

Council

Wednesday, 20 October 2021

Attendees:

Councillor Lewis Barber, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Michelle Burrows, Councillor Roger Buston, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Nick Cope, Councillor Mark Cory, Councillor Pam Cox, Councillor Simon Crow, Councillor Robert Davidson, Councillor Paul Dundas, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Jeremy Hagon, Councillor Dave Harris, Councillor Chris Hayter, Councillor Pauline Hazell, Councillor Mike Hogg, Councillor John Jowers, Councillor David King , Councillor Darius Laws, Councillor Martin Leatherdale, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Andrea Luxford Vaughan, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McCarthy, Councillor Patricia Moore, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Leigh Tate, Councillor Martyn Warnes, Councillor Lorcan Whitehead, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

470 Prayers

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

471 Attendance and Apologies

Apologies were received from Councillors Coleman and Nissen.

Councillors Bentley, Hagon and Whitehead attended remotely and did not take part in any votes held in the course of the meeting.

472 One Minute Silence

The Mayor invited Council to stand for a minute's silence in tribute to David Amess MP.

473 Have Your Say! (Hybrid meetings)

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 6(1) in support of the bid for City Status. It was hoped that the proposal would receive unanimous support. He noted that it had been suggested that Colchester should not apply out of respect for David Amess, MP. However he had been a friend of David Amess for twenty four years and knew that was not what he would have wanted. He paid tribute to David Amess, with whom he had recently discussed Colchester and Southend's respective bids for City Status. Colchester should continue to go forward with the application for City Status.

Mr Orton addressed Council pursuant to the provisions of Council Procedure Rule 6(1). He had been attending meetings since 2017 speaking on behalf of the people of Colchester to bring their views to Council and to inspire the Council to action. The new administration had invited him to undertake a tour of the town centre with them and they had been shocked by what they saw. He hoped the new administration would be able to deal with the eyesores in the town centre. The current condition of the town centre meant that it was not to the standard required for City Status.

A statement from Dorian Kelly was read to Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1). There was an enormous amount of support amongst the art and culture communities in Colchester for the bid for City Status. It would not cost a significant amount and would do a considerable amount of good. A successful bid would make people feel differently about Colchester. Culture and heritage tourism was vitally important for Colchester's economic future. City Status would change the perception of Colchester and lead to an increase in visitor numbers. It would demonstrate that Colchester was an A-list, cultural, historic city with a lot going for itself which consistently punched above its weight.

A question from Catherine Spindler was read to Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1), setting out the difficulties residents of New Town had in parking outside their property. Therefore residents were unable to have electric charging points. New Town should be considered for a bid for funding from the Government's On-Street Residential Chargepoint Scheme due to the high pressure of parking in the area that was preventing residents from investing in an electric vehicle. The Council should investigate, consult and bid for dedicated electric meter charge point bays at Old Heath Recreation Ground and other sites in New Town. Was the Council also considering metered electronic charge bays for all of its car park sites?

Councillor Crow, Portfolio Holder for Environment and Sustainability, responded and explained that the Council had made an application to the Residential Chargepoint Scheme to install charging points at the Council car park at the Recreation Ground. This was subject to a feasibility study that was underway, and the Council was also looking at other sites in Colchester and Wivenhoe. Essex County Council were responsible for on street charging and the appointment of an officer responsible for drawing up an Electric Charging Point Strategy was imminent. Colchester Borough Council was looking at electric vehicle charging point infrastructure in its town centre car parks and an announcement would be made shortly.

474 Military Service in Afghanistan

The Mayor welcomed Garrison Commander Colonel Ed Rankin and Garrison Sergeant Major Andy Lamont to the meeting to hear the Council's debate on the motion on military service in Afghanistan.

It was proposed by Councillor Dundas on behalf all Group Leaders that:-

This Council, all current Councillors and those who have served as Councillors over the last 20 years, wish to express their thanks to all Colchester based military personnel past and present who have served with distinction in Afghanistan over the last 20 years.

Colchester is very proud of its military connections and of our armed forces community who make Colchester their home. Through the Armed Forces Covenant we will continue to support our military and uphold the commitments we have made to them.

We thank you for your service and welcome you home.

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

The Mayor invited Colonel Rankin to respond to the motion. Colonel Rankin thanked Council for its support as demonstrated by the wording of the motion. He felt that the debate captured the essence of the Garrison's culture. On behalf of all ranks the motion was warmly received. Service personnel and their families considered that Colchester was one of the best lived experience towns and he considered this was because of the enduring support and the special relationship the Garrison had with the borough and its residents. He offered the Garrison's sincere thanks for this support.

475 Minutes of the Previous Meeting (Council)

The minutes of the meeting held on 14 July 2021 were confirmed as a correct record.

476 Mayor's Announcements

The Mayor announced the following events:-

- Oyster Feast, 29 October 2021;
- Two minute's silence on the Town Hall Steps on Armistice Day, 11 November 2021;
- Remembrance Day Parade and Ceremony, 14 November 2021;
- Civic Carol Service, 19 December 2021

477 Colchester's Bid for City Status

RESOLVED (THIRTY EIGHT voted FOR, TWO voted AGAINST and FIVE ABSTAINED from voting) that the recommendation contained in draft minute 598 of the Cabinet meeting of 13 October 2021 be approved and adopted.

478 Budget 2022/23 and Medium Term Financial Forecast

RESOLVED (MAJORITY voted FOR) that the recommendation contained in draft minute 599 of the Cabinet meeting of 13 October 2021 be approved and adopted.

479 2020/21 Year End Review of Risk Management

RESOLVED (MAJORITY voted FOR) that the recommendation contained in draft minute 600 of the Cabinet meeting of 13 October 2021 be approved and adopted.

480 Review of the Council's Processing of Special Category and Criminal Convictions Personal Data Policy

RESOLVED (UNANIMOUS) that the recommendation contained in draft minute 276 of the Governance and Audit Committee meeting of 7 September 2021 be approved and adopted.

481 Taxi and Private Hire Licensing Policy - Statutory Standards

RESOLVED (UNANIMOUS) that the recommendation contained in minute 134 of the Licensing Committee meeting of 21 July 2021 be approved and adopted.

482 Annual Scrutiny Report 2020-21

RESOLVED (UNANIMOUS) that the recommendation contained in minute 308 of the Scrutiny Panel meeting of 20 July 2021 be approved and adopted.

483 Local and Neighbourhood Plans

Elizabeth Austin addressed Council pursuant to the provisions of Meetings General Procedure Rule 5(1) to read the following statement from Anna Bolton

"The local CO1 North community are victims to one of the most insidious of Govt planning law: Permitted Development (PD), in regards to the re-development of the Riverside Business Centre. From the first iteration of the application for prior notification in April 2021, the community raised loud objections online, in the local paper and directly to our local elected officials and MP, we also had the support of our Ward and Borough Councillors. But all this sadly counted for very little in the end. On the 29th July 2021 the application was finally pushed to a planning committee meeting, in which over 30 members of the CO1 North community attended, such was the feeling against this application. The Council Planning Team, the Planning Committee and the local community however had very little control over the outcome, the power always lay with the developers under PD. Due to the application being brought last minute to the planning committee, the application was voted through on very narrow criteria with several abstentions and those who did vote, only had top line understanding of the intricacies around PD and the application. The site remains unfit for 93 social housing units squeezed into an office block layout. The area's amenity and well being has been hugely compromised, and it's the existing community and the future tenants who will bear the burden of these decisions.

The system for the public to 'Have Your Say' at the planning committee stage doesn't go near enough to offering an acceptable platform for the local community to be heard and understood, especially on such a large-scale application such as this was. As the representative of the CO1 area, I was given 3 minutes to get an entire community's feeling across, with no chance to respond or counter the points made by the council planning team who had the floor for the entire session. None of the community's letters (submitted at council request) were read by the committee members prior to the meeting or indeed read out on the night and we were denied by the Chair, our request for other members of the community to speak out. When the effects of these large scale planning applications are generational, the community's voice shouldn't be reduced to a 3 minute segment. We speak from a place of lived experience of the area and have a local knowledge that shouldn't be ignored, rubbished as nimbyism or prejudice.

The community will face: increased ASB - already at worrying levels in the area, increased traffic pressures in an already stretched system, parking problems, increased noise and air pollution, pressure on local schools, doctors, dentists etc. Who would want to live with this?

We were never against the re-development of this site and understand the need and importance for decent, well planned affordable housing. But putting families and vulnerable people into badly converted office blocks shouldn't be the solution we are reaching for. However, under Permitted Development this is the situation we find ourselves in. We must be push back against these disastrous planning laws at local and Government level, and fight for more power and influence for local communities to shape and protect their localities. "

Councillor Hazell, Chair of Planning Committee was invited to respond and explained that Planning Committee had to operate within the constraints of national planning policy and this had been clearly explained at the meeting that considered the Riverside application. The Committee had considered the application very carefully and had examined all the issues to see if it could secure an outcome that would address the concerns of local residents. The procedures for public contributions were set out in the Constitution and were properly applied. Local councillors understood the constraints the Planning Committee operated under but encouraged residents to believe that a different outcome was possible. Ward councillors would need to work with the residents of the new development to integrate them into the community in order for the development to be a success.

It was proposed by Councillor Barber that:-

Council welcomes the announcement by the Secretary of State for Levelling-up, Housing and Communities that he favours allowing communities to take back control of their futures and create greener and more beautiful places to live.

Council also recognises that there can be a gulf between Ministerial aspirations and real world decisions, as evidenced by the recent appeal decision in West Bergholt, where despite the community planning positively for growth via their adopted and up to date Neighbourhood Plan, an inspector saw fit to allow additional development on an unallocated site.

Council resolves to write to the Secretary of State emphasising the importance of protecting the right of communities to shape their localities and their right to object to individual planning applications. Council also asks that he direct the Planning Inspectorate to attach significantly greater weight to the ability of up to date Local and Neighbourhood Plan allocated sites meeting development requirements, when interpreting the presumption in favour of sustainable development.

A main amendment was proposed by Councillor Luxford Vaughan as follows:-

“That the motion on Local and Neighbourhood Plans be approved and adopted subject to the addition of the following further paragraph at the end of the motion:-

Additionally, Council requires Colchester Borough Council officers to recognise the section two Inspector’s modifications to our current plan that relate to Neighbourhood Plans, by affording all modifications relating to adopted Neighbourhood Plans, full weight when considered in relation to the emerging Local Plan.”

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

A main amendment was proposed by Councillor Lilley as follows:-

That the motion on Local and Neighbourhood Plans be approved and adopted subject to the following amendments:-

After the second paragraph the inclusion of an additional new paragraph as follows:

“Council also asks that the Portfolio Holder organise a member briefing on Permitted Development and that thereafter a separate letter will be sent to the Minister.”

In the final paragraph the addition of the words “and large scale permitted development.” at the end of the first sentence.

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

The revised wording of the motion was therefore as follows:-

Council welcomes the announcement by the Secretary of State for Levelling-up, Housing and Communities that he favours allowing communities to take back control of their futures and create greener and more beautiful places to live.

Council also recognises that there can be a gulf between Ministerial aspirations and real world decisions, as evidenced by the recent appeal decision in West Bergholt, where despite the community planning positively for growth via their adopted and up to date Neighbourhood Plan, an inspector saw fit to allow additional development on an unallocated site.

Council also asks that the Portfolio Holder organise a member briefing on permitted development and that thereafter a separate letter be sent to the Minister.

Council resolves to write to the Secretary of State emphasising the importance of protecting the right of communities to shape their localities and their right to object to individual planning applications and large scale permitted development. Council also asks that he direct the Planning Inspectorate to attach significantly greater weight to the ability of up to date Local and Neighbourhood Plan allocated sites meeting development requirements, when interpreting the presumption in favour of sustainable development.

Additionally, Council requires Colchester Borough Council officers to recognise the section two Inspector's modifications to our current plan that relate to Neighbourhood Plans, by affording all modifications relating to adopted Neighbourhood Plans, full weight when considered in relation to the emerging Local Plan.

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

484 Supporting Colchester Residents Hit by the Cost of Living Crisis

It was proposed by Councillor Fox, also on behalf of Councillor Cory and Councillor Goacher, that:-

This Council notes:

- *Colchester residents are being hit by a cost of living crisis caused by a reduction in support and rising costs including energy prices.*
- *At the beginning of the pandemic, the government recognised that Universal Credit did not cover the essentials.*

- *The £20 uplift has been a lifeline for households across our Borough including those with children, carers and people with disabilities. 40% of claimants are in work.*
- *Colchester has 24.6% of children living in poverty according to figures published in March 2021 by DWP/HMRC.*
- *The award-winning work of our council staff who have supported residents throughout the Covid-19 pandemic including through grants, Local Council Tax Support Scheme and Discretionary Housing Payments.*

This Council believes that:

- *The UK government should retain the £20 increase to Universal Credit and Working Tax Credit.*
- *Any reduction in benefit will see a huge increase on services such as, food banks. Latest figures from Colchester Foodbank show they issued nearly 14,000 parcels to residents including more than 6,000 to children in the last year.*

This Council requests that:

- *Group Leaders write jointly to Colchester's three MPs to lobby government to retain the £20 increase*
- *Cabinet ensure that Colchester Borough Council's Welfare Benefits Team and Colchester Borough Homes' Financial Inclusion Team are funded to meet the demands of people in need*
- *Cabinet continues to support organisations helping the most vulnerable including Colchester Foodbank, Citizens Advice, Community360, Munch Club and other holiday hunger projects*

On being put to the vote the motion was approved and adopted (TWENTY THREE voted FOR, TWENTY TWO voted AGAINST and ONE ABSTAINED from voting).

A named vote having been requested pursuant to the provisions of Council Procedure Rule 15(2) the voting was as follows:-

FOR: Barton, Bourne, Burrows, Chuah, Cope, Cory, Cox, Fox, Goacher, Goss, Harris, Hogg, King, Lilley, Luxford Vaughan, McCarthy, Pearson, Scordis, Scott Boutell, Warnes, J. Young, the Deputy Mayor (T. Young) and the Mayor (Davidson).

AGAINST: Barber, Buston, Chillingworth, Crow, Dundas, Ellis, Hayter, Hazell, Jowers, Laws, Leatherdale, Lissimore, Loveland, Maclean, Mannion, Moore, B. Oxford, G. Oxford, P. Oxford, Tate, Willetts and Wood.

ABSTAINED FROM VOTING: Chapman

485 Schedule of Portfolio Holder Decisions

RESOLVED that the schedule of Portfolio Holder decisions for the period 4 July 2021 – 6 October 2021 be noted.

486 Closure of Meeting

In view of the later hour the Mayor closed the meeting in accordance with the provisions of Council Procedure Rule 19(2) and directed that written responses be provided to pre-notified questions to Portfolio Holders that had been submitted.