

CABINET 8 June 2016

Present: - Councillor Smith (Chairman)
Councillors Bourne, Cory, Feltham, Frame, Graham,
Lilley, B. Oxford and T. Young

Also in attendance: - Councillors Barton, Barlow, Coleman, Cope, Davidson,
Davies, Hazell, Laws, G. Oxford, Scordis, Scott, Willetts
and Wood

76. Minutes

RESOLVED that the minutes of the meeting held on 16 March 2016 be approved as a correct record.

77. Have Your Say!

Councillor Laws addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) about the Roman Walls. He welcomed the extra resources allocated to the Roman Walls but reiterated his desire to see the walls lit in the evenings, particularly the west walls. He also asked that the scheme whereby stones that fell from the wall could be handed in at the Castle and then reused in future repairs, be reintroduced. Also, given the scale and the perpetual nature of the works, he asked whether there would be scope for the contractor to train an apprentice stone mason. This would provide a local person with an excellent opportunity and develop a key skill within the borough.

Councillor Young, Portfolio Holder for Culture and Regeneration, indicated that he would consider the suggestions made by Councillor Laws. Lighting the walls was under consideration but this would involve significant resources.

Trevor Orton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He expressed his concern about the state of the town centre which he believed to be dirty. He was particularly concerned about the condition of the pavements and places where rubbish was piled up. When he had reported his concerns he had been told the Council only had two street cleaning machines, one of which was broken. He contrasted the situation in Ipswich where the streets were cleaned regularly. He also noted that a plate in the Town Hall clock was missing.

Councillor Cory, Portfolio Holder for Resources, highlighted that repairs to the Town Hall clock would be progressed shortly. Councillor Lilley, Portfolio Holder for Safer

Communities and Licensing, indicated that he would raise Mr Orton's concerns with the zone managers. Councillor T. Young, Portfolio Holder for Culture and Regeneration, stressed the need for the Council to educate residents and visitors to prevent littering. However, he did not accept the criticisms made about the state of the town centre. He asked that the comments made in response to Mr Orton's comments be investigated.

Councillor Hazell addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). She called on the Portfolio Holder to submit a supplementary response to Essex County Council's consultation on children's centres. Evidence on the indices of multiple deprivation were missing from the supporting evidence submitted with the original response. It was important this was addressed in order to make the strongest possible case to Essex County Council.

Councillor Feltham, Portfolio Holder for Business, Leisure and Opportunities, indicated that the administration would be giving a greater emphasis to deprivation. She would be happy to consider submitting further evidence and invited Councillor Hazell to provide her with the information she wished to be submitted.

78. Mercury Theatre Redevelopment

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

Steve Mannix, Executive Director of the Mercury Theatre and Daniel Buckroyd, Artistic Director of the Mercury Theatre, made a presentation to Cabinet setting out the success of the Mercury in terms of audience numbers and the contribution it made to the local economy. They highlighted the Mercury's ambitions to grow its audience and improve the physical infrastructure of the theatre. This would be funded through funding from the Arts Council, Colchester Borough Council and Essex County Council and through public fundraising by the Mercury. The funding from the Arts Council would be released in two stages, with the first stage being an award to enable a detailed bid for the next stage of funding to be prepared.

Councillor Davies attended and with the consent of the Chairman, addressed the Cabinet. Whilst the report did not fully set out all the work that would be covered by the Stage 1 funding, she was happy to support the proposals.

Councillor T. Young, Portfolio Holder for Culture and Regeneration, thanked Steve and Daniel for their presentation. There had been no major investment in the building since it had been built. The theatre was a wonderful advert for Colchester and attracted visitors and generated tourism. It also provided valuable outreach work. The proposals enjoyed cross party support.

Cabinet members also expressed their support highlighting the quality of the Mercury's artistic work and its success as a business. This meant that the further investment in the Mercury was low risk and was likely to generate significant economic and social benefits. The improvements to the sustainability of the building were also emphasised. In response to questions from the Cabinet, it was explained that the Mercury was looking at how it could continue to hold performances in Colchester whilst the theatre was closed, including

possibly holding productions in the Castle Park.

RESOLVED that authority be delegated to the Chief Operating Officer in consultation with the Portfolio Holder for Culture and Regeneration to spend the Stage One funding to enable the Stage Two Bid to be submitted in the appropriate time scale.

REASONS

The Council has been successful in obtaining Stage One funding of £478,730 from the Arts Council to enable it to make a detailed bid for additional funding of £3.5m from the Arts Council for a redevelopment of the Mercury.

The total cost of the redevelopment is £9m and is also supported by a direct contribution of £1m by Colchester Council and £1m from Essex County Council. The Mercury has a fund raising target of £1.8m.

At this point Arts Council have awarded £478,730 of funding to enable a detailed bid for the next stage of funding.

The Council is the project owner as the building is owned by the Council and the Stage One funding will be given to the Council.

Delegating the spend of the Stage One money will allow the project to move forward to the required time scales.

ALTERNATIVE OPTIONS

Not to delegate the authority to spend which could put a higher risk around timescales as the Stage Two bid has to be submitted within eighteen months of notification of Stage One Money.

79. Repairs to Roman Walls

The Head of Commercial Services submitted a report a copy of which had been circulated to each Member.

Philip Wise, Heritage Manager, made a presentation to Cabinet setting out a brief history of the walls, the Management Plan and the past programme of repairs. Maintaining and repairing the walls would maintain an important part of Colchester's heritage, reduce damage to the walls from the elements and reduce the costs of future maintenance. It was proposed that once the large programme of repairs outlined in the report was complete, there would be a series of smaller projects in future years.

Councillor Cory, Portfolio Holder for Resources, explained that the significant investment in the walls demonstrated the administration's desire to support and protect heritage. Councillor T. Young, Portfolio Holder for Culture and Regeneration, highlighted the level of investment in the Roman Walls since the administration was formed. This played a significant role in generating tourism and he thanked the staff involved for their work.

RESOLVED that:-

- (a) The repairs to the Roman Walls within Colchester Town Centre be proceeded with.
- (b) A contract be entered into with the successful contractor to undertake the aforementioned works.

REASONS

The Roman Walls that surround Colchester Town Centre are a scheduled ancient monument and Colchester Borough Council as the custodian of these walls has a duty to inspect and periodically repair the same to ensure that the walls remain safe and to limit the deterioration of the structure of the walls as far as is reasonably practicable.

ALTERNATIVE OPTIONS

Decide not to undertake the repairs. However, if these are not undertaken then there is a danger that sections of wall could become unsafe and also that Historic England will withdraw any offers of funding towards future repairs.

80. SEAX Essex Building Control Shared Service for delivery of Building Control Regulation Service

The Head of Commercial Services submitted a report a copy of which had been circulated to each Member.

Councillor Hazell attended and with the consent of the Chairman addressed the Cabinet to express her frustration about the use of acronyms in the report, which she did not consider gave sufficient information to members of the public about the new shared service.

Councillor Graham, Portfolio Holder for Waste and Sustainability, explained that joining the SEAX Building Control Shared Service would generate efficiencies of approximately £150,000 per annum and provide a more resilient building control service better able to operate in a competitive commercial environment. Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained that working with other Councils in this way to improve services and generate income helped mitigate against the reduction in income from central government.

RESOLVED that:-

(a) Colchester Borough Council join the SEAX Essex Building Control Shared Service with effect from the planned operational launch date of 1 January 2017. This incorporates acceptance of the following:

- Current financial information and projections
- The provisional time scales outlined in the mobilisation plan
- Acceptance of the Partnership Agreement (the governance arrangements), as it stands at the present with only Heads of Terms

(b) Authority be delegated to the Head of Commercial Services in consultation with

Portfolio Holder for Waste and Sustainability to:-

- (i) approve any changes in the Host Authority Business Plan;
 - (ii) sign-off the final version of the Partnership Agreement.
- (c) To appoint the relevant Cabinet Member to the Partnership Management Board.
- (d) A budget provision be agreed for the one-off set-up costs.
- (e) Authority be delegated to the Head of Commercial Services in consultation with the Portfolio Holder for Waste and Sustainability to continue to act as Host Authority based on any changes to the Business Plan - Colchester Borough Council has agreed to host SEAX Essex Building Control and as such all partner authority staff, income and expenditure will move to CBC.
- (f) To note that the other authorities involved in the Shared Service will be required to formally delegate the discharge of their statutory building control function by a resolution under Section 101 of the Local Government Act 1972 and other enabling enactments via the shared service hosted by Colchester Borough Council.
- (g) To note the extensive work undertaken by Trading Board to oversee and guide the delivery of this strategically important initiative.

REASONS

By creating a shared service the Council will create greater resilience in its building control service, create potential savings for the Council, give more effective support to economic development in the district and provide a better service to customers. Colchester Borough Council has agreed to host SEAX Essex Building Control and as such all partner authority staff, income and expenditure will move to CBC.

All local authority Building Control teams are facing a number of issues which are affecting the viability of the service and as a consequence Colchester Borough Council has been working with six other partner Authorities across Essex with a view to forming a single Building Control shared service, hosted by Colchester Borough Council that will, through the benefits of scale, be better able to tackle these issues.

The outcomes of the work to date demonstrate a clear case for change and the potential to create savings for the partnering Authorities by developing a collaborative working arrangement. A high level Business Case produced by Colchester Borough Council to enable the partnering Authorities: Basildon, Braintree, Colchester, Harlow, Maldon, Tendring, and Uttlesford to present to their respective decision making bodies, for a decision on joining the SEAX Essex Building Control Shared Service. It is envisaged that all Authorities will have a confirmed position by the end of July, with a planned date for the commencement of the service being 1 January 2017.

ALTERNATIVE OPTIONS

- (a) Do nothing

- (b) Restrict the service
- (c) Keep in house and invest

81. Colchester Borough Homes Private Sector Leasing Scheme

The Head of Commercial Services submitted a report a copy of which had been circulated to each Member.

Councillor Bourne, Portfolio Holder for Housing and Public Protection, explained that the Private Sector Leasing Scheme was an innovative response to the growing problem of homelessness, particularly homelessness arising from the private rented sector. Not only had there been a significant increase in the number of applications for homeless households to be rehoused since 2013, the proportion being accepted had grown. As a last resort the Council had had to house some households in bed and breakfast accommodation outside the borough. The Private Sector Leasing Scheme would increase the number of landlords able to provide accommodation to families threatened with homelessness. This would reduce the reliance on temporary solutions such as bed and breakfast accommodation, and would allow households to remain close to existing schools and support networks. The scheme would be managed by Colchester Borough Homes, which would provide reassurance to both landlords and residents.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, and Councillor Feltham, Portfolio Holder for Business, Leisure and Opportunities, expressed their support for the scheme. This was a flexible solution to a problem created by central government policies. Homelessness was a growing problem, despite unemployment falling and economic growth in the borough. This scheme would help those who had no prospect of purchasing their own home. Whilst the Council's preferred solution would be to continue to build Council housing, government policies prevented this.

RESOLVED that:-

- (a) Colchester Borough Council enter into a private sector leasing scheme (the Scheme) for the reasons set out in the Head of Commercial Services report and that Colchester Borough Homes manage the Scheme on behalf of the Council.
- (b) The Council grant non-secure tenancies to tenants occupying properties leased through the Scheme where there is a duty to provide accommodation for people who are homeless or threatened with homelessness.
- (c) Decisions regarding the implementation of the scheme be delegated to the Head of Commercial Services in consultation with the Portfolio Holder for Housing and Public Protection.

REASONS

Under the terms of the Management Agreement with CBH, decisions on future opportunities for CBH to expand or develop services need to be approved by Cabinet.

The Council, as the local housing authority, has powers and duties under Part VII of the Housing Act 1996 (as amended) to secure accommodation for households who are

homeless.

CBH manages the housing advice and homelessness process on behalf of the Council whilst the duty to provide suitable temporary accommodation remains with the Council.

Private sector landlords can be reluctant to provide accommodation directly to people who are threatened with homelessness. It is intended that the Scheme will be of interest to private sector landlords because the Council will be responsible for the rent and the condition of the properties in accordance with the terms of any lease agreed.

It is intended that the proposed Scheme will reduce the reliance on and the cost of bed and breakfast accommodation at a time when demand for housing options and homelessness services is increasing.

ALTERNATIVE OPTIONS

Not to adopt a Private Sector Leasing Scheme and rely on existing temporary accommodation providers and bed and breakfast accommodation both inside and outside the Borough.

Enhance incentives given to private landlords to let their properties to households who are homeless rather than CBC/CBH creating their own scheme. CBH currently manages a Home Finder Scheme, which provides landlords with tenants without a finders/matching fee, and pays the landlord an advance deposit to secure the accommodation on behalf of the tenant. This scheme is unlikely to generate enough properties to address current pressures on the housing options and homelessness service.

82. Request for Delegated Authority to Agree New Insurance Contract

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

RESOLVED that authority for agreeing the new insurance contract be delegated to the Portfolio Holder for Resources.

REASONS

The current contracts for insurance expire on 31 July 2016. A tender exercise is therefore currently being carried out by the Council's insurance brokers to obtain quotes for a new package. The results of this exercise are not scheduled to be available from the brokers until late June 2016, which will not allow sufficient time to be able to seek Cabinet approval for the new arrangements, and allow for any potential handover to a new supplier, prior to the expiry of the current contract.

ALTERNATIVE OPTIONS

The alternative is to request approval of the new contract at the Cabinet meeting on 13 July 2016. Whilst this would be before the expiry of the current contract it would not allow for any handover arrangements to be put in place, if the supplier changes. This could result in the need for the current suppliers to extend cover for a period of time whilst new

working processes are implemented, which they are under no obligation to do.

83. Trading Board Annual Report 2015/16

The Head of Commercial Services submitted a report a copy of which had been circulated to each Member.

Councillor Scott attended and with the consent of the Chairman addressed the Cabinet in her capacity as the current chairman of the Trading Board. She paid tribute to the work of the Board in 2015-16 and expressed her delight at her appointment as Chairman. She looked forward to continuing the cross party approach which had served the Board well the past. The Annual Report demonstrated the value of the Council's innovative commercial approach. In particular she welcomed the flexible approach taken to marketing and promotion of services, the retention of key staff and the customer focused approach. The commercial approach helped the Council deal with cuts in government funding.

Councillor Davidson attended and with the consent of the Chairman addressed the Cabinet. It had been a pleasure to serve on the Trading Board under former Councillor Havis. The Board had worked well with cross party support. He thanked in particular Graham Lewis, Commercial Manager, and Rob Hill, Commercial Transition Manager, who had enthused other officers. The commercial approach had produced better quality services whilst generating income.

Members of the Cabinet expressed their support for the work of the Trading Board. Not only had it improved services and generated income, it had done so by keeping services in house, which maintained their democratic accountability. In particular the success and high customer satisfaction rates of Helpline and Bereavement Services were noted.

RESOLVED that:-

(a) The Trading Board Annual Report 2015/16 be received and noted, and that it be published and promoted.

(b) The following headlines from the Annual Report be noted:-

- On target profit achieved by the Helpline, Bereavement Services, Monitoring Centre and Building Control businesses;
- The progress made in relation to Strategic Ambitions.

(c) The Cabinet's thanks to the members of the Trading Board in 2015-16, former Councillor Havis, Councillor Harris, Councillor Bentley, Councillor Buston, Councillor Davidson, Councillor Ellis, Councillor Goss and former Councilor Knight, and to former Councillor Turrell and Chief Executive Adrian Pritchard for their work in establishing the Board, be formally recorded

REASONS

To note the work that the Trading Board has undertaken in the past municipal year as set

out in the Annual Report.

ALTERNATIVE OPTIONS

Not to agree to publication of the Annual Report.

84. Appointments to External Organisations and Council Groups

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

RESOLVED that:-

(a) The representatives for the Municipal Year 2016/2017 to the various external organisations and Council groups listed in Appendix A of the Assistant Chief Executives' report be agreed, such appointments to cease if the representatives cease to be members of the Council during the year, with Councillor Scott appointed as the representative on the Campaign for Rural Essex, with Councillor Chillingworth as substitute member.

(b) Those Councillors who are not members of the Council groups for the Municipal Year 2016/2017 be confirmed as a pool of members able to act as substitute members on Council groups, in accordance with the normal requirements relating to substitute members set out in the Council's Constitution.

(c) The Leader of the Council be authorised to make a determination where a nomination is deemed to be in dispute, if a vacancy occurs or if an appointment needs to be made to a new organisation during the course of the municipal year.

(d) The reports from appointees to external organisation and council groups about the work undertaken in 2015-16, as set out in Appendix B of the Assistant Chief Executives' report, be noted.

REASONS

It is important for the Council to continue to make formal appointments to certain organisations and council groups such as those with statutory functions, our key strategic and community partners and groups with joint working arrangements.

ALTERNATIVE OPTIONS

No alternative options are proposed other than to authorise the Leader of the Council to make a determination where a nomination is deemed to be in dispute.

85. Progress of Responses to the Public

The Assistant Chief Executive 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.

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.

86. Minutes – Not for Publication Extract

RESOLVED that the not for publication extract from the minutes of the meeting held on 16 March 2016 be confirmed as a correct record.

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.

87. Repairs to Roman Town Walls

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

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.

88. SEAX Building Control Shared Service for the Delivery of Building Control Regulation Services

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