

SCRUTINY PANEL

25 January 2022

Present: -

Councillor Cory (Chair)
Councillor Bourne, Councillor Chapman, Councillor
Loveland, Councillor Whitehead, Councillor
Willetts, Councillor Wood

Substitutions: -

Councillor McCarthy for Councillor Barton

Also present: -

Councillor Dundas, Councillor Lissimore,
Councillor B Oxford

327. Minutes of previous meeting

RESOLVED that the minutes of the meeting held on 14 December be approved as a correct record.

328. Portfolio Holder Briefing from Councillor B. Oxford [Communities]

Councillor Martyn Warnes attended and, with the consent of the Chairman, addressed the Panel to raise his concerns regarding graffiti, its removal and enforcement against those responsible. Councillor Warnes noted areas which were suffering and argued that tagging/graffiti should not be tolerated. Five tags had recently appeared widely, with one having been seen already some time previously. Councillor Warnes had been told that tags were not recorded or investigated due to a decision that this was not a proportionate use of Police resources, even though senior Council management had given assurances that tags were logged and used to identify perpetrators. No fines had been issued for graffiti in the current year which, Councillor Warnes argued, invited more graffiti and tagging due to no enforcement. Councillor Oxford, Portfolio Holder for Communities, was asked when action would be taken to tackle and deter graffiti.

The Portfolio Holder explained that she had been told that the Police did record tags for identification and enforcement purposes. She promised to raise this with the Police and ascertain why this was not being done, if it was not being done, given that Councillor Warnes had been told this. She would work with him to take this forward.

The Portfolio briefed the Panel on the main areas of work within her portfolio. This included the three Green Flag awards gained for Castle Park, High Woods Country Park and the Cemetery/Crematorium. These spaces had been maintained to high environmental standards and to high standards for visitor experiences and were regularly checked to ensure standards remained high. £25,000 of capital funds and £3,000 Section 106 money had been allocated to improvements and compliance

work to the visitor centre at High Woods Country Park, including new automatic doors.

The Greening Policy meant that glyphosate herbicide was no longer used by the Council, except by direct injection to Japanese Knotweed and Hogweed. Colchester Borough Homes was likewise phasing out its use. Additional sites had been found to rewild or to be set as 'no-mow' areas and for wildflower planting in order to promote biodiversity.

98 Fixed Penalty Notices [FPNs] had been issued since April 2021, with 65 already paid.

Work was being carried out on systems to make it easier for members and the public to report problems, specifically on the 'Responder Two' system under development. This system aimed to make issue reporting more efficient and to be more reactive to problems reported and the Council had received £268k funding from central government to cover development costs.

The Council had invested in training on a range of matters, including on matters relating to the Police and Criminal Evidence, enforcement, manual handling and leadership/management skills. Mental health first aid courses were also being given for front-line staff.

The Bin Policy and use of technology had helped to make rubbish collection routes more efficient, whilst 'smart' bins were being invested in, which were equipped with photovoltaic panels, compacting functionality and sensors to report when they needed to be emptied. Litter picking hubs had been set up to provide litter pick kits for residents/'litter warriors', including gardening gloves and sacks for green waste.

A second Karcher cleaning machine had been purchased and was to be used primarily for the removal of graffiti and tags.

The Crime Prevention Strategy had been launched in November 2021 and the Council was working with partners such as the Police, the Police Fire and Crime Commissioner, the County Council, Safer Colchester Partnership, voluntary organisations and the Probation Service. The Portfolio Holder summarised the aims and priorities of the Safer Colchester Partnership, which currently prioritised work to tackle organised crime/county lines/gang crime, hidden harms (including domestic violence and abuse) and antisocial behaviour.

The Council continued to operate Covid-19 Marshals, providing advice and assisting the Police in enforcement work. The Council had won funding to assist with its work on Covid precautions and safety, including to support refugees being helped within the Borough.

The Council also continued to work with the Police on tackling and reducing the spiking of drinks.

The Portfolio Holder was asked about the increases in charges for the services of the Crematorium and Cemetery and concerns that this would make them

uncompetitive, especially in light of increases in the cost of living. The Portfolio Holder explained that this had been a very difficult decision to have to take and gave assurance that she was also concerned about the increase in charges. It was explained that these had been rendered necessary by the increase in the cost of providing these services, including in energy costs. The Portfolio Holder argued that it would have been even more costly if the Council had waited until a later time to increase their charges, noted the investments made to improve services and that some other local authorities had raised their charges by up to 20%.

The Panel asked for details of the Council's consultation and plans regarding the Eudo Road tennis courts. The inclusion of all members in this was praised and a request made for local ward councillors to be kept informed of developments. The Panel were given assurance that the Council had plans for continued use of the Eudo Road site, including for new sports such as Padel [padel tennis].

The Portfolio Holder was asked to give an estimated time as to when Responder Two was expected to go live. The Portfolio Holder explained that there was no information yet on an expected 'go live' date but that she would obtain and share this information.

A Panel member queried why five litter bins had been removed from Eudo Road and whether and when these would be replaced. The Portfolio Holder asked for the member to share with her the details and pledged to pursue this. The Panel were informed that some bins had been removed in areas where they had attracted fly tipping. This issue was discussed, and differing views expressed as to whether increasing the number of litter bins was automatically the best course of action. One member noted that the removal of some bins in Dedham had reduced the amount of fly tipping recorded.

The Portfolio Holder was asked for more detail on how the Council was encouraging people not to litter. The Portfolio Holder explained that Council enforcement officers had to be present when littering occurred if they were to be able to issue FPNs. Campaigns were being run but the main challenge was to affect the behaviour of the hardcore of the minority who littered. A Panel member argued that some areas still experienced persistent problems with littering and street cleaning and that it would make more sense to clean these more regularly, instead of depending upon residents reporting when the situation was particularly bad. The Portfolio Holder explained that the Council recorded and monitored litter hotspots needing more attention. It was important to identify where fly tipping was an issue and then seek to prosecute.

Regarding sites for new 'no mow' areas, the Portfolio Holder was asked what was done to allow residents to identify and suggest areas where they thought this would be desirable. Members were advised that residents should inform their ward councillors, or her directly, of any sites they felt should be made 'no mow' areas so that members could communicate this with Cabinet. A Panel member suggested that 'naturalising' (e.g. of verges) was a better term to use than 'rewilding.'

A Panel member asked whether there was a policy in place to help guide people in showing where there was a need for public toilets, and to request these be provided.

The Portfolio Holder asked Councillor Nigel Chapman if an application had been submitted for public toilets to be installed at the Dedham car park. It was confirmed that this application had been made and the Portfolio Holder agreed to provide an update to Councillor Chapman on this.

Information was requested on the situation regarding allotments and whether there was a waiting time for allotments to be allocated. The Portfolio Holder informed the Panel that there was no waiting list for allotments and the Council planned to provide an online portal for people to see what was available and to apply for allotments. This was being pursued with officers to get it running and was a work in progress.

Questions were asked regarding the political interface with partnerships and partners. The previous administration had set up 'Team 10' with the Police, which had been successful in improving the Town Centre. A Panel member raised concern that, under the current administration, there were no visible patrols and there had been an increase in crime. The Portfolio Holder was asked what the Cabinet was doing to help make Colchester safer, and how liaison work with business partners (including COLBAC [Colchester Business Against Crime] and the Lion Walk management company) was proceeding, specifically with supporting economic recovery and on tackling crime. The Portfolio Holder informed the Panel that she received regular briefings from Chief Inspector Rob Huddleston, Police District Commander, and Nights of Action were held in cooperation with the Police, Street Pastors and Neighbourhood Wardens.

The Police had been praised for their work to tackle spiking, working with door staff at venues. The 'Keep Safe at Night' campaign had been set up to promote safety advice for nights out. Meetings with businesses had tapered off at the end of 2021 but the Portfolio Holder affirmed her readiness to work with any partners who wished to cooperate, and confirmed that she continues to participate in meetings of the One Colchester Partnership.

An update was requested on the improved CCTV system implemented by the previous administration, and on plans to share radio and camera functions and information with the Lion Walk/Culver Square management company. The Panel were informed that cooperation was occurring regarding CCTV coverage but that data protection issues limited what could be shared. The Council's system was now very advanced, and the Portfolio Holder recommended that members should seek a time to view the operations centre.

The future of the Colchester market was discussed, and the Portfolio Holder briefed the Panel on its operation. She had toured the market prior to Christmas and talked to the traders to gain their views. Trade had been hit by Covid-19 but no problems had been raised with the current location. The Council provided traders with free hessian bags and the market seemed to be picking up business once again. The Portfolio Holder offered to seek information on any investments in infrastructure and provide this to the Scrutiny Panel.

The Chairman thanked Councillor Oxford for participating in the meeting.

329. Budget 2022/23, Capital Programme and Medium-Term Financial Forecast

Councillor Martyn Warnes attended and, with the consent of the Chairman, addressed the Panel to ask for clarification regarding content relating to papers presented on the Medium-Term Financial Forecast [MTFF]. A report presented to Full Council on 20 October 2021 outlined assumptions for 2022-26 regarding take up of the Local Council Tax Support Scheme [LCTS Scheme] and gave an assumption that this would rise by 12.5% over those four years. Compared to this, the report before Scrutiny Panel lists the assumed take up as increasing by 12.5% year-on-year for each year from 2022-23 to 2025-26 [MTFF assumptions, page 28]. Councillor Warnes queried if this was an error and that it should show a 12.5% increase assumed across the total four-year period.

Paul Cook, Head of Finance, explained that the 12.5% increase shown in the table on page 28 showed the total expected increase in uptake of the LCTS Scheme over the next four years, compared to pre-Covid levels, and was not meant to denote an expectation that the Scheme's uptake would increase by 12.5% each year, year on year, through 2022-26. The Chairman asked the Portfolio Holder to provide clarification to the Panel, when and if possible, and welcomed information provided to explain the pressures which were likely to increase uptake of the LCTS Scheme and welcomed that the Scheme's provisions were to be maintained at their current levels.

Councillor Sue Lissimore, Portfolio Holder for Resources and Deputy Leader of the Council, welcomed comments and questions from the Scrutiny Panel.

Praise was given for the usefulness of the budget workshops which had been held for members. These allowed members to go over subjects such as changes to Minimum Revenue Provision [MRP] and the likely impacts.

A Panel member raised a question regarding the capital financing line of Appendix A [page 28] and its predicted drop from 2023-24 to 2025-26. An explanation was sought for this drop and of the impact this was likely to have. The Head of Finance explained that the capital financing cost was re-examined each year when the Capital Programme was being set. This cost was a combination of new schemes and the reprofiling of already approved schemes. The figures given for 2023-24 and 2024-25 showed additional capital financing costs, which were expected to reduce slightly in 2025-26. A more detailed calculation could be produced for the Panel, if this were to be requested. The Portfolio Holder for Resources highlighted the uncertainties, which included inflation levels and possible future Covid measures, and thanked the officers for their work on preparing the draft Budget.

The Panel discussed the Administration's stated aim to reduce use of New Homes Bonus [NHB] funds and noted the increase detailed for this year. The Portfolio Holder was asked what this was to be used for and how the expected £1m gap expected for the next year was to be covered, following the £2m committed for this year. The Portfolio Holder explained that she did not agree with some past uses of NHB funds and wanted to ensure these were committed to the type of projects which were appropriate, helping areas to mitigate the negative effects of new residential

developments. It was not possible to give specific examples at this point. The Head of Finance noted that an analysis of the £2m committed for 2022-23 was given in Appendix H.

A Panel member stated that the previous administration had not included some detail on future funding in their last budget and had been criticised. A comparison was drawn to the draft Budget for 2022-23, where similar details were again not present. It was asked if this would only become available once the chance for scrutiny was past. The Portfolio Holder understood this frustration but argued that the Panel's role was to gain confidence that the figures within the draft Budget were correct, rather than to question how spending was allocated.

The Panel asked what the main risks relating to the revision of spending needs assessments were, and what mitigations were being put in place. The Head of Finance informed the Panel that these assessments had last been reviewed in 2012 and had become outdated. The main driver of change was the 'Levelling Up' agenda of central government. A significant consultation was expected in the lead up to the 2024-25 settlement agreement. The 2022-23 local government settlement included protections on base elements of the settlement, excluding one-off components such as the NHB. The Portfolio Holder explained that it was not yet known what the 'Levelling Up' agenda would entail. There were areas of the Council's work which would really benefit from extra funding and the Administration would do its best to ensure all areas benefit.

The Portfolio Holder was asked about the £623k allocated for one-off schemes in 2022-23, as shown in Appendix H.

The Panel discussed previous central government encouragements for local authorities to derive greater value from their assets, resulting in many authorities refocussing on commercial operations. The current approach of the Ministry of Housing, Communities and Local Government was said, by one Panel member, to seem to want to punish those councils which had done this. The Portfolio Holder was asked to explain how discussions with central government had gone and how other councils with wholly-owned companies were faring. The Portfolio Holder informed the Panel that the Administration had been concerned that some other councils were not as concerned about this as Colchester Borough Council was. Some finance officers of other authorities were not willing to discuss their situations and views as openly as those of the Council. Responses to the consultation on this needed to be submitted by the second week of February and the Council was waiting to see if the Government changed its approach and planned to submit a response nearer to the deadline date. A response was also expected from a group of finance officers from the local area.

The Panel requested more information on the planned £250k spending on feasibility costs, and the £250k allocated for 'support to Tendring Colchester Borders and Local Plan.' The Portfolio Holder gave assurance that this reflected that the Council was being proactive regarding the Tendring/Colchester Borders project, allocating funds for officer time and other spending to ensure that this would go well, if it proceeded. Regarding feasibility costs, these were for a range of different projects, with details to be made public over time.

The Panel considered the expectation that Council Tax levels would rise over time, with a Government review indicating this would likely rise by 9%-10% by 2024. It was asked whether the Administration expected that Council Tax income would rise due to increasing population levels in the Borough and whether there were any plans to try to retain more Council Tax funds locally, rather than seeing it go to Essex County Council. The Portfolio Holder gave assurance that the Administration wished to retain as much Council Tax income locally as possible, but argued that the need for these funds at Essex County Council, especially for adult social care, was huge. Explanations were given for the expected increases in Council Tax levels, linked to increasing needs and pressure on services, including increased lifespan of residents. Around 80% of the County Council's income from Council Tax was spent on adult social care. A Panel member suggested that this indicated a need for the restoration of central government grants and argued that the levels of fraud being reported in central government could be used as a reason to lobby for better use of public money locally rather than centrally.

330. 2022/23 Housing Revenue Account [HRA] Estimates and Housing Investment Programme

Councillors Bourne and Chapman (by reason of serving as Board Members of Colchester Borough Homes) declared non-pecuniary interests in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (5).

Darren Brown, Finance Manager (Business Partners) laid out the reports to be submitted to Cabinet on 26 January 2022. These included next year's rent increases, which were in line with Government Policy, and the trading position of Colchester Borough Homes [CBH]. The Asset Management Strategy was currently being finalised.

The Finance Manager highlighted that section 5.27 of Appendix A indicated how easy or difficult it would be to meet the interest cost of HRA debt. Appendix B highlighted a Capital Investment Programme based on investment needs and showed provisions for work on Elfreda House and the refurbishment of sheltered housing.

Questions were asked regarding the investment being made in the Shrub End Depot, and how this was working. A Panel member noted that no investment was reported as coming from Essex County Council [ECC] and it was asked whether there were better ways in which to use the site. The Portfolio Holder explained that essential investment had been allocated for Council operations on the site, but this did not affect ECC operations, hence no investment from ECC listed here. The Portfolio Holder had met with the Environment Portfolio Holder at ECC to see how the site could move forward. These discussions were on hold, pending details of the forthcoming Environment Bill, but communications with ECC had improved. It was vital to ensure that the site is as environmentally sustainable and productive as possible, and much work was in motion to seek improvements. Investments were being made in such a way as not to be wasted if changes were to be made in the future.

The Panel praised the high level of detail in the reports provided, stating that these were laid out in a way that was helpful for non-experts to understand.

The continued building of housing by the Council was welcomed and Panel members noted that the Housing Investment Programme looked sound as did the Council's debt profile.

A Panel member underlined the importance of CBH, both in its day-to-day work and also in project management with the Council's other wholly owned companies. A strong Council/CBH/Amphora Companies relationship was extolled, and a Panel member urged the Administration to make the most of CBH's services and capacity, to help offset costs facing CBH and make use of their expertise in project management, with social value and environmental impact being important issues. The Portfolio Holder gave assurance that CBH were always considered, but cautioned that projects had to be commercially viable and that the Council and its wholly owned companies always awarded work to the best bidders. The Portfolio Holder was urged to invite CBH to bid for all appropriate contracts and to ensure that constructive feedback was provided where their bids for work were not considered to be the best value for money. The Portfolio Holder agreed with this approach.

The Panel considered changes to 'Right to Buy' receipts introduced in the previous year, including the ability to use a portion of receipts on new shared-ownership homes. A Panel member asked if there were any plans to make use of new ways to potentially use 'Right to Buy' receipts. The Portfolio Holder advised the Panel to raise this question with Councillor Andrew Ellis, Portfolio Holder for Housing and Planning, when he appeared before the Panel.

RESOLVED that the Scrutiny Panel has reviewed and accepted the 'Housing Revenue Account Estimates 2022/23' and 'Housing Investment Programme (HIP) 2022/23' reports and recommends that Cabinet approves the recommended decisions noted within them.

331. Recommendations from the Scrutiny sub-group on Youth Zones

The Chairman explained that the sub-group had held two meetings to explore how to support the aspirations for the placing of a new Youth Zone within the Borough. The Chairman had communicated with officers at the Council, County Council, and partners from the Town Deal Board. He had also arranged a tour of the County Council's Youth Services site at the Town House in Colchester. The recommendations listed were summarised.

The recommendations were discussed, along with the widespread views in favour of Youth Zone provision and the challenges and difficulties which this presented. The talk of partnership working with One Colchester Partnership and others was welcomed, but a suggestion was made that the recommendation relating to this be amended to use stronger wording to ask One Colchester to provide concrete plans to deliver a Youth Zone by a set date. It was also moved that the ambition to provide a Youth Zone by 2030 be amended to replace '2030' with '2027'.

Pam Donnelly, Strategic Director of Customer and Relationships, informed the Panel that the One Colchester Board was due to meet on 26 January 2022 and agreed to raise this subject with the Board. It was restated that the Council was not the statutory provider of youth services, but assurance was given that the Council could have a significant influence on the creation of an environment where a Youth Zone would be possible and could work with the charity Onside, who worked on supporting the setting up and acquiring of funding for these facilities. The One Colchester Board had much sympathy for aspirations for a Youth Zone. Youth engagement was wanted and would reduce antisocial behaviour and improve health outcomes. A Youth Zone would, however, be dependent on the support and leadership of statutory partners.

RESOLVED that the sub-group recommendations be accepted, with the amendment of Recommendation Three to delete '2030' and replace this with '2027'.

RECOMMENDED to CABINET that Cabinet consider and approve the following points and recommendations put forward by the sub-group on Youth Zones: -

- (a) The sub-group is disappointed at the missed opportunity to provide a Youth Zone for Colchester via the Town Deal but accepts that a Youth Zone will not form one of the Town Deal projects.
- (b) The sub-group recommends that, in the short- to medium-term, the Council cooperates with Essex County Council to boost youth services throughout the Borough, such as those at the Town House, supporting these and an increase in outreach activities.
- (c) It was noted that the aspiration for a Youth Zone had cross-party support in principle. The sub-group recommends that an ambition be maintained for a Youth Zone to be completed in Colchester Borough by 2027.
- (d) It is recommended that the Council continue to engage with Onside to outline the Council's ambitions and expectations, and to understand Onside's criteria for optimum site selection and critical issues for inclusion in a business case for a Youth Zone serving Colchester Borough.
- (e) It is also recommended that the Council engages with the One Colchester Partnership to take the ambition of a Youth Zone from principle to reality, including ways to gain contributions from partners.
- (f) The sub-group is convinced that, for a Youth Zone to successfully serve the whole Borough, the concomitant public or project-specific transport plan for the proposed location must be comprehended, costed and funded to guarantee that a future Youth Zone in the Borough is accessible to all.

332. Work Programme 2021-22

It was confirmed that all of the business cases for Town Deal projects were expected to come to the Panel for scrutiny at its meeting scheduled for 15 February 2022.

Executive Management would provide high-level summaries of each business case, circulated in advance, and it was expected that substantial time would be allocated for the scrutiny of these. A Panel member raised concern that not enough time was available for full scrutiny of these projects, which involved a total of over £18m Town Deal funding. It was suggested that more time would be needed, if the Panel were to go into detail.

Pam Donnelly, Strategic Director of Customer and Relationships, agreed that the Panel should expect this to be a long session of scrutiny, given its scope, impact size and level of detail. Work had been done to produce strong business cases and the Executive Management Team of the Council were confident that there were no causes for concern. The timescale within which scrutiny of the business cases was to occur was outlined.

RESOLVED that the Work Programme for 2021-22 be approved.

333. Resetting the Capital Programme and the Capital Strategy Confidential Appendix

The Scrutiny Panel 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.

The Chairman asked if the Panel had any questions regarding this Appendix. No questions were raised.