

# Council

Wednesday, 21 February 2024

**Attendees:** Councillor Tracy Arnold, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Michelle Burrows, Councillor Roger Buston, Councillor Mark Cory, Councillor Pam Cox, Councillor Robert Davidson, Councillor Paul Dundas, Councillor Andrew Ellis, Councillor Mark Goacher, Councillor Martin Goss, Councillor Jeremy Hagon, Councillor Dave Harris, Councillor Mike Hogg, Councillor Alison Jay, Councillor John Jowers, Councillor David King, Councillor Richard Kirkby-Taylor, Councillor Jocelyn Law, Councillor Darius Laws, Councillor Sue Lissimore, Councillor Andrea Luxford Vaughan, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McLean, Councillor Venessa Moffat, Councillor Sara Naylor, Councillor Steph Nissen, Councillor Carl Powling, Councillor Kayleigh Rippingale, Councillor Thomas Rowe, Councillor Lee Scordis, Councillor Fay Smalls, Councillor Paul Smith, Councillor Rhys Smithson, Councillor Natalie Sommers, Councillor Michael Spindler, Councillor William Sunnucks, Councillor Leigh Tate, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Julie Young, Councillor Tim Young

## 665 Prayers

The meeting was opened with prayers from the Reverend Dr Amanda Elmes.

## 666 Apologies

Apologies were received from Councillors Appleton, Barber, Bloomfield, Lilley, McCarthy, Pearson and the Deputy Mayor (Cllr Scott-Boutell).

## 667 Have Your Say! (Council)

Richard Martin addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to ask members of Council if they would vote the same way on the adoption of the Local Plan if the vote was held now. There was further information now available, particularly the advice from a statutory body that the development should not proceed until all evidence had been gathered. Recent activity had shown the disregard the Ministry of Defence (MOD) had for wildlife on the site. This activity had been reported to the Essex Police Wildlife Unit. There had been a sustained campaign to prevent the

issues around Middlewick having a fair hearing. The Leader of the Council should write to the Ministry of Defence and Defence Infrastructure Organisation inviting them to withdraw the Middlewick application on the grounds that it was no longer viable and Councillors should urge planners to act urgently to remove Middlewick from the Local Plan and use a focused review to avoid delay in finding replacement sites.

Councillor King, Leader of the Council and Portfolio Holder for Strategy responded and explained that whilst there would be an opportunity to look afresh at the Local Plan, this was not the time. However it was subject to ongoing review. The MOD were responsible for their own behaviour. The Council would ensure there was an awareness of the policy conditions and framework surrounding the site. If proposals did come forward they would be assessed rigorously against the policy. Whilst he could not ask the MOD to withdraw the site, he could make them aware of the concerns of residents and of the policy constraints on the site.

Nick Chilvers addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to thank those Councillors who had consistently campaigned against the inclusion of Middlewick in the Local Plan and to express concerns about infrastructure in the area. The existing traffic levels in south Colchester were already a matter of concern and were getting worse. On one hand the Council was trying to discourage traffic from the centre of Colchester, whilst on the other it was encouraging development which would generate more traffic. New residents would need to drive to work and to access services. Whilst it was appreciated that the Inspector had declared the Local Plan sound, this was on the basis that Highways had stated it could manage the impact but this was a complacent view. Residents had no faith that the conditions imposed by the Inspector would be respected. Councillors of nearby wards should also support the campaign against Middlewick's inclusion in the Local Plan as their residents would also feel the impact. South Colchester would gain housing but little else, whilst losing a green lung, leisure space and ecology. This was not a sustainable plan. The site was not viable and should be removed from the Local Plan.

Councillor Luxford Vaughan, Portfolio Holder for Planning, Environment and Sustainability, responded and explained that she had discussed with officers the possibility of a focused review but did not believe this was an option because of the scale and complexity of the site. She would send a written response in due course. The budget for the infrastructure audit was now in place and the evidence from this would feed into the Local Plan review.

Chris Piggot addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to express concerns about the impact of the proposed budget on the Council's core services. The Neighbourhoods Team were doing the best they could but needed more investment. Some issues he logged took a considerable time to be resolved and this issue would be exacerbated with further reductions in funding. Many volunteers worked hard to maintain Colchester out of civic pride. With the increase in council tax and the

introduction of garden waste charges, residents were effectively paying more, but getting less. Councillors should work together to put Colchester before politics.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded to highlight the role factors such as inflation and cuts in government funding had on the Council's financial position. The budget proposals set out how the Council would work more efficiently to meet the challenging circumstances. The value of the work of the Neighbourhoods Teams and volunteers in maintaining Colchester was understood. If there were tasks that were outstanding he would investigate them if further details were provided.

Angela Lingham Baker addressed Council pursuant to the provisions of Council Procedure Rule 6(1) about parking issues around Elfreda House in Shrub End. It was clear that the parking provision was inadequate and confirmation was sought as to whether there were any plans to increase the parking provision.

Councillor Smith, Portfolio Holder for Housing, indicated that whilst the original provision had been agreed by the Planning Committee this needed to be looked at again. This was indicative of wider problems with infrastructure across the city, but there was a lack of resources from central government to allow this to be addressed.

Alan Short addressed Council pursuant to the provisions of Council Procedure Rule 6(1). Shortly before Full Council were to consider approval of the Local Plan in July 2023, a letter was received from Natural England, who were a statutory body. According to a media report, Councillor Goss, the relevant Portfolio Holder, in consultation with the then Mayor, Councillor T. Young, decided not to circulate this letter to Councillors. Following a query at the Council meeting, the letter was subsequently published. It stated that Natural England suggest the Middlewick Ranges should not be included for development. It called for any decision to be made based on current information rather than on the basis of the study done five years previously by the owners of the land. It reserved the right to oppose any planning application before the Planning Committee. Were prospective buyers aware that they were likely to be opposed at Planning Committee by Natural England? Councillors were asked to make a major commitment without all the relevant information. This seemed to bring into question the legality of the decision and was an apparent breach of accountability and transparency.

Councillor Goss responded and stated that he and Councillor T. Young had not done what they were accused of and that the statement made was factually incorrect.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and explained that the letter in question was not shared widely as it simply reinforced what was already believed to be the case. He was happy to recirculate the letter, which made three particular points: \_

- That the potential impacts to the site must be considered;

- That they noted that the policy adopted by the Council for the site and that they expected compliance with the policy;
- That they reserved the right in future to object.

The Council had been open and he would be happy to reinforce that by sharing the letter again.

A statement from Alderman G. Oxford was read to the meeting by the Democratic Services Manager. The statement expressed concern about the investment in Northern Gateway and the comparative lack of investment in Highwoods. Concern was also expressed that the St Marks Community Centre would not now be built and the funding would be diverted to St Johns and Highwoods Community Association. Despite the high level of house building in Highwoods there had been little mitigation provided to the community.

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

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to highlight the poor attendance at Town Deal Board meetings. For example there had never been a meeting with full attendance and only one member had full attendance. The Leader of the Council was the current Council representative on the Board, who had attended five out of seven meetings. One of the projects being run by the Town Deal Board was Holy Trinity Church. It was proposed to lease the building to Community 360 and the recent press reports and concerns about Community 360 were highlighted. The Chief Executive of Community 360 was a member of the Town Deal Board. For a period of 18 months Councillor King was a director and trustee of Community 360 but this was not included in his Register of Interests, nor had he registered that he was a member of the Town Deal Board. The Town Deal Board should be scrapped and the matters for which it was responsible be decided by elected Councillors, who were democratically accountable.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated that he had declared his membership belatedly. It was an omission for which he apologised. This was an unpaid, voluntary position, undertaken largely during a period when the group of which he was a member were in opposition. He had stepped away when he became Leader of the Council. In terms of the Town Deal Board, it was an essential vehicle to help obtain government funding. This did not remove the Council's responsibility as accountable body to monitor and scrutinise the work of the Board. The Chair was aware of the criticism of attendance levels but it should be borne in mind that the members of the Board were unpaid volunteers and were respected members of the community who were doing their best.

Bevan Waghorn addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to express concern about the financial state of the Council under the current

administration. The proposed budget would double the Council's debt within the next five years. The administration sought to justify the budget on cuts in funding from central government, but funding had increased by 15% over the past year. The reality was the administration's borrowing and spending was driving the Council towards bankruptcy. The fact that the accounts had not been audited for four years posed an unacceptable risk to taxpayers. The administration should address these issues and provide the public with reassurances about its financial future and confirm that if the Fit for the Future programme failed the Council would not face bankruptcy. There should also be greater transparency around the proposed cuts to services and how they would impact on the community.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and stressed that there had been a decrease in government funding over a period of years. While a local authority could not technically go bankrupt it was the case that a number of authorities were in very real financial difficulty. However, Colchester was not in that position, as was demonstrated by the advice from the Section 151 officer. The way forward was as set out in the budget by delivering change, cost reduction and efficiencies and income generation across the range of Council services.

Rachel Mathews addressed Council pursuant to the provisions of Council Procedure Rule 6(i) to highlight the plight faced by farmers as a result of UN directives and government policies designed to address climate change. Net zero bureaucracy was driving up the cost of food production, without adequate compensation for farmers. Net zero would have a devastating impact of farming and on the countryside through the construction of solar farms and wind turbines. The risks from carbon dioxide, methane and melting sea ice were overstated. The net zero industry was worth trillions which gave it great influence. Ethical scientists were able to disprove the net zero science but were largely ignored by main stream media, Councillors should have researched these views before declaring a climate emergency. Food was one of the thirteen national critical infrastructure defined by the National Protective Security Authority but food security was not addressed in the Local Plan. Councils should have the authority to refuse planning applications which threatened food security.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and thanked the speaker for proposing an alternative view, which was not accepted. It was unlikely that the majority of land would be given over to solar and windfarms, but it was recognised that there were competing pressures on land use, which was for the Local Plan Committee to consider.

Carrina Cooper addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to highlight how the Post Office scandal was indicative of how government, media and corporate institutions could not be trusted to act openly and honestly. It was important to approach what they said critically and to recognise the influence and bias to which they were subject. It was important that ideas that went against the accepted

consensus were not dismissed as conspiracy theories, as had happened with recent views expressed at Council meetings on 5G, and that questions were addressed on a rational and evidenced based basis. There was evidence to suggest harm from 5G radiation and the Government's instruction that health issues should not be taken into consideration when considering 5G mast applications did not absolve Councils from liability. There was evidence that companies installing masts were using dissolved companies to obtain planning permission and claim compliance with safety regulations and the council needed to examine all the evidence before granting permission for any more 5G masts.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, expressed his thanks for the comments. The Council's position was evidence based and would change as evidence changed,

Carla Hales addressed Council pursuant to the provisions of Council Procedure Rule 6(1), as the District Lead Tutor for the Essex Music Service and Chair of Essex Concert Band. It was disappointing that no decision had been reached on the Events Policy meaning the summer programme of events was now in doubt. In comparison, Southend had a full programme of events for every weekend over the summer with a small budget to pay bands. There were considerable economic benefits to live performances as was shown by events she had organised at Lion Walk and the Castle Park. The benefits of live performances and the contribution it could make to active citizenship was recognised in the Council's Event Policy. To charge those people trying to engage in active citizenship was counterproductive. These issues should be taken into account when considering the budget proposals. The Events Company currently seemed unable or unwilling to organise events and consideration should be given to using those who had the relevant local knowledge and experience.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that the issues were being reviewed and further information was being sought from the Events Company. A further response would be made once the review was complete.

James Cracknell addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to express concerns about the level of Council Tax, cuts to services, the delaying of projects whilst the Council invested in commercial projects, all of which were delayed. The administration was putting its interest in commercial projects before its statutory duty to provide core services. The projects were all based in the north of Colchester. The Council should consider selling off commercial assets and the Mill Road site for housing to allow heat network loans to be repaid. The involvement in commercial projects at the expense of core services was putting the future of the Council at risk,

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded that Colchester City Council's proportion of the council tax bill was comparatively small. The

Council was well run and its future was not at risk.

Parish Councillor Robert Johnstone addressed Council pursuant to the provisions of Council Procedure Rule 6(1) in support of the comments made by Carla Hales. He had raised these issues at Council in July. Whilst a report had been referred to the Scrutiny Panel it had been unable to consider the matter fully and the matter had been deferred. The issue would be solved by taking the bandstand outside the scope of the Events Policy. He was willing to work with officers on the issue. Whilst sponsorship had been suggested as a solution, this would not provide value for money.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, stressed that a response would be sent once the issue had been considered further.

Simon Collis addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to urge Council to bring forward a motion to declare an affordable housing crisis in Colchester. The number of people on the housing register was growing and families were housed in temporary accommodation outside the city.

Councillor Smith, Portfolio Holder for Housing, responded and recognised that action was needed. The Council had taken part in a meeting of North Essex authorities on housing, involving senior officers, councillors and outside experts to discuss the housing crisis. There were currently 329 families in Colchester in temporary accommodation and six families had been in bed and breakfast accommodation for more than six weeks. It was highlighted that one of the budget amendments proposed removing £43 million from the housing revenue account, which he could not support.

Brian Reece addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to express concern that questions raised were not responded to or were met with obfuscation. He had raised a question at the Scrutiny Panel and not received a response. The Council was funded by the public, including the salaries of officials. It was a disservice to the public when questions were evaded and was also a breach of the Nolan principles. There was growing concern about the gap between councils and communities across the country and there was a need for a new system of public oversight. What authority did the Council or any public office holder have over the public?

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and explained that the Council only acted within the law.

Melina Spantidaki addressed Council pursuant to the provisions of Council Procedure Rule 6(1) and highlighted that she had previously raised issues about Community 360 at a meeting of the Scrutiny Panel in October and urged councillors to listen to the recording. The use of Holy Trinity Buildings was requested by the Friends of St Martins, who were a multi-cultural internal centre of wellbeing. Under their proposals, half to a

third of the building would be used as a church with the rest to be used as community hub involving uses such a Christian bookshop and library, customer services of Colchester City Council and arts and craft sessions.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and explained that he would forward the details of her proposals to officers dealing with the Town Deal and ask them to get in touch.

**668 Minutes of the Previous Meeting (Council)**

*RESOLVED* that the minutes of the meeting held on 7 December 2023 be confirmed as a correct record.

**669 Mayor's Announcements**

The Mayor emphasised how much he valued meeting with local community groups and attending events during the course of his Mayoral Year. These groups were the bedrock of Colchester.

The Mayor invited Council to hold a minute's silence in memory of Honorary Alderman Chris Hall.

**670 Suspension of Procedure Rule 14(3)**

*RESOLVED* that Council Procedure Rule 14(3) be suspended for the debate on the 2024-25 Budget Proposals to allow one member from each political group to speak for a period of up to ten minutes, with all other speech times to be in accordance with Council Procedure Rule 14(3).

**671 Final Budget Proposals 2024/25 (General Fund and Housing Revenue Account, including Medium-Term Revenue and Capital)**

**Councillor Harris (in respect of running a youth group at Berechurch Scout Hall) declared a non-registerable interest in this item pursuant to the provisions of Council Procedure Rule 9(5).**

It was proposed by Councillor Cory that that the recommendations contained in the reports from the Section 151 Officer entitled Final Budget Proposals, 2024/25 (General Fund and HRA including medium term revenue and capital) and Council Tax Setting

2024/25 (including proposed change to premiums) and recommendation (f) in draft minute 828 from the Cabinet meeting of 24 January 2024 be approved and adopted.

Councillor Dundas proposed main amendment A as set out in the Supplementary Information for the meeting.

Councillor Cory indicated that the main amendment was not accepted.

Councillor Sunnucks proposed main amendment B as set out in the Supplementary Information for the meeting.

Councillor Cory indicated that the main amendment was not accepted.

Councillor Sunnucks moved main amendment C as set out in the Supplementary Information for the meeting.

Councillor Cory indicated that the main amendment was not accepted.

Councillor J. Young proposed main amendment D as set out in the Supplementary Information for the meeting.

Councillor Cory indicated that the main amendment was accepted and the motion was deemed amended accordingly.

Councillor King moved main amendment E on behalf of all political group leaders as set out in the Supplementary Information for the meeting.

Councillor Cory indicated that the main amendment was accepted and the motion was deemed amended accordingly.

On being put to the vote main amendment A proposed by Councillor Dundas was lost (SEVENTEEN voted FOR, TWENTY SIX voted AGAINST and ONE ABSTAINED from voting).

Further to the provisions of Council Procedure Rule 15(3) a named vote was taken and the voting was as follows:

FOR: Councillors Bentley, Buston, Davidson, Dundas, Ellis, Hagon, Laws, Lissimore, Maclean, Mannion, Naylor, Powling, Rowe, Smithson, Sunnucks, Tate and Willetts.

AGAINST: Councillors Arnold, Barton, Burrows, Cory, Cox, Goacher, Goss, Harris, Hogg, Jay, King, Kirkby-Taylor, Law, Luxford Vaughan, McLean, Moffat, Nissen, Rippingale, Scordis, Smalls, Smith, Sommers, Spindler, Warnes, J. Young and T. Young.

ABSTAINED FROM VOTING: The Mayor (Councillor Jowers).

On being put to the vote main amendment B proposed by Councillor Sunnucks was lost (SEVENTEEN voted FOR, TWENTY FIVE voted AGAINST and TWO ABSTAINED from voting).

Further to the provisions of Council Procedure Rule 15(3) a named vote was taken and the voting was as follows:

FOR: Councillors Bentley, Buston, Davidson, Dundas, Ellis, Hagon, Laws, Lissimore, Maclean, Mannion, Naylor, Powling, Rowe, Smithson, Sunnucks, Tate and Willetts.

AGAINST: Councillors Arnold, Barton, Burrows, Cory, Cox, Goacher, Goss, Harris, Hogg, Jay, King, Kirkby-Taylor, Law, McLean, Moffat, Nissen, Rippingale, Scordis, Smalls, Smith, Sommers, Spindler, Warnes, J. Young and T. Young.

ABSTAINED FROM VOTING: Councillor Luxford Vaughan, The Mayor (Councillor Jowers).

On being put to the vote main amendment C proposed by Councillor Sunnucks was lost (SEVENTEEN voted FOR, TWENTY SIX voted AGAINST and ONE ABSTAINED from voting).

Further to the provisions of Council Procedure Rule 15(3) a named vote was taken and the voting was as follows:

FOR: Councillors Bentley, Buston, Davidson, Dundas, Ellis, Hagon, Laws, Lissimore, Maclean, Mannion, Naylor, Powling, Rowe, Smithson, Sunnucks, Tate and Willetts.

AGAINST: Councillors Arnold, Barton, Burrows, Cory, Cox, Goacher, Goss, Harris, Hogg, Jay, King, Kirkby-Taylor, Law, Luxford Vaughan, McLean, Moffat, Nissen, Rippingale, Scordis, Smalls, Smith, Sommers, Spindler, Warnes, J. Young and T. Young.

ABSTAINED FROM VOTING: The Mayor (Councillor Jowers).

The substantive motion, as amended by main amendments D and E, was then put to the vote and was carried (TWENTY SIX voted FOR, SEVENTEEN voted AGAINST and ONE ABSTAINED from voting).

Further to the provisions of Council Procedure Rule 15(3) a named vote was taken and the voting was as follows:

FOR: Councillors Arnold, Barton, Burrows, Cory, Cox, Goacher, Goss, Harris, Hogg, Jay, King, Kirkby-Taylor, Law, Luxford Vaughan, McLean, Moffat, Nissen, Ripplingale, Scordis, Smalls, Smith, Sommers, Spindler, Warnes, J. Young and T. Young.

AGAINST: Councillors Bentley, Buston, Davidson, Dundas, Ellis, Hagon, Laws, Lissimore, Maclean, Mannion, Naylor, Powling, Rowe, Smithson, Sunnucks, Tate and Willetts.

ABSTAINED FROM VOTING: The Mayor (Councillor Jowers).

**672 Local Council Tax Support Scheme 2024-25**

*RESOLVED* that the recommendation contained in minute 814 of the Cabinet meeting of 19 December 2023 be approved and adopted.

**673 Officer Pay Policy Statement 2024-25**

*RESOLVED* that the recommendation contained in draft minute 830 of the Cabinet meeting of 24 January 2024 be approved and adopted.

**674 Review of the Council's Ethical Governance Policies**

*RESOLVED* that the recommendation contained in minute 396 of the Governance and Audit Committee meeting of 13 December 2023 be approved and adopted.

**675 Review of the Local Code of Corporate Governance**

*RESOLVED* that the recommendation contained in minute 398 of the Governance and Audit Committee meeting of 13 December 2023 be approved and adopted.

**676 Questions to Cabinet Members and Committee Chairs pursuant to Council Procedure Rule 10**

In view of the late hour and in view the provisions of Council Procedure Rule 19(2) the Mayor announced that this item would not be considered at this meeting.

**677 Increase in Members Allowances 2023-24**

*RESOLVED* that the recommended decisions in the report by the Head of Governance and Monitoring Officer be approved and adopted (SIXTEEN voted FOR, TWELVE voted AGAINST and FIFTEEN ABSTAINED from voting).

A named vote was requested by Councillor Naylor, supported by Councillors Smithson and Willetts, pursuant to the provisions of Council Procedure Rule 15(2) and the voting was as follows:-

FOR: Councillors Cory, Cox, Harris, Hogg, King, Kirkby-Taylor, Law, McLean, Nissen, Rippingale, Scordis, Smalls, Smith, Warnes, J. Young and T. Young.

AGAINST: Councillors Arnold, Davidson, Hagon, Laws, Lissimore, Luxford Vaughan, Maclean, Naylor, Rowe, Smithson, Spindler and Willetts.

ABSTAINED FROM VOTING: Councillors Barton, Bentley, Burrows, Buston, Dundas, Ellis, Goacher, Goss, Jay, Mannion, Moffat, Powling, Sommers, Sunnucks and the Mayor (Jowers).

#### **678 Schedule of Portfolio Holder Decisions**

*RESOLVED* that the schedule of Portfolio Holder decisions covering the period 27 November 2023 – 13 February 2024 be noted.

#### **679 Thanks**

Council paid tribute to Councillor Hogg, for whom this was the last Full Council meeting after 38 years service, and expressed its thanks to Councillor Jowers for the way he had chaired Council during the course of the municipal year.