

Cabinet Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 09 October 2019 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.

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COLCHESTER BOROUGH COUNCIL
Cabinet
Wednesday, 09 October 2019 at 18:00

The Cabinet Members are:

Leader and Chairman	Councillor Mark Cory (Liberal Democrats) Councillor Adam Fox (Labour and Co-operative) Councillor Martin Goss (Liberal Democrats) Councillor Theresa Higgins (Liberal Democrats) Councillor David King (Liberal Democrats) Councillor Mike Lilley (Labour) Councillor Gerard Oxford (The Highwoods Group) Councillor Julie Young (Labour)
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AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 5 are normally dealt with briefly.

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Urgent Items

The Chairman 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

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 4 September 2019.

04-09-19

7 - 18

5 Have Your Say!

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

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 Communities, Wellbeing and Public Safety

7(i) North Essex NHS Alliance

Cabinet will receive a presentation on the North Essex NHS Alliance

7(ii) Local Delivery Pilot

Cabinet will receive a presentation on the Local Delivery Pilot.

7(iii) Policy and Public Initiatives Panel Work Programme 2019-20 19 - 22

Cabinet will consider a report on a recommendation from the Policy and Public Initiatives Panel on its work programme following its public engagement meeting on 25 September 2019.

8 Business and Resources

8(i) Revolving Investment Fund - Capital Update 23 - 28

The Cabinet will be invited to consider a report providing an update on Revolving Investment Fund (RIF) capital expenditure, and projected capital receipts.

9 General

9(i) Progress of Responses from the Public 29 - 30

Cabinet will consider a report providing an update on the responses to members of the public who have addressed meetings of Cabinet and Full Council under the Have Your Say! provisions.

10 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)**

11 Business and Resources - Part B

11(i) Revolving Investment Fund - Capital Update

Cabinet are invited to consider and note the not for publication appendix B to the report considered at item 8(i) of the agenda.

<p style="text-align: center;">CABINET 4 September 2019</p>

Present: - Councillor Cory (Chairman)
Councillors Fox, Higgins, Goss, King, Lilley, G. Oxford
and J. Young

Also in attendance: - Councillors Bourne, Crow, Davies,
Goacher, Harris, Hazell, J. Maclean, Pearson, Willetts,
T. Young

375. Minutes

RESOLVED that the minutes of the meeting held on 10 July 2019 be confirmed as a correct record.

376. Have Your Say!

Joanna Kirchner addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to express her concern about tree roots and their impact on pavements. She drew particular attention to the condition of Cambridge Walk. She had raised her concerns with Essex County Council, who stated they would not act as it was a footpath rather than a pavement, and it appeared that action would only be taken following an injury. Funding that had been used for other non essential projects would have been better spent on pavement repairs. Whilst it was appreciated that responsibility lay primarily with Essex County Council (ECC), it affected residents of Colchester and therefore Colchester Borough Council had a responsibility to address the issue.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, Councillor Goss, Portfolio Holder for Waste, Environment and Transportation and Councillor J. Young, Portfolio Holder for Culture and Performance, responded and undertook to raise the issue in discussions with Essex County Council. The Council was seeking to take services and funding back from ECC in order to deliver services in accordance with local issues. It was also highlighted that Essex County Councillors had been offered the opportunity to nominate five pavements in their division for repair and therefore the issue should be taken up with local County Councillor.

Dorian Kelly addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He expressed concern that the consultants defending the appeal against the refusal of planning permission for student accommodation at St Botolphs had been advised not to talk to local residents. He also believed that the Cultural Quarter was too closely defined and that the Local Plan should be amended so the Cultural Quarter was defined as the whole town centre including Priory Street. In addition language that allowed unsuitable development should be removed. He had several suggestions for the

improvement of the town centre which he would welcome an opportunity to put to the Cabinet.

Councillor J. Young, Portfolio Holder for Culture and Performance, welcomed the suggestions. The administration was looking to develop a new town centre Masterplan in which some of the ideas could be incorporated. The issues raised about the consultants defending the appeal against the Alumno development would be looked into.

Oliver Ward and Tristan Clarke addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to explain that they were exploring the possibility of purchasing the site of the old Odeon Cinema in Crouch Street and renovating it as a music venue. This would be an appropriate use for the building and would build on its heritage. It would be the largest staged venue in Essex and would contribute to the vibrancy and economy of the town centre. The owner of the site had set a cash price for the site and they wished to alert the Council to their plans.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Community Safety and Councillor King, Portfolio Holder for Business and Resources, responded to indicate that they would welcome the redevelopment of the site and would be happy to meet to discuss their proposals further. Enforcement action had been taken against the current owner to improve the site.

Sir Bob Russell addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to urge the Cabinet to ensure that the appeal against the unanimous decisions of the Planning Committee to refuse the application for student accommodation at St Botolphs was rigorously defended. The consultants appointed to defend the appeal had recommended the withdrawal of one of one of the grounds of refusal. Concern was also expressed that Alumno's legal team had indicated that those who had supported the Planning Committee decision could have costs awarded against them.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, Councillor J. Young, Portfolio Holder for Culture and Performance and Councillor King, Portfolio Holder for Business and Resources, indicated that the decision of the Planning Committee would be supported and rigorously defended. The experts engaged by the Council were professional and reputable. Expert advice had been received in respect of the reason for refusal around whether the applicants had undertaken proper public consultation, and it was right that the Council should take this advice seriously. The other reasons for refusal would be defended.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet to express his concern that a Colchester Borough Council recycling sack had been photographed at an open air incinerator facility in Indonesia. This was a contravention of the principles of the Climate Emergency recently declared by the Council. An independent inquiry needed to be established to investigate the matter, and this should include representatives of Extinction Rebellion.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that the Council had undertaken an investigation and the results were all in the public domain. Colchester Borough Council was the waste collection authority. Essex County

Council was the waste disposal authority, and they were investigating the matter. If further information came to light as a consequence this would be published. It was appropriate that such investigation were undertaken by officers rather than by elected members.

Councillor J. Maclean attended and with the consent of the Chairman, addressed the Cabinet and raised a number of queries about the waste service, in particular whether the new vehicles had a reduced capacity, the number of vacancies the service was carrying and the cost of the use of agency staff.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that all vacancies had now been filled. Heavy goods vehicle drivers were in great demand and the Council was training operatives to become drivers. Agency staff were used when required to cover sickness absence or annual leave, but there was provision for this in the budget, which was not under pressure. The new vehicles held the same tonnage of waste. Some were slimmer than the previous vehicles in order for them to be able to manage the roads on new estate developments.

Councillor Harris attended and with the consent of the Chairman addressed the Cabinet to seek clarification on the administration's position on Airspace developments. Residents of Berefield Way and Christopher Jolly Court were confused about apparently contradictory statements on the issue. While Cabinet minutes indicated support for the concept of Airspace developments, local Liberal Democrat leaflets opposed a third floor on these buildings.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that the administration wanted to build more Council housing, including affordable housing. The Cabinet was fully behind the Airspace policy, but investigations were needed to ensure that each building was suitable. Further information about the suitability of the buildings would be discussed shortly. Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, stressed the need for Airspace developments to be delivered on the right sites. Councillor Fox, Portfolio Holder for Housing, explained that he was committed to take the Airspace policy forward as part of the package of developments to increase the provision of affordable housing.

Councillor Crow attended and with the consent of the Chairman, addressed the Cabinet to express his concern about the condition of the River Colne, and in particular the growth of algae. Whilst it was appreciated that the Council was not responsible for the causes of the algae, where the river ran through Council property it had a responsibility to take action. It was unattractive and could be harmful to wildlife.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, indicated that cuts to the Environment Agency had lessened its ability to take effective action to deal with the issue. Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that similar issues arose at Chelmsford and it was a consequence of increases in temperature. The Environment Agency had cleared some of the algae. A wider view needed to be taken to the management of the river. A potential solution would be to increase the flow of the river, but this could have other implications.

Councillor Bourne attended and with the consent of the Chairman, addressed the Cabinet. She commended the Cabinet for stepping up the narrative on the provision of housing,

including affordable housing, supported by the necessary infrastructure. Whilst plans for further housing growth were not universally popular, they were supported by those in housing need. Innovative solutions such as Airspace, were part of the solution and the Cabinet had agreed potential Airspace units in the bid to central government for funding before the borrowing headroom restrictions were lifted. The openness of Councillor King and Councillor J. Young on Garden Communities was also welcomed. The importance of the Garden Communities project in delivering the Council's strategic objectives was stressed. In view of recent criticism of the leaflet issued by the Council to every household about the Local Plan, confirmation was sought that Councillor Cory remained committed to the Local Plan and Garden Communities project.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that he had agreed with the publication of the leaflet as it was clear that residents needed to know more about the Local Plan process and Garden Communities. It encouraged people to find out more about the evidence coming forward on viability and he endorsed the open approach taken by Councillor King and Councillor J. Young. Further information would be provided to the public as plans developed.

Councillor King, Portfolio Holder for Business and Resources, Councillor J. Young, Portfolio Holder for Culture and Performance, and Councillor Fox, Portfolio Holder for Housing also responded to stress the importance of providing clear information to residents. The technical nature of some of the information and processes and the fact that the Council was working in partnership made the provision of clear information challenging. A number of communication channels would be used, including leaflets and social media, using plain language. The importance of Garden Communities in ensuring managed housing growth and ensuring housing need was met was also stressed.

Councillor King (in respect of his position as a Director of North Essex Garden Communities Ltd) and Councillor J. Young (in respect of her position as an alternate director of North Essex Garden Communities Ltd and a member of Essex County Council) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

377. North Essex Garden Communities Ltd – Approval of 2019/20 Interim Business Plan and Budget

The Strategic Director of Policy and Place submitted a report a copy of which had been circulated to each Member together with draft minute 228 of the Scrutiny Panel meeting of 29 August 2019.

Councillor Davies, Chairman of the Scrutiny Panel, attended and with the consent of the Chairman addressed the Cabinet. The Scrutiny Panel had scrutinised the interim North Essex Garden Communities Ltd (NEGC) business plan and budget at its meeting on 29 August. The meeting had been very positive and there had been cross party agreement on the recommendations to Cabinet. Further context was provided about the recommendations, in particular recommendation (a) which was essentially looking for further evidence of deliverability before Full Council was asked to commit the £350,000 to NEGC Ltd.

Councillor King, Portfolio Holder Business and Communities, was invited to respond to the Scrutiny Panel's recommendations. In respect of recommendation (a) the Cabinet would do all it could to provide further evidence and was committed to working in a spirit of transparency. In respect of recommendation (b), the focus was very much on evidence gathering and communications in response to the Inspector's request, in order to ensure a successful outcome. However, the Cabinet would look to undertake some contingency planning in case the Planning Inspector concluded that Section 1 of the Emerging Local plan was not sound. On recommendation (c), the selection of the delivery model was a matter for the four authorities rather than for NEGC Ltd. Discussions on this were in the early stages and would take some time to resolve. Detailed information could not be provided until these discussions were complete, but Cabinet would look to see if there was information that could be usefully shared now. Full details would be provided when this was available. An assurance was given that the Cabinet was committed to openness and members would be kept abreast of issues on Garden Communities generally, and that quarterly briefings were being considered.

Councillor Dundas attended and with the consent of the Chairman, addressed the Cabinet. He thanked Councillor King and Councillor J. Young for improving the flow of information. However concerns about the Business Plan remained. The 2019/20 Business Plan had effectively already been implemented and Cabinet should be looking at a forward looking business plan for 2020/2021. There was insufficient information in the Business Plan: for example there were no management accounts. There not enough evidence on which investment decisions could be based. There remained a significant risk that the Council could lose any funding invested and it was noted there was no contingency plan. In view of its low overheads, NEGC Ltd would not collapse if no further funding was invested.

Councillor J, Maclean attended and with the consent of the Chairman, addressed the Cabinet. There was nothing to show for the funding invested so far in NEGC Ltd, and the funding could have been used more effectively on other priorities. There needed to be a better understanding of where the Garden Communities project was going and how public money would be used before further funding was made available.

Councillor Harris attended and with the consent of the Chairman addressed the Cabinet to stress the importance of Garden Communities in providing housing for future generations in well built, well defined communities supported by the necessary infrastructure.

Councillor King responded to members comments and introduced the report. The Business Plan made it clear that the funding was used to maintain a key team of officers to develop and deliver the Garden Communities project. Continuity and momentum were key and there would be little point in stalling or stopping the project now. The potential benefits were very large, for a relatively small investment. Garden Communities would provide housing (including affordable housing), employment, infrastructure, open space and good transport links. The Councils would be able to control the nature of the development and provide ongoing stewardship. The proposals in the report had been subject to rigorous analysis and had been approved by the Section 151 Officer and Monitoring Officer from each authority. Councillor J. Young, Portfolio Holder for Culture and Performance, and Councillor Cory, Leader of the Council and Portfolio Holder for Strategy also expressed their support for the proposals.

RESOLVED that:-

- (a) The 2019/20 Interim Business Plan and Budget (subject to confirmation of government funding) for NEGC Ltd as attached at Appendix A be approved.
- (b) The Section 151 Officers be authorised to agree any future allocation of the project funds held by Colchester Borough Council between NEGC Ltd and the North Essex Authorities;
- (c) It be noted that a report will be considered at a future Cabinet meeting in respect of funding requirements and financing options for 2020/21 and 2021/22.
- (d) Recommendations (a) and (b) contained in minute 228 of the Scrutiny Panel meeting of 29 August 2019 be accepted, and recommendation (c) be accepted subject to it being amended so that clear details about the preferred delivery model be provided by the four local authorities as soon as practicable.

RECOMMENDED TO FULL COUNCIL that it approves committing £350,000 already reserved in the 2019/20 Budget and the associated delegations to enable phased drawdowns upon a formal request by way of a NEGC Board resolution in accordance with the agreed milestones.

REASONS

To seek Cabinet's ongoing support, working together with Braintree and Tendring District Councils, Colchester Borough Council and Essex County Council, to progress the concept of 'garden communities' and to approve the Interim Business Plan for 2019/20 for NEGC Ltd and specific governance arrangements for the project.

ALTERNATIVE OPTIONS

No further options are being presented within the context of the report, as the alternative decision would be not to approve the 2019/20 Interim Business Plan and Budget.

378. 2018/19 Year End Review of Risk Management

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

Councillor Willetts attended and with the consent of the Chairman, addressed the Cabinet to express his concern about the presentation of risks in the Risk Matrix. It was noted that of the risks identified a large majority were above the risk tolerance limit. Risks outside the risk tolerance limit should be exceptional and this suggested that the process was flawed. The Council needed to better understand which of its processes or policies were really at significant risk.

Councillor King, Portfolio Holder for Business and Resources, indicated that the Council had a well managed risk management policy in order to safeguard the Council's position. Whilst the point made by Councillor Willetts was understood, it indicated that a cautious

and prudent approach was taken to risk management.

RESOLVED that:-

- (a) The Council's progress and performance in managing risk during the period April 2018 to March 2019 be noted.
- (b) The proposed risk management strategy for 2019/20 be approved.

RECOMMENDED to FULL COUNCIL that the Risk Management Strategy be included in the Council's Policy Framework.

REASONS

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.

During the year progress reports are presented to the Governance and Audit Committee, detailing work undertaken and current issues. This report was presented to the Governance and Audit Committee on 30 July 2019, where referral to this meeting as approved.

The Risk Management Strategy is one of the key corporate governance documents that supports the Constitution of the Council, and forms part of the Policy Framework. Accordingly, any amendments must be approved by Full Council.

ALTERNATIVE OPTIONS

No alternative options were proposed.

379. Environmental Project Support Officer

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

Councillor Willetts attended and with the consent of the Chairman, addressed the Cabinet. Whilst he was pleased to note the proposal funding for a Project Support Officer, more significant action needed to be taken in response to the Climate Emergency, such as reviewing the Local Plan, or widescale tree planting. It appeared that the administration was only playing lip service instead of taking the necessary remedial action.

Councillor Wood attended and with the consent of the Chairman, addressed the Cabinet to support the proposal that funding be made available for a project support officer. Further information was sought as to how this would be funded in the current year and whether budgetary provision would be made available for future years.

Councillor King, Portfolio Holder for Business and Resources, indicated that the proposals in the report indicated the administration's commitment to address issues arising from the

Climate Emergency. Funding had been allocated to support the Task and Finish Group and it would be for officers to decide how this could best be used to support the work of the Group. The administration had also identified environmental schemes as part of its emerging strategic priorities, which was another sign of its genuine commitment to addressing the Climate Emergency.

RESOLVED that the necessary resources be made available to support the work of the Conservation and Environmental Sustainability Task and Finish Group.

REASONS

Additional resource would help the Conservation and Environmental Sustainability Group deliver on its ambitious and important objectives.

ALTERNATIVE OPTIONS

The alternative option would be not to agree to the recommendation from the Task and Finish Group.

380. Bus Review: Further Action

Cabinet considered minute 221 of the Scrutiny Panel meeting of 16 July 2019, a copy of which had been circulated to each Member.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet. Whilst the Council had a Public Transport Strategy it was difficult to find and did not provide great detail. It was Council policy to support modal shift away from car use towards public transport. In order to deliver this, improvements to public transport were necessary. It was accepted this was expensive. A Public Transport Strategy would explain how the Council would seek to deliver this modal change, how it would support improvements to public transport and the standards expected of public transport providers.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that the Council had no legal responsibility to provide public transport services. Essex County Council was the responsible authority. The Council would work with ECC on public transport issues, and on the development of their Public Transport strategy, but it did not have the resources or the legal responsibility to prepare a public transport strategy itself.

Councillor Theresa Higgins, Portfolio Holder for Commercial Services, Councillor Fox, Portfolio for Housing and Councillor G. Oxford, Portfolio Holder for Customers, highlighted issues with the current provision of bus services and stressed how the Council had supported a number of other public services. However, there was not sufficient resource to support all public services.

RESOLVED that:-

(a) The recommendation from the Scrutiny Panel that the Council proceed with the drafting of a Public Transport Strategy not be accepted.

(b) The Cabinet reiterated its commitment to continue to work with Essex County Council on public transport issues and on any Public Transport Strategy that they may bring forward.

REASONS

The Council had no legal responsibility for public transport services and therefore there was no justification for the Council to devote resources to the preparation of a Public Transport Strategy.

ALTERNATIVE OPTIONS

It was open to Cabinet to agree with the recommendation from the Scrutiny Panel and proceed with a Public Transport Strategy.

381. Use of the River Colne

Cabinet considered draft minute 29 of the Policy and Public Initiatives Panel meeting of the 31 July 2019, a copy of which had been circulated to each Member.

Darius Laws addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). The River Colne, particularly the middle zone, needed a management plan to help manage the competing interests of the various users of the river. If the stretch through the Lower Castle Park could be improved, it had the potential to attract a considerable numbers of visitors. There was an opportunity also to work cross border with Tendring and Braintree on the issue. Consideration should also be given a Colne Valley Area of Outstanding Natural Beauty.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, emphasised that Cabinet was committed to improving the river and better managing the various uses whilst protecting the natural habitats of wildlife.

RESOLVED that:-

(a) A vision document for a River Colne partnership involving all local authorities along the Colne, stakeholders and interested others be drafted, to seek out funding and implement a vision that accounts for the upper, middle and lower River Colne and estuary, to be developed in a phased way starting with access and control and with the Hythe and funding options as focal points.

(b) The vision document be brought back to the Policy and Public Initiatives Panel for further discussion and public comment before being sent to the Cabinet for approval.

REASONS

The detailed reasons were set out in minute 29 from the Policy and Pubic Initiatives Panel.

ALTERNATIVE OPTIONS

It was open to Cabinet not to agree with the recommendation from the Policy and Public Initiatives Panel and not proceed with a vision document for a River Colne Partnership.

382. Public Initiatives

Cabinet considered minute 28 of the Policy and Public Initiative Panel meeting of 31 July 2019 a copy of which had been circulated to each Member.

RESOLVED that a letter be sent to Essex County Council, supporting the work of Councillor Bentley in examining unsegregated cycle/footways, noting protocols and statutory consultation rights regarding cycleway installations, and stating Colchester Borough Council's support for segregated cycleways, wherever feasible.

REASONS

The detailed reasons were set out in minute 28 from the Policy and Public Initiatives Panel.

ALTERNATIVE OPTIONS

It was open to Cabinet not to agree with the recommendation from the Policy and Public Initiatives Panel and not send a letter to Essex County Council in respect of this issue.

383. Local Government and Social Care Ombudsman – Annual Review Letter 2018/19

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

Councillor Oxford, Portfolio Holder for Customers highlighted the small number of complaints received, which needed to be seen in the context of the huge number of public interactions the Council undertook. The number of complaints had declined from the previous year. He paid tribute to the work of the Customer Service Centre.

RESOLVED that the contents of the Local Government and Social Care Ombudsman's Annual Review Letter for 2018/2019 be noted.

REASONS

To inform the Cabinet of the contents of the Local Government and Social Care Ombudsman's Annual Review Letter relating to Colchester Borough Council for 2018/2019.

ALTERNATIVE OPTIONS

No alternative options were presented.

384. 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.

Report of	Assistant Director Policy and Corporate	Author	Richard Clifford ☎ 507832
Title	Policy and Public Initiatives Panel Work Programme 2019-20		
Wards affected	All wards		

1. Executive Summary

1.1 This report invites the Cabinet to consider a recommendation from the Policy and Public Initiatives Panel following its public engagement meeting on 25 September 2019.

2. Recommended Decision

2.1 That Cabinet consider the recommendation from the Policy and Public Initiatives Panel that the Panel examine potential options for providing or supporting the provision of a new lifelong learning centre in the Borough of Colchester.

3. Reason for Recommended Decision

3.1 The Policy and Public Initiatives Panel must seek approval from Cabinet on whether and how issues proactively identified by the Panel are examined.

4. Alternative Options

4.1 No alternative options are proposed.

5. Background Information

5.1 A key function of the Policy and Public Initiatives Panel is to provide a forum where members of the public can make suggestions about subjects that the Panel could examine as part of its work programme. At its meeting on 25 September, the Policy and Public Initiatives Panel held a public engagement session. This was built around an online survey with an opportunity for members of the public to attend the meeting and have their say and suggest ideas for the Panel to consider.

5.2 Twenty-two online submissions were received and presented to the Panel. In addition seven public speakers addressed the Panel. One of the proposals related to the creation of a Learning Shop. This would provide an information and signposting service for post school learning opportunities. The online submission in support of the proposal is attached at Appendix A. The proposal was also introduced to the at the meeting by Alan Skinner, and a note of his Have Your Say! contribution is below:-

Mr Alan Skinner, trustee of the 'Learning Never Stops' adult learning charity, addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1). He spoke in support of his survey response which had called for an adult learning centre to be provided and made available for use by all in the Borough. He detailed the long history of adult learning in Colchester and, whilst he believed that a new adult college would not be feasible, other options such as the setting up of a 'learning shop' were possible.

Mr Skinner informed the Panel that his charity's website had around 15,000 users who used it to source courses and learning providers. If a learning centre were to be set up in the town, it would be vital that this be advertised and promoted across a range of media, and by different organisations, including the Council.

The Panel discussed previous centres which had provided such facilities, such as the old learning centre and the old Greyfriars Adult Education Centre. Mr Skinner explained that the assets of the old Greyfriars centre had been transferred to the Wilson Marriage Centre which remained in operation. Unlike the locally-managed Greyfriars, the Wilson Marriage Centre was used to provide services and courses run and managed by Essex County Council.

5.3 The Panel considered that this proposal warranted further consideration as part its work programme, and made the following recommendation to Cabinet:-

RECOMMENDED to CABINET that approval be given for the Policy and Public Initiatives Panel to examine potential options for providing or supporting the provision of a new lifelong learning centre in the Borough of Colchester.

5.4 The Panel also received a number of suggestions and proposals relating to town centre issues and determined that these should be considered further as part of its existing work item relating to options for Colchester High Street.

6. Strategic Plan References

6.1 The proposal would support the following Strategic Plan objectives:-

Growth

Ensure residents benefit from Colchester's economic growth with skills, jobs and improving infrastructure

Wellbeing

Target support to the most disadvantaged residents and communities

Standard References

7.1 At this stage, the proposal is that the suggestion be added to the Work Programme of the panel so at this stage there are no particular references to consultation or publicity considerations or financial; community safety; health and safety or risk management implications.

Responses received – Response 17.

To what does your specific idea relate?

Colchester's Strategic Plan

If your idea relates to the Strategic Plan, to which of its priorities does your idea mainly relate?

Wellbeing

What is your idea and what would you like the Policy and Public Initiatives Panel to review?

A Learning Shop - providing an information and signposting service for post-school learning opportunities of all kinds. An unbiased person-centred helpdesk to suit the enquirer, not to fill courses.

Why do you think this is needed and what are the specific benefits of your proposal to the Borough of Colchester?

Although there is still a wide range of lifelong learning on offer in the area it is not coherently presented and as a result is often inaccessible to those who most need it. Consequently the town loses opportunities.

What do you estimate this would cost?

£20,000 - £100,000

How long do you estimate this would take to roll out?

Months


Are there other areas where you have seen this idea already in place? If so, please provide further information below.

Colchester! We once had one. The Borough was a major partner through its Economic Development dept. It was very successful and only ceased through the closure of the lynchpin partner, the adult college at Gr

We would like to invite you to the Policy and Public Initiatives meeting on the 25 September 2019, is this something you would be interested in attending?

Yes

9 October 2019

Report of	Assistant Director Policy and Corporate	Author	Paul Cook  505861
Title	Revolving Investment Fund – Capital Update		
Wards affected	All		

1. Executive Summary

- 1.1. This report provides an update on Revolving Investment Fund (RIF) capital expenditure, and projected capital receipts.
- 1.2. This report sets out the next phase of work that will be undertaken to enable the development of Northern Gateway and to deliver on the aspirations set out in the masterplan of creating a sustainable gateway in to the Borough.
- 1.3. Projected annual revenue income will be reported to a future meeting. An update on the MTFF implications will be taken forward during the budget process.
- 1.4. The overall RIF capital programme currently stands at £29m. This excludes advances to CCHL. There remain a number of risks attached to the RIF capital receipts projections which require regular monitoring to ensure that the forecasts remain realistic. The report sets out the temporary and long term borrowing required to manage the cashflows within the RIF, most of which reflect progress on the Northern Gateway Sports project.
- 1.5. The programme has been reviewed including updated capital receipt projections. A number of new allocations are within this report to support new and existing programmes of work including areas to explore new income opportunities. It is proposed that these are funded from a reallocation from an uncommitted budgetary allocation.

2. Recommended Decision

- 2.1 To note the latest financial position for the Revolving Investment Fund (RIF).
- 2.2 To note and agree the need for additional resourcing for the next phase of work at Northern Gateway to support the infrastructure first approach that will enable the delivery of the wider scheme and implementation of the masterplan

3. Reasons for Recommended Decision

- 3.1 Cabinet agreed to create the RIF as a way to recycle capital receipts into profitable high income producing development schemes and regeneration and economic growth projects. This paper sets out the updated financial position of the RIF and proposes allocations of funding to specific projects.
- 3.2 At present there is more funding allocated to projects within the RIF portfolio than there are capital receipts coming into the RIF. In addition, there are projects that the Council

have already committed to delivering that require funding for the next phase of works in the Northern Gateway.

- 3.3 To deliver on the infrastructure first approach at CNG South in line with the current masterplan

4. Alternative Options

- 4.1 It would be possible to consider different allocations to projects. However, the proposals in this report represent a considered view of the cost to deliver a number of projects and the associated income targets. Further funding allocations are required to carry out feasibility studies if new income streams for the council are to be generated in the future.

5. Supporting Information

- 5.1 The Council's budget and Medium Term Financial Forecast (MTFF) include assumptions in respect of revenue income from RIF projects. This will be updated at a future meeting.

Expenditure forecast

- 5.2 The RIF programme from 2019/20 now stands at £29m. This is detailed in the Appendix and includes expenditure forecasts to 2022/23.

Funding

- 5.3 The RIF is funded by capital receipts, revenue contributions, agreed borrowing and other specific funding contributions. Details of these receipts are set out in the Appendix A. The table below provides a summary of the funding forecasts. This includes the funding agreed for the Northern Gateway (NGW) Sports Project which is itemised separately.

	2018/19	2019/20	2020/21	2021/22	2022/23
	£'000	£'000	£'000	£'000	£'000
<i>Capital Receipts</i>					
For NGW Sports Project	0	0	(6,600)	(3,200)	0
For other RIF schemes	(183)	(2,069)	(1,969)	(19)	(4,419)
Total capital receipts	(183)	(2,069)	(8,569)	(3,219)	(4,419)
<i>Other funding</i>					
For NGW Sports Project	(750)	(4,803)	(1,650)	2,000	(6,800)
For other RIF schemes	(207)	(1,301)	(1,765)	(1,915)	0
Total other funding	(957)	(6,104)	(3,415)	85	(6,800)
<i>Long term borrowing</i>					
For NGW Sports Project	0	(2,828)	0	0	0
For other RIF schemes	0	(4,843)	0	0	0
Total Long term Borrowing	0	(7,671)	0	0	0
Total RIF Funding	(1,140)	(15,844)	(11,984)	(3,134)	(11,219)

- 5.4 The following table provides a summary of the overall RIF account, which is detailed in the confidential Appendix B. Based on the updated expenditure forecasts and capital funding projections there is a funding shortfall of £20.201m at 31.3.2020. In order to eliminate a shortfall by 2022/23 the level of long term borrowing has been increased.

	2018/19	2019/20	2020/21	2021/22	2022/23
	£'000	£'000	£'000	£'000	£'000
Shortfall / (Surplus) B/Fwd	4,359	10,268	20,201	14,354	11,219
Spending	7,049	23,276	8,637	0	0
Capital receipts and other funding	(1,140)	(13,344)	(14,484)	(3,134)	(11,219)
Shortfall / (Surplus) C/Fwd	10,268	20,201	14,354	11,219	0

- 5.5 An estimate of the revenue impact of temporary borrowing is shown in the following table based on prevailing PWLB borrowing rates.

	2018/19	2019/20	2020/21	2021/22	2022/23
	£'000	£'000	£'000	£'000	£'000
Average Shortfall each year	7,314	13,984	16,027	12,787	5,610
Interest cost	110	210	240	192	84

Review of RIF Programme

- 5.6 A review of the overall RIF programme has been carried out. Proposals are included in a within this report for additional allocations to new and existing projects at Northern Gateway. The new budget allocations total £2.5m

Northern Gateway

The new allocations will be utilised to deliver the first phase of infrastructure works at Northern Gateway South as well as new cycling links to the Northern Gateway Sports Park

In 2012 Cabinet endorsed the vision and recommendations arising from the master planning process completed during 2011 for land south of Axial Way and adjacent to the stadium

The main theme of the proposals was to create a new gateway to Colchester whilst creating significant jobs and contribution to the Councils sustainability agenda and in addition making a substantial contribution the councils revenue stream in the future

It was intended that the masterplan was an iterative document and it would develop in line with the Councils core strategy

The landscape for delivering CNG south has changed significantly since 2012 and the current scheme submitted for planning includes:

- 500,000 sq ft commercial space
- central boulevard and open space
- 350 homes including 30% affordable homes

- 13 acre healthcare campus including hospital, convalescence home, older persons accommodation and extra care provision
- new access roads
- 4.5 hectares village green
- energy centre
- Sustainable energy network
- Ultrafast digital network
- improved access links to the north

The funds set aside by RIF to deliver the masterplan have been utilised to progress the scheme to the submission of a hybrid planning application, detailed in some parts and outline in others, it is likely that this application will be heard at the November planning committee

In order to progress to the next phase of work at CNG South a budget is required to undertake the necessary technical studies and to deliver the infrastructure required to enable other areas of the scheme to be developed

This phase of work includes;

- technical studies
- technical scheme design
- new statutory utility provision and connections
- new cycling provision
- site enabling works
- pre development costs

5.7 It is still necessary to ensure that future capital receipt projections are monitored and remain realistic and achievable. Future monitoring reports will review progress against funding targets, level of spending, changes to existing allocations and income projections. The potential impact of a no-deal Brexit will need to be carefully monitored.

5.8 It is proposed to mitigate the borrowing costs by using existing contingency and therefore propose additional borrowing of up to £2.5m to fund the next phase of works

6. Strategic Plan References

6.1. The RIF contributes to the Council's aim to be more financially sustainable and also delivers against the following areas in the Strategic Plan of Regenerating our borough through buildings, employment, leisure and infrastructure and bringing investment to the borough.

7. Consultation and Publicity Considerations

7.1 No specific issues in respect of this report, however, publicity and consultation will be considered for specific projects as appropriate.

8. Financial implications

8.1 The Council needs to manage and control its future capital programme and investment very carefully to ensure that it meets its fiduciary responsibilities. It will need to carefully

prioritise future capital investment to deliver optimum outcomes as resources become increasingly scarce. As any new schemes or additional contributions are required the council would be required to borrow in order to fund future capital commitments. As with any borrowing, the council would be required to provide a Minimum Revenue Provision (MRP) to ensure that debt is repaid over the life of the asset as per the Council's Treasury Management Strategy as well as fund any PWLB interest costs.

- 8.2 Prudential borrowing would be required to complete this project however It is proposed to use the remaining contingency first as to limit the costs the general fund and to the taxpayer. The amount of borrowing required to fund the project would be up to £2m at a cost of £115k a year in MRP and interest over a 50-year period. Currently no budget exists for additional MRP or interest therefore additional budget would be required as part of the Council's budget setting process.

9. Equality, Diversity and Human Rights, Community Safety and Health and Safety implications

- 9.1 None identified at this stage.

10. Risk Management Implications

- 10.1 The main area of risk identified concerns the financial risk attached to delivery of income targets (capital and revenue) and management of costs within allocations. This will be managed through regular monitoring and reporting on the RIF position.

Appendix A

REVOLVING INVESTMENT FUND	Total Programme	Spend Q1 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000	RAG
Northern Gateway North	56	3	56	0	0	G
CNGN - Mile End Cricket	14	0	14	0	0	G
CNGN - Sports Hub	21,930	2,419	20,229	1,701	0	A
Northern Gateway South	30	33	30	0	0	G
CNGS - Detailed Planning	214	158	214	0	0	G
CNGS – Boulevard	3,250	72	500	2,750	0	G
Development Site (jnct 28)	0	0	0	0	0	G
Town Centre	2,185	102	500	1,685	0	A
Jacks - St Nicholas St	644	113	644	0	0	G
St Nicholas Square & Balcerne Gardens	26	2	26	0	0	G
Sheepen Road	0	0	0	0	0	G
Sheepen Road Phase 2	85	54	85	0	0	G
St Botolphs Public Realm	118	0	118	0	0	G
East Colchester Enabling Fund	213	0	213	0	0	G
Breakers Park	69	0	69	0	0	G
Site Disposal Costs	5	0	5	0	0	G
Moler Works Site	3	0	3	0	0	G
Digital Strategy - feasibility	160	10	160	0	0	G
Sport & Leisure Asset Review	120	0	120	0	0	G
Grow-on former Queen St Bus Depot	31	0	31	0	0	G
Broad Lane Sports Ground Wivenhoe	12	0	12	0	0	G
Pre development/feasibility funds	250	0	250	0	0	G
	29,413	2,966	23,276	6,137	0	

Comments on Sports Hub

Main contractor on site and work is well underway with target completion of May 2020. Work ongoing to satisfy funding conditions from sports funders and HIF.

Comments on Town Centre

The programme will be delivered but some spend in 2020/21.

PETITIONS, PUBLIC STATEMENTS, QUESTIONS

(i) Have Your Say speakers

Date of Meeting	Details of Members of the Public	Subject Matter	Form of Response	Date Completed
Cabinet, 4 September 2019	Joanna Kirchner	The impact of tree roots on pavements.	Verbal response provided at the meeting by Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, Councillor Goss, Portfolio Holder for Waste, Environment and Transportation and Councillor J. Young, Portfolio Holder for Culture and Performance	4 September 2019
Cabinet, 4 September 2019	Dorian Kelly	Extending the area defined as the Cultural Quarter and improvements to the town centre.	Verbal response provided at the meeting by Councillor J. Young, Portfolio Holder for Culture and Performance	4 September 2019
Cabinet, 4 September 2019	Oliver Ward and Thomas Clarke	Conversion of the old Odeon cinema site to a music venue	Verbal response provided at the meeting by Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety and Councillor King, Portfolio Holder for Business and Resources.	4 September 2109

Cabinet, 4 September 2019	Sir Bob Russell	The Council's response to Alumno's appeal against refusal of planning permission for student accommodation at St Botolphs.	Verbal response provided at the meeting by Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, Councillor J. Young, Portfolio Holder for Culture and Performance and Councillor King, Portfolio Holder for Business and Resources	4 September 2019
Cabinet, 4 September 2019	Darius Laws	Improvements to the management of the River Colne.	Verbal response provided at the meeting by Councillor Cory, Leader of the Council and Portfolio Holder for Strategy.	4 September 2019

(ii) Petitions

Date petition received	Lead Petitioner	Subject Matter	Form of Response	Date Completed
No valid petitions received in this period				