

CABINET

30 MAY 2012

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

Also in Attendance :- Councillor Nick Cope
Councillor Ray Gamble
Councillor Marcus Harrington
Councillor Jo Hayes
Councillor Pauline Hazell
Councillor Sonia Lewis
Councillor Sue Lissimore
Councillor Will Quince
Councillor Colin Sykes
Councillor Laura Sykes
Councillor Dennis Willetts

2. Minutes

The minutes of the meeting held on 14 March 2012 were approved as a correct record subject to the correction of the spelling of the word “behaviour” in the final paragraph of minute 70.

Councillor Tina Bourne, Councillor Paul Smith and Councillor Tim Young (in respect of receiving a grant from the Jubilee Fund) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (3)

3. Have Your Say!

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He stressed his support for the Council’s actions in dealing with those who would not recycle but was concerned about the amount of recyclable plastic that was placed in the Council’s waste bins. He suggested that the Council could address this by placing a large wheelie bin next to each bin for the deposit of clear plastics. The results of the consultation on air quality showed clear concern about the state of air quality on the eastern side of Colchester. The problem was likely to get worse with the implementation of the changes to access to the town centre. He questioned whether it was fair to reduce pollution in the town centre at the expense of residents of east Colchester.

Councillor Hunt, Portfolio Holder for Street and Waste Services, considered that the proposal for separate public bins for clear plastics was a good one and would look into

it. In respect of the air quality issues, it was acknowledged that there was a problem in the Brook Street area. When the consultation was finished he would look at what action could be taken in conjunction with Essex County Council.

Roy Cleary addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He stated that the Portfolio Holder for Housing had claimed that she was unable to help the nine remaining residents of Joyce Brooks House as they had not applied to be rehoused. As they did not want to move, why would they apply? They had always maintained they were prepared to move if they could move together and were offered suitable accommodation. Only a limited number of alternatives had been offered. He hoped that the Portfolio Holder for Housing would bring hope and reassurance to residents of sheltered housing and asked that she ensure a Full Council debate on the issue now that six months had passed since the original decision and in light of the petition submitted.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy stressed that the petition had not triggered a debate as by the decision had already been taken when it was received. Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, explained that when he had been the relevant Portfolio Holder, he had offered to make arrangements for residents to view other schemes and that offer was still open.

Bobby Hunt addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He expressed concern that the remaining residents of Joyce Brooks House were entering their ninth month of uncertainty over their future. If they were evicted, it would generate poor publicity for the Council. He stressed that his campaign in the borough elections had not been funded by left wing extremists, as had been claimed. He denied claims that he had said that he did not want to live in Greenstead. He considered that his campaign had been successful given his lack of funding and the unscrupulous opposition he faced.

Andy Abbott addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to ask why residents of Joyce Brooks House needed permission from the Council to invite people to their Open Day. He also stated that although it was claimed that a thorough investigation had been held into an allegation of bullying by a resident, the resident in question had not been spoken to about their allegation.

Norman Bailey addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He noted the comments of the Mayor when opening St Fillans Care Home. He explained that the need for care homes and sheltered housing schemes would only increase due to soaring life expectancy and changes in family structures. The Council's actions in closing sheltered housing schemes were contrary to these trends. Sheltered housing schemes were a more attractive option to the elderly than a care home, especially those in an attractive, central location such as Joyce Brooks House and Abbeygate House. He called on the Cabinet to rethink its policy which he considered to be flawed.

Councillor Smith, Portfolio Holder for Business and Resources, explained that St Fillans would have separate bathroom facilities for all residents, which was the standard

that the Council were seeking for all sheltered housing.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, indicated that she would ensure all the comments made by speakers in respect of Joyce Brooks House were passed to Councillor Dopson, Portfolio Holder for Housing, and a written response provided.

Councillor Quince addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to express his concern that no Union flag bunting would be put up in the High Street to celebrate the Diamond Jubilee and the Olympics. Any such bunting purchased could be reused on future occasions.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, explained that the Council was marking the Jubilee through the Jubilee Fund which would leave a lasting legacy. This provided a sum of £2000 for each Councillor to use on suitable projects and would fund other schemes such as improvements to the bus station.

Councillor Lissimore addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to express her concern about recent comments about the possible fining of residents for failure to recycle. There were still reports of the Council failing to collect waste and this needed to be addressed before residents were threatened with fines. Also some residents had not been provided with the correct receptacle for recycling waste. Clarification was also sought about what provision would be made for families with young children using nappies as it would be inappropriate to collect these on a fortnightly basis.

Councillor Hunt, Portfolio Holder for Street and Waste Services, explained that he was aware that there were some issues with the collection of recyclables and these were being addressed. There was no intention to fine residents. However, those that did not recycle were contributing towards the heavy costs of disposing of black sack waste via landfill.

Councillor Cope addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to express his concern about the decision to close Joyce Brooks House which he stated he found increasingly difficult to justify. He asked if the Council was expecting an increase in the number of disabled residents. He stressed the legal concept of “reasonableness” and that giving reasonable access for disabled residents would meet the legal requirements. There was a large gap between the expenditure needed to make reasonable adjustments with those needed for full Disability Discrimination Act compliance and he considered that the DDA requirements may be being used as an argument to support a closure that otherwise could not be justified. He stressed his support for the remaining residents of Joyce Brooks House.

4. Displaying of Chinese Artefacts

Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture announced that the Chinese authorities had given permission for artefacts chosen by pupils at the Gilbert School to be displayed in Colchester and that the chosen items

would shortly be on display.

5. Request for Delegated Authority in Conjunction with Building Projects to be Undertaken at Leisure World, Colchester

The Head of Life Opportunities submitted a report a copy of which had been circulated to each Member.

RESOLVED that:-

(a) Responsibility for agreeing to proceed with building projects at Leisure World Colchester (LWC) be delegated to the Portfolio Holder for Business and Resources in consultation with the Portfolio Holder for Communities and Leisure Services;

(b) To delegate the responsibility for agreeing to place an order with the successful contractor to undertake the aforementioned projects to the Portfolio Holder for Business and Resources and Portfolio Holder for Communities and Leisure Services.

REASONS

(a) Building projects to extend and remodel facilities at LWC in accordance with the Sport and Leisure Fundamental Service Review (S & L FSR) Full Business Case agreed by Cabinet on 14 March 2012 are currently at the final design and planning stage and will go out to tender around 25th June 2012 for a return around 23rd July. Tenders are expected to total around £1m which would normally require a Cabinet decision to proceed.

(b) In order that the projects can be completed in accordance with the programme outlined within the Business Case, works must commence on site no later than 3rd September 2012, which means placing an order with the successful contractor by no later than 1st August. However, Cabinet meeting dates around this period are 4th July and 5th September which are too early and too late respectively to fit with the project programme.

(c) Delegating authority to the Portfolio Holders would allow an order to be placed with the successful contractor and achieve the specified start date without having to wait for the formal Cabinet meeting on 5th September.

ALTERNATIVE OPTIONS

The decision to proceed with the building projects and place an order with the successful contractor is postponed until the Cabinet meeting scheduled for 5th September 2012. This would delay the projects by at least 6 weeks meaning that the targets for beginning to generate additional income as outlined within the S&L FSR Business Case could not be met.

6. Policy Review and Development Panel Work Programme

Cabinet considered minute 16 of the Policy Review and Development Panel meeting of 5 March 2012.

RESOLVED that the recommendation contained in minute 16 of the Policy Review and Development Panel meeting of 5 March 2012 be noted.

REASONS

The role of the Policy Review and Development Panel was to review policies and issues at the request of Cabinet and Portfolio Holders and therefore it was for Cabinet to consider issues relating to the work programme of the Panel

ALTERNATIVE OPTIONS

No alternative options were presented to the Cabinet.

7. Appointments to External Organisations and Council Groups

The Head of Corporate Management submitted a report a copy of which had been circulated to each Member. Updated appendices B, C and D to the Head of Corporate Management's report had been circulated to each Member.

RESOLVED that:-

(a) The representatives for the Municipal Year 2012/2013 to the various external organisations and Council groups listed in Appendix A of the Head of Corporate 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 2012/2013 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.

(d) The appointment of Champions as set out in Appendix C of the Head of Corporate Management's report be noted together with the following additional appointments:-

Public Transport Champion: Councillor Naish
Older Persons Champion: Councillor Dopson

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, the Council's key strategic and community partners and groups with joint working arrangements. These groups have been identified in Appendix A of the Head of Corporate Management's report. It was no longer necessary to appoint to some organisations for reasons set out at paragraph 4.2 of the Head of Corporate Management's report.

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.

8. Progress of Responses to Members of the Public

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

Councillor Hunt, Portfolio Holder for Street and Waste Services, explained that he would be discussing the issue raised in the petition submitted by Mr Bartholomew at Council on 21 March shortly and would report back in due course.

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.

9. Member Development Group Annual Report 2011-12

The Head of Corporate Management 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 to stress his support for the report. However, he expressed concern that the legitimate expenses incurred by members in attending external courses had been the subject of criticism and until he received a reassurance from all group leaders that this would cease, then he would not authorise members of his group to attend external training courses.

Councillor Smith, Portfolio Holder for Business and Resources, thanked the members of the Member Development Group. He explained that all members had a right to attend training courses and have their reasonable expenses paid. Where these

expenses were within the spirit of the expenses scheme, these would not be subject to criticism. He was pleased to note that nearly all members had attended at least one session and attention was drawn to the forthcoming session on welfare reform.

RESOLVED that the Annual Report of the work of the Member Development Group 2011-12 be noted.

REASONS

The Council was successful in achieving Charter Status for Elected Member Development in April 2011. 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.

ALTERNATIVE OPTIONS

No alternative options were proposed.

10. Upgrading of Audio/Visual Facilities – Colchester Town Hall and Rowan House

The Head of Corporate Management 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. Whilst he fundamentally agreed with the need to upgrade the audio visual facilities at the Town Hall, given the scale of expenditure it would be better if the decision was subject to scrutiny to ensure that best value was obtained. Cabinet should defer the decision so it could be subject to pre-scrutiny.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, Councillor Smith, Portfolio Holder for Business and Resources and Councillor T. Young, Portfolio for Planning, Community Safety and Culture, responded. It was explained that there was insufficient time to defer the decision due to the need to progress the project. In particular the tenders were time limited. If there were concerns about the technical aspects of the report, Councillor Quince should contact the Portfolio Holder or the relevant officer for clarification. Given that the Conservative group had the Chairmanship of the Scrutiny Panels it could have requested that the issue be scrutinised pro-actively. No concerns had been raised by the Shadow Portfolio Holder in advance of the meeting.

RESOLVED:-

(a) To proceed with the project to upgrade the audio/visual (AV) facilities at the Town Hall and Rowan House.

(b) To place an order with the successful contractor to undertake the aforementioned works.

REASONS

(a) Existing audio systems, including hearing loop facilities at the Town Hall are aging and unreliable. Current systems limit the use of rooms and are no longer fit for purpose. Similarly facilities at Rowan House are limited to a basic hearing loop system installed in the Training Room. Visual facilities available at both buildings consist of portable projectors and screens only.

(b) The replacement of AV systems at both buildings will greatly improve facilities for meetings, training and presentation purposes as well as ensuring that the Council's offices continue to comply with the Equality Act.

(c) The upgrading of AV systems within the Town Hall will also make the building more attractive to external customers. Presently external events and functions at the Town Hall generate income of c£80k per annum and it is hoped that enhanced AV facilities will further promote the building as a premier venue for conferences and other events.

ALTERNATIVE OPTIONS

Decide not to undertake this project. However, this would inevitably result in further deterioration of existing AV systems which are already difficult to source replacement parts for due to their age, which in turn would threaten the Council's ability to provide basic hearing loop and delegate microphone facilities.

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. Upgrading of Audio/Visual Facilities – Colchester Town Hall & Rowan House

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 contractor identified in the Head of Corporate Management's report to undertake the works.

REASONS

As set out in minute 10.

ALTERNATIVE OPTIONS

As set out in minute 10.