

Cabinet

Wednesday, 02 September 2015

- Attendees:** Councillor Tim Young (Portfolio Holder for Community Safety, Licensing and Culture and Deputy to the Leader of the Council), Councillor Tina Bourne (Portfolio Holder for Housing and Public Protection), Councillor Paul Smith (Chairman and Portfolio Holder for Strategy), Councillor Beverley Oxford (Portfolio Holder for Customers), Councillor Mark Cory (Portfolio Holder for Resources), Councillor Bill Frame (Portfolio Holder for Economic Growth and Planning), Councillor Dominic Graham (Portfolio Holder for Street and Waste Services)
- Substitutes:** No substitutes were recorded at the meeting

Also in attendance: Councillors Barton, Hardy, Hazell, T. Higgins, Jarvis, Knight, Laws, Lissimore, Scott and Willetts

Publication and Call in Arrangements

Date Published: 3 September 2015 Date when decisions may be implemented (unless 'called in'): 5pm 10 September 2015 All decisions except urgent decisions and those recommended to Council may be subject to the Call-in Procedure. Requests for the scrutiny of relevant decisions by the Scrutiny Panel must be signed by at least ONE Councillor AND FOUR other Councillors to countersign the call-in form OR to indicate support by e-mail. All such requests must be delivered to the Proper Officer by no later than 5pm on Thursday 10 September 2015.

19 Minutes

RESOLVED that the minutes of the meeting held on 8 July 2015 be confirmed as a correct record.

20 Have Your Say!

Councillor Locker addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He had recently completed a consultation on the future use of the market and street traders, which he considered to be of poor quality. He noted that it had been written by a company called Quarterbridge who had also undertaken consultation exercises on market schemes in Seven Sisters and Woking. Directors from Quarterbridge had then also been involved in companies appointed to manage these markets. He requested further information on how Quarterbridge were appointed,

whether due diligence had been conducted and whether they had been given any indication that they would be able to bid to manage Colchester market.

Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, indicated that he would look into the situation but that contractors were appointed in an open and competitive way. Quarterbridge had not been asked to take on a role in managing the Colchester Market.

Adrian Pritchard, Chief Executive, was invited to address the Cabinet and assured Cabinet that Quarterbridge had been appointed following the normal procurement procedure and that due diligence had been undertaken. They were one of the top companies in this field. Council officers had not given any indication to them that they would have a role in managing the market.

Andy Hamilton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1). He noted that Firstsite had recently appeared at the Scrutiny Panel. The wishes of the public were ignored as the Council continued to support Firstsite. He believed that the Council's failure to act in the public interest was also shown by allowing Mingles to open and to continue to operate. He had informed the Council of breaches in planning conditions and he had been assaulted and abused whilst protesting outside the premises.

Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, responded that there was a groundswell of support for Firstsite under its new leadership. He was keen to make Firstsite an organisation that Colchester could be proud of. The Council was renegotiating the financial support it provided to all the major arts organisations in Colchester.

Councillor Frame, Portfolio Holder for Economic Growth and Planning, indicated that in respect of Mingles he would ask officers to check if there had been breaches of planning or licensing conditions and would respond to Mr Hamilton in due course.

Councillor Willetts addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to stress the benefits of Local Enterprise Zones, which the government was using to help develop small cities and large towns. They would help stimulate job creation, which was lagging behind house building in Colchester. Businesses in a Local Economic Zone gained many advantages, such as tax relief and reductions in business rates. He urged the administration to consider a Local Enterprise Zone based around the Knowledge Gateway and the Hythe. The deadline for bids for areas to be designated as Local Enterprise Zones was 18 September 2015.

Councillor Frame, Portfolio Holder for Economic Growth and Planning, indicated that he would respond in writing in due course.

Councillor Scott addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(1) to ask that Cabinet take the lead in demonstrating how Colchester could help deal with refugees from the Middle East. There was a long history of refugees being offered asylum in the United Kingdom. The United Kingdom was at the forefront of the development of the Convention on Refugees and in developing rights for refugees. Government action took time to implement so local action was important. A number of local groups were taking supplies to refugee camps in France. However, more could be done and the Council should consider whether it could take in 10 refugee families.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, thanked Councillor Scott for her comments and stressed that Colchester had a long history of welcoming and supporting immigrant communities.

21 Economic Growth Strategy 2015-2021

The Head of Commercial Services submitted a report a copy of which had been circulated to each Member.

Councillor Jarvis attended and with the consent of the Chairman addressed the Cabinet about the St Botolphs and Vineyard Gate schemes. He stressed that he was in regular contact with officers and was due to meet the Portfolio Holder shortly. He believed that the Vineyard Gate scheme was close to being moribund due to a lack of interest from major retailers in providing the anchor store. As regards St Botolphs it was rumoured that the Curzon cinema would not be going ahead, which would also have an impact on the Wonderhouse and Creative Business Centre projects. The position on these projects needed to be stated honestly and clearly. Without these schemes, the Economic Growth Strategy was unachievable

The Cabinet received a presentation from Nigel Myers, Economic Growth Manager, which set out the recent economic success of Colchester and the Council's contribution towards achieving this. Colchester now had a buoyant and resilient economy which had been classified the 51st strongest in the country for growth. There was still more to do, particularly in developing skills and employability. The Strategy had five key priorities:-

- Job creation;
- Raising the employability and skill levels of residents;
- Creating and retaining businesses;
- Improving Colchester's infrastructure;
- Securing inward investment and funding.

Councillor Frame, Portfolio Holder for Economic Growth and Planning, explained that he

would provide further information to Councillor Jarvis when he met him. However, he was not aware of any information that Curzon were seeking to withdraw from the St Botolph's scheme. He highlighted the scale of inward investment in Colchester, such as the refurbishment of Williams and Griffin and the George Hotel, which was indicative of the strength of the local economy. The Economic Growth Strategy 2015-2021 was ambitious and would build on the success of the previous Strategy.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, Councillor Cory, Portfolio Holder for Resources and Councillor Graham, Portfolio Holder for Street and Waste Services, also expressed their support for the Economic Growth Strategy 2015-2021 and highlighted in particular the evidence of the strength of Colchester's economy. One of the benefits of a buoyant local economy was that it helped strengthen the Council's financial position as council tax and business rates receipts increased and benefit claims were reduced.

RECOMMENDED TO COUNCIL that the Colchester Economic Growth Strategy 2015 to 2021 be adopted and included in the Council's Policy Framework.

REASONS

The Strategy recognises the need and responsibility to provide an overarching vision and framework of action for economic development and growth in the Borough.

ALTERNATIVE OPTIONS

The alternative would be not to produce a Strategy. This would represent a missed opportunity to fully capitalise on economic development and growth in the Borough. Also this omission may not meet the Council's responsibilities to promote and improve well-being under the Local Government Act 2000.

22 Establishment of a "Friendship City Relationship" with the City of Yangzhou, People's Republic of China

The Head of Commercial Services submitted a report a copy of which had been circulated to each Member. This was an urgent report that the Chairman had agreed should be considered at the meeting as a matter of urgency. The urgency arose from the fact that this was the last Cabinet meeting before the Mayor's visit to China on 27 September – 1 October 2015, when the agreement would be signed.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy explained that this was an exciting opportunity to strengthen the economic relationship with the world's second largest economy. The links that would develop with Yangzhou as a

consequence would be useful and profitable for Colchester.

The Mayor, Councillor Theresa Higgins, attended to thank the Cabinet for considering the Friendship City Agreement. The invitation had arisen from a visit from the Mayor of Yangzhou to Colchester last year. It was a great honour to be invited to represent Colchester and to sign the agreement on behalf of Colchester.

RESOLVED that the Mayor of Colchester be authorised to sign a “Friendship City Relationship” agreement with the City of Yangzhou, People’s Republic of China.

REASONS

The Borough of Colchester signed a Memorandum of Understanding (MoU) with the City of Yangzhou in 2007 to encourage the development of ties between the two communities and in October 2014 the Mayor of Colchester and the Leader of the Council hosted visitors from Yangzhou in Colchester in order to further the aims of the MoU for the mutual benefit of both the Borough of Colchester and the City of Yangzhou.

As a direct result of that visit, the Mayor of Colchester has been invited by the City of Yangzhou to attend the City’s 2,500 year anniversary celebrations at the end of September 2015 as a next step in the developing relationship between the two communities.

As part of the visit the City of Yangzhou has proposed that a signing ceremony is held for both the Borough of Colchester and the City of Yangzhou to sign formally a “Friendship City Relationship” agreement. This report asks for Cabinet’s authorisation for the Mayor of Colchester to sign this agreement on behalf of the Council.

ALTERNATIVE OPTIONS

Not to authorise the Mayor of Colchester to sign the agreement which would exclude Colchester from exploiting opportunities of mutual benefit in the fields of economy, trade, science and technology, culture, education, sports, health, personnel with the City of Yangzhou.

23 Implementing the Environmental Sustainability Strategy - Signing Up to the LGA Climate Local Commitment

The Head of Commercial Services submitted a report a copy of which had been circulated to each Member.

Councillor Laws attended and with the consent of the Chairman addressed the Cabinet to express his support for the LGA Climate Local Commitment. However, it was

important that this was followed up with concrete actions. He highlighted the loss of cycle racks on the High Street which was not consistent with the spirit of the Commitment.

Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, explained that this arose from the Nottingham Declaration. Signing the LGA Climate Local Commitment and approving the Action Plan would keep the Council at the leading edge of the climate change agenda and it would demonstrate its commitment to tackling climate change in its role as a community leader, as a service provider and as an estate manager.

RESOLVED that:-

- (a) Colchester Borough Council (CBC) become a signatory of the Local Government Association (LGA) initiative 'Climate Local'.
- (b) The Climate Local Action Plan at Appendix 1 of the Head of Commercial Services report be approved.
- (c) The reporting and monitoring requirements set out in paragraph 5.3 of the Head of Commercial Services report be agreed.
- (d) The Leader of the Council be authorised to sign the LGA Climate Local Commitment.

REASONS

Environmental sustainability is a strategic priority for the Council and the Environmental Sustainability Strategy (ESS) 2015-2020 was adopted in January 2015. As part of the adopted strategy a key deliverable is for CBC to consider becoming a signatory of the LGA initiative 'Climate Local'.

Becoming a signatory to Climate Local will help the Council to take the next step on from the Nottingham Declaration, which it signed up to in 2008, and will demonstrate an on-going commitment to reducing the Council's own carbon emissions from its buildings, services and operations. It will also help to capture the outcomes in the work it does to support communities to become more resilient to the changing world.

ALTERNATIVE OPTIONS

To not sign the Climate Local Commitment. There is no significant negative impact for the Council if it does not sign up to Climate Local, but by doing so it does present an ideal opportunity to highlight how well the Council is working to reduce its own carbon emissions; how we are working with communities to help them become more resilient to

climate change; and the expectations the Council has for suppliers and partners to demonstrate good “green” practices and lead on their own carbon reduction projects.

24 Grounds Maintenance Contract

The Head of Community Services submitted a report a copy of which had been circulated to each Member.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, highlighted that in order to encourage interest from small and local companies, the contract would be offered in lots. Contractors would be able to bid for individual or a combination of lots. The successful contractors would also be required pay those engaged on the contract the living wage

RESOLVED that:-

- (a) The evaluation matrix to be used to assess and compare the grounds maintenance tenders be agreed.
- (b) Authority to award the grounds maintenance contract be delegated to the Portfolio Holder for Communities and Leisure Services on the basis of the evaluation matrix.

REASONS

The evaluation matrix is an important part of the tendering process describing the means by which tenders are assessed. The matrix forms part of the tender documents and provides the transparency for tender evaluation so that competing tenderers know how their submissions are to be assessed. The evaluation criteria are clearly stated and remove the potential for challenge to award decisions. The evaluation criteria identify aspects that are important in contract evaluation and enable a range of factors to be taken in to account when identifying the most economically advantageous tender submission

As set out in the Scheme of Delegation of the Council Constitution, the Portfolio Holder for Communities and Leisure Services has delegation to procure the specified service in the provision, implementation, maintenance and management of:-

1. Sports and leisure facilities, parks and gardens, allotments, playing fields, beach facilities, public open spaces, amenity areas and country parks.

Grounds maintenance is a fundamental element of the service provision and the award of the contract will be determined by the Leisure and Communities Portfolio Holder Portfolio following evaluation of the tenders using the agreed evaluation matrix. Due to

the importance and value of the contract it is considered that the decision should be made by the Portfolio Holder.

ALTERNATIVE OPTIONS

An evaluation matrix is a requirement of the procurement regulations to ensure a transparent process and to give clarity to all of the factors that are to be taken in to account as part of the tender evaluations. The evaluation matrix must be made available to all tenderers as part of the procurement process. There is no option not to produce an evaluation matrix.

25 Centralised CBC Events Management Service

The Head of Commercial Services submitted a report a copy of which had been circulated to each Member.

Councillor Havis, Chairman of Trading Board, attended and with the consent of the Chairman, addressed the Cabinet. The Trading Board had unanimously endorsed the Events Management Business Case. This was a robust business case which would bring together the Council's events and venues under Commercial Services. This would bring significant financial and operational benefits and would provide an enhanced service to visitors and residents.

Councillor Willetts attended and with the consent of the Chairman, addressed the Committee to express his support for the Events Management Business Case. Events Management was a complex process with specialist activities such as marketing and ticketing. The proposals in the Business Case would enable outside expertise to be brought in and for specialist skills to be developed. The economies of scale would lead to the creation of a strong commercial organisation which could develop into a stand-alone company.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, thanked the Trading Board for their work in bringing forward the proposals. He emphasised that whilst the administration may be supportive of giving greater economic freedom to its commercial services it ensured that the profits of such services were re-invested in Council services, rather than to shareholders of a plc.

RESOLVED that the contents of the Head of Commercial Services report, which provides some background to the recommendation from Trading Board on the Events Management Business Case in part B of the agenda, be noted.

REASONS

At its meeting on 5 August 2015, the Trading Board made a recommendation to Cabinet on a Centralised Colchester Borough Council Events Management Business Case. The reports considered by Trading Board contained exempt information and were therefore published on part B of the agenda. Accordingly the Trading Board moved a motion that the public be excluded from the meeting before the item was considered. Therefore the minute of the meeting containing the recommendation from Trading Board is published on part B of this agenda as it also contains exempt information.

The Head of Commercial Services report sets out some background and context to the decision that Cabinet is being invited to make.

ALTERNATIVE OPTIONS

No alternative options are proposed.

26 Year End 2014/15 Performance Report and Strategic Plan Action Plan

The Assistant Chief Executive submitted a report a copy of which had been circulated to each Member together with minute 20 from the Scrutiny Panel meeting of 18 August 2015.

Councillor Davies, Chairman of the Scrutiny Panel, attended and with the consent of the Chairman addressed the Cabinet. She expressed the Scrutiny Panel's concern about the performance on KPI K1 RS on staff sickness rates. This was higher than last year and was not consistent with the assertions made about staff morale in the staff survey. Staff sickness had an impact on all aspects of Council services. There was a need to consider mindfulness as well as physical health.

Councillor Lissimore attended and with the consent of the Chairman, addressed the Cabinet to suggest that a new KPI on rates of missed recycling collection should be introduced. She believed that many residents did not recycle as when they did so, it was not collected, with no explanation as to why. Operatives should be giving advice as to why recycling was not collected. Recycling rates would only increase if the Council took responsibility for educating residents in how to recycle. She also expressed her disappointment that the consultation on waste and recycling issues had not gone ahead as suggested by the Waste and Recycling Task and Finish Group

Councillor Graham, Portfolio for Street and Waste Services, responded that whilst the timescale was yet to be agreed, the format of the consultation would be as suggested by the Task and Finish Group. The timescale would be discussed at the forthcoming meeting of the Task and Finish Group, of which Councillor Lissimore was a member. The missed collection rate was extremely low at 0.032%, which indicated that

this was not a significant issue that required formal monitoring through a KPI.

Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, stressed that he felt it was unfair to criticise the operatives, who worked very hard in difficult conditions to provide an excellent service.

Councillor Cory, Portfolio Holder for Resources responded to the comments made on staff sickness. The situation was improving and it was anticipated that this would be a “green” indicator next year. Staff morale and engagement with change was improving and some of the more longstanding cases of extended sickness absence had now been tackled.

RESOLVED that:-

- (a) The performance update for the Council’s key performance measures for the year ending 31 March 2015 at Appendix 1 of the Assistant Chief Executive’s report be noted
- (b) The set of indicators proposed for 2015/16 at Appendix 1 of the Assistant Chief Executive’s report be agreed.
- (c) The progress update of the Strategic Plan Action Plan for the year ending 31 March 2015 at Appendix 2 to the Assistant Chief Executive’s report be noted.

REASONS

The Council has agreed a number of key performance areas which it uses as part of its Performance Management Framework to help monitor progress and improvement. The Assistant Chief Executive’s report provides an update on our indicators and a review of progress against our Strategic Plan Action Plan along with proposals for 2015/16 indicators.

ALTERNATIVE OPTIONS

No alternative options were proposed.

27 New Strategic Plan Action Plan

The Assistant Chief Executive submitted a report a copy of which had been circulated to each Member together with minute 23 from the Scrutiny Panel meeting of 18 August 2015.

RESOLVED that:-

- (a) The new Strategic Plan Action Plan (SPAP) be approved.

- (b) The plans to develop further items for the SPAP to be added for year 2 be approved.
- (c) Plans to assign the funding allocated for the Strategic Plan be approved.

REASONS

Cabinet approved a new Strategic Plan in February 2015 which describes the organisation's ambitions for the borough. At that time Cabinet asked officers to prepare a new action plan to achieve these ambitions.

This action plan includes actions to achieve each of the priorities in the Strategic Plan, some of which will take several years to achieve.

Officers are working on developing new ideas for the SPAP that were generated at a recent officer Masterclass. Once these are ready, Cabinet will be asked to approve their addition for the start of the second year of this plan.

Cabinet agreed to allocate £547,000 from the New Homes Bonus in the 2015/16 budget to support actions for delivery of the Strategic Plan in areas where it is felt additional resource is needed. During the first year more detailed plans will be developed for spending on specific projects.

ALTERNATIVE OPTIONS

It was open to the Cabinet not to approve the SPAP or to approve it subject to amendments.

28 Local Government Ombudsman - Annual Review 2014-15

The Monitoring Officer submitted a report a copy of which had been circulated to each Member.

Councillor Hazell attended and with the consent of Chairman, addressed the Cabinet and noted the number of complaints to the Local Government Ombudsman had increased by a third. Each complaint needed to be taken seriously and should be subject to scrutiny to see what lessons could be learnt.

Councillor B. Oxford, Portfolio Holder for Customers, explained that the Local Government Ombudsman Service provided an independent avenue for resident to complain and to hold the Council to account. The Council welcomed complaints as they provided a way of improving services. Only one complaint had been upheld by the Ombudsman and in that case the Ombudsman had ruled that the complainant had suffered no injustice.

RESOLVED that the contents of the Local Government Ombudsman's Annual Review Letter be noted.

REASONS

To inform the Cabinet of the number of complaints received by the Local Government Ombudsman in relation to Colchester during 2014/15.

ALTERNATIVE OPTIONS

No alternative options were proposed.

29 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.

30 Minutes - Part B

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

RESOLVED that the not for publication extract from the minutes of the meeting held on 8 July 2015 be approved as a correct record.

31 Centralised CBC Events Management Service

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

The minute from the Trading Board meeting of 5 August 2015 about the Centralised CBC Events Management Service was submitted to Cabinet. The Cabinet also had before it the report to Trading Board and the Colchester Events Management Business Plan.

RESOLVED that the Events Management Business Case be approved and the next actions as set out in the minute from Trading Board/ be agreed:

REASONS

The Events Management Business Case proposed bringing together Colchester Borough Council's events venues under Commercial Services which would bring significant financial and operational benefits.

ALTERNATIVE OPTIONS

Not to approve the Events Management Business Case