

# Council

Thursday, 03 December 2020

**Attendees:**

Councillor Lewis Barber, Councillor Nick Barlow, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Roger Buston, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Simon Crow, Councillor Robert Davidson, Councillor Paul Dundas, Councillor John Elliott, 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 Beverley Oxford, Councillor Gerard 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

**412 Apologies**

Apologies were received from Councillors Arnold, Chapman and P. Oxford.

**413 Prayers**

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

**414 Minutes 211020**

RESOLVED that the minutes of the meeting held on 21 October 2020 be confirmed as a correct record.

**415 Have Your Say (Virtual Council Meetings)**

The following speakers addressed Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1) in respect of the motion on Reducing Inequality:-

Alison Andreas of Colchester Institute explained that the Institute saw the inequalities described in the motion every day and worked hard to address these inequalities especially where they acted as a barrier to student welfare and success. It provided additional learning support, counselling services and financial support through bursaries and its charity, Colchester Institute Foundation Trust. Nevertheless over 200 students a year left their course, and in approximately half these cases, social and economic inequalities played a significant role. Education was a key determinant in health and wellbeing and there was an integral link between education, economic wellbeing and health. The provision of the vocational training provided by the Institute was vital and being in work was a key factor in an individual's wellbeing. The motion was central to the Institute's purpose and it would work in partnership with Colchester Borough Council and partners in One Colchester to take forward these ambitions.

Ed Garratt of the North East Essex Clinical Commissioning Group and Suffolk and North East Essex Integrated Care Group expressed his support for the motion. He was committed to working with partners to address inequality. The Covid 19 pandemic had exposed the inequalities in society, but they had been there for generations. There was a direct relationship between economic health and physical health. He was keen to dedicate his leadership and work with partners to drive forward the principles and actions set out in the motion.

Tracy Rudling of Community 360 expressed her support for the motion. It was highlighted that money was not the only factor in addressing the issue. The Covid 19 pandemic had shown the value of mobilising communities and their assets, and that if the message was clear, communities would respond. Joined up communication and connectivity were crucial. Sharing information across partnerships and working together had been vital in Colchester's response to Covid 19. In order to deal with the issues in the motion it would be necessary to continue to work with communities on the ground, to build from the ground up and to take account of the individuality of each community. The asset based community development approach needed to be developed further. The twice yearly reporting envisaged by the motion was welcomed and should be linked into Community 360 and partners Insight and Asset Mapping Programme. Issues around digital inclusion also needed to be considered. Mental health and social isolation were the key issues for citizens across all demographics, and many face to face services had ceased during the pandemic. One Colchester was well placed to provide leadership on the issue and should be resourced further to enable it to develop a robust community strategy. Consideration should be given to how operational resources across One Colchester were deployed to reduce duplication and to concentrate on reducing inequalities and promoting integration.

Oonagh Corrigan of Anglia Ruskin University informed Council about a study that the

University had undertaken with Colchester Borough Council and Tendring District Council focusing on inequalities in North East Essex. This had focused in particular on community assets. The study had shown the benefits of community assets and groups and how important they were to vulnerable individuals and groups who used their services. The recommendations made during the study had been taken forward by the relevant local authorities and the North East Essex Health and Social Care Alliance, who had funded the study. Further work was now being undertaken to understand the impact of lockdown on these vulnerable groups, and in particular on black and ethnic minority communities.

A written statement submitted by Angel Kalyan pursuant to the provisions of Remote Meetings Procedure Rule 5(1) was read to Council. The statement set out some of the history of case 9CO00038 and asked how the Council intended to deal with this matter and how long it would take the Council to conclude Case 9CO00038 for and on behalf of the Council and the Court?

Andrew Weavers, Monitoring Officer, was invited to respond to the statement and confirmed that claim 9CO00038 was settled by the Court by an order dated 19 July 2011 and that order concluded all matters in relation to that claim.

#### **416 Mayor's Announcements**

The Mayor explained that in the current circumstances there were very few Mayoral engagements but he still welcomed opportunities to meet and champion local groups.

The Mayor announced that Colchester Borough Council had been awarded Best Entrepreneurial Council at the Local Government Chronicle Awards and, on behalf of Council, thanked all officers involved.

#### **417 2019/20 Year End Review of Risk Management**

*RESOLVED* that the recommendation contained in minute 509 of the Cabinet meeting of 14 October 2020 be approved and adopted.

#### **418 Review of Remote (Digital) Council Meetings**

*RESOLVED* that the recommendations contained in draft minute 229 of the Governance and Audit Committee meeting of 20 October 2020 be approved and adopted.

**419      Review of the Statement of Licensing Policy – Licensing Act 2003**

**Councillor Hogg (in respect of holding a premise licence on behalf of a registered charity) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

*RESOLVED* that the recommendation contained in draft minute 121 of the Licensing Committee meeting of 11 November 2020 be approved and adopted.

**420      Local Council Tax Support Scheme 2021 – 2022**

*RESOLVED* that the recommendation contained in draft minute 521 of the Cabinet meeting of 23 November 2020 be approved and adopted.

**421      Officer Pay Policy Statement for 2021/22**

*RESOLVED* that the recommendation contained in draft minute 522 of the Cabinet meeting of 23 November 2020 be approved and adopted.

**422      Review of Ethical Governance Policies**

*RESOLVED* that the recommendation contained in draft minute 233 of the Governance and Audit Committee meeting of 24 November 2020 be approved and adopted.

**423      Local Code of Corporate Governance**

*RESOLVED* that the recommendation contained in draft minute 235 of the Governance and Audit Committee meeting of 24 November 2020 be approved and adopted.

**424      Suspension of Procedure Rule**

*RESOLVED* that Council Procedure Rule 11(2) be suspended for the following item so that motion on Reducing Inequality could be debated and determined at the meeting.

## **425 Reducing Inequality**

**Councillor Cory (in respect of his membership of the board of North East Essex Clinical Commissioning Group) and Councillor J. Young (as the Chair of Anglia Community Enterprise) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

It was PROPOSED by Councillor Bourne, also on behalf of Councillor King, that:-  
“In July 2020 this Council agreed a Motion of Thanks recognising the considerable effort undertaken by many in our Borough during the pandemic crisis that in turn has created a force for good. We are all proud of the response of our Council, their officers, our partners and the wider community effort across the Borough of Colchester. Marcus Rashford MBE's campaign on feeding school children in the holiday helped to harness Colchester's community effort once again during the recent half term break, with over 2500 meals provided to families across the borough and a welcome promise by the government to fund food for families entitled to Free School Meals throughout 2021.

This Council believes that while the overwhelming majority of residents are playing their part in observing COVID regulations and a large number have taken on community volunteering roles, we are not 'all in this together'. When the pandemic is over the most vulnerable groups will still be vulnerable - economically, socially, academically and in their health and wellbeing outcomes. We cannot accept this.

Public Health England's Strategy 2020 to 2025 (September 2019) commits it to “work to narrow the health gap”. This Council welcomes the work already undertaken by ECC Director of Public Health before and during the pandemic and notes that the national strategy includes ambitions to:

- reduce the overall rates of smoking and inequalities affecting lower socio-economic groups and vulnerable communities;
- advise and influence decision-makers on the effectiveness of actions to promote healthy indoor and outdoor environments (including their ability to reduce inequalities);
- reduce inequalities in premature mortality for people with long-term and severe mental health problems;
- reduce inequalities across key markers of maternal and child health;
- develop new indicators to improve the monitoring of outcomes and inequalities in the early years and facilitate evaluations of early years services; and
- enhance insights into the population's health and health inequalities.

The result of this Motion will be to shine a spotlight on vulnerability in our Borough.

There are families struggling on a low income and accessing the benefits system for the first time, adults with learning difficulties losing their weekly lifeline social clubs, those with disabilities isolated from their families and friends, and residents living in poor quality housing with lack of access to green space, all examples of increasing vulnerability.

Now it is time to recognise, track and address the inequality gaps made more visible during both lock downs. We want to see this Council and our partners discussing the wider determinants of health with outcomes to tackle the inequality gap that has widened during the pandemic.

This Council resolves to:

1. Report twice yearly on inequality across our borough using national, county and local profiles;
2. Instigate our own locality measures with outcomes that raise the life chances of particular vulnerable groups or neighbourhoods;
3. Consider the impact on inequality in our decision making;
4. Encourage formal and informal partnerships to contribute positively to reducing inequality across the borough;
5. Invite our MPs to take up the mantle of reducing inequality in the constituencies they represent. “

On being put to the vote the motion was approved and adopted (UNANIMOUS).

## **426 Adoption of Amenities for New Housing Development**

**Councillor Buston (in respect of his employment as a practising solicitor) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

It was proposed by Councillor Bentley that:-

“This Council recognises the frustrations of many residents who have bought new properties on new housing developments in Colchester when the local roads and other amenities have yet to be adopted and therefore residents are left at the mercy of the developers or their contractors to make good repairs to highways or fix streetlights or maintain open spaces or deal with flooding issues . All of these residents pay full Council Tax however, local Councillors are left to negotiate with developers on their behalf

without any authority. This is unacceptable.

Therefore, this Council resolves to ensure that any new development of more than 20 properties is subject to a detailed schedule and timetable drawn up and agreed by the developer and CBC Planning department of when works are to be completed and roads and fixtures are to be handed over for adoption. This should form part of the planning application. Failure to comply will result in penalties for the companies involved, to be agreed by Planners and Members.”

A main amendment was moved by Councillor Barlow as follows:-

“The motion on Adoption of Amenities for New Housing Development be approved and adopted subject to the following amendments:-

In the first paragraph:-

- delete “All of these residents pay full Council Tax however,”, and replace with “Councils and”;
- after “are” insert “often”.

In the second paragraph:-

- replace “resolves to ensure” with “believes”,
- replace “is” with “should be”,
- replace “and CBC Planning department” with “Planning, Highways and other relevant departments of Colchester Borough Council (CBC), Essex County Council (ECC) and other organisations”.
- delete all words from “This should form...” ;

Add new paragraph as follows:

This Council resolves to begin discussions with ECC Highways and other relevant organisations as appropriate to ascertain the feasibility and practicality of bringing in such a scheme, including resolving the issue of whether it would be possible to introduce under existing legislation. This Council also requests that the Borough’s representatives on ECC and in the House of Commons provide the support necessary to further this proposal and the Planning Officers report progress and options to the Local Plan Committee and a final report is referred from that Committee to Full Council for discussion and approval no later than the July 2021 meeting.”

Councillor Bentley indicated that the main amendment was accepted and the motion was deemed amended accordingly. Following acceptance of the amendment the motion was worded as follows:-

“This Council recognises the frustrations of many residents who have bought new properties on new housing developments in Colchester when the local roads and other amenities have yet to be adopted and therefore residents are left at the mercy of the

developers or their contractors to make good repairs to highways or fix streetlights or maintain open spaces or deal with flooding issues . Councils and local Councillors are often left to negotiate with developers on their behalf without any authority. This is unacceptable.

Therefore, this Council believes that any new development of more than 20 properties should be subject to a detailed schedule and timetable drawn up and agreed by the developer and Planning, Highways and other relevant departments of Colchester Borough Council (CBC), Essex County Council (ECC) and other organisations of when works are to be completed and roads and fixtures are to be handed over for adoption.

This Council resolves to begin discussions with ECC Highways and other relevant organisations as appropriate to ascertain the feasibility and practicality of bringing in such a scheme, including resolving the issue of whether it would be possible to introduce under existing legislation.

This Council also requests that the Borough's representatives on ECC and in the House of Commons provide the support necessary to further this proposal and the Planning Officers report progress and options to the Local Plan Committee and a final report is referred from that Committee to Full Council for discussion and approval no later than the July 2021 meeting."

On being put to the vote the motion was approved and adopted.

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

**Councillor Warnes (in respect of his membership of the Board of Colchester Commercial Holdings Ltd) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

Questioner	Subject	Response
Pre-notified questions		
Councillor Barton	Could the Leader of the Council please give me an update on what progress has been made in re-letting the Old Library and the Cells in the Town Hall?	Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that a Portfolio Holder decision on the future use of the Old Library had recently been published. It was a



		fantastic venue with the potential to make revenue for the Council. It was being leased to Colchester Amphora Trading Ltd who would use their commercial expertise to secure revenue from its use.
Councillor Hogg	<p>Following a 2 year journey of planning, consultation, and design, we now have a brand new fixed equipment play park in Alderton Road at a cost of approximately £40K provided and paid for by Colchester Borough Homes, for which I and my residents are indeed very grateful. This will provide exercise and play for youngsters in an area of predominantly Social Housing .</p> <p>Given the importance of exercise and play for all young people, could I ask the Portfolio Holder that given the present financial situation the Council finds itself in, what is the prospect of similar provision on our private estates across the borough in the foreseeable future?</p>	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that to regenerate a playground cost approximately £80,000 - £100,000. The Council was responsible for maintaining 73 playgrounds. It was an increasing trend for playgrounds on new developments to be looked after by management companies, Whilst playgrounds were monitored and repaired where necessary, there was no current funding for regeneration of playgrounds. Sometimes funding for this was obtained through section 106 agreements. However this posed difficulties in areas where little development took place. The administration could not commit to new playgrounds unless through alternative funding sources.
Oral questions		

Councillor Barton	Would the Portfolio Holder for Culture and Performance agree that the excellent work undertaken by staff at the Mercury Theatre through the pandemic be recognised?	Councillor J. Young, Portfolio Holder for Culture and Performance agreed that she would write to the Mercury Theatre expressing the Council's thanks for the way they had conducted themselves through the pandemic. They had stepped up to support the community effort to tackle the pandemic, whilst forging ahead with their major redevelopment. It was anticipated that the Mercury would reopen in March 2021. Thanks were also due to Colchester Borough Homes who had project managed the redevelopment.
Councillor Scott-Boutell	Could the Portfolio Holder for Communities, Wellbeing and Public Safety provide the information on CCTV promised at the last meeting.	Councillor Higgins, Portfolio Holder Commercial Services, indicated she would provide the information and share with all Councillors.
Councillor Harris	Could the Portfolio Holder for Housing explain what benefits residents in Berechurch would see from the extension of the Management Agreement with Colchester Borough Homes?	Councillor Fox, Portfolio Holder for Housing, explained that Cabinet had agreed an extension to the Management Agreement with Colchester Borough Homes until 2028. This showed the administration's commitment to Council housing in the borough, It meant it could plan long term for the delivery of new homes and the

		improvement of the existing housing stock, including improvements to energy efficiency.
Councillor Chuah	What benefits would residents of St Annes and St Johns see from the recent Cabinet decision relating to green improvements to Council housing? Would the ward councillors be kept updated on progress?	Councillor Fox, Portfolio Holder for Housing, explained that this programme involved a £4.4 million investment in Council homes to make them more energy efficient. This would involve improved insulation, replacement boilers and the installation of air source heat pumps. Thousands of homes, including in St Annes and St Johns, would benefit. Work was due to start on the programme in April 2021.
Councillor Barber	Would the Portfolio Holder for Culture and Performance provide an update on discussions with Chair of the Local Plan Committee on a new Economic Strategy based on green jobs?	Councillor J. Young, Portfolio Holder for Culture and Performance, explained that it had not been possible to bring such a report to the next meeting of the Local Plan Committee as the relevant officer resource was concentrating on Town Deal and recovery work. The Strategy would be prepared at a later date.
Councillor Barber	Was the Council looking into purchasing the latest version of TruCam, which had been described as a “game changer” in terms of speed enforcement?	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, indicated that a written response would be sent, which would be copied to all Councillors.

Councillor Willetts	Could the Portfolio Holder for Waste, Environment and Transportation provide a timescale for agreeing a costed plan for remedial works to Lexden Lake?	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that part of the Lake was maintained privately by residents and that a successful meeting had been held with residents who were keen to help resolve the situation. Some works had been carried out and the Environment Agency were taking regular samples of the oxygen level and these had returned to a positive level. Monitoring would continue. Officers were considering quotes for further work. He would keep all Councillors updated
Councillor Bourne	Had the Portfolio Holder for Business and Resources, had an opportunity to ascertain the impact of the Spending Review on the Council's budget and on the support for services currently enjoyed by residents? Would he support the LGA in lobbying government to meet the full costs of the funding pressures faced by local government through the pandemic?	Councillor King, Portfolio Holder for Business and Resources, explained that this was still being evaluated. It was estimated it may result in an additional £0.5 million in funding for the Council. However, it was still contrary to the original promise that all costs and losses resulting from the pandemic would be supported by government. The Council was currently facing a £3.5 million budget gap for 2021/22. Work was underway to address this through transformation and reducing costs where possible. A budget

		<p>workshop for all councillor was scheduled for 7 December 2020.</p> <p>He would support the LGA in lobbying on this issue. The Council lobbied effectively both visibly and behind the scenes. The Council enjoyed a good reputation and its views were taken seriously.</p>
Councillor Scordis	The Scrutiny Panel had previously undertaken a review of the bus companies. Whilst this had been successful some issues remained outstanding. Would the Chair of Scrutiny Panel be content to add the bus companies to the Panel's work programme?	Councillor Bentley, Chair of the Scrutiny Panel, indicated that he would discuss this with the Group Spokespersons on the Panel, and would add it to the work programme, if they were in agreement.
Councillor Warnes	What social value gains would be made from the investment in improving the energy efficiency of the Council's housing stock?	Councillor Fox, Portfolio Holder for Housing, explained that it was important with this project and other major investments, to retain the wealth within the borough as far as possible. The administration was keen to ensure local small and medium sized businesses were involved in bidding for contracts and being involved in the supply chain. He had asked officers to look at how firms

		working on Council contracts could be encouraged to take local people on apprenticeships.
Councillor Cope	Could the Portfolio Holder for Business and Resources provide an update on the woodland and biodiversity projects, including the Mayoral Wood?	Councillor King, Portfolio Holder for Business and Resources, explained that the planting of the Mayoral Wood was scheduled for January 2021. This would be the first of approximately 8000 trees which would be planted. The plans had been delayed by the pandemic. The project had grown to include wider biodiversity projects, including the Colchester Orbital. Issues around ensuring access to the Orbital were taken seriously. An update would be provided to all members shortly.
Councillor Pearson	Would the potential closure of Debenhams and stores of the Arcadia Group have an impact on the Town Deal?	Councillor King, Portfolio Holder for Business and Resources, indicated that he did not think it would have an impact. Indeed, it might increase the pressure for the Deal submission to be approved.

## 428 Schedule of Portfolio Holder Decisions

*RESOLVED* that the schedule of Portfolio Holder decisions for the period 3 October 2020 – 20 November 2020 be approved and adopted.

