

# CABINET

## 14 MARCH 2012

*Present :-* Councillor Anne Turrell (the Leader of the Council)  
(Chairman)  
Councillors Nick Barlow, Lyn Barton, Tina Dopson,  
Martin Hunt (Deputy Leader ) , Beverley Oxford,  
Paul Smith and Tim Young

*Also in Attendance :-* Councillor Mary Blandon  
Councillor Nick Cope  
Councillor Annie Feltham  
Councillor Pauline Hazell  
Councillor Will Quince  
Councillor Mike Hardy

### **69. Minutes**

The minutes of the meeting on 25 January 2012 were confirmed as a correct record. Councillor T. Young, Portfolio Holder for Housing and Community Safety, indicated that the allegations made during the Have Your Say! section of the meeting against officers who were helping residents find alternative accommodation at Joyce Brooks House had been investigated and had not been substantiated.

### **70. Have Your Say!**

Angel Kalyan addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). She stated that the system was not working for her and that the Cabinet minutes were not based on fact. She listed a series of correspondence with the Council which she claimed was evidence that undermined the Council's defence in her legal case that it was unaware of flooding problems. The Council did not have a proper complaints system in place and her local councillors could not speak up for her. She asked for round table discussions to discuss her evidence.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, indicated that Ms Kalyan's complaint had been rejected by the Ombudsman and that she needed to take legal advice if she wished to pursue matters further. Adrian Pritchard, Chief Executive, indicated that a legal claim based on her complaint had been settled, with her agreement. In the circumstances, he was not prepared to put further resources into dealing with this matter.

Bobby Hunt addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He claimed that the Council had made the lives of residents in Joyce Brooks House a misery and that the Council had allocated significant resources to destroy a small, happy community. In doing so, the Council had ignored the wishes

of the MP for Colchester and the many people who had signed the petition opposing the closure. Joyce Brooks House was a model sheltered housing scheme. The Council needed to consider how it would be perceived when it had to force residents to leave.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, indicated that the decision to close Joyce Brooks House was part of a wider decision to ensure the provision of sheltered housing fit for the 21st century. Whilst it had been a difficult decision, it had been the correct one.

Councillor Cope attended and, with the consent of the Chairman, addressed the Cabinet. He understood that there had been four recent accidents at Joyce Brooks House and asked for a reassurance that staff at Joyce Brooks House remained committed to their duty of care to the residents.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, replied that the staff of Colchester Borough Homes and Colchester Borough Council provided an excellent standard of care and that this had not changed since the announcement of the closure. The behaviour of officers had been impeccable. If given any evidence to the contrary he would investigate.

**Councillor Will Quince (in respect of his position as a trustee of a local charity which allocated grants) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**71. Jubilee Projects 2012**

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

Councillor Quince attended and, with the consent of the Chairman addressed the Cabinet. He welcomed the proposals in the report. In particular the funding allocated for local community projects would make a real difference to small community groups. The funding for community safety was also particularly welcome as this was one of the biggest concerns of local residents. The introduction of ward budgets would empower councillors and their local communities. He urged the administration to ensure that wide publicity was given to these measures to ensure the relevant groups were able to bid for funding.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, stressed the importance of the measures in the report, which were a good example of localism. Potentially every resident In Colchester stood to gain from this funding. The grants would be distributed by voluntary sector organisations. Councillor Dopson, Portfolio Holder for Communities, expressed her support for the proposals.

*RESOLVED* that the budget allocations set out at Appendix A of the Chief Executive's report be added to the 2012/13 revenue budget and capital programme as appropriate.

## *REASONS*

The proposed additional budget allocations are designed to support a diverse range of projects in the whole Borough during 2012/13. They will help to meet the priorities for a number of customer groups and many of our strategic priorities in the new Strategic Plan. The proposals include opportunities for local groups and Councillors to receive funding that can make a difference to their local area linked to the localism agenda.

## *ALTERNATIVE OPTIONS*

Other opportunities for delivering this package of measures have been considered but the proposals are considered to represent a balanced approach for a range of customers.

## **72. Progress Report of the Colchester Local Housing Review**

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member.

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). Whilst he was impressed with the work done on the review done so far, he considered that communication on this issue was crucial. A “belt and braces” approach needed to be taken with the consultation and the Council had to make sure it reached out to all interested parties. This was particularly important given the raised interest in the issue that would follow from the sheltered housing review.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, thanked Mr Chilvers for his comments which would be taken on board. Councillor T. Young, Portfolio Holder for Housing and Community Safety, explained that consultation was ongoing throughout the review, but the final recommendation would be subject to a full and formal consultation.

*RESOLVED* that:-

(a) The first stage of the review process as carried out by the Colchester Housing Review Board be approved and signed off.

(b) The chosen delivery models (an ALMO, outsourcing the management of the stock and management by the Local Authority) as recommended by the Colchester Housing Review Board for in-depth analysis be agreed.

## *REASONS*

(a) The Housing Revenue Account (HRA) reform, which is happening at a national level, will redistribute back to stock owning authorities rent collected locally and give back local determination for their business plans in return for local authorities taking a part of the national HRA debt.

(b) Cabinet has agreed to begin a review of the Local Housing arrangements which will cover all areas and activities within the Housing Revenue Account including the discharge of the landlord function and management of the housing stock.

(c) The current Management Agreement between Colchester Borough Council and Colchester Borough Homes expires in March 2013 and there is a need to establish the arrangements beyond this date.

(d) There needs to be a new focus for delivery which takes advantage of the new financial freedoms as well as recognising the tough economic times and reduction in public funding available at present.

(e) The review will lead to a final recommendation for the future delivery of Colchester's Council Housing to Cabinet and Full Council in autumn 2012. This report is intended to provide an update on the progress so far and to agree progression to the proposed next stages.

(f) In making this decision Cabinet will ensure that the success criteria of the review offer a long term more sustainable and resilient approach and model for delivery of the service in the future.

#### *ALTERNATIVE OPTIONS*

Not to adopt the recommendations in the Head of Strategic Policy and Regeneration's report. This would mean that the Council would not have a process to fully examine all options to deliver their ambitions for Council housing in Colchester in the future. The current Management Agreement expires in 2013. Not to adopt the recommendations would mean that there would be not be a full assessment of all the options and issues and opportunities for the future delivery of the landlord function and management of the stock.

### **73. Fundamental Service Review of the Sport and Leisure Service**

The Head of Life Opportunities submitted a report a copy of which had been circulated to each Member together with minute 32 of the Strategic Overview and Scrutiny Panel meeting on 14 February 2012.

Jill Dyer addressed the Cabinet pursuant to the provisions of Cabinet Procedure Rule 5 (2) to express her opposition to the sale of tennis courts at the West End Tennis Centre. These were the only public courts in Colchester. Closing them was contrary to government policies and initiatives encouraging sport and leisure pursuits. Alternatives could be explored to increase usage such as astroturf to allow the courts to open all year, or making some courts dual purpose. When the land had been sold to the Council it had covenanted to remain as a sports facility. If managed properly the Centre could become a thriving facility that could make a profit. Concern was also expressed about the impact of any development on Fitzgilbert Road which already saw significant traffic generated by the Bowls Club.

Ian Collins addressed the Cabinet pursuant to the provisions of Cabinet Procedure Rule 5(2) to express his concern about the sale of tennis courts at the West End Tennis Centre. It was well used for most of the year and use of the Centre was growing. Whilst the need for more housing development was accepted, this was an inappropriate location. Fitzgilbert Road could not take any more traffic that might be generated by a housing development, and if the access to any development was routed through Eudo Road, the existing dwellings would lose their parking. The sale would be inconsistent with government policies and initiatives promoting exercise.

Darius Laws addressed the Cabinet pursuant to the provisions of Cabinet Procedure Rule 5(2) to oppose the sale of tennis courts at West End Tennis Centre. This was only being done to generate income for the Council. It was contradictory to collect section 106 contributions for sport and leisure whilst at the same time selling sports facilities. It was at odds with the initiatives proposed for the Jubilee year and the Fields in Trust scheme and was contrary to the priorities in the Council's Strategic Plan.

Councillor Hardy attended, and with the consent of the Chairman addressed the Cabinet. He stressed that the tennis courts were used by a wide group of recreational and casual players of all different ages. They were the only publicly available courts in Colchester. The management of the courts had improved recently. The courts that were under threat, whilst in a poor state of repair, were still safe and adequate for the needs of the casual player. The courts in poor condition could be kept in the Council's ownership until such time they could be improved but should not be disposed of. It was contradictory to reduce the facilities available at a time when the population was expanding. He called on the Cabinet to make an early decision to abandon housing development on this site.

Councillor Hazell attended, and with the consent of the Chairman, addressed the Cabinet to reiterate that she had no objection to the management of the Centre being given over to an arms length management company, subject to due diligence. However, she was concerned about the loss of courts to housing development. There would be no significant benefit to local residents from the proposal. It was inconsistent with the decision to support Leisure World at a large cost to the Council and with the wish to create a sporting legacy from the Olympic Games. The Centre had the potential to expand and to be run at a profit. Housing development on the site would exacerbate existing traffic problems on Eudo Road and Fitzgilbert Road. Developers would not understand why they should make section 106 contributions for leisure whilst the Council was closing facilities. If the Council went ahead with this proposal it would send a signal that open space in the borough was at risk from housing development.

Councillor Quince attended, and with the consent of the Chairman, addressed the Cabinet. Whilst the FSR was welcomed, he did not believe that it would achieve taxpayer value as a political decision had been taken that the options of either transferring the service to a private operator or into a non-profit making trust would not be considered. Therefore the FSR had not properly considered all options. Whilst it was accepted that the trust option had been considered previously in 2005-2006, different circumstances now applied and this option warranted further consideration.

Councillor Dopson, Portfolio Holder for Communities and Diversity, responded to the

concerns about the sale of tennis courts to stress that the Council was only looking at the potential sale of four courts out of twenty two. This was only a possibility that was being explored and may prove not to be viable. However, the proposal would remain as part of the business case. It was hoped that the management of the centre could be improved possibly through an external provider. The Council did not run other single sport centres and considered that such facilities were better run externally by specialist organisation or sports clubs. The covenant on the land did not preclude the use of the land for housing development.

The business case proposed investing £1.621 million and in return would save £5.87 million over eight years. The role of existing staff in improving the service was key. Whilst at this stage it was not possible to be specific about the impact on job numbers, under the new structure it was proposed that many officers would take on broader and flatter roles. This would help improve customer service. She thanked officers for the work undertaken on the review. Under the FSR process there was no obligation to look at absolutely every option.

Councillor Smith, Portfolio Holder for Resources and Heritage, stressed that the outcome of FSRs were not politically driven but that the process was designed to look at how services could be improved and updated to reflect shifting priorities. Councillor Barton, Portfolio for Renaissance, emphasised that in respect of the West End Tennis Centre the Council was acting in an open and transparent way and giving residents an opportunity to put their views across. Councillor B. Oxford, Portfolio Holder for Customers, welcomed the proposals which would give customers a better experience when using the Council's sport and leisure facilities.

*RESOLVED* that:-

- (a) The full business case attached to the Head of Life Opportunities report resulting from the Fundamental Service Review of Colchester Borough Council's Sport and Leisure Service be approved.
- (b) £1.621m be released from the Council's capital programme provision for Fundamental Service Reviews to fund the estimated capital costs set out on page 40 of the Full Business case.

*REASONS*

(a) The Sport and Leisure Service is undertaking a Fundamental Service Review as part of the Council's change programme. The current sport and leisure service delivers good overall levels of income and in recent years the service has reduced its net cost to the Council with relatively little investment in the facilities from Council resources, but there is evidence that this approach cannot be sustained. The 2011/12 service budget anticipates that the service will spend £5,155,600, earn £4,351,600 in income, leaving a net cost to the Council of £804,000.

(b) The improvement in the service revenue budget outlined in this business case delivers the aspiration of a service that incurs no revenue cost, and provides an opportunity for the Council to invest in other strategic priorities or to address the

projected deficit in the budget in future years, or a mixture of both. The price for exploiting this opportunity is capital investment in the first year of implementation. The sport and leisure service is one of the few services in the Council where capital investment can produce income growth directly for the Council.

(c) The service is a large operational service that opens to customers 362 days a year, generally from 6am to 11pm, and on average there are 2,700 customer visits per day. Leisure World Colchester is a dominant feature in the borough's leisure landscape, and research conducted as part of this review demonstrates how much it is admired and appreciated. However, it has also been acknowledged as part of this review that the service has a limited level of insight into its customers, both from the point of view of customer satisfaction and of customer usage and demand, and that there are aspects of the current customer experience that need improvement.

(d) In the summer of 2012, the "greatest show on earth" comes to London with the staging of the 2012 Olympic and Paralympic Games. The Council and its partners have been working hard for several years to secure a legacy from the Games for Colchester borough and its residents. This business case therefore seeks not only to address the challenges facing this service and its customers, but also to play its part in securing a legacy for Colchester from the Olympic and Paralympic Games by capitalising on the "afterglow" and increased enthusiasm for all things sport-related following the Games.

#### *ALTERNATIVE OPTIONS*

The alternative option would be not to approve the business case or to ask for changes to be made to the proposals set out in the business case. In either scenario, the delivery of improved customer excellence, and greater efficiency and effectiveness in the Sport and Leisure Service could be delayed or not delivered. The business case is the result of considerable research, analysis and consultation on the part of a core project team and other staff in the service and beyond.

### **74. Essex Family Project - Delivering in Colchester**

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

Councillor Dopson, Portfolio Holder for Communities and Diversity, welcomed these proposals which would help deal with troubled families within the Borough. The scheme would seek to deliver innovative solutions and therefore may be challenging and lead to long term changes in how the Council worked. As well as delivering benefits to the troubled families the project should deliver savings.

*RESOLVED* that the approach to Essex Family project in Colchester should be to engage the organisation Participle to support delivery.

#### *REASONS*

The reasons for the decision were as set out in the Executive Director's report.

## *ALTERNATIVE OPTIONS*

- (a) The Colchester steering group has looked at a range of alternative approaches that could have been taken, including other organisations that could have supported delivery. A workshop session held with steering group partners looked at the advantages and disadvantages of different models. The conclusion was that the model offered by Participle would deliver more quickly and that there was a demonstrated track record of success.
- (b) There are four other localities involved in the Essex pilot projects, each taking a different approach so that the Council can learn from across the spectrum what works and what needs improving.

### **75. A Countywide Traveller Unit for Essex**

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

The Portfolio Holder for Street and Waste Services stressed the importance of the proposals which would lead to a consistent approach to issues relating to travellers across the county. A similar scheme in Northamptonshire had led to a dramatic decrease in the number of unauthorised encampments. It was also anticipated there would be significant savings for authorities across Essex. The proposals would also help benefit the travelling community.

*RESOLVED* that:-

- (a) The Council's participation in the Essex Countywide Traveller Unit Partnership with an implementation date of 1 April 2012 for a minimum 3 year period be approved.
- (b) To approve the delegation of responsibility for agreeing the final Partnership documentation to the Portfolio Holder for Street and Waste Services.

## *REASONS*

- (a) In 2010, Essex County Council (ECC) established a multiagency Gypsy, Roma and Traveller Project Group to address site enforcement (unauthorised encampments and unauthorised developments), safety on official, settled sites, and access to health, education and transport services. These issues are of particular importance to Essex as the county has the 2nd largest Gypsy, Roma and Traveller population in the country.
- (b) The project group consisted of partner agencies including the District, Borough and Unitary Councils, Essex Police, Essex County Fire and Rescue (EFRS), Primary Care Trusts (PCTs) and ECC. Here in Colchester, our link to this project was the Traveller Liaison Officer who sat on the Core Solutions Group and has been instrumental in shaping the proposed Essex Countywide Traveller Unit (ECTU).



(c) The Group identified a number of drivers for change including:

- a high number of unauthorised encampments in the county each year (around 300) and the resources required to effectively manage this,
- the significant health inequalities experienced by Gypsy, Roma and Traveller communities (e.g. life expectancy is 10-12 years less than the rest of the population and 17.6% of Gypsy and Traveller parents will experience the death of a child compared with 0.9% of the rest of the population),
- Gypsies and Travellers having the worst educational attainment of all ethnic groups, and
- A disproportionately high number of incidents and fires on sites in comparison with other dwellings in Essex (234 fires across 230 sites last year).

(d) The Group drew on best practice in considering a wide range of service delivery options and concluded that the formation of a single countywide multiagency unit, similar to that of the extremely successful Northamptonshire model, would be mutually beneficial to all partner agencies and would deliver an efficient, effective and consistent approach to service provision across Essex.

### *ALTERNATIVE OPTIONS*

(a) The Council's current activities and approach to the management of unauthorised encampments and developments cut across a number of service areas, drawing upon resources from:

- The Customer Service Centre and Monitoring Centre which receive and log customer service requests regarding unauthorised encampments both during and out-of-hours respectively,
- Environmental and Protective Services, which provides the customer interface and Traveller Liaison function in respect of unauthorised encampments on Colchester Borough Council owned land during office hours, and an out-of-hours response service that is limited to Environmental Health emergencies,
- The Parks and Recreation Service whose land is, from time to time, subject to unauthorised encampments,
- Street Services, which collects domestic waste accumulated by unauthorised encampments on Council land and undertakes the clean-up of sites once encampments have moved on, and Zone Wardens and Operatives who also serve as a point of contact, signposting members of Gypsy, Roma and Traveller communities and settled communities to other council services and agencies, and
- Legal Services who are responsible for securing hearing dates in the County Court for seeking possession of Council land from trespassers, prepare all the necessary court papers, pay the relevant court fee and present the case in court.

(b) Whilst this approach has proven to be reasonably effective at a local level, the significant and acute impact upon Council services as and when unauthorised

encampments occur and the resources that are required to provide a consistent and effective response to the management of unauthorised encampments on Council land are considerable and impossible to predict and therefore, plan for.

(c) It is clear that the formation of the ECTU will prevent duplication, increase capacity of services and provide consistency across Greater Essex. The ECTU will also help improve quality of life for all residents and improve efficiency relative to current service provision.

(d) Maintaining the status quo would result in a missed opportunity to develop a strategic overview as regards Gypsy, Roma and Traveller communities and missed opportunities as regards the pooling of resources which in itself will facilitate the provision of a consistent and effective response service to unauthorised encampments 365 days a year, a reduction in health inequalities, increased uptake of educational and social care services and the opportunity to foster community cohesion.

## **76. A Review of the Current Public Transport Provision in the Borough**

The Cabinet considered minute 29 of the meeting of the Strategic Overview and Scrutiny Panel of 10 January 2012 and noted the recommendations of the Panel at paragraphs (iii) and (iv) of the resolution.

The Portfolio Holder for Renaissance indicated that the work to promote and develop public transport in Colchester that would have a knock on effect on town centre congestion was ongoing. In respect of the recommendation on a Travel Review Board this was still under consideration and the Portfolio Holder would report back in due course.

*RESOLVED* that:-

(a) It be noted that work to promote and develop public transport in Colchester that would have a knock on effect on town centre congestion was ongoing.

(b) The Portfolio Holder for Renaissance give further consideration to the introduction of a Travel Review Board for the purpose of meeting all public transport operators and user groups for periodic meetings.

### *REASONS*

Work to promote and develop public transport in Colchester that would have a knock on effect on town centre congestion was ongoing. Further consideration needed to be given to the idea of a Travel Review Board.

### *ALTERNATIVE OPTIONS*

It was open to the Cabinet to reject the recommendations from the Strategic Overview and Scrutiny Panel.

## **77. Progress of Responses to the Public**

The Head of Corporate Management 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.

## **78. Capital Programme**

The Head of Resource Management submitted a report a copy of which had been circulated to each Member.

*RESOLVED* that:-

(a) The current position regarding the Capital Programme, and the forecast position of capital receipts be noted.

(b) The anticipated overspend of £236k against current capital schemes be noted and re-allocated as appropriate.

(c) The release of £51.7k additional external funding for 2011/12 in respect of Disabled Facilities Grants be agreed.

(d) The release of £337k for part-funded schemes within the Capital Programme be agreed.

*RECOMMENDED TO COUNCIL* that the Temporary Accommodation Project is added to the Capital Programme and the release of £400k required in June 2012 be agreed.

### *REASONS*

The detailed reasons for these decisions were as set out in the Head of Resource Management's report.

### *ALTERNATIVE OPTIONS*

It was open to Cabinet not to agree or recommend the changes to the capital programme set in the Head of Resource Management's report.

## **79. Digital Strategy: Renewal of CCTV Fibre Network**

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, indicated that his support for the proposals and emphasised that even in the installation phase there would no impact on the existing CCTV network

*RESOLVED* that:-

(a) The Council enter into an agreement to proceed, subject to due diligence, that will enable commercial investment in the Town Centre CCTV network to maintain and enhance the current CCTV service and to provide the opportunity for it to develop new, additional, monitoring services across the Borough.

(b) All due diligence (commercial, technical and operational) be completed on ITS Technologies Ltd and/or any other provider to ensure they will provide the 'best value' as the fibre provider for this initiative.

### *REASONS*

(a) To maintain and enhance the CCTV network and CCTV imagery:-

- Saving the Authority an estimated expenditure of £80,000 in its renewal and upgrading
- Allowing the network to expand its monitoring capacity within and beyond the Town Centre, so targeting areas of crime and disorder beyond the current network coverage, and
- Opening up the potential for the CCTV network to provide monitoring of commercial property, schools and religious buildings,

(b) To advance Colchester's Digital Strategy's aims and objectives by:-

- Attracting inward investment of an initial £250,000 into the Borough
- Providing greater competition in the broadband supply marketplace through creating another fixed network which permits all Internet Service Providers to use it
- Enabling expansion to major new and unserved existing housing and commercial developments in the Borough, and
- Generating an annual rental income for the Borough from commercial use of the renewed network.

### *ALTERNATIVE OPTIONS*

The alternative would be not to bring this asset to market creating a missed opportunity for the Council to obtain best value for its fixed assets and to realise the benefits outlined above.

## **80. Officer Pay Policy**

The Head of Corporate Management submitted a report a copy of which had been circulated to each Member.

*RECOMMENDED TO COUNCIL* that the Council's pay policy statement for 2012-13 be adopted at its meeting on 21 March 2012 and it be included in the Council's policy framework.

### *REASONS*

The Localism Act requires "relevant authorities (including Colchester Borough Council) to prepare, approve and publish pay policy statements articulating their policies towards a range of issues relating to the pay of its workforce. These statements must be prepared for each financial year beginning with 2012/13 and must be approved by Full Council. The relevant authority must comply with its pay policy statement for the financial year in making its determination."

### *ALTERNATIVE OPTIONS*

The only alternative would be not to approve the pay policy statement, but that would be contrary to the requirements of the Localism Act.

## **81. Replacement of Roofs and Windows - The Mercury Theatre, Colchester**

The Head of Corporate Management submitted a report a copy of which had been circulated to each Member.

*RESOLVED* that:-

- (a) The Council proceed with the project to replace the existing roof, and windows to the bar and circulation areas at the Mercury Theatre, Colchester.
- (b) The project be funded from the Mercury Theatre Reserve and the New Theatre Trust funds.
- (c) An order be placed with the successful contractor to undertake the aforementioned works.

### *REASONS*

(a) The existing roof and windows installed at the Mercury Theatre are original and despite historic and ongoing repairs are now well beyond their useful service life. Action is required to prevent further deterioration of the building fabric which if left unchecked could threaten the normal operation of the theatre.

(b) The Council is committed to reducing its CO2 emissions by 25% by the end of 2012 compared against the baseline FY 06/07, as outlined within the Council's Carbon

Management Programme (CMP) Strategy and Implementation Plan (SIP) adopted by Cabinet in March 2008.

(c) The replacement of the roof and windows at the Mercury Theatre will deliver a useful contribution towards the Council's Phase 3 CMP projects which are required to deliver the bulk of the balance of the Council's carbon reduction target.

#### *ALTERNATIVE OPTIONS*

Decide not to undertake this project. However, this would inevitably result in further deterioration of the building fabric which in turn could threaten the Theatre's ability to remain open.

**The Cabinet/Panel 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 Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.**

#### **82. Replacement of Roofs and Windows - Mercury Theatre, Colchester**

The Head of Corporate Management submitted a report a copy of which had been circulated to each Member.

*RESOLVED* that an order be placed with the company identified in the Head of Corporate Management's report to undertake the aforementioned works.

#### *REASONS*

As set out in minute 81.

#### *ALTERNATIVE OPTIONS*

As set out in minute 81.

#### **83. Lindsay Barker**

The Cabinet expressed its thanks to Lindsay Barker, Head of Strategic Policy and Regeneration, who would shortly be leaving the Council. Cabinet expressed its appreciation of the work she had undertaken in a number of roles during her time at Council and asked that its thanks be formally recorded.