did not have those skills, the Borough Council did.

Councillor Luxford Vaughan, Portfolio Holder for Planning and Infrastructure, explained that the Task Force was making progress. A pump had been identified and the Council had allocated funding towards the purchase. It would be more appropriate to have further discussion with the Task Force to establish their views on what was needed to successfully resolve the issue before agreeing to a course of action.

Councillor Fox, Portfolio Holder for Local Economy and Transformation explained that he was a member of the Task Force. He welcomed the work of the Scrutiny Panel on the issue. The Council needed to be mindful that Essex County Council was the responsible

authority, and they had the experience of managing large infrastructure projects such as this. Colchester Borough Council was a willing partner but needed to recognise the skills across all the agencies involved.

Councillor King explained that the recommendation was welcomed and whilst the Council was content to contribute towards a solution, it needed to recognise that it was not the lead authority and should not cut across the work of the responsible authority. However, it was willing to make it clear that it was content to look afresh at how it could work with partners to help find a solution.

*RESOLVED* that Cabinet explore afresh how it can assist the multi-agency Hythe Task Force on project management and in other ways.

### **Summary of previous Scrutiny Panel reviews into bus service provision**

Councillor Willetts explained that the Panel at looked at issues relating to bus services on two previous occasions. It was not minded to scrutinise directly the work of the bus companies again at this stage. However, the Panel had noted that there were major strategies and projects being formulated presently and it was important that improved bus service provision be considered as these were developed. For example, the different levels of provision across the borough needed to be considered as part of the Levelling Up agenda and the Town Centre Masterplan.

Councillor Luxford Vaughan explained that bus services would be addressed by the Town Centre Masterplan, but this was limited by the funding, which was coming from the Town Deal fund and Levelling Up funds and was specific to the town centre. Therefore, this work would not address some of the more borough wide issues on bus services identified by the Panel. This would need to be looked at in due course. Councillor King indicated that Cabinet would accept the recommendation and look at how these issues could be looked at further.

*RESOLVED* that Cabinet conducts work to consider and examine the potential ways in which the Council can push for improved bus service provision through the Borough, and promote its use by the public, in the context of the Council's current and emerging strategic plans and policies

### **671. Have Your Say!**

Councillor Kirkby Taylor attended and with the consent of the Chair addressed the Cabinet. Given the cross party opposition to the inclusion of Middlewick in the Local Plan would the Portfolio Holder support a scoping exercise to establish the likely costs of a focused review with the intention of swapping the Middlewick site out of the Local Plan, possibly to be replaced by fields to the south of the Wick, which were also owned by the Ministry of Defence. It was understood that such a review would take two to three years. A review would be needed in this timescale in any case, but this would signpost at an early stage that the Council was looking to make this change. It would also provide an opportunity to consider the additional research that had been made available by the Save the Wick Group.

Councillor Luxford Vaughan, Portfolio Holder for Planning and Infrastructure, indicated that officers would look at reopening negotiations with the Ministry of Defence to seek their views on moving the development to a different site. Given the restrictions on the site imposed by the Inspector this might receive a more positive response now. In terms of a review, whilst the Plan had been adopted there would now be a grace period whilst any application for judicial review could be made and then officers would need to concentrate on the introduction and implementation of new policies.

Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste, and also Chair of the Local Plan Committee, explained that the review of the Local Plan was a matter for the Local Plan Committee and not Cabinet. A Plan would normally be reviewed three years after adoption, and it could not be reviewed immediately after adoption. Any review needed to be undertaken by the Local Plan Committee and follow due process. Once the Plan was reopened it would be governed by the updated National Planning Policy Framework and increased housing numbers.

## **672. Addressing the Cost of Living Crisis**

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

Sam Preston, Group Manager Customer, made a presentation to the Cabinet setting out the work of the Council's Communities and Customer teams in supporting residents. It set out the current schemes in place to help residents, the work undertaken with partner authorities and the funding streams available.

At the conclusion of the presentation members of the Cabinet explored issues around the continuing impact of Covid and how the Council was seeking to connect with hard to reach groups. It was explained that in terms of Covid, the support that was required to be given to businesses and residents took officers away from their usual roles. In addition, some business continued to be impacted by Covid which increased the number of residents in need. In terms of outreach, there was a balance to be reached between promotion and the delivery of services. The service was working in many separate locations. More work could be done with councillors to ensure services were being delivered in the right places. Considerable work was being undertaken with the Department of Work and Pensions to deliver services direct into communities. Work was also underway with the Communications team to target specific groups through the use of targeted social media and through analysis of data. This aimed to ensure that those in need were aware of the services the Council provided and that the Council would help them obtain the support they were entitled too.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, thanked Sam and her team for the valuable work they provided. The use of data and targeted communications to specific groups was supported and the need to tap into Councillors knowledge of their wards was emphasised. If further resource was needed to support this work this needed to be highlighted to Cabinet.

Councillor Fox, Portfolio Holder for Local Economy and Transformation, emphasised that this work was the Council's main priority, and the administration would not be distracted

from the delivery of its three-point plan. This was only the start as the situation would worsen in the winter. The importance of getting messages out to those groups who might need to access Council support for the first time was emphasised.

*RESOLVED* that the three-point plan outlined in the Assistant Directors' report be approved and officers be enabled to plan and deliver an integrated programme of work with partners.

#### *REASONS*

The plan outlined in the Assistant Directors' report makes use of existing partnerships, structures, workplans and programmes to support the Borough's residents through this crisis

#### *ALTERNATIVE OPTIONS*

To reject the plan or agree an alternative.

### **673. Shared Prosperity Fund**

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

*RESOLVED* that:-

- (a) The thematic and geographic focus of Colchester's Shared Prosperity Fund Investment Plan currently in preparation, with reference to the published Shared Prosperity Fund eligibility criteria, be endorsed.
- (b) Further work on this Investment Plan be undertaken including engaging with key stakeholders to confirm their support.
- (c) Authority for the final approval of the bid submission be delegated to the Portfolio Holder for Strategy in liaison with the Head of Finance, and thereafter its submission to the Department for Levelling Up, Housing and Communities on or before 1 August 2022 by officers.

#### *REASONS*

Approval to proceed and submit an Investment Plan will build upon the strong foundations set by other levelling up activities, potentially attracting further substantial investment into some projects over time.

The draft proposals in the Investment Plan, which are subject to change, outlined in this report best meet the criteria set out at section 1 of the Assistant Director's report and will further boost Colchester's opportunities to realise its economic and skills development, place-making, inward investment, and regeneration ambitions.

#### *ALTERNATIVE OPTIONS*

No alternative options have been presented to Cabinet. As the UKSPF is not a bid but an

allocation of Government funding to Colchester. Some of the interventions included in the SPF Investment Plan see this as the opportunity as funder of last resort as they are unlikely to attract suitable investment from other sources; and cannot be funded within the Council's resources.

#### **674. Policy Panel Work Programme**

Cabinet considered draft minutes 47-48 of the Policy Panel meeting on 15 June 2022, a copy of which had been circulated to each member.

Councillor Scott-Boutell, Chair of the Policy Panel, attended and with the consent of the Chair addressed Cabinet. She thanked the Leader of the Council for attending the meeting of the Policy Panel and endorsed the recommendation to Cabinet. It was noted that some of the recommendations might require some further information or further clarification, but the Panel was keen to begin work. In respect of the recommendation around the enforcement of planning conditions, it was noted that a member briefing was being organised. The Panel was willing to work in collaboration with other Panels where necessary

Councillor Cory, Portfolio Holder for Resources, welcomed the recommendation which contained a number of interesting and relevant areas of work, and welcomed the opportunities for joint working. Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that the Cabinet welcomed the proposals and would agree to all except the recommendation about enforcement of planning conditions, which would be more appropriately dealt with by either the Planning Committee or the Local Plan Committee.

*RESOLVED* that Policy Panel be given approval to examine the following subjects as part of its work programme:-

- a) City Status, ramifications and opportunities
- b) New voter ID requirements
- c) Cost of living crisis
- d) Green/Blue infrastructure strategy update
- e) Developing the roles of Colchester Borough Council Champions
- f) Climate Change Policy [potentially in cooperation with the Environment and Sustainability Panel]

#### **REASONS**

The Cabinet supported the recommendation that Policy Panel look at the subjects identified but considered it was more appropriate that the issue of enforcement of planning conditions be looked at by the Planning Committee or Local Plan Committee.

#### **ALTERNATIVE OPTIONS**

It was open to Cabinet not to agree to the proposal made by the Policy Panel in respect of its work programme.

## **675. Colchester's New Housing Strategy 2022-27**

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

Councillor J. Young, Portfolio Holder for Housing and Communities, introduced the report. There had been wide consultation on the new Housing Strategy. It had been considered by both the Colchester Borough Homes Board and the Scrutiny Panel.

A Housing Strategy was a statutory requirement. The key priorities that the new Housing Strategy addressed were supply, sustainability, structure and preventing homelessness. Supply was vital as there were 3000 residents on the Housing Register. This was being addressed by a variety of sources such as planning gain and initiatives such as the 100 Homes project and the redevelopment of garage sites. Sustainability involved ensuring that people were supported to maintain their tenancies whilst structure involved ensure housing was of decent quality and was environmentally sustainable. A separate Homelessness and Rough Sleeping Strategy sat under the Housing Strategy.

Councillor Luxford Vaughan, Portfolio Holder for Planning and Infrastructure, sought further information as when the Strategy would be reviewed and whether the likely impact of the Social Housing Reform Bill had been taken into account.

Councillor J. Young explained that officers were looking at the implications of the Bill and a briefing note would be prepared for Cabinet members. The Strategy would be reviewed if any legislation had a significant impact upon it.

*RESOLVED* that the new Housing Strategy 2022-27 for Colchester be approved.

*RECOMMENDED TO COUNCIL* that the Housing Strategy be adopted as part of the Council's Policy Framework.

### **REASONS**

The Council has a statutory responsibility to produce and publish a Housing Strategy based on a review of housing in the borough.

### **ALTERNATIVE OPTIONS**

To not adopt the Housing Strategy. There are clear risks to not having a robust evidence based strategy in place such as not achieving local priorities, not being able to evidence and articulate Colchester Borough Council's wider vision for housing and not providing a strong focus to our partners about their contribution to meeting our priorities.

## **676. Budget Strategy 2023-24**

The Deputy Chief Executive submitted a report a copy of which had been circulated to each Member.

Councillor Cory, Portfolio Holder for Resources, introduced the report and highlighted the proposal to bring forward £250 000 of the planned 2023/24 reserve to address the cost of

living crisis, which was the Council's main priority. The report also proposed a timetable and process which would allow the budget setting process to begin and also highlighted some technical accounting changes., particularly in respect of minimum revenue provision. This allowed loans to be made to Colchester Amphora Housing Ltd without the need for minimum revenue provision.

*RESOLVED* that:-

- (a) The revised Medium Term Financial Forecast set out in Appendix A of the Deputy Chief Executive's report be noted.
- (b) The Budget Timetable for 2023/24 as set out in Section 13 of the Deputy Chief Executive's report be noted.
- (c) £250k of the planned 2023/24 reserve usage be brought forward to address the cost of living crisis.

#### *REASONS*

The Deputy Chief Executive's report enables the Council to begin the 2023/24 budget process.

#### *ALTERNATIVE OPTIONS*

No alternative options as the Council is obliged to balance its budget on an annual basis.

### **677. Sale of 125 Gosbecks Road**

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

Councillor Cory, Portfolio Holder for Resources, introduced the report and explained this was a former Colchester Borough Homes site that was no longer required. The disposal of the site would generate a receipt which support future opportunities. Cabinet had asked officers to look again at the recommended scheme to ensure that it reflected the Council's strategic priorities.

*RESOLVED* that:-

- (a) The disposal of 125 Gosbecks Road on the terms set out in Parts A and B of the Assistant Director's report be noted.
- (b) The offers received as set out in Appendix A of Part B of this report be noted and if the winning party does not perform the disposal to an alternative bidder, in sequential preference, be agreed.



(c) Authority be delegated to the Assistant Director of Place and Client Services, in consultation with the Portfolio Holder for Resources to negotiate terms, conclude the legal documents or any relevant consequential matters to complete the disposal.

## **REASONS**

The property is surplus to requirements, including for alternative Council purposes. It has been fully marketed and a number of offers were received for the property. The receipt will be reinvested in the provision of public services and strategic projects that provide wider benefits than this site would be able to achieve on its own.

## **ALTERNATIVE OPTIONS**

Do nothing. This is not a viable option given the Council's vacant property strategy and vacant property costs.

The Council could continue to occupy the property. This is not a viable option as there is no operational requirement.

The Council could lease out the building for its current or an alternative use. However, the building would need a substantial amount of expenditure, for example to upgrade the mechanical and electrical services and demand for uses such as office is currently poor.

The Council could redevelop the site itself. This has been reviewed but the site does not currently fit within the required development scope of the Council, including those set for the New Council Housebuilding Programme, or its commercial companies.

## **678. Member Development Group Annual Report 2021-22**

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

Councillor Fox, Portfolio Holder for Local Economy and Transformation, introduced the report and stressed the importance of member development. He thanked the members of the Member Development Group and the Democratic Services team for their work in ensuring the continued provision of member development. The successful assessment and award of the Councillor Development Charter was noted, and the areas of continuous improvement suggested by the assessment team would be taken forward by the Group.

Councillor Nissen, Portfolio Holder for Environment and Sustainability, highlighted the strengths identified by the Assessment Team and considered these should be given greater emphasis and promoted more widely. Councillor Fox agreed, but also emphasised the recommendation that a more focused approach be taken to promoting the role of Councillor in order to increase diversity. There was a need to ensure that the Council was fully representative of Colchester.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, welcomed the report and felt that the Group should look again at seeking accreditation at Charter Plus level in future.

*RESOLVED* that:-

- (a) The report of the Member Development Group on the work of the Group in the 2021-22 municipal year be received and noted.
- (b) The successful outcome of the assessment for the Councillor Development Charter be noted.

#### *REASONS*

The Member Development Group is required to report to Cabinet on an annual basis. This provides Cabinet with an opportunity to review the work of the Group and the provision of member development.

#### *ALTERNATIVE OPTIONS*

No alternative options were presented

### **679. 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.

**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.**

### **680. Sale of 125 Gosbecks Road**

The Assistant Director, Place and Client Services, submitted a report containing part B information in support of the report in Part A of the agenda, a copy of which had been circulated to each Member.

*RESOLVED* that the report be noted.

## *REASONS*

As set out in minute 677.

## *ALTERNATIVE OPTIONS*

As set out in minute 677.



<b>Report of</b>	<b>Assistant Director Communities</b>	<b>Author</b>	<b>Jon Parsons</b> ☎ 2590
<b>Title</b>	<b>Financial Assistance Policy</b>		
<b>Wards affected</b>	All wards		

## 1. Executive Summary

- 1.1 This report requests that Cabinet grant authority to adopt an updated Financial Assistance Policy in order to improve and maximise delivery of the Council's Disabled Facilities Grant allocation.
- 1.2 Under the Housing Grants, Construction and Regeneration Act 1996, the council has a duty to provide Disabled Facilities Grant (DFG) funding for adaptations to eligible individuals in the borough.
- 1.3 The Financial Assistance Policy details how the council will deliver both the Mandatory DFG and Discretionary forms of financial assistance to disabled and other vulnerable people living in the borough.
- 1.4 The fully reviewed policy supersedes the current policy that dates from 2008 and was last amended in December 2019, providing improved clarity on processes, and taking greater advantage of the discretionary powers available to all local authorities.
- 1.5 The council has powers under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to broaden the scope of DFGs and to offer alternative forms of discretionary grants for disabled, elderly, low income, and other vulnerable residents in the borough.
- 1.6 The revised Financial Assistance Policy introduces a new Discretionary Stairlift Grant that will be available to all residents, removing the requirement for a means test to improve the speed at which this common adaptation is delivered.
- 1.7 The revised Financial Assistance Policy discontinues underutilised and outdated forms of assistance, that some of which are no longer required following changes to legislation.

## 2. Recommended Decision

- 2.1 Adoption of the revised Financial Assistance Policy.

### **3. Reason for Recommended Decision**

- 3.1 The revised Financial Assistance Policy focuses on clarifying the delivery of the Mandatory DFG, and the Discretionary forms of assistance, widening the scope of the policy to support more residents.
- 3.2 The revised Financial Assistance Policy continues the existing discretionary forms of assistance:
- Disabled Facilities Assistance (DFA) is available to help eligible applicants to fund the cost of adaptations that are not covered by, or exceed the Mandatory DFG, up to a maximum of £30,000. The DFA can also be applied for when applicants are assessed to have a contribution but are unable to raise the funds required to enable works to proceed. The DFA is a repayable form of assistance when the property is sold, transferred, or rented by the owners.
  - Home Repair Loan (HRL) is available to provide help to eliminate or reduce to an acceptable level, any significant risks and hazards in owner occupied homes up to £30,000. The council undertakes a HHSRS inspection to determine what hazards exist in the property. The outcome of this inspection will constitute the qualifying works. The HRL is a repayable form of assistance when the property is sold, transferred, or rented by the owners.
  - Fast-Track Grant (FTG) is available to support and promote prompt hospital discharge and reablement, preventing avoidable Delayed Transfer of Care (DTOC) from hospital or care and the associated additional costs to health / social care services. In addition to supporting prompt discharge, the FTG also provides the ability to avoid admission, when a recognised risk such as falls has been identified by the referring Health Professional. The FTG is overseen by the Senior Occupational Therapist in Housing that is embedded within the Healthy Homes Team, in a partnership project with Essex County Council. The FTG is available up to a maximum of £30,000.
- 3.3 The new Stairlift Grant (SLG) is available to all residents, removing the requirement for a means test to improve the speed at which this common adaptation is delivered. Stairlifts provide access to essential facilities within the home, increasing independence for disabled adults and children. Stairlifts are usually a relatively straightforward installation requiring little in the way of other home alterations. Given their ease of installation they can provide a proportionally significant enhancement to the lives of those who need them. The introduction of this assistance provides consistency across North-East Essex following Tendring District Council's successful adoption in 2021.
- 3.4 The Covid19 pandemic in 2020 impacted delivery of DFGs nationally, with many councils being unable to undertake property inspection during lockdown for all but the most urgent of applications (usually Fast-Track Grants to enable discharge or prevent admission to hospital). As a result of the pandemic, national lockdowns, furlough and Covid infection rates, delivery has been impeded throughout 2020/21, 2021/22 and continues into 2022/23 with contractor availability being low, increasing waiting times to up to 3-6 months, and the rising cost and availability of materials. The new Stairlift Grant introduced by this policy will support maximising the spend of the allocation during these times when applicants are having to wait for long periods for contractor availability, keeping them as safe as possible when accessing essential areas of their home.
- 3.5 The revised Financial Assistance Policy discontinues underutilised forms of assistance in favour of prioritising the Mandatory and Discretionary forms of assistance detailed above.
- 3.6 Discontinued forms of assistance are:

- HMO Fire Safety Grant – a grant for landlords to meet legal requirements.  
This grant has been discontinued due to this being a legal responsibility of the landlord under other regulations and a lack of uptake.
- Home Security Grant - to help households pay for urgent home security works.  
This grant has been discontinued due to a lack of uptake. (There is potential that a new style of Home Security Grant could be introduced in the future. This may work in conjunction with other partners and will be brought back to the Portfolio Holder for consultation in the future).
- Empty Property Loans - provided on a discretionary basis to help bring empty properties back into residential use.  
This form of assistance has been discontinued due to limited uptake and questionable affordability in the current market. One of the conditions is that the property would be subject to nomination rights for the council, but that the maximum achievable rent was set at the Local Housing Allowance (LHA). LHA is recognised as being under the market value. There is therefore potential that the conditions this assistance places on landlords could mean the venture is not financially viable and lead to the risk of poor-quality housing and maintenance due to a lack of income or that the accommodation may not be in place for the longer term.  
Furthermore, these forms of assistance are time consuming to administer for council staff, are not subject to a fee or eligible under the DFG and takes staff away from delivering Mandatory assistance to other more vulnerable applicants.

#### **4. Alternative Options**

- 4.1 Continue to operate under the 2008 Financial Assistance Policy (amended 2019) with existing forms of assistance. This option does not take advantage of the councils' powers under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to introduce and widen discretionary forms of assistance to the local population and maintains the availability of outdated financial assistance.

## **5. Background Information**

- 5.1 The Disabled Facilities Grant (DFG) is a capital budget that forms part of the Better Care Fund (BCF) that was announced in 2013. The BCF is collaboration between NHS England, the Department for Levelling Up, Housing and Communities, the Local Government Association and Department of Health and Social Care.
- 5.2 The DFG is paid annually to the upper-tier authorities and is then reallocated to districts, boroughs, and city councils to meet their statutory obligation to provide DFG's.
- 5.3 The legislation governing Mandatory Disabled Facilities Grant is contained in the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. This order extended mandatory DFG eligibility to those occupying park homes and houseboats.
- 5.4 The Council has a duty to approve applications to satisfy the requirements outlined in the Act for the provision of Mandatory Disabled Facilities Grants. The minimum threshold for a DFG is £1,000 and the maximum upper grant limit is £30,000 (including VAT if applicable).
- 5.5 All owner-occupiers, tenants, licensees, or occupiers are eligible for a DFG, provided they meet the eligibility criteria. Private Sector Landlords and Registered Providers (RP) may also apply for a DFG on behalf of a disabled tenant, but the tenant must also meet the relevant requirements under the same means testing arrangements. Council tenants and leaseholders of Colchester Borough Homes are eligible for a DFG under Colchester Borough Homes Housing Adaptations Policy which is separate to the Financial Assistance Policy and funded from the Housing Revenue Account.
- 5.6 DFG application must be supported by a recommendation from an Essex County Council Occupational Therapist and detail the difficulties being experienced, and what is needed to be put in place to overcome this difficulty. The Occupational Therapist determines what is "necessary and appropriate" to meet the recipient's needs. Provided it is deemed "reasonable and practicable" by the Council, this determines the eligibility. Examples are:
- Making the building or dwelling safe for the disabled person
  - Facilitating access to and from the building
  - Facilitating access to or providing a bedroom
  - Facilitating access to the principal family room
  - Provision of a room containing a bath or shower or facilitating the use of such a facility
  - Provision of a room containing a WC or facilitating the use of such a facility
  - Provision of a room containing a wash hand basin or facilitating the use of such a facility
  - Facilitating the preparation and cooking of food (only if used by the disabled person)
  - Providing or improving a heating system for the use by the disabled person
  - Facilitating the use of power, light, or heat by altering the same or by providing additional means of control
  - Facilitating access and movement around the dwelling to enable the disabled person to provide care for another person.
  - Any such purpose specified by the Secretary of State



- 5.7 The DFG can be used to provide works including bathroom adaptations such as level access showers, stairlifts, through floor lifts, ramped access including to the garden, door widening, kitchen adaptations, improving heating systems, relocating lighting and heating controls, other specialist equipment such as toilets and conversions and extensions where required, to provide additional rooms, bedroom and/or bathroom for the disabled person.
- 5.8 The Mandatory DFG is means tested and the amount that an applicant and receives depends on theirs and their partners income and savings. People on state benefits are passported so will not have a contribution. Contributions can range from zero, to the full costs of the works. However, any contributions are deducted from future grant applications up to 10 years. Children are also eligible for DFG's; however, children are not means tested.
- 5.9 DFG's come with some conditions. These are that:
- The disabled person intends to live in the property for at least 5 years.
  - DFG's may be repayable if applicant move within 10 years.
  - A local land charge is placed on an owner occupier's property, up to a maximum of £10,000, if the grant was over £5,000.
- 5.10 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 provides local authorities with a wide-ranging power to provide assistance based on the principle that repairs are fundamentally the responsibility of the property owner, but financial assistance should be given in particular circumstances. The Order provides local authorities with a general permissive power to provide discretionary assistance and support for improving living conditions. To exercise this power, the Council must first adopt a policy for the provision of assistance.
- 5.11 The Financial Assistance Policy provides the Council with the powers set out under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to broaden the scope of Disabled Facilities Grants and to offer alternative forms of discretionary grants for disabled, elderly, low income, and other vulnerable residents in the borough. The broad aim of this policy is to remove serious housing hazards that could impact on their health, safety, and wellbeing, enabling people to maximise their quality of life and continue to live independently in their own homes.
- 5.12 CBCs DFG allocation for 2022/23 is £1,452,105. The allocation has steadily increased by a total of £909,440 in the last 7 years. All authorities have been advised that the allocation will now remain static until 2024/25. DFG spend has increased during this period but is severely hampered at present by contractor availability, leading to waiting times for works to be between 3-6 months, meaning that applications are taking on average 30% longer to complete than pre-pandemic years.
- 5.13 In March 2022, Cabinet granted authority to procure a contract with Stannah Lift Service through the Procurement for Housing (PfH) Framework to deliver stairlift equipment to residents with mobility issues across the borough, in accordance with statutory duties. The renewal of this contract has reduced the requirement to obtain two quotes for every stairlift and enables these applications to be progressed at a greater speed. The new Stairlift Grant will continue with this arrangement and further benefit residents of the borough waiving the requirement for a means test, keeping residents safer and reducing potential burdens on health and social care partners.

## 6. Equality, Diversity and Human Rights implications

- 6.1 Implications for Equality, Diversity and Human Right will be considered in all policy updates. However, it is thought that updating the Financial Assistance Policy to provide better clarity and increasing the availability of discretionary forms of assistance is an overwhelmingly positive for residents of the Borough.
- 6.2 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 The recommendations will have no disproportionate impact on any protected group. The Equality Impact Assessment for the Council's Housing Investment Programme is here.

## 7. Strategic Plan References

- 7.1 The Strategic Plan sets out clearly the Council's priorities. The budget process has been designed to ensure that resources are allocated to meet these priorities.
- 7.2 This decision particularly contributes to the following Strategic Plan 2021-2023 priority areas:
- **Tackling the causes of inequality and support our most vulnerable people**
    - Support people to live in healthy homes that meet their needs
  - **Increase the number, quality, and types of homes**
    - Improve existing Council homes to keep them in good repair and improve energy efficiency
    - Continue to improve and modernise available housing for older people
  - **Prevent households from experiencing homelessness**
    - Work with partners to deliver the 2020-23 Homelessness and Rough Sleeping Action Plan
    - Intervene early to prevent homelessness and work in partnership with other organisations to sustain people's accommodation
    - Tackle rough sleeping in the Borough
  - **Create an environment that attracts inward investment to Colchester help businesses to flourish**
    - Encourage green technologies and innovative solutions to the Climate Emergency
    - Maximise the social value benefits derived from third party contracts

- Ensure the Council's assets continue to contribute to economic growth and opportunity

## **8. Consultation**

- 8.1 Adaptations to residents' properties are responsive and based on residents' need on a case-by-case basis. Services are not provided on a continuing basis and so no particular consultation was carried out with affected residents.
- 8.2 Owner occupiers, tenants, landlords and residents apply for all forms of assistance and are consulted on all installations in their properties as they are the applicant for the works.

## **9. Publicity Considerations**

- 9.1 All applicants or their representatives apply for a Disabled Facilities Grant and play an essential part of their application.
- 9.2 The new Financial Assistance Policy will be available on the website and enquires will be directed there for information relating to applications.
- 9.3 All applications are supported from the start to completion of the works by the Healthy Homes Team.

## **10. Financial implications**

- 10.1 The DFG allocation for 2022/23 is £1,452,105 and with underspend from previous years, the addition of new forms of assistance that do not require a means test will not impact on the ability of the council to deliver Mandatory DFGs. Inclusion of additional forms of financial assistance will support maximising the spend of the allocation.

## **11. Health, Wellbeing and Community Safety Implications**

- 11.1 The purpose of the DFG is to meet the needs of residents who are disabled and vulnerable and ensure they can continue to access the community, enjoy their home and remain independent. Therefore, this policy has only positive outcomes for residents' Health and Wellbeing.
- 11.2 It is expected that individuals where these works will take place will be positively affected by the completion of the works.
- 11.2 The works allow residents to continue to remain in their home and continue to live within their community and existing support networks.

## **12. Health and Safety Implications**

- 12.1 During an inspection, council officers will undertake The Housing Health and Safety Rating System (HHSRS). This is a risk-based evaluation tool to help the council identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. It was introduced under the Housing Act 2004 and applies to residential properties in England and Wales. This evaluation of applicant's properties will

support the identification and reduction or removal of Category 1 and some Category 2 hazards in the home through this policy. Undertaking this assessment and preparing a schedule of works to be funded with discretionary housing assistance (HRL), enables the council to promote the safety and wellbeing of residents through this mechanism, that may otherwise present significant risks or dangers to health and wellbeing.

### **13. Risk Management Implications**

- 13.1 There are no Risk Management Implications in the adoptions of the Financial Assistance Policy.

### **14. Environmental and Sustainability Implications**

- 14.1 Under the Housing Grants, Construction and Regeneration Act 1996, the council has a duty to provide Disabled Facilities Grant (DFG) funding for adaptations to eligible individuals in the borough. Applicants choose the contractors they wish to quote for them, and ultimately undertake the works. The council is not party to this agreement as this remains between the applicant and the contractor.
- 14.2 The key Environmental and Sustainability impacts operated by Stannah is their approach to recycling which contributes towards the Council's strategic objectives.
- 14.3 Stannah currently have a recycling scheme in place. If a stairlift is no longer required but still serviceable they will remove, refurbish and store free of charge until required by either CBC or CBH. Stannah will then reinstall at a reduced cost to the Council. This is environmentally responsible, but it also ensures that the Council's financial resources are effectively used.



# **Colchester Borough Council**

## **Private Sector Housing Financial Assistance Policy**

For further information contact  
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## 1.0 Introduction

Colchester Borough Council is committed to creating safe, healthy and active communities and ensuring that disabled people receive the help and support that they need in order to remain safe and independent in their own homes.

Under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, the Council has the power to provide assistance to repair, improve, acquire, demolish, adapt or provide accommodation in the Borough.

Colchester Borough Council can offer assistance in the forms of grants and loans. This Policy sets out what assistance the Council is able to offer: who can apply, whether it is a loan or a grant, what it can be used for and any conditions attached to this assistance.

The Healthy Homes Team will help applicants to apply for grants and loans and will offer support and guidance where appropriate. The team will actively signpost to other services with the agreement of the person in question. We will work with other council teams, organisations, and partners to support applicants with not only housing related enquires, but also issues relating to health and wellbeing in a holistic approach. Team contact details can be found in [Item 4 'How to get help with an application'](#).

### 1.1 Legislative Framework

The legislation governing Mandatory Disabled Facilities Grant (DFG) is contained in [the Housing Grants, Construction and Regeneration Act 1996](#), as amended by [the Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002](#). This order extended mandatory DFG eligibility to those occupying park homes and houseboats.

All owner-occupiers, tenants, licensees, or occupiers are eligible for a DFG, provided they meet the eligibility criteria. Private Sector Landlords and Registered Providers (RP) may also apply for a DFG on behalf of a disabled tenant, but the tenant must also meet the relevant requirements under the same means testing arrangements. Council tenants and leaseholders of Colchester Borough Homes should contact Colchester Borough Homes or see the [Housing Adaptations Policy](#).

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 provides local authorities with a wide-ranging power to provide assistance based on the principle that repairs are fundamentally the responsibility of the property owner, but financial assistance should be given in particular circumstances. The Order provides local authorities with a general permissive power to provide discretionary assistance and support for improving living conditions. To exercise this power, the Council must first adopt a policy for the provision of assistance.

This policy provides Colchester Borough Council with the powers set out under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to broaden the scope of Disabled Facilities Grants and to offer alternative forms of discretionary grants for disabled, elderly, low income and other vulnerable residents in the borough. The broad aim of this policy

is to remove serious housing hazards that could impact on their health, safety and wellbeing, enabling people to maximise their quality of life and continue to live independently in their own homes.

Mandatory DFG's under the Housing Grants Construction and Regeneration Act 1996, will be offered to applicants who meet the eligibility criteria. All forms of discretionary assistance beyond the Mandatory DFG are dependent on the availability of funds and can be withdrawn at any time. Mandatory DFG applicants will always take precedent and will not be disadvantaged by discretionary DFG's.

## **1.2 The Purpose of the policy**

Poor housing conditions are known to have a detrimental effect on the health and well-being of occupants. Poor and unsafe housing increases the risk of ill-health and injury. Certain groups are more vulnerable because they spend more time at home and may be more susceptible to health problems. These groups will include older and disabled people and families with young children.

The Council has outlined one of its key themes in the [Strategic Plan](#) for 2020-23 in Creating safe, healthy and active communities by tackling the causes of inequality and support our most vulnerable people. The Council has reviewed its Financial Assistance Policy to support the objectives of this strategic plan.

Colchester Borough Council is a member of [The North East Essex Health and Wellbeing Alliance](#) which is a collective of government, healthcare and voluntary organisations working together to improve the health and wellbeing of the community. The Financial Assistance Policy contributes to this approach by continuing to strengthen and develop working relationships between partner agencies in supporting residents across the borough.

The purpose of this Policy is to provide a formal framework within which the Council can deliver mandatory disabled facilities grants and exercise its discretion in providing other forms of financial assistance under the Regulatory Reform Order 2002.

This framework is designed to ensure the fair, equitable and consistent treatment of disabled people in the borough who require the Council's financial assistance to adapt their home or relocate to another, more suitable home.

### **The key objectives of the Financial Assistance Policy are to:**

- Help disabled people to maintain their independence by enabling them to adapt their existing homes to meet their needs or move to an alternative, more suitable home that meets their needs.
- Help vulnerable residents to remedy hazards and/or disrepair in their homes where these pose a significant threat to their health and safety, and where they are unable to do so without assistance.



- Support and facilitate Colchester's hospital discharge arrangements by ensuring that the borough's residents are able to return home quickly in a manner that enables them to live safely and independently at home, making it easier for carers to provide support; and
- Help prevent admissions to hospital, care homes or residential settings, and higher expenditure elsewhere in the health and/or social care system

### **1.3 Cases when Assistance is not available**

There are certain situations where applicants may not be entitled to assistance. These are if they have:

- started and/or completed the work before their application is approved.
- deliberately worsened their housing conditions (for example, by damaging the structure or fittings).
- a second home or are moving in to a second home.
- made a fraudulent application or request for assistance.
- in the case of Disabled Facilities Grant, Discretionary Disabled Facilities Assistance, Discretionary Stairlift Grant or Fast-Track Grant, no longer have that medical need or the person with the disability is no longer living at the address.
- an insurance policy that will cover the work(s)

## **2.0 Types of Financial Assistance:**

### **2.1 Mandatory Assistance**

To apply for a Disabled Facilities Grant, you must first arrange an assessment with Essex County Council.

They will send an Occupational Therapist to assess your needs to see if you are eligible. They will then make recommendations on what equipment and adaptations you need that will be sent to the Council.

Please visit Essex County Councils website for details of how to arrange an assessment. Further information can be found here: [www.essex.gov.uk/topic/adult-social-care-and-health](http://www.essex.gov.uk/topic/adult-social-care-and-health).

The Council has a duty to approve applications under [section 23 \(1\) of the Housing Grants, Construction and Regeneration Act 1996](#) to satisfy the requirements outlined in the Act for the provision of Mandatory Disabled Facilities Grants. The minimum threshold for a DFG is £1,000 and the maximum upper grant limit is £30,000 (including VAT if applicable).

## 2.1.1 Disabled Facilities Grants (DFG)

**Purpose:** The Council must give Disabled Facilities Grants to help eligible applicants to pay towards the cost of adapting their homes to meet the needs of disabled persons.

**Eligibility for DFG:** Any residents who own or rent a house, bungalow, flat, qualifying houseboat, or caravan with an occupant who is registered (or is registerable as) disabled may apply for a Disabled Facilities Grant for adaptations. Official legal representatives of people who lack capacity to make decisions for themselves can make an application. Landlords are also able to apply on behalf of their tenant.

Each application must be supported by a recommendation from an Occupational Therapist, where applicable we will consult with Essex County Council Social Care.

Only one Mandatory DFG application can be processed at a time. Should additional recommendations be received whilst there is an existing application, these works will be combined and treated as a single application.

To make a Valid Application for a DFG, you will need to complete an application form and supply information about your circumstances and finances. Where applicable, we may also require your Landlord, Registered Provider or Freeholder to give permission to undertake any works. Please see Appendix 3 for further details on what information is required.

The Council reserves the right to refuse grant aid where the works are not reasonable and practicable, or the property is not suitable for adaptation.

**DFG for Registered Providers:** All Registered Providers will be asked to make a contribution if a tenant makes an application for a DFG. Any contribution depends on the provider's Adaptation Assistance Policy and their financial position.

### **Qualifying Works:**

The qualifying works are set out in [Section 23\(1\) of the Housing Grants, Construction and Regeneration 1996 Act](#).

The following types of works, when recommended by the Occupational Therapist as "necessary and appropriate", are eligible for a grant, provided it is and deemed "reasonable and practicable" by the council with regard to the age and condition of the property:

- Making the building or dwelling safe for the disabled person
- Facilitating access to and from the building
- Facilitating access to or providing a bedroom
- Facilitating access to the principal family room
- Provision of a room containing a bath or shower or facilitating the use of such a facility
- Provision of a room containing a WC or facilitating the use of such a facility
- Provision of a room containing a wash hand basin or facilitating the use of such a facility
- Facilitating the preparation and cooking of food (only if used by the disabled person)
- Providing or improving a heating system for the use by the disabled person
- Facilitating the use of power, light, or heat by altering the same or by providing additional means of control

- Facilitating access and movement around the dwelling to enable the disabled person to provide care for another person.
- Any such purpose specified by the Secretary of State

Only qualifying works can be funded by a grant. If any of the qualifying works are not completed in line with the Occupational Therapist recommendations, they will not be eligible for grant funding. Preferred schemes must meet the needs to the relevant person and be approved by the Occupational Therapist and the council. It will be the responsibility of the applicant who is proposing the preferred scheme to ensure this meets all our requirements. If these works are not approved, then the funding will be withdrawn.

The council will require two quotes that are less than 6 months old for the eligible works which are reasonable and in line with like or similar works, unless the works or item is a specialist piece of equipment. Should a quote be excessive or above what would be considered reasonable, the council may request an additional quote or determine the grant amount using an average of similar works.

The council will normally approve the lower of the two quotes. If the applicant wishes to go with the more expensive quote, they will have responsibility to fund the difference and pay this direct to the contractor.

In some instances, the Council may have entered into a Framework Agreement meaning that only a single quote from a contractor on this framework is required. This can reduce the time taken to process certain works such as stairlifts.

For cases where it is not appropriate to provide an adaptation to a property, The Council may as an alternative and in agreement with the applicant, provide assistance with moving costs. Please see 2.2.1 Discretionary Disabled Facilities Assistance Loan (DFA).

### **The Means Test:**

All DFG applications are subject to a means test.

However, if the disabled person is in receipt of a qualifying income related benefit or “passported” benefit, then they will make no contribution towards the cost of the eligible works up to the maximum grant limit. These benefits are:

- Universal Credit (UC)
- Income-related Employment and Support Allowance (ESA)
- Income Support (IS)
- Income-based Jobseekers Allowance (JSA)
- Housing Benefit (HB)
- Guaranteed Pension Credit (GPC)
- Working Tax Credit or Child Tax Credit (where annual income for the purposes of assessing tax credit is less than £15,050)

(N.B. Employment and Support Allowance (Contribution Based) and Saving Credit are classed as income and are not a qualifying benefit)

A means test will not be carried out if the disabled person is a child (someone between 0 and 16th birthday) or a young person (someone between 16th and 20th birthday who is in non-

advanced ordinary full-time education), evidence maybe required. The application must be made by either the parents/guardians or property owner(s).

All applications must be made either by the owner, the tenant, the landlord of the property, or the disabled person. The means test is only applied to the disabled person (and their partner).

The result of the means test gives the disabled persons contribution towards the cost of the works. This contribution can vary from zero to the full cost of the works. Please note, that although a disabled persons assessed contribution may be calculated to be over the cost of the eligible works or over the maximum grant amount for £30,000, they are still entitled to apply for a Nil Grant.

Previous assessed contributions paid towards DFGs will be taken into account for a period of 10 years, from the certified date of the works.

**Amount of grant payable:**

The cost of any works started and/or completed before the application has been approved may be excluded from the approved amount.

The maximum DFG that can be awarded is currently set in legislation at £30,000, less the applicant's assessed contribution.

Where there is an assessed contribution to be made by the applicant following a means test, this should be the initial payment. Interim payments are permissible once the works have reached an acceptable point as determined by the Council. Applicants will need to inform the Council of the request for interim payments in advance.

When works commence, there may be occasions where previously unidentified or unforeseen works may be required for safely and/or to complete the approved schedule of works e.g. unseen pipework or electrical work. Where this occurs, approval will need to be given by the council before any work is undertaken. If the council does not approve the works, they may not be eligible under the grant. Any increase in the grant, will be reflected in the Local Land Charge detailed below. Should the applicant not agree to approved unforeseen works, no grant payment will be made, and any costs incurred will be the responsibility of the applicant to fund.

It is a condition of payment of every grant, unless otherwise agreed by the council, that the eligible works are carried out by the contractor whose quotes accompanied the application or, where two or more estimates were submitted, by one of those contractors.

Where several suitable options have been identified to meet the needs of the disabled person, the council will only provide a grant fund based for the most cost-effective and meets the needs of the disabled persons as outlined by the recommendation. If the applicant's preferred scheme is not the most cost-effective then the council will only fund eligible works determined by the council.

The applicant must pay the difference between the options to the contractor directly, before any grant funds are released, as well as any assessed contribution. The council will require evidence that the applicant(s) have the funds available to make payment for the shortfall amount and/or difference before approval can be given. These funds must remain available

throughout the works and may include a contingency amount to cover any unforeseen works. This is to ensure the works can be completed.

### **Grant Conditions:**

Under the [Disabled Facilities Grant \(Conditions relating to approval or payment of Grant\) General Consent 2008](#), the Council may place a Local Land Charge on properties subject to a Grant where it is considered that the works add value to the property.

DFG's are approved subject to these statutory conditions regarding occupation of the property throughout the five-year grant condition period. Providing that the disabled person intends to stay in the property for the five years, then the grant is not repayable at all unless the grant value exceeds £5,000.

If the property is sold or ownership transferred within the five year grant condition period, the Council will need to look at the reason for the sale or transfer and may demand repayment of the grant subject to the relevant conditions.

There may be four other conditions attached to the grant. These are:

- a) the works must be carried out within 12 months from the date of approval. In exceptional cases, the Council may extend this and will notify the applicant in writing of their decision.
- b) Payment can only be made when the works have been completed to a satisfactory standard and meets the recipient's needs, and the council has received a suitable invoice and relevant certificates, demand or receipt for payment of the works. Please note that any such documents must be addressed to the applicant, not the Council. Payment is normally made direct to the building contractor. Please also note, any assessed contribution following a means test should be the initial payment. Interim payments are permissible once the works have reached an acceptable point. Applicants will need to inform the Council of the request for interim payments in advance.
- c) In the case where DFG work is required whilst an insurance or legal claim is going through the Courts system, repayment of the full grant will be necessary from the proceeds of the successful claim.
- d) If the applicant has chosen a 'Preferred Scheme' (where there may be additional works being undertaken at the same time as eligible works) the Council will usually make payment on completion of the eligible works direct to the applicant for them to manage payment with their contractor.

### **Grant Repayment requirements:**

Repayment of the grant will be required in the following circumstances:

- **Breach of Grant conditions:** If the applicant sells or transfers the property within the five year grant condition period, they may be required to repay the grant to the Council upon the sale or transfer depending on the reason for sale, subject to the relevant conditions.

- **In the case of a fraudulent application** (e.g. when the applicant is not entitled to the grant for whatever reason), immediate repayment of the full grant plus compound interest will be required by the Council.
- **Where the grant approved is more than £5000**, the Council will secure a recoverable charge on owner-occupied properties of up to a maximum value of £10,000. This means that it is registered as a local land charge and will stay in force for 10 years from the certified date and an appropriate proportion may be recovered when the property is sold or transferred during this period.

When deciding whether a charge is due for repayment the Council must consider each case on its merits and will consider the following:

- Will repayment cause financial hardship.
- Is the sale of the property to enable the recipient to move for work.
- Is the sale connected to the physical or mental health or wellbeing of the recipient.
- Will the sale enable the recipient to live with someone needing care or to be cared for.

All applicants can voluntarily repay the grant at any time after the certified completion date if they so wish and the details will be removed from the Land Charges register. Please also note that a DFG repayment requirement will expire after 10 years from the certified date.

## 2.2 Discretionary Assistance

The Council is given discretionary powers under [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002](#) to provide assistance to any person for the purpose of improving living conditions, and to support residents to remain safe and independent in their own homes.

All forms of discretionary assistance will meet the following aims and objectives:

- Increase safety, independence and maximise the disabled persons abilities to live well in their own home.
- Maximising the number of disabled people whose homes are adapted to enable them to continue to live independently in their own home.
- Prevent avoidable admission to care settings, supporting the NHS and Social Care.
- Supporting people to be discharged from hospital or care as quickly as possible.

Discretionary forms of assistance may include supporting projects, schemes, or mechanisms to meet the above aims and objectives. These could include, but are not limited to:

- Working with system partners to improve, develop and integrate services for the benefit of applicants, including the Senior Occupational Therapist in Housing Project.
- Supporting organisations with existing or new hospital/care discharge services run by charitable, not-for-profit, or other social enterprises.
- Purchasing specialist/temporary equipment to enable swift discharge from hospital or care setting, whilst more permanent adaptations are processed (where appropriate).

- Exploring and potentially financially supporting capital projects that may reduce overall demand for DFGs or support the development of specialist housing to meet local need.
- Purchasing additional warranty on equipment to ensure that they are maintained and functional for as long as possible.
- Supporting applicants to clear or clean their property and enabling other works and / or support to be undertaken.

All Discretionary Assistance projects and schemes will be subject to the appropriate forms of governance and will demonstrate their ability to meet the aims and objectives.

The Council may also undertake technical inspections or employ specialist services required to gain further information that enables a property to be fully assessed to undertake the eligible works. These services might include but are not limited to structural reports, architectural services, soil sampling tests, relocation of utilities and planning and building regulation applications. The council may also employ such services to undertake inspections on its behalf due to the nature of the works or in ensuring applications are processed in a timely manner.

[The Housing Health and Safety Rating System](#) (HHSRS) is a risk-based evaluation tool to help the council identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. It was introduced under the [Housing Act 2004](#) and applies to residential properties in England and Wales. This evaluation of applicant's properties will support the identification and reduction or removal of Category 1 and some Category 2 hazards in the home through this policy. Undertaking this assessment and preparing a schedule of works to be funded with discretionary housing assistance, enables the council to promote the safety and wellbeing of residents through this mechanism, that may otherwise present significant risks or dangers to health and wellbeing.

### 2.2.1 Disabled Facilities Assistance (DFA)

**Purpose:** Disabled Facilities Assistance (DFA) is available to help eligible applicants to pay for the cost of adapting their home to meet the needs of a disabled person that are not covered by the Mandatory DFG. This could include where the required works are above the maximum mandatory DFG amount of £30,000 and the applicant cannot fund the additional costs, or if the applicant is unable to raise their assessed contribution due to financial hardship, or their property is not adaptable. The maximum Discretionary DFA is £30,000, subject to the funds being available. This assistance can be suspended at any time before formal approval.

#### **Eligibility for DFA:**

Any applicants who have an owner's interest in the resident property and where an occupant is registered (or registerable as) disabled may apply for a Discretionary DFA for adaptations.

Prior to any DFA approval, support will first be given to seek and exhaust other forms of funding or financial assistance available from charities and evidence will be required on application.

Discretionary assistance can contribute to the total cost of eligible works to meet the needs of the disabled person, as assessed, and recommended by the Occupational Therapist. All work

must be considered “reasonable and practicable”. The Council reserves the right to refuse financial assistance where these are not met, or the property is not suitable for adaptation.

The Council will require the applicant(s) to provide information about their financial situation as part of their application.

The Council may also consider the longer-term affordability of this type of assistance and any future negative impact this might have on the applicants when making its decision.

Second homes will not be considered and are not eligible for any financial assistance.

**Where an adaptation is not an appropriate option:**

The Council may consider a DFA to assist with moving to a more suitable property. The relevant property will need to meet the majority of the client’s needs and must be determined suitable by both an Occupational Therapist and the Council. All works to the property must be deemed reasonable. The applicant would be subject to the same prescribed test of resources used for a DFG application.

Financial assistance towards the purchase of a property may also be considered for owner occupiers, but only where there would be no financial gain in the sale of the old property moving to the new property, equally the move to a new property must not place the applicant in negative equity or financial hardship and must be affordable.

In all cases, the property to which the applicant moves must be supported by an Occupational Therapist and the Council.

An individual who receives this assistance shall not be entitled to claim similar discretionary assistance for a period of 10 years, however, is still eligible for a Mandatory DFG to pay towards the cost of adapting the property to meet the remaining needs of the disabled person.

**Qualifying Works:**

The Discretionary DFA is available to fund the following adaptations to enable a disabled person to stay in their own home:

(a) to make the dwelling suitable for the accommodation of the disabled person

Examples include:

- the provision of a safe play space for a disabled child
- the provision of more satisfactory internal arrangements which would directly benefit the disabled person

(b) to make the dwelling suitable for the employment of the disabled person (examples include the provision or adaptation of a room for the disabled person to use as a work area)

(c) to provide an area for specialist care or treatment (e.g. provision of a dialysis room)



- (d) where an applicant is unable to meet their assessed contribution under the means test for the Mandatory DFG, and in the absence of any affordable alternative, the Council may provide the applicant(s) with a Discretionary DFA to enable the works to proceed.
- (e) Assistance with moving to an alternative, suitable property. (A “suitable” property is one that has been assessed by an Occupational Therapist and the council and being more suitable for the disabled person’s needs than the current one). A further DFG application may then be possible to adapt a new property.
- (f) Where the cost of the eligible works exceeds the maximum DFG limit of £30,000.

### **The Means Test**

The applicant of the DFA is subject to a means test for eligibility of the assistance if the DFA is paying for works that are not DFG eligible. A means test is not applicable where the assistance is for an assessed contribution towards a DFG where the applicant cannot raise the funds.

### **Amount payable**

Please note that applicants will not be entitled to assistance if they have:

- started and/or completed the work before their application is approved.
- deliberately worsened their housing conditions (for example, by damaging the structure or fittings).
- a second home or are moving in to a second home.
- they have made a fraudulent application or request for assistance.
- in the case of Disabled Facilities Grant or Discretionary Disabled Facilities Assistance, no longer have that medical need or the person with the disability is no longer living at the address.

### **Conditions:**

The Discretionary DFA is approved subject to the following conditions:

- Works must be carried out within 12 months from the date of approval. In exceptional cases, the Council may extend this and will notify the applicant in writing of their decision.
- The disabled persons intention is to remain in the property for five years from the certified completion date.
- Payment for works can only be made when the works have been completed to a satisfactory standard and meets the recipient’s needs, and the council has received a suitable invoice, demand, or receipt for payment of the works. Please note that any such documents must be addressed to the applicant not the Council. Payment is normally made direct to the building contractor following any contribution by the applicant.
- In the case where Discretionary DFA work is required whilst an insurance or legal claim is going through the Courts system, repayment of the full loan will be necessary immediately from the proceeds of the successful claim.

### **Repayment requirements:**

The Discretionary DFA is secured against the property and will be registered as a Local Land Charge.

Repayment of the loan will be required in the following circumstances:

- If the property is sold or transferred within five years of the certified completion date, it is repayable with compound interest, depending on the reasons for sale.
- It is repayable without interest when the property is eventually sold or transferred to another owner at any point in the future.
- In the case of a fraudulent application (e.g. when the applicant is not entitled to the loan for whatever reason), immediate repayment of the full loan plus compound interest will be required by the Council.

### **2.2.2 Fast-Track Grant (FTG)**

**Purpose:** To provide a mechanism for a Discretionary Fast-Track Grant alongside the Mandatory Disabled Facilities Grant (DFG), to support and promote prompt hospital discharge and reablement, preventing avoidable Delayed Transfer of Care (DTOC) from hospital or care and the associated additional costs to health / social care services. In addition to supporting prompt discharge, the Fast-Track Grant will also provide the ability to avoid admission, when a recognised risk e.g. falls, has been identified by the referring Health Professional.

The Fast-Track Grant is a Discretionary assistance that follows the Mandatory DFG principles to help eligible applicants pay for the cost of adapting their homes to meet the needs of disabled persons. The means test will not be required when eligibility for the Fast-Track grant is met.

#### **Eligibility for Fast-Track Grant:**

Recommendations can be made by a Senior Occupational Therapist in Housing, or Occupational Therapist where the applicant is currently in hospital/care, or who is at risk of being admitted where prompt adaptations would avoid admission, up to the upper financial limit of the mandatory DFG. This will include working with people with life-limiting and life-altering injuries or conditions to prevent formal/interim care placements for those whose home environment is not currently suited to their assessed needs.

Eligibility for a Fast-Track Grant will be at the discretion of the Manager/Budget Holder, and subject to capacity and the availability of funds. Applications that do not meet the criteria for a Fast-Track Grant may be eligible for other assistance detailed in this policy.

Any residents who own or rent a house, bungalow, flat, eligible houseboat, or caravan with an occupant who is registered (or is registerable as) disabled may be eligible for a Fast-Track DFG. Landlords may also support and apply on behalf of their tenant, where appropriate.

The Council reserves the right to refuse grant aid where the works are not necessary, appropriate, reasonable, practicable, or the property is not suitable for adaptation. Where the Fast-Track Grant is not appropriate, the Council may support a Mandatory DFG application, or Discretionary Disabled Facilities Assistance to help the disabled person to move to more suitable accommodation.

### **Qualifying Works:**

The purposes for which **Fast-Track Grants** may be given are adaptations to provide the disabled person with (but is not limited to) the following and is at the discretion of the Manager/Budget Holder:

- Access in to and around the dwelling
- Access to bathroom facilities
- Access to suitable bedroom facilities
- Access to main living/family room
- Access to suitable lighting and heat controls
- Access to kitchen facilities
- Any adaptations necessary to enable the disabled person to care for dependent residents
- Professional Fees related to the grant aided works (also known as preliminary and ancillary fees)

(Additional qualifying works available through standard DFG. See section 23 (1) of the Housing Grants, Construction and Regeneration 1996 Act.)

Where several suitable options have been identified to meet the needs of the disabled person, the council will only provide a grant for the most cost-effective.

### **The Means Test**

The Discretionary Fast-Track Grant is not subject to a means test.

### **Amount of grant payable:**

The cost of any works started and/or completed before the application has been approved will normally be excluded from the approved amount.

The maximum Fast-Track Grant is set to the upper financial limit of the mandatory DFG, subject to funds being available.

### **Grant Conditions:**

The Discretionary Fast-Track Grant is approved subject to statutory conditions regarding occupation of the property throughout the five-year grant condition period. Providing that the disabled person stays in the property for the five years, then the grant is not repayable at all unless the grant value exceeds £5,000.

If the property is sold or transferred within the five-year grant condition period, the Council will need to look at the reason for the sale or transfer and may demand repayment of the grant in full.

There are three other conditions attached to the grant. These are:

- a) the grant must be carried out within 12 months from the date of approval. In exceptional cases, the Council may extend this and will notify the applicant in writing of their decision.

- b) Payment can only be made when the works have been completed to a satisfactory standard and the council has received a suitable invoice and relevant certificate(s), demand, or receipt for payment of the works. Please note that any such documents must be addressed to the applicant not the Council. Payment is normally made direct to the building contractor.
- c) In the case where Discretionary Fast-Track Grant works are required whilst an insurance or legal claim is going through the Courts system, repayment of the full grant will be necessary from the proceeds of the successful claim.

### **Grant Repayment requirements:**

Repayment of the grant will be required in the following circumstances:

- Breach of Grant conditions: If the applicant sells or transfers the property within the five-year grant condition period, they will normally be required to repay the full grant to the Council upon the sale or transfer.
- In the case of a fraudulent application (e.g. when the applicant is not entitled to the grant for whatever reason), immediate repayment of the full grant plus compound interest will be required by the Council.
- Where the grant approved is more than £5,000, the Council will secure a recoverable charge on the property of up to £5,000. This means that it is registered as a local land charge and will stay in force for 10 years from certified.

When deciding whether a charge should be waived, the Council will take into account individual circumstances of each case. Severe financial hardship, downsizing and moving into care are some of the factors that are considered. Please contact the council to discuss this if you would like more information.

All applicants can voluntarily repay the grant at any time after the certified completion date if they so wish and the details will be removed from the Land Charges register. Please also note that a Discretionary Fast Track Grant repayment requirement will expire after 10 years from the certified date.

## **2.2.3 Stairlift Grant (SLG)**

**Purpose:** Stairlifts provide access to essential facilities within the home, increasing independence for disabled adults and children. Stairlifts are usually a relatively straightforward installation requiring little in the way of other home alterations. Given their ease of installation they can provide a proportionally significant enhancement to the lives of those who needs them.

### **Eligibility for SLG:**

Any residents who own or rent a house with an occupant who is registered (or is registerable as) disabled may apply for a Stairlift Grant. Official legal representatives of people who lack capacity to make decisions for themselves can make an application. Landlords are also able apply on behalf of their tenant.

Each application must be supported by a recommendation from an Occupational Therapist, where applicable we will consult with Essex County Council Social Care.

To make a Valid Application for a SLG, you will need to complete an application form and supply the requested information. Where applicable, we may also require your Landlord, Registered Provider or Freeholder to give permission to undertake any works.

The Council reserves the right to refuse grant aid where the works are not reasonable and practicable, or the property is not suitable for adaptation.

Recommendations can be made by an Occupational Therapist for a disabled occupier or parent/guardian of a disabled child.

### **Qualifying works:**

To qualify for assistance the property must be suitable for a stairlift and that the lift be suitable for the disabled user.

Stairlifts will be funded to facilitate access to essential rooms and facilities such as a room suitable as a bedroom or bathing facilities. Any stairlifts wanted for accessing non-essential facilities that would not be included in a Disabled Facilities Grant will not be eligible.

The Council has entered into a Framework Agreement for the procurement of stairlifts meaning that only a single quote from the contractor on this framework is required. This can reduce the time taken to process applications.

The applicant is under no obligation to use this contractor if they do not wish to, however, the council will require two quotes for a stairlift in this circumstance to process the application. The council will normally approve the lower of the two quotes. If the applicant wishes to proceed with the more expensive quote, they will have responsibility to fund the difference and pay this direct to the contractor.

The council will also fund an additional warranty for up to 5 years as standard.

### **Means Test:**

The Discretionary Stairlift Grant is not subject to a means test.

### **Amount Payable:**

Please note that applicants will not be entitled to assistance if they have:

- Installed a stairlift before their application is approved.
- deliberately worsened equipment (for example, by damaging the structure or fittings).
- a second home or are moving in to a second home.
- they have made a fraudulent application or request for assistance.
- no longer have that medical need or the person with the disability is no longer living at the address.

The maximum Stairlift Grant is set to the upper financial limit of the mandatory DFG, subject to the funds being available.

### **Conditions:**

The Stairlift Grant is approved subject to statutory conditions regarding occupation of the property throughout the five-year grant condition period. Providing that the disabled person

stays in the property for the five years, then the grant is not repayable at all unless the grant value exceeds £5,000.

If the property is sold or transferred within the five-year grant condition period, the Council will need to look at the reason for the sale or transfer and may demand repayment of the grant in full.

There are two other conditions attached to the grant. These are:

- a. the equipment must be installed within 12 months from the date of approval. In exceptional cases, the Council may extend this and will notify the applicant in writing of their decision.
- b. Payment can only be made when the works have been completed to a satisfactory standard and the council has received a suitable invoice and relevant certificate(s), demand, or receipt for payment of the works. Please note that any such documents must be addressed to the applicant not the Council when the contractor is not party to a Framework agreement. Payment is normally made direct to the contractor.

### **Repayment requirements:**

Repayment of the grant will be required in the following circumstances:

- Breach of Grant conditions: If the applicant sells or transfers the property within the five-year grant condition period, they will normally be required to repay the full grant to the Council upon the sale or transfer.
- In the case of a fraudulent application (e.g. when the applicant is not entitled to the grant for whatever reason), immediate repayment of the full grant plus compound interest will be required by the Council.
- Where the grant approved is more than £5,000, the Council will secure a recoverable charge on the property of up to £10,000. This means that it is registered as a local land charge and will stay in force for 10 years from certified.

When deciding whether a charge should be waived, the Council will take into account individual circumstances of each case. Severe financial hardship, downsizing and moving into care are some of the factors that are considered. Please contact the council to discuss this if you would like more information.

All applicants can voluntarily repay the grant at any time after the certified completion date if they so wish and the details will be removed from the Land Charges register. Please also note that a Discretionary Stairlift Grant repayment requirement will expire after 10 years from the certified date.

## **3.0 Home Repair Loan (HRL)**

**Purpose:** Home Repair Loans are discretionary assistance to provide help to eliminate or reduce to an acceptable level, any significant risks as assessed using [the Housing Health and Safety Rating System](#) (HHSRS), to the occupiers' health and safety. The maximum HRL is £30,000, subject to available funds.

**Eligibility for an HRL:** HRL is available to homeowners and leaseholders who have a legitimate and reasonable contractual obligation to repair and maintain the property.

Priority may be given to when:

- a) applicants have a disability.
- b) the applicant has owned and resided in the property for at least the last three years.

Applicants who do not meet these criteria may apply and each case will be decided on its own merits. Properties with serious/life threatening issues (i.e. Category 1 hazards) will be considered in advance of those with minor disrepair issues.

Affordability will be considered by the Council during an application. Further information regarding other registered charges against the property will be required to ensure there is sufficient equity to meet all charges.

Prior to any HRL approval, support will first be given to seek other forms of funding such as equity release or financial assistance from charities or other sources of funding.

HRL's are only available where there is not a current valid insurance policy in place that will cover the works.

HRL's are not available for second homes.

The council reserves the right to withdraw this assistance at any time when funds become depleted.

### **Qualifying works:**

#### **Elimination of Category 1 and some Category 2 or other identified hazards**

The council will undertake a HHSRS inspection to determine what hazards exist in the property. The outcome of this inspection will constitute the qualifying works. Should there be multiple hazards/works, the council will determine the priority and if they can be managed in line with the funds available.

Where renovation of a dwelling is the most satisfactory course of action, HRL's may be given to eliminate Category 1 hazards, or where this is not possible, to reduce them to a low Category 2 hazard.

In addition, HRL's may be given to eliminate high Category 2 hazards or reduce them to a low Category 2 hazard or remove them where possible.

On completion of the HRL works, all homes must meet an acceptable standard (and therefore free of Category 1 hazards).

- **To increase thermal efficiency of homes:**

The Council wishes to make sure that the residential properties within its district are as thermally efficient as possible.

The Council will support applicants to access all available forms of assistance to meet this need. This may mean accessing other central government or local schemes, or other similar future schemes that will meet all or part of the works, in advance of Council financial assistance. These schemes will need to be exhausted prior to assistance being offered.

### **The Means Test:**

All HRL applications will be means tested to determine a valid application.

However, if the applicant is in receipt of a qualifying income related benefit or “passported” benefit, then they will make no contribution towards the cost of the eligible works up to the maximum loan limit. These benefits are:

- Universal Credit (UC)
- Income-related Employment and Support Allowance (ESA)
- Income Support (IS)
- Income-based Jobseekers Allowance (JSA)
- Housing Benefit (HB)
- Guaranteed Pension Credit (GPC)
- Working Tax Credit or Child Tax Credit (where annual income for the purposes of assessing tax credit is less than £15,050)

(N.B. Employment and Support Allowance (Contribution Based) and Saving Credit are classed as income and are not a qualifying benefit))

If the applicant does not receive any of these benefits, then the same means test that applies to the Disabled Facilities Grant will be carried out in accordance with the Government’s rules.

The result of the means test is the applicant’s contribution towards the cost of the works and does **not** qualify for other Council financial assistance.

### **Amount payable:**

The cost of any works started and/or completed before the application has been approved will be excluded from the approved amount.

HRL’s are an interest free repayable assistance. The minimum HRL that can be paid is £300. The maximum is £30,000.

The £30,000 limit is reduced by any previous HRLs (or its predecessors, Home Repair Assistance and Home Renovation Loan) paid in the 10-year period preceding this application.

### **Conditions:**



HRLs are approved subject to the following conditions:

- The works must be carried out within 12 months from the date of approval. In exceptional cases, the Council may extend this and will notify the applicant in writing of their decision.
- Payment can only be made when the works have been completed to a satisfactory standard and the council has received a suitable invoice and certificates, demand or receipt for payment of the works. Please note that any such documents must be addressed to the applicant not the Council. Payment is normally made direct to the contractor. The clients' contributions will need to be the first payment to the contractor.
- In cases where HRL work is required whilst an insurance or legal claim is going through the Courts system, repayment of the full loan will be necessary from the proceeds of the successful claim.

### **Repayment requirements:**

The Discretionary HRL is secured against the property and will be registered as a Local Land Charge.

Repayment of the loan is required in the following circumstances:

- In the case of a fraudulent application (e.g. when the applicant is not entitled to the loan for whatever reason), immediate repayment of the full loan plus compound interest will be required by the Council.
- If the property is sold or transferred within five years of the certified completion date, it is repayable with compound interest.
- It is repayable without interest when the property is eventually sold or transferred to another owner after 5 years.

## **4.0 Support with all forms of assistance**

### **4.1 How to get help with an application:**

The Healthy Homes Team will support people in making an application for all forms of financial assistance.

The team will offer support, advice, and guidance where appropriate, and actively signpost to other services with the agreement of the person in question.

We will endeavour to advise applicants and answer enquires as soon as possible. We will work with other council teams, organisations, and partners to support applicants with not only housing related enquires, but also issues relating to health and wellbeing.

### **How to contact the Healthy Homes Team:**

The **Healthy Homes Team** can be contacted on:

Telephone: 01206 506362

Email: [grantsandloans.support@colchester.gov.uk](mailto:grantsandloans.support@colchester.gov.uk)

Please visit our website for more information: [www.colchester.gov.uk/home-adaptations-and-repairs/](http://www.colchester.gov.uk/home-adaptations-and-repairs/)

## 4.2 Feedback:

As a team, we are continuously working to improve how we deliver the service. An important part of this is to welcome feedback from residents and use this to help develop and shape the service. You can leave feedback on this or any council service by visiting [Help Us Get It Right](#).

Alternatively, you can also contact the team at:

- **By email:** [grantsandloans.support.gov.uk](mailto:grantsandloans.support.gov.uk)
- **By Post:** The Healthy Homes Team  
Colchester Borough Council  
Rowan House, 33 Sheepen Road, Colchester, CO3 3WG
- **By telephone:** 01206 506362

To contact the Local Government Ombudsman, please see below.

### Local Government Ombudsman

10th Floor  
Millbank Tower  
Millbank  
London, SW1P 4QP  
Telephone: 020 7217 4620

## 4.3 Procedure

The procedure for all types of financial assistance is similar but may vary depending on the individual requirements and evidence that is required to support each application. Please see Appendix 1 for details of what information is required to make a valid application for a DFG.

Applicants should note that by making an application for financial assistance, they agree to the terms and conditions attached to that assistance and understand that any false or misleading information may invalidate an offer of financial assistance. In cases where information is falsified or not disclosed, this may result in legal action against the applicant(s) if financial assistance has been provided.

Please also note that to process applications, the Council will need to gather information and evidence from applicants to support the application. The availability of this supporting information may impact on the time it takes to process the application. We will also require permission from all owners of the property being adapted.

## 4.4 Contractual arrangements

There are two contracts for each application:

The first is the **contract between the applicant** (or their representative or agent) and their chosen **building contractor**.

The contractor is responsible to the applicant for ensuring that the works progress to a satisfactory conclusion. Before the works commence, it is essential that the applicant and the contractor agree the following:

- The scope and cost of the works to be carried out (this may be the approval notice schedule of works provided by the council, but it may also include items that are not covered by the approval notice). This should also include VAT and proof of public liability insurance
- The time it will take to complete the contract
- All the relevant practical arrangements for working on site: for example, the hours of work, what services can be used by the contractor (e.g. electricity, water, toilet etc), the provision of dustsheets to protect furniture, possessions etc and other preliminaries
- How the work is to be paid for – for example, by instalments, on completion etc.

The second is the **contract between the applicant and the Council**.

Where the Council approves an application for assistance, it is forming a contract with the applicant to pay a specified sum of money payable on satisfactory completion of the relevant works and on condition that the applicant complies with the terms under which the assistance is given.

An applicant who fails to comply with the terms and conditions of assistance will be wholly liable for meeting any costs incurred under the contract and/or will be required to repay the money upon breach of the conditions.

## 4.5 Resolving disputes

If an applicant (or their representative) disputes the eligibility of grant or loan works, this should be discussed with the Grants and Loans Officer. Should the dispute fail to be resolved, the Healthy Homes Manager/budget holder will review the case.

The applicant (or their representative) and the contractor will normally be expected to resolve any contractual disputes that arise. Any disputes which involve breach of contract by either party are civil law issues and may require specialist advice from a solicitor or a representative from your local Citizens' Advice Bureau. Where disputes relate to unfair contractual or credit terms, or poor workmanship, then the [Trading Standards department of Essex County Council](#) may be able to help you with some advice.

## **4.6 Changes in the applicant's circumstances**

Applicants (or their agent) must inform the Council of all relevant changes in their circumstances, from the date of enquiry through to approval and payment of assistance. This includes changes relating to health.

Applicants are encouraged to contact the Council in advance if they believe that their circumstances may change, in order that they can be given advice on the options available to them.

## **5.0 Reviewing the Policy**

The Financial Assistance Policy was approved by Cabinet on **(INSERT DATE)** and came into force on **(INSERT DATE)**. The Council reserves the right to amend the eligibility criteria detailed in this policy, based on changes to the funding amounts, legislation, state benefit criteria and/or national guidance.

The policy may require small amendments on occasion that do not alter the core scope of the policy. This may include new government schemes that may benefit residents. This may be agreed by the Portfolio Holder for Housing.

Changes to the policy that effect the eligibility or availability of any grants or loans, or the addition of new Council forms of assistance may be made by Cabinet.

## **6.0 Equality Impact Assessment**

We aim to make our services accessible to all who need them. If required, we can offer:

- A minicom and loop service for personal callers
- Language line translation services
- Other personal translators depending on requirements

An Equality Impact Assessment (EqIA) has been completed of this Policy to ensure that its implementation does not adversely affect protected groups. The EqIA helps to ensure that the Policy does not discriminate, that everyone can access our services, we promote equality and we meet our legal obligations.

## **7.0 Privacy Policy**

Information obtained in connection with the Financial Assistance Policy will be stored, used and retained in accordance with our Privacy Policy: [Healthy Homes Privacy Notice](#)

## **8.0 Cases Falling Outside the Policy**

The policy details the circumstances in which an application for assistance will normally be approved. However, all applications for Discretionary Assistance will be considered on their

own merits, even where it may fall outside of the policy. In such cases, assistance may be offered at the discretion of the council if the need is justified.

Anyone who feels that their application for assistance has been refused unfairly is entitled to request a review. Where appropriate, the matter will be referred to the appropriate manager/budget holder for the final decision. This request should be made in writing where possible and detail the basis for the appeal.

## **9.0 Appendices:**

### **9.1 Appendix 1 - Information required for a DFG Valid Application**

#### **For Non-Passported Applications (Not in receipt of a qualifying income related benefit)**

Where applicable:

- 1. Application for a Disabled Facilities Grant** – Part 1 & 2 or separate if applicant different from disabled person
- 2. Authorisation** - For us to check Housing Benefit/Council Tax Reduction and DWP
- 3. Land Registry/Proof of Title**
- 4. Landlord's Certificate or Joint Owners Certificate**
- 5. Evidence of:**
  - Proof of Residency – utility bill
  - Proof of Benefit – Letter from relevant department
  - Attendance Allowance
  - Disability Living Allowance Medium Care
  - Disability Living Allowance High Care
  - Other Disability Living Allowance
  - PIP Daily Living Enhanced Rate
  - PIP Daily Living Standard Rate
  - PIP Mobility
  - Carers Allowance
- 6. Power of attorney information**
- 7. Pension evidence**
  - State Retirement evidence
  - Occupational Pension evidence
  - Other Pension evidence
- 8. Bank Accounts**
  - Bank statements – 3 months to valid application date
- 9. Employment details**
- 10. Other Incomes**

## **Cont. Appendix 1 - Information required for a DFG Valid Application**

### For Passport Applications (In receipt of a qualifying income related benefit)

Where applicable:

1. **Application for a Disabled Facilities Grant** – Part 1 & 2 or separate if applicant different from disabled person
2. **Authorisation** - For us to check Housing Benefit/Council Tax Reduction and DWP
3. **Land Registry/Proof of Title**
4. **Landlord's Certificate or Joint Owners Certificate**

Once the above is collected we will then have the Valid Application Date and can then collect remaining evidence below:

#### **5. Evidence**

- Proof of Residency – utility bill
- Proof of Benefit – Letter from relevant department
- Universal Credit
- Income Support
- Income-related Employment and Support Allowance (not contribution-based ESA alone)
- Income-based Jobseeker's Allowance not contribution-based JSA alone
- Guarantee Pension Credit (not Savings Pension Credit alone)
- Working Tax Credit/Child Tax Credit
- Housing Benefit

## **Appendix 2 – Better Care Fund**

### **9.2 Better Care Fund**

The Disabled Facilities Grant (DFG) forms part of the [Better Care Fund](#) (BCF) that was announced in 2013. The BCF is collaboration between NHS England, the (now) Department for Levelling Up, Housing and Communities, the Local Government Association and Department of Health and Social Care

The DFG is paid annually to the upper-tier authorities and is then reallocated to districts, boroughs, and city councils to meet their statutory obligation to provide DFG's.

Its purpose is to join up funding and improve the lives of some of the most vulnerable people in our society, enabling them to manage their own health and wellbeing and live independently in the community for as long as possible. The BCF provides the opportunity for better integration between health and social care services, resulting in improved experience and better quality of life.





<b>Report of</b>	<b>Assistant Director Place &amp; Client</b>	<b>Author</b>	<b>Andrew Tyrrell (CBC) Michael Woods (CAEL) ☎ 282390</b>
<b>Title</b>	<b>Creation of a Northern Gateway Solar Park and Micro Grid</b>		
<b>Wards affected</b>	Highwoods, Colchester Rural North, MileEnd		

## 1. Executive Summary

- 1.1 The Colchester Northern Gateway (CNG) is an important development area for Colchester providing much needed housing, leisure, health services and employment. Although the Council and its company, Colchester Amphora Energy Limited, are already installing a ground-breaking renewable Heat Network using geothermal energy, there is also significant intensification in electrical demand which will increased due to de-carbonisation and Electric Vehicle (EV) growth.
- 1.2 Recent, and further, development across the wider northern Colchester urban area has taken up most of the remaining National Grid capacity in the area. Therefore, the Council has an opportunity to provide additional green energy at CNG that will help meet its own strategic priorities in terms on role modelling, climate emergency response, and low carbon growth, helping the continuing growth, ahead of the significant reinforcement to the limited remaining Grid supply required by 2033 to meet ongoing demand.
- 1.3 The creation of a renewable energy Micro Grid, powered by a Solar Park, would assist with Grid capacity issues in the shorter term, reducing the urgency for Grid network upgrades (which are outside the Councils control), and also benefit the Council's own developments for future residents and businesses. A Micro Grid also provides great environmental and social value by improving the sustainability of the area through the creation of "clean" local electricity generation, storage (Solar PV and batteries), and distribution, all of which is also a commercial opportunity.

## 2. Recommended Decision

- 2.1 To consider the work undertaken to date on the development of a Solar Park and Micro Grid and agree that the further development of the "CNG Energy System Business Model" (as described in the confidential "base case"), should be continued using funding of £450K allocated for this project in the 2022/23 Capital Budget.
- 2.2 To agree that the Council (using its company Colchester Amphora Energy Limited) should continue to progress a feasible scheme through concept design and onto achieving a planning permission (RIBA Stage 3) for the development.

### **3. Reason for Recommended Decision**

- 3.1 The creation of a new Solar Park and Micro Grid at the Northern Gateway would be another flagship, role modelling, renewable energy development led by the Council and its company, Colchester Amphora Energy Limited. It would directly deliver key strategic priorities of the Council in its Climate Emergency Declaration and allow the urban growth area to be delivered with clean, green, energy supply to provide low carbon homes and businesses; supplementing the electricity supply of the (geothermal) Northern Gateway Heat Network.
- 3.2 Aside from the clear social value and environmental benefits of this scheme, there is also good evidence through the work undertaken to date that demonstrates the proposal will also provide positive financial benefits to the Council in the medium to long-term, whilst supporting wider economic growth.
- 3.3 Investment into the energy sector can remove financial risk in the cost of energy to CNG and provide financial returns to the Council. With the current unprecedented increases in energy costs, this is particularly pertinent and will offer certainties to the Council, which will later benefit the immediate users of the energy at the Northern Gateway (both businesses and residents), as well as (more generally) to the wider Borough. The Micro Grid would also help ensure development of the CNG is not restricted by any lack of Grid capacity.

### **4. Alternative Options**

- 4.1 Do nothing; but this will not increase the capacity of the Grid to meet future demands for growth in the area and will lose the business opportunity in addition to creating more risk to the rate of development at CNG.
- 4.2 Reduce the development, or investment in the feasibility work; which will reduce the overall costs, but also reduces the potential financial returns achievable and subsequent social and environmental benefits.
- 4.3 Develop the project in another location; but this would reduce the direct and cumulative benefits in conjunction with the Northern Gateway, and when the Council owns nearby land to directly deliver a project within an area where there are known medium to longer-term Grid capacity issues.

## 5. Background Information

### Introduction

- 5.1 The wider Northern Gateway vision includes developing a growth area for Colchester which is a flagship Urban extension of Colchester promoting healthier living, access to sport and leisure, sustainable modes of travel and use of low carbon energy. The vision for this Council-led development was to demonstrate higher quality development, with better living, for the benefit of all future residents, businesses, and visitors.
- 5.2 To deliver on the low-carbon energy element, the Heat Network was proposed, using heat from deep boreholes into the Chalk Aquifer, to provide renewable heat to the “Mill Road” development. The Heat Network draws geothermal / renewable heat which is intensified using an industrial heat pump that is powered by electricity. The Micro Grid, which would produce electricity from Solar PV, would therefore provide renewable electricity to the Heat Network and wider Northern Gateway, as an extension of this vision, to deliver even more sustainable heat and energy.
- 5.3 Contextually, the national energy transition towards Net Zero by 2050 will have significant impacts on energy systems and economies at a national and local level. Increasingly, decentralised local action is needed; and Government thinking is enabling decarbonisation and green growth through policies that incentivise renewable electricity and remove fossil fuels, and local energy plans / systems are seen as an important aspect of managing the growth of electrical energy demand.
- 5.4 At a local level it is important to take action to realise decarbonisation and its associated economic benefits sooner, while keeping costs as low as possible for residents and businesses. The Northern Gateway development offers an opportunity for a Council-led local energy system and business to be developed to serve the key growth area.

### What is the Project?

- 5.5 The carbon reduction, social benefit and business opportunity is for the development of a Micro Grid, with solar PV, and potential energy storage, electric vehicle charging infrastructure, and also the supply of electricity to CNG customers.
- 5.6 In terms of the “Ground Mount Solar Photovoltaics (PV)” element, this would create a 4.5MW Solar Park. This would be on a site that has been identified within the CNG area and would use technologies that will be more familiar to many people. Solar PV panels would capture renewable daylight energy and the DC electricity generated is converted into AC electricity using inverters. AC electricity can then be transferred using grid connections and distributed to the nearby development sites.
- 5.7 Solar PV is now viable without subsidy and a site identified would be particularly beneficial as it is near Severalls Primary Substation (so the grid connection cost will be relatively low). In addition, sites where PV is installed can usually be combined with other rural land uses, such as grazing land, or habitat creation for biodiversity net gains.
- 5.8 The “Micro Grid” element is essentially a small version of the better-known national grid, whereby a smaller electricity network is created for specific users with a local source of supply (in this case, solar). As is proposed, the Microgrid is usually attached to the larger national grid but is able to function independently to provide a proposed structure that would be similar to the Heat Network, where there is a concession agreement which all

the plot developers are required to sign up to a single operator who manages the infrastructure.

- 5.9 In addition to these, the battery storage element is something that has seen rapid growth and a current booming market in electrical energy storage (mainly lithium batteries). Simplistically, this element allows energy to be stored to better match variations in demand, balancing peak and off-peak use.
- 5.10 Land has been identified for these proposals on Council owned assets at the Northern gateway, adjacent to Severalls Land and the A12. If the scheme can be developed further, ultimately to a point where it is granted planning permission, by 2030 the CNG “energy system development” could supply renewable heat and electricity with a high degree of independence from external energy sources.

#### Feasibility Work and Next Steps

- 5.11 This local approach has the potential to realise both environmental and economic benefits. It has the potential for reducing costs to customers and gaining additional revenues for the Council. Feasibility and business case development work has taken place on this over the last 18 months; which has led to this report, outlining the deliverable and defined opportunity, and a recommendation to continue through the further work stages required to take the project through planning application processes and onto a final delivery decision.
- 5.12 Specifically, the next steps for approval herein would be committing to obtaining planning consent and grid connections for the project to be able to tender the business opportunities in the most advantageous way, and therefore be able engage best commercial and engineering expertise, and also value the financial opportunity. These would be progressed using funding previously allocated provisionally to this project in the agreed budget for 2022/23. Tendering the opportunity would help identify the best business models and partnerships to take this complex project to final delivery.
- 5.13 A Cabinet decision would be sought regarding the final business case and CBC investment decisions, such as how the Council wishes to structure the financial, construction delivery, and subsequent operational stages.
- 5.14 In parallel, with the work on planning consent, soft market testing will take place to understand appetite for investment and partnership working structures that would de-risk the implementation stages. In the stage 2 feasibility work was done to assess the potential income from this infrastructure when fully built out to the estimated plan, but it is difficult to assess what returns could actually be obtained from a commercial operator if a different model is used until it is tested in the market, especially with the current uncertainty. Therefore more work needs to be carried out to test this further and a decision to commit further investment and decide how to structure business models into the implementation stage do not need to be taken yet. However, soft market testing rather than a tender has its limitations as many of those in this space are extremely busy in the current climate and will not engage until a definite and defined opportunity is presented.

## **6. Equality, Diversity and Human Rights implications**

- 6.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 The recommendations proposed in this paper will have no disproportionate impact on any protected group.

## **7. Strategic Plan References**

- 7.1 The Strategic Plan 2020-23 identifies the following Strategic Plan goals:
- Respond to the Climate Emergency: Environment and sustainability embedded within all Council decision making
  - Create new communities and adopt a new Local Plan that delivers jobs, homes, and the infrastructure to meet the borough's future needs
  - Develop the Colchester Northern Gateway as a sustainable place to live, work and play.

## **8. Consultation**

- 8.1 Development at Northern Gateway has been subject to past consultation and each development within the Northern Gateway is subject to consultation at various stages, including the planning application and highway notices stages. When development plans are crystalised, appropriate consultation with stakeholders will take place and the intended planning application would include statutory consultation by the Council in its role as the Local Planning Authority.

## **9. Publicity Considerations**

- 9.1 The Northern Gateway is long documented and publicised as this project will be an incremental part of creating a more sustainable development and will be publicised when appropriate in the progression of the development, i.e. when planning consents as being co-ordinated.
- 9.2 The Council would want to publicise this positive project. The project is also likely to generate interest, as the Heat Network has, from academics, industry professionals, sector organisations and the wider media, public interest.

## **10. Financial implications**

- 10.1 The financial implications are set out in the main report and restricted, at this time, solely to the commitment of £450K in order to develop the scheme and seek a planning permission. The development funding would be from the £5.7 million allocated for this project in the capital programme.

- 10.2 Beyond obtaining planning permissions, the current energy crisis shows the volatility of the energy markets over the lifetime of the types of projects proposed. This creates inevitable risks to the predictability of such projects, but the actual returns that will be realised are more likely to be of positive impact, rather than negative, over the lifespan. This will need management, as with any ongoing business, in due course; however final business case decisions on the investment and structure of any construction would be taken at a later date once a planning approval has been secured.
- 10.3 Similarly, the subsequent decisions (to be sought post-planning approval) as to how the project is implemented and structured, will set out more detailed financial implications for the subsequent stages.

## **11. Risk Management**

- 11.1 The concept and development of the project has been carried out by Colchester Amphora Energy and it has been through two stages of feasibility work carried out by UK Power Network Service Ltd, with the support of the Greater South East Energy Hub who provided grant funding. This funded work has helped show the basic technical and financial feasibility and provided an outline design that de-risks the early uncertainty on such ideas.
- 11.2 Additional support for the subsequent development of the business plan has been obtained from Riverswan Ltd, who have a long track record of proven experience in the regulatory and business side of energy utilities, with discussions with the District Network Operator on Grid connections and some initial soft market testing to understand what would be the most attractive to investors. The use of their expertise has given further objective advice and scrutiny in preparation for taking this decision to proceed to planning phases.
- 11.3 Also, a planning pre-application enquiry was submitted for a solar PV farm and the response did not identify any insurmountable barriers; other than usual planning requirements for this type of installation. These include consideration of landscape character, biodiversity, etc, none of which cannot be resolved in the preparation of the application submission documents so that an acceptable proposal should be submitted to the Planning Service in due course (i.e. there was no significant objections to the principle). Advice at planning enquiry stage is non-prejudicial, but offers good early feedback to ensure confidence that any issues raised can be addressed.
- 11.4 The result of this risk management work is the plan for next stage of development to obtain planning consent and grid connection for the solar PV and battery storage with the aim to have them in place by spring 2023, when a decision on the preferred business model will be made. At that time it is expected that the impacts of the current energy price crisis and likely future of energy markets will be more clear, therefore allowing better assessment, management and mitigation of risks, when the main development risk of planning consent and grid connection has been removed, leaving the primary risk of the operating model
- 11.5 By tendering the business opportunity, to own/operate the assets, after later decisions (with more certainty) will provide strong and important feedback from potential investors with expertise in the area on the best way for the Council to capitalise on the opportunity. This might be sale of the opportunity, Joint venture, self-investment or combination of

those options so that the Council can take a measurable and understandable position on any risk it might want to take in developing the project. However, this decision can also be taken at a later date once that certainty has been further secured. This decision is not being taken now.

- 11.6 Investment in energy projects similar to what is being proposed has been, and is being, carried out by Councils across the UK for similar reasons and is being actively encouraged by government. See [netzerogo.org.uk](http://netzerogo.org.uk) which Government have recently funded to assist Councils with little available expertise to develop renewable projects.
- 11.7 Commercial arrangements for local energy businesses can be complex and some operating models can carry significant commercial risk. Therefore, on deciding final operating model it will be important ensure that potential risks are well understood and mitigated before proceeding to a major investment / the implementation stage. The current plan will develop business proposition further which will more accurately identify and remove risk. The combination of planning approval with grid connection will provide a financial value of its own so that the investment in the work to obtaining them should be recoverable with a profit if sold on to a developer.
- 11.8 With regard to wider risk beyond the scope of this specific report/project, the recommendations in this report will also help to mitigate the risks facing the Council in the development of the CNG as a whole, and projected national energy costs. The volatility of the energy market highlighted in 10.2 above is also a risk management implication.

## **12. Environmental and Sustainability Implications**

- 12.1 This project will deliver significant environmental benefits and be a leading example to role model and influence others. The project will produce lower carbon electricity at affordable prices to those in the development area, while providing a long-term return on investment for the Council and local employment in the energy sector.
- 12.2 Much could be written about the positives of this project, but in essence the generation of solar power is a “clean” energy source that avoids the use of fossil fuels or other higher carbon producing sources of fuel. Solar farms are often said to be the most direct way to reduce carbon emissions that contribute to global warming. With the inclusion of a microgrid, the renewable energy produced by the solar panels can be fed to adjacent development or the surplus power could be fed into the mains grid; in either case thereby distributing clean energy.
- 12.3 In addition, it is usually possible to create habitat or biodiversity net gain combinations on the site of solar PV. Panels are often low maintenance and therefore the creation of added value for biodiversity can often complement the energy production and allow for other environmental benefits. This proposal is likely to create additional tree and hedgerow planting to integrate within the landscape character and this will also add to the already significant environmental benefits.

## **Appendices**

(Not for Publication) Appendix A: “CNG Energy System Paper v1.1





**7 September 2022**

<b>Report of</b>	<b>Assistant Director of Corporate &amp; Improvement Services</b>	<b>Author</b>	<b>Hayley McGrath</b> ☎ 508902
<b>Title</b>	<b>2021/22 Year End Review of Risk Management</b>		
<b>Wards affected</b>	Not applicable		

## **1. Executive Summary**

- 1.1 This report provides members with an overview of the Council's risk management activity undertaken during the financial year from 01 April 2021 to 31 March 2022.
- 1.2 Effective management of risk is essential to ensuring that the Council's aims and objectives are achieved. The Council has therefore approved a Risk Management Strategy, which is included in the policy framework. This provides a comprehensive risk management process that is embedded across the organisation and includes a strategic risk register (which is the responsibility of the senior management team), operational risk registers which are produced by each service, project risk monitoring and specific risk mitigation initiatives.
- 1.3 The Risk Management strategy and processes are reviewed annually to ensure that they are still appropriate to the Council's needs and continue to be effective in identifying and mitigating risks to its aims and objectives.
- 1.4 The key strategic risks are:
  - Partnership commitment
  - Covid -19
  - Spending Power
  - Cyber Security
  - Staff wellbeing

## **2. Recommended Decision**

- 2.1 Consider and comment on the Council's progress and performance in managing risk during the period from April 2021 to March 2022.
- 2.2 Consider and comment on the current strategic risk register.
- 2.3 Approve the proposed risk management strategy for 2022/23 and recommend to Full Council that it be included in the Council's Policy Framework.

## **3. Reason for Recommended Decision**

- 3.1 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.

- 3.2 During the year progress reports are presented to the Governance & Audit Committee, detailing work undertaken and current issues. This report was presented to the Governance & Audit Committee on 26 July 2022, where they approved its referral to this meeting.
- 3.3 As part of the Policy Framework, any changes and reviews of the strategy need to be approved by Cabinet and ratified by Full Council.

#### **4. Alternative Options**

- 4.1 There are no alternative options to consider

#### **5. Background Information**

- 5.1 The aim of the Council is to adopt best practice in the identification, evaluation, cost-effective control and monitoring of risks across all processes, to ensure that risks are properly considered and reduced as far as practicable.
- 5.2 In broad terms risks are split into three categories:
- Strategic – those risks relating to the long term goals of the Council
  - Operational – risks related to the day-to-day operation of each individual service
  - Project – the delivery risks of specific initiatives.
- 5.3 Identified risks, in all three categories, are judged against levels of probability and impact to give them an overall score. This allows the risks to be shown as 'high, medium or low' which enables a prioritised action plan to be set for managing risks. A high score does not mean that a risk has, or will definitely, occur.
- 5.4 In many cases the causes of risks are outside of the Council's control, such as general economic issues. The Council cannot stop these risks from occurring (the probability score) but can put plans in place to mitigate against their effect if they occur (the impact score). Likewise, there are occasions that risks can be reduced with preventative actions but there is not much that can be done to mitigate their effect if they do occur, such as a failure to protect public resources. Therefore, some risks will tend to maintain the same score, regardless of the controls that the Council puts in place.

#### **6 Work undertaken during the period**

- 6.1 There were no fundamental changes to the risk management function, or the processes used to identify and control risk, during 2021/22.
- 6.2 During the year the majority of risk management activity was focused on operational risks, working with frontline services such as waste and recycling, parking services and sport and leisure, to ensure that physical risks to staff and customers were appropriately managed. Health and Safety guidance and support was provided to the Colchester Sports Park to ensure that the risk from the activities, such as the cycle track, are understood and managed as far as possible.
- 6.3 Work has continued to develop the insurance programmes for Colchester Borough Homes and Colchester Commercial (Holdings) Limited, to ensure that emerging risks are appropriately managed.
- 6.5 Support continues to be provided, reviewing the risk elements of event plans to the Colchester Safety Advisory Group.

- 6.6 The risk registers, and strategies, for the Joint Museum Service and the North Essex Parking Partnership both continue to be produced and reported to the joint committees.

## **7 Strategic Risk Register**

- 7.1 During 2021/22 the strategic risk register was reviewed by the senior management team every quarter and reported to the Governance & Audit Committee every six months.
- 7.2 For the majority of 2021/22 the council's strategic risks were consistent and were mainly around the impacts of the pandemic, including the effect on finances.
- 7.3 The Corporate Governance Manager reviewed the strategic risks with the Senior Management Team in June 2022 to ensure that the identified risks were still appropriate.
- 7.4 Changes were made to the scores for two risks:
- ST3 - Partnership Commitment was increased from a residual score of 9 to a score of 16, making it the Council's highest strategic risk. This is a reflection of the recent replacement of the Clinical Commissioning Group, as the Council is now more remote from the decisions that impact on the wellbeing of local residents.
  - ST4 – Covid-19 pandemic was reduced from a residual score of 16 to 12, although infection rates are still high, new variants are continually emerging and seasonal peaks are still anticipated, the impacts on service delivery are not as significant as they were prior to the immunisation programme.
- 7.5 The current register is shown at appendix 1. These risks have been mapped onto a risk matrix, shown at appendix 2, that shows the risk profile before, and after, mitigating actions.

## **8. Risk Management Strategy for 2022/23**

- 8.1 The Council's current approach to managing risk was introduced in 2006/07. A requirement within the strategy, and also of the annual audit assessment, is to review the approach each year to ensure that it is still appropriate to the Council's needs.
- 8.2 Therefore a review has been undertaken and the strategy has been updated for 2022/23. The revised strategy is attached at appendix 3. There are no changes proposed to the risk process, with amendments only to external review comments and the updating of job titles.

## **9. Equality, Diversity and Human Rights implications**

- 9.1 There are no equality, diversity or Human Rights implications as a result of this report.

## **10. Strategic Plan References**

- 10.1 The strategic risk register reflects the objectives of the strategic plan and the actions have been set with due regard to the identified key strategic risks. Therefore, the risk process supports the achievement of the strategic objectives.

## **11. Risk Management Implications**

- 11.1 The failure to adequately identify and manage risks may have an effect on the ability of the Council to achieve its objectives and operate effectively.

## **12. Environmental and Sustainability Implications**

- 12.1 There are no environmental or sustainability implications as a result of this report.

## **13. Other Standard References**

- 13.1 There are no particular references to consultation or publicity considerations or financial; community safety or health and safety implications.

## **Appendices**

Appendix 1 – The strategic risk register

Appendix 2 – Risk Matrix

Appendix 3 – Risk Management Strategy for 2022/23

**Colchester Borough Council Strategic Risk Register**  
**Governance & Audit Cttee 26 July 22**

					Initial Score							Residual Score		
Ref	Risk Title	Strategic Plan / Recovery Strand link	Description	Score Category	P	I	O	RATING	Consequences	Mitigation	Lead	P	I	O
ST3	Partnership Commitment	Strategic	Change of direction / policy within key partner organisation and they revise input / withdraw from projects. Increased risk due to partners having to review service provision in response to the impacts of Covid-19 on their business. This has specifically increased with the replacement of the Clinical Commissioning Group by the Integrated Care Board from 01 July 22, as CBC is more remote from the direct decision making processes that impact the wellbeing of local residents.	Corporate Objectives	5	4	20	Very High	The cost of service delivery is increased however quality decreases. Failure to deliver key priorities. Reputational and financial loss by the Authority. Failure to deliver expected outcomes through partnerships. Requirement to repay external funding granted to partnership – taking on the liabilities of the 'withdrawn' partner. External assessment of the Councils partnerships are critical and score poorly.	Set a formal relationship / performance review process to be used by all partnerships and ensure results are reported to senior management. Ensure that Exec Board and Leadership review partnerships on a regular basis. Embed Scrutiny Cttee process for key partnerships including CBH and the Safer Colchester Partnership.	Strategic Director, Policy & Place	4	4	16
			Previous score Mar 22		4	3	12					3	3	9
ST4	Covid-19 Pandemic	Service Provision	The impacts of the COVID-19 pandemic continue to be felt on the council, the community, our customers and the economy. Especially the uncertainty of planning for future service delivery alongside the threat of further infection waves / restrictions plus potential seasonal illnesses such as winter flu.	Service Delivery	4	4	16	Very High	The ongoing and future impacts of the COVID-19 pandemic including service and staff resilience and shortages, including through self-isolation, additional service pressures, short term changes in policy and alert status disrupting delivery of strategic priorities, impacts on service delivery with additional cost pressures and potentially reduced income levels alongside additional work to support recovery.	Delivery of the revised Strategic Plan which incorporates recovery objectives and additional burdens (e.g. outbreak controls). Specific recovery actions, including Reopening of the High Street, being monitored through the project management process. Maximise the use of available government support including income loss grant. The Omicron variant is increasing case numbers and the income support grant has ended. There is no guarantee that income will be protected if there are further lockdowns.	Deputy Chief Executive	3	4	12
			Previous score Mar 22		5	4	20					4	4	16
ST2	Spending Power	Finance	Previous Government spending reviews will impact on Council funding for 2022/23, with the Ministry for Housing, Communities and Local Government not one of the departments with 'protected' departmental expenditure limits (DEL).	Finance	4	4	16	Very High	Changes could be favourable or adverse for the Council's funding. If adverse, the Council could lose the opportunity to develop further, may have enforced changes to service delivery and covid recovery. Adverse impact on local residents / resources. Missed opportunities to boost local economy. Conflict between Council / Government agendas. Reduction in levels of service provision and potential withdrawal of services.	Maintain a constant review of the budget situation, including the impact of decisions from central government. Identify additional actions and areas for increasing income as necessary, including through the Council's Transformation Programme. Reduce reliance on New Homes Bonus to support the base budget. Lobby Government for a fair, multi-year funding settlement.	Deputy Chief Executive	4	3	12
SP3	Cyber Security	Service Provision	The Council suffers a successful cyber attack on it's computer systems. There has been an increasing frequency of national attacks, including on Tendring DC in Dec 21. The ever increasing sophistication of phishing attacks increases the likelihood of officers and members inadvertently opening malware emails.	Technology	4	4	16	Very High	Potentially severe disruption to core services, with financial, legal and reputational impacts for the Council, and potentially significant harm caused to residents.	Ongoing review of IT policies and protocols to ensure that they are fit for purpose and implement a training program for all staff and members. Implementing defined action plans to rapidly respond to any attacks on our systems to help minimise any potential damage. CBC suffered a targeted cyber attack in December 2020, which was successful in breaching the security protocols. However the activation of the rapid response plans to lock accounts, reset all passwords and introduce new measures (including multi factor authentication for all users) were effective in limiting the impact and demonstrated the effectiveness of the mitigation measures in place.	Assistant Director, Corporate & Improvement	4	3	12

					Initial Score							Residual Score		
Ref	Risk Title	Strategic Plan / Recovery Strand Link	Description	Score Category	P	I	O	RATING	Consequences	Mitigation	Lead	P	I	O
SP5	Staff Wellbeing	Service Provision	The sustained response to the pandemic to ensure continued (and additional) service delivery, results in staff reaching their personal resilience levels, leading to physical impacts on individual officers and organisational fatigue.	Resources	4	4	16	Very High	An unwarranted sense of 'personal failure' for some staff who put pressure on themselves to perform at a certain level, that is not sustainable. Decline in service performance. Efficiency and productivity reduction. Inability to meet changing requirements and needs. Insufficient capacity to deliver the transformation programme. Customer perceptions decline as we deliver less. Loss of key staff. There are staff who would be considered as some of the Councils vulnerable residents (in terms of financial resilience), thereby increasing the pressure on them from both work and personal perspectives.	Monitor staff morale and trends using staff surveys and by monitoring the People Dashboard; and ensure good communications with staff, exploiting new technologies such as Yammer. Implement the action plan for the People Strategy; ensuring that performance is regularly monitored. Regularly report the progress of the learning and development strategy, including financial considerations and business behaviours, and exploring training alternatives. Use it as an opportunity to review individuals in the community who could be retrained and reskilled, using processes such as supported internships. Ensure that all staff are reminded of the Employee Assistance Programme on a regular basis and are enabled to have 'safe conversations' with managers or other designated officers about concerns and issues.	Assistant Director, Corporate & Improvement	4	3	12
CO1	Partnership Delivery	Community	Failure or inappropriate performance management of one or more strategic partnerships or key contracts E.g. LEP, CBH, Anchor Network, North East Essex Alliance, Emergency Services	Corporate Objectives	3	4	12	High	The cost of service delivery is increased however quality decreases. Failure to deliver key priorities. Reputational and financial loss by the Authority. Failure to deliver expected outcomes through partnerships. Requirement to repay external funding granted to partnership – taking on the liabilities of the 'withdrawn' partner. External assessment of the Councils partnerships are critical and score poorly.	Review the assessment process for proposed strategic partnerships (to ensure that they will satisfy the Council's objectives) that needs to be signed off by EMT before commitment to new partnerships is made.	Deputy Chief Executive	3	3	9
CO2	CBC Function	Community	The expectation remains that the Council will step in to deliver services when other providers either fail or reduce service provision	Resources	4	3	12	High	The Council suffers from a loss of reputation as customers' expectations are not met. There is increased demand on existing services leading to a reduction in standards of delivery.	Ensure that Cabinet set a clear and consistent message about the role of CBC for customers and partners.	Deputy Chief Executive	3	3	9
CM1	Service Innovation	Service Delivery	Not taking or creating opportunities to maximise the efficient delivery of services through shared provision, partnerships or commercial delivery	Corporate Objectives	4	3	12	High	If not properly managed then either the Council could lose the opportunity to develop further or may have enforced changes to service delivery. Adverse impact on local residents / resources. Missed opportunities to boost local economy. Conflict between Council / Government agendas. Reduction in levels of service provision and potential withdrawal of services.	Clear approach and 'roadmap' for transforming the Council including an 'innovation' strand, monitored by the Senior Management Team and reported to Cabinet as part of the budget process.	Strategic Director, Policy & Place	3	3	9
SP4	Compliance	Finance	Failure to protect public funds and resources – ineffective probity / monitoring systems/legislative breaches. Especially as a result of the rapid changes in service delivery required to respond to the impacts of Covid-19	Finance	3	5	15	Very High	Service delivery failure. Financial and reputational loss by the Authority. Personal liability of Officers and Members. Legal actions against the Council. Loss of stakeholder confidence in the Borough. Inability to sustain costs. Failure to deliver balanced budget as planned. A need to use balances / reserves or to adapt financial plans to deal with impact of changes. Required to use Reserves & Resources to fund capital priorities. Severe impact on cash-flow leading to negative effect on performance targets.	Ensure the outcomes of the assurance systems that form the internal control environment, (including Internal Audit, Risk Management, Budget process, Corporate Governance and performance management) are appropriately reported so that issues and concerns are managed, and variances are spotted at an early stage. Horizon scanning upcoming legislative / policy changes. The current Internal Audit reviews are demonstrating that systems are operating effectively, and there were no adverse impacts of the operating changes implemented to respond to the pandemic.	Deputy Chief Executive	2	4	8



					Initial Score							Residual Score		
Ref	Risk Title	Strategic Plan / Recovery Strand Link	Description	Score Category	P	I	O	RATING	Consequences	Mitigation	Lead	P	I	O
SP1	Data Protection	Service Provision	Sensitive data, in any format, is not correctly managed, processed or protected from loss or theft in line with GDPR and Data Protection Act requirements.	Technology & Data	3	4	12	High	Potentially severe disruption to core services and/or data theft, with financial, legal and reputational impacts for the Council, and potentially significant harm caused to residents from any breach, potential financial losses, directly or indirectly e.g. ICO fines.	Ongoing review of data security policies and protocols to ensure that they are fit for purpose and implement a training program for all staff and members as required. Provision of secure CBC devices to staff and Members.	Deputy Chief Executive	2	4	8
PR1	Budget Strategy	Finance	Inability to deliver the budget strategy as planned.	Finance	3	4	12	High	Failure to deliver the planned budget. Unplanned additional use of balances / reserves or to adapt financial plans to deal with impact of changes. May be a need to make in-year budget and service changes.	Ensure effective use of the controls built into the annual budget strategy, to enable the organisation to respond quickly to changes. Regular monitoring of actual spend/income and sensitivity analysis to consider the impact on income streams and the capacity of the organisation to deliver services. Regular and open reporting and updating of the budget position through Cabinet, prudent use of reserves where necessary to mitigate in-year losses. Transformation Programme established early in 2021 to contribute savings to balance the 22/23 and future year's budgets.	Deputy Chief Executive	2	4	8
OP1	ICT	Operational	Major system failure causing significant service disruption	Technology & Data	2	5	10	High	The accelerated use of technology in 2020 and increasing reliance on IT to continue normal business leaves the Council potentially vulnerable to any major system failure, across all service areas.	Continue to shift any remaining legacy systems into more resilient, cloud-based solutions in line with ICT strategy. Ensure that the IT Disaster Recovery plan, and service plans, adequately reflect the organisation's requirements and provide an effective framework for maintaining service provision. Regularly review the IT development strategy to ensure it continues to support the organisations ambitions and provides appropriate safeguards for IT service delivery.	Assistant Director, Corporate & Improvement	2	4	8
CO3	Financial Inequality	Community	The current, and future, impacts of the costs of living crisis are likely to increase the number of vulnerable residents leading to greater financial inequality and increasing the number of residents seeking support from the Council.	Resources	3	4	12	High	The support available for the most vulnerable residents is not sufficient, leading to an increase in crisis intervention.	Regularly monitor the impact of the resources allocated to supporting customers to ensure that they are signposted to appropriate providers/partners. During the pandemic the in-person customer support team have refocused to a financial and employment team, who support residents with financial and employment needs. They provide the covid support systems as well as general welfare support, helping customers to apply for income entitlements from other agencies such as Personal Independent Payments, including supporting them with tribunals and appeals. CBH also provide a welfare support service. They are working to target customers who may not be aware of the service, working with other council services to identify residents who may benefit from the support. Colchester is recognised as a leader in providing this support. The Council Tax collection rates have been maintained throughout the pandemic, demonstrating the success of the support for those on low incomes.	Deputy Chief Executive	3	2	6

					Initial Score							Residual Score		
Ref	Risk Title	Strategic Plan / Recovery Strand Link	Description	Score Category	P	I	O	RATING	Consequences	Mitigation	Lead	P	I	O
EF1	Capacity	Efficiency	The Capital programme contains more projects than the Council has the ability to deliver due to limited resources including specialist staff.	Corporate Objectives	3	3	9	Medium	The Borough Council is unable to deliver the priorities as set out in the strategic plan and key projects are delayed, increase in cost or fail to be delivered. Inability to leverage additaional resources.	Manage the recruitment and development processes to ensure that the organisation has the appropriate skills and expertise. Frequently review the Capital Programme to ensure that programmes are realistic and deliverable with available resources and / or identify any additional resources required to deliver key projects. Agile methodology enables project scopes to be adjusted through effective governance processes. Establishment of the Capital Programme Steering Group (informal Cabinet) to oversee the entire capital programme and address any capacity and other risks before they become issues.	Assistant Director, Corporate & Improvement	3	2	6



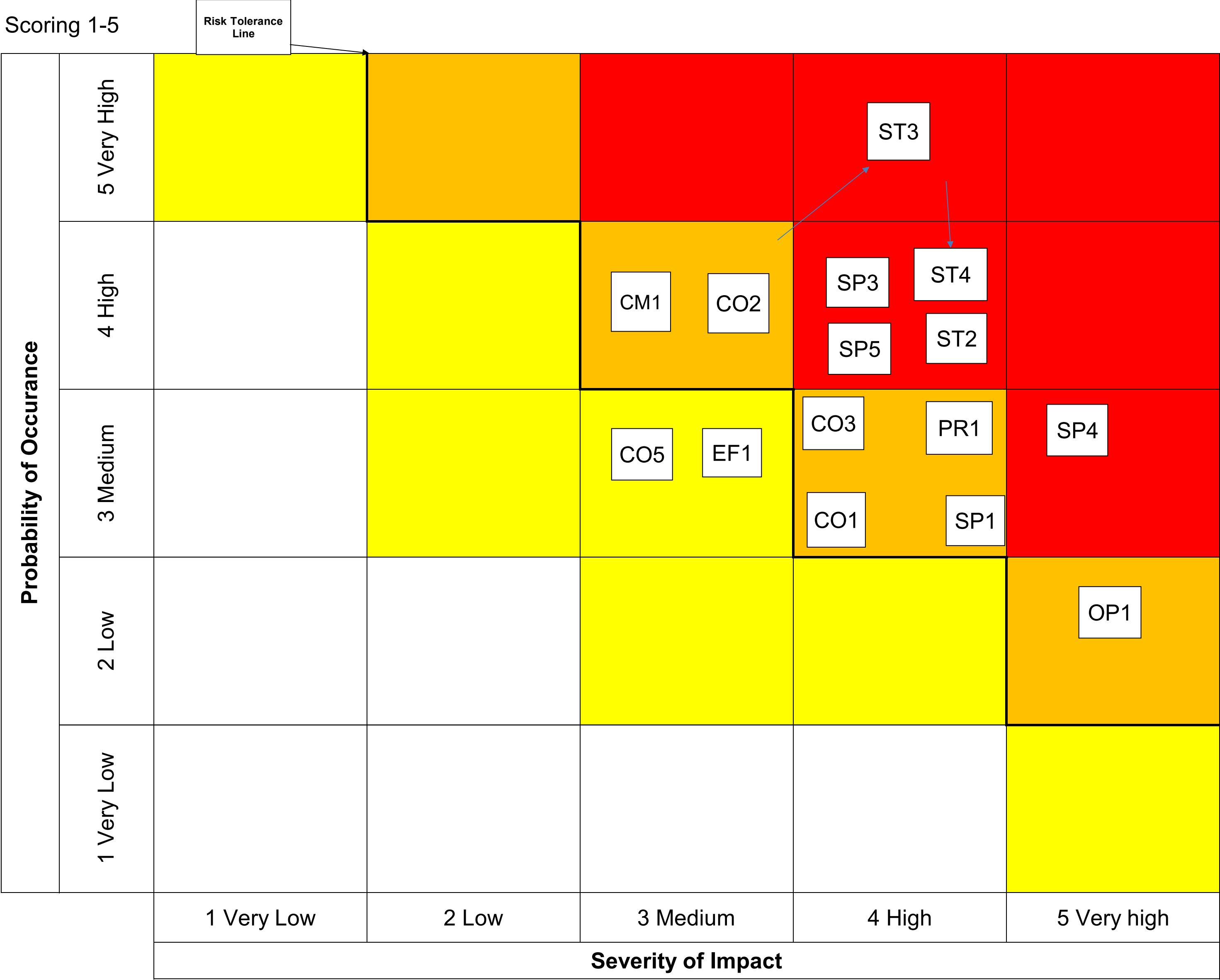
SCORE DEFINITIONS	1	2	3
Impact	<p>Very Low</p> <p>Insignificant effect on delivery of services or achievement of Strategic Vision &amp; Corporate Objectives.</p>	<p>Low</p> <p>Minor interruption to service delivery or minimal effect on Corporate Objectives.</p>	<p>Medium</p> <p>Moderate interruption to overall service delivery/effect on Corporate Objectives or failure of an individual service.</p>
Probability	<p>10%</p> <p>May happen – unlikely</p>	<p>10 -25%</p> <p>Possible</p>	<p>26 – 50%</p> <p>Could easily happen</p>

4	5
<p>High</p> <p>Major interruption to overall service delivery or severe effect on Corporate Objectives.</p>	<p>Very High</p> <p>Inability to provide services or failure to meet Corporate Objectives</p>
<p>51 – 75%</p> <p>Very likely to happen</p>	<p>Over 75%</p> <p>Consider as certain</p>

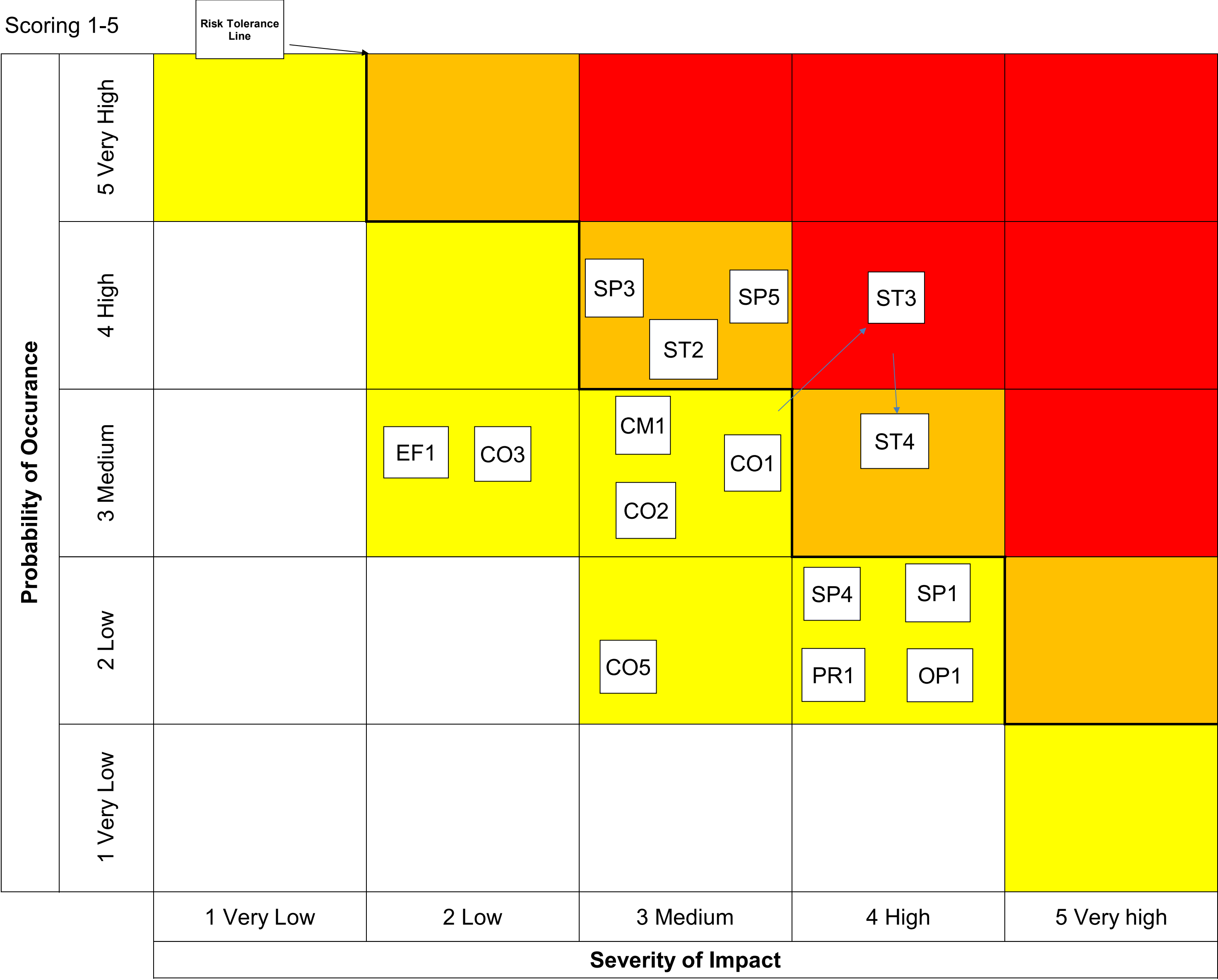
RISK MATRIX  
G&A July 2022

Low Risks	Medium Risks	High Risks
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Initial Score Matrix



Residual Score Matrix





# **Risk Management Strategy 2022/23**

## RISK MANAGEMENT STRATEGY

***This document outlines the Council's commitment to managing risk in an effective and appropriate manner. It is intended to be used as the framework for delivery of the Risk Management function and provides guidance to ensure management of risk is a routine process for all services.***

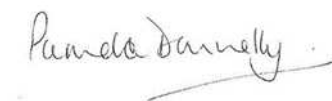
### INTRODUCTION

This strategy will ensure that:

1. The management of risk contributes towards ensuring effective service delivery and the achievement of the Council's strategic objectives.
2. Members and the Senior Management Team own, lead and support on risk management.
3. Ownership and accountability are clearly assigned for the management of risks throughout the Council.
4. There is a commitment to embedding risk management into the Council's culture and organisational processes, at all levels, including strategic, programme, project and operational
5. All members and officers acknowledge and understand the importance of risk management as a good governance process, by which key risks and opportunities are identified, evaluated and managed.
6. Effective monitoring and reporting mechanisms are in place to continuously review the Council's exposure to, and management of, risks and opportunities.
7. Best practice systems for managing risk are used throughout the Council, including mechanisms for monitoring and reviewing effectiveness against agreed standards and targets.
8. Accountability to stakeholders is demonstrated through periodic progress reports and an annual statement on the effectiveness of and the added value (benefits) from the Council's risk management strategy, framework and processes.
9. Where possible the Council's approach is regularly assessed by an external, independent body against other public sector organisations, national standards and Best Practice.
10. The Risk Management Strategy is reviewed and updated annually in line with the Council's developing needs and requirements.

## Endorsement by Pamela Donnelly, Chief Executive

*“Colchester Borough Council is committed to ensuring that risks to the effective delivery of its services and achievement of its overall objectives are properly and adequately controlled. It is recognised that effective management of risk will enable the Council to maximise its opportunities and enhance the value of services it provides to the community. Colchester Borough Council expects all officers and members to have due regard for risk when carrying out their duties.”*



## WHAT IS RISK MANAGEMENT

Risk Management is the control of business risks in a manner consistent with the principles of economy, efficiency and effectiveness. It is an essential performance management process to ensure that both the long- and short-term objectives of the Council are achieved and that opportunities are fully maximised.

Risk Management is not about eliminating risk, as this would limit the ability of the organisation to develop and deliver its ambitions. Its purpose is to recognise the issues that could affect the achievement of objectives and develop actions to control, or reduce, those risks. Acknowledgement of potential problems and preparing for them is an essential element to successfully delivering any service or project. Good management of risk will enable the Council to rapidly respond to change and develop innovative responses to challenges and opportunities.

The ‘Delivering Good Governance in Local Government’ 2016 framework, jointly issued by The Chartered Institute of Public Finance & Accountancy and the Society of Local Authority Chief states that there are seven core principles of good governance including ‘Managing risks and performance through robust internal control and strong public financial management’. The document goes on to state ‘Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision-making activities.’

A process for managing risks was first adopted by the Council in 2003 and since then has been developed to ensure that it continues to be an effective management system. This strategy defines Colchester Borough Council's definition of risk and the processes to be followed.

In broad terms risks are split into three categories:

- Strategic – those risks relating to the long-term goals of the Council.
- Operational – risks related to the day-to-day operation of each individual service.
- Project – consideration of the risks occurring as a result of the Council's involvement in specific initiatives.

The following are some of the practical ways that risks are managed and how effectiveness is measured:

- Provision of a comprehensive strategic register, that is regularly reviewed.
- Provision of operational risk registers for all service areas.
- Consideration of risk in Committee reports.
- Development of a comprehensive risk register for the project management programme and consideration of risk as a project management tool.
- Successful internal and external assessment.
- Provision of advice to other authorities regarding our management of risk.

This has led to a practical and workable approach to managing risk, which has resulted in the Council becoming more risk aware and taking more risks, as demonstrated by the comprehensive project risk register. Colchester is also highly regarded for managing risk by both our insurers and other authorities.

The 2020/21 internal audit of risk management gave a reasonable assurance opinion. Six recommendations were raised during the audit relating to developing the process to review maturity and appetite levels.



## OWNERSHIP

The responsibility to manage risk rests with every member and officer of the Council however it is essential that there is a clearly defined structure for the co-ordination and review of risk information and ownership of the process.

Appendix 3 is from the CIPFA/SOLACE risk management guide, Chance or Choice. It is a generic map of responsibility for each part of the risk management process.

The following defines the responsibility for the risk management process at Colchester:

**Cabinet** – Overall ownership of the risk management process and endorsement of the strategic direction of risk management.

**Portfolio Holder for Local Economy & Transformation** – Lead Member for the risk management process

**Governance and Audit Committee** – Responsible for reviewing the effectiveness of the risk management process and reporting critical items to Cabinet as necessary.

**Performance Management Board (PMB)** – Ownership of the strategic risks and overview of the operational risks. Actively support the Risk Management Strategy and framework.

**Deputy Chief Executive** – Lead officer for the risk management process, demonstrating commitment to manage risk.

**Assistant Director Corporate & Improvement** – Responsible for co-ordination of the risk management process, co-ordinating and preparing reports and providing advice and support.

**All Assistant Directors** – Ownership, control and reporting of their service's operational risks. Contribute to the development of a risk management culture in their teams.

**All Employees** – To understand and to take ownership of the need to identify, assess, and help manage risk in their individual areas of responsibility. Bringing to the management's attention at the earliest opportunity details of any emerging risks that may adversely impact on service delivery.

**Internal Audit, External Audit and other Review Bodies** – Annual review and report on the Council's arrangements for managing risk throughout the Council, having regard to statutory requirements and best practice. Assurance on the effectiveness of risk management and the control environment.

## **AIMS & OBJECTIVES**

**The aim** of the Council is to adopt best practices in the identification, evaluation, cost-effective control and monitoring of risks across all processes to ensure that risks are properly considered and reduced as far as practicable.

**The risk management objectives** of Colchester Borough Council are to:

- Integrate risk management into the culture of the Council
- Ensure that there are strong and identifiable links between managing risk and all other management and performance processes.
- Manage risk in accordance with best practice
- Anticipate and respond to changing social, environmental and legislative requirements
- Prevent injury, damage and losses and reduce the cost of risk
- Raise awareness of the need for risk management by all those connected with the Council's delivery of services.
- Ensure that opportunities are properly maximised through the control of risk.
- Reduce duplication between services in managing overlapping risks and promote 'best practise'.

## **STRATEGIC RISK MANAGEMENT**

Strategic risks are essentially those that threaten the long-term goals of the Council and therefore are mainly based around meeting the objectives of the Strategic Plan. They may also represent developing issues that have the potential to fundamentally effect service provision, such as proposals to dramatically change the corporate assessment process.

Strategic risks will be controlled using a register that will detail the risks and associated controls. The register will be owned by the Senior Management Team, with ownership for risks being assigned to individual officers, and will be reviewed every quarter. The strategic risks will be reported to the Governance & Audit Committee at least twice a year.

## **OPERATIONAL RISK MANAGEMENT**

Operational risks are those that threaten the routine service delivery of the Council. Each service area will have their own operational risk register that details the risks associated with providing the service. These registers will be reported, in summary format, to the Senior Management Team and committee on an annual basis. High risks and the success in controlling them will be reported to Senior Management Team on a quarterly basis, as these will help in the formulation of the strategic risk register.

## LINKS

It is essential that risk management does not operate in isolation to other management processes. To fully embed a risk management culture, it has to be demonstrated that risk is considered and influences all decisions that the Council makes. It is essential that there is a defined link between the results of managing risk and the following:

- The Strategic Plan
- Service Plans
- Revenue and Capital Budgets
- Annual Internal Audit Plan

## ACTION REQUIRED

The following actions will be implemented to achieve the objectives set out above:

- Considering risk management as part of the Council's strategic planning and corporate governance arrangements.
- Ensuring that the responsibility for risk management is clearly and appropriately allocated
- Maintaining documented procedures for managing risk
- Maintaining a corporate approach to identify and prioritise key services and key risks across the Council and assess risks on key projects.
- Maintain a corporate mechanism to evaluate these key risks and determine if they are being adequately managed and financed.
- Establish a procedure for ensuring that there is a cohesive approach to linking the risks to other management processes
- Including risk management considerations in all committee reports
- Providing risk management awareness training to both members and officers.
- Developing risk management performance indicators.
- Establishing a reporting system which will provide assurance on how well the Council is managing its key risks and ensures that the appropriate Members and officers are fully briefed on risk issues.
- Preparing contingency plans in areas where there is a potential for an occurrence to have a significant effect on the Council and its business capability.
- Regularly reviewing the risk process to ensure that it complies with current national Governance Standards and Best Practice.
- Developing risk management links with key partners and contractors, to ensure that principles are adopted in all areas of service delivery.

## REVIEW

To ensure that the risk management process is effective it will need to be measured and reported to PBM, Governance & Audit Committee and Cabinet. As well as a structured reporting process of risks and controls during the year there will need to be an annual review demonstrating the success of the following:

- The inclusion of risk management principles within Service Plans and budgets.
- The development of the Internal Audit plan based on the risk issues.
- Achievement against identified performance indicators.
- Members consistently ensuring managing risk is considered as part of the decision-making processes within the Council.
- Service managers making recommendations that regard risk as an opportunity as well as a threat.
- Risk management principles being considered in service reviews, for example in areas such as options for change and service improvements.
- Changes in risk being independently identified and assessed by Service Managers
- Compliance with the use of resources criteria and self assessment requirements.

Suitable opportunities to benchmark the risk management service against other organisations should also be explored, to ensure that it is effective, and the work carried out by the Council conforms to best practise.

The three appendices attached give greater details of key areas:

Appendix 1 – Outline of the risk management process.

Appendix 2 – Details of how Risk Management will be reported.

Appendix 3 – CIPFA guidance on Risk Management Responsibilities

## **APPENDIX 1**

### **The Risk Management Process**

Risk Management is a continual process of identifying risks, evaluating their potential consequences and determining the most effective methods of controlling them and / or responding to them. The risks faced by the Council are constantly changing and the continual process of monitoring risks should ensure that we can respond to the new challenges. This process is referred to as the risk management cycle.

#### **Stage 1 – Risk Identification**

Identifying and understanding the hazards and risks facing the council is crucial if informed decisions are to be made about policies or service delivery methods. There is detailed guidance available on how to identify risks which includes team sessions and individual knowledge. Once identified a risk should be reported to the relevant Assistant Director who will consider its inclusion on the relevant risk register. If the risk is identified in between register reviews, then it is reported to the Risk & Resilience Manager for information and the Head of Service is responsible for managing the risk.

#### **Stage 2 – Risk Analysis**

Once risks have been identified they need to be systematically and accurately assessed. If a risk is seen to be unacceptable, then steps need to be taken to control or respond to it.

#### **Stage 3 – Risk Control**

Risk control is the process of taking action to minimise the likelihood of the risk event occurring and / or reducing the severity of the consequences should it occur.

#### **Stage 4 – Risk Monitoring**

The risk management process does not finish with the risk control procedures in place. Their effectiveness in controlling risk must be monitored and reviewed. It is also important to assess whether the nature of the risk has changed over time.

## APPENDIX 2

### Reporting

No matter how good the process to identify and control risks is, it will not be effective unless the information gained from it is reported and used to influence other management issues / processes. Therefore, it is essential that there is a defined process and timetable for reporting the results of the risk management process to both members and officers.

#### Types of Report

- The strategic risk register is reviewed a minimum of twice yearly by PMB, with interim reports quarterly as required.
- Six monthly review of the operational risk registers and a summary report of these reviews to PMB
- Project risks are reported through the project management process and reported to the project management board. Significant issues will also be included in the reporting process to PMB
- A six-monthly report is provided to Committee (Governance and Audit) detailing the current strategic and high-level operational risks and the progress made in controlling them.
- An annual report reviewing Risk Management activity and an action plan for the coming year – taking into account changes in methodology and results of internal and external reviews. Going to PMB, Governance & Audit and Cabinet.
- Ad-hoc reports need to be provided to PMB when new, significant risk issues arise.

The reports can be summarised as follows:

	<b>Services</b>	<b>P.M.B.</b>	<b>Governance &amp; Audit</b>	<b>Cabinet</b>
<b>Quarterly</b>		Review of strategic risk register		
<b>6 Monthly</b>	Review of operational risk register	Summary of operational review from services	Progress report of strategic & high-level operational risks	

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<b>Yearly</b>		Scrutiny of annual progress report to cttee on R.M.	Endorsement of annual progress report on R.M.	Summary of past years work on R.M.
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## APPENDIX 3

### Risk Management Responsibilities – CIPFA / SOLACE Guidance

	Framework, Strategy and Process	Identifying risk	Analysing Risk	Profiling risk	Prioritising action based on risk appetite	Determining action on risk	Controlling risk	Monitoring & Reporting	Reporting to external stakeholders.
<b>Members</b>	Agreeing the Framework, Strategy and Process Determined by Officers	Identifying risk	Analysing Risk	Profiling Risk	Determining the risk appetite and prioritising risk.  Agreeing the priorities determined by officers			Reviewing the effectiveness of the risk management process.	Reporting to external stakeholders on the framework, strategy, process and effectiveness.
<b>Risk Management Team</b>	Providing advice And support to the executive Management Team and Members	Providing advice and support.	Providing Advice and support	Providing advice and support	Providing advice and support			Co-ordinating the results for reporting to the corporate management team and members	
<b>Senior Management Team</b>	Determining the framework, Strategy and Process	Identifying strategic and cross-cutting issues	Analysing Strategic and cross-cutting issues.	Profiling strategic and cross-cutting issues.	Determining the risk appetite and prioritising strategic and cross-cutting issues	Determining action on strategic and cross-cutting issues.  Delegating responsibility for control.		Monitoring progress on managing strategic and cross-cutting risks and reviewing the implementation of the risk management framework, strategy and process.  Reporting to members.	Reporting to external stakeholders on the framework, strategy, process and effectiveness.
<b>Assistant Director Corporate &amp; Improvement</b>	Providing Advice and Support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Providing advice and support	Co-ordinating the results for reporting to the executive management team and members	Preparing draft reports for the corporate management team and members to issue.
<b>Service Managers / G.M.T's</b>		Identifying service Risks	Analysing Service risks.	Profiling service risks.	Prioritising action on service risks.	Determining action on service risks.  Delegating responsibility for control.		Monitoring progress on managing service risks.  Reporting to the group management team	
<b>Employees, contractors And partners</b>		Maintaining awareness of risks and feeding these into the formal process.	Maintaining awareness impact of risks and feeding information into the processes				Controlling risk in their jobs.	Monitoring progress on Managing job related risks  Reporting to the service manager.	



**Extract from the minutes of the Governance and Audit Committee meeting of 26 July 2022**

**322. 2021/22 Year End Review of Risk Management**

The Committee considered a report providing members with an overview of the Council's risk management activity undertaken during the financial year from 1 April 2021 to March 2022.

Andrew Weavers, Monitoring Officer, introduced the report to the Committee and assisted the Committee in its deliberations. He explained that the Committee were invited to review the Risk Management Strategy and recommend it to Cabinet, who in turn could refer it to Council for inclusion with the Policy Framework. There had been no changes to the fundamental processes underpinning the Strategy, but the opportunity had been taken to update some of the terminology. The strategic risks were reviewed quarterly by the Senior Management Team. The latest review had been undertaken in June and the risks identified were shown in the Risk Register. The current strategic risks facing the Council were set out at paragraph 1.4 of the Assistant Director's report.

In discussion, the Committee indicated it was surprising that risk ST2 on Spending Power did not identify public sector wage growth and the potential for industrial action as risks and also that the Risk Register did not identify key person dependency as a risk. The Monitoring Officer explained that these issues would be looked at the next review of the strategic risks by the Senior Management Team in September.

In respect of the Risk Matrix, concern was expressed by a member of the Committee that several risks had moved through two bands without sufficient detail on mitigation to explain why. More detail needed to be provided so there was better understanding of why risks had changed bands. In terms of residual risks, five risks sat outside the risk tolerance line and there was insufficient information to explain what was being done to move them back within tolerance. Confirmation was also sought as to who set the risk tolerances. In terms of the Risk Management Strategy, there was nothing on Black Swan events (i.e. events that were infrequent but had the potential to have a very significant impact threatening the future of the organisation). The Strategy should identify how these issues would be dealt with in future. Whilst

the Risk Management Processes set out in Appendix 1 were noted, there was no reference to risk closure.

The Monitoring Officer explained that risk tolerances were agreed by the Senior Management Team and a written response on the issues raised on residual risks would be circulated to the Committee.

The Committee also explored issues relating to risk ST3 on Partnership Commitment. It was suggested that the Council ought to be more proactive in assessing the risks of dependency on partners and the possibility that they may change structure or direction, before the Council began to rely them for the delivery of strategic priorities. The Council should be more cautious in its reliance on partners for delivery of strategic priorities and should always consider the potential impact of the failure of partner organisations at the outset. If services were delivered in house this risk was mitigated as Cabinet would have complete control. The pitfalls of partnership working were clearly shown in the commentary to risk ST3 and due diligence should have been undertaken on the Clinical Commissioning Group before entering into partnership with them. The risk would not have had such a high rating if the Council had sought the right assurances in the first place.

Other members of the Committee emphasised the importance of working with partners and that, given the resources under the Council's direct control, partnership working enabled the Council to deliver considerably more to residents. The Council did have to accept the risk that the financial position or strategic direction of partners could change. That needed to be assessed as early as possible and mitigated where possible but it should be recognised that it could be very difficult to assess the risk of, for example, a change in government policy. As partnerships developed and grew stronger the likelihood of this risk should decrease.

The need to keep risks under regular review, particularly those that related to frontline services that supported residents, was emphasised. This would minimise the risk of disruption to vital services for residents.

The Monitoring Officer explained risk ST3 looked at the implications for the authority if partnerships were to fail. It had been reviewed and raised as a risk for the reasons set out in the report. However, the Council did understand what those potential impacts were. As much mitigation as possible was put in place and the Council worked very closely with partners to try and ensure this did not happen.

The Chair invited Councillor King, Leader of the Council and Portfolio Holder for Strategy, and Councillor Cory, Portfolio Holder for Resources, to respond to the debate. Councillor King indicated that he had found the Committee's comments very helpful and he would continue to review and take advice on the issue. He believed the risk ST3 had been appropriately assessed and rated but the quality of relationships with partners was vital and mattered more than the quality of the project management. Councillor Cory indicated he understood the concerns that had been raised and that perhaps another level of assurance should be sought in such circumstances, given the importance of these partnership in delivering the Council's priorities. He echoed the comments made about risks reducing as partnerships grew and emphasised that these partnerships reduced the Council's risks in terms of budgetary commitments. The changes in the health arrangements set out in risk ST3 had been driven by government policy. However, the relationships built up previously through the Alliance would mitigate the risks of these changes.

It was also queried whether risk CO3 on financial inequality should have increased, particularly in terms of probability, given the cost of living crisis, It was suggested that Cabinet could take note of this when it reviewed the Risk Register and Strategy.

*RESOLVED* that the submission of the Assistant Director's report to Cabinet to approve the risk management strategy for 2022/23 be endorsed.



**51. City Status – Meaning and Opportunities**

Andrew Weavers, Monitoring Officer, gave the background to city status being awarded as part of the Platinum Jubilee, with letters patent being prepared to confirm this and due to be received at a special Full Council meeting on 12 September. The letters would be received, and the name of the Council would then be changed to 'Colchester City Council'. All rights and privileges of the Borough Council would be preserved and transferred to the new City Council, which would encompass the same geographical area as the Borough. The first Alderman of the new City Council, former-councillor Peter Chillingworth, would then be appointed and a civic reception held to thank partners who helped in the bid for city status. A Royal visit was likely to occur in the Spring, and the Council was liaising with the Lord Lieutenant's office.

A working group had been formed across all services to maximise the benefits and community involvement in and from city status.

Karen Turnbull gave a presentation laying out the bid which Colchester had submitted to apply for city status, the main areas of opportunity which were being explored, partnership working locally and to learn from the experiences of other cities which had recently gained city status, and the work being done by officers.

Councillor Doctor Pam Cox, Portfolio Holder for Culture and Heritage, presented the Administration's theme for developing Colchester, 'Our City Through Time'. This involved making the most of local historic assets, celebrating the area's different eras by holding themed events, and looking to the future, to include the 'Colchester Future Generations Commission.' An example of the events being explored was to hold a full civil war battle reconstruction to mark the Siege of Colchester, potentially involving the Business Improvement District and likely to cost around £15,000.

In addition to exploiting the cultural and historical assets of Colchester, plans for improving 'green' and 'blue' infrastructure were outlined, including opening up the River Colne to greater recreational use and making Colchester a greener place to live whilst supporting new energy provision options, agri-tech innovation and new technology, including in building new green housing. The Future Generations Commission would work to involve young people in questioning what made a good, commercially successful green city.

Badging/branding would be needed for the new city and the Council was looking to work with the other Essex cities, to promote each other jointly. Portfolio Holder for Culture and Heritage expressed a preference for keeping the Centurion logo and argued that a logo change should not be rushed. Councillor David King, Leader of the Council, stressed the need to engage all generations and ensure that the project must be fun for all. The current situation facing people was tough, but the gaining of city status would be used to provide positivity and healing, following the pandemic. It was also proposed that the opportunity be taken to generate income and local prosperity in order to improve quality of life and wellbeing. The Leader asked for councillors to help in this and to give their thoughts on how best to achieve the Council's aims. A Panel member noted that Colchester was given Borough status by Richard III and that the new city should remember and acknowledge its history.

The Panel discussed the content of the presentations given and were in agreement that the start of the celebrations should be set as 12 September, on the day that the letters patent would be formally received by the Council. It was stressed that all areas and communities should be involved, including those who found it difficult to come into the centre of Colchester. A request was made for the next Policy Panel meeting to invite residents to give

their ideas, including specifically those relating to city status. One Panel member suggested that the letters patent be taken around the Colchester area for display to different communities and it was stressed that the officer working group's work would be directed by elected councillors. The Panel's members suggested opening up the proceedings to be held on 12 September, possibly to hold a large event in the High Street, including a procession with escort, music performances, street partying and performance art. The Portfolio Holder suggested that options could include a street party, with displays and performances on the High Street.

The need for good communications and advertising was discussed, including reaching and consulting with people across the Colchester area, parish councils and rural communities. The Monitoring Officer, in answer to questions, explained that Party Group Leaders had been consulted on a new name, with a consensus reached on 'Colchester City Council'. The issuing of letters patent would cost the Council £1,764, and these would be precious documents. The Council may potentially commission a replica for display purposes, and possibly copies for sale. The Panel was assured that only Colchester would be receiving its letters patent on 12 September, ensuring maximum publicity. A Panel member suggested that the extraordinary Council Meeting should be held away from the Council chamber, at a location that would allow more residents to attend. A concern was raised by one member that 12 September would not leave enough planning time for a large-scale event, and that an enlarged Christmas fair and celebration may be a better option. Renaming and rebranding needs were discussed and Councillor Bentley explained that any replacement of existing brown signs with new versions would need to be requested from Essex Highways, by 'Visit Essex'.

Panel members urged for people to be encouraged to take part in celebrations on 12 September, noted the entrepreneurial talent across the Borough and considered how to mobilise this talent and to use it to attract business and investment in the future. A suggestion was to consider a City economic improvement zone, especially given the proximity to London.

It was further considered how to include residents from across the Borough, including those who would find it difficult to get to Colchester itself. Members suggested that local celebrations should be considered, and that parish, town and school councils should be asked to be involved in planning festivities.

It was suggested by a Panel member that this would give an opportunity to look for new opportunities to twin Colchester with towns and cities in continental Europe. It was noted that existing twinning relationships should continue to be strengthened.

The potential for celebrating the history of the Colchester area was discussed, including the Gosbecks Archaeological Park and Mersea Island. Caution was urged that the Council must be mindful of budgetary implications of any plans.

Policy Panel asked for further details regarding the officer working group, including how it was being set up and how it would seek input from partner organisations and residents. The Portfolio Holder for Culture and Heritage gave assurance that she would be involved in this working group and that there would be further work done to ascertain how elected members and others would be involved. The Leader of the Council explained that the Council would seek as many ideas as possible, and would aim to gain cross-party support, assigning reasonable resources to any work and looking to invest in ways to improve quality of life and achieve lasting benefits for residents in both urban and rural areas.

The Portfolio Holder for Culture and Heritage informed the Panel that a range of options to celebrate city status were under consideration. The Leader of the Council expressed a wish

to improve opportunities for local performers and artists and explained that the Business Improvement District would look at adapting its planned marketing, with the potential for a 'festival of light' to be held to celebrate Colchester.

A Panel member suggested asking all elected members to nominate their local community assets. The Leader of the Council requested that Cabinet be given time to take on the points raised at this meeting, look at what could be done and then report back to 'share, show and tell.' Rory Doyle, Assistant Director (Environment), suggested that an update be provided to Policy Panel later in the municipal year. The Leader of the Council agreed and offered to provide an update at each Panel meeting for the rest of the year. A member of the Panel welcomed this and requested an expanded plan of action be provided to the Panel, with opportunities at future meetings to look at how progress was being made.

*RECOMMENDED* to CABINET that Cabinet considers the comments and ideas put forward by the Policy Panel regarding the celebration of city status, and that celebrations formally commence on 12 September 2022.





Report of	Monitoring Officer	Author	Andrew Weavers 282213
Title	Local Government and Social Care Ombudsman – Annual Review Letter 2022		
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 The Local Government & Social Care Ombudsman produces an Annual Review Letter on the number of complaints it has received regarding each local authority. This report provides details of Colchester Borough Council's Annual Review Letter for 2022.

## 2. Recommended Decision

- 2.1 To note the contents of the Local Government & Social Care Ombudsman's Annual Review Letter for 2022.

## 3. Reasons for Recommended Decision

- 3.1 To inform the Cabinet of the contents of the Local Government & Social Care Ombudsman's Annual Review Letter relating to Colchester Borough Council for 2022.

## 3. Alternative Options

- 3.1 No alternative options are presented.

## 4. Supporting Information

- 4.1 The Local Government & Social Care Ombudsman issues an Annual Review Letter to each local authority. The Annual Review Letter for Colchester for the period ending 31 March 2022 is attached to this report at Appendix 1.
- 4.3 It is worth noting that anyone can choose to make a complaint to the Local Government & Social Care Ombudsman. Accordingly, the number of complaints is not an indicator of performance or level of customer service. In most instances there was no case to answer. The Local Government & Social Care Ombudsman will normally insist that the Council has the opportunity to resolve the complaint locally through its own complaints procedure before commencing its own investigation.
- 4.4 The Governance and Audit Committee has an overview of Local Government & Social Care Ombudsman investigations, and the contents of the Annual Review will be reported to the Committee in due course.

## 5. Key Headlines

- 5.1 The Local Government & Social Care Ombudsman Annual Review Letter focuses on the outcomes of complaints and what can be learned from them. The statistics are on 3 key areas:

**(i) Complaints upheld** - The Ombudsman upholds complaints when it finds some form of fault in an authority's actions, including where the authority accepted fault before it investigated.

**(ii) Compliance with recommendations** - The Ombudsman recommends ways for authorities to put things right when faults have caused injustice and monitor their compliance with its recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**(iii) Satisfactory remedies provided by the authority** – In these cases, the authority upheld the complaint and the Ombudsman agreed with how the authority offered to put things right. The Ombudsman encourages the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

The Ombudsman compares the three key annual statistics for each authority with similar types of authorities to work out an average level of performance.

	Period ending 31/03/22	Period ending 31/03/21	Period ending 31/03/20
Complaints Upheld	1	No detailed investigations carried out	1
Compliance with Ombudsman's recommendations	100%	No recommendations due for compliance	100%
Satisfactory remedies provided by the authority	0	No detailed investigations upheld	0

- 5.2 The Ombudsman upheld one complaint with a finding of maladministration causing injustice. The complainant had complained that the Council did not award his business a grant under the Small Business Grant scheme (payable during the pandemic). The Ombudsman found that the Council had not properly assessed the complainant's liability to pay business rates at his premises which led to injustice. The Council accepted that there had been an error, apologised, paid £200 in recognition of the complainant's distress and time and trouble and paid £10k to the complainant which sum reflected the grant that the complainant should have received under the Small Business Grant scheme. The Ombudsman was satisfied with the Council's response.
- 5.3 Officers in the team concerned believed that the decision made at the time was done so in good faith bearing in mind the complex and ambiguous guidance provided by BEIS. The business involved was not on the ratings list at the relevant time and the Council had no obligation to amend this in order to award a small business grant. The team were under immense pressure during this time and successfully dealt with 13,360 grant applications worth £70M.
- 5.4 The following table provides a comparison of complaints and enquires received.  
(NB. categories are those used by the Ombudsman)

Year	Benefits and Tax	Corporate and other services	Environmental Services & Public Protection & Regulation	Highways and Transport	Housing	Planning and Development	Other	Total
2021/22	2	1	4	1	7	4	2	21
2020/21	2	1	4	4	1	3	0	15
2019/20	3	1	5	3	6	2	0	20
2018/19	0	1	4	0	5	10	0	20
2017/18	1	1	5	2	8	3	1	21
2016/17	2	0	2	0	5	7	0	16
2015/16	3	2	3	2	6	8	0	25

5.5 The following table provides a comparison of decisions made.

Year	Incomplete / Invalid	Advice Given	Referred back for Local Resolution	Closed after Initial Enquiries	Detailed Investigations			Total
					Not Upheld	Upheld	Uphold Rate	
2021/22	1	3	5	10	2	1	33%	22
2020/21	1	0	5	7	0	0	N/A	13
2019/20	2	0	9	6	3	1	25%	21
2018/19	2	1	4	10	3	3	50%	23
2017/18	1	2	8	5	4	1	20%	21
2016/17	0	1	4	5	2	1	33%	13
2015/16	2	3	12	4	1	1	50%	23

5.6 The following table shows Colchester's performance compared with other Borough, City and District Councils in Essex.

Name	Complaints Upheld % (numbers)	Compliance with recommendations	Satisfactory remedies provided by Council (numbers)
Basildon	67% (2)	100%	0% (0)
Braintree	50% (1)	None	100% (1)
Brentwood	75% (3)	100%	33% (1)
Castle Point	None	None	None
Chelmsford	None	None	None
Colchester	33% (1)	100%	0% (0)
Epping Forest	50% (2)	100%	0% (0)
Harlow	71% (5)	100%	0% (0)
Maldon	100% (1)	None	0% (0)
Rochford	33% (1)	None	100% (1)
Tendring	40% (2)	100%	0% (0)
Uttlesford	50% (2)	100%	0% (0)

## 6. Strategic Plan References

6.1 The lessons learnt from complaints to the Local Government & Social Care Ombudsman link in with our Strategic Plan aims to be efficient accessible, customer focused and always looking to improve. Having an effective complaints process helps us to achieve the Strategic Plan's themes of a Wellbeing, making Colchester an even better place to live and supporting those who need help most.

## **7. Publicity Considerations**

- 7.1 Details of the Annual Review Letter are published on the Local Government & Social Care Ombudsman's website and will also be published on the Council's website.

## **8. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety, Risk Management and Environmental and Sustainability Implications**

- 8.1 No direct implications.

Appendix 1 – Annual Review Letter 2022

# Local Government & Social Care OMBUDSMAN

20 July 2022

*By email*

Ms Donnelly  
Chief Executive  
Colchester Borough Council

Dear Ms Donnelly

## **Annual Review letter 2022**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

**Compliance with recommendations** - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Supporting complaint and service improvement**

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

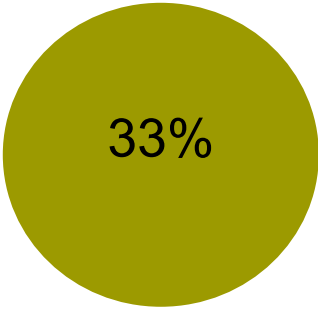
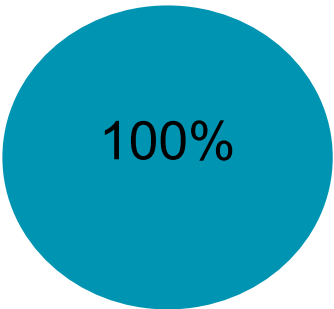
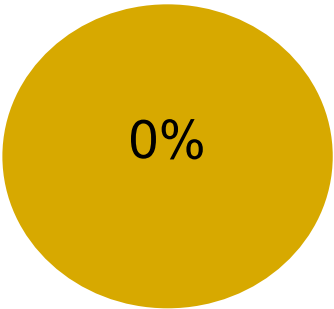
I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

Complaints upheld		
	<p><b>33%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>51%</b> in similar organisations.</p>	<p><b>1</b> upheld decision</p> <p>Statistics are based on a total of <b>3</b> investigations for the period between 1 April 2021 to 31 March 2022</p>
Compliance with Ombudsman recommendations		
	<p>In <b>100%</b> of cases we were satisfied the organisation had successfully implemented our recommendations.</p> <p>This compares to an average of <b>100%</b> in similar organisations.</p>	<p>Statistics are based on a total of <b>1</b> compliance outcome for the period between 1 April 2021 to 31 March 2022</p>
<ul style="list-style-type: none"> <li>Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.</li> </ul>		
Satisfactory remedy provided by the organisation		
	<p>In <b>0%</b> of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of <b>20%</b> in similar organisations.</p>	<p><b>0</b> satisfactory remedy decisions</p> <p>Statistics are based on a total of <b>1</b> upheld decision for the period between 1 April 2021 to 31 March 2022</p>





## Cabinet

Item  
11(i)

7 September 2022

<b>Report of</b>	<b>Assistant Director – Corporate and Improvement</b>	<b>Author</b>	<b>Gary Reid</b> ☎ 07874984922
<b>Title</b>	<b>Year End April 2021 – March 2022 Performance Report Key Performance Indicators (KPI) and Other Performance News</b>		
<b>Wards affected</b>	All wards		

### 1. Executive Summary

- 1.1 This report provides details of performance against Key Performance Indicators (KPIs) for 2021 - 2022. The report also includes other performance news.

### 2. Recommended Decisions

- 2.1 To review performance against Key Performance Indicators and, where Key Performance Indicators have not been met, that appropriate corrective action has been taken.

### 3. Reason for Recommended Decision

- 3.1 To review year end performance for 2021 – 2022 and ensure robust performance management of key Council services.

### 4. Alternative Options

- 4.1 No alternative options have been presented to Cabinet.

## 5. Background Information

- 5.1 The Council has agreed key performance indicators which it uses as part of its Performance Management Framework to help monitor progress and improvement. This report provides an update on the Council's Key Performance Indicators and a review of other performance achieved throughout the reporting period.
- 5.2 The report at Appendix A features an improved graphical presentation of year-to-date performance, previous year performance and targets.
- 5.3 At the year end point for April 2021 - March 2022, the overall position was that 8 targets were achieved (or 'green'), and 5 did not meet the target in full ('red').
- 5.4 The period was a challenging one with the ongoing impacts of the pandemic still prevalent. Despite this some excellent performance was achieved with the majority (8) KPIs being achieved and some exceeded.
- 5.5 This is particularly the case in relation to Housing Benefit and Local Council Tax Scheme (KPI K1B1) where residents are receiving benefits after an average of two days processing time providing much needed support to some of our most vulnerable residents.
- 5.6 Targets for processing all types of Planning applications have been exceeded which is important to support the economic recovery and growth of the borough following the Pandemic.
- 5.7 Targets for processing Council Tax and Business Rates Collections also have been exceeded. This ensures key sources of revenue to support public services are secured.
- 5.8 In addition to the excellent performance described above, the Council has again received numerous awards and accreditations, and these are highlighted at the end of Appendix B.
- 5.9 The ongoing impacts of the Pandemic and other external factors have meant that targets have not been met for five indicators ('red' KPIs). These are:
- K1H2 Affordable Homes Provided
  - K1H5 Average time to re-let Council Homes
  - K1R3 Sickness
  - K1W1 Residual Household Waste per household
  - K1W2 Household Waste Reused, Recycled and Composted
- 5.10 **Affordable Homes Provided.** Affordable housing delivery is slightly behind at the halfway stage of the strategic target of 380 homes in the period of 2020-2023. Numbers were adversely affected by the pandemic which caused labour and material shortages and instability in the housing construction market. With pandemic settling and regulations easing numbers are expected to increase over the next quarter. This increase has been slower than for general housing as some schemes have delivered private housing first, but there is significant affordable housing delivery forecast in the coming quarters, and we continue to liaise with Registered Providers to monitor delivery.

5.11 **Average time to re-let Council Homes.** 220 general needs homes have been let in the year in an average of 30.96 days (4.4 weeks) which is over the expected target of 25 days. The period between November and March was a particularly difficult time with higher numbers of properties becoming empty at a time when resources (contractors, in house team and supplies) were in short supply due to Covid restrictions. CBH have maintained this service despite difficult working environments and reduced the number of homes that are empty at year end to 32 (6 of which are undergoing Major works). The number of voids remains low when compared with previous years and affects time spent in temporary accommodation and transfers for existing tenants. There were only 31 three/four bedroom Council voids during the year.

5.12 **Sickness.** Sickness rates increased during 2021 as operational areas fully re-opened following the lockdown in early 2021. As all areas of the Council re-opened – and the restrictions and mitigations in wider society have relaxed - sickness rates increased, especially in operational areas, where staff are not able to work from home so are more exposed to Covid and other general illness. Covid has continued to drive sickness levels up throughout the last 12 months, but more significantly since the Omicron wave in late 2021. Covid is now the biggest individual reason for sickness, in terms of days, lost across Colchester Borough Council. A new Sickness Policy was launched in January 2022 which will improve how sickness is managed and should improve performance against target as the year goes on.

5.13 **Residual Household Waste per household.** Residents have continued, in general, to generate more residual waste than recent years. This is because more residents are working from, spending more time at home, increasing online and home delivery shopping and/or changes to their lifestyles. A campaign was launched in September to reinforce the current 3 bag / 1 bin limit along with a 'reduce waste social media campaign' to encourage residents to reduce their waste #WasteLessColchester. Whilst the target has not been met, performance has improved on the previous year.

5.13 **Household Waste Reused, Recycled and Composted.** Whilst behind the target at the beginning of the year, the percentage of household waste reused, recycled and composted has improved, particularly with the reintroduction of textile collections and the reinforcement of the 3 bag / 1 bin limit. Whilst the target has not been met, it has improved on the previous year.

5.14 In the first 4 months of this year performance against the red indicators is being monitored closely and has seen some recovery. However, some targets are still being impacted by issues experienced during the Pandemic (staff sickness and housing delivery). A further update will be provided after 6 months of the year.

## **6. Equality, Diversity and Human Rights implications**

6.1 Robust performance management of key Council Services supports the aims of improving both services and the lives of everyone in the borough. Where required, specific Equality Impact Assessments will exist for policies and activities rather than for individual performance indicators or actions.

## **7. Strategic Plan References**

7.1 There are no references to the 2020 – 2023 Strategic Plan.

## **8. Consultation**

8.1 The report's contents do not have any direct implications regarding consultation.

## **9. Publicity Considerations**

9.1 The performance report contains measures for our key performance indicators. Many of these are used to monitor the performance of our services, and as such these may be of public interest. The report and related information are published on the Performance and Improvement section of the Council's website.

## **10. Financial implications**

10.1 The financial implications of the action plans to deliver the indicators form part of the budget setting process.

## **11. Health, Wellbeing and Community Safety Implications**

11.1 Many of the KPI targets reported above ensure that Council Services that have a positive impact on Health and Wellbeing are delivered effectively.

## **12. Health and Safety Implications**

12.1 There are no direct health and safety implications associated with this report.

## **13. Risk Management Implications**

13.1 There are no direct risk management implications associated with this report.

## **14. Environmental and Sustainability Implications**

14.1 The KPI's relating to recycling and the levels of residual waste collected are the key indicators that contribute to Environment and Sustainability.

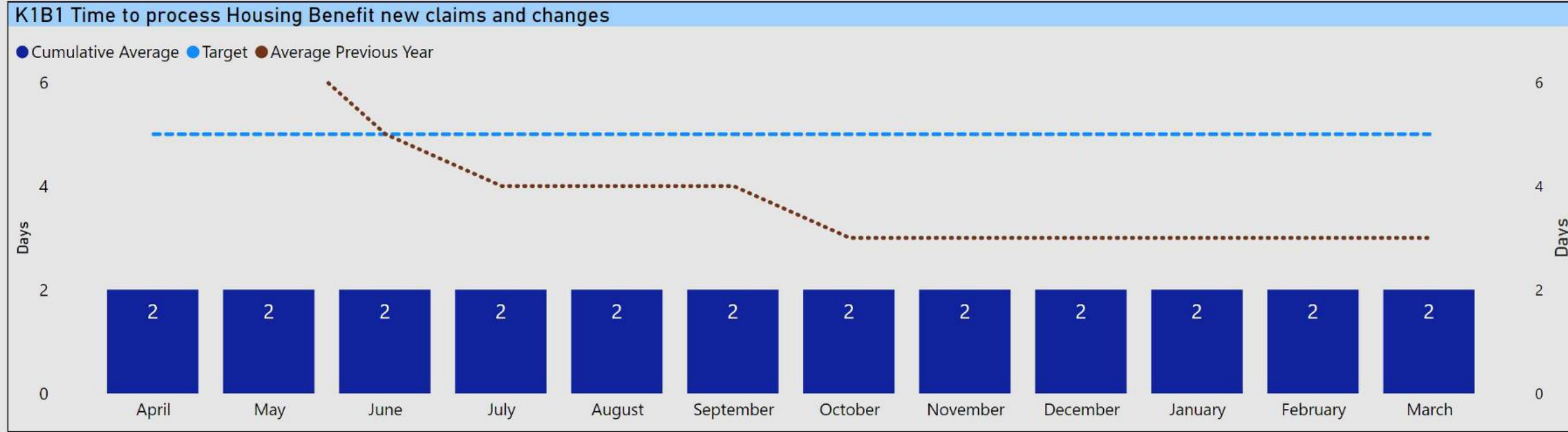
## **Appendices**

A. KPI Year End Report covering April 2021 – March 2022.

B. Awards and Other Performance News covering April 2021 – March 2022.

# Corporate Key Performance Indicators Covering April 2021 - March 2022

K1B1 Housing Benefit	→
K1B1 LCTS	→
K1H1 Additional Homes	→
K1H2 Affordable Homes	→
K1H3 Homelessness	→
K1H4 Rent Collected	→
K1H5 Re-lets	→
K1P1 Planning Apps (Majors)	→
K1P1 Planning Apps (Minors)	→
K1P1 Planning Apps (Others)	→
K1R1 Council Tax	→
K1R2 NNDR	→
K1R3 Sickness	→
K1W1 Residual Waste	→
K1W2 Recycled Waste	→
K1W3 % of Scheduled Collections Made	→



Cumulative Average against Target

2✓

Target: 5 March

Supporting Narrative

The processing team work hard to maintain excellent days to process stats, it is however recognised that room should be given to extend processing times should resources require or if efficiencies can be made.

Proposed Target 2022-2023

5

Page 110 of 178





Cumulative Average against Target

2✓

Target: 6 March

Supporting Narrative

The number of LCTS applications remains high and this is likely to continue with benefits uplift and support during the pandemic now coming to an end. The team have performed exceptionally well exceeding the target for processing local council tax support (LCTS). LCTS has been awarded quickly to residents to help them with financial difficulties.

Proposed Target 2022-2023

6



K1H1 Additional Homes Provided



Actual towards Target

1003✓  
Indicative Target: 920  
March

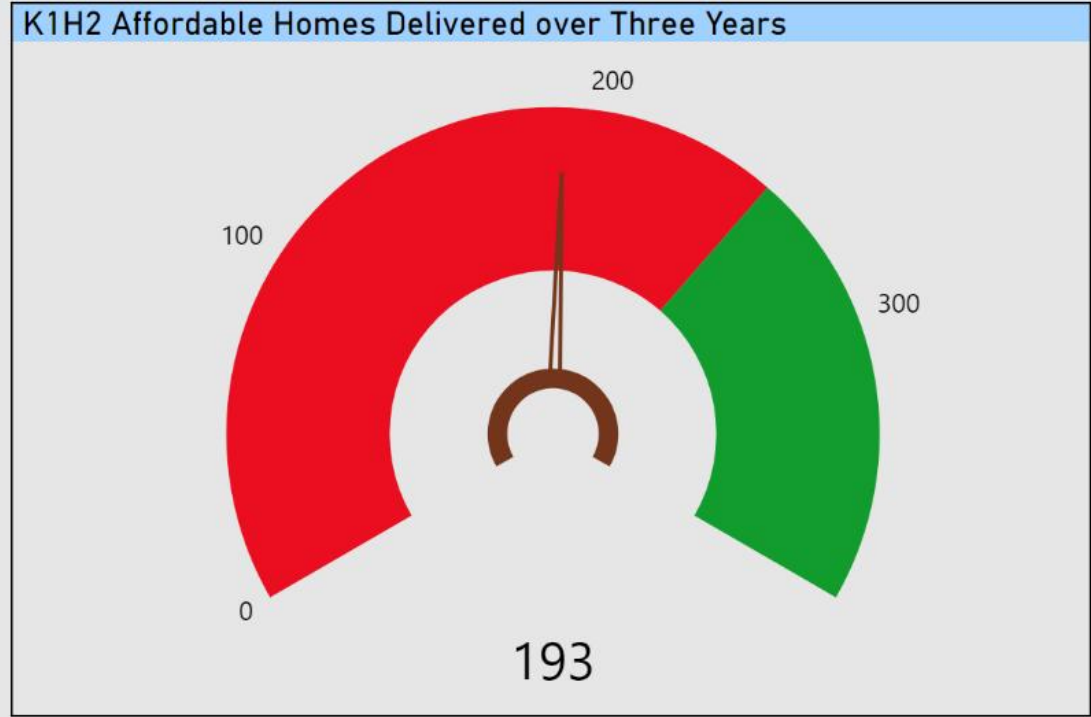
Supporting Narrative

The housing market in Colchester remains buoyant and a number of large sites have recently commenced which provide regular delivery of new homes. The figure also reflects some issues with monitoring during Covid which resulted in lower delivery figures.

Proposed Target 202-2023

920





Actual against Year Two Target

193!

Indicative Target: 255  
March

Supporting Narrative

Affordable housing delivery is slightly behind at the halfway stage of the strategic target of 380 homes in the period of 2020-2023. Numbers were adversely affected by the pandemic which caused labour and material shortages and instability in the housing construction market. With pandemic settling and regulations easing numbers are expected to increase over the next quarter. This increase has been slower than for general housing as some schemes have delivered private housing first, but there is significant affordable housing delivery forecast in the coming quarters, and we continue to liaise with Registered Providers to monitor delivery.

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Proposed Target  
2020-2023

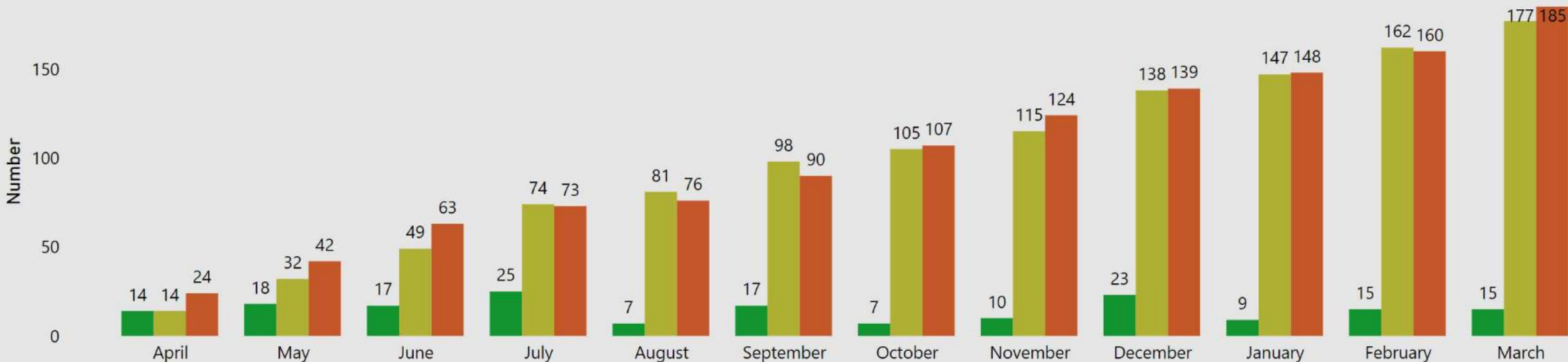
380

# K1H3 Homelessness Duty Owed - number of full duty acceptances



## K1H3 Full Homelessness Duty Owed

● Actual for Month
● Cumulative Figure
● Previous Year Cumulative



Number of full duty acceptances

Number of households in temporar...

Number of preventions

Number where Relief Duty provided

## Supporting Narrative

For this year no target for homelessness was given. Monitoring of demand for the service was completed using total number of applications, prevention and relief of homelessness and the total number of households presenting as homeless. During the year there were 1164 new cases of which 298 were either prevented or relieved from becoming homeless. 177 cases were accepted as having a main Homelessness Duty during the year. The number of households in temporary accommodation at 31 March is 227 (2.80 per 1,000 households in the Borough - based on the new target for 2022/23). This has increased with additional accommodation in place to house Afghan refugees and those who are resettled from rough sleeping. The numbers of households in temporary accommodation will increase further once the transfer and occupation of Plowright house is complete and we expect further presentations from refugees and demand for the service to increase as the cost-of-living increases.



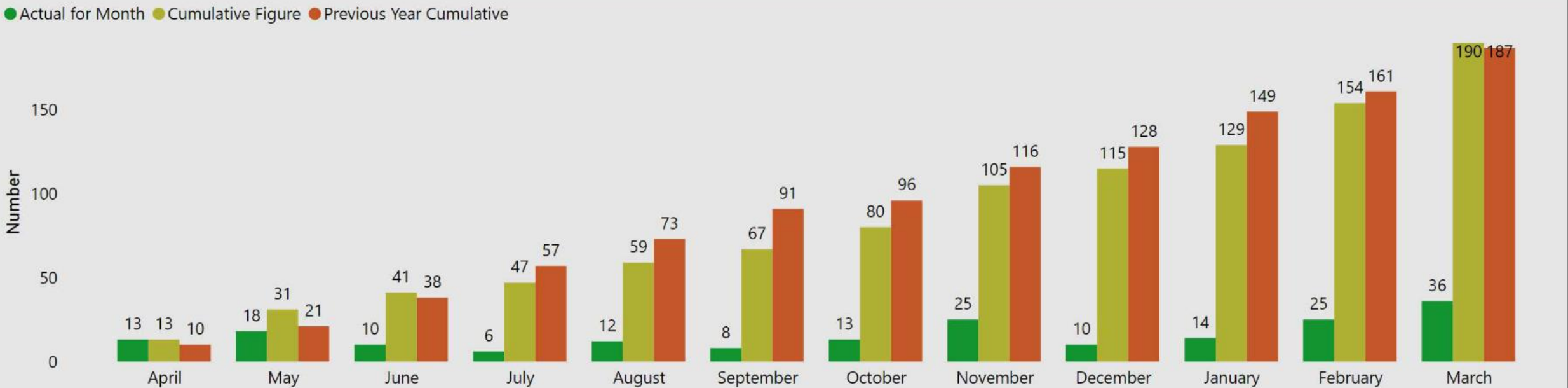
K1H3 Homelessness Duty Owed - number of preventions

←

→

↶

K1H3 Full Homelessness Duty Owed



- Number of full duty acceptances
- Number of households in temporar...
- Number of preventions
- Number where Relief Duty provided

Supporting Narrative

For this year no target for homelessness was given. Monitoring of demand for the service was completed using total number of applications, prevention and relief of homelessness and the total number of households presenting as homeless. During the year there were 1164 new cases of which 298 were either prevented or relieved from becoming homeless. 177 cases were accepted as having a main Homelessness Duty during the year. The number of households in temporary accommodation at 31 March is 227 (2.80 per 1,000 households in the Borough - based on the new target for 2022/23). This has increased with additional accommodation in place to house Afghan refugees and those who are resettled from rough sleeping. The numbers of households in temporary accommodation will increase further once the transfer and occupation of Plowright house is complete and we expect further presentations from refugees and demand for the service to increase as the cost-of-living increases.

## K1H3 Homelessness Duty Owed - number where Relief Duty provided



## K1H3 Full Homelessness Duty Owed

● Actual for Month ● Cumulative Figure ● Previous Year Cumulative



Number of full duty acceptances

Number of households in temporar...

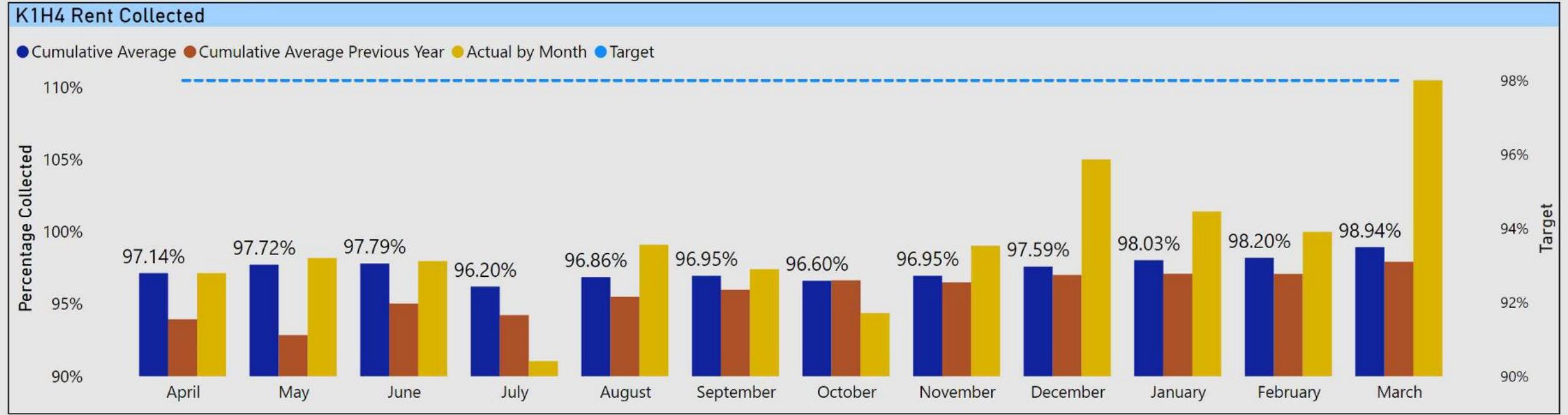
Number of preventions

Number where Relief Duty provided

## Supporting Narrative

For this year no target for homelessness was given. Monitoring of demand for the service was completed using total number of applications, prevention and relief of homelessness and the total number of households presenting as homeless. During the year there were 1164 new cases of which 298 were either prevented or relieved from becoming homeless. 177 cases were accepted as having a main Homelessness Duty during the year. The number of households in temporary accommodation at 31 March is 227 (2.80 per 1,000 households in the Borough - based on the new target for 2022/23). This has increased with additional accommodation in place to house Afghan refugees and those who are resettled from rough sleeping. The numbers of households in temporary accommodation will increase further once the transfer and occupation of Plowright house is complete and we expect further presentations from refugees and demand for the service to increase as the cost-of-living increases.





Cumulative against Target

98.94%✓

Target: 98%

March

Supporting Narrative

The year end result of 98.9% exceeds the expected target collection of 98%. Many of our tenants have suffered considerable financial hardship this year due to the Covid pandemic and reductions in Welfare benefits. The Court process for possession had been halted and CBH have implemented a new Housing management system, which led to periods where automated rent account monitoring and generation of arrears letters were not in place. These issues have now been resolved and despite this the target was exceeded. The support that CBH provides to help tenants maintain their tenancy enhances the high rates of rent collected.

Proposed Target 2022-2023

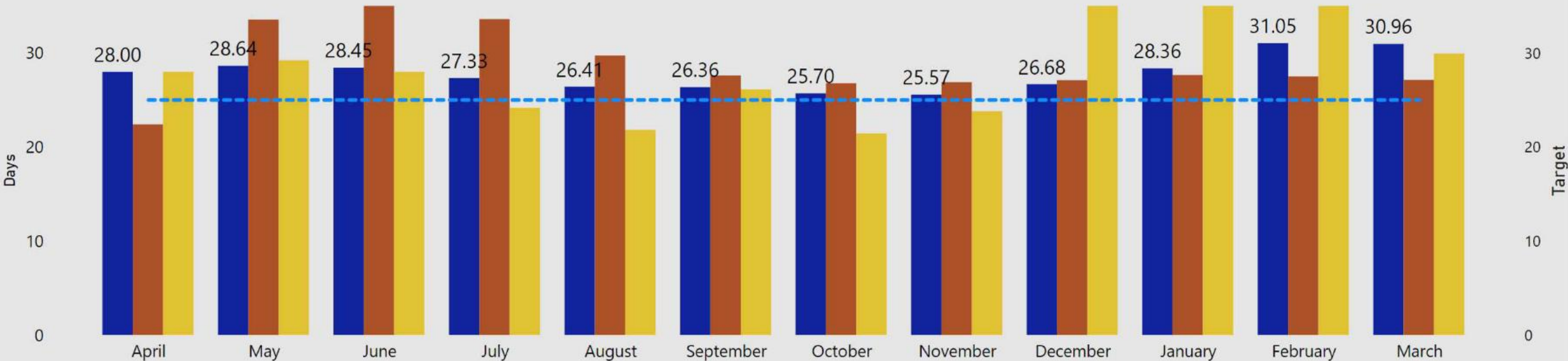
98%

# K1H5 Average time to re-let Council Homes



## K1H5 Average time to re-let Council Homes

● Cumulative for Year
● Cumulative Previous Year
● Actual by Month
● Target



## Cumulative against Target

30.96!

Target: 25  
March

## Supporting Narrative

220 general needs homes have been let in the year in an average of 30.96 days (4.4 weeks) which is over the expected target of 25 days. The period between November and March was a particularly difficult time with higher numbers of properties becoming empty at a time when resources (contractors, in house team and supplies) were in short supply due to Covid restrictions. CBH have maintained this service despite difficult working environments and reduced the number of homes that are empty at year end to 32 (6 of which are undergoing Major works). The number of voids remains low when compared with previous years and affects time spent in temporary accommodation and transfers for existing tenants. There were only 31 three/four bedroom Council voids during the year.

## Proposed Target 2022-2023

28





Average against Target

100%✓

Target: 85%  
March

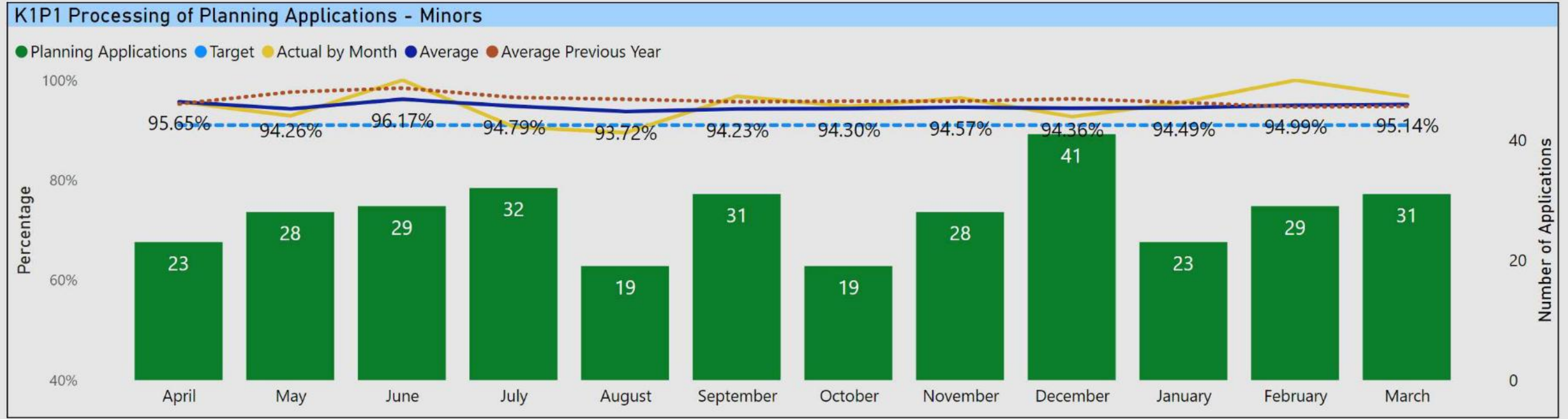
Supporting Narrative

The team achieved a consistently high level of decision making for major applications, 43 major applications were determined during this period, performance is on track and targets are being met despite there being a significant increase in the number of applications submitted and determined.

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Proposed Target  
2022-2023

85%



Average against Target

95.14%✓

Target: 91%

March

Supporting Narrative

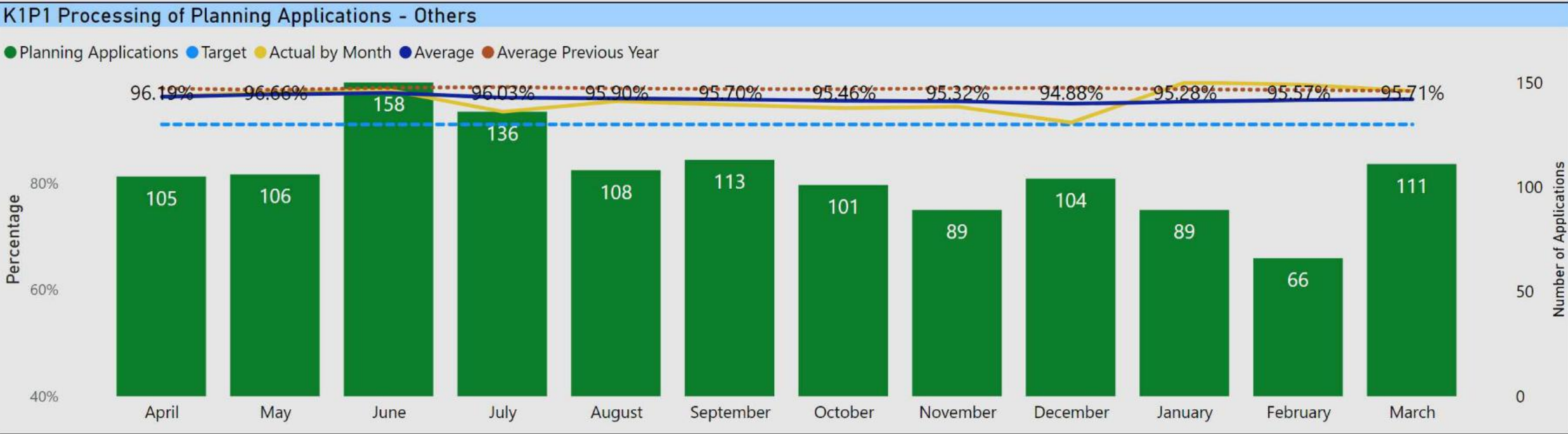
The team achieved a consistently high level of decision making for minor applications. 333 minor applications were determined during this period, in a category that includes applications up to 10 new dwellings, commercial development of up to 1,000 square metres of floorspace, or sites with areas of up to 1 hectare, performance is on track and targets are being met despite there being a significant increase in the number of applications submitted and determined.

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Proposed Target 2021-2022

91%





Average against Target

95.71%✓

Target: 91%

March

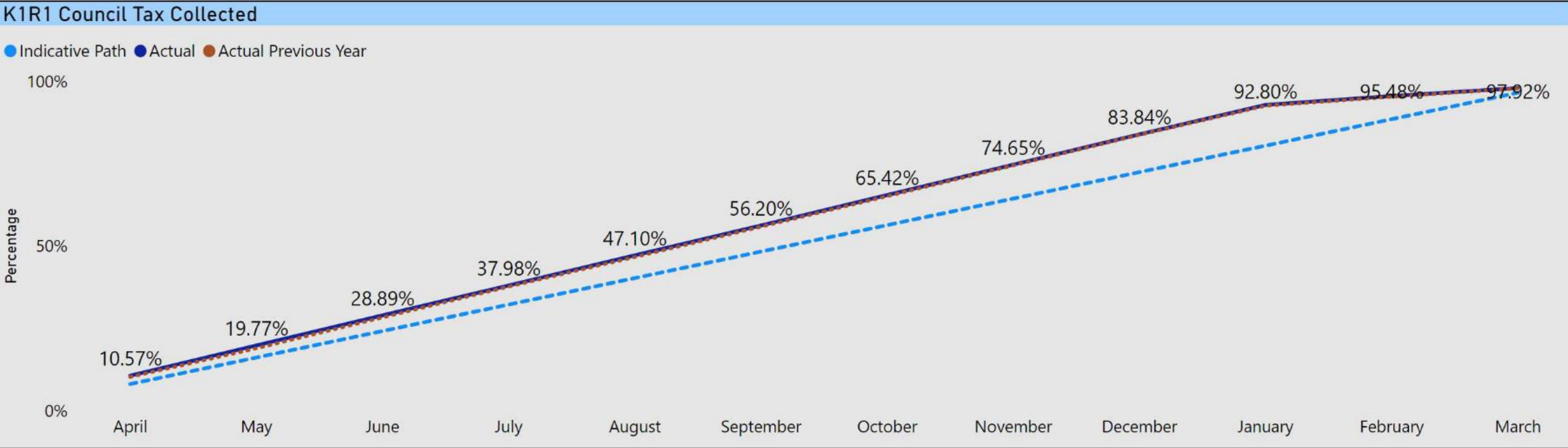
Supporting Narrative

The team achieved a consistently high level of decision making for “other” planning applications, with over 1286 applications determined during this period, in a category which includes householder extensions, changes of use, adverts and lawful development certificates. This category saw the highest number of applications and forms the bulk of the planning work. Performance is on track and targets are being met despite there being a significant increase in the number of applications submitted and determined.

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Proposed Target 2022-2023

91%



Actual against Year End Target

97.92%✓

Indicative Path: 96.50%  
March

Supporting Narrative

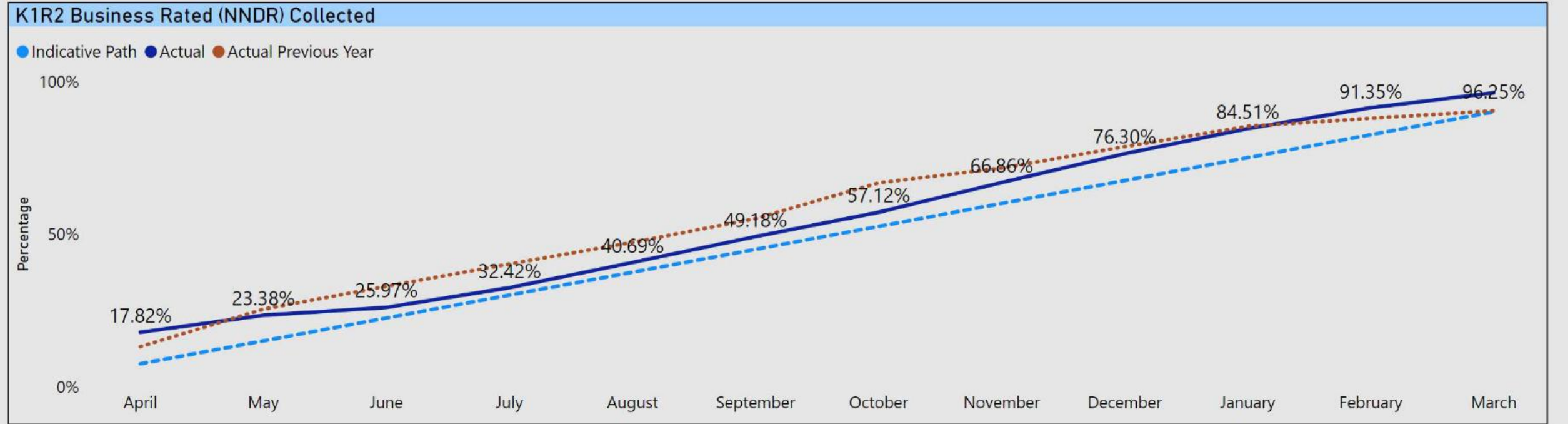
Collection for Council tax has exceeded target and the previous 5 years results, taking us back to pre-covid levels and above. The team have also collected an additional £4m compared to the previous year and the tax base continues to increase significantly every year. The team have continued to work incredibly hard this year supporting those struggling to pay their council tax. This work will continue as we see people struggling due to fuel price increases and will be responsible for delivering the Council Tax Rebates to households.

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Proposed Target 2022-2023

97.50%





Actual against Year End Target

96.25%✓

Indicative Path: 90.00%  
March

Supporting Narrative

Collection has exceeded the target by a significant amount; however it still sits well below pre-covid levels. The team predominantly focused on delivering business grants throughout the year and are now recovering normal processes and work. A full recovery plan is being developed to help drive collection back to previous levels as quickly as possible.

Proposed Target 2022-2023

95%



Actual against Target

11.07!

Target: 7

March

Supporting Narrative

Sickness rates increased during 2021 as operational areas fully re-opened following the lockdown in early 2021. As all areas of the Council re-opened – and the restrictions and mitigations in wider society have relaxed - sickness rates increased, especially in operational areas, where staff are not able to work from home so are more exposed to Covid and other general illness. Covid has continued to drive sickness levels up throughout the last 12 months, but more significantly since the Omicron wave in late 2021. Covid is now the biggest individual reason for sickness, in terms of days, lost across Colchester Borough Council. A new Sickness Policy was launched in January 2022 which will improve how sickness is managed and should improve performance against target as the year goes on.

Proposed Target 2022-2023

7





Actual against Target

378.00!

Indicative Path to date: 346.00  
March

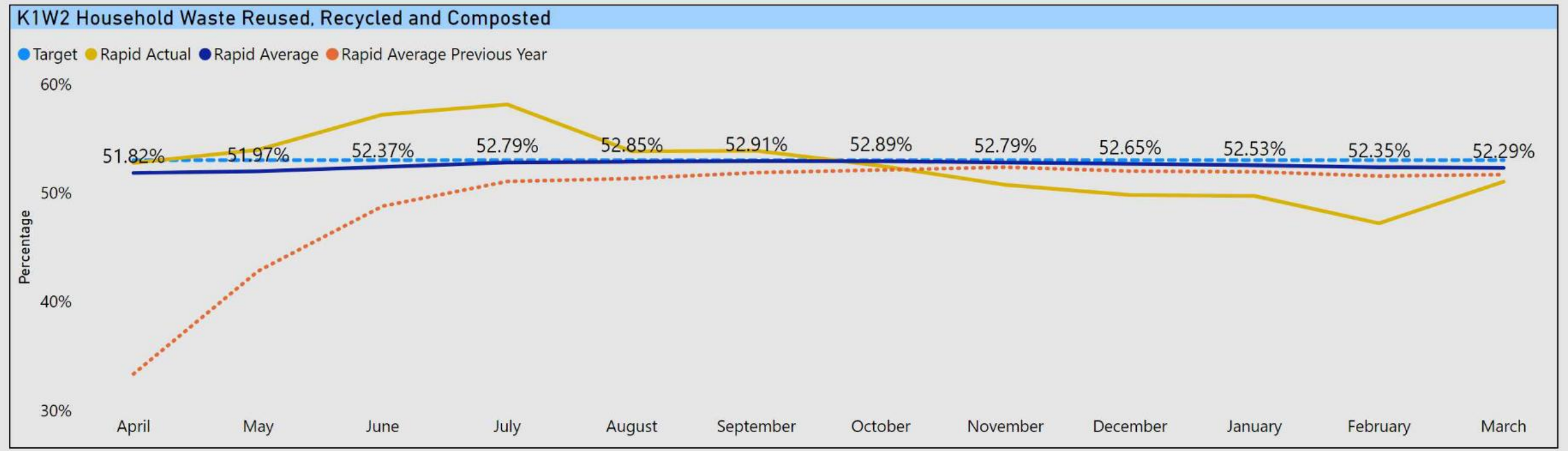
Supporting Narrative

Residents have continued, in general, to generate more residual waste than recent years. It is proposed that this is an outcome of more residents working from, spending more time at home, increasing online and home delivery shopping and/or changes to their lifestyles. A campaign was launched in September to reinforce the current 3 bag / 1 bin limit., along with a ‘reduce waste social media campaign’ to encourage residents to reduce their waste #WasteLessColchester. Whilst the target has not been met, it has been improved on the previous year.

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Proposed Target  
2022-2023

346



Average against Target

52.29% !

Target: 53%

March

Supporting Narrative

Whilst behind the target at the beginning of the year, the percentage of household waste reused, recycled and composted has improved, particularly with the reintroduction of textile collections and the reinforcement of the 3 bag / 1 bin limit. Whilst the target has not been met, it has improved on the previous year.

Proposed Target 2022-2023

55%





Average against Target

99.9✓

Target: 99.94%

March

Supporting Narrative

The service has been impacted by staff absences; There has been some increase in sickness related to Covid, including positive cases, isolation, as well as staff members taking sick leave due to the side effects of Covid vaccinations, as well as general sickness and general annual leave. The sourcing of HGV Team Leaders has been challenging too. As a result, there has been a requirement to use agency staff, and this has all impacted performance. The management team have been working hard to balance the staffing levels, utilisation of agency and the operational delivery.

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Proposed Target 2022-2023

99.94





## Other performance news

- **Awards and accreditations**

The highlights are summarised here and also shown on [www.colchester.gov.uk](http://www.colchester.gov.uk) as [council-wide](#) and [service-level](#) achievements.

<b>Achieved April 2021 to March 2022 – full-year report</b>	
<a href="#">Essex Family-Friendly Employers Charter</a>	CBC was one of the first employers to sign up and was awarded Charter status from 1 March 2022. The Charter is a set of minimum principles that employers in Essex should meet to be deemed family-friendly. Not all employers can offer flexible working. However, family-friendly policies are about more than being able to work from home. The Charter was launched in March 2022 and sets out how employers can help parents and carers manage their work and caring commitments. We're <a href="#">one of 12 employers</a> to sign up from the beginning. <b>March 2022</b>
<a href="#">Pathfinder councils - modernising planning software</a>	CBC was <a href="#">selected</a> as one of eight councils to lead a pathfinder project to explore ways to enhance digital planning services. The £150,000 project, funded by the Department for Levelling Up, Housing and Communities (DLUHC), will see the Council work with its existing software provider to improve its development management software, so that it supports the vision set out in the Government's <a href="#">Planning for the Future White Paper</a> . <b>January 2022</b>
<a href="#">Society for Museum Archaeology (SMA) Awards 2021</a>	Colchester Castle won the Engagement and Collaboration Award for its 'Decoding The Roman Dead' exhibition. This exhibition showcased the research that Colchester Museums conducted with archaeologists and specialists from the University of Reading to decode the hidden stories of Colchester's earliest inhabitants and unlock clues about Colchester's Roman past. Find out more in this <a href="#">Dead Interesting: Uncovering Roman Britain in Old Museum Collections</a> website. <b>December 2021</b>
<a href="#">Royal Town Planning Institute (RTPI) Awards</a>	CBC's Bethany Jones won the RTPI's East of England Young Planner award. This <a href="#">summary</a> highlights the impressive breadth of reasons for this success, which range from her professional experience across Minerals and Waste, Development and Flood Risk, and Planning Policy through to heavy involvement in Local Plan preparation/examination; and also from sharing her insight and knowledge and inspiring other planners through her blogs and 'Plan Pals' series through to innovative ways to engage with the public during the pandemic. <b>November 2021</b>
<a href="#">Green Flag Awards</a>	Castle Park, High Woods Country Park and Colchester's Cemetery and Crematorium have received Green Flag Awards. Green Flags set a benchmark of standards for management and maintenance of publicly accessible urban and countryside parks, and they promote the community value of green spaces. As well as receiving its nineteenth Green Flag award, <a href="#">Castle Park</a> has also once again been awarded <a href="#">Green Heritage Site</a> status, which recognises its work to promote its historic surroundings. <b>October 2021</b>

<a href="#">British Parking Awards (BPA) 2021</a>	<p>The North Essex Parking Partnership (NEPP) won three national awards for organisations that have made a significant contribution to improving parking. The NEPP was also shortlisted in the Communications category for its dedicated coronavirus webpage to keep residents informed, three videos including showing the benefits of using contactless MiPermit payments and work on social media highlighting the Positive Parking Agenda (PPA) and Selfish Parker campaigns.</p> <ul style="list-style-type: none"> <li>• The <b>Positive responses to the pandemic award</b> category recognises and honours the exceptional work that parking teams have done to support the NHS, local authority clients and communities across the UK manage, mitigate and fight the coronavirus pandemic. Along with the dedicated coronavirus webpage, NEPP extended support to NHS staff members by offering a free parking permit. Single yellow line restrictions were eased to allow for increased homeworking and less commuters during the lockdown stages of the pandemic. Residents were also offered a three-month extension to their residents parking permits.</li> <li>• The <b>'Parking as a service award'</b> for creating a positive experience for motorists, recognising work done to create easy-to-understand, non-confrontational and person-centric services. NEPP supported the Positive Parking Agenda which focuses changing perceptions and misconceptions towards parking, as well as the 'Don't be a Selfish Parker' campaign. In addition, recognition is given to the 3PR and Park Safe Schools projects which aim to tackle dangerous and illegal parking around schools.</li> <li>• The <b>MiPermit Inspiration award</b> for making a significant contribution to improving parking was awarded to Richard Walker as an exemplar of excellent practice that has inspired colleagues, clients and the wider parking community. <a href="#">September 2021</a></li> </ul>
<a href="#">Park Mark awards</a> and <a href="#">Park Mark Plus</a> - British Parking Association (BPA)	<p>All 20 CBC-owned car parks across Colchester borough have retained national <a href="#">Park Mark</a> awards for their safety, accessibility and quality management for the thirteenth consecutive year.</p> <p>Last year, CBC's <a href="#">Priory Street Car Park</a> was only the second car park in the country to receive <a href="#">Park Mark Plus</a> status, and it has retained this elite award in 2021. The award recognises only the highest-quality car parks, and assesses a range of criteria, including services, operations, design and build. To qualify for the award, car parks must already have the BPA's <a href="#">Park Mark award</a> and meet the <a href="#">Disability Parking Accreditation</a> criteria. <a href="#">September 2021</a></p>
<a href="#">Association for Public Excellence (APSE) Annual Service Awards 2021</a>	<p>More than 320 submissions were submitted to award organisers with Colchester Borough Council being <a href="#">shortlisted in two categories</a> - Best Service Team of the Year, and Best Community and Neighbourhood Initiative.</p> <p>CBC's Waste Management and Recycling Service was shortlisted in the Team of the Year category in recognition of the efforts to provide an outstanding service throughout the Covid-19 pandemic and the team's continual improvement to develop a sustainable service for the future.</p>

	The 'Together We Grow Communities' project was shortlisted in the Best Community and Neighbourhood Initiative category in recognition of the partnership work with not-for-profit social enterprise <a href="#">Together We Grow CIC</a> . The partnership has worked together planting trees in communities as part of the Colchester Woodland and Biodiversity Project. <b>August 2021</b>
<a href="#">LGC Awards 2021</a>	CBC was shortlisted in the Economic Support category of the LGC Awards 2021.  LGC editor Nick Golding said: “ <i>The past year of Covid response has stretched councils and their staff to the limit, and yet still local government has innovated and provided the leadership places have so desperately needed during the pandemic. The LGC Awards are about recognising the most exceptional local government talent – and in this year, of all years, we can really say that those shortlisted have put in a truly heroic performance.</i> ” <b>July 2021</b>
<a href="#">Museums + Heritage awards</a>	<a href="#">Community Impact Award</a> - Colchester and Ipswich Museums (CIMS) won this category for their Museum From Home activity packs for children, launched during the pandemic. The judges said: “ <i>With long-standing, personal relationships and an approach which ensured access to digital wasn’t a barrier, the winner’s quick-thinking made a real difference to hard-to-reach communities</i> ”.  <a href="#">Covid special recognition award</a> – Colchester Museums Manager Pippa Pickles was in a national shortlist of six from hundreds of nominations for this award. It recognises Pippa’s contribution to the pandemic by not only opening Colchester Castle safely following the first lockdown, but for all her hard work in leading Colchester Borough Council’s team in supporting the NHS vaccination programme – more <a href="#">here</a> . <b>July 2021</b>
<a href="#">Disability Confident</a>	As a Disability Confident Committed Employer we have committed to ensure our recruitment process is inclusive and accessible; communicate and promote vacancies; offer an interview to disabled people; anticipate and provide reasonable adjustments as required; support any existing employee who acquires a disability or long-term health condition, enabling them to stay in work. Re-accredited for a further three years to 2024. <b>June 2021</b>
<a href="#">LEXCEL</a>	Legal Services have been re-accredited following the Lexcel standard’s annual inspection, for the 21st consecutive year. Lexcel is the Law Society’s legal practice quality mark for excellence in legal practice management and excellence in client care. <b>June 2021</b>
<a href="#">Park Active - British Parking Association (supported by Department for Transport)</a>	Colchester was proud to be <a href="#">the first Park Active scheme in the UK</a> , which supports the environment and encourages active travel to build healthier communities. The scheme allows people to leave their car at a Park Active location and then walk or cycle for the rest of their journey. In Colchester, motorists pay a discounted parking rate for doing so. <b>April 2021</b>

As a strategic funding partner, CBC congratulated [Firstsite on winning Museum of the Year](#) in September 2021. This [Art Fund](#) award is the world’s largest museum prize and is a celebration of the country’s finest museums and galleries.

### ***Other sources of performance data***

**Statistics and data** – the way we collate and publish a range of council statistics, performance indicators, datasets and information has been updated this year. Pulling all this together (including information previously on the Datashare section of our website) will help us to maintain open and accessible information for customers, businesses, and other interested parties.

The new [Council Data](http://colchester.gov.uk/council-data) section at [colchester.gov.uk/council-data](http://colchester.gov.uk/council-data) is designed so that people can easily find out information we hold, our obligations on open data and transparency, as well as how to make a freedom of information request.

Categories include spending, business rates, democracy, housing, land, parking, planning and licensing, recycling and waste.

**Annual reports** – the Council produces annual reports on its performance in various areas. These are brought into one place on the Council's website [here](#) for ease of reference, and to make it easier for the public to find which annual reports are available.

**[Single Data List](#)** -this is a list of all the datasets that local government must submit to central government. The list is reviewed and updated annually. Local authorities are not obliged to provide any data which is not on the list without extra funding.

## Cabinet

Item

7 September 2022

Report of	Assistant Director – Corporate and Improvement	Author	Gary Reid ☎ 07874984922
Title	Year End April 2021 to March 2022 Performance Report - 2020-2023 Strategic Plan Action Plan		
Wards affected	All wards		

### 1. Executive Summary

- 1.1 This report provides details of progress in delivering against the Council's Strategic Plan for 2020-2023 at the end of 2021-2022.

### 2. Recommended Decisions

- 2.1 To confirm satisfactory delivery against the Strategic Plan Action Plan and that the Council has made satisfactory progress in meeting its strategic goals.

### 3. Reason for Recommended Decision

- 3.1 To ensure the Council has robust performance management of delivery against key strategic goals.

### 4. Alternative Options

- 4.1 No alternative options have been presented to Cabinet.

## **5. Background Information**

- 5.1 The Council has agreed a new Strategic Plan covering 2020-2023. This report provides a review of progress against the Strategic Plan covering 2021-2022.
- 5.2 Details of progress made in delivering against each theme and goals is shown in the report at Appendix 1.

## **6. Equality, Diversity and Human Rights implications**

- 6.1 Progress and improvement of these and many of the actions within the Strategic Plan Action Plan support our aims of improving both services and the lives of everyone in the borough. Where required, specific Equality Impact Assessments will exist for policies and activities rather than for individual performance indicators or actions. Progress on the Council's Equality Objectives are included within the Strategic Plan Action Plan Update.

## **7. Strategic Plan References**

- 7.1 The Strategic Plan Action Plan demonstrates delivery of across all the current Strategic Plan priorities.

## **8. Consultation**

- 8.1 The report's contents do not have any direct implications, however, the Strategic Plan and priorities were agreed using the results of significant research and taking into account previous public consultations.

## **9. Publicity Considerations**

- 9.1 The performance report contains progress in delivering key goals of the Strategic Plan Action Plan and it is important that residents and businesses are made aware of these. Many of the achievements will have been publicised during the year but the report and related information will also be published on the Performance and Improvement section of the Council's website.

## **10. Financial implications**

- 10.1 All achievements detailed in the Strategic Plan Action Plan were delivered from within existing approved budgets and as such, there are no new financial implications associated with this report.

## **11. Health, Wellbeing and Community Safety Implications**

- 11.1 There are actions within the Strategic Plan Action Plan which aim to improve community safety and as such this report provides progress updates in this area.

## **12. Health and Safety Implications**

- 12.1 There are no direct health and safety implications associated with this report.

## **13. Risk Management Implications**

- 13.1 There are no direct risk management implications associated with this report.

## **14. Environmental and Sustainability Implications**

- 14.1 Tackling the Climate Challenge and leading sustainability is a key theme of the Strategic Plan and the report at appendix 1 provides details of the progress in delivering the associated goals.

## **Appendices**

Appendix 1 – Strategic Plan Action Plan Year End Report.





## **Better Colchester Strategic Plan Action Plan (SPAP) 2020 – 2023 Year End Summary Report covering April 2021 – March 2022**

### **Themes:**

- **Tackling the climate challenge and leading sustainability**
- **Creating safe, healthy, and active communities**
- **Delivering homes for people who need them**
- **Growing a better economy so everyone benefits**
- **Celebrating our heritage and culture (Communities)**

### **Tackling the climate challenge and leading sustainability:**

- Respond to the Climate Emergency
- Conserve and enhance biodiversity
- Enable more opportunity for walking and cycling around Colchester
- Strategic Priorities achievements and next steps

### **Respond to the Climate Emergency**

- The Councils carbon emissions were reduced by 12.8% (791.5 tonnes of CO<sub>2</sub>e) since 2020 in line with our latest climate Emergency Action Plan.
- The Climate Change Team secured £500k of grant funding to replace Rowan House's 30-year old gas heating system with a low carbon system.
- Tools such as the Sustainability and Carbon Reduction Assessment Checklist were embedded to help service areas and projects achieve behaviour change and best practice.
- CAREless pollution 'No idling' campaign was awarded 'Highly Commended' at 'Sustainability Leaders Awards 2022' and achieved a 53% reduction in idling car engines at traffic lights in our Air Quality Management Areas.

### **Conserve and enhance biodiversity**

- Stopped the use of glyphosate weedkiller on Colchester Borough Homes sites through consultation with residents.
- Urban planting has been completed.
- First year of wildflower and naturalising has taken place, having a positive impact on biodiversity.
- Supported Wivenhoe 'no mow, no sow' trial and started discussions to include further sites and the support for other Parish and Town Councils to adopt the same approach.

### **Enable more opportunity for walking and cycling around Colchester**

- The Sustainable Travel Team secured an unprecedented fourth consecutive round of Defra funding for projects in Colchester targeting increased use of sustainable travel, healthier travel, and cleaner air quality.
- The Council's E-Cargo bikes project saw over 13,000 miles travelled on cargo bikes instead of in cars and vans.
- Over 15,000 people are now subscribed to use E-Scooters in Colchester, with over 286,000 miles travelled on scooters during 2021-2022.
- Progressed projects such as Colchester's first E-Car Club, and first Secure Cycle Parking Hub, that will both be ready to operate in Summer 2022, as well as secure future "active travel" schemes that are included in the Town Deal, Levelling Up Fund bid, Active Travel Fund 2 project and Local Cycling Walking Infrastructure Projects (LCWIP) with Essex County Council.

### **Strategic Priorities achievements and next steps**

- The greening policy continues to be progressed, reviewed and developed.
- All initiatives to support residents to reduce, reuse and recycle their waste, such as litter engagement campaign, additional operative resource and smart bins have been completed.
- The investment project into Shrub End depot has progressed well and to plan, whilst a long-term strategy is still under development.

### **Creating safe, healthy and active communities:**

- Build on community strengths and assets
- Tackle the causes of inequality and support our most vulnerable people
- Provide opportunities for young people
- Strategic Priorities achievements and next steps

### **Build on community strengths and assets**

- Embedded Communities Can with the system, partners and communities including training and awareness, learning from best practice, capacity building and outcomes focus, enabling an Asset Based Community Development Approach.
- Review, promotion and support of Community Assets already in place to maximise their benefit to our residents including maximising the S106 development contributions available to support this.
- Collaborated and influenced outcomes through the new Alliance Neighbourhood Model of working across NEE with all system partners.
- Worked with Communities to maximise and deliver community infrastructure to mitigate the impacts of development (Community S106 programme).

### **Tackle the causes of inequality and support our most vulnerable people**

- Improved the advice, support and signposting to grants to reduce the impact of increasing fuel prices and improve energy efficiency in homes.
- Worked to address the housing issues that exacerbate inequalities and impact on the most vulnerable, including supply, healthier homes, being able to remain in your home and tackling criminal landlords.
- Used new CCG funding to build capacity and improve outcomes which tackle inequalities across Colchester and Tendring.
- Influenced and worked with partners to leverage external funding aimed at improving outcomes for those suffering from Domestic Violence & our Refugee and Asylum Seeker Communities.

### **Provide opportunities for young people**

- Maximised the Youth facilities Town Deal project funding with other monies to provide the best youth provision possible in Colchester.
- Used the Local Delivery Pilot to invest in projects to encourage physical activity in our young people.
- Worked with the Alliance partners in the Start Well domain to ensure that all young people have the best possible start in life.

### **Strategic Priorities achievements and next steps**

- Communities Can approach embedded across the System with well trained staff, supportive Members and a community led or co-produced approach that realises the potential and delivers tangible outcomes that reduce the inequalities faced by many.
- Maximising the value of significant investment made by the CCG, aimed at reducing inequalities across Colchester.
- Implementing the newly agreed Cost of Living action plan to help residents through the current cost of living crisis, both short and long term.

### **Delivering homes for people who need them:**

- Increase the number, quality and types of homes
- Prevent households from experiencing homelessness
- Create new communities and adopt a new Local Plan that delivers jobs, homes and the infrastructure to meet the borough's future needs
- Strategic Priorities achievements and next steps

### **Increase the number, quality and types of homes delivered by the Council**

- The Council's commercial housebuilding company, Colchester Amphora Homes Ltd, completed their first mixed-use development including 30% affordable homes.
- The "New Council Housebuilding Programme" delivered a total of 78 additional affordable homes in 2021-2022, remaining on track to meet the target of 380 additional affordable homes between 2019-2024.

### **Increase the number, quality and types of homes delivered by the Council**

- A new HRA Asset Management Strategy and 30-Year Business Plan was agreed to provide a viable long-term programme for the 7,000 affordable homes managed by Colchester Borough Homes to maintain them with high levels of decency, safety compliance, and energy efficiency works; to benefit tenants.
- The “100 homes” project completed, ‘buying back’ 100 former council homes and undertaking works to improve their energy performance before making them available for new tenants.

### **Prevent households from experiencing homelessness**

- The Homelessness and Rough Sleeping Strategy Delivery Plan actions were reviewed, and an updated Delivery Plan and Progress Report was published.
- During 2021-2022 homelessness was prevented for 190 households and there were 108 households assisted into accommodation under the relief duty.
- The Rough Sleeper Team provided assistance to 124 rough sleepers and accommodated 38, whilst 16 were accommodated under the governments’ “Protect and Vaccinate” initiative, and 9 rough sleepers were reconnected.
- The Council secured £457,500 capital and £105,700 revenue funding under the governments “Rough Sleeper Accommodation Pathway” (RSAP) to purchase 6 ex-Council one-bed flats as “move on” accommodation and provide a support worker for 3 years.

### **Create new communities and adopt a new Local Plan that delivers jobs, homes and the infrastructure to meet the borough’s future needs**

- Inspectors found the Local Plan sound, which allocates sites for housing, employment and associated infrastructure.
- Review of S106 processes undertaken to ensure infrastructure is delivered in accordance with strategic priorities.
- Work progressed on Joint DPD for TCBGC and first Joint Committee held.

### **Strategic Priorities achievements and next steps**

- Adoption of the Local Plan.
- Produce Supplementary Planning Documents on Affordable Housing/Housing Standards and Specialist Housing as well as Climate Change and Sustainability.
- Submission of Joint DPD for TCBGC to provide a framework for the development of a new community.
- Work with the local community to review ecology evidence and secure a country park/nature reserve at Middlewick.

### **Growing a better economy so everyone benefits:**

- Enable Economic Recovery from Covid-19 ensuring all residents benefit from growth
- Work with partners to deliver a shared vision for a vibrant town
- Create an environment that attracts inward investment to Colchester and help businesses to flourish
- Strategic Priorities achievements and next steps

### **Enable Economic Recovery from Covid-19 ensuring all residents benefit from growth**

- Support and grants have been provided to businesses to support them through the pandemic. As well as providing direct grants, we have worked with partners in North Essex Economic Board to jointly fund business support using Government funding. This has included: Click it Local which provided a year-long pilot online shopping portal for independent local businesses, a suite of business advice services (Digital, Financial, Import/Export, Skills), A Net Zero Business Support Programme.
- The support we have provided was recognised by the Local Government Chronicle with the Council shortlisted for a national award.

### **Work with partners to deliver a shared vision for a vibrant town**

- We have started work with Essex County Council and partners to develop a Masterplan for the Town Centre.
- We have worked with the Colchester Business Improvement District (BID) to deliver new parklets on the High Street in October 2021 and are working with them to install new gateway signage to promote use of local town centre retail which will be installed later in 2022.

### **Work with partners to deliver a shared vision for a vibrant town**

- Our work with 'We are Colchester' partners to deliver the Town Deal will include improved public spaces, easier transport, better digital connection, and new community facilities. We have prepared and submitted Business Cases to access funding and have completed considerable feasibility and design work.
- We have prepared a bid to attempt to attract Government Levelling Up funding for the Town Centre.

### **Create an environment that attracts inward investment to Colchester and help businesses to flourish**

- We have prepared a new Economic Growth Strategy for the borough. This sets out our priorities for supporting the Borough's economy and job creation, focus our Economic Development work, and respond to Strategies of partner agencies such as Essex County Council.
- We have an up-to-date Local Plan in place that allocates sufficient land and contains policies to encourage economic growth.
- We continue to approve of applications in line with policies to attract new businesses and allow existing firms to thrive. The former Andersons Yard at Marks Tey is being redeveloped and extended to facilitate this.
- The Asset Management Strategy was updated to focus on post Covid recovery and asset management initiatives continued to be undertaken on Council-owned sites (operational, investment and surplus) during 2021. Continued strategic and asset management of regeneration and development sites including Colchester Northern Gateway, Hythe, and the Town Centre.

### **Strategic Priorities achievements and next steps**

- Town Deal Business Cases prepared and ready for delivery to commence.
- Masterplan work started – engagement with stakeholders underway.
- Economic Strategy Delivery Plan will be agreed to ensure the priorities in the Strategy are achieved.

### **Celebrating our heritage and culture:**

- Agree and implement a new Cultural Strategy that supports our cultural assets

- Strengthen Colchester's tourism sector and welcome more visitors each year
- Protect, enhance and celebrate Colchester's unique heritage
- Strategic Priorities achievements and next steps

#### **Agree and implement a new Cultural Strategy that supports our cultural assets**

- Specialist agency Counterculture were appointed by open tender to deliver the Strategy, working with a Project Group including external stakeholders.
- Following extensive public and stakeholder consultation the new Cultural Strategy was endorsed by Cabinet in March 2022.
- The Council committed to extending Strategic Arts Partner funding to 2026, providing continuity of support to the key cultural assets underpinning delivery of the Cultural Strategy.
- Responding to feedback received during the consultation an early outcome achieved against the Strategy Action Plan was the launch of the Cultural and Creative Events Fund, which will support 28 projects in 2022.

#### **Strengthen Colchester's tourism sector and welcome more visitors each year**

- 2021 tourism campaigns aligned with the Government Roadmap Out Of Lockdown and included the 'Colchester and the Beautiful Borough Welcomes You Back' film and 'Colchester Roman Holiday' themed staycation campaign with sponsorship of the Liverpool Street ticket gates (Network Rail 915,206 verified passenger contacts).
- Partnership working with Visit Essex included a targeted consumer campaign featuring London Underground advertising; two of the five campaign images used were in the Borough of Colchester.
- Local tourism businesses support included free or discounted advertising on [www.visitcolchester.com](http://www.visitcolchester.com) (extended into 2022).
- New tourism products developed; Hidden Colchester Walking Trail, Colchester to Wivenhoe Art and Heritage Trail (funded by Welcome Back Grant) and the Family Roman Trivia Trail.



### **Protect, enhance and celebrate Colchester's unique heritage**

- With the easing of COVID related restrictions, all three museums reopened during the summer with visitor numbers and income swiftly returning to pre-pandemic levels at the Castle, outperforming parallel museum services.
- The recovery at the castle was aided by the delivery of the Arts Council funded exhibition, 'Decoding the Roman Dead', a partnership research project with the University of Reading with digital outputs reaching more than 500,000 people through a collaboration with 'History Hit'.
- School numbers were slower to return but pre-pandemic levels were achieved in the last months of the financial year.
- A feasibility study for the redevelopment of the Natural History Museum was conducted by a consultant team alongside public and stakeholder consultation.

### **Strategic Priorities achievements and next steps**

- A Roman mosaic in Lion Walk, originally discovered in the 1980s was located by Colchester Archaeological Trust and a consultancy appointed to excavate and display it under glass and in situ – anticipated completion late in 2022.
- A collaboration with the University of Durham was founded to conduct geophysical surveys in and around Gosbecks Archaeological Park to take place in 2022 ahead of a research project by the university on parallel sites throughout the UK.
- Vegetation cleared by Parks Team at Duncan's Gate and scheduled monument consent acquired for clearing and 3D scanning of Roman drain as well as the excavation of a nearby anomaly – scheduled for spring/summer 2022.
- Lighting was installed in the trees around the Castle and Natural History Museum with Welcome Back funding.



**7<sup>th</sup> September 2022**

<b>Report of</b>	<b>Assistant Director of Environment</b>	<b>Author</b>	<b>Robert Doran</b> ☎ 282612
<b>Title</b>	<b>Contract Award for Liquid Fuels (ref: 0307)</b>		
<b>Wards affected</b>	Not applicable		

## 1. Executive Summary

- 1.1 To award a contract for the supply of liquid fuels (diesel, diesel exhaust fluid (DEF) to Rix Petroleum, and hydrotreated vegetable oil (HVO)) and to be supplied to Shrub End Depot for use by the Council's fleet, for the period 1<sup>st</sup> October 2022 – 30<sup>th</sup> September 2023, to include the option to extend the supply contract for a further one year (1<sup>st</sup> October 2023 – 30<sup>th</sup> September 2024) subject to performance.

## 2. Recommended Decision

- 2.1 To award the contract for the supply of liquid fuels at the Shrub End Depot for use by the Council's fleet vehicles for the period 1<sup>st</sup> October 2022 – 30<sup>th</sup> September 2023, to include the option to extend the supply contract for a further year (1<sup>st</sup> October 2023 – 30<sup>th</sup> September 2024) subject to performance, to RIX Petroleum, under the ESPO Liquid Fuels Framework (Ref: 301-22).

## 3. Reason for Recommended Decision

- 3.1 The current contract for the supply of fuel to the Shrub End Depot for use by the Council's fleet vehicles is due to expire on 30<sup>th</sup> September 2022 and therefore a new contractual arrangement needs to be put in place. The supply of fuel is critical to the day-to-day operation of the Council services, in particular frontline services.
- 3.2 The use of a framework in such a volatile market reduces risk, as the aggregated value of the potential spend means suppliers will offer a competitive pricing structure that would not be available if the Council went to market just for Colchester.
- 3.3 Putting in place a one-year contract with the option to extend for one further year, provides the Council with the flexibility to change the contract should the demands and liquid fuel uses change, to ensure the Council gets value for money.

## 4. Alternative Options

- 4.1 Not having a contract in place would see the Council operating at odds to the financial rules and put at risk the financial budgets, resilience, and delivery of the Council's operations, therefore it is not an option to source liquid fuel supply without a contract.
- 4.2 The Council could issue an open tender or procure via another framework, (e.g., the Crown Commercial Services framework) to achieve a compliant contract if the ESPO

Liquid Fuels Framework agreement is not utilised. However, based on the market's volatility, these options would be more expensive.

## **5. Background Information**

- 5.1 The current contract for liquid fuel supply is due to expire on 30<sup>th</sup> September 2022. It is proposed that a new 1 year contract (for the period 1<sup>st</sup> October 2022 – 30<sup>th</sup> September 2023) is awarded as set out below, with the possibility of an extension of the contract of a further one year (for the period 1<sup>st</sup> October 2023 – 30<sup>th</sup> September 2024), subject to performance of the contractor.
- 5.2 It is proposed that the contract is for the supply of diesel, DEF, and HVO:
- Apart from the newly on-boarded electric fleet, and those scheduled in the coming year, the majority of the Council's fleet uses diesel.
  - DEF is pumped into the diesel fleet to reduce harmful gases being released into the atmosphere and ensures that diesel vehicles meet the latest Euro 6 exhaust emission regulations.
  - The Council is currently exploring alternative fuels that may support a greener fleet, including the use of HVO, as set out within the Fleet Transition Plan, which sets ambitions for a zero-carbon fleet by 2030. HVO will be incorporated into this procurement exercise, to ensure flexibility in the Council's approach, but a change of fuel will only be rolled out subject to a successful trial, with careful and detailed assessment of its impact.
- 5.3 The requirement for the liquid fuels over a 1-year term (1<sup>st</sup> October 2022 to 30<sup>th</sup> September 2023) has an estimated value in the region of £806,000, increasing to £1.6 million with a further one year contract extension. Current annual spend is approximately £806,000 per year, however this can fluctuate along with global oil prices. Therefore, any contracts to be awarded by the Council must comply with the appropriate legislation.
- 5.4 Following evaluation, it is proposed that the contract is awarded to Rix Petroleum under the ESPO Liquid Fuels Framework (ref: 301-22) which the Council is entitled to use as a Local Government Authority and is compliant under the Public Contract Regulations. This framework provides the Council with the best value and necessary flexibility to meet its requirements.
- 5.5 The framework has been awarded to eight contractors and a comparison of the prices and applicable margins submitted has been undertaken and enabled officers to make the recommendation to appoint a single supplier for the contract duration, via a Direct Award without the need for any further competition.
- 5.6 The framework agreement has pre-agreed terms and conditions of contract and an appropriate Service Level Agreement (SLA) with established clear quality standards and fixed pricing margins which overlay the weekly fuel prices, which is necessary in such a volatile market.

## **6. Equality, Diversity and Human Rights implications**

- 6.1 Through the Council's procurement strategy, staff ensure that all procurement and purchasing documentation recognises, understands and supports the Council's policies with regards to equal opportunities, diversity, and human rights.

## **7. Strategic Plan References**

- 7.1 Fleet operations are a key element of the way the Council delivers its services to residents and businesses, and therefore this procurement exercise underpins much of the activity that will deliver against the strategic priorities.

## **8. Consultation**

- 8.1 The National ESPO Liquid Fuels Framework (Ref: 301-22) will be used for the liquid fuel procurement, due to the expertise and knowledge provided by the team and this will also ensure compliance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.

## **9. Publicity Considerations**

- 9.1 The decision will be communicated through a contract award notice that will be published in accordance with the Public Contract Regulations 2015. In addition, relevant details will be included within the Council's Contracts Register that is published through Data share.

## **10. Financial implications**

- 10.1 The fuel budget for all services across the Council will be carefully monitored and the budget position over the term of the contract will be reviewed accordingly.
- 10.2 The Council will continue with its Fleet Transition Plan aiming for a zero-carbon fleet by 2030. This is set out in more detail under section 14, 'Environmental and Sustainability Implications' below. This transition will impact on fuel use and the associated budget over the coming years.

## **11. Health, Wellbeing and Community Safety Implications**

- 11.1 There are no health, wellbeing, or community safety implications.

## **12. Health and Safety Implications**

- 12.1 The Council has a corporate responsibility to ensure that all fleet and transport operations comply with national standards.

## **13. Risk Management Implications**

- 13.1 There could be budget pressure resulting from the impact of EU transition on oil prices and the war in Ukraine, that may result in fuel price increases. The price of fuel will be carefully monitored.
- 13.2 The Council will seek to mitigate against any potential risks by following the compliant procurement process and ensure contingency plans are in place for any failure of vehicles or fuelling issues that may impact on core services.

## **14. Environmental and Sustainability Implications**

- 14.1 The Council has worked with the Carbon Trust to calculate, and project, Council emissions to 2030. Through ongoing work at the Council and working with other consultants, the aim is to develop actions between now and 2030 to help the Council reach its net zero target by that end date. This includes a strategy to transition to a fully Electric Vehicle (EV) Fleet and the Council is working with experts at the Energy Savings Trust to develop this programme.
- 14.2 The first phase of this transition has started with the Council already having eleven fully electric vehicles and four hybrid vehicles within its current fleet. The procurement of additional light fleet EVs are due to be added in late 2022, early 2023.

- 14.3 Having considered the Energy Savings Trust recommendations, a large investment in an alternative fuel contract is not considered to be the most effective option at this time from a budget and sustainability perspective, however trials are currently in place with an alternative fuel HVO, and it is therefore proposed that this fuel option is included in the tender exercise should the trials prove to be successful.
- 14.4 The Energy Savings Trust have independently recommended an investment in alternative actions that will bring confirmed and affordable carbon reductions. Those that are already being progressed include:
- Driver training for fuel efficiency
  - Better use of fleet telematics to improve driving efficiencies (e.g., reducing idling)
  - Focussing on changing small fleet to EVs – including preparing Rowan House for electric charge points for small fleet – continued work with UK Power Networks
  - Ecargo bikes and how these could be used – Considering wider emissions savings in borough by helping businesses to reduce emissions and not just the Council
  - Plan efficient route to reduce emissions from fleet
- 14.5 All options, including alternative fuels, will be kept under review and as the market develops, including the emergence of further, independently verifiable, evidence to support viability assessments, this will be incorporated into the Council's fleet transition strategy.
- 14.6 The Council will continue to investigate and identify alternative options to improve the environmental impacts of the Council's fleet and will continue to identify and action any opportunities to trial new technology in line with the net-zero Carbon target.





**7 September 2022**

<b>Report of</b>	<b>Monitoring Officer</b>	<b>Author</b>	<b>Andrew Weavers</b>
<b>Title</b>	<b>Revised Contract Procedure Rules</b>		<b>☎ 282213</b>
<b>Wards affected</b>	Not applicable		

## **1. Executive Summary**

- 1.1 Following the implementation of the Public Contracts Regulations 2015 and Concession Contracts Regulations 2016, the Council is required to update its Contract Procedure Rules to ensure that they are compliant. Other amendments to the Rules reflect procedural changes within the Council.

## **2. Recommended Decisions**

- 2.1 To approve the revised Contract Procedure Rules contained at Appendix 1 of this report and that they be included in the Council's Constitution.

## **3. Reason for Recommended Decision**

- 3.1 To ensure that the Council's Contract Procedure Rules are up to date and fit for purpose.

## **4. Alternative Options**

- 4.1 No alternative options are presented.

## **5. Background Information**

- 5.1 The Council's Contract Procedure Rules require updating from time to time to ensure that they reflect changes in legislation and are fit for purpose. Attached at Appendix 1 to this report are proposed revised Contract Procedure Rules. The changes to the rules are detailed in the following paragraphs.
- 5.2 Following the implementation of the Public Contract Regulations 2015 and Concession Contracts Regulations 2016 the Council's Contract Procedure Rules require to be updated to ensure that they are compliant. The version attached to this report is compliant with both regulations. Other changes deal with procedural changes within the Council and also reflect that most procurement exercises are conducted electronically.
- 5.3 The Contract Procedure Rules will be kept under review and any subsequent changes required due to the Procurement Bill which is currently being considered by Parliament will be the subject of a further report as necessary.

## **6. Strategic Plan References**

- 6.1 The manner in which Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to set out the direction and future potential for our Borough.

## **7. Publicity Considerations**

- 7.1 The revised Contract Procedure Rules will form part of the Council's Constitution published on the Council's website.

## **8. Financial, Equality, Diversity and Human Rights, Consultation, Health, Wellbeing and Community Safety, Health and Safety and Risk Management, Environmental and Sustainability Implications**

- 8.1 No direct implications.

### Appendix 1 – Revised Contract Procedure Rules

## Contract Procedure Rules

### INTRODUCTION

The Council is required by law to have procedural rules that govern the letting of contracts.

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## **1. Definitions**

- (1) In these Contract Procedure Rules, "the Officer" means the Chief Executive, Executive Director or relevant Assistant Director responsible for the letting of the contract or their duly authorised representative.
- (2) In these Contract Procedure Rules "appropriate consultation" means consultation with the relevant Portfolio Holder whose delegated responsibility includes the subject matter of the contract, or in whose absence the Leader of the Council or in whose absence the Deputy Leader of the Council.

## **2. Application and Compliance with Contract Procedure Rules**

- (1) Every contract, whether made by the Council on its own behalf or for another Authority shall comply with these Contract Procedure Rules, except as otherwise specified in this Rule.
- (2) No exception from any of the following provisions of these Contract Procedure Rules shall be made otherwise than by direction of the Cabinet or, where it is in the Council's interests to take immediate action, by an Executive Director, after appropriate consultation with the relevant Portfolio Holder.
- (3) Every exception to the provisions of these Contract Procedure Rules made by an Executive Director and the circumstances whereby it is in the Council's interests to take immediate action by which the exception shall have been justified, shall be reported to either the Portfolio Holder or the next meeting of the Cabinet (as appropriate).
- (4) These Contract Procedure Rules shall have no application to contracts or agreements:
  - (a) entered into with statutory undertakers in respect of work carried out or services supplied by them for which they hold a statutory monopoly;
  - (b) entered into by the Council for another Authority pursuant to instructions given by the Principal.
  - (c) comprising internal contracts or agreements between internal departments or between Council and its owned companies that are deemed to be akin to an internal department under the terms of any relevant legislation concerning the provision of works and/or services which have not been exposed to external competition.
- (5)
  - (a) For any contracts officers should seek advice from Legal Services in relation to the formation of contracts unless a standard form contract is being used or where external legal advice has been obtained.
  - (b) In relation to any contract where the officer or contractor wishes to terminate a contract early, the Officer must seek legal advice from Legal Services or obtain external legal advice and where termination of the contract is being recommended obtain relevant internal authority from the relevant Officer, Portfolio Holder or Cabinet depending on the value of and/or risk

### 3. Public Contracts Regulations and Concession Contracts

- (1) These Contract Procedure Rules shall be subject to any procedures or requirements under the Public Contracts Regulation 2015 and where appropriate the Concession Contracts Regulations 2016 including any amended successor or replacement regulations ("the Regulations") and Officer should seek advice from Procurement or Legal Services or external advice where appropriate.
- (2) A contract or a series of similar contracts of the same type, the aggregation of which exceed the financial limits set in the Regulations.  
The current *thresholds (net of VAT)* are:

- *Contracts for supply services and design contracts with an estimated value above of £213,477 or above;*
- *Contracts for public works estimated to cost of £5,336,937*

*NB. Financial limits are regularly reviewed so Officers should check with Procurement.*

- (3) The Regulations also apply to below threshold procurement and advice should be obtained from Procurement.
- (4) If the Council is granting a concession Officers also need to consider the Concession Contracts Regulations 2016 or any successor or replacement regulation where the thresholds are the same as specified above for works and services.
- (5) Each contract falling within paragraph (2) of this Contract Procedure Rule shall be let by means of the restricted procedure or if appropriate the negotiated procedure or a call off can be made under the terms of a relevant compliant framework agreement (please refer to Contract Procedure Rule 9). Any alternative procedure must be agreed with the relevant Portfolio Holder and /or Cabinet (as appropriate).
- (6) Each contract falling within paragraph (2) of this Contract Procedure Rule shall be let on the basis of the most economically advantageous tender to the Council having regard to price, quality, technical merit, aesthetic and functional characteristics, technical assistance, after sales service, delivery date, delivery period, period of completion social value and such other criteria as the Council may have specified in the tender documents.
- (7) For each contract falling within paragraph (2) of this Contract Procedure Rule the criteria for the selection of tenderers shall be only those set out in the relevant Regulations or under the terms of a compliant Framework Agreements that have been let by the Council or other relevant bodies in accordance with the Regulations.
- (8) The Officer shall ensure contract award notices are submitted to the UK e-notification service for publication within the required periods which requirements apply to works, services, supplies or concession agreements and there are also some obligations that apply to below procurement thresholds so advice should be taken from Procurement.

- (9) The Officer shall notify the Assistant Director – Corporate and Improvement of all contracts falling within paragraph (2) of this Contract Procedure Rule that are let during the course of the year.
- (10) For each Works, Supplies and Service Contract awarded under the Regulations the Executive Director or relevant Assistant Director must keep the following information for each contract let:
- (a) the name and address of the Council;
  - (b) the work, service or supplies to be provided under the contract and the value of the consideration to be given under it;
  - (c) the names of the persons whose offers were evaluated in accordance with regulations and where the Council has used the restricted or negotiated procedure, the reasons why those persons were selected;
  - (d) the names of the persons who were unsuccessful pursuant to regulations and the reasons why they were unsuccessful;
  - (e) the name of the person to whom the contract was awarded and the reasons for having awarded the contract;
  - (f) if known to the Council the work, service or supplies under the contract which the person to whom the contract has been award intends to sub-contract to another person;
  - (g) in the case of the Council using the negotiated procedure which of the circumstances specified in regulations constituted grounds for using that procedure.

The Executive Director or relevant Assistant Director shall supply a copy of the information specified in paragraphs (a) - (g) above to the Assistant Director – Corporate and Improvement at the end of each financial year or upon request.

- (11) Officers should also retain relevant information relating to concession agreements as this may be requested.
- (12) If a public subsidy might apply Officers must obtain appropriate advice from Legal Services or Procurement and comply with any grant funding requirements.

#### **4. Appointment of Consultants**

- (1) The appointment of consultants shall be in accordance with these Contract Procedure Rules except where the established practice of the particular trade or profession does not accord with these Contract Procedure Rules, in which case the established practice of the trade or profession shall be employed with the prior agreement of the relevant Portfolio Holder subject to the estimated value of the proposed services not exceeding the relevant threshold referred to in Contract Procedure Rule 3(2) .

- (2) In circumstances where the Officer is of the opinion that the established practice of a particular trade or profession does not accord with these Contract Procedure Rules the relevant Officer shall notify the Monitoring Officer in writing the reasons why Contract Procedure Rules should not apply and in particular which Contract Procedure Rules are not applicable. Thereafter the Monitoring Officer will notify the Officer as to whether he agrees with the Officer's view and in that event the he does the relevant Contract Procedure Rules will not apply.
- (3) The Officer must agree via Legal Services terms of any contract prior to the award of a contract unless using a standard form of contract.
- (4) Assistant Directors shall notify the Assistant Director – Corporate and Improvement of the appointment of a consultant to ensure insurance requirements are met.

## **5. Contracts – Delegation to Officers**

- (1) Subject to sub paragraph (2) unless otherwise directed by the Cabinet or the appropriate Portfolio Holder, the Officer shall have authority on behalf of the Council to enter into any contract or variation(s) which do not exceed the value of £100,000 or does not form part of a series of contracts or variations the total aggregate value or amount of which does not exceed £100,000.
- (2) Provided that such contract(s) or variation(s) are in accordance with the existing practice of the Council and the expenditure involved is authorised within the Council's Financial Procedure Rules.

## **6. Invitation to Tender**

- (1) The provisions of this Contract Procedure Rule apply to all contracts except those covered by the provisions of Contract Procedure Rules 3(1), 6(1)-6(3), 8(1)-8(6).
- (2) No contract which exceeds an estimated value or amount of £250,000 for works services or supplies, shall be made unless at least ten days' public notice has been given on Contracts Finder or such other similar site, expressing the nature and purpose thereof, inviting tenders for its execution and stating the last date when tenders will be received.
- (3) For contracts of an estimated value or amount between £50,000 and £250,000, either public notice may be given as set out in paragraph (2) of this Contract Procedure Rule or the Officer following consultation with Procurement may invite not less than three contractors to tender and the Officer shall keep a written record of this.

[NB. For contracts of an estimated value of up to £50,000 refer to Contract Procedure Rule 8(7).]

- (4) The Officer may send out electronic documents and receive electronic responses. The receipt of tenders must be in accordance with Contract Procedure Rule 24.

## **7. Tender Short List**

- (1) Where an invitation to tender for a contract includes persons or bodies who



replied to a public notice, then the Officer will not be required to have any shortlist approved by the Cabinet or the Portfolio Holder provided that a compliant selection criteria is used to short list relevant bidders to be invited to tender.

- (2) Public notice shall be given as set out in Contract Procedure Rule 6(2) inviting applications from persons or bodies who undertake such contracts to be placed on a list from which contractors selected by the Council will be invited to submit tenders for such work.
- (3) After the expiration of the period specified in the public notice, invitations to tender for the contract shall be sent to not less than three of the persons or bodies who applied for inclusion in the list, or if fewer than three persons or bodies have applied and are considered suitable, to all such persons.
- (4) Where the contract is within the works or services areas approved by the Council as being suitable for execution by In-house Providers, such Providers shall in all cases be invited to tender for contracts for the provision of such works or services, unless the contract is let in accordance with the Regulations in which case the Executive Director or relevant Assistant Director must follow the selection criteria set out in accordance with the Regulations.

## **8. Exceptions to Requirement to Invite Tenders**

- (1) Unless Contract Procedure Rules 2 and 3 apply nothing in these Contract Procedure Rules shall require tenders to be invited in respect of contracts falling within the following categories.
- (2) In the case of contracts for the work, services or supplies:-
  - (a) the work, services or supplies are proprietary articles or are sold only at a fixed price and no reasonably satisfactory alternative is available; or
  - (b) the prices of the work, services or supplies are wholly controlled by trade organisations or Government Order and no reasonably satisfactory alternative is available.
- (3) The work, services and supplies provided consist of repairs to or the supply of parts of existing proprietary machinery or plant.
- (4) In the case of specialised work, services or supplies or where effective competition is for any reason prevented and, with the consent of the appropriate Portfolio Holder or where appropriate (depending on the relevant financial threshold) the Cabinet, the Officer may obtain estimates from one or more persons or bodies and upon satisfaction therewith and, with the consent of the appropriate Portfolio Holder or where appropriate (depending on the relevant financial threshold) the Cabinet, may make the contract with such person or body.
- (5) With the prior consent of the Cabinet, Portfolio Holder or Officer (as appropriate) any existing contract entered in accordance with these Contract Procedure Rules can be extended (here meaning where there is not an existing contractual right to extend the term) provided that it is established that the contract needs to be extended for justifiable operational reasons and that

this does not cause the relevant procurement threshold to be exceeded having due regard to the aggregation rules referred to in Contract Procedure Rule 3.

- (6) Tenders shall have been invited on behalf of any consortium, collaboration or similar body and/or procurement arrangement of which the Council is a member, in accordance with a method of letting contracts adopted by such body. Provided that where tenders are so invited as aforesaid by an Officer of the Council, the delivery, opening and acceptance of tenders shall comply with the provisions of these Contract Procedure Rules, save where those provisions are inconsistent with any method by which tenders so obtained on its behalf are dealt with unless the Cabinet and /or Portfolio Holder has agreed that their tender procedures shall prevail.
- (7) For a contract with an estimated expenditure of up to £50,000 and it is not considered by the Officer to be reasonably practicable or in the Council's interests to invite tenders, the Officer must seek three written quotations for the contract unless it is impracticable so to do.
- (8) Any land disposed of by the Council shall be in accordance with the Land Disposal Procedure Rules contained at Schedule 1 to these Contract Procedure Rules.

## **9. Framework Agreements**

- (1) Where the Council has either entered into a Framework Agreement itself or is procuring via an external Framework Agreement the Officer may place orders or seek tenders under a Framework Agreement by reference to a price list or other document in order to obtain best value in terms of quality and price and must ensure that there is reasonable competition under the Framework Agreement in order to ensure that the Council obtains best value unless a direct award can be made under the terms of the Framework Agreement.
- (2) Where Officers are considering using an external Framework Agreement they must ensure that the Council is entitled to use the relevant Framework Agreement and that it complies with the Regulations
- (3) Any order or tender placed or sought under a Framework Agreement must comply with the requirements contained in Contract Procedure Rules 14, 5, 23, 25 or 26 (as appropriate) and 30 unless these requirements are not considered by the Officer to be compliant with the terms of any call off being made under the terms of the framework agreement being used.
- (3) Any call off arrangement made under the terms of any Framework Agreement which exceeds the sum of £50,000 shall be opened in accordance with Contract Procedure Rule 25 or 26 (as appropriate) and reference to tenders shall be construed accordingly.

## **10. Rights of Third Parties**

- (1) There shall be inserted in every written contract a clause that excludes the rights of third parties under the Contracts (Rights of Third Parties) Act 1999, unless the Officer considers it appropriate to include third party rights.

## **11. Assignment/Novation**

- (1) There shall be inserted in every written contract for work, services or supplies a clause which prohibits the contractor from assigning or novating the contract without the written consent of the Council unless the Officer is making a call off under the terms of a third-party framework agreement that permits assignment or novation without consent.

## **12. Liquidated Damages**

- (1) Officers should consider whether it is appropriate to include clauses dealing with liquidated damages for contracts that are estimated to exceed £250,000 in value or amount for work, services or supplies where the Council might incur losses or additional expenses for any delays and it must be a genuine estimate of a potential loss caused by any delays.

## **13. Security for Performance**

- (1) Where a contract is estimated to exceed £1m in value or amount and is for work, services or supplies by a particular date or series of dates, the Officer shall consider whether the Council should require security for its due performance and shall, after consultation with the Section 151 Officer, either certify to the Monitoring Officer that no such security is necessary or shall specify in the conditions of tender, the nature and amount of the security to be given.
- (2) In the event of security being required, the Council shall require and take a Bond or other sufficient security for the due performance of the contract and in such cases, no works shall be started until a satisfactory Bond or other security has been provided, provided that the Officer, after consultation with the Section 151 Officer and the Monitoring Officer, may agree that in exceptional circumstances, such works may be commenced prior to the Bond or sufficient security being provided, subject to the contractor first agreeing in writing that no payments under the contract will be made by the Council until such Bond or security has been provided by the contractor.
- (3) Where a tender specification requires the provision of a Bond or other sufficient security for due performance of the contract and the successful tenderer is another local authority or public body, following acceptance of the tender, the Officer after consultation with the Section 151 Officer, may certify to the Monitoring Officer that no such security is necessary.
- (4) In any other case, the Officer may require security for due performance of the contract if the Officer so considers it necessary.

## **14. Cancellation for Corruption**

- (1) There shall be inserted in every written contract of a value in excess of £50,000, a clause empowering the Council to rescind the contract and to recover from the contractor the amount of any loss resulting from such cancellation:
  - (a) if the contractor shall have offered or given or agreed to give to any person, any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to

do any action in relation to the obtaining or execution of the contract or any other contract with the Council or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council; or

- (b) if the like acts shall have been done by any person employed by the contractor or acting on the contractor's behalf (whether with or without the knowledge of the contractor); or
- (c) if in relation to any contract with the Council, the contractor or any person employed by the contractor or acting on the contractor's behalf shall have committed any offence under the Bribery Act 2010, or shall have given any fee or reward, the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

## **15. Collusive Tendering Certificate**

- (1) In every tender submitted to the Council the tenderer shall certify that the tender sum has not been fixed or the amount adjusted by or under or in accordance with any agreement or arrangement with any other person.
- (2) In every tender submitted to the Council, the tenderer shall certify that none of the following acts have been done and undertakes not to do any of the following acts at any time prior to the formal acceptance of the tender:
  - (a) communicating to a person other than the person calling for the tender the amount or approximate amount of the proposed tender, except where the disclosure, in confidence, of the approximate amount of the tender was necessary to obtain insurance premium quotations required for the preparation of the tender;
  - (b) entering into any agreement or arrangement with any other person that the tenderer shall refrain from tendering or as to the amount of any tender to be submitted;
  - (c) offering or paying or giving or agreeing to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above.

## **16. Indemnities**

- (1) The Officer must ensure that where an external third party has been appointed that any procurement process or award complies with the Regulations and that they indemnify the Council against any liability arising from any successful procurement challenge.

## **17. Nominated Sub-Contractors and Suppliers**

- (1) The Officer may nominate a sub-contractor to a main contractor provided that it complies with the Regulations and these Contract Procedure Rules and does not cause the amount of the main contract to increase unless it is approved by the Officer in accordance with paragraph (3) of this Contract Procedure Rule.

- (2) The Officer must consider whether any sub-contractor should provide direct warranties to the Council for the due performance of the works supplies services as appropriate.
- (3) Where the tender exceeds the prime cost sum in a main contract previously approved by the Cabinet or relevant Portfolio Holder, the Officer shall submit a report to the Cabinet or relevant Portfolio Holder who shall determine whether or not to instruct the Officer to nominate the sub-contractor to the main contractor.

## **18. European Standards**

- (1) Where the Officer gives reference to a British Standard or a specific named product he/she must state the British Standard or specific named product and then the words 'or equivalent' unless the Officer can demonstrate that there is no equivalent.

## **19. Certification of Contracts**

- (1) No Officer shall enter into a contract that is required to be certified in accordance with the Local Government (Contracts) Act 1997. Any request for certification shall be referred to the Monitoring Officer who will decide if such certification is appropriate and if appropriate, will arrange for the certification to be given in accordance with the Act.

## **20. In-House Providers**

- (1) For the purposes of these Contract Procedure Rules, an In-house Provider seeking to obtain a contract from the Council in competition with external tenderers shall be treated in similar manner to any other potential contractor and references herein to "tenderers" and "contractors" shall be construed accordingly.

## **21. Statutory Obligations**

- (1) The Officer shall ensure that every contract awarded complies with all the Council's statutory obligations and in doubt the Officer must seek advice from Legal Services or an external adviser. The Officer must also ensure that all contracts let by the Council contain suitable provisions in relation to compliance with statutory obligations.

**22. Consultants – When Acting as Contract Supervisor**

- (1) It shall be a condition of the engagement of any consultant (not being an officer of the Council) who is to be responsible to the Council for the supervision of a contract on its behalf, that in relation to that contract that person shall:
  - (a) comply with the requirements of these Contract Procedure Rules in the same way as the Officer, subject to the modification that the procedure to be followed in inviting and opening tenders shall be approved in advance by the Officer; and
  - (b) at any time during the performance of the contract, produce to the Officer on request, the records maintained in accordance with these requirements; and
  - (c) on completion of the contract, transmit such records to the Officer.

**23. Receipt and Custody of Tenders**

- (1) All tenders in relation to works, goods or services will only be accepted if submitted and received by the Council electronically via the Delta Portal (or such other comparable system as shall be approved by the Monitoring Officer from time to time) or if received in accordance with the terms of a framework agreement where a relevant call off is being made. In circumstances when it is established that the tender documents are too large by the Monitoring Officer the following procedure shall apply:
  - (a) If due to the nature of works documentation, if tenders cannot be submitted electronically, tenderers must be informed that their tender will only be considered if they are:
  - (b) sent in a plain sealed envelope or parcel with a label on which is printed the word "Tender" followed by the subject to which it relates and then the words "Closing date 12 noon on ....." followed by the closing date; and
  - (c) the sealed envelope or parcel does not contain any name or mark indicating the sender, provided that a postage stamp, postal franking mark or customs declaration(or similar) shall not be regarded as being such a name or mark ; and
  - (d) such envelope or parcel shall be addressed to and remain in the custody of The Legal Services Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG until the time appointed for their opening.
- (2) Every tender received by the Officer shall be numbered and marked with the date and time of receipt and a copy provided to Legal Services.

## **24. Opening of Tenders**

- (1) All tenders received both electronically or hard copies for any contract following an invitation to tender pursuant to these Contract Procedure Rules shall be reviewed at the same time.
- (2) Tenders for contracts of an estimated value not exceeding £250,000 shall be opened in the presence of at least two officers designated for the purpose by the Monitoring Officer.
- (3) Tenders for contracts of an estimated value in excess of £250,000 but not exceeding £500,000 shall be opened in the presence of the Monitoring Officer, or an officer designated by the Monitoring Officer, and the Officer, or an officer designated by the Officer.
- (4) Tenders for contracts of an estimated value in excess of £500,000 shall be opened as under paragraph (3) of this Contract Procedure Rule though in addition the relevant Portfolio Holder shall be given not less than 48 hours' notice by the Officer of the time and place appointed for the opening of tenders and may attend or appoint another Portfolio Holder to be in attendance.

## **25. Late or Non-Compliant Tenders (post only)**

- (1) Records of any non-compliant tenders and of the date and time of receipt of any late tenders must be kept by the Officer.
- (2) Tenders received late (where tenders are required to be received via the post) may only be considered if the other tenders have not yet been opened and:
  - (a) failure to comply is the Council's fault; or
  - (b) it is clear that the tender was sent in such a way that in the normal course of events it would have arrived on time
- (2) It shall be the responsibility of the tenderer to ensure that the tender is received by the Council by the specified time and the marking of the tender envelope with the date and time of receipt by an officer of the Council in the presence of the tenderer shall be conclusive proof. The Officer shall ensure that every tenderer is aware of this requirement.
- (3) All tenders received after the specified time shall be so marked in the register of tenders maintained by Legal Services and shall be promptly returned to the tenderer unopened (except to the extent necessary to ascertain the tenderer's name) by the Legal Services Manager and no details of such tender shall be disclosed.

## **26. Late or Non-Compliant Tenders (electronic tenders only)**

- (1) Records of any non-compliant tenders and of the date and time of receipt of any late tenders must be kept by the Officer.
- (2) Tenders received late may only be considered by the Officer if the other tenders have not yet been opened and only if the Officer is satisfied that there

are external circumstances beyond the bidders reasonable control that caused a delay in any bid submission being successfully uploaded.

- (3) It shall be the responsibility of the tenderer to ensure that the tender is received by the Council by the specified date and time.
- (4) All tenders received after the specified time shall be so marked in the register of tenders maintained by Legal Services.

## **27. Alterations to Tenders**

- (1) Persons or bodies tendering shall not be allowed to alter their tender after the specified time for the receipt of tenders, except as provided in paragraphs (2) and (3) of this Contract Procedure Rule.
- (2) If arithmetical errors are found in tenders, a tenderer shall be given details of such errors and afforded an opportunity of confirming (provided that the bid price can be properly determined based on a revised calculation) or their bid submission will be deemed non-compliant and rejected.

## **28. Acceptance of Tenders**

- (1) If a decision to accept a tender by the Cabinet, a Portfolio Holder or the Officer amounts to a Key Decision, then the tender shall not be formally accepted until the call-in period contained in the Call-in Procedure has expired.
- (2) Subject to the following paragraphs of this Contract Procedure Rule, tenders shall be accepted by the Cabinet, relevant Portfolio Holder or by the Officer in respect of those matters for which authority to enter in a contract has been delegated to the relevant Portfolio Holder or the Officer.
- (3) For contracts having an estimated value in excess of £50,000 formal notification of the acceptance of a tender shall be given in writing by the Legal Services Manager or by an officer duly authorised by the Monitoring Officer.
- (4) Except where Contract Procedure Rule 3 applies the Cabinet or an relevant Portfolio Holder shall not accept or recommend the acceptance of a tender other than the lowest tender, if payment is to be made by the Council, or the highest tender if payment is to be received by the Council, unless it has considered a written report from the Officer.
- (5) Where the Officer acting under Contract Procedure Rules 12 or 29 accepts a tender in the circumstances described in paragraph (4) of this Contract Procedure Rule, the Officer shall advise the Monitoring Officer of the proposed course of action and forthwith record in writing the reasons for so doing and such record shall be available for inspection.

## **29. Standstill Period under the Regulations**

- (1) There is a requirement for a "standstill" period between the notification of an award decision in a public procurement covered by the Regulations and the conclusion of a contract with a supplier or suppliers.



- (2) For any Council procurements that are covered by the Regulations, a minimum of ten (10) calendar days mandatory standstill period is required between communication of the notification of award decision and contract conclusion, with day one (1) being the day after the award decision is issued, by email, and in writing to all tenderers.
- (3) The notification by the Council of the award decision, based on the most economically advantageous tender, should contain;
  - (a) the award criteria;
  - (b) the score the tenderer obtained against those award criteria;
  - (c) the score the winning tenderer obtained;
  - (d) the name of the winning tenderer.
- (4) The requirement to debrief in this manner highlights the need for a robust and fair evaluation matrix as well as a transparent and auditable evaluation process. Consequently officers will need to have all the elements of the debriefing process in place prior to the notification, as a rapid response is likely to be required to any request by an unsuccessful bidder. Officers should seek appropriate advice regarding any potential Freedom of Information Act implications prior to disclosing any details.
- (5) If an unsuccessful bidder requests further information by the end of the second working day of the standstill period, the Council must provide additional information as part of the debriefing process. The additional debriefing will include;
  - (a) the reasons why the tenderer was unsuccessful and;
  - (b) if the tenderer submitted an admissible tender, the characteristics and relative advantages of the successful tender
- (6) The Council is required to provide such additional information at least 3 working days before the end of the standstill period. This will require the Council to take into account the effect of UK public holidays. If a supplier misses the two working day deadline, the normal debriefing requirements which the directive indicates would apply (purchaser must debrief promptly and in any case 15 days from a written request).
- (7) If the Council enters into any arrangement with a third party in accordance with Contract Procedure Rule 8 (6) the Officer must ensure that the external party complies with this Contract Procedure Rule 29.

### **30. Contracts in Writing**

- (1) With the exception of contracts entered into by the Council for another Authority pursuant to instructions given by the Principal, every contract which exceeds £50,000 in value shall be in writing and shall specify:
  - (a) the work, services and supplies, matters or things to be executed, furnished, had or done; and
  - (b) the price to be paid with a statement of discounts and other deductions; and

- (c) the time or times within which the contract is to be performed.

Where the Officer is not required to enter a formal contract in writing the Officer shall be required to keep a written record of all the agreed terms and conditions relating to the work, services and supplies procured.

- (2) Every contract in writing shall be signed by the Council as follows:
  - (a) contracts up to a value of £100,000 shall be signed by the Proper Officer;
  - (b) contracts of a value in excess of £100,000 but not exceeding £500,000 shall at the discretion of the Proper Officer either be signed by the Officer and the Proper Officer or be sealed by the Council;
  - (c) contracts of a value in excess of £500,000 shall be sealed by the Council;
  - (d) contracts for the purchase and/or disposal of land and/or buildings where approval has been obtained by the Officer in accordance with the Council's Constitution will be signed by the Proper Officer notwithstanding any other provisions contained in these Contract Procedure Rules.
- (3) The Officer shall ensure that a copy of the completed contract documentation is provided to Legal Services for secure storage.

### **31. Register of Contracts**

- (1) The Assistant Director – Corporate and Improvement shall maintain a register of all contracts entered into by the Council (including consultants) and shall specify from time to time exactly what details need to be provided by the Officer.
- (2) The Executive Director and each Assistant Director shall ensure that details of every contract entered into by them or their service area (as appropriate) shall be provided to the Assistant Director – Corporate and Improvement for inclusion in the register.

### **32. Matters of Urgency**

- (1) Nothing in these Contract Procedure Rules shall preclude the operation of Council Procedure Rule 18 and Cabinet Procedure Rule 22 in relation to matters of urgency provided that this is compliant with the Regulations.

# Colchester Borough Council

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## Land Disposals Procedure

### INTRODUCTION

This procedure describes the Council's process for the disposal of land and its purpose is to make the Council's procedure transparent.

For the purposes of this procedure, a disposal of land means any freehold disposal, by sale or exchange, of Council owned land or buildings and any disposal by the granting of a lease for a period greater than 7 years. Leases of 7 years or less are not covered by this procedure.

Each land disposal will be treated on its own merits and nothing in this procedure will bind the Council to a particular course of action in respect of a land disposal. The Council's actions in disposing of land are subject to statutory provisions, in particular, to the overriding duty on the Council under section 123 of the Local Government Act 1972 to obtain the best consideration that can be reasonably obtained for the disposal of land. This duty is subject to exceptions contained in the ODPM Circular, Disposal of Land for less than best consideration - Local Government Act 1972: General Disposal Consent (England) 2003 "General Disposal Consent".

The Council will dispose of land in accordance with:

- Statutory provisions
- Procedures contained within the Council's Constitution

Land will not be disposed of at less than the best consideration that can be reasonably obtained, unless the transaction is covered by the exceptions contained within the General Disposal Consent.

### LAND DISPOSAL TYPES

#### 1.0 Disposal by Private Sale

1.1 A disposal by private sale may take place after a period during which the land is placed on the market including advertising and generally making known including signage that it is available for sale. Each bid will be assessed on the basis of the Council's responsibility to obtain the best consideration that can be reasonably obtained.

1.2 If land is to be sold by private sale without being marketed then reasons justifying this course of action must be recorded in writing.

A private sale without the land being marketed may be justified by way of example where:

- (a) the land to be disposed of is relatively small in size and an adjoining or closely located landowner is the only potential or likely purchaser; or

- (b) the nature of the Council's land ownership and that of the surrounding land ownership is such that the land must be sold to adjoining or surrounding landowners if best consideration is to be obtained; or
  - (c) the Council's land is part of a larger area of land that is proposed for development, redevelopment or regeneration and the nature and complexity of the proposed development of the overall site is such that the Council's strategic objectives and best consideration can only be achieved by a sale to a purchaser with an existing interest in land in the area.
- 1.3 A legally binding agreement will not be reached until contracts for the lease or sale of land are signed and (if applicable) exchanged.

## **2.0 Disposal by public auction**

- 2.1 Sale by public auction may be appropriate where there is no obvious potential purchaser and where speed and the best consideration can be obtained by auction.
- 2.2 Any decision to proceed by way of public auction must be recorded in writing and the record shall include the reasons justifying a sale by public auction, reserve price (if any) and authorise an officer to attend and act on behalf of the Council.
- 2.3 The binding contract will be made on the acceptance of the highest bid providing it has reached the reserve price. Contracts for the sale or lease will immediately be signed and exchanged.

## **3.0 Disposal by formal tender**

- 3.1 A sale by formal tender may be appropriate where the land ownership is not complex and the Council is seeking obligations to be placed on the successful tenderer which are clear and capable of specification in advance.
- 3.2 Formal tenders will not be appropriate where the land ownership position is complex or the development proposals for the land are insufficiently identified or otherwise incapable of detailed specification at the pre-tender stage.
- 3.3 Any decision to proceed by way of informal tender must be made in writing and include the reasons justifying a sale by informal tender. The Council's rules for tender offers contained in the Contract Procedure Rules will be followed. Any exceptions to the usual tendering process must be authorised by the Monitoring Officer (as defined in the Council's Constitution).
- 3.4 The nature of a formal tender process is that a legally binding relationship is formed when the Council accepts a tender in writing. It is essential therefore that every aspect of the disposal is specified in the tender documents
- 3.5 Sale of land by formal tender will require a detailed specification to be prepared. This will specify the land being sold, any requirements to be met by the tenderer and any obligations that must be met.

- 3.6 The Council will place a public advertisement seeking expressions of interest and publicise the selection criteria by which it will assess tenders. Those individuals selected will then be invited to submit their tender bids.

#### **4.0 Disposal by exchange of land**

- 4.1 Disposal by exchange of land will be appropriate when it is advantageous to the Council and other parties to exchange land in their ownerships and will achieve best consideration for the Council.
- 4.2 Any decision to proceed by way of exchange must be made in writing and include the reasons justifying the manner of disposal.
- 4.3 The exchange will usually be equal in value. However, an inequality in land value may be compensated for by other means where appropriate and with the agreement of the relevant Assistant Director. This will be determined by means of an independent valuation.

#### **5.0 Disposal by informal/negotiated tender**

- 5.1 A disposal by informal/negotiated tender differs from a formal tender in that neither the Council nor the successful bidder is legally obliged to enter into a contract for the disposal of land. The informal/negotiated tender process allows the Council to identify one preferred bidder with whom it may then negotiate further detailed terms or proposals for the development of the land concerned.
- 5.2 The Council will use a public advertisement to request informal development proposals for land that meet a given specification. This process is particularly useful for large or complex development or regeneration sites requiring development and where the proposals may need to be developed in co-operation with the preferred bidder to meet the Council's strategic objectives and to achieve the best consideration that can be reasonably obtained.
- 5.3 Any decision to proceed by way of informal/negotiated tender must be made in accordance with paragraph 3.3 of this Procedure.

#### **6.0 Receipt and Opening of tenders**

- 6.1 Formal and informal tenders must be submitted in accordance with Contract Procedure Rule 23.
- 6.2 Opening of formal and informal tenders must comply with Contract Procedure Rule 25 or 26 (as appropriate).

#### **7.0 Late bids and other considerations**

- 7.1 In the context of the methods of land disposal dealt with in this document, a late bid may occur:-
- (a) in the case of a private sale, after a sale or lease has been agreed, but before contracts are signed or (if applicable) exchanged; or
  - (b) in the case of a public auction, after the auction has been closed, but the reserved price not having been met; or

- (c) in the case of a formal tender, after the closing date for tenders, but before opening of the tenders; or
- (d) in the case of disposal by exchange after a sale or lease has been agreed, but before exchange of contracts; or
- (e) in the case of an informal/negotiated tender, after receipt of bids, but before contracts are signed or (if applicable) exchanged

7.2 Each “late bid” will be considered in the context of the individual circumstances at the time. This may include commercial reasons. The Council’s approach to “late bids” will vary depending upon the method of land disposal used. In each case, its overriding duty will be to obtain best consideration that it can reasonably obtain (subject to any exceptions in the General Disposal Consent). The Council’s approach to late bids is as follows:

- (a) The Council discourages the submission of late bids in all cases when it is disposing of land. It will attempt to minimise problems by aiming for early exchange of contracts.
- (b) Where land is being disposed of by way of formal tender, bids received after the deadline for receipt of tenders will only be considered prior to the opening of tenders.
- (c) Late bids cannot be considered where land is being disposed of by public auction after a successful bid has been accepted.
- (d) Except as provided in paragraphs (b) and (c) above, until the Council has entered a legally binding contract or agreement with another person it will consider late bids unless there are good commercial reasons for not doing so. This should be explained to any purchaser when a disposal of land by private sale or negotiated/informal tender is agreed.
- (e) Consideration of a late bid does not mean that it will necessarily be accepted even if it is the highest bid. The Council will take into account the likelihood of the late bid proceeding to completion in a timely manner and the possibility of late bids being used as a spoiling or delaying tactic.
- (f) Subject to the above, the Council may, in appropriate circumstances ask both the late bidder and the person to whom the land was previously to have been sold and / or the otherwise highest bidder, to submit their last and final bids in a sealed envelope by a set deadline.
- (g) A decision on whether to accept a late bid for a private sale, informal tender or by exchange will to be made either by Cabinet or in accordance with the Schemes of Delegation to Cabinet Members or Officers (as appropriate).

## **8.0 General Disposal Consent**

- 8.1 The General Disposal Consent makes provision for the Council to dispose of land at less than full market value, known as an “under-value”. Specified circumstances must apply as follows:-
- (a) The Council considers that the purpose for which the land is to be disposed of is likely to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the whole or parts of its area, or any person resident or present in its area.
  - (b) The difference between the unrestricted or market value of the land to be disposed of and the consideration for the disposal does not exceed £2 million.
- 8.2 The Council must still comply with its duty to obtain best consideration for the restricted value and comply with normal and prudent commercial practices including obtaining the view of a professionally qualified valuer as to the likely amount of any under-value.





# PETITIONS, PUBLIC STATEMENTS, QUESTIONS

## (i) Have Your Say submissions from members of the public

Date of Meeting	Details of Members of the Public	Subject Matter	Form of Response	Date Completed
Council, 4 July 2022	Beryl Cox, Dave Smith, Sir Bob Russell, Richard Martin, Chris Piggott, Andrew Wilkinson, Alan Short, Richard Kilshaw, William Joliffe	Inclusion of Middlewick within section 2 of the Local Plan	Issues raised were addressed during the Council debate.	4 July 2022
Council, 13 July 2022	Nick Chilvers	Implementation of section 2 of the Local Plan in south Colchester	Verbal response provided at the meeting by Cllr Luxford Vaughan, Portfolio Holder for Planning and Infrastructure, and Councillor Fox, Portfolio Holder for Local Economy and Transformation	13 July 2022
Council 13 July 2022	Steve Kelly	Covid 19 vaccination programme	Verbal response provided at the meeting by Councillor King, Leader of the Council and Portfolio Holder for Strategy	13 July 2022
Council 13 July 2022	Sara Naylor	The Council's response to the consultation from National Grid Greening Project	Verbal response provided at the meeting by Cllr Luxford Vaughan, Portfolio Holder for Planning and Infrastructure, and Councillor King, Leader of the Council and Portfolio Holder for Strategy	13 July 2022

Date petition received	Lead Petitioner	Subject Matter	Form of Response	Date Completed
No valid petitions received in this period.				