

Council Meeting

**Moot Hall, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 27 May 2015 at 10:30**

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

Audio Recording, Filming, Mobile phones and other devices

The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council, with the exception of Committee members at all meetings of the Planning Committee, Licensing Committee, Licensing Sub-Committee and Governance Committee. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Where permitted, Councillors' use of devices is limited to receiving messages and accessing papers and information via the internet.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please use one of the contact details at the bottom of this page and we will try to provide a reading service, translation or other formats you may need.

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COLCHESTER BOROUGH COUNCIL
Council
Wednesday, 27 May 2015 at 10:30

TO ALL MEMBERS OF THE COUNCIL

Published 18/05/2015

You are hereby summoned to attend the Annual Meeting of the Council to be held at the Town Hall, Colchester on Wednesday, 27 May 2015 at 10:30 for the transaction of the business stated below.



Chief Executive

AGENDA - Part A
(open to the public including the press)

Please note that the business will be subject to short breaks at approximately 90 minute intervals.

1 Election of the Mayor

Motion A

Motion to elect the Mayor for the ensuing Municipal Year.
The Mayor to make the Declaration and take the customary Oath.
The Mayor to return thanks.

2 Minutes (Council)

Motion B

Motion that the minutes of the meeting held on 18 February 2015 be confirmed as a correct record.

Minutes of Meeting 18-02-15

7 - 16

3 Election of the Deputy Mayor

Motion C

Motion to elect the Deputy Mayor for the ensuing Municipal Year.
The Deputy Mayor to make the Declaration and return thanks.

4 **Vote of Thanks to the Retiring Mayor**

Motion D

Motion of Thanks to the Retiring Mayor.
The Retiring Mayor to make an acknowledgement,

5 **Mayor's Chaplain and Other Announcements**

The Mayor to announce the appointment of the Mayor's Chaplain and make other announcements.

6 **Adjournment**

Motion E

Motion to Adjourn

National Anthem (*members of the public are asked to remain standing after the National Anthem whilst the Council Procession leaves the Moot Hall*).

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

The Mayor to ask members of the public to indicate if they wish to ask a question, make a statement or present a petition on any matter relating to the business of the Council - either on an item on the agenda for this meeting or on a general matter not on this agenda and to invite any such contributions (Council Procedure Rule 6(2)).

(Note: A period of up to 15 minutes is available for general statements and questions under 'Have Your Say!').

8 **Appointment of the Leader of the Council**

Motion F

Motion to appoint the Leader of the Council for the ensuing municipal year.

9 **Delegations made by the Leader of the Council**

To note the appointment of the Deputy Leader of the Council, the appointment of Cabinet members and the allocation of responsibility for portfolios as determined by the Leader of the Council is as circulated at this meeting (details to follow).

10 **Appointment of Panels, Committees and Sub-Committees**

Motion G

Motion that:-

(i) in accordance with the provisions of Section 15 of the Local Government and Housing Act 1959 the number of seats, Group representation and membership of the Governance Committee, Licensing Committee, Local Plan Committee, Planning Committee, Scrutiny Committee (including the Crime and Disorder Committee) and the Trading Board for the ensuing municipal year be as circulated at this meeting (to follow).

(ii) that in accordance with the provisions of section 17 of the Local Government and Housing Act 1989, the appointments of the Task and Finish Groups shall not be on a Group basis and membership shall be as circulated at this meeting (to follow).

(iii) that the membership of the Independent Remuneration Panel be as circulated at this meeting (to follow).

11 **Amendment to the Constitution**

17 - 18

Motion H

Motion that the recommendations contained in the Monitoring Officer's report be approved and adopted.

12 **Former Councillors**

Motion I

Motion of thanks to former Councillors Barlow, Hunt, Kimberley, Scott-Boutell and Turrell.

Part B

(not open to the public including the press)

Council

Wednesday, 18 February 2015

- Attendees:** Councillor Elizabeth Blundell (Member), Councillor Nigel Chapman (Member), Councillor Peter Chillingworth (Member), Councillor Beverly Davies (Member), Councillor John Elliott (Mayor and Chairman), Councillor Andrew Ellis (Member), Councillor Marcus Harrington (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor John Jowers (Member), Councillor Sue Lissimore (Member), Councillor Jackie Maclean (Member), Councillor Richard Martin (Member), Councillor Will Quince (Member), Councillor Peter Sheane (Member), Councillor Dennis Willetts (Member), Councillor Tina Bourne (Member), Councillor Dave Harris (Member), Councillor Cyril Liddy (Member), Councillor Michael Lilley (Member), Councillor Kim Naish (Member), Councillor Julie Young (Member), Councillor Tim Young (Member), Councillor Nick Barlow (Member), Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Nick Cope (Member), Councillor Mark Cory (Member), Councillor Martin Goss (Member), Councillor Julia Havis (Member), Councillor Jo Hayes (Member), Councillor Professor Peter Higgins (Member), Councillor Mike Hogg (Member), Councillor Martin Hunt (Member), Councillor Jon Manning (Member), Councillor Paul Smith (Member), Councillor Laura Sykes (Member), Councillor Anne Turrell (Member), Councillor Beverley Oxford (Member), Councillor Gerard Oxford (Member), Councillor Roger Buston (Member), Councillor Robert Davidson (Member), Councillor Chris Pearson (Member), Councillor Rosalind Scott (Member), Councillor Dominic Graham (Member), Councillor Justin Knight (Member), Councillor Jessica Scott-Boutell (Member), Councillor Theresa Higgins (Deputy Mayor)
- Substitutes:** No substitutes were recorded at the meeting

51 Apologies

Apologies were received from Councillors Arnold, Bentley, Cable, Cook, Fairley-Crowe, Feltham, Frame, Gamble, Kimberley, Offen, P. Oxford and L. Scott-Boutell.

52 Minutes

RESOLVED that the minutes of the meetings held on 11 December 2014 and 19 January 2015 be confirmed as a correct record.

53 Have Your Say!

Joan Manhire, Chairman of Colchester Fairtrade Group, addressed Council pursuant to the provisions of Council Procedure Rule 7(5) and presented Colchester's Fairtrade Town Certificate to the Mayor. She explained that Colchester had had Fairtrade status since 2006 and since then the Group had achieved much. The aim of the Group was to raise awareness of Fairtrade products and in recent years it had developed a directory of Fairtrade retailers and products and developed a Fairtrade breakfast pack for schools. The Group enjoyed good links with the Council. Fairtrade ensured that third world farmers received a fair price and stable market for their goods, enabling them to invest in facilities such as schools.

Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, thanked Colchester Fairtrade and emphasised that the Council was proud that Colchester was a Fairtrade Town. He would ensure that the certificate was prominently displayed at the Town Hall.

Annesley Hardy addressed Council pursuant to the provisions of Council Procedure Rule 7(5) about future uses of the Essex County Hospital site. She had sought the views of local residents who wanted the grey brick hospital block and nursing home retained and would like to see the site used for a medically related use, such as a doctor's surgery. Residents were also concerned about the possible impact of building works. Housing and commercial uses would not be welcomed and adequate parking provision needed to be provided on site. Residents' concerns had been brought to the attention of the Local Plan Committee, but the Development Brief recently approved by the Committee made no mention of her research.

Andy Hamilton addressed Council pursuant to the provisions of Council Procedure Rule 7(5) to express his concern about the use of taxpayers' money to fund cultural quarter developments. Developments such as the Wonderhouse were reliant on public money yet the public were not consulted. He called on the Council to end the lease of the Visual Arts Facility (VAF) to firstsite which he believed was essentially bankrupt. Every visitor was heavily subsidised by public funding and the Arts Council was reducing the subsidy it provided. A commercial company should be given the opportunity of running the VAF. He called on the Council to hold a referendum on the future of the VAF.

Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, stressed that while it was accepted that the VAF was going through difficulties and needed a new focus, the Council was determined ensure that it was a success.

Nick Chilvers addressed Council pursuant to the provisions of Council Procedure Rule 7(5) about how the Council engaged with the local community. In particular the Council needed to make it easier for young people and those between 25-50 to give their views, given the other demands on their time. Public debate in Colchester was driven by the

cultural, green and cycle lobbies. Cabinet meetings should be taken out into local communities. Online surveys were at risk of being hijacked by pressure groups so the Council needed to go out onto the streets to seek residents' views. Politicians needed to have a better appreciation of how people live their lives now.

Councillor Hunt, Leader of the Council and Portfolio Holder for Strategy, thanked Mr Chilvers for his comments and emphasised that whilst he was Leader he would support the ideas he advocated.

54 Mayor's Announcements

The Mayor announced the following events:-

- Bach Choir Concert at St Botolphs Church, 21 February 2015
- Quiz, Magic and Sausage Supper, Tiptree Community Centre, 13 March 2015
- Musical Evening in the Moot Hall, 28 March 2015

The Mayor also urged members to support the Age UK Fund campaign.

55 Strategic Plan 2015-18

RESOLVED that the recommendation contained in minute 50 of the Cabinet meeting of 28 January 2015 be approved and adopted.

56 Colchester's Environmental Sustainability Strategy 2015-2020

Nick Chilvers addressed Council pursuant to the provisions of Council Procedure Rule 7(5). He queried whether the Council had to have an Environmental Sustainability Strategy. The Strategy was wide-ranging and ambitious and he questioned whether the Council could afford the cost of implementing the Strategy. He also urged the Council not to become a "nanny" Council. Residents should be allowed to take their own decisions on issues such as travel choices. I

RESOLVED that the recommendation contained in minute 51 of the Cabinet meeting of 28 January 2015 be approved and adopted.

57 Suspension of Procedure Rules

RESOLVED that Council Procedure Rule 14(3) be suspended to allow the Portfolio Holder for Business and Resources and the Leaders of the Conservative, Labour and

Highwoods and Stanway Independent Groups to speak untimed on the motion on the 2015/16 General Fund Revenue Budget, Capital Programme and Medium Term Financial Forecast only.

58 2015/16 General Fund Revenue Budget, Capital Programme and Medium Term Financial Forecast

Councillors Jowers (in respect of his membership of the Police and Crime Panel and the Fire Authority) and Davies (in respect of being the Vice Chairman of Colchester Community Voluntary Services) declared a non-pecuniary interest in this item pursuant to the provisions of Council Procedure Rule 9(5).

RESOLVED that the recommendations contained in minute 52 of the Cabinet meeting of 28 January 2015 and the recommendations contained in the Assistant Chief Executive's report entitled Precept and Council Tax Levels 2015/16 be approved and adopted.

A named vote having been taken pursuant to the provisions of Meetings General Procedure Rule 15(3), the voting was as follows:-

Those who voted for were:-

Councillors Barlow, Barton, Bourne, Chuah, Cope, Cory, Goss, Graham, Harris, Havis, Hayes, P. Higgins, Hogg, Hunt, Knight, Liddy, Lilley, Naish, B. Oxford, G. Oxford, Pearson, Scott, J. Scott-Boutell, Smith, Sykes, Turrell, J. Young and T. Young.

No Councillors voted against.

Those who abstained from voting:-

Councillors Blundell, Buston, Chapman, Chillingworth, Davidson, Davies, Ellis, Harrington, Hazell, Jarvis, Jowers, Lissimore, Maclean, Martin, Quince, Sheane, Willets, the Deputy Mayor (Councillor T. Higgins) and the Mayor (Councillor Elliott).

59 Notices of Motion pursuant to the provisions of Council Procedure Rule 11

(i) Magna Carta

It was proposed by Councillor Willetts that:-

“Noting that 15th June 2015 marks the 800th anniversary of the sealing of Magna Carta, which proclaimed the liberties of all free people and is the basis of the constitution of many nations, Council commends the principal clauses of Magna Carta to the people of Colchester as a bulwark against oppressive authority.”

A main amendment was moved by Councillor Liddy that the motion be approved adopted subject to the following amendments:-

- The deletion of the words "Noting that" and their replacement with the word "The";
- The deletion of all the words following the word "nations" and the addition of the following words:-

. This Council notes the totemic status of the 1215 Magna Carta and its symbolic effect in English law. It also notes that only two of the original sixty three chapters still survive. They are set out below and are commended to the residents of Colchester:-

(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

(40) To no one will we sell, to no one deny or delay right or justice.

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

On being put to the vote the motion was carried unanimously.

(ii) Pedestrian Crossing on Cymbeline Way

It was proposed by Councillor Goss that:-

Colchester Borough Council wishes to applaud Essex County Council for listening to local Colchester Citizens and committing to leaving a pedestrian crossing on the Cymbeline Way for use by the hundreds of students and commuters who use it on a daily basis to get safely to Colchester North Station, St Helena School, Colchester Institute and the surrounding area. However, Colchester Council wishes to be fully engaged in the siting of the proposed "temporary" crossing and wants commitment from Essex County Council that a crossing will remain in place permanently and that it won't be removed from the new site. The Council resolves to send a copy of this resolution to Cllr Bass, Essex County Council Cabinet member for Highways and Transportation."

On being put to the vote, the motion was carried unanimously.

(iii) Renaming of Hythe Station

It was proposed by Councillor Havis that:-

“Colchester Borough Council requests that Network Rail renames Hythe Station as Colchester Hythe Station to bring it in line with the other Colchester Stations.”

A main amendment was moved by Councillor T. Young that the motion be approved and adopted subject to the following amendments:-

- The deletion of the words “Network Rail” and their replacement with the words “Abellio Greater Anglia (working in collaboration with Network Rail)”;
- The insertion of the following additional text at the end of the Motion:-

“This Council believes that any changes to the classification of Hythe Station should not have an adverse effect on the pricing or fare structure for passengers travelling towards London or on the Clacton line.

This Council supports a more integrated railway under a publicly accountable authority which would make the changes outlined above far easier to achieve.”

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

On being put to the vote the motion was carried unanimously.

(iv) Foster Carers

It was proposed by Councillor Lissimore that:-

“This Council recognises the invaluable work that foster carers do for the community.”

On being put to the vote the motion was carried unanimously.

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

Questioner	Subject	Response
Verbal Questions		
Councillor J.	Would the Portfolio Holder join a cross party approach to save	Councillor Hunt, Leader of the Council and Portfolio Holder

Young	the Haven, which was a fantastic facility for people suffering from personality disorders and was due to close this month?	for Strategy responded and explained that whilst he was sympathetic to Councillor Young's request, this was a matter for the Portfolio Holder for Communities and Leisure to consider.
Councillor Jarvis	Would the Portfolio Holder for Economic Development and Regeneration explain what was holding up the two main projects for the town centre, St Botolph's and Vineyard Gate, and what was "Plan B" should one of the parties withdraw from the schemes?	Councillor Turrell, Portfolio Holder for Economic Development and Regeneration, responded that these matters were commercially confidential and she was unable to explain further in a public meeting. She was confident that no parties would withdraw from either of the schemes.
Councillor Harris	In view of the response from Essex County Council to the motion on street lighting, further instances of crime and vandalism, the recent death in a road accident on St Andrews Avenue which the lights were switched off and the stated intention of Harlow and Tendring Council's to switch street lights back on, would the Leader of the Council arrange for Cabinet to look at the issue again with a view to using the Council's own resources to restore street lighting between the hours of midnight and 5.00am. If funding could be found would the Leader personally support the move to restore lighting?	Councillor Hunt, Leader of the Council and Portfolio Holder for Strategy, explained that in view of the death, which police had indicated might have been avoided if the road had been lit, he would arrange for a report to be submitted to Cabinet on 18 March 2015 to look at the issue and that if funding was available he would support the move to restore street lighting between the hours of midnight and 5.00am
Councillor	Would the Portfolio Holder look	Councillor Hunt, Leader of the

Harrington	into a complaint by a constituent who had paid for an audio advert to be played at Leisure World, which had proved to be almost inaudible? Would the Portfolio Holder arrange for the matter to be remedied and the advert rerun?.	Council and Portfolio Holder for Strategy responded and explained that he would ask the Portfolio Holder for Communities and Leisure to look into the matter and respond.
Councillor Quince	In view of recent incidents of knife crime would the Portfolio Holder for Community Safety, Licensing and Culture ask the Police and Crime Commissioner for Essex to make knife crime a top priority? In addition would he recognise the work done by local charities on weapons awareness and urge schools to welcome such charities to their premises and where appropriate fund their work?	Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, indicated that knife crime was treated as a high priority. The work of local charities on weapons awareness was appreciated and the Council did all it could to support it.
Councillor Lissimore	Would the Portfolio Holder consider offering free fitness membership passes to those children in care and those leaving care to make it easier for them to enjoy sport and instill a fitness regime that they would carry on into adult life.	Councillor Hunt, Leader of the Council and Portfolio Holder for Strategy responded that he felt this should be considered and he would express that view to the Portfolio Holder for Communities and Leisure.
Councillor Lissimore	Was the Portfolio Holder for Housing and Public Protection aware of the District Responsibilities for Corporate Parenting and would she commit to reviewing the housing allocation priorities and policies as they affect care leavers in order to achieve a greater level of consistency?	Councillor Bourne, Portfolio Holder for Housing and Public Protection indicated that she was aware of the district responsibilities for corporate parenting. The Council was a partner in Gateway to Homechoice, which was a sub-regional housing allocations policy. It would be

		considered but any changes to housing allocations policy would need to be considered with sub-regional partners.
Councillor Blundell	Could the Portfolio Holder for Economic Development and Regeneration provide further information about the Wonderhouse project? What would it contain and would residents have to pay for entrance?	The Portfolio Holder for Economic Development and Regeneration explained that it would display items that were currently in storage at the Museum Resource Centre.
Councillor Harris	Would the Portfolio Holder for Community Safety, Licensing and Culture agree that the Day of Action in Berechurch had been a great success and would he pass on Council's thanks on to those officers and partners who took part?	Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, indicated that the day had been great success and he would pass Council's thanks on. Detailed information about the outcome of the Day of Action would be circulated to Berechurch ward councillors.

61 Schedule of Portfolio Holder Decisions

RESOLVED that the Schedule of Portfolio Holder decisions covering the period 2 December 2014 - 5 February 2015 be noted.

27 May 2015

Report of	Monitoring Officer	Author	Andrew Weavers
			☎ 282213
Title	Amendment to the Constitution		
Wards affected	Not applicable		

This report requests Council to agree an amendment to the Constitution

1. Decision Required

- 1.1 That the proposed amendment to the Constitution contained at paragraph 3.1 of this report be approved and adopted and be implemented immediately.
- 1.2 That the Monitoring Officer be given authority to make any consequential amendments to the Constitution.

2. Background

- 2.1 Earlier this year the Government published the Local Government (Electronic Communications) Order 2015, which enables Councillors to receive summons and relevant meeting papers electronically (if they so consent). The Regulations also provide that Councillors can at any time withdraw their consent and revert back to paper copies. As a consequence of these Regulations it is necessary to amend the Meetings General Procedure Rules to enable Councillors to use devices to access relevant meeting papers at all meetings.

- 2.2 Rule 13 (6) of the Meetings General Procedure Rules currently provides that:

“The discreet use of phones, tablets and laptops and other such devices shall be permitted at meetings of the Council, including full Council, Cabinet, Panels, Committees or Sub-Committees, subject to the following:

- (i) *Use of devices by Councillors does not extend to meetings of the Planning Committee, Licensing Committee, Licensing Sub-Committee and Governance Committee;*
- (ii) *Use of devices by Councillors is limited to the receiving of messages and accessing papers and information via the internet;*
- (iii) *Use of devices by Councillors for viewing or participation in social media, including, but not exclusively, Twitter and Facebook shall be at the discretion of the Chairman;*
- (iv) *Use of devices is limited to text, typing, camera and non- voice functions only;*
- (v) *Use of camera flash functions and voice facility to make or receive calls, issue instructions or check messages are not permitted;*
- (vi) *Devices must be kept on silent mode and use must not interfere with the proper conduct of the meeting;*

- (vii) *The person presiding at the meeting, at their discretion, may require all devices to be switched off at any time.*

3. Proposal

3.1 It is proposed that Council agrees a revised Rule 13 (6) as follows:

The discreet use of phones, tablets and laptops and other such devices shall be permitted at meetings of the Council, including full Council, Cabinet, Panels, Committees or Sub-Committees, subject to the following:

- (i) At meetings of the Planning Committee, Licensing Committee, Licensing Sub-Committee and Governance Committee devices may be used only for accessing relevant meeting papers;
- (ii) Use of devices by Councillors is limited to the receiving of messages and accessing relevant meeting papers and information via the internet;
- (iii) Use of devices by Councillors for viewing or participation in social media, including, but not exclusively, Twitter and Facebook shall be at the discretion of the Chairman;
- (iv) Use of devices is limited to text, typing, camera and non-voice functions only;
- (v) Use of camera flash functions and voice facility to make or receive calls, issue instructions or check messages are not permitted;
- (vi) Devices must be kept on silent mode and use must not interfere with the proper conduct of the meeting.

4. Strategic Plan References

4.1 The manner in which Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to set out the direction and future potential for our Borough.

8. Financial Considerations

8.1 No direct implications.

9. Equality, Diversity and Human Rights Implications

9.1 An Equality Impact Assessment Statement has been prepared on the Constitution and is available on the Council website. The following link is to the Equality Impact Assessment:
<http://www.colchester.gov.uk/CHttpHandler.ashx?id=2287&p=0>

10. Publicity Considerations

10.1 All amendments to the Council's Constitution and will be published on the Council's website.

11. Consultation, Community Safety, Health and Safety and Risk Management Implications

11.1 No direct implications.