

Council

Wednesday, 16 October 2019

Attendees:

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 Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Simon Crow, Councillor Robert Davidson, Councillor Beverly Davies, 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 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 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

342 Prayers

The Reverend Canon Paul Norrington opened the meeting with prayers.

343 Apologies

Apologies were received from Councillors Arnold, Chuah and Hogg.

344 Have Your Say! (Council)

Anna Appleyard addressed Council pursuant to the provisions of Council Procedure Rule 6(5) on behalf of Refill Colchester This was a scheme to reduce the use of plastic bottles through the use of an app which showed users where bottles could be refilled without charge. It had been launched in 2018 and had received considerable support from members of the public and Councillors. There were now 50 refilling stations in Colchester, and Refill Colchester was looking for support in order to widen usage of the scheme. In particular it would be beneficial to have representative at the Council's

public events, for it to be promoted through the Council's print and digital channels and through working with the Better Colchester brand.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, responded and indicated that he would be happy to meet to discuss how to promote their work further. Councillor King, Portfolio Holder for Business and Resources, indicated his support for their work and highlighted the work the Council was taking forward in order to reduce the use of single use plastics.

Tom Foster, Chairman of CAUSE, addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to express his concerns about North Essex Garden Communities Ltd. The Council had already provided £600,000 of funding and was due to commit a further £350,000 in December 2019. Over the following two years it would provide a further £5 million. Whilst its interim Business Plan stated that it would raise funding through the private sector, the Council would carry the risk as NEGC Ltd had no assets. It was a delivery vehicle with no plan to deliver, no structure to deliver it with and no land to build on. The Directors of NEGC Ltd had authorised a programme of community engagement. However, this had been launched before the responses to the consultation had been considered. Three of the four directors of NEGC Ltd were senior Cabinet members of the relevant authorities and he considered that the Local Plan was pre-determined. He asked whether the Council taken legal advice on whether the community engagement work by NEGC Ltd could prejudice the Local Plan inspection and whether it conflicted with rules on state aid.

Councillor King, Portfolio Holder for Business and Resources, stressed the importance of learning from critics of the proposals and of working together with partners and with affected communities, no matter what the conclusions of the Inspector were. Consideration also had to be given to the needs of those who were silent on the issue and to those who suffered through the lack of planning and of social infrastructure. There was value in the work that NEGC Ltd were undertaking on community engagement. Issues on state aid had already been addressed and published and there were no issues in the community engagement work running alongside the Inspection process.

John Akker addressed Council pursuant to the provisions of Council Procedure 6(5) on behalf of Stop 350 to express his concern about Part 2 of the Local Plan. There were grave dangers from developers applying for planning permissions before Part 2 was agreed. Whilst this was an issue for the whole borough, this was illustrated in West Mersea. Over 1700 residents had commented on the Local Plan, over 600 had attended a local meeting and the community was engaged in the preparation of a Neighbourhood Plan. This was in the belief that their detailed comments would be submitted to the Inspector next year. However, multiple planning applications were now being submitted in advance of the Local Plan being agreed. If approved, these would set aside the Local Plan. This was not how planning policy should be developed: there should be a planned approach with policy being approved by the Inspector and not developed through the

piecemeal approval of applications. The Council should resist such planning applications and be prepared to defend its decisions at appeal, the danger of which were sometimes overstated.

Councillor J. Young, Portfolio Holder for Culture and Performance, indicated that a written response would be sent.

Neil Gilbranch addressed Council pursuant to the provisions of Council Procedure Rule 6(5) and expressed his support for the motion proposing a contingency Plan B for the Local Plan. It was difficult for members of the public to engage with the Local Plan process. For example in respect of the A12 there were 4 new options which was causing further uncertainty for residents. NEGC Ltd were now undertaking further engagement to find out what residents wanted in Garden Communities, rather than what they wanted in the borough as a whole. This suggested predetermination and undue haste.

Councillor J. Young, Portfolio Holder for Culture and Performance, thanked Mr Gilbranch for his comments which were noted.

Ali Wilkin addressed Council pursuant to the provisions of Council Procedure Rule 6(5). Members of the Equality Action Group Now had been labelled as “conspiracy theorists” by the Department of Work and Pensions on Channel Four news. However, the oppression of disabled people was not a conspiracy theory. Their income had been cut and had been subject to humiliating assessments. Disability hate crime had doubled, and people with disabilities claiming benefits were often reported for suspected benefits fraud on the most spurious of grounds. It was a misconception that inclusion and accessibility was the norm, when it was normally an add on, secured through the hard work of disability campaigners. Therefore, people with disabilities took the business of politics seriously, and asked that when they approached politicians for help, they were given respect in return.

Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, responded and thanked Ali Wilkin for attending and drawing the Council's attention to these issues. The Police had set up a specialist unit to deal with hate crimes. He invited her to send in further details and he would look into the issues.

345 Minutes of the Previous Meeting (Council)

RESOLVED that the minutes of the meeting held on 17 July 2019 be confirmed as a correct record.

346 Mayor's Announcements

The Mayor announced that Peldon had been awarded Essex Village of the Year 2019. This was an award made by the Rural Community Council of Essex. In order to win the

award the village had highlighted its work in building a new village hall, as well as demonstrating its community focus, its business and services and its environmental and sustainability work. The Mayor presented the award to representatives of the bid team, Bob Holmes, Liz Davidson, Alma Thomas and Crissy Lee.

Bob Holmes responded and thanked the Mayor for the presentation. He also expressed his thanks to Councillors Jowers and Davidson for their help, and for the support of the Council towards rebuilding of the village hall, which had been an integral part of their submission.

The Mayor announced the following events:-

Tea Dance, 6 November 2019, Moot Hall

Wine Tasting November 2019 (date and venue to be confirmed)

Army Band Concert, 20 November 2019, Moot Hall

A recital of A Christmas Carol with Anthony Roberts, 1 December 2019, MICA West Mersea

Big Junior Fun Run, 8 December 2019, Recreation Ground

Mercury Carol Concert, 19 December 2019, Mercury at Abbey Field

Bach Choir Concert, 22 February 2020, venue to be confirmed

Opening of Mayoral Wood, 28 March 2019.

347 2018/19 Year End Review of Risk Management

RESOLVED that the recommendation contained in draft minute 378 of the Cabinet meeting of 4 September 2019 be approved and adopted (UNANIMOUS).

348 Changes to the Hackney Carriage and Private Hire Licensing Policy

RESOLVED that the recommendation contained in minute 83 of the Licensing Committee meeting of 27 March 2019 be approved and adopted (UNANIMOUS).

349 Polling Districts and Polling Places Review

RESOLVED that the recommendation contained in draft minute 168 of the Governance and Audit Committee meeting of 3 September 2019 be approved and adopted (MAJORITY voted FOR).

350 Adoption of the West Bergholt Neighbourhood Plan

Councillor Chris Stevenson, Chairman of West Bergholt Parish Council and Chairman of the Neighbourhood Plan Steering Group, addressed Council pursuant to the provisions Council Procedure Rule 6(5). He hoped that Council would endorse the West Bergholt Neighbourhood Plan. 862 residents had voted in favour of the Plan, which was 94% of the votes cast. It had been put together carefully and was in step with the emerging Local Plan. It would deliver sustainable housing development in West Bergholt and the draft plan had already helped protect the village from unsuitable development. It also addressed other issues such as employment and sport and leisure provision. Thanks were expressed to the ward councillors and to the following planning officers who had supported and advised on the Plan: Shelley Blackaby, Sandra Scott, Karen Syrett and Rachel Forkin.

RESOLVED that the West Bergholt Neighbourhood Plan be made (UNANIMOUS).

351 Building Council Houses

It was proposed by Councillor Warnes that:-

“This Council calls upon the Government to significantly enhance the ability of Councils such as Colchester to build more new council homes.

It’s 100 years since the passing of the Addison Act which gave Councils significant new duties and funding to build their own housing. Colchester has, as have many other places in the UK, a housing crisis. We have many residents either facing or experiencing homelessness within our borough, yet we also have a chronic shortage of council housing.

This Council is committed to building new council housing, but we face continuing restraints on our ability to deliver at scale and need Government to make council house building more viable.

We therefore call upon the borough’s MP’s Bernard Jenkin, Priti Patel and Will Quince to find new inspiration through the laudable aims of Christopher Addison that inspired council house building throughout the country and lobby the Ministry of Housing, Communities and Local Government and Her Majesty’s Treasury to:

- end 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
- 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.”

On being proposed, as the motion related to an executive matter, it stood referred direct to Cabinet.

352 Contingency Plan B for the Local Plan

It was proposed by Councillor Barber that:-

“This Council notes that:

- In a recent planning appeal decision, the inspector concluded that “Colchester Borough Council cannot demonstrate a five-year supply of deliverable housing sites.”
- A lack of five-year supply would put the Council and the Borough at risk of speculative planning applications being permitted at appeal and highlights the importance of having a new, valid Local Plan.

Given that Colchester Borough Council’s 5 year supply is now being challenged, the lack of unanimity on and belief in the suitability of the current proposals in Section 1 of the emerging local plan by council members, it is resolved by this Council that:

- Officers are instructed to develop, with immediate effect, a contingency Plan B to the current proposals in Section 1 of the emerging local plan.
- This Plan B will go through the necessary local plan procedures and, if agreed by the Local Plan Committee and/or Full Council, be submitted to the Planning Inspectorate and the Secretary of State for Housing, Communities and Local Government if the current plans in Section 1 of the emerging Local Plan are found to be unsound. This will ensure communities across the borough are protected from speculative development.
- That a copy of this motion is sent to all three Colchester Borough MPs, the Planning Inspectorate and the Secretary of State for Housing, Communities and Local Government by signature of the Leader of the Council.”

Councillor Cory moved a main amendment as follows:-

That the motion on a Contingency Plan B for the Local Plan be approved and adopted subject to the following amendments:

- In paragraph 1 the deletion of the word “the” and its replacement with the word “an”;
- In paragraph 3 the deletion of the words “is now being challenged” and their replacement with the words “has been questioned”;
- The deletion of paragraph 4 and the addition of the following two paragraphs after paragraph 3:-

- Officers should continue to offer every support to the Planning Inspector in his review of the Local Plan as recently endorsed by the Council's Local Plan Committee.

- Officers are instructed to develop a contingency Plan B to the current proposals in Section 1 of the emerging Local Plan, for submission to the Local Plan Committee within one month of the completion of the Section 1 public hearing.

- The deletion of paragraph 6.

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

In the course of the debate Councillor Ellis moved a secondary amendment that an additional paragraph be added to the end of motion as follows:-

“That Braintree District Council and Tendring District Council as the two authorities who share a common section 1 with Colchester Borough Council be informed of this decision.”

Council indicated that it was content to accept the secondary amendment and the motion was deemed amended accordingly. The amended wording of the motion was as follows:-

This Council notes that:

- In a recent planning appeal decision, an inspector concluded that “Colchester Borough Council cannot demonstrate a five-year supply of deliverable housing sites.”

- A lack of five-year supply would put the Council and the Borough at risk of speculative planning applications being permitted at appeal and highlights the importance of having a new, valid Local Plan.

Given that Colchester Borough Council’s 5 year supply has been questioned, the lack of unanimity on and belief in the suitability of the current proposals in Section 1 of the emerging Local Plan by council members, it is resolved by this Council that:

- Officers should continue to offer every support to the Planning Inspector in his review of the Local Plan as recently endorsed by the Council's Local Plan Committee.

- Officers are instructed to develop a contingency Plan B to the current proposals in Section 1 of the emerging Local Plan, for submission to the Local Plan Committee within one month of the completion of the Section 1 public hearing.

- This Plan B will go through the necessary local plan procedures and, if agreed by the Local Plan Committee and/or Full Council, be submitted to the Planning Inspectorate and the Secretary of State for Housing, Communities and Local Government if the current plans in Section 1 of the emerging Local Plan are found

to be unsound. This will ensure communities across the borough are protected from speculative development.

- That Braintree District Council and Tendring District Council as the two authorities who share a common section 1 with Colchester Borough Council be informed of this decision

On being put to the vote, the motion was approved and adopted (MAJORITY voted FOR).

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

Questioner	Subject	Response
Pre-notified questions		
Councillor Dundas	<p>In our recent survey in Stanway which thus far has had approaching 1000 responses with more still arriving daily around 85% of respondents when asked whether they felt they had been properly consulted on the Local Plan and Garden Community proposals replied "Not at all" or "0" on a Scale of 1 to 10. Only around 5% replied that they felt they had been fully consulted.</p> <p>Furthermore, an online residents' survey on recollection of having received the "Local Plan" information leaflet elicited over 200 responses in 24 hours from people who said they had never seen it. Of the few who did recall</p>	<p>Councillor J. Young, Portfolio Holder for Culture and Performance, explained that the Council had sent out over 80,000 leaflets, largely by post. It was also available online. It had been supported by a communications campaign in local press and social media. The Council had received over 1000 comments from over 800 responses to the leaflet. These had been sent to the Inspector. Where there was evidence that delivery rates had been poor, they had been redelivered. Research by the delivery company had demonstrated a good recall rate amongst residents.</p>

	<p>receiving it some said they'd received two copies and others had received it in a bundle of takeaway menus.</p> <p>Is the Portfolio Holder concerned that these figures are so poor, particularly when community engagement was a stated requirement by the Planning Inspector and what measure do they propose to take to improve them?</p>	
Oral questions		
Councillor Luxford Vaughan	<p>Why were the NEGC public engagements sessions not held in the local areas affected, and why were local Councillors and campaign groups not invited to attend? Were such events premature and a waste of taxpayers' money in advance of the Inspectors report?</p>	<p>Councillor King, Portfolio Holder for Business and Resources, explained that he had written to Cllr Luxford Vaughan on these issues. NEGC had been given a direction by the four Councils to continue with engagement work. There had been some criticism that there was insufficient information available about the Garden Communities project and this engagement would help address that. He would continue to liaise with NEGC Ltd and would stress the need to include community groups and those who were opposed to the scheme in these events. There had been</p>

		some confusion over the invitations in that some Councillors had been invited as members of community groups. NEGC and Council officers were working hard to ensure deep and effective community engagement.
Councillor Harris	Would the Portfolio Holder for Communities, Wellbeing and Public Safety, write to Paxman Academy to welcome them and to wish them well in supporting the local community.	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety indicated that he would.
Councillor Barber	Following a recent e-mail exchange on the provision of air quality monitoring equipment for Aldham, would the Portfolio Holder for Waste, Environment and Transportation look at the budget for the provision of air quality monitoring equipment to ensure it was provided holistically across the borough.	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation explained that the equipment Councillor Barber had requested would be obtained and that the administration would continue to roll out air quality monitoring equipment where it was needed. Councillor King, Portfolio Holder for Business and Resources, explained that that the administration was continuing to look for resources to help deal with issues that would help address the climate emergency
Councillor Barber	Could the Portfolio Holder for Communities, Wellbeing and Public Safety provide	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public

	<p>an update on the provision of play equipment across the borough and the Play Provision project, Could he confirm that all play equipment would be above the standard that required to comply with the Equalities Act, so it catered for children with disabilities.</p>	<p>Safety, indicated that a written response would be sent.</p>
<p>Councillor Scordis</p>	<p>Could the Portfolio Holder for Waste, Environment and Transportation provide an update on issue of algae on the River Colne.</p>	<p>Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained he had spoken to the Environment Agency about issues relating to the River Colne. They had confirmed that they had a duty to act and received funding to deal with issues of flood risk and to deal with threats to wildlife. It had suffered funding cuts in recent years. The current conditions of the river were partly caused by the fact there had been drought conditions for the last 18 months and it was anticipated that the river would start to improve naturally as rainfall increased and as there was less sunlight. The Council had approached contractors who worked for the Environment Agency, and a local firm who were working on an innovative solution, for an estimate of the costs involved in</p>

		improvement works should this become necessary.
Councillor Crow	Could the Portfolio Holder for Waste, Environment and Transportation confirm who was responsible for removing algae from the River Colne?	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that the Environment Agency would remove algae where it was a danger to wildlife or where it was a flood risk. The Council could remove it in other circumstances, but it would have to fund this itself.

354 **Schedule of Portfolio Holder decisions**

RESOLVED that the Schedule of Portfolio Holder decisions covering the period 2 July 2019 - 30 September 2019 be noted.