

Cabinet

Wednesday, 06 September 2023

Attendees: Councillor Michelle Burrows, Councillor Mark Cory, Councillor Martin Goss, Councillor Alison Jay, Councillor David King, Councillor Andrea Luxford Vaughan, Councillor Paul Smith, Councillor Natalie Sommers

No. Publication and Call In Arrangements

Date Published 7 September 2023

Date when decisions may be implemented (unless 'called in') 5pm 14 September 2023.

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 14 September 2023.

777 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting held on 12 July 2023 be confirmed as a correct record.

778 Have Your Say! (Hybrid Cabinet Meetings)

Sir Bob Russell attended and addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to express his concern that no other Council in the country operated an administration on the same basis as Colchester where the Cabinet was drawn from a group comprising less than a third of Council. This was not democratic and went against Liberal Democrat principles of proportional representation. It would have preferable to form a Cabinet of the three major groups, as had been done when the Cabinet system of governance was first introduced. At the last meeting of the Town Deal Board only six of the 15 members had attended the meeting and one member had not participated since 2021. This was a quango and the only democratic representation came from the attendance of the Leader of the Council. Who had taken the decision to hand over the management of Holy Trinity Church to this body and when?

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that he would write with a full response on the points raised on the Town Deal Board. However, in order to bid for funding under the Government's Town Deal it was

necessary to set up an independent structure. The Town Deal Board was this structure. This consisted of colleagues and partners who brought weight and understanding to the Board's deliberations. Colchester City Council and Essex County Council were represented and brought democratic engagement to the Board. The alternative would be not to bid for Town Deal funding. In terms of the points raised about the administration, following the election, the only group who could form an administration were the Liberal Democrats, with informal support from other groups. Whilst this was unusual it was a democratic mandate.

Nick Chilvers attended and addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). The consultation on the City Centre Masterplan had now closed and the public had had their say. He had read the responses online and there were no responses from Councillors. Were these logged separately or were they provided with a separate opportunity to comment? It was not right that Councillors could read residents comments, but residents could not see what Councillors thought. The Masterplan was an issue for all residents and Councillors as everyone used the city centre. Officers should not present a response to the consultation until Councillors had commented.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that Councillors did not lack opinions and there were several ways to ensure a robust conversation was held on this issue. Councillors were a crucial part of the process and would be involved in taking it forward. Once the consultation responses had been analysed, this would be published and presented to members. This was the start of the process, and there would be further decision making and members would be at the heart of this. This was not a closed process.

A local resident attended and addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to voice concerns about anti-social behaviour at Mary's car park. Since moving to St Mary's in 2017 there had been over 300 incidents which they had logged or had been reported by neighbours. Little progress had been made despite logging these with the Council and the police. Some progress had been made by installing speed bumps on the top floor but this had only moved the problem to lower floors. The use of Public Space Protection Orders had also not significantly addressed the issue and it was now worse than ever, with thirteen incidents in the last month. This affected over 200 residents and their quality of life was being seriously impacted by this issue. It was only a matter of time before someone was seriously hurt by the reckless driving in the car park. There was no preventative measure in place to stop this behaviour. The police had recommended the installation of barriers but the Council had rejected this option. The removal of barriers in 2016 had been the cause of the problem. It also caused reputational damage to Colchester as the car park was used heavily by patrons of the Mercury Theatre.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that he appreciated this was a significant issue for residents and was aware of the impact it had. He had reviewed matters this week with officers to look at a range of measures such as high quality CCTV to improve enforcement action. The Council was also looking at barriers, although the impact of these on a working car park needed to be considered. The Council would do all it could to deal with the issue and it was

committed to dealing with anti-social behaviour more generally, working together with the police.

Councillor Scordis attended and with the consent of the Chair, addressed the Cabinet. The Hythe Task Force was now on hold as the Member of Parliament had passed the issue to the Council, Essex County Council and Anglia Water to resolve. In view of this, what role would the Council play in addressing the issue of flooding? The Hythe was one of the main entrances to the City and was close to the University so was seen by prospective students and their families. It was not in the best condition. Section 106 funding had been spent elsewhere in the city, and whilst there had been some work on heritage, this had been bitty. It required a mini masterplan to set out how it might develop in the future. One of the issues was the dumping of bulky items in the river. Neighbourhoods had dealt with in the past. It was appreciated that this involved a significant resource but it was an eyesore to those arriving at the Hythe station.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, and explained that he had written back to the MP setting out the Council's position on the Hythe Task Force. The Council could not act or intervene where it did not have the authority. Anglia Water and Essex County Council had the statutory responsibility to deal with the issue. Anglia Water had offered a small financial contribution. The Council would play its part as a facilitator but those who had the statutory responsibility needed to step up. He would be prepared to convene the Task Force if partners were prepared to engage seriously. The issue of a masterplan for the Hythe was a sensible one and he would ask officers to investigate this issue and those raised about items dumped in the river.

779 Treatment of War Pensions in the Calculation of Housing Benefit

The Head of Operational Finance submitted a report a copy of which had been circulated to each Member.

Councillor Cory, Portfolio Holder for Resources, introduced the report and explained that the proposals would ensure the continuation of the policy whereby War Disablement Pensions and War Widow's Pensions were disregarded as income in the calculation of Housing Benefit. This was a particularly pertinent policy given Colchester's links to the Armed Forces and the Garrison.

RESOLVED that it be reconfirmed that War Pensions (as defined in paragraph 6.3 of the Head of Operational Finance's report) should be disregarded as income when calculating the entitlement to Housing Benefit.

RECOMMENDED TO FULL COUNCIL that it reconfirms this decision.

REASONS

The recommendations are supported as the Social Security Administration Act 1992 requires the Council to formally adopt any modification of the Housing Benefit scheme

where the whole or part of any War Pension is disregarded.

Continue to maximise the support available for those residents in receipt of any War Pension.

ALTERNATIVE OPTIONS

It was open to Cabinet not to reconfirm that War Pensions should be disregarded as income when calculating the entitlement to Housing Benefit.

780 Local Government and Social Care Ombudsman - Annual Review Letter 2023

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

George Johnson attended and addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He explained that he was Mr X referred to in report before Cabinet. He considered Colchester Borough Homes were failing tenants all over the city. Even after the resolution of the complaint referred to in the report, he was considering going to the Housing Ombudsman over issues relating to asbestos flooring and mould caused by a hole in a wall. It had taken 5 years to get a leaky boiler and radiators replaced. There was also a serious dust problem which aggravated asthma for members of his family. Colchester Borough Homes had also not taken seriously other health issues and failed to accept recommendations from an Occupational Therapist about the needs of his family. He had raised these issues through local councillors and the Member of Parliament. A trawl of Colchester Borough Homes social media would show that this was not an isolated incident and government guidance on allocations was not being met.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that Colchester Borough Homes were not a separate body and were part of the Council's family. The Council took responsibility for Colchester Borough Homes actions. They provided a good service to many and the Council was deeply committed to improving its housing stock. He was deeply sorry for the experiences of Mr Johnson and his family and for the finding of fault by the Ombudsman. He was aware that the recommendations of the Ombudsman had been implemented but he would ask Colchester Borough Homes to review again what had happened in this case and to see what could be learnt for the future.

Councillor Smith, Portfolio Holder for Housing, explained that Colchester Borough Homes looked after 6500 properties. It was disappointing when it did not meet the expected level of service. There were opportunities to raise this sort of issue through other channels such as tenant forums and he was concerned that this had not been picked up through these channels. The housing stock was severely stretched which meant difficult decisions on allocations needed to be taken. Ideal accommodation could not always be provided, given the current level of demand and the strains on the system. However, issues such as mould as raised in this case needed to be dealt with and if made aware he would escalate these to Colchester Borough Homes senior

management.

Councillor Cory, Portfolio Holder for Resources, introduced the report. The Council was required to publish the Annual Review Letter from the Local Government and Social Care Ombudsman. This showed that the vast majority of cases were handled well. It took seriously any finding of fault by the Ombudsman and sought to learn lessons from those. The Council needed more resources to be able to deliver better services, especially in respect of housing, and together with the Leader he lobbied wherever possible for greater resources for local government, given its crucial role in delivering basic services.

RESOLVED that the contents of the Local Government and Social Care Ombudsman's Annual Review Letter for 2023 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 City Council for 2023.

ALTERNATIVE OPTIONS

No alternative options were presented.

781 2022-23 Year End Review of Risk Management

The Corporate Governance Manager submitted a report a copy of which had been circulated to each Member.

Councillor Sunnucks attended and with the consent of the Chair addressed Cabinet. The Risk Management Strategy and risk matrix missed some of the major risks, which were project risks. He had requested a copy of the project risk register but it had not been provided. Cabinet needed to ensure that there was such a register of project risks and that it was properly scrutinised. The risks around the details of projects such as Northern Gateway needed to be understood.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that Governance and Audit Committee had endorsed the approach taken to risk management because it saw that Cabinet and officers appreciated risk and saw it as a live issue that needed to be constantly evaluated. Project management risk needed to be understood and considered in the proper context, such as within the review of the capital programme. The risks around Northern Gateway were considered and addressed and would be taken into account in the context of the changing market. The forthcoming workshop would be an opportunity to look at this issue and relevant information would be provided in advance of the workshop.

Councillor Cory, Portfolio Holder for Resources, explained that there was not a register including all the projects the Council was involved in. It would not be feasible to include all projects on the risk register as there were projects of many different

types and levels and it would become unworkable. The risks associated with capital projects were looked at and he would consider further how these could be put forward to give further transparency.

Pam Donnelly, Chief Executive, was invited to comment and explained that risk was a top priority for the Senior Leadership Board and it reviewed the Strategic Risk Register in detail monthly. Every decision making report included an assessment of risk management implications. In line with Local Government Association best practice, the three statutory officers met once a month and considered risk issues. The Strategic Risk Register was a construct of a number of sub registers. The forthcoming workshop was a critical opportunity to expose in a safe environment the levels of risk within the Council and within the capital programme. Detailed information was being prepared and she would personally assess it and ensure it was meaningful.

Councillor Jay, Portfolio Holder for Economy, Transformation and Performance, introduced the report and explained that it was a broad overview at a strategic level. The Cabinet could take confidence from the fact it was being reviewed at a senior level within the Council and from the reassurance from Governance and Audit Committee. The report and supporting documents should be endorsed on that basis.

RESOLVED that:-

- (a) The Council's progress and performance in managing risk during the period from April 2022 to March 2023 be noted.
- (b) The current strategic risk register be approved.
- (c) The proposed Risk Management Strategy for 2023/24 be approved and *RECOMMENDED TO FULL 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 to 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 1 August 2023, 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.

782 Year End April 2022 - March 2023 Performance Report - Key Performance Indicators and Other Performance News

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

Councillor Jay, Portfolio Holder for Economy, Transformation and Performance, introduced the report and thanked officers for their work in managing performance and compiling the report. The report now included good comparative information. She would now be provided with monthly information of performance against KPIs which would help monitor performance. Most of the customer related KPIs were being met, and a number of those that were missed were only marginally below target. Performance in respect of sickness absence was now improving.

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

REASONS

To review year end performance for 2022 – 2023 and ensure robust performance management of key Council services.

ALTERNATIVE OPTIONS

No alternative options were presented to Cabinet.

783 End of Strategic Plan 2020-2023 Performance Report - Delivering Cabinet Vision and Priorities

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

Councillor Jay, Portfolio Holder for Economy, Transformation and Performance, introduced the report and explained that the report demonstrated that delivery against the Strategic Plan 2020-3 had been achieved despite the pressures the Council faced.

Councillor Cory, Portfolio Holder for Resources, highlighted the challenging environment in which the priorities had been delivered.

RESOLVED that delivery against the 2020-23 Strategic Plan be confirmed.

REASONS

To ensure satisfactory delivery of Cabinet's vision and key priorities.

ALTERNATIVE OPTIONS

No alternative options were presented to Cabinet.

784 The Impact of Pylons on the Area of Outstanding Natural Beauty

The motion on the impact of pylons on the Area of Outstanding Natural Beauty considered by Full Council at its meeting on 19 July 2023 was referred to Cabinet. A copy of the motion had been circulated to each Member.

Councillor Luxford Vaughan, Portfolio Holder for Planning, Environment and Sustainability, stressed that this was an important motion that had helped raise awareness. She had been working with officers, ward councillors and some members of the public to take forward the motion. The Council had consistently robustly objected to the proposals from National Grid and encouraged an independent review of the offshore option. This had been restated in the response to the formal consultation. The Council was now focusing on issues relating to heritage and archaeology to support its case against the proposals. The Council had a strong position and the administration was working in accordance with the terms of the motion.

Councillor King indicated that there was real substance behind the terms of the motion and that it was supported by in-depth work from officers which should influence the decisions ahead.

RESOLVED that:-

- (a) the contents of the motion and Council's view on the impact of pylons on the Area of Outstanding Natural beauty be noted.
- (b) work continue to take forward the views expressed in the motion.

REASONS

Cabinet supported the terms of the motion approved by Council.

ALTERNATIVE OPTIONS

No alternative options were proposed.

785 Anti-Social Behaviour in the City Centre

The motion on anti-social behaviour in the town centre considered by Full Council at its meeting on 19 July 2023 was referred to Cabinet. A copy of the motion had been circulated to each Member.

Councillor Lilley attended and with the consent of the Chair addressed Cabinet. He was aware that the Leader had met the Station Commander and he was keen to hear plans to address anti-social behaviour in the city centre. He believed that matters were regressing. It was appreciated that matters were difficult due to cuts in Council and police funding, and the cuts in the number of police officers. The comments of senior police officers and the Police and Crime Commissioner about numbers of police officers were unhelpful. The police needed to address retail crime, which was currently treated as a low priority. He had raised these concerns at the Police and Crime Panel and would also raise them at the forthcoming meeting of the Crime and Disorder Committee. He expressed concern that Council wardens were not allowed to use their walkie-talkies to call for police assistance and had been advised to call 999, which was unacceptable.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that he believed that these issues would be best addressed in discussion with the police, and the Crime and Disorder Committee would give an opportunity for these matters to be raised. He had taken confidence from his meeting with the police. They understood the issues experienced in Colchester through the summer. Their work was intelligence led and focused. They needed help and support including members of the public reporting crimes officially rather than on social media.

Pam Donnelly, Chief Executive, was invited to comment, and suggested that in advance of the Crime and Disorder Committee, Councillor Lilley should ensure that the Labour Group Spokesperson made it very clear in the briefing what they required to be covered in the presentation to the Committee and that he liaise with the Portfolio Holder for Communities about attendance at the Community Safety Partnership. Councillor Sommers, Portfolio Holder for Communities, indicated she would arrange for him to be invited.

Councillor Cory, Portfolio Holder for Resources, explained that when he had been Leader of the Council the Council had provided funding to the police for town centre policing. In the current circumstances, this could not be replicated. The police were now receiving more funding but police numbers were still low. There were other contributory factors to anti-social behaviour, including the lack of funding for health, housing and youth services.

Councillor Goss, Portfolio Holder for Neighbourhood Services and waste, indicated that he had raised the issue of wardens being able to call 999 with the police and the policy may have changed. There was also anecdotal evidence that they were taking retail crime more seriously.

Sir Bob Russell attended and addressed the Cabinet pursuant to the provisions of Cabinet Procedure Rule 5(1). He noted that the Leader had published a letter in the Gazette claiming that anti-social behaviour had halved in the past 5 years. The Council should not create or support areas where anti-social behaviour could occur. The proposals for Holy Trinity Church would remove some of the railings which would provide a space where anti-social behaviour could take place and put at risk some historic headstones. The railings had been put in place following a vote at Council to specifically deter anti-social behaviour.

Councillor Burrows, Portfolio Holder for Heritage, Culture and Leisure indicated that she understood from a presentation she had seen for service users that the railings would be retained and could be closed off at night. This was disputed by Sir Bob Russell. Councillor King indicated that the Council supported the work of the Town Deal Board to improve the setting of Holy Trinity Church and the provision of open space in the city centre.

RESOLVED that Cabinet noted and supported the motion on anti-social behaviour in the city centre as approved by Council.

REASONS

Cabinet supported the terms of the motion.

ALTERNATIVE OPTIONS

No alternative options were proposed.

786 Progress of Responses to the Public

The Democratic Services Manager 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.

787 12-07-23 - not for publication extract