

CABINET

20 OCTOBER 2010

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 Dennis Willetts
Councillor Gerard Oxford
Councillor Mike Hardy
Councillor Pauline Hazell

32. Minutes

The minutes of the meeting held on 8 September 2010 were confirmed as a correct record subject to the inclusion of the following text in the “Reasons” section in minute 28:-

“The delegation at (b) above is intended to enable the Leader of the Council in consultation with the Group Leaders to consider the results of the consultation and to recommend to Council which option it should adopt at the Special Council meeting on 9 December 2010. The recommendation will be debated and determined by Council.

The delegation at (c) above is intended to enable the Leader of the Council in consultation with Group Leaders to publish the required public notice of intention to adopt revised arrangements prior to the Special Council meeting on 9 December 2010. The final decision will be taken by Council on 9 December 2010.”

33. Have Your Say!

Will Quince addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). Whilst the local Conservative group supported events in the town centre, more consideration needed to be given to the needs of local businesses. Councillor Lissimore had surveyed local businesses following the Tour of Britain cycle race. Ninety of the 120 businesses surveyed had responded. 82% reported that they were quieter than usual on that day, with only 5% busier than normal. Most of those were food outlets. Most business would welcome a similar event in the future but would prefer further Tour of Britain events being staged on Sundays. The Council should think carefully before hosting future large scale events in the town centre and should bear in mind that not all businesses were members of the business groups the Council consulted with.

Councillor Barlow, Portfolio Holder for Economic Development, Culture and Tourism, responded that the Council was still learning about staging such events and would be conducting its own study about the impact of the Tour of Britain event. The Council could not choose the day on which the Colchester stage was hosted and the Tour Series did not race on Sundays. Extensive efforts had been made to inform businesses about the event and leaflets had been delivered to all business in the town centre.

Andy Hamilton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He expressed his concern about the Visual Arts Facility (VAF) and argued that the Council should seek to renegotiate the terms of the agreement with the Arts Council. The truth about the firstsite Ltd's fundraising and business plan was concealed and he expressed concern that firstsite Ltd's committee meetings were held in private, even though it received considerable public funding. He submitted a Freedom of Information request for information about the Council's relationship with firstsite Ltd. He also asked the Cabinet to confirm its reasons for not providing a mobility scooter facility at the bus station.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, indicated that a written response would be sent and that the Freedom of Information request would be passed to the appropriate officer.

34. Highwoods Country Park – Car Park Charging Proposals

Portfolio Holder decision COM 006-10/STS-001-10 Highwoods Country Park – Car Park Charging Proposals was referred to Cabinet to determine. A copy of the minute from the Finance and Audit Scrutiny Panel meeting of 7 September 2010 had been circulated to each member, a copy of which appears as Appendix A to these minutes in the minute book.

Councillor Willetts attended and addressed the Cabinet in his capacity as Chairman of Finance and Audit Scrutiny Panel. He explained that the Panel's main concerns had been the level of consultation undertaken by the Council and the reliability of the data on which the decision was based. It would be useful if guidelines were drawn up for the Scrutiny Panels to approve setting out the appropriate level and method of consultation to meet the requirements of the constitution.

Councillor G. Oxford attended and addressed the Cabinet. He expressed concern that the decision had been taken without consultation. He supported Councillor Willetts comments and indicated that he and Councillor Goss had offered to deliver a leaflet as part of the consultation.

Councillor Dopson, Portfolio Holder for Communities and Councillor Hunt, Portfolio Holder for Street and Waste Services, responded. It was noted that the concerns were largely about the completeness and reliability of the data on which the decision had been made and the level of consultation, rather than the principle of charging for car-parking at the Country Park. It was indicated that the decision would be deferred until

the next meeting of the Cabinet and they would look again at the data on which the decision was based and consider what consultation was necessary and appropriate for this decision.

In respect of the suggestion about guidelines on consultation, Councilor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance explained that each consultation was different and it would difficult to draw up guidelines that would be suitable for all circumstances. The appropriate and proportionate level of consultation would different for each decision.

RESOLVED that consideration of Portfolio Holder decision COM 006-10/STS-001-10 Highwoods Country Park – Car Park Charging Proposals be deferred to the next meeting of the Cabinet to allow for further consideration of the information on which the decision was based and the appropriate and proportionate level of consultation.

REASONS

The reliability of the information on which the decision was based and the lack of consultation were the main concerns of the Finance and Audit Scrutiny Panel when it considered the decision at its meeting on 7 September 2010. The Cabinet considered that it was appropriate to consider these matters further.

ALTERNATIVE OPTIONS

It was open to Cabinet to confirm the Portfolio Holder decision.

35. 2011/2012 Revenue Budget and Capital Programme Update

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

Councillor Willetts attended and addressed the Cabinet. Whilst the actions taken to secure savings were welcomed, concern was expressed about the cost pressures, especially in relation to sport and leisure. The Conservative alternative budget would have addressed this by the creation of a Leisure Trust. The Council needed to look at radical solutions and make a more concerted effort to address the situation than was apparent in the Head of Resource Management's report. The budget could only be balanced by reductions in staff numbers through methods such as the creation of Trusts and outsourcing. The Comprehensive Spending Review had resulted in a further loss of approximately £850,000 and he invited the Cabinet to establish a special Cabinet or Council meeting where Councillors could discuss the impact of the Comprehensive Spending Review.

In response Councillor Smith, Portfolio Holder for Resources and Business and Councillor T. Young, Portfolio Holder for Housing and Community Safety stressed that the Conservative proposals were not realistic as they took insufficient account of redundancy costs. There were risks to the quality of service delivery in outsourcing

services. The approach set out in paragraph 9.1 of the Head of Resource Management's report was the correct approach

The Comprehensive Spending Review proposed a 7.1% average cut in direct Council funding for the next four years. The exact position for Colchester would be revealed in due course. However, the administration had already budgeted for a 5% cut and had other contingency plans for deeper cuts in funding. Whilst the situation was serious, it was not catastrophic.

RESOLVED that:-

- (a) the updated 2011/12 budget forecast as set out at paragraph 6.1 of the Head of Resource Management's report showing a current gap of £1.3m be noted.
- (b) It be noted that officers are working towards delivering a balanced budget and that progress has been made to identify savings to assist with the delivery of the budget strategy (see section 9 of the Head of Resource Management's report).
- (c) The cost pressures set out at paragraph 7.1 of the Head of Resource Management's report be included in the 2011/12 budget forecast.
- (d) The provisional savings set out at section 9 of the Head of Resource Management's report be included in the 2011/12 budget forecast.
- (e) The potential 2011/12 budget forecast variables and risks set out in section 10 of the Head of Resource Management's report be noted.
- (f) The current position on the capital programme be noted.
- (g) Funding be released for schemes as set out at paragraph 12.3 of the Head of Resource Management's report.

REASONS

The Council is required to approve a budget strategy and timetable in respect of the year 2011/12.

ALTERNATIVE OPTIONS

There are different options that could be considered and as the budget progresses, changes and further proposals will be made and considered by Cabinet and in turn Full Council.

Councillor Tim Young (in respect of his spouse being a member of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Lyn Barton and Councillor Anne Turrell (in respect of membership of

Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

36. The dissolution of the East Area Waste Management Joint Committee and the creation of a Member Partnership Board and IAA Member Working Group

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

Paula Whitney addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). She expressed concern that publicly accessible meetings had been abandoned. She supported Colchester's stance in rejecting the Waste Strategy and not signing up to the Inter Authority Agreement. She called on the Council to seek to persuade Essex County Council to changes its position and save the money that was being invested in the PFI initiative. Other counties were now beginning to try and abandon their PFI projects given the effects they were having on recycling.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, Councillor Hunt, Portfolio Holder for Street and Waste Services, Councillor Dopson, Portfolio Holder for Communities and Councillor T. Young, Portfolio Holder for Housing and Community Safety, responded to stress that Colchester had done all it could to oppose the Waste Strategy and the PFI and to persuade Essex County Council to change its policy. It was important for Colchester to sit on these bodies in order ensure it was kept informed and to seek to influence approaches and policy on waste issues.

RESOLVED that:-

- (a) the dissolution of the East Area Waste Management Joint Committee be agreed.
- (b) The proposal to create a Member Partnership Board and IAA Member Working Group be agreed.
- (c) The Council's representative on the new Member Partnership Board and IAA Member Working Group be the Portfolio Holder for Strategy and Performance.
- (d) The Portfolio Holder for Street and Waste Services be appointed as a substitute Member.
- (e) The Monitoring Officer be authorised to amend the Council's Constitution accordingly.

REASONS

- (a) At its meeting on the 25 March 2010 the East Area Waste Management Joint Committee agreed to its dissolution and to the creation of two new Member groups that will assist in developing relations and knowledge of waste management at member level following the signature of formal Inter Authority Agreement (IAA) between all

waste collection authorities and Essex County Council, apart from Colchester.

(b) Colchester Borough Council's position remains that it has not signed up to the Essex Joint Municipal Waste Management Strategy and it has not signed an Inter Authority Agreement with Essex County Council (ECC). As such Colchester Borough Council has requested that ECC clarify its position in relation to Colchester's involvement.

(b) ECC has indicated that they would want to see Colchester as a full and active member of the Member Partnership Board despite not having signed the strategy.

(d) ECC is also supportive of Colchester being observers at both the Officer and Member IAA Working Groups. However as these are partnership meetings ECC feel the best course of action would be to get endorsement of that position from all the partners at the respective meetings.

ALTERNATIVE OPTIONS

The Joint Committee's are being dissolved and replaced by the Member Partnership Board and IAA Member Working Group. The Council could choose not to be represented on either of these Member Groups.

Councillor Tim Young (in respect of his spouse being a member of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Lyn Barton and Councillor Anne Turrell (in respect of membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

37. Introduction of 20 mph Speed Limits

Cabinet considered minute 7 of the Policy Review and Development Panel meeting of 1 September 2010, a copy of which had been circulated to each Member and a copy of which appears as Appendix D to these minutes in the Minute Book.

Councillor Willetts attended and addressed the Cabinet. Whilst he had welcomed the establishment of the 20 mph Task and Finish Group it had made little progress and had been overly cautious in approach, given there was general support for 20 mph limits within the borough. He did not believe that the structured engagement process recommended by the Panel would help deliver 20 mph speed limits. The localism agenda should be used to allow local communities to decide where 20 mph zones would be appropriate and to help enforce them through Community Speed Watch schemes.

Councillor Hunt, Portfolio Holder for Street and Waste Services, explained that Essex County Council had stated that it would not fund further 20 mph zones or limits until the

outcome of trials in Oxford and Portsmouth were known, although it was noted that a trial was underway in Chelmsford. Given Essex County Council's stance, the Panel's recommendations were a sensible approach.

RESOLVED that the recommendations contained in minute 7 of the Policy Review and Development Panel meeting of 1 September 2010 be accepted.

REASONS

Whilst there considerable support for the introduction of 20 mph limits in areas of the borough , it not would be feasible to proceed with this without a clear indication of support for the delivery of 20mph limits from Essex County Council. Until such an indication of support was received, the recommendations proposed by the Policy Review and Development Panel were the correct approach.

ALTERNATIVE OPTIONS

It was open to Cabinet not to accept the recommendations of the Policy Review and Development Panel.

38. Recommendations from the Night Time Economy Task and Finish Group

Cabinet considered minute 8 of the Policy Review and Development Panel meeting of 1 September 2010, a copy of which had been circulated to each Member and a copy of which appears as Appendix E to these minutes in the Minute Book.

Councillor Barlow, Portfolio Holder for Economic Development, Culture and Tourism, thanked the members of the Night Time Economy Task and Finish Group, external contributors to the work of the Group and Beverley Jones, Head of Environmental and Protective Services, for their contributions to the Group's work. The recommendations would be examined as part of the Better Town Centre work programme to see which could be implemented. Progress on implementation of the recommendations would be reviewed by the Group in twelve months time which would ensure effective monitoring of the recommendations.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, also indicated his support for the recommendations.

RESOLVED that the recommendations contained in minute 8 of the Policy Review and Development Panel meeting of 1 September 2010 be accepted.

REASONS

As set out in minute 8 of the Policy Review and Development Panel meeting of 1 September 2010.

ALTERNATIVE OPTIONS

It was open to Cabinet not to accept the recommendations of the Policy Review and Development Panel.

39. 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 and a copy of which appears as Appendix F to these minutes in the Minute Book.

RESOLVED that the contents of the Progress Sheet be noted.

REASONS

The progress sheet was a mechanism by which the Cabinet could ensure that public statements and questions were responded to appropriately and promptly.

ALTERNATIVE OPTIONS

No 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.

40. Appointment of Trade Contractor for St Botolph's Public Realm Works

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix G to these minutes in the Minute Book.

RESOLVED that:-

(a) The company specified in the Head of Strategic Policy and Regeneration's report be appointed to deliver construction works for the St Botolph's Public Realm Works under Construction Management Trade Contract to a maximum value as set out in the Head of Strategic Policy and Regeneration's report.

(b) The final appointment to the company specified in the Head of Strategic Policy and Regeneration's report be delegated to the Head of Strategic Policy and Regeneration, provided that the amount of the tender shall fall below the maximum value stated above.

REASONS

(a) To enable the delivery of construction works to the St Botolph's Public Realm including the creation of a new public square

(b) To enable the completion of the external landscape around firstsite, the proposed East Hill House Development, the first phase proposals from Garbe for the Cultural Quarter Design (in particular the new hotel)) and reinstatement of parking to Mulberry Centre.

(c) To establish a precedent for the quality of future public realm works in the area of Queen Street.

(d) In order to ensure sufficient time was given to the contractors to return their tenders but recognising that a decision needs to be made as soon as possible to enable works to start on site, the tender date was extended to 11th October 2010. As this was clearly beyond the date required for Cabinet reports to be circulated, the above decision has been requested which provides for the final appointment to be made through a delegated decision.

ALTERNATIVE OPTIONS

There are currently no other feasible design or procurement options for the completion of these St. Botolph's Public Realm works within the timescale required. Any works not completed by September 2011 would be likely to delay the opening of firstsite and could hinder the start of the East Hill House redevelopment and the new hotel proposed on Queen Street. It would potentially put at risk all of this private and public investment.

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.

41. Proposed Purchase of the Old Police Station, Queen Street, Colchester: Heads of Terms

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix H to these minutes in the Minute Book.

RESOLVED that:-

(a) The draft Heads of Terms for the purchase of the Old Police Station as attached to the Head of Strategic Regeneration and Policy's report be noted and approved provided that the conditions within the report dated 8 September 2010 and approved

by Cabinet are adhered to.

(b) Authority be delegated to the Portfolio Holder for Planning and Sustainability to conclude the purchase of the Old Police Station in terms substantially in accordance with the draft Heads of Terms attached to the Head of Strategic Policy and Regeneration's report.

REASONS

The report presented to Cabinet on 8 September 2010 indicated that a report would be submitted to Cabinet detailing the draft Heads of Terms.

ALTERNATIVE OPTIONS

See report to Cabinet dated 8 September 2010 . Failure to agree Heads of Terms and the inability to conclude the purchase by the 31st December would result in external funding being lost and the opportunity being missed to complete a strategic land purchase which will not only facilitate the development of the Creative Business Centre but also contribute to the overall regeneration of the St Botolph's area.

Please note that there is an appendix to minute 41 which is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)).