

# Cabinet

Wednesday, 08 March 2023

**Attendees:** Councillor Mark Cory, Councillor Pam Cox, Councillor Adam Fox, Councillor Martin Goss, Councillor David King, Councillor Julie Young

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

Date Published 9 March 2023

Date when decisions may be implemented(unless 'called in') 5pm 16 March 2023

**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 16 March 2023.

## **729 Minutes of Previous Meeting**

*RESOLVED* that the minutes of the meeting held on 25 January 2023 be confirmed as a correct record.

## **730 Have Your Say! (Hybrid Cabinet Meetings)**

Councillor Lilley attended and with the consent of the Chair addressed Cabinet to offer his congratulations to all involved in the visit by His Majesty King Charles III. He also expressed his concern about the continued flooding in the Hythe. The Hythe Taskforce had made some progress and a solution using a pump had been proposed. The Fire Service could retain the pump and use it elsewhere when needed. The balance of the funding required should be sought from partners. All other options would cost too much and take too long. The Leader or the Chief Executive should reinstitute the Hythe Taskforce and use it as a vehicle to obtain the necessary funding to implement this solution.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, expressed his thanks for the comments in respect of the royal visit which had been a great success. Responsibility for addressing the flooding lay elsewhere and the Hythe Taskforce had not been established by the Council, although it had contributed towards it. However, he was happy to look at what could be done to refresh the Group but it was unlikely that its membership and remit would remain as before.

Pam Donnelly, Chief Executive, was invited to respond and explained that the Council's approach now was to bring together partners both internally and externally to address intransigent problems. She would review where the Council was on this issue and see how it could be approached differently. She would contact Councillor Lilley direct.

Councillor Fox, Portfolio Holder for Local Economy and Transformation, endorsed the comments made about the primary responsibility for the issue lying elsewhere. The Taskforce had made real progress early on in identifying the problem and potential solutions. It had been harder to implement solutions as the Council did not have statutory powers to compel partners or agencies to undertake the necessary work. Essex County Council had prepared a business case to the Environment Agency for more work to prevent the valves silting up. Section 106 funding from developments at the Hythe had also been allocated to address the issue which could potentially be used to help fund the pump. It was hoped that the Member of Parliament would continue to engage on the issue.

Councillor J. Young, Portfolio Holder for Housing and Communities, explained that this was part of a wider problem through the failure of Anglia Water to adopt the drainage system in the Hythe. The section 106 funding had come from the Beyond the Box application as a measure of goodwill and should be used to help fund a solution. It was beholden on the parties involved to try and find a solution to help residents and businesses.

731

#### **Item 6 Scrutiny Panel recommendation - Review of Saturday Household Drop Off Service**

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

Councillor Willetts, Chair of the Scrutiny Panel, attended and with the consent of the Chair addressed Cabinet. He reiterated that the Scrutiny Panel was acting as a critical friend of the executive and was not looking at whether the specific decision was wrong or right but whether the decision complied with the constitution, budget and Strategic Plan. In respect of this decision the Panel had two main concerns. In terms of consultation, the Panel's view was that the Council aimed for good communication with residents and put in considerable effort to achieve this. On this occasion however, no consultation had been undertaken or was planned. The Panel's view was there needed to be a Cabinet policy on consultation, especially in relation to the second tier of decisions which may have a more limited impact. Whilst it could be argued this was an issue of common sense or judgement, a policy would help prevent differences of opinion, as in this case.

In addition the Panel was concerned that there may be unintended consequences from the decision in terms of increased flytipping. The Portfolio Holder's analysis of this issue was missing from the decision and needed to be explained.

Councillor Lissimore, lead member on the call in, attended and with the consent of the Chair addressed the Panel. As there had been no consultation it was difficult to assess the impact of the decision. In order to assess whether flytipping would increase, residents needed to be asked what they would do instead. In addition, the consequences of the proposals to charge for garden waste also needed to be taken into consideration.

Councillor Smith attended and with the consent of the Chair addressed the Cabinet to advise Cabinet of the minority view of the Scrutiny Panel. He considered this had been a poor example of scrutiny. The Panel had divided on party lines and it had not been conducted in a conducive atmosphere. Only 1% of the population used the service, and it would be difficult to identify service users as they were not a particularly defined geographic group. In addition the Chair had not allowed questions as to how Essex County Council had approached consultation on a waste related issue to be answered.

In response the Chair of Scrutiny indicated that the Panel had been scrutinising a Colchester City Council decision and Councillor Lissimore had been present in her capacity as a City Councillor. If the Panel wished to scrutinise decisions taken by other authorities, it could do so but as a separate item.

In response to questions from Cabinet members as to whether the Council had a policy or guidelines on the circumstances in which consultation on executive matters should be undertaken, the Chief Executive undertook to look at the issue with the Council's Research and Engagement Team.

Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste, explained that in 2022 the Household Waste Drop Off Service operated over 24 weekends at 45 community locations. On each occasion it used on average four vehicles visiting three locations and the service was used by approximately 120 people. In terms of average tonnage the vehicles would receive 3.66 tonnes of black bag waste and 1.08 tonnes of garden waste. This needed to be seen in the context of the average capacity of a waste vehicle of 10-12 tonnes. Much of the black bag waste was material that could be recycled. The proposal had been included in the budget and had been agreed as part of the programme of cost savings. The decision had been fully scrutinised and he had given a fact based robust response. In terms of the concerns on flytipping no figures or data had been given in support of the argument that this would increase, Data showed that flytipping was decreasing, and a new company, Wise, had been commissioned to take a more robust approach to enforcement against flytipping.

It would be difficult to identify service users to consult with them. Essex County Council had been consulted on the proposal but had not responded. There were other options open to residents such as charity shops, many of whom would collect, or arranging lifts to the recycling centre or arranging specialist collections from low cost waste carriers. A number of residents drove to locations to take advantage of the service: this journey could be made direct to the recycling centre. The service was paid for through overtime, which meant that it was a particularly costly service.

In view of the recommendations from the Scrutiny Panel and other representations

made about the service, Councillor Goss indicated that he was proposing an alternative way forward. This would meet the objective of securing a budget saving whilst leaving in place a service for those areas most in need of the service. The proposal was data led and was based on information provided by the Research and Engagement Team who had identified the areas of highest deprivation and lowest income. This could be delivered at a cost of £7,218.90, which achieved about two thirds of the original saving.

Based on the strict criteria, the service would be delivered at the following locations:-

**Greenstead**

Hawthorn Ave (Opposite Forest Road)  
Hawthorn Ave (Community Centre)  
Juniper Way (Garage Area)

**Berechuch**

Queen Elizabeth  
Wethersfield  
Maple Way

**Old Heath & the Hythe**

Barnhall/Stalin Road  
Speedwell Road

**Shrub End**

Littlefield Road

**New Town & Christ Church**

Port Lane  
Barrington Road  
Winnock Road

**Highwoods**

Chinook

**St Anne's & St Johns**

Brinkley Crescent  
Goring Road

**Tiptree**

Walnut Tree Way

**Stanway**

Wheatfield Road  
Shrub End  
Coats Hutton

**Rural North**

Mount Bures  
Lexden Road (West Bergholt)

Parsons Field (Dedham)

In discussion, Cabinet members indicated that they supported this constructive solution. It showed that the concerns expressed had been listened to and acted upon. Thanks were expressed to the Scrutiny Panel for its helpful recommendation. In terms of consultation Cabinet considered it would be useful to look at the issue in more detail and particularly as to whether guidance or policy was more appropriate. The Chief Executive's offer to examine this matter was welcomed. Consulting with ward members was particularly important.

*RESOLVED* that:-

(a) A Saturday Household Drop Off Service continue to be provided at the following locations only:-

**Greenstead**

Hawthorn Ave (Opposite Forest Road)  
Hawthorn Ave (Community Centre)  
Juniper Way (Garage Area)

**Berechurch**

Queen Elizabeth  
Wethersfield  
Maple Way

**Old Heath & the Hythe**

Barnhall/Stalin Road  
Speedwell Road

**Shrub End**

Littlefield Road

**New Town & Christ Church**

Port Lane  
Barrington Road  
Winnock Road

**Highwoods**

Chinook

**St Anne's & St Johns**

Brinkley Crescent  
Goring Road

**Tiptree**

Walnut Tree Way

**Stanway**

Wheatfield Road

**Shrub End**  
Coats Hutton

**Rural North**  
Mount Bures  
Lexden Road (West Bergholt)  
Parsons Field (Dedham)

(b) The Chief Executive investigate the possibility of guidelines or policy defining the circumstances in which consultation should be carried out in advance of decision making by the Executive.

#### *REASONS*

Where the Portfolio Holder does not accept a recommendation from the Scrutiny Panel following a call in, the decision is referred to Cabinet to determine.

The proposal agreed met the objectives of achieving a financial saving whilst maintaining a service for those most in need.

#### *ALTERNATIVE OPTIONS*

It was open to Cabinet to confirm the original Portfolio Holder decision.

## **732 Colchester Strategic Plan 2023-26 - Delivery Plan**

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

Councillor King, Leader of the Council and Portfolio Holder for Strategy, introduced the report and explained that this was a significant piece of work. It would fill the gap between the Strategic Plan objectives and the delivery of the objectives. It would provide the linkages between ambition and delivery and indicate funding where this was required beyond what was allocated in the core budget. This approach had been recommended by the Local Government Association Peer Review Team. The Strategic Plan objectives had been underpinned by a public consultation exercise with over 1100 responses and considerable cross party working.

In discussion Cabinet members highlighted that the Delivery Plan fleshed out how Strategic Plan objectives would be delivered and funded. It balanced ambition and vision and allocated practical resources to delivery. It was important to ensure that the Delivery Plan was implemented. The following elements of the Delivery Plan were highlighted in particular:

- Working with partners such as the BID and the North Essex Economic Board to deliver projects such as the Shared Prosperity Fund.
- Delivering the City Centre masterplan and Town Deal projects.

- Addressing the needs of those who were homeless or on the Council's Housing Needs Register.
- Working with partners on the cultural offer, to celebrate heritage and to tackle inequality.
- Community Safety

*RESOLVED* that the Strategic Plan Delivery Plan 2023-2026 be agreed including the allocation of Strategic Plan Delivery Reserve and the transformation funding to deliver against the Strategic Plan Goals.

#### *REASONS*

To ensure delivery against the Strategic Plan 2023-26 including the allocation of appropriate resources.

#### *ALTERNATIVE OPTIONS*

It is essential that an adequately resourced delivery plan is in place to ensure delivery of the Council's Strategic Plan. There are a range of actions that could deliver against the Strategic Plan but the proposed actions represent those that deliver most effectively with the available resources. The action plan can also be reviewed throughout the year if alternative actions emerge.

### **733 Devolution and Proposals for North Essex Authorities**

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

Councillor Pearson attended and with the consent of the Chair, addressed the Cabinet. He noted it was International Women's Day and welcomed the gender balance of Cabinet. He also expressed his thanks to councillors, officers and partners for the work behind the successful royal visit which had helped put Colchester on the map.

The wider body of Councillors had only recently been appraised of the details on the devolution proposals, There were some potential benefits to the Level 2/3 proposals, such as sustainable transport, more affordable housing and a more joined up approach on health and wellbeing. However, moving forward the approach needed to be cautious and inclusive. To ensure that Councillors were kept on board it was vital they were kept appraised of developments. It was also important that it was acknowledged there were some potential pitfalls as well as benefits. The financial benefits were not a panacea, given the length of the deal and the scale of proposed Greater Essex.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, welcomed the comments which went to the heart of the matter. There were potential benefits and an opportunity to take control of services currently administered by central government. It was an opportunity to address how inefficient and fractured local government could

be and deliver better services to residents through greater local control of areas such as transport or skills. Discussions so far had been positive and the approach would continue to be inclusive. The Leader of Essex County Council remained committed to listening to the views of all the districts. Some devolution deals had delivered a sum significantly greater than £30 million per annum, but the real benefit was through improvements to ways of working and governance, rather than the funding. Strong relationships were in place and that should give some confidence to members. No final decision was being taken at this stage. What was being sought was agreement to continue discussions.

Councillor Fox, Portfolio Holder for Local Economy and Transformation, emphasised the need to ensure Councillors were kept on board and the importance of keeping residents informed. It was the duty of Councillors to try and mould any deal to ensure it benefitted local residents. Whilst there might be some disquiet about some of the structures that were proposed, there were real opportunities. Other deals had led to improved public transport provision which would be a real benefit for Essex. It would also be an opportunity to address the issues of skills development. It was important to contribute to the debate in order to have any influence on the final outcome.

Councillor Cory, Portfolio Holder for Resources, indicated that he shared some of the scepticism on the basis of his previous experience. The introduction of a Mayor, particularly of a wide area, was likely to concentrate power rather than dilute it. However he appreciated there were positives and that talks should continue. Councillor Cox, Portfolio Holder for Heritage and Culture, indicated she was broadly supportive of the principle and stressed the need for a simple communications initiative with residents setting out the potential benefits of devolution. However, it was important that local government was properly funded and given the resources to continue to provide services.

Pam Donnelly, Chief Executive, was invited to contribute and stressed that in discussions she and the Leader were committed to protecting Colchester's best interests. The work across North Essex Councils demonstrated in Appendix B of the report should give some comfort to members about the degree of strength there was across North Essex to get the most out of the opportunity devolution presented by working together.

*RESOLVED* that:-

- (a) Cabinet notes that it is not being requested to take a final position or decision on devolution.
- (b) Cabinet notes the contents of the Deputy Chief Executive's report.
- (c) Cabinet agrees to progress the current work taking place to the next stage.
- (d) To progress the work to the next stage, Cabinet agrees:

A. That the Chief Executives be commissioned to draft an ambitious devolution pitch to Government – this should rule out a Level 1 devolution deal but explore the options and benefits around a Level 2 and Level 3 devolution deal, noting that the



most extensive powers and new investment are only available at Level 3 as set out in appendix A, p17/25.

B. That leaders meet to review the pitch document and agree the level of deal to pursue.

C. That at that meeting, leaders confirm the timing for submitting the proposals to open dialogue with Government.

D. That the high level approach to engagement set out on pages 13/21-14/22 of the report is correct.

E. That a standard factual briefing should be issued to MPs following this discussion, following up the briefing issued earlier in the year.

F. That a letter to the Department of Levelling Up, Housing and Communities Secretary of State should be sent following this meeting from Councillor Neil Stock, leader of Tendring District Council, and upper tier leaders (on behalf of all leaders), setting out the basis of the Greater Essex leaders' collaboration, the work done to date, and next steps.

#### *REASONS*

In England, devolution is the transfer of powers and funding from national to Local government.

It is important because it would ensure that decisions would be made closer to the local people, communities and businesses they affect.

A key purpose of devolution is economic growth, jobs growth and skills development.

It would also enable efficient use of increasingly scarce resources across local authorities in Essex.

Devolution investment would also enable Colchester and its partners to compete effectively with devolution arrangements elsewhere in the UK.

#### *ALTERNATIVE OPTIONS*

No alternative options were submitted to Cabinet.

### **734 Department of Levelling Up, Housing and Communities - Local Authority Housing Fund**

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

Councillor J. Young, Portfolio Holder for Housing and Communities, introduced the

report. The Council was proud to be a City of Sanctuary and the Council's work in support of refugees was strengthening over time. Colchester was pleased to welcome refugees from Afghanistan who had supported British troops on service, and there had considerable support from host families in Colchester to refugees from Ukraine. The Council had been identified by the Department of Levelling Up, Housing and Communities as a Council who provided significant housing for refugees and the scheme provided funds to support that provision. The funding would provide housing for refugees and increase the stock in the longer term to address wider housing need in Colchester.

*RESOLVED* that the proposal for funding through the LAHF and the 'sign off' of the Memorandum of Understanding (MOU) for the LAHF be approved.

#### *REASONS*

To meet with the requirements of the LAHF allocation.

#### *ALTERNATIVE OPTIONS*

Not to approve the proposal and sign off the MOU for the LAHF but this would mean that Colchester City Council would not receive any funding for this programme.

### **735 Request for Delegated Authority for the Award of HRA Contracts 2023/24**

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

*RESOLVED* that for the award of the contracts for works within the Housing Investment Programme 2023/24. authority be delegated to the Portfolio Holder for Housing and Communities.

#### *REASONS*

Within the Housing Revenue Account (HRA), the Council owns almost 6,000 affordable homes, benefitting people in need of social housing. The housing stock is managed through an Arm's Length Management Organisation (ALMO), Colchester Borough Homes (CBH) and each year a number of maintenance contracts are managed within an agreed Housing Investment Programme. This keeps these homes in a suitable condition, as part of an ongoing planned approach set from the HRA Asset Management Strategy and 30-year HRA Business Plan.

Contracts that are due to expire over the next year, require new contracts to be procured and awarded for the Housing Investment Programme in 2023/24. These are contracts that are likely to require Cabinet approval due to estimated costs (over £500k for the scope of the contracts, over multiple years) and borough-wide span.

The decision to delegate powers to the Portfolio Holder for Housing and Communities to approve the award of these contracts, as they arise, will make those awards

smoother and faster if they arise between Cabinet meetings scheduled for the next year, or during the pre-election period. This avoids delays in the delivery of improvements for tenants. A similar decision was taken in 2020, 2021 and 2022 and has demonstrated the success and benefit of this approach in past/current contract awards.

#### *ALTERNATIVE OPTIONS*

Not to delegate the powers requested; but this would then need contracts 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. This would delay the start of contracts, and therefore the improvements to homes for tenants, whilst waiting for a Cabinet meeting to arise. 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; demonstrated by recent practices. The Portfolio Holder decisions would remain available for call-in should individual concerns arise.

**736**

#### **Request for Delegated Authority to Award Recycling Materials Contract**

The Group Manager, Neighbourhood Services submitted a report a copy of which had been circulated to each Member.

*RESOLVED* that authority to award the recycling materials contract be delegated to the Chief Operating Officer in consultation with the Portfolio Holder for Neighbourhood Services and Waste subject to a successful and compliant tender process.

#### *REASONS*

The current contract for the transfer, treatment and disposal of source segregated municipal dry recycling is due to end on 31st July 2023 following an optional extension to the contract of 12 months in 2022 and therefore a new contractual arrangement needs to be put in place. Due to the timing of the tender process and the end of the contract, it is requested that delegated authority be given to the Chief Operating Officer, in consultation with the Portfolio Holder for Neighbourhood Services and Waste to award the contract between Cabinet meetings to ensure there is no break in service.

The contract will ensure that the Council is fully compliant with its waste management responsibilities.

#### *ALTERNATIVE OPTIONS*

Not having a contract in place would see the Council operating at odds to the financial rules and put at risk the financial budgets, resilience, environmental objectives and delivery of the Council's operations, therefore it is not an option to source recycling services without a tender process and implementation of a contract.

**737 Climate Change Policy - recommendation from Policy Panel**

Minute 66 of the Policy Panel meeting of 11 January 2023 was submitted to Cabinet, a copy of which had been circulated to each Member.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, thanked the Policy Panel for its helpful recommendation which resulted from a thoughtful discussion. It was a demonstration of the value of the Panel for engaging with Councillors on emerging issues.

*RESOLVED* that Cabinet work with the Environment and Sustainability Panel to identify if gaps remained in the Council's approach towards meeting its targets relating to fighting climate change and, where identified, to identify how best to address them.

*ALTERNATIVE OPTIONS*

Not to agree to the recommendation from the Policy Panel.

**738 Direct Award Contract for Merchant Services and Water Supply**

The Group Manager, Customer, submitted a report a copy of which had been circulated to each Member.

*RESOLVED:-*

(a) To direct award a 4-year contract (with option to extend) under the TPA-01 Banking and Finance Framework Agreement - Lot Number 2 – Merchant Services to Lloyds Bank Cardnet.

(b) To direct award a 4-year contract under the NEPO311 Framework Agreement for the provision of Water Retail Services to Anglian Water (Wave).

*REASONS*

Switching merchant services will provide the Council with lower transactional fees when processing card payments.

Entering into a contract for the Council's water supply would provide a small annual saving on cost, as well as the free installation of water meters on all sites.

*ALTERNATIVE OPTIONS*

To remain with the current merchant services provider.

To not enter into a contract for the Council's water supply.

**739 Progress of Responses to the Public**

The Democratic Services Manager submitted a progress sheet a copy of which had been circulated to each Member.

Cabinet noted that the reference to Vitamin B in respect of Steve Kelly's contribution should be to Vitamin D.

*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.

**740 Thanks**

Councillor King explained that a further meeting of the cabinet may be scheduled for April. However, in case that was not necessary, he thanked Cabinet members and officers supporting Cabinet for their contributions during the course of the municipal year, Real progress had been made.