

# Cabinet

Wednesday, 06 July 2022

**Attendees:** Councillor Mark Cory, Councillor Pam Cox, Councillor Adam Fox, Councillor Martin Goss, Councillor David King, Councillor Andrea Luxford Vaughan, Councillor Steph Nissen, Councillor Julie Young

## **No. Publication and Call In Arrangements**

Date Published 7 July 2022

Date when decisions may be implemented (unless 'called in') 5pm 14 July 2022.

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 14 July 2022.

## **669 Minutes of Previous Meeting**

*RESOLVED* that the minutes of the meetings held on 25 May 2022 and 8 June 2022 be confirmed as a correct record.

## **670 Urgent Items**

The Chair announced that he had agreed to consider the recommendations made by the Scrutiny Panel at its meeting on 5 July 2022 in respect of Council Tax Rebate, Haven Road Flooding and Bus Service Provision. The urgency arose from the need to consider the recommendations before the next scheduled meeting of Cabinet on 7 September 2022.

Councillor Willetts, Chair of the Scrutiny Panel, attended and with the consent of the Chair addressed Cabinet to introduce the recommendations.

### **Council Tax Rebate**

Councillor Willetts explained that the Panel had looked in detail at the processes around the scheme for payment of the Council Tax rebate and it was working very well. Of the £10 million pounds available, 82% of claims had been processed. There were three categories of claims:

- Those who paid by direct debit, for whom the Council could pay the rebate direct into their bank account. 97% of such payments had been made;
- Those who had a Council Tax account who paid by another method and for whom the Council needed to obtain bank account details. 25%% of this group had received their rebate payment and the project to identify and pay this group was well under control.
- The hardest to reach group were those who paid Council Tax but whose details were not known. It was estimated that this was approximately 2000 people. It would take considerable effort to identify this group and it was payments to this Group that the Panel was most concerned about.

The Panel had also looked at the discretionary scheme which covered some of the more difficult issues, such as payments to those in Houses of Multiple Occupation.

The overall funding had to be reconciled and reported back to government by the end of September and any unspent funding returned to government, so it was important the Cabinet ensured progress continued at a pace. It was important that all the funding was used in the interests of those in real need. The Panel were satisfied this was likely to happen and were satisfied that the processes used by officers to identify those eligible for payment were robust. The Panel had recommended to Cabinet the crediting of eligible Council Tax accounts as a last resort.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, thanked Councillor Willetts for his comments and the Panel for the scrutiny and challenge it provided. Councillor Cory, Portfolio Holder for Resources, welcomed the support for the Council's policy of getting payments to those in need as quickly as possible. Cabinet was content to accept the recommendation from the Scrutiny Panel.

**RESOLVED** that

- (a) Cabinet acknowledges and continues to approve of the measures being used by officers to identify those eligible for Council Tax rebates and to pay out these rebates, in line with the robust assurances provided to, and accepted by, the Scrutiny Panel
- (b) Cabinet approves of the crediting of eligible Council Tax accounts, as a last resort and where other options for payment of a rebate have been exhausted.

### **Haven Road Flooding**

Councillor Willetts explained that the Panel had looked at the long and complex history of this issue. Whilst the Council was not the responsible authority for flooding but it did have land interests in the area. The Member of Parliament had established a Task Force of interested groups which had identified the problem but there was no ownership of the solution. The Panel believed that what was needed was a co-ordinator with project management skills to provide guidance and co-ordinate the delivery of a solution. Whilst the MP's office did not have those skills, the Borough Council did.

Councillor Luxford Vaughan, Portfolio Holder for Planning and Infrastructure,

explained that the Task Force was making progress. A pump had been identified and the Council had allocated funding towards the purchase. It would be more appropriate to have further discussion with the Task Force to establish their views on what was needed to successfully resolve the issue before agreeing to a course of action.

Councillor Fox, Portfolio Holder for Local Economy and Transformation explained that he was a member of the Task Force. He welcomed the work of the Scrutiny Panel on the issue. The Council needed to be mindful that Essex County Council was the responsible authority, and they had the experience of managing large infrastructure projects such as this. Colchester Borough Council was a willing partner but needed to recognise the skills across all the agencies involved.

Councillor King explained that the recommendation was welcomed and whilst the Council was content to contribute towards a solution, it needed to recognise that it was not the lead authority and should not cut across the work of the responsible authority. However, it was willing to make it clear that it was content to look afresh at how it could work with partners to help find a solution.

*RESOLVED* that Cabinet explore afresh how it can assist the multi-agency Hythe Task Force on project management and in other ways.

### **Summary of previous Scrutiny Panel reviews into bus service provision**

Councillor Willetts explained that the Panel at looked at issues relating to bus services on two previous occasions. It was not minded to scrutinise directly the work of the bus companies again at this stage. However, the Panel had noted that there were major strategies and projects being formulated presently and it was important that improved bus service provision be considered as these were developed. For example, the different levels of provision across the borough needed to be considered as part of the Levelling Up agenda and the Town Centre Masterplan.

Councillor Luxford Vaughan explained that bus services would be addressed by the Town Centre Masterplan, but this was limited by the funding, which was coming from the Town Deal fund and Levelling Up funds and was specific to the town centre. Therefore, this work would not address some of the more borough wide issues on bus services identified by the Panel. This would need to be looked at it in due course.

Councillor King indicated that Cabinet would accept the recommendation and look at how these issues could be looked at further.

*RESOLVED* that Cabinet conducts work to consider and examine the potential ways in which the Council can push for improved bus service provision through the Borough, and promote its use by the public, in the context of the Council's current and emerging strategic plans and policies

Cabinet. Given the cross party opposition to the inclusion of Middlewick in the Local Plan would the Portfolio Holder support a scoping exercise to establish the likely costs of a focused review with the intention of swapping the Middlewick site out of the Local Plan, possibly to be replaced by fields to the south of the Wick, which were also owned by the Ministry of Defence. It was understood that such a review would take two to three years. A review would be needed in this timescale in any case, but this would signpost at an early stage that the Council was looking to make this change. It would also provide an opportunity to consider the additional research that had been made available by the Save the Wick Group.

Councillor Luxford Vaughan, Portfolio Holder for Planning and Infrastructure, indicated that officers would look at reopening negotiations with the Ministry of Defence to seek their views on moving the development to a different site. Given the restrictions on the site imposed by the Inspector this might receive a more positive response now. In terms of a review, whilst the Plan had been adopted there would now be a grace period whilst any application for judicial review could be made and then officers would need to concentrate on the introduction and implementation of new policies.

Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste, and also Chair of the Local Plan Committee, explained that the review of the Local Plan was a matter for the Local Plan Committee and not Cabinet. A Plan would normally be reviewed three years after adoption, and it could not be reviewed immediately after adoption. Any review needed to be undertaken by the Local Plan Committee and follow due process. Once the Plan was reopened it would be governed by the updated National Planning Policy Framework and increased housing numbers.

## **672 Addressing the Cost of Living Crisis**

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

Sam Preston, Group Manager Customer, made a presentation to the Cabinet setting out the work of the Council's Communities and Customer teams in supporting residents. It set out the current schemes in place to help residents, the work undertaken with partner authorities and the funding streams available.

At the conclusion of the presentation members of the Cabinet explored issues around the continuing impact of Covid and how the Council was seeking to connect with hard to reach groups. It was explained that in terms of Covid, the support that was required to be given to businesses and residents took officers away from their usual roles. In addition, some business continued to be impacted by Covid which increased the number of residents in need. In terms of outreach, there was a balance to be reached between promotion and the delivery of services. The service was working in many separate locations. More work could be done with councillors to ensure services were being delivered in the right places. Considerable work was being undertaken with the Department of Work and Pensions to deliver services direct into communities. Work was also underway with the Communications team to target specific groups through the use of targeted social media and through analysis of data. This aimed to ensure

that those in need were aware of the services the Council provided and that the Council would help them obtain the support they were entitled too.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, thanked Sam and her team for the valuable work they provided. The use of data and targeted communications to specific groups was supported and the need to tap into Councillors knowledge of their wards was emphasised. If further resource was needed to support this work this needed to be highlighted to Cabinet.

Councillor Fox, Portfolio Holder for Local Economy and Transformation, emphasised that this work was the Council's main priority, and the administration would not be distracted from the delivery of its three-point plan. This was only the start as the situation would worsen in the winter. The importance of getting messages out to those groups who might need to access Council support for the first time was emphasised.

*RESOLVED* that the three-point plan outlined in the Assistant Directors' report be approved and officers be enabled to plan and deliver an integrated programme of work with partners.

#### *REASONS*

The plan outlined in the Assistant Directors' report makes use of existing partnerships, structures, workplans and programmes to support the Borough's residents through this crisis

#### *ALTERNATIVE OPTIONS*

To reject the plan or agree an alternative.

**673**

### **Shared Prosperity Fund**

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

*RESOLVED* that:-

- (a) The thematic and geographic focus of Colchester's Shared Prosperity Fund Investment Plan currently in preparation, with reference to the published Shared Prosperity Fund eligibility criteria, be endorsed.
- (b) Further work on this Investment Plan be undertaken including engaging with key stakeholders to confirm their support.
- (c) Authority for the final approval of the bid submission be delegated to the Portfolio Holder for Strategy in liaison with the Head of Finance, and thereafter its submission to the Department for Levelling Up, Housing and Communities on or before 1 August 2022 by officers.

#### *REASONS*

Approval to proceed and submit an Investment Plan will build upon the strong foundations set by other levelling up activities, potentially attracting further substantial investment into some projects over time.

The draft proposals in the Investment Plan, which are subject to change, outlined in this report best meet the criteria set out at section 1 of the Assistant Director's report and will further boost Colchester's opportunities to realise its economic and skills development, place-making, inward investment, and regeneration ambitions.

### *ALTERNATIVE OPTIONS*

No alternative options have been presented to Cabinet. As the UKSPF is not a bid but an allocation of Government funding to Colchester. Some of the interventions included in the SPF Investment Plan see this as the opportunity as funder of last resort as they are unlikely to attract suitable investment from other sources; and cannot be funded within the Council's resources.

## **674 Policy Panel Work Programme**

Cabinet considered draft minutes 47-48 of the Policy Panel meeting on 15 June 2022, a copy of which had been circulated to each member.

Councillor Scott-Boutell, Chair of the Policy Panel, attended and with the consent of the Chair addressed Cabinet. She thanked the Leader of the Council for attending the meeting of the Policy Panel and endorsed the recommendation to Cabinet. It was noted that some of the recommendations might require some further information or further clarification, but the Panel was keen to begin work. In respect of the recommendation around the enforcement of planning conditions, it was noted that a member briefing was being organised. The Panel was willing to work in collaboration with other Panels where necessary

Councillor Cory, Portfolio Holder for Resources, welcomed the recommendation which contained a number of interesting and relevant areas of work, and welcomed the opportunities for joint working. Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that the Cabinet welcomed the proposals and would agree to all except the recommendation about enforcement of planning conditions, which would be more appropriately dealt with by either the Planning Committee or the Local Plan Committee.

*RESOLVED* that Policy Panel be given approval to examine the following subjects as part of its work programme:-

- a) City Status, ramifications and opportunities
- b) New voter ID requirements
- c) Cost of living crisis
- d) Green/Blue infrastructure strategy update
- e) Developing the roles of Colchester Borough Council Champions

f) Climate Change Policy [potentially in cooperation with the Environment and Sustainability Panel]

### *REASONS*

The Cabinet supported the recommendation that Policy Panel look at the subjects identified but considered it was more appropriate that the issue of enforcement of planning conditions be looked at by the Planning Committee or Local Plan Committee.

### *ALTERNATIVE OPTIONS*

It was open to Cabinet not to agree to the proposal made by the Policy Panel in respect of its work programme.

## **675 Colchester's new Housing Strategy 2022-27**

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

Councillor J. Young, Portfolio Holder for Housing and Communities, introduced the report. There had been wide consultation on the new Housing Strategy. It had been considered by both the Colchester Borough Homes Board and the Scrutiny Panel.

A Housing Strategy was a statutory requirement. The key priorities that the new Housing Strategy addressed were supply, sustainability, structure and preventing homelessness. Supply was vital as there were 3000 residents on the Housing Register. This was being addressed by a variety of sources such as planning gain and initiatives such as the 100 Homes project and the redevelopment of garage sites. Sustainability involved ensuring that people were supported to maintain their tenancies whilst structure involved ensure housing was of decent quality and was environmentally sustainable. A separate Homelessness and Rough Sleeping Strategy sat under the Housing Strategy.

Councillor Luxford Vaughan, Portfolio Holder for Planning and Infrastructure, sought further information as when the Strategy would be reviewed and whether the likely impact of the Social Housing Reform Bill had been taken into account.

Councillor J. Young explained that officers were looking at the implications of the Bill and a briefing note would be prepared for Cabinet members. The Strategy would be reviewed if any legislation had a significant impact upon it.

*RESOLVED* that the new Housing Strategy 2022-27 for Colchester be approved.

*RECOMMENDED TO COUNCIL* that the Housing Strategy be adopted as part of the Council's Policy Framework.

## *REASONS*

The Council has a statutory responsibility to produce and publish a Housing Strategy based on a review of housing in the borough.

## *ALTERNATIVE OPTIONS*

To not adopt the Housing Strategy. There are clear risks to not having a robust evidence based strategy in place such as not achieving local priorities, not being able to evidence and articulate Colchester Borough Council's wider vision for housing and not providing a strong focus to our partners about their contribution to meeting our priorities.

### **676 Budget Strategy 2023-24**

The Deputy Chief Executive submitted a report a copy of which had been circulated to each Member.

Councillor Cory, Portfolio Holder for Resources, introduced the report and highlighted the proposal to bring forward £250 000 of the planned 2023/24 reserve to address the cost of living crisis, which was the Council's main priority. The report also proposed a timetable and process which would allow the budget setting process to begin and also highlighted some technical accounting changes., particularly in respect of minimum revenue provision. This allowed loans to be made to Colchester Amphora Housing Ltd without the need for minimum revenue provision.

*RESOLVED* that:-

- (a) The revised Medium Term Financial Forecast set out in Appendix A of the Deputy Chief Executive's report be noted.
- (b) The Budget Timetable for 2023/24 as set out in Section 13 of the Deputy Chief Executive's report be noted.
- (c) £250k of the planned 2023/24 reserve usage be brought forward to address the cost of living crisis.

## *REASONS*

The Deputy Chief Executive's report enables the Council to begin the 2023/24 budget process.

## *ALTERNATIVE OPTIONS*

No alternative options as the Council is obliged to balance its budget on an annual basis.



**Sale of 125 Gosbecks Road, Colchester**

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

Councillor Cory, Portfolio Holder for Resources, introduced the report and explained this was a former Colchester Borough Homes site that was no longer required. The disposal of the site would generate a receipt which support future opportunities. Cabinet had asked officers to look again at the recommended scheme to ensure that it reflected the Council's strategic priorities.

*RESOLVED* that:-

- (a) The disposal of 125 Gosbecks Road on the terms set out in Parts A and B of the Assistant Director's report be noted.
- (b) The offers received as set out in Appendix A of Part B of this report be noted and if the winning party does not perform the disposal to an alternative bidder, in sequential preference, be agreed.
- (c) Authority be delegated to the Assistant Director of Place and Client Services, in consultation with the Portfolio Holder for Resources to negotiate terms, conclude the legal documents or any relevant consequential matters to complete the disposal.

**REASONS**

The property is surplus to requirements, including for alternative Council purposes. It has been fully marketed and a number of offers were received for the property. The receipt will be reinvested in the provision of public services and strategic projects that provide wider benefits than this site would be able to achieve on its own.

**ALTERNATIVE OPTIONS**

Do nothing. This is not a viable option given the Council's vacant property strategy and vacant property costs.

The Council could continue to occupy the property. This is not a viable option as there is no operational requirement.

The Council could lease out the building for its current or an alternative use. However, the building would need a substantial amount of expenditure, for example to upgrade the mechanical and electrical services and demand for uses such as office is currently poor.

The Council could redevelop the site itself. This has been reviewed but the site does not currently fit within the required development scope of the Council, including those

set for the New Council Housebuilding Programme, or its commercial companies.

## **678 Member Development Group Annual Report 2021-22**

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

Councillor Fox, Portfolio Holder for Local Economy and Transformation, introduced the report and stressed the importance of member development. He thanked the members of the Member Development Group and the Democratic Services team for their work in ensuring the continued provision of member development. The successful assessment and award of the Councillor Development Charter was noted, and the areas of continuous improvement suggested by the assessment team would be taken forward by the Group.

Councillor Nissen, Portfolio Holder for Environment and Sustainability, highlighted the strengths identified by the Assessment Team and considered these should be given greater emphasis and promoted more widely. Councillor Fox agreed, but also emphasised the recommendation that a more focused approach be taken to promoting the role of Councillor in order to increase diversity. There was a need to ensure that the Council was fully representative of Colchester.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, welcomed the report and felt that the Group should look again at seeking accreditation at Charter Plus level in future.

*RESOLVED* that:-

- (a) The report of the Member Development Group on the work of the Group in the 2021-22 municipal year be received and noted.
- (b) The successful outcome of the assessment for the Councillor Development Charter be noted.

### *REASONS*

The Member Development Group is required to report to Cabinet on an annual basis. This provides Cabinet with an opportunity to review the work of the Group and the provision of member development.

### *ALTERNATIVE OPTIONS*

No alternative options were presented.

**679 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.

**680 Sale of 125 Gosbecks Road, Colchester - 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.**

The Assistant Director, Place and Client Services, submitted a report containing part B information in support of the report in Part A of the agenda, a copy of which had been circulated to each Member.

*RESOLVED* that the report be noted.

*REASONS*

As set out in minute 677.

*ALTERNATIVE OPTIONS*

As set out in minute 677.

Also in attendance: Councillors Kirkby-Taylor, Scott-Boutell, Sunnucks, Willetts