

Scrutiny Panel Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ
Thursday, 16 May 2024 at 18:00**

The Scrutiny Panel examines the policies and strategies from a borough-wide perspective and ensure the actions of the Cabinet accord with the Council's policies and budget. The Panel reviews corporate strategies that form the Council's Strategic Plan, Council partnerships and the Council's budgetary guidelines, and scrutinises Cabinet or Portfolio Holder decisions which have been called in.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

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Access

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Scrutiny Panel – Terms of Reference

1. To fulfil all the functions of an overview and scrutiny committee under section 9F of the Local Government Act 2000 (as amended by the Localism Act 2011) and in particular (but not limited to):

- (a) To review corporate strategies;
- (b) To ensure that actions of the Cabinet accord with the policies and budget of the Council;
- (c) To monitor and scrutinise the financial performance of the Council, performance reporting and to make recommendations to the Cabinet particularly in relation to annual revenue and capital guidelines, bids and submissions;
- (d) To review the Council's spending proposals to the policy priorities and review progress towards achieving those priorities against the Strategic and Implementation Plans;
- (e) To review the financial performance of the Council and to make recommendations to the Cabinet in relation to financial outturns, revenue and capital expenditure monitors;
- (f) To review or scrutinise executive decisions made by Cabinet, the North Essex Parking Partnership Joint Committee (in relation to decisions relating to off-street matters only) and the Colchester and Ipswich Joint Museums Committee which have been made but not implemented referred to the Panel pursuant to the Call-In Procedure;
- (g) To review or scrutinise executive decisions made by Portfolio Holders and officers taking key decisions which have been made but not implemented referred to the Panel pursuant to the Call-In Procedure;
- (h) To monitor the effectiveness and application of the Call-In Procedure, to report on the number and reasons for Call-In and to make recommendations to the Council on any changes required to ensure the efficient and effective operation of the process;
- (i) To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are not the responsibility of the Cabinet;
- (j) At the request of the Cabinet, to make decisions about the priority of referrals made in the event of the volume of reports to the Cabinet or creating difficulty for the management of Cabinet business or jeopardising the efficient running of Council business;

2. To fulfil all the functions of the Council's designated Crime and Disorder Committee ("the Committee") under the Police and Justice Act 2006 and in particular (but not limited to):

- (a) To review and scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (b) To make reports and recommendations to the Council or the Cabinet with respect to the discharge of those functions.

COLCHESTER CITY COUNCIL

Scrutiny Panel

Thursday, 16 May 2024 at 18:00

The Scrutiny Panel Members are:

Councillor Darius Laws [Chairman]
Councillor Dennis Willetts [Deputy Chairman]
Councillor Tracy Arnold
Councillor Sam McCarthy
Councillor Sam McLean
Councillor Thomas Rowe
Councillor Fay Smalls

The Scrutiny Panel Substitute Members are:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA

THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING

(Part A - open to the public)

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

5 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes of the meetings held on 13 February 2024, 26 February 2024, 12 March 2024 are a correct record.

Scrutiny Panel Minutes 13 February 2024 7 - 20

Scrutiny Panel Minutes 26 February 2024 21 - 30

Scrutiny Panel Minutes 12 March 2024 31 - 42

6 Have Your Say!

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

7 Decisions taken under special urgency provisions

The Councillors will consider any decisions by the Cabinet or a Portfolio Holder which have been taken under Special Urgency provisions.

8 Cabinet or Portfolio Holder Decisions called in for Review

The Councillors will consider any Cabinet or Portfolio Holder decisions called in for review.

Call in: Update for Viability Assumptions used for HRA affordable housing delivery - April [20]24 43 - 50

This report sets out the background for the review of a decision taken by the Portfolio Holder for Housing on 24 April 2024, to accept updated Viability Assumptions, used for HRA affordable housing delivery.

9 Items requested by members of the Panel and other Members

(a) To evaluate requests by members of the Panel for an item relevant to the Panel's functions to be considered.

(b) To evaluate requests by other members of the Council for an item relevant to the Panel's functions to be considered.

Members of the panel may use agenda item 'a' (all other members will use agenda item 'b') as the appropriate route for referring a 'local government matter' in the context of the Councillor Call for Action to the panel. Please refer to the panel's terms of reference for further procedural arrangements.

10 Exclusion of the Public (Scrutiny)

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B
(not open to the public including the press)

SCRUTINY PANEL

13 February 2024

Present: - Councillor Arnold, Councillor Laws (Chair),
Councillor McCarthy, Councillor McLean,
Councillor Smalls, Councillor Willetts

Substitutions: - Councillor Sunnucks for Councillor Rowe

Also present: - Councillor Burrows, Councillor Goacher, Councillor
King

444. Items requested by members of the Panel and other Members

The Chair noted talk in the press regarding a third-sector partner of the Council, Community360, and its financial arrangements. The Council had raised questions, and received answers that had generated further questions. The Chair stated that more answers were needed, that councillors expected to be briefed in coming days, and requested that the Panel receive a report urgently, for the next meeting on 12 March 2024, to ensure that the Council could be satisfied with the financial arrangements in place. Further work might be needed following that meeting.

The Panel considered this request, with a member noting that there was currently no indication of any legal issues, but asking whether an extraordinary meeting should be arranged to consider this matter before 12 March 2024, to address the public perception of the situation. The organisation in question did much on behalf of the Council and other partners, with a number of former and current elected members having been involved. The Chair stated that he would be happy for this to be added to the agenda of the 12 March 2024 meeting, rather than schedule another meeting.

RESOLVED that the SCRUTINY PANEL, at its meeting on 12 March 2024, receives a report on the Council's current relationship with Community360, questions issued, and answers received regarding the financial arrangements, funding provided to that charity via the Council, and matters recently covered in local press publications.

445. Minutes of Previous Meetings

A Panel member raised concern that the Panel had not received information in regard to the recommendations it had previously made about additional financial information to be produced to aid the Council's Budget-setting process, and councillors' deliberations on this. These included a statement of reserves, Treasury Management Strategy Statement, and information about the cumulative deficit projected for coming years. Another Panel member confirmed that the requested

information had been provided to councillors with the Budget report to the coming Full Council meeting.

RESOLVED that the minutes of the meetings held on 23 January 2024 be approved as a correct record.

446. Have Your Say

Ms. Carla Hales addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to ask questions regarding the Castle Park bandstand, and its use by community groups. Speaking as a District Lead Music Tutor and Chair of the Essex Concert Band, Ms. Hales asked what constituted a community group and would therefore not incur a charge for use of the bandstand, for how long the Castle Park café would continue its sponsorship, and whether anyone would take over from them, if sponsorship ended. Many local groups wanted to support the Council's aim at fostering a positive local image, whilst involving local suppliers and groups, and Ms. Hales suggested that charging groups for use of the bandstand could be seen as an insult, and asked that the approach to charging be rethought.

The Chairman committed to ensure that the Panel's discussions would seek to ensure youth and community groups were encouraged and welcomed.

Mr. Robert Johnstone addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to raise previous consideration of the playing of music at the bandstand by Full Council on 19 July 2023. The Portfolio Holder had then said he would consider further the fees and grants involved. Mr Johnstone urged for councillors to be mindful that the bandstand needed bands to play in it. Southend's bandstand hosted 56 performances in the past year, whilst Colchester only proposed six for the year. Mr Johnstone recommended that the Council's policy on events be reviewed, having last been updated four years ago. The work needed to do concerts and events, which were beneficial to the Council, businesses and public, was highlighted.

Ms. Rachel Matthews addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to ask if the Panel had scrutinised the Climate Emergency called by Full Council in the past, and urge the Panel to examine the basis for this. Ms. Matthews accused the Intergovernmental Panel on Climate Change of not publishing accurate data and asked if the Council was discharging its duty to provide land for food growth.

The Chair confirmed that the Council provided and administered allotments, and offered to seek a Scrutiny Panel meeting on the Climate Emergency in the 2024-25 Municipal Year.

Ms. Carinna Cooper addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to allege that she had not had a response from the Council to her questions previously raised about the Deputy Mayor halting a member of the public's speech to Full Council, and the legal guidance regarding searches of public attendees at meetings. Ms. Cooper then suggested that the City Council be dissolved. Ms. Cooper claimed that officers of the Council were complicit in allegedly

fraudulent applications for new 5G telecommunication masts in the name of dissolved companies.

The Chair explained that planning officers did not have a duty to carry out examinations of the financial situation of any planning applicant, and stated that it was his understanding that an answer had been given to the queries raised by Ms. Cooper. Ms. Cooper then admitted that she had indeed received a response from the Council, but did not consider it sufficient.

Councillor David King, Leader of the Council, confirmed that the response had been provided, and underlined the trust in officers working to the law. Regarding trust, members of the public could participate in Scrutiny Panel meetings and seek answers.

Ms. Cheryl Taylor addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to raise a complaint that she had made regarding her dissatisfaction with a search carried out on her prior to the Scrutiny Panel meeting on 6 June 2023 and alleged that she had still not received a response to her complaint. Ms. Taylor explained that she had received a receipt for her complaint made on 16 June 2023, expressed concern that any CCTV footage would no longer be available, and asked whose job it was to follow up on complaints.

The Chair gave his understanding that a response had been made to the complaint, and that the Council had amended its procedure, to ensure that there were always female members of security staff engaged to staff meeting security. The Chair recognised the need for searches to be carried out respectfully and offered to check on the policy regarding retention of CCTV footage.

Councillor Goacher attended and, with permission of the Chairman, addressed the Panel to raise a letter to councillors, sent by the Middlewick Residents' Group, and formally requested that the Scrutiny Panel examine the allegations that a letter from Natural England was withheld from councillors prior to the Local Plan being approved. Councillor Goacher expressed concern that the Middlewick Group had not received a response from the Planning Department regarding the Natural England report, and asked what legal redress there might be to which he would have recourse regarding not having had the letter provided to him prior to the Local Plan being approved. Councillor Goacher asked if the Scrutiny Panel would be scrutinising this matter and, if so, when.

The Chair committed to speak to planning officers regarding the relevant protocols and encourage that the relevant information be provided to all councillors. This matter was not currently on the Scrutiny Panel's work programme and the Chair suggested that, at this stage, it might be more appropriate to discuss this internally with planning officers.

A Panel member raised concern that there had been a number of claims made that responses from the Council had not been provided to questions raised, and asked who was responsible for ensuring answers were provided to members of the public and councillors. A suggestion was made that a recommendation could be laid down to call for the Council's communications plan to be reviewed and updated. Concern

was raised at talk of reducing the Council's capacity to communicate and respond to questions and issues raised by the public in the future. The Chair confirmed that correspondence had been despatched to some of the members of the public in attendance, and that the issue had been that those members of the public were not satisfied with the content of the responses. The Leader of the Council agreed that this was an important matter, and that it was right that the public could challenge councillors and the Council's Administration, but asked that the Panel view any issues in the context of the Council's customer contact service being highly-rated by public feedback.

RECOMMENDED to CABINET that Cabinet reviews the Council's approach to its corporate communications with members of the public.

447. Review of Colchester City Council's Strategic Arts Partners

The representatives of the Arts Partners were introduced, and each in turn presented the work done by their respective organisations.

Anthony Roberts, Director at Colchester Arts Centre, covered the recent highlights of the Arts Centre, including the Blur gig in 2023, which was the biggest event ever held by the venue. Tickets had sold out in four seconds and the event had brought civic pride to the venue and City. Attendees had come from across Europe. Other high-profile events had been a Sixth Form College 'Battle of the Bands', and performances by acts such as 'Butterfly Handshake.'

The Council's funding to the Arts Centre was described, and the use of this to leverage additional funding. For every £1 of Council funding, a further £20.26 additional funding and income had been gained. The key areas of income were from ticket sales, bar trade, bookings for events, and Arts Council England. 356 shows had been performed in the last year, and the comparisons between the funding agreements and actual performance were shown. 'Pay what you can afford' events were held to ensure that those on lower incomes were not excluded.

A description was given of collaborative work betwixt the Arts Centre and First Site, which had attracted a wide range of artists. The Director stressed the importance of providing a space and content for older people, as well as the young. Friday afternoon events were run to appeal to older audiences.

A digital programme provided weekly content to the 795 subscribers. 46,000 ticket purchases had been recorded, which did not include those sold for third-party events, with around half of audience members coming from outside of Colchester. Of attendees from Colchester, around 40% came from the two lowest-income demographics, although it was noted that multiple ticket purchases by the same individuals were all counted as separate logs in the statistics compiled.

The Lawrence Walker Gallery and Greenstead Community Centre were noted as venues for additional events and exhibitions, including ballroom dancing. A touring show had also visited a range of venues, with 42 shows around the Colchester area.

Upgraded facilities had been installed at the Arts Centre, and the Director picked out highlights of the Centre's work with youth groups and groups representing and made up of vulnerable members of society.

Steve Mannix, Executive Director of the Mercury Theatre, provided a presentation on the Theatre's work during 2022-23. Creative industries in the UK had grown by 12 percent between 2021-22 and 2022-23, even after the effects of the Pandemic and the high rates of inflation. Increased costs of materials and salaries had increased the Mercury's costs by £80,000.

Challenges were noted, which had led to a lower filling of capacity than in the 2021-22, achieving around 60-65 percent capacity. Events and tours were still conducted, and around 38,000 people had attended unticketed events on top of ticketed events, including events held in cooperation with First Site and the Arts Centre.

The Creative Engagement Project was described, which had involved around 36,000 children and adults, including youth and seniors in activities. This had been the final year of the Project at the Mercury, which had been funded by the European Union. 116 new creative businesses had been formed as a result of the Programme. New funding arrangements now meant that the Project could continue for the next three years.

The Mercury Rising Project had been completed, albeit ten-months behind original schedule. Thanks were given to Council officers who had helped to achieve a good sustainability score, which was in the top 25 percent of new builds in the UK. There was now a lack of space in the building, so a second-storey extension was being proposed.

The programme of civic activities which had been run was outlined, including for the mourning of Her Majesty, the late Queen Elizabeth, and the coronation of King Charles II.

Highlights included a Derren Brown show, the Mercury's first West End transfer. The StageText service, which provided captioning, was now headquartered at the Mercury, and supported disabled, deaf and neurodivergent people.

Plans for 2024-25 were briefly outlined, and the money invested by the Council and Essex County Council was underlined in being crucial. The Mercury employed 143 staff and generated £5.4m turnover. The cost to the taxpayer of the Council funding was given as 87p per Colcestrian taxpayer per year. 80 percent of the Theatre's income came from tickets and sales, with every £1 of funding generating £4, and audiences spending millions in the wider Colchester economy. The Mercury itself had spent £10.6m in the local area.

Sally Shaw, Director of First Site, described the exhibitions staged over the past year, including the 'Big Women' exhibition, curated by Sarah Lucas and featuring the work of 25 artists. This generated significant income for Colchester and Sarah Lucas also provided a personal donation to First Site. First Site was now one of the few galleries in the UK to be able to still deliver a full programme of exhibitions. 110 events had been held in the previous year, with 440 completed in this current year,

with a focus on evening opening hours and collaborative events. Ticket sales for events were strong. Workshops and art classes were tailored to respond to audience demand, and were starting to generate a profit.

The target of 124,000 visitors were set to be met. The success came partly due to the success of new ideas and later opening hours. Galleries used to close at 5pm, which excluded those who worked full-time days. An increase in visits by the working population had been recorded, with a drop in the average age of visitors. A new membership scheme went live in November 2023, offering free entry to the cinema, and significant discounts in the venue. Greater use of the cinema led to more visits to the gallery and café.

Governance arrangements, under the venue's Board, were outlined. A tough decision had been taken to restructure, following the increase of electricity costs from £70,000 per year to £580,000 per year. An issue had also been identified, with the success rate of achieving funding from trusts and foundations dropping from 80% to 10%. Feedback was being analysed in order to discern the reasons for this. A new team was working to generate funding outside of these usual funding streams. First Site was examining the transferable impacts from the arts and creative sector.

The Director informed the Panel that she had recently been appointed as the Arts Council England Chair for the South-East Region. This helped First Site gain further information from across the wider Arts Council England organisation. Work on diversity, including LGBTIQ+ representation and groups, showed the venue to be performing above the UK's national average. Health and wellbeing work was proceeding with The University of Essex.

The lighting programme to replace all bulbs with LED lights was nearing completion, and was a key way to reduce electricity costs and as an environmentally friendly measure.

The Panel discussed the presentations which had been given. The representatives were asked what work was being done to cross-fertilise activity across the artistic and creative sector. The Director of First Site described a project which had been carried out in Clacton, which had now ceased due to lack of funding, and the intent to do more in the future, if possible. All organisations were seeking to work more closely with each other, to survive the perilous climate. The Director of the Arts Centre expressed interest in using the High Street for events, and looking at how communities could work to make use of assets. A suggestion made was to seek to use the old Marks and Spencer premises to host a community space, with an Arts Centre pop up. Whilst much shopping was now done online, live experiences with the arts could not be done online, such as live music, seeing paintings, attending the theatre. The Arts Centre premises on Priory Walk had improved diversity of participants, activities and life experiences.

The Panel raised the importance of supporting and engaging young people, with curriculums being squeezed, especially around the arts. A Panel member praised the disability access at the Mercury Theatre and asked if the Arts Centre was looking to improve their access and offer disability access tickets. The Director of the Arts Centre explained that the Centre now offered the option for ticket buyers to request

an access host, with options to help. The worst situation was for wheelchair users at standing gigs, but the situation was not so difficult at other types of events and performances. Councillor Michelle Burrows, Portfolio Holder for Leisure, Culture and Heritage, added that the Arts Centre had run a focus group to look at improving access for disabled audience members and wheelchair users. The Centre had been very responsive to the group and had brought in access host options, which offered a host to talk through access issues prior to an event, and then assist the audience member at the event itself. Early entry was also offered for those who needed assistance. The Executive Director of the Mercury Hotel informed the Panel that he sat on the board for the national scheme to improve support and access options for disabled and neurodivergent people.

The Panel noted that the Mercury's target for recruiting women was at 70 percent, with one member asking if there was currently a deficit in this area and, if so, whether this was in particular parts of the organisation, such as the craft and construction areas. The Executive Director noted that their Deputy Workshop Manager was a woman, and the Theatre was trying to address the deficit in such areas by using apprenticeship schemes, highlighting backstage roles to improve diversity, working with the local and national BBC.

The Director of the Arts Centre was asked if there were more opportunities for the church yard there to be open for use, and explained that this was run by the Council and had been closed due to antisocial behaviour issues, with one group in particular causing trouble, with drug use being noted. This space had been used for displays in the past, but could be seen to be a nice thing as a space to which humans did not use.

In answer to questioning, the Director of First Site explained that the removal of the onsite shop from the front of the venue was a temporary measure to allow the progression of light replacement. The shop would return to that location, and funding had been sourced for a pop up café at the front of the venue, in addition to the existing café.

The guests were asked for more information on what was being done to ensure workforce diversity. The Executive Director of the Mercury expressed confidence that the Theatre's diversity targets would all be surpassed. The Director of the Arts Centre highlighted the appointment of Vijay Patel to lead on diversity matters, and their work. The Director of First Site described the changes in their creative team, where diversity had been difficult to improve. The overall workforce at the venue was around 75 percent women, with good representation on the Board of Directors. There had been challenges in getting global diversity and disability/neurodivergent representation on the creative team. Examples were given of the work done to try to improve accessibility for neurodiverse people, including language used, colours and design. This had been led by a neurodivergent person hired specifically to do this, following them visiting and giving suggestions for improvements. The Executive Director of the Mercury underlined the continuous nature of improving diversity, equality and inclusion. The Theatre had increased the number of accessible performances held at the venue. Regarding diversity in income demographics, the cost and availability of transport were given as major issues. Ways to ensure transport options were being looked into. The Director of the Arts Centre underlined

the gender issue in the music industry, where almost all tour managers, engineers and technical staff were men, and the experiences of the Centre's Production Manager, who was a woman, and the sexist behaviour she had experienced from touring act staff. The Panel were told that all needed to challenge such prejudice.

A Panel member noted the successes of the three organisations, but also the huge challenge of escalating energy costs. The guests were asked whether an appropriate funding balance had been set, given the need for the Council to save money. The Executive Director of the Mercury emphasised that the funding was an investment, and allowed Essex County Council and Arts Council England to authorise further funding to the venues. Council funding was key to leveraging further funding at local and national levels. The argument was further made that a reduction in Council funding, and the mothballing of sites providing artistic and creative content would cost the Council more in the long term.

The Executive Director was asked if he felt the funding balance was fair, given the Council's intended budgeting for the Leisure World North site on Colchester Sports Park, and stated that he had no objection to the Northern Gateway development site, as residents should be given a choice. There were opportunities for shared services, promotions and retail. The director of First Site called for thinking about new creative partnerships to increase uptake of all activities, including sports. The Director of the Arts Centre agreed, positing that sport was creative, just in a different way.

The Chair summarised that the Scrutiny Panel was seeking to ascertain whether the Council was getting value for money from the funding it provided. The creative sector was key in making Colchester a vibrant, special place, and to generate income and employment. The work of the arts organisations was praised.

RESOLVED that the SCRUTINY PANEL considers that the arts organisations in receipt of Council funding are succeeding and adding to the local economy, but notes the challenge of high energy costs which imperil the organisations, and the potential need to review the funding provided in order to reflect these costs and enable the organisations to continue their positive work.

448. Middle Mill Weir Collapse – Briefing

The Chair announced his intention to alter the agenda order, and consider the item on Middle Mill Weir earlier than planned. This was an interim report, with a more substantive report to follow at a later meeting. Fiona Shipp, Parks, Countryside & Greening Operations Manager, took questions on the report.

A Panel member asked for an explanation of the fish path that had been mentioned as part of two options within the report. The fish path was explained as a requirement stipulated by the Environment Agency, for fish and eel movement along the river.

The Panel asked about the options for a temporary bridge. The Council was examining possible options, but the interlinked nature of weir and existing bridge meant that there were worries about further collapse potentially damaging the bridge.

The Council was examining what parts of the weir could be saved, and options for bridging.

The Panel enquired as to what the inspection procedure was for edifices such as the weir, whether there was a team responsible and a formal reporting process with inspection records. The Operations Manager explained that staff from the Parks and Open Spaces Team carried out day-to-day visual inspections and operated the weir daily. The most recent major inspection had been carried out in 2016, followed by ongoing inspection of the weir to check for any changes. When an issue had been identified, it was initially thought that the problem was caused by items stuck in the weir, which was a common issue. Unusual bubbling was seen emanating from underwater, followed by a rapid collapse. The fabric was hard to check, as the site had to be de-watered in order to show the underwater parts.

The Operations Manager answered questions about timescales, which were dependent on what course of action was taken. The main stakeholders were being consulted, such as the Environment Agency, Natural England, and local community groups. Feedback was requested by 25 February, after which the wants, pros and cons would be compiled, and options costed. The likely cost would be in the hundreds of thousands of pounds, as modern design standards would need to be met. A member of the Panel compared this to the approach a private-sector company might take, which would not need to consult with local groups or residents.

The swift ballasting of the damaged site was commended by the Panel, with the Chair noting that the Environment Agency had proffered the view that the collapse would not cause riverside flooding. The Operations Manager confirmed that there was no risk of such flooding, due to the operation of the Eastgate weir's automatic opening and closing to manage water levels. The Chair gave a reminder of the Panel's wish to ensure that effects along the length of the Colne were examined.

Councillor David King, Leader of the Council, acknowledged the concerns regarding cost and impacts on the environment. The scope had to be understood, and best price found to mend the situation. Details would be shared with members when these became available. It was not expected that this would carry on into 2025, but the process would not be a quick one. A Panel member asked how the Council would avoid 'overspecifying' for a solution, and gave the view that the Environment Agency and Natural England were a drag on achieving a solution. The Panel member argued that contractors should be brought in swiftly to start work, before any consultation was done. The Leader of the Council made an undertaking to set the best pace possible and to manage costs, seeking the best plan at the best pace, to give a solution that lasted.

The Operations Manager explained that, due to the timings of the consultation, a substantive report would not be possible for the meeting of the Panel scheduled for 12 March 2024.

RESOLVED that the SCRUTINY PANEL receives a substantive report on the Middle Mill Weir situation at its first meeting in the 2024-25 Municipal Year.

449. Briefing from Councillor Michelle Burrows, Portfolio Holder for Leisure, Culture and Heritage

Councillor Michelle Burrows, Portfolio Holder for Leisure, Culture and Heritage, explained the challenge to budgets, but also the positive opportunities. Highlights included the Year of Celebration, King's visit, Siege event, and Gladiatorial exhibition, which had gained international coverage. £19.6m in levelling up funding had been received, as well as National Lottery Heritage funding, and improved Arts Council funding for the museums. The Visitor Information Team were assessing the annual cultural grant scheme.

Colchester Castle had been nominated as a finalist in the Tourism and Accessibility Awards. The Castle Park light trail would return for Christmas 2024. The Council would continue to support the visitor economy, assist visitors, and provide information to help visitors and residents to attend events that were held. The work to support visits and the tourist experience was outlined.

The Council continued to support cultural and artistic events, having supported a diverse range of 25 different events, some involving celebrities, and worked with the NHS to improve health and wellbeing and cohesion. Grants to artistic partners had been administered. Arts Council England were seeking to improve accessibility, which was supported by the Council. Examples were given of the work done with the dementia group, with practitioners available to provide expert advice. The Mercury Theatre was seeking to roll out Dementia Awareness courses.

Guided archaeological walking tours had increased, with an increase in visitors up to 7,550 in the year. Sites throughout Colchester were being promoted and new interpretation panel installed, such as at St. Michael's Church in Myland, the Roman Circus, and other sites. The Roman walls, Gosbecks Archaeological Park, St. Botolph's and Jumbo were key sites.

The Portfolio Holder was asked what the effect would be on visitor numbers to Hollytrees Museum, if plans to implement entry fees were enacted, and was further asked whether she would prefer it to remain free of charge. Frank Hargrave, Head of Museums, explained that a 50% reduction in visits was expected, with the possibility of a 'Residents' Pass' for access to all museums. Demographics of visitors were not expected to change with the introduction of charging. This had been evidenced through research on cultural attractions which had moved from being free to enter and had introduced entry charges. Income needed to improve in order for the Council to continue to provide this service. Other venues, such as the Natural History Museum, would remain without an entry charge. A range of groups were being consulted regarding improving the offer and access at Hollytrees Museum.

The Panel discussed concerns as to whether sufficient time was spent searching for archaeological finds where planning applications were submitted. A Panel member suggested that a supplementary planning document might be produced to lay out how Roman flooring should be treated and preserved, if found. The Portfolio Holder offered to discuss this with Karen Syrett and Simon Cairns, Joint Heads of Planning. Another Panel member cautioned that Colchester did not want the reputation of being obstructive to developers. The Portfolio Holder explained that the plans to

display the mosaic for Red Lion Yard had encountered issues relating to its cost. The cost of removing cabling had been estimated at £60k, and consideration needed to be given to its financial viability. A smaller mosaic had been estimated to cost around £50k in total. The Leader of the Council noted that suggestions had been made that the cable removal costs might be able to be reduced considerably, which would improve the viability of the original proposal.

The Portfolio Holder gave an update on the Gosbecks Archaeological Park, and the potential for a visitor centre to be constructed. This might possibly be done in partnership with Durham University.

The Panel discussed how the artifacts held by the Council could be best displayed. The Head of Museums described the huge quantity of artifacts held, with some available to access and more being digitally available. The best items were displayed in museums, with work being done to increase the amount available online.

The Panel asked for an update on the Moot Hall roof. The Leader of the Council explained that this dated back to an issue regarding past care of the asset.

The Portfolio Holder was asked what was causing the cost of the Northern Gateway project, answering that the cost of the project would be less than the costs caused by not providing the exercise and sporting facilities, and the lost opportunity to help people improve their physical and mental health. A Panel member asked for the capital costs and expected return on investment.

RECOMMENDED to CABINET that Cabinet commissions and receives a report on losses made at Northern Gateway, the investments made in the site, what Cabinet intend to do about the site, and what social benefit is expected from the site.

RESOLVED that the SCRUTINY PANEL receives a report to assess whether sufficient time is allocated to the seeking of items of archaeological interest, as part of the planning framework

450. Corporate Key Performance Indicator Targets for 2024-2025

The Panel noted the significant improvement in average time to relet empty residential properties [void properties].

Richard Block, Chief Operating Officer, presented the proposed suite of key performance indicators [KPIs] for the Council in 2024-25, brought before the Panel for pre-decision scrutiny. The proposed targets would need to be assessed in light of Office for Local Government [OfLoG] oversight.

The Panel noted the slight improvement seen in sickness rates in the Environment Service, and asked the Chief Operating Officer to investigate whether a separate KPI for sickness rates in this part of the Council could be given, in line with a recommendation made previously by the Panel.

The Chief Operating Officer was asked if it was reasonable for the Council Tax collection target to be maintained. The Chief Operating Officer explained that current

performance was always examined when targets were set. This indicated what performance could be maintained, and the Council continued to seek ambitious targets for revenue collection.

The Panel discussed the Council's response to the declared climate change emergency, with a Panel member arguing that it seemed as though this was not being treated as an emergency, with a delaying in moving towards a more environmentally friendly fleet of waste collection vehicles. The Chief Operating Officer acknowledged the importance of this point and gave assurance that, in addition to the KPIs, a report would be brought forward to measure achievement against the Strategic Plan, including progress on reducing carbon emissions and the work done to pursue such a reduction. A Panel member noted the time spent on climate matters by the Environment and Sustainability Committee, but posited that the Committee had displayed no urgency.

The Panel discussed the KPIs relating to the local economy. It was noted that these only covered the delivery of additional homes, and social value delivered via procurement. A Panel member argued that there should also be targets for increasing retail and attracting new businesses, increasing the size of the local economy. There was a discussion as to what factors were within the Council's power to influence, and whether information could be provided by local partners as to the overall success achieved in these areas. The point was made that the Council had an economic development team, making it a prime influencer with a need to measure factors such as the effect of levels of inflation. The Leader of the Council agreed that the Council had a small, but effective, economic development team which understood the local economy and funding sources, working with partners such as the Business Improvement District. The Leader expressed willingness to look at how economic vitality could be shown, in cooperation with partners if possible. The Chief Operating Officer suggested that this could be examined further in the report detailing progress against the Strategic Plan.

451. Fit for the Future

Initial questions raised by the Panel included queries about the likely effects on staff, and need to provide more support, and the consequences should the planned savings not be achieved. Pam Donnelly, Chief Executive Officer, addressed the challenges to support staff, with the need for good communications, workforce support, information, and strong governance. Flexibility and adaptability would be needed as the situation developed.

A concern was raised that, given the short amount of time remaining for this meeting, insufficient time was available for the Panel to consider such a large subject. The suggestion was made by a Panel member that an additional one or two meetings dedicated to this subject would be needed.

The Chief Executive explained that the Fit for the Future [FfF] Programme had always been seen as an integral part of the Budget; a decrease in operational costs of around 25% was expected, and this was fully supported by the Section 151 Officer and his Deputy. Details had been provided in the supplementary papers, around the eleven strands of work across five key areas.

A Panel member asked if the £1.75m projected reduction in the Environment Service costs in 2026-27 would come from the end of the idVerde contract or the reduction or cessation of services such as verge mowing. The Chief Operating Officer explained that this would be from a combination of the Waste Strategy Review outcomes, and the revised operations of the street care and greening team. There would be a balance sought, and elected members would need to be involved in setting the final plans and details. The final details would not be predetermined. A Panel member queried why the £1.75m saving could not be made earlier. The Chief Executive explained that the Council was a political organisation, and needed to ensure that councillors were consulted and led the decision making, as they held democratic mandates to lead on this. The Leader emphasised the need for a process to ensure that councillors could consider and come to a decision.

In response to concerns raised regarding the projected cumulative deficit for the Council, the Chief Executive explained that the FfF Programme was being laid down to avoid the Council developing financial difficulties which would lead to it being added to the Government's list of concern for local authorities. If the Programme did not succeed, then the Council would find itself in a troubling situation. The Section 151 Officer had expressed confidence in the Programme, however a Panel member argued that the Panel needed to question the Section 151 Officer, his work done, and risk assessments carried out, in order to be able to consider if the Panel concurred with his judgement.

A Panel member asked how the Programme could factor in expected cross-party agreement on action in future years, but not bring these actions forward to earlier in the Programme, to help achieve a better financial position more quickly. The Chief Operating Officer used the Waste Strategy review as an example, and the time it would take to go from designing the Strategy, through to implementation. The ordering and receipt of new waste vehicles alone would take around 12 months to complete. The size of the transformative work would mean it would take time to achieve, whilst dealing with asset usage and staffing issues.

The Scrutiny Panel discussed the suggestion of holding an additional meeting, to allow sufficient scrutiny of the FfF Programme, noting the importance of formal scrutiny and the need to allocate sufficient time for this.

RESOLVED that an additional Scrutiny Panel meeting be scheduled for the current Municipal Year, for the purpose of scrutinising the 'Fit for the Future' Programme.

452. Community use of Colchester City Council Assets and Colchester Events Policy

The Chair gave his view that there should be a mechanism via which local groups could request an exemption from charges, such as for using performance spaces such as the Castle Park bandstand. A suggestion was made that this could involve applications to councillors, although this was objected to by one member of the Panel. The balancing of different priorities was raised, with the need to sweat assets on the one hand, but the need to promote social goods on the other. It was argued

that the Council needed to decide what it wanted from the wider policy, regarding these different priorities.

RESOLVED that the Community use of Colchester City Council Assets and Colchester Events Policy return to a future meeting of the Scrutiny Panel.

453. Fit for the Future – The Estate Plan

Patricia Barry, Interim Head of Corporate Landlord, explained that the asset review was designed to examine the Council's assets and implement the corporate landlord model. Accountability and reliability would be centralised into one corporate place. Additional expenditure was currently being laid out as a result of a fractured approach and structure overseeing assets. A reactive approach had been employed, rather than one that was strategic. A 'whole life' cost approach had been incorporated into the financial sustainability work. Liabilities, risks and costs had been incorporated into the report. A very long-term approach was needed for many of the assets of which the Council was custodian, which had more historic assets than most local authorities.

Hard decisions needed to be made on how the Council looked at its investments. Capital investment was needed, as well as capital being needed in order to bring in investment and revenue. Long term planning was for the next three years of the Medium Term Financial Forecast. Much was predicated on the Council's planned restructuring, but a discovery piece of work was needed first, examining all assets, including those that did not generate income, and which were therefore financial liabilities. A Panel member urged for the Council's commercial portfolio to be included within this work, to assess its value, income, social benefits, and whether any properties should be scheduled for disposal.

The Interim Head of Corporate Landlord provided an update on the Moot Hall ceiling situation, which was currently assessed as being unsafe. The entire Town Hall was noted as presenting issues, with significant expenditure needed. Civic functions, operational matters and income generation were all affected by the current condition of the building. Cross-party work was proceeding on this, with a business plan being examined.

The cost of the Estate Plan programme of work was discussed, along with the need for it to proceed.

RESOLVED that Scrutiny Panel notes the proposed Estate Plan.

454. Work Programme 2023-34

RESOLVED that the Scrutiny Panel Work Programme be approved, subject to an additional Scrutiny Panel meeting being scheduled for the current Municipal Year, for the purpose of scrutinising the 'Fit for the Future' Programme, and subject to the deferral of a substantive update on the Middle Mill Weir until the 2024-25 Municipal Year.

SCRUTINY PANEL

26 February 2024

Present: - Councillor Arnold, Councillor Laws (Chair),
Councillor McCarthy, Councillor McLean,
Councillor Smalls, Councillor Willetts

Substitutions: - Councillor Sunnucks for Councillor Rowe

Also present: - Councillor Dundas, Councillor King, Councillor
Naylor [via Zoom]

455. Urgent Items

Owen Howell, Democratic Services Officer, informed the Panel of an urgent decision which he had taken, as proper officer to the Panel and in consultation with the Chairman, Deputy Chairman, and lead Group members, to defer the item for the Scrutiny Panel to review the situation regarding Community 360, which had been scheduled for the Panel's meeting on 12 March 2024. This was to be replaced by a confidential briefing to follow immediately this meeting [26 February 2024] of the Panel, and for it to be reintroduced to the Scrutiny Panel's work programme once the Council had received information it had requested from Community 360 and from the Charity Commission.

456. Have Your Say

Councillor Naylor attended remotely via Zoom and, with permission of the Chairman, addressed the Panel to raise concerns regarding the Budget for 2024-25, which had been approved by Full Council. Councillor Naylor gave her view that the Council had conducted inadequate assessments of its financial limitations, and had paid insufficient regard to investment risks. Councillor Naylor asked what had been known about these by officers and elected members and asked the Panel to give assurance that tough questions were asked and answered. Councillor Naylor asked why an austerity budget had been approved, when alternatives had been proposed, and whether these had been discussed by Cabinet, including the suggestion for the Council to sell off its Mill Road site to a private developer, rather than continue to bear the ongoing costs from the site.

The Chairman gave assurances that the Scrutiny Panel conducted rigorous questioning, but noted that the Budget had already been approved by Full Council, and that this meeting was to scrutinise the 'Fit for the Future' [FfF] Programme, before it went to Cabinet for consideration.

Councillor King, Leader of the Council, acknowledged the significant amount of in-depth work carried out by the Scrutiny Panel in its pre-decision work on the Budget for 2024-25. Workshops held for elected members had also gone through the Budget proposals line by line. Pam Donnelly, Chief Executive, underlined that the 2024-25 Budget had already been approved by Full Council, and that it was not the Scrutiny Panel's role to scrutinise decisions taken by Full Council. There would be no further scrutiny of that decision. Opposition elected members had been granted extensive access to Council officers who had been working on the Budget, but no further access would be granted in relation to the Budget.

A statement was read out on behalf of Councillor Smithson, who wrote to raise his disappointment with the proposed governance arrangements for the FfF Programme, with a proposed Oversight Group to contain members of the Governance and Audit Committee, which already held a formal oversight role, and members of Cabinet. Councillor Smithson raised concern that such an oversight group could not be impartial. Councillor Smithson further noted the skillsets of elected members and suggested that those with relevant skills be invited to play an operational role in setting out and enacting the FfF Programme, offering his services and experience as a VAT consultant and VAT director. Councillor Smithson asked why he had not received a response to the questions he had raised on 15 February 2024.

The Chairman noted that 15 February 2024 was not long in the past, and suggested that it would be reasonable to wait for a response on the questions that Councillor Smithson had raised on that date.

457. Fit for the Future

Councillor Dundas attended and, with permission of the Chairman, addressed the Panel to say that the Fit for the Future [FfF] Programme would run for a number of years, and across a number of annual budgets, arguing that this meant that it was not too late to discuss budgetary matters. Councillor Dundas posited that the choices around the FfF Programme did not have to be made, and that there were alternatives. The Programme would see restrictions on Council spending, removing millions from front line spending. Councillor Dundas requested that the Panel recommend that Cabinet re-examine the Budget for 2024-25 and that consideration be given to focusing on a range of services which could be provided within the Council's capacity, rather than providing a wider range of services to a lower standard. Councillor Dundas also asked the Scrutiny Panel to recommend the drafting of a new Strategic Plan, in light of the proposed reductions in Council spending. Councillor Dundas argued that the Housing Revenue Account impacted upon the Budget, and that there was a list of sites where no progress had been made in building housing.

Councillor King, Leader of the Council, agreed that FfF would be a multi-year process, requiring all to accept revisions and transformations, including cross-border work with partner local authorities. Plans would be brought to Policy and Scrutiny Panels to ensure that they were credible. The Council would need to ensure that the Strategic Plan and vision reflected its capacity and aims. The Leader emphasised that the Council's Section 151 Officer had given clear advice that the Council was

not in danger of being unable to fund its work, and that Cabinet would engage with elected members if and when change is required to happen.

Pam Donnelly, Chief Executive, outlined the FfF Programme as being set within the Strategic Plan, which had been approved by Full Council. Monitoring and evaluation were inbuilt in to the Programme and Plan. The Council would be doing less than previously, so the same level and standard of service could not be offered. All councils were facing the same financial challenge. Thirty council's were on the Government's watch list of concern, whilst the Council was not on this list due to the measures put in place.

The Chief Executive outlined the key purposes of FfF, and the required investment in skills, infrastructure, and ICT. There would be a portfolio of work to lay out the communications and information provision with staff and residents, relating to the radical changes that were needed. The five key strands were outlined, and the Chief Executive explained that elected member engagement and input was needed on these. The Programme would be mindful of the housing crisis which needed addressing, and would make best use of the Council's assets.

A Panel member noted that the FfF Programme was not expected to prevent deficits from still occurring each year, and asked why the Programme had not been designed to prevent any deficits in the annual budgets within its timeframe. The Chief Executive and Richard Block, Chief Operating Officer, explained that the figures given were the projections for if no actions were taken, but that action would be taken, and that the FfF would outline the first stage of cuts. Shared Service opportunities would be included in how savings are shown and in decisions taken with partners.

A Panel member argued that the table provided was indeterminate, and that the figures for 2027-29 were extrapolated guesses. Savings were predicted in some areas, but in other areas there were no assumptions given. The Panel member asked how decisions had been taken as to what predictions were given and what predictions were not. Lindsay Barker, Deputy Chief Executive, explained that such judgements were made based on the degree of information available. Areas of work such as the work on assets and move to the corporate landlord model had a huge evidence base and data on which to build to do better. The Council was not yet at a stage where a figure could be provided. Once this was possible, clarity would be given, and elected members would be talked through the decisions that would be needed from them. Figures were provided where confidence could be given, and this would continue, with figures being given when confidence was obtained.

The Panel considered the cash flow information provided, with one member stating that the average in-year reduction was around £1.8m per year, further stating that this was not significantly different to the past ten years, which had seen reductions of around £2m per year. The Panel member gave the view that, whilst the spending reduction under FfF was similar to past reductions, it seemed to be in a more structured fashion.

The Chief Executive stated that the Council had a good record of delivering savings, but that the World and economy had changed, making it harder to make savings. A

measured, long term programme was needed, dealing with structural deficits in budgets, delivering the savings of 25% in operational costs and avoiding a financial crisis.

The Panel discussed the situation in relation to waste operatives, including the positive effect on health from increasing the use of wheelie bins, and questions as to whether service cuts would force daily round sizes to increase.

A Panel member raised questions regarding the reserves projections being given, and requested that the Panel ask for a review of the Council's reserves and reserve position. The Leader of the Council stated that this subject had already been scrutinised, and assurances provided by the Section 151 Officer. The Administration had been as transparent as it could be, and the fundamentals had been declared.

The Chief Executive objected to an accusation that matters were being 'brushed under the carpet', and that issues were being hidden, as this was not happening and would have gone against officers' professionalism and would be contrary to the Nolan Principles. All information was shared with elected members, subject to any confidentiality requirements. Some information was not yet known, and time was needed in order to fill in the gaps. The breadth of work on the Council's assets alone was huge, and to provide unevidenced estimates at this stage would be a dereliction of duty. A Panel member responded, to allege that the figures provided were wrong, as these did not match figures provided in the Budget, and to argue for more focus on reserve increases and decreases. The Chief Executive reiterated that the Budget for 2024-25 had been approved, that reserves were under control and monitored, and that the Scrutiny Panel was not empowered to scrutinise decisions taken by Full Council. The reserves position would be brought back for scrutiny by elected members when appropriate, with assurance that these were sufficient to cover any unexpected call on them.

Returning to the subject of waste collection and possible effects of FfF on waste operatives, Rosa Tanfield, Head of Neighbourhood Services, explained that, as part of developing a new waste strategy, the Council was working with consultants and the Environment and Sustainability Panel to look at a range of options. That Panel would examine the strategy drafted, which would then go out to consultation before being prepared for implementation. Training needs, health and wellbeing, and the impacts on staff were key considerations. Members of staff would be part of the consultation process, as they had been in the creation and roll-out of the subscription model for garden waste collection.

The Head of Neighbourhood Services was asked if the reduction in the Budget of £1.75m in 2026-27 would lead to a significant reduction in greening and street care, and in waste collections. She clarified that £1.75m was the saving needed across all environmental works and programmes, and that the reductions in costs and increases in charges could only be laid out once the modelling was completed. One avenue was to influence behaviour change and enforcement operations. The Chief Operating Officer highlighted the problems from running a hybrid waste collection system, and the opportunities to deliver the service more efficiently. The Panel asked about enforcement powers, such as when recyclable waste was put in black bags. The Head of Neighbourhood Services explained that there was a range of powers

held by the Council. From work done at other authorities, it was possible to see where savings could be made. The Chief Operating Officer noted that the current hybrid system of waste collection in Colchester meant that there were ways to deliver this service in a better fashion. The Environment and Sustainability Panel had been consulting on approaches to enforcement, versus education and encouragement

Mel Rundle, Head of Sustainability, explained that an Asset-based Community Development [ABCD] approach would be taken to street care and greening, system-wide and in cooperation with parish councils and residents. This would be at a variety of locations, including on Housing Revenue Account [HRA] land. The contract held by idVerde for grounds maintenance was currently one of the Council's largest contracts. This had been examined in the past, but as the situation had now changed, a re-examination was possible, to give members an opportunity to further consider future operational models. This would include how to improve income from service level agreements [SLAs] and to maximise route efficiency. 2026-27 would see the end of the idVerde contract, and the need for new arrangements. There was now an opportunity to prepare and scope the future service.

The effect of wheelie bin usage on health and wellbeing was discussed, with Panel members noting the beneficial effects for waste operatives but raising concerns that residents might experience additional strain, trying to handle wheelie bins. Officers were asked if help would be offered to move bins. The Head of Neighbourhood Services confirmed that the Council already offered assisted collections to any resident who applied. Applications were easy to make, and would lead to an assessment of needs. Feedback from residents indicated that many found wheelie bins easier to use than the alternatives. When asked if there was any expectation of an increase in need for assisted collections, the Head of Neighbourhood Services explained that no significant increase was expected, but that different options were under consideration and that the strategy was not being predetermined.

A Panel member raised concerns at the reviewing of the provision of services, and criticised the approach taken, arguing that there would be too much process and not enough progress made, with reputational damage likely for the Council. Lindsay Barker, Deputy Chief Executive, laid out the intention to first develop the strategy, and then produce implementation details. Elected members would be consulted throughout the process and significant work would be put in to gain consensus. Concerns regarding communications with residents and reputational matters for the Council were addressed, with an explanation that the approach to communications would be covered at the end of the presentation. Each workstream would have its own bespoke communications approach tailored to it.

A Panel member raised queries regarding the different service levels which may occur, between some areas where local parish councils conduct much of the street care and greening work, and those areas where this is done by the Council, and where service reductions are expected. Officers were asked if there was no alternative strategy to continue work in non-parished areas, or local residents would be supported to take on such work, or abandoned without support. The Head of Sustainability described the ABCD approach, and added that consultation processes would be carried out to help the Council support residents in doing grounds

maintenance in their areas. The Council would still provide a certain level of work, but at a lower level, such as moving from six grass cuts per year down to four. There were currently a lot of doubling-up of visits to areas for different reasons, so work would be conducted to rationalise and combine work orders, to allow more work to be done per visit of Council officers. The Leader of the Council emphasised that the approach was not an ideological one, and that in-house service provision options could sometimes bring flexibility and more opportunities for savings, but this was not an ordained approach. Cross-party consultation and consensus seeking would be carried out, seeking a fact-based approach.

Dr Frank Hargrave, Head of Ipswich and Colchester Museums, introduced the three strands of work within the culture and tourism portfolio of work. Options being considered included whether charitable status for Museum Service assets, including Colchester Castle, would be financially beneficial. Cultural exemption possibilities regarding VAT on admissions was another possibility. The VAT consultation had looked at 'non-business supplies' as a possible VAT exemption, although this would take a few years to come through. Ways had been sought to reduce costs, including full or partial closure of the Hollytrees Museum. Charging for entry was seen as the most viable option, with the expectation that visitor numbers would drop by around 50%. The Natural History Museum transformation plans were referenced, to develop the asset, gaining external funding where possible.

The Panel discussed the possibility of a 'one stop' ticket which would allow access to multiple cultural venues across the Museum Service and historical assets. This could be modelled on a 'residents' pass', and be part of an effort to change how places such as Hollytrees are considered and used, improving the visitor experience and providing better value for multiple visits.

The Panel queried different implications of potential charitable status, such as whether Council maintenance would need to be paid for, whether costs and/or ticket prices would increase. The Head of Museums explained that cultural VAT exemptions were the prime options being considered, for financial reasons, however it was estimated that the level of benefit would not equal that of moving to a charitable trust model. If a trust was examined as an option, there would be more issues to consider, but benefits regarding VAT and gift aid. Risks needed to be investigated and balanced. Many discussions with elected members would be needed. A Panel member gave his fear that significant repair jobs needed would still attract VAT bills, and suggested exploring other uses for Hollytrees rather than as a museum. The Head of Museums explained that a covenant was in place on Hollytrees. Consultation of stakeholders would be necessary regarding use of the asset, and would be part of the wider asset review.

Richard Block, Chief Operating Officer, gave an overview of the sport and leisure work strands, explaining that the Council needed to consider what it should provide, and the costs involved. Councillors would need to lead and shape the programme and strategy. Policy Panel had already started work on this area. Adam Britton, Head of Sport and Leisure, was currently working on locating £200k of cost reductions.

The Deputy Chief Executive explained the origins of the economy work streams, coming from work done to prepare for possible devolution. Matthew Sterling, Head of

Economic Growth, explained the opportunity to conduct economic development differently. Although devolution was not continuing at this time, local authorities had seen that each had a small economic development team, but had big ambitions. Shared service possibilities were being examined, combining resources and skills.

The Deputy Chief Executive outlined the work elements relating to the Housing Revenue Account [HRA]. The first round of discussions had started that week with elected members and the Board of Colchester Borough Homes [CBH]. The Council and CBH were looking at the 30-Year HRA Business Plan. This was a Council budget, so the Council worked on this with CBH. A scoping of outcomes had been completed, and these were now being tested. Pressures included a dwindling housing stock, increased costs and extra compliance requirements, with rent caps imposed at times by central government. Tenants were often vulnerable, needing of support and subject to health issues. The review of the HRA was expected to take place over the coming year. Philip Sullivan, Chief Executive of CBH, noted that registered social landlords were facing the same challenges, and conversations were ongoing regarding budgets and stock renewal.

A Panel member raised dissatisfaction at the timescales proposed, asking if the process needed to take as long as a year and whether conclusions could be drawn in two or three months instead. The Council's policy to buy properties for social housing was criticised, with the claim made that it was unaffordable and that there were other ways to provide social housing, with private developers delivering more social housing stock than the Council, via Section 106 agreements. The Deputy Chief Executive stated that if there were any easy ways to address the issues being considered, the Council would already be employing them, but agreed that the HRA needed more focus on it. Much stock had been lost to the 'Right to Buy', with significant impact on the HRA Business Plan. The Council was focusing on how to increase its stock to maximise the effect of investments. The aging stock required significant investment, and options included the sale of older stock and buying of newer properties. Consultation with tenants was vital and required under the regulatory framework. This was accounted for in the timescales given. Independent consultants would also be engaged to advise on HRA modelling. The process would be reviewed, affordability of options calculated, and then fed into designing a model to adopt. The Deputy Chief Executive gave assurance that the Council's approach to increasing social housing stock included properties added by developers.

The Panel queried whether the Council had any discount when buying back properties sold under 'Right to Buy.' The Chief Executive of CBH explained that the Council had a right to buy back such properties, but did not get any discounts.

Patricia Barry, Interim Head of Corporate Landlord, laid out the two elements of the Council's work on its assets, stemming from the approval of the move to a corporate landlord model by Cabinet in November 2023. The Estate Plan had previously been laid out at the most recent meeting of the Scrutiny Panel. The Panel noted the number of complicated assets under Council stewardship, and asked whether efficiencies would be found from taking action across the entire estate portfolio. The Interim Head of Corporate Landlord confirmed that the Council was looking at a range of risks, and liabilities from its assets, currently examining assets such as

walls, weirs and quays. Leases, lease obligations and opportunities for increasing efficiencies were being examined.

The Interim Head of Corporate Landlord was asked how the Council could save £300k in the first year, and whether some impending costly bills would be covered within the budgets set. The Interim Head of Corporate Landlord highlighted the cooperative work planned between the Council, CBH and the Council's companies to restructure and produce savings. Once the assessment as to where investments should be made had been carried out, investment in the Estate Plan would be laid out. Risks included energy costs, the impending tightening of energy efficiency ratings required for commercial properties, and the need for the Council to understand costs over the long-term, to ensure financial sustainability. Significant unplanned expenditure on the Council's estate would be needed and would impact the Budget. The cost of potential borrowing would need to be a part of any proposed budget. Some assets would be put up for disposal, some invested in, and some examined for ways to increase income generation.

Shared services were covered, with officers asked why the Council had pursued arrangements with Epping Forest, rather than with Tendring District Council or Ipswich. Richard Block, Chief Operating Officer, gave an overview on the work with fellow local authorities of North Essex, principally on economic development, housing, and shared service agreements. Collaboration was between a coalition of the willing and ready councils, and was being watched by others. Shared service agreements were, in the short term, being kept between a small number of local authorities to be manageable as they developed, with services shared where geographic proximity of partners was not an issue. Other options and partners would be explored, such as potentially sharing building control services with Braintree District Council. More details were due to be considered by Policy Panel at its meeting on 6 March 2024. The principles had been to Cabinet, and a more detailed programme would be produced in the Summer of 2024. Financial benefits would accrue, and improvements would be sought in resilience, and staff recruitment and retention.

Officers were asked for the possible scope of economies of scale, with a Panel member doubting there were significant opportunities for savings, except potentially in the waste service, and suggesting that the Council concentrated on what it did internally. The Chief Operating Officer agreed that shared services would not be a panacea, but emphasised that there would be many benefits.

Jess Douglas, Head of People, informed the Panel that the senior Leadership Board and Heads of Service had options to shape, and that the Council needed its people's ideas, expertise, and management to lead through the transformation programme. Managers would be supported, and details would be explained to help them exemplify leadership behaviours. Council services would look very different, and investment was needed in skills and systems. Reductions in spending would impact on staff and jobs. This would be partially managed by turnover of staff and posts becoming vacant through natural attrition. Efforts would be made to reskill officers to cover vacant positions, where possible. Staff would be supported, and the Council would strive to provide good careers for those who remain within the organisation.

The Panel discussed the importance of occupational health support, the pressures on staff and mental health effects, especially on younger members of staff. This included discussion of the effects of remote working, reducing socialisation and having negative effects on those who worked and lived in a single small space. The Head of People described the proactive approach taken, including a Wellbeing Group and Mental Health First Aiders. Therapy and physiotherapy options were available for those with identified needs. The potential effects of hybrid working were acknowledged, with staff encouraged to use the Rowan House facilities.

Roles to which it was hard to recruit were outlined, including in building control and other professional areas. Roles in Finance and ICT were likewise seeing recruitment difficulties. There was interest in working for the Council, but alternative employers could offer higher salaries.

The approach to redundancies was outlined by the Head of People. Voluntary redundancy was not being offered across the whole organisation, but would be offered on a managed basis, based on service situations. Some officers would be reducing their hours, generating savings. The effects of redundancies on staff would be minimised.

A Panel member asked how the changes described would be made without moving to worse working practices, and what safeguards would be in place. The Head of People emphasised that the Council's management and elected members would not permit any move to poorer working practices which were more commonly seen in commercial enterprises. Almost £1m had been set aside in a redundancy reserve. A Panel member asked whether a swift process would be better, and minimise the stress caused. The Head of People confirmed that a strategy was in place, commencing with consultations and expected to conclude within twelve weeks. The Chief Executive underlined the moral imperative for the Council to support and care for its staff. A quicker approach could have been proposed, but the management team was not in favour of a swift private-sector-style approach, preferring to provide greater support and opportunities to have input for its staff. The significant reduction in staffing numbers and employment levels was outlined. The number of staff employed in 2009 had been 1,091, with this dropping to the current number of 876.

The Head of People and Chief Executive answered questions about collection of feedback from staff, identifying of concerns and monitoring of staffing. There was a 'Speak Up Now' group for collecting anonymous feedback, and views were also gathered from Unison and the Chief Executive's 'Listen, Learn, Lead' programme. Surveys on wellbeing were conducted and morale would be surveyed and monitored. The Chief Executive explained that it was not yet possible to know where redundancies would come from, but that these would be the last resort, with other options including partnerships with other local authorities, or with strategic partnerships and employment opportunities with health organisations.

The Leader of the Council complimented the Council's approach to staffing and support. The current pace of work could be brutal, but staff were listened to, and briefed on the situation faced by the Council. An emphasis was placed on giving staff confidence that the Council was worth staying with, even if officers had to move to different roles.

Melissa Kemp-Salt, Director of ICT and Transformation, gave examples of work with partners, including on the website, via online transactions and involving benefits. Access issues had been identified. There were issues in getting content on to the Council's website, and the technology behind the website was cited as being inappropriate. Work with councillors and the public would be important, and views would be gathered on how to exploit efficiencies, with a customer-centric focus. The website would be redesigned in the interest of users, with up to two-year's-worth of work needed. The contact centre would need to look to adopt technology to improve transaction services, and the end-to-end process, ensuring staff had time with those who needed help. Duplication between the Council and Epping Forest District Council was being reduced, with processes being shared. A Panel member asked whether an app was being planned, with the Director of ICT and Transformation stating that apps often led to increased costs and challenges, but agreeing that there was a need for information by residents which had to be addressed.

A Panel member asked how often the website's design was reviewed, asking for a way to minimise the number of click-throughs to find information. The Director of ICT and Transformation underlined her view that a complete overhaul was necessary, following the Government Digital Service accessibility standards, on a wide range of layout and clarity issues, ensuring appropriate language and reading age.

The Deputy Chief Executive underlined the management team's need to work together to manage overall capacity, ensuring the capacity to deliver services. The proposed governance model was shown, and would be inclusive.

The Chief Operating Officer provided an overview of the communications strategy, with an integrated communications plan, covering internal and external communications and including councillors, residents, partners and stakeholders. Engagement would be carried out, including via resident panels and in conjunction with local media.

RECOMMENDED to CABINET that Cabinet commissions and receives a report on the impact on reserves that the Fit For the Future Programme is expected to have, and what reserves would be available to cover possible future deficit spending.

RESOLVED that SCRUTINY PANEL receives a report on the impact on reserves that the Fit For the Future Programme is expected to have, and what reserves would be available to cover possible future deficit spending.

SCRUTINY PANEL

12 March 2024

Present: - Councillor Arnold, Councillor Laws (Chair),
Councillor McCarthy, Councillor McLean,
Councillor Rowe, Councillor Smalls, Councillor
Willetts

Substitutions: - None

Also present: - Councillor King, Councillor Luxford Vaughan,
Councillor Sommers

458. Have Your Say

Martin Pugh addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to ask whether the Scrutiny Panel had investigated matters relating to a letter sent by Natural England, regarding Middlewick ranges and their inclusion in the Local Plan. Mr. Pugh first stated that the Council's Planning Team had dismissed the letters importance, then argued that the letter could have changed the decision taken to include the land in the Local Plan. Mr Pugh alleged that there was a long list of procedures which had been overlooked or broken, and that he had expected a more substantive response from the Council to concerns that had previously been raised. Frustration was described that the Council was now following every procedure, which meant that it would take longer to act. Mr Pugh asked whether the independent ecology report had been truly independent.

The Chairman explained that the matter could not be considered by the Scrutiny Panel, as it related to a decision taken by Full Council, having followed the Local Plan process. Councillor King, Leader of the Council, stated that it was his understanding that the matters relating to the letter had been addressed, when previously raised by Alan Short, and offered to provide details if Mr Pugh wished to see them. Councillor Luxford-Vaughan, Portfolio Holder for Planning, Environment and Sustainability, stated that all letters had now been answered, and a new one had been circulated to elected members. Officer advice had been that the concerns as to the original Natural England letter not being included in the Regulation 18 consultation process was not an issue. The Portfolio Holder acknowledged that the ecological report produced was not the best example ever produced, and this had been taken onboard. The report had however gone to the Planning Inspector, with the process leading to more robust work being carried out upon it, with the Inspector passing the process as being sound. Section Two hearings had been extensive and extended. The Leader of the Council added that legal advice had been sought, and had stated that the process had not been unlawful. Due process had been followed

and additional robust protections added. The Leader asked Mr. Pugh to detail any specific regulations which he believed had been breached.

Terry Charles addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to accuse Full Council of bias and predetermination in its decision to declare a climate emergency [on 17 July 2019] and to ask whether the Scrutiny Panel would support a public debate on climate change. Mr Charles stated that the Leader of the Council had agreed to a public meeting, but that this had not yet been held. Mr Charles claimed that hundreds of thousands of people would demand change, and that only one side of the argument had been given.

The Chairman stated that he would be happy to request an item on net zero to be added to the Panel's work programme for the coming municipal year, should he be re-elected. The Panel could then make recommendations to Cabinet, but any decision would be down to Cabinet, as the Executive body of the Council.

The Leader stated that he had given Mr Charles and others time to discuss their requests in person, leaving it to the members of the public concerned to give their views as to how any public discussion could be structured. This had been offered, and the Leader recommended that the offer of Scrutiny Panel consideration be taken. Allegations of predetermination were refuted, with the Leader stating that Full Council made decisions for itself, and that this decision had been taken forward as best the Council had been able to do so.

Mr Brian Reece addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), stating that three members of the public had met with the Leader of the Council in November 2023, to discuss a possible public meeting. Mr Reece accused the Council of inaction and attempting to ignore these members of the public, and offered two dates for a public meeting.

Then Chairman confirmed his wish to have a debate, but stated that members of the public could not just give arbitrary dates for this to take place, and that the Leader of the Council had confirmed that his door was open for discussions on this. The Chairman further suggested that there was still time for people to stand as candidates in the upcoming elections to the Council. The Leader explained that he needed Mr Reece to give his sense as to the structure of any public meeting, and promised to respond to any message sent to him on this subject. Members of the Panel requested that Panel members be copied in to any response sent by the Leader to emails on this subject.

459. Local Highways Panel

Apologies had been received from Councillor Sue Lissimore, Chair of the Local Highways Panel, and Jane Thompson, Transport and Sustainability Joint Lead. Both had intended to be present, but were unable to attend due to illness.

Councillor David King, Leader of the Council, explained that the report looked at the Council's relationship with Essex Highways. Responsibility for highways matters lay with Essex County Council, so questions could be framed as to how the City Council approached the Local Highways Panel, with changes underway regarding how

highways work is carried out. It was expected that the ramifications for the Local Highways Panel [LHP] would be seen later in March 2024. The Council had limited influence, but the report presented that it was doing what it could do.

Matthew Brown, Economic Regeneration Manager, explained that the LHP looked at small-scale capital infrastructure projects, such as bus stops, cycle paths, and tackling local hotspots. The Council did not contribute funding since 2018-19, but did influence works via the LHP.

A Panel member noted the share of Council tax which went to Essex County Council [ECC], and asked whether devolution of highways maintenance to the City Council be workable. The Leader stated that ECC accepted the arguments in favour of devolution, but the question was how to carry out devolution in a practical way. The redevelopment of St. Nicholas Square was a good example of collaborative work with ECC. The Leader asked the Panel to consider what competencies the Council could add to the relevant team to help the Council achieve works in a simpler way, with a possible way forward for the Council to have an arrangement to do some highways work within Colchester. Lindsay Barker, Deputy Chief Executive, noted that Essex devolution was currently on hold, but it was hoped that it would be returned unto. Conversations continued across North Essex councils, seeking greater decision making in the area. Councils were making the most of current arrangements to influence and have an effect on decision making, seeing successes.

A Panel member asked why the budget for LHPs had been cut from £4m to £2m, with the Colchester LHP budget dropping from £0.5m to £0.25m. The Deputy Chief Executive explained that ECC had the same budget pressures as the Council, but with around 80% of their budget going into adult social care or into caring for SEND [Special educational needs and disabilities] children. ECC were seeking all possible ways to save money. The Council had a good record of gaining highways funding, but needed to be clear in its prioritisations. The Leader explained that there was an agreement in principle, between the Council and ECC, on a capital programme for Colchester centre in the Summer.

A Panel member raised concern that there might be a disconnect between the Council's Planning Team, and ECC Highways, where new housing developments were not matched by transport infrastructure improvements.

The Economic Regeneration Manager clarified that Colchester, Chelmsford and Basildon together received 12.5% of the overall Essex budget for LHPs. A Panel member asked if the Council could contribute funding to the LHP. The Deputy Chief Executive cautioned that this would generate difficult questions as to why the Council would be funding a function of the County Council. Another Panel member suggested that the Panel should recommend that Cabinet reinstates its £100k per year funding of the LHP, and that resource should be found for this. This was compared to the £7.7m agreed in the 2024-25 Budget for highways spending by the Council, on a specific local project. The Panel member suggested that this work be cancelled and the money used elsewhere.

The Deputy Chief Executive highlighted that the Council had just passed a Budget which would require a restructure, under very challenging circumstances. The £7.7m spending allocated to highways work around the Northern Gateway site was to be an investment in access to the biggest of the Council's assets. A Panel member countered with a request for priority to instead be given to matters of concern to residents, such as to minimise damage to vehicles from poorly maintained roads.

Other Panel members pointed out that ECC received a far greater share of Council Tax than the City Council received, for providing different services, which gave rise to caution as to whether the Council should provide funding for an ECC function. An alternative suggestion was made, that it would be preferable for ECC to restore its funding of LHPs to the previous level, of £0.5m

The Panel considered possible issues regarding how the LHP explained its work, to show the public what it was doing. A Panel member argued that the LHP's reputation did not engender confidence in it and whether it performed effectively. The Deputy Chief Executive noted that the request for better communication of the LHP's work could be passed on to the Chair of the LHP. The Chairman suggested that the Chair of the LHP could be asked to provide more information on its working, and on how this could be advertised. Owen Howell, Democratic Services Officer, noted that the Panel had no mechanism to make formal recommendations directly to the Local Highways Panel. The Chairman therefore pledged to write to Councillor Lissimore to make an informal request for more information on the LHP's work to be communicated, both to the Panel and to the public.

RECOMMENDED that CABINET consider authorising Council funding to be provided to the Local Highways Panel, as had previously been done up to 2018-19.

460. Annual review of Town Deal programme

A member of the Panel criticised the lack of detail given on the governance and monitoring of progress within the Town Deal, and raised concern that the report presented did not include views from the We Are Colchester Partnership [WACP]. Lindsay Barker, Deputy Chief Executive, informed the Panel that all minutes and records from meetings of the Town Deal [We Are Colchester] Board were published. The Council was the accountable body, which was why it conducted annual scrutiny of the partnership's work, including information on spending and risk management. Councillor David King, Leader of the Council, explained that the Department for Levelling Up, Housing and Communities [DLUHC] requirements for funding bids included the need for an independent body and board in order for bids to be eligible. Simon Blaxill, Board Chair, was in attendance to address any questions relating to the Board. The Deputy Chief Executive added that the Council was under contract to deliver projects, in addition to being the accountable body.

The Chair noted that some places receiving Town Deal funding had delayed their projects, voicing his approval that significant delays had not been seen in Colchester, and that this funding could be used to leverage further funding.

Matt Sterling, Head of Economic Growth, gave an overview of the projects in the Town Deal, and receiving levelling up funding and funds from partners. Designs had

now been submitted for the multi-agency hub within the Heart of Greenstead Project. The County Council [ECC] was bringing in funding of £200k-£300k for a walkability pilot. Schemes in the City centre included some refurbishment of heritage assets and some improvements to the public realm. This included the renovation of St Nicholas Square. The Holy Trinity Square design plan had been approved by Planning Committee in February 2024. Holy Trinity Church was to be brought into use as a community hub, with the One Colchester Partnership, and managed by Community 360, with total cost of around £2.8m and heritage lottery funding sought to meet the total required. The County Hospital scheme included funding to boost public realm and open up the amenity for all members of the public. Heritage lottery finding had been gained for the Jumbo area, enabling much progress towards opening this up for better use.

Youth facilities, at the Town House, Highwoods and Stanway Youth Centres were addressed, with a contractor appointed to start work at Highwoods this month, whilst work at the Town House was scheduled to commence in May 2024 and at Stanway Youth Centre in July 2024.

Physical connectivity work between the City Centre and the East, including Greenstead, had seen designs progress, including traffic regulation orders, key dates set, and finances laid out.

Digital connectivity included the Digital Work Hub on Queen Street, where the bus depot had been demolished and planning permission obtained. Inflation of costs had been addressed, with increased costs now met. Workers had been onsite since January and progress made. The Digital Skills Hub at Wilson Marriage Centre had been completed and launched. 5G sites in the city centre were described, where more private investment was being sought. This was being overseen by Colchester Amphora Trading Limited [CATL] A tender exercise had been carried out, with due diligence now being undertaken and outcomes expected soon.

Cost inflation was a difficulty for all, nationwide, and a key risk. Projects also needed to be finished by 2026, as this was a condition set by Government on the funding grant. Content was on track, but overspend and overruns remained key risks. All projects' costs were shown, alongside funding to date and leveraged funds that had been achieved. Two projects were having their designs examined, to ensure that they remained on budget. All others had the necessary budgets available, even after costs had experienced inflation. 2024 would be a year of delivery, with continuing with public engagement and coordinating schemes to minimise disruption. The most recent social media engagement on the Town Deal had generated 80k impressions.

Simon Blaxill, Chair of the WACP Board, praised the work of officers and described the work as being well-coordinated. The work of the Board was explained, with the Board a mandatory requirement for receiving the funding from Government. The Council had therefore convened the Board, and was the accountable body. The Board had developed and agreed projects, resources and engagement with stakeholders. The Board had continued as governing body, in partnership with DLUHC, and as a consultee group on emerging opportunities. Vision, checking and challenge were key elements of the Board's duties, identifying gaps and how to address them. The Board members did not receive remuneration for their work.

Officers were asked to explain the extent to which there was a risk that the Council would lose money, if not all projects were completed, or projects not completed fully. The Deputy Chief Executive clarified that the risk would be potentially having to give funding back, if projects were not to be completed. The Council was not exposed to any additional costs, and was able to move money between projects, if this became necessary.

461. Celebrating Our City Status

Lucie Breadman, Strategic Director, introduced the item and gave apologies for Sam Good, Chief Executive Officer of the Colchester Business Improvement District [BID], who had intended to attend. Focus had been on the Year of Celebration and collaborative marketing, led by the BID, as well as rural and youth involvement. This had given a platform for a new approach, working with partners and utilising Colchester's strengths. Around 40 events had been held under the City Status branding, which had been taken up by a number of partners. Highlights had included the Royal visit, and the gladiator exhibition, which was to go on national tour in the next year.

The Mercury Theatre had asked young people what they thought of the City. Concerns regarding access, transport and the local offer were raised. A group led by the BID had been working on how to present Colchester to the wider UK audience.

Councillor King, Leader of the Council, highlighted the economic, social, and reputational effects of city status. The aims and objectives for communications and engagement, both internal and external, were noted, giving expectations for the Council and its partners. This included judging how well the Council had increased Colchester's profile, putting the City in the right place to engage with businesses and others. Anecdotal evidence indicated the approach was working.

Elodie Gilbert, Head of Creative Engagement at The Mercury Theatre, described the excitement around city status, and the opportunities it entailed. Fun and creative ways to engage with young people and their parents had been sought. Transport links to the City centre had seen improvements, and feeling safe was a priority that had been raised, across the city centre and including in nightlife. Events had been started to cater for younger clienteles, including a holiday club and other activities. The Mercury had worked with the Youth Service at the Town House, and this work was being broadened to other areas.

Panel members asked what benefits had been seen, and how these could be measured and used as the foundations for further work and to attract new businesses. Officers were asked to explain how the importance and benefits of city status could be communicated. The Leader of the Council admitted that it was challenging to quantify the effects of city status. The Council would track investment levels in the area and the ways in which Colchester was seen. Impact had to be shown to be real. Impacts included a richer relationship with the Garrison, a deeper relationship with the University, and the effect on the Town Deal projects and levelling up funding.

The Strategic Director informed the Panel that there were indications that more people were now travelling to Colchester for a 'city break', but cautioned that data on tourism levels was subject to significant lag. Two major hotel chains were interested in coming to Colchester, and young people wanted to come to the City for social activities. A Panel member pointed out that there was rural interest in theatre and cultural activities too.

A Panel member stated that Colchester had a level of vacant commercial units which was below the regional and national levels, and asked for a forecast on the vacancy rate expected in 2024-25. It was suggested that the Council's successful social media engagements should be used to show that Colchester compared favourably to other places, regarding retail offer and filling commercial units. Another member agreed that the rebranding of Colchester was going well, but noted the challenge to the Council of meeting people's expectations for city status, but with tight finances. The Panel discussed public expectations, with a view given that improved expectations were a good thing, showing the importance of city status and increasing interest in the area. A brief discussion was had on what the best name for the City Council would be. Many residents still did not see the benefits of city status, and the need to show them was raised. The Strategic Director described the Year of Celebration as being about pride in, and celebration of, Colchester across the whole area. Large-scale regeneration was being carried out. This would cause disruption, but would lead to overall improvements. Colchester seemed more in the news now, and was winning awards.

A member of the Panel complained that their home village had received no funding from the Town Deal, but had then been excluded from the rural prosperity fund, as it was within the Town Deal area. The argument was made that Council officers were already working on improving the local economy and tourism, so gaining city status had not done much to increase this work. The Panel member stated that he had seen no acceleration in improvements and urged an evaluation of the effects of city status, rather than work done through the Town Deal, levelling up funding or Rural Prosperity Fund, accepting that it was difficult to evaluate the effects of these separately. The Leader of the Council accepted the challenge, but argued the effects included how people felt, and not just statistics. The Leader was asked for data to compare the uplift in Colchester tourism to the changes in tourism in other parts of the area, to see if there were any differences.

462. Portfolio Holder Briefing [Planning, Environment and Sustainability]

Councillor Luxford-Vaughan, Portfolio Holder for Planning, Environment and Sustainability, gave an overview of work within her remit, which included planning issues, consultations and responding to these on behalf of the Council. The Portfolio Holder held an overview of the North Station Infrastructure Project [NSIP], and was given sight of documentation on the City Centre Masterplan. A dedicated officer and extra funding were in place to work on the pylon network, as part of a national scheme.

The Planning Team had met and passed key performance indicator targets for decision-making. Ways to further improve were being considered. Colchester was twelfth out of around 300 local authorities for statutory notices served. Although the

Team was small, it performed above its size. An outline of the approach to Section 106 contributions was given, for developments valued at over £250k. £100k had been received from DLUHC for staffing. This allowed for staffing of the NSIP, an Ecology/Conservation Officer, and assisted the Building Control Team. Building Control had had a difficult year, with a small team of two, rather than the seven it should have been. More officers were now being recruited. Building safety was complying with the latest regulations.

Regarding the Tendring Borders Garden Community [TBGC], the approach taken was to hold out for improved infrastructure and delivery of the infrastructure which had been promised.

Partnership work for accessing grants included energy saving measures, and a grant to change the swimming pool's air conditioning, which would produce savings. A drop in water treatment costs at Leisure World had also been achieved. A £38k grant had been won for the Natural History Museum.

Bike parking was covered, along with three presentations at conferences, showing the successes of the E-Cargo bike scheme.

Other work within the Portfolio included carbon literacy training, 'Fixing the Link' work, 12k miles clocked up by EV clubs, and a reduction in the number of areas subject to poor air quality special measures.

The issues being raised around Middlewick ranges were outlined. The Local Plan policy was as robust as possible, and there would need to be a master-planning process laid out before any major development could submit plans to the Planning Committee. Regarding requests for a focussed review on this part of the Local Plan, the Portfolio Holder explained that the site was large and complicated, and the implications for other sites would need to also be examined. This meant that there would be no savings from pursuing this action, rather than examining it in the current Local Plan Review itself. Timelines were being prepared and would go forward, with the Portfolio Holder's view being that a focus review would not be appropriate. An independent ecological assessment of the site had been requested, and the Portfolio Holder described work with Natural England and the Natural History Museum to set the brief. This had now been commissioned.

The 'Call for sites' was described, and it was clarified that there had been no calls to increase potential residential development at Middlewick; there had only been proposals for improving green infrastructure in that area. The Strategic Land Availability Assessment methodology was covered. Stage one was where inappropriate sites could be removed, then a RAG [Red/Amber/Green] rating assigned to the remaining sites, judged via a range of factors. The document would then go to review. Officers were available to discuss the document with interested parties, such as parish councils; this only needed to be requested.

The Chairman praised the work done on pylons by James Ryan, Planning Manager (South), working with parish councils and others. The Panel discussed the briefing content, asking if the planned infrastructure audit would work with the timeline of the 'Call for sites', with some mention of a perceived lack of infrastructure in the area.

The Portfolio Holder was also asked what the cancellation of the A120 upgrade would mean for housing in the West, and whether the cycling needs of the whole Colchester area were being considered, not just those in the East. The Portfolio Holder confirmed that the infrastructure audit was accounted for in the 2024-25 Budget. A brief needed to be set, but this would remain on the agenda. The North Essex Authorities' Shared Strategic Section 1 Plan laid out needed infrastructure, and the Portfolio Holder ventured that expected new housing could not be built without the expected improvements to the A120. This was also a concern regarding the effect it would have on the planned garden community. This would need to be raised with Essex County Council [ECC]. On cycle lanes, the Portfolio Holder noted that some were controversial, due partly to being underused, and there were significant gaps between cycle lanes. Work was ongoing, with communities, to identify gaps and where people wanted these fixed, so this could be filtered into the infrastructure audit. Central funding would be needed in order for necessary works to be funded. Work would be done and then included in the Infrastructure Plans.

A Panel member asked questions as to how infrastructure, including cycle lanes, had been decided in the past. The Portfolio Holder could not comment on how this was done before her time, but many projects had come directly from ECC, and there were grants available. ECC asked for views as to where the most effective places for spending would be. Examples were given of identifying and addressing infrastructure gaps.

The Portfolio Holder was asked what would be in the content of the Masterplan for Middlewick, and how the Council could reassure people concerned about Middlewick. A Panel member opined that the content of the ecological report was now more widely known, stating that the Essex Wildlife Trust had changed its position, and asking if Middlewick could be removed from the Local Plan, potentially to be designated an SSSI [Site of Specific Scientific Interest]. The Portfolio Holder argued that the Masterplan had to happen before any planning application could be considered. The ecology report conducted at the time had said that there was nothing to see, but experts did attend Section Two hearings, putting forward claims about the site. The Council remained restricted by central government diktats on ecology and biodiversity, but it was noted that the Planning Inspector made the policy on this far more stringent. Once other parts of the review were carried out, officers would draft proposals to be submitted for decision. The Council could make recommendations, but the Planning Inspector would make the decisions. The Portfolio Holder gave the view that it would be hard for a planning application on this site to be policy compliant.

Questions were asked as to whether removing Middlewick from the Local Plan would leave it open to speculative development proposals, and whether it could be designated as a nature reserve. The Portfolio Holder confirmed that there was a national presumption in favour of developments, unless covered by the Local Plan to prevent this. Being within the Local Plan afforded a measure of protection regarding numbers of new properties. An SSSI or country park would still be open to speculative development if not in the Local Plan.

A Panel member raised concerns about the 'Call for sites', and asked how Section 106 contributions would be used transparently to mitigate the effects of new housing,

how they would be decided, and how residents could be involved more in these decisions. A request was made for greater transparency from officers regarding Section 106 contribution setting. The Portfolio Holder explained the difficulties of parish councils and residents in providing views on planning applications and Section 106 decisions, with the processes dictated by central government.

The Portfolio Holder was questioned about the monitoring of the Climate Change Action Plan, with a Panel member complaining that outstanding issues were continually ducked, such as the need to move to a fleet of electric waste collection vehicles. Given that Council had declared a climate emergency, the view was given that the Council would need to spend to address this emergency. The Portfolio Holder was asked to give a view as to the cost of continuing as normal, and as to what money she thought the Council should spend to address the climate emergency. The Portfolio Holder gave her view that it was very important to act, and that she was wanting to know if the actions underway were the correct things to do. This subject was added to the portfolio in May, so the Portfolio Holder did not yet know who was in overall charge. A comment was made from the Panel to urge clarity regarding who was leading and deciding on actions and spending. Councillor Natalie Sommers, Portfolio Holder for Communities, noted that the Environment and Sustainability Panel had looked at new fleet costs for different options, including EVs and Hydrogen vehicles. Issues were found with converting to an EV fleet, and a new substation may need to be built to manage power requirements. A written response was requested by a Panel member on the question as to how decision making on the climate emergency was being carried out. The Portfolio Holder for Planning, Environment and Sustainability noted that an email on the Climate Change Action Plan had been forwarded to elected members.

463. Portfolio Holder Briefing [Communities]

Councillor Natalie Sommers, Portfolio Holder for Communities, provided an overview of her remit and thanked officers for their work. Councillor Sommers gave a list of main points, including the hosting of the Knife Angel, which was to highlight the harm of knife crime and violence, seeing over 50k visitors and 642 conversations with volunteers. 669 students had attended the related workshops. Plays on the subject were written, and other activities held over the month on which it was on display. A Panel member asked if the cost of the Knife Angel would be better spent on enforcement. The Portfolio Holder gave the benefits of the project, and believed that the only cost to the Council had been for transporting it and installing it. The Portfolio Holder pledged to provide an answer on this.

Multi-agency action days had been held on North Station Road, and the Police had appointed an additional sergeant and five constables to the City Centre Policing Team, as part of an increase in Police numbers across the area. There had been fewer traveller incursions in the Summer of 2023, down from a previous high point. Most incursions were quickly cleared, some being handled on the same day they were reported. A new safeguarding officers was appointed in June 2023, working with partner organisations to improve safeguarding. 'Ride: London' was to return to Colchester on 24 May. A co-ordinated activation event was held, with a big screen and stalls for health and wellbeing subjects. 195 bikes had been given away, paid for by a dedicated grant for public health funding.

Dog collecting and pest control services were generating income and increasing in efficiency. Pest control services were already on course to meet its need to generate income. The price of bedbug treatments had been capped. The ban on XL Bully dogs meant that the Council had to seek rehoming of dogs where the owners could not comply with new regulations or abandoned their dogs.

Complaint statistics were given, alongside information on the Council's support services. The Finance and Employment Support team worked to help residents claim hundreds of thousands in benefits to which they were entitled. This helped to ease pressure on services and housing demand.

A Food safety audit had been carried out in 2023, with work ongoing to clear the backlog caused by the pandemic, which had halted inspections. Proactive enforcement was used for lower risk premises. The Licensing Enforcement Policy had been streamlined and simplified. The same was planned for the Taxi Policy. CCTV in taxis had been confirmed as a local matter by central government. There would be cost implications for the Council, relating to data management, if CCTV was insisted upon.

A new Bereavement Service Manager had been appointed, and enhanced memorial options available. An issue had been discovered over some ashes being left at the Crematorium for decades, in some cases. A stricter process was now in place, reducing the ashes held by over 50%. The effects of the pandemic, and the refurbishment of Wheeley Crematorium were described, with increased demand now easing back to normal levels. Fees and charges had been reset, and cremation options altered to help cater for all budgets. Health and wellbeing matters were being tackled, and stigma regarding dying and talking about death was being addressed, seeking to normalise the subject. The Cemetery had been extended in 2016, with recent trends seeing continued increase in cremations compared to burial. Older parts of the Cemetery were being audited to identify space available for use. It was estimated that the site had over twenty years of use for burials remaining.

Policy Panel had reviewed the Council's Equality and Diversity Policy, and an inclusion group had been set up. Work was now underway on assessing what was needed to meet the National Equality and Diversity Framework requirements.

The Portfolio Holder was asked whether the Council provided governance advice and support to its partner organisations in the voluntary and charitable sector. Michelle Tarbun, Head of Health Partnerships & Wellbeing, clarified that the Council did not offer advice, but that there were third sector organisations specialised in providing governance advice or training. The Portfolio Holder added that the option of engaging a specialist organisation, to help provide governance advice to charitable sector partners, was being examined as one of the options under consideration in light of recent matters coming to light. Advice was being given by a range of partners regarding this subject. This was still currently underway.

The Portfolio Holder was asked about statutory guidance on safety, and whether the Council ensured that the requirements were included in every contract. The Portfolio Holder confirmed that the Council was looking to do similar on this with charities

receiving funding, in the same fashion as funding agreement requirements were set out for the arts organisations receiving funding from the Council. The Head of Health Partnerships & Wellbeing explained that there were many channels for groups to receive funding via the Council, with four main channels for voluntary and welfare work. Funding agreements included the requirements from regulations, such as reporting back on how funds were used. A Panel member underlined the Scrutiny Panel's duty to examine the use of funding. The Panel discussed the assurances provided by the Portfolio Holder, and these were bolstered by the reporting to Scrutiny Panel which was due to take place on specific third sector partners in the future.

The Panel extended its thanks to Councillors Sommers and Luxford-Vaughan for attending and briefing the Panel on their work.

464. Annual Scrutiny Report 2023-24


RECOMMENDED to FULL COUNCIL that the Annual Scrutiny Report 2023-24 be approved.

Scrutiny Panel

Item

8

16 May 2024

Report of	Chief Executive of Colchester Borough Homes	Author	Owen Howell  282518
Title	Call in: Update for Viability Assumptions used for HRA affordable housing delivery - April [20]24		
Wards affected	All wards		

1. Executive Summary

- 1.1 This report sets out the background for the review of a decision taken by the Portfolio Holder for Housing on 24 April 2024, to accept updated Viability Assumptions, used for HRA affordable housing delivery.

2. Action Required

- 2.1 The Panel is asked to review the decision set out in Appendices A and B, in light of the reasons given for the call-in, as laid out in paragraph 4.2 and Appendix C, and to consider the options set out in paragraph 4.6 of this report.

3. Reason for Scrutiny

- 3.1 A valid call-in request has been received and confirmed by Andrew Weavers, Monitoring Officer.
- 3.2 The Constitution provides for the Scrutiny Panel to review or scrutinise executive decisions made by the Cabinet, or by a Cabinet Member with delegated authority, but not yet implemented, pursuant to the Call-In Procedure.

4. Background Information

4.1 The decision taken by the Portfolio Holder for Housing on 24 April 2024, to accept updated Viability Assumptions, used for HRA affordable housing delivery, was called in by Councillor William Sunnucks, as Lead Member for the call in request, on 1 May 2024. The necessary indications of support were received from Councillors Bentley, Dundas, Laws, Naylor and Rowe, and the call in request was declared valid by the Council's Monitoring Officer, Andrew Weavers.

4.2 The grounds given for the call in request, as submitted by Councillor Sunnucks, were as follows:

Breach of articles 12.02 (g) and 12.02(i)

For reference, the Articles in question are given below:

12.02 Principles of decision making

In order that decision making is efficient, transparent and accountable, all decisions of the Council (whether taken by Full Council, the Cabinet, Panels and Committees and those under delegated powers) shall have regard to the following principles :-

(g) presumption for openness;

(i) due weight to all material considerations;

4.3 In accordance with the Overview and Scrutiny Procedure Rule 13(9), work was conducted to arrange an informal mediation session for the Chairman of the Scrutiny Panel [Councillor Darius Laws], to meet with the Portfolio Holder for Housing [Councillor Paul Smith] and Councillor William Sunnucks, as Lead Member on this call in. The informal session has been sought to allow the involved parties to discuss the issues and identify if a mutually agreed resolution could be found to resolve the reasons for the call in.

4.4 If a resolution can be found via informal mediation, this would negate the need to proceed with the formal meeting of the Scrutiny Panel scheduled for 16 May 2024 specifically in order to allow the call in to be formally considered. It was not initially possible to find a time for the mediation session which was convenient for both the Portfolio Holder and the lead member of the call-in, attempts are ongoing at time of agenda publication, to ascertain if this can be held, diaries permitting.

- 4.5 Councillor Sunnucks has provided material to support his call-in on this decision, and for consideration by the Panel. This can be found as Appendix C to this report.

Options available to the Panel

- 4.6 Pursuant to Section 13(19) of the Overview and Scrutiny Procedure Rules, the Panel may choose to:
- (a) Confirm the decision, which may then be implemented immediately, or;
 - (b) Refer the decision back to the Decision Taker for further consideration, setting out in writing the nature of its concerns, or;
 - (c) Refer the decision to Full Council which will exercise the functions of the Scrutiny Panel solely in relation the decision in question;
- 4.7 If the decision is referred back to the Portfolio Holder for Housing, as the Decision Taker, they shall reconsider the decision and if the Decision Taker agrees with the views of the Scrutiny Panel, then the decision may be implemented immediately. If the Decision Taker does not agree with the views expressed, then the matter will be referred to Cabinet who will determine the matter.
- 4.8 In the event that the Scrutiny Panel decides not to refer the decision back to the Decision Taker or to Full Council then the decision may be implemented immediately.
- 4.9 If the decision is referred to Full Council, and the Council confirms the decision, the decision may be implemented immediately.

5. Appendices

Appendix A – Record of decision taken under delegated power: Update for Viability Assumptions used for HRA affordable housing delivery - April 24

Appendix B – Portfolio Holder Decision Report: Update for Viability Assumptions used for HRA affordable housing delivery - April 24
[Confidential, due to commercial sensitivity]

Appendix C – Outline of reasons for the call-in, provided by Councillor William Sunnucks

6. Background Documents

- 6.1 [Overview and Scrutiny Procedure Rules](#)

COLCHESTER CITY COUNCIL

RECORD OF DECISIONS TAKEN UNDER DELEGATED POWERS

Explanatory Note

The Leader of the Council has established Delegation Schemes by which certain decisions may be made by the relevant cabinet member or specific officers.

Cabinet member decisions are subject to review under the Call-in Procedure.

From the date the notice of the decision made is published there are five working days during which any five Councillors may sign a request for the decision to be reviewed (called in) and deliver it to the Proper Officer.

If, at the end of the period, no request has been made, the decision may be implemented. If a valid call- in request has been made, the matter will be referred to the Scrutiny Panel

Part A – To be completed by the appropriate Cabinet Member/Officer

Title of Report

Update for Viability Assumptions used for HRA affordable housing delivery - April 24

Delegated Power

Delegated authority Cabinet Nov 23

Decision Taken

To agree updated development assumptions used to calculate viability for 2024 to 2025.

Key Decision

State whether the decision is a Key Decision

No - Key Decision

Forward Plan

NA

Reasons for the Decision

To ensure that assumptions used to appraise new Council led residential development schemes take account of relevant benchmark data and remain up to date.

Alternative Options

Not to change the assumptions used to calculate viability on new build developments This could result in additional pressure on the HRA if benchmarking data shows that average costs have increased, but this is not accounted for in the viability

Conflict of Interest

n/a

Dispensation by Head of Paid Service

n/a

Dispensation by Monitoring Officer

n/a

Approved by Portfolio Holder for Housing

Signature Councillor Paul Smith

Date 24 April 2024

(**NB** For Key Decisions the report must be made available to the public for five clear days prior to the period for call-in commencing)

Part B – To be completed by the Proper Officer (Democratic Services)

Portfolio Holder Decision Reference Number

HOU-025-23

Implementation Date

This decision can be implemented if no request for the decision to be reviewed (call-in) has been made **after 5pm on *Wednesday 1 May 2024***

Call-in Procedure

The Decision Notice for this decision was published on the internet and placed in the Members' Room and the Customer Service Centre on ***Wednesday 24 April 2024***

A request for reference to the Scrutiny Panel must be made by **5pm on *Wednesday 1 May 2024***

Signature of Proper Officer
K Barnard

