

Cabinet

Wednesday, 09 June 2021

Attendees: Councillor Simon Crow, Councillor Paul Dundas, Councillor Andrew Ellis, Councillor Darius Laws, Councillor Sue Lissimore, Councillor Beverley Oxford

Also in attendance: Councillors Cory, Fox, Goss, King, Hazell, G. Oxford, Scott-Boutell and J. Young

No. Publication and Call in Arrangements

Date Published 10 June 2021

Date when decisions may be implemented (unless 'called in') 5pm 17 June 2021.

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

Requests for the scrutiny of relevant decisions by the Scrutiny Panel must be signed by at least ONE Councillor AND FOUR other Councillors to countersign the call-in form OR to indicate support by e-mail. All such requests must be delivered to the Proper Officer by no later than 5pm on 17 June 2021.

565 Urgent Items

Councillor Laws indicated that the opportunity to apply for City Status as part of the Queen's Platinum Jubilee celebrations would be considered. Residents would be consulted immediately to see if there was support for such a bid. It was potentially an exciting opportunity with possible commercial and marketing benefits.

566 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting held on 10 March 2021 be confirmed as a correct record.

567 Have Your Say! (Hybrid meetings)

Mr Skinner of Learning Never Stops addressed Cabinet pursuant to the provisions of paragraph 5(1) of the Meetings General Procedure Rules on issues relating to lifelong learning. He urged the Council to actively promote lifelong learning as part of the recovery from the Covid 19 pandemic. Adult learning did not enjoy the same profile as children's education. The borough had previously had good provision through Greyfriars, which understood the community's needs and worked with the Learning

Shop to make courses clear and accessible. There was a need for a one stop shop which could give clear and unbiased information on what was available. Learning Never Stops used to provide this, but had recently closed. The Council should act to take on this role and actively promote adult learning.

Councillor Laws, Portfolio Holder for Economy, Business and Heritage, responded to express his regret that Learning Never Stops was closing. He understood that contact had been made with Community 360 on the issue and he would also raise it with One Colchester partnership to see if could be addressed through its economic development work. He would discuss with Community 360 whether their town centre hub and any future hubs could act as a centre in the way he envisaged.

Councillor Cory attended remotely and with the consent of the Chair addressed the Cabinet to wish the new administration well. He would offer support where there was agreement and hold it to account where necessary. Information was sought on when the administration would provide details of its strategic vision for Colchester and whether it would continue with the ban on glyphosates and other green initiatives? There was also a need to continue to ensure public access to decision making meetings, and maintain access for those with disabilities. Investment in the Town Hall's infrastructure would be required quickly to achieve this.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that the administration was currently discussing plans with officers to ensure they were properly resourced but there would be several announcements soon. The Council had unanimously supported the declaration of a climate emergency and the administration would maintain or accelerate policies in support of the climate emergency. The ban on glyphosates would continue. He believed remote meetings had worked well and would encourage moves to enable hybrid meetings, including investment in the Town Hall, and hoped this would enjoy cross party support.

Councillor Fox attended and with the consent of the Chair addressed the Cabinet to ask whether the new administration would continue with the plan of the previous administration for 350 new homes on the sites allocated, within the planned timescales and with 30% allocated as affordable housing. Given the Conservative group had campaigned on the basis of building not one more house than was necessary, could the administration confirm what that figure was?

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, confirmed that the administration was committed to affordable housing and an ambitious social housing target, but he would not guarantee that every site that had previously been identified would be developed.

Councillor Ellis, Portfolio Holder for Planning and Housing, explained that the administration would continue with the plans for 350 homes. They would look again at the sites, but if individual sites were not proceeded with, alternatives would be looked for. He was looking to work collaboratively with Councillor Fox on the issue. On housing numbers, 920 homes was the target. Residents did not believe that there was sufficient infrastructure to support the level of development within the borough and he would be looking to undertake an infrastructure audit.

Councillor Goss attended remotely and with the consent of the Chair addressed the Cabinet to raise the following issues:

- the arrival of Travellers on the Mill Road Rugby Club site and the views of the Portfolio Holder for Communities on transit sites;
- the Gumball bins;
- The Headgate cycle path and enforcement of the High Street restrictions;
- The view of the new administration on wheeled bins.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that one of the administration's priorities would be ensuring the security of public sites to prevent unauthorised access by Travellers. The issues relating to the Gumball bins were a consequence of the previous administration failing to apply for the necessary permissions, but the issue was being looked at. The Headgate cycle path had enjoyed cross party support when introduced. On wheeled bins, whilst the operational benefits were noted, it was important to take account of residents' views and not to seek to impose them without community support.

Councillor B. Oxford, Portfolio Holder for Communities, indicated that she supported transit sites, but they needed to be in locations where the travelling community would use them. Work was underway to have the Gumball bins reinstated. On wheeled bins it was important that the views of the communities were listened to, and this was best achieved by consultations that allowed responses in a number of formats, rather than just digital.

Councillor Lissimore, Portfolio Holder for Resources, explained that a joint Essex County Council and Colchester Borough Council statement would be issued shortly explaining that it was Colchester Borough Council who had removed the Gumballs and that work was underway to retrieve and reinstate them.

Written questions submitted by Councillor Scordis were read to the Cabinet by the Democratic Services Officer as follows:

- With many grass verges being left to go wild, such as Cowdray Avenue and Avenue of Remembrance, would the Portfolio Holder for Environment and Sustainability agree that this summer be an opportune time to look at planting wild flowers here to help biodiversity? Better yet, could Borough councillors be consulted on verges and plots of land for similar work to improve the aesthetics of the town?
- The Leader of the Council had indicated in his opening speech that he would be willing to criticise Essex County Council when they let Colchester down. Considering Essex Highway's failure on potholes and pavement repairs all over Colchester will he be willing to stand up for the town and call out ECC on their failings?

Councillor Crow, Portfolio Holder for Environment and Sustainability, indicated that he supported wildflower meadows. He had already discussed the issue with Councillor B. Oxford, Portfolio Holder for Communities, and officers.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that maintaining the roads in Colchester had been a challenge for Essex County

Council, given the challenges of the Covid 19 pandemic and the effects of the poor weather. However, he would be willing to criticise Essex County Council if he felt it was necessary.

Written questions submitted by Councillor Lilley were read to the Cabinet by the Democratic Services Officer as follows:

- Would the Leader of the Council reconsider the appointment to the Police and Crime Panel? It was important that the Portfolio Holder with responsibility for Community Safety attended these meetings so that the combined work of the Partnership that involves the PFCC and Chief Constable could carry on.
- Could the Cabinet member for Communities reassure everyone that Colchester will remain a member of ECTU and can she work towards having a permanent site for Travellers near the A12 and to convince other Essex members to do the same.
- As the building of the Youth Zone had the support of the PFCC and Chief Constable can the Cabinet member for Communities tell us she will also be supporting it and all Cabinet Members should attend a Virtual Tour of the Youth Zone.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that as the Cabinet was smaller than previously, he was looking to spread appointments over a wider group. However, he would take account of the comments made and would address it later in the meeting. Colchester would remain a member of the ECTU. The Youth Zone was part of the Town Deal scheme so decisions would be for the Town Deal Board. The Youth Zone concept had merit, but the administration would need to be sure it could afford to build and maintain it. The Cabinet had arranged a virtual tour of the Youth Zone.

Councillor King attended remotely and with the consent of the Chair addressed the Cabinet to encourage the new administration to continue to support the Town Deal. Whilst this had been prepared with the previous administration and partners, it had enjoyed wide support. It was a fantastic opportunity to improve Colchester and secure significant investment. He hoped it would continue to be developed and taken forward in the inclusive way the proposals had been developed to date.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, thanked Councillor King for his work in bringing forward the Town Deal and the administration intended to continue to take forward in the same spirit. It would also look to explore other initiatives to secure funding, such as through the Levelling Up Fund and the opportunity to bid for City Status.

Councillor Scott-Boutell attended remotely and addressed the Cabinet in support of the recommendation from the Policy Panel in respect of a memorial to those who lost their lives or been impacted by Covid 19. It was hoped that the Cabinet would support the recommendation and consider supporting or funding work within communities to provide more local memorials, possibly through Parish Councils. She had also requested the extension of wheeled bins to further streets within her ward, which could not be met at this current time. Could this request be borne in mind as part of any review of waste services?

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, indicated that the administration was supportive of the Policy Panel recommendation, and could invite it to look at the issue of more local memorials, although there could be resource issues. Councillor Lissimore, Portfolio Holder for Resources, paid tribute to the work of the waste and recycling staff. However, there would be a review of the efficiency of the waste service to address issues on use of agency staff and the four day week.

568

Queen Street Grow On and Digital Working Hub Facility

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

Councillor J. Young attended and addressed the Cabinet to seek a reassurance on the continued support for the project which met a long-standing regional need. There was a real need from the creative industries for this type of facility. The work on the creative business hub had shown the benefits of collaboration with the creative sector and it was hoped that this would continue. It would help to breathe new life into this site.

Councillor King attended remotely and addressed the Cabinet to endorse Councillor Young's comments. In view of the difficulties in securing funding for this development it was essential it was supported. It was anticipated that the design of the building would look better once actually completed.

Councillor Laws, Portfolio Holder for Economy, Business and Heritage, thanked Councillor J. Young for her work in bringing the project forward. It would build on the success of No. 37 Queen Street, which had been a success and was over-subscribed. It was supported by significant investment by SELEP. Small businesses thrived when they were clustered together and this facility would provide the digital support they needed to thrive. It would also regenerate a challenging town centre site.

RESOLVED that:-

(a) Decisions on all consequential matters related to the 43 Queen Street Grow-on scheme and digital working hub and therefrom, including contractual, financial, and legal, be delegated to the Assistant Director, Place and Client.

(b) The proposed approach to the appointment of a managing operator for the new facility, via a delegation to the Assistant Director for Place and Client in consultation with the Portfolio Holder for Economy, Business and Heritage be agreed.

(c) The general updates provided in the Assistant Director's report, which supplement the related report presented to and approved by Cabinet on 27th January 2021, be noted.

REASONS

Progress of this programme meets a long-standing local and regional need to provide space for businesses to grow. This facility will substantially boost the capacity and capability for small businesses in the vital creative and digital sector to expand. This will bring significant job creation to the town and alleviate pressure on business start-up or incubation facilities.

The integral Digital Working Hub and 5G sub-projects (funded under the Town Deal programme) significantly boost the attractiveness, distinctiveness, and quality of this facility. Together these innovative features maximise the scope of this scheme to stimulate the tech sector of the local economy; recognised as crucial to its diversification.

The facility will play a vital role in helping to retain the borough's highly skilled residents; boosting skills, increasing the availability of training and employment opportunities, and inspiring our young people. The scheme helps the town centre diversify through new uses, and complements recent investment in this recognised regeneration zone.

ALTERNATIVE OPTIONS

No alternative options were presented to Cabinet. The business case for the core 43 Queen Street grow-on scheme, associated grant funding and planning application have been approved. Colchester's Town Deal (which encompasses the digital working hub and 5G projects) has been approved and Heads of Terms signed by Ministry of Housing, Communities and Local Government, the Council and the Town Deal Board chair.

569

Review of the impact of the Covid-19 pandemic on Colchester Borough Council's Strategic Arts Partners: The Mercury Theatre, Colchester Arts Centre and Firstsite.

Cabinet considered the recommendations in draft minute 297 of the Scrutiny Panel meeting of 18 March 2021, a copy of which had been circulated to each Member.

Councillor J. Young attended and with the consent of the Chair, addressed the Cabinet to stress the importance of support from the local authority to arts organisations in efforts to secure third party funding. Large funders would always look to ensure that an arts organisation had local support before it committed to support or funding it. The strategic arts partners had provided vital community support during the Covid 19 pandemic. It was hoped that the new administration would continue with the funding set by the previous administration and would press Essex County Council on its funding of Firstsite. She expressed her disappointment that she would no longer be the Council's representative on Firstsite.

Councillor Laws, Portfolio Holder for Economy, Business and Heritage, stressed that the Council recognised and actively works with the strategic arts partners. They were vital to the economy of the borough and also to the health and wellbeing of its

residents. The collaboration with and between the partners was also welcomed and they would play a vital role in the forthcoming Cultural Strategy review. The importance of local authority support for such organisations was appreciated and he would look at the issue relating to funding of Firstsite that had been raised to see what influence he could bring. Councillors needed to be proactive and engage with the arts organisations and share their content on social media channels. The work of smaller arts organisations also needed to be recognised.

RESOLVED that:-

- (a) Cabinet formally recognises the importance of the three art organisations, built on trust and partnership working;
- (b) Cabinet explore whether the procurement model used for the 'Mercury Rising' project can be used more widely by the Council to boost the local economy;
- (c) All councillors be kept informed of all outreach work and events by the arts organisations, to ensure that they can share the great work undertaken within the cultural sector and ensure that those who could benefit from them have the opportunity so to do.

REASONS

Cabinet recognised the importance of the Strategic Arts Partners to the economy, cultural life and well-being of the borough.

ALTERNATIVE OPTIONS

It was open to Cabinet not to agree to the Scrutiny Panel recommendations.

570 Request for Delegated Authority to Agree New Insurance Contract

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

RESOLVED that authority for agreeing the new-long term insurance contract(s) be delegated to the Portfolio Holder for Resources.

REASONS

The current contracts for insurance expire on 31 July 2021. A tender exercise is therefore currently being carried out by the Council's insurance brokers to obtain quotes for a new package. The results of this exercise are not scheduled to be available from the brokers until late June 2021, which will not allow sufficient time to be able to seek Cabinet approval for the new arrangements, and allow for any potential handover to a new supplier, prior to the expiry of the current contract.

ALTERNATIVE OPTIONS

The alternative is to request approval of the new contract at the Cabinet meeting on 7 July 2021. Whilst this would be before the expiry of the current contract it would not allow for any handover arrangements to be put in place, if the supplier changes. This could result in the need for the current suppliers to extend cover for a period of time whilst new working processes are implemented, which they are under no obligation to do.

571

Local Authority Remote Meetings Call for Evidence

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

Councillor G. Oxford attended and with the consent of the Chair addressed the Cabinet. He felt that remote meetings have proved useful and that there was a place for them. There had been better engagement with local residents and they were more accessible for both residents and Councillors particularly for those reliant on public transport. There were also environmental benefits.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, and Councillor Ellis, Portfolio Holder for Planning and Housing, expressed their support highlighting that there had been better attendance at remote meetings. They had enabled Councillors to join when they were away from the borough, meaning there was less reliance on substitutes. For those Councillors with multiple commitments, particularly those serving on or reporting to parish councils, remote meetings were a much more efficient way of working. The environmental benefits from less car travel were also stressed.

Councillor Lissimore, Portfolio Holder for Resources, stressed the need to also consider the need to facilitate attendance remotely for those who did not have the equipment to participate remotely.

RESOLVED that the response to the call for evidence at Appendix 1 of the Assistant Director's report be approved.

REASONS

The government call for evidence closes on 17 June 2021.

The proposed response highlights the advantages and disadvantages of remote meetings, but based on the evidence of the experience at Colchester Borough Council of remote meetings is supportive of arrangements that would allow all decision making meetings to be held remotely and to allow local authorities to have the flexibility to decide for themselves the circumstances in which they should have the option to meet remotely.

ALTERNATIVE OPTIONS

No alternative options were presented to Cabinet.

572 Policy Panel Work Programme

Cabinet considered the recommendation in draft minute 15 of the Policy Panel meeting of 3 March 2021 a copy of which had been circulated to each Member.

RESOLVED that Cabinet provide an update for the Policy Panel to consider regarding any potential plans, once laid down, for a Colchester memorial to those who have lost their lives to, or been affected by, Covid-19, and/or to those key workers who have carried out vital work during the pandemic.

ALTERNATIVE OPTIONS

It was open to Cabinet not to agree to the Policy Panel recommendations.

573 Review of Bus Services

Councillor Lissimore (in respect of her position as Deputy Cabinet member for Highways at Essex County Council) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Cabinet considered the recommendation in draft minute 294 of the Scrutiny Panel meeting of 10 March 2021, a copy of which had been circulated to each Member.

Councillor Fox attended and with the consent of the Chair addressed Cabinet. When they had first joined the Council, Councillor Scordis and he had pressed for scrutiny of bus services in Colchester, which remained expensive and unreliable, especially when compared with services in London. He would like to see the introduction of municipal bus companies, but this was currently prohibited by the government. Cabinet were urged to follow the lead of the Labour and Co-operative party to go beyond the recommendations and press Essex County Council to deliver a reliable public transport system fit for the 21st century.

Councillor Crow, Portfolio Holder for Environment and Sustainability, reminded Cabinet that the Council had declared a Climate Emergency in 2019 and had an absolute duty to ensure that it followed the steps in the climate emergency. He was also aware from his ward of the dangers of air pollution from traffic. To address these issues, the Council needed to support sustainable methods of transport to reduce car dependency. He supported the Scrutiny Panel recommendations and proposed that Cabinet accept them with addition of the following resolution:-

“Cabinet acknowledges that a number of the issues raised by the Panel and included in these recommendations, including enabling disabled passengers to travel with

confidence, are addressed in the Government's Bus Strategy (and future detailed regulations); as such, Cabinet will create opportunities to influence the implementation of the strategy for the benefit of residents".

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, highlighted the difficulties the bus companies had faced because of the pandemic, which had severely reduced their funding. Councillor Lissimore, Portfolio Holder for Resources, highlighted the Bus Back Better strategy, which had been produced by the government in March and which was in line with the spirit of the recommendations. In terms of developing sustainable modes of transport, bus services should be relatively easy to improve as it did not require the development of additional infrastructure.

RESOLVED that:-

- (a) Cabinet encourages councillors to take up the '#UseTheBus challenge', to invest in local communities, jobs and the environment by championing bus travel.
- (b) Cabinet uses the powers available to a Tier Two authority to enhance and highlight modal shift from car use. Powers of Planning, redevelopment of Town Centre and a boroughwide Parking Strategy being examples (but not an exhaustive list) of these powers.
- (c) Cabinet investigates incentives and offers, through the Business Improvement District [BID] and business partners, in developing a level playing field for bus passengers, when compared to parking deals, thus promoting sustainable transport options.
- (d) Guidance be issued to all elected members as to the options available regarding use of Section 106 funds from new developments, potentially to support bus infrastructure and routes.
- (e) Cabinet directs officers to investigate the possibility of working with partners to create a Borough-wide travel app, to support and encourage use of sustainable and active travel options.
- (f) Cabinet acknowledges that a number of the issues raised by the Panel and included in these recommendations, including enabling disabled passengers to travel with confidence, are addressed in the Government's Bus Strategy (and future detailed regulations); as such, Cabinet will create opportunities to influence the implementation of the strategy for the benefit of residents.

REASONS

As set out in the minute.

ALTERNATIVE OPTIONS

It was open to Cabinet not to approve the recommendations from the Scrutiny Panel.

574 Appointments to External Organisations and Council Groups and Abolition of Revolving Investment Fund Committee

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

RESOLVED that:-

(a) The representatives to the various external organisations and Council groups listed in Appendix A to the Assistant Director's report be appointed for the 2021-22 municipal year, with such appointments to cease if representatives cease to be members of the Council during the municipal year, subject to the following changes:-

- Councillor B. Oxford be appointed as the Council's representative on the Police and Crime Panel;
- Councillor G. Oxford be appointed as the Highwoods representative on the Member Development Group.

(b) The Leader of the Council be authorised to make a determination, where a nomination is deemed to be in dispute, if a vacancy occurs or if an appointment needs to be made to a new organisation during the course of the municipal year.

(c) To agree that the Revolving Investment Fund Committee be abolished, and its functions revert back to Cabinet.

(d) To note the reports about the work undertaken by appointees to external organisations in 2020-21, as set out in Appendix B to the Assistant Director's report.

REASONS

It is important for the Council to continue to make formal appointments to certain organisations and council groups such as those with statutory functions, our key strategic and community partners and groups with joint working arrangements. These groups have been identified in Appendix A.

The Revolving Investment Fund Committee is no longer required as the functions previously performed by the Committee can be more effectively dealt with by Cabinet.

ALTERNATIVE OPTIONS

No alternative options are proposed other than to authorise the Leader of the Council to make a determination where a nomination is deemed to be in dispute.