

CABINET

21 MAY 2008

Present:- Councillor Turrell* (Chairman)
Councillors Barton*, Dopson*, Higgins*, Hunt*, Oxford*,
Smith* and Young*

Date draft minutes published: 22 May 2008

Date when decisions may be implemented if not called in: 2 June 2008

All decisions except urgent decisions and those recommended to Council may be subject to call in.

The decision at minute 9 has been certified as an urgent decision by the Proper Officer and the Chairman of the Strategic Overview and Scrutiny Panel and can be implemented immediately

Requests for scrutiny of decisions by the Strategic Overview and Scrutiny Panel must be signed by at least one Councillor and countersigned by four other Councillors (or alternatively support may be indicated). All such requests must be delivered to the Proper Officer by no later than 5pm on: 30 May 2008.

3. Minutes

The minutes of the meeting on 12 March 2008 were confirmed as a correct record.

4. Have Your Say!

Paula Whitney addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). She expressed concern about the Essex County Council Waste Strategy. Details of the business cases for the Private Finance Initiative had been released which revealed higher costs than predicted for district councils. She urged the Cabinet to ensure that Colchester Borough Council did not support the Waste Strategy. She also urged the Cabinet to reconsider the development of the S Botolph's area by maintaining a bus station at the current location and by maintaining public transport routes through Osborne Street.

Adrian Lynn addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He supported the introduction of trams as a more environmentally friendly form of public transport and expressed concern about anti-social behaviour of groups of teenagers in the Castle Park, which younger children found frightening. Councillor T. Young, Portfolio Holder for Street and Waste Services, responded and stressed that making the town centre and Castle Park safe was a high priority for the new administration.

Peter Lynn addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He stated that he had not received a response to the comments raised about air quality at Brook Street at the Cabinet meeting on 12 March 2008 and asked whether the new administration would give priority to improving air quality in the two Air Quality Management Areas and agree and implement an Air Quality Action Plan for Brook Street.. Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Councillor T. Young, Portfolio Holder for Street and Waste Services, promised that a response would be sent and the air quality problems in the Brook Street area would be addressed.

Michael Heaton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He expressed concern that the renewal of the waste collection contract would lead to the outsourcing of the service and was worried by the use of Agency staff. He also considered that there should be more street cleaners in the town centre and tourist information booths in Lion Walk and Culver Square shopping centres. Councillor T. Higgins, Portfolio Holder for Culture, Tourism and Diversity responded to the points made about tourist information and Councillor T. Young, Portfolio Holder for Street and Waste Services, promised that a written reply would be sent in relation to the points made about street and waste services.

Andy Hamilton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to express his concern about the Visual Arts Facility which he considered to be a failure in both financial and design terms.

5. Request for Delegated Authority in Relation to Insurance Contract

The Head of Financial Services submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix B to these minutes in the Minute book.

RESOLVED that responsibility for agreeing the Council's insurance contract be delegated to the Portfolio Holder for Resources and Business.

REASONS

The current five year insurance contract expires on 31 July 2008. A tender exercise was being carried out by the Council's external brokers, Aon Ltd, to obtain quotes from various insurers for a new contract. The results of this exercise were scheduled to be available from Aon until 27 June 2008, which would not allow sufficient time to report to Cabinet before the current contract expires.

ALTERNATIVE OPTIONS

The alternative option would be to report to Cabinet at the meeting on 10 September 2008 requesting approval of the new contract. This would be over a month after the expiry of the existing contract and would require the Council to request that the current insurers extend cover for a further period, which they would have no obligation to do. This could result in there being no cover until such time as Cabinet agreed the new

contract.

6. Appointments to External Organisations and Council Groups

The Head of Corporate Services submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix B to these minutes in the Minute Book.

RESOLVED that:-

- (a) The classification of each Organisation or Group as set out in the Appendices to the Head of Corporate Services report be agreed;
- (b) The representatives for the Municipal Year 2008/09 to the various external organisations and Council groups listed in Appendix A be agreed, such appointments to cease if the representatives cease to be members of the Council during the year subject to the following amendments:-
 - (i) Councillor Willetts be the Conservative Group nominee to the Equality and Diversity Team;
 - (ii) Councillor Hazell to replace Councillor Lissimore on the Local History Panel;
 - (iii) Councillor Sykes to replace Councillor Hunt on the Member Development Group;
 - (iv) Councillor Garnett to replace Councillor Crowe as the ~~nomi~~ voting member on the Local Government Association Rural Commission,
- (c) Those Councillors who are not members of the Council groups for the Municipal Year 2008/09 be confirmed as a pool of members able to act as substitute members on Council groups, in accordance with the normal requirements relating to substitute members set out in the Council's Constitution;
- (d) The Leader of the Council be authorised to make a determination where nomination is deemed to be in dispute.

REASONS

It was important for the Council to continue to make formal appointments to certain organisations and council groups such as those with statutory functions, key strategic and community partners and groups with joint working arrangements and other important groups. These Groups were identified in Appendix A.

However there were a small number of groups and organisations whereby it would now be more appropriate for links to be maintained through the relevant Council lead officer or the relevant Portfolio Holder. These Groups were identified in Appendix B.

Those groups and organisations which have ceased or will shortly be ceasing to exist are listed in Appendix C.

ALTERNATIVE OPTIONS

No alternative options were proposed other than to authorise the Leader of the Council to make a determination where a nomination is deemed to be in dispute.

7. Progress of Responses to the Public

The Head of Corporate Services submitted a progress sheet a copy of which had been circulated to each Member and a copy of which appears as Appendix C to these minutes in the Minute Book.

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 other options were presented to the Cabinet for consideration.

8. Approval of Heads of Terms for Disposal of the Cultural Quarter Site at Queen Street

The Head of Renaissance Programme submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix D to these minutes in the Minute Book.

Councillor Barton, Portfolio Holder for Regeneration and Planning, stated that whilst the scheme was supported, it contained too many flats and it did not guarantee the relocation of the bus station before work began. It was therefore proposed that the report be deferred for further consideration of the number of flats and how a bus station could be provided throughout the development work.

RESOLVED that the report be deferred for further consideration of the number of flats and how a bus station could be provided throughout the development work.

REASONS

The continued provision of a bus station within this area was a priority for the Council.

ALTERNATIVE OPTIONS

The alternative proposals were as set out in the Head of Renaissance Programme's report.

The Cabinet resolved under Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972.

Councillor Tim Young (in respect of his previous role as Chairman of Colchester Borough Homes) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) left the meeting during its consideration and determination.

9. Continuation of Repairs and Planned Maintenance Service for the Housing Stock

This minute is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information relating to the financial or business affairs of any particular person (including the authority holding that information and/or paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)).