FINANCE AND AUDIT SCRUTINY PANEL
6 APRIL 2009

Present :-	Councillor Sue Lissimore (Chairman) Councillors Kevin Bentley, Martin Goss, Dave Harris, Jon Manning, Gerard Oxford, Laura Sykes and Dennis Willetts
Substitute Members :-	Councillor Pauline Hazell for Councillor John Bouckley Councillor Christopher Arnold for Councillor Jackie Maclean Councillor Chris Hall for Councillor Nigel Offen

73. Have Your Say!

Mrs. Paula Whitney addressed the panel saying that at the Finance and Audit Scrutiny Panel meeting on the 24 February 2009, during discussions on the item 'Sale of Recyclable Materials', it was suggested that by allowing the public to leave recyclable items for collection in cardboard boxes and plastic shopping bags, something the public was happy to do, it would save on the purchase of plastic sacks for recycling, money that could offset the cuts required in the Parks and Recreation Service.

Mr. Andy Hamilton addressed the panel speaking of what he called the recent public attacks by the Council on the building contractor of the Visual Arts Facility. Mr. Hamilton said the contractor had limited experience in this type of build and it was of no surprise to anyone of the difficulties experienced in the construction of the roof, but now the Council is complaining. The Council had a responsibility to build the arts facility at a minimum cost, but the project had failed and the cost had spiraled to £26,000,000, an obscene amount of taxpayer's money. Mr. Hamilton suggested the Council offer the building to the Arts Council, believing it would be of little benefit to this town.

74. The removal of rose and shrub beds and borders in the borough

The Chairman agreed pursuant to the provisions of Section 100B(4)(b) of the Local Government Act 1972 to consider the following item at the meeting as a matter of urgency because the matter is in the public interest and the relationship with the Council's contractor.

Have Your Say

Mr. Bob Russell MP addressed the panel saying that in regards to the decision to remove the shrubs and rose borders, the buck stops with the elected members, though he asked was this decision driven by officers or members. Mr. Russell also asked whether the funds from the Highways Agency for this work were as per the original levels. Mr. Russell said that what has happened is regrettable, given what he and other members had done in the past to increase garden borders and green amenity areas in the borough, including a wild flower meadow. Mr. Russell said that though he was led to believe that work had now stopped on the removal of the borders, he was

disappointed at the negative publicity this had caused. Overall, he had received few complaints on this matter, compared to the many he receives concerning the Visual Arts Facility. Mr. Russell concluded by saying he hoped the Council had learnt lessons from this matter, to improve communication and consultation, that it was a duty of members to advise and consult.

Mr. Norman Bailey addressed the panel saying his concern was with that of the Northern Approach Road. Mr. Norman said he had been told the shrubs within these borders caused safety issues with members of the public, that they would be replaced by smaller, safer shrubs. Under the Freedom of Information, he was told there was no record of complaints or accidents concerning these borders and later found out they were to be removed due to cuts in maintenance costs. Mr. Norman said he had received some answers to ten questions he had asked of the Council, that in effect, his democratic rights had been denied. Mr. Norman concluded by saying there was still an issue about whether Essex County Council would fund this work once the Council's money had run out.

Mr. Andy Hamilton addressed the panel saying the 'border slaughter' had been a public relations disaster for the Council, and the lack of information forthcoming and regarding this issue was deliberate, to forestall public discussion. Mr. Hamilton said of the three original borders in Lexden, only one now remains, and although local residents would have liked a say in this matter, they were ignored. Mr. Hamilton concluded by saying that if ward members were saying they did not know what was going on in regards to this matter, he questioned whether they knew what was going on at all.

Councillor Lewis addressed the panel and responded to the previous speaker, though apologising to Mr. Hamilton for addressing the panel with her back to him. Councillor Lewis said that in the Lexden Ward, the ward councillors had received details of the works after Councillors in other affected wards, and had received an apology for this error. Councillor Lewis said when she was given details of the works she was told work would commence on 9 March 2009, though it actually started on the 11 March 2009. Councillor Lewis confirmed she was in contact with officers from this Council and Essex County Council and in regular contact with residents in Hubert Road, Glen Avenue, Colvin Close and Lexden Grove. The Glen Avenue Residents Association will be planting four new trees on their grass verges, once the issue of public liability is resolved. Residents at Colvin Close are in dialogue with Council Officers regarding their shrub borders. Councillor Lewis said to suggest ward councillors had done nothing was a vexatious comment, that we do know what is going on and do support the residents on this matter.

Mr. Quince addressed the panel said he had read a lot of correspondence on this issue, a decision that was a mistake. Mr. Quince said how could a decision be implemented when it had not been subject to local resident's consultation or Council scrutiny. Mr. Quince asked whether the Portfolio Holder felt it was appropriate that ward councillors found out about this work through the press or by the contractors commencing the works. Mr. Quince said the high media coverage had made the Council a laughing stock. Mr. Quince concluded by saying that given the money to be saved was for services that attracted visitors to the town, did she think the removal of these beds was a mistake, and whether or not the removed shrubs and roses could be

donated to local residential homes and the like.

Mr. Jeremy Lucas, Essex County Councillor for Colchester Drury Ward, and Portfolio Holder for Heritage, Culture and the Arts addressed the panel to explain that roses were a part of the Colchester Heritage, and in a region acclaimed for oysters and roses. One of the town's oldest businesses 'Cants', was also one of the Country's oldest rose growers. Mr. Lucas asked whether the Portfolio Holder had considered this when making the decision to remove the rose borders in the borough. Mr. Lucas asked why had ward councillors not been consulted on this decision. Mr. Lucas concluded by saying this decision would save each resident of the borough ten pence per year, was this the proper way for the Council's finances to be conducted?

Mr. Lucas, in response to Councillor Goss said he did not know whether Cants had commented on this matter or whether they would consider sponsoring the planting of rose borders, but felt it was not usual for commercial firms to be embroiled in political debate.

Councillor Lewis addressed the panel to speak about the reduction in grass cuts per year to St Leonards Church Yard, Lexden and the closure of the King George V Playing Field pavilion, Lexden. Councillor Lewis said the number of grass cuts had reduced from fourteen to eight, and she asked whether consideration had been given, prior to this decision being taken, as to the type and style of the church yards that were affected. Councillor Lewis said that once a church yard was closed for burial, the Council had a legal obligation to maintain the yard to a prescribed standard, and was the case with St. Leonard's, eight cuts was not sufficient. Councillor Lewis said the closure of the King George V Playing Field pavilion would be a loss to local residents, that the closure would have a detrimental effect on the amenities available to children in the area and would be tantamount to taking away a vital community building in the Lexden area. Councillor Lewis concluded by saying this was an ill-considered decision.

Councillor Davidson addressed the panel saying he was bitterly disappointed by this decision, a retrograde step that had generated unwanted publicity. Councillor Davidson said there had been a lack of detail in the budget papers, thereby denying members the information on what decisions were to be made. Councillor Davidson concluded by asking what the environmental and visual impact would be of removing these rose and shrub borders.

Councillor Smith addressed the panel saying he did not recall giving any assurances to the percentage of rose and shrub borders to be saved. Councillor Smith said at the recent Strategic Overview and Scrutiny Panel meeting he said he gave assurances that if any Councillor had concerns about this matter, to contact the Administration. Councillor Smith confirmed at this meeting that all work had been suspended on disputed sites. Councillor Smith said that with regret these assurances had not been met, assurances he made in good faith, and he sincerely apologised for this. Councillor Smith said the costs of removing the borders was greater than the annual savings to accrue, and asked out of which year's budget was the cost of removal coming from.

Councillor Hazell said she had been told that the cost of grubbing out of the beds was taken from the savings that had accrued in the 2008-09 budget.

Parks and Recreation Service – 2009/10 Budget changes

Councillor Theresa Higgins, Portfolio Holder for Culture, Tourism and Diversity addressed the panel, saying she loved Colchester Town as much as the previous speakers, and was offended by comments that she was destroying the rose and shrub borders of the town. Councillor Higgins said there was no statutory requirement for the Council to have these borders and the decision to remove them was because of a shift in the budget resources. Councillor Higgins said flower beds were still very important to the environmental and visual impact of the town, both to residents and visitors, but the emphasis of spending on some budget items had meant a cut in other areas. Councillor Higgins said it was a very difficult decision to make, but following further discussions, she could confirm that all remaining rose and shrub borders would not be removed, those as highlighted in orange on the revised appendix C schedule.

Councillor Higgins confirmed to Councillor Lissimore that all the sites highlighted in orange on the revised schedule, plus those sites indicated as 'leave' would not have their rose or shrub borders removed.

Councillor Willetts asked that given that Cabinet members had informally discussed the budget and the implications of the cost cuts, was the Portfolio Holder aware that given this decision would not be disclosed for scrutiny, what the implications of this would be.

Councillor Higgins said she was aware of the overall budget and the cuts that are within the budget, and yes, that this included the removal of the rose and shrub borders as shown in the schedule.

Councillor Higgins responded to Councillor Willetts in regards to the level of consultation undertaken, explaining that some of the stakeholders were consulted, though in regards to the Highway Agency and the need to gain permission on this decision, this was an error as we did not believe it was necessary to consult with the highway Agency. Councillor Higgins confirmed that Cabinet members discussed the proposed budget cuts with officers, and in reference to the rose and shrub borders, these were considered to be in very poor condition and attracting litter. Councillor Higgins believed that all ward councillors whose wards were affected, were consulted, though she apologised for the error in not contacting the Lexden ward members. Councillor Lissimore believed that those ward councillors that were contacted, were told of the cuts, but not consulted on the cuts.

In response to Councillor Willetts, Councillor Higgins said in hindsight, though this was a very difficult decision to make, the consultation and communication process had been wrong.

In response to Councillor Willets, Mr. Bob Penny, Parks and Recreation Manager confirmed that the value of the list of rose and shrub borders, that is the cost of reinstating all the borders and replanting would be £137,000, and the cost of annual maintenance would be £11,000. Councillor Higgins said that in light of the decision to

keep the remaining rose and shrub borders, the overall budget will need to be reviewed to find alternative savings.

Councillor Arnold asked for the decision to close the King George V Playing Field Pavilion, Lexden to be reconsidered, as this facility was in continual use by the residents of Lexden. Councillor Arnold said it was iniquitous that one part of the overall budget cut should be reconsidered and another part was not, a totally unjust situation to be allowed to stand. Councillor Arnold said the Leader of the Council had confirmed to him that the budget information was available to all councillors, therefore this whole issue could have been conducted under proper scrutiny. Councillor Arnold said this decision making process was shrouded in mystery, one that has ultimately lead to the decision being changed, and that will result in a change to the budget. Coupled with a failure to consult or communicate to members what was to be done in advance of the works, and knowing that in this case, borders that have now gone could have been reprieved, the panel had to ensure the Cabinet was requested to review procedures to see this never happened again. Councillor Arnold later emphasised that he had on two occasions requested information requesting the service implications in regards to the budget cuts but the information had not been made available, even though the Leader had confirmed to him that this information should have been made available.

Councillor Smith said the revised schedule (appendix C) was not available at the time of the budget process, and the budget process adopted by the Administration was the same as that of the previous four to five years. Councillor Smith said that in past years opposition members raised issues or concerns with officers in regards to the budget papers.

Councillor Hazell said she was surprised by Bob Russell's comment that he had had little response on this matter, whereas she had received a greater response from this issue than any other issue. Councillor Hazell was extremely grateful for the U-turn on the decision, though given the poor response to her in respect of her enquiries she did believe there had to be a better way of dealing with this kind of issue in the future.

In response to Councillor Bentley, Councillor Higgins said officers were allowed to consult on the decision making process, though following conversations with the Leader, she could confirm the reprieve of those rose and shrub borders that had not been removed. Councillor Higgins also confirmed that any future changes to the budget would be agreed in due course by the Cabinet.

Mr. Penny confirmed to Councillor Bentley that the Mersea Beach Working Group is looking to maintain the bathing platforms at Mersea Island, so that the Council will cease maintenance and installation of the platforms. Councillor Higgins confirmed that in regards to the Marine Patrols Brightlingsea Harbour Commission, though the two man patrols will cease, some patrols will remain. This decision was discussed with the Harbour Commissioner. Mr. Penny also confirmed to Councillor Bentley that contractors had disposed of the shrubs and roses removed from the borders using large machinery.

Councillor Higgins, in response to Councillor Manning said she did with regret agree that the communication process was not properly done.

Councillor Harris commented that in his ward, some of the borders were targeted, but the work was stopped and discussions immediately commenced to determine a solution. Councillor Harris believed the consultation process could have been done better, and as a Council we need to learn and move on.

Councillor Higgins confirmed to Councillor Lissimore that the cost of providing spring bulb planting within the newly created grass areas would be £3,000, to be found from the 2009-10 budget.

Councillor Goss commented that the general hubbub at the meeting was frankly wrong, and asked that the scrutiny panel cleaned up its act to show members of the public that they can act maturely. In response to the chairman, who commented that some people present at the meeting might find some of the words Councillor Goss used offensive, Councillor Goss said that if anyone had found some of his words offensive then he did apologise for this.

Mr. Penny confirmed to Councillor Goss that many of the roses and shrubs that were scheduled to be removed had gone on well beyond their sell by date and this was the reason why many did not flower any more. Ordinarily you would expect to replace roses and shrubs every ten to twelve years, though in regards to these borders, many of the plants were in excess of fifteen years old. Mr. Penny also confirmed to Councillor Goss that the bushes along the Northern Approach Road had, as instructed, been cut back to the tree line of the road. Mr. Penny also accepted that officers had not recognised the impact of this work to Councillors and on members of the public, given that they had received only three to four initial enquiries on this work, one of these under the Freedom of Information Act, and agreed to review the operational policy on major roads such as the Northern Approach Road.

Councillor Arnold commented that the consultation process needed to improve, and without doing it is the Council's reputation that is harmed.

In response to the request for clarity by Mr. Adrian Pritchard, Chief Executive of Colchester Borough Council, Councillors Arnold and Willetts clarified what they would ask the panel to agree in regards to a communication plan as part of the process for implementing decisions.

Councillor Dopson, Portfolio Holder for Performance and Partnerships addressed the panel and confirmed that she understood the concerns raised by panel members, agreeing that processes matter and that in future these will be done differently with improved procedures. Councillor Dopson felt that a proper structure for engaging with shadow portfolio holders would improve communications.

RESOLVED that the panel;

i) Considered and noted the report Parks and Recreation Service - 2009/10 Budget Changes.

ii) Agreed to a further report being presented to the panel at the next convenient meeting, to give details of the revised spending reductions in the Parks and Recreation

budget consequent upon the new information disclosed at this meeting (FIVE voted FOR, SIX ABSTAINED).

iii) Requested that the Portfolio Holder reconsider the closure of King George V Playing Field Pavilion, Lexden, the outcome to be reported to the Panel at the next convenient meeting.

iv) Requested that the Cabinet reconsider the procedures for putting information relating to budget and other financial changes into the public domain to increase transparency and to enable informed public debate and effective scrutiny to take place before decisions are taken (ELEVEN voted FOR).