

POLICY REVIEW AND DEVELOPMENT PANEL

7 NOVEMBER 2011

Present :- Councillor Nigel Offen (Chairman)
Councillors Nigel Chapman, Mark Cory,
Margaret Fairley-Crowe (Former Mayor) , Marcus
Harrington, Lesley Scott-Boutell and Julie Young

10. Minutes

The minutes of the meeting of the Panel held on 8 August 2011 were confirmed as a correct record.

11. Equality and Diversity // Annual Update Report

The Panel considered a report by the Head of Corporate Management concerning the changes and progress made following the Equality Act 2010.

Lucie Breadman, Head of Corporate Management, attended the meeting to assist members in their discussions. She explained the Equality Act 2010 had replaced the existing anti-discrimination laws with a single Act and included a new Public Sector Equality Duty coming into force in April 2011. This replaced the separate public duties relating to race, disability and sex to also cover age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment more fully. Two consultation papers had been published by the Government in March 2011 signaling a change in approach and timescales, along with the removal of many of the previous draft regulations. As at October, the outcome of the review of the Equality and Human Rights Commission (EHRC) was awaited, the specific duties regulations had come into force in September and the 'quick start' guide to these regulations had been published by the Government Equalities Office in October with the statutory guidance due to follow on from the Commission.

The Equality Act 2010 aimed to make the law simpler, to remove inconsistencies, and strengthen protection in some situations. It introduced 'protected characteristics', which cannot be used as a reason to treat people unfairly. Every person has one or more of these protected characteristics, so the Act protects everyone against unfair treatment on those grounds.

The General Duty's aim was to integrate consideration of the advancement of equality into the day-to-day business of public bodies, and across all its functions. All councils, including their councillors and staff, must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between people who share a 'protected characteristic' and those who do not
- foster good relations between people who share a 'protected characteristic' and

those who do not.

Information had been published to demonstrate the Council's compliance with the General Duty including:

- Single Equality Scheme and action plan
- Equality Impact Assessments
- Website section dedicated to Equality and Diversity
- The Council's external accreditation as an 'achieving' organisation under the Equality Framework for local government
- Workforce statistics
- Work undertaken by the Council's Research and Engagement Team about service users, customers and the borough's population.

The Act also required local authorities to prepare and publish one or more specific, measurable equality objectives by 6 April 2012. The Council's current equality objectives were set out in the Single Equality Scheme 2010-13, and approved in 2010. The review of the Council's Strategic Plan for 2012-15 was currently underway which would provide an ideal opportunity to incorporate this more focused and streamlined requirement for "one or more specific, measurable equality objectives" into an updated Strategic Plan, and to demonstrate the importance of Equality and Diversity as a key priority for the Council.

Lucie explained that 2011 has been a year of transition and change in the field of equality policy and practice with a move away from proscribed, detailed requirements and each equality strand being viewed as a 'standalone' issue as well as moving towards a more inclusive approach to 'foster good relations between those who share a protected characteristic and those who don't'.

She also confirmed that the Council's three internal equality groups – the Member Liaison Group, the Diversity Steering Group and the Equality and Diversity Reference Group – would continue to meet and the shared post of Equality and Diversity Officer between Colchester Borough Homes and Colchester Borough Council would be maintained.

The Panel gave particular consideration to the following issues:-

- Support for the Council's continued commitment to the Equality Impact Assessment regime and the internal equality groups which had greatly contributed to the embedding of Equality and Diversity implications within the organisation;
- That there are no upper limits to legal discrimination cases which had significant financial implications for the Council;
- Concern regarding the loss of 'best practice' networks due to changes to funding and priorities and the need for the Council's expertise and knowledge to be maintained;
- The continued importance of training for new staff and for councillors on a regular basis.

RESOLVED that the changes, progress and future plans made following the

introduction of the Equality Act 2010 be noted.

12. Magistrates' Courts Task and Finish Group // Final Report

The Panel considered a report by Executive Director, Ann Hedges (née Wain), concerning the work undertaken by the Magistrates Courts Task and Finish Group and presenting the recommendations of the Group to the Panel.

The Task and Finish Group had been established to investigate the future use of the space in the Town Hall building currently occupied by the Magistrates' Courts and it had been acknowledged in the Group's Terms of Reference that an overview of the use of the Town Hall would need to be taken as well as consideration as to the use of the Town Hall in terms of its role as a venue for Council meetings, Civic and Mayoral functions as well as the commercial marketing of the building.

Over a number of meetings the Group had identified and discounted a range of possible alternative uses and the broad principles of the following options had been considered at its final meeting:

- Do nothing;
- Look to dispose of parts of the building that are not currently used including the Magistrates' Courts;
- Consider looking at a larger area to dispose of, retaining the main meetings rooms and Mayoral suite only;
- Extend the Town Hall Business Plan in-house;
- Test expressions of interest to run the Town Hall on a commercial basis;
- Work with a Developer to look at options over a period of time;
- Sale of the whole building on a long lease;
- Sale of the building plus car park.

The Group had ruled out the first and last of these options during its work.

The Leader of the Council, Councillor Turrell attended and, with the approval of the Chairman, addressed the Panel. She was of the view that the members of the Task and Finish Group had undertaken a thorough investigation of the issues presented to them. She explained that the Cabinet intended to refer the recommendations from the Policy Review and Development Panel on this matter to the Council meeting to be held on 8 December 2011 with a view to the outcome of the Council debate being determined by the Cabinet at its meeting on 25 January 2012. She confirmed that any further detailed work associated with the potential options would only be commenced following the decision taken by the Cabinet in January 2012.

Councillor Willetts attended and, with the approval of the Chairman, addressed the Panel. His strong view was that the Town Hall was the principal focal point in the town for important civic events such as Armistice Day and Freedom of the Borough Parades and, as such, this role should not be diminished. He was aware that that there would be a cost associated with the annual maintenance of the Magistrates' Courts and that this cost needed to be accounted for but he was alarmed that other parts of the Town Hall

had been included in the potential future options. He was of the view that the public accepted that there was a cost associated with any municipal building and that there was a need for such a building to provide rooms for use by Councillors generally as well as the Cabinet and the political groups. He acknowledged that it was difficult to assess the value of 'heritage' but there was an opportunity for the Town Hall building to be used to a far greater extent to display historical artefacts owned by the Council and he was of the view that the Task and Finish Group should have undertaken more work in this regard as well as the consideration of a detailed cost benefit analysis and / or business case as well as legal advice relating to the potential lease of the building to other organisations. He was concerned that the work required more time to complete, particularly in respect of a detailed consultation exercise and that this was to the advantage of potential developers rather than the people of Colchester.

Councillor Frame, Chairman of the Magistrates' Courts Task and Finish Group, attended and, with the approval of the Chairman, addressed the Panel. He outlined the work undertaken by the Group in relation to the Scoping Document, the running costs of the buildings and the Town Hall Business Plan. The Group had sought advice about potential more profitable uses as well as from English Heritage. Councillor Frame confirmed that the Group had visited the Courts and cells areas and had considered both unused and underused spaces in the building, including the former Caretaker's flat, spaces next to the Moot Hall and Councillors' and political group rooms.

Of the eight options which had emerged, the Group had quickly discounted those to do nothing and the sale of the building plus car park. The recommendations which had emerged took into account the need for further expert advice to be sought and also included an acknowledgement that conflicts of use existed between the commercial and council use of the building and this had led to the consideration of utilising other council owned space, such as Angel Court for meetings purposes. The Group had borne in mind the fact that public meetings had been undertaken in the past at alternative venues to the Town Hall although the need for robust audio facilities was of paramount importance for any meeting venue to be successful. The Group had been clear that the civic life of the Town Hall should be continued such that the Moot Hall would need to be reserved for certain civic functions along with the Mayor's Parlour. The Group had looked at what other local authorities were doing with their municipal buildings and had learnt that the Magistrates' Courts were not considered to be the best historic examples by English Heritage. He explained that potential educational use of the Magistrates' Courts area had been considered but would not be cost effective enough to pursue and it was unlikely that it would be possible to accommodate the Visitor Information Centre in the building due to the need to have a High Street presence and the accessibility constraints of the front of the building. Councillor Frame concluded by thanking the Panel for the opportunity to participate in the Task and Finish Group's work which he felt had been an interesting and challenging exercise.

Councillor Julie Young, in her capacity as a member of the Task and Finish Group, endorsed much of the information supplied by Councillor Frame. She agreed that the Group had been very thorough in its work and was of the view that the recommendations from the Group warranted support as they constituted the start of a process which the Council could ultimately choose to accept or reject. She was of the view that alternative venues for public meetings other than the Town Hall were workable

considerations so long as all accessibility issues could be adequately addressed.

The Panel gave particular consideration to the following issues:-

- The need for certain valued elements of the Magistrates' Courts buildings such as the Coat of Arms, to be retained or returned;
- The Town Hall building was the result of a number of benefactors' generosity and should not be disposed of lightly or hastily as it was important to retain the building for use by the people of Colchester;
- The potential for the building to be used for heritage purposes, such as the display of artefacts should be investigated further;
- The need for further investigation of the potential to increase commercial use of the building in-house;
- The need for the potential use of the building to house the Visitor Information Centre to be investigated further;
- The potential for facilities such as Firstsite to be used for public meetings and for this possibility to be investigated further;

A number of members of the Panel were of the view that the Town Hall was an iconic building and, as such, should be retained as the venue for the principal meetings of the Council. They were also concerned regarding that part of the Task and Finish Group's recommendations relating to the management of the Town Hall building by an external company and were of the view that the management of the building should remain within the control of the Council.

Following very thorough consideration the Panel were of the view that, in order to allow for a detailed debate at the next Council meeting, the conclusions of the Task and Finish Group should be referred to the Cabinet in full but in addition a further note of the Panel's view be also referred for consideration as follows:

RECOMMENDED to the Cabinet that –

- (A) To allow for a detailed debate at the next Council meeting, the conclusions of the Task and Finish Group be agreed in full as follows:
- (i) The external market is tested for expressions of interest to establish what could be possible within a range of conditions;
 - (ii) There are two distinct areas to be put out to the market:
 - (a) A range of spaces that are no longer used by the Council plus the space currently occupied by the Magistrates' Courts for possible long lease and redevelopment,
 - (b) The rest of the building for consideration to be managed by an external company to increase income;
 - (iii) The areas identified above at (ii)a and (ii)b could be bid for by separate companies or a single company and this would include bids from community groups;

(iv) Certain requirements, to address the following aspects, would be applicable in respect of (ii)b above:

(a) Reducing the Council's need for the building by moving internal day time meetings into space in Angel Court and looking at whether some public meetings could be moved out of the Town Hall, potentially using space in Angel Court to meet this requirement;

(b) Preserving the Council's right to use the Town Hall for a range of functions including, but not exclusively, Full Council meetings, Mayoral functions, Open Building Heritage Days, St George's Day, Oyster Feast, and Remembrance Sunday.

(B) Further investigation be undertaken regarding the potential use of the Town Hall building to house the Visitor Information Centre and the potential for facilities such as Firstsite to be used for public meetings of the Council in the future;

(C) (FOUR voted FOR, ONE voted AGAINST and TWO ABSTAINED) The Town Hall be retained as the venue for the principal meetings of the Council and the management of the building remain within the control of the Council.

13. Work Programme 2011-12

The Panel considered a report by the Head of Corporate Management giving details of the provisional scheduling in the Panel's work programme for the year, bearing in mind that this was likely to evolve as items of business were commenced and concluded.

The report provided an update on the current situation regarding the four Task and Finish Groups. In particular it was explained that the Older Persons Accommodation Group felt strongly that the future capital receipt as a consequence of the Cabinet's Sheltered Housing Accommodation Review should be ring-fenced to the improvement and conversion of sheltered housing and not to repay debt. The Task and Finish Group were seeking the Panel's support for this view to be communicated to Cabinet by means of a recommendation to this effect from this Panel. The work of the Older Persons Task and Finish Group was progressing well generally and it was likely that it would continue to meet into the New Year.

The Panel members were of the view that it was not necessary to seek to ring fence the capital receipt in the manner proposed by the Task and Finish Group and the submission of a recommendation to Cabinet was not required.

RESOLVED that:

(i) The contents and scheduling of the work programme and the current situation regarding the various Task and Finish Groups be noted;

(ii) The Older Persons Accommodation Task and Finish Group's request regarding the ring fencing of a Sheltered Housing Review capital receipt to improvement and conversion work rather than debt be not supported and the intention for the Group to

extend its timetable of meetings into the New Year be noted.