

Scrutiny Panel Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ**

Friday, 22 February 2019 at 18:00

The Scrutiny Panel examines the policies and strategies from a borough-wide perspective and ensure the actions of the Cabinet accord with the Council's policies and budget. The Panel reviews corporate strategies that form the Council's Strategic Plan, Council partnerships and the Council's budgetary guidelines, and scrutinises Cabinet or Portfolio Holder decisions which have been called in.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here: <http://www.colchester.gov.uk/haveyoursay>.

Audio Recording, Mobile phones and other devices

The Council audio records public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Library and Community Hub, Colchester Central Library, 21 Trinity Square,
Colchester, CO1 1JB

telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

Scrutiny Panel – Terms of Reference

1. To fulfil all the functions of an overview and scrutiny committee under section 9F of the Local Government Act 2000 (as amended by the Localism Act 2011) and in particular (but not limited to):

- (a) To review corporate strategies;
- (b) To ensure that actions of the Cabinet accord with the policies and budget of the Council;
- (c) To monitor and scrutinise the financial performance of the Council, performance reporting and to make recommendations to the Cabinet particularly in relation to annual revenue and capital guidelines, bids and submissions;
- (d) To review the Council's spending proposals to the policy priorities and review progress towards achieving those priorities against the Strategic and Implementation Plans;
- (e) To review the financial performance of the Council and to make recommendations to the Cabinet in relation to financial outturns, revenue and capital expenditure monitors;
- (f) To review or scrutinise executive decisions made by Cabinet, the North Essex Parking Partnership Joint Committee (in relation to decisions relating to offstreet matters only) and the Colchester and Ipswich Joint Museums Committee which have been made but not implemented referred to the Panel pursuant to the Call-In Procedure;
- (g) To review or scrutinise executive decisions made by Portfolio Holders and officers taking key decisions which have been made but not implemented referred to the Panel pursuant to the Call-In Procedure;
- (h) To monitor the effectiveness and application of the Call-In Procedure, to report on the number and reasons for Call-In and to make recommendations to the Council on any changes required to ensure the efficient and effective operation of the process;
- (i) To review or scrutinise decisions made, or other action taken, in connection with the discharge of functions which are not the responsibility of the Cabinet;
- (j) At the request of the Cabinet, to make decisions about the priority of referrals made in the event of the volume of reports to the Cabinet or creating difficulty for the management of Cabinet business or jeopardising the efficient running of Council business;

2. To fulfil all the functions of the Council's designated Crime and Disorder Committee ("the Committee") under the Police and Justice Act 2006 and in particular (but not limited to):

- (a) To review and scrutinise decisions made, or other action taken, in connection with the discharge of those functions by the responsible authorities of their crime and disorder functions;
- (b) To make reports and recommendations to the Council or the Cabinet with respect to the discharge of those functions.

COLCHESTER BOROUGH COUNCIL
Scrutiny Panel
Friday, 22 February 2019 at 18:00

The Scrutiny Panel Members are:

Councillor Beverly Davies	Chairman
Councillor Kevin Bentley	Deputy Chairman
Councillor Phil Coleman	
Councillor Chris Hayter	
Councillor Andrea Luxford Vaughan	
Councillor Lee Scordis	
Councillor Barbara Wood	

The Scrutiny Panel Substitute Members are:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 5 are normally dealt with briefly.

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or

participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

5 Have Your Say!

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

6 Decisions taken under special urgency provisions

The Councillors will consider any decisions by the Cabinet or a Portfolio Holder which have been taken under Special Urgency provisions.

7 Cabinet or Portfolio Holder Decisions called in for Review

The Councillors will consider any Cabinet or Portfolio Holder decisions called in for review.

Call in of Cabinet Decision on the Recommendation of the Heritage and Tourism Task and Finish Group

7 - 12

The Panel is asked to review the decision set out in minute 329 of the Cabinet meeting on 30 January 2019.

8 Items requested by members of the Panel and other Members

(a) To evaluate requests by members of the Panel for an item relevant to the Panel's functions to be considered.

(b) To evaluate requests by other members of the Council for an item relevant to the Panel's functions to be considered.

Members of the panel may use agenda item 'a' (all other members will use agenda item 'b') as the appropriate route for referring a 'local government matter' in the context of the Councillor Call for Action to the panel. Please refer to the panel's terms of reference for further procedural arrangements.

9 Exclusion of the Public (Scrutiny)

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential 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)

22 February 2019

Report of	Assistant Director, Policy and Corporate	Author	Richard Clifford ☎ 507832
Title	Call in of Cabinet Decision on the Recommendation of the Heritage and Tourism Task and Finish Group		
Wards affected	All Wards		

1. Executive Summary

- 1.1 This report sets out the background for the review of the decision taken by the Cabinet at its meeting on 30 January 2019 on the recommendation of the Heritage and Tourism Task and Finish Group in respect of the new strapline.

2. Action Required

- 2.1 The Panel is asked to review the decision set out in minute 329 of the Cabinet meeting on 30 January 2019, and to consider the options set out in paragraph 4.5 below.

3. Reason for Scrutiny

- 3.1 The Constitution provides for the Scrutiny Panel to review or scrutinise executive decisions made by the Cabinet but not implemented pursuant to the Call-In Procedure.

4. Background Information

- 4.1 At its meeting on 30 January 2019, the Cabinet considered a recommendation from the Heritage and Tourism Task and Finish Group on a new strapline for Colchester. The minute reference considered by Cabinet is at Appendix A. The decision taken by Cabinet is set out in minute 329 of the Cabinet meeting which is at Appendix B.
- 4.2 The decision was called in by Councillor Lewis Barber, supported by four other Councillors. The call-in form, which includes the reasons for the call-in is at Appendix C. The text that is struck out was not deemed a valid reason by the Monitoring Officer.
- 4.3 In accordance with the Overview and Scrutiny Procedure Rule 13(6) an informal meeting was arranged with the Chair of the Scrutiny Panel, Councillor Tim Young, Portfolio Holder for Business and Culture, and Councillor Lewis Barber, where it was agreed by all parties that the call-in should be considered by the Scrutiny Panel. This would provide an opportunity for Councillors and members of the public to make representations on the issue. The debate at the meeting should be confined to the reasons stated for the call in.
- 4.4 The Council has received a number of written submissions from members of the public. A summary of these will be published before the meeting.

Options available to the Panel

- 4.5 The Panel may:
 - confirm the decision, which may then be implemented immediately, or
 - refer the decision back to the Decision Taker for further consideration setting out in writing the nature of its concerns, or
 - refer the decision to full Council in the event that the Panel considers the decision to be contrary to the Policy Framework of the Council or contrary to, or not wholly in accordance with the Budget.

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE
HERITAGE AND TOURISM TASK AND FINISH GROUP
HELD ON 20 NOVEMBER 2018**

8. First Capital of Roman Britain / Britain's First Roman City

Officers provided a presentation to the Group on Branding and the importance of a tourism brand/strapline.

Officers also assisted the Group in their discussions on a potential change to the current strap line 'Britain's Oldest Recorded Town'. Officers considered that it was important not to narrow down Colchester's appeal given Colchester had a lot to offer beyond its heritage, and many tourism stakeholders with non-heritage related businesses whilst many potential visitors were not engaged by history or the Romans. Officers were of the view that a strapline shouldn't be too long and should flow well when written down or read.

The Chairman welcomed the suggestion to test a potential change in strapline by starting an online public consultation and proposed recommending to Cabinet that 'Britain's First Roman City' be adopted for this purpose.

Philip Crummy was of the opinion that a change to the use of the term First Capital would be open to challenge from London but he welcomed the use 'Roman' within any new strapline as he considered it was this characteristic of the town which set it apart from others. He commented on the Visit Colchester use of the term 'More than Britain's Oldest Recorded Town' and was of the view that it would be more appropriate for this term to be 'Britain's Oldest Recorded Town and more'.

Councillor Barton explained that she had exchanged emails with Jonathan Pearsall who had first suggested the idea of a change in strapline, and he had confirmed his support for 'Britain's First Roman City' whilst Councillor Scordis indicated his preference for 'Britain's Oldest Recorded Town and more'.

The Group agreed to recommend to Cabinet that consideration be given to undertaking an online public consultation on a change to Colchester's strapline from 'Britain's Oldest Recorded Town' to 'Britain's First Roman City and more'.

Extract from the draft minutes of the Cabinet meeting held on 30 January 2019

329. Recommendation from Heritage and Tourism Task and Finish Group //First Capital of Roman Britain / Britain's First Roman City

Cabinet considered minute 8 from the Heritage and Tourism Task and Finish Group.

Councillor G. Oxford attended and with the consent of the Chairman, addressed the Cabinet. As part of his mayoral legacy, a number of signs had received planning permission recently. He was content that the wording of "Colchester, Britain's First City" be used on these signs, as it was important a consistent and uniform approach was taken.

Councillor Laws, Chairman of the Heritage and Tourism Task and Finish Group, attended and with the consent of the Chairman, addressed the Cabinet. He stressed that he had an open mind on the wording of the strapline, and that it did not have to include a Roman reference. However, in the challenging retail environment, Colchester should play to its strengths and make the most of its Roman heritage, as York did with its Viking history.

Councillor T. Young, Portfolio Holder for Business and Culture, explained that the new strapline for Colchester; was "Colchester, Britain's First City". and he unveiled the new design for the logo. There was no need for further consultation and this would be used going forward. Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, and Councillor Barlow, Portfolio Holder for Commercial Services, expressed their support and their thanks to the Heritage and Tourism Task and Finish Group.

RESOLVED that Colchester's new strapline be "Colchester, Britain's First City" and this be used going forward without further consultation.

REASONS

A new strapline for Colchester was needed and the preferred wording reflected Colchester's heritage.

No further consultation on the issue was required.

ALTERNATIVE OPTIONS

Cabinet could have proceeded with the recommendation from the Heritage and Tourism Task and Finish Group.

COLCHESTER BOROUGH COUNCIL

REQUEST FOR CALL IN OF
DECISIONS TAKEN BY THE CABINET
OR UNDER DELEGATED POWERS

Explanatory Note

This form may be used to request a call in of any decision (except urgent decisions) taken by the Cabinet or by a Cabinet Member acting under delegated powers or a Key Decision taken by an Officer under delegated powers.

This form must be signed by at least five Councillors (or by one Councillor and supported by four other Councillors via e-mail) and must be delivered to the Proper Officer within five working days of publication of the decision.

We, the undersigned, request that the following decision be scrutinised by the Scrutiny Panel for the reasons set out below: -

The decision of the Cabinet on 30th January 2019, item 10(ii)

Reason(s) for call in:

- a) Failure to consider all options available: The Cabinet failed to discuss or consider the **recommendation** from the Heritage Task and Finish group was not properly discussed or considered at the Cabinet meeting on 30/1/19. The minutes of that meeting make no reference to a discussion of the options. No other options were considered, of which there are many.
- b) Failure to have regard to due consultation: There is a decision which impacts the whole borough. The minutes of the Cabinet meeting state "no consultation is needed." It is a statement repeated twice more and subsequently since by cabinet members. We do not agree with this statement and consider that this is an issue where consultation is imperative. The importance of consultation is reflected in comments made by the public since.
- d) Lack of clarity of aims and desired outcomes: No justification is given for Cabinet's belief that "a new strapline for Colchester was needed."
- g) Lack of presumption for openness: It is clear, especially given point a) and b), that this was a pre-determined decision. ~~This is further demonstrated by the fact the signs had already been designed and ordered prior to the decision.~~
- j) Proper procedures were not followed: The Heritage Task and Finish Group was invited to look into this issue and a well-respected list of local people were invited to feed into the process. They spent some time discussing the issue and making recommendations, which were not taken into account. Recommendations included consultation. Therefore, we do not consider proper procedures have been followed.

Signatures

1. Lewis Barber

Names in Capital Letters

LEWIS BARBER



2. Dennis Willetts DENNIS WILLETTS
E-mail of support received on 6 February 2019
3. Andrew Ellis ANDREW ELLIS
E-mail of support received on 6 February 2019
4. Simon Crow SIMON CROW
E-mail of support received on 6 February 2019
5. Jackie Maclean JACKIE MACLEAN
E-mail of support received on 6 February 2019

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

NB Please tick representative to attend and present case at the Scrutiny Panel meeting.

For Office Use:

Date and time of Receipt: 6 February 2018, 8.30am Action: