

# CABINET

## 29 MAY 2013

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

*Also in Attendance :-* Councillor Lyn Barton  
Councillor Kevin Bentley  
Councillor Mary Blandon  
Councillor Barrie Cook  
Councillor Nick Cope  
Councillor Beverly Davies  
Councillor Jo Hayes  
Councillor Pauline Hazell  
Councillor Sonia Lewis  
Councillor Will Quince  
Councillor Laura Sykes

### **2. Minutes**

The minutes of the meeting held on 6 March 2013 were confirmed as a correct record.

### **3. Have Your Say!**

Andy Hamilton attended and addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). The Council did not discuss the problems he believed it was responsible for. As a consequence the Council lost national grants and the Council's reputation was damaged. He was often asked for information about the Council by potential investors and told the truth about the work of the Council. The Council believed it was always right despite only being elected by a minority of residents.

Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated that Street Services had recently secured £4m of funding from DEFRA.

Nick Chilvers attended and addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(2). The Council was good at staging one off set piece events such as the Tour Series. However, if the Council wanted Colchester to be a destination week in week out it would be better for the Council to arrange a rolling programme of regular smaller events aimed at bringing footfall to the town centre, such as book fairs, street food festivals, and antiques roadshows. Other ideas could be events outside firstsite to attract visitors there, musical or dance events or creative schemes to get people involved in projects on the town walls. Imagination needed to be used in planning events to encourage young people and students to get involved.

He requested information about when work would commence on the Station Square, when the landscaping works outside the Visual Arts Facility would begin and whether the replacement bus stops on Stanwell Street had been ordered.

Councillor Barlow, Portfolio Holder for Regeneration, indicated he would send a full written reply. The Council was looking at what further events it could put on, but he stressed the contribution made by volunteers in ensuring events such as the Port Festival and the Tour Series were a success. Councillor T. Young, Portfolio for Planning, Community Safety and Culture, thanked Mr Chilvers for his suggestions and highlighted the Comedy Festival as an example of an event that was put together quickly and cheaply but that had been very successful.

Councillor Lewis addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(2) to enquire when further information was likely to be made available about the future of Abbotts Activity Centre. The lack of information over recent months was causing considerable stress to members of the Centre.

Councillor Feltham, Portfolio Holder for Communities and Leisure Services, thanked Councillor Lewis and the members of the Centre for their patience. The members would hear from the Council very shortly and the Conservative Group Leader and the Chairman of the Scrutiny Panel had been briefed on the situation.

#### **4. Display Works at Colchester Castle and Repair Works to the Castle and Town Walls**

The Head of Community Services submitted a report a copy of which had been circulated to each Member. Tom Hodgson, Colchester Development Manager, and Bill Seaman, Colchester and Ipswich Museums Manager, attended to assist the Cabinet and gave a presentation to Cabinet on the exhibition works being undertaken as part of the project to redevelop Colchester Castle.

Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, thanked officers for their excellent presentation and suggested that it should be presented at the next meeting of Full Council to ensure it reached a wider audience. The proposals demonstrated the administration's commitment towards protecting and promoting Colchester's heritage. They built on work done by previous Portfolio Holders and the previous administration. He expressed gratitude to the Heritage Lottery Fund and the Friends of Colchester Museum for the funding they were providing. Considerable funding has also been provided by the European Union and the proposals were a good example of the benefits of membership of the EU.

Councillor Barlow, Portfolio Holder for Regeneration, Councillor Smith, Portfolio Holder for Business and Resources and Councillor Hunt, Portfolio Holder for Street and Waste Services, all indicated their support for the proposals. In particular the improvements to disabled access to the Castle were stressed. There would be considerable benefits to the local economy as much of the work was being awarded to local firms.

Councillor B. Oxford, Portfolio Holder for Customers, suggested that to increase public awareness the presentation be shown on the screens in Angel Court and information should be displayed in libraries.

#### *RESOLVED:-*

- (a) To proceed with the display works, in the form of exhibition fit out works and audio-visual (AV) and multimedia (MM) software works, to be undertaken as part of the Colchester Castle redevelopment project.
- (b) To proceed with repair works to the external northern, eastern and southern façades and to all internal façades of Colchester Castle.
- (c) To proceed with repairs to the Roman Walls within Colchester Town Centre.
- (d) To enter into contracts with the successful contractors to undertake the aforementioned works.

#### *REASONS*

Colchester and Ipswich Museum Service was successful in its second round bid to secure grant funding from the Heritage Lottery Fund (HLF) for a project to redevelop Colchester Castle Museum. One of the conditions of the grant award was that the Council demonstrates its commitment to maintaining Colchester Castle by undertaking planned repairs to the Castle walls.

The display works are a significant part of the redevelopment works themselves and will be the primary means of interpreting Colchester Castle, the Museum's archaeology collections and the town's wider heritage to visitors through creating an immersive and engaging experience.

With the exception of the western façade which was repaired in 2012, the external façades of Colchester Castle were last repaired in 1992. Since then their condition has deteriorated mainly due to weathering (which is to be expected over a twenty year period) and repairs are now required to consolidate the walls and to prevent further deterioration and masonry falls.

It has only been possible to survey the internal façades of the Castle walls since it has been emptied of its exhibits and this survey has highlighted areas of wall inside the Castle that also require repair.

The Roman walls that surround Colchester Town Centre are a scheduled ancient monument and CBC as custodian of these walls has a duty to inspect and periodically repair the same to ensure that the walls remain safe and to limit the deterioration of the structure of the walls as far as is reasonably practicable.

#### *ALTERNATIVE OPTIONS*

- (a) Not to proceed with the display works. However, they are an essential part of the Castle redevelopment project and this would mean not proceeding with the project as a

whole. The HLF would require repayment of grant funding sums which have already been claimed.

(b) Decide not to undertake the Castle repair works. However, it will not be possible to undertake the internal repairs once the Castle reopens following the redevelopment project and to not undertake any repairs could jeopardise the HLF grant funding.

(c) Decide not to undertake repairs to the Roman walls. However, if repairs are not undertaken then there is a danger that sections of wall could become unsafe and also that English Heritage will withdraw any offers of funding towards future repairs.

## **5. Review of Council's Funding and Partnership Delivery Arrangements with firstsite, Arts Centre and Mercury Theatre**

Minute 34 of the Strategic Overview and Scrutiny Panel meeting of 19 March 2013 was referred to the Cabinet.

Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, indicated that that the recommendations from Strategic Overview and Scrutiny Panel had arisen from an informative and well attended meeting. The recommendations would be considered further to see how they could be funded and implemented. Given the current budgetary constraints recommendation (vi) would be difficult to implement, but the proposal would be given full consideration. Councillor Feltham, Portfolio Holder for Communities and Leisure Services, indicated that she would look to link firstsite's youth engagement work with outreach work done with other youth groups

*RESOLVED* that the recommendations made by the Strategic Overview and Scrutiny Panel be given full and careful consideration by the appropriate Portfolio Holders.

### *REASONS*

Cabinet welcomed the proposals made by the Strategic Overview and Scrutiny Panel but further consideration about the financial and practical implications was necessary before the proposals could be agreed.

### *ALTERNATIVE OPTIONS*

It was open to Cabinet to agree or reject the recommendations made by the Strategic Overview and Scrutiny Panel.

## **6. Three Contracts for the Refurbishment of Worsnop House**

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

Councillor Bourne, Portfolio for Housing, indicated her support for the proposals in the Head of Commercial Services' report. The proposals arose out of the Strategic

Housing Review looking at housing needs and aspirations of older persons in the borough. The proposals pre- dated the conclusions in a national report encouraging Councils to be more innovative in meeting the housing aspirations of older people. The administration was utilising its underspend to directly improve sheltered housing provision. This was a comprehensive refit. It would increase the number of units and include provision of a guest room. It would also provide lifts, balconies, full size cookers and fridge freezers and up to date heating systems.

Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, explained that whilst the Strategic Housing Review had been difficult, the quality of the accommodation that would result from the refurbishment demonstrated that it had been the right thing to do. It was an excellent example of partnership working with Colchester Borough Homes. Councillor Feltham, Portfolio Holder for Communities and Leisure Services, and Councillor Smith, Portfolio Holder for Business and Resources, expressed their support.

*RESOLVED* that:-

(a) ND Smiths be appointed to deliver the Building Works involved in refurbishing Worsnop House.

(b) Lock Electrical be appointed to deliver the Electrical Works involved in refurbishing Worsnop House.

(c) Cooper and Broome be appointed to deliver the Mechanical Works involved in refurbishing Worsnop House.

(d) It be agreed to enter with the successful individual contractors into the latest version Joint Contracts Tribunal (JCT) 2011 Intermediate Form of Contract to deliver the works.

## *REASONS*

Following a review of the Council's sheltered housing, the review made a number of recommendations. The aim of the review was to improve accommodation for older people in the borough and ensure that the Council's sheltered housing met the needs and aspirations of older people.

The review found that changes were needed to address several issues; voids in sheltered housing was high, yet at the time there were over 500 people on the needs register who were eligible for sheltered housing. Nine out of the then 23 sheltered housing schemes did not offer self contained accommodation which suggested that they did not meet the needs or aspirations of older people.

This is the first major refurbishment of our existing sheltered stock and is presented to address the September 2011 Cabinet decision to make improvements to four of the Council's sheltered schemes so that in future no tenant would need to share facilities and every tenant would have their own kitchen and bathroom.

The procurement approach agreed by Cabinet on 1st December 2010 as part of the Asset Management Strategy is to let a JCT Form of Contract for this and similar types of work.

#### *ALTERNATIVE OPTIONS*

(a) Not to accept the tenders of one or more of the proposed contractors. This would impede the delivery of previous Cabinet decisions and may not deliver best value which the Council has a duty to seek.

(b) Not to continue with the programme but again this would be at odds with the previous Cabinet decisions.

### **7. Bus Operation in Colchester**

Minute 21 of the Strategic Overview and Scrutiny Panel meeting of 12 March 2013 was submitted to the Cabinet.

Councillor Barlow, Portfolio Holder for Regeneration, indicated his support for bus travel and explained that he was seeking to take forward the issue of the Bus Operator Charter as part of wider discussions on town centre transport.

*RESOLVED* that discussions would continue with Essex County Council to bring about the introduction of a Bus Operator Charter to Colchester, as part of wider discussions on town centre transport.

#### *ALTERNATIVE OPTIONS*

It was open to Cabinet to agree or reject the recommendations made by the Strategic Overview and Scrutiny Panel.

### **8. Member Development Group: Annual Report to Cabinet 2012-13 and Charter Status for Elected Member Development**

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

Councillor Smith, Portfolio Holder for Business and Resources, thanked the members of the Member Development Group and the officers supporting the Group for their work in delivering a successful programme of member development. The Council had successfully passed its interim reassessment for Charter Status for Elected Member Development and supported the proposal for full reaccreditation. Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture and Councillor Feltham, Portfolio Holder for Communities and Leisure Services, welcomed the report and thanked the Group for providing a high quality training programme which led to a better quality of decision making.

*RESOLVED* that:-

(a) The report of the Member Development Group on the work of the group in the 2012-13 municipal year be noted.

(b) The Council recommit to the Charter for Elected Member Development and seek reaccreditation for Charter Status for Elected Member Development in April 2014.

#### *REASONS*

In April 2011 the Council was successful in achieving Charter Status for Elected Member Development. One of the recommendations arising made by the Charter Assessment Team was that the Member Development Group should be placed clearly with the Council's decision making structure to improve its accountability and visibility. In order to address this recommendation, the Group's Terms of Reference were amended to make its links to Cabinet clearer and to include a requirement that the Group report to Cabinet on an annual basis.

Charter Status accreditation lasts for a period of three years at the end of which the Council needs to undergo the assessment process again in order to retain Charter Status. Therefore consideration needs to be given to whether the Council should recommit to the Charter.

#### *ALTERNATIVE OPTIONS*

It was open to the Cabinet to decide that the Council should not seek reaccreditation for Charter Status or that it seeks reaccreditation at Charter Plus level.

### **9. Appointments to External Organisations and Council Groups**

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

*RESOLVED* that:-

(a) The representatives for the Municipal Year 2013/2014 to the various external organisations and Council groups as listed in Appendix A of the Head of Corporate and Financial Management's report be agreed, such appointments to cease if the representatives cease to be members of the Council during the year.

(b) Those Councillors who are not members of the Council groups for the Municipal Year 2013/2014 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.

(c) The Leader of the Council be authorised to make a determination where a nomination is deemed to be in dispute or if a vacancy occurs.

(d) The Member Champions as set out in Appendix B of the Head of Corporate and Financial Management's report be appointed, with the Cllr Barton being appointed as Armed Forces Champion in place of Councillor Offen.

#### *REASONS*

It is important for the Council to continue to make formal appointments to certain organisations and council groups such as those with statutory functions, our key strategic and community partners and groups with joint working arrangements.

#### *ALTERNATIVE OPTIONS*

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

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

The Head of Corporate and Financial 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.

**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.**

### **11. Exhibition Fit Out Works for Colchester Castle Redevelopment Project**

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

*RESOLVED* that Council enter into a contract with the contractor named in the report by the Head of Community Services to undertake the works

#### *REASONS*

As set out at minute 4.

*ALTERNATIVE OPTIONS*

As set out at minute 4.

**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.**

**12. Design Audio Visual (AV) and Multi Media (MM) Software Works for Colchester Castle Redevelopment Project**

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

*RESOLVED* that Council enter into a contract with the contractor named in the report by the Head of Community Services to undertake the works

*REASONS*

As set out at minute 4.

*ALTERNATIVE OPTIONS*

As set out at minute 4.

**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.**

**13. Repairs to Castle Walls**

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

*RESOLVED* that Council enter into a contract with the contractor named in the report by the Head of Corporate and Financial Management to undertake the works

*REASONS*

As set out at minute 4.

*ALTERNATIVE OPTIONS*

As set out at minute 4.

**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.**

**14. Repairs to Roman Walls**

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

*RESOLVED* that Council enter into a contract with the contractor named in the report by the Head of Corporate and Financial Management to undertake the works

*REASONS*

As set out at minute 4.

*ALTERNATIVE OPTIONS*

As set out at minute 4.

**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.**

**15. Three Contracts for Worsnop House**

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

*RESOLVED* that:-

- (a) ND Smiths be appointed to deliver the Building Works involved in refurbishing Worsnop House.
- (b) Lock Electrical be appointed to deliver the Electrical Works involved in

refurbishing Worsnop House.

(c) Cooper and Broome be appointed to deliver the Mechanical Works involved in refurbishing Worsnop House.

(d) It be agreed to enter with the successful individual contractors into the latest version Joint Contracts Tribunal (JCT) 2011 Intermediate Form of Contract to deliver the works.

#### *REASONS*

As set out at minute 6.

#### *ALTERNATIVE OPTIONS*

As set out at minute 6.