

Cabinet

Wednesday, 14 October 2020

Attendees: Councillor Mark Cory, Councillor Adam Fox, Councillor Martin Goss, Councillor Theresa Higgins, Councillor David King, Councillor Michael Lilley, Councillor Julie Young

Also in attendance: Councillor Goacher

No. Call in and Publication Arrangements

Date Published 15 October 2020

Date when decisions may be implemented (unless 'called in') 5pm 22 October 2020.

NB 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 22 October 2020.

504 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting held on 2 September 2020 be confirmed as a correct record.

505 Have Your Say! (Virtual Meetings)

Sir Bob Russell submitted the following written submission to the Cabinet pursuant to the provisions of paragraph 5(1) of the Remote Meetings Procedure Rules and which was read to the Cabinet meeting:-

Yesterday lunchtime an organ recital was held in the Moot Hall – social distanced. Limited to 50 people.

Why cannot the Cabinet also meet in the Moot Hall – plenty of room for members of the Cabinet and Officers, and members of the public?

The Chamber of the House of Commons has been open for weeks – so why not the Moot Hall for meetings of Councillors?

Only two buildings in Colchester High Street remain shut. The night club at the former Hippodrome – because Government instructions are that it must remain shut.

The other is the Town Hall, whose ornamental gates remain firmly locked. Has the Government instructed councils to lock their town halls?

I wish to address the Cabinet about Colchester's bid for £25 million in a national competition with 100 other towns.

I would like to thank everyone involved – particularly those who have voluntarily given of their time.

I hope the bid is successful.

However, having read the report to Cabinet, it represents a lost opportunity – a once in a generation opportunity as it has been described in the Colchester Daily Gazette. Colchester's Unique Selling Point is its heritage and tourism potential. They barely get a mention. Somehow I think York and Chester would have had a different approach if they had been asked to bid for £25 million.

Identifying the promotion and development of the Roman Circus as a national tourist attraction would immediately make a big difference in showing the judges, who will look at 100 applications, that Colchester is different to all the clone town applications from others.

Next month is the 16th anniversary of when the Roman Circus was discovered. Had this been found in Chester or York I am confident that long ago those councils would have seized upon its national and international importance, making it a major attraction as a further boost to their tourism economy.

Colchester's application is a clone town approach – any town, anywhere. There is nothing in the report which jumps out and highlights Colchester's unique characteristics.

Change the name "Colchester" in the text to any number of other towns, and the script would fit them just as much as they supposedly do Colchester.

How many of Colchester's 50 Borough Councillors have been involved in the process? When did Councillors debate the bid and vote on the matter?

Surely the democratically elected representatives of the people should be making decisions?

I repeat – I hope the application is successful, but failing to properly promote Colchester's USP, namely its rich heritage and tourism potential which should be harnessed to boost the local economy, I feel this has been an opportunity missed.

Councillor Cory explained that the issues raised in respect of the Town Deal would be dealt with when that item was considered later in the meeting. In terms of issues around public meetings, it was important that the Council ensured that no risk was posed to Councillors, officers or members of the public from attending meetings. It was important to note that a number of Councillors were in the vulnerable category as a result of their age. and to encourage them to attend meetings at the Town Hall would pose an unnecessary risk. By allowing members of the public to make written submissions or to attend remote meetings an appropriate balance was struck between minimising risk and securing public participation. There were also environmental benefits from remote meetings from reduced car journeys. When circumstances allowed, the Council would return to physical meetings or a more flexible hybrid approach. The Town Hall was open on occasions and the Council would ensure information about opening times was made available to members of the public.

Councillor Goacher attended and, with the consent of the Chairman, addressed the Cabinet. He had been asked to request an explanation as to reasons behind the statement of support for the proposal by Essex County Council to move to Tier 2 of the restrictions designed to address Covid 19, and why the Council was not openly supporting the concept of a short "circuit breaker" lockdown. In respect of air pollution he welcomed the initiative to encourage drivers to switch off engines when stationary, but sought information on what would follow this, as it did not address the issue of

pollution from moving traffic. Recent reports had indicated the success of measures to address air pollution from traffic in London This had been achieved through the use of Low Emission Zones and a similar policy in areas such as Brook St and East Hill could help reduce air pollution. Funding from a congestion charge could also be used to clean up Colchester's buses.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that together with Group Leaders he had issued a statement of support for Essex County Council's proposal to move to Tier 2 following discussions with Essex County Council. The advice provided by the Director of Public Health was trusted. He had advised that Essex was following a similar trajectory of cases as cities such as Manchester and Liverpool and was essentially just two weeks away from the number of cases they were experiencing now. He had written an article for the Gazette expressing his support for the circuit breaker idea. It was necessary to support livelihoods and the local economy, and the circuit breaker gave a clearly defined, specific period of restrictions, through which the government could provide support to affected businesses. In respect of air quality, an Air Quality Project Update would be reported to the next meeting of the Environment and Sustainability Panel.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that the Council had received £250,000 from government to fund the Air Quality Project. It was looking at the most polluted areas of Colchester and would link in with local schools to provide information and education. Considerable work had been undertaken on buses, and over 20 had been brought up to Euro 6 standard using external funding. The introduction of Low Emission Zones would require the cooperation of Essex County Council as the Highway Authority, and it was regularly discussed with them. However, he did not support the introduction of a congestion charge as he preferred an approach of education and information.

506 Colchester Town Deal

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

Simon Blaxill, Chair of the We Are Colchester Board, and Ian Vipond, Strategic Director, Policy and Place, made a presentation to Cabinet on the Town Deal bid. This set out the aim of the Bid to secure £25m of funding for Colchester and highlighted the potential benefits of this towards Colchester's recovery. The wide membership of the Bid Board and the Advisory Group was highlighted. Over 1000 members of the public had been engaged through the Bid team's work. The key themes were How We Live, Grow and Connect and there were both short term and long-term benefits to be secured. Under the terms of the bidding process, the Bid could only cover the urban area of Colchester, rather than the whole borough. The aim was to secure the maximum amount of funding from the bid and to use that to secure further investment and therefore multiply the benefits, with the hope of securing a total of £100 million of investment. A key criterion was public and business engagement. £1million had already been secured and would be used to fund schemes at St Nicholas Square and Balcerne Gate. If the further funding was secured, a wide range of schemes that could be supported had been identified. A number were aimed at young people, who

were particularly impacted by the Covid 19 pandemic. Another priority would be public realm improvements across Colchester.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, expressed his thanks to Simon Blaxill and Ian Vipond for the presentation. He also expressed his thanks to those residents who had engaged with the Bid and contributed to the vision. The Board and Advisory Group had brought together a diverse group which had resulted in a wide range of ideas and initiatives.

Councillor King, Portfolio Holder for Business and Resources, stressed that Colchester was well placed to benefit from the Bid. As Chair of the Advisory Group he was aware that a huge effort had gone into the engagement work. The work had focused on those initiatives and projects that might generate further investment. The Bid was shaped to fit the scheme's criteria and to match up with government policies and priorities. In respect of the comments made by Sir Bob Russell, it was highlighted that £1 million had already been secured and was being used for transformational schemes at Balkerne Gate and St Nicholas Square. If the bid was successful it would result in funding to secure Holy Trinity Church and for a scheme to address the future of Jumbo. The administration had made significant progress in promoting Colchester's heritage through, for example, lighting up heritage assets.

Councillor J. Young, Portfolio Holder for Culture and Performance, acknowledged Sir Bob's views, and provided a reassurance that the Council was in dialogue with Colchester Archaeological Trust over the Roman Circus site. It was a complex site with a number of different owners. The Council was looked to develop a scheme in the future, but the Town Deal was looking for more immediate schemes that would secure Colchester's recovery quickly.

RESOLVED that:-

- (a) The principles of the 'We are Colchester' (Town Deal) Vision, Strategy and Strategic Investment Programmes, and the illustrative examples of projects; which together form Colchester's Town Investment Plan, be agreed;
- (b) Authority to agree the submission of the final bid to Government on 29th October 2020 be delegated to the Strategic Director; Policy and Place in the light of the 'We are Colchester' (Town Deal) board's final decision;
- (c) Colchester Borough Council's ongoing commitment to the Town Deal Programme, including developing business cases that build on the project concepts submitted within the Town Investment Plan throughout 2021, be agreed;
- (d) Colchester Borough Council's role as accountable body to the resultant £25m capital programme (if the bid is successful) including section 151 approval in the programme delivery timeframe of 2021-2026, and Colchester Borough Council's ongoing role as secretariat to the Town Deal Board be agreed;
- (e) It be noted that as part of the next stages work of developing full business cases, full consideration will be given to the ongoing revenue implications of for example the maintenance and management of physical assets created through this programme, notably enhanced public realm and green infrastructure;
- (f) It be noted that the Town Investment Plan will contribute to delivery of several of Colchester Borough Council's New Strategic Priorities and several of the objectives and actions contained in the Council recovery programme (Covid-19) agreed at

Cabinet on 3rd June 2020;

(g) The partnership structures which are in place and planned in order to facilitate the development of next stages of work (Business Case) be noted;

(h) It be noted that development of Business Cases (throughout 2021) will include significant and on-going engagement and consultation.

REASONS

Approval of this programme and Colchester Borough Council's role as accountable body will enable Colchester Borough Council as lead Local Authority to proceed and submit the bid on behalf of 'We are Colchester' board. By presenting a strong and coherent place-making vision and strategy, this programme will significantly enhance the profile of partners in 'We Are Colchester' including the two Local Authorities Colchester Borough Council with Essex County Council. It will substantially boost their capacity and capability to influence levels of national government and private sector investment in Colchester Town. As such, it will greatly boost Colchester's opportunities to realise its economic development, place-making, inward investment and regeneration ambitions now and on a long-term basis, whilst providing a framework which will guide the development of a specific programme of targeted interventions at a local level, ensuring these are strategically linked and have the highest possible impact.

ALTERNATIVE OPTIONS

No alternative options have been presented to Cabinet. Town Deal is recognised as a once in a generation opportunity for Colchester, and there are no other current or anticipated sources of funding and investment of comparable size and scope. Some of the interventions proposed in the Town Investment Plan see Town Deal as the funder of last resort as they are unlikely to attract suitable investment from other sources; and cannot be funded within the Council's resources, particularly in the light of the current financial situation arising from Covid-19.

507 Budget 2021/22 and Medium Term Financial Forecast

The Assistant Director, Corporate and Improvement Services, submitted a report a copy of which had been circulated to each Member together with the resolution and recommendation from the Scrutiny Panel meeting on 13 October 2020.

Councillor King, Portfolio Holder for Business and Resources, introduced the report, which needed to be seen in the national context of the impact of the Covid 19 pandemic. The pandemic had an extraordinary impact on Council income and whilst government support would help mitigate some impact, it was still necessary to make a significant call on Council reserves to balance the budget for 2020-21. The impact on individuals and businesses had not yet been fully seen, and this would increase as government support tapered off. There was a need for stability and further government support in order to meet the challenges post March 2021. The report had been subject to robust and productive scrutiny, and the recommendation made by the Scrutiny Panel, which reflected existing good practice, was helpful and was welcomed.

RESOLVED that:-

- (a) The revised Medium Term Financial Forecast and MTFF assumptions 2021/22 to 2024/25 as set out in the Appendix to the Assistant Director's report be approved.
- (b) Authority be delegated to the Portfolio Holder for Business and Resources in liaison with the Head of Finance to determine the most advantageous business rate pooling arrangements for 2021/22 as set out in Section 11 of the Assistant Director's report.
- (c) Up to £100k matched funding from the 2020/21 Capital Programme for Ministry of Housing, Communities and Local Government Rough Sleepers Capital Grant be agreed, as set out in Section 22 of the Assistant Director's report, subject to liaison with the Portfolio Holder for Housing.
- (d) Essex authorities be called upon to compare Local Government Income Compensation Scheme data submitted to Ministry of Housing, Communities and Local Government, thereby enriching benchmarking and other data used for budgeting and improving our assumptions.

REASONS

To balance the 2021/22 budget and revise the Medium Term Financial Forecast.

ALTERNATIVE OPTIONS

The Council is obliged to balance its budget on an annual basis. There are no alternatives.

508 Covid 19 Recovery - Business Case for Council Efficiency and Transformation

The Assistant Director, Corporate and Improvement Services, submitted a report a copy of which had been circulated to each Member together with the resolutions made by the Scrutiny Panel at its meeting on 13 October 2020.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that the report demonstrated how the Council was responding to the Covid 19 crisis. It demonstrated that the Council had learnt lessons and was looking for opportunities to ensure it was well placed to secure resources. The work had been organised into five themes: Priorities; Efficiencies; Service Transformation; Commercial and Communities. The administration had worked transparently with members across the Council on the proposals and was also working with the third sector and the business community to ensure the maintenance of its key services.

Councillor King, Portfolio Holder for Business and Resources, highlighted that the administration was looking to reduce costs and raise income whilst causing the minimum impact on services and residents. The proposals had been examined thoroughly by the relevant portfolio holders and subject to informal staff consultation, and a period of formal consultation would follow. They had also been subject to

robust scrutiny. The proposals looked to secure and protect frontline services as far as possible. Where employees were at risk, a comprehensive programme of support would be put in place. The scale of the challenge facing the Council needed to be appreciated. There was still a considerable budget gap for future years, and there would be a need to look to reduce costs further in the future. However, it was important to keep a positive approach.

Councillor J. Young, Portfolio Holder for Culture and Performance, highlighted some examples of successful work by the Museums Service to maintain services and help generate income. This had enabled the Museums Service to maintain its income at 71% of last year's level, which compared very favorably with a national level of approximately 12%. This had been achieved through an innovative and imaginative approach to service delivery.

Councillor Fox, Portfolio Holder for Housing, paid tribute to the work of Councillor King for the transparent way he had engaged with members across the Council. No alternative options had been identified as a result of this engagement work. The success of the Council's commercial companies at the Municipal Journal awards was also highlighted. The work of the commercial companies enabled the Council to fund its priorities of tackling the Climate Emergency and providing Council housing.

RESOLVED that:-

- (a) The proposals set out in the business cases at Appendix A of the Assistant Director's report and all actions necessary to prepare to implement them be approved prior to final approval by Cabinet in January 2021.
- (b) The resolutions made by the Scrutiny Panel at its meeting on 13 October 2020 be noted.

REASONS

To ensure robust proposals are developed and can be implemented to deliver a balanced budget in 2020/2021 and in future years.

ALTERNATIVE OPTIONS

Although the Assistant Director's report details wide ranging options, other opportunities to generate budget savings have been considered but were rejected due to the severity of the impact on frontline services.

509 2019-20 Year End Review of Risk Management

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

Councillor King, Portfolio Holder for Business and Resources, stressed that the approach to risk management set out in the report reflected good practice and had

been endorsed by the Governance and Audit Committee. Whilst risk could be not be eliminated, particularly in such challenging times, the Council had robust processes to manage and mitigate it. The success of the approach was demonstrated by the reduction of the level of some risks, for example Data Protection, which had been reduced from red to an amber risk.

RESOLVED that:-

- (a) The Council's progress and performance in managing risk during the period April 2019 to March 2020 be noted.
- (b) The current strategic risk register be noted.
- (c) The proposed risk management strategy for 2020/21 be approved and **RECOMMENDED to FULL COUNCIL** that it be included in the Council's Policy Framework.

REASONS

Cabinet has overall ownership of the risk management process and is responsible for endorsing its strategic direction. Therefore, the risk management strategy states that Cabinet should receive an annual report on progress and should formally agree any amendments to the strategy itself.

During the year progress reports are presented to the Governance and Audit Committee, detailing work undertaken and current issues. This report was presented to the Governance and Audit Committee on 8 September 2020, where they approved its referral to this meeting.

As part of the Policy Framework, any changes and reviews of the strategy need to be approved by Cabinet and ratified by Full Council.

ALTERNATIVE OPTIONS

No alternative options were proposed.

510 Recommendations from the Environment and Sustainability Panel

The recommendations to Cabinet made by the Environment and Sustainability Panel at its meeting on 17 September 2020 were submitted to Cabinet, a copy of which had been circulated to each Member.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, endorsed the recommendations as Chair of the Environment and Sustainability Panel. Councillor Higgins, Portfolio Holder for Commercial Services, particularly welcomed the recommendations in respect of ceasing the use of glyphosates but stressed the need to seek to influence Essex County Council to cease their use also.

RESOLVED that:-

(a) That the Terms of Reference of the Environment and Sustainability Panel be amended to read as follows:-

1. To acknowledge our “Climate Emergency” and translate aspirations into actions.
2. To explore methods of conservation of natural habitats and biodiversity, whether through adapting existing practices and places or creating new ecologically diverse environments with sustainable practices built in.
3. To engage, communicate and collaborate with strategic partners, external bodies, Parish Councils and local communities, to encourage biodiversity enhancement and sustainable practices through their work.
4. To encourage environmental stewardship focusing on carbon footprint reduction by improving air quality, water quality, plastic and waste reduction and renewable energy generation in both public and private spheres across the Borough
5. To be a leading voice for environmental sustainability, promoting innovative environmental practices, having influence across the borough and beyond, including public and private sector policy, at regional and national levels.

(b) That the phasing out of the use of glyphosate based chemicals (herbicides) in grounds maintenance operations on Council owned land and trial alternative methods of weed control, as set out in the report and appendices to the Environment and Sustainability Panel meeting of 17 September 2020, be approved.

(c) A change in grass cutting frequency on selected grass verges be approved and areas of open space to be managed as areas to encouraged wildflower or naturalisation as set out in the report and appendices to the Environment and Sustainability Panel meeting of 17 September 2020.

(d) Authority be delegated to the Assistant Director for Environment to make minor changes to the Greening Colchester Policy should it be necessary. Any changes considered by the Assistant Director for Environment to be significant will be reported back to the Environment and Sustainability Panel.

REASONS

One of the key priorities of the Strategic Plan for 2020 – 2023 is tackling the climate challenge and leading sustainability, a key element of which is to conserve and enhance biodiversity across Colchester. These decisions support the Council’s commitment to encouraging biodiversity and reducing environmental impact across the Borough

ALTERNATIVE OPTIONS

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

511 Contract Award for Liquid Fuels

The Assistant Director for Environment submitted a report a copy of which had been circulated to each Member.

RESOLVED that the contract for the supply of liquid fuels to the Shrub End Depot for use by the Council's fleet vehicles for the period 1 November 2020 – 31 October 2023, be awarded to Certas under the National ESPO Liquid Fuels Framework (Ref: 301-20).

REASONS

The current contract for the supply of fuel to the Shrub End Depot for use by the Council's fleet vehicles is due to expire on 1 November 2020 and therefore a new contractual arrangement needs to be put in place. The supply of fuel is critical to the day to day operation of the Council Services in particular, frontline services.

ALTERNATIVE OPTIONS

The Council could issue a tender via the Official Journal of the European Union (OJEU) to achieve a compliant contract if this framework agreement is not utilised.

512 Request for Delegated Authority for the Procurement of Fleet: Caged Tipping Vehicles

The Assistant Director for Environment submitted a report a copy of which had been circulated to each Member.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that the Council's fleet of caged tipping vehicles were an important part of the Council's fleet and played a key role in the waste and recycling and street cleaning services. Electrical charging technology for this type of vehicle was not yet mature, and to purchase electric vehicles would have created a very significant budget pressure. However, the Council was working with the Energy Saving Trust so it could move to electric vehicles when the time was right.

RESOLVED that authority be delegated to the Chief Operating Officer, in consultation with the Portfolio Holder for Waste, Environment and Transportation to purchase or contract hire twenty-one caged tipping vehicles for the reasons set out in the Assistant Director's report and providing the costs can be met from within existing budgets.

REASONS

The current fleet of caged tipping vehicles are coming to the end of their contract hire over the next ten months: thirteen in September 2020, one in October 2020, four in

April 2021 and three remain on spot hire (these can be replaced at any time), so for operational reasons the Council will need to purchase/contract hire replacement vehicles.

Due to the types of vehicles and stages within the timescale for procurement in 2020 it is recommended to delegate authority to the Chief Operating Officer in consultation with the Portfolio Holder for Waste, Environment and Transport, to purchase/contract hire the caged tipping vehicles, to ensure that there is no risk to the delivery of core Council services.

The Council will carry out a procurement exercise through a specialised framework to determine whether the option to purchase or contract hire is the most cost-effective option.

ALTERNATIVE OPTIONS

The Council could try to extend the lease hire for the existing vehicles, but due to the age and wear and tear on these vehicles, the current contractor will put clauses into the extended hire agreement stating the Council will be liable for any damage/failure of any major components, including engines and gear boxes. This would significantly increase hire charges, future maintenance costs and risk operational service delivery.

Officers have investigated the potential of procuring low emission /electric caged tipping vehicles. As advised by the Energy Saving Trust, the market for these vehicles in an electric format is restricted and the costs associated with these vehicles are significantly high compared to its diesel engine equivalent. This would have an impact on service delivery and budget implications. It is recommended by the Energy Savings Trust that we undertake one more procurement of internal combustion engines and at the end of that period, electric vehicle technology should have improved and the cost associated with these vehicles to purchase will be similar to internal combustion engines. This timeframe will fit in with Council's aim to be carbon neutral by 2030. See Appendix A of the Assistant Director's report for an extract from the Energy Saving Trust report regarding the 3.5 tonne caged vehicles.

513 Report of Urgent Decision taken under Cabinet Procedure Rule 22 Test and Trace Support Payments

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

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that it had been necessary to take an urgent Cabinet decision to introduce policies for Test and Trace Support payments to ensure these policies were in place by the government's deadline of 12 October 2020. This would enable financial support to be given to residents, which would increase the effectiveness of the Test and Trace processes. He paid tribute to the work of Jason Granger, Customer Solutions Manager, and his team for their work in developing and introducing the policies so quickly.

RESOLVED that the decision taken by the Leader of the Council in respect of Test and Trace Support Payments under the urgency provisions in Cabinet Procedure Rule 22 be noted.

REASONS

A decision taken under Rule 22 of the Cabinet Procedure Rules must be reported to the next meeting of Cabinet.

ALTERNATIVE OPTIONS

No alternative options were presented to Cabinet.

514 Progress of Responses to the Public

The Assistant Director, Policy and Corporate 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.