

# CABINET 17 MARCH 2010

*Present :-* Councillor Anne Turrell (Chairman)  
Councillors Nick Barlow, Lyn Barton,  
Tina Dopson, Martin Hunt, Beverley Oxford,  
Paul Smith and Tim Young

*Also in Attendance :-* Councillor Kevin Bentley  
Councillor Mary Blandon  
Councillor Peter Chillingworth  
Councillor Wyn Foster  
Councillor Sonia Lewis  
Councillor Jackie Maclean  
Councillor Mike Hardy  
Councillor Dennis Willetts

Date draft minutes published: 18 March 2010

Date when decisions may be implemented if not called in: 5pm, 25 March 2010

All decisions except urgent decisions and those recommended to Council may be subject to call in. Requests for scrutiny of decisions by the Strategic Overview and Scrutiny Panel must be signed by at least one Councillor and countersigned by four other Councillors (or alternatively support may be indicated by e-mail). All such requests must be delivered to the Proper Officer by no later than 5pm on: 25 March 2010

## **68. Minutes**

The minutes of the meeting held on 27 January 2010 were confirmed as a correct record.

## **69. Petitions, Public Statements, Questions etc**

Mr Murphy-Whymark addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to seek the Council's help in mediating in a dispute between Wivenhoe Town Football Club and Wivenhoe and Sporting Facilities Trust which owned the freehold of the Broad Lane ground. The dispute had led to the club being prevented from using the ground. It was emphasised that the club were solvent and had expanded to be a real community club, with a number of teams. The dispute was not just affecting

the football club but other local organisations and charities which used the facilities.

In response to a question from Councillor T. Young, Portfolio Holder for Street and Waste Services, Mr Murphy -Whymark stressed that the club had sought to pay the outstanding rent, and wanted to secure a lease that would allow investment to improve the facilities. The club would be willing to accept caveats and conditions on the lease.

Councillor Hunt, Portfolio Holder for Customers, Communication and Leisure, explained that the Council would be meeting with the Trust and, subject to the Trust's agreement, with the club. Following these meetings, it would then seek to find a way forward. The Council was committed to ensuring the retention of existing leisure facilities on the land it owned.

John Gili-Ross addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) on behalf of the Colchester Association of Local Councils (CALC). CALC were concerned about the large scale developments planned in the area between the A12 and the mainline railway line and the impact this would have on rural and urban communities to the north of Colchester. He proposed the formation of a Task and Finish Group, composed of borough and parish councillors and a planning officer associated with these developments. The remit of the Task and Finish Group would be to carry out an Impact Assessment of these developments with respect to the residents and businesses of north Colchester, the capability of the road infrastructure to support the increased traffic levels and how "greener" forms of travel could be enhanced in the area. Mr Gili-Ross also requested a response to a letter he had sent to the Leader of the Council in January about the imbalance in the membership of the Planning Committee, which currently had no members representing the wards of north Colchester, and suggesting a possible solution to this issue.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, responded that the suggestion about a Task and Finish Group would be considered. The query about the composition of the Planning Committee was still being looked into and an interim response would be sent very shortly. This would set out a timescale for a full response.

Mr Buston addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) on behalf of local residents and businesses in Crouch Street about the proposals to introduce parking charges into Crouch Street. The introduction of parking charges would destroy the informality and vibrancy of Crouch Street, which was typical of urban village communities in Colchester. Schemes involving payment for parking would slow down the turnover of parking. This would be contrary to the aims of the proposals and

would also reduce the turnover of local business. A petition was presented to the Leader of the Council opposing the introduction of the parking charges on Crouch Street containing 3280 signatures.

Councillor T. Young, Portfolio Holder for Street and Waste Services, responded that the proposals were the subject of consultation and no decision on implementing the proposals had been made. The petition would be taken into account as part of the consultation exercise. Working in partnership with Colchester Retail and Business Association, the Council was consulting local shops, businesses and traders to provide an increased turnover of parking spaces and hence an improvement in local trade, to provide the best parking offers to suit the needs of local businesses and to simplify the type, and reduce the cost, of parking enforcement. A decision had been taken by the Conservative administration in May 2006 which included charging for on-street parking on Crouch Street.

Paula Whitney addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to urge the Council to support Friends of the Earth "Get Serious" campaign, to which a number of local authorities had signed up. Action needed to be taken on carbon emissions before the situation became irretrievable. In particular traffic issues needed to be addressed to counter the increase in car journeys. A car free High Street would help address this but she opposed proposals for park and ride.

Councillor Barton, Portfolio Holder for Planning, Sustainability and the Environment, and Councillor Hunt, Portfolio Holder for Communication, Customers and Leisure responded to stress the initiatives and work the Council was doing to address carbon emissions.

Andy Hamilton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to urge the Council to provide a temporary storage facility for mobility scooters at the bus station. No building work was currently taking place on the site. His previous attempts to secure this had been blocked by the Council and he would be referring the matter to the Local Government Ombudsman.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, indicated that a written response would be sent.

## **70. Revenues and Benefits Fundamental Service Review**

The Executive Director submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix A to these minutes in the Minute Book together with minute 57 of the Strategic

Overview and Scrutiny Panel meeting of 2 March 2010.

Councillor Willetts attended and addressed the Cabinet to express the Conservative group's support for the proposals in the business case. The proposals were in line with the principles put forward in the alternative Conservative budget, such as moving towards shared services and a smaller workforce. However, the changes could perhaps be brought in within a shorter timescale.

Councillor Smith, Portfolio for Resources, Diversity, Culture and the Arts, responded that the aim of a fundamental service review was to improve to improve the service delivery rather than cost cutting. Due to the difficult economic climate, the revenues and benefits system was attracting a new type of customer who wanted to access the systems at a time convenient for them and the review aimed at delivering a service that would enable this. The Council had an excellent track record of using shared services, such as the Joint Museum service and the Parking Partnership with Braintree and Uttlesford.

*RESOLVED* that the business case resulting from the Fundamental Service Review of Colchester Borough Council's Revenues and Benefits Service be approved.

#### *REASONS*

(a) The Council's vision as set out in its Strategic Plan is of "Colchester: a place where people want to live, work and visit." This vision is supported by three objectives - to listen and respond, shift resources to deliver priorities, and be cleaner and greener - and by nine priorities for action to improve the quality of life in the borough.

The business case will deliver across the Strategic Plan's vision, objectives and priorities as the Revenues and Benefits services are key to achieving them. This is particularly so in the case of helping local people of all ages to get services, support and financial help across a range of housing, social and economic needs so that they can make the most of opportunities in their community.

(b) The Council's Revenues and Benefits services have contact with every household in the borough (all 74,000 homes are liable for Council tax), every business (5,200 businesses) and provide payments to ensure people are able to receive the financial support they require to remain housed (14,000 people are in receipt of benefit / 74,000 homes = 19%).

(c) With such a significant contribution, both strategically and operationally, to this number of residents and businesses, the service is keen to take this

opportunity to further shape its delivery around the three drivers of Fundamental Service Reviews: an improved customer experience, efficiencies and effectiveness.

### *ALTERNATIVE OPTIONS*

The alternative option would be not to approve the business case or to ask for changes to be made to the proposals set out in the business case. In either scenario, the delivery of improved customer excellence, and greater efficiency and effectiveness in the Revenues and Benefits services could be delayed or not delivered. The business case is the result of considerable research, analysis and consultation on the part of a core project team and staff in the services.

**Councillor Tim Young (in respect of his spouse's membership 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)**

### **71. Essex Children's Trust - Memorandum of Agreement**

The Head of Life Opportunities 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.

*RESOLVED* that:-

- (a) the Council should sign the Essex Children's Trust Memorandum of Agreement with partner organisations;
- (b) the Chief Executive be authorised to sign the Memorandum of Agreement on the Council's behalf.

### *REASONS*

(a) On February 15 2010 the Council received a letter from Councillor Peter Martin of Essex County Council (Appendix 1 of the Head of Life Opportunities report), in his capacity as Chair of the Essex Children's Trust Partnership Board, asking the Council to consider and sign the Essex Children's Trust Memorandum of Agreement (Appendix 2 of the Head of Life Opportunities

report).

(b) This request follows a decision to implement new Children's Trust arrangements in Essex in keeping with the provisions in Section 10 of the Children Act 2004, and formalises the emerging partnership arrangements for the Children's Trust in which the Council is already an active participant.

#### *ALTERNATIVE OPTIONS*

(a) To not approve the Council signing the Memorandum of Agreement. This would mean the Council would be deciding not to fulfil its statutory duty to cooperate under Section 10 of the Children Act 2004 by working within the Children's Trust arrangements being established in Essex.

(b) To delay approval for the signing of the Memorandum of Agreement in order to clarify issues raised in the Memorandum of Agreement.

**Councillor Tim Young (in respect of his spouse's membership 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)**

**Councillor Nick Barlow and Councillor Paul Smith (in respect of membership of the Waste Prevention and Recycling Options Appraisal Task and Finish Group) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

#### **72. Waste Prevention and Recycling Options Appraisal Task and Finish Group Progress Report**

The Cabinet considered draft minute 29 of the Policy Review and Development Panel meeting of 1 March 2010 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) to express her concern that as Colchester Borough Council had remained part of the Essex Waste Partnership, Essex

County Council's PFI bid had been approved. This meant that MBT plants could be built in Essex, possibly in Stanway. A comparison was drawn with actions of Bedford and Luton Councils who had pulled out of their partnerships and as a consequence, DEFRA had not approved the relevant PFI bids.

Councillor Dopson, Portfolio Holder for Performance and Partnerships responded to state that there was no evidence to suggest that if Colchester had withdrawn from the Partnership it would have prevented the development of an MBT plant in Basildon. The comparison with Luton and Bedford was misleading as they were unitary authorities. Through remaining in the Partnership, Colchester was able to remain in discussion on other issues and work streams. This had proved useful in relation to the work of the Waste Prevention and Recycling Options Appraisal Task and Finish Group. The Council's position on the Waste Strategy had not changed since 2008 and Essex County Council's reference case had been amended.

Nick Chilvers addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2) to seek further information about the work of the street care officers. In particular, he asked:-

- What impact did they have on street tidiness and how was their effectiveness monitored?
- Did they work beyond the town centre?
- Did they work on evenings and in particular on Saturday nights?
- How many fixed penalty notices did they issue on average per week?
- Did they provide value for money?

Councillor T. Young, Portfolio Holder for Street and Waste Services, explained that the role of the street care officers was to educate and enforce on issues of street care. A detailed written response would be sent but they provided an excellent and effective service.

Councillor T. Young, Portfolio Holder for Street and Waste Services, paid tribute to the work of the Task and Finish Group. He also thanked the officers for their contribution and the residents of Colchester who had responded so well to the consultation exercise. The consultation had shown that there was no desire to introduce wheelie bins and there was cross party support for this. However, the need for trials to test the acceptability and performance of different waste systems was demonstrated by the divergence in views about fortnightly collections that had been revealed by the consultation.

Councillor Barlow, Portfolio Holder for Business and Tourism and Chairman of the Task and Finish Group, Councillor Smith, Portfolio Holder for Resources, Diversity, Culture and the Arts and Councillor Chillingworth all paid tribute to the work of the Task and Finish Group which had worked effectively across

political boundaries.

*RESOLVED* that the Portfolio Holder for Street and Waste Services be authorised to establish trials to test the acceptability and performance of different collection systems, including food waste collection.

#### *REASONS*

The Task and Finish Group wished to explore how the Council could more strongly encourage participation in recycling services. Responses to the consultation showed that there was strong support for the Council enforcing recycling standards across the Borough. There are many ways that this could be achieved and the Group wished to explore this area in more detail.

The Task and Finish Group therefore wished to continue their work so that a programme could be devised that would take into account their recommendations as well as ensuring best practice could be explored and applied or modified. This would help to ensure that any schemes that improved participation levels and increased levels of recycling introduced in the Borough would be suitable and achieve high levels of customer satisfaction.

#### *ALTERNATIVE OPTIONS*

Not to accept the recommendation of the Policy Review and Development Panel to authorise the Portfolio Holder for Street and Waste Services to establish trials to test the acceptability and performance of different collection systems, including food waste collection.

### **73. Review of Local Code of Corporate Governance**

The Monitoring Officer submitted a report 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 together with a copy of minute 20 of the Standards Committee meeting of 5 March 2010.

Andy Hamilton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He considered that the lack of public information about the legal action being taken against the contractors on the Visual Arts Facility was contrary to the principles of the Local Code of Corporate Governance. Both the current and previous administration had acted against the public interest in relation to the Visual Arts Facility.

Councillor Smith, Portfolio Holder for Resources, Diversity, Culture and the Arts, explained that details of the legal action could not be made public at this stage. Some of the details were sub-judice and it would not be in the public



interest to reveal details at this stage as to do so may jeopardise the prospects of the legal action.

*RESOLVED* that the updated Local Code of Corporate Governance be approved.

*RECOMMENDED* to Council that the updated Local Code of Corporate Governance be included in the Council's Policy Framework.

#### *REASONS*

(a) The Council strives to meet the highest standards of corporate governance to help ensure it meets its objectives. Members and Officers are responsible for putting in place proper arrangements for the governance of the Council's affairs and the stewardship of the resources at its disposal.

(b) Cabinet at its meeting on 18 March 2009 approved the Code and subsequently the Full Council at its meeting on 22 April 2009 included it within the Council's Policy Framework. The revised Code needed to be reviewed annually.

#### *ALTERNATIVE OPTIONS*

Not to approve the revised Code or to approve it subject to amendments.

### **74. 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 E 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.