

Scrutiny Panel

Tuesday, 28 March 2017

Attendees: Councillor Christopher Arnold, Councillor Phil Coleman, Councillor Beverly Davies, Councillor Adam Fox, Councillor Mike Hogg, Councillor Lee Scordis, Councillor Barbara Wood

Substitutes:

Also Present: Councillor Cory, Councillor Lilley, Councillor Smith

109 Minutes

RESOLVED that the minutes of the meeting held on 28 February 2017 be confirmed as a correct record.

110 Items requested by members of the Panel and other Members

Councillor Darius Laws

Councillor Laws requested that the Panel look at the communications strategy around the promotion of Colchester. Councillor Laws informed the Panel of the historical importance of Colchester, and compared it to other historically significant towns like York. Councillor Laws felt that Colchester could do more to promote the assets in the Borough and questioned whether the marketing and communications teams are funded adequately.

Councillor Laws also questioned whether there were things that could be done in Colchester to improve the look and feel of the historical parts of the Town, such as street asset design or having different zones with identities, like the Dutch Quarter.

Councillor Davies, welcomed the suggestion from Councillor Laws and confirmed that this would be discussed as part of the Work Programme item.

111 ICT Support Contract

Matthew Sterling, Assistant Chief Executive, introduced the report which invited the Panel to review the report and associated documents, and to comment on the progress made to date as well as the planned activity.

Matthew Sterling informed the Panel that Colchester Borough Council had been in a contract with external providers for the last 15 years. Due to the changing nature of ICT

moving from a desktop based solutions to cloud based solutions, as well as some performance issues the Council has opted, through a Portfolio Holder Decision, to exit from the contract supplier and provide an in-house solution.

Kieran Johnston, ICT and Communications Manager, confirmed that the new in-house ICT team will take over from the 1st of April which is when the current contract ceases. The new team merges those already in the Corporate ICT team and those who have transferred over from Capita through TUPE regulation. Kieran Johnston confirmed that the new ICT team is split into three areas, Information Services, Technology Services and Business Services. Each of these teams will provide support to the organisation ensuring service resilience, upgrades, as well as support to members of staff. All key vacancies within the teams have been filled, and applicants to existing vacancies are highly skilled and competent.

The new ICT service will continue to work with partners and partner authorities; Braintree District Council are also withdrawing from their current contract creating an opportunity to align staff skillsets. There will also be further partnership with the Essex Online Partnership, and a skills and development programme for staff.

The Panel thanked the Officers for the presentation. The following questions were asked by Councillors to Officers;

- Why, if there were performance issues with the external contract, are those staff employed by the external contractor being transferred to Colchester Borough Council.
 - o In response, Kieran Johnston confirmed that whilst Colchester Borough Council is required take them on under TUPE regulations, the staff have good skillsets as well as good working relationships with Colchester Borough Council officers. Kieran Johnston believed that under the external contractor the staff were doing their best to deliver services.
- Can the Revenue and Benefits server security issue, raised by a member of the public, be monitored more robustly under the new arrangements?
 - o Kieran Johnston confirmed that under the new arrangements servers will be monitored, with full visibility of all activities.
- What impact will the change in ICT contract have on business continuity moving from large server arrangements to smaller cloud based solutions.
 - o Kieran Johnston confirmed that the current system has a reliance on servers located at Braintree District Council. Business continuity measures, such as backing up the data each evening will continue as per the external contract arrangements. Moving forward the Colchester Borough Council team will be able to respond quicker should an issue occur. Regarding the cloud based systems disaster recovery is built in and

e-mail has been operating using the Microsoft cloud for the last three to six months, with other services moving to cloud based systems gradually.

- What performance monitoring will be in place with the new team?
 - o Colchester Borough Council have been working with the existing contractor over the last three to six months to ensure that all services can be transferred and continue to be provided. The support telephone line will also be changing over, which has been tested. Matthew Sterling added that performance monitoring for Colchester Borough Council staff would be through line management. This allows for greater interaction with staff ensuring that they are working towards the ICT strategy, compared to contract management. Councillor Cory confirmed that the service would be more accountable; allowing the Scrutiny Panel to analyse the provision of ICT support.
- Is the service financially robust with the staffing to support it?
 - o Mathew Sterling stated that there is a detailed budget for the service which is working on a cost neutral basis; this includes the forecast reduction in cost of the external contract. With regards to the staffing arrangements, the structure is designed on a basis that supports the service we currently provide.
- Are the officers confident that the ICT service will move away from using outside agencies?
 - o Kieran Johnston stated that the aim is to move away from the use of outside agencies, however there will be occasions where legacy support is needed. Moving forward work will continue with partners to enhance the services we currently provide.

Councillor Cory thanked the officers for their time and effort in developing the service following the in-depth discussions regarding the previous contractors performance.

Panel members welcomed the report and the information provided. Following agreement, the Chairman suggested that a full review of the ICT service comes back to the Panel in a years time, with an progress update provided to Panel members in 6 months time to ensure the service is on track.

RESOLVED that;

- a) the Scrutiny Panel reviewed the ICT Support contract.
- b) A full review of the ICT service be brought back to the Scrutiny Panel after a year of operation
- c) An update on the progress of the new ICT Service be provided to Panel members

after six months.

112 Use of Advertising Boards in the Town Centre Discussion Paper

Councillor Lilley, Portfolio Holder for Safer Communities and Licensing, introduced the report which requests the Panel discuss the use of A Boards in Colchester Town Centre and decide if they wish to make recommendations or inform any future approach. Lucie Breadman, Head of Community Services, Beverley Jones, Head of Professional Services, Dale Keeble, Planning Enforcement Manager and Sally Harrington, Planning and Licensing Service Manager were also in attendance.

Councillor Lilley informed the Panel that advertising boards in the Town Centre can cause significant issues particularly for those who are visually impaired; it creates obstacles along pathways and prevents access to shops. The report provides an opportunity to discuss the different options available for the Council.

Lucie Breadman, Head of Community Services, informed the Panel that under the Highways act, advertising boards can be removed but that this is not currently enforced by Essex County Council and Colchester Borough Council are not able to enforce this on their behalf. Dale Keeble, Planning Enforcement Officer, informed the Panel that the only powers that Colchester Borough Council has at its disposal is to deem the advertisements illegal. However, this would result in Colchester Borough Council prosecuting not only the business but also Essex County Council as the landowner; a fine of £2,500 would be issued with a further £250 fine per day. The report also included options of not proceeding with any option, applying for a Public Space Protection Order (PSPO) or adopting an area of special control.

Lucie Breadman confirmed that the Council had spoken to 24 business, and the majority were not aware there was a policy in place, but did feel that their advertising boards were important to their business. Lucie Breadman confirmed that in those areas where advertising boards had been banned there was not a huge impact on businesses. Lucie Breadman informed the Panel that only a small number of complaints about advertising boards had been received, however this did not mean that the advertising boards were not causing access issues within the town centre.

Mr Lee

Mr Lee informed the Panel that he was registered blind and had previously chaired the Fair Access to Colchester group. Whilst chairing the group an audit was conducted on the number of advertising boards in Colchester, it revealed that on 13 different streets in Colchester there were 300 A Boards; the latest survey conducted in 2015 saw this increase to 326.

Mr Lee stressed to the Panel the importance, as a guide dog user, of the streets being clear to navigate. Mr Lee informed the Panel of the reliance on tactile pavements which are frequently covered with advertising boards; this creates significant issues when

aiming to cross the road and leads to the avoidance of the Town Centre. In addition, Mr Lee highlighted to the Panel that cane users also find it difficult as canes get trapped in the bottom of advertising boards, potentially causing a collision. There are also issues with café furniture, however this can be managed if effective boundaries are placed around them.

Mr Lee highlighted that he provided evidence to the Essex County Council Scrutiny Committee on this subject, and that the RNIB and Guide Dogs have existing campaigns against the use of advertising boards. Mr Lee also stated that the use of advertising boards changes on a daily basis; the number of obstacles reduces both the individuals' and the guide dogs' confidence.

Ms Whyte

Ms Whyte informed the Panel that as a mobility scooter user advertising boards are a significant issue; they prevent access to streets, shops and dropped pavements. Ms Whyte highlighted that there had been occasions where users are forced to reverse back up a road to find a suitable location to dismount from a pavement. Ms Whyte said that the majority of issues were focused around Short Wyre Street, Eld Lane and Queen Street.

Ms Whyte highlighted the use of advertising boards blocks access to Colchester and this will include visitors to the Town's historical sites; whilst the Castle is fully accessible getting to the Castle might not be. Ms Whyte also informed Panel members about conversations that she had had with shop owners who were not willing to remove advertising boards or improve accessibility outside their shops. Ms Whyte stressed to the Panel how much better access in the Town Centre would be without advertising boards.

Councillor Willetts

Councillor Willetts stated that the current situation causes issues for everyone using the Town Centre. Councillor Willetts confirmed that this advertising boards had been discussed for a number of years, and nothing as yet had been done. Councillor Willetts also questioned the installation of the steel elephants in the Town Centre causing more obstruction.

Councillor Willetts suggested that the Scrutiny Panel should focus their attention on the use of Public Space Protection Orders, as used in Chelmsford, to reduce advertising boards as well as other options that need addressing. Councillor Willetts felt that a tough stance was the best way forward.

Councillor Higgins

Councillor Higgins welcomed that a report had come to the Scrutiny Panel but was disappointed that it was only a discussion paper. Councillor Higgins suggested that the Scrutiny Panel should recommend that the Essex County Council planning enforcement

option or public space protection order option be pursued.

Councillor Higgins stressed that the sheer number of advertising boards deters people from entering shops. Councillor Higgins also informed the Panel that she was aware of the issues this causes following conversations with access groups, particularly for those who have created mind maps of the fixed obstacles found in the Town Centre.

Scrutiny Panel Discussion

Councillor Davies thanked those who attended to make a contribution to the discussion.

The Panel discussed the impact that advertising boards were having on individuals, as well as the need to work with businesses to highlight the issues that advertising boards cause. Concerns were raised that an approach without businesses on board could impact their relationship with the Council.

The York City Council advertising boards' exemption policy was cited by Panel members as a good example to follow, which would ban the use of boards in unsuitable areas; feedback from the York policy should be sought as to whether it impacted businesses. Councillors also suggested the use of officially provided boards from Colchester Borough Council that could be placed on walls, however this may cause issues with conservation policies within the Town Centre. It was also felt that shop owners do have alternative methods to advertise their businesses which would not impact on the highway.

Mr Lee provided the Panel with further information, and highlighted that he had taken the previous mayor and current MP on a blindfolded tour of the town centre which they found scary. Mr Lee challenged members of the Panel and Councillors on the authority to do the same to understand what it is like to walk around the town with a visual impairment. Ms Whyte also highlighted the issue of gaps underneath barriers of café furniture, which can also cause access issues and recommended that any barriers go all the way to the floor. Sally Harrington confirmed that Colchester Borough Council had set out its fees and charges for street furniture as well as a draft policy on the type of furniture that can be used. Sally Harrington confirmed that this draft policy could be shared.

With regard to the options presented in the report, Panel members identified a preference for enforcement of the Essex County Council policy or the option of using a Public Space Protection Order. In terms of the Essex County Council policy, the Panel were concerned that it was not always clear who owns the land outside of the business making it difficult to enforce. Lucie Breadman confirmed that in those areas where the advertising board was on private land enforcement is not possible, however investigations on whether the board breaches the equality act could be undertaken. With regard to Public Space Protection Orders, Beverley Jones stated that in order to pursue a PSPO a Court must be convinced that it is required. Beverley Jones confirmed that the single issue of advertising boards would likely be rejected if an application was made

therefore requiring additional justification for its use. Officers would need to undertake additional investigations to establish whether this would be feasible.

Scrutiny Panel members agreed that following the input from members, the Portfolio Holder conduct further research into the options preferred, which includes the Public Space Protection Orders and the use of enforcement under the Essex County Council policy. The Scrutiny Panel also highlighted the need to speak to access groups and Councillors about this issue. The Portfolio Holder thanked the Panel for its input.

RESOLVED;

- a. That the Scrutiny Panel receive a further report providing greater details information on the preferred options to reduce the use of advertising boards in the Town Centre,
- b. That the an updated report be provisionally scheduled for the August Scrutiny Panel meeting.

113 Senior Management Restructure

Councillor Hogg (by reason of holding the position of Board Member at Colchester Borough Homes) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Willetts

Councillor Willetts stated to the Scrutiny Panel that he felt that the Senior Management Team should be under constant review and was pleased to see a review taking place. Councillor Willetts also praised further money raising ventures and the anticipated saving of £208,000.

Councillor Willetts further suggested benchmarking against other businesses with a similar number of employees to ensure that the Council has a realistic structure and extending the review to other areas of the Council. In addition, the management of the new company should reflect the best practice seen in both the private and public sector to ensure that it will go in the right direction.

Scrutiny Panel Discussion

Adrian Pritchard, Chief Executive, introduced the report which requests that the Scrutiny Panel consider and comment on the Senior Management Restructure proposals, in particular the governance arrangements around the new company and its relationship with the Council.

The Panel welcomed the report and heard that whilst the request from the leader had been to look at the governance procedures, given that details on the final structure of the company had not been confirmed, this would be too early to consider. Adrian Pritchard informed the Panel that there was due to be a workshop with Grant Thornton and

Pinsent Mason to look at the governance arrangements which would ensure that the structure is as tax efficient as possible. A proposal on the structure, including information on the functions included within the new company and the arrangements with councillors would be brought to the next Scrutiny Panel meeting prior to the June Cabinet meeting.

Councillor Coleman questioned whether the Chief Executive was confident in being able to provide more with less staff. Adrian Pritchard stated that there has been a requirement for Local Government to do more with less over the past few years; Colchester Borough Council has embraced this through the use of technology. Adrian Pritchard confirmed that he was confident that the proposed structure would be able to deliver the required services.

Councillor Arnold questioned the financial savings from the management restructure. In response Adrian confirmed that the restructure focuses the authority in reaching the commercial income targets already built in to the MTFF together with a future expectation of generating additional funding. The £208,000 recurring yearly savings relates to the funding removed from the Senior Management Posts. Adrian Pritchard also confirmed that there will be further reviews within Borough Council which will create further savings; the reviews will occur once the new senior management team is in place. The restructure, reviews and income targets will look to address the budget gaps forecast over the next few years. Councillor Smith added that the new structure will allow for the new commercial enterprises to generate larger surpluses as they will be operating in a commercial environment.

Councillor Fox questioned whether the restructure would enable the Council to retain those staff that are needed, and those who will benefit the Council's commercial activity. Adrian Pritchard confirmed that the restructure would retain the required staff and would be support by the necessary HR support; previous reviews had successfully retained the required staff. With regard to the senior managers there will be a process of matching; if 80% of the old role and the new role are the same the member of staff will be matched. Those roles that are less than 80% matched will require individuals to go through a process of demonstrating the required skills.

Panel members welcomed the proposals and expressed their confidence in the Chief Executives ability to drive the changes to the structure that is required. The Panel also looked forward to information about the governance arrangements being made available at the next Scrutiny Panel meeting.

RESOLVED that;

- a. The Panel expressed their confidence in the Chief Executives ability to drive the changes forward.
- b. The Panel receive a further report on the Senior Management Structure including additional information on the governance arrangements.

114 Draft Work Programme 16-17

Councillor Davies (by reason of being employed by the Rural Community Council of Essex which works in partnership with Colchester Borough Council promoting tourism) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Davies introduced the Scrutiny Panel Work Programme 2016/17 item. The report requested that the Panel note the report, and suggest items for inclusion on the 2017/18 work programme.

Councillor Davies highlighted the additional meeting scheduled for 30 May 2017 to discuss the Senior Management Restructure, and suggested that the advertising boards report return to the Scrutiny Panel during August. Councillor Davies also highlighted the inclusion of Vineyard Gate towards the end of the municipal year. With regards to the suggestion from Councillor Laws regarding the promotion of Colchester's Historical Assets, Councillor Davies questioned whether a peer review would be more suitable rather than an internal review.

Members of the Panel welcomed the idea of a peer review, however concerns were raised about how this would be funded. It was also suggested that Councillors Laws could provide further scoping information about what he would like to see within a report.

Councillor Davies highlighted the requirement to developing scoping documents for all the subjects that have been proposed by the Panel.

RESOLVED

- a. That the Work Programme be noted
- b. That a scoping document be circulated for those items suggested for inclusion into 2017/18 Work Programme.