

CABINET

28 JANUARY 2009

Present :- Councillor Anne Turrell (Chairman)
Councillors Lyn Barton, Tina Dopson, Theresa Higgins,
Martin Hunt, Beverley Oxford, Paul Smith and
Tim Young

Date draft minutes published: 29 January 2009

Date when decisions may be implemented if not called in: 5pm 5 February 2009

All decisions except urgent decisions and those recommended to Council may be subject to call in. Requests for scrutiny of decisions by the Strategic Overview and Scrutiny Panel must be signed by at least one Councillor and countersigned by four other Councillors (or alternatively support may be indicated). All such requests must be delivered to the Proper Officer by no later than 5pm on: 5 February 2009

48. Minutes

The minutes of the meeting on 3 December 2008 were confirmed as a correct record.

49. Urgent Items // Review of key issues relating to the Visual Arts Facility

Councillor Turrell indicated that the urgent item that had been circulated had now been withdrawn.

50. Have Your Say!

Paula Whitney addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). She had circulated to Cabinet members a leaflet on the benefits of separated kerbside collections. An organisation called WRAP had analysed all the alternatives and their study had demonstrated the benefits of separated kerbside collection. In particular there were very real financial benefits for the Council. She also urged the Cabinet to look into FAME kerbside collection vehicles, which were excellent for kerbside collection. They were a local firm and the vehicles would provide good value for money.

Peter Lynn addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) and asked about progress on the management of the two Air Quality Management Zones in Colchester. Brook Street had been designated an Air Quality Management Zone three years ago and the Council had not met the statutory target for publishing an Action Plan within twelve to eighteen months. The Cabinet had indicated in May 2008 that it would look at this issue as a priority and he doubted if this had been the case. He noted that the website only contained a draft Action Plan, which was published in March 2008. He asked if the Council was confident that it would fulfil

its statutory duty to meet EU limits for air pollutants by 2010 and if it had carried out a risk assessment of the likelihood of failing to do so. He also asked if the Council had considered opting into the Sustainable Communities Act. Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, indicated that his comments on air quality would be investigated and a written response provided. Councillor Barton, Portfolio Holder for Neighbourhoods, indicated that the Council was in favour of the principles of the Sustainable Communities Act and was currently undertaking work on the detailed implications of the Act for the Council.

Mike Heaton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to ask if the Council would consider promoting or sponsoring a band from Colchester who been selected to perform at the South by South West Festival in Texas.

Councillor Harris attended and, with the consent of the Chairman, addressed the Cabinet about the consultation on DP 16 about residential parking. Residential parking was a matter of concern to a number of residents associations. Many new developments had insufficient parking and very narrow roads. The proposed new policy needed to be tightened and he encouraged the Cabinet to formally respond to the consultation on DP 16 in these terms. Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, responded and indicated that the Local Development Framework Committee would listen to public concerns on this issue.

Councillor Theresa Higgins and Councillor Anne Turrell (in respect of her membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Tim Young (in respect of his spouse being a member of Essex County Council and his membership North East Essex Primary Care Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

51. Strategic Plan 2009-12

The Interim Head of Corporate Management submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix A to these minutes in the Minute Book together with minute 32 of the Strategic Overview and Scrutiny Panel meeting of 6 January 2009. Ann Wain, Executive Director, attended to assist the Cabinet.

Paula Whitney addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to express concern that the Priority Action Plan entitled "Reduce, Reuse, Recycle" referred to the Inter Authority Agreement with Essex County Council. Colchester Borough Council had agreed that it would not support Essex County Council's Waste Strategy, had rescinded the Memorandum of Understanding and

removed its agreement to the Letter of Support.

Councillor Dopson, Portfolio Holder for Performance and Partnerships, indicated that whilst Colchester Borough Council was opposed to the Waste Strategy and PFI bid, as a waste collection authority, it needed to remain in dialogue with Essex County Council and should investigate the benefits of an Inter Authority Agreement. Colchester Borough Council had yet to see a draft of the Agreement and at this stage it would be prudent to remain in discussion and seek to influence its content.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, and Councillor T. Young, Portfolio for Street and Waste Services, suggested that the strapline of the Strategic Plan be changed to “a place where people want to live, work and visit”. This would avoid any perception that Colchester was a dormitory town and reflect better the varied benefits Colchester had to offer.

RESOLVED that the strapline of the Strategic Plan be amended to “a place where people want to live, work and visit”.

RECOMMENDED to Council that the Strategic Plan 2009-12 be approved and adopted.

REASONS

(a) The last Strategic Plan was published in February 2006 and runs to 2009. It needed to be refreshed in the light of changing circumstances and expectations.

(b) The Strategic Plan was one of the core statutory elements of the Council’s Policy Framework, as set out in Article 4 of the Council’s Constitution. It must therefore be adopted by the full Council.

(c) The Strategic Plan set the framework for the Council’s three-year Medium Term Financial Forecast and its Capital Programme. Both the Plan and the Budget would be debated at the same full Council meeting on 18 February 2009.

ALTERNATIVE OPTIONS

(a) The current Strategic Plan expired at the end of 2008-2009 financial year. A new plan was therefore required, and needed to be adopted by full Council.

(b) The absence of a Strategic Plan would create a significant risk of the Council failing to deliver on its core priorities.

52. Strategic Collaboration between Colchester Borough Council and Braintree District Council

The Programme Director, Colchester/Braintree Joint Working, submitted a report a copy of which had been circulated to each Member and a copy of which appears as

Appendix B to these minutes in the Minute Book.

RESOLVED that the way forward proposed in the Programme Director's report, comprising completion of the joint projects currently underway and continued contact to ensure future opportunities were identified and developed jointly where appropriate, be endorsed

REASONS

At the outset of the joint working programme, it was agreed to review progress within the first year so as to assess how well the approach was working and to confirm the strategic direction for future collaboration. The Cabinet of each Council had recently carried out that review resulting in the conclusion contained in the Programme Director's report.

ALTERNATIVE OPTIONS

No alternative option were presented to the Cabinet.

Councillor Theresa Higgins (in respect of her membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Anne Turrell (in respect of her membership of Essex County Council and Myland Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Tim Young (in respect of his spouse being a member of Essex County Council and his membership of North East Essex Primary Care Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

53. 2009/10 Revenue Budget and Medium Term Financial Forecast

The Head of Resource Management submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix C to these minutes in the Minute Book.

Hilary Ower, Chair of the Management Committee of Cuckoo Farm Studios, addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) about the impact of the loss of the Arts Development Officer. The Council's Arts Development Service had helped support the Studio and provided a source of expertise on business issues. As a result it was now a vibrant and nationally recognised studio. Whilst it was acknowledged that the current economic climate was difficult, it was in such times that the uplift that art could give to a community was needed most.

Dee Evans addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) on behalf of firstsite, the Mercury Theatre and the Arts Centre. The importance of the partnership between the Council, Essex County Council, the Arts Council and the major arts venues in Colchester was stressed. This had brought in over £10 million of funding in recent years. The venues were grateful for the continued funding they received, and appreciated that the current economic climate necessitated a freeze in their funding. It was stressed that the arts helped the Council meet its corporate objectives.

Lawrence Walker, Chairman of Colchester Black History Month, addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He explained the purpose of Black History Month and stressed the support received from the Arts Development Officer for the successful annual festivals of Black History that had been held in Colchester in 2007 and 2008.

Councillor T. Higgins, Portfolio Holder for Culture, Tourism and Leisure, responded to the public speakers. The administration had listened to the residents of Colchester and was shifting resources to meet the priorities identified and strategic objectives. Support for the arts was not a statutory objective for the Council. It was stressed that the decision to cut the Arts Development post had not been taken lightly. However there would remain some officer support for arts organisations within the Council.

Councillor Smith, Portfolio Holder for Resources and Business, explained that the proposed Council tax rise of 2.76% was the lowest rise of the century. He believed this was a remarkable achievement given the difficult economic climate. Extra funding had been found for priority areas such as recycling, street wardens and welfare rights.

RESOLVED that:-

(a) It be noted that the outturn for the current financial year was forecast to be overall in line with the approved Revenue Budget and that the position was being carefully monitored (see paragraph 3.4. of the Head of Resource Management's report).

(b) The cost pressures, growth items and saving/increased income options identified during the budget forecast process be as set out at Appendices B, C and D of the Head of Resource Management's report.

(c) It be RECOMMENDED to Council that the 2009/10 Revenue Budget requirement be set at £24,432, 000 (see paragraph 7.1 of the Head of Resource Management's report) supported by the underlying detailed budgets set out in the Background Papers.

(d) Revenue Balances for the financial year 2009/10 be set at a minimum of £1,700,000 and that £484 000 be applied to finance items in the 2009/10 revenue budget.

(e) To agree the following releases (see paragraph 11.12 of the Head of Resource Management):-

- £661,000 from the Capital Expenditure Reserve in 2009/10 to meet costs including accommodation, the community stadium and ICT Strategy.

- £663,000 to be financed from the Renewals and Repairs Fund for specific projects
- £100,000 from the insurance provision
- £60,000 from the section 106 monitoring reserve
- £221,000 from the Regeneration Reserve to support delivery of the Renaissance Programme and provide support towards cost pressures

(f) It be RECOMMENDED to Council that £100,000 of Revenue Balances be earmarked for potential unplanned expenditure within the guidelines set out at paragraph 12.3 of the Head of Resource Management's report.

(g) It be RECOMMENDED to Council that Colchester's element of the Council Tax for 2009/10 be set at £171.00 for Band D properties which was an increase of £4.59 per annum (2.76%) (see paragraph 13.2 of the Head of Resource Management's report).

(h) It be noted that the formal resolution from Cabinet to Council will include the Parish, Police, Fire and County Council elements and any change arising from the formal Revenue Support Grant Settlement announcement in early February 2009. This will be prepared in consultation with the Leader of the Council.

(i) The Medium Term Financial Forecast for the financial years 2010/11 and 2011/12 be noted (paragraph 14.6 of the Head of Resource Management's report).

(j) The comments made on the robustness of budget estimates at paragraph 16 of the Head of Resource Management's report be noted.

(k) The Prudential Indicators, Treasury Management Strategy and Annual Investment Strategy as set out at paragraph 17.7 of the Head of Resource Management's report be RECOMMENDED to Council.

REASONS

The reasons for the decision were set out in detail in the Head of Financial Services' report.

ALTERNATIVE OPTIONS

Various options were investigated at every stage of the budget setting process, due consideration of which was taken in order to meet the objectives of the Council's Strategic Plan.

Councillor Lyn Barton, Councillor Paul Smith and Councillor Tim Young (in respect of being a member of the board of Colchester Borough Homes) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

54. 2009/10 Housing Revenue Account Estimates 2009/10

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix D to these minutes in the Minute Book.

Councillor Smith, Portfolio Holder for Resources and Business, explained that the increase in utility costs had not been fully passed on to residents in sheltered units as it would have led to unsustainable increases in rent of approximately 80%. The utility costs for such housing would be reviewed on a six monthly basis and not increased by more than 10% at any one time.

RESOLVED that:-

(a) The 2009/10 HRA revenue estimates as set out in Appendix A of the Head of Strategic Policy and Regeneration's report be approved.

(b) The dwelling rents as calculated in accordance with the rent restructuring formula be approved as set out in paragraph 4.6 of the Head of Strategic Policy and Regeneration's report.

(c) The rents for garages be approved as set out in paragraph 4.9 of the Head of Strategic Policy and Regeneration's report.

(d) The base management fee of £3,510,400 for Colchester Borough Homes (CBH) be approved as set out in paragraph 4.22 of the Head of Strategic Policy and Regeneration's report.

(e) The inclusion in the budget of a revenue contribution of £402,000 to the Housing Investment Programme be noted (see paragraphs 4.25 to 4.27 of the Head of Strategic Policy and Regeneration's report).

(f) The HRA balances position in Appendix B of the Head of Strategic Policy and Regeneration's report be noted.

(g) The Medium Term Financial Forecast (MTFF) set out at Appendix C of the Head of Strategic Policy and Regeneration's report be noted.

REASONS

Financial Procedures required the Head of Strategic Policy and Regeneration to prepare detailed HRA estimates for approval by the Cabinet, setting the new rent levels for the new financial year.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

Councillor Lyn Barton, Councillor Paul Smith and Councillor Tim Young (in respect

of being a member of the board of Colchester Borough Homes) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

55. Housing Investment programme 2009/10

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix E to these minutes in the Minute Book.

RESOLVED that:-

(a) The allocation of new resources totalling £5,831 million to the housing investment programme for 2009/10 be approved.

(b) The Medium Term Financial Forecast for Capital (MTFFC) as set out at Appendix A of the Head of Strategic Policy and Regeneration's report be noted.

REASONS

(a) Each year as part of the process to agree the council's revenue and capital estimates the Cabinet was required to agree the allocations to the Housing Stock Investment Programme. These allowed for work to be done to maintain, improve, and refurbish the housing stock and its environment.

(b) Members were aware of the cessation of the Inspace contract and that following discussions between Colchester Borough Council (CBC) and Colchester Borough Homes (CBH) a Deed of Variation had been signed to allow CBH to provide the Maintenance Services. The services defined under the Deed were restricted to the essential work elements and did not include a continuance of the Decent Homes programme. The Deed had an end date of 31 December 2009 but regardless of the delivery arrangements after this date the capital programme needed to continue.

(c) Work had been undertaken by CBH in conjunction with CBC to determine the cost to deliver statistical decency and also a programme which contained the delivery within the annually available Major Repairs Allowance (MRA).

(d) The ALMO Board had not yet met to discuss and agree a 2009/10 Capital investment plan for submission to CBC for approval and funding. As such this report broadly sought the release of funds under the same headings as described in the Deed of Variation but with approval and funding to support the continuation of the Decent Homes Programme. Once clarity has been achieved over the delivery options for the decent homes programme, revisions would be made to the 2009/10 Housing Investment Programme if necessary, which would include agreement by the Cabinet where appropriate in accordance with the Council's financial regulations.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

Councillor Lyn Barton, Councillor Paul Smith and Councillor Tim Young (in respect of being a member of the board of Colchester Borough Homes) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

56. Repairs and Maintenance Service and the Decent Homes Programme

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix F to these minutes in the Minute Book.

Councillor Sykes attended and, with the consent of the Chairman, addressed the Cabinet. Some of the housing stock in Stanway were old units which had been designed to have a short lifespan. They were prone to rust and corrosion. Before the Decent Homes programme recommenced she asked that these homes be surveyed and a structural review undertaken. In addition she asked for information about the make up of the housing stock in Stanway.

In response Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, and Councillor Smith, Portfolio Holder for Resource and Business, indicated that the board of Colchester Borough Homes would be looking at these units shortly and that an analysis of the housing stock in the whole borough would be undertaken.

The Cabinet felt that the proposed timescale of completing the decent homes programme by 2012 was insufficiently challenging and that the reference to this timescale should be removed.

RESOLVED that:-

- (a) The proposed strategic direction for recommencing the Decent Homes Programme with the aim to complete this programme within the financial resources available to the Council be agreed;
- (b) The proposed procurement route for the Decent Homes Programme be agreed so the procurement can commence to allow work to restart in 2009;
- (c) The proposed procurement approach for securing a longer term Repairs and Maintenance Service to follow on from the interim arrangements established with Colchester Borough Homes in July 2008 be agreed.

REASONS

- (a) The Council was committed to reaching the 'decent homes standard' for its housing stock and had received Government funding of £35m towards this programme.

(b) The Council needed to achieve the Decent Homes standard to its Housing stock within agreed revised timescales and within available resources for the reasons set out in the Head of Strategic Policy and Regeneration's report.

(c) The management of the interim repairs and maintenance service was established by Colchester Borough Homes in July 2008 and was due to run for 18 months under a Deed of Variation to the Management Agreement, until December 2009.

(d) There were a number of options that were available to follow to procure both the Decent Homes work and the longer term Repairs and Maintenance Service and so agreement was sought on the preferred route for both to enable officers to commence the tender work as soon as possible.

ALTERNATIVE OPTIONS

(a) The Decent Homes Programme was a national programme with agreed targets for completion and therefore Colchester Borough Council had no alternative but to recommence the Decent Homes Programme.

(b) As the interim Repairs and Maintenance Service was due to operate until December 2009, a replacement long term service needed to be established to follow on from this date. It was agreed by Cabinet on 21 May 2008 that this service needed to be exposed to external competition and therefore subject to the test of best value for money. There was no alternative to this decision as the Council was legally obliged to provide a repairs and maintenance service as landlord to Council tenants and owners of the council's housing stock. The Council needed to demonstrate that it had obtained best value in accordance with its statutory obligations.

57. Partnership Strategy

The Executive Director, Anne Wain, submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix G to these minutes in the Minute Book.

In view of the comments made by Dee Evans about the partnership with the major arts venues in Colchester when speaking on the budget item, Councillor Dopson, Portfolio Holder for Performance and Partnerships, indicated she consider further whether to amend the Partnership Register accordingly.

RESOLVED that the Partnership Strategy be agreed as a tool for formalising the Council's current partnership arrangement and for continuing to improve partnership work.

REASONS

The Partnership Strategy was a tool to help improve the quality of the Council's partnerships at a time when the Council was working more and more in partnership.

There was more emphasis from external bodies such as the Audit Commission to demonstrate how the Council manages its partnerships and ensures that they are adding value. For example, the Annual Governance Statement asks a series of questions about partnership working and the introduction of a Partnership Strategy would help to provide clearer evidence that the Council was managing partnerships effectively.

ALTERNATIVE OPTIONS

The alternative was not to have a partnership strategy and to continue without. This would continue to present a number of risks.

58. Provision of Additional Dog Waste Bins

The Head of Environmental and Protective Services submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix H to these minutes in the Minute Book.

Councillor T. Young, Portfolio Holder for Street and Waste Services, indicated that over 70 potential locations for additional dog waste bins had been put forward. The fifty chosen locations would be announced shortly. Enforcement action against those who allowed their pets to foul public areas would be stepped up.

RESOLVED that the funding set out in section 9 of the Head of Environmental and Protective Services report be agreed, for the purchase and installation of an additional fifty dog waste bins for the collection of bagged dog waste at sites in the Borough which have been selected from a list submitted by ward councillors on behalf of their residents

REASONS

Over the past five years, because of budgetary pressures, the number of dog waste bins sited throughout the borough had not increased. This period had coincided with a period of extensive development and, as a result, many new residential areas had very few bins available for use by local pet owners.

Because of this imbalance, it was felt that an additional fifty bins should be installed and that these should be focused somewhat in areas where existing provision was poor.

ALTERNATIVE OPTIONS

There was no strict legal obligation to provide dog waste bins in public places. One alternative was for dog owners to take their pet's waste home with them and place it, properly wrapped, in the dustbin. However, providing waste disposal facilities in appropriate locations was considered by the government to be good practice and helped to defeat any arguments by owners who may face legal action for failing to clear up after their pet.

59. Progress of Responses to the Public

The Head of Corporate Services submitted a progress sheet a copy of which had been circulated to each Member and a copy of which appears as Appendix I to these minutes in the Minute Book.

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 other options were presented to the Cabinet for consideration.