

CABINET

4 JULY 2012

Present :- Councillor Anne Turrell (the Leader of the Council)
(Chairman)
Councillors Lyn Barton, Tina Dopson, Annie Feltham,
Martin Hunt (Deputy Leader) , Beverley Oxford and
Paul Smith

Also in Attendance :- Councillor Nick Barlow
Councillor Nick Cope
Councillor Pauline Hazell
Councillor Sonia Lewis
Councillor Will Quince
Councillor Dennis Willetts

12. Minutes

The minutes of the meetings held on 23 May and 30 May 2012 were confirmed as a correct record.

13. Have Your Say!

Bobby Hunt addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He expressed his regret that he had not received the written response promised after his comments at the meeting on 30 May 2012. Residents of Joyce Brooks House had not been offered suitable accommodation together as had been promised and were not being treated with respect. He hoped other Councillors felt differently about Joyce Brooks House and would help save it for residents.

Councillor Dopson, Portfolio Holder for Housing, apologised for missing the Have Your Say speakers at the meeting on 30 May 2012 and whilst a written response had not yet been sent, she had sought to speak to them and had also spoken to their legal representative. She stressed that negotiations were a private matter between the Council and the residents until the matter was resolved. There was no benefit in the negotiations being held in public or through the press. The Council would work with residents to ensure an acceptable deal but this may take some time and stressed that residents should take issues to her personally rather than to the press.

Norman Bailey addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) He considered the handling of Joyce Brooks House had been an affront to democracy. He believed the fault lay with all members of the Cabinet and called on other Portfolio Holders to explain their position. He also expressed concern about the Monitoring Officer's interpretation of the Petition Procedure Rules to prevent a debate on the issue by full Council and highlighted the wording of another authority's petition policies which he believed were less rigid. He called on the Council to ensure the matter was resolved and also to agree to a debate by Full Council.

Councillor Dopson, Portfolio Holder for Housing, indicated that she was dealing with the residents through their legal representative and could not enter into detailed explanations of the negotiations with those not involved. She agreed that a resolution to the situation was necessary. Councillor Turrell, Portfolio Holder for Strategy, indicated that a debate by Full Council would have been inappropriate as the decision had already been taken before the request was received. Therefore the debate would have served no purpose.

Andy Abbott addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He asked how a reduction in the provision of a service could be interpreted as anything other than a cut. Given the increase in the age of the population the only way that demand for social housing could be shown to be falling was by manipulating the figures and by encouraging people not to apply for social housing. Social housing was being made less appealing through the removal of live-in wardens. He believed all Colchester residents should support the residents of Joyce Brooks House for defending the concept of publicly owned sheltered housing for future generations.

Councillor Dopson thanked Mr Abbott for his work in supporting the residents of Joyce Brooks House and other vulnerable groups. However she expressed concern that he was generating anxiety amongst residents of other sheltered housing schemes by disseminating incorrect information.

Tim Oxtan addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He was concerned that the recent exhibition on the new bus station had been insufficiently advertised and officers in attendance had been unable to answer his queries. The new station was more an agglomeration of bus stops rather than a station and users would be at risk from cars leaving the Britannia Road car park. He queried why the Council had not negotiated the continued use of the current site.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, and Councillor Barton, Portfolio for Renaissance, responded and emphasised that the station could not continue on the current site. The exhibition had been advertised properly and over 500 people had attended. The station would contain the facilities that the public had indicated they wanted in a public consultation and tests had proved that the station could handle the necessary traffic movements.

Andy Hamilton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) about the walled green at the corner of Sussex Road and Lexden Road. This had fallen into a state of disrepair and attempts to repair it had apparently come to nothing due to a lack of clarity over land ownership. An offer by a local resident to brighten up the area and rebuild the wall had been rebuffed by a firm of property consultants, who appeared to be acting on behalf of local residents. He believed that in the circumstances and as local residents were not prepared to resolve the situation, the Council could act on the grounds of health and safety to pedestrians and remove the loose bricks. If vandalism continued, the Council should remove the wall. It was now the Council's responsibility to resolve the situation.

Councillor Lewis attended and, with the consent of the Chairman, addressed the

Cabinet to advise that local councillors had sought to address this issue but had been unable to establish who owned the land. If they had the authority to repair the wall, they would do so.

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He thanked Councillor Hunt, Portfolio Holder for Street and Waste Services for his response to his suggestion at the last Cabinet meeting and encouraged the Council to promote this and demonstrate to residents that it took recycling seriously. He asked if the toilets at the new bus station would be maintained by a member of staff on site and suggested that the maintenance of all town centre toilets could be contracted out to a small local firm. They could be authorised to charge for usage but would maintain them properly.

Councillor Hunt, Portfolio Holder for Street and Waste Services, undertook to respond to the query about the staffing of the toilets at the bus station.

14. 2013/14 Budget Strategy, Medium Term Financial Forecast and Budget Timetable

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

Councillor Willetts attended and, with the consent of the Chairman, addressed the Cabinet. In his capacity as Chairman of Finance and Audit Scrutiny Panel, he reported the Panel's view that the underspend of £196,000 following a projected overspend of £200,000 reflected a need for more careful accounting. The Panel had also requested information on the proposed charges for the Park and Ride scheme in order to assess the impact of the facility on town centre parking. This information had still not been provided.

In his capacity as Deputy Leader of the Conservative Group, Councillor Willetts expressed his disappointment at the inclusion of an assumed 2.5% rise in Council Tax and that the New Homes Bonus was being used to "prop up" the budget rather than being spent on infrastructure to support new housing development. He was pleased to note the savings proposed in Sport and Leisure Services.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, stressed that the charges for the Park and Ride scheme were the responsibility of Essex County Council. The Council had not yet received them but they would be provided to Finance and Audit Scrutiny Panel as soon as they were available.

Councillor Smith, Portfolio Holder for Business and Resources, explained that the reduction in the projected overspend was an indication that the Council's financial controls were effective. The funding received through the New Homes Bonus only offset the loss of funding from the Housing Planning and Delivery Grant and the LABGI. He emphasised some of the schemes and initiatives that would be funded from the budget such as the Chinese exhibition, a contribution to the Police and Crime Panel and the repairs to the town walls. He stressed that the rise in Council Tax in the report

was a planning assumption at this stage.

RESOLVED that:-

- (a) The pre-audit outturn position for the financial year 2011/12 be noted.
- (b) The releases from balances for projects set out at paragraph 3.5 of the Head of Resource Management's report be agreed and the ability to agree releases from balances up to £100k as set out at paragraph 3.7 of the Head of Resource Management's report be reinstated.
- (c) The budget forecast, approach and timetable for the preparation of the 2013/14 budget and updated position in respect of balances be noted.
- (d) The updated Medium Term Financial Forecast for the period to 31 March 2015 as set out at Appendix A be noted.
- (e) The latest position in respect of the Capital Programme be noted and the changes to the capital programme shown at paragraph 7.2 of the Head of Resource Management's report be agreed and capital funding be released for the schemes shown at paragraphs 7.8 and 7.9 of the Head of Resource Management's report.

REASONS

The Council is required to approve a financial strategy and timetable in respect of the financial year 2013/14 and a Medium Term Financial Forecast (MTFF) for the two subsequent financial years.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

15. Year End Performance Report including Strategic Plan Action Plan and Proposed Targets /Actions for 2012/13

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

Councillor Quince attended and with the consent of the Chairman, addressed the Cabinet. He noted that KSi W3 on the recycling of household waste had not been met. The target of 42% was less than the target of 60% contained in a previous Liberal Democrat manifesto. Colchester's performance relative to other authorities in Essex had slipped since the administration had been in power. He sought an assurance that Colchester's position would improve once the recycling figures for Essex were published next week. If the Council had signed up to the Waste Strategy it would now have been in a position to introduce the collection of food waste across the borough.

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

Hunt, Portfolio Holder for Street and Waste Services, Councillor Smith, Portfolio Holder for Business and Resources and Councillor Dopson, Portfolio Holder for Housing, responded. The emphasis on recycling did not take account of the impact of reducing waste and reusing materials. There had been a 1.7% drop in the amount of waste to landfill despite an increase in the number of households. The 60% target figure could easily be met by introducing wheelie bins and collecting all material unsorted but the Council considered it was preferable to collect sorted recyclable materials on the doorstep. The financial benefits of signing the Waste Strategy had been overstated.

RESOLVED that:-

- (a) The 2011/12 year end performance summary and appendices be noted;
- (b) The proposed indicators for inclusion into next year's performance management reporting process and the targets to measure progress be agreed;
- (c) The strategic plan actions for 2012/13 at Appendix 3 of the Head of Life Opportunities report be noted.

REASONS

Part of the Council's performance management framework includes the commitment to report the Council's year end performance progress to Cabinet.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

16. Reinvigorating the Right to Buy: Retaining Right to Buy Receipts for Replacement Affordable Housing

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

Councillor Lewis attended and with the consent of the Chairman addressed the Cabinet to indicate that the Shadow Cabinet supported the proposals in the Head of Strategic Policy and Regeneration's report.

RESOLVED that:-

- (a) The Council enter into an agreement with the Government to retain additional right to buy receipts which can be used to offset up to 30% of the cost of replacement affordable housing.
- (b) To consider capital projects needed to fulfill the terms of the agreement beyond those projects already included in the capital programme for building new affordable housing during the annual agreement of the Housing Investment Programme.

(c) The Head of Strategic Policy and Regeneration be authorised to sign the agreement.

REASONS

The Right to Buy scheme was introduced in 1980 and gives qualifying social tenants in England the right to buy their home at a discount. Secure tenants of both local authorities and non-charitable housing associations have the Right to Buy if they have been public sector tenants for at least five years.

The Right to Buy scheme is set by Government and sets out the maximum amount of discount and the rate of accrual.

From April 2012 the cap on the amount of discount a tenant can receive under the right to buy has been raised to £75,000. The Government has given Local Authorities the opportunity to retain the receipts from the additional sales this may generate to fund the provision of replacement affordable housing.

The Government has made assumptions on the usual number of Right to Buy sales which can be expected. Local Authorities will be able to retain receipts arising from sales over and above this.

Entering into the agreement will enable the provision of affordable housing, reflecting the Council's objective in the Strategic Plan to provide more affordable homes across the borough.

In order to keep the additional receipts, Colchester Borough Council, will need to enter into an agreement under section 11(6) of the Local Government Act 2003 with the Secretary of State for Communities and Local Government. The Council will then be able to retain any receipts from additional right to buy sales, provided that it ensures a sufficient amount of resources are spent on the provision of affordable housing.

Under the agreement, the Secretary of State for Communities and Local Government will agree to;

- allow Colchester to retain additional right to buy receipts to fund the provision of replacement stock, and
- allow Colchester three years (from commencement of the agreement) to invest those receipts before asking for the money to be returned.

In return, Colchester Borough Council will agree;

- that right to buy receipts will not make up more than 30% of the total spend on replacement stock, and
- to return any unused receipts to the Secretary of State with interest.

Colchester will be unable to retain receipts for Quarter 1 because the agreement will not be returned by the qualifying date set by the Government of 27 June 2012. However, to date there have been no completions for this quarter and therefore there is no financial loss to the Council.

ALTERNATIVE OPTIONS

Colchester Borough Council could choose not to enter into an agreement. Under these circumstances, the Council will have to give surplus receipts to the Secretary of State. The receipts will then be passed to the Homes and Communities Agency for them to invest in replacement stock which could be anywhere in the country. Colchester will lose the opportunity to ensure the receipts are invested locally and in the type of homes most needed.

17. 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.

Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated that a response to the petition on re-opening the public toilets Greenstead Library would be sent shortly.

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.