

# Council

Thursday, 13 February 2020

**Attendees:**

Councillor Christopher Arnold, Councillor Lewis Barber, Councillor Nick Barlow, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Roger Buston, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Simon Crow, Councillor Robert Davidson, Councillor Beverly Davies, Councillor Paul Dundas, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Dave Harris, Councillor Chris Hayter, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Mike Hogg, Councillor Brian Jarvis, Councillor John Jowers, Councillor David King, Councillor Cyril Liddy, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Andrea Luxford Vaughan, Councillor Fiona Maclean, Councillor Jackie Maclean, Councillor Sam McCarthy, Councillor Patricia Moore, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Martyn Warnes, Councillor Lorcan Whitehead, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

**369 Apologies**

Apologies were received Councillors Elliott and B. Oxford.

**370 Prayers**

The Reverend Paul Norrington opened the meeting with prayers.

**371 Alderman Richard Wheeler**

The Mayor invited Council to stand for a minutes silence in memory of Alderman Richard Wheeler who had recently died. Alderman Wheeler had served as Mayor in the 1970-71 Municipal Year and was the Council's longest serving Alderman.

**372 Have Your Say! (Council)**

Fabian Green addressed the Council pursuant to the provisions of Council Procedure Rule 6(5) about the river Colne. He expressed concern that in the last two summers

there had been a serious problem with algae on the surface of the river. This made it unsightly for residents and tourists and posed a danger to wildlife and to children. It also prevented sports and social clubs from using the river. It was unacceptable that the Council let this happen. The Council had a responsibility to deal with this where it was the riparian landowner. A permanent plan of action should be produced and implemented setting out how this would be dealt with in future. Had the Portfolio Holder for Waste, Environment and Transportation undertaken a cost analysis of a river maintenance plan, and if so, could further information on the source of the costs be provided?

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation explained that the Council had worked in partnership with the Environment Agency on the issue. The algae was a result of changing climate, with hot summers and low rainfall. The Chelmer and the Orwell had been similarly affected. The Environment Agency would act where there were issues of flooding or a risk to wildlife. To use contractors to clear the algae three times per summer would cost approximately £60,000. Whilst the algae looked unsightly, it did not pose a danger to wildlife. It was therefore a matter of whether it was a priority to fund the clearance of the algae, when it would clear naturally in the long run. The Council's Policy and Public Initiatives Panel had looked at uses of the river Colne and had recommended the production of a vision document for a River Colne Partnership. This was being worked on and funding had been allocated in the proposed budget.

Angel Kalyan addressed the Council pursuant to the provisions of Council Procedure Rule 6(5). She contested the accuracy of the statement recorded in the minutes of the Council meeting of 5 December 2019 that "the court had decided she did not have a case to answer". She had been unable to present her case at the court hearing on 11 March, and in any case the Council had been unrepresented. The judge had ruled that there had been an abuse of court process. On that basis she requested that members give consideration as to whether the decision not to engage with her further in respect of her complaint was an abuse.

Adrian Pritchard, Chief Executive, responded. He noted that Mrs Kalyan's comments had been specifically addressed to members. The Council's position was that these matters had been concluded years ago and the Council was not prepared to enter into further correspondence or communication on this issue. The Council had not directed Mrs Kalyan to institute court proceedings, but would defend its position in court, if necessary.

Angela Linghorn-Baker addressed the Council pursuant to the provisions of Council Procedure Rule 6(5). The tennis courts at Eudo Road were not maintained and consequently were in a poor condition. Did the Council have plans to sell the site for housing?

Councillor Higgins, Portfolio Holder for Commercial Services responded and explained that the Council owned the site. All the sites owned by the Council were under consideration at the moment but no firm decision had been made about this site at this stage.

The High Steward, Sir Bob Russell, addressed the Council pursuant to the provisions of Council Procedure Rule 6(5) to express his concern about the impact of the reduction in funding to Colchester Citizens Advice Bureau (CAB), which meant it now only opened one day per week. Given the ongoing austerity, the need for Colchester CAB had never been greater and it received on average 100 new appeals for advice every week. Council should support the amendment to the budget tabled in respect of Colchester CAB. Maldon District Council, with a significantly smaller population, gave considerably more financial support to their CAB, and also provided free accommodation. There was a danger that unless funding was restored that the CAB and its team of volunteers would be lost.

Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety responded and explained that some of the comments made were not true and that he was willing to meet with Sir Bob Russell to explain how the Council supported the Colchester CAB. It was provided with £30,000 of funding, guaranteed for three years. It did open for more than one day, and now opened in other areas in order to help more people.

Councillor Willetts made a point of order to request that a written report be provided to Council setting out what issues were raised by Sir Bob Russell were not true. Sir Bob Russell indicated that he would also welcome such a statement.

Councillor Lilley apologised to Sir Bob Russell and indicated that he would provide a written response.

### **373 Minutes of the Previous Meeting (Council)**

Councillor Willetts explained that in respect of minute 366 the minute of his question to the Leader of the Council about emissions from vehicles in the Council's waste fleet and liveried vehicle fleet did not fully reflect the response from the Leader of the Council. The Mayor asked that the minute of this extract of the minutes be checked, and invited Council to approve the minutes subject to this point being clarified.

*RESOLVED* that the minutes of the meeting of 5 December 2019 be approved subject to

the clarification of the minute of Councillor Willetts question to the Leader of the Council in minute 366.

### **374 Suspension of Procedure Rules**

Councillor Cory moved a motion proposing the suspension of Procedure Rule 14(3) to allow the Portfolio Holder for Business and Resources and the Group Leaders of the Conservative, Labour and Highwoods Group to speak untimed on item 7(i) only.

Councillor Davidson moved a secondary amendment that all other Councillors be allowed to speak for a maximum of five minutes on item 7(i) only.

Councillor Cory indicated that he did not accept the secondary amendment and Council indicated it did not wish to accept the secondary amendment as a main amendment (TWENTY THREE voted FOR, TWENTY SIX voted AGAINST).

On being put to the vote, the secondary amendment was lost.

*RESOLVED* that Procedure Rule 14(3) be suspended to allow the Portfolio Holder for Business and Resources and the Group Leaders of the Conservative, Labour and Highwoods Group to speak untimed on item 7(i) only.

### **375 2020-2021 Revenue Budget, New Strategic Priorities and the Medium Term Financial Forecast**

**Councillor Buston (in respect of his position as a trustee of Colchester Citizen's Advice Bureau) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5) .**

Councillor King, Portfolio Holder for Business and Resources proposed that the recommendations contained in draft minute 412 of the Cabinet meeting of 29 January 2020 and the recommendations contained in the report from the Assistant Director of Corporate and Improvement Services entitled "Precept and Council Tax Levels 2020/21" and "Supplementary Budget Report 2020/21" be approved and adopted.

Councillor Wood raised a point of order highlighting the following arithmetical errors in tables contained in the Appendices in the report to Cabinet on the 2020/21 Revenue Budget, New Strategic Priorities and the Medium Term Financial Forecast:-

- Appendix A, Table A1, 22.23 column totalled £1495K, not £1494K as stated.
- There was inconsistency between the figures for the direct spend for Policy and Corporate: given in Appendix A as £21,287m and in Appendix H as £21,284m.
- The figures for the Council's direct spending in Appendix A totalled £88,678m, not £84,923m as shown. The discrepancy was due to the spend on the North Essex Parking Partnership which should be explicitly stated.
- Appendix E, Table E2, Capital Expenditure 19/20 column totalled £65,207K not £65,211K as shown.

Adrian Pritchard, Chief Executive, noted that these were arithmetical errors that did not appear to alter the key allocations within the budget. He explained that should Council approve the recommendations proposed, then the figures would be checked and any necessary corrections made, and invited Council to consider the budget on that basis. The Mayor indicated that the meeting should proceed on the basis of the reassurances provided by the Chief Executive.

## **Main Amendments**

(a) Councillor Willetts moved a main amendment as follows:-

*That the recommendations contained in draft minute 412 of the Cabinet meeting of 29 January 2020 and the recommendations contained in the reports from Assistant Director of Corporate and Improvement Services entitled "Precept and Council Tax Levels 2020/21" and "Supplementary Budget Report 2020/21" be approved and adopted subject to:-*

*The addition of the following words at the end of the recommendation : "and Council notes that, with the exception of the contribution to the Local Highways Panel, the Towns Fund projects, and to St Mark Community Centre, the budgetary provision for the 17 New Strategic Priorities lack focus on our climate change emergency and infrastructure and are not rigorously prioritised or costed. Accordingly, apart from the three exceptions above, the capital and revenue financial provision in the 2020/1 budget for the New*

*Strategic Priorities is removed and placed in reserves. This will protect taxpayer money and ensure Full Council properly scrutinises how taxpayer money is spent”*

Councillor King indicated that the main amendment was not accepted.

(b) Councillor Dundas moved a main amendment as follows:-

*“That the recommendations contained in draft minute 412 of the Cabinet meeting of 29 January 2020 and the recommendations contained in the reports from Assistant Director of Corporate and Improvement Services entitled “Precept and Council Tax Levels 2020/21” and “Supplementary Budget Report 2020/21” be approved and adopted subject to:-*

*The addition of the following words at the end of the recommendation relating to the budgetary provision for the Local Plan: “That the budgetary provision of any funds to North Essex Garden Communities (NEGC) in 2020/1 and 2021/2 set out in Paragraph 6.14 of the Cabinet Report of January 29 2020 will only be allowed following a further vote and approval in Full Council.”*

Councillor King indicated that the main amendment was not accepted.

(c) Councillor Davidson moved a main amendment as follows:-

*“That the recommendations contained in draft minute 412 of the Cabinet meeting of 29 January 2020 and the recommendations contained in the reports from Assistant Director of Corporate and Improvement Services entitled “Precept and Council Tax Levels 2020/21” and “Supplementary Budget Report 2020/21” be approved and adopted subject to:-*

*The addition of the following words at the end of the recommendation: “and that it is Council’s opinion that the target of carbon neutrality by 2030 will not be achieved unless climate emergency is promoted as the single most important issue in the budget, which as it stands, is significantly defective in that it omits a robust and transparent prioritisation and costing of each and every issue identified in sections 3 to 6 of the Climate Emergency Action Plan.”*

Councillor King indicated that the main amendment was not accepted.

(d) Councillor Barber moved a main amendment as follows:-

*“That the recommendations contained in draft minute 412 of the Cabinet meeting of 29 January 2020 and the recommendations contained in the reports from Assistant Director of Corporate and Improvement Services entitled “Precept and Council Tax Levels 2020/21” and “Supplementary Budget Report 2020/21” be approved and adopted subject to:-*

*The addition of the following words at the end of the recommendation relating to Better Colchester Communications: “and that no budgetary provision is made for Better Colchester Communication, instead allocating £75,000 to restore the Council’s grant to Colchester Citizens Advice, and the remainder being placed in reserves.”*

Councillor King indicated that the main amendment was not accepted.

(e) Councillor G. Oxford moved a main amendment as follows:-

*That the recommendations contained in draft minute 412 of the Cabinet meeting of 29 January 2020 and the recommendations contained in the reports from Assistant Director of Corporate and Improvement Services entitled “Precept and Council Tax Levels*

2020/21” and “Supplementary Budget Report 2020/21” be approved and adopted subject to:

*The addition of the following words to the recommendation on the budgetary provision for the Local Plan: “The budgetary provision of any funds to North Essex Garden Communities (NEGC) in 2020/21 and 2021/22 as set out in paragraph 6.14 of Cabinet report of 29 January 2020 only be released following confirmation of funding for the realignment of the A12 and A120 (provided that funding for preliminary preparatory work but excluding commencement of construction of the Colchester/Braintree Garden Community be agreed) following a further vote and approval in full Council.*

In the course of the debate, Councillor G. Oxford agreed to alter the wording of the main amendment to remove the words “and A120”. Councillor King indicated that the main amendment was accepted and the substantive motion was deemed amended accordingly.

## **Voting**

(a) On being put to the vote, the main amendment moved by Councillor Willetts was lost (TWENTY TWO voted FOR, TWENTY SEVEN voted AGAINST).

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

FOR: Councillors Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Davidson, Davies, Dundas, Ellis, Hayter, Hazell, Jarvis, Jowers, Lissimore, Loveland, F. Maclean, J. Maclean, Moore, Willetts and Wood.

AGAINST: Barlow, Barton, Bourne, Chuah, Coleman, Cory, Fox, Goacher, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, Luxford Vaughan, McCarthy, G. Oxford, P. Oxford, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead, J. Young, T. Young and the Mayor (Cope).



ABSTAINED from VOTING: None

(b) On being put to the vote, the main amendment moved by Councillor Dundas was lost (TWENTY TWO voted FOR, TWENTY SIX voted AGAINST and ONE ABSTAINED from VOTING).

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

FOR: Councillors Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Davidson, Davies, Dundas, Ellis, Hayter, Hazell, Jarvis, Jowers, Lissimore, Loveland, F. Maclean, J. Maclean, Moore, Willetts and Wood.

AGAINST: Barlow, Barton, Bourne, Chuah, Coleman, Cory, Fox, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, Luxford Vaughan, McCarthy, G. Oxford, P. Oxford, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead, J. Young, T. Young and the Mayor (Cope).

ABSTAINED from VOTING: Goacher

(c) On being put to the vote, the main amendment moved by Councillor Davidson was lost (TWENTY TWO voted FOR, TWENTY SEVEN voted AGAINST).

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

FOR: Councillors Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Davidson, Davies, Dundas, Ellis, Hayter, Hazell, Jarvis, Jowers, Lissimore, Loveland, F. Maclean, J. Maclean, Moore, Willetts and Wood.

AGAINST: Barlow, Barton, Bourne, Chuah, Coleman, Cory, Fox, Goacher, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, Luxford Vaughan, McCarthy, G. Oxford, P. Oxford, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead, J. Young, T. Young and the Mayor (Cope).

ABSTAINED from VOTING: None

(d) On being put to the vote, the main amendment moved by Councillor Barber was lost (TWENTY TWO voted FOR, TWENTY SIX voted AGAINST and ONE ABSTAINED from VOTING).

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

FOR: Councillors Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Davidson, Davies, Dundas, Ellis, Hayter, Hazell, Jarvis, Jowers, Lissimore, Loveland, F. Maclean, J. Maclean, Moore, Willetts and Wood.

AGAINST: Barlow, Barton, Bourne, Chuah, Coleman, Cory, Fox, Goacher, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, Luxford Vaughan, McCarthy, G. Oxford, P. Oxford, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead, J. Young, and T. Young.

ABSTAINED from VOTING: The Mayor (Cope)

On being put to the vote the substantive motion was carried (TWENTY SEVEN voted FOR, TWENTY TWO ABSTAINED from VOTING.)

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

FOR: Councillors Barlow, Barton, Bourne, Chuah, Coleman, Cory, Fox, Goacher, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, Luxford Vaughan, McCarthy, G. Oxford, P. Oxford, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead, J. Young, T. Young and the Mayor (Cope)

AGAINST: None

ABSTAINED from VOTING: Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Davidson, Davies, Dundas, Ellis, Hayter, Hazell, Jarvis, Jowers, Lissimore, Loveland, F. Maclean, J. Maclean, Moore, Willetts and Wood.

**376 Climate Emergency Action Plan**

*RESOLVED* that the recommendation contained in draft minute 411 of the Cabinet meeting of 29 January 2020 be approved and adopted.

**377 Safeguarding Policy and Suicide Protocol**

*RESOLVED* that the recommendations contained in draft minute 420 of the Cabinet meeting of 29 January 2020 be approved and adopted.

**378 Review of Local Code of Corporate Governance**

*RESOLVED* that the recommendation contained in draft minute 193 of the Governance and Audit Committee meeting of 21 January 2020 be approved and adopted.

**379 Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10**

Questioner	Subject	Response
Pre-notified questions		
Councillor Warnes	Can the Portfolio Holder for Housing tell me if a response from the borough's three Members of	Councillor Fox, Portfolio Holder for Housing, indicated that a response had not been received and

	<p>Parliament, Bernard Jenkin, Priti Patel and Will Quince, has been received to the Council's request for them to:</p> <ul style="list-style-type: none"> <li>• lobby Her Majesty's Treasury and the Ministry for Housing, Communities and Local Government to significantly enhance the ability of Councils such as Colchester to build more new council homes by ending restrictions on the use of the Right to Buy receipts so all the money we raise from council house sales could go back into building replacement homes</li> <li>• provide clarity over long-term social rent levels so we can continue to prudently borrow in order to deliver at scale a new generation of council housing for working families and those households in greatest need within our borough, and</li> <li>• to call on government to review the Right to Buy Scheme.</li> </ul>	that he would write again to chase a response.
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### 380 Mayor's Announcements

The Mayor announced the following events:-

- Baroque Feast, 22 February 2020;

- Wine Tasting; 5 March 2020;
- Mid and North Essex MIND Mother's Day Afternoon Tea, 22 March 2020;
- Curry and Quiz Evening, 26 March 2020;
- Opening of Mayoral Wood, 28 March 2020;
- Piano recital by Maria Kustas, 21 April 2020.

### **381     Schedule of Portfolio Holder Decisions**

RESOLVED that the schedule of portfolio decisions covering the period 27 November 2019 – 4 February 2020 be noted.