

Cabinet

Wednesday, 11 October 2023

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

No. Publication and Call In Arrangements

Date Published 12 October 2023

Date when decisions may be implemented (unless 'called in') 5pm 19 October 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 19 October 2023.

788 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting held on 6 September 2023 be confirmed as a correct record.

789 Have Your Say! (Hybrid Cabinet Meetings)

Alan Short attended and addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) in respect of development at Middlewick. It was noted that there was now a prospective purchaser for the site. It was critical that the conditions specified by the Inspector for the site were imposed on the developer before development started. This would prevent any arguments from the developer once construction had been completed around affordability and viability. He had raised these arguments at both Environment and Sustainability Panel and Local Plan Committee had received support and been advised to bring his concerns to Cabinet.

Councillor Luxford Vaughan, Portfolio Holder for Planning, Environment and Sustainability, explained that the conditions specified by the Inspector were now policy and the Council would have to ensure any development was policy compliant. What the Council could not control was decision by a government inspector should a refusal of any application be subject to appeal. Before any planning permissions was granted the Council would work with any prospective developer to ensure appropriate section

106 agreements were in place and could be delivered by the developer. In view of the size of the development, any application would be referred to the Planning Committee to determine. Developers would be aware of the conditions imposed by the Inspector and it was for them to consider issues of viability before any planning application was made.

Carrina Cooper attended and addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). She believed that searches as a condition of entry to a public meeting in a public building, were unlawful and provided details of the relevant legislation. Whilst the Council had mitigated this by the use of SIA licensed staff, the unlawful conditions of entry had been maintained for the last meeting of the Environment and Sustainability Panel. Concern was also expressed about the police presence at that meeting. There had never been any threat of violence from the group she represented. At the first meeting they had attended they had not been aware of Council procedures, but once rules had been explained they had abided by them. The basis on which searches had been imposed at the next meeting was queried. Searches had also become increasingly aggressive. A formal complaint about this had been raised in June 2023 but had not been responded to. The Council's unfounded fears about their behaviour should not override the need to behave lawfully and unless a reassurance was given that the unlawful searches would stop a complaint would be made to the SIA. This policy reflected the erosion of rights by central government over recent years. Searches excluded those who had abusive experiences or who refused to submit to a search. The searches felt like a tactic to prevent attendance by members of the group she represented.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that Councillors made themselves available to residents, some of whom disagreed strongly with Council policy and decisions, both in private and public meetings. The conditions of entry to public meetings at the Town Hall were intended to be proportionate and in line with industry good practice. A formal response would be sent to the complaint that had been made. There had been instances, albeit rare, where Members of Parliament and Councillors had been attacked, and there was a genuine concern by some that noise and disruption could escalate. He would arrange for the issue to be looked at again.

Councillor Smalls attended and with the consent of the Chair, addressed the Cabinet to express her concerns about shoplifting, given the further reports of a shopworker being attacked in Colchester. She had been surprised that the reports to the recent Crime and Disorder Committee did not include any statistics on shoplifting, given this had been widely reported as an issue of concern nationally and locally. The Committee had heard from Michelle Reynolds for Colchester Business Against Crime, who had spoken powerfully about the impact of shoplifting in Colchester. The debate at Crime and Disorder Committee had perhaps focused too much on resident's perception of crime rather than the reality of what was happening. The Shadow Home Secretary had referenced a policy whereby crime involving goods of a value less than £200 were not investigated or only received a fine through the post, which may help explain the lack of statistics on shoplifting and did not deter repeat offenders.

Councillor Sommers, Portfolio Holder for Communities, explained that she was hoping to receive shoplifting statistics from the police on a monthly rolling basis so that they

could be included in future reports and would investigate the issues raised about repeat offenders.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that he had robust discussions with business representatives on this issue. This was an issue which the Council cared about and would act together with partners. It was not managing expectations either up or down and it was not in anyone's interests to be unrealistic about the situation.

790 Ferry Marsh Nature Reserve Improvements

Cabinet considered the recommendation made by the Environment and Sustainability Panel at its meeting of 21 September 2023 a copy of which had been circulated to each Member together with the report considered by the Environment and Sustainability Panel on 21 September 2023.

Councillor Cory, Portfolio for Resources, explained that Ferry Marsh was part of the Wivenhoe Nature Reserve. It was a valuable site at which biodiversity was increasing. However, a nearby estate drained into the Marsh. Whilst there was a sluice to allow this water to drain into the river, this often silted up leading to flooding. A report had been submitted to the Environment and Sustainability Panel on methods of dealing with this issue. The Panel had asked for further information on several issues, but had recommended that capital funding be made available now to extend the outfall pipe to prevent further flooding. Thanks were given to Essex Wildlife Trust, Natural England, the Environment Agency, Council officers and residents for their work on this project.

Councillor Burrows, Portfolio Holder for Leisure, Culture and Heritage, explained that as Ferry Marsh linked to the Wivenhoe Trail, this was a sustainable Active Travel opportunity with physical and mental health benefits for residents.

RESOLVED that Work to extend the outfall pipe leading from the sluice at Ferry Marsh Nature Reserve be included within Colchester City Council's Capital Programme.

REASONS

The work to extend the outfall pipe would bring improvements to the Ferry Marsh site by reducing flooding. This would also lead to physical and mental health benefits for residents.

ALTERNATIVE OPTIONS

It was open to the Cabinet not to agree the recommendation from the Environment and Sustainability Panel.

791

Mid Year Capital Programme Updates 2023

Councillors Smith and Sommers (in respect of their involvement with the Oak Tree Centre) declared an other registerable interest in the following item pursuant to the provisions of Meetings General Procedure Rule 9(5).

The Section 151 Officer 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 capital programme was being reviewed, in view of the national economic situation. There was a need to rationalise the programme and ensure it was affordable and achievable. This had also been recommended by the LGA Peer Review Team, who had supported the work undertaken to date in their recent update report. The review was well underway and a cross party workshop had recently been held. The report before Cabinet provided an update on in year projects that required capital investment and those projects for which capital funding was ceasing. A full report on the future capital programme would be submitted alongside the budget report in January 2024.

RECOMMENDED to COUNCIL the schemes listed in Appendix B and C of the Section 151 Officer's report be included in the Approved Capital Programme and the schemes listed in Appendix D of the Section 151 Officer's report be removed from the Approved Capital Programme.

REASONS

The Council's Financial Regulations state that Cabinet has delegated authority to vary the Capital Programme within the overall approved envelope but any additions which require an increase in the Capital Programme beyond this must be referred to Council for approval. Variations will not normally be sought except for reasons of operational necessity, legislative requirement or reasons of Health and Safety compliance. The delay to updating the Capital Programme in February 2023 has resulted in some services experiencing operational issues which threaten the continued smooth delivery of core services.

ALTERNATIVE OPTIONS

All schemes proposed could be delayed until a formal Capital Programme revision in February 2024, but this would prevent or impact upon the delivery of some core services.

792

Housing and Homelessness Update

Cabinet received a presentation from Karen Loweman, Director of Operations, Colchester Borough Homes (CBH), and Philip Sullivan, Chief Executive, Colchester Borough Homes. The presentation set out the national context in which homelessness was increasing. It set out sources of funding and the impact of

temporary accommodation needs and other factors on the budget. It explained the current situation and the pressures on the system and how these were being managed and potential solutions to the current situation.

Councillor King expressed his thanks on behalf of Cabinet for the work of CBH in responding to the challenge presented by the current situation. There needed to be better government support to improve the housing system. The Council would work together with CBH on many of the solutions identified in the presentation.

Councillor Smith, Portfolio Holder for Housing, highlighted that a further factor that was driving the current housing crisis was section 21 “no fault” evictions, where tenants could be evicted with 8 weeks notice despite not having breached their tenancy agreement. There was no process of challenge or compensation. The numbers of children in temporary accommodation was hugely concerning. Some were in bed and breakfast accommodation outside of Colchester, which separated residents from their family and support networks. In addition, social housing providers increasingly were not taking up the property built for social housing more due to the rent cap imposed by the government. This had damaged the business model of Housing Associations as it had made smaller units in particular uneconomic.

In terms of next steps, the Council would:-

- Increase the local letting restrictions on three bed and one bed properties in particular, to try and ensure that the first lets went to local residents.
- In the acquisitions programme, the emphasis would be on purchasing fewer but larger properties. This should increase the supply of larger homes for which there was the most need.
- A report on affordability and viability issues would be submitted to the next Cabinet meeting.

Councillor Luxford Vaughan, Portfolio for Planning, Environment and Sustainability, expressed her hope that forthcoming legislation may address no fault evictions. Some tax incentives to rent were disappearing which contributed to the crisis. It was suggested that there may be a need to review the Council’s policy for 80% of social housing delivered through the planning system to be social rented. How longstanding was the need for 3 bedroom homes and could planning policy be amended to emphasise the need for 3 bedroom homes.

The Director of Operations explained that CBH did reflect with and learn from other authorities. The need for three bedroom housing was longstanding and families waited much longer than single people on the housing list. For reasons of affordability and viability 3 bedroom housing could not always be secured through planning gain on all developments.

Councillor Burrows, Portfolio Holder for Leisure, Culture and Heritage, asked what was being done to identify and support those children in bed and breakfast accommodation, given the impact that this would have on them, particularly in terms of education.

The Director of Operations explained that the aim was to ensure that any stay in bed and breakfast accommodation was kept as short as possible. Where possible families

were housed through the Peabody Trust, who provided support for families. CBH also worked closely with social care and with an organisation called Catch 22 who provided support and help on issues such as school access and equipment, and also on health issues.

Simon Collis attended and addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He explained his personal circumstances and that he and his family would be potentially homeless after receiving a section 21 notice from their landlord. There was uncertainty on how they would be housed once evicted. He explained the devastating impact that this had on him and his family. There had been a very significant drop in the amount of social housing in Colchester since 1994.

Councillor King thanked Simon for his comments and expressed the Cabinet's sympathy for the position he was in. He hoped the discussion showed how seriously the Council took the issue and how it was working to try and address the issues. The importance of housing and its impact on life chances was well understood. CBH would do all it could to support him.

Councillor Cory also thanked Simon and stressed that the Council was doing what it could to address the issue in terms of finding and building new accommodation. However, this was a national crisis that needed to be addressed by central government. In particular a programme of national housebuilding and a moratorium on right to buy purchases needed to be introduced.

RESOLVED that:-

- (a) The comprehensive presentation from Colchester Borough Homes be noted and accepted.
- (b) The strong performance by Colchester Borough Homes in intolerable circumstances be welcomed.
- (c) The Council commits to working with partners and government to secure better housing provision.
- (d) The Council commits to develop and share cross party a forward plan of actions with partners to address the housing crisis.

793 Response to Anti Social Behaviour

The Head of Public Protection submitted a report a copy of which had been circulated to each Member.

Sam Good, Chief Executive of the Business Improvement District (BID), attended and addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). The BID were supportive of the Public Space Protection Order (PSPO) and the BID had met with officers to discuss its renewal. It was disappointed that its three point plan to improve the order had not been addressed or responded to. The BID had suggested the following:-

- Moving to a license base process for A-Boards, so business could apply for an

A-Board in a similar way as they could for pavement permits.

- Ensure that the process did not apply to businesses looking to place A-Boards on private land.
- Better approach by the Council and police to the collection and issuing of warnings.

The Council had undertaken to review the viability of a license based system but the outcome of this had not been shared with the BID. Their suggestions were based on considerable experience in supporting businesses and were designed to iron out inconsistencies. The BID did not want to return to a free for all approach to A-Boards. If there were issues with resources or funding then the BID may be able to help.

There were also slight concerns about two further elements of the PSPO. The wording around activities that could affect the central nervous system could be interpreted to include smoking and vaping and confirmation was sought that the Council was not seeking to ban these activities. The wording of the bullet point on begging needing to be addressed by an “authorised person” ran counter to the work they had been doing. The BID could not accept the renewal of the PSPO as it was currently drafted.

The recommendation from the Policy Panel was also noted. Why therefore had business crimes not been included with the list of prohibited activities?

Councillor King, Leader of the Council and Portfolio for Strategy, indicated that he would ask the Monitoring Officer to take up the issues on the PSPO with the relevant officers as a matter of urgency and see what could be done to address the concerns of the BID. It was not the Council’s intention to prevent smoking and vaping.

Councillor Cory presented the comments of Councillor Sommers, Portfolio Holder for Communities, who had left the meeting. This was a key priority for the Council and the Community Safety Partnership. The Council had been responding to concerns of residents. She had been in discussion with the police on crime figures and these did show a reduction but due to high profile incidents this had caused a perception of an increase in anti-social behaviour. Some localities had also seen spikes of anti-social behaviour and she was working in particular on the issues at St Mary’s car park. Both long term and short term strategies were being considered to tackle anti-social behaviour across Colchester and she recommended the introduction of a new Anti-Social Behaviour Policy. She also endorsed the renewal of the PSPO and supported the need to make the town centre safer. However, the issues raised by the BID needed to be addressed.

RESOLVED that:-

- (a) The contents of the report from the Head of Public Protection be noted.
- (b) The introduction of an ASB policy that clearly states the types of behaviour that can be investigated and acted upon using the Councils legal powers, the appropriate mechanisms for reporting, and the methodology that the Council will use to take proportionate action in response to issues be endorsed; so that this information is more clearly communicated to the public.

(c) The renewal, of the Public Space Protection Order (PSPO) for the City Centre for a further 3-year period to October 2026 (Draft PSPO in Appendix A of the report) by the Head of Public Protection in line with the Scheme of Delegation to Officers be endorsed, subject to further consideration of the issues raised by the BID at this meeting.

REASONS

Anti-Social Behaviour (ASB) is one of the five priorities for the Safer Colchester Partnership, with a multi-agency approach to preventing, or supporting victims of such crimes or misbehaviour. Given the heightened publicity around this issue an ASB policy would set out clear objectives, responses times to reports and provide guidance and reassurance to residents that the Council has a commitment to address the issue of ASB. This can be made available online and updated so that the latest information is always easier to find using the Council resources.

In addition, the Public Space Protection Order (PSPO) for the City Centre will currently expire on 23 October 2023. The issues that the PSPO seeks to prohibit are still relevant, and therefore the PSPO should be renewed for a further 3 years to allow more robust enforcement to be practiced and dissuade potential perpetrators from taking part in such behaviours.

ALTERNATIVE OPTIONS

Not to introduce a Policy; this would maintain the status quo as to how information is provided, expectations managed, and how the Council works currently. However, it would miss an identified way to improve the way that the Council works, and the information given to our residents, visitors, and businesses.

Not to renew the Public Space Protection Order; but this would mean that the Council would have a reduced ability to act on issues that have been highlighted as important and would conflict with our Strategic Plan.

794 Reinforced Autoclaved Aerated Concrete (RAAC)

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that in view of recent concerns about reinforced autoclaved aerate concrete (RAAC) he wanted to make the Council's position clear.

The Council had taken the issue seriously. Colchester Borough Homes had reviewed all the Council's corporate buildings to understand the nature of their construction materials. Two buildings, Leisure World and Hunwick Road Centre, had been physically inspected. There was no evidence or indication that any of the Council's corporate buildings had RAAC. In terms of the housing stock, CBH had also commissioned a review. There were three types of non-traditional housing stock. Of these there were no RAAC issues with two types. The third included gas rendered concrete panels but these were not classed as structural. There was no need for

urgent work and further surveys would be commissioned on these properties and the risks managed appropriately.

Therefore, the Council was confident from the work undertaken and assurances it had received that there were no issues from RAAC. However, it was aware that partners also had issues and the Council was offering support to the County and to partner organisations in identifying properties with RAAC and addressing any issues. The Council had a long term role in ensuring that the government's promises of support to deal with the issue were monitored and implemented.

RESOLVED that the position on RAAC within the City of Colchester be noted.

795 Recommendations from the Policy Panel

Cabinet considered the recommendations from the Policy Panel at its meeting of 27 September 2023, a copy of which had been circulated to each Member.

Councillor Law, Chair of the Policy Panel, attended and with the consent of the Chair, addressed the Cabinet in support of the Panel's recommendations. She thanked Councillor King for attending the meeting of the Policy Panel on 27 September. The meeting had reflected some of the key ways the Council engages with and supports residents. The Panel had received a presentation from the BID and Council officers and arising from that were keen to receive a report from the City Status Marketing Task and Finish Group. It was also keen that the Cabinet receive more information about retail offers outside of the city centre and consider the development of a Retail Strategy that addressed this. The concerns of the Panel around the impact of anti-social behaviour crimes against business had been reflected in discussion earlier in the meeting. In terms of the recommendation on the cost of living crisis, the Panel had heard about the excellent and challenging work done by the Employment and Financial Support team. However it was concerned by the impact on vulnerable residents from staffing levels and staff turnover and that this might place an additional burden on the voluntary sector.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, thanked the Panel for its recommendations. In terms of the recommendations relating to the City Centre Marketing Cabinet accepted the recommendation in respect of the report from the City Status Marketing Task and Finish Group. This would reinforce closer working relations with partners. In respect of the retail strategy, it was noted that whilst most retail was still concentrated in the city centre, a number of significant retail offers were now developing outside of the city centre and there would be value in a Strategy that addressed this. The BID supported this. However, some concern was expressed by Cabinet members about the potential cost and resource needed to undertake this work, which would need to be commissioned externally. It was also noted that the Council already had a retail planning policy and it was not clear how a new retail strategy would link to that. Cabinet agreed that it should ask officers to investigate the costs and benefits of such a strategy and report back to Cabinet. There may be opportunities to share costs with partners.

In respect of the recommendation on anti-social behaviour and retail crime, it was not the Council's role to set priorities which were led to the police and Cabinet agreed a revised wording to reflect this.

In terms of the recommendation on the cost of living crisis, Cabinet was of the view that whilst this was not the forum to decide on staffing levels for the Employment and Financial Support Team, the recommendation should be accepted.

City Centre Marketing & Inward Investment

RESOLVED that: -

- (a) Approval be given for the Panel to receive a report from the City Status Marketing Task and Finish Group, as led by the Business Improvement District.
- (b) Cabinet commissions officers to explore how best to develop a wider Retail Strategy which addresses the retail offer beyond the city centre
- (c) In light of the Panel's concerns regarding increasing anti-social behaviour and crimes against businesses (including shoplifting), Cabinet advocates that the Safer Colchester Partnership should ensure tackling anti-social behaviour and crimes against businesses is a priority, and that all local partnerships should work together to address these problems, and issues, data and progress be shared with the public.

Cost of Living Crisis – Council Response reflection and next steps

RESOLVED that Cabinet agrees that adequate staffing levels are vital for the Employment and Financial Support Team to conduct its work, given the essential work it does to support residents, and the likely additional costs to the Council and public services later, if eligible residents are not able to access the advice and support provided by this team.

ALTERNATIVE OPTIONS

It was open to Cabinet not to approve the recommendations from the Policy Panel.

796 Progress of Responses to the Public

The Democratic Services Manager submitted a progress sheet a copy of which had been circulated to each Member. The Democratic Services Manager explained that a response to Mr Vince from his contribution at Environment and Sustainability Panel on 21 September remained outstanding as it raised some complex issues. However, progress would continue to be monitored.

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.