

Cabinet Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 15 March 2017 at 18:00**

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

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COLCHESTER BOROUGH COUNCIL
Cabinet
Wednesday, 15 March 2017 at 18:00

Members:

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

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

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

1 Welcome and Announcements

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

2 Urgent Items

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

3 Declarations of Interest

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

may wish to note the following:-

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

4 Minutes

To confirm as a correct record the minutes of the meeting held on 1 February 2017.

Minutes 01-02-17

7 - 16

5 Have Your Say!

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

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

6 Call-In Procedure

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

7 Resources

- 7(i) **Colchester Northern Gateway Heat Network** 17 - 26
See report from the Head of Commercial Services

8 Strategy

- 8(i) **Senior Management Restructure** 27 - 44
See report by the Chief Executive

9 Housing and Public Protection

- 9(i) **Disposal of Maytree Court, Tiptree** 45 - 50
See report by the Head of Commercial Services
- 9(ii) **External Painting and High Level Works Contract** 51 - 56
See report by the Head of Commercial Services

10 General

- 10(i) **Progress of Responses to the Public** 57 - 60
To note the Schedule of Responses to the Public

11 Exclusion of the Public (Cabinet)

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

Part B

(not open to the public including the press)

12 Resources - Part B

12(i) Colchester Northern Gateway Heat Network - Approval of Full Business Case

See report by the Head of Commercial Services

13 Housing and Public Protection - Part B

13(i) External Painting and High Level Works Contract - Part B

See report by the Head of Commercial services

<p style="text-align: center;">CABINET 1 February 2017</p>
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Present: - Councillor Smith (Chairman)
Councillors Bourne, Cory, Feltham, Graham, Lilley, B.
Oxford and T. Young

Also in attendance: - Councillors Hazell, G. Oxford, Warnes, Willetts

133 Minutes

RESOLVED that the minutes of the meeting held on 20 December 2016 be confirmed as a correct record.

Councillor Smith (as a Director of North Essex Garden Communities Limited) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

134. North Essex Garden Communities – Kerslake Peer Review

The Strategic Director – Commercial and Place submitted a report a copy of which had been circulated to each Member.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated that he had agreed that Cabinet should consider the Kerslake Peer Review as an urgent item, in accordance with the undertaking given at the Cabinet meeting on 30 November 2016 that it be reported to Cabinet at the earliest opportunity.

Ian Vipond, Strategic Director, Commercial and Place, introduced the report to the Cabinet and explained the background to the Peer Review. The purpose was not to look at the merits of the individual sites, but to assess whether the authorities were approaching the project in an appropriate way. It had concluded that the North Essex Garden Communities Project was a project of national strategic importance and was an excellent example of cooperation between authorities. It had highlighted a number of challenges including the capacity of the partner authorities to deliver the project, the timetable for delivery and the need to engage with government at a high level, particularly on the delivery of key infrastructure. An initial response to the Peer Review had been published and the authorities were now considering the recommendations in detail.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet. The report of the Peer Review supported the position of the Conservative Group on the Garden Communities project. It highlighted the difficulties of developing some of the sites, in particular the West Colchester garden community, which was dependent on the A120 upgrade and for which there were also complex landownership issues. The report also indicated that the delivery team was too small to deliver the next stage of the project and highlighted the financial risk to which local taxpayers would be exposed. The conclusions

of the Peer Review supported the Conservative Group's view that the project should be approached with caution, and that the Council should build expertise by proceeding with the low risk Tendring/Colchester borders garden community initially.

Councillor Smith, Leader of the Council and Portfolio for Strategy, highlighted the standing and expertise of the members of the Peer Review team, who had been prepared to work on the Peer Review as they believed it was an ambitious project and an excellent example of partnership working. It would address the issue of housing being built before the necessary infrastructure was in place. The project was supported by Essex County Council and the Conservative groups in Braintree and Tendring. Whilst there were risks involved, the greater risk was not to proceed.

RESOLVED that:-

(a) The Kerslake Review Report provided at Appendix A of the Strategic Director's report be noted;

(b) The North Essex Garden Communities' partnership initial response provided at Appendix B of the Strategic Director's report and the intention of the partnership to draw up actions to address the Report's recommendations be noted.

REASONS

Cabinet had previously supported the programme to investigate the potential of Garden Communities across North Essex. The purpose of the report was to brief Cabinet on the outcome of the Lord Kerslake led Peer Review, to note the partnership's initial response and the next steps in responding to the recommendations of the Review.

ALTERNATIVE OPTIONS

No alternative options were presented.

135. Have Your Say!

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). Whilst he was pleased to hear that St James House was due to be demolished, he queried why had it taken so long to reach this stage. He also asked what action would be taken to improve recycling in blocks of flats. He also believed that the Council should put more effort into its communications on issues that directly affected residents. These needed to be less bureaucratic, and more effort should be made to get out into communities such as Mersea and Tiptree.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, highlighted a number of recent or forthcoming events where the Council had held meetings in Tiptree. Councillor T. Young, Portfolio for Culture and Regeneration, explained that he also welcomed the redevelopment of the St James House site, which would greatly improve the area. Whilst it had taken some time, it had been important to get the scheme right. Councillor Graham, Portfolio Holder for Waste and Sustainability, indicated that the Council would look at recycling for flats once the forthcoming changes to the waste collection service had been implemented.

Nicholas Bown addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He highlighted the impact of homelessness and asked the Council to consider establishing a Task Force to deal with homelessness. He asked what action was being taken to help rough sleepers, particularly as temperatures began to drop below zero. The Council should look at what actions other authorities took. He asked what housing stock the Council had available and what funding was available to help with homelessness.

Councillor Bourne, Portfolio Holder for Housing and Public Protection, responded and indicated a written response would be sent to address his detailed questions. However, Councillors were in contact with vulnerable people on a daily basis. In 2010 the Council had undertaken a proactive approach to deal with the impact of welfare reforms and set up multi-disciplinary teams to help vulnerable residents. This had fundamentally changed the Council's practice and enabled better informed decisions to be taken. Funding to the voluntary sector had increased. The Council did look at what other authorities provided, but was often at the forefront of good practice. The Council's housing stock was fully utilised but was being reduced by right to buy. It had built 34 new units, but changes in government policy meant that it could not build new housing.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, highlighted that in the period April – September 2016, the Council had prevented 163 cases of homelessness. It had also increased funding to a rent deposit scheme and a scheme to help vulnerable residents purchase furniture and white goods.

Debbie Munson addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) about the closure of Empire Skatepark. This was the hub of the local skating scene. It was heavily used by young people and a number had been inspired to become professional skateboarders. A number of prospective Olympians trained there. The closure of the Skatepark meant that they had lost their training resource. Young people using the facility gained confidence, direction and acceptance through their skateboarding. Skateboarding appealed to people who were not drawn to other more traditional sports. If it was not kept open, many would be forced to use other less safe skateparks, where there were issues of drugs and gangs. Skateboarding should also be considered as a potential sport for Northern Gateway.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, Councillor Cory, Portfolio for Resources and Councillor T, Young, Portfolio Holder for Culture and Regeneration, responded and thanked Debbie Munson for highlighting this issue. The value of such facilities for young people was understood. It was disappointing that it had been the commercial arm of the Jack Petchey Foundation which had served notice on the Empire Skatepark. This seemed inconsistent with their aim of helping young people. However, they had refused to discuss the issue with the Council. The Council would help the Skatepark look for alternative sites and other sources of funding, and would contact them this week.

136. 2017/18 General Fund Revenue Budget, Capital Programme and Medium Term Financial Forecast

The Assistant Chief Executive submitted a report a copy of which had been circulated to each Member together with minutes 104 and 105 of the Scrutiny Panel meeting of 31 January 2017.

Councillor Cory, Portfolio Holder for Resources, introduced the budget. This would protect and promote the people of Colchester. It would help protect residents from the impact of the significant reductions in the funding from central government. Despite these cuts in funding, there were no cuts to Council services. The New Homes Bonus was be used largely to invest in and support projects, rather than to support the base budget. In particular it would be used to support Strategic Plan priorities such the proposals for a housing development vehicle, sport and leisure facilities at Northern Gateway and projects to support vulnerable communities. Locality budget would also be maintained, which would also help local communities.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, Councillor Feltham Portfolio Holder for Business, Leisure and Opportunities, and Councillor T. Young, Portfolio Holder for Culture and Regeneration, also expressed their support for the proposals and paid tribute to Councillor Cory and officers for bringing forward a budget that did not cut frontline services, given the reductions in funding. This was a consequence of the more commercial approach taken by the Council and its success in increasing income. The continued investment in sport and leisure and culture was also highlighted.

RESOLVED that:-

(a) It be noted that for the purpose of assessing the impact on balances the outturn for the current financial year is forecast to be an overspend of £240k (see paragraph 3.4.of the Assistant Chief Executive's report).

(b) The provisional Finance Settlement figures set out in Section 4 of the Assistant Chief Executive's report showing a cut to the Settlement Funding Assessment of £980k be noted.

(c) The figures for the business rates retention scheme and the arrangements for completion of the required return of estimated business rates income as set out at paragraph 4.8 of the Assistant Chief Executive's report be noted.

(d) The changes made to the New Homes Bonus scheme and the grant reduction in 2017/18 of £931k as set out in section 4 of the Assistant Chief Executive's report, with further reductions in the grant in later years, be noted.

(e) The cost pressures, growth items, proposed use of New Homes Bonus, savings and increased income options identified during the budget forecast process as set out at in section 5 and detailed in Appendices C, D and E of the Assistant Chief Executive's report be approved.

(f) The 2017/18 Revenue Budget requirement of £25,911k (paragraph 5.16 of the Assistant Chief Executive's report) and the underlying detailed budgets set out in summary at Appendix F and Background Papers to the Assistant Chief Executive's report be agreed

and *RECOMMENDED TO COUNCIL*, subject to the final proposal to be made in respect of Council Tax.

(g) Colchester's element of the Council Tax for 2017/18 at £180.18 per Band D property, which represents an increase of £4.95 (2.8%) from the current rate be *RECOMMENDED TO COUNCIL*, noting that the formal resolution to Council will include Parish, Police, Fire and County Council precepts and any changes arising from the formal Finance Settlement announcement and final completion of the business rates NNDR. This will be prepared in consultation with the Leader of the Council.

(h) The Revenue Balances for the financial year 2017/18 as set out at Appendix J of the Assistant Chief Executive's report be agreed and it further be agreed that:-

- the minimum level be set at a minimum of £1,900k
- £499k of balances, including sums carried forward from 2016/17, be applied to finance items in the 2017/18 revenue budget

(i) The updated position on earmarked reserves set out in section 8 of the Assistant Chief Executive's report be noted and the following releases be agreed-

- £20k from the section 106 monitoring reserve
- £489k from the business rates reserve.
- £325k use of capital expenditure reserve for ICT strategy
- £150k use of parking reserve

(j) £3.173m be used from a combination of General Fund balances and reserves to fund the one off pension fund payment and provision be made within the budget in 2018/19 and 2019/20 to reinstate these balances as set out in section 8.

(k) It be agreed and *RECOMMENDED TO COUNCIL* that £100k of Revenue Balances be earmarked for potential unplanned expenditure within the guidelines set out at paragraph 9.3 of the Assistant Chief Executive's report.

(l) The Medium Term Financial Forecast for the financial years 2017/18 to 2020/21 set out in section 11 of the Assistant Chief Executive's report be noted.

(m) The position on the Capital Programme shown at section 12 of the Assistant Chief Executive's report be noted and it be agreed and *RECOMMENDED TO COUNCIL* that the following items be included in the Capital Programme:-

- £857k for changes to the waste service as agreed by Cabinet.
- £500k to deliver new social housing funded from the HRA Right to Buy Reserve

(n) The comments made on the robustness of budget estimates at section 13 of the Assistant Chief Executive's report be noted.

(o) The 2017/18 Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy as set out in the background paper at Appendix N of the Assistant Chief Executive's report be approved and *RECOMMENDED TO COUNCIL*.

REASONS

The reasons for the decisions were set out in detail in the Assistant Chief Executive's report.

ALTERNATIVE OPTIONS

Various options were investigated at every stage of the budget setting process.

Councillors T. Young (as Chairman of Colne Housing) and Bourne (as a Trustee of Beacon House) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5)

137. Housing Revenue Account Estimates 2017/18

The Head of Commercial Services submitted a report a copy of which had been circulated to each Member together with minute 105 of the Scrutiny Panel meeting of 31 January 2017.

Councillor Bourne, Portfolio Holder for Housing and Public Protection, introduced the report, and highlighted in particular the proposed housing rent levels. The average rent would be £86.31 per week. This led to high demand from residents to be accepted on the housing needs register, It therefore needed to be banded to ensure that housing was allocated to those most in need.

RESOLVED that:-

- (a) The 2017/18 HRA revenue estimates as set out in Appendix A of the Head of Commercial Services report be approved.
- (b) The dwelling rents as calculated in accordance with central Governments rent policy (set out in paragraph 4.7 of the Head of Commercial Services report) be approved.
- (c) The HRA revenue funded element of £6,747,300 included within the total management fee for Colchester Borough Homes (CBH) (set out in paragraph 4.13 of the Head of Commercial Services report) be approved.
- (d) The inclusion of a revenue contribution of £3,614,000 to the Housing Investment Programme in the budget be noted (paragraph 4.28 of the Head of Commercial Services report).
- (e) The HRA balances position in Appendix B of the Head of Commercial Services report be noted.

(f) The Medium Term Financial Forecast (MTFF) set out at Appendix C and the 30 Year HRA financial position set out at Appendix E of the Head of Commercial Services report be noted.

REASONS

Financial Procedures require the Head of Commercial Services to prepare detailed HRA estimates for approval by the Cabinet, setting the new rent levels for the new financial year.

ALTERNATIVE OPTIONS

No alternative options were proposed but it was open to the Cabinet to approve different proposals to those set out in the Head of Commercial Services report.

Councillors T. Young (as Chairman of Colne Housing) and Bourne (as a Trustee of Beacon House) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5)

138. Housing Investment Programme 2017/18

The Head of Commercial Services submitted a report a copy of which had been circulated to each Member together with minute 105 of the Scrutiny Panel meeting of 31 January 2017.

Councillor Bourne, Portfolio Holder for Housing and Public Protection, introduced the report and stressed the need to ensure the Council's housing stock was in a good condition, so tenants were provided with high quality accommodation. The Council's housing stock was its largest asset. Much of the work to maintain and improve the housing stock was undertaken by local contractors and therefore helped the local economy.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, highlighted that the Council had to set aside £1.14 million of the Housing Investment Programme to cover the estimated impact of the Higher Value Voids Levy.

RESOLVED that:-

- (a) The Housing Investment Programme for 2017/18 be approved.
- (b) The Capital Medium Term Financial Forecast (CMTFF) set out at Appendix A of the Head of Commercial Services report be noted.

REASONS

Each year as part of the process to agree the Council's revenue and capital estimates the Cabinet is required to agree the allocations to the Housing Stock Investment Programme. These allow for work to be undertaken to maintain, improve, and refurbish the housing stock and its environment.

Following the Cabinet meeting on 30 November 2011 it was agreed in principle to accept a proposed 5 year Housing Investment Programme (HIP) as the framework for procuring

housing related planned works, improvements, responsive and void works and cyclical maintenance, subject to overall budget decisions in January 2012 and annually thereafter.

It was also agreed that the proposed 5 year investment programme would be linked to the Asset Management Strategy (AMS) and reviewed annually in the light of available resources and for each annual allocation to continue to be brought to Cabinet for approval as part of the overall HIP report.

The Colchester Borough Homes (CBH) Board has been apprised of the content of the Cabinet report submitted on the 30 November 2011 and is now seeking approval for the 2017/18 Capital programme.

The report by the Head of Commercial Services seeks the release of funds under grouped headings as described in the AMS and supported by the Management Agreement dated 9th August 2013, which governs the contractual relationship between Colchester Borough Council (CBC) and CBH.

ALTERNATIVE OPTIONS

No alternative options were proposed but it was open to the Cabinet to approve different proposals to those set out in the Head of Commercial Services report.

139. Half-Yearly Performance Report Including Progress on Strategic Plan Action Plan

The Assistant Chief Executive submitted a report a copy of which had been circulated to each Member together with minute 100 of the Scrutiny Panel meeting of 13 December 2016.

Councillor Willetts attended and with the consent of the Chairman addressed the Cabinet to express his concern about the performance on K1 P2 (Planning Appeals allowed against a decision to refuse) and K1 W1 (Residual waste per household). In respect of planning appeals, the Council should strictly adhere to planning policies in order to reduce the number of specious appeals and in terms of waste collection, needed to follow the example of Rochford which had dramatically increased its recycling rates. It needed to do so through a “hearts and minds” campaign rather than changing the waste and recycling collection receptacle.

Councillor Young, Portfolio Holder for Culture and Regeneration, explained that the appeals allowed had been carefully analysed and there was no overall pattern discernable. There was some concern about the unpredictable nature of decisions by the Planning Inspectorate. Councillor Graham, Portfolio Holder for Waste and Sustainability, highlighted the recent changes to the waste and recycling service, which been introduced to address this issue and it was anticipated the performance against this target would soon improve.

RESOLVED that:-

(a) The progress update of the Strategic Plan Action Plan for the period ending 30 September 2016 be noted.

(b) The performance update on the Council's key performance measures for the period ending 30 September 2016 be noted.

(c) The recent awards and accreditations received by the Council be noted.

REASONS

The Council had agreed a number of key performance areas which are used as part of its Performance Management Framework to help monitor progress and improvement. The Assistant Chief Executive's report provides an update of our indicators along with a half-yearly review of progress against our Strategic Plan Action Plan.

ALTERNATIVE OPTIONS

No alternative options were proposed.

140. Appointment of External Auditor

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

RECOMMENDED TO COUNCIL that that the Council opts in to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors.

REASONS

It was likely that a sector wide procurement conducted by PSAA would produce better outcomes for the Council than any procurement the Council undertook itself or with a limited number of partners. Use of the PSAA would also be less resource intensive than establishing an auditor panel and conducting its own procurement.

Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 required that a decision to opt in must be made by Full Council. To comply with this regulation Cabinet was asked to make a recommendation to Council.

ALTERNATIVE OPTIONS

To establish an auditor panel and conduct our own procurement. This would be a far more resource intensive process and, without the bulk buying power of the sector led procurement, would be likely to result in a more costly service.

Councillor T. Young (as a Member Charter Assessor) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

141. Member Charter Status

A minute from the Member Development Group meeting of 26 January 2017 was submitted, a copy of which had been circulated to each Member.

RESOLVED that that the Council recommit to the Charter and seek reaccreditation for Charter Status for Elected Member Development in January 2018.

REASONS

The Council was originally award Member Charter status in July 2011 and was successful in being reaccredited in January 2015. The full reassessment will be due in January 2018. Therefore the Council needed to indicate in early 2017 if it wishes to commit to the full reassessment and seek reaccreditation.

ALTERNATIVE OPTIONS

The alternative options were:-

- (a) Not to seek reaccreditation for Charter Status for Elected Member Development;
- (b) To seek reaccreditation at Charter Plus Level.

142. Progress of Responses to the Public

The Assistant Chief Executive submitted a progress sheet a copy of which had been circulated to each Member.

RESOLVED that the contents of the Progress Sheet be noted.

REASONS

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

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

Report of	Director for Commercial and Place	Author	Jan Warren ☎ 282107
Title	Colchester Northern Gateway Heat Network		
Wards affected	Mile End and Highwoods		

This report seeks approval for the recommended proposal to create a Heat Network and supporting infrastructure on a site at the Northern Gateway, to approve the detailed business case for the proposed development project including the capital and revenue assumptions and implications for the Council's budget and to approve the proposed delivery structure for the proposed Heat Network.

1. Decision(s) Required

- 1.1 To approve the recommended proposal to create a Heat Network and supporting infrastructure on sites at Northern Gateway, south of Axial Way subject to the approval of a full business case which is set out in Part B of this Report.
- 1.2 To note the recommendations in Part B being;
 - To approve the detailed business case set out in the for the proposed development project including the capital and revenue assumptions and implications for the Council's budget and Medium Term Financial Forecast.
 - To include the scheme in the capital programme on the assumption of the figures and funding shown within this report, noting that further commercialisation work would be required prior to appointment of a contractor.
 - To approve the proposed set up of a company for the development and management of the network noting that a further report to Revolving Investment Fund Committee with details on the governance arrangements of the company will be brought back prior to the creation of any structure.
 - To approve the use of New Homes Bonus monies for initial start-up of the company.

2. Reasons for Decision(s)

- 2.1 To enable the installation of an "infrastructure first" heat network scheme within the new Colchester Northern Gateway destination to provide a sustainable, affordable district heating system to businesses and homes.

- 2.2 To create a new commercial income stream for the Council and to ensure that the financial costs to the council of delivering the scheme over the programme period are clear and accounted for.
- 2.3 To provide the first phase of delivery in a strategy at the Northern Gateway to deliver the heat network infrastructure alongside proposals to create ultrafast broadband and other areas of environmental sustainability enabling delivery of a “best practice” case-study which can be applied to other new business locations and can be considered as an option for the new Garden Communities.
- 2.4 To create developments with a lower Carbon footprint in line with Council Strategic objectives.

3. Alternative Options

- 3.1 Do nothing. The population of the borough is set to grow from 180,420 to 193,806 residents by 2020. If the Council were to carry on with business as usual, without taking any mitigating action such as implementing low carbon projects such as this, Colchester could see a potential increase in carbon emissions of 11% by 2020 compared to current levels.
- 3.2 Deliver this at a later date – this would mean that the opportunity would have gone to deliver an infrastructure first scheme, as the wider development would have commenced and there would be no lever and incentive to get businesses and developers to sign up to this form of heat network. The ability to secure external match funding may also be less likely as this project is being viewed as a pilot scheme.

4. Supporting Information

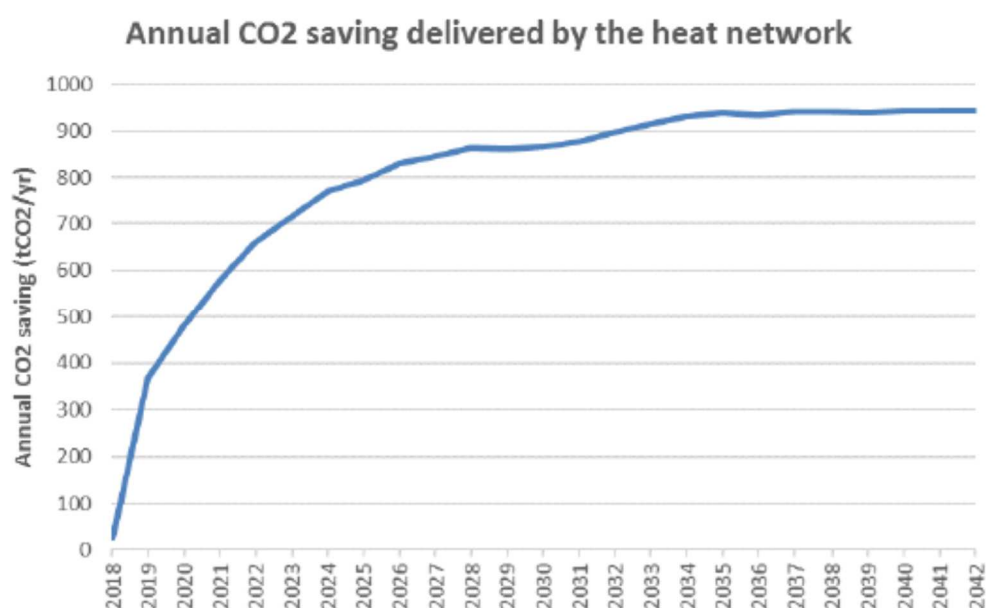
- 4.1 The Council has been working with the Heat Network Delivery Unit which is part of Department for Business Energy and Industrial Strategy (BEIS) for circa 18 months looking at feasibility options for bringing forward an “infrastructure first” model of heat network on land at Northern Gateway. As the Council currently owns the land at Northern Gateway and will be bringing forward development in due course, it is a unique opportunity to consider whether it is possible to deliver new highly sustainable infrastructure package which can be installed in advance of the main build development. This proposal meets with the wider Northern Gateway Masterplan vision which includes an exemplar approach to sustainability.
- 4.2 The feasibility studies have considered; the physical nature of the site, the range of heat plant options, costs of delivery and models of delivery and have led to the creation of a robust financial model which demonstrates that a low carbon scheme is viable on this site.
- 4.2 Please see Appendix 1 which shows a plan of the proposed site area.

5. Proposals

- 5.1 The proposal which is outlined in further detail in the confidential business case on Part B of this Agenda, is for the development of a heat network using a groundwater source heat pump, which will serve a core area and will supply heat to a range of businesses and new homes to be developed on the Northern Gateway site. The groundwater source option utilises innovative technology that has a significantly lower carbon footprint than other forms of heat.

The preferred option of an open loop water source heat pump system makes use of the naturally occurring groundwater (i.e. the aquifer layer) and initial high level investigations show that there should be no reason why the Northern Gateway should not be suitable for this system, but borehole testing will be required as part of the next stage of delivery.

- 5.2 In addition it is planned that the Energy Centre which will house the heat network boiler is also to be used as a visitor centre. This will offer educational opportunities to schools and colleges as well as providing a learning model for heat networks and low carbon practices, allowing excellent dissemination of low carbon practices.
- 5.3 These aims fit with those within the [Colchester Borough Council - Environmental Sustainability Strategy](#) and will enable savings to both domestic and commercial premises, while helping to reduce CO2 within the borough. Estimates show that 14% of UK heat demand could be met by heat networks by 2030, compared to 2% currently, making them a cost effective contributor to the UK's decarbonisation targets. See table below for projected CO2 savings from the heat network;



- 5.4 The scheme has also been developed to be financially sustainable once built. The total capital cost is £5.9m (including inflation costs). It is shown within the financial model that the project seeks to provide a return to the Council for its investment in the project but grant funding has also been applied for to help viability; and the Council through the creation of a wholly owned company for the development and management of the project, will ensure its future sustainability and ongoing benefits to participants in the heat network. The financial model and implications for the Council are outlined in more detail in Part B of this Agenda.
- 5.5 To ensure that the project satisfies state aid requirements with regards to being the only heating solution on offer to residents and businesses which are attached to the scheme, when the scheme is agreed the Council or its wholly owned company will ensure that it meets standards associated with Heat Customer obligations including but not limited too;
- Performance Standards;
 - Heat Customer service,
 - Reporting a fault or emergency, access and repair costs;
 - Joining and leaving procedures;

- Heat Meters and Heat Cost Allocators; Heat Interface Units, Contingency and maintenance plan
- Heat Bill and Heat Charge calculations;
- Paying the Heat Bill and payment difficulties; Registered Participant Complaint handling;
- Monitoring performance; and Privacy policy and data protection of Heat Customer's personal data.

6. Strategic Plan References

This project addresses the following targets from the [Strategic Plan 2015-18](#).

- 6.1 Vibrant – This project creates the right environment for people to develop and flourish
- 6.2 Prosperous - Promoting Colchester to attract further inward investment and additional businesses, providing greater and more diverse employment opportunities.
- 6.3 Prosperous - Supporting people to develop skills, as this enables upskilling of staff.
- 6.4 Business –Become commercially focused and even more business-like in order to be free of government grant by 2017. This scheme creates a new income source and promotes innovative ways of thinking
- 6.5 The aims of this project fit with those within the [Colchester Borough Council - Environmental Sustainability Strategy](#)
- 6.6 District heating networks such as the proposed provide the following direct benefits:

Quantitative benefits

The following benefits indicate the range of economic additionality which the Project will deliver:

- Helping to efficiently manage supply and demand of energy and enable carbon emissions reduction (heat networks can deliver lower emissions than a conventional heating system)
- lowering costs of energy generation, reducing business costs, increasing inward investment and reducing fuel poverty
- dramatically increasing fuel efficiency through use of CHP
- reducing labour and maintenance cost as compared to individual systems
- Improving air quality and providing a means of securing significant reduction in CO2 emissions through the optimisation of heat supply in the Borough
- Creating opportunities for local labour in constructing the network, gaining additional skills

These in turn deliver a range of beneficial outcomes:

Qualitative benefits

- Extending the reach of renewables, by using renewable heat efficiently and providing opportunities for the deployment of renewable technologies that otherwise wouldn't be viable
- Improving security of supply
- Enabling the efficient transportation and use of heat for a wide variety of users

- Allowing a broad range of energy generation technologies to work together to meet demand for heat
- Economic and financial benefits such as
 - reduction in fuel poverty
 - reducing energy costs to customers
 - Reducing Local Authority costs (when the LA is a heat customer or a landlord, a well-designed, efficient heat network can offer lower long term costs than alternative heat supply options)
- Job creation and stimulation of the local economy (the establishment of a local heat network and a municipal energy company can help to retain spend on energy from residents and businesses to stay within the local economy)
- Revenue sources for LA (revenues may be from the heat network or from ancillary activities such as electricity sales)

Technical - such as

- Energy security and resilience (heat networks provide short-term resilience in the form of the heat stored within the system and can provide long-term resilience through the connection of local, multiple heat sources.
- Local renewable heat sources can provide price stability through reduced exposure to wider market changes in gas and electricity markets)
- Innovation opportunities include heat supply technologies. Innovation can also be pursued through procurement, governance structures and tariff policies.
- Enabling fuel flexibility, future-proofing energy generation towards use of renewables
- Local Authority capacity and skills development (e.g. developing a heat network can trigger upskilling of officers because operating of heat networks goes beyond the local authority's narrow statutory remit)
- Providing greater awareness by business, industrial and domestic users of the benefits of district heating schemes, encouraging extension of the network and the formation of additional local networks

However other benefits in the local area are;

Output	Description
Jobs	1.5 FTE To operate the energy centre and maintain the scheme through the Company
Construction jobs supported during development	20

Visitor and education centre	To provide educational support to visitors
Development of truly sustainable new buildings and spaces	Development land provided with early heat network infrastructure

7. Consultation

- 7.1 Whilst detailed consultation on the scheme has not yet be carried out, the Council has been in discussions with BEIS for over 18 months.
- 7.2 The scheme has already been taken to senior management for discussion on several occasions and should it progress to a planning application then it will be subject to the usual consultation process.
- 7.3 The scheme has also been subject to scrutiny at SELEP level as it is on a pipeline of projects across the SELEP area which have been reviewed in terms of deliverability, financial sustainability and economic benefits.

8. Publicity Considerations

- 8.1 A communications plan is to be developed as part of the next stage of the project.
- 8.2 The heat network is an exciting innovative project for Colchester and there are many opportunities to work with communities and businesses to showcase the proposals. The Energy Centre will be open to the public and will host information on the technology and its low carbon credentials.
- 8.3 The Council has bid to BEIS for capital funding for the scheme which, if successful, would be one of a handful of pilot schemes across the country. BEIS are likely to showcase these schemes at a national level which would enable Colchester to gain further publicity.

9. Financial implications

- 9.1 The feasibility work has confirmed that the scheme is viable as set out in the financial model (detailed in the confidential Appendix – Part B) This requires a mix of grant funding and Council investment and has the following assumptions:
- The model assumes the Council is investing in the company for this project as follows:
 - 'Equity Investment'
 - Injection of Prudential Borrowing -
 - Leasing the land that the Energy Centre is being built on to the company.
 - The Council is receiving a return on the project as follows:
 - Any dividends that the project generates
 - Interest received from the borrowing at the rate at which this is lent into the Company to be state aid compliant (this is detailed further in the confidential part of this agenda
 - The lease rental which is being charged on the land to the Company.

10. Equality, Diversity and Human Rights implications

10.1 There are no implications.

10.2 Please see the link to the [North Colchester Equality Impact Assessment \(EIA\)](#)

Your Council • How the Council works • Equality and Diversity • Equality Impact Assessments • Commercial Services

11. Community Safety Implications

11.1 As a result of this decision being approved there will be no expected harm to members of the public.

12. Health and Safety

12.1 The design of the scheme and its delivery will comply with all relevant health and safety legislation.

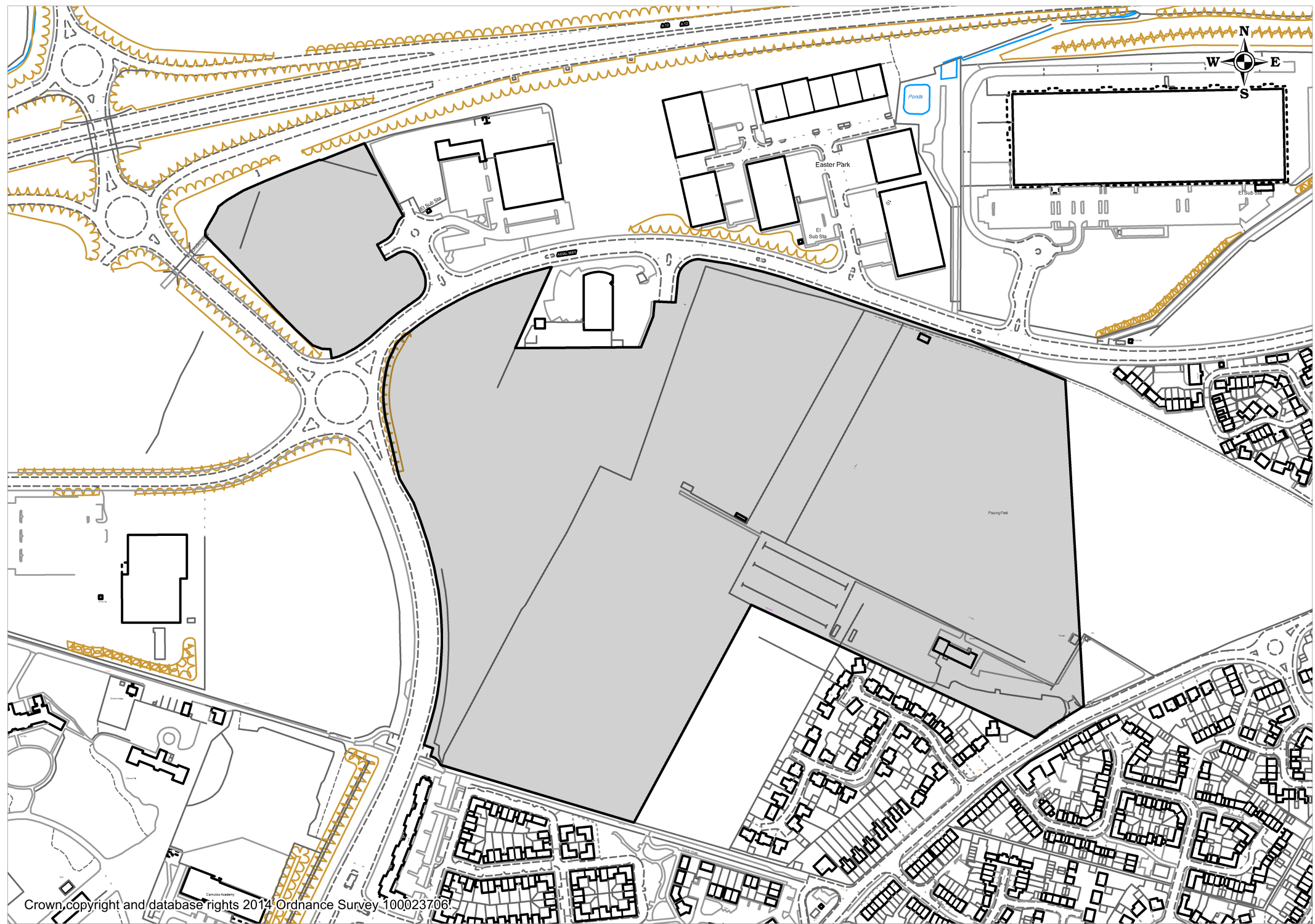
13. Risk management Implications

A full risk register has been appended to the confidential business case however the high level risks in developing the scheme are outlined below;

Risk	Impact	Mitigation
Further technical work means the scheme is unviable	The scheme cannot proceed without a review of the plant options creating delays and potential cost increases	The feasibility work carried out to date suggests the technical proposals are viable but further borehole testing is required as part of the next phase of commercialisation work.
Occupiers do not sign up to the heat network	Would reduce scheme viability	The Council has all land ownership in this area. As it sells land or brings it forward for development, relevant clauses will be added into legal agreements to ensure take up of the heat network.
Construction costs rise	Would reduce viability	A contingency has been added into the financial model for cost rises in the project.
The programme of delivery cannot be met	Would add to delays and cost overruns	The programme will be reviewed at the start of the project and constantly managed to ensure the infrastructure delivery is carried out in accordance with the plans for wider site delivery.

Appendix 1

Map of Northern Gateway Heat Network Area



Report of	Chief Executive	Author	Adrian Pritchard
Title	Senior Management Restructure		282326
Wards affected	Not Applicable		

To consider a senior management restructuring of the Council to ensure it is fit for purpose for the way of operating over the next 3-5 years.

1. Decisions Required

- 1.1 Approve the senior management restructuring proposals contained in this report and its appendices to begin the 30 day consultation period.
- 1.2 Refer this report to the Scrutiny Panel for their comments as part of the consultation process.
- 1.3 Delegate to the Chief Executive, in consultation with the Leader of the Council, any minor structural changes following the formal consultation. Should changes be sought from the proposal to the position of Chief Executive then a formal decision will be taken by the Leader of the Council.
- 1.4 A further report to Cabinet be presented on the most effective Company structure for the commercial ventures together with a relevant business case.
- 1.5 Agree that the Chief Executive implements the new structure applying the normal human resources policies of the Council.
- 1.6 Allow the Chief Executive to determine the most appropriate arrangement (TUPE or secondment) for existing staff in CBC to work in the new commercial ventures.
- 1.7 Include the £208k savings in 2018/2019 as part of the medium term financial forecast and to utilise some of the existing 'redundancy reserve' for the one off cost of implementation.

2. Reasons for Decisions

- 2.1 The Council is progressing a number of commercial type approaches which impinge of the operation of the Senior Management Team. In addition, the Council faces further budget reductions and a more efficient senior management structure can contribute to its savings target.

3. Alternative Options

- 3.1 To make no changes to the senior management whilst agreeing, on an ad-hoc basis company structures for specific opportunities.

4. Supporting Information

4.1 Context

- 4.1.1 The current senior management structure was introduced in early 2013. It was necessary to build on the work of individual fundamental service reviews each of which drove out cost or drove in income. It also set up the concept of certain services and assets being managed in a more business-like and commercial manner still within a public sector ethos.
- 4.1.2 From 2010 onwards the Borough Council has seen a significant reduction in its financial resources from Government; a change to greater volatility in its financial base through new homes bonus and business rate retention; a freezing of Council Tax over this period and a fluctuation in income streams due to the performance of the economy.
- 4.1.3 The current public sector austerity measures are set to continue and intensify well beyond 2020 given the Chancellor's recent budget announcements. Therefore the Council needs again to consider changes to its senior management arrangements to prepare for the next set of challenges, to make even greater efficiency gains and to increase its income lines still further.

4.2 Current Senior Management Arrangements

- 4.2.1 The current senior management arrangements are attached at Appendix 1 to this report.
- 4.2.2 They consist of an Executive Management Team of Chief Executive, Executive Director Customer and Communities, Strategic Director Place and Commercial and Chief Operating Officer. In addition there are 6 Heads of Service roles which, together with the Executive Management, make up the senior management of the Authority.
- 4.2.3 The cost of these 10 posts including salary, employer pension and National Insurance costs, is £1.129m

4.3 Rationale for Change

- 4.3.1 As financial constraints on local authorities specifically and the public sector more generally continue over the next 5 to 10 years then local authorities need to look towards more self-sufficiency in generating income and being more efficient in service delivery. This then enables the focus of resources to be on providing services to those in most need in society together with continuation of the more universal local government services provided to all residents within the district.
- 4.3.2 Therefore there needs to be a renewed emphasis on the more commercial services to grow business and increase income and profitability. Equally important is the use of our assets for income generating purposes and a greater need to concentrate on creating and taking opportunities in the commercial market place. In addition financial borrowing to invest in more lucrative business and property investments is another area to help generate much needed revenue funding for the Council. Much of this we have been

doing to date but a more appropriate company and senior management structure provides for the focus and expertise to deliver even more fully on the commercial aspects of the Council's financial needs.

- 4.3.3 The remaining services can be grouped somewhat differently within the Council structure to constantly challenge the way in which services are provided; continue the excellent evolution of customer services embracing even further the technological advances being developed in the market place; and to enhance the perhaps more limited opportunities of income generation from within those more 'traditional' local government services.
- 4.3.4 In any business or organisation the incubation of services or business developments are what keeps businesses in or ahead of the game. Our Fundamental Service Reviews were a prime example of this and so the new arrangements will allow for further fundamental reviews of our service groupings and the aim to resource a commercial incubation resource to seek greater income opportunities or to re-engineer services to secure more commercial service proposals.
- 4.3.5 In addition, there are services for which demand and costs are increasing significantly. In County Councils this tends to be in the social care area and in districts this tends to be in the housing and homelessness area. In order to manage and potentially reduce revenue costs for districts there is the need to provide more affordable housing.
- 4.3.6 So an approach being adopted by some councils is to use assets to build properties some of which are for sale, some for market rent and some for social affordable rent outside of the constraints of the Housing Revenue Account (HRA). Colchester Borough Council (CBC) has agreed in principle to adopt this approach. As this is solely housing related and the Council already has its own Arm's Length Management Company (ALMO) it seems only sensible to explore with the Colchester Borough Homes Board including the senior management capacity and capability of Colchester Borough Homes in the senior management changes being proposed.

4.4 Company Structure

- 4.4.1 The Borough Council has a well-established company structure in Colchester Borough Homes. It also has a smaller but equally focussed Colchester Community Stadium Company which specifically concentrates its efforts on the Community Stadium activities and both the commercial and community benefits derived from its use.
- 4.4.2 The establishment of company arrangements has a number of advantages over continuing within the local authority structure. These include:-
- Clear focus on its remit
 - Quicker decision making processes
 - Ability to take advantage of business opportunities as they arise
 - Scope to change the employment package offered
 - Ability to attract different skills and workforce
 - Accelerating the different culture required
 - Better tracking and response to market changes
 - Integration into the commercial sectors' networking opportunities

A wholly owned Local Authority Company allows appropriate democratic control retaining a public sector ethos but enables it the freedom to operate more commercially and respond to the needs of its customers and the business sectors in which it operates.

4.4.3. There are some potential financial implications relating to creating and operating a company including changes to VAT requirements and corporation tax on profits made. Consideration will be given to how these costs can be mitigated through the company structure.

4.4.4. Part of the senior management restructure is to create a company which can operate in a more commercial manner providing commercial services and utilising assets in a commercial environment.

4.5. Proposed Senior Management Structure

4.5.1. With the continuing ambitious plans of the Council I am proposing to continue with the existing number of executive management posts, albeit with a different configuration of services for which they have strategic responsibility, to delete the 6 posts of Head of Service and to introduce 4 posts of Assistant Director.

4.5.2. I propose a Strategic Director of Customer and Relationships responsible for all front end customer services and operations, together with strategic responsibility for external partnerships and as importantly external relationships. Partnership working is already a tenor of how we operate but as public sector resources continue to come under pressure then working in partnership with others to deliver services and deal with complex issues will become paramount to our way of working.

4.5.3. The Strategic Director will have a post of Assistant Director to manage much of the service and to continue the partnership working which is being forged with Essex County Council on the customer hub and spokes work; Basildon Council on the Customer Enterprise Partnership (CEP); and many other partnership arrangements already in operation or being explored for the future.

4.5.4. As part of the last senior management restructure I brought together most of the systems, processes and administration across the Council into the Professional Support Unit (PSU). I am proposing that the Strategic Director of Customer and Relationships with the Assistant Director, Customers, takes responsibility for the PSU and its activities both for our internal and external customers. The service can then accelerate the work across the organisation of customer journeys and identify the most significant next set of customer journeys to simplify for both cost reduction purposes but also for customer and resident usage purposes. It can also bring that learning to bear for internal customer activities and processes.

4.5.5. The second of the executive management posts is that of Strategic Director of Policy and Place. The role will combine the policy work needed for the place being the borough as a whole but also the policy work needed within the organisation to ensure we have the right resources to deliver to our residents, businesses and tourists. Effectively the financial and corporate functions of the Council. The Strategic Director will be Colchester's senior manager acting as the client for the ambitious Garden Settlements programme, the Colchester representative on delivery vehicles for the Colchester related

sites and the client role responsible for the performance of the Colchester Community Stadium Company.

- 4.5.6. I am proposing to bring the two sets of planning posts back into one team under this Strategic Director role. Having served its purpose of splitting out the various planning teams and seeing performance consistently rise to a very high level, the challenges the Planning service now face would be better tackled again as one team. It is also sensible to put Building Control within this combination of services following the disappointing outcome to the Essex shared service proposal. Building Control can seek to work even more closely with Planning and look to pick up business on the back of planning permissions approved.
- 4.5.7. The Strategic Director of Policy and Place will have one post of Assistant Director to manage many of these services; to act as the client for the work of Colchester Borough Homes; and to enhance the policy work needed for the organisation and its response to future government legislation and social policy.
- 4.5.8. The third post within the Executive Management Team is that of the Chief Operating Officer. It will retain its current strategic responsibilities for the Medium Term Financial Plan, budget strategy, borough-wide operational and zone-based services but will now include Regulatory Services minus Planning which has been moved to Policy and Place.
- 4.5.9. The Chief Operating Officer will have two Assistant Director posts who will manage between them the main services delivered by the Council. One Assistant Director will be responsible for Zones, Museums, Arts and Culture, Community Services and Bereavement Services whilst the other Assistant Director will be responsible for Environmental Health Services, Licensing and Land Charges, Waste Services, North Essex Parking Partnership and Elections and Registrations. Bereavement Services already has 95% of the customer base within its 'catchment area' and is progressing well the additional service of memorials. It may have other business opportunities but is not likely to identify large sums of additional income. On that basis it currently belongs back within the main services provided by the Council rather than continuing as part of the Commercial Services.
- 4.5.10. The proposed senior management structure is shown at Appendix 2.
- 4.5.11. As part of the way forward once the senior management positions have been filled we will commence further efficiency reviews of service areas, using the principles of previous Fundamental Service Reviews to again drive out inefficiency and costs to assist with our future savings targets.

4.6. Homes and Housing Development

- 4.6.1. The Borough Council has already established Colchester Borough Homes which is its management company for the housing stock owned by the Council together with a range of other housing services performed by CBH on behalf of CBC. CBH was also instrumental in project managing the process to deliver the first 34 Council properties from within the HRA.
- 4.6.2. As the Borough Council has agreed in principle to consider building further properties from the General Fund and using Council assets it seems only logical to utilise the expertise and senior management capacity within CBH to do so on the Council's behalf.

It will need to be a separate company but the Chief Executive of CBH could provide a leadership resource, albeit on a pro rata basis to the new Housing company; be provided with the necessary staffing and budgetary resources to kick start this and to second CBC and CBH staff into the separate company for expertise or additional resources, thus sharing costs. Additional expertise can be bought in as required, as happened when CBH project managed the build of the 34 HRA properties.

- 4.6.3. The Colchester Housing Development Company would be part of the suite of companies or company structure to ensure it operates in line with Council philosophy and delivers on the Council's priorities.

4.7. Colchester Commercial Services

- 4.7.1. As stated earlier in this report, part of the future is for local authorities to be more self-sufficient and to earn greater income and 'profitability' in order to continue to provide the services to our communities expected of us. Given this imperative the proposal is to create a wholly owned Local Authority Company known as Colchester Commercial.
- 4.7.2. Its functions will be split into firstly an operation of commercial development consisting of business growth for the borough as a whole; commercial development utilising some of the Council's assets to drive in significant revenue funding; and the Estates function provided for within the company but on behalf of the Borough Council estate as a whole.
- 4.7.3. Its second operation will be that of Commercial Services where it will manage and deliver the future income targets for the Sport and Leisure activities across the Borough, the recently launched Events service, the monitoring and response business and an aim to provide in the future a commercial incubation resource. This resource will be used to look at the functions within the Borough Council which could be improved in terms of income lines (e.g. Bereavement services; Planning; etc) and also to consider realigning services which could potentially provide a new and income generating service for residents or organisations (e.g. care closer to home business opportunity). The commercial incubation resource would work with existing managers and services across all areas of the Council's business and undertake a targeted programme of time limited reviews of extending or creating further future business income. It would operate on similar principles to that of our previous Fundamental Service Reviews but looking at the commercial income opportunities. The new company would need to generate further income to resource this commercial incubation service.
- 4.7.4. It has yet to be finally decided on the operating model and management structure for operating the North Colchester sports development facilities being planned for the North Colchester development. If it is decided to operate it in-house (and therefore work alongside and compliment that of our existing sports facilities) then it would be easily incorporated into the proposed Commercial Services functions. See Appendix 3.
- 4.7.5. It is proposed that the Chief Executive of the Borough Council is also Chief Executive of the Colchester Commercial Company to ensure the Company retains its public sector ethos and recognises the priorities of the Council in its work programme. The Colchester Commercial Company will have a full time Assistant Director post, at the same level as that of the new posts proposed in the Borough Council structure to be responsible for the delivery of income targets agreed with the Council. By proposing the post of Assistant

Director it is possible to delete the post of Economic Growth manager from the existing CBC structure.

- 4.7.6. It is proposed that the Chief Executive of the Borough Council is employed 4 days a week in that role and 1 day a week on a separate contract by the Commercial Company. Savings can then be made to employer pension costs together with reducing the full time role of PA to the Chief Executive to a 4 day a week post. In addition to the Chief Executive, it would be appropriate, when necessary to second the Strategic Director, Policy and Place to ensure expertise on commercial and housing delivery, alongside that of the garden settlements and joint venture companies.
- 4.7.7. The proposed structure of the Colchester Commercial Company is shown at Appendix 3 together with the Colchester Housing Development Company.

4.8. Financials

- 4.8.1. The current cost of the senior management structure is £1.129m. The proposed savings of the equivalent of 1 Head of Service post; the deletion of the post of Economic Growth Manager; and changes to the post of Chief Executive and its PA role amount to a total recurring saving of £208k.
- 4.8.2. There will potentially be one off costs depending upon which, if any, managers are not appointed to the new structure. These can be funded by the 'redundancy reserve' held in balances which is provided for such restructurings. One off costs are estimated in the range from £100k to £150k. By utilising the 'redundancy reserve' the savings of £208k can be taken immediately and will contribute to the 2018/2019 budget savings target.
- 4.8.3. There are few costs in setting up company structures. However as the proposed company or companies will need to be registered at Companies House they will be liable for corporation tax and some VAT accounting arrangements may differ to that of the Council. The exact nature of the company set up and the way in which it operates will be carefully considered to ensure it is the most tax efficient it can be. Being a private company also gives it the opportunity to operate differently than within the local government family and to consider how to reduce running costs which the local authority would find difficult to do. Therefore, expert advice will be sought on the most tax-efficient structure for the commercial operations (Housing Development; Commercial Services; potential Heat Exchange) and report back to Cabinet.
- 4.8.4. A business case is required to support the formal creation of a company and this will be brought back to Cabinet alongside proposed company structure arrangements.

4.9. Governance

- 4.9.1. The final configuration of the Commercial company structure(s) will require Company board directors. These will be defined as the Commercial company structure(s) are determined. The current CBC Trading Board will also need to be revisited as a number of its functions will now be the responsibility of the Commercial company board(s). In addition there will need to be a close working relationship between the existing Chair and Board of CBH and that of the board for the housing development venture.

4.10. Conclusion

4.10.1. This is about the future operation of Colchester Borough Council within the newly defined public sector. It is about being more self-sufficient in order to continue to provide quality services to the communities we serve and to provide quality tailored services to those residents with the most complex needs in our society. This new and less traditional set of structures allows the Borough Council the best opportunity to rise to the challenges facing it from an increasing population and from the continuing financial constraints being placed on local government and the public sector generally.

4.11. **Appendices:**

Appendix 1: Current CBC Structure

Appendix 2: Proposed CBC Structure

Appendix 3: Proposed Colchester Commercial Ventures Structure

Appendix 4: CBC Senior Management Restructure Savings

5. Strategic Plan References

5.1 The strategic plan sets out the direction of the Borough and Council in the medium term. This senior management restructuring ensures implementation of the plan and capacity in the areas of priority.

6. Consultation

6.1 There is a 30 day consultation with staff affected as part of our human resource policies which will be completed once approval of the report has been obtained.

7. Publicity Considerations

7.1 There are no public publicity considerations but the changes will be widely circulated within the organisation and to partner agencies.

8. Financial implications

8.1 The proposals identify an ongoing saving of £208k per annum. This will be used to help close the 2018/19 budget savings figure.

8.2. Costs can only be determined once decisions on existing staff affected are taken. However, it is estimated that the one off cost of redundancy and pension strain would be in the region of £100k to £150k. This total one off cost can be found from within the corporate redundancy budget held centrally showing the savings achieved to be taken immediately.

8.3. An assessment of the financial implications of operating a company structure has started in a number of areas such as the proposed housing company. More work is required to develop a business case for the wider commercial services and this will be presented alongside the proposed company arrangements.

9. Equality, Diversity and Human Rights implications

9.1 These considerations are enriched in the Council's human resource policies and procedures which will be followed in implementing the proposals.

10. Community Safety Implications

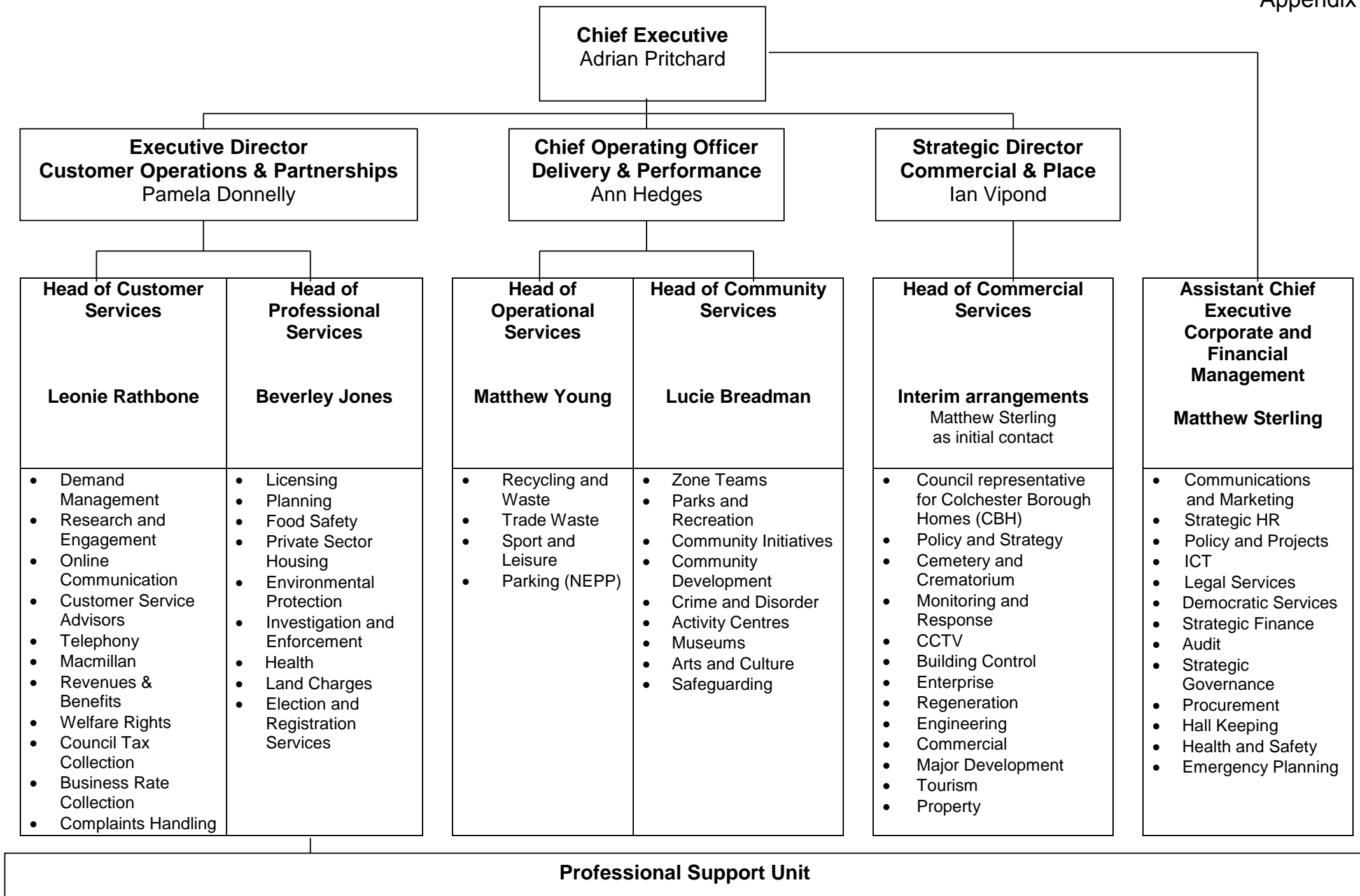
10.1 There are none.

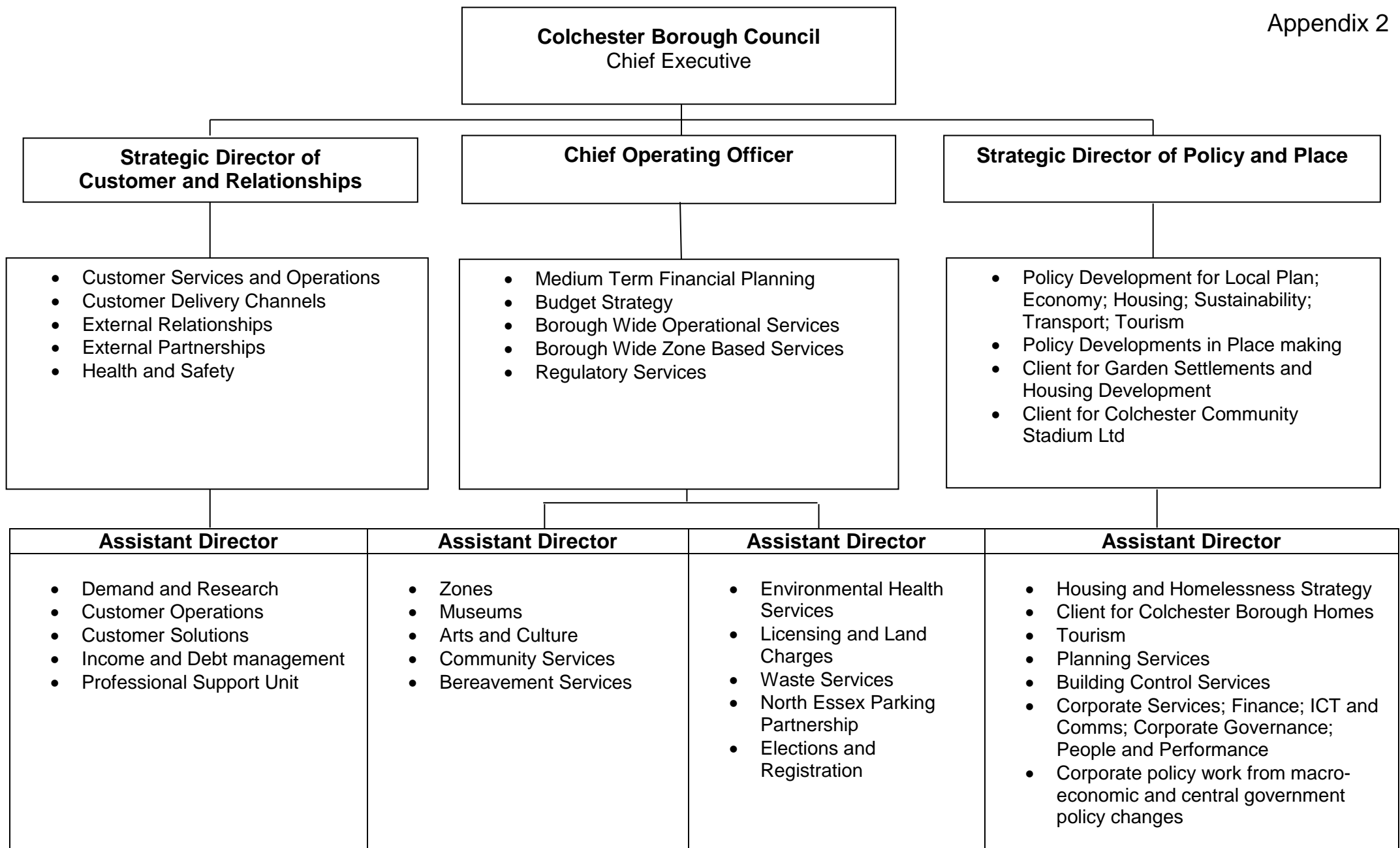
11. Health and Safety Implications

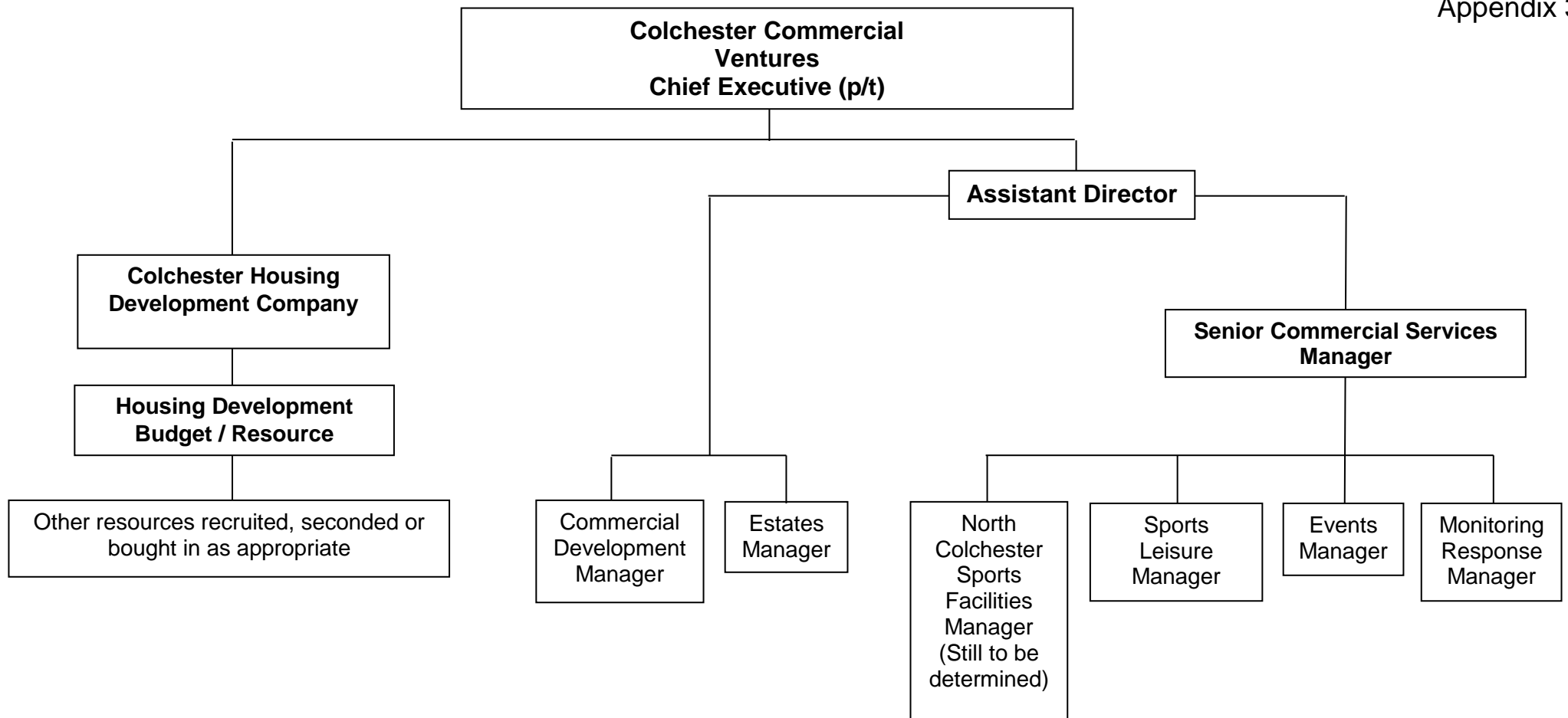
11.1 There are none.

12. Risk Management Implications

12.1 If this structure is not to be adopted then senior management arrangements will be added to an on ad-hoc basis without being the most efficient and effective structure going forward.







CBC Senior Management Restructuring Savings Schedule

Post	Saving (Including on costs) £'000
1 x Head of Service	97
1x Economic Growth Manager	85
1 day x PA to Chief Executive	7
Employer pension contribution savings on Chief Executive post	19
Total	208

Report of	Head of Commercial Services	Author	Holly Brett
Title	Disposal of Maytree Court, Tiptree		☎ 508830
Wards affected	Tiptree		

This report concerns the recommendation to dispose of Maytree Court, Tiptree on the open market.

1. Decision Required

- 1.1 To approve the Housing Revenue Account budget project team recommendation to dispose of Maytree Court, Tiptree on the open market
- 1.2 To authorise the Assistant Chief Executive, in conjunction with the Portfolio Holder for Housing and Public Protection, to agree offers made on the property and settle final terms and consequential matters to complete any sale.
- 1.3 To request Cabinet use the ring fenced HRA capital receipt as set out in the HRA Estimates report

2. Reasons for Decision

- 2.1 As previously reported and most recently in the HRA Estimates report that went to Cabinet on 1st February 2017, the current Government introduced a number of changes during 2015 and 2016, including the Housing & Planning Act and the 1% rent reduction announcement, which has changed the viability of the HRA Business Plan. The rent reduction resulted in removing £143million of assumed rental income over the life of the 30 year business plan, significantly impacting our capacity to deliver on the plan's objectives. At the end of 2015 a joint CBC/CBH project team looked at ways of addressing the loss of income of £9.7 million over the first four years, and it identified and planned a number of ways of increasing income and reducing expenditure, which were included as part of the 2016/17 HRA budget setting cycle and which are currently part way through being delivered.
- 2.2 As part of this joint project team mentioned above a number of projects were reviewed including the Sheltered Housing Programme alongside the Sheltered Housing project team.
- 2.3 In 2011 a review of Council owned sheltered housing was carried out. This review made a number of recommendations about the Councils sheltered housing. The aim of the review was to improve accommodation for older people in the borough and ensure that our sheltered housing meets the needs of older people now and in the future.
- 2.4 The recommendations from the review were to sell two properties on the open market (to fund improvements to other schemes), fully refurbish four schemes to provide self-contained accommodation and to review the future use of four schemes, one of which is Maytree Court.

3. Alternative Options

- 3.1 Not to dispose Maytree Court. This would result in a need to continue to invest in the property in the knowledge that it does not represent value for money in the long term. Significant investment would be needed to ensure that the property remains accessible for residents the lift needs replacement as does the heating system). There has been an emergency only repair policy at Maytree since 2011 (due to the scheme being part of the future options group) and therefore there is currently a back log of circa £155k of capital works at the scheme. Little could be done to improve the layout of the property
- 3.2 To retain the property and lease it to a registered provider. The investment required to the property would still need to be met in order to comply with the legislation around energy ratings and to maintain the asset. The Council would need to undertake this work, as owner of the asset. If a registered provider were to undertake the work, this would need to be repaid through the rental income. It is highly unlikely that this would produce a rent that would be affordable to prospective tenants, making the work unviable.

4. Supporting Information

- 4.1 The Sheltered Housing Review 2011 found that changes were needed to address several issues; voids in sheltered remained high despite many people on the housing needs register being eligible, nine out of the twenty three schemes didn't offer self-contained accommodation, this suggested that the accommodation available did not meet the needs or aspirations of older people
- 4.2 The review produced information that provided an evidence base for the development of the "Colchester Standard", a set of criteria which Colchester aspires to provide at each of its sheltered housing schemes. It was also used to measure how well each scheme met the standard and from this the schemes that were not suitable for redevelopment or conversion were identified
- 4.3 The recommendations from the review were to sell two properties on the open market (to fund improvements to other schemes), fully refurbish four schemes to provide self-contained accommodation and to review the future use of four schemes, one of which is Maytree Court.
- 4.4 Maytree Court was in the group of properties to be reviewed because it has been historically difficult to let. There is a lack of external space and the internal configuration does not lend itself to reconfiguration, poor communal facilities are not cost effective to reconfigure to meet the requirements necessary to enable them to meet the Colchester Standard
- 4.5 A sub group of the sheltered housing programme board was set up to look at the options available for Maytree Court, this work was carried out over a number of years and against a changing landscape. The three main areas considered were; redevelopment of the site for affordable housing, redevelopment of the existing building to provide alternative accommodation and finally sale of the property on the open market.

Redevelopment of the site for affordable housing

This option was thoroughly reviewed, and indications showed around ten homes could be built on the site with associated parking and amenity space. Due to the changing

landscape of the HRA funding this type of redevelopment would not be possible as there is no headroom available to fund the development

Redevelopment of the existing building

Conversion to flats would not provide sufficient parking spaces or private amenity space because the building occupies a large amount of the site with little land around the building

Sale of the property on the open market

Disposing of the property on the open market would provide a receipt to the HRA that could be directed to the deficit created by the rent reductions that were announced as part of the Housing Bill, agents have indicated that the market for this type of property is more favourable than it has been previously

- 4.6 Due to the construction type of the property it is not suitable for reconfiguration into self-contained sheltered accommodation, the site itself does not lend itself to extending the existing footprint of the building as there is little surrounding land to use
- 4.7 Significant capital would also need to be spent on the property for routine maintenance, to increase the energy efficiency of the property and to ensure that the property complied with the Colchester Standard for sheltered housing.
- 4.8 Having investigated all options and reviewing the property in line with the Council's Asset Management Strategy and the wider HRA budget project and disposal on the open market is the recommended best option for this property.
- 4.9 CBC and CBH have been supporting tenants to find alternative accommodation and there are currently twenty void properties at the scheme and six households remaining. Tenants have moved to alternative sheltered and general needs accommodation in Tiptree and the surrounding areas including Maldon. A visiting officer has been available on site to support tenants as has an independent living advocate from Age UK.

5. Proposals

- 5.1 Through locally-appointed Estate Agents to offer Maytree Court in its present condition on the open market for sale when vacant possession is achieved

6. Strategic Plan References

- 6.1 The revenue estimates presented here link to the following areas of the Councils strategic plan:
 - **Welcoming** - a place where people can grow and be proud to live.
 - **Vibrant** - Develop a strong sense of community across the Borough by enabling people and groups to take more ownership and responsibility for their quality of life.
 - **Prosperous** - Provide opportunities to increase the number of homes available including those that are affordable for local people and to build and refurbish our own Council houses for people in significant need

7. Consultation

- 7.1 CBC and CBH have been consulting with residents of the scheme and Ward Cllrs since the original Sheltered Housing Review in 2011.

- 7.2 In August 2016 when it was announced that the scheme was closing CBH began working with tenants and supporting them to find alternative accommodation. Some residents had already bid on other properties before the announcement was made. Residents have been moving to another sheltered scheme in Tiptree that is run by Colne Housing, to Maldon or to other CBC owned properties in Tiptree and the surrounding area. There are currently 6 households remaining. Tenants have also been supported by Ward Cllrs and an independent living advocate from Age UK. Tenants have received the statutory home loss payment summer 2017
- 7.3 The approved asset management process agreed as part of the Asset Management - Strategy has been followed. The process takes advice from numerous feeder groups including housing management staff, tenants and leaseholders, finance staff, other relevant Council staff and the recommendations presented through this report are supported by the various stakeholders involved.

8. Publicity Considerations

- 8.1 To attract the best possible return for the asset, the property will be advertised on the open market using the professional services of the Estates Section to appoint an agent.

9. Financial Implications

Revenue Implications

- 9.1 The disposal of this property would result in an ongoing loss of annual rental income to the Housing Revenue Account (HRA), along with a requirement to fund any potential one-off costs such as home-loss payments. It is anticipated that these costs will be met from existing resources.
- 9.2 By using the capital receipt generated from this disposal to fund the HRA Capital Programme, it would reduce the amount the Council would need to borrow to support the 30 year HRA Business Plan, thus saving further interest costs and maximising the Council's available borrowing headroom.

Capital Implications

- 9.3 Under the HRA Self-Financing arrangements, the Government have stated that they want local authorities to be able to undertake effective asset management, in particular to consider what to do with those dwellings where redevelopment might best meet local need, or whether to continue to maintain a particular dwelling given future maintenance costs etc. The regulations governing the pooling of housing capital receipts ensure the greater freedom towards disposals will not inadvertently disadvantage any authority, and that any receipts from the sales of vacant land or empty homes will be retained by local authorities provided they are spent on affordable housing. This includes the repayment of HRA debt, which must be considered given any disposal will reduce the number of dwellings available to service the HRA debt, therefore a proportion of any receipt should be set-aside for this purpose. It is also clear that where consideration is given to fund any HRA investment from disposals that those receipts need to be ring-fenced to the HRA, to safeguard the viability of the HRA business plan and also to avoid the requirement to pay a proportion to the Government under the capital receipts pooling arrangements.
- 9.4 The disposal of this property will remove the requirement to undertake substantial capital works on it over the life of the 30 year Asset Management Strategy and HRA Business Plan.
- 9.5 The Housing Investment Programme considered by Cabinet on 1st February 2017 included assumptions on receipts from potential disposal of assets, of which this forms a part.

10. Equality, Diversity and Human Rights Implications

10.1 <http://www.colchester.gov.uk/CHttpHandler.ashx?id=15007&p=0>

11. Community Safety Implications

11.1 This report has no significant community safety implications

12. Health and Safety Implications

12.1 This report has no significant Health and Safety implications

13. Risk Management Implications

13.1 If the disposal of Maytree Court does not proceed it will impact on the Asset Management Strategy which has been approved to balance the economic value of assets with the social and economic needs of residents given the long term viability of properties.

Report of	Assistant Chief Executive	Author	Lynn Thomas
Title	External Painting and High Level Works Contract		
Wards affected	All wards		

This report sets out the procurement process for tendering the External Painting and High Level Works Contract for the Council's housing stock. The confidential report contains the recommendation for the contractor to be appointment to provide the service.

1. Decision(s) Required

- 1.1 To agree to appoint the contractor named in 1.1 of the report on Part B of the agenda to deliver the External Painting and High Level Works contract subject to references and following the successful completion of the section 20 process with Leaseholders. This is a requirement in accordance with the Commonhold & Leasehold Reform Act 2002, section 151.
- 1.2 To agree to enter with the successful contractor into a 4 + 2 year Joint Contracts Tribunal (JCT) Standard Form of Measured Term Contract 2011.
- 1.3 To agree that should the preferred supplier withdraw Cabinet endorse the appointment of the contractor in second place.

2. Reasons for Decision(s)

- 2.1 The original procurement approach agreed by Cabinet on 28 January 2009 was one of a full Official Journal of the European Union (OJEU) process with the Council acting as the awarding body for any contracts placed and Colchester Borough Homes (CBH) acting as the employer's agent (Contract Administrator). This contract was awarded in 2010 on a 4 + 2 year JCT Standard Form of Measured Term Contract 2006 Edition Revision 2 (2009). The full extension term has been used and this contract expired in July 2016.
- 2.2 A further procurement process was started by the Project Team placing an advert on Contracts Finder and conducting an open procedure utilising a suitability assessment questionnaire. Contracts Finder is the electronic procurement portal for contracts worth over £10,000 with the government of its agencies.
- 2.3 A full section 20 process was followed as the contract would involve working on Leasehold properties. This contract value was below the OJEU threshold so was not required to be compliant to the full OJEU process.
- 2.3 As a result of this exercise seventeen contractors were invited to tender for the works. Tenders were returned and opened by officers on 16 January 2017. An evaluation exercise took place based on the criteria set out in the tender documents which included

assessment of price and quality (method statements). As a result of this a final recommendation was concluded.

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

3. Alternative Options

- 3.1 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.
- 3.2 The principal alternative would be not to complete this work which could result initially in a decline in appearance of the housing stock and estates; longer term the council's assets falling into disrepair and losing value.

4. Supporting Information

- 4.1 The Project Team consisted of The Council's Housing Asset Manager and Senior Procurement Consultant, along with Colchester Borough Homes (CBH) Head of Asset Management and Building Surveyor.
- 4.2 The Project Team engaged the support of Ridge & Partners (property consultants) to assist with updating the original tender documents Ridge produced in the 2010 EU procurement process (OJEU).
- 4.3 The Suitability Assessment evaluates financial capacity, technical capability and relevant experience of interested contractors. Ridge evaluated these submissions based on previously agreed criteria.
- 4.4 In August 2016 a joint planning meeting took place with representatives from the Council and CBH to formulate a project plan and timeline to complete the procurement process.
- 4.5 In September 2016, part 1 of the section 20 notification (in accordance with the Commonhold & Leasehold Reform Act 2002, section 151) was sent to all leaseholders inviting comments on the proposed works and providing the opportunity to propose a chosen contractor to be invited to tender. None were received.
- 4.6 In October 2016 an advert was placed on Contracts Finder along with all the tender documentation. Prospective tenderers were invited to return a Suitability Assessment within 4 weeks.
- 17 contractors responded to the advertisement and completed the suitability assessment.
 - Ridge evaluated the suitability assessments and all 17 contractors passed were deemed suitable to tender for the works.
 - On the 16 January, 13 tenders were received electronically and opened by the project team and the Legal Services Manager. 1 tenderer did not submit the required documents and was disqualified from the process.
 - Ridge and the project team carried out a full evaluation of the returned tenders and contractors method statements. The contract was weighted 60:40, with 60%

of the overall score based on the contractor's price evaluation and 40% based on the evaluation of four method statements relating to quality.

- 4.7 As part of the procurement process a robust tender specification was developed by CBC, CBH and Ridge to ensure the Council, its tenants and leaseholders receive best value on the evaluation criteria of price and quality. The documentation included a comprehensive schedule of rates and method statements relating to organisational structure, resident communications, resident satisfaction, management and quality assurance and environmental issues.
- 4.8 Upon the Cabinet's appointment of the recommended contractor the Council is required to notify leaseholders of the proposed appointment in Part 2 of the section 20 process. The notification allows Leaseholders to comment and raise objections on the tender process, evaluation methods and proposed appointment. The notification period is 30 days from the Part 2 letter being sent
- 4.9 The Form of Contract agreed by Cabinet on 1st December 2010 as part of the Asset Management Strategy to deliver this type of work is the Joint Contracts Tribunal (JCT) Standard Form of Measured Term Contract 2011 further amended as set out in the Tender Document. The successful contractors will be awarded a 4 year contract with an option to extend by agreement with the Council for a further period of 2 years, depending on their performance over the contract period.
- 4.10 The current robust controls and monitoring arrangements will continue as a minimum standard in the new contract. The formal monthly Capital Monitoring Group (CMG) attended by both CBC and CBH include progress against the agreed programme, monitoring of expenditure against agreed budgets, analysis of performance against KPI's, the quality and standard of the services provided to tenants by reviewing customer satisfaction reports and direct liaison with tenants.
- 4.11 CBH's role as the Contract Administrator (CA) has been key to the success of the current contract. CBH will continue to manage the contract on behalf of the Council which will include managing day to day issues/arrangements of the contract and act as the main point of contact for all parties through the nominated representative. The CA through the nominated representative will attend the monthly CMG to report on the contractor's performance. The role of CA is also clearly defined within the JCT form of contract.
- 4.12 Monthly operational meeting with the contractor and CBH will take place; in addition quarterly core group meetings between the Council (the Employer), CBH and the contractor. During the core group meeting performance and progress will be monitored and minuted.
- 4.13 Financial credit checks on each of the recommended contractors have been conducted and their individual rating does not give cause for concern

5. Proposals

- 5.1 To accept the recommendations of the Project team members by:
- 5.2 Awarding the contract to deliver the External Painting and High Level Works contract to the contractor referred to in the report on part B of the agenda , following the successful completion of the section 20 process.
- 5.3 To enter with the successful contractors into a 4 + 2 year JCT Standard Form of Measured Term Contract 2011, further amended as set out in the Tender Document.

6. Strategic Plan References

- 6.1 This decision is part of delivering against the Vibrant theme in the Council's Strategic Plan 2015-18 to 'Develop a strong sense of community across the Borough by enabling people and groups to take more ownership and responsibility for their quality of life' and the Welcoming theme to 'Improve sustainability, cleanliness and health of the place by supporting events that promote fun and wellbeing'

7. Consultation

- 7.1 CBH consulted with Tenants and Leaseholders through a Task and Finish group to assist with the evaluation of the method statements.
- 7.2 CBH have consulted with Leaseholder through the Section 20 process in accordance with the Commonhold & Leasehold Reform Act 2002, section 151.

8. Publicity Considerations

- 8.1 Good communication with tenants is vital and the Council working closely with CBH will need to issue information to our tenants to advise them of new contract arrangements, how it will affect them with ongoing updates as the programme progresses.

9. Financial implications

- 9.1 The financial implications are contained within the Background Papers on part 2 of the agenda because this contains commercially sensitive information it has been presented so as to not identify the individual contractors involved.

10. Equality, Diversity and Human Rights implications

- 10.1 The relevant Equality Impact Assessment for the CBC Procurement Strategy can be found [here](#) or by following the path: www.colchester.gov.uk > Your Council > How the Council Works > Equality and Diversity > Equality Impact Assessments > Commercial Services >
- 10.2 Through the Housing Procurement Strategy within the Asset Management Strategy staff ensure that all future procurement and purchasing documentation recognise, understand and support CBC and CBH policies with regard to equal opportunities, diversity and human rights.

11. Community Safety Implications

- 11.1 There are none directly arising from this report although through the procurement process all contractors will be aware of the specific needs of our customers and direct on site delivery will be managed by CBH to safeguard both customers and contractors.

12. Health and Safety Implications

- 12.1 Through the role of Contract Administrator CBH will ensure Health and Safety and Construction Design and Management Regulations 2015 (CDM 2015) requirements are fully complied with.

13. Risk Management Implications

- 13.1 By following a Public Procurement Directive 2105 compliant tender process and by implementing the controls and recommendations as set out in this report, the Council is seeking to mitigate against any potential risks or challenges.
- 13.2 To reduce risk and ensuring the Council are able to complying with their landlord obligation, it is proposed that should the preferred supplier withdraw (whether by choice or due to unforeseen circumstances) Cabinet endorse the appointment of the contractor in second place.

PETITIONS, PUBLIC STATEMENTS, QUESTIONS

(i) Have Your Say speakers

Date of Meeting	Details of Members of the Public	Subject Matter	Form of Response	Date Completed
Cabinet, 1 February 2017	Nick Chilvers	Regeneration, recycling for blocks of flats and public engagement	Verbal response provided at the meeting by Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, Councillor T. Young, Portfolio Holder for Culture and Regeneration and Councillor Graham, Portfolio Holder for Waste and Sustainability	1 February 2017
Cabinet, 1 February 2017	Nicholas Bown	Homelessness and housing issues	Verbal response provided at the meeting by Councillor Bourne, Portfolio Holder for Housing and Public Protection and written answer sent on 15 February 2017	15 February 2017
Cabinet, 1 February 2017	Debbie Munson	Empire Skatepark	Verbal response provided at the meeting by Councillor Smith, Leader of the Council and Portfolio Holder for Strategy and Councillor T. Young, Portfolio Holder for Culture and Regeneration.	1 February 2017
Council, 22 February 2017	Sir Bob Russell	Support by the Council for the elderly and social care issues	Verbal response provided at the meeting by Councillor Feltham, Portfolio Holder for Business, Leisure and Opportunities and a written response sent on 2 March 2017.	2 March 2017

Council, 22 February 2017	Christopher Lee	Boundaries of a potential County Park at Salary Brook	Verbal response provided at the meeting by Councillor T. Young, Portfolio Holder for Culture and Regeneration	22 February 2017
Council, 22 February 2017	Chris Hill	Protection of Salary Brook	Verbal response provided at the meeting by Councillor T. Young, Portfolio Holder for Culture and Regeneration	22 February 2017
Council, 22 February 2017	Daniel Catchpole	Housing issue	Verbal response provided at the meeting by Councillor Smith, Leader of the Council and Portfolio Holder for Strategy	22 February 2017
Council , 22 February 2017	Lee Parker	Housing and homelessness issues	Verbal response provided at the meeting by Councillor Tina Bourne Smith, Portfolio Holder for Housing and Public Protection	22 February 2017
Council, 22 February 2017	Simon Crow	Homelessness in Colchester	Verbal response provided at the meeting by Councillor Tina Bourne Smith, Portfolio Holder for Housing and Public Protection	22 February 2017
Council, 22 February 2017	Jess Twyman and Reverend Justin Lunnis	City of Sanctuary initiative	Verbal response provided at the meeting by Councillor Smith, Leader of the Council and Portfolio Holder for Strategy	22 February 2017

(ii) Petitions

Date petition received	Lead Petitioner	Subject Matter	Form of Response	Date Completed
No valid petitions received in this period				

