

Cabinet

Wednesday, 25 November 2015

Attendees: Councillor Tim Young (Portfolio Holder for Community Safety, Licensing and Culture and Deputy to the Leader of the Council), Councillor Tina Bourne (Portfolio Holder for Housing and Public Protection), Councillor Paul Smith (Chairman and Portfolio Holder for Strategy), Councillor Annie Feltham (Portfolio Holder for Communities and Leisure and Deputy Leader of the Council), Councillor Beverley Oxford (Portfolio Holder for Customers), Councillor Mark Cory (Portfolio Holder for Resources), Councillor Bill Frame (Portfolio Holder for Economic Growth and Planning), Councillor Dominic Graham (Portfolio Holder for Street and Waste Services)

Substitutes: No substitutes were recorded at the meeting

Also in attendance: Councillors Harris, Hayes, Hazell, Scott and Willetts

Publication and Call in Arrangements

Date Published: 26 November 2015

Date when decisions may be implemented (unless called in): 5pm, 3 December 2015

All decisions except recommendations to Council or urgent decisions may be called in.

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 3 December 2015

41 Minutes

RESOLVED that the minutes of the meeting held on 14 October 2015 be confirmed as correct record.

42 Urgent Items

Councillor Frame reported that Colchester's bid to be the host authority for Essex Building Control Shared Service had been successful.

43 Have Your Say!

The High Steward, Sir Bob Russell, addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He noted that £100,000 had been allocated for Firstsite and considered that this should be matched with similar funding to the Colchester branch of Age UK. This would enable them to fund their welfare rights team for four years. Over this period, the team would help elderly residents claim £5million of benefits that they were entitled to and much of this money would be spent locally, boosting the local economy. This would help a significant number of elderly residents, many of whom had made a major contribution to the borough and to the nation.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy thanked the High Steward for his comments and highlighted that a new one off grant fund was being set up to provide funding for Strategic Plan priorities, with the decision on the projects to be decided by a public vote. This would be a suitable scheme to put forward for funding. Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, highlighted that the £100,000 of funding for Firstsite would help lever in £1.6 million of funding from the Arts Council and Councillor Feltham, Portfolio Holder for Communities and Leisure, stressed the administration's commitment to the elderly and vulnerable.

Robert Parkes and Claire Brammers of Welcome Refugees Colchester addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). The group gave support to refugees in Europe and had organised a march and petition in support of Colchester hosting refugees. It was heartening that Colchester had agreed to host five refugee families. In particular, the group was encouraging organisations and individuals to pledge support for refugees and had been inundated with offers. They encouraged Cabinet to consider what it could pledge. This would help reassure the public and dispel fear. They asked the Cabinet:

- What else they could do to assist the Council in welcoming refugees;
- What the Council would do to encourage other authorities to follow its example;
- If the relocation was successful, would the scheme be extended to welcome others to Colchester.

Councillor Bourne, Portfolio for Housing and Public Protection, expressed her support for their work and explained that the group could set up a Go Fund page to enable pledges and support to be given online. In addition it could consider extending the support given through the pledge wider than the five families Colchester had agreed to host. Colchester was keen to encourage other authorities but felt that the example of groups such as Welcome Refugees would be instrumental in persuading them to take action. Should the scheme be successful it was likely that it would be extended.

Councillor Frame, Portfolio Holder for Economic Growth and Planning, pledged to encourage businesses in Colchester to take new employees from refugee families, dependant on their skills.

44 2016/17 Revenue Budget, Fees and Charges, Capital Programme and Financial Reserves

The Assistant Chief Executive submitted a report a copy of which had been circulated to each Member together with minute 33 of the Scrutiny Panel meeting of 10 November 2015.

Councillor Cory, Portfolio Holder for Resources, introduced the report and highlighted that the budget proposals as they stood would enable the Council to provide responsive and flexible services, whilst still freezing Council Tax for the sixth year running. The review of the current year's budget had showed a net underspend of £167k and additional income of £464k which would be used to support a number initiatives, including the a fund of £200,000 to support projects in line with Strategic Plan priorities, which would be determined by a public vote. The growth items were also highlighted, in particular the SOS Bus, the cross service team established to deal with welfare reform and the waste service.

RESOLVED that:-

- (a) The current 2016/17 revenue budget forecast which at this stage shows a budget gap of £94k and the forecast variables and risks be noted.
- (b) The funding proposals for the team to support welfare reform as set out in paragraph 7.8 of the Assistant Chief Executive's report be agreed.
- (c) The action being taken to finalise the budget be noted.
- (d) The current budget forecast for 2015/16 as set out in section 5 of the Assistant Chief Executive's report and £510k be allocated from the forecast outturn position as set out at paragraph 5.2 of the Assistant Chief Executive's report.
- (e) The position on the capital programme be noted.
- (f) The 2016/17 taxbase be agreed by the Section 151 Officer in consultation with the Portfolio Holder for Resources.
- (g) The distribution of revenue grant to Parish, Town and Community Councils for 2016/17 as set out at Appendix C of the Assistant Chief Executive's report be agreed.
- (h) The funding for voluntary welfare organisations and arts grants as set out in Appendix D and E of the Assistant Chief Executive's report be agreed.

(i) All fees and charges as set out in Appendix H of the Assistant Chief Executive's report be agreed and authority be delegated to Heads of Service the authority to vary fees and charges in-year as set out in section 14 of the Assistant Chief Executive's report.

RECOMMENDED TO COUNCIL that the changes to the Treasury Management Strategy set out at paragraph 15.4 of the Assistant Chief Executive's report be approved.

REASONS

The Council is required to approve a budget strategy and timetable in respect of the year 2016/17.

The Assistant Chief Executive's report relates to the budget update, a review of balances and the capital programme. The report also includes decisions in respect of fees and charges and certain specific budget changes to ensure that these can be reflected in the final budget.

ALTERNATIVE OPTIONS

There are different options that could be considered and as the budget progresses changes and further proposals will be made and considered by Cabinet and in turn Full Council. The separate appendices showing specific decisions include alternative options where relevant.

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45 Local Council Tax Support 2016/17

The Head of Customer Services submitted a report a copy of which had been circulated to each Member together with minute 29 of the Scrutiny Panel meeting of 10 November 2015.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet. The changes proposed to the scheme were useful and helpful. However, it was disappointing that the opportunity had not been taken to include a residential qualification in the scheme so that claimants would need to have been resident for three years in the borough before being eligible to claim. This would limit the assistance given to those who moved to Colchester just to benefit from the scheme.

Councillor Cory, Portfolio Holder for Resources, explained that Tendring District Council had tried to include such a residential qualification in their scheme, but it had been declared illegal and their scheme was now in difficulties. He commended the scheme to

Cabinet. It was the best scheme in Essex and went as far as it could in supporting residents. He thanked officers for their work in bringing the scheme forward.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, and Councillor Graham, Portfolio Holder for Street and Waste services, expressed their support for the scheme. It was jobs and economic prosperity that attracted people to Colchester, rather than the opportunity to claim Council Tax support.

RESOLVED that the proposals set out in the Head of Customer Services' report in respect of the Local Council Tax Support Scheme for 2016-17 be agreed.

RECOMMENDED TO COUNCIL that the Local Council Tax Support Scheme 2016-17 be approved and adopted.

REASONS

Colchester Borough Council implemented a Local Council Tax Support scheme from 1st April 2013.

Legislation requires that following public consultation, amendments to the scheme for 2016/17 need to be agreed by Full Council before 31st January 2016.

It is recommended to bring the scheme in line with national legislative amendments and to propose the following changes:

- Limit backdating of working age Local Council Tax Support applications to four weeks
- Increase applicable non dependant deductions from £11 to £12

All other fundamental features of the scheme, other than those described above, are proposed to remain unaltered.

ALTERNATIVE OPTIONS

(a) The following proposal has been considered but will not be included in the proposed scheme:

Setting a Minimum Income level for Self Employed Persons for working age residents

Consultation proposals included an option to introduce a minimum earned income figure for those who are self-employed which is in line with the United Kingdom minimum wage for 16 hours worked. Modelling indicates this would reduce scheme provision by £148,278.

(b) The alternative option of setting a minimum income floor has not been included, taking into account the following considerations:

Maintaining the current assessment basis of self-employed persons would provide further stability for this resident basis in terms of burgeoning businesses.

Fundamental changes in the treatment of self-employed persons would lead to a disproportionate burden being placed on this resident base.

46 Officer Pay Policy Statement for 2016-17

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

Councillor Cory, Portfolio Holder for Resources, introduced the report and highlighted the Council's commitment to pay the National Living Wage, which was higher than the compulsory National Living Wage being introduced in April 2016.

RECOMMENDED TO COUNCIL that the Officer Pay Policy for 2015/16 be approved and adopted.

REASONS

The Localism Act requires "relevant authorities to prepare, approve and publish pay policy statements articulating their policies towards a range of issues relating to the pay of its workforce, which must be approved by full Council by 31 March 2012 and annually thereafter. An authority's pay policy statement must be approved by a resolution of that authority before it comes into force".

ALTERNATIVE OPTIONS

The only alternative would be to not recommend the approval of the Pay Policy Statement, but that would be contrary to the requirements of the Localism Act.

47 Trade Union Bill

The motion on the Trade Union Bill that stood referred to Cabinet by Council at its meeting on 21 October 2015 was considered by Cabinet. Cabinet had before it a copy of the minute of the debate from Council on 21 October 2015.

Councillor Smith, Leader of the Council and Portfolio Holder for Council, indicated that the Cabinet would determine the motions referred to it at Council in line with the views of Council. It had asked that the Constitution be reviewed so that motions on which Council had expressed a view would no longer need to be referred to Cabinet.

RESOLVED that the motion be approved and adopted.

REASONS

Cabinet determined the motion in line with the views of Council.

ALTERNATIVE OPTIONS

It was open to Cabinet not to approve the motion.

48 Right to Buy for Housing Association Tenants

The motion on the Right to Buy for Housing Association Tenants that stood referred to Cabinet by Council at its meeting on 21 October 2015 was considered by Cabinet. Cabinet had before it a copy of the minute of the debate from Council on 21 October 2015.

RESOLVED that the motion be approved and adopted.

REASONS

Cabinet determined the motion in line with the views of Council.

ALTERNATIVE OPTIONS

It was open to Cabinet not to approve the motion.

49 Cleaning Up Colchester's Air

The motion on Cleaning Up Colchester's Air that stood referred to Cabinet by Council at its meeting on 21 October 2015 was considered by Cabinet. Cabinet had before it a copy of the minute of the debate from Council on 21 October 2015.

RESOLVED that the motion be rejected.

REASONS

Cabinet determined the motion in line with the views of Council.

ALTERNATIVE OPTIONS

It was open to Cabinet to approve the motion.

50 Nomination for Deputy Mayor 2016-17

Consideration was given to the appointment of the Deputy Mayor for the Municipal Year 2015-16.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet to propose that Councillor Peter Chillingworth be nominated as Deputy Mayor for the 2016-17 municipal year. The Deputy Mayor was traditionally nominated on the basis of a blend of length of service and party affiliation, with the larger groups taking it in turns to propose their longest standing member who wished to serve. Therefore the Conservative group would look to make a nomination every other year. An exception had been made in 2015-16 to nominate Councillor Julie Young. It should therefore now be the Conservative Groups turn to nominate the Deputy Mayor. Councillor Chillingworth was an excellent candidate with a long history of service including holding positions as Portfolio Holder and Chairman of Planning Committee and had represented the Council on a number of outside bodies.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, stressed that the Mayoralty was not the preserve of any party and was rotated. Now there were four groups on Council, all should be considered equally. There were no nominations from the Liberal Democrats or Labour Groups, but the Highwoods Group had nominated Councillor Gerard Oxford. In the circumstances he believed that length of service should be the deciding factor.

The Monitoring Officer confirmed that the length of service of the two candidates was as follows:-

- Councillor G. Oxford, 15 years service
- Councillor Chillingworth: 13 years service

On that basis, whilst he stressed that both candidates would make excellent Mayors, Councillor Smith proposed Councillor Gerard Oxford be nominated as Deputy Mayor for the 2016-17 municipal year.

Councillor Gerard Oxford thanked Cabinet for his nomination.

RECOMMENDED TO COUNCIL that Councillor Gerard Oxford be nominated for appointment as Deputy Mayor for the Borough of Colchester for the 2016-17 Municipal Year.

51 Calendar of Meetings 2016-17

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

RESOLVED that:-

- (a) The draft Calendar of Meetings for the next municipal year from May 2016 to April 2017 be approved.
- (b) Authority to cancel meetings be delegated to the Chairman of the relevant Committee/Panel in conjunction with the Assistant Chief Executive.

REASONS

The Calendar of Meetings needs to be determined so that decisions for the year can be timetabled into the respective work programmes and the Forward Plan.

Advance notice of the Calendar of Meetings needs to be made available to external organisations, parish councils and other bodies with which the Council works in partnership and to those members of the public who may wish to attend meetings of the council and make representations.

The meeting rooms also need to be reserved as soon as possible so that room bookings can be made for private functions by private individuals, external organisations and internal Council groups.

A formal arrangement needs to be in place for the cancellation of meetings that no longer need to be held.

ALTERNATIVE OPTIONS

This proposal has been largely devised based on the current meeting structure and frequency. It would be possible to devise alternative proposals using different criteria.

52 Progress of Responses to the Public

The Assistant Chief Executive submitted a progress sheet a copy of which had been circulated to each Member.

Councillor Graham, Portfolio Holder for Resources, provided an update on the issues raised by Stuart Bond on the reversal of the traffic flow on Priory Street. Despite a number of requests, Essex County Council had not provided reasons or evidence in support of the proposal. Therefore the Borough Council would be responding to the consultation to oppose the reversal of the traffic flow.

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.

53 Essex Building Control Shared Service - Host Bid

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 any particular person, including the authority holding that information.)