

Cabinet

Wednesday, 14 March 2018

Attendees: Councillor Tina Bourne, Councillor Mark Cory, Councillor Annie Feltham, Councillor Michael Lilley, Councillor Beverley Oxford, Councillor Jessica Scott-Boutell, Councillor Paul Smith, Councillor Tim Young

Substitutes: No substitutes were recorded at the meeting

Also Present: Also in attendance: Councillors Barber, Hazell, Laws, Lissimore, Scott and Willetts

Publication and Call in Arrangements

Date Published 15 March 2018

Date when decisions may be implemented (unless 'called in') 5pm 22 March 2018

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 Thursday 22 March 2018.

242 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting held on 31 January 2018 be confirmed as a correct record.

243 Have Your Say!

Councillor Cory (as a resident of Broome Grove) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

David King addressed the Cabinet pursuant to the provisions of Meetings General

Procedure Rule 5(1) about seen and unseen plastics pollution. Action was needed from all parties, residents and businesses to tackle the issue. Plastic pollution was enormous and pervasive, in particular from unseen microplastics. Under the precautionary principle, central and local government needed to take action as a priority. Public awareness needed to be raised, recycling increased and use of plastics reduced. This required leadership from the Council and partnership working with local businesses. Would the Council confirm that it was committed to improving recycling, including presently non-recyclable and single use plastics, and outline its next steps, and would it work with businesses on this issue?

Councillor J. Scott-Boutell, Portfolio Holder for Waste and Sustainability, explained that she had moved a motion at Council in December 2017 calling on the government to make more plastics recyclable. The Council would look to find ways of increasing rates of recycling further and on plastics in particular. She was aware that some businesses were looking to reduce the use of plastics and urged other business to follow their lead.

Councillor T. Young, Portfolio Holder for Business and Culture, agreed that the issue transcended party politics. He welcomed the steps taken by some business to reduce the use of single use plastics. The Council did need to act and also lobby the government for change. Councillor Lilley, Portfolio Holder for Public Safety and Licensing, explained that the Zones team were introducing a scheme which would allow plastic bottles to be refilled.

Mark Goacher addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) about recycling plastics. The public were not generally aware that a number of plastic products were not recyclable and he queried what percentage of plastic recycling collected was actually recycled. The Council needed to take action to raise awareness. He welcomed the refillable bottle scheme outlined by Councillor Lilley and suggested that the Council consider the reintroduction of water fountains in the town centre. He was disappointed that some business did not take the issue seriously and the Council should use its powers under the Environmental Protection Act 1990 to encourage businesses not to take action which could lead to an increase in litter.

Councillor J. Scott-Boutell, Portfolio Holder for Waste and Sustainability, indicated that she would contact Essex County Council to ascertain the information on recycling rates. Councillor T. Young, Portfolio Holder for Business and Culture, indicated that he would take up the issue of the local business with the Culver Precinct manager. Councillor Lilley, Portfolio Holder for Public Safety and Licensing, explained that he was exploring the issue of providing more recycling bins in the town centre with Essex County Council. He would look into the issue of water fountains.

John Akker addressed pursuant to the provisions of Meetings General Procedure Rule 5(1). It was surprising that Cabinet, as the most senior Committee, did not receive a

report from the leadership or senior management of the Council on the state of the borough as a whole. Given the crisis in local government funding, there was considerable public concern. In addition he considered that Cabinet should also receive a report on the Council's contacts and meetings with central government.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained that there had been provision for such a debate at Full Council, but public attendance had been low. At its meeting on 31 January 2018, the Cabinet had considered the Strategic Plan which set out the priorities for the borough for the next three years. This had been recommended to Council where it had received cross party support. The Council published details of its responses to government consultations on the Council's website. Records of meetings with central government were often kept by government officials, rather than the Council, and there was not currently a procedure for publishing such records. This could potentially be an issue the Governance and Audit Committee could look at.

Councillor Scott addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to request that the Council take back control of highways maintenance from Essex County Council. The highways service was inadequately funded and was unable to effectively prioritise work over such a large area. The condition of the roads had deteriorated in the recent inclement weather. The pavements were in an even worse condition, and as a consequence the elderly and the vulnerable found it difficult to leave their homes. Broome Grove in Wivenhoe was an example. The poor condition of the roads also contributed towards air pollution. Taking back control of the roads would be a major step towards becoming a unitary authority.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated that he supported the concept of a unitary authority. However, there was a danger that if services were taken piecemeal that the necessary level of funding would not follow. Councillor Cory, Portfolio Holder for Resources and Councillor T. Young, Portfolio Holder for Business and Culture, indicated that the condition of Broome Grove had been reported to Essex County Council.

Councillor Laws addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He welcomed the suggestion made at Full Council that a Task and Finish Group or some other cross party group be established to look at heritage issues across the borough. This could look at the Roman Walls and issues around Jumbo. It would be an opportunity to depoliticise some of the issues and work collaboratively.

Councillor T. Young, Portfolio Holder for Business and Culture, thanked Cllr Laws for his comments and agreed that all parties needed to work together on heritage issues so that Colchester could compete on a level playing field with other destinations with a similar heritage offer.

Councillor Barber addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to ask what steps had been taken to initiate greater local control of services. The administration also needed to ensure that information on Vineyard Gate was shared cross party and there was effective public engagement on Vineyard Gate as the project moved forward.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained that a full and fair description of the Vineyard Gate project had been provided at the Scrutiny Panel meeting on 13 March. A request had been made to Essex County Council to transfer all relevant powers to Colchester. Councillor T. Young, Portfolio holder for Business and Culture, explained plans for Vineyard Gate would be published by the end of the month and there would be consultation on the project where appropriate.

Councillor Willetts addressed Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). In the recent poor weather, the Council had implemented an effective plan to deal with the disruption caused to waste collection services. However, this had not been effectively communicated to residents and was overly reliant on the website and digital communication. The communication plan for dealing with such incidents needed to be reviewed.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, thanked Council officers for their work in dealing with the issues raised by the recent poor weather. The communications had been effective in reaching the vast majority of residents. There was a responsibility on Councillors in ensuring that the message was passed through their networks to community groups and parish councils. Social media was an effective way of doing this.

244 Colchester's Housing Strategy 2015 -2020 - update for 2016-17

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. The government had announced £1 billion of additional funding for areas that had a pressing need for affordable housing. Would the Council be bidding to receive some of this funding to help provide affordable housing in the borough?

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained that he had raised this matter with the minister at an LGA event, and the funding would not be available for two years. Once the full details of the scheme were published, the Council would make an application for funding.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet. At the previous meeting of the Cabinet he had raised a number of issues about housing priorities and homelessness which he did not consider had been properly answered. Colchester was the fastest growing borough in the region. The level of affordable housing provided was less than the 30% required by Council policies. The Housing Strategy did not set out how levels of affordable housing would be raised to these levels. The Strategy also failed to deal adequately with the reduction of homelessness and rough sleeping.

Councillor Smith, Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, stressed that the proposals in the Assistant Director's report committed the Council to building more Council housing. This would help offset some, but not all, of the housing the Council lost annually as a consequence of the Right to Buy scheme. The cost of purchasing a home or entering the private rented sector was prohibitively expensive for many residents in Colchester, and government policies made it hard to provide the necessary levels of affordable housing. The provision of garden communities would help address the issue as it would ensure that a significant level of affordable housing was provided, as the Council could control the proportion of affordable housing that was provided.

Councillor Bourne, Portfolio Holder for Housing and Communities, responded to Councillor Willetts and explained that the purpose of the report was to provide an update on the Housing Strategy 2015-2020. It was an evidence based report that contained a significant amount of data. The report demonstrated that the Council was on target to meet its affordable housing target. More detailed reports on specific issues such as homelessness were available. In terms of rough sleepers, a rough sleeper co-ordinator had been appointed in October, and since then 11 rough sleepers had moved into accommodation. This involved a considerable amount of work with partner organisations. Following a visit from the Minister for Housing, the local MP had written to the Council to state how impressed he was with the work to reduce homelessness in Colchester.

The report set out proposals to build new Council housing. The administration had previously had a programme of building Council housing but changes introduced by government to the Housing Revenue Account (HRA) had brought this to an end. The Council had changed some of its policies around refurbishment which had freed up some headroom in the HRA which allowed the Council to proceed with building 20-30 new homes. A more detailed report would be submitted in due course. The Council was also seeking to improve the position for residents in the private rented sector through the provision of adaptations and through the work of the housing enforcement teams. This work had a very real impact on the quality of people's lives.

The Portfolio Holder thanked Tina Hinson, Housing Strategy Manager, and Karen Paton,

Housing Strategy officer, for their work.

Councillor Cory, Portfolio Holder for Resources, highlighted that the Cabinet had also committed £3.6 million toward tackling homelessness at its meeting on 31 January 2018.

RESOLVED that:-

(a) It be agreed in principle that the Council should:

- pursue building new Council homes on suitable housing revenue account (HRA) sites;
- seek to deliver 20 to 30 new Council homes;
- plan to use of 1-4-1 right to buy receipts and up to £5 million of HRA borrowing to fund this development.

(b) A detailed report be brought to a future Cabinet meeting setting out the detailed financial and other considerations regarding building new Council homes.

(c) To continue to make the case to Government that the right to buy scheme needs to work for future generations and meet local need. To achieve this councils need to be able to set discounts locally and keep 100% of sale receipts to replace the homes which are sold.

(d) The update of Colchester's Housing Strategy 2016-17 and in particular the Housing Strategy Progress Report 2017 and Delivery Plan be noted.

REASONS

As set out in the Assistant Director's report.

ALTERNATIVE OPTIONS

Not to pursue building new affordable Council housing. This could result in households in housing need, including households that are homeless, waiting longer to be housed. By not pursuing building new council houses the Council would not be maximising the opportunity presented to use its own land and financial resources to provide much needed affordable homes for those in housing need.

245 Request for Delegated Authority to Agree the Award of a Contract

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

RESOLVED that:-

(a) Responsibility for approval of the award of contract to the Recommended Bidder for the installation of heating systems, bathrooms and kitchens along with the replacement of pitched roofs be delegated to the Portfolio Holder for Housing and Communities.

(b) The Council enter with the successful contractor into a 1 year JCT Standard Form of Measured Term Contract 2016 with the option to extend for a further year.

REASONS

The existing contract period for the provision of HIP work is coming to an end. As a result the work will be 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 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.

246 Northern Gateway Sports Hub - Procurement Strategy

The Assistant Director Commercial 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 to stress the need for continued community involvement and scrutiny as the project developed.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated that it was open to the Scrutiny Panel to include Northern Gateway on its work programme.

Councilor Feltham, Portfolio Holder for Commercial Services, responded to Councillor Barber and introduced the report. There had considerable community involvement all the way through the project. There had been a number of stakeholder meetings and

briefings for parish councils. The Council was aiming to maximise the involvement of residents who were affected by the development. Northern Gateway Sports Hub would take sporting activities in the borough to a new level. The report proposed a two package approach to procurement, which would split out the work into two elements: groundwork, drainage and roads and also design and construction work. Whilst this would involve more officer work, she was confident that officers would manage this effectively.

RESOLVED that:-

(a) The recommended Procurement Strategy as set out in the Assistant Director's report for the purpose of appointing a contractor to build the sports hub comprising grass and artificial pitches, cycle track, sports hall and rugby club pavilion together with associated ground and infrastructure works be approved.

(b) A report outlining the contractor appointment be brought back to Cabinet in June 2018.

REASONS

To provide a framework for consistency in the delivery of this complex project that retains overall control of the process and allows for specialist contractor input and maintains high quality standards, whilst meeting the challenging budgetary and timescales.

In order that the procurement of the contractor can be run simultaneously with the planning application process to enable the delivery timescales to be met.

ALTERNATIVE OPTIONS

Not to agree the recommended procurement strategy. However this would jeopardise the delivery of the project and would introduce delays to the procurement of contractors

As set out in the Assistant's Director's report, various options regarding the type of work package and method of procurement have been considered.

247 Housing Company - Financing Arrangements

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

RESOLVED that:-

- (a) Authority be delegated to the Portfolio Holder for Resources the detailed funding arrangements in respect of loans and equity for Colchester Amphora Housing Limited (CAHL).
- (b) £250k of equity be invested in CAHL funded from New Homes Bonus as set out in the Assistant Director's report.

REASONS

Further work is being carried out to determine the detailed funding packages for CAHL. The report to Cabinet in June 2017 stated that further financial and site modelling work would be required before any funds were committed by the Council. At this point work is ongoing to review and establish the most state aid and lending market compliant funding mix. This will include consideration of the financial implications for the Council. The proposed equity investment of £250k will enable CAHL to progress the company's business plan aspirations whilst appropriate funding options are explored.

ALTERNATIVE OPTIONS

Given the scope of the Amphora Homes Business Plan it is important to ensure that the funding mix supporting this is compliant in terms of Corporation Tax liabilities and State Aid and further work is being done to establish this. The scheme work to take forward the Business Plan however has commenced in earnest and is currently progressing swiftly. Delegating detailed funding arrangement to the Portfolio Holder means a decision on the funding mix can be made quicker. Not confirming a compliant funding mix would expose the Council to State Aid noncompliance risk. It would also slow the pace and progress of the work now being undertaken to initiate the delivery of the Business Plan as no investment can be made until the funding mix is agreed and reflected in the Loan Agreement between CBC and CAHL. Finally not agreeing the proposed equity investment of £250k would also mean that CAHL would not have the resources to continue to work up and progress the housing development sites in the current programme thereby delaying the implementation of the Business Plan.

248 Risk Based Verification

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

Councillor Willetts attended and with the consent of the Chairman, addressed the Cabinet. He noted the process that had led to the auditor's recommendation that the Risk Based Verification policy be formally reviewed and agreed. The auditors had estimated that the value of the errors based on the policy was £75,000. Whilst it was

accepted that this was a very small proportion of the overall benefits budget, it was noted that the auditors refused to put a confidence level on this figure. It was suggested that the Council's finance team review this to ensure that there was no significant underlying issue.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, responded and stressed that the recommendation from the auditors was purely procedural and that the issue was fully dealt with by the actions proposed in the report.

Councillor Cory, Portfolio holder for Resources, stressed that the recommendation in the report would deal with the issue identified by the auditors. He and the auditors had full confidence in the performance of the benefits team

RESOLVED that:-

- (a) The Risk Based Verification Policies for 2016/2017 be adopted.
- (b) The Risk Based Verification Policies for 2017/2018 be adopted
- (c) The Risk Based Verification Policy for 2018/2019 be adopted.

REASONS

The Department for Work and Pensions recommends that Risk Based Verification policies are examined through a governance process following Section 151 Officer recommendation.

ALTERNATIVE OPTIONS

Risk Based Verification policies are required to be adopted to adhere to Department for Work and Pensions guidance.

A manual process of Risk Based Verification could be introduced. This is not recommended at this stage due to the current level of new claims still being received. This will be reviewed in future years and considered once the impact of Universal Credit is known.

249 Progress of Responses to the Public

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

RESOLVED that the contents of the Progress Sheet be noted.

REASONS

The progress sheet was a mechanism by which the Cabinet could ensure that public statements and questions were responded to appropriately and promptly.

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

250 Thanks

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, noted that this was the last Cabinet meeting of the municipal year and thanked the members of the Cabinet for their service. He also thanked those Councillors and members of the public who had attended Cabinet, and those officers supporting the Cabinet. Councillor T. Young thanked Councillor Smith for his work as Chairman of Cabinet.

251 Minutes (Part B)

The Cabinet resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

RESOLVED that the not for publication extract from the minutes of the meeting held on 31 January 2018 be confirmed as a correct record.