

CABINET

12 OCTOBER 2011

Present :- Councillor Anne Turrell (the Leader of the Council)
(Chairman)
Councillors Nick Barlow, Lyn Barton, Tina Dopson,
Martin Hunt (Deputy Leader) , Paul Smith and
Tim Young

Also in Attendance :- Councillor Peter Chillingworth
Councillor Nick Cope
Councillor Beverly Davies
Councillor Annie Feltham
Councillor Pauline Hazell
Councillor Will Quince
Councillor Henry Spyvee

30. Minutes

Consideration of the minutes of the meeting on 7 September 2011 was deferred to the next meeting.

Councillor Paul Smith (in respect of having been on the Board of Colchester Borough Homes when it had previously considered issues raised by Ms Kalyan) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

31. Have Your Say!

Jane Clarke addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to reiterate her concerns about air quality in Brook Street. She had raised concerns at the Cabinet meeting on 7 September, but was not satisfied with the response. The Council had a statutory duty to identify Air Quality Management Areas (AQMA) and to adopt an Action Plan for each AQMA. Brook Street had been declared an AQMA in June 2008 but no action plan had yet been adopted. Changes to traffic flow in the High Street were likely to displace traffic to Brook Street which would exacerbate existing air quality problems. Had an air quality impact assessment had been carried out for these proposed changes? Whilst it was noted that the Council was now conducting a survey of air quality in the whole borough, this was no reason not to adopt an Action Plan for those areas which had previously been identified as AQMAs.

Councillor Hunt, Portfolio Holder for Street and Waste Services, explained that the new statutory regime he had detailed at the last meeting replaced the previous one based on AQMAs. The Council would be going out to consultation under the new air quality regime shortly.

Angel Kalyan addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). A previous claim she had made against the Council over flooding had recently been resolved after a period of six years. She asked what action the Council would take in relation to a number of officers for maladministration in respect of her claim.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, indicated that she would look into the matter and respond in due course.

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to ask if funding was in place to provide toilets and a café at the new bus interchange when it opened in December 2012 and whether it would have facilities such as an operators office and a rest room. He also enquired as to whether a site for a layover had been identified, whether the Council was confident it could complete the necessary approvals and works by December 2012 and if not, whether there was an alternative plan.

Councillor Barton, Portfolio Holder for Renaissance, indicated that successful vehicle movement trials had been held for the bus station location. Phase 2 of the project would be looking at the possible designs for the site. The design would be subject to consultation. However, not all the funding was in place yet. This was dependant on the Vineyard Gate development but this scheme was moving forward.

Councillor Quince attended and, with the consent of the Chairman, addressed the Cabinet to express concern that dog waste bins were not being emptied frequently enough. This was unsightly and caused a health hazard. Residents complained frequently about this issue. He asked that the bins be emptied twice a week and more frequently if necessary.

Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated that such queries should be directed to the relevant zone leader. Contact details would be provided and residents should be encouraged to contact them direct.

32. 2012/13 Revenue Budget Update

The Head of Resource Management submitted a report a copy of which had been circulated to each Member.

RESOLVED that:-

- (a) The updated 2012/13 budget forecast as set out at paragraph 6.1 of the Head of Resource Management's report showing a current gap of £742k be noted.
- (b) It be noted that officers are working towards delivering a balanced budget and that progress has been made to identify savings to assist with the delivery of the budget strategy (see section 9 of the Head of Resource Management's report).
- (c) The cost pressures set out at paragraph 7.1 of the Head of Resource

Management's report be included in the 2012/13 budget forecast.

(d) The growth items set out at paragraph 8.1 of the Head of Resource Management's report be included in the 2012/13 budget forecast.

(e) The provisional savings set out at section 9 of the Head of Resource Management's report be included in the 2012/13 budget forecast.

(f) The potential 2012/13 budget forecast variables and risks set out in Section 10 of the Head of Resource Management's report be noted and that £300k be included as a contingency at this stage.

REASONS

The Council is required to approve a budget strategy and timetable in respect of the year 2012/13.

ALTERNATIVE OPTIONS

There are different options that could be considered and as the budget progresses changes and further proposals will be made and considered by Cabinet and in turn Full Council.

Councillor Anne Turrell (in respect of her personal acquaintance with Rosemary Mayo) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

33. Improving Accommodation for Older People in Colchester - Review of Council Owned Social Housing

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member.

Linda Skinner addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) on behalf of her mother, who was a resident at Heathfields House. Residents need help to understand the changes that were being proposed and how these would affect them. Whilst a contact number had been provided in correspondence to the residents, she had been unable to get through to an officer to discuss her concerns. Residents were very worried and did not want to move from their homes. Whilst there was an offer of financial compensation this would not compensate for the stress involved and the effect this would have on residents' health and well-being.

Mr Eustace addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He appreciated that the Council was in a difficult position in that it needed to refurbish the sheltered housing, but that to do so would reduce the quality of life for residents at Joyce Brooks House. If relocated, residents of Joyce Brooks

House would lose the enjoyment of a fine building, access to the town centre and the loss of company and close friendships. The loss of such a close community would negate the improvement in the standards of the accommodation. A more flexible approach should be taken and Joyce Brooks House should be kept open for those who wished to remain there. Residents had not asked for and did not need accommodation of the Colchester Standard.

Rosemary Mayo addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to ask the following questions:-

- The sales of Joyce Brooks House and Abbeygate House would not cover the full costs of the refurbishments. How would the balance of the funding be raised?
- What would happen if there was a shortfall in the funding?
- Would all sheltered housing be sold?
- Had the harm and distress to residents been fully taken account of in the decision making?

Roy Beardsworth addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to express his concern about the proposals. He believed there were lies and inaccuracies in the report. The way information about the proposals had been communicated had caused stress and trauma. He was not satisfied that the Council had the legal right to proceed in this way and he hoped the residents would challenge the Council's actions.

Linda Wonnacott addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). She believed that the valuation of Joyce Brooks House in the report was far too low given its size and location. The Council had a duty to get the best possible price based on an independent valuation, proper advertising and an open bidding process. Councillor Smith, Portfolio Holder for Resources and Heritage responded that that the figure quoted by Ms Wonnacott was a valuation for the existing use only. It was anticipated that a higher figure would be received.

John Williamson addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) on behalf of residents of Abbeygate House. Some of the money spent on the Visual Arts Facility could have been spent on refurbishing Abbeygate House. Residents liked the bedsit accommodation and facilities provided at Abbeygate House. Residents were particularly concerned that they would be forced to move to accommodation they did not like. In future residents wanted to hear of developments direct from the Council rather than in local media.

Rosemary Dalton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to stress that Councillors were jointly and severally liable if negligent in the performance of their duties.

Councillor Cope attended and, with the consent of the Chairman addressed the Cabinet. He had received assurances that the existing tenants of Joyce Brooks House would be treated sensitively and would be moved to better quality accommodation. However, he did not believe residents had been treated sensitively so far. The importance of keeping residents together was stressed. Residents felt that they were having arbitrary standards imposed on them. The costs of compliance with the

Disability Discrimination Act were noted. It appeared that the rights of possible future disabled residents were being placed above those of existing residents. He felt that there was scope for a compromise refurbishment which would allow existing residents to stay. Concern was also expressed about how information about the proposals had been released.

Councillor Spyvee attended and with the consent of the Chairman addressed the Cabinet. He stressed the community spirit at Joyce Brooks House and the value of this could not be quantified. This was a difficult issue. However, he believed the Council was taking the right decision and there could be serious consequences if the Council did not tackle the issue. However, better communication was needed with the residents. It would be more effective to meet residents to explain the decisions rather than to write to them.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, thanked the public speakers for their contributions. She apologised for the problems that had arisen with the Cabinet's communication with residents. Colchester Borough Homes officers would be in the homes affected by this proposal tomorrow to help residents and to deal with queries. She urged residents and their families to contact her should their queries not be answered.

Councillor Young, Portfolio Holder for Housing and Community Safety, introduced the proposals and addressed the points made by the public speakers. In particular he stressed that the Council would do all it could to meet the needs of those residents that had to move and to ensure that those who wanted to stay together were able to do so. Residents would be treated sympathetically and sensitively. He paid tribute to the work of Colchester Borough Homes in helping residents through the process to date. Cabinet had to take the wider picture and ensure that Colchester's sheltered housing was high quality and an example to others. The proposed decisions were legally sound but were also justified on moral and social grounds and enjoyed cross party support. Councillor Smith, Portfolio for Resources and Heritage indicated his support for the proposals.

Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated that whilst he could understand the reasons for the proposals, he could not support the proposal for the closure of Joyce Brooks House as residents had not been consulted properly.

RESOLVED that:-

(a) To make improvements to Harrison Court, Britannia Court, Enoch House and Worsnop House so that in the future no tenant will need to share facilities and will have their own kitchen and bathroom (UNANIMOUS).

(b) A long term plan of improvements to the Council's sheltered housing schemes be agreed so that they better meet the needs of older people now and in the future (UNANIMOUS).

(c) Two sheltered housing schemes be disposed of; Abbeygate House and Joyce

Brooks House; the use of one scheme as sheltered housing be changed (The Dutch Quarter) and alternative uses be explored for four sites (Heathfields House, Elfreda House, Maytree Court and Plum Hall). (SIX voted FOR, ONE ABSTAINED from voting).

(d) It be recommended that the implications of the in-principle financial decision are modelled and reflected in the overall HRA budget setting process to be considered by Cabinet in January 2012 (UNANIMOUS).

RECOMMENDED TO COUNCIL that the capital receipt generated by any disposal be ring-fenced within the Housing Revenue Account (HRA), to either fund the refurbishment/ conversions costs at the four sites identified, or to repay HRA debt. (UNANIMOUS).

REASONS

A review has been carried out of the Council's sheltered housing. The review made a number of recommendations about the Council's sheltered housing. The aim of the review was to improve accommodation for older people in the borough and ensure that our sheltered housing meets the needs of older people now and in the future.

The review found that changes were needed to address several issues; voids in sheltered housing remain high, yet there are over 500 people on our needs register who are eligible for sheltered housing. Nine out of the 23 sheltered housing schemes do not offer self-contained accommodation. This suggests that the current profile of sheltered schemes Colchester Borough Council offers does not meet the needs or aspirations of older people.

A long term plan is needed to address some of the issues so that the Council is able to meet the housing needs of the older population now and in the future.

ALTERNATIVE OPTIONS

Not to adopt the recommendations of the review. This would result in not being able to make changes to our sheltered housing to meet the criteria of the Colchester Standard along with DDA requirements and the needs of our tenants who have restricted mobility. This would mean that the Council would retain accommodation that remains 'hard to let' and continue to experience a revenue loss through voids. Maintenance costs would remain high on those schemes deemed to be in the poorest condition. The Council would continue to offer accommodation of a lower standard to that of other providers. The needs and aspirations of older people would not be met. Older people under-occupying social rented homes would continue to have limited housing options and less incentive to encourage them to move to homes which better meet their needs.

34. Draft National Planning Policy Framework

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member.

Councillor Barlow, Portfolio Holder for Economic Development and Sustainability, introduced the report and recommended the draft response to the consultation, subject to the addition of the following paragraph to the response to question 15b:-

“Paragraph 167 – the setting of protected landscapes can be as important as the protected landscape itself and what happens close to the boundary can have a very significant impact on that protected landscape. It is, therefore, paramount that the NPPF recognises this as it seeks to maintain the current planning protection within AONBs and National Parks”.

RESOLVED that: the Council’s response to the Department of Communities and Local Government in respect of the Draft National Planning Policy Framework be approved subject to the addition of the following paragraph to the response to question 15b:-

“Paragraph 167 – the setting of protected landscapes can be as important as the protected landscape itself and what happens close to the boundary can have a very significant impact on that protected landscape. It is, therefore, paramount that the NPPF recognises this as it seeks to maintain the current planning protection within AONBs and National Parks”.

REASONS

Significant changes are proposed to planning and the consultation provides the Council with the opportunity to influence this change before the national policy is finalised.

ALTERNATIVE OPTIONS

The Council could decide not to respond to the consultation.

35. Calendar of Meetings 2012-2013

The Head of Corporate Management submitted a report a copy of which had been circulated to each Member.

RESOLVED that:-

(a) The draft Calendar of Meetings for the next municipal year from May 2012 to April 2013 be approved.

(b) Authority be delegated to cancel meetings to the Chairman of the relevant Committee/Panel in conjunction with the Head of Corporate Management.

REASONS

(a) The Calendar of Meetings needs to be determined so that decisions for the year can be timetabled into the respective work programmes and the Forward Plan.

(b) Advance notice of the Calendar of Meetings needs to be made available to external organisations, parish councils and other bodies with which the Council works in partnership and to those members of the public who may wish to attend meetings of the council and make representations.

(c) The meeting rooms also need to be reserved as soon as possible so that room bookings can be made for private functions by private individuals, external organisations and internal Council groups.

(d) A formal arrangement needs to be in place for the cancellation of meetings that no longer need to be held.

ALTERNATIVE OPTIONS

This proposal has been largely devised based on the current meeting structure and frequency. It would be possible to devise alternative proposals using different criteria.

36. Progress of Responses to the Public

The Head of Corporate Management 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.

37. Local Government Resource Review: Proposals for Business Rate Retention and Localising Support for Council Tax

The Head of Resource Management submitted a report a copy of which had been circulated to each Member together with minute 16 from the meeting of the Strategic Overview and Scrutiny Panel meeting of 11 October 2011.

Cabinet noted and agreed with the amendments suggested by the Strategic Overview and Scrutiny Panel to the response on Localising Support for Council Tax.

RESOLVED that:-

(a) The consultation papers and potential implications for the Council be noted.

(b) The response in respect of Localising Council Tax be submitted as set out in the Head of Resource Management's report, subject to the amendments proposed by the Strategic Overview and Scrutiny Panel in minute 16 of the meeting of 11 October 2011.

(c) Responsibility be delegated to the Portfolio Holder for Resources and Heritage to respond to the Business Rate Retention Consultation

REASONS

(a) The Government has issued two important consultation papers that will have significant implications for Local Government finance and therefore Colchester Borough Council's budgets.

(b) Cabinet was asked to consider and note issues raised by the proposals and to comment on the draft response to the consultation papers.

ALTERNATIVE OPTIONS

The consultation set out different options and the Council could either choose to either respond in different ways or to not respond to the consultation.

38. 2010/11 Year End Review of Risk Management

The Head of Resource Management submitted a report a copy of which had been circulated to each Member together with minute 11 of the Finance and Audit Scrutiny Panel meeting of 26 July 2011.

RESOLVED that:-

(a) The risk management work undertaken during 2010/11 be noted

(b) The current strategic risk register be noted.

(c) The proposed risk management strategy for 2011/12 be approved.

RECOMMENDED to *COUNCIL* that the proposed risk management strategy be included in the Council's Policy Framework.

REASONS

(a) 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.

(b) During the year quarterly progress reports are presented to the Finance and Audit Scrutiny Panel detailing work undertaken and current issues. This report was presented to FASP on 26 July 2011 where they approved its referral to this meeting.

(c) The Risk Management Strategy is one of the key Corporate Governance documents that supports the Constitution of the Council and is within the Policy Framework. Accordingly any amendments have to be approved by full Council.

ALTERNATIVE OPTIONS

It is open to Cabinet not to approve the risk management strategy or to approve the strategy subject to amendments.

39. Award of the Contract for ICT Services for the Period 2012-2017

The Head of Corporate Management submitted a report a copy of which had been circulated to each Member.

Councilor Dopson, Portfolio Holder for Communities and Diversity, stated that this was a good example of Colchester's work in pooling resources and sharing services, which had led to a significant saving. Cabinet expressed its thanks to Lee French for his work in bringing forward these proposals.

RESOLVED that the following recommendations concerning the award of a contract for the supply of ICT Services to the Council, initially for five years, be agreed

(a) That Colchester Borough Council award the contract to Supplier A on the basis of Lot 5 as tendered, subject to confirmation of costs with other partners in this procurement.

(b) That Colchester Borough Council award the contract to Supplier A on the basis of Lot 3 as tendered, should any of the other partner authorities in this collaboration withdraw for any reason, or fail to award a contract by 30 November 2012.

REASONS

(a) To ensure that the Council's ICT service provision is initially maintained at the end of the current contract, and to ensure its future development to support the organisation

(b) To ensure that the Council achieves maximum value for money in the provision of ICT support to the organisation.

(c) To ensure that a fallback position is in place should it become impossible to progress the primary decision, due to other partners withdrawing from the process.

ALTERNATIVE OPTIONS

The ICT Service could be taken back in-house at the end of the current contract. This was rejected as an alternative due to the cost of recruiting and maintaining a workforce adequate to the task, the high cost of maintaining an in-house team with the breadth of knowledge to support all elements of the service, and the time it would take to set up such a team.

The Cabinet/Panel resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) 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.

40. Award of Contract for ICT Services for the Period 2012-2017

The Head of Corporate Management submitted a report a copy of which had been circulated to each Member.

RESOLVED that the recommendations set out in the Head of Corporate Management's report concerning the award of a contract for the supply of ICT Services to the Council, initially for five years, be agreed.

REASONS

(a) To ensure that the Council's ICT service provision is initially maintained at the end of the current contract, and to ensure its future development to support the organisation

(b) To ensure that the Council achieves maximum value for money in the provision of ICT support to the organisation.

(c) To ensure that a fallback position is in place should it become impossible to progress the primary decision, due to other partners withdrawing from the process.

ALTERNATIVE OPTIONS

The ICT Service could be taken back in-house at the end of the current contract. This was rejected as an alternative due to the cost of recruiting and maintaining a workforce adequate to the task, the high cost of maintaining an in-house team with the breadth of knowledge to support all elements of the service, and the time it would take to set up such a team.