

# CABINET

## 25 MAY 2011

*Present :-* Councillor Martin Hunt (the Deputy Leader) (Chairman)  
Councillors Nick Barlow, Lyn Barton, Tina Dopson,  
Beverley Oxford, Paul Smith and Tim Young

*Also in Attendance :-* Councillor Annie Feltham  
Councillor Sonia Lewis  
Councillor Will Quince  
Councillor Gerard Oxford

### 2. Minutes

The minutes of the meeting held on 16 March 2011 were confirmed as a correct record.

### 3. Have Your Say!

Bob Russell MP addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). Tymperleys had been bequeathed to Colchester by the late Bernard Mason and the Council had pledged to look after it. Residents wanted Tymperleys to remain in public use. He sought information on the progress the Council was making in making restoring public access to Tymperleys. It was particularly important for public access to the gardens to be restored, particularly in the summer months.

Councillor Quince attended and addressed the Cabinet about Tymperleys. He asked the Portfolio Holder to reverse the previous decision made to lease Tymperleys in order to raise a capital sum. The reconsultation that had been promised had not taken place. Tymperleys was the property of the town and residents wanted it kept open as a clock museum. Tourism generated by attractions such as Tymperleys brought important economic benefits to Colchester. He asked the Portfolio Holder to guarantee the future of Tymperleys as a clock museum.

Councillor Barton, Portfolio Holder for Renaissance, explained that the issues around Tymperleys and the Clock Museum could be separated as Tymperleys had not been specifically bequeathed for use as a clock museum. The Council was committed to finding a sustainable solution and ensuring that the clock collection was displayed in Colchester. The Council was also investigating how the collection could be displayed digitally. In respect of Tymperleys, the preferred option had been to transfer it into National Trust ownership, but they had advised that it did not fit into their portfolio of properties. There was now general agreement that the best organisation to take Tymperleys was the Building Preservation Trust. Progress was being made and a feasibility study undertaken. The garden had been closed following vandalism but would open during daytime hours within the next two weeks.

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General

Procedure Rule 5(2). He noted that the Council was championing the restriction of traffic on the High Street and asked how thorough the impact assessment on other routes had been, particularly in regards to the extra congestion and pollution in Magdalen Street and Little Brook Street. He asked whether the impact assessments were publicly available and what action would be taken to alleviate these problems. Concern was also expressed that population growth might outstrip job growth and that this might lead to social disharmony. More jobs, particularly in light industry, needed to be created. Another industrial estate, similar to the Whitehall Industrial Estate, should be created in North Colchester. The cinema should be located at Tollgate, near retail and restaurant outlets. Commerce and business development issues should be on every Cabinet agenda, with an update from the Portfolio Holder at every meeting. These issues should take priority over issues such as heritage, culture and cycling. The Commerce Portfolio Holder should be the busiest and most scrutinised Portfolio Holder. Unless these issues were tackled now, there would be serious problems in the future.

Councillor Barlow, Portfolio Holder for Commerce and Sustainability, thanked Mr Chilvers for his comments and indicated that a written response would be sent.

Councillor G. Oxford attended and addressed the Cabinet to express his concerns about a parcel of land on Severalls Lane and asked the Portfolio Holder to investigate what steps could be taken to secure the site against illegal occupation. The site was owned by the Council but was leased to a third party.

Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated that he would ask the Chief Executive to investigate what could be done to secure the site.

#### **4. Request for Delegated Authority**

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

*RESOLVED* that responsibility for agreeing the insurance contract be delegated to the Portfolio Holder for Resources and ICT.

#### *REASONS*

The current three year contracts for insurance expire on 31 July 2011. A tender exercise is therefore currently being carried out by the Council's insurance brokers to obtain quotes for a new insurance package. The results of this exercise are not scheduled to be available from the brokers until early July 2011, which will not allow sufficient time to be able to seek Cabinet approval for the new arrangements prior to the expiry of the current contract.

#### *ALTERNATIVE OPTIONS*

The alternative is to request approval of the new contract at the Cabinet meeting on 7 September 2011. This would be over a month after the expiry of the current contract

and would require that the current insurers are requested to extend cover for that time, which they are under no obligation to do. This may result in there being no insurance cover in place until such time as Cabinet agree the new contract.

## **5. Approval of Bid to the Homes and Communities Agency for Grant Funding to Build New Council Homes**

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

Bob Russell MP addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) and welcomed the fact that new Council housing would be built in Colchester. He suspected that there may be difficulties with some of the sites that had been identified but the principle of building Council housing was welcomed. Colchester was particularly short of four bedroom social housing. He congratulated the Coalition government for bringing forward funding for this initiative.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, endorsed the proposals in the report. Whilst there were some risks these were outweighed by the benefits that would accrue. The proposals would help meet the Council's strategic objective of Homes for All. A variety of tenures and types of home would be delivered.

Councillor Smith, Portfolio Holder for Resources and ICT also supported the proposals and encouraged the Member of Parliament to campaign to enable Councils to keep the proceeds from Council housing and to be able to reinvest this in further housing, rather than having to return the funds to central government.

*RESOLVED* that:-

(a) The Council's initial bid to the Homes and Communities Agency (HCA) as part of their 2011-2015 Affordable Housing Programme to fund the building of new Council homes be approved.

(b) Authority for further negotiations and final detail of the bid be delegated to the Portfolio Holder with responsibility for the Housing Revenue Account.

*REASONS*

(a) In December 2009 Cabinet decided to pursue affordable housing development as a local authority, including developing in its own right, subject to the financial resources being available to do so. The HCA recently announced their programme of funding for 2011-2015. The opportunity is available in their bid prospectus for local authorities to bid for funding to build new Council homes. This will be the only opportunity to bid for funding in the current programme.

(b) The freedoms and flexibility offered through the reform of the Housing Revenue Account (HRA) system will provide the Council with the ability to borrow to fund capital projects.

(c) In order to validate the bid the HCA have asked that the Council supply proof of Cabinet approval of the bid by the end of June

### *ALTERNATIVE OPTIONS*

Not to bid for funding in the forthcoming programme. This would mean that the Council would not be able to bid for funding until a future funding programme is announced. The earliest this could be is 2016, although there is no indication that funding will be available in the future. Funding for affordable housing was revised in the last Comprehensive Spending Review and if there were to be an affordable housing programme post 2015 there is no indication that more funding would be available.

## **6. Appointments to External Organisations and Council Groups**

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

Cabinet noted that a number of appointments were proposed to organisations that had not met in the previous year and asked that the list of appointments be reviewed again to exclude these.

The appointment of Member Champions was noted, subject to the addition of Councillor Dopson as Champion for Older People.

*RESOLVED* that:-

(a) The representatives for the Municipal Year 2011/2012 to the various external organisations and Council groups listed in Appendix A of the Head of Corporate management's report be agreed, subject to a further review to exclude appointments to those organisations which had not met in the previous year, such appointments to cease if the representatives cease to be members of the Council during the year,.

(b) Those Councillors who are not members of the Council groups for the Municipal Year 2011/2012 be confirmed as a pool of members able to act as substitute members on Council groups, in accordance with the normal requirements relating to substitute members set out in the Council's Constitution.

(c) The Leader of the Council be authorised to make a determination where a nomination is deemed to be in dispute.

(d) The appointment of Champions as set out in Appendix C of the Head of Corporate Management's report be noted with the addition of Councillor Dopson as Champion for Older People.

### *REASONS*

(a) It is important for the Council to continue to make formal appointments to certain organisations and council groups such as those with statutory functions, the Council's

key strategic and community partners and groups with joint working arrangements. These groups have been identified in Appendix A of the Head of Corporate Management's report.

(b) The details of those appointments which will cease are at Appendix B of the Head of Corporate Management's report. There is no longer a need to appoint to the Waste Management Advisory Board for Essex and Southend as this has been superseded by the Member Partnership Board and IAA Member Working Group.

#### *ALTERNATIVE OPTIONS*

No alternative options are proposed other than to authorise the Leader of the Council to make a determination where a nomination is deemed to be in dispute.

### **7. Progress of Responses to the Public**

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

*RESOLVED* that the contents of the Progress Sheet be noted.

#### *REASONS*

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

#### *ALTERNATIVE OPTIONS*

No alternative options were presented to the Cabinet.

### **8. Proposal to Install Photovoltaic (PV) Panels on Social Housing and Corporate Buildings**

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

Councillor Smith, Portfolio Holder for Resources and ICT, explained that the proposals would create 120-130 jobs in the local economy during the installation phase. A number of local firms had contacted the Council to express their interest in sub-contracting some of the work and their details would be passed on the successful bidder. In addition the proposals would double the Council's carbon dioxide emissions savings and up to 2000 tenants would gain from savings in their electricity bills. On top of this the Council would also gain a significant income stream. Officers were thanked for their work in bringing forward the proposals in such a short timescale.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, and Councillor Barlow, Portfolio Holder for Commerce and Sustainability, also expressed their support for the proposals.

*RESOLVED* that:-

(a) PV systems be installed on the roofs of suitable Council owned houses, sheltered housing schemes and corporate buildings via a roof rental arrangement for the reasons set out in the Head of Strategic Policy and Regeneration's report.

(b) Authority be delegated to the Head of Strategic Policy and Regeneration in consultation with the relevant Portfolio Holder to enter into a formal legal arrangement with the preferred bidder once negotiations have been successfully concluded. Also in the event that the Council and the preferred bidder are unable to successfully conclude negotiations within a reasonable period of time, to delegate authority to enter into negotiations with the next bidder and if successful then to award a contract with that bidder.

(c) Authority be delegated to the Head of Strategic Policy and Regeneration to amend the terms of relevant secured tenancies in order to exclude the roof space from the secure tenancy. This will enable the successful company to be granted with appropriate rights to install and maintain the PV Panels which could require relevant tenants to enter into a formal surrender and re-grant of their tenancy.

### *REASONS*

(a) Colchester's social housing stock and corporate buildings provide a valuable asset of roof space which could be utilised with the installation of PV Panels to generate electricity using energy from the sun. The installation of PV offers both financial and environmental benefits to the Council and wider community.

(b) The government incentive scheme called the Feed-in Tariff (FiT) means that small scale generation of electricity via PV panels attracts an income of 43.3p/kWh, potentially creating a significant income stream for the Council.

(c) Under a roof rental option the Council would allow a preferred supplier to supply, install and maintain the PV systems under a lease agreement. The supplier would fully fund the project implementation and on-going maintenance to ensure that there is no direct cost to the Council. The preferred supplier will receive income from the PV systems via the FiT incentive and will give a proportion of this income to the Council as rent for the use of the Council's roofs via a formal lease agreement.

### *ALTERNATIVE OPTIONS*

(a) To decide not to progress further with this project in which case no further action will be taken.

(b) To create a licence agreement with the preferred supplier. It is likely that the successful company will require a lease of the roof space in order to guarantee rights that could last up to 25 years and/or to ensure that they can obtain the necessary

finance for the PV panels. Accordingly, a licence arrangement is unlikely to be a viable option.

**The Cabinet/Panel resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.**

**9. Proposal to Install Photovoltaic (PV) Panels on Social Housing and Corporate Buildings**

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

*RESOLVED* that the Council enter into detailed negotiations with the firm identified in paragraph 5 of the Head of Strategic Policy and Regeneration's report.

*REASONS*

As set out in minute 8.

*ALTERNATIVE OPTIONS*

As set out in minute 8.