

Cabinet Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 09 August 2017 at 18:00**

The Cabinet deals with the implementation of all Council services, putting into effect the policies agreed by Full Council and making recommendations to Full Council on policy issues and the budget.

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COLCHESTER BOROUGH COUNCIL
Cabinet
Wednesday, 09 August 2017 at 18:00

Members:

Leader and Chairman Councillor Paul Smith (Liberal Democrats)
 Councillor Tina Bourne (Labour)
 Councillor Mark Cory (Liberal Democrats)
 Councillor Annie Feltham (Liberal Democrats)
 Councillor Mike Lilley (Labour)
 Councillor Beverley Oxford (The Highwoods Group)
 Councillor Jessica Scott-Boutell (Liberal Democrats)
 Councillor Tim Young (Labour)

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
- action in the event of an emergency;
 - mobile phones switched to silent;
 - the audio-recording of meetings;
 - location of toilets;
 - introduction of members of the meeting.

2 Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

The Chairman has agreed that the item below should be considered at the meeting as a matter of urgency, in view of the need to appoint Councillor Directors to the Board of Colchester Commercial (Holdings) Ltd

Trading Board - Revised Terms of Reference and Nomination of Directors

See draft minute from the meeting of Trading Board meeting of 2 August 2017.

Trading Board terms of reference and directors minute extract 7 - 16

3 Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

4 Minutes

To confirm as a correct record the minutes of the meeting held on 12 July 2017.

Minutes 12-07-17

17 - 22

5 Have Your Say!

a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter relating to the terms of reference of the Committee/Panel not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter relating to the terms of reference of the Committee/Panel not on this agenda.

6 Call-In Procedure

To consider any items referred by the Scrutiny Panel under the call-in procedure. At the time of the publication of this agenda, there were none.

7 Commercial Services

7(i) Colchester Northern Gateway (North) Sports Development Project Review 23 - 28

See report by the Strategic Director, Policy and Place

7(ii) Amphora Place Phase 2 Office Development Proposal 29 - 38

See report by the Strategic Director, Policy and Place

8 Housing and Communities

8(i) Safety of Buildings and Housing 39 - 40

To consider the motion referred from Council at its meeting on 26 July 2017.

9 Strategy

9(i) Revised Scheme of Delegation to Officers 41 - 48

See report by the Monitoring Officer

10 Exclusion of the Public (Cabinet)

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)

11 Commercial Services (Part B)

11(i) Colchester Northern Gateway (North) Sports Development Review (Part B)

See report by the Strategic Director, Policy and Place

11(ii) Amphora Place Phase 2 Office Development Proposal (Part B)

See report by the Strategic Director, Policy and Place

Extract from the minutes of the Trading Board, 2 August 2017

The Board resolved under Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for part of the following item as it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

167. Revised Terms of Reference and Nomination of Directors

The Board considered a report from the Monitoring Officer inviting the Board to consider revised terms of reference for the Trading Board and the nomination of Councillor Directors to the board of Colchester Commercial (Holdings) Ltd. The Board also had before it a supplementary document giving details of a further nomination for a Councillor Director from the Labour Group.

Terms of Reference

Adrian Pritchard presented the report to the Board and explained that a meeting of the Chair and Group Spokespersons had been convened to discuss the terms of reference as requested by the Board at its meeting on 21 June 2017. Revised terms of reference arising from that meeting were included in the Monitoring Officer's report. These clarified the role of the Trading Board in challenging the work of Colchester Commercial.

The Board explored the different roles on the Board and the Governance and Audit Committee and Scrutiny Panel in monitoring and auditing the work of Colchester Commercial and its subsidiaries. It was confirmed that Colchester Commercial would have its own audit processes and appoint its own auditors. It would also be subject to audit and scrutiny as any other Council budget. One of the Board's role would be to provide more regular monitoring than could be provided through these periodic processes.

The Board indicated that it supported the revised terms of reference, subject to an amendment to paragraph k. It was suggested that paragraph k should be amended to remove the words "where relevant", which seemed to unduly limit the Board, and to clarify the Board's role in the appointment of the Councillor Directors.

In response to queries from the Board, it was confirmed that once the terms of reference were agreed, a draft work programme could be drawn up for the Trading Board. This would also need to reflect Colchester Commercial's work programme. The Board requested that the Chair be involved in discussion on the drafting of the Board's work programme.

Nomination of Councillor Directors

Adrian explained that the Board was invited to consider nominations for Councillor Directors for Colchester Commercial (Holdings) Ltd from the three main political groups. The Group Leaders had been asked to nominate a member of their Group as a potential candidate. Some of the Groups had put forward more than one candidate for the Board to consider. The skills and attributes that the Board may wish to consider when assessing the nominations were:-

- Financial acumen;
- Business acumen;
- Major project management experience;
- Housing/commercial development experience;
- Human Resources experience;
- Marketing/sales/customer service experience.

Some members of the Board were of the view that there would be some merit in requiring more than one candidate from each group when considering future appointments to ensure that candidates with a broad range of skills were put forward. However, it was important to consider the nominations submitted and not to delay appointments further.

Following careful consideration of the nominations, the Board considered that the following Councillors should be recommended to Cabinet for appointment as Councillor Directors of Colchester Commercial (Holdings) Ltd:-

- Councillor Beverly Davies
- Councillor Adam Fox
- Councillor Martin Goss

RECOMMENDED to CABINET that:-

(a) The revised Terms of Reference for the Trading Board be approved, subject to the amendment of paragraph k to read:-

Recommend the constitution and appointment of the Councillor Directors of Colchester Commercial (Holdings) Limited.

(b) The following Councillors be appointed as Councillor Directors of Colchester Commercial (Holdings) Ltd:-

- Councillor Beverly Davies
- Councillor Adam Fox
- Councillor Martin Goss

The report to Trading Board on 2 August 2017 is attached as background.

Trading Board

2 August 2017

Item
7

Report of	Monitoring Officer	Author	Andrew Weavers
Title	Revised Terms of Reference and Nomination of Directors		
Wards affected	Not applicable		

This report concerns the revised terms of reference for Trading Board following the creation of the new commercial companies and the nomination of three councillor directors to the board of the Holding Company.

1. Decision(s) Required

- 1.1 To approve the amended Terms of Reference of the Trading Board attached at Appendix 1 of this report and recommend that they be approved by Cabinet
- 1.2 To recommend to Cabinet the names of the three Councillor Director nominees to the Board of Colchester Commercial (Holdings) Limited.

2. Reasons for Decision(s)

- 2.1 At its meeting on 21 June 2017 Trading Board considered a report regarding draft revised terms of reference for the Board following the creation by Cabinet of a holding company (Colchester Commercial (Holdings) Limited and a subsidiary company (Trading Company).
- 2.2 Trading Board resolved that the terms of reference be the subject of further discussion between the Chair and Group Spokes and that the revised terms of reference be submitted to this meeting.
- 2.3 The Trading Board has been requested to consider nominations by the three main political parties for one councillor each to sit on the Holding Company Board and to recommend to Cabinet who should be appointed.

3. Alternative Options

- 3.1 The Trading Board could consider a range of amendments to its Terms of Reference which it feels are appropriate and recommend them to Cabinet.

4. Proposals

- 4.1 The revised terms of reference were circulated to the Chair and Group Spokes and an amended version is attached at Appendix 1. These amended terms of reference reflect the wording contained in the Business Case approved by Cabinet on 14 June 2017 which approved the creation of the Holding Company and also the constitutional

position regarding the role of the Trading Board. The amended terms of reference at Appendix 1 show the deleted wording struck out and the additional wording in italics.

- 4.2 The Business Case for the creation of the Colchester Commercial (Holdings) Limited included provisions regarding the membership of the Board and the number of directors. It was agreed that there would be five directors, The Managing Director, the Portfolio Holder for Commercial Services and three other Councillors one from each of the main political groups.
- 4.3 The Group Leaders were asked to nominate a member of their Group as a potential candidate for the Trading Board to consider and nominate to Cabinet for it to formally appoint as directors to the Holding Company.
- 4.4 Attached at Appendix 2 to this report are the nominations from each of the main political groups together with a short resume of their experience. Trading Board is requested to consider these and make a recommendation to Cabinet as appropriate.

5. Strategic Plan References

- 5.1 The Strategic Plan sets out the direction of the Borough and Council in the medium term. The new structures need to ensure implementation of the Plan with appropriate Governance arrangements.

6. Equality, Diversity, Human Rights, Community Safety, Health and Safety, Consultation, Publicity, Financial and Risk Management Implications

- 6.1 None identified relating to the subject matter of this report.

Panel	Membership	Terms of Reference
Trading Board	<p>6 Councillors <i>(except those being appointed as directors of Colchester Commercial (Holdings) Limited</i></p> <p>and up to three (non voting) co-opted external persons.</p>	<p>a) Consider and review the activities <i>and financial performance performed by of :</i></p> <p><i>(i) Colchester Commercial (Holdings) Limited and its subsidiary companies i.e. Housing Company, Energy Company and Trading Company;</i></p> <p>– the commercial services arm of the Council</p> <p><i>(ii) those Council services generating income of approximately £250,000 or above; and</i></p> <p>- any trading arms of the Council</p> <p><i>(iii) any other partly or wholly owned companies of the Council</i></p> <p>b) <i>Receive, review and recommend Colchester Commercial (Holdings) Limited's business plans (including its subsidiary companies) annually.</i></p> <p>c) <i>Monitor, challenge and make recommendations to Cabinet regarding Colchester Commercial (Holdings) Limited and its subsidiary companies and other Council services with significant income streams.</i></p> <p>d) Identify and develop any new commercial agreements generating significant income for the Council for approval by Cabinet or Council.</p> <p>e) Develop the composition of any new body or bodies created wholly or in part by the Council for commercial purposes including their purpose; governance; operating model; business planning function; risk factors; and to recommend approval for such new arrangements to Cabinet or Council.</p> <p>f) Ensure any Council capital investment and/or assets that are to be transferred to or used by an outside body for commercial purposes is properly specified, protected and used by the outside body and recommended to Cabinet or Council for approval.</p> <p>g) Consider any proposed new/transfer or sale/purchase of company shares and make recommendations on these for approval by Council.</p> <p>h) <i>Make recommendations to Full Council on how it should exercise the functions flowing from its ownership of shares in Colchester Commercial (Holdings) Limited and its subsidiary companies.</i></p>

		<p>i) Identify and recommend to Cabinet or Council major strategic opportunities for procurement of services from other companies, organisations, social enterprises and the voluntary and third sector.</p> <p>j) Receive regular reports of procurement agreements entered into including financial and service performance measures against those stated in the contract and bring any concerns or risks as recommendations to Cabinet.</p> <p>k) <i>Recommend, where relevant, the constitution and appointment of the Board of Directors of Colchester Commercial (Holdings) Limited.</i></p>
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Nominee Councillor Directors to Colchester Commercial (Holdings) Limited

Liberal Democrat Group

Name	Experience
Martin Goss	<p>I have extensive commercial experience in a number of different sectors including IT, Financial Services and New Media where I have held a number of Senior Leadership positions delivering multi-million pounds Business and IT change projects which either deliver new services, new products or streamlining organisations.</p> <p>Currently I am in a very operational role within Financial Services providing leadership to a team of 21 people leading the CRM and Strategic DataWarehouse solutions used across the globe within different business units. I also manage a budget of £3,000,000 managing outsourced vendors.</p> <p>I hold an MBA from the Open University and numerous Project Management and Service Management qualifications.</p>
Phil Coleman	<p>Straight from school to professional footballer with Millwall, Colchester, Wrexham, Aldershot and played in Finland. Coached football to children and adults for over 35 years. Degree and Qualified Teacher Status from Middlesex University. Now an experienced teacher with 26 years service.</p> <p>I teach Physical Education and have been a head of year, deputy head and for 16 years head of the faculty for pe, dance and sport.</p> <p>I wrote the bid to gain specialist sports college and then ran a faculty with a budget for of £159k pa along with 18 full time teaching staff.</p> <p>I currently lead sports tours overseas e.g. Ski trips for up to 80 students with in depth knowledge of risk assessments.</p> <p>I've work with numerous external agencies including The Youth Sport Trust, Sport England, examination bodies, Tending Leisure services, primary/secondary schools and resource providers to identify opportunities to build and enhance provision, courses, equipment and training for staff and young people at my school and others in our catchment area.</p> <p>Initiatives included creating a joint use agreement between pe, the school and TDC Leisure to open the pe/sport facilities from 5pm daily and at weekends to benefit the community and create more income from the hire of the facilities.</p>

	<p>I've created two consortiums, six primary and 22 secondary schools to share best practice and offer training for pe staff.</p> <p>I'm a qualified assessor for examination courses which entails inspecting schools pe courses and checking the grades awarded.</p> <p>I am currently teaching Btec Vocational Sport and Exercise courses to college students and coaching rugby to under 18 level. alongside pe teaching and a councillor for Mile End Ward.</p>
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Labour Group

Name	Experience
Adam Fox	<p>I have a background in business development and marketing with a track record of delivering income growth. I have experience working with people, managing performance, developing strategic plans, fundraising strategies, and other policies and procedures. I have managed various functions and been involved in work across finance, health and safety and human resources. I believe my experience working with SMEs and in the social enterprise sector will be of benefit to the new company structure being put in place by Colchester Borough Council.</p> <p>For the past year I have been the Labour Group spokesperson on Scrutiny Panel and also sit on the Local Plan Committee.</p>

Conservative Group

Name	Experience
Beverly Davies	<p>My current professional role is as Programme Manager of an EU grant working for Rural Community Council of Essex. I work closely with micro and small businesses to help them with their expansion plans and diversification projects which involves a degree of mentoring and understanding of business plans and business accounts. The role is investigative as well as supportive. I have a considerable background in project management. I gained my PRINCE2 practitioner qualification in 2012 and also have a qualification in Change Management (2012).</p> <p>I was director of my own business for nine years and during that time, worked with organisations, including small businesses and local authorities, to assist them with funding and business start-up schemes. I have acted as mentor to private sector businesses and community and voluntary organisations. I set up and was director of a small company which provides counselling and therapy to schools (primary and secondary stage pupils) as well as private customers.</p> <p>I have been a director (Vice Chairman of Trustees) of CCVS and am currently trustee of Cory Environmental in Colchester and The Straight Road Community Centre Ltd.</p>

	<p>I was sworn in as a Magistrate in 2009, a role which includes regular training and development sessions, including regular appraisals. I have been told that I am a robust, but fair, Magistrate. It is imperative, within this role, to have very good active listening skills, including asking relevant questions to try and find out more information. I also have to take in a lot of detailed information in a very short time, understand which issues are pertinent, make a judgment and be able to discuss any issues with the other Magistrates. Sometimes this leads to a change of stance on an issue and I have to have the emotional intelligence to deal with this and accept some verdicts which I do not agree with.</p>
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CABINET 12 July 2017

Present: - Councillor Smith (Chairman)
Councillors Bourne, Cory, Feltham, Lilley, B. Oxford, J.
Scott-Boutell and T. Young

Also in attendance: - Councillors Barber, Harris, G. Oxford, Willetts

177. Minutes

RESOLVED that the minutes of the meeting held on 14 June 2017 be confirmed as a correct record.

178. Have Your Say!

Mr Orton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to express his concern about the town centre. He noted in particular that a number of the shop fronts were in a poor condition and he considered that the Council did not appear to devote enough resource to cleaning the town centre or have the right machines to do so. This would have a detrimental impact on tourism. The Council should establish a group to look at the town centre with a critical eye.

Councillor Lilley, Portfolio Holder for Public Safety and Licensing, thanked Mr Orton for his comments. The Council had invested in machinery and had the right tools to ensure the town centre was kept clean. The Council also sought new technology to deal with new problems. For instance, takeaways were beginning to use a new form of oil and the Council was obtaining a new machine that would tackle this, and a new detergent was being looked at to deal with residue left when chewing gum was cleaned. The Council was also seeking to use the licensing system to encourage businesses to take a more responsible attitude to litter they generated. The Street Cleaning Team did an excellent job and he would contact Mr Orton following the meeting to discuss the issues further.

Councillor T. Young, Portfolio Holder for Business and Culture, stressed that he did not agree with Mr Orton's views about the town centre. However, there were some issues where improvement could be made such as encouraging some businesses to do more to take responsibility for their shop fronts. Tourism figures were continuing to rise, which suggested that the visitor experience was good.

Councillor Harris attended and with the consent of the Chairman addressed Cabinet to highlight the work done in local schools to promote gardening through the Schools in Bloom initiative. He also expressed his pride in the work that Nye Bevan had done to provide Council housing and his concern that the booked collection service was not provided free of charge for residents of Bevan Close.

Councillor J. Scott-Boutell, Portfolio Holder for Waste and Sustainability, undertook to look into the issue with collection service at Bevan Close.

179. Amendments to the Gateway to Homechoice Allocations Policy

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

Councillor Bourne, Portfolio Holder for Housing and Communities, presented the report. The proposed changes to the Allocations Policy would ensure that it complied with current legislative requirements and changes to regulations. Delegated authority was also sought for the Portfolio Holder to agree minor or technical changes to the policy. This would give some flexibility in updating the policy as and when minor changes were requested by partner authorities.

Councillor Bourne highlighted that as a consequence of earlier amendments to the policy, families of armed forces personnel were now treated as higher priority in Colchester and as a consequence 28 households had been housed in Colchester, which was the highest in the region.

RESOLVED that:-

- (a) The revised Allocations Policy at Appendix A to the Assistant Director's report be approved.
- (b) Approval of minor or technical changes to the Allocations Policy be delegated to the Portfolio Holder for Housing and Communities.

REASONS

To ensure that the Allocations Policy complies with current legislative requirements and changes to regulations.

To ensure that the policy remains up-to-date, relevant and contributes to the Council's ambitions for affordable housing and tackling homelessness.

To ensure that minor changes to the policy can be responded to in a timely manner.

ALTERNATIVE OPTIONS

The current Allocations Policy could be kept unchanged. However, this could leave Colchester Borough Council and the other councils open to legal challenge from applicants as the policy would not comply with new regulations that were introduced by the Government in October 2016.

180. Voids Contract Award

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

Councillor Bourne, Portfolio Holder for Housing and Communities, introduced the report. The successful contractor would work closely with Colchester Borough Homes to ensure that voids were managed efficiently to ensure that they became available for allocation as soon as possible. It was highlighted that the successful contractor would be required to pay the living wage as set by the Living Wage Foundation, and to demonstrate their commitment to the provision of social value, as part of the bidding process.

Councillor T. Young., Portfolio Holder for Business and Culture, noted the value of the OJEU procurement process, which had generated 53 responses to the advertisement of the contract. The process ensured that a wide range of high quality companies bid for Council work and he expressed concern about how this would be affected in the future by Brexit.

RESOLVED that:-

- (a) The Mears Group be appointed to deliver the Voids contract.
- (b) The Council enter with the successful contractor into a 4 + 2 year JCT Standard Form of Measured Term Contract 2011.
- (c) Should the preferred supplier withdraw (whether by choice or due to unforeseen circumstances) the contractor in second place be appointed to deliver the Voids Contract.

REASONS

The existing contract period for the provision of Voids is coming to an end. As a result the work has been exposed to competitive tender in order to establish continuous improvement and best value. The procurement approach agreed by Cabinet on 1st December 2010 as part of the Asset Management Strategy is to let a JCT Measured Term Contract for this and similar types of work. As approved the Council will act as the awarding body (Employer) and Colchester Borough Homes (CBH) as the Employer's agent (Contract Administrator).

A further procurement process was started by the Project Team placing an OJEU notice and expressions of interest were sought through a Suitability Questionnaire (SQ) process from which prospective contractors were selected.

Out of this exercise six contractors were selected to be invited to tender for the works. Tenders were returned and opened by officers on 6 June 2017. An evaluation exercise took place based on the criteria set out in the tender documents which included assessment of price and quality (method statement and references); out of this a final recommendation was concluded.

The procurement approach agreed by Cabinet on 1st December 2010 as part of the Asset Management Strategy is to let a JCT Form of Contract for this and similar types of work.

ALTERNATIVE OPTIONS

There are few alternative options as this programme forms part of the Council Statutory obligations as a Landlord and protects both our customers and the housing asset. The procurement process followed complies with the Public Procurement Regulations 2015.

181. 2018/19 Budget Strategy, Medium Term Financial Forecast and Budget Timetable

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

Councillor Barber attended and with the consent of the Chairman addressed the Cabinet. He proposed that part of the unallocated New Homes Bonus should be used to fund schemes identified by the Local Highway Panel. This would help clear the backlog of schemes. The shortfalls in income at paragraph 3.2 of the report were noted and he enquired as to how this would impact on the Sport and Leisure Business Plan going forward and also on the Medium Term Financial Forecast. He also asked what level of return was expected from £1.5 million being invested in Leisure World. He also noted that whilst the recommended level of reserves was £1.9 million, the Council actually had over £30 million in reserves.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, responded and explained that Essex County Council already received a contribution from New Homes Bonus in Colchester, Essex County Council could use this to fund highways projects, but did not specify how it was allocated and instead chose to use it to support their base budget.

Councillor Feltham, Portfolio Holder for Commercial Services, explained that the investment in Leisure World would be used to double the size of the gym facilities. Leisure World was carefully positioned in the middle of the market. It was a complicated and changing market with a number of competitors, both low budget and more exclusive. Leisure World did not compete directly with either of these but aimed to capture the family market. Whilst it had not met all its targets, it still received over 1 million customers per annum. The service also supported and provided a number of other sport and leisure initiatives and facilities. She would arrange for Councillor Barber to be sent up to date usage and financial figures for Leisure World.

Councillor Cory, Portfolio Holder for Resources, responded and introduced the report. Most reserves and balances were allocated to support specific services. The Council maintained a prudent level of reserves and had only £400,000 unallocated above the prudent level. He offered a briefing to Councillor Barber on reserves and balances. The budget proposed the release of funding to support a number of projects including a tourist campaign, seed funding for new and enhanced events and to support the 1918 Commemoration Task and Finish Group. £10,000 had been made available to abolish charges for child funerals up the age of 18 years. The budget gap was currently £0.866 million and work was underway to close this through efficiency savings.

Councillors B. Oxford, Portfolio Holder for Customers, and Councillor T. Young, Portfolio Holder for Business and Culture, stressed their support for the abolition of charges for child funerals and highlighted the innovative proposals for the new tourism campaign

RESOLVED that:-

- (a) The pre-audit outturn position for the financial year 2016/17 be noted.
- (b) Funding from budgets for projects set out at paragraph 3.6 and 3.8 of the Assistant Director's report be released.
- (c) The budget forecast, approach and timetable for the preparation of the 2018/19 budget be noted.
- (d) The updated position in respect of balances be noted and the proposed allocations to be held in balances set out at paragraph 6.4. of the Assistant Director's report be agreed.
- (e) The updated Medium Term Financial Forecast as set out at Appendix B of the Assistant Director's report be noted.

REASONS

The Council is required to approve a financial strategy and timetable in respect of the financial year 2018/19, and a Medium Term Financial Forecast (MTFF) for the two subsequent financial years.

ALTERNATIVE OPTIONS

No alternative options were presented.

182. Progress of Responses to the Public

The Assistant Chief Executive 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.

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.

183. Minutes

RESOLVED that the not for publication extract from the minutes of the meeting held on 14 June 2017 be confirmed as a correct record.

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.

184. Voids Contract Award

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

RESOLVED that:-


- (a) The Mears Group be appointed to deliver the Voids contract.
- (b) The Council enter with the successful contractor into a 4 + 2 year JCT Standard Form of Measured Term Contract 2011.
- (c) Should the preferred supplier withdraw (whether by choice or due to unforeseen circumstances) the contractor in second place be appointed to deliver the Voids Contract.

REASONS

As set out in minute 180.

ALTERNATIVE OPTIONS

As set out I minute 180.

Report of	Strategic Director of Policy and Place	Author	Lois Bowser  282573
Title	Colchester Northern Gateway (North) Sports Development Project Review		
Wards affected	Mile End and Highwoods		

This report provides an update on progress with the Northern Gateway scheme and seeks approval of the revised funding package in order that the scheme can be submitted for planning approval

1. Decisions Required

1. To note the progress made in respect of the scheme as outlined in this report.
2. To note the findings of the scheme cost review and proposed amendments to the funding package including the financial implications for the Council, as outlined in Part B of this Agenda.
3. Following the recommendations in Part B to agree that the scheme design can be developed further in preparation for the submission of a planning application.

2. Reasons for Decisions

1. To provide the Council with an update on progress with the scheme
2. To provide an update on the cost review and economies to the scheme which have been proposed in order to reduce capital costs without compromising on the range of facilities proposed.
3. To ensure that the financial costs to the council of delivering the scheme over the programme period are clear and accounted for and that risk is spread across a range of funding sources.
4. To ensure that the Council maximises external sources of funding in order to reduce the costs to the Council whilst ensuring that prospective funding partnerships operate to the benefit of the Council's wider strategic aims.

5. To ensure that the scheme and any dependent schemes can be progressed in accordance with the project plan.

3. Alternative Options

- 3.1 In order to help review the costs, different options have been considered and their cost/benefits assessed. These are summarised below:
 - i. Postpone the scheme to await a rise in land values or the emergence of other sources of funding. This has a high risk attached and would adversely affect the timing of the relocation of the rugby clubs, the installation of the sustainable energy project and the development of the Extra Care Village which will occupy the Mill Road site where the rugby club currently operate.
 - ii. Phase the scheme to ease the cash flow - this gives rise to higher overall costs in the long term and may not see the full potential of the project materialise. It will also impact upon the dependant schemes such as Extra Care.
 - iii. Providing for the rugby club and cycling centre only - this would preclude the principal sports hall users such as cricket and courts uses from using the facility and does not address the sports provision deficit in the Borough as identified in the Borough's Sports Strategy.
 - iv. Do Nothing – and halt the project. This would have a similar effect as the postponement option.
- 3.2 Furthermore, support locally, regionally and at a national level from sports governing organisations remains strong and delivery of the scheme as originally proposed would provide a unique facility putting the Northern Gateway and Colchester on a national stage.

4. Supporting Information and Progress Update

- 4.1 The background to this project has been set out in previous RIF and Cabinet reports. The broad Vision for the Colchester Northern Gateway (CNG) area is to create:
 - A new gateway for Colchester which complements the town centre offer
 - A cutting edge destination for sport and leisure
 - A distinctive place defined by memorable buildings and spaces
 - An exemplary approach to sustainability
 - A place for enterprise and employment opportunities
- 4.2 The CNG sports project focuses on three related themes which have remained to the fore in the cost review:
 - i. *Participation* - essential pre requisite is to provide increased and enhanced opportunity for all people through clubs, families and individuals, to participate with anticipated increases in membership of local clubs and expansion of activities for people with disabilities and working alongside organisations such as the U3A. . .
 - ii. *Performance* - improving the facilities will enable clubs to compete at higher levels and to introduce regional events. This will help raise the profile of Colchester and the Northern Gateway as a sports destination.
 - iii. *Healthy Activity* - the aim is to promote good health and a 'wellness' lifestyle. The national focus around health targets, reflected all the more strongly in Sport

England's (SE) most recent prospectus and funding targets, remains a core ambition for the project. The Council has submitted a separate bid to SE in partnership with the NHS to develop integrated physical activity and health services aligning this with sports and leisure facilities including at CNG.

Progress update

- 4.3 Cabinet approved the Business Case for the scheme outlined in November 2016 and approved the fees for the appointment of a team of design, environmental, engineering and costs specialists in March 2017. Consequentially the consultants carried out a review in advance of the preparation of detailed planning drawings and environmental impact work. This review looked in more detail at some of the infrastructure and other costs associated with delivering a scheme of this type and some of the core areas of work are identified below and also considered in more detail in Part B of this Agenda.
- 4.4 Site specific works:
- Site and ground condition studies to help establish requirements for building foundations and drainage schemes – soil type, topographic surveys and other ground surveys such as ecological have now been carried out
 - Assessment of utility requirements for the scheme given its greenfield location – a review of existing service provision to the area, discussions with utility providers and an assessment of new connections has now been carried out.
 - Transports designs and costs to ensure safe pedestrian and cycle access to the site, site vehicular access arrangements, and internal circulation – The Council's transport consultant has been working with Highways England, ECC and other stakeholders to review existing and proposed highways flows in order to model future provision for the site. These works have led to a concept design for new pedestrian and cycle access to the site, together with associated road improvements.
- 4.5 Other works underway:
- Appointment of specialists sports operators to advise on the cycling aspects of the scheme – Vibrant Partnerships have worked on the Olympic stadium and operate a number of sports facilities with a particular focus on cycling.
 - Revisions to the business planning model
 - Continued dialogue with sports organisations and in particular with the Rugby Football Union
 - Establishment of the Housing Company to take forward Mill Road housing
 - Agreement and sign off by Cabinet of the Heads of Terms with the Extra Care Village provider which forms part of the enabling funding package
 - Discussions with potentially interested parties for other enabling development sites
 - Investigation of different forms of construction to achieve a more economical and ecologically efficient design including modular construction

5.0 Cost Review of the Proposal

- 5.1 The cost review of the scheme examined in detail the cost assessment of the different elements of the scheme and also took into consideration:
- Cost of providing all utilities to this agricultural area where none currently exist
 - the additional cost arising from the need for piled foundations having undertaken more detailed ground condition surveys
 - the cost of external landscaping and vehicular access including a car park
 - the high costs of earth moving over such a large site
 - higher cost of the use of traditional construction for the sports hall and the rugby pavilion including the curved roof design and other design elements
- 5.2 Following this the cost consultants looked at areas where capital cost could be reduced without affecting the essence of the scheme or its ability to accommodate most of the activities. This was undertaken with reference to advice provided by Vibrant Partnerships on the customer experience and practicalities of the design. Officers will continue to explore areas for cost reduction and further details are set out in Part B of this Agenda.

6.0 Current Milestones

- 6.1 The scheme remains on track for delivery in accordance with the broad milestones reported and set out below:

Milestone	Target Date
Cabinet considers cost review and financial implications	August 2017
Submission of a full planning application for the sports area	End 2017
Cabinet approval of procurement method for sports contractor(s)	Early 2017
On-site commencement of preparation of playing pitches	Early Spring 2017
Core Scheme building works commence (18 months)	Late Spring 2018
Sports Scheme completion	Summer 2019
Site handover to Extra Care	March 2019

7.0 Strategic Plan References

- 7.1 The project meets the Council's Strategic Plan in several ways:

Vibrant

- Develop a strong sense of community across the Borough by enabling people and groups to take more ownership and responsibility for their quality of life.
- Create the right environment for people to develop and flourish in all aspects of life both business and pleasure.

Prosperous

- Promote Colchester to attract further inward investment and additional businesses, providing greater and more diverse employment and tourism opportunities.
- Provide opportunities to increase the number of homes available including those that are affordable for local people and to build and refurbish our own Council houses for people in significant need.

Thriving

- Promotes Colchester's heritage and wide ranging tourism attractions to enhance our reputation as a destination.
- Be clear about the major opportunities to work in partnership with public, private and voluntary sectors to achieve more for Colchester than we could on our own.
- Cultivate Colchester's green spaces and opportunities for health wellbeing and the enjoyment of all.

Welcoming

- Improves sustainability, cleanliness and health of the place by supporting events that promote fun and wellbeing.
- Make Colchester confident about its own abilities, to compete with the best of the towns in the region to generate a sense of pride.

7.2 The proposal contributes to the Council's objective to "Become commercially focused and even more business-like in order to be free of government grant" by delivering a viable and cost effective scheme.

8. Consultation

8.1 All key user stakeholders have been engaged in the emerging proposals and relocation requirements. Officers have regular dialogue with individual sports bodies such as the County Cricket Board, Sport England, British Cycling, the Essex Bridleways Association, Colchester Institute, disability sports and health providers as well as attending the Community Council meetings.

8.2 The Borough Council-led Sports Board ensures strategic engagement of key organisations on a regular basis and is fully aware of the project.

9. Publicity Considerations

9.1 The Colchester Northern Gateway seeks to create a new sports/leisure led development in the Borough and this investment in economic growth has a number of positive key messages. The creation of a leisure destination with quality sports facilities, sustainable design and energy generation, ultra-fast broadband, exciting recreational and community activities, and employment opportunities will be promoted locally and to a wider audience. The current marketing and branding work will embrace the sports complex and will make the whole CNG area increasingly attractive to potential investors, visitors and local people alike.

10. Financial implications

10.1 The detailed financial implications of the cost review and recommended revised funding package are addressed in the confidential Part B.

11. Equality, Diversity and Human Rights, Community Safety and Health and Safety

11.1 The underlying ambition for the leisure proposals is to encourage participation from a wide a range of people as possible. This will include children, older people, people with different disabilities, and those who have health referral or recuperation needs as well as high performing sports people.

- 11.2 The design of the sport and recreational facilities will comply fully with health and safety standards and the design of the landscaping, outdoor spaces and routes, and buildings will ensure that community safety implications are fully addressed. The Equality Impact Assessment may be found by clicking on the link below or by following the pathway [www.colchester.gov.uk](http://www.colchester.gov.uk/CHttpHandler.ashx?id=23649&p=0) / Your Council / How the Council Works / Equality and Diversity / Equality Impact Assessments / Commercial Services / Colchester Northern Gateway Sports Hub.

<http://www.colchester.gov.uk/CHttpHandler.ashx?id=23649&p=0>

12. Risk Management Implications

- 12.1 The main risks associated with the project continue to be actively managed and are:

1. Capital Costs increasing

This could arise over the course of the project development including the procurement process though this risk is substantially reduced by the detailed work that has been undergone over the past few months which has strengthened the scheme. Furthermore, there are opportunities around modular construction, further design amendments and economies in pitch construction which will lead to further cost reductions.

2. Receiving less from in External Funding sources

Several funding applications are in the process of submission and the outcome will not be known for some weeks. However officers are engaged in dialogue with funding organisations including sports bodies over the funding criteria and eligibility, and are continually seeking new sources

3. Issues arising over deliverability

There could be delays with the consents and on site construction of the project. With regard to the planning process the team of consultants in place is in discussion with planning officers over the environmental impact, engineering and architectural design elements of the scheme to ensure that it will be fully prepared before submission. The consultants will advise on the procurement process and contract management to reduce the potential for issues arising in the ground.

- 12.2 Risks are managed in the CNG programme risk register with part of the total project cost set aside to cover contingency and risk.

- 12.3 The key financial risks are further outlined in Part B of this Agenda

Background papers

Cabinet Report 30 November 2016

Report of	Strategic Director of Policy & Place	Author	Mark Leonard ☎ 0330 053 8009 Steve Heath ☎ 282347
Title	Amphora Place Phase 2 Office Development Proposal		
Wards affected	All		

This report concerns the proposal to develop Phase 2 of Amphora Place as a new income producing office building on the Sheepen Road site in order to meet the Council's future financial targets

1. Decisions Required

- 1.1 To approve the proposal to build a new office building at Amphora Place subject to securing a pre-let tenant and in line with the business case outlined in Part B of this Agenda
- 1.2 To note the estimated capital build cost and financial implications as set out in the confidential part B paper
- 1.3 To note the other decisions set out in the confidential part B paper
- 1.4 To note the decision in the confidential part B paper to conclude the draft Heads of Terms with the prospective tenant and provide delegated authority for the Strategic Director of Policy and Place in consultation with the Portfolio Holder for Commercial to conclude all legal matters.

2. Reasons for Decisions

- 2.1 To capitalise on an opportunity to create a profitable, high quality investment which will provide a long-term income stream to the Council in future years by developing phase 2 of Amphora Place and fully utilising the land asset
- 2.2 By developing the second office building on this site the Council will have attracted another high quality business to the Borough
- 2.3 To react quickly to market opportunities within a specified, condensed timescale in order to meet market demand for high quality office space in Colchester

3. Alternative Options

- 3.1 The Council could choose not to pursue this opportunity however the current proposed tenant would be lost as they would seek alternative premises elsewhere, this would mean a loss of the income stream and investment opportunity. The property would have to be re marketed and it may take some time to find another tenant on similarly profitable terms. An alternative tenant may have equally short timescales for completion

4. Supporting Information

- 4.1 Amphora Place Phase 1 has been successfully developed and let to Birkett Long
- 4.2 As part of the work on Phase 1, full planning consent was granted for the development of the Phase 2 building. In addition, substantial site and ground works to facilitate the Phase 2 building were undertaken. This includes site preparation, drainage and utilities enabling works.
- 4.3 The Council have been marketing the Phase 2 site both directly and via letting agents Savills since late 2016 and the current offer represents the best tenant proposal received to date.

5.0 The Proposal

- 5.1 The full business case is set out in the Confidential Part B of this report
- 5.2 By developing the second building at Amphora Place the Council will be attracting and retaining business to Colchester who wish to operate in the borough, currently the company employs 85 staff in Colchester with plans to expand to 120 within 2 to 3 years
- 5.3 The Council is leading the way in developing high quality sustainable office accommodation to the borough fit for business into the future whilst developing robust income streams to support the Councils income targets. Building one has been well received by both the tenants and the wider community.

6.0 Strategic Plan References

- 6.1 The proposal contributes to the Council's aim to "Become commercially focused and even more business-like in order to be free of government grant by 2017" by delivering a substantial new income stream.
- 6.2 The scheme will "Regenerate our borough through buildings, employment, leisure and infrastructure" by providing new high quality office space in the town centre and encourage employment growth.
- 6.3 It will also "Improve opportunities for local business to thrive including retail" by offering a growth opportunity to a significant local company who wish to expand.

7.0 Consultation

- 7.1 The project has been subject to a feasibility exercise up until this point so has not been subject to any formal consultation except with the tenant and its advisors and informal

consultation with various teams across the Council. The site was subject to full planning consultation at the time of the planning application being made

8.0 Publicity Considerations

- 8.1 None identified at this stage, as the deal progresses press releases will be made by both the Council and the proposed tenant at key milestones throughout the development

9.0 Financial Implications

- 9.1 The full financial business case is set out in the Confidential Part B of this paper

10.0 Equality, Diversity and Human Rights implications

- 10.1 EQIA completed, awaiting upload to the website

11. Community Safety Implications

- 11.1 None

12.0 Health and Safety Implications

- 12.1 None

13. Risk Management Implications

- 13.1 There is a full risk register for this project and is set out in the full business case at Confidential Part B of this report.

Appendices

Appendix A – Site Plan

Appendix B – Letting Details

Phase 2, Amphora Place, Sheepen Road, Colchester, Essex, CO3 3QG

Upon the instruction of Colchester Borough Council



CGI of Phase 1 [currently under construction] and Phase 2 Amphora Place

- New Office Building
- To be built to Tenants specification
- Totalling approximately 12,109 ft² [1,124.96m²]
- 14 on-site Parking Spaces
- Pre-let opportunity

Colchester: A Place with Ambition

Long known for being Britain's first city and oldest recorded town, Colchester today is undergoing a £3bn transformation befitting its ambitious growth plans. Five Key Locations are undergoing regeneration bringing new housing, jobs, culture and leisure opportunities and new opportunities for business.

With Ultrafast Broadband availability Colchester is one of the very few places in the UK to be able to offer Gigabit connectivity to enable more effective business communications. Amphora Phase 2 provides the opportunity for companies and organisations which have a need for Gigabit connectivity to locate in Colchester. With its culture and heritage strengths, nearby countryside and coast and competitive cost of living, Colchester is in the Top 100 Best Places to Live in Britain.



Within a 10 minute walk of Amphora Place

Location

Situated in North Essex on the River Colne. Colchester has a population exceeding 180,000 people.

Colchester benefits from excellent transportation links with the A12 [2 Miles] linking the town with London, the M25 [35 Miles] to the South West and the M11 [35 Miles] to the West, Felixstowe International Container Port [27 Miles] to the North East and Harwich International Port [21 miles] to the North East.

The town has a main line railway station which offers services between London Liverpool Street and Norwich, which also connects the town with Chelmsford and Ipswich.

Rail services from Colchester North Station to London Liverpool Street have a journey time of approximately 55 minutes.

Stansted Airport is situated approximately 35 Miles to the West with access via the A120. London City airport is approximately 62.5 miles to the South West of Colchester and Southend Airport approximately 41 miles to the South West.

The town offers a diverse business community with a thriving university and is rated in the top 20 centres for creativity in the UK, according to NESTA/ Creative England.



NOTE:- Reproduced from the Ordnance Survey Map with the permission of the Controller of H.M. Stationery Office. © Crown copyright licence number 100022432 Savills (UK) Ltd. NOTE:- Published for the purposes of identification only and although believed to be correct accuracy is not guaranteed.

Description and Situation

Amphora Place is a new exciting office development by Colchester Borough Council in the centre of Colchester situated on Sheepen Road. It lies approximately 2 miles from the A12 and only a short walk from the town's mainline Railway Station and Colchester's varied retail, restaurant and leisure offer.

The scheme comprises of two three storey buildings:

Phase I comprises of a 19,730 ft² building which has been pre-let to Solicitors Birkett Long and will be completed Spring 2017.

Phase II will offer 12,109 ft² [1,124.95m²] over three floors with 14 on site car parking spaces.

Nearby occupiers include Hiscox, Colchester Borough Council, Spicer Haart, Handelsbanken, MSX International, Informa.

Opportunity

This provides the opportunity for a self contained three storey office building to be constructed to meet the specific needs of its tenant.

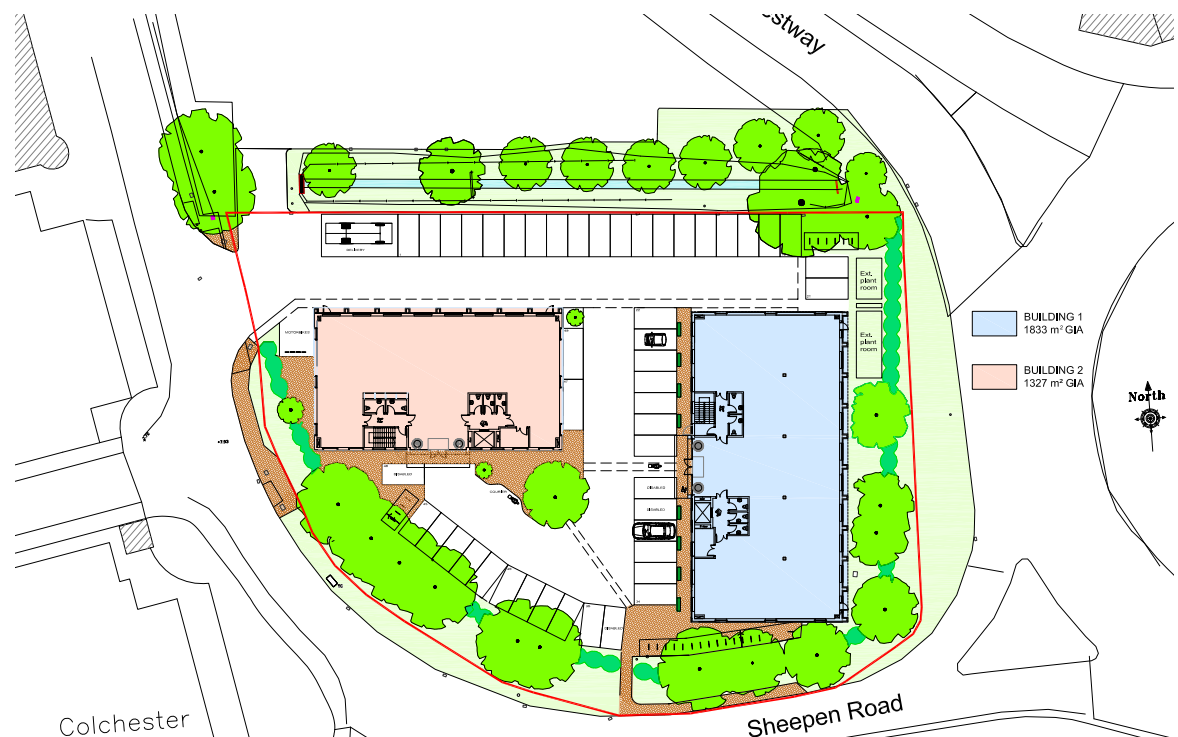
Whilst terms are negotiable it is envisaged that the lease will be for a minimum of 20 years with five yearly upward only rent reviews and at an initial rental of £20.00 psf (£242,180 pax), subject to specification.

The rent and all other outgoings are to be subject to VAT at the prevailing rate.

Specification

The building will be built to the following base specification:

- Raised access floors
- Suspended Ceilings
- Recessed Lighting
- Male/Female/Disabled Toilets
- Solar panels on Roof
- 14 car parking spaces
- Cycle Store
- VRF Heat and Cooling System
- 8 Person Passenger Lift



Phase 2, Amphora Place, Sheepen Road, Colchester, Essex, CO3 3QG

Upon the instruction of Colchester Borough Council



Planning

Planning consent was granted on 6th November 2015 for the development of two office buildings Ref: 151825.

Legal Costs

Each party to be responsible for their own legal costs.

Enquiries

Further information is available from the Sole Agent:

Mike Storrs

01245 293228

mstorrs@savills.com



Within a 10 minute walk of Amphora Place

Important Notice

Savills, their clients and any joint agents give notice that:

1. They are not authorised to make or give any representations or warranties in relation to the property either here or elsewhere, either on their own behalf or on behalf of their client or otherwise. They assume no responsibility for any statement that may be made in these particulars. These particulars do not form part of any offer or contract and must not be relied upon as statements or representations of fact.
2. Any areas, measurements or distances are approximate. The text, photographs and plans are for guidance only and are not necessarily comprehensive. It should not be assumed that the property has all necessary planning, building regulation or other consents and Savills have not tested any services, equipment or facilities. Purchasers must satisfy themselves by inspection or otherwise.

Designed and Produced by Savills Marketing: 020 7499 8644 | January 2016



CGI of proposed scheme
Page 38 of 48

Extract from the minutes of the Council meeting on 26 July 2017

205 (iii) Safety of buildings and housing

It was proposed by Councillor J. Young that:

“This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.

This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore this Council will continue to undertake a thorough investigation into all buildings owned and maintained by Colchester Borough Council to ensure that any cladding is fire resistant and, if not, action is taken to resolve this.

Additionally this authority will investigate changing planning policy to ensure that any new application for high rise accommodation, houses in multiple accommodation (HMOs), care homes and sheltered accommodation include sprinkler systems.

This Council also undertakes to retro-fit sprinkler systems into HMOs or sheltered housing schemes owned by this authority as part of future refurbishment plans.”

Councillor Goss proposed a main amendment as follows:-

The motion on the safety of buildings and housing be approved and adopted subject to the deletion of the words “undertakes to retrofit” in paragraph 4 and their replacement with the words “requests that the Cabinet investigates the retro-fitting of”

Councillor J. Young indicated that the main amendment was accepted and the motion was therefore amended accordingly, as set out below:-

“This Council recognises and applauds the heroic effort of the London Fire Service attending the horrific Grenfell Tower fire; action which demonstrates the very best of

public service. We further pay tribute to and commend the community and voluntary organisations who pulled together to support the victims of this tragic fire in their hour of need.

This Council believes that all councils must take action to ensure people are safe and remain safe. Therefore this Council will continue to undertake a thorough investigation into all buildings owned and maintained by Colchester Borough Council to ensure that any cladding is fire resistant and, if not, action is taken to resolve this.

Additionally this authority will investigate changing planning policy to ensure that any new application for high rise accommodation, houses in multiple accommodation (HMOs), care homes and sheltered accommodation include sprinkler systems.

This Council also requests that the Cabinet investigates the retro-fitting of sprinkler systems into HMOs or sheltered housing schemes owned by this authority as part of future refurbishment plans.”

The amended motion was put to the vote and was unanimously approved and adopted

Report of	Monitoring Officer	Author	Andrew Weavers
Title	Amendment to Scheme of Delegation to Officers		☎ 282213
Wards affected	Not applicable		

This report requests Cabinet to approve an amendment to the scheme of delegation to officers.

1. Decision Required

- 1.1 To approve the amendment to the Scheme of Delegation to Officers from Cabinet contained at paragraph 4.1 of this report and for it to be brought into immediate effect.

2. Reasons for Decision(s)

- 2.1 The Scheme of Delegation to Officers from the Cabinet requires amendment to reflect a change in name of Assistant Director Regulatory to Assistant Director Environment.

3. Alternative Options

- 3.1 No alternative options are presented.

4. Proposals

- 4.1 The present Scheme of Delegation to Officers from Cabinet was agreed on 14 June 2017. It has now subsequently been agreed as part of the senior management restructure to rename Assistant Director Regulatory to Assistant Director Environment in order to better reflect the services within this area. As a consequence Cabinet is requested to approve that the delegations agreed to Assistant Director Regulatory are now delegated to the Assistant Director Environment the details of which are contained in the Appendix to this report. The remaining delegations contained in the Scheme of Delegation to Officers are not affected.

5. Strategic Plan References

- 5.1 The manner in which the Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to set out the direction and future potential for our Borough.

6. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health, Safety and Risk Management Implications

- 6.1 None identified.

7. Publicity Considerations

- 7.1 The amended Scheme of Delegation will be publicised by inclusion in the Constitution which is published on the Council's web site.

Delegated to Assistant Director – Environment**ENVIRONMENTAL PROTECTION**

1. Power to agree payments for compensation arising under section 20 of the Public Health (Control of Disease) Act 1984, up to the limit prescribed in the Council's Financial Management Procedures for payments from the Insurance Provision, when satisfied by the Section 151 Officer that the claims are reasonable and justified.
2. To administer relevant environmental protection provisions, give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same or incorporating them and under any order or regulations made under the said Act or Acts:

Anti-Social Behaviour Act 2003
 Building Act 1984
 Clean Air Act 1993
 Clean Neighbourhoods & Environment Act 2005
 Control of Pollution Act 1974
 Dogs Act 1871
 Dangerous Dogs Act 1991
 Dangerous Dogs Act (Amendment) 1997
 Dogs (Fouling of Land) Act 1996
 Environment Act 1995
 Environmental Protection Act 1990
 Environmental Damage (Prevention and Remediation) Regulations 2009
 Essex Act 1987
 Local Government Act 1972
 Local Government Miscellaneous Provisions Act 1976
 Local Government Miscellaneous Provisions Act 1982
 Noise & Statutory Nuisance Act 1993
 Pollution, Prevention & Control Act 1999
 Prevention of Damage by Pests Act 1949
 Private Water Supplies Regulations 2009
 Public Health Act 1936
 Public Health Act 1961
 Water Industries Act 1991

Health and Safety at Work etc Act 1974
 Food Safety Act 1990
 European Communities Act 1972 and legislation made thereunder
 Sunday Trading Act 1994
 Health Act 2006

3. Power to object to applications for consent to discharge under section 119 of the Water Industry Act 1991.
4. To authorise works being carried out in default up to a maximum cost of £5,000 in cases where a breach of legislation can be remedied by the Council carrying out works in default.

Delegated to Assistant Director – Environment (continued)

5. Control of the drainage of paved areas under section 84 of the Building Act 1984.
6. Power to take appropriate action under the Safety at Sports Grounds Act 1975 (as amended) following consultation with Essex County Council and Essex Police.
7. Service of Notices under section 262 of the Public Health Act 1936 relating to culverting of watercourses and ditches, and the institution of legal proceedings where Notices are not complied with after consultation with the Ward Councillors.
8. Power to reply to consultations from Essex County Council on licences for the disposal of refuse.
9. Arrangements for funerals under the Public Health (Control of Disease) Act 1984.
10. Take all necessary legal action required to enforce the provisions of relevant legislation relating to the following environmental protection functions:
 - Air quality
 - Contaminated land
 - Culverting of watercourses and ditches
 - Smoke from bonfires
 - Determination of applications for the installation of boilers, furnaces and chimneys
 - Filthy and verminous premises, articles and persons
 - Houseboats
 - Noise from construction sites
 - Noise in the street
 - Obstructed, blocked or defective drains and private sewers and/or insufficient provision of drainage
 - Overflowing cesspools and septic tanks
 - Prescribed processes liable to give rise to air pollution
 - Prevention of damage by pests
 - Private Water Supplies
 - Re-securing empty or unoccupied buildings
 - Statutory nuisances
 - Surface water drainage
 - Water supply
 - Employment of persons relating to health and safety at work in premises
 - Sunday trading
 - Licensing, registration and hygiene standards of food premises and other commercial or domestic premises
 - Quality, safety and content of food produced, sold or stored within the Borough of Colchester
 - Control of infectious diseases
 - Port Health matters
 - Dog control
 - Pest control
 - Sale or keeping of animals

Delegated to Assistant Director – Environment (continued)

11. To act as lead officer for the Council in accordance with the Essex Countywide Traveller Joint Committee Agreement.
12. Power to serve notices under section 19, commence legal proceedings under section 20 and provide certificates under section 22 of the Criminal Justice and Police Act 2001 in relation to closure orders where there are suspected unauthorised sales of alcohol or breach of licence conditions or unauthorised licensable activities taking place at premises.
13. To work with the NHS and other Health Bodies regarding health issues for residents in the Borough.

(Delegated to Colchester Borough Homes as part of the Management Agreement dated 9 August 2013 except the agreed client reserved functions)(paragraphs 14 & 15 only).

14. To administer relevant anti-social behaviour provisions, give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same and under any order of regulations made under the said Act or Acts:
 - Anti -social Behaviour Act 2003
 - Crime & Disorder Act 1998
 - Criminal Justice & Police Act 2001
 - Criminal Justice & Public Order Act 1994
 - Housing Act 1996
 - Local Government Act 1972
 - Local Government Act 2000
 - Police & Justice Act 2006
 - Policing and Crime Act 2009
 - Protection from Harassment Act 1997
 - Serious Organised Crime & Police Act 2005
15. To take all necessary legal action required to enforce the provisions of relevant legislation relating to the following anti-social behaviour control functions:
 - Behaviour which causes alarm, distress or harassment to persons not of the same household
16. Anti-Social Behaviour, Crime and Policing Act 2014, authority to:
 - Apply for, vary or discharge a civil injunction under sections 1 to 21
 - Apply for, vary or discharge a Criminal Behaviour Notice under sections 22 to 33
 - Issue a Community Protection Notice under sections 43 and 53
 - Carry remedial works in default following the issue of a Community Protection Notice under section 47
 - Issue Fixed Penalty Notices to anyone who has failed to comply with a Community Protection Notice under section 52

Delegated to Assistant Director - Environment (continued)

- Make, vary and discharge a Public Spaces Protection Order under sections 59 to 75
- Issue Fixed Penalty Notices to anyone who has committed an offence by failing to comply with a Public Spaces Protection Order under Section 68
- Issue, cancel or vary Closure Notices under sections 76 to 84
- Enforcement of Closure Orders under sections 85 to 93

PRIVATE SECTOR HOUSING

1. To authorise works being carried out in default up to a maximum cost of £5,000 in cases where a breach of legislation can be remedied by the Council carrying out works in default.
2. To exercise the powers available under the provisions of Parts 1, 2, 3 and 4 of the Housing Act 2004 ("the 2004 Act") and any orders or regulations made in respect of private sector housing and in particular to:
 - administer the relevant enforcement provisions and serve notices or orders including taking emergency remedial action in appropriate cases as provided for in Part 1 of the 2004 Act
 - be the Proper Officer for the purposes of section 4(2) of the 2004 Act (dealing with official complaints)
 - impose reasonable charges for enforcement action as allowed for by Section 49 of the 2004 Act
 - administer the relevant licensing provisions and determine applications for licences as provided for in Part 2 or Part 3 of the 2004 Act
 - administer the additional control provisions in relation to residential premises including the application of management orders, empty dwelling management orders and overcrowding notices as provided for in Part 4 of the 2004 Act
 - approve and enter into such nomination, management and other agreements as shall be necessary for the purpose of implementing management orders or empty dwelling management orders under Part 4 of the 2004 Act.
 - authorise officers to enter premises in connection with their duties under sections 131, 239, 243(3) and paragraph 3(4) of Schedule 3 and paragraph 25 of Schedule 7 of the Act and to authorise officers to require documents to be produced under section 235 of the 2004 Act
 - take appropriate enforcement action in accordance with the provisions of the Act to recover any costs, expenses, fees or other monies due to the Council from actions taken under the provisions of the 2004 Act
 - determine applications for HMO licences under Part 2 of the 2004 Act
 - grant, revoke or vary such licences and issue any necessary notices or certificates for those purposes
 - grant temporary exemption from licensing under section 62 of the 2004 Act.
 - determine the conditions that should be attached to HMO licences that are granted or varied

Delegated to Assistant Director - Environment (continued)

- exercise the enforcement provisions in respect of the licensing of HMO's set out in Part 2 of the 2004 Act
 - the implementation of the transitional arrangements for HMO licensing under section 76 of the 2004 Act and the issue of any necessary notices or certificates
3. To administer relevant private sector housing provisions, give directions, serve notices, enforce, carry out work in default, issue formal cautions and to lay information and complaints to Court in relation of offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same or incorporating them and under any order of regulations made under the said Act or Acts:
- Public Health Act(s) 1936 and 1961
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Building Act 1984
 - Housing Act 1985
 - Environmental Protection Act 1990

PRIVATE SECTOR HOUSING

1. The determination of applications for housing advances.
2. To reclaim money recoverable where conditions relating to house renovation grants are not met, subject to a right of appeal to the appropriate Cabinet Member.
3. To administer the provisions of the Council Financial Assistance Policy for Private Sector Housing including Disabled Facilities Grants, Disabled Facilities Assistance, Home Safety Grants, Home Repair assistance, Home Renovation Assistance, Landlord energy Efficiency Grants, HMO Fire Safety Grants, Landlord Renovation Grants and Landlord Empty Property Loans and in particular to determine all applications, authorize payment of grants or loans, issue certificates, reclaim monies where conditions relating to grants or loans are not met or when a property is sold.

GENERAL

1. To make objections to the registration of Goods Vehicle Operating Centres pursuant to the approved policy.
2. To operate the local land charges service.
3. To administer electoral registration and manage the elections function.

Delegated to Assistant Director - Environment (continued)

Scrap Metal Dealers Act 2013- Delegation of Functions:

Function	Delegated to Assistant Director - Environment
The grant, issue, renewal or variation of a Scrap Metal Dealer Licence	Where the applicant is deemed to be a suitable person and no objections are received
The refusal or rejection of an application for a Scrap Metal Dealer Licence	Where no representations are received
The revocation of a Scrap Metal Dealer Licence	Where no representations are received
To ensure all Scrap Metal Dealer Licences are reported to the National database	In all instances

WASTE COLLECTION

1. Power to take action within the approved budget and policy objectives of the Council in relation to domestic refuse collection, trade waste collection, recycling, composting, workshops, fleet and toilets.
2. Service of notices under section 46 of the Environmental Protection Act 1990 for the provision of waste receptacles including the issuing of fixed penalty notices and prosecution if necessary.
3. To negotiate and agree contracts for the sale of material collected for recycling or salvage and from time to time to review the operation of such contracts to determine that best value is being achieved in relation to the Council's objectives.

TRAFFIC MANAGEMENT & PARKING

1. Temporary road closures under the Town Police Clauses Act 1847 in connection with functions, after consultation with Essex County Council and the Police.
2. To consolidate into a single order any waiting restriction orders currently in force when amendments to waiting restrictions in the villages are proposed.
3. Power to approve and rescind Traffic Regulation Orders relating to disabled parking bays under the Road Traffic Regulation Act 1984.
4. Day to day management of car parks, residents' parking schemes and decriminalised parking including determination of applications from organisations for the short term use of car parking spaces on public car parks which are similar to applications previously agreed by the appropriate Cabinet Member.
5. To enable management of parking under appropriate sections of legislation, a power to make or vary Off Street Car Park Orders and Traffic Regulation Orders under either the Road Traffic Regulation Act 1984 or the Traffic Management Act 2004 (as appropriate).

Delegated to Assistant Director - Environment (continued)
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6. To consolidate into a single order any waiting restriction orders currently in force when amendments to waiting restrictions in the villages are proposed.
7. Power to approve and rescind Traffic regulation Orders relating to disabled parking bays under the Road Traffic Regulation Act 1984.
8. To act as lead officer in accordance with the North East Essex Parking Partnership Joint Committee Agreement.

BUILDING REGULATIONS

1. The approval, disapproval or rejection of plans for the purposes of building regulations and power to dispense with or relax building regulations under statutory requirements.
2. Power to take appropriate action under sections 7 and 13 of the Essex Act 1987 relating to building regulations.
3. Power to take appropriate action under section 77 and 78 of the Buildings Act 1984 in respect of dangerous buildings.
4. Power to take appropriate action and to serve counter-notices relating to the demolition of buildings under sections 80 and 81 of the Buildings Act 1984.
5. To act the Appointing Officer under the Party Wall etc Act 1996.