

Council

Wednesday, 22 February 2017

Attendees: Councillor Lewis Barber, Councillor Nick Barlow, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Karen Chaplin, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Beverly Davies, Councillor John Elliott, Councillor Andrew Ellis, Councillor Daniel Ellis, Councillor Annie Feltham, Councillor Adam Fox, Councillor Martin Goss, Councillor Dominic Graham, Councillor Dave Harris, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Mike Hogg, Councillor Brian Jarvis, Councillor John Jowers, Councillor Darius Laws, Councillor Cyril Liddy, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Fiona Maclean, Councillor Jackie Maclean, Councillor Patricia Moore, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Rosalind Scott, Councillor Jessica Scott-Boutell, Councillor Lesley Scott-Boutell, Councillor Paul Smith, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

Substitutes:

176 Prayers

The meeting was opened with prayers from the Canonesses of the Holy Sepulchre.

177 Apologies

Apologies were received from Councillors Arnold, Buston and Davidson.

178 Have Your Say! (Council)

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 7(5) and asked how the Council supported those involved in caring for the elderly. For example did it support the NHS in helping with the discharge of those who no longer needed to be in hospital? Did the Council engage with the NHS, Essex County Council and charitable bodies on these issues and if so could details be made available to him and shared publicly. Was there anything further the Council could do to help the elderly and those who cared for them?

Councillor Feltham, Portfolio Holder for Business, Leisure and Opportunities explained that the Council was aware of the issues faced by the NHS and the local hospital trust. The Council did not have statutory responsibility for health and social care, but had an ongoing relationship with Colchester Hospital University Foundation Trust and other statutory and non-statutory bodies responsible for these issues, such as Essex County Council. The Council also supported local charities who supported the elderly. Considerable effort went in partnership working to ensure a joined up approach was taken to these issues. A detailed written response would be sent.

Christopher Lee addressed Council pursuant to the provisions of Council Procedure Rule 7(5). He invited Councillor T. Young to show the boundary of the proposed Country Park for Salary Brook on a map, as he had previously undertaken to do.

Councillor T. Young indicated that he had not given any such commitment.

Chris Hill addressed Council pursuant to the provisions of Council Procedure Rule 7(5). He had campaigned to protect Salary Brook slopes and noted that the Labour Group had stated their support for a buffer of at least 1.5 kilometres between the area and any new housing. This would effectively mean no further housing development in that area on any land within the boundary of Colchester Borough Council. If they were unable to secure the buffer, would the Labour Group vote against the proposed Local Plan when it was considered by the Local Plan Committee.

Councillor T. Young indicated that the Labour Group supported the 1.5 km buffer and would continue to do so. It would continue to work with other Councillors on the Local Plan and would take an informed decision on whether to support it at the time.

Daniel Catchpole addressed Council pursuant to the provisions of Council Procedure Rule 7(5) to express concerns that five people would be made homeless as a consequence of unreasonable demands by the Council that double glazing be installed on a property that was due to be demolished.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained that the Council was in discussions with the landlord and hoped to reach a mutually agreeable solution.

Lee Parker addressed Council pursuant to the provisions of Council Procedure Rule 7(5) to thank those Councillors who had contacted him and offered support. He explained that his family had been rehoused in a property that he had identified as suitable, but which still needed repairs. He had held a positive meeting with Councillor Smith and Councillor Bourne and stressed the need for an intermediary to help people find suitable properties.

Councillor Bourne, Portfolio Holder for Housing and Public Protection, indicated that she was pleased that Mr Parker and his family had found accommodation and highlighted the work of the Council's housing options team.

Simon Crow addressed Council pursuant to the provisions of Council Procedure Rule 7(5) about homelessness and rough sleeper issues. His father had run Colchester Night Shelter 33 years ago and there were now more rough sleepers in Colchester than the Night Shelter could accommodate. Whilst charities such as Beacon House and the Go4 café provided help, they were dealing with the consequences of homelessness, rather than addressing the causes. Other local authorities were taking innovative approaches to provide shelter for rough sleepers such as modular houses or converted buses. A strategic and holistic approach involving all interested organisations needed to be taken to the issue in Colchester. Funding had been made available for changes to waste collection methods and for the Big Choice, but there did not appear to be either the will or funding to address this issue.

Councillor Bourne, Portfolio Holder for Housing and Public Protection, explained that whilst there had always been rough sleepers in Colchester, the numbers had increased in the last four years. Local authorities acted as the safety net, providing help to those affected by national policies. As a consequence they often received criticism for issues which were outside their control. Local authorities' role as a safety net was made more difficult by a lack of funding. Colchester had invested year on year in voluntary sector agency work and had developed good strategies which had received national recognition to deal with housing and homelessness. Together with Essex County Council it had funded charities such as Emmaus, Beacon House and Open Road. Eighteen months ago it had set up a Homelessness Agency Service Users Panel which brought together all those who deal with homelessness and which worked effectively to move those affected by homelessness to permanent or temporary accommodation.

Jess Twyman and Reverend Justin Lunnis addressed Council pursuant to the provisions of Council Procedure Rule 7(5) about the proposal for Colchester to become a City of Sanctuary. This was a national movement promoting a culture of welcome and inclusion. Colchester was already doing a considerable amount of work in line with the principles of the movement, such as welcoming Syrian refugees. They were supported by a number of grassroots charities which had helped with housing, employment and health. Many other parts of the local community had also provided help, such as former teachers and students at Essex University providing help with English lessons. As a consequence, more Syrian refugees had been welcomed in Colchester than in any other town in Essex. Colchester Borough Council had played an important role in supporting this work.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, stressed that the Council had voted unanimously to welcome eleven Syrian families. This was in line with Colchester's history of welcoming and had made Colchester a beacon of hope in

East Anglia. All religions had played a role in helping and welcoming the refugee families. A number of other towns had now followed Colchester's lead.

179 Minutes (Council)

RESOLVED that the minutes of the meeting held on 8 December 2016 be confirmed as a correct record.

180 Mayor's Announcements

The Mayor announced the following Mayoral events:-

- Colchester Bach Choir concert, 25 February at St Botolphs
- International Women's Day, Afternoon tea and lecture, 8 March, Town Hall
- St Patrick's Day Celebration including a performance by the Blessington Choir, 27 March, Moot Hall

A written report on her activities as Mayor would be circulated to all members shortly.

181 2017/18 Revenue Budget, Council Tax and Medium Term Financial Forecast

Councillor Smith (as a Director of North Essex Garden Communities) declared a non-pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).

RESOLVED that Council Procedure Rule 14(3) be suspended for this item to allow the Portfolio Holder for Resources and the Leaders of the Conservative, Labour and Highwoods Groups to speak untimed on this item only.

RESOLVED that the recommendations contained in minute 136 of the Cabinet meeting of 1 February 2017 and the recommendations contained in the report of the Assistant Chief Executive entitled "Precept and Council Tax Levels 2017/18" be approved and adopted.

In accordance with the provisions of Council Procedure Rule 15(3) a named vote was taken and the voting was as follows:-

Those who voted for:-

Councillors Barlow, Barton, Bourne, Chaplin, Chuah, Coleman, Cope, Cory, Feltham,

Fox, Goss, Graham, Harris, Higgins, Hogg, Liddy, Lilley, B. Oxford, P. Oxford, Pearson, Scordis, Scott, J. Scott-Boutell, L. Scott-Boutell, Smith, Warnes and T. Young.

None voted against.

Those who abstained from voting:-

Councillors Barber, Bentley, Chapman, Chillingworth, Davies, Elliott, A. Ellis, D. Ellis, Hazell, Jarvis, Jowers, Laws, Lissimore, Loveland, F. Maclean, J. Maclean, Moore, Willetts, Wood, The Deputy Mayor (G. Oxford) and the Mayor (J. Young).

182 Appointment of External Auditor

RESOLVED that the recommendation contained in minute 140 of the Cabinet meeting of 1 February 2017 be approved and adopted.

183 Review of the Statement of Licensing Policy

Councillor Hogg (as the premises license holder for the Oak Tree Centre) declared a non-pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).

RESOLVED that the recommendations contained in minute 15 of the Licensing Committee meeting on 15 January 2017 be approved and adopted.

184 Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10

Councillors Graham (in respect of his employment as a solicitor involved in litigation with Colchester Hospital University Foundation Trust), Harris (in respect of his membership of Essex County Council's Health Overview and Scrutiny Committee) and T. Young (in respect of his membership of the Co-Operative Society) declared a non-pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).

| Questioner | Subject | Response |
|------------------------|---|---|
| Pre-notified questions | | |
| Councillor Warnes | I am concerned by the reported admission by the | A written answer provided by Councillor Davies to |

| | | |
|--------------------------|---|--|
| | <p>Chief Executive of Colchester Hospital, Nick Hulme, published by the BBC on 30th of January this year that, delayed transfers of patients is a "growing problem". Given that this has led to 240 hospital beds in Essex unable to be released allegedly fuelled by the ongoing financial squeeze on local Councils, is it not time that Cllr Davies responds positively to this call and those made in previous Full Council meetings by my colleague Councillor Chris Pearson to set a date upon which the issue of delayed patient discharge back into the community from Colchester General Hospital can be adequately scrutinised by fellow Councillors on behalf of the residents of Colchester they represent?</p> | <p>Councillor Warnes was circulated to Council</p> |
| Verbal Questions | | |
| <p>Councillor Barton</p> | <p>During the consultation on the new waste collection arrangements the Shrub End ward councillors had provided information about the suitability of areas of the ward for the introduction of wheeled bins. These views had not been reflected in the proposals put forward to ward councillors. Would the Portfolio Holder for Waste and Sustainability confirm</p> | <p>Councillor Graham, Portfolio Holder for Waste and Sustainability, indicated that further discussions would be held and the views of ward councillors would be taken into account.</p> |

| | | |
|-----------------------------|--|--|
| | that the views as originally put forward would be implemented? | |
| Councillor Bentley | In view of the importance of issues of housing and homelessness, would the Leader of the Council consider the submission of a motion agreed by all the Group Leaders which would enable Council to debate the issues in a non-partisan way? | Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated that he would consider the submission of an agreed motion. |
| Councillor Graham | Would the Chairman of Scrutiny agree that it was important for members of the Scrutiny Panel to accurately maintain their register of interests and that if a member of the Scrutiny Panel had failed to update their register of interests for five years then they should reflect on their continued membership? | Councillor Davies, Chairman of the Scrutiny Panel, agreed that it was important that members kept their register of interests up to date. She could not comment on individual cases until she had the full details and a written response would be sent. |
| Councillor J. Scott-Boutell | What action could the Portfolio Holder for Safer Communities and Licensing take to tackle the problem of vehicles parking halfway on the footway. This blocked the footway for wheelchair users and those with buggies, and was inconsiderate and dangerous. Would the Portfolio Holder write to local supermarkets and ask their drivers not to park in this way? | Councillor Lilley, Portfolio Holder for Licensing and Safer Communities, indicated that he was aware that this was an issue in many parts of the borough, particularly where schools had recently expanded. He had raised the issue with Essex County Council. However enforcement was difficult, as parking on the verge could only be enforced if there were double yellow lines. Enforcement of obstructions to the highway |

| | | |
|-------------------|--|---|
| | | <p>was for the police but he had approached the police to see if the North Essex Parking Partnership could take over enforcement. He would write to local supermarkets on the issue.</p> |
| Councillor Davies | <p>Would the Leader of the Council provide a response to the question previously asked about data breaches arising from the break-in at Rowan House?</p> | <p>Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated that he would arrange for a response to be sent.</p> |
| Councillor Hazell | <p>Could the Portfolio Holder for Waste and Sustainability explain why the views of the Shrub End ward councillors had not been taken into consideration in the allocation of areas for wheeled bins, and could he give an assurance that the proposals would be changed in line with their views.</p> | <p>Councillor Graham, Portfolio Holder for Waste and Sustainability, explained that there had been no intention to mislead. This was an early stage in the process and he provided a reassurance that ward councillors views would be taken into consideration.</p> |
| Councillor Hazell | <p>Would the Portfolio Holder for Safer Communities and Licensing ensure that Shrub End was included in the list of sites to be provided with CCTV (which had been referred to at a recent Local Community Action Panel), and also ensure that Monkwick remained on the list.</p> | <p>Councillor Lilley, Portfolio Holder for Safer Communities and Licensing, indicated that he would look into the matter.</p> |
| Councillor Hazell | <p>Would the Portfolio Holder for Business, Leisure and Opportunities respond to her recent queries about the maintenance of the West</p> | <p>Councillor Feltham, Portfolio Holder for Business, Leisure and Opportunities provided a detailed response to her questions and confirmed</p> |

| | | |
|-------------------|--|--|
| | End Tennis Centre? | <p>that:-</p> <ul style="list-style-type: none"> • The tennis courts needed to be mowed in winter as the grass continued to grow, but were only cut during suitable weather conditions; • Moss treatments were applied during the autumn; • The condition of the nets had been checked and they were in good condition. |
| Councillor Barber | How did increasing car park charges help town centre businesses? | Councillor Lilley, Portfolio Holder for Safer Communities and Licensing, indicated that a written response would be sent. |
| Councillor Jarvis | Was the cancellation of the Revolving Investment Fund Committee meeting on 1 March indicative of a lack of funding or a lack of ideas? | Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, and Councillor T. Young, Portfolio Holder for Culture and Regeneration, explained that the Revolving Investment Fund was being used to fund a number of projects such as the Housing Development Company and Northern Gateway. There were a number of other schemes in the pipeline. However, the meeting schedule did not always fit with the project timetables and therefore meetings occasionally needed to be cancelled. |

| | | |
|--------------------|--|---|
| Councillor Laws | Could the Portfolio Holder for Waste and Sustainability provide reassurance that no wheeled bins would be introduced in Castle ward? | Councillor Graham, Portfolio Holder for Waste and Sustainability, stated that there were no plans to introduce wheeled bins in Castle ward. |
| Councillor Laws | Following the announcement by the Co-op that it would provide £20,000 for public realm improvements outside its department store site, would the Portfolio Holder for Culture and Regeneration confirm he would work with interested parties to develop a public open space that would be open day and night | Councillor T. Young, Portfolio Holder for Culture and Regeneration, confirmed that he and Councillor Jarvis had met with the Co-op. There plans were exciting and were worthy of support. He would involve ward councillors in discussions on how the project would be taken forward. |
| Councillor Chapman | Could the Portfolio Holder for Waste and Sustainability indicate whether bags for food waste receptacles could be provided free of charge, as he had said he would consider at a recent Scrutiny panel meeting. | Councillor Graham, Portfolio Holder for Waste and Sustainability, explained that he would provide a written answer. |
| Councillor Scordis | When Essex County Council Highways were scrutinised by the Scrutiny Panel, should Ringway Jacobs also be scrutinised? Did she believe that Essex County Council scrutinised highways effectively? | Councillor Davies, Chairman of the Scrutiny Panel, indicated that it was the responsibility of Essex County Council to scrutinise the work of ECC Highways and its contractors. She had not seen their scrutiny so could not comment on its effectiveness. However, it was also on the work programme for the Council's Scrutiny Panel and she was sure that they would involve their |

| | | |
|--------------------|---|---|
| | | partners. |
| Councillor Pearson | Did the Chair of the Scrutiny Panel agree that members elected to Council were best placed to represent and monitor the interests of the residents of Colchester? The hospital was of utmost interest to the residents of Colchester and it should be scrutinised by Colchester Borough Council's Scrutiny Panel at the earliest opportunity. | Councillor Davies, Chairman of the Scrutiny Panel explained that this depended on whether this was a matter on which they had the jurisdiction and knowledge. In terms of scrutiny of Colchester hospital, this would only be worthwhile if a new specific issue could be found that was not covered by the other organisations' scrutiny and monitoring. |
| Councillor Goss | Would the Leader of the Council join him in congratulating Councillor Bentley in taking a different approach and meeting other Councillors in their wards to discuss their infrastructure needs? | Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated that he would support any councillor who would help others with their ward issues. |

185 Schedule of Portfolio Holder Decisions

RESOLVED that the Schedule of Portfolio Holder decisions for the period 22 November 2016 - 3 February 2017 be approved and adopted.