

# Cabinet

Wednesday, 11 March 2020

**Attendees:** Councillor Mark Cory, Councillor Adam Fox, Councillor Martin Goss, Councillor Theresa Higgins, Councillor David King, Councillor Michael Lilley, Councillor Andrea Luxford Vaughan, Councillor Julie Young

Also in attendance: Councillors Warnes, Willetts and T. Young.

## **No. Publication and Call in Arrangements**

Date Published 12 March 2020

Date when decisions may be implemented (unless 'called in') 5pm 19 March 2020.

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 19 March 2020.

## **431 Minutes of Previous Meeting**

*RESOLVED* that the minutes of the meeting held on 29 January 2020 be confirmed as a correct record.

## **432 Urgent Items**

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, made the following statement on Covid 19:-

"I am sure everyone knows from the continuing media coverage the situation around Covid-19 is a fast-moving and developing issue internationally, nationally and locally.

The response to tackling the spread of the virus nationally is being led by the Government and Public Health England and it must be remembered that to date (Wednesday 11 March) there has only been seven confirmed cases in Essex out of a population of 1.5 million people

However, I want to reassure everyone here tonight and across the borough that Colchester Borough Council is taking its responsibilities very seriously to help prevent the spread of this virus.

As you would expect, we are monitoring the situation closely in conjunction with Essex

County Council, the Essex Resilience Forum and other partners.

As part of this process we will continue to review and assess any potential economic impacts of the virus to both the council and the borough as a whole and we are setting aside some of our reserves to mitigate any financial impact the Council may face.

Guidance has been sent to managers about staff absence, travel, protecting health and hygiene, all in line with advice from Public Health England. Managers have been asked to raise any concerns with members of the Senior Management Team.

We are ensuring the staff are regularly kept up to date on issues and of the arrangements and support available for anyone needing to self-isolate due to the virus.

We have added a link from our website to the latest national guidance and advice and have produced and displayed posters reminding people of the key public health hygiene messages at our public facilities and attractions like Leisure World, Town Hall and Castle as well as in public toilets.

In its budget today, the Government has announced an emergency respond fund to support the NHS and other public services and other initiatives designed to help people, businesses and organisations affected by the virus.

We will continue to monitor the advice and guidance from the Government and keep reviewing the actions we are taking to ensure they are appropriate and proportionate to our area I would also encourage all residents to follow the public health messages around the steps they can take to prevent the spread of the disease.”

#### **433 Have Your Say!**

Tim Oxtan addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) about the development of the Essex County Hospital site. He expressed concerns about the size of the development and the lack of affordable housing. There was also insufficient parking provision which would lead to additional parking on nearby residential roads. Whilst it was appreciated that it was a difficult site, Colchester Borough Council should use its influence with Essex County Council and the NHS to ensure the application was replaced with a more suitable scheme based on the needs of the community and neighbourhood.

Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety responded and explained that the Council had requested that Essex County Council include more affordable housing on the site. It was appreciated that parking was a problem in the area and it was hoped that Essex County Highways would raise an objection on the grounds of insufficient parking provision. Councillor Higgins, Portfolio Holder for Commercial Services, indicated that it would be possible for the planning permissions to be made subject to a condition that prevented residents on the development from purchasing permits for local residential parking schemes.

Alan Short addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He expressed concern about the lack of transparency on the

decision making around the Alumno development, particularly around when and by whom the decision to include student accommodation in the Masterplan was taken. No information on the lease would be provided before it was published by the Land Registry. He considered that there was a risk that if the Council did not get the covenant on the site lifted, it was at risk of legal action for breach of contract and for failing to use its “best endeavours” to secure the lifting of the lease. However, if the lease was lifted the Council would be left with a development it did not want.

Councillor King, Portfolio Holder for Business and Resources, explained that much of the work developing the scheme would have been undertaken by the Portfolio Holder in conjunction with officers. However formal decision making would have been open and transparent. The Council had shared what information it was able to and further information may be released when the deal was completed. The Council had undertaken to use “reasonable endeavours” in respect of the lease. It was important that the Council kept to its commitments and he did not believe that there was a serious risk of legal action at this stage.

Councillor Arnold attend and with the consent of the Chairman addressed the Cabinet on behalf of the Policy and Public Initiatives Panel. He drew attention to minute 40 of the Panel’s meeting on 25 September 2019 where the Panel considered issues relating to the High Street. It had suggested reducing the one-way section of West Stockwell Street to the south end of the road, which would prevent vehicles entering the High Street whilst giving better access to parking. This was in line with Council policies on reducing traffic in the High Street. He invited Cabinet to consider the suggestion as a quick win to reduce congestion in the High Street.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that he would ensure this was included on the agenda for the next “Five a Side” meeting with Essex County Council in early April.

**434**

### **The Better Colchester Strategic Plan 2020-2023**

The Chief Operating Officer submitted a report a copy of which had been circulated to each Member and presented the Better Colchester Strategic Plan 2020-2023 to the Cabinet. In view of the new Strategic Priorities agreed by Council and the declaration of the Climate Emergency it was necessary to update the current Strategic Plan. It addressed the key challenges facing the borough and set out the Council’s priorities, which were organised into five strategic themes:-

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

The Better Colchester Strategic Plan would for the first time set out key goals by which success would be measured together with commitments for what would be delivered in the first year of the Plan.

Councilor Willetts attended and with the consent of the Chairman addressed the

Cabinet to stress the need for the Cabinet to match the ambitions in the Plan with actions. For example, whilst it was noted that the climate challenge was the top priority, this was not reflected in the proposed decision on the procurement of food waste vehicles, where it was proposed that vehicles that would produce carbon emissions would be procured. The administration only demonstrated commitment to the climate challenge where it was easy or inexpensive to do so.

Councillor Warnes attended and with the consent of the Chairman addressed the Cabinet in respect of the “Growing a fair economy s everyone benefits” theme of the Plan. The Plan emphasised the need to attract inward investment to Colchester. However, there was also a need to build on the wealth within local communities. In future, the Council needed to build on the strategic priorities to help business flourish by using the money and procurement potential within the main anchor institutions in Colchester. The Council could work alongside the principles of the Preston model to ensure that spending by public authorities supported small and medium sized local businesses, and to place less reliance on large corporations.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, thanked Councillor Warnes and agreed with the spirit of his comments. The Council was committed to asset based community development and encouraged investment that lead to social gains, such as the local fibre network. He also highlighted the Council's response to the Climate Emergency, which was aiming to introduce systemic change in the Council's processes and decision making. There was a clear commitment to tackling the climate challenge to reaching the target of carbon neutrality by 2030.

Councillor J. Young, Portfolio Holder for Culture and Performance, Councillor King, Portfolio Holder for Business and Resources, Councillor Fox, Portfolio for Housing and Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, stressed their support for the Better Colchester Strategic Plan. They highlighted a number of policies and initiatives that demonstrated the commitment to the priorities in the Plan and how these benefited local communities including:-

- The Cultural Strategy;
- Tree planting;
- The Town Fund bid;
- Provision of affordable housing;
- Youth Zones;
- One Colchester and support to charities and community groups.

*RESOLVED* that:-

(a) The progress made in delivering the 2018-21 Strategic Plan be noted and the need to refresh the Plan be agreed.

(b) The Strategic Plan 2020-23 be approved

*RECOMMENDED to COUNCIL* that the Strategic Plan 2020-23 be adopted and that it be included in the Policy Framework.

*REASONS*

To enable the Strategic Plan 2020-23 to be agreed and adopted.

### *ALTERNATIVE OPTIONS*

The current Strategic Plan expires at the end of 2020-21 but does not reflect significant new priorities agreed by the Council as part of setting its budget strategy and Medium-Term Financial Forecast. Crucially the current Strategic Plan does not reflect the unanimous decision by Full Council to declare a Climate Emergency.

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

## **435 Task and Finish Groups at Colchester Borough Council**

Cabinet considered draft minute 255 of the Scrutiny Panel meeting of 5 February 2020, a copy of which had been circulated to each member.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, thanked the Scrutiny Panel and indicated that the Cabinet welcomed the spirit of the recommendations. Whilst the recommendations were largely accepted, it was proposed to accept them subject to amendments to give some flexibility over the number of Task and Finish Groups that could be in operation at any time and to give clarity on the reporting arrangements and timescales.

Councillor Warnes attended and with the consent of the Chairman addressed the Cabinet about the work of the Alternative Methods of Service Delivery Task and Finish Group. The potential benefits of the TOMS Framework for procurement in delivering environmental benefits was stressed. He also highlighted the potential for delivering services through mutuals or cooperatives. The Group had looked at community transport as a possible service that could be delivered through such structures, and this could also provide a greener approach to transport. The recommendations in the report offered clear social value benefits through procurement such as increases in local employment and a commitment to spend with local suppliers.

*RESOLVED* that:-

- (a) A thorough protocol and scoping document be introduced to be followed when future task and finish groups are established, following the style of example protocols from Stratford-on-Avon and Somerset Councils.
- (b) Normally, a maximum limit of one task and finish group to be in operation at any given time within the Council.
- (c) A firm finish date be set for the Heritage and Tourism Task and Finish Group, and the Portfolio Holder for Culture and Performance consider how the advisory elements of the Panel's work could be delivered in future.
- (d) The Conservation and Environmental Sustainability Task and Finish Group be

succeeded by a sub-committee or panel of Cabinet, and further consideration be given to the terms of reference, membership and reporting arrangements of such a Panel.

(e) Further consideration be given to the implementation and delivery options for the recommendations and conclusions of the Alternative Methods of Service Delivery Task and Finish Group.

(f) Sufficient resources, officer support and budget be provided to any new task and finish group so as to allow it to effectively achieve its objectives.

(g) Future Task and Finish Groups be focused on delivery and their work be timetabled to fit in with the Council's decision making and budget timescales. Task and Finish Groups must report within 12 months of being established and the outcomes reviewed.

(h) The meetings and output of all task and finish groups be publicised to all members of the Council, and all members of the Council to be invited to attend and observe the meetings of all such groups.

#### *REASONS*

Cabinet generally accepted the recommendations of the Scrutiny Panel but considered that it was necessary to give some flexibility over the number of Task and Finish groups and to give clarity on the reporting arrangements and timescales.

#### *ALTERNATIVE OPTIONS*

It was open to the Cabinet not to approve the recommendations from the Scrutiny Panel, or to approve them subject to amendments.

**436**

#### **Updates to the Council Owned Companies Business Plans 2018-21**

The Assistant Director, Place and Client Services submitted a report a copy of which had been circulated to each Member together with minute 192 of the Governance and Audit Committee meeting of 21 January 2020.

Councillor Warnes attended and with the consent of the Chairman addressed the Cabinet. Whilst the Localism Act gave the Council a power to deliver services for a profit through a commercial vehicle, private companies were not the only option. Co-operatives and mutuals also provided a viable option to provide services and should be considered further. Governance arrangement which involved service users and employees in management decisions were beneficial and were not detrimental to the need to deliver a surplus.

Councillor Higgins introduced the report. The Business Plans had originally been agreed in 2019 and were now due to be updated. They had been considered by both the Scrutiny Panel and the Governance and Audit Committee. A number of the benefits that the Council owned companies had delivered were highlighted including:-

- £95 million mixed tenure building programme;
- Heat network delivering renewable energy at Northern Gateway;
- A number of high profile events generating income and providing entertainment to residents;
- £30 million capital programme.

Councillor Fox, Portfolio Holder for Housing, stressed that the companies were achieving their aim of delivering a significant dividend to the Council that was used to support its strategic priorities.

*RESOLVED* that:-

- (a) The ongoing governance arrangements that are in place for, and the achievements of, the Council's companies be noted.
- (b) The updated Business Plans 2018-2021 for Colchester Commercial (Holdings) Limited and its 3 subsidiary companies be approved.
- (c) The recommendations contained in minute 192 of the Governance and Audit Committee meeting of 21 January 2020 be agreed.

## *REASONS*

The companies undertake a plethora of activities that have evolved since they were formed, and it is prudent to review progress against the Business Plans and update them. The Business Plans were originally agreed prior to the companies commencing those activities but were refreshed last year with the benefit of a year of trading activity, before being updated this year as the initial Business Plan period enters the last of three years planned from formation.

The Business Plans have already been reviewed by the Scrutiny Panel and the Governance and Audit Committee (G&A). Since the Annual Meeting on 23 May 2018, G&A has held the responsibility to act as the shareholder committee for Colchester Commercial (Holdings) Limited; required to consider and review the activities and financial performance of the companies and to "monitor, challenge and make recommendations to Cabinet" regarding the companies. There were no changes to the content of these Business Plans directly arising from G&A.

## *ALTERNATIVE OPTIONS*

The Cabinet could decide not to agree to update the Business Plans, but this would leave out of date plans in circulation that do not reflect the most up to date reflections on the companies planned activities. The company would continue to operate these activities, but the Business Plans that cover the period from 2018-2021, would remain as agreed last year and then not relay the most relevant information to the public (for CCHL), or members (for the not for publication papers), in the most open and transparent manner achievable.

## **Update on the Turnstone Development at Northern Gateway**

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

*RESOLVED* that:-

- (a) The changes to the “Turnstone” development since the Development Agreement was entered into with them by the Council be noted (as referenced in the Strategic Director’s report).
- (b) It be noted that there are financial changes currently proposed, and under negotiation.
- (c) Authority be delegated to the Strategic Director of Policy and Place to complete a Deed of Variation to the Development Agreement and other arrangements, in consultation, with the Portfolio Holder for Business and Resources, the Portfolio Holder for Commercial Services, the Monitoring Officer and the Head of Finance.

### *REASONS*

The Colchester Northern Gateway is a flagship development for the Council, and the town, that has been planned over the last decade. This growth area is now coming forwards at an increasing rate, with developments such as David Lloyd already operating. The new £27m Sports Park being built by the Council and its wholly owned company, Colchester Amphora Trading Ltd, opens later in 2020 and is being closely followed by the imminent development of £3.5m of infrastructure focused around “The Walk” and the £6.7m renewable heat network that will be delivered by Colchester Amphora Energy Ltd to provide clean energy to new homes (including 350 homes, with 30% affordable housing, being built by Colchester Amphora Homes Ltd) and commercial units in the Colchester Northern Gateway south area.

The development of this site is important; as a visually prominent location on entrance into Colchester from junction 28 of the A12, and a key catalyst for the wider development of the remaining land at the Northern Gateway. The development of this site has otherwise stalled since it was first agreed (in 2015), and planned for longer, and needs unlocking as it meets the Council’s key objectives for the growth of the Northern Gateway to:

- support wider economic growth targets and deliver infrastructure to enable regeneration,
- create a new destination within the Borough to promote new sports participation and provide a regional quality leisure experience
- generate significant new income streams to support the Council to maintain quality services with social value.

### *ALTERNATIVE OPTIONS*

The Council could refuse to collaborate on any amendment to the approved scheme and maintain a status quo. However, this may not see the site come forward at



present, with the current operator that the Council has entered into the Agreement with previously.

The Council could sell the freehold of the land, which would generate a substantial capital receipt; but would lose control of the site, have no guarantee that would bring development forward faster, or preserve as much control over quality, and would not provide an ongoing revenue stream to support Council services beyond the capital receipt.

The Council could refuse to amend the financial structure of the development as set out in the accompanying report on Part B of the agenda. However, this would constrain the development outcomes achieved on this important site, which would then remain a legacy for the lifetime of the development; or would mean a reduced income to the Council that would not meet best value for disposals of a site by public authority (meaning such a deal would not be possible and the current agreement for developing the site would probably need to be abandoned entirely).

**438      Award of Contract at Northern Gateway relating to "The Walk" Boulevard, Access Roads and Infrastructure**

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

*RESOLVED* that authority be delegated to the Assistant Director for Place and Client Services, in consultation with the Portfolio Holder for Commercial Services, to award a contract for the construction of "The Walk", access roads and associated infrastructure.

*REASONS*

To allow the works to commence in a timely manner, in line with milestone for funding agreements and project delivery objectives previously agreed by the Council. To do so with a contract that follows a framework for consistency in the delivery of this complex project, and that retains overall control of the process (whilst allowing for specialist contractor input through the use of a design and build contract); maintaining high quality standards at the same time as meeting budgets and timescales.

*ALTERNATIVE OPTIONS*

Not to agree the request for delegated authority to appoint the contractor, however this would delay an award of a contract until July, which would delay the delivery of the project and fail to meet funding milestones.

**439      Request for Authority for Procurement of Fleet**

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

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, introduced the report. The lease on the food waste fleet was due to expire in October

2020 and therefore a new arrangement for vehicles needed to be put in place. The Council was looking to use larger vehicles which would allow it to collect more food waste. Using less vehicles would also lead to less carbon emissions, in line with climate emergency objectives. Whilst the technology for electric food waste vehicles was not yet mature, the Council would continue to monitor the market.

*RESOLVED* that:-

(a) Option (ii), in paragraph 5.16 of the Assistant Director's report and option B in Table 1, of Appendix A of the Assistant Director's report be agreed, for the reasons set out in the Assistant Director's report.

(b) Authority be delegated to the Chief Operating Officer, in consultation with the Portfolio Holder for Waste, Environment and Transportation to purchase or lease seven food waste vehicles for the reasons set out in the Assistant Director's report and providing that the costs can be met from within existing budgets.

### *REASONS*

Option (ii) in paragraph 5.16 of the Assistant Director's report has the potential to make savings, frees up capacity at Shrub End Depot and enables the site to continue to deal with growing capacity for recycling waste.

Option B in Table 1 in Appendix A of the Assistant Director's report is recommended because the purchasing of larger vehicles will reduce the number of vehicles, the number of trips and release further capacity to deal with the growing volumes of food waste. This will also mean that the trailer and articulated lorry will no longer be required for food waste which may create a budget saving and free up capacity for glass and refuse.

The current fleet is coming to the end of the existing lease hire on the 31st October 2020, so for operational reasons the Council will need to purchase/lease replacement vehicles.

Due to the types of vehicles and stages within the timetable for procurement in 2020 it is recommended to delegate authority to the Chief Operating Officer in consultation with the Portfolio Holder for Waste, Environment and Transportation, to purchase/lease the food waste vehicles, to ensure that there is no risk to the delivery of core Council services.

### *ALTERNATIVE OPTIONS*

The Council could try to extend the lease hire for the existing vehicles, but this would significantly increase hire charges and future maintenance costs. This option is also unlikely to be compliant with the Public Contracts Regulations 2015 because there are no additional rights to extend the contract hire for further periods.

If the Council did consider the option in paragraph 4.1 of the Assistant Director's report, this would not resolve the capacity and compliance issues at Shrub End depot.

#### **440      Revision of Market Operation and Fees**

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

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that moving the market to Lion Walk would increase the number of customers using the market. The feedback from the trial had been very positive. It would also free up officer resource in the Neighbourhoods Team, which would benefit local communities. He paid tribute to the work of Demi Quinn in bringing forward these proposals.

*RESOLVED* that:-

(a) The changes to the operation and location of the Council's Charter Market set out in the Assistant Director's report be agreed and authority be delegated to the Assistant Director for Environment in consultation with the Portfolio Holder for Waste, Environment and Transportation, to enter into a lease arrangement with Lion Walk Property S.A.R.L. (the tenant of Lion Walk shopping centre) to enable the market to be relocated from Culver Street East to Lion Walk.

(b) Stall holders be permitted to use their own stalls up to seven-days-a-week from Culver Street East to Lion Walk subject to the terms of the new lease

*REASONS*

The Council has had positive conversations with the Tenant following a trial period, and they have been supportive in developing an alternative and sustainable location for the Colchester Market. Feedback from traders and the Tenant has been good following the trial and more people are interacting with the traders. Working with the Tenant provides the Council greater opportunities with increased marketing potential and greater impact on development events and special markets throughout the year.

*ALTERNATIVE OPTIONS*

To maintain the current position.

#### **441      Secure and Covered Cycle Storage Options**

Cabinet considered minute 47 of the Policy and Public Initiatives Panel meeting of 20 January 2020 a copy of which had been circulated to each Member.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, Councillor Higgins, Portfolio for Commercial Services, and Councillor King, Portfolio Holder for Business and Resources, all expressed their support for the recommendations. There was a need to provide better and more secure cycle storage, particularly in light of the growth of the use of electric bikes. The storage provided by Greater Anglia was highlighted as a good example of the storage that could be provided.

*RESOLVED* that officers be directed to explore options for secure and covered public cycle storage in the Town Centre and at key locations and explore options for secure and covered cycle storage in residential areas, consulting with residents as appropriate and sourcing information as to the cost of potential options to meet identified demand. This should be carried out as part of wider work already progressing on cycle initiatives and efforts to complete the network of cycle routes in Colchester.

#### *REASONS*

As set out in minute 47 of the Policy and Public Initiatives Panel meeting of 20 January 2020.

#### *ALTERNATIVE OPTIONS*

It was open to the Cabinet not to approve the recommendation from the Policy and Public Initiatives Panel, or to approve it subject to amendments.

### **442      Next steps regarding options for Colchester High Street: agreeing objectives, gathering data and consulting stakeholders and the public**

Cabinet considered minute 46 of the Policy and Public Initiatives Panel meeting of 20 January 2020 a copy of which had been circulated to each Member.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, and Councillor Higgins, Portfolio Holder for Commercial Services, noted the recommendation from the Policy and Public Initiatives Panel and indicated that this work would be taken forward as part of the wider work in the Colchester Transport Strategy. It was important that a holistic approach was taken and that the High Street was seen in a borough wide context and not considered in isolation.

*RESOLVED* that alongside consultation and engagement exercises linked to each of the work programmes set out in minute 46 of the Policy and Public Initiatives Panel of 20 January 2020, a study looking at the options for reducing traffic in the High Street be commissioned.

#### *REASONS*

As set out in minute 46 of the Policy and Public Initiatives Panel meeting of 20 January 2020.

#### *ALTERNATIVE OPTIONS*

It was open to the Cabinet not to approve the recommendation from the Policy and Public Initiatives Panel, or to approve it subject to amendments.

### **443      Final report of the Alternative Methods of Service Delivery Task and Finish Group**

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

Councillor J. Young, Portfolio Holder for Culture and Performance, thanked the Alternative Methods of Service Delivery Task and Finish Group for their work. Their final report was welcomed. It demonstrated that the Council needed to look at procurement in a different way, and to ensure that support was provided to small and medium sized companies to help them comply with procurement requirements. A better social value approach needed to be embedded into the Council's approach to procurement.

*RESOLVED* that:-

- (a) Community transport options be actively promoted as part of Colchester Borough Council's contribution to the development of the Colchester Transport Strategy.
- (b) Cabinet agrees that proposals for community transport should be community led, in response to unmet local transport needs, to ensure they are well-used and viable. The lessons learnt from community transport services that have been promoted by the Council previously e.g. Greenstead Hopper and Stanway Hopper projects, be reviewed to inform future policy development. Any future schemes should complement, not compete with, existing commercial services, including opportunities to promote the use of low emissions vehicles.
- (c) The Council should seek to work with Community 360, Essex County Council and community groups to identify opportunities to secure greater cooperative or mutual governance arrangements alongside securing opportunities to provide additional rural and urban community transport services in accordance with the new strategic priorities.
- (d) The progress being made to integrate Social Value into the Council's procurement process be noted.
- (e) The Council's Contract Procedure Rules be amended to reflect Social Value commitments, for example in clarifying expectations about social value proportionate to different contract values/types; tender evaluation criteria; and supporting Small and Medium-size Enterprises.
- (f) Opportunities be looked at to share summary information about tender opportunities arising from the Council's pipeline of major projects at an early stage to help build capacity amongst local and smaller organisations who may hope to supply the Council.
- (g) A Policy Development Panel (or equivalent) be tasked with looking at ongoing opportunities for alternative models of service delivery, including mutuals and cooperatives, with a specific review of the grounds maintenance contract in good time prior to contract renewal.
- (h) The Alternative Methods of Service Delivery Task and Finish Group has

concluded its work in line with its original terms of reference.

#### *REASONS*

At its meeting on 13 March 2019, Cabinet agreed a number of recommendations on Social Value from the Alternative Methods of Service Delivery Group and agreed that the group would continue its work by further exploring the options for mutual and cooperative services and returning to a future Cabinet meeting with recommendations about alternative service delivery models.

#### *ALTERNATIVE OPTIONS*

No alternative options were proposed.

### **444 Amendments to the Capital Programme**

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

*RESOLVED* that:-

- (a) An increased allocation of £1.5m be made to the Colchester Northern Gateway North project.
- (b) An increased allocation of £350k be made to the Colchester Northern Gateway South project
- (c) The Council maximise its available capital resources, supporting the Council's Treasury Management Strategy and associated statutory requirements.
- (d) It be noted that the key risks associated with the capital programme are being managed to ensure efficient and effective delivery of the programme.
- (e) Service Managers and Portfolio Holders be accountable for budgets and project delivery.

#### *REASONS*

To allocate additional resources to enable these strategic projects to be completed

#### *ALTERNATIVE OPTIONS*

If the additional allocations were not made it would not be possible to complete the projects to the agreed scope.

### **445 Lloyds Bank - Set Off Agreement**

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

*RESOLVED* that:-

- (a) The set-off or transfer of credit balances in accounts held with the bank (excluding any accounts held on trust) and entry into the Set Off Agreement (SOA) be agreed.
- (b) The Section 151 Officer be designated for the purpose of signing the SOA on behalf of the Council.

*REASONS*

Lloyds Bank has reviewed its contractual arrangements and is asking each Local Authority to formalise this facility by entering into a Set Off Agreement

*ALTERNATIVE OPTIONS*

No alternative options were proposed.

**446 Corporate Performance Indicator Targets for 2020/21**

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

Councillor J. Young, Portfolio Holder for Culture and Performance, introduced the report. Whilst targets on processing housing benefit claim and Local Council tax Support claims were being stretched, the level of performance was still well within these targets. This reflected the excellent performance of officers in supporting vulnerable residents. The target on staff sickness was also being stretched. There was an increased focus on staff wellbeing and support was being provided to those teams who worked in difficult or inclement conditions.

*RESOLVED* that:-

- (a) Corporate KPI Targets for 2020-2021 be set as proposed in the Assistant Director's report.
- (b) The dates contained in the Reporting Timetable covering 2020-2021 be confirmed.

*REASONS*

To ensure there is a robust corporate performance monitoring framework.

*ALTERNATIVE OPTIONS*

To consider alternative KPI Targets than those proposed.

**447 Request for Delegated Authority for the Award of Housing Revenue Account Contracts 2020**

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

*RESOLVED* that:-

- (a) Authority to the Portfolio Holder for Housing for the award of the contracts set out in the report, for works within the Housing Investment Programme 2020/21 including contracts to replace fire doors in sheltered housing schemes and electrical testing and repairs in all types of property which will be procured and awarded shortly.
- (b) Colchester Borough Homes (CBH) be appointed to manage the redevelopment of Elfreda House and authority to agree their fees for the re-development of Elfreda House be delegated to the Assistant Director Place and Client Services, in consultation with the Portfolio Holder for Housing.

*REASONS*

In the last ten years, the Council has procured HRA capital works contracts for between 1 and 3 years with an option to extend subject to performance. A number of these arrangements have naturally come to the end of the contracts term or will in the coming months. During 2020 there will therefore be several procurement exercises which will require approval of a contract award. These are forecast throughout the year, with thorough scrutiny through the procurement process in seeking value for money and high-quality contractors.

Once evaluated, then awarded, a contractor requires mobilisation time, with transition in from one contract to another (unless a new contract is awarded to the same contractor, but this is only if it is on merit of their new contract bid). For reasons of expediency this report requests delegated authority to award those contracts as they arise, in the event that a delay to coincide with Cabinet meeting timetables would lead to a delay in the handover of any contracts in 2020/21.

Cabinet also agreed to the redevelopment of Elfreda House in January 2019. The project has since been progressed on schedule and a continued budget for this project for 2020/21 was approved in January 2020. The project has been progressed with CBH collaboration and the intention was always that they would be appointed as a Teckal company, owned by the Council, to help deliver the planning and construction phases of the redevelopment of a building that they already manage on behalf of the Council.

*ALTERNATIVE OPTIONS*

Not to delegate the powers requested; but this would then need to be individually reported to Cabinet for each contract award increasing the time and resourcing required, for a procurement process that is already heavily scrutinised and regulated. The time/benefit balance would therefore suggest that delegation to the Portfolio Holder would be more effective and efficient use of Council resources, without introducing risks.



**448 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.

**449 Councillor Higgins**

Councillor Higgins indicated that this would be her last meeting before she retired at the local elections in May 2020. She wanted to take the opportunity to thank her Councillor colleagues and officers for the support and help they had provided to her in her long period of service.

**450 Updates to the Council Owned Companies Business Plans 2018-21 - Part B**

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

This minute is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of a particular person, including the authority holding the information).

**451 Update on the Turnstone Development at Northern Gateway - Part B**

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

This minute is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of a particular person, including the authority holding the information).

**452 Request for Authority for Procurement of Fleet: Food Waste Collection Vehicles**

**- Part B**

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

This minute is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of a particular person, including the authority holding the information).