

# SCRUTINY PANEL

## 12 December 2023

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

*Substitutions: -* None

*Also present: -* Councillor Jay, Councillor King

### **432. Minutes of Previous Meeting**

*RESOLVED* that the minutes of the meeting held on 14 November 2023 be approved as a correct record.

### **433. Have Your Say**

Mr Lance Peatling addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to complain of the curtailment of a statement by a member of the public, delivered to the most recent meeting of Full Council. Mr Peatling asked what constitutional power allowed the Deputy Mayor to stop the speech of a member of the public to Council, and who provided advice to her on this matter.

Mr Bryan addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to ask what powers a member of the Council had to prevent members of the public from addressing meetings of the Council.

The Chairman confirmed that the Mayor [or Deputy Mayor, in this case] was in charge of meetings of Full Council, and that he would write to ask the Chief Executive to explain the constitutional rules, how they are interpreted, and any relevant Local Government Association guidance.

Ms. Carinna Cooper addressed the Panel, pursuant to the provisions of Meetings General Procedure Rule 5(1), to complain about the security measures in place for meetings of the Council, and to state that she had not received justification of their lawfulness and claim that complaints had not received responses.

The Chairman noted that he would follow up on this when he wrote to the Chief Executive. Councillor King, Leader of the Council, apologised if a response had not been received.

#### **434. Items requested by members of the Panel and other Members**

Councillor Laws raised an item request which had been made by a number of members of the Panel, regarding the situation at Middle Mill, where part of the brickwork at the weir had recently collapsed, necessitating the closure of a major pedestrian/cycle thoroughfare. A request was made for an update from the Leader of the Council.

Councillor King, Leader of the Council, stated the Council's pride in the iconic location. The brickwork had started to fail in the previous week, with water passing through the brickwork and bypassing the weir. A drop in the water levels then caused the brickwork to collapse. Engineers attended to assess the situation, and the Council was working with specialists, with another assessment due in the next day. A risk of collapse had been identified, and the remaining structures were also at risk. Talks were being held with Essex County Council [ECC] and contractors as to how to proceed. There had been little warning of the issue, which was being addressed swiftly. The next steps would be identified and addressed swiftly, as this was seen as a serious reputational issue.

The Leader outlined his talks with ECC's Portfolio Holder for Highways, and Council officers work with ECC officers. Issues included fibreoptic cables and ducting going across the bridge.

The Panel asked about potential effects on wildlife. Richard Block, Chief Operating Officer, explained that the initial concern was for the health of local fish stock, and possible damage from changes in water level. The Environment Agency had explained that it was satisfied that there was no such danger, but it was important to consider the long-term effects on ecology.

The Leader was asked as to when the most recent checks and maintenance had been carried out, and confirmed that checks and repairs had been made regularly. The Chief Operating Officer explained that repairs had been made 12 months ago, but that deterioration had subsequently occurred. This site was included in the 'Fit for the future' programme for overseeing assets.

The Leader went on to raise the wider issue as to the maintenance of historic assets for which the Council had responsibility. Rigorous care was needed, and this had been a cross-party issue over recent years.

The Panel asked whether the site was insured. The Chief Operating Officer explained that the insurance information was being checked.

A Panel member argued that the site should be rebuilt so as to maintain the area's look and feel. Other members argued that opportunities to improve the site when rebuilding should be explored, with the High Steward and Civic Society. Wider issues as to risk, ecology, human access, were noted, and the potential for underwater checks and maintenance improvement were discussed. The issue of potential flooding upriver, caused by the operation of a weir, was raised and the views of the Environment Agency and Essex Highways requested.

*RESOLVED* that an item be added to the Scrutiny Panel work programme to provide an update on the situation regarding the Middle Mill Weir, and to include information on the progress of repair works, opportunities to improve the site, ecological effects, potential flooding effects upriver, and future monitoring and maintenance of the fabric of the site.

#### **435. Portfolio Holder Briefing [Economy, Transformation and Performance]**

Councillor Jay, Portfolio Holder for Economy, Transformation and Performance, emphasised the wide range of her portfolio, which was managed by regular briefings and check-ins with officers. A £532k fund had been awarded to the Council as part of the Rural Prosperity Fund. This was for rural community and business applications. Applications had been made, and a second application process would be held early in 2024, to allocate any unused funding. A wide range of different types of applications had so far been received.

The Council worked with Colbea and Colchester Institute, looking at measuring and tracking the effect of skills provision.

A recent problem with incorrect financial data published on the Council's website was explained. Finance officers had given assurance that this had been due to data being extracted from mis-merged data, rather than a problem with the underlying data.

The Portfolio Holder was meeting with the contact centre to seek ways that operations could be improved, and was assessing the quality of the ICT infrastructure. This was ahead of many local authorities. The new Shared-service Director of ICT and Transformation had settled in, with online contacts taking pressure off the call centre. The Portfolio Holder asked members to send to her via email any questions they would like her to ask the contact centre.

The Portfolio Holder was asked of what she was most proud, answering that she was most proud of the improvement in Key Performance Indicators [KPIs] and better benchmarking, understanding and presentation. A Panel member noted the benchmarking against similar authorities and argued that the Council should compare itself to 'the best' local authorities, rather than similar councils. Stretch targets should be set and best practices sought. The Portfolio Holder explained that this was hampered by the lack of comparable data, with the available comparable data being from similar local authorities, but agreed to ask officers to seek comparable data from other authorities, especially where operations were carried out differently. The Leader of the Council cautioned that, with a huge financial pressure on all councils, the cost implications of improving performance should also be looked at.

Benchmarking on the available data showed the Council being slightly underperforming on collection of residual waste, as compared to several nearby local authorities. The cause of this was being examined. The Portfolio Holder explained that research had shown that a 65% recycling rate was aspirational, as no local

authority currently achieved this. Residents and businesses could be encouraged to recycle, but this was a wider issue, and the Council needed to be KPI-driven.

The Panel discussed the Council's customer service performance, and the Portfolio Holder's duty to 'champion customers'. A Panel member urged consultation of customers, accusing the Council of being bad at consulting on tax increases and not heeding customer views enough. The Portfolio Holder agreed that the Council needed to listen to customers, but cautioned that there was not the time to do a full formal consultation. The Portfolio Holder fielded questions as to what she was doing to champion customers and whether she could report back on this. The Portfolio Holder agreed to work with officers to report back on what was being done.

The Leader emphasised Cabinet's responsibility to ensure consultation in the financial cycle, including the public and businesses when setting Council tax and how tax is collected from businesses. The Council was amongst the best for mechanisms to help those in financial trouble.

#### **436. Half Year April – September 2023 Performance Report Key Performance Indicators (KPI), Other Performance News, and Strategic Plan Delivery Plan Monitoring Report**

A Panel member noted that only performance from the current year was given, and asked if performance data from previous years, up to a decade back, could also be provided, to show the direction of travel. Councillor Jay, Portfolio Holder for Economy, Transformation and Performance, agreed to look at how to provide and present data from past years with future reports.

It was noted that the rent collection rate was 95.78, compared to a target of 98%. Panel members asked for an explanation as to why rent from Universal Credit always came in late. The Portfolio Holder gave assurance that she had asked about this, and that Universal Credit was assessed monthly, with changes leading to delays in payment of rent. The Portfolio Holder promised to provide a briefing note to explain the processes involved in Universal Credit payments of rent.

The Portfolio Holder was asked if the Council had a duty to house households evicted from Council properties for significant rent arrears. The Leader laid out the support available to help tenants avoid this, including discretionary housing payments. The Council and Colchester Borough Homes looked at the situations of those in trouble, including ensuring that they were claiming all to which they were entitled. There was, however, a limit as to what could be done.

The income from bereavement services was discussed. The Portfolio Holder noted that the rolling 12-month figure was now slightly below the past figure, as there had been more deaths in the past few years. The Portfolio Holder suggested that it might be necessary to reduce the budget for the service back to a level closer to that set between 2015 and 2019, pre-pandemic. A Panel member suggested that, to avoid setting inappropriate targets, there should be a process to identify where targets should be reassessed.

The target for recycling had not been met, with the Portfolio Holder arguing that the cost of living crisis had seen a reduction in household recycling, leading to the target being missed by a small amount. A Panel member suggested that other local authorities be asked about how they might seek to reduce waste-creating supply chains. The Portfolio Holder described research done into this which had shown the difficulty of the task. Co-mingling recycling improved rates, but nowhere managed to reach 65%. The Council was seeking ways to reduce business waste.

A Panel member opined that looking at recycling rates was pointless, if there was no plan to improve them, and requested a 'deep dive' on how the Council could improve its collection rates. The Council needed a list of suggestions that could garner cross-party support and the Panel member requested data on tonnage for waste and recycling. The Portfolio Holder explained that the tonnage for residual waste had decreased, due to the cost of living pressures. Tonnage figures had been requested. The Panel was informed that the new system for collecting garden waste had received more subscriptions than expected.

A member of the Panel suggested that it was not necessarily bad if recycling levels fell, as long as residual waste amounts did not increase. This could reflect retailers reducing non-recyclable packaging. The Portfolio Holder agreed and argued that the tonnage figures would show this better than the percentages given.

Richard Block, Chief Operating Officer, emphasised the importance of councillors considering options to improve recycling rates, as part of the Waste Strategy Review. Ways were being sought to hold national producers responsible for dealing with the waste they create, and to incentivise the reduction in packaging.

The Panel considered the KPIs from Colchester Borough Homes [CBH] It was suggested that the national performance, CBH performance and the target for time taken to re-let empty properties all appeared to be too high [long]. The Portfolio Holder was asked why re-let times were so long, and whether inspections could be done prior to the ends of tenancies. The Portfolio Holder drew attention to the number of properties where major works were needed to bring them back up to standard. Problems had also been encountered where parts needed for repairs could not be sourced. An increase in ends of tenancies had also led to more work in total being needed. The Panel asked whether outsourcing could be used, and pushed for explanations to be given where CBH contractors did not meet targets.

The Leader emphasised the housing crisis in the UK, affecting all of CBH. Forward planning and anticipation of work was needed, but the question was whether to prioritise getting people housed quickly over bringing properties up to decent standard. The Chairman asked the Leader to notify the Panel as to what progress was made.

A Panel member urged the first duty to be the housing of those in need, in proper accommodation, and expressed doubt that there was a correlation between the numbers in temporary accommodation with the overall number of households in Colchester, arguing that performance was not related to household numbers. It was suggested that building more homes could reduce the numbers in temporary accommodation. The Portfolio Holder was asked if there were better ways to express

the KPI on temporary accommodation than in 'per 1,000 household' format. The Portfolio Holder argued that there was correlation between temporary accommodation and household numbers, with private landlords leaving the rental market. The Chief Operating Officer explained that proportionality was needed for benchmarking, comparing to local authorities of different sizes.

The Panel discussed the potential for modular housing units to address the housing waiting list, and reduce use of bed and breakfast [B&B] accommodation, especially outside the area. It was asked whether the current system for buying extra properties was the best use of funds, how long it would take to clear the backlog, and why temporary accommodation was allowed to be overcrowded. The Leader agreed that action needed to be informed by data, and noted that the Portfolio Holder for Housing had already covered what Cabinet thought should be done. Nothing in construction or planning was quick, with work on a housing strategy going well in Colchester, with partners. Major effects were caused by people moving out from London Boroughs into Essex, including those needing social housing. Pressure continued to rise and only a flexible approach would work, including ways to shorten the temporary accommodation process where possible.

The Portfolio Holder explained that some households were in temporary accommodation for longer, whilst others used it for a matter of days. Stays were often longer for larger families, as they needed the scarcer larger homes. The Portfolio Holder agreed to provide information on lengths of stay.

The Panel considered other performance news, including successes, awards and accreditations.

*RESOLVED* that the SCRUTINY PANEL receive briefing notes on:

- a) Operational issues relating to rent collection from Universal Credit
- b) Void [empty] property re-let times and how the shortfall against the KPI target would be addressed

#### **437. Work Programme 2023-24**

*RESOLVED* that the SCRUTINY PANEL's Work Programme be approved for 2023-24, with the addition of an item on the Middle Mill Weir.