CABINET
6 MARCH 2013

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 Mary Blandon
            Councillor Pauline Hazell
            Councillor Michael Lilley
            Councillor Jon Manning
            Councillor Gerard Oxford
            Councillor Will Quince
            Councillor Dennis Willetts

67. Recording of the Meeting

At the commencement of the meeting, Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, made an announcement noting the provisions of the Council Procedure Rules and Meetings General Procedure Rules specifying that there should be no recording of meetings, without the consent of the meeting. A member of the public had requested that they be allowed to make an audio recording of this meeting and the Cabinet had agreed to this request. The Council would also be recording the meeting. If any member of the public did not wish to be recorded, they should indicate this before speaking.

68. Minutes

The minutes of the meeting held on 23 January 2013 were approved as a correct record.

69. Have Your Say!

Councillor G. Oxford attended and, with the consent of the Chairman, addressed the Cabinet to ask what action the Council was taking to mitigate the impact on local businesses from changes to the access to the High Street. Businesses would lose sales from the loss of parking spaces for those with disabilities. He also asked what help was being provided to local businesses to help them sell online. In addition he asked what would be done to improve training for planning members to ensure that in future they accepted advice from nationally renowned consultants.

Councillor Barton, Portfolio Holder for Renaissance, explained that a monitoring group had been established to look at these issues. Groups such as CCVS, CORBA,

hackney carriage drivers and residents associations were represented. Additional parking would be provided on Head Street and twice the number of disabled parking bays would be provided at Vineyard Gate, where the lift was being refurbished. Access to Culver Street West remained. Councillor Smith, Portfolio Holder for Business and Resources, explained that the Council recognised the importance of internet sales. COLBEA was encouraging the development of internet skills. The Council's Digital Strategy was seeking to improve broadband speeds and further announcements on this would be made shortly.

Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, explained that any member sitting on Panning Committee had to undertake mandatory planning training. Each group had a training budget which it could use to supplement the centrally provided training. The purpose of training was to ensure that Planning Committee members were in a position to make properly informed decisions. However, it was for members of the Planning Committee to decide in respect of any planning application whether or not they agreed with the recommendation put forward by officers, on the basis of material planning considerations.

70. Council Governance Arrangements

The Monitoring Officer 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 recognised that in view of the budgetary pressures facing the Council the creation of the Trading Board was sensible. He sought a reassurance that the Council would not enter into competition with local businesses and services. It was also hoped the new arrangements would lead to better scrutiny, but this could potentially be jeopardised by infrequent or particularly long meetings. Therefore it was important the scrutiny arrangements be reviewed after their introduction.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, welcomed his support. It was anticipated that the changes would improve scrutiny as governance issues currently considered by one of the scrutiny panels would be considered by the new Governance Committee. It would also allow members of the Scrutiny Panel to develop expertise and have access to specialist training. Members of the Cabinet indicated a number of services that the Council already operated in competition with local businesses. It would not be appropriate to restrict the Trading Board in this way.

RECOMMENDED to COUNCIL that:-

 (a)   The amended governance arrangements contained at paragraphs 4.3, 4.4 and 4.5 of the Monitoring Officer's report be approved;

(b)   The amended Scheme of Delegation to Officers from Council, Planning Committee and Licensing Committee attached at Appendix 5 of the Monitoring Officer's report be approved.

(c)   The Monitoring Officer be given authority to make the   necessary amendments to the Constitution following the approval of the proposals contained in his report.

RESOLVED that:-

(a)   The contents of the Scheme of Delegation to Officers by the Leader of the Council be noted.

(b)   Authority be delegated to the Leader of the Council to amend the calendar of meetings consequent upon the approval by Council of the proposals contained in the Monitoring Officer's report.

REASONS

At its meeting on 28 November 2012 Cabinet approved the final business case resulting from the Universal Customer Contact Fundamental Service Review. Part of the business case indentified the need for a revised governance structure which aligned with the proposed organisational direction. The Monitoring Officer's report details the required changes to the Council's governance and political decision-making arrangements.

ALTERNATIVE OPTIONS

No alternative options are presented although Council could leave the current governance arrangements in place.

71. Funding Allocations to Support Strategic Plan Priorities

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

Councillor Smith, Portfolio Holder for Business and Resources, stressed the importance of collecting up to date data to support the implementation of Park and Ride. Recent scrutiny of Park and Ride had had to rely on data collected in 2007.

Cabinet members identified a number of projects that would benefit from the funding provided to support their Portfolios, such as the Walls Project, the Colchester Comedy Festival and the Passport to Tenancy Scheme.

RESOLVED that:-

(a)   The allocation of £100k in the 2013/14 budget to support Strategic Plan priorities be agreed, as set out at paragraph 4.1 of the Executive Director's report.

(b)   The allocation of £40k for match funding of a parking and land use strategy model in Colchester to facilitate the implementation of the Park & Ride scheme and other associated parking issues be agreed.

REASONS

During the development of the budget for 2013/14 the administration identified the opportunity to provide an amount of money to specifically support Strategic Plan priorities through a number of one off projects. This replicates the approach taken in 2012/13 to provide funding for a series of projects in the Jubilee Year.

The provision of £40k would fund a parking and land use strategy model in Colchester to facilitate the implementation of the Park & Ride scheme.

ALTERNATIVE OPTIONS

The money could be allocated to other projects but it is felt that the proposals deliver the best value and most directly support a wide range of strategic plan priorities.

To not provide match funding for the parking and land use strategy but this would put the Park & Ride scheme at risk.

72. **Officer Pay Policy**

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

Martyn Warnes addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) in respect of the Living Wage. He commended the Council for adopting the Living Wage and called on the Council to promote it with the large employers in the Borough. It was a subsistence wage designed just to cover the minimum costs of daily life. It was particularly important for Colchester, which was caught between the ripple effect of London on housing costs and the traditionally low wage base of East Anglia.

Councillors Smith, Portfolio Holder for Business and Resources, and T. Young, Portfolio Holder for Planning, Community Safety and Culture, thanked Mr Warnes for his comments. The Council had raised the Living Wage concept with other employers within the borough and would continue to promote it. The introduction of the Living Wage within the Council had affected approximately 60 staff.

RECOMMENDED to COUNCIL that the Council's Pay Policy Statement for 2013-14 be adopted.

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." The Pay Policy for 2012/13 was approved by Full Council on 21 March 2012. These statements must be prepared and approved by Full Council for each financial year.

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.

73. Technology and Community Engagement Task and Finish Group // Final Report

The Technology and Community Engagement Task and Finish Group submitted a report a copy of which had been circulated to each Member.

Darius Laws attended and addressed the Cabinet pursuant to the provisions of Meetings Procedure Rule 5(2) to express his concern that a member of the public had recently been prevented from recording a Council meeting.   He set out the history of public access to information about the meetings of Parliament culminating in broadcasting of Parliamentary proceedings in 1990.   He questioned why the Council was afraid of allowing the recording of its meetings. If cost was a barrier it could be funded through reducing the number of councillors or moving to all out elections. A number of other authorities streamed their meetings onto their websites.

Ben Locker attended and addressed the Cabinet pursuant to the provisions of Meetings Procedure Rule 5(2). He argued that the minutes of Council meetings were difficult to locate on the Council website and it was easier and more informative to follow tweets from those in attendance. If the Council wanted to engage with residents, it needed to reach out to them and not expect residents to do the work to find the information they needed. The argument that speakers should not be recorded if they objected was spurious as Council clearly had the power to allow recording in these circumstances. The Council should invest so that it could broadcast meetings itself, but he did not believe that this would cost £30,000 as set out in the report.   A petition on the matter would be submitted to the next meeting of Council.

Councillor Manning attended and, with the consent of the Chairman, addressed the Cabinet. The Council's processes needed to evolve and adapt to take account of social media. Otherwise engagement and participation was limited to those who could attend Council meetings. It should be easy and relatively cheap to record Council meetings. The Task and Finish Group had showed a lack of imagination. A ban on tweeting by Councillors would be unenforceable and would prevent Councillors from communicating with their residents.   The Council should be proactively tweeting decisions itself. If Council failed to adapt it would cease to exist.

Councillor G. Oxford attended and, with the consent of the Chairman, addressed the Cabinet as a member of the Task and Finish Group. The Group had been concerned by the potential costs of webcasting and its research had shown that a number of authorities had now stopped webcasting. Councillors attending meetings should concentrate on the business of the meeting in order to fully contribute to the meeting and communicate with residents afterwards. Recording meetings was less problematic but there was a danger of edited extracts being used out of context.

Councillor Quince attended and, with the consent of the Chairman, addressed the Cabinet. He welcomed the proposal to refer the matter to Council for full debate. He expressed some concern that the Task and Finish Group may not have been provided with all the necessary information and that the Council's new audio system did not include the capacity to record.

Councillor Lilley attended and, with the consent of the Chairman, addressed the Cabinet as a member of the Task and Finish Group. He stressed the benefits of social media in engaging with residents. He received many queries through social media and it allowed quick and effective communication. It promoted a free and open Council. The Council needed to move to more modern ways of working. However, the Task and Finish Group felt that that it could not justify the costs of webcasting.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Cabinet as a member of the Task and Finish Group. She considered that the remit of the Group had been to concentrate on issues relating to the use of tablets. It had explored webcasting but the costs had been prohibitive. However it would have been useful to have more information and better guidance. Some concern was expressed about tweeting during meetings when Councillors should be concentrating on the important business before them.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, drew attention to the Terms of Reference of the Task and Finish Group which included webcasting and sound recording of meetings and the use of mobile devices and social networking at meetings. She proposed that recommendations (i) – (vii) of the Task and Finish group should be referred on to Full Council for debate and determination. This would give all Councillors an opportunity to debate and determine the issues raised by the recommendations.

Councillor Dopson, Portfolio Holder for Housing, and Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, indicated their support for moves to embrace modern technology. It was stressed that the Task and Finish Group had done a good job but events had moved on since it had reported. It was important that all councillors be allowed to contribute to the debate on these issues.

RESOLVED that:-

(a)   Recommendation (i) to (vii) of Technology and Community Engagement Task and Finish Group be referred to Full Council for debate and determination at its meeting on 20 March 2013.

(b)   Recommendation (viii) of the Technology and Community Engagement Task and Finish Group be referred to officers for further consideration and be referred back to a future meeting of the Cabinet for determination.

REASONS

Referral of the recommendations to Full Council would give all Councillors an opportunity to debate and determine the issues. As any changes to Procedure Rules

arising from the recommendations of the Task and Finish Group would require amendments to the Constitution, Full Council was the appropriate forum to consider the recommendations.

ALTERNATIVE OPTIONS

It was open to Cabinet to reject or amend the recommendations of the Technology and Community Engagement Task and Finish Group.

74. Colchester Borough Council Safeguarding Policy

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

Councillor Felltham, Portfolio Holder for Communities and Leisure Services, indicated that combining the existing safeguarding polices for vulnerable adults and for children into one policy would provide greater clarity ad provided an opportunity to update the policy.   She thanked officers for their work in bring forward the revised policy. A briefing for members on the new policy would be held immediately before Council on 20 March 2013.

RESOLVED that the Safeguarding Guarding Policy at Appendix 1 of the Head of Life Opportunities report be approved.

RECOMMENDED to COUNCIL that the Safeguarding Policy be adopted and included in the Council's Policy Framework.

 REASONS

(a)   This Safeguarding Policy sets out the roles and responsibilities of Colchester Borough Council in working together with other professionals and agencies to safeguard children and vulnerable adults from abuse and neglect.

(b)   The Council adopted a Safeguarding Policy for Vulnerable Adults in 2010, following on from its existing Child Safeguarding Policy. These are included in the Council's Policy Framework as separate policies. We are now looking to combine these two policies into one. The reason for this change is to bring consistency and clarity to these areas which have much in common.

(c)   Having one policy will be simpler, and easier for officers, councillors and members of the public to access. It will also enhance the Council's ability to:

·   have up-to-date and compliant policy and procedures

·   work effectively to safeguard the welfare of children and vulnerable adults in the community,

·   respond to scrutiny and audit from the Essex Safeguarding Adults

Board (ESAB) and Essex Safeguarding Children's Board (ESCB).

(d)   The opportunity has also been taken to bring both the adult and child elements of the policy up to date with current legislation and guidance which has been subject to significant changes.

ALTERNATIVE OPTIONS

(a)   To not approve the Policy. This would hinder the Council's ability to have up-to-date and compliant policy and procedures. It would also put at risk the authority's ability to work effectively to safeguard the welfare of children and vulnerable adults in the community, and to respond to scrutiny from the Essex Safeguarding Adults Board (ESAB) and Essex Safeguarding Children's Board (ESCB).

(b)   To request amendments to the Policy. The Policy based around a "model" policy developed and approved by the Safeguarding Boards for adoption by partner agencies such as the Council.

75. **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.