

# COLCHESTER BOROUGH COUNCIL

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## Council Meeting

20 October 2021

## Supplementary Information

Please note that the business will be subject to short breaks at approximately 90-minute intervals.

**Apologies:** None received

**2. Have Your Say!**

**4. Minutes of Previous Meetings**

A... Motion that the minutes of the meeting on 14 July 2021 be confirmed as a correct record (see page 9 of the Council Summons) .

**6. Items (if any) referred under the Call-in Procedure**

None

**7. Recommendations of the Cabinet, Panels and Committees**

To consider the following recommendation:-

**7(i) Colchester's Bid for City Status**

B... Motion that the recommendation contained in draft minute 598 of the Cabinet meeting of 13 October 2021 be approved and adopted (see page 7 of this Supplementary Information).

**7(ii) Budget 2022/23 and Medium Term Financial Forecast**

C... Motion that the recommendation contained in draft minute 599 of the Cabinet meeting of 13 October 2021 be approved and adopted (see page 9 of this Supplementary Information).

**7(iii) 2020/21 Year End Review of Risk Management**

**5**

D... Motion that the recommendation contained in draft minute 600 of the Cabinet meeting of 13 October 2021 be approved and adopted (see page 12

of this Supplementary Information).

**7(iv) Review of the Council's Processing of Special Category and Criminal Convictions Personal Data Policy**

E... Motion that the recommendation contained in draft minute 276 of the Governance and Audit Committee meeting of 7 September 2021 be approved and adopted (see page 27 of the Council Summons).

**7(v) Taxi and Private Hire Licensing Policy - Statutory Standards**

F... Motion that the recommendation contained in minute 134 of the minutes of the Licensing Committee meeting of 21 July 2021 be approved and adopted (see page 29 of the Council Summons).

**7(vi) Annual Scrutiny Report 2020-21**

G... Motion that the recommendation contained in minute 308 of the Scrutiny Panel meeting of 20 July 2021 be approved and adopted (see page 33 of the Council Summons).

**8. Notices of Motion pursuant to the provisions of Council Procedure Rule 11**

**(i) Military Service in Afghanistan**

Motion H

Proposer: Councillors Dundas, Fox, Goacher, Goss and B. Oxford

*This Council, all current Councillors and those who have served as Councillors over the last 20 years, wish to express their thanks to all Colchester based military personnel past and present who have served with distinction in Afghanistan over the last 20 years.*

*Colchester is very proud of its military connections and of our armed forces community who make Colchester their home. Through the Armed Forces Covenant we will continue to support our military and uphold the commitments we have made to them.*

*We thank you for your service and welcome you home.*

**(ii) Local and Neighbourhood Plans**

Motion I

Proposer: Councillor Barber

*Council welcomes the announcement by the Secretary of State for Levelling-up, Housing and Communities that he favours allowing communities to take back control of their futures and create greener and more beautiful places to live.*

*Council also recognises that there can be a gulf between Ministerial aspirations and real world decisions, as evidenced by the recent appeal decision in West Bergholt, where despite the community planning positively for growth via their adopted and up to date Neighbourhood Plan, an inspector saw fit to allow additional development on an unallocated site.*

*Council resolves to write to the Secretary of State emphasising the importance of protecting the right of communities to shape their localities and their right to object to individual planning applications. Council also asks that he direct the Planning Inspectorate to attach significantly greater weight to the ability of up to date Local and Neighbourhood Plan allocated sites meeting development requirements, when interpreting the presumption in favour of sustainable development.*

#### Main amendments

(i) Proposer: Councillor Luxford Vaughan

That the motion on Local and Neighbourhood Plans be approved and adopted subject to the addition of the following further paragraph at the end of the motion:-

*Additionally, Council requires Colchester Borough Council officers to recognise the section two Inspector's modifications to our current plan that relate to Neighbourhood Plans, by affording all modifications relating to adopted Neighbourhood Plans, full weight when considered in relation to the emerging Local Plan.*

(ii) Proposer: Councillor Lilley

That the motion on Local and Neighbourhood Plans be approved and adopted subject to the following amendments:-

After the second paragraph the inclusion of an additional new paragraph as follows:

*Council also notes the failure of the planning process to listen to the view of local people when they object to large-scale permitted development such as the Riverside office conversion in Castle Ward.*

In the final paragraph the addition of the words “and large scale permitted development.” at the end of the first sentence

Should both main amendments be approved the revised wording of the motion would be as follows:-

*Council welcomes the announcement by the Secretary of State for Levelling-up, Housing and Communities that he favours allowing communities to take back control of their futures and create greener and more beautiful places to live.*

*Council also recognises that there can be a gulf between Ministerial aspirations and real world decisions, as evidenced by the recent appeal decision in West Bergholt, where despite the community planning positively for growth via their adopted and up to date Neighbourhood Plan, an inspector saw fit to allow additional development on an unallocated site.*

*Council also notes the failure of the planning process to listen to the view of local people when they object to large-scale permitted development such as the Riverside office conversion in Castle Ward.*

*Council resolves to write to the Secretary of State emphasising the importance of protecting the right of communities to shape their localities and their right to object to individual planning applications and large scale permitted development. Council also asks that he direct the Planning Inspectorate to attach significantly greater weight to the ability of up to date Local and Neighbourhood Plan allocated sites meeting development requirements, when interpreting the presumption in favour of sustainable development.*

*Additionally, Council requires Colchester Borough Council officers to recognise the section two Inspector’s modifications to our current plan that relate to Neighbourhood Plans, by affording all modifications relating to adopted Neighbourhood Plans, full weight when considered in relation to the emerging Local Plan.*

**(iii) Supporting Colchester residents hit by the cost of living crisis**

Proposer: Councillors Fox, Cory, Goacher

*This Council notes:*

- *Colchester residents are being hit by a cost of living crisis caused by a reduction in support and rising costs including energy prices.*
- *At the beginning of the pandemic, the government recognised that Universal Credit did not cover the essentials.*
- *The £20 uplift has been a lifeline for households across our Borough including those with children, carers and people with disabilities. 40% of claimants are in work.*

- *Colchester has 24.6% of children living in poverty according to figures published in March 2021 by DWP/HMRC.*
- *The award-winning work of our council staff who have supported residents throughout the Covid-19 pandemic including through grants, Local Council Tax Support Scheme and Discretionary Housing Payments.*

*This Council believes that:*

- *The UK government should retain the £20 increase to Universal Credit and Working Tax Credit.*
- *Any reduction in benefit will see a huge increase on services such as, food banks. Latest figures from Colchester Foodbank show they issued nearly 14,000 parcels to residents including more than 6,000 to children in the last year.*

*This Council requests that:*

- *Group Leaders write jointly to Colchester's three MPs to lobby government to retain the £20 increase*
- *Cabinet ensure that Colchester Borough Council's Welfare Benefits Team and Colchester Borough Homes' Financial Inclusion Team are funded to meet the demands of people in need*
- *Cabinet continues to support organisations helping the most vulnerable including Colchester Foodbank, Citizens Advice, Community360, Munch Club and other holiday hunger projects*

All motions relate to non-executive matters and will be debated and determined at the meeting

## **9. Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10**

(i) Councillor Lilley to Councillor Laws, Portfolio Holder for Economy, Business and Heritage

After 5 dispersal notices have been put in place since August saying teenage gangs are drinking under age and fighting, what action has been taken to prosecute those shops selling alcohol to under age children?

(ii) Councillor Lilley to Councillor Crow, Portfolio Holder for Environment and Sustainability

What is the news regarding the Queens Jubilee and has the Portfolio Holder decided about giving out a Jubilee mug and has he also decided about setting aside the fee for closing roads so people can have street parties?

#### **10. Schedule of Portfolio Holder Decisions**

Council is invited to note the schedule of Portfolio Holder decisions covering the period 4 July 2021 – 6 October 2021 (see page 35 of the Council Summons).

#### **13. Exclusion of the Public**

In accordance with Section 100A of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential, personal, financial or legal advice) in Part B of this agenda (printed on yellow paper) may be decided. Exempt information is defined in Section 1000I and Schedule 12A of the Local Government Act 1972).

**Extract from the draft minutes of the Cabinet meeting of 13 October 2021**

**598. Colchester's Bid for City Status**

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

Councillor Laws introduced the report to explain that this was the fifth time that Colchester had applied for City Status, and it had narrowly missed out in 2012. Colchester had historically been recognised as a city. Its Roman name meant City of the Victorious, and it was listed as one of 12 cities in the Domesday Book. It had many of the assets that were indicative of a city, such as a University, significant arts and cultural organisations, major tourist and heritage attractions. Whilst many of the benefits of City Status were intangible, it was a recognition of Colchester's values of being open to business, open to the future and open to diversity and tolerance. It could put Colchester on the international tourist map. There would be great business benefits and make Colchester more attractive to large and medium sized business and government departments looking to relocate. It was well supported by the Colchester MPs and partner organisations. It would give Colchester the status it deserved.

Councillor Fox attended and with the consent of the Chair addressed the Cabinet indicated his support for the bid for City Status, but to stress the need for wider public engagement. It was important that the bid enjoyed support beyond the "great and the good" and key stakeholders, and he did not consider enough had been done to win this support since he last addressed Cabinet on this issue. One possible way to engage and gain this support would be to set up an online petition which local residents could sign to demonstrate their support for the bid.

Councillor Laws accept that more could have been done, but there were both budgetary and time constraints. However he was happy to look at what more could be done to secure engagement. As the bid would be referred to Full Council to endorse, all Councillors would have an opportunity to demonstrate their communities' support for the bid.

Councillor Willetts attended and with the consent of the Chair addressed the Cabinet to seek clarity on the area that would be served by City Status, should the bid be successful. There was no clear definition of where the boundaries of the town of Colchester were. It was understood that the bid presented considerable opportunities for the town centre. However the outlying villages such as Aldham and Fordham were only loosely connected to Colchester and residents rarely visited. These communities felt that the old Lexden and Winstree Rural Council had better understood their needs. The Town Deal had identified Colchester town as the central areas where there was significant deprivation. Many of the villages were considerably less enthusiastic about the prospect of City Status, and the Portfolio Holder should consider the area to be considered as a city should the bid be successful.

Councillor Laws explained that he would consider the comments with officers working on the bid and look at how the engagement process could seek to address these issues. The concerns raised could also be addressed through the use of appropriate signage to reflect how people felt about their communities.

Councillor G. Oxford attended and with the consent of the Chair addressed the Cabinet in support of the bid for City Status which would give Colchester the status it deserved and had held historically.

Councillor Barber attended and with the consent of the Chair addressed the Cabinet. Whilst he was open to persuasion, he did not currently support the bid for City Status. He felt that the residents he represented were comfortable with the identity of Colchester as a town. City Status would not help address the issues that Colchester faced, would not result in extra powers or opportunities and was not prestigious of itself.

Councillor Laws explained that he recognised that some residents had doubts or were ambivalent. But he felt that there were clear benefits to being a city although it was appreciated that many of the benefits were intangible.

*RESOLVED* that:-

- (a) The process to deliver Colchester's bid for City Status, the plan for engagement and the timescale required be noted.
- (b) Authority to agree the final wording of Colchester's application for City Status be delegated to the Portfolio Holder for Economy, Business and Heritage.

*RECOMMENDED TO COUNCIL* that it endorses and supports Colchester's bid for City Status.

## *REASONS*

City status will enhance Colchester's image and reputation and provide support for a more confident recovery from the economic impact of the pandemic. However, there is a strict deadline for submission of the bid and there is an opportunity to engage with a variety of groups and individuals to seek their support, both for the bid and for the key messages about Colchester it contains.

## *ALTERNATIVE OPTIONS*

City status is an honour conferred by Her Majesty the Queen. In the last 20 years there have been four opportunities to apply: the Millennium, 2002 Queen's Golden Jubilee, the 2012 Queen's Diamond Jubilee and next year Her Majesty will confer City Status to celebrate her Platinum Jubilee. There are no alternative options.



**Extract from the draft minutes of the Cabinet meeting of 13 October 2021**

**599. Budget 2022-23 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 draft recommendation from the Scrutiny Panel meeting of 12 October 2021. Councillor Lissimore, Portfolio Holder for Resources, introduced the report and thanked officers for their work on the budget and medium term financial forecast (MTFF).

The Monitoring Officer read the following statement from Councillor Cory, Chair of the Scrutiny Panel.

*“It was discussed at length by Scrutiny Panel, with the following outcome agreed by all. That Scrutiny sets up a sub group to discuss the funding of a Youth Zone.*

*We need to continue to discuss this issue, in-line with the recommendations agreed by Scrutiny and Cabinet at its meeting on September 1st - that members are included in the discussions over the £400K funding for the Youth Zone, including at Budget Workshops. I strongly believe that since agreeing this recommendation, members have had little chance to progress the discussions.*

*Previously the Leader and this Cabinet and supported a Youth Zone in principle and said that the political will was there. Cllr Lissimore promised last night to continue to work with members to find ways to fund the Youth Zone and better youth services if viable suggestions are put forward. I welcome this”.*

Councillor Lissimore indicated that it was proposed to agree the recommendation from the Scrutiny Panel, but with the text amended to clarify what was agreed at the Scrutiny Panel. It was important to note that there were crucial issues still to be resolved: the capital funding for the build of the Youth Zone, the revenue funding to support and the location for the Youth Zone. It was hoped that the Sub-Group could look at these issues and provide a solution on which there was agreement and which could allow for a balanced budget. The proposed amended wording was:-

*RECOMMENDED to CABINET that further work be conducted by a sub-group of the Scrutiny Panel, to meet informally and identify and discuss potential options for providing and funding a future Youth Zone, whilst maintaining a balanced budget for the Council. The sub-group should aim to work towards finding a broad political consensus on an agreed site which meets Onside’s criteria, capital financing options and contingency in the annual revenue cost which recognises that £400,000 is Q1 2021 cost based and will experience cost pressure uplift by time of completion.*

Councillor Pearson attended and with the consent of the Chair addressed Cabinet to raise the following issues:-

- At paragraph 7 of the report the main inflationary pressure was identified as pay. Why were energy and fuel costs not also identified as key inflationary pressures?

- Could further clarification be given to the meaning of paragraph 10.1 and what this meant in terms of actual increases to fees and charges?
- Could details of the extensive modelling referred to in paragraph 13.1 be circulated all Councillors.
- Could information about the comparator Councils referred to in paragraph 14.1 be provided.

Councillor Lissimore indicated that a written response would be sent that would be copied to all Councillors.

Councillor Willetts attended and with the consent of the Chair addressed the Cabinet in respect of the Scrutiny Panel's recommendation to Cabinet. The Panel's view had been that whilst youth services was a County Council responsibility, there was a cross party support amongst back bench Councillors for accelerating the provision of a Youth Zone and that there should be some acknowledgement of this in the budget. The Chief Executive had confirmed the Council could proceed using its general powers of competence. Therefore the priority of the Youth Zone needed to be raised in the budget setting process, and another spending allocation also needed to lose priority to provide for this. This needed to be done quickly in view of where the Council was in the budget setting process. No progress had been made at the Budget Workshop. The Scrutiny Panel recommendation put the onus on members to find a solution quickly.

Councillor Lissimore responded to stress that the costs were likely to increase over the course of the project, and that the Council's responsibility could increase if there was a shortfall in funding from partners. The advice of the Section 151 officer was that the funding for the Youth Zone should be removed from the MTFF, and the Council had a duty to set a balanced budget.

Councillor Barber attended and with the consent of the Chair addressed the Cabinet. As the Deputy to the Executive Member for Youth Services at Essex County Council, he was working with Colchester Borough Council to explore how to best invest in youth services, particularly the funding received through the Town Deal. There would be considerable investment in the Town House, which would transform it. He would share the County Council's position on the Youth Zone with members. It was felt a local delivery model with services in communities was most appropriate. A Youth Zone could be difficult to access for rural communities. It was noted that in Barking the Youth Zone was the only youth service provided.

Councillor Laws highlighted the proposal that funding for the major arts organisations be allocated on a four yearly basis, which would be enormously helpful to them in budgeting terms and in attracting external funding.

**RESOLVED** that:-

- (a) The transformation savings set out in Section 6 and Appendix A of the Assistant Director's report be approved.
- (b) That Locality Budgets be increased to £2,000 per Councillor from 2022/23

onwards as set out in Section 8 of the Assistant Director's report.

(c) That Arts Partners are funded at current levels in 2022/23 and from 2023-24 onwards as set out in Section 9 of the Assistant Director's report.

(d) The updated Medium Term Financial Forecast 2022/23 to 2025/26 set out in Section 11 of the Assistant Director's report be noted.

(e) The updated Medium Term Financial Forecast assumptions 2022/23 to 2025/26 set out in Appendix B of the Assistant Director's report be noted.

(f) The Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources be authorised to submit National Non-Domestic Rates Return 1 to the Department of Levelling Up, Housing and Communities and determine the Council's continuing membership of the Essex Business Rates Pool.

(g) The Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources determine the reserves to be used in 2021/22 and 2022/23 to fulfil the requirements to meet Covid costs set out in Section 16 of the Assistant Director's report.

(h) That the Head of Finance in consultation with the Deputy Leader and Portfolio Holder for Resources determine the 2022/23 tax base and notify preceptors in accordance with the statutory timetable.

(i) That the recommendation from the Scrutiny Panel on 12 October 2021 be approved subject to being amended as below:-

*RECOMMENDED to CABINET that further work be conducted by a sub-group of the Scrutiny Panel, to meet informally and identify and discuss potential options for providing and funding a future Youth Zone, whilst maintaining a balanced budget for the Council. The sub-group should aim to work towards finding a broad political consensus on an agreed site which meets Onside's criteria, capital financing options and contingency in the annual revenue cost which recognises that £400,000 is Q1 2021 cost based and will experience cost pressure uplift by time of completion.*

*RECOMMENDED TO COUNCIL* that Colchester Borough Council becomes an opted in authority to Public Sector Audit Appointments for 2023/24 audit appointments as set out in Section 20 of the Assistant Director's report.

## **REASONS**

To balance the 2022/23 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.

**Extract from the draft minutes of the Cabinet meeting of 13 October 2021**

**600. 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.

*RESOLVED* that:-

- (a) The Council's progress and performance in managing risk during the period from April 2020 to March 2021 be noted.
- (b) The current Strategic Risk Register be noted.
- (c) The proposed Risk Management Strategy for 2021/22 be approved and *RECOMMENDED TO 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 27 July 2021, where they approved its referral to Cabinet.

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 to Cabinet.