



Colchester
City Council

Cabinet Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 10 July 2024 at 18:00**

The Cabinet deals with the implementation of all Council services, putting into effect the policies agreed by Full Council and making recommendations to Full Council on policy issues and the budget.

Information for Members of the Public

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

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COLCHESTER CITY COUNCIL
Cabinet
Wednesday, 10 July 2024 at 18:00

Leader and Chair	Councillor King Councillor Cory Councillor Goss Councillor Jay Councillor Luxford Vaughan Councillor Smith Councillor Sommers
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AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Live Broadcast

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

1 Welcome and Announcements

The Chair will welcome members of the public and Councillors to the meeting and remind those participating to mute their microphones when not talking. The Chair will invite all Councillors and Officers participating in the meeting to introduce themselves.

2 Urgent Items

The Chair 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.

3 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.

4 **Minutes of Previous Meeting**

Cabinet will be invited to confirm that the minutes of the meeting held on 5 June 2024 are a correct record.

05-06-24

7 - 22

5 **Have Your Say! (Hybrid Cabinet Meetings)**

Up to eight members of the public may make representations to Cabinet meetings on any item on the agenda or any other matter relating to the business of Cabinet. Each representation may be no more than three minutes. Members of the public wishing to address Cabinet **must** register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting. In addition, a written copy of the representation should be supplied.

6 **Decisions Reviewed by the Scrutiny Panel**

Cabinet will consider the outcome of a review of a decision by the Scrutiny Panel under the call-in procedure. At the time of the publication of this agenda, there were none.

7 **Resources**

7(i) **Financial Planning Framework 2025/26 to 2029/30**

23 - 34

Cabinet will consider a report setting out a proposed approach to Financial Planning for the next five years (2025/26 to 2029/30) in the light of both the financial impact of external factors and the Council's own internal financial drivers.

7(ii) **Progress of External Audit**

35 - 38

Cabinet will consider the recommendation made by the Governance and Audit Committee at its meeting on 18 June 2024.

8 **Housing**

8(i) **Housing Ombudsman Report**

39 - 42

Cabinet will consider a report informing Cabinet of the findings made in a recent report by the Housing Ombudsman in relation to Colchester Borough Homes.

9 **General**

9(i) **Progress of Responses to the Public**

43 - 44

Cabinet will consider a report setting out the progress of responses to members of the public who spoken under the Have Your Say provisions at recent meetings of Council, Cabinet and the Council's Committees and Panels.

10 **Exclusion of the Public (Cabinet)**

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example 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)

11 **Minutes of Previous Meeting**

Cabinet will be invited to confirm that the not for publication extract from minutes of the meeting held on 5 June 2024 are a correct record.

05-06-24 not for publication extract

- This report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial / business affairs of a particular person, including the authority holding information).
- This report is not for publication by virtue of paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (claim to legal professional privilege).

CABINET 5 June 2024

Present: - Councillor King (Chair)
Councillors Cory, Jay, Luxford Vaughan, Smith*

*Not present for items at minutes 858-868

Also in attendance: Councillors Alake-Akinyemi,
Çufoğlu, Dundas, Goacher, Law, Naylor, Sunnucks, T.
Young

853. Attendance

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that Councillor Goss, Portfolio for Waste, Neighbourhood Services and Leisure, and Councillor Sommers, Portfolio Holder for Communities, Heritage and Public Protection, were not in attendance on the advice of the Monitoring Officer as the Council was in pre-election period and both were candidates in the Parliamentary election. He invited Cabinet members and speakers to respect the pre-election guidance and to approach the meeting in an apolitical way.

854. Minutes

RESOLVED that the minutes of the meetings held on 13 March 2024 and 22 May 2024 be confirmed as a correct record.

855. Have Your Say!

Professor Jane Black attended remotely and addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) about the proposed Ferry Marsh Nature Reserve Improvements. Ferry Marsh was gifted to provide public open space and the Council signed a covenant to that effect. It was the only open pace for housing built south of the railway line in the first two decades of the century. It had been open to the pubic for 18 years before being shut after the flooding incident. Whilst the legal advice on whether the proposal to restrict access where consistent with the covenant was not public, it was understood that the earlier advice was that the paths around the site and the small loop proposed were adequate to meet the covenant. The boundary paths were already accessible before the gift of the land so if the proposals were approved there would be little additional benefit stemming from the gift of the land. Whist the Council had a duty to support biodiversity it should also provide green space for residents. Unfortunately,

biodiversity and access could conflict and the proposal did not seem to strike the right balance between protecting wildlife and providing public access. A compromise was needed such as restrict access to the path across the Marsh and either banning dogs or requiring them to be kept on a lead. A proposal to provide some internal water control measures to prevent the Marsh from drying out was also desirable, but water levels should not be so high as to result in flooding. This could be provided via scrapes rather than raising the water level above the ditches. Greater clarity was needed on the proposed water levels. In terms of consultation, the plan shown in Appendix B of the report was not shown on the consultation boards. Whilst she had supported restricting access, this did not mean she supported the closure of the path over the Marsh.

Councillor Luxford Vaughan, Portfolio Holder for Planning, Environment and Sustainability, responded. Officers had been asked to respond on several points. The seawall path should be accessible to pedestrians only. The legal advice was not conclusive. On water levels, the sluice would prevent flooding and the council was working closely with Essex Wildlife Trust and Natural England who approved of the measures. The levels would be monitored over the long term and expert advice would be taken on how it would impact on biodiversity. It would be difficult to control all dog owners and prevent dogs getting access to the breeding areas. The council had done the right amount of research and the proposals would prevent flooding and secure access to the Wivenhoe Trail. As a compromise it was the best that could be achieved.

Pauline Hazell attended and addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) about the provision of Interpretation Boards for Gosbecks Archaeological Park. This had been raised by Mike Hardy on 22nd November 2023, providing the background to repeated requests for such boards covering the late Iron Age, and the details of the extant proposal made during the Conservatives' period in control. The Portfolio Holder (former Councillor Burrows) had undertaken to investigate the matter and discuss with officers and had responded that she had been advised that the funding had been used for the upkeep of the space, such as grass-cutting. Mr Hardy explained that this was not credible but former Councillor Burrows made no further comment. A subsequent Freedom of Information request established that the balance of the Gosbecks Reserve on 31st March 2024 was £70,321.32. Therefore the response provided was inaccurate, thoroughly unprofessional and unacceptable. Widening the scope of the City's heritage was in its best interest. The project was drafted, the supporting artwork identified and available. The outline costing was established and the non-taxpayer funding was available. Would the Leader now provide assurance that the proposal would be taken seriously, and would he ensure it was implemented with diligence and alacrity? She was willing to co-operate in any way that is helpful.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that there had been some misunderstanding and miscommunication on this issue. He would take the proposal seriously and would raise it with Councillor Sommers and the lead officers. His personal view was that there was scope to look at instructional signage and information. A long term strategy on the use of the dowry should also be developed.

Councillor Law attended and addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to request the council look at exempting military compensation from means testing benefits including housing benefit, council tax support, discretionary housing payments and disabled facilities grants, in view of its commitment to

armed forces personnel. She also expressed her support for the proposals in respect of St Johns and Highwoods Community Centre.

Councillor Cory, Portfolio Holder for Resources, explained that this was already Council policy. The Council had achieved the Gold Standard for the support it provided to armed forces personnel and their families. Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated that a note would be sent to all members confirming the position.

The Democratic Services Manager read a statement from Councillor Lee Scordis to Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) about anti-social behaviour in the city centre caused by street drinkers on the High Street. This was damaging Colchester's reputation. The police were not taking any action and claimed not have any records which suggested that there were still operational issues with the police. This issue had been previously resolved by the "Team Ten" established by Councillor Lilley when he was Portfolio Holder, which enforced the Public Space Protection Order. However, matters appear to have regressed and the city centre was becoming more unwelcoming, which was bad for business and the council.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated he would write to Councillor Scordis. Where anti-social behaviour the council would intervene, as it had done successfully at St Marys car park. As Portfolio Holder, Councillor Sommers had picked up this issue and reported it to the police and was seeking to establish the scale of the issue.

Councillor Naylor attended and addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to express concern that in view of the pre-election period, two members of the Cabinet were absent from the meeting. Were they just absent from the meeting or were they absent from their roles during the pre-election period? If so, how were their roles being conducted and were they still receiving their special responsibility allowance? There was also concern in the Conservative group about some of the items on the agenda, given the meeting was in the pre-election period, including the housing report. This report dealt with national matters and should not have been brought forward. The Leader should reconsider its inclusion on the agenda.

Councillor King, Leader of the Council and Portfolio for Strategy, explained that it was important for the city that the administration did what it can to maintain the business of the authority and to give direction to officers. The agenda was "business as usual" items. The housing report was an important contextual report for the forthcoming work on the Housing Revenue Account review and if he had considered it had been politicised it would not be on the agenda. It was apolitical in its presentation and that was how the meeting would be conducted. He was content that the meeting should proceed and the housing report be considered. He had taken advice from the Monitoring Officer in reaching this decision. The absence of the two Portfolio Holders reflected acceptance of the need to ensure there was no conflict of interest and no possibility of a perception that they were taking advantage of their position for a political purpose. They were performing their roles and would continue to receive their allowance.

Councillor Sunnucks attended and with the consent of the Chair addressed Cabinet. He considered that whenever issues about the housing strategy were raised, it was always

blamed on central government and no responsibility was taken by the administration. The way the report was presented was to shift blame and not to accept responsibility to deal with the housing situation. It was clear from the recent Scrutiny Panel meeting that the Council's housing strategy did not work. The administration had rejected the Conservative budget amendment which would have moderated spend. The Conservative group, which was the biggest group on Council, did have ideas on how to deal with housing, but had no opportunity to communicate them. Have Your Say! slots at meetings did not provide sufficient time to put over complex proposals. A meeting or convention should be called, possibly after the election, where all parties could put forward ideas to try and find a solution to this problem. As the lead shadow Portfolio Holder for Resources, he was entitled to raise these issues and his views were aligned with those of Councillor Ellis as shadow Portfolio Holder for Housing. If the administration would not arrange such a meeting, he would do so himself.

Pam Donnelly, Chief Executive, stressed that the report was an officer report written by the Chief Executive of Colchester Borough Homes and Head of Strategic Housing and was not a political report. Any statements made about national policy were a matter of fact and not conjecture.

Councillor Smith, Portfolio Holder for Housing, highlighted that the Scrutiny Panel had not accepted the arguments that Councillor Sunnucks had made. As Portfolio Holder he held regular meetings with the Labour and Conservative shadow Portfolio Holders and they were free to put forward any proposals at these meetings. He was willing to consider ideas from any quarter to help deal with the housing crisis.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, undertook to meet with Councillor Sunnucks and highlighted that the processes by which the administration worked allowed for engagement with the Portfolio Holder and with officers. However, it was expected that the shadow Portfolio Holder on Housing would lead on such issues. The review of the Council's assets which was underway would touch on these issues and would be conducted in a cross party way.

Melina Spanditaki addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to query whether democratic procedures had been followed in respect of her proposals for the use of Holy Trinity Church. This had been presented to the Full Council meeting and she had been encouraged by the Portfolio Holder to keep communicating. However, she had received an e-mail from the Leader of the Council via the Head of Economic Growth, dismissing her bid. She had not had the opportunity to visit the church to provide an exact costing, rather than an estimate. The bid from Community 360 did not address the issues faced by those in temporary accommodation. There was also an issue of transparency in that it was claimed that relations with Community 360 were frozen yet their bid was progressing. Her bid should be reconsidered in line with democratic processes and in view of the representation of Castle ward by Green party councillors.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that decisions on issues such as planning permissions were taken by Committees acting in the interests of the whole city, rather than just based on ward interest, although local views would always be considered in such decision making. Democratic processes had been followed. In terms of Community 360, there were discussions ongoing between them and

their partners. He was not involved in those discussions. It would be several years before Holy Trinity Church was renovated and decisions on final use had not been taken.

856. Housing “State of the Nation” Update

The Chief Executive, Colchester Borough Homes, submitted a report a copy of which had been circulated to each Member.

Councillor T. Young attended and with consent of the Chair addressed Cabinet. The report was political and dealt with a political issue, but it was not party political and was impartial. It was disappointing that the Renters Reform Bill had run out of Parliamentary time. Legislation to address no fault evictions needed to be brought back as soon as Parliament reconvened and the Council should lobby the local Members of Parliament on this issue after the election. Concern was also expressed about the lack of regulation of the private rented sector and the condition of some temporary accommodation, some of which was unsuitable and at the margins of what was legally acceptable. It was appreciated that this was only used as a last resort but it would be useful to hear how the administration planned to address these issues. The Labour group would support any proposal to influence any improvements in these areas.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, thanked Councillor Young for his comments. The administration had lobbied government on these issues previously and a new government would give an opportunity to raise such issues again.

Councillor Smith, Portfolio Holder for Housing, introduced the report, and stressed that the report set out the issues in a non-party political way and focused on the impact of national issues and policies on Colchester. The situation in respect of temporary accommodation had worsened since the report was written and there were now 335 families in temporary accommodation. This was likely to increase once the Council had to return some Ministry of Defence properties. One hundred families were in bed and breakfast accommodation or lodgings, of which 31 were outside the city. The situation needed to be addressed. A summit had been held at Essex University with representatives from nine other local authorities to examine the issues in detail. The suggestion that a further summit was necessary was not accepted. The financial position of many housing associations meant they were no longer accepting new developments and therefore there was insufficient accommodation coming forward to house those in temporary accommodation. The Council was seeking to get to a position where it could provide decent accommodation within Colchester and was open to advice and suggestions from any other parties.

RESOLVED that the contents of the report be noted.

REASONS

It was proposed at Leadership on 29 February 2024 and Governance and Audit Committee on 5 March that quarterly social housing updates that include topical and emerging housing related issues be reported to Cabinet via a housing “state of the nation” report with the aim being that the reports inform the Council’s current and future housing strategy and housing policies. The reports would supplement the new quarterly assurance reporting to Governance and Audit Committee on the Council’s adherence to the new

Regulator of Social Housing regulatory framework.

ALTERNATIVE OPTIONS

No alternative options were presented to Cabinet.

857. Council Productivity Plan

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

Councillor Dundas attended and with the consent of the Chair, addressed the Cabinet. It was noted that the Fit for the Future programme on which the Productivity Plan was based included incorrect references to the timing of the development and approval of the Waste Strategy. In addition, there were references to the asset programme and the need for capital projects to have a business plan. This discipline needed to be applied to existing capital projects, particularly the scheme for highway works and the installation of traffic lights in north Colchester. If the plan were to be approved, Cabinet needed to ensure that it followed the policies it set out.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded that he would respond separately on the specific points raised, but that the Plan was a snapshot in time. Pam Donnelly, Chief Executive, indicated that she would ensure any inaccuracies were addressed and highlighted that the Senior Leadership Team would be looking at waste and greening issues later in June. Although the Portfolio Holder was not present tonight, they were in constant contact over issues relating to the Waste Strategy.

Councillor Cory, Portfolio Holder for Resources, also highlighted that work on the Waste Strategy had been impacted by external factors such as the government consultation on waste and recycling collection methods and the development of the Essex Waste Strategy.

Councillor Çufoğlu attended and with the consent of the Chair addressed the Cabinet to highlight the income he believed was being generated by the garden waste collection scheme. This was leading the Council to abandon its commitment to climate change and biodiversity. For example, the Council commitment to “No Mow May” had lessened with evidence of grass being cut in several areas. Council promotions on social media about the control of weeds also encouraged grass cutting and the accompanying loss of biodiversity. Information about the cost of these adverts should be published. These initiatives also encouraged residents to sign up for the garden waste scheme. The financial rewards of the scheme were causing the Council to lose sight of its commitment to biodiversity and climate emergency commitments. The Fit for the Future programme should promote and protect wildlife, possibly through a pollinator strategy, rather than portray them as pests. The Environment and Sustainability Panel should be asked to look at how public attitudes to wildlife could be changed and scrutinise the work of Litter Warriors and weed pickers.

Councillor King responded that a response would be sent to the detailed points raised. The Council did remain committed to initiatives such as “No Mow May” and the promotion of biodiversity. However, it also had to be prudent and reduce spending across all its

services and the imposition of charging for garden waste needed to be seen in that context.

Councillor Smith, Portfolio Holder for Housing, highlighted that the garden waste charging scheme did not make money. What the report demonstrated was the reduction in the cost of the service.

Councillor Cory stressed that the administration had made substantial progress on climate change and biodiversity issues. This was demonstrated by the decisions on Ferry Marsh Nature Reserve. The savings made through the garden waste charges allowed the administration to invest in other greener schemes. "No Mow May" was followed in most areas but there had been concerns raised in some locations particularly around interference with sightlines. The concept of a pollinator strategy was a good one which could be considered by the Environment and Sustainability Panel.

Councillor King explained that the Productivity Plan reflected the need for a fundamental change programme to put the Council on a sustainable footing, whilst retaining support both across the Council and externally. It was a three year programme. It would be difficult to deliver and occasionally some timings may slip.

RESOLVED that the Productivity Plan at Appendix A to the Chief Operating Officer's report, underpinned by the items listed at 2.4 in the report, be approved.

REASONS

To deliver on the Government's requirement and demonstrate the Council's commitment to deliver efficiency and improved outcomes for communities.

ALTERNATIVE OPTIONS

To not adopt a Productivity Plan, but this was not an option due to the Government's requirement to publish a Productivity Plan.

858. Appointments to External Organisations and Council Groups

The Democratic Services Manager submitted a report a copy of which had been circulated to each Member.

Councillor Naylor attended and with the consent of the Chair addressed the Cabinet to query the basis on which the appointments to external organisations were made. Whilst the Leader of the Council emphasised the importance of working collaboratively, the largest group of the Council had not been allocated any appointments. This did not reflect the wishes of the electorate. The process by which the appointments were made should be clarified and the Leader should explain what he would do to redress the balance. Councillor Naylor indicated that she was willing to serve as a substitute member on the North East Essex Economic Board. It was noted that several appointments were made to members of the Labour Group, who were not part of the administration.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that the process and appointments followed convention, whereby the administration appointed its

members to most of the bodies. This had been the case when the Conservative group had formed the administration. There was a logic to having a member of the administration, who were responsible for the policies of the Council, representing the Council on external organisations. There were occasional exceptions where individuals may have particular expertise, and he would consider her request about the North East Essex Economic Board separately. Whilst a number of appointments were made to members of the Labour group, the administration was supported by the Labour and Green groups, even though it was not in a formal coalition.

The Democratic Services Manager provided an update to Cabinet on the outstanding appointments and clarified that:

- The Green representative on the Member Development Group would be Councillor Goacher;
- The Green representative on the Local Highway Panel would be Councillor Çufoğlu;
- The substitute member on the Police and Crime Panel would be Councillor Lilley.

RESOLVED that:-

(a) The representatives to the various external organisations and Council groups listed in Appendix A to the Democratic Services Manager's report be appointed for the 2024-25 municipal year, with such appointments to cease if representatives cease to be members of the Council during the municipal year, subject to the following amendments/additions:-

- The Green representative on the Member Development Group to be Councillor Goacher;
- The Green representative on the Local Highway Panel to be Councillor Çufoğlu;
- The substitute member on the Police and Crime Panel to be Councillor Lilley.

(b) The Leader of the Council be authorised to make a determination, where a nomination is deemed to be in dispute, if a vacancy occurs or if an appointment needs to be made to a new organisation during the municipal year.

(c) Councillor King be appointed as the Council's Armed Forces Champion.

(d) Councillor Sommers be appointed as the Council's Equality, Diversity and Inclusion Champion.

(e) The reports about the work undertaken by appointees to external organisations in 2023-24, as set out in Appendix B to the Democratic Services Manager's report, be noted.

REASONS

It is important for the Council to continue to make formal appointments to certain organisations and council groups such as those with statutory functions, key strategic and community partners and groups with joint working arrangements. These groups have been identified in Appendix A to the Democratic Services Manager's report.

ALTERNATIVE OPTIONS

No alternative options are proposed. The Leader of the Council is authorised to make a determination where a nomination is deemed to be in dispute or if an appointment needs to be made if a vacancy occurs or an appointment needs to be made to a new organisation in the course of the municipal year.

859. Adoption of Fleet Strategy

The Head of Neighbourhood Services submitted a report a copy of which had been circulated to each Member together with draft minute 122 from the Environment and Sustainability Panel meeting of 21 March 2024.

Councillor Dundas attended and with the consent of the Chair, addressed Cabinet and suggested that given the absence of the Portfolio Holder it would be more appropriate to defer the item. He had been a member of the Environment and Sustainability Panel when it considered the matter and endorsed the recommendation it had made. The rationale behind the recommendation was to ensure the Council looked carefully at any procurement and researched who it was buying from. It was important to take a holistic view of the environmental impact of any procurement decisions.

Councillor Cory, Portfolio Holder for Resources, indicated his support for the recommendation from the Environment and Sustainability Panel.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that the Portfolio Holder for Waste, Neighbourhood Services and Leisure was supportive of the proposals in the report.

RESOLVED that:-

- (a) The recommendations made by the Environment and Sustainability Panel at its meeting on 21 March 2024 be agreed.
- (b) The Fleet Strategy be approved in line with the recommendations made by the Environment and Sustainability Panel.

REASONS

With current technology continuing to develop in the world of batteries and alternative fuels, Council officers continue to work with vehicle manufacturers, other local authorities and third-party critical friends including the Energy Savings Trust to test the market by way of trialing alternative fleet options.

ALTERNATIVE OPTIONS

An alternative option would be to remain with the current Fleet Transition Plan however, with technology advancing year on year regarding alternative fuels and batteries, having a more robust and up to date Strategy would put the Council in a better position when making informed decisions regarding the procurement and management of their fleet.

860. Ferry Marsh Nature Reserve Improvements

Cabinet considered the recommendation contained in draft minute 123 from the Environment and Sustainability Panel meeting of 21 March 2024.

Councillor Luxford Vaughan, Portfolio Holder for Planning, Environment and Sustainability, indicated that the key issue had been raised was about the impact of the covenant but the legal and officer advice was that it did not prevent the scheme from proceeding and recommended that that the proposal was accepted.

Councillor Cory, Portfolio for Resources, expressed his thanks to the Portfolio Holder and Fiona Shipp for their work on the proposal. He also thanked Professor Black for her contribution. He had worked on this proposal for several years and was aware of the impact of flooding on the site, particularly on the Wivenhoe Trail. Cabinet had already approved works to extend the sluice to ensure control of the water levels. These proposals were about the overall management of the site. There had been online and in person consultation and there had been overwhelming support to protect the biodiversity of the site through restricting access. The concerns about this were understood. However, the balance needed to be in favour of protecting biodiversity.

RESOLVED that the changes to Ferry Marsh Nature Reserve as set out in the report to the Environment and Sustainability Panel meeting of 21 March 2024 be approved

REASONS

Public consultation had indicated support for the proposals. Whilst concerns about limiting access to the site were understood the balance was in favour of protecting biodiversity.

ALTERNATIVE OPTIONS

It was open to the Cabinet not to approve the recommendations from the Environment and Sustainability Panel.

Councillor Jay (in respect of her employment by the St John's and Highwoods Community Centre) declared a Disclosable Pecuniary Interest in the following item pursuant to Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.

Councillor Smith (in respect of his position as a Trustee of the St John's and Highwoods Community Centre) declared an Other Registerable Interest in the following item pursuant to Meetings General Procedure Rule 7(5)

861. St John's and Highwoods Community Centre Investment

The Head of Health Partnerships and Wellbeing submitted a report a copy of which had been circulated to each Member.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, and Councillor

Cory, Portfolio Holder for Resources, expressed their support for the proposals in the report which would result in increased investment in community facilities in north Colchester, whilst further development was awaited.

It was noted that the figure in paragraph 1.3 of the report for “Available Section 106 Receipts” should be £14,000, not £18,000 as stated.

RESOLVED that £200,000 be committed to the St Johns and Highwoods Community Centre to be invested in improving available facilities and that the scheme be added to the Council’s Capital Programme for 2024-25.

REASONS

The reason for this recommended decision is to continue to provide investment and opportunity for improvement and development into Community Facilities within North Colchester. This is to ameliorate the impact of the pausing of the potential St Marks/Old Rugby Club site development. This development has now been paused and will be considered again as part of the wider Northern Gateway Master Plan.

ALTERNATIVE OPTIONS

There are no alternative options if this is not agreed. The £14,000.00 can still be provided for the Community Centre but the Council is unable to offer any other alternatives for the remaining financial requirements. St Johns and Highwoods Community Centre will need to continue to provide provision and facilities for residents and community groups however they will need to seek alternative investment for any of the proposed upcoming developments / repairs.

There is a current existing draft section 106 agreement for Colchester Northern Gateway (CNG) south that has a clause to provide £200k towards a community centre on site. There would be an option to explore this being redirected to St Johns and Highwoods Community Centre via the section 106 agreement that follows as part of the reserved matters submissions in due course. This assumes that the existing hybrid planning permission will be implemented. A new scheme with a significant housing element could also seek to provide an enhanced community facility at Highwoods as opposed to onsite as planned. These options are subject to longer term plans and timescales with an estimated release of contributions in 4-5 years. Consequently, this is not considered to meet the needs of this project at the current time.

862 Procurement - Direct Award Contract for Main Contractor of Fieldgate Quay Repair and Development work

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

Councillor Cory, Portfolio Holder for Resources, introduced the report and explained the background to the proposals. A section of sheet piling had collapsed into the river Colne. The Council was carefully monitoring the situation and the position had stabilized over time. Whilst immediate action had been taken to protect health and safety, the report before Cabinet looked at more long term action to repair the piling and address the long

term management of the site. A two phase project was planned. The first phase was to repair the failed 15 metre section of piling. The second was to redevelop the remaining 235 metre section and to renaturalise the site. This included the reinstatement of the footpath. The report sought delegated approval for the Portfolio Holder to manage both phases of the project. It also sought the approval to appoint Henderson and Taylor Ltd to undertake both phases of the work.

Councillor Luxford Vaughan, Portfolio for Planning, Environment and Sustainability, indicated her support for the proposals

RESOLVED that:-

- (a) Due to the value of the project/appointment being over £500k that the Portfolio Holder for Resources be assigned delegated authority in relation to Phase 1 and Phase 2.
- (b) Approval is given to combine both phases into one Design and Build JCT 2016 Contract and make a direct appointment to Henderson & Taylor Ltd.

REASONS

The recommendation is being made due to the overall cost of the works required, along with the on-going health and safety issues the failing sheet piling is presenting and the need to repair as soon as possible.

Movement sensors have been placed along the Quayside which have demonstrated the remaining sheet piles are pulling away from the quay and starting to collapse. Essentially the longer the site is left to deteriorate, the more work will be required to complete the development. This will inevitably lead to increased health and safety issues, complaints from local residents and a higher cost to the project due to the increased complexity of the work required.

Henderson & Taylor Ltd are an approved supplier to Colchester City Council and have carried out many projects on their behalf. They have very good experience of this type of project and the local area having completed sheet piling repair works along the river Colne in the past. The costs they have submitted to date in relation to Phase 1 have been scrutinised and deemed competitive.

ALTERNATIVE OPTIONS

Engage in full Procurement process projected to last 3-4 months. This would risk further collapse and more expense due to the added complications a collapse would create. It is also unlikely that any extended procurement process would provide more choice in contractor or reduced costs due to the specialist nature of the works required.

863. Local Highways Panel

Cabinet considered the recommendation from the Scrutiny Panel in draft minute 459 of the Scrutiny Panel meeting of 12 March 2024.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that the

County Council's challenges on funding of highways works were well understood. This did have an impact locally. However, responsibility for Highways works remained with the County Council and it would not be appropriate for this to be funded on a regular structural basis. The Council now enjoyed a good relationship with Essex County Highways and was working with them on a number of projects including master planning and the regeneration of the city centre. Funding for the Local Highway Panel had not been requested by the County Council. However, it would be willing to provide funding for highways schemes on a case by case basis where this could secure improvements for the city.

RESOLVED not to approve the recommendation from the Scrutiny Panel that the Council funding be provided to the Local Highways Panel, as had previously been done up to 2018-19.

REASONS

Responsibility for Highways works remained with the County Council and it would not be appropriate for this to be funded on a formal basis. Essex County Council had not requested that funding be provided.

The Council would be open to provide funding for highways schemes on a case by case basis where this could secure improvements for the city.

ALTERNATIVE OPTIONS

It was open to Cabinet to approve the recommendation from the Scrutiny Panel.

864. Draft Statement of Accounts 2022/2023

Cabinet considered the recommendation from the Governance and Audit Committee in draft minute 424 of the Governance and Audit Committee meeting of 9 April 2024.

Councillor Naylor attended and with the consent of the Chair addressed Cabinet. She was a member of the Governance and Audit Committee when it made the recommendation. The Conservative members of the Committee had voted against noting the draft statement of accounts for 2022/23 which was a reflection of the deep concern they felt about the draft statement of accounts. Cabinet should act on the recommendation made that the consequences of disclaimed accounts be investigated and planned for. This would be in the best interests of council taxpayers who would bear the burden if this was not adequately addressed. It was understood that the target of the accounts being audited by 30 April had not been met. Concern was also raised about the continued appointment of Cabinet members to the Governance and Audit Committee.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, emphasised that the position on the accounts did not reflect a lack of professionalism on behalf of the section 151 officer and his team. This was a consequence of a national problem with capacity in the audit sector.

Councillor Jay, Portfolio Holder for Economic Growth and Transformation, thanked members of the Governance and Audit for their attention to this matter and for the robust

debate. There were statutory provisions around the auditing of accounts and a limited number of firms authorised to do so. There was a lack of capacity in the sector, not within the Council. The current auditors intention was that the audit would be completed by September 2024 and could be subject to a disclaimer. This would not be ideal but in view of time constraints and the fact the Council was now looking at the 23-24 accounts may be necessary. The Council would ensure compliance with guidance and accounting codes from the LGA and CIPFA. The section 151 officer had provided reassurance that if a disclaimed audit opinion was recommended as necessary there would be professional and national guidelines to follow and they would only be signed off with an assurance those guidelines had been followed. It was a decision over which the Council had little control, but it would allow matters to move forward. The administration was confident in the draft accounts. Historically there had been little movement in the accounts once drafted. The recommendation from Governance and Audit Committee would be accepted.

Councillor Dundas attended and with the consent of the Chair addressed Cabinet to highlight the meaning of disclaimed accounts. It meant a third party had not been able to obtain sufficient evidence to provide an opinion or assurance that the financial statements were correct. There would also be an opinion explaining why they were disclaimed. It was possible that the auditors may put an entirely different explanation for the disclaimer than was expected. Nothing should be taken for granted until that disclaimed opinion had been received.

Councillor King thanked Councillor Dundas for his comments. The Council had a history of being prepared for the accounting process and of audit not raising very significant issues or material differences. This should give some confidence. The administration would follow best practice and CIPFA and LGA guidance.

RESOLVED that the consequences of disclaimed accounts be investigated and planned for.

REASONS

In view of the importance of the auditing of accounts and the challenges faced by capacity in the audit sector, Cabinet understood the need for consequences of disclosed accounts to be investigated and planned for.

ALTERNATIVE OPTIONS

It was open to the Cabinet not to approve the recommendation from the Governance and Audit Committee.

865. Member Development Annual Report 2023-24

The Democratic Services Manager submitted a report a copy of which had been circulated to each Member.

Councillor Jay, Portfolio Holder for Economic Growth and Transformation, introduced the report and highlighted the work of the Member Development Group and thanked the members of the Group and officers across the Council who had provided briefings and training during the municipal year.

RESOLVED that Cabinet receive and note the report of the Member Development Group on the work of the Group in the 2023-24 municipal year.

REASONS

The Member Development Group was required to report to Cabinet on an annual basis. This provides Cabinet with an opportunity to review the work of the Group and the provision of member development.

ALTERNATIVE OPTIONS

No alternative options were proposed.

866. Progress of Responses to the Public

The Democratic Services Manager submitted a progress sheet a copy of which had been circulated to each Member.

RESOLVED that the contents of the Progress Sheet be noted.

REASONS

The progress sheet was a mechanism by which the Cabinet could ensure that public statements and questions were responded to appropriately and promptly.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

The Cabinet resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

867. Colchester Community Stadium - Services Agreement

This minute is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of a particular person, including the authority holding the information).

The Cabinet resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972.

868. Ferry Marsh Nature Reserve Improvements

This minute is not for publication by virtue of paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (claim to legal professional privilege).

10th July 2024

Report of	The Section 151 Officer	Author	Andrew Small <small>(Andrew.Small@Colchester.gov.uk)</small> Chris Hartgrove <small>(Chris.Hartgrove@Colchester.gov.uk)</small>
Title	Financial Planning Framework 2025/26 to 2029/30		
Wards affected	Not Applicable		

1. Executive Summary

- 1.1 There is substantial continued pressure on Local Government finances nationally; it is a situation echoed locally here at Colchester City Council.
- 1.2 This report sets out a proposed approach to Financial Planning for the next five years (2025/26 to 2029/30) in the light of internal and external financial pressures and the progress of the Council’s ‘Fit for the Future’ (FFTF) Programme, which is designed to deliver substantial savings and additional income to balance the books, in a sustainable way, being mindful of rising service demand.
- 1.3 The primary emphasis at this stage is the need to set a balanced budget for 2025/26. And to that end to ensure; where known, emerging financial challenges are highlighted. With a hint of potential scale where possible. This will help prepare Members, earlier than is usual, for the months ahead and what will be another challenging period of challenge, review, and change.
- 1.4 After recording a small surplus on General Fund revenue in 2022/23, the Council faced substantial financial pressure through 2023/24 with a series of overspends reported to Members throughout the financial year. With spending and demand pressures in key service areas such as Homelessness being a notable factor.
- 1.5 The Council’s reserve levels are relatively healthy at this stage, although they are a finite resource that can only be used once and must be protected to the extent required to manage financial risk in the future. However, they are likely to form a key part of the strategy in addressing the projected General Fund budget deficit of £1.991 million in 2025/26 (MTFF February 2024), thus providing a ‘bridge’ to the release of substantial savings (estimated at £2.675 million) in 2026/27 from the “Fit for the Future” Programme.
- 1.6 The Housing Revenue Account (HRA) is currently sound financially, with the balance on the HRA Reserve consistently above the required minimum of £1.6 million contained within the current 30-Year HRA Business Plan. However, it was recognised last year that circumstances have now changed. There a range of substantial financial challenges, and the Plan is consequently the subject of an ongoing detailed review. The updated Business Plan that will emerge from the review will ensure viability. By addressing the challenges of tougher regulation, the rising cost of repairs and maintenance and much higher interest rates, to ensure the long-term sustainability of the HRA.

- 1.7 The Council approved an overall Capital Programme of £263.074 million (including £205.365 million re HRA) for the five-year period 2024/25 through to 2028/29, which continues to reflect the Council's ambitions for Economic Growth and Housing especially. Increased external borrowing is an integral part of the financing strategy, especially on the HRA (although this is subject to review as noted above in Paragraph 1.5).
- 1.8 Given the usual pattern whereby the Local Government Finance Settlement is announced just before Christmas, definitive figures for 2025/26 may not be available until December 2024.
- 1.9 A tailored Financial Planning approach, which develops the 2025/26 Budget and updated Medium-Term Financial Forecast (MTFF) through to 2029/30 is therefore proposed, within a review and governance framework spanning over seven months; beginning with this report and culminating in Full Council setting a balanced budget in February 2025.

2. Recommended Decisions

- 2.1 To note the backdrop to the Financial Planning process for 2025/26 to 2029/30; and
- 2.2 To agree the proposed approach to Financial Planning for 2025/26 to 2029/30, including the reporting and governance timetable summarised in **Appendix A**.

3. Reason for Recommended Decision

- 3.1 To set a framework within which the Council can develop and set a balanced budget for 2025/26 and update its Medium-Term Financial Forecast (MTFF) through to 2029/30, ensuring that corporate priorities continue to be delivered in a financially sustainable way.

4. Alternative Options

- 4.1 The report sets out the Council's updated financial context and represents the beginning of the 2025/26 budget preparation process. The information disclosed – including financial statistics – is for illustrative purposes only and solely for noting.
- 4.2 Members have the option to accept the recommended approach to Financial Planning, including the reporting and governance timetable, or suggest amendments.

5. Background and Introduction

- 5.1 There is substantial continued pressure on Local Government finances nationally as evidenced by the rising number of high-profile "Section 114 Notices" (effectively the local government equivalent of bankruptcy) being issued by Chief Financial (Section 151) Officers. Colchester City Council ('the Council') is not in that position. But *Financial Sustainability* is the 'watchword', with the Council operating in that same environment and facing its own financial pressures. Driven by a tough economic backdrop, triggered – to a significant extent – by a series of major external events. Compounded by rising demands, and a fall over many years in the real term value of Government support.
- 5.2 This report sets out a proposed approach to Financial Planning for the next five years (2025/26 to 2029/30) in the light of these circumstances. The primary emphasis at this stage is the need to set a balanced budget for 2025/26; where known, emerging financial challenges are highlighted to help prepare Members for the months ahead in what will be another challenging period.

6. GENERAL FUND REVENUE POSITION

- 6.1 The current financial position and prospects for the Council's General Fund has evolved in recent years, initially in the context of extreme volatility and uncertainty triggered by the pandemic, followed by a brief period of relative stability and more recently the emergence of spiralling budget demand due to high inflation and sharply increasing interest rates. Whilst causes and solutions are the subject of much debate, external worldwide events – well beyond the control of the Council – are undoubtedly a major factor.

2023/24 Outturn

- 6.2 After the General Fund recorded a small revenue surplus of £0.163 million in 2022/23, the 2023/24 financial year provided a sharp contrast; significant overspends were forecast throughout the year, peaking at £1.916 million at the Quarter 3 stage (the final – Quarter 4 – position is being finalised at the time of preparing this report). Inflation was a particular problem again in the year, especially on Staffing Costs, with the eventual Pay Award for 2023/24 exceeding the Council's budget provision by approximately £600,000 (this additional cost is now embedded in the base budget so must be funded in the future too). There was also a significant overspend (of £1.216 million) on Homelessness/Temporary Accommodation. This is part of a national trend; for example, an article released by *Shelter* on 29th February 2024 highlights Government statistics showing that "rough sleeping has increased by more than a quarter for two years in a row", with 109,000 households in temporary accommodation ("up 10% in a year"). Income also fell short of expectations with notable pressures experienced in the Planning and Bereavement Services.
- 6.3 The realisation of embedded savings targets within the 2023/24 revenue budget also proved very challenging, a notable example was a targeted recruitment freeze, with an assumed yield of £0.5 million.
- 6.4 However, one significant positive in 2023/24 (which significantly mitigated the pressures noted above within the Service budgets) was a substantial underspend (approaching £2.4 million) on Capital Financing costs, due to the combined impact of a continued increase in interest rates and the completion of an internal review of Capital Financing costs.

2024/25 Early Outlook

- 6.5 At the time of preparing this report, the Quarter 1 forecast for 2024/25 was in the early stages of preparation. It is therefore too early to make any meaningful judgements as to the forecast net General Fund revenue position for the year end. However – in the light of the unfolding overspend in 2023/24 – a range of mitigating features were purposely built into the 2024/25 budget (including the removal of unachievable savings targets), aimed at heading off financial pressures before they emerged in the first place. Whilst this will undoubtedly help the outturn for the financial year, pay demands for 2024/25 (from Unions) are already significantly more than the original budget assumption of 3.0%; there is therefore a risk to established budgets if a local settlement of a similar magnitude is reached in Colchester. However, on a brighter note, inflation does appear to be firmly under control, with the May 2024 CPI falling to 2.0%, matching the Bank of England's long-term strategy to contain inflation at that level. Lower inflation is expected to feed through to lower interest rates (possibly as early as August 2024), although both scenarios were foreseen in the updated MTFF adopted by the Council in February 2024.

2025/26 Budget (and beyond)

- 6.6 Members will recall the most recent Medium-Term Financial Plan (MTFF) (2024/25 to 2028/29) adopted by the Council on 21st February 2024. The MTFF highlighted a significant structural budget deficit of £2.771 million by 2028/29, with a pressure of £1.991 million in 2025/26 reflecting the immediacy of the problem (subject to comments in

Paragraph 6.8 below).

- 6.7 The “Fit for the Future” (FFTF) (transformation) Programme is key to resolving the Council’s ongoing revenue pressure. Within the current MTFF, the FFTF Programme is assumed to deliver £1.844 million in base budget savings in 2024/25, followed by £0.253 million in 2025/26, with a substantial step up (to £2.675 million) in 2026/27 (which includes assumed savings of £1.0 million from the Waste Strategy).
- 6.8 However, although more needs to be done (over and above FFTF), and the delivery of FTFF may yet lag on schedule, relatively healthy reserve levels (see Section 9 below), and a projected surplus (of £1.310 million) in the MTFF for 2026/27, does afford the Council a degree of flexibility and ‘buys time’ to allow the careful implementation of FFTF in a sustainable way.
- 6.9 The final Local Government Finance Settlement for 2024/25 (published on 5th February 2024), included a guaranteed additional increase for 2024/25 of 1.0% (from 3.0% to 4.0%) on “Core Spending Power” to all councils, including Colchester. The General Election scheduled for 4th July 2024 (result unknown at time of issuing this report) adds to the uncertainty as to what the Settlement will look like for 2025/26 and beyond. So far, it is cautiously assumed within the MTFF that the Council’s “Funding Guarantee Allocation” (FGA) will remain frozen at the 2024/25 level.
- 6.10 The Colchester City Council element of the Council Tax was increased in 2024/25 by 2.99% (£6.33 on a Band D property). Members will – yet again – have a difficult decision in setting the Council Tax for 2025/26. Raising it by a similar sum would help balance the books and protect local services.
- 6.11 The Government’s intended approach to Business Rates in 2025/26 appears stable for now following the implementation of the 2023 Revaluation. The Council continues to manage (and benefit from) the Business Rates Retention (BRR) system as a committed member of the Essex Business Rates Pool.

7. HOUSING REVENUE ACCOUNT POSITION

- 7.1 The Housing Revenue Account (HRA) balance stood at £4.582 million on 31st March 2023 (compared to £4.555 million on 31st March 2022). The established 30-Year Business Plan assumes the maintenance of a minimum balance of £1.6 million.
- 7.2 Rising inflation (especially on Repairs and Maintenance) – as with the General Fund – has been a major challenge to the HRA in recent years, and potentially Council tenants too. In common with most housing authorities, the Council set the maximum allowable rent increase of 7.0% for 2023/24 in accordance with the Government Rent Cap (the established Rent Standard was suspended for 2023/24 due to exceptionally high levels of inflation experienced in 2022) and, although the Rent Standard was reinstated for 2024/25 (with the adopted Colchester rent increase being 7.7%), the sub-inflation increase adopted in 2023/24 resulted in a permanent resource reduction in the HRA.
- 7.3 The legal Rent Standard (April 2020) applies a formula of ‘September CPI+1.0%’; based on May 2024 CPI rate of 2.0% (latest available at time of preparing this report), which would result in a Rent Increase of 3.0%.
- 7.4 Members of course have the option of choosing a lower increase, but this would not help viability given rising staff costs and the increasing cost of Repairs and Maintenance, as well as the level of investment required to maintain the current Housing Investment Programme.

- 7.5 The prospect of higher rents also has wider implications. Locally, most tenants are protected to some extent (either through the receipt of Housing Benefit or Universal Credit), but conversely many are not, of course. This potentially displaces some of the cost burden to central Government.
- 7.6 See Section 8 below for a discussion on the HRA Capital Programme, which is interlinked with the revenue position; a new 30-Year HRA Business Plan in particular, as well as directly impacting on capital investment plans, could also lead to a range of changed revenue assumptions.

8. CAPITAL PROGRAMME (GENERAL FUND & HRA)

- 8.1 The Capital Programme plays a vital part in delivering the Corporate Plan, since long-term investment plays an essential role in realising the Council's ambitions for the district. The cost of the Capital Programme is spread over the lifetime of investments, so does not have such an immediate impact on the revenue budget position. However, there are revenue consequences to the Capital Programme.
- 8.2 In February 2024, the Council approved an overall Capital Programme of £263.074 million (including £205.365 million re HRA) for the five-year period 2024/25 through to 2028/29, which continues to reflect the Council's ambitions for Economic Growth and Housing especially. It also reflects extended (5-year) commitments to 'rolling investment' in Assets and IT (with the Capital Programme now fully aligned with the MTFP).
- 8.3 As a Council that continues to retain its own Housing Stock, the Council took on significant (HRA) debt as part of the self-financing arrangements introduced (nationally) in 2012. As reported to full Council in February 2024, external borrowing is expected to grow with the General Fund and the HRA projected to take on a further £57.6 million and £135.7 million respectively over the period 2024/25 to 2028/29. Although Members are reminded that future HRA borrowing will, in practice, be determined by the updated 30-Year HRA Business Plan, which is being prepared in 2024/25; this is looking again at the detailed viability of currently planned schemes in the light of changing circumstances (including – most notably – significantly higher interest rates).

9. BALANCE SHEET RESERVES

- 9.1 The Council maintains reserves as a safety net to allow for unforeseen circumstances and reserve levels are a key measure of financial sustainability over the medium-term. There is no statutory definition of the minimum level of reserves; the amount required is a matter of judgement and informed by the Section 151 Officer. But the Council now has (with effect from 2024/25) a formally established strategy to carry a minimum General Fund balance (contingency) of £3.0 million (adopted in February 2024).
- 9.2 The General Fund balance stood at £2.175 million on 31st March 2023 (compared to £2.161 million on 31st March 2022), although the Council has substantial other Earmarked Reserves (including some unallocated funds potentially available for transfer back to the General Fund balance). At the time of preparing this Financial Planning Framework, the detailed allocation and profiling of reserves is under review and will be reflected in the Council's closing Balance Sheet for 2023/24 (publication anticipated 31st July 2024). It is anticipated that sufficient available reserves will be available to bring the General Fund balance up to the minimum contingency level of £3.0 million as of 31st March 2024, but nevertheless a series of overspends (e.g. the forecast General Fund overspend for 2023/24 – at the Quarter 3 stage – was £1.916 million) is progressively putting a tighter squeeze on (finite) reserves.

10. PREPARING THE MEDIUM-TERM FINANCIAL FORECAST

- 10.1 The next stage in the Financial Planning Framework (FPF) process for 2025/26 to 2029/30 is the preparation of an updated Medium-Term Financial Plan (MTFF) to Cabinet on 4th September 2024. This will provide more specific and numeric detail as to the financial position. It will provide a broad outline forecast through to 31st March 2030 and identify the budget deficit that the Council must address in achieving long-term financial sustainability. Moreover, the MTFF will reveal the estimated scale of the budget gap that needs to be addressed to set a balanced budget for 2025/26, allowing Cabinet to consider available options, and instruct officers, in preparing an initial draft balanced budget for Cabinet on 27th November 2024.

11. SUPPORTING STRATEGIES

- 11.1 There are two other strategies that require updating as part of the 2025/26 Financial Planning cycle as follows:

- Capital Strategy – this is a requirement originally introduced by CIPFA’s Prudential Code in 2017. It is a rolling three-year strategy that gives a high-level overview of how Capital Expenditure, Capital Financing and Treasury Management activity contribute to the provision of local public services, along with an overview of how associated risk is managed and the implications for future financial sustainability. The Council’s most recent Capital Strategy was adopted by the Council in February 2022, alongside an updated 4-year Capital Programme (2022/23 to 2025/26). However – following the (one-off) decision not to adopt an updated Capital Programme in February 2023 (prior to the commencement of the 2023/24 financial year) – pending a detailed review and reset of the Capital Programme, it was not possible to prepare a reliable updated Capital Strategy for 2023/24. An updated (and overhauled) Capital Strategy (effective from 2024/25) will be presented to the Governance & Audit Committee in September 2024; although later in the cycle than recommended best practice, the new Strategy will be strengthened to include the full requirements of CIPFA’s updated Prudential Code released in late 2021 (including further detail on Asset Management, and Service and Commercial Investments). A ‘refreshed’ Capital Strategy for 2025/26 will be presented and adopted in February 2025; the required content is expected to remain unchanged at this stage (compared to 2024/25); and
- Treasury Management Strategy (TMS) – the Council has significant levels of borrowing and is therefore exposed to financial risks such as changing interest rates (particularly relevant following recent rate rises). The successful identification, monitoring and control of financial risk is therefore central to prudent financial management; the TMS is a key document, which helps to achieve that. The current – 2024/25 – TMS (presented to the Governance & Audit Committee on 18th June 2024) was prepared in accordance with CIPFA’s updated Treasury Management Code (2021 Edition) and an updated Investment Strategy (reflecting the final outturn for 2023/24) is to be presented to the Governance & Audit Committee in September 2024. The 2025/26 requirements are expected to remain unchanged at this stage (compared to 2024/25).

12. Equality, Diversity and Human Rights implications

- 12.1 Consideration will be given to equality and diversity issues in respect of any budget changes that may emerge during the development of budget. This will be done in line with agreed policies and procedures including production of Equality Impact Assessments where appropriate.

13. Standard References

- 13.1 There are no direct Publicity, Human Rights, Community Safety or Health and Safety implications because of this report.

14. Strategic Plan References

- 14.1 The Budget proposals will be developed within the framework of the Council's ambitions, as set out within the agreed Strategic Plan. These are balanced against the Statutory requirement of presenting a balanced budget and delivering core Statutory Services. The Budget will be aimed at achieving the optimum combination of these factors.

15. Consultation

- 15.1 The proposed Financial Planning Framework in this report will be presented to the Scrutiny Panel on 9th July 2024 for consideration and comment, prior to consideration by Cabinet on 10th July 2024. Furthermore, as the proposals are further developed, detailed consultation, both internally and externally, within the statutory Budget Setting framework are an in-built feature, reflecting the Council's continued commitment to engagement, openness, and transparency.

16. Publicity Considerations

- 16.1 Decisions on local taxation and on the level of services provided will be set out within the Budget proposals for 2025/26 once developed; they are likely to have direct impact on most residents. Standard publicity media will be utilised to ensure that the impact of the eventually agreed Budget is widely communicated and the reasons for proposals are understood.

17. Financial implications

- 17.1 As set out in the report.
- 17.2 No changes are necessary to the 2020 Financial Regulations. The eventual resource implications flowing from this report will be substantial, although not quantified in detail at this stage. The Council has a budget gap in its General Fund revenue account in the short and medium term. Further details – including detailed estimates – will be presented to Cabinet meeting on 4th September 2024. Net expenditure must be brought into line with available funding both in the short-term (to set a balanced budget for 2025/26) and the medium-term (to achieve financial sustainability).

18. Health, Wellbeing and Community Safety Implications

- 18.1 Health, Wellbeing and Community Safety considerations will be explored and considered in respect of each key component part of the Budget as it is developed.

19. Health and Safety Implications

- 19.1 None.

20. Risk Management Implications

20.1 The consideration of risk will form an integral part of the development of the proposals in the report. In particular, the MTFF is based on a series of estimates and assumptions that are informed by varying forms of intelligence (some certain, some uncertain); that process, including any residual risk in the decision-making process will be clearly indicated.

21. Environmental and Sustainability Implications

21.1 All budget measures are assessed for their environmental impact, reflecting the Council's commitment to be 'carbon neutral' by 2030. Environment and Climate Change is an essential cross-cutting theme in the Council's recovery planning and a core theme of the Strategic Plan.

Appendices

- **Appendix A – Proposed Financial Planning Framework 2025/26 to 2029/30**

Background Papers

None.

Proposed Financial Planning Framework 2025/26 to 2029/30

The timetable below proposes a tailored approach to Financial Planning in challenging circumstances, including the required legal and governance arrangements, spanning a five-month period, beginning in mid-July 2024 with this report and culminating in late February 2025 with full Council adopting a balanced budget for 2025/26.

Date	Committee/ Audience	Report/Event	Purpose
9th July 2024	Scrutiny Panel	Financial Planning Framework 2025/26 to 2029/30 (including updated financial context).	Presents the context for the forthcoming budget development process, allowing Members to scrutinise the proposals for an updated Financial Planning Framework to be considered by Cabinet on 10th July 2024.
10th July 2024	Cabinet	Financial Planning Framework 2025/26 to 2029/30 (including updated financial context).	Presents the context for the forthcoming budget development process, allowing Cabinet to consider proposals for an updated Financial Planning Framework, taking account of the comments of the Scrutiny Panel held on 9th July 2024.
4th Sept. 2024	Cabinet	Updated MTFF 2025/26 to 2029/30 (General Fund & HRA) (including Budget Strategy 2025/26).	Cabinet to consider first iteration of updated MTFF for 2025/26 to 2029/30, including the embedded Budget Strategy.
		Capital Programme Update (General Fund & HRA) update 2024/25 to 2028/29.	Cabinet to consider <i>currently adopted</i> five-year Capital Programme and provide guidance on developing a revised Programme for 2025/26 to 2029/30.
17th Sept. 2024	Scrutiny Panel	Updated MTFF 2025/26 to 2029/30 (including Budget Strategy 2025/26).	Members to scrutinise updated MTFF (including Budget Strategy) and Capital Programme.
		Capital Programme Update (General Fund & HRA) update 2024/25 to 2028/29.	
Nov. 2024 (TBC)	All Members	All Member Budget Workshop (Part 1)	Member engagement session to share updated MTFF, and early messages and emerging proposals from the 2025/26 Budget development process (and take feedback).

Date	Committee/ Audience	Report/Event	Purpose
Nov. 2024 (TBC)	Leaders Alumni	Leaders Alumni	Focussed engagement session with senior politicians to share updated MTFF, and early messages and emerging proposals from the 2025/26 Budget development process (and take feedback).
27th Nov. 2024	Cabinet	Initial Draft Budget 2025/26 (balanced), and updated MTFF (2025/26 to 2029/30).	Cabinet to consider (initial) draft (Revenue and Capital) budget proposals for 2025/26, including Fees and Charges included therein.
		Initial Draft Capital Programme (GF & HRA) 2025/26 to 2029/30.	
		Draft Fees and Charges 2025/26.	
Dec. 2024 (TBC)	Council Taxpayers	Financial context and emerging Budget proposals 2025/26 presentation/event/survey (timing and format TBC).	Capturing the views of local Council Taxpayers in accordance with statutory requirements.
Dec. 2024 (TBC)	Business Ratepayers	Financial context and emerging Budget proposals 2025/26 presentation/event (timing and format TBC).	Capturing the views of local Business Ratepayers in accordance with statutory requirements.
28th Jan. 2025	Scrutiny Panel	Updated draft Budget proposals 2025/26, and updated MTFF (2025/26 to 2029/30).	Members to scrutinise draft (Revenue and Capital) Budget proposals 2025/26, providing feedback for Cabinet consideration.
		Updated draft Capital Programme (GF & HRA) 2025/26 to 2029/30.	
		Draft Fees and Charges 2024/25.	

Date	Committee/ Audience	Report/Event	Purpose
29th Jan. 2025	Cabinet	Final draft Budget proposals 2025/26, and updated MTFF (2025/26 to 2029/30).	Cabinet to review final Budget & MTFF proposals, making recommendation to full Council.
		Final draft Capital Programme proposals (GF & HRA) 2025/26 to 2029/30.	Cabinet to approve Fees and Charges proposals for year ahead.
		Final Fees and Charges 2025/26.	Decisions to take account of scrutiny feedback and public consultation.
Feb. 2025 (TBC)	All Members	All Member Budget Workshop (Part 2)	Member engagement session to share further updated MTFF and 2025/26 Budget proposals.
25th Feb. 2025	Governance & Audit Committee	Draft Capital Strategy 2025/26 to 2027/28.	Members to consider supporting strategies, making comments and recommendations to full Council.
		Draft Treasury Management Strategy 2025/26.	
26th Feb. 2025	Full Council	Budget Report 2025/26, including updated MTFF 2025/26 to 2029/30.	Full Council to consider and decide upon the Budget for 2025/26, and relevant linked and supporting strategies. Includes setting the Council Tax on behalf of all preceptors.
		Capital Programme (GF and HRA) 2025/26 to 2029/30.	
		Capital Strategy 2025/26 to 2027/28.	
		Treasury Management Strategy 2025/26.	
		Council Tax Setting Report 2025/26.	

Extract from the minutes of the meeting of Governance and Audit Committee meeting of 18 June 2024

430. External Audit Progress – Verbal Report

The Committee received a verbal update from the Council's S151 Officer on the progress of the external audit process.

Andrew Small, S151 Officer, attended the meeting to present the update and assist the Committee with its enquiries. The Committee heard that the external audits for the financial years 2021/2022 and 2022/2023 were still incomplete. The organisation Public Sector Audit Appointments (PSAA) had reported that as at May 2024 there were 634 local authority audits which were outstanding across the country. An update had been received from the Council's external auditors, BDO, who were close to completing the outstanding 2020/2021 audit, but who had no ability or intention to complete the audits which were outstanding for the financial years 2021/2022 or 2022/2023. Accordingly, it was expected that a disclaimed opinion would be provided in respect of these audits later in the year. The back stop date which had been proposed for the completion of outstanding audits of 30 September 2024 was now uncertain as the calling of a general election had meant that the necessary legislation to introduce this date had not been enacted.

Emma Larkin attended the meeting and at the invitation of the Chair and addressed the Committee. She was the Director of KPMG who had been appointed as the Council's new external auditors, and the Committee was assured that appropriate resources would be available to deliver completed audits. Initial discussions had taken place between KPMG and the Council and planning work was anticipated to commence in July 2024, with the expectation that the 2023/2024 audit would hopefully be completed in early December 2024. It was, however, important for the Committee to note that KPMG would be in the position of commencing work on the Council's audit when an audit opinion would not have been provided for the preceding 2 years, although significant consideration had already been given as to how best to address and approach this position. The audit for 2023/2024 would be based on an un-audited opening position and there would be a period of time during which assurance would be rebuilt before a clean audit opinion would be possible.

In response to questions posed by the Committee, the Director, KPMG, explained that the current understanding of the position was the Council would have a disclaimed opening balance set of accounts at the start of the 2023/2024 audit, and KPMG would not carry out a full opening balance audit. The opening balance in the 2023/2024 accounts would therefore not have been audited, meaning that the audit opinion for 2023/2024 would not be disclaimed, but would be a modified opinion which identified the fact that the opening balance had been disclaimed. It would take a number of years for the opening balance disclaimer to fall away, and for the issue

of a clean audit opinion to be possible, and this was true of all local authorities and private sector companies who had been in receipt of a disclaimed audit. Although guidance was awaited, it was suggested that KPMG would adopt a process of risk assessment to enable a judgement on whether the opening balance was materially wrong to be taken. By way of clarification, the Committee heard it was hoped that an audit plan could be presented to it by September 2024 with the vast majority of the 2023/2024 in-year audit work completed by December 2024.

In response to a question from the Committee, the S151 Officer confirmed that he believed that there would be a process to reconcile the fees which would be payable to the Council's current auditor BDO, in the light of the fact that it appeared that they may not fulfil the terms of their contract, and based on the amount of work which had been undertaken.

In discussion, the Committee recalled that at its meeting of 9 April 2024 it had made a recommendation to Cabinet that the consequences of disclaimed accounts be investigated and prepared for, when might an advisory report be available to update the Committee on the progress of this work? The S151 Officer advised the Committee that the fact that necessary legislation had been delayed made the position with regard to disclaimed accounts much less clear, and at the current time further clarification and guidance was awaited. Although the Committee accepted this, it was suggested that some work was able to be carried out now as some of the consequences of disclaimed accounts were already known, such as the lack of an opening balance for the audit of the accounts for 2023/2024. It was clarified to the Committee by the S151 Officer that the terms of any disclaimer issued would ultimately be up to BDO to determine as it would be their disclaimer to issue, however, it was expected that government would issue guidance to provide some commonality to the disclaimers which would be issued across the country.

A Committee member had raised concerns in the past that the Council was not trying to do all within its power gain some value from the audit work which had been undertaken to date, and suggested that a written report should be sought from BDO setting out the work they had undertaken, which areas of the Council's accounts were satisfactory, and which had caused any concerns.

Councillor Cory, Portfolio Holder for Resources, attended the meeting remotely, and, at the invitation of the Chair, addressed the Committee. He confirmed that the Council's Officers were doing everything within their power to advance the outstanding audits and agreed that the Council should attempt to wring as much value as possible from the limited work which had been carried out by BDO to date. He was happy to do what he could personally in this regard. He was pleased to note the work which had been undertaken internally to prepare for the audit of the Council's accounts for 2023/2024.

RESOLVED that: the verbal update be noted.

RECOMMENDED to Cabinet that: in the light of the recommendation which had been made to Cabinet by the Governance and Audit Committee at its meeting of 9 April 2024, and which had been accepted by Cabinet at its meeting of 5 June 2024, an update report on the work which had been carried out to investigate and plan for the consequences of disclaimed accounts be provided to the Governance and Committee at its meeting on 10 September 2024.

For ease of reference the relevant minute of the Cabinet meeting of 5 June 2024 is below

864. Draft Statement of Accounts 2022/2023

Cabinet considered the recommendation from the Governance and Audit Committee in draft minute 424 of the Governance and Audit Committee meeting of 9 April 2024.

Councillor Naylor attended and with the consent of the Chair addressed Cabinet. She was a member of the Governance and Audit Committee when it made the recommendation. The Conservative members of the Committee had voted against noting the draft statement of accounts for 2022/23 which was a reflection of the deep concern they felt about the draft statement of accounts. Cabinet should act on the recommendation made that the consequences of disclaimed accounts be investigated and planned for. This would be in the best interests of council taxpayers who would bear the burden if this was not adequately addressed. It was understood that the target of the accounts being audited by 30 April had not been met. Concern was also raised about the continued appointment of Cabinet members to the Governance and Audit Committee.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, emphasised that the position on the accounts did not reflect a lack of professionalism on behalf of the section 151 officer and his team. This was a consequence of a national problem with capacity in the audit sector.

Councillor Jay, Portfolio Holder for Economic Growth and Transformation, thanked members of the Governance and Audit for their attention to this matter and for the robust debate. There were statutory provisions around the auditing of accounts and a limited number of firms authorised to do so. There was a lack of capacity in the sector, not within the Council. The current auditors intention was that the audit would be completed by September 2024 and could be subject to a disclaimer. This would not be ideal but in view of time constraints and the fact the Council was now looking at the 23-24 accounts may be necessary. The Council would ensure compliance with guidance and accounting codes from the LGA and CIPFA. The section 151 officer had provided reassurance that if a disclaimed audit opinion was recommended as necessary there would be professional and national guidelines to follow and they would only be signed off with an assurance those guidelines had been followed. It was a decision over which the Council had little control, but it

would allow matters to move forward. The administration was confident in the draft accounts. Historically there had been little movement in the accounts once drafted. The recommendation from Governance and Audit Committee would be accepted.

Councillor Dundas attended and with the consent of the Chair addressed Cabinet to highlight the meaning of disclaimed accounts. It meant a third party had not been able to obtain sufficient evidence to provide an opinion or assurance that the financial statements were correct. There would also be an opinion explaining why they were disclaimed. It was possible that the auditors may put an entirely different explanation for the disclaimer than was expected. Nothing should be taken for granted until that disclaimed opinion had been received.

Councillor King thanked Councillor Dundas for his comments. The Council had a history of being prepared for the accounting process and of audit not raising very significant issues or material differences. This should give some confidence. The administration would follow best practice and CIPFA and LGA guidance.

RESOLVED that the consequences of disclaimed accounts be investigated and planned for.

REASONS

In view of the importance of the auditing of accounts and the challenges faced by capacity in the audit sector, Cabinet understood the need for consequences of disclosed accounts to be investigated and planned for.

ALTERNATIVE OPTIONS

It was open to the Cabinet not to approve the recommendation from the Governance and Audit Committee.



Cabinet

Item
8(i)

10 July 2024

Report of	Head of Governance and Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Housing Ombudsman Report		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report informs Cabinet of the findings made in a recent report by the Housing Ombudsman in relation to Colchester Borough Homes.

2. Recommended Decision

- 2.1 To note the contents of this report and the actions taken.

3. Reasons for Recommended Decision

- 3.1 To inform the Cabinet of the contents of the report by the Housing Ombudsman.

3. Alternative Options

- 3.1 No alternative options are presented.

4. Supporting Information

- 4.1 The Constitution (Article 13.03 (a)) requires the Monitoring Officer to report to Cabinet (or to Full Council for non-executive functions) if a decision or omission has given rise to maladministration.
- 4.2 The Housing Ombudsman Scheme is approved by the Secretary of State. The law requires social landlords (here meaning the City Council and Colchester Borough Homes) to be members of an approved scheme. The Housing Ombudsman's role is to resolve disputes, including making awards of compensation or other remedies when appropriate, as well as to support effective landlord and tenant dispute resolution by others.

5. The Report

- 5.1 On 8 April 2024, the Housing Ombudsman determined a complaint submitted to it in relation to the handling of concerns by Colchester Borough Homes ("the landlord") regarding the condition of one of the Council's tenanted properties. The Housing Ombudsman also considered Colchester Borough Homes complaint handling of the residents' concerns. The conclusion of the Housing Ombudsman in respect of the complaint was as follows:

1. Maladministration by the landlord regarding its handling of the residents' reports of damp, mould and the associated repairs.

2. Maladministration in the landlord's complaint handling.

- 5.2 In July 2022 the resident reported that plaster was coming off the chimney breast around the fireplace their home. In July 2022 the Landlord marked the job as complete. In November 2022 the resident reported "condensation dripping" from the ceiling of her son's bedroom. The same month the resident chased the repair of the chimney. In December 2022 the landlord instructed an independent surveyor to inspect the property. The report highlighted a number of issues in the bedroom, living room and other rooms.
- 5.3 The resident contacted the Landlord chasing the outcome of the inspection as she had not heard anything. The resident made a complaint under the landlord's complaints procedure regarding the delays and lack of communication.
- 5.4 The resident contacted the landlord on 6 February 2023 to chase its complaint response. The landlord responded on the same day, apologised for the delay, and asked for an extension. It said it would issue its response by 15 February 2023. It sent its stage 1 response on 13 February 2023, and said:
- a. It had arranged an inspection of the property for 14 February 2023 to get a "clearer understanding" of the problems. Its visit would specifically look at the condition of the windows, and the insulation.
 - b. It was "clear" there was a "breakdown in communication", and it offered £100 in compensation for the inconvenience caused.
- 5.5 The resident emailed the landlord on 13 February 2023 and asked her complaint to be taken to stage 2, and said:
- a. She was unhappy there was a delay in sending its stage 1 response.
 - b. The officer who had called to book in the upcoming inspection was "patronising". They had asked her if she was ventilating and "mopping up" the excess water in the property. She felt that they were trying to blame the issue on "tenant lifestyle".
 - c. She was unhappy that it was doing another inspection, as it had already done so "multiple times".
- 5.6 The landlord sent its stage 2 complaint response on 13 March 2023, and said:
- a. It had raised works, following its visit on 15 February 2023, that would help manage the damp and condensation in the property.
 - b. The works were to be completed by 15 March 2023, and were to:
 - i. Fix "leaking hopper" on the bath that caused water to leak out when the bath was emptied.
 - ii. Clear out the chimney of debris and renew the air vent.
 - iii. Renew the extractor fans in the kitchen and bathroom.
 - iv. Add more loft insulation, including insulating the loft hatch.
 - c. It offered its "sincerest apologies" if its operative was patronising in "any way". It explained that "many elements" contribute to damp and condensation.
 - d. It made an increased offer of £400 in compensation.

- 5.7 The landlord completed the remaining repairs set out in its stage 2 complaint response in 2023. The works and dates are set out below:
- a. Installed the new extractor fans in the kitchen and bathroom on 30 March 2023.
 - b. Fixed the 'hopper' on the bath on 10 November 2023.
 - c. Cleared out the debris in Chimney and renewed the air vent on 23 November 2023. (the repair log indicates the resident cancelled an appointment to complete this repair in June 2023).
- 5.8 The resident contacted the Housing Ombudsman in November 2023 and asked us to investigate her complaint. She said that the bedroom in the property was "covered in mould", and in the winter months she had water "dripping" from the ceilings.
- 5.9 The Housing Ombudsman's reasoning for its findings were that
- (a) the landlord's record keeping around the repairs was poor, and it was at times unclear on what action it had taken or needed to take. The landlord was not proactive in booking follow up repairs and failed to adhere to the timeframes set out in its damp and mould policy. It failed to show an appropriate level of learning about its admitted failings, which meant similar mistakes continued to happen.
 - (b) The landlord failed to show learning about its admitted failings. There was an, albeit minor, delay in sending the stage 1 response, which it failed to acknowledge. It did not address all aspects the resident complained about in its responses, which caused a further inconvenience. The lack of reflection of its own actions can reasonably be concluded to have contributed to the overall poor handling of the substantive issues in the complaint.
- 5.10 The Housing Ombudsman ordered that the landlord within four weeks of the report:
- (a) apologise for the failings identified in the report
 - (b) pay the resident £950 in compensation, comprising:
 - (i) The £400 it offered for its handling of the resident's reports of damp, mould, and the associated repairs (if it has not already done so).
 - (ii) A further £400 in recognition of the distress and inconvenience caused by its handling of the resident's reports of damp, mould, and the associated repairs.
 - (iii) £150 in recognition of the inconvenience caused by its complaint handling.
 - (c) Given its silence on these matters throughout the complaint, write to the resident to outline:
 - (i) When it plans to upgrade the cavity wall insulation.
 - (ii) Its position on the bee infestation, and how it can support the resident to address it.
 - (d) Within 8 weeks, the landlord is ordered to:
 - (i) Considering the ongoing concerns about damp, mould, and water ingress, instruct an appropriately qualified, independent surveyor, to inspect the resident's property and identify any repairs needed

- (ii) Conduct a review into its handling of the resident's reports of damp, mould, and the associated repairs, and identify points of learning to reduce the risk of similar failings occurring again, with a particular focus on:
 - (aa) The impact of its failure to show learning throughout the complaint.
 - (ab) Its knowledge and information management, including record keeping.
 - (ac) Its poor communication with the resident, and internally.
- (e) Conduct training with its complaint handling staff, with a particular focus on:
 - (i) The importance of a thorough and transparent complaint investigation that seeks to show learning about admitted failings.
 - (ii) The importance of responding to all aspects of the complaint.
 - (iii) The importance of proactively communicating complaint response delays to the resident and acknowledging any delays in its complaint responses.

5.11 In response to the above, the Chief Executive of Colchester Borough Homes has advised that all actions have been completed and the Ombudsman has confirmed that the case has been closed. In addition, the case has been reported to the Colchester Borough Homes Board and will be included in the next quarterly housing update to the Governance and Audit Committee. With increased customer awareness and ongoing media campaigns by the Housing Ombudsman, it is likely that cases referred to them by Council tenants will increase. This will mean further cases opened by the Ombudsman for investigation into Colchester Borough Homes complaints. Any opportunities for continuous improvement or lessons learned will continue to be identified and implemented by Colchester Borough Homes.

6. Strategic Plan References

6.1 The lessons learnt from complaints to the Housing Ombudsman link in with our Strategic Plan aims to be efficient accessible, customer focused and always looking to improve. Having an effective complaints process helps us to achieve the Strategic Plan's themes of a Wellbeing, making Colchester an even better place to live and supporting those who need help most.

7. Publicity Considerations

7.1 Details of the Reports are published on the Housing Ombudsman's website.

8. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety, Risk Management and Environmental and Sustainability Implications

8.1 No direct implications.

Background Paper:
Housing Ombudsman Report dated 8 April 2024 Complaint 202226995

PETITIONS, PUBLIC STATEMENTS, QUESTIONS

(i) Have Your Say submissions from members of the public

Date of Meeting	Details of Members of the Public	Subject Matter	Form of Response	Date Completed
Scrutiny Panel, 4 June 2024	Ms. Tassanum Sayed	Community consultation, especially on regeneration of heritage sites.	Verbal response given at the meeting by Councillor Darius Laws, Panel Chair.	4 June 2024
Scrutiny Panel, 4 June 2024	Mr. Nick Chilvers	Scrutiny of Colchester Commercial Holdings Ltd.	Verbal response given at the meeting by Councillor Darius Laws, Panel Chair.	4 June 2024
Cabinet, 5 June 2024	Professor Jane Black	Ferry Marsh Nature Reserve Improvements	Verbal response given at the meeting by Councillor Luxford Vaughan, Portfolio Holder for Planning, Environment and Sustainability.	5 June 2024
Cabinet, 5 June 2024	Pauline Hazell	Iron Age Interpretation Boards at Gosbecks	Verbal response given at the meeting by Councillor King, Leader of the Council and Portfolio Holder for Strategy.	5 June 2024
Cabinet, 5 June 2024	Melina Spanditaki	The application of democratic processes to her bid to use Holy Trinity Church,	Verbal response given at the meeting by Councillor King, Leader of the Council and Portfolio Holder for Strategy.	5 June 2024
Local Plan Committee 17 June 2024	Richard Martin	Local Plan allocation at Middlewick and ecology on site	Verbal response given at the meeting by Sandra Scott, Place Strategy Manager	17 June 2024

Local Plan Committee 17 June 2024	William Joliffe	Local Plan allocation at Middlewick and ecology on site	Verbal response given at the meeting by Sandra Scott, Place Strategy Manager	17 June 2024
Local Plan Committee 17 June 2024	Joseph Beale	Local Plan allocation at Middlewick and Nightingale nests on site	Verbal response given at the meeting by Sandra Scott, Place Strategy Manager	17 June 2024

(ii) Petitions

Date petition received	Lead Petitioner	Subject Matter	Form of Response	Date Completed
No petition received in this period				