

Cabinet

Wednesday, 05 June 2019

Attendees: Councillor Mark Cory, Councillor Adam Fox, Councillor Martin Goss, Councillor Theresa Higgins, Councillor David King, Councillor Michael Lilley, Councillor Gerard Oxford, Councillor Julie Young

Also in attendance: Councillors Bourne, Goacher, Pearson, Wood, T. Young

No. Publication and Call in Arrangements

Date Published 6 June 2019

Date when decisions may be implemented (unless 'called in') 5pm 13 June 2019

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 Thursday 13 June 2019.

358 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting held on 13 March 2019 be confirmed as a correct record.

359 Have Your Say!

Christopher Lee addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) and raised issues relating to the need for better and more honest communication from the Council and Councillors and raising concerns about how issues relating to Garden Communities and the Wivenhoe Neighbourhood Plan had been communicated.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, responded and explained that there were processes in place for concerns about allegations of misconduct by Councillors to be raised. He had responded to concerns that Mr Lee had raised by e-mail about the Wivenhoe Neighbourhood Plan and was willing to meet with him to discuss further.

Stuart Johnson, Colchester Cycling Campaign, addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) and invited the Cabinet to formally support the Colchester Cycling Charter. This was a non-political statement of support for everyday cycling in Colchester and was supported by a number of other organisations in Colchester, including the University of Essex and Colchester Travel

Plan Club. The Charter was a commitment from signatories that they wanted Colchester to be a vibrant place to live, study, work and do business and that cycling had an important role to play in addressing issues such as congestion and unhealthy lifestyles. It aimed to make a Colchester a safe place to cycle.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, expressed the Cabinet's support for the Charter. He formally accepted the Charter and would look at how its objectives could be incorporated in the Council's work going forward. The Council was already committed to the introduction of a number of cycle schemes. All other members of Cabinet also expressed their support for the Charter and highlighted a number of issues such as the need to provide safe bike shelters and that the Council would seek to encourage cycling infrastructure on Council housing developments. It was also recognised that as the Highways Authority, Essex County Council had a crucial role in delivering improvements to cycling infrastructure.

Sir Bob Russell addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to request further information about the latest position on the site of old bus station, following the refusal of the planning application for student accommodation on the site. He asked what meetings had Councillors or officers had held with the applicant and whether the Cabinet supported the view of the Planning Committee?

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that following the refusal of the application there was a six-month period in which the applicant could seek to appeal the decision or resubmit the application. In view of this, it would not be appropriate for him to comment publicly on the matter.

Mick Spindler addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to explain that, with the help of Colchester Borough Homes, residents of Nancy Smith Close had applied for it to be declared as a No Cold Calling Zone. However, there had been no response from Essex Trading Standards and he asked for Colchester Borough Council to support the residents and raise the issue with Essex County Council.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, stated that he would support the request and asked that copies of the correspondence be forwarded to him.

360

Conservation and Environmental Sustainability Task and Finish Group

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

Councillor Goacher, attended and with the consent of the Chairman addressed the Cabinet. Whilst he welcomed the formation of the Task and Finish Group, he queried why it was being set up as a Task and Finish Group and not a formal Committee. Whilst the Council had made progress on environmental issues, there was a long way to go. In particular he remained concerned about the Council's use of glyphosates. Not only were there potential health risks but the widespread use of glyphosates reduced biodiversity. Canterbury Council had stopped using glyphosates and were

using a new hot foam process for combatting weeds, which was cost effective. The Task and Finish Group could make a real difference on such issues.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that a Task and Finish Group would be more agile and able to respond to issues more quickly than a formal Committee. He also hoped it would be less partisan. The terms of reference made clear that it was anticipated that it would be able to invite experts. He believed that it was time to revisit the issue of glyphosates and this could be done through the Task and Finish Group.

Councillor Pearson attended and with the consent of the Chairman addressed the Cabinet. As Chair of the Labour Group he welcomed the establishment of the Task and Finish Group, as the Group was committed to a cleaner and greener borough. However, he suggested that the terms of reference should be amended to include a reference to air quality and proposed the addition of the following wording to the terms of reference:-

“To radically and creatively utilise existing powers to improve air quality across the borough of Colchester. “

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, stressed that the Council had a good track record of delivering on green issues and was one of the top 10 Council's in the country in reducing its carbon footprint. A motion would be submitted to the meeting of Full Council in July calling on Council to declare a Climate Emergency. He considered that air quality was covered implicitly in the terms of reference but suggested that the Group could look at adding the proposed wording at its first meeting.

Councillor Fox, Portfolio Holder for Housing, expressed his support for the suggestion that air quality be added to the terms of reference as this had been an issue raised by many residents in the recent election campaign. Councillor J. Young, Portfolio Holder for Culture and performance, paid tribute to the work of the late Councillor Steve Ford who had campaigned for Colchester Borough Council to sign the Nottingham Declaration and suggested that the Task and Finish Group should examine whether Colchester should sign up to the UK 100 Cities network. Councillor Higgins, Portfolio Holder for Commercial Services, and Councillor King, Portfolio Holder for Business and Resources, also expressed their support for the establishment of the Task and Finish Group and highlighted how the Group fitted into the context of the work of the administration.

RESOLVED that: -

(a) The terms of reference, political composition, and reporting timescales of the Conservation and Environmental Sustainability Task and Finish Group, as set out at paragraph 5.1 of the Assistant Director's report, be approved, subject to the Group giving further consideration at its initial meeting of the Terms of Reference to ensure they covered issues relating to air quality.

(b) Cabinet's preference for the first meeting to be held promptly in the municipal year 2019/20 be noted.

REASONS

In order for the Task and Finish Groups to begin work it is necessary for their terms of reference, political composition, and reporting timescales to be agreed. The appointment of the Chair is for the Task and Finish group to agree at its initial meeting.

ALTERNATIVE OPTIONS

It would be possible to propose alternative terms of reference or a different political composition. However, it is felt that proposed terms of reference identify the key issues that need to be addressed. In terms of political composition, it is important that the Task and Finish Group is cross-party and membership therefore incorporates all political groups on the Council.

361 Transfer of Development Site to Colchester Amphora Housing Ltd

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

Councillor Fox, Portfolio Holder for Housing, introduced the report and highlighted that there was a national housing crisis. Colchester was badly affected by this crisis. The Council had introduced a number of initiatives to address this, some of which were delivered through Colchester Borough Homes and Colchester Amphora Homes Ltd. These included the redevelopment of a number of garage sites, buying back Right To Buy properties, reinvigorating the sheltered housing scheme, introducing the Airspace model and the transfer of four development sites to Colchester Amphora Housing Ltd. The development of these four sites, including Creffield Road, would lead to the building of 300 new houses, of which over 100 would be affordable homes.

RESOLVED that: -

The appropriation of Creffield Road from the Housing Revenue Account to the General Fund for the reasons set out in this confirmatory report by the Assistant Director, Policy and Corporate, be confirmed, subject to obtaining Secretary of State consent.

REASONS

The principal power to appropriate land is found in Section 122 of the Local Government Act 1972 and this power is available when land is no longer required for the current purpose for which it is held. However, these S.122 powers are also subject to Section 19(2) of the Housing Act 1985 where land is held under Part II of the Housing Act 1985.

The site at Creffield Road is no longer required for the purposes for which it was previously held as Council-owned stock, for the reasons detailed in the Assistant Director's confirmatory report. However, although the site is vacated and no longer in use, the transfer of the site will still be subject to the Secretary of State's consent for

appropriation from the HRA to the General Fund (from where it will then be sold) because it still contains “a property” on it for the purposes of the 1985 Act.

ALTERNATIVE OPTIONS

The Council could proceed without setting out the reasons (and the process), but this would not be following the legal advice obtained on best practice and the Council will still require Secretary of State’s approval for the appropriation of Creffield Road (because it is a statutory requirement).

362 Request for Delegated Authority to Agree the Award of Contract

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

Councillor Fox, Portfolio Holder for Housing, introduced the report and explained that current housing management IT system had been in place since 20001 and a new system was now required. This would make Colchester Borough Homes housing systems more effective and agile. The proposal to delegate authority for the award of the contract would give greater flexibility and ensure that the new system was procured in good time.

RESOLVED that the authority for approval of the award of contract to the Recommended Bidder for the installation of a new Housing Management System be delegated to the Portfolio Holder for Housing in consultation with the Assistant Director Policy and Corporate.

REASONS

The existing contract period is coming to an end following the issue of a de-support notice by the current supplier. As a result, there is a requirement to offer the work to competitive tender in order to establish continuous improvement and best value. There is no nil cost standstill option in this case.

ALTERNATIVE OPTIONS

There are few alternative options as this programme forms part of the Council Statutory obligations as a Landlord and protects both our customers and the housing assets. The procurement process to be followed will comply with the Public Contracts Regulations 2015. There is no nil cost standstill option in this case.

363 Member Development Group Annual Report 2018-19

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

Councillor King, Portfolio Holder for Business and Resources, introduced the report and stressed the importance of member development in ensuring that Councillors had the necessary skills and knowledge to work effectively. He noted that the outcome of the Council’s assessment for Charter Status for Elected Member Development, which

provided external validation of the Council's processes and procedures for member development. He noted in particular their comments about the value of the work provided by the Member Development Group. He thanked officers in the Democratic Services team for their work supporting the Group and providing member development.

RESOLVED that the Member Development Group Annual Report 2018/19 be received and noted.

REASONS

The Member Development Group is required to report to Cabinet on an annual basis. This provides Cabinet with an opportunity to review the work of the Group and the provision of member development.

ALTERNATIVE OPTIONS

No alternative options are proposed.

364 Appointments to the Revolving Investment Fund Committee, Outside Bodies and Council Groups 2019-20

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

RESOLVED that:-

(a) The membership of the Revolving Investment Fund Committee for the 2019-20 municipal year be as follows:-

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy
Councillor Higgins, Portfolio Holder for Commercial Services
Councillor King, Portfolio Holder for Business and Resources
Councillor J. Young, Portfolio Holder for Culture and Performance

(b) The representatives to the various external organisations and Council groups listed in Appendix A of the Assistant Director's report be appointed for the 2019-20 municipal year, such appointments to cease if the representatives cease to be members of the Council during the municipal year.

(c) Councillor T. Young be removed as the Council's appointed director on the Board of North Essex Garden Communities Limited.

(d) Councillor King be appointed as the Council's appointed director on the Board of North Essex Garden Communities Limited.

(e) 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.

(f) The reports about the work undertaken by appointees to external organisations in 2018-19, as set out in Appendix B of the Assistant Director's report, be noted.

REASONS

The Revolving Investment Fund Committee is a sub-Committee of Cabinet and therefore appointments to the Committee need to be made by Cabinet.

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.

The appointments to the Board of Colchester Commercial Holdings Ltd (CCHL) are now included in the list of appointments, following the decision of Full Council on 22 May 2019 to amend the Terms of Reference of the Governance and Audit Committee to delete the Committee's responsibility for the appointments to the Board of CCHL. This brings the practice for appointments to the Board of CCHL in line with the other Council companies, such as Colchester Borough Homes.

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.

365 Progress of Responses to the Public

The Assistant Director, Policy and Corporate 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.