

# Cabinet

Wednesday, 07 September 2022

**Attendees:** Councillor Mark Cory, Councillor Adam Fox, Councillor Martin Goss, Councillor David King , Councillor Andrea Luxford Vaughan, Councillor Julie Young

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

Date Published 8 September 2022

Date when decisions may be implemented (unless 'called in') 5pm 15 September 2022.

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 15 September 2022.

## **681 Minutes of Previous Meeting**

*RESOLVED* that the minutes of the meeting held on 6 July 2022 be confirmed as a correct record.

## **682 Financial Assistance Policy**

The Assistant Director, Communities, 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. This policy aimed to support the most vulnerable and needy. Examples of the financial assistance it could provide were grants for the provision of stairlifts, which were not means tested, or fast track home improvement grants of up to £30,000.

Councillor Cory, Portfolio Holder for Resources, also expressed his support for the policy which was an example of the Council receiving funding and then pushing it out to vulnerable residents as soon as possible. It was a result of effective partnership working with health and social care.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, emphasised the need for effective communication to residents about the financial assistance that was available.

*RESOLVED* that the Financial Assistance Policy be adopted.

## *REASONS*

The revised Financial Assistance Policy focuses on clarifying the delivery of the Mandatory DFG, and the Discretionary forms of assistance, widening the scope of the policy to support more residents.

The revised Financial Assistance Policy continues the existing discretionary forms of assistance:

- Disabled Facilities Assistance (DFA) is available to help eligible applicants to fund the cost of adaptations that are not covered by, or exceed the Mandatory DFG, up to a maximum of £30,000. The DFA can also be applied for when applicants are assessed to have a contribution but are unable to raise the funds required to enable to works to proceed. The DFA is a repayable form of assistance when the property is sold, transferred, or rented by the owners.
- Home Repair Loan (HRL) is available to provide help to eliminate or reduce to an acceptable level, any significant risks and hazards in owner occupied homes up to £30,000. The council undertakes a HHSRS inspection to determine what hazards exist in the property. The outcome of this inspection will constitute the qualifying works. The HRL is a repayable form of assistance when the property is sold, transferred, or rented by the owners.
- Fast-Track Grant (FTG) is available to support and promote prompt hospital discharge and reablement, preventing avoidable Delayed Transfer of Care (DTOC) from hospital or care and the associated additional costs to health / social care services. In addition to supporting prompt discharge, the FTG also provides the ability to avoid admission, when a recognised risk such as falls has been identified by the referring Health Professional. The FTG is overseen by the Senior Occupational Therapist in Housing that is embedded within the Healthy Homes Team, in a partnership project with Essex County Council. The FTG is available up to a maximum of £30,000.

The new Stairlift Grant (SLG) is available to all residents, removing the requirement for a means test to improve the speed at which this common adaptation is delivered. Stairlifts provide access to essential facilities within the home, increasing independence for disabled adults and children. Stairlifts are usually a relatively straightforward installation requiring little in the way of other home alterations. Given their ease of installation they can provide a proportionally significant enhancement to the lives of those who needs them. The introduction of this assistance provide consistency across North-East Essex following Tendring District Council's successful adoption in 2021.

The Covid19 pandemic in 2020 impacted delivery of DFGs nationally, with many councils being unable to undertake property inspection during lockdown for all but the most urgent of applications (usually Fast-Track Grants to enable discharge or prevent

admission to hospital). As a result of the pandemic, national lockdowns, furlough and Covid infection rates, delivery has been impeded throughout 2020/21, 2021/22 and continues into 2022/23 with contractor availability being low, increasing waiting times to up to 3-6 months, and the rising cost and availability of materials. The new Stairlift Grant introduced by this policy will support maximising the spend of the allocation during these times when applicants are having to wait for long periods for contractor availability, keeping them as safe as possible when accessing essential areas of their home.

The revised Financial Assistance Policy discontinues underutilised forms of assistance in favour of prioritising the Mandatory and Discretionary forms of assistance detailed above.

Discontinued forms of assistance are:

- HMO Fire Safety Grant – a grant for landlords to meet legal requirements. This grant has been discontinued due to this being a legal responsibility of the landlord under other regulations and a lack of uptake.
- Home Security Grant - to help households pay for urgent home security works. This grant has been discontinued due to a lack of uptake. (There is potential that a new style of Home Security Grant could be introduced in the future. This may work in conjunction with other partners and will be brought back to the Portfolio Holder for consultation in the future).
- Empty Property Loans - provided on a discretionary basis to help bring empty properties back into residential use.

This form of assistance has been discontinued due to limited uptake and questionable affordability in the current market. One of the conditions is that the property would be subject to nomination rights for the council, but that the maximum achievable rent was set at the Local Housing Allowance (LHA). LHA is recognised as being under the market value. There is therefore potential that the conditions this assistance places on landlords could mean the venture is not financially viable and lead to the risk of poor-quality housing and maintenance due to a lack of income or that the accommodation may not be in place for the longer term.

Furthermore, these forms of assistance are time consuming to administer for council staff, are not subject to a fee or eligible under the DFG and takes staff away from delivering Mandatory assistance to other more vulnerable applicants.

### *ALTERNATIVE OPTIONS*

Continue to operate under the 2008 Financial Assistance Policy (amended 2019) with existing forms of assistance. This option does not take advantage of the councils' powers under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to introduce and widen discretionary forms of assistance to the local population and maintains the availability of outdated financial assistance.

**Creation of a Northern Gateway Solar Park and Micro Grid**

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

Sir Bob Russell addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to request further information about the size of the Solar Park, what the land was used for at present and the value of the land. These issues were not addressed in the report. It was not clear how the creation of a solar park would improve biodiversity.

Councillor Cory, Portfolio Holder for Resources, explained that he would confirm the overall size of the site, but that the proposed size of the Solar Park was 17 acres. The site had been purchased by the Council and it had allowed the use as a dog kennel to continue. The proposed Solar Park was a good use of the site. It would deliver green energy to north Colchester. It would provide energy security and deliver a financial return. There was an opportunity to increase biodiversity on the site.

Councillor Fox, Portfolio Holder for Local Economy and Transformation, undertook to provide a detailed response to the questions. In the current environment this was an important project which would deliver energy security and would contribute to the Council's commitment to addressing climate change.

Councillor Law attended and with the consent of the Chair addressed Cabinet in support of the project. The Northern Gateway was an exciting project which would deliver housing and business opportunities to the area. This would help ensure the development was sustainable by providing renewable energy. It demonstrated that the Council was able to take advantage of new technology. It was important there was effective messaging and communication to residents about the benefits of the project.

Councillor Fox, Portfolio Holder for Local Economy and Transformation, introduced the report and explained that Northern Gateway was an important development site which would deliver new employment opportunities and housing, in particular considerable affordable housing. It was important to support this development with a secure and efficient energy supply. The Solar Park would also help address grid capacity issues. It would provide a commercial return and would support the Council's climate change policies.

Following the vote on the resolution as below, Councillor Sunnucks attended and with the permission of the Chair, addressed Cabinet. Councillor Cory, Portfolio Holder for resources, had briefly already outlined Councillor Sunnucks concerns. He considered that Cabinet was being invited to make this decision on the basis of insufficient information. He would have expected more detailed information on the scheme and how it connected to other projects. It was important the Council had a staged approach to the financing that would allow it to withdraw before the full £450,000 was paid, if there were any difficulties. The Portfolio Holder and Colchester Amphora Energy Ltd should consider further the next steps and he would like to be involved in these discussions.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, thanked Councillor Sunnucks for his comments. He understood he had the opportunity to discuss his concerns with the Portfolio Holder and the lead officer. He was satisfied that those involved in bringing the project forward had considered the issues and that the risks involved were properly understood. He would welcome further discussion.

*RESOLVED* that:-

(a) The work undertaken to date on the development of a Solar Park and Micro Grid be noted and further development of the “CNG Energy System Business Model” (as described in the confidential “base case”), be continued using funding of £450K allocated for this project in the 2022/23 Capital Budget.

(b) The Council (using its company Colchester Amphora Energy Limited) should continue to progress a feasible scheme through concept design and onto achieving a planning permission (RIBA Stage 3) for the development.

### *REASONS*

The creation of a new Solar Park and Micro Grid at the Northern Gateway would be another flagship, role modelling, renewable energy development led by the Council and its company, Colchester Amphora Energy Limited. It would directly deliver key strategic priorities of the Council in its Climate Emergency Declaration and allow the urban growth area to be delivered with clean, green, energy supply to provide low carbon homes and businesses, supplementing the electricity supply of the (geothermal) Northern Gateway Heat Network.

Aside from the clear social value and environmental benefits of this scheme, there is also good evidence through the work undertaken to date that demonstrates the proposal will also provide positive financial benefits to the Council in the medium to long-term, whilst supporting wider economic growth.

Investment into the energy sector can remove financial risk in the cost of energy to CNG and provide financial returns to the Council. With the current unprecedented increases in energy costs, this is particularly pertinent and will offer certainties to the Council, which will later benefit the immediate users of the energy at the Northern Gateway (both businesses and residents), as well as (more generally) to the wider Borough. The Micro Grid would also help ensure development of the CNG is not restricted by any lack of Grid capacity.

### *ALTERNATIVE OPTIONS*

Do nothing; but this will not increase the capacity of the Grid to meet future demands for growth in the area and will lose the business opportunity in addition to creating more risk to the rate of development at CNG.

Reduce the development, or investment in the feasibility work, which will reduce the

overall costs, but also reduces the potential financial returns achievable and subsequent social and environmental benefits.

Develop the project in another location; but this would reduce the direct and cumulative benefits in conjunction with the Northern Gateway, and when the Council owns nearby land to directly deliver a project within an area where there are known medium to longer-term Grid capacity issues.

## **684 2021/22 Year End Review of Risk Management**

The Assistant Director Corporate and Improvement Services submitted a report a copy of which had been circulated to each Member together with draft minute 322 of the Governance and Audit Committee meeting of 26 July 2022.

Councillor Fox, Portfolio Holder for Local Economy and Transformation, introduced the report and explained that the Council had a comprehensive approach to risk and that the Risk Management Strategy was reviewed annually to ensure that it remained relevant. The current key strategic risks were partnership commitment, Covid 19, spending power, cyber security and staff wellbeing. Comprehensive mitigation measures were in place were to minimize these risks. The draft Risk Management Strategy had been carefully considered by the Governance and Audit Committee and their comments were before Cabinet.

*RESOLVED* that:-

- (a) The Council's progress and performance in managing risk during the period from April 2021 to March 2022 be noted
- (b) The current Strategic Risk Register be noted.
- (c) The proposed Risk Management Strategy for 2022/23 be approved and *RECOMMENDED TO COUNCIL* that it be included in the Council's Policy Framework.

### *REASONS*

Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore, the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the Strategy itself.

During the year progress reports are presented to the Governance and Audit Committee, detailing work undertaken and current issues. This report was presented to the Governance and Audit Committee on 26 July 2022, where they approved its referral to this meeting.

As part of the Policy Framework, any changes and reviews of the strategy need to be approved by Cabinet and ratified by Full Council.

## *ALTERNATIVE OPTIONS*

No alternative options were presented to Cabinet.

### **685 Policy Panel recommendation re: City Status**

Cabinet considered draft minute 51 of the Policy Panel meeting of 3 August 2022, a copy of which had been circulated to each Member.

Sir Bob Russell addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to express concern about proposals to mark City Status by celebrating the Siege of Colchester. This was inappropriate as the siege was the most destructive episode in Colchester's history. It should be commemorated, not celebrated. A re-enactment of the Colchester Pageant of 1906 would be a more fitting event. Destination Colchester and the Civic Society should be represented at the civic reception to mark City Status given their work to secure it. A permanent memorial of some form was needed.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, thanked Sir Bob for his comments which would be taken into consideration. The Council was looking to be as inclusive as possible and to listen to views of residents and other groups.

Councillor Laws attended and with the consent of the Chair addressed the Committee to encourage the administration not to be timid in its plans for the celebrations. The success of Invasion Colchester showed what could be achieved.

In discussion members of the Cabinet stressed the need to take a diverse, sensitive and cost effective approach to City Status celebrations.

*RESOLVED* that the comments and ideas put forward by the Policy Panel regarding the celebration of city status be noted, and that celebrations formally commence on 12 September 2022.

## *ALTERNATIVE OPTIONS*

It was open to the Cabinet not to agree the recommendation from the Policy Panel or to amend it.

### **686 Local Government and Social Care Ombudsman – Annual Review Letter 2022**

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

Councillor Cory, Portfolio Holder for Resources, noted that the one complaint upheld by the Ombudsman related to a payment under the Small Business Grant scheme. This needed to be seen in context. The team administering these payments had done a phenomenal job in very challenging circumstances and the complaint was not indicative of the standard of their work. The report demonstrated that overall this was a very well run Council.

*RESOLVED* that the contents of the Local Government and Social Care Ombudsman's Annual Review Letter for 2022 be noted.

#### *REASONS*

To inform the Cabinet of the contents of the Local Government and Social Care Ombudsman's Annual Review Letter relating to Colchester Borough Council for 2022.

#### *ALTERNATIVE OPTIONS*

No alternative options were presented to Cabinet.

### **687 Year End April 2021 - March 2022 Performance Report, Key Performance Indicators and Other Performance News**

The Assistant Director, Corporate and Improvement Services, 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 it had been considered by the Scrutiny Panel. Where performance targets had not been met, work was underway to look at the reasons why and to improve performance. It was appreciated that these were difficult times and close monitoring of these targets would help the Council monitor and improve performance for the benefit of residents.

Councillor Cory, Portfolio Holder for Resources, explained that as Chair of Scrutiny in the last municipal year, he could assure Cabinet that the performance outlined in the Assistant Director's report had been subject to rigorous scrutiny. The Panel had paid particular attention to the target relating to residual waste and work was underway improve performance and reduce waste going to landfill.

*RESOLVED* that the performance against Key Performance Indicators be noted and that it be noted that where Key Performance Indicators had not been met, that appropriate corrective action had been taken.

#### *REASONS*

To review year end performance for 2021 – 2022 and ensure robust performance management of key Council services.

## *ALTERNATIVE OPTIONS*

No alternative options were presented to Cabinet.

### **688 Year End April 2021 - March 2022 Performance Report, Strategic Plan Action Plan**

The Assistant Director Corporate and Improvement Services 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 whilst the Strategic Plan would be reviewed in due course the current plan was still very relevant. It had received cross party support at Full Council.

Councillor Fox, Portfolio Holder for Local Economy and Transformation, stressed the breadth of achievements demonstrated in both the performance reports. The reports also demonstrated the continued impact of the pandemic on the Council's services.

*RESOLVED* that the satisfactory delivery against the Strategic Plan Action Plan be confirmed and that the Council had made satisfactory progress in meeting its strategic goals.

## *REASONS*

To ensure the Council has robust performance management against key strategic goals.

## *ALTERNATIVE OPTIONS*

No alternative options were presented to Cabinet.

### **689 Award of Corporate Fuel Contract**

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

Councillor Goss, Portfolio Holder for Neighbourhoods and Waste, introduced the report and stressed that the proposals had been through the necessary governance procedures and had been subject to due diligence. The current environment for the purchase of fuel was difficult and the proposals in the report would help the Council manage this and avoid cost increases. It would also help the Council meet its climate emergency objectives by ensuring DEF was added to fuel and through exploring alternative sustainable fuel options.

*RESOLVED* that the contract for the supply of liquid fuels at the Shrub End Depot for

use by the Council's fleet vehicles for the period 1st October 2022 – 30th September 2023, to include the option to extend the supply contract for a further year (1st October 2023 – 30th September 2024) subject to performance, be awarded to RIX Petroleum, under the ESPO Liquid Fuels Framework (Ref: 301-22).

#### *REASONS*

The current contract for the supply of fuel to the Shrub End Depot for use by the Council's fleet vehicles is due to expire on 30th September 2022 and therefore a new contractual arrangement needs to be put in place. The supply of fuel is critical to the day-to-day operation of the Council services, in particular frontline services.

The use of a framework in such a volatile market reduces risk, as the aggregated value of the potential spend means suppliers will offer a competitive pricing structure that would not be available if the Council went to market just for Colchester.

Putting in place a one-year contract with the option to extend for one further year, provides the Council with the flexibility to change the contract should the demands and liquid fuel uses change, to ensure the Council gets value for money.

#### *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, and delivery of the Council's operations, therefore it is not an option to source liquid fuel supply without a contract.

The Council could issue an open tender or procure via another framework, (e.g., the Crown Commercial Services framework) to achieve a compliant contract if the ESPO Liquid Fuels Framework agreement is not utilised. However, based on the market's volatility, these options would be more expensive.

### **690 Revised Contract Procedure Rules**

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

*RESOLVED* that the revised Contract Procedure Rules contained at Appendix 1 of the Monitoring Officer's report be approved and that they be included in the Council's Constitution.

#### *REASONS*

To ensure that the Council's Contract Procedure Rules are up to date and fit for purpose.

#### *ALTERNATIVE OPTIONS*

No alternative options were presented to the Cabinet.

**691 Progress of Responses to the Public**

The Assistant Director, Corporate and Improvement Services, 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.

**692 Creation of a Northern Gateway Solar Park and Micro Grid - Part B**

**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.**

The Assistant Director Place and Client Services submitted a not for publication appendix to the report a copy of which had been circulated to each Member.

*RESOLVED* that the not for publication Appendix to the Assistant Director's report be noted.

*REASONS*

As set out in minute 683.

*ALTERNATIVE OPTIONS*

As set out in minute 683.

Also in attendance: Cllrs Law, Laws, Naylor and Sunnucks