

Decisions Reviewed by the Scrutiny Panel - Recommendation of the Heritage and Tourism Task and Finish Group

Extract from the draft minutes of the Scrutiny Panel meeting on 22 February 2019

203. Cabinet or Portfolio Holder Decisions called in for Review // Recommendation of the Heritage and Tourism Task and Finish Group

The Scrutiny Panel undertook a review of the decision of the Cabinet set out in minute 329 of the Cabinet meeting of 30 January 2019 on the recommendation of the Heritage and Tourism Task and Finish Group in respect of the new strapline.

Will Quince, MP, addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1). He believed that issues around heritage and tourism were vital and that the Council had acted in an arrogant way in its decision on the new strapline. Branding was very important, but there had been no consultation with branding experts. In addition, the new strapline was inconsistent with the branding in the promotional film recently developed. There had been no consultation with residents. The recommendation from the Heritage and Tourism Task and Finish Group, which had been set up to look at these issues, had been ignored. Online polls had shown overwhelming public opposition to the new strapline. He asked the Panel to consider what benefit would result from the new strapline, what analysis and consultation had been undertaken, including with brand and marketing experts, why the recommendation from the Task and Finish Group was ignored, how much it had cost and why the new signs were produced before the decision had been taken.

Dorian Kelly addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(i). He considered that it would have been sensible to review the Colchester's marketing in its entirety, rather than just looking at the strapline. He was uneasy about the claim to be Britain's oldest recorded town, as there was evidence that London had a claim to an older record, and also Colchester had never been a town by definition. He felt that the inclusion of the word "First" in the strapline was welcome as Colchester had a history of firsts, and that a marketing campaign could be built on that.

Sir Bob Russell addressed the Panel pursuant to the provisions of Meeting General Procedure Rule 5(1). He had collaborated with Councillor G. Oxford on the signs that had been developed as his Mayoral legacy, and which were to be erected on access points on the boundaries of the historic borough. It had been Council policy to apply for city status, and bids had been made in 1992, 2000, 2002 and 2012, with no significant political objection. This policy had not been reversed and therefore the signs were in accordance with Council policy. He was disappointed the signs had not been erected: they had been through due planning process and no planning

objections had been raised. He noted that that Britain's First City strapline was beginning to be used and had been referred to in a recent Anglia News report.

Councillor G. Oxford attended and with the consent of the Chair addressed the Panel. Signs that he had developed as part of his Mayoral legacy had become linked to issues about the strapline and the call in. This was misleading, as they were separate issues. The signs had been through due process and had received planning permission. Essex County Council had indicated their support. The signs were now ready to be installed., He supported the use of "Britain's First City" as the strapline and had used this on the signs to ensure a consistent message. There had been consultation on the use of the word "city" and he agreed with comments of Sir Bob Russell in respect of city status.

Councillor Crow attended and with the consent of the Chair addressed the Panel. Colchester was not a city. He had considerable marketing and branding expertise and whilst he was not against changing the branding, if this brought benefit, but considered that it was misleading, caused confusion and needed explanation. The Task and Finish Group had spoken to respected local academics and recommended consultation, but this had been ignored. The decision to proceed with "Britain's First City" had been made behind closed doors. There was no evidence that strapline moved matters forward or brought any benefit.

Councillor Fox attended and with the consent of the Chair addressed the Panel. He was a member of the Heritage and Tourism Task and Finish Group. The Group had discussed the issue extensively and had input from internal and external experts. The Portfolio Holder for Business and Culture and the Leader of the Council had attended the meeting and heard the debate. The Group had received advice that brands needed to be authentic and that a strapline needed to be short and simple. He had not been in favour of the recommendation as he felt it was too long, and concentrated on the Roman aspect, when Colchester had much more to offer. Other cabinet members could have spoken at the cabinet meeting, and the strapline was already used in other material. The Council was often told it needed to do more to promote the Colchester's heritage, and this is what the strapline did. It was aimed at attracting an external audience.

Councillor Barber, as the lead signatory to the call in, presented the call in. Many of the comments made by the speakers had related to reason (d) cited on the call-in form relating to "lack of clarity of aims and desired outcomes". He agreed with Councillor Fox's comment that there was an external audience for the strapline. However, there was no evidence that the strapline had been tested for external consumption, nor was there was any evidence that the Council was considering changing the strapline as part of a wider marketing campaign. The Council needed to take a more holistic approach and think about what it was trying to achieve. There was also an internal audience and the Council needed to sell the idea to residents.

In respect of reason b "failure to have regard to due consultation", the comments made since the decision showed that this was an issue on which people felt strongly. It had struck a chord with the public and there was considerable emotion in the debate. A proper consultation was needed, engaging with residents and businesses, who also had a role in promoting Colchester's brand. A wider group of experts,

including marketing experts, should also be engaged. A consultation could be undertaken cost effectively.

In respect of reason (j) "Proper procedures were not followed", it was regrettable that the Task and Finish Group recommendations had not been followed. There was little point in the Task and Finish Group being established and meeting if its recommendations were to be ignored.

Councillor Barber explained that he considered that it was not clear what the Council was seeking to do by changing its strapline: was it seeking to make signs more accurate, promote Colchester or using it for leverage in seeking City Status. Whilst he accepted there were cost implications in consultation, this could be minimised by the use of social media.

Councillor T. Young, Portfolio Holder for Business and Culture, responded to the call in and explained that he was pleased with the debate that the proposed change in the strapline had engendered and that it had generated publicity for Colchester. The previous strapline "Britain's Oldest Recorded Town" was incorrect and therefore needed to change. In terms of the reason (a) "consideration of all available options", the Chair of the Task and Finish Group had asked for the issue to be placed on the agenda. The Task and Finish Group had recommended one option and the recommendation had not been unanimous. It was his view that the proposed wording was too long. He had proposed snappier wording but had used three of the six words suggested by the Group. The wording had been used before in other publications and he considered that it told the story of Colchester better than Britain's Oldest Recorded Town. The recommendation from the Task and Finish Group had been considered: the minutes were included in the Cabinet agenda, The Cabinet was not obliged to discuss every item before them. In terms of alternative options, Britain's Oldest Recorded Town was inaccurate and Britain's First Roman City failed to embrace Colchester's pre and post Roman history.

In terms of reason (b) "failure to have regard to due consultation", it was the purpose of the Task and Finish Group to undertake consultation. They had consulted with appropriate local experts. Councillor G. Oxford had also undertaken his own consultation before using the strapline on his Mayoral Legacy signs. The Council did undertake considerable consultation on major issues, for instance through the Policy and Public Initiatives Panel. However, the Council was a representative democracy and members were elected to take decisions and were entitled to do so without consultation.

He noted that the reasons cited on predetermination had largely been ruled out by the Monitoring Officer. In terms of cost, the only committed expenditure was approximately £10,000. The strapline was already in use by other organisations and it should be embraced to ensure that it worked and helped ensure that Colchester became a top visitor destination.

In discussion members of the Panel raised a number of issues. In terms of consultation members of the Panel explored, what level of marketing consultation would be deemed acceptable and what this would cost. If public consultation was undertaken how would this be organised and what level of support would be needed in order for a change to be made? Councillor Barber explained that the level and type of consultation would depend on the objectives of the change. If the Council

was seeking to address an external audience, it would require consultation and market research. However, the proposed change also concerned residents' identity and therefore consultation with residents was also necessary. It was also important to seek the views of local businesses so that they support and tie in their promotional work with the Council's message.

Councillor T. Young explained that if the decision was confirmed, he would take the issue of marketing back to the Task and Finish Group and discuss whether it wanted to spend some of its budget on marketing.

It was also noted by a member of the Panel that the Heritage and Tourism Task and Finish Group had made a specific recommendation that an online public consultation be undertaken. It was suggested that whilst it was open to the Cabinet not to agree the recommendation, it had not explained this decision. Reasons should have been given. Whilst Colchester's historical claim to be a city was understood, on four occasions it had been unsuccessful in applying for City Status. Cabinet had failed to explain or give reasons for this inconsistency, and whilst the administration's determination to promote Colchester was appreciated, there needed to be an element of truthfulness in the approach. In response Councillor T. Young explained that he believed that adequate consultation had taken place and further consultation was not necessary. In terms of City Status, this could only be rescinded by the Head of State. As this had never been done, Colchester had an irrefutable claim to be a city.

In response to a question from a member of the Panel Councillor T. Young explained that considerable weight had been given to the views of experts who spoke the Heritage and Tourism Task and Finish group. He had attended the Task and Finish group meeting and listened to the experts. They had explained their views fully. They also had differing opinions. Their views had helped inform the decision on the strapline and distinction needed to be made between the evidence the experts had given to the Task and Finish Group, and the recommendation from the Councillors on the Task and Finish Group. The Terms of Reference of the Task and Finish Group were clear that it was for the Group to make recommendations to Cabinet: it was for Cabinet to consider any recommendations made. There was no obligation on Cabinet to accept them.

A member of the Panel also explained that they considered that the wording used when presenting the new strapline at the Cabinet meeting indicated that this was a fait accompli. Councillor T. Young explained that notwithstanding how the item had been presented, it was open to Cabinet to raise concerns and to reach a different outcome. Whilst there had been some discussion with Leader in advance of the meeting there had been no pre-determination.

After considering the reasons for the call in and the submissions made by Councillor Barber and Councillor T. Young, it was the view of the Panel that concerns remained about reason (j) proper procedures were not followed. The Task and Finish Group had made a clear recommendation that included public consultation. Whilst it was open to Cabinet not to agree to this recommendation, the proper procedure would have been to explain this and give reasons. The Panel was therefore of the view that the decision should be referred back to Cabinet to explain why it chose not to follow the recommendation of the Heritage and Tourism Task and Finish Group. Once that

that further explanation was given, proper procedures would have been followed and the Panel would be content for the decision to be implemented.

RESOLVED that the decision set out in minute 329 of the Cabinet meeting on 30 January 2019 be referred back to Cabinet in order for Cabinet to give reasons why it had decided not to follow the recommendation of the Heritage and Tourism Task and Finish Group and had deemed that an online public consultation as proposed by the Heritage and Tourism Task and Finish Group was not necessary.

The following documents are also attached as appendices:-

Appendix A – Extract from the minutes of the Heritage and Tourism Task and Finish Group on 20 November 2018.

Appendix B - Extract from the draft minutes of the Cabinet on 30 January 2019

Appendix C – Call in form detailing the reasons for the call in.