

Cabinet

Wednesday, 10 July 2019

Attendees: Councillor Mark Cory, Councillor Adam Fox, Councillor Martin Goss, Councillor Theresa Higgins, Councillor David King, Councillor Michael Lilley, Councillor Gerard Oxford, Councillor Julie Young

Also in attendance: Councillors Coleman, Crow, Hazell, Pearson, Scott-Boutell, Warnes, Wood and T. Young

No. Publication and Call in Arrangements

Date Published 11 July 2019

Date when decisions may be implemented (unless 'called in') 5pm 18 July 2019

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

Requests for the scrutiny of relevant decisions by the Scrutiny Panel must be signed by at least ONE Councillor AND FOUR other Councillors to countersign the call-in form OR to indicate support by e-mail. All such requests must be delivered to the Proper Officer by no later than 5pm on Thursday 18 July 2019

367 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting on 22 May 2019 and 5 June 2019 be confirmed as a correct record.

368 Have Your Say!

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to seek confirmation that the Council was distancing itself from Alumno, now that it had appealed against the Planning Committee decision to refuse planning permission for the development of student flats at St Botolphs. He urged the Council to ensure that full support was given to the Planning Committee to defend its decision. The appeal would be a complex legal process and it was important that appropriate legal and expert representation was secured. Concern was also expressed about the condition of the development site, which was an eyesore, despite previous reassurances that it would be improved.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, responded and explained that as the matter was sub judice, the Cabinet could not comment on the appeal. However, the Council would rigorously defend the Planning Committee decision.

Ian Vipond, Director of Policy and Place, explained that the appeal had been listed for 16 October 2019 and was scheduled to last for six days. A team of experts was being assembled to defend the decision.

Councillor J. Young, Portfolio Holder for Culture and Performance, explained that whilst it was acknowledged that there were issues with the appearance of the site, the Council had to be cautious given the current position regarding the future of the site. The site had been secured to ensure public safety.

Mick Spindler addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to present a petition from residents of Christopher Jolly Court who were concerned about the proposals for an Airspace development. This would create an additional floor on top of the building. Residents were concerned and distressed by the prospect of flats for families being built above their homes and were concerned about the impact on the structural integrity of the building. Correspondence from the Council had not been received by all residents and contained conflicting messages. Whilst Council staff had attended with revised letters for residents, the majority remained opposed to the proposal.

Councillor Fox, Portfolio Holder for Housing, thanked Mr Spindler for raising these concerns. In view of the housing crisis, the Council had to balance the need to deliver additional housing with the concerns of existing residents. He would look into the issue of the conflicting information. It was important that the concerns were dealt with respectfully and considerately, and the situation was not inflamed. He would be happy to meet Mr Spindler and residents to address their concerns.

Alan Short addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He thanked the Chief Executive for meeting him to discuss issues around the Council owned commercial companies. The Leader of the Council had previously given a commitment to publish the lease for the St Botolph's site together with a full cost benefits analysis. These needed to be made public, so the electorate could understand what was happening on the site. Whilst there were different forms of lease, there should be nothing to prevent the Council from publishing it and redacting any sensitive information.

Councillor King, Portfolio Holder for Business and Resources, explained that he wanted to share as much information as he could on the lease. To release a redacted version would only arouse further suspicion. He was taking further internal advice on the issue but supported the principle of releasing this information to help explain why the Council had entered into the agreement with Alumno.

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Update on New Affordable Council Homes

Councillor Higgins (as a trustee of St Mary Magdalen's Almshouses) declared a non -pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

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

Councillor Bourne attended and with the consent of the Chairman addressed the Cabinet and offered her congratulations to the Cabinet and Council for its drive to

increase council housing across the borough. She was particularly pleased to note the development of the site at Military Road as entirely affordable housing, which demonstrated the benefit of the Council leading development. Going forward the Council needed to stress to the public and media that it was building council houses, rather than affordable housing, which in some cases was not truly affordable. Attention was drawn to the positive article by the District Council Network highlighting the innovative work the Council did in respect of council housing. This demonstrated the value of its work and the positive impact it had on the health and well-being of residents.

Councillor Pearson attended and with the consent of the Chairman addressed the Cabinet and reiterated the need to differentiate between social housing and affordable housing. Whilst the report was welcomed the Council needed to increase the availability of both social and affordable housing, and this needed to be more than an ambition. The proposal for Airspace developments were noted. It was critical that the Council's consultations on social housing proposals were effective and meaningful. He invited the Leader of the Council to be personally involved in the consultation on the first three schemes to demonstrate their importance.

In response, Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that he would listen to any concerns expressed and was working with Councillor Fox as Portfolio Holder on the issue.

Councillor Warnes attended and with the consent of the Chairman addressed the Cabinet to welcome the proposals which he considered were a pragmatic response to the housing crisis. The Airspace proposals were innovative, but the Council needed to take a responsible approach and to get the schemes absolutely right to reduce the prospect of opposition. The proposals in the report were a welcome move away from using the market and section 106 contributions to address issues of housing need.

Councillor Fox, Portfolio Holder for Housing, introduced the report and welcomed the support he had received from the Cabinet for the proposals. The full package of schemes would help address the concerns of residents that there was insufficient social and affordable housing in the borough. A number of meetings had been held with ward councillors to help allay concerns and ensure the Council approached the individual schemes in the right way. The Council's commercial approach and the creation of Colchester Amphora Housing Ltd, together with its relationship with Colchester Borough Homes, gave the Council access to considerable expertise and would help ensure the successful development of the schemes. The Council was taking a prudent approach to borrowing to help fund the proposals.

Councillor Higgins, Portfolio Holder for Commercial Services, Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, Councillor King, Portfolio Holder for Business and Resources and Councillor G. Oxford, Portfolio Holder for Customers, indicated their support for the proposals. It was suggested that in future the Council needed to look at further provision for the elderly, possibly through almshouses, and the need to ensure that the Airspace proposals were handled sensitively was also stressed.

RESOLVED that:-

- (a) The Council should move Military Road into the “New Council Housebuilding Programme” to deliver this project as entirely affordable homes through the Housing Revenue Account (HRA).
- (b) Colchester Amphora Homes Ltd (CAHL) be appointed to manage the delivery of the development at Military Road on behalf of the Council.
- (c) The Housing Revenue Account (HRA) budget and Housing Investment Programme (HIP) for 2020/21, to be considered by Cabinet in January 2020, be prepared with the inclusion of financial provisions to actively progress Military Road in addition to the other previously approved projects.
- (d) The updated progress on the individual projects within the “New Council Housebuilding Programme” that were agreed by the Council in January 2019 be noted.

REASONS

There is a national housing crisis and Colchester is no different to anywhere else in requiring more homes, especially with regard to affordable homes. The alternative development of Military Road, increasing the provision of affordable homes from 30% to 100% on this site, and using prudential borrowing rather than the commercial company delivery model, provides for a more viable development that suits the circumstances of this site.

Since the decision to develop Military Road as a mixed-tenure scheme was taken, a number of changes in circumstances have seen the financial return for the Council to reinvest diminish, whereas the benefits of affordable homes have remained. The balance is now considered to weigh in favour of moving away from cross-subsidy to prudential borrowing in order to maximise the benefit of the additional units being affordable units, without significant loss of “profit” that would be reinvested in Council services. This is specific to this scheme and site location; where the other mixed-tenure sites at Creffield Road, Mill Road and St Runwald Street only remain variable to develop through the company model, and would not be deliverable through prudential borrowing as now suggested for Military Road.

In addition, the Council continues to progress several other projects under the “New Council Housebuilding Programme” (NCHP). Whilst each of these is different, and bring their own considerations, all of them remain in progress and are being brought forwards as potential development opportunities. The NCHP still aims to deliver up to 350 homes over 5 years. The homes that the Council creates will be used to accommodate people from our housing needs register. This means that the new homes address local need. The demand for this new affordable housing is currently just over 3,000 people who are recorded on the housing needs register:

ALTERNATIVE OPTIONS

At Military Road, the Council could decide not to take on the development of the land

itself, continuing with the development as a mixed-tenure scheme delivered by CAHL. However, this would mean that 8 affordable homes would not be delivered at this site and the Council would not make the optimum use of the options the Council has created for itself, in delivering homes through a number of different mechanisms. Using the flexibility of the new borrowing capacity that the Council has been given would provide extra affordable housing for those most in need (which is a key priority of the Council as set out in the Strategic Plan), whereas the company would not generate a significant commercial return from the private market homes here as property values are low in relation to build costs.

The Council could decide to sell the site on the open market; however, the value of the land would not generate a significant receipt for the HRA to reinvest in affordable housing, and the Council would also then require another site to do so. If the Council sold the site to a private developer, it would also fall under the threshold for providing any affordable homes through s106 planning gain (where only schemes over 10 dwellings are required to include affordable homes), so new affordable homes would be provided unless it is by the Council.

The Council could choose not to pursue some of the other individual projects updated in this report. However, at this time it is considered that all of the projects should be explored further and to reduce the programme for new council housebuilding at this time would be contrary to previous decisions and the core objectives of the Council.

The Council could pursue the “Airspace” rooftop development schemes (detailed in the main section of the Assistant Director’s report) without using HRA borrowing; however, this would entail working with modular construction companies who would build the schemes for commercial returns that return only a smaller percentage of the units to the Council to use as affordable housing, whilst most of the properties would be retained by the partnering company (for them to sell or lease to recover their build costs). As this does not provide as many affordable homes for the Council, and brings other complexities around ownership, it is not recommended for the first few sites chosen. It would also be contrary to the legal advice the Council has received, which is also detailed in the Assistant Director’s report.

370 Budget Strategy 2020/21

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

Councillor King, Portfolio Holder for Business and Resources, introduced the report, which set out the Council’s prudent approach whilst demonstrating its ambition. He highlighted that the balances from the 2018/19 outturn were £530K above the agreed level which would give greater scope to fund schemes to meet the needs of residents. The report set out the strategic context for the budget and highlighted a number of priority themes. A common thread to these was the need to recognise and act on the current environmental crisis. The Medium Term Financial Forecast highlighted that there would be continued pressures in future financial years, but to a lesser extent than had been originally forecast. Savings and income opportunities would be delivered through specific opportunities, rather than through a further programme of service reviews. An ambitious capital programme was in place. Whilst

the redevelopment of the Jacks site had proved challenging, that needed to be seen in the context of the wider programme.

Councillor Fox, Portfolio Holder for Housing, and Councillor G. Oxford, Portfolio Holder for Customers, also indicated their support and welcomed the shorter and clearer format of the report.

RESOLVED that:-

- (a) The pre-audit outturn position for the financial year 2018/19 be noted.
- (b) The approach and timetable for the 2020/21 budget be agreed.
- (c) The updated Medium-Term Financial Forecast as set out in section 7 of the Assistant Director's report be noted.
- (d) The amendments to the capital programme set out in section 10.5 of the Assistant Director's report be noted.

REASONS

The Council is required to approve a financial strategy and timetable in respect of the 2020/21 budget and MTFF.

ALTERNATIVE OPTIONS

No alternative options were submitted to Cabinet.

371 Year End 2018-19 Performance Report Including Progress on Strategic Plan Action Plan

The Assistant Director Policy and Corporate submitted a report a copy of which had been circulated to each Member together with draft minute 210 of the Scrutiny Panel meeting of 11 June 2019.

Councillor King, Portfolio Holder for Business and Resources, introduced the report and thanked Council staff for their work in delivering a high level of performance and meeting targets. This was also demonstrated by the list of awards and accreditations received, as shown at Appendix C of the report. There was always room for improvement, and it was noted that the position on sickness rates was beginning to improve.

Councillor J. Young, Portfolio Holder for Culture and Performance, highlighted the ambition of the Council, as demonstrated by the acquisition of "Walton Bridges", an early work by JM Turner. This would help attract visitors and boost the local economy. Councillor G Oxford, Portfolio Holder for Customers, highlighted the excellent performance in the processing of benefits claims

RESOLVED that

(a) the high level of the Council's performance as set out in the Appendices to the Assistant Director's report be noted.

(b) the comments from the Scrutiny Panel meeting on 11 June 2019 be noted.

REASONS

To confirm the significance of the performance described in the attached reports for the organisation's ability to operate effectively and achieve its strategic goals.

ALTERNATIVE OPTIONS

No alternative options have been presented to Cabinet.

372 Responsible Dog Ownership - recommendation from Policy and Public Initiatives Panel

Cabinet considered draft minute 25 of the Policy and Public Initiatives Panel meeting of 19 June 2019, a copy of which had been circulated to each Member.

Councillor Scott-Boutell attended and with the consent of the Chairman addressed the Cabinet. She thanked Councillor Lilley for his help in resolving a community safety issue. The number of dog owners in the borough had grown as had the number of dogs within households. She highlighted the success of the "Bark in the Park" event, which showed the need for large educational events, which could be taken forward with commercial or voluntary groups. Whilst guidance specified that the number of dogs that should be walked by one individual was four, she regularly saw six to eight dogs being walked. There would be benefits in a system of licensing or registration for dog walking services. She considered that would be merit in enclosed areas in parks where dogs could be let off leads. These would provide a safe area in which dogs could train or be exercised. Equipment for agility training could be provided in these areas. These would prove a return on investment by improving the wellbeing of dogs and their owners. She supported recommendations (i)-(iv) and (vi) of the Public and Policy Initiatives Panel, but felt more information was needed in respect of recommendation (v), in particular clarification as to whether it covered enclosed play areas only or entire playing fields.

Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, explained that in place of Streetweeks, the Council would be taking forward smaller community events which would provide an opportunity to provide advice on training and microchipping to residents. The Public Space Protection Order (PSPO) covered all recreation grounds and enforcement action was taken where necessary. The Zones teams were responsive to requests from Parish Councils and ward councillors for enforcement action where there were particular issues. Councillor Goss, Portfolio for Waste, Environment and Transportation, stressed the PSPO had improved the situation at Mill Road considerably. He believed that the PSPO covered play areas only, rather entire playing fields.

Councillor G. Oxford, Portfolio Holder for Customers, Councillor Higgins, Portfolio Holder for Commercial Services and Councilor J. Young, Portfolio Holder for Culture and Performance, also addressed the issue and highlighted the need for dog owners to behave responsibly, the need to provide clarity on areas where dogs could be let off a lead and the need to provide a space in the town centre to cater for the needs of assistance dogs.

It was noted that the recommendation from the Policy and Public Initiatives Panel called for the PSPO to cover play areas and sports pitches, rather than entire playing fields. The Portfolio Holder for Communities, Wellbeing and Public Safety would continue to work on this issue to provide clarity on the PSPO and areas where dogs could be let off the lead.

RESOLVED that:-

- (a) The Council website be updated to include a responsible dog ownership page to provide dog owners with information on responsible dog ownership and compliance with the law;
- (b) The Animal Services Team continue to support the free Council Neighbourhood Team events, Colchester Borough Homes 'Make A Difference Days' and Police-led events;
- (c) The Council continue to provide a free dog microchipping service;
- (d) A publicity drive be carried out to increase public awareness of Council enforcement action regarding dog fouling;
- (e) The existing Public Spaces Protection Order (PSPO) covering the Colchester Rugby Club be expanded to cover all play areas and sports pitches in Colchester Borough and that this be publicised;
- (f) The Council pursue a multi-agency approach to tackle fouling issues, where practical, and direct Neighbourhood Teams to temporarily increase their presence in areas where dog fouling is known to be common, followed by publicity of enforcement action taken.

REASONS

Cabinet considered that the recommendations made by the Policy and Public Initiatives Panel were a proportionate and sensible way of encouraging responsible dog ownership.

ALTERNATIVE OPTIONS

No alternative options were proposed to Cabinet, but it was open to Cabinet not to agree the recommendations, or to agree them in part.

Policy and Public Initiatives Panel Work Programme

Cabinet considered draft minute 26 of the meeting of the Policy and Public Initiatives Panel meeting of 19 June 2019, a copy of which had been circulated to each Member.

Councillor Coleman attended and with the consent of the Chairman, addressed the Panel as Chairman of the Policy and Public Initiatives Panel, to stress the benefits of Youth Zones. These were developed by the relevant authority in connection with a charity, Onside. The Council provided the land and £3 million of funding. Onside provided a further £3 million and ongoing revenue funding for three years. They provided a wide range of sport facilities, catering and homework facilities. The Youth Zone in Barking had gained 3300 members in three months. Membership rates and the cost of visits and meal were very cheap. In some areas there had been considerable reductions in the levels of anti-social behavior after the Youth Zone had opened. He urged Cabinet members to take the opportunity to visit a Youth Zone.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, indicated that he would be visiting a Youth Zone, together with Councillor King. Cabinet indicated that it would welcome the Panel undertaking further work into the concept, although it was suggested that the Panel have particular regard to the nature of the borough, with both urban and rural neighbourhoods. The other proposals from the Panel were also welcomed. The work on secure and covered cycle parking would tie in with work that was already underway, and this was an opportune time to review the options around council governance structures and administrative arrangements.

RESOLVED that approval be given for the following items to be included in the Policy and Public Initiative Panel's work programme for the future:-

- (a) A review of the Council's Cabinet and Leader model of administrative arrangements to determine whether the Council should continue with these arrangements or revert to a committee model;
- (b) To investigate the potential for providing a sports and social centre for young people, in the form of a Youth Zone;
- (c) To investigate the provision of secure and covered bicycle parking options for Colchester.

REASONS

The Cabinet considered that there was merit in each of the proposals put forward by the Policy and Public Initiatives.

ALTERNATIVE OPTIONS

No alternative options were proposed to Cabinet, but it was open to Cabinet not to agree the recommendations, or to agree them in part.

Exclusion of the Public (Cabinet)

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.