

Cabinet

Wednesday, 16 November 2022

Attendees: Councillor Mark Cory, Councillor Pam Cox, Councillor Adam Fox, Councillor Martin Goss, Councillor David King, Councillor Andrea Luxford Vaughan, Councillor Julie Young

No. Publication and Call In Arrangements

Date Published 17 November 2022

Date when decisions may be implemented (unless 'called in') 5pm 24 November 2022.

All decisions except urgent decisions, those subject to pre-scrutiny and those recommended to Council may be subject to the Call-in Procedure.

Requests for the scrutiny of relevant decisions by the Scrutiny Panel must be signed by at least ONE Councillor AND FOUR other Councillors to countersign the call-in form OR to indicate support by e-mail. All such requests must be delivered to the Proper Officer by no later than 5pm on 24 November 2022.

700 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting held on 12 October 2022 be confirmed as a correct record.

701 Have Your Say!

Councillor Cory, (in respect of his appointment as the Chair of the North East Essex Health and Well Being Alliance) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Sir Bob Russell addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). The Council was facing the most severe financial crisis he had known, due to financial mismanagement by central government and international economic conditions. Dealing with this was a great challenge and symbolism in dealing with this crisis was important. In this context how could the Council justify the expenditure of £13,000 on 4 planters and trees on North Station Road? All Councillors should be involved in facing the financial challenges. Concern was also expressed that Greater Anglia were refusing to change the name of Colchester Town station to Colchester City based on cost. Cabinet should make representations to Greater Anglia and its parent company to encourage them to make this change.

Concern was expressed about the exclusive use of online tools for consultation processes which excluded groups without internet access or digital skills.

In response, Councillor King, Leader of the Council and Portfolio Holder for Strategy, acknowledged the scale of the financial challenges facing the Council and the need to look after public finances prudently. He would look at the issue raised, which was part of a wider initiative to improve the approaches to the town centre. An open and collegiate approach was being taken to addressing the financial challenge, involving all political groups and consulting an alumni group of previous leaders. He would press Greater Anglia on the renaming of Colchester Town Station.

Cabinet members stressed the importance of using online methods of consultation which were more cost effective and allowed easier interpretation of the information collected.

Steve Kelly addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to stress the importance of issues relating to a lack of vitamin B and to highlight the need for continued monitoring of vitamin B levels. This was particularly important for those with dark skin and ethnic minorities. The Council could address this by offering subsidised vitamin B to vulnerable groups. This would lead to savings in the longer term.

Councillor J. Young, Portfolio Holder for Housing and Communities, highlighted the strong partnerships with health partners and the appointment of Laura Taylor-Green as the director of the North East Essex Health and Well Being Alliance who would help identify and address health related issues. The needs of the most vulnerable had also been prioritised in the Council's response to the cost of living crisis and the Council and its partners were committed to ensuring that the most vulnerable received sufficient nutrition.

Councillor Cory as Chair of the North East Essex Health and Well Being Alliance, explained that the Alliance was a collection of organisations with an interest in the health of the local community. Its aim was improving health and well being outcomes in Colchester and Tendring. He understood the seriousness of this issue and would raise it with colleagues in the Alliance.

702

New Senior Management Team Arrangements and Structure

Pam Donnelly, the Chief Executive submitted a report a copy of which had been circulated to each Member. She introduced the report and explained that this was the first phase of the resetting of the Council's senior team. It would be followed by a reorganisation of the group management structure to ensure they worked in the most efficient and effective way. It would result in a significant saving of £200,000.

Further to Appendix B of the report, the appointments to the Senior Board were now complete with Richard Block being appointed as Chief Operating Officer, and Lucie Breadman, Rory Doyle and Mandy Jones also being appointed as Directors. This demonstrated the reservoir of talent within the Council. Their respective

responsibilities would be identified shortly. It would result in a flatter, less hierarchical and more responsive management structure.

It was also confirmed that Paul Smith, Managing Director of Colchester Commercial Holdings Ltd and its subsidiary companies, had decided to take retirement. The Chief Executive expressed her thanks for his valuable contribution. The risks associated with his retirement were understood. Following the recommendation of the Peer Review, an external review of the companies would be undertaken, and it was anticipated that they had a bright future.

Cabinet indicated that it welcomed and endorsed the proposals. They demonstrated the reservoirs of talent and the work ethic within the Council. Cabinet also expressed its thanks to Paul Smith for his work as the Managing Director of the Amphora companies.

RESOLVED that:-

- (a) Cabinet endorses the new senior management arrangements and structure as set out in the Chief Executive's report and notes that it will come into effect on 1 December 2022.
- (b) The revised Scheme of Delegation to Officers (which will come into effect on 1 December 2022) as detailed in Appendix C to the Chief Executive's report be approved.
- (c) The Monitoring Officer be authorised to make all consequential changes to the Constitution required by these new arrangements.

REASONS

To ensure appropriate senior leadership arrangements are in place for the organisation and to release £200K of savings.

ALTERNATIVE OPTIONS

To not endorse the new arrangements.

703

Sale of Land at Northern Gateway, Colchester

Councillor Cory, (in respect of his appointment as the Chair of the North East Essex Health and Well Being Alliance) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Executive Director Place submitted a report a copy of which had been circulated to each Member.

Councillor Cory, Portfolio Holder for Resources, introduced the report. This was a vacant site with outline planning permission for a healthcare campus. The sale of the site would generate a significant capital receipt for the Council which would support development at Northern Gateway. NHS partners had been involved in the discussions planning the healthcare provision on the site and North East Essex Health and Well Being Alliance had expressed its support and its intention to work with the provider. It was developing a Workforce Strategy with the provider to ensure there would not be an impact on the NHS workforce.

RESOLVED that:-

- (a) The disposal of the healthcare site at Northern Gateway on the terms set out in the Executive Director's report in Part A and Part B of the agenda be agreed.
- (b) The offers received as set out in Appendix B of Executive Director's report in Part B of the agenda be noted and the disposal to an alternative bidder, if the preferred developer does not perform, be agreed.
- (c) Authority be delegated to the Executive Director Place, in consultation with the Portfolio Holder for Resources, to negotiate terms, conclude the legal documents or any relevant consequential matters to complete the disposal.

REASONS

The site is a key part of the Northern Gateway masterplan and has a resolution to grant outline planning consent for a healthcare development. Along with the new mixed leisure scheme and the new sports hub, this will help establish and complete the Northern Gateway masterplan.

The site has been fully marketed by external agents and several offers were received for the land.

The final development will retain skilled staff in the Borough and create circa 500 jobs to include full time, part time and apprenticeships.

The mix of health, care and older people's homes proposed for the site will help to meet any gaps in provision across the Borough.

ALTERNATIVE OPTIONS

Do nothing. This is not a viable option given the Council's vacant property strategy, the Northern Gateway masterplan and vacant property costs.

The Council could redevelop the site itself. This has been reviewed but this is a specialist healthcare site and this would not be practical or cost effective.

Other disposal options have been considered but these are covered in the Executive Director's report on Part B of the agenda as there is market sensitivity to this information.

704 Fees and Charges 2023-24

The Assistant Director, Corporate and Improvement Services, submitted a report a copy of which had been circulated to each Member.

Councillor Cory, Portfolio Holder for Resources, introduced the report and explained that the pressures of inflation, economic stagnation and the long term effects of Covid had had a significant impact on the Council's income. Therefore, it was important to look closely at fees and charges in order to help fund and support Council services. Inflation of energy costs had a particular impact on some Council services, particularly Sport and Leisure and Bereavement Services. It was therefore necessary to increase some fees and charges in order to continue to provide good quality services. The Council would continue to support the most vulnerable residents.

In discussion, Cabinet endorsed the proposals and stressed that most increases were below current rates of inflation.

RESOLVED that the fees and charges for 2023/24 as set out in the Appendix to the Assistant Director's report be approved.

REASONS

To respond to the significant budget gap created by the coronavirus pandemic and the associated recession and cost of living crisis, and the impact of these on Council income

To make reasonable increases in fees and charges that help fund and support Council services.

ALTERNATIVE OPTIONS

Not to update fees and charges. This would reduce the funding available for Council services and necessitate additional savings or service reductions.

705 Recommendations from Governance and Audit Committee in respect of the Capital Programme

Cabinet considered the recommendations from the Governance and Audit Committee contained in minute 327 of the meeting of 6 September 2022 and minute 333 of the meeting of 18 October 2022, copies of which had been circulated to each Member.

Councillor Smith, Chair of the Governance and Audit Committee, attended and with

the consent of the Chair addressed Cabinet in support of the recommendations. Inflation and increased borrowing costs had a significant impact on the capital programme, and some projects may no longer be viable. The programme needed to be reviewed in the light of new circumstances. To ensure the Council was doing its best for residents a full review of the programme to establish what was still affordable was necessary.

Cabinet members expressed its thanks to Councillor Smith and the Governance and Audit Committee for their work on the capital programme and for the recommendations. These were supported and the Cabinet was committed to a review. It was keen to involve members of the Governance and Audit Committee in the review, given their expertise and skills. It was also important to look at Treasury Management robustly and to focus on how the Council's assets were used.

RESOLVED that the viability of every scheme on the Capital Programme be carefully reviewed to determine whether or not it should proceed, or be deferred, in the light of:

- significant increases in borrowing costs,
- significant long standing rates of inflation, and
- the difficulties which were being experienced in obtaining both materials and the skilled workforce necessary to deliver projects,

to ensure that a Capital Programme is delivered which meets the needs of the people of Colchester.

REASONS

It was necessary to review the capital programme given the changing economic circumstances, particularly the rise in inflation and in the costs of borrowing.

ALTERNATIVE OPTIONS

It was open to Cabinet not to agree the recommendations from the Governance and Audit Committee or to agree them subject to amendments.

706 Officer Pay Policy Statement 2023-24

The Assistant Director, Corporate and Improvement Services, submitted a report a copy of which had been circulated to each Member.

Councillor Cory, Portfolio Holder for Resources, introduced the report. All local authorities were required to publish an officer pay policy statement on an annual basis. It set out all pay and benefits for every employee of the Council.

Cabinet members drew particular attention to the Council's commitment to the Living Wage. A significant number of staff and contractors were paid the Living Wage, which was set independently by the Living Wage Foundation and was calculated according to the basic cost of living. It was important that the Council continued to show leadership on this issue and continued to promote Colchester as a Living Wage city.

RECOMMENDED TO COUNCIL that the Officer Pay Policy Statement 2023/24 be approved and adopted.

REASONS

The Localism Act requires “authorities to prepare, approve and publish pay policy statements articulating their policies towards a range of issues relating to the pay of its workforce, which must be approved by full Council annually. An authority’s pay policy statement must be approved by a resolution of that authority before it comes into force

ALTERNATIVE OPTIONS

The only alternative would be to not recommend the approval of the Pay Policy Statement, but that would be contrary to the requirements of the Localism Act.

707 Request to Delegate Authority for the Award of Contracts for the Phase 3 Garage Sites of the New Council Housing Programme

The Assistant Director, Place and Client Services, submitted a report a copy of which had been circulated to each Member.

Councillor J. Young, Portfolio Holder for Housing and Communities, introduced the report which sought delegated approval to award contracts for phase 3 garage sites. These were an important part of the Councils new housebuilding programme and would result in the delivery of 23 affordable homes. The delegation of authority would allow the projects to progress as soon as possible.

In discussion, Cabinet supported the proposals which supported a key Strategic Plan priority. It was noted that ward councillors had some concerns about the Hedge Drive scheme, which would be looked at. The new housing on these sites would be delivered to Future 2025 standards and would therefore be sustainable and energy efficient.

RESOLVED that:-

- (a) Authority be delegated to the Portfolio Holder for Housing and Communities to award the contracts for the construction of new affordable homes as agreed within the “Phase 3 Garage Sites” developments.
- (b) Authority be delegated to the Assistant Director for Place and Client Services, in consultation with the Portfolio Holder for Housing and Communities, to conclude any subsequent related details related to the legal, financial or other matters of these contracts including handover of the completed properties to the Council.

REASONS

The Council has committed to deliver 350 new affordable homes over 5 years between 2019 and 2024. These contracts deliver part of that commitment and have

been progressed with budgets and other agreements previously made to deliver the new homes. The first contract, for Cross Cottages, is in the tender evaluation process and will need to be awarded in December 2022, when there is no Cabinet meeting. Delegated authority to award the contract is therefore given to allow the works to commence in a timely manner, in line with milestones and project delivery objectives previously agreed by the Council and aligning with the usual seasonal weather.

The design and specification of each of the sites has met the required planning regulations and planning approval has been granted. They have then undergone detailed technical design phases prior to procurement. The contracts deliver much needed affordable homes to an agreed budget that is sustainable within the Housing Revenue Account.

ALTERNATIVE OPTIONS

Not to award any contracts to build new affordable homes; but this would cease the projects and be entirely inconsistent with the strategic priorities of the Council.

Not to delegate the powers requested; but this would then need contracts to be individually reported to Cabinet for each contract award, increasing the time and resourcing required, for a procurement process that is already heavily scrutinised and regulated. This would delay the awarding of contracts and in turn delay the delivery of affordable homes.

708 **Nomination for Deputy Mayor 2023-24**

Consideration was given to the nomination for the appointment of the Deputy Mayor of the Borough of Colchester for the 2023-24 municipal year.

Councillor Goss nominated Councillor Scott-Boutell for appointment as the Deputy Mayor of the Borough of Colchester for the 2023-24 municipal year. Councillor Scott-Boutell had been elected to Council in 2002 and was next in line for appointment as Deputy Mayor. Residents of Stanway would be delighted that Stanway would be honoured in this way.

Councillor Fox indicated that the Labour Group supported the nomination. Councillor Scott-Boutell did a fantastic job representing the residents of Stanway and as Deputy Mayor and then Mayor would stand up for all of Colchester.

RECOMMENDED TO COUNCIL that Councillor Scott-Boutell be appointed as the Deputy Mayor of the Borough of Colchester for the 2023-24 municipal year.

709 **Calendar of meetings 2023-24**

The Assistant Director, Corporate and Improvement Services, submitted a report a copy of which had been circulated to each Member.

Cabinet noted that 8 May 2023 had now been designated as Bank Holiday following the coronation of King Charles on 6 May 2023. Thanks were expressed to the Democratic Services team for the support they provided to Councillors.

RESOLVED that:-

- (a) The draft Calendar of Meetings for the 2023-24 municipal year be approved, subject the inclusion of 8 May 2023 as a Bank Holiday.
- (b) Authority to cancel meetings be delegated to the Chair of the relevant Committee/Panel in conjunction with the Assistant Director, Corporate and Improvement.

REASONS

The Calendar of Meetings needs to be determined so that decisions for the year can be timetabled into the respective work programmes and the Forward Plan.

Advance notice of the Calendar of Meetings needs to be made available to Councillors and to external organisations, parish councils and other bodies with which the Council works in partnership, and to those members of the public who may wish to attend meetings of the Council and make representations.

Rooms will also need to be reserved as soon as possible so that room bookings can be made for private functions by private individuals, external organisations and internal Council groups.

A formal arrangement needs to be in place for the cancellation of meetings that no longer need to be held.

ALTERNATIVE OPTIONS

This proposal has been largely devised based on the current meeting structure and frequency. It would be possible to devise alternative proposals using different criteria.

710 Progress of Responses to the Public

The Assistant Director, Corporate and Improvement Services, 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.

711 Sale of Land at Northern Gateway - Part B

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.

The Assistant Director, Place and Client Services, submitted a report a copy of which had been circulated to each Member.

RESOLVED that the report be noted.

REASONS

As set out in minute 703.

The proposed capital receipt would be used to fund the Council's capital programme and avoid external borrowing. The receipt will be used in the way that delivers the best financial advantage.

ALTERNATIVE OPTIONS

As set out in minute 703.

Also in attendance: Councillor Smith