

# Council

Thursday, 11 December 2014

- Attendees:** Councillor Christopher Arnold (Member), Councillor Kevin Bentley (Member), Councillor Elizabeth Blundell (Member), Councillor Mark Cable (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 Margaret Kimberley (Member), Councillor Sue Lissimore (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 Julie Young (Member), Councillor Tim Young (Member), Councillor Nick Barlow (Member), Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Barrie Cook (Member), Councillor Nick Cope (Member), Councillor Mark Cory (Member), Councillor Annie Feltham (Member), Councillor Bill Frame (Member), Councillor Ray Gamble (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 Lesley Scott-Boutell (Member), Councillor Paul Smith (Member), Councillor Laura Sykes (Member), Councillor Anne Turrell (Member), Councillor Gerard Oxford (Member), Councillor Philip Oxford (Member), Councillor Roger Buston (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

## 36 Minutes

*RESOLVED* that the minutes of the meeting on 22 October 2014 be confirmed as a correct record.

## 37 Have Your Say!

Darius Laws addressed Council pursuant to the provisions of Council Procedure Rule

7(5). He noted that a notice had been served on the new owner of Jumbo to tidy the exterior of building. He hoped that the same process would be applied to other decayed buildings in the town centre. He hoped that any planning application that may be submitted in the future would be considered carefully and that decisions would not be influenced by a vocal minority. As with other historic buildings, a solution needed to be found that would allow it to be brought back into use with a modern function. Jumbo was a real asset to the town and if redeveloped in the right way, would help generate tourism

Andy Hamilton addressed Council pursuant to the provisions of Council Procedure Rule 7(5). He noted the recent press coverage of firstsite. He expressed his concern about recent uses of firstsite, such as the hiring of a room to a law firm seeking clients wishing to bring legal proceedings against the NHS and the live streaming of the play "John". These were not appropriate uses for a publicly funded gallery. He asserted that firstsite was effectively bankrupt and it had requested that the Council pay for repairs and maintenance to the building. He questioned why the Council refused to accept that as an art gallery the Visual Arts Facility was a financial disaster and why the Council continued to support firstsite.

Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, responded and explained that issues around firstsite would be discussed during the debate on the motion on firstsite on the agenda for this meeting. "John" was an award winning National Theatre production.

**38 Local Council Tax Support 2015-16**

*RESOLVED* that the recommendation contained in minute 43 of the Cabinet meeting of 26 November 2014 be approved and adopted.

**39 Officer Pay Policy**

*RESOLVED* that the recommendation contained in minute 45 of the Cabinet meeting of 26 November 2014 be approved and adopted.

**40 Appointment of Deputy Mayor 2015-16**

*RESOLVED* that Councillor Julie Young be appointed as Deputy Mayor of the Borough of Colchester for the 2015-16 municipal year.

**41 Review of the Council's Ethical Governance Policies**

*RESOLVED* that the recommendation contained in minute 25 of the Governance

Committee meeting on 14 October 2014 be approved and adopted.

**42 Review of the Members Code of Conduct and the Council's Arrangements**

*RESOLVED* that the recommendation contained in minute 26 of the Governance Committee meeting of 14 October 2014 be approved and adopted.

**43 Review of Local Code of Corporate Governance**

*RESOLVED* that the recommendation contained in minute 28 of the Governance Committee meeting of 14 October 2014 be approved and adopted.

**44 Notices of Motion pursuant to the provisions of Council Procedure Rule 11**

**(i) Unsolicited Telephone Calls**

It was proposed by Councillor Jowers that:-

“This Council requests the Chief Executive of OFCOM to take such regulatory or technical action necessary to protect the people of Colchester from the avalanche of unsolicited sales and marketing telephone calls which blight their lives.”

On being put to the vote the motion was carried (UNANIMOUS).

**(ii) Street Lighting**

**Councillors Bentley and Turrell (in respect of their membership of Essex County Council) and Jowers (in respect of his membership of Essex County Council and as Chairman of the Essex Police and Crime Panel) declared a non-pecuniary interest in this item pursuant to the provisions of Council Procedure Rule 9(5).**

It was proposed by Councillor Harris that:-

“This Council seeks to reverse the impact of Essex County Council’s Part Night Street Lighting policy within the Colchester Borough by paying to Essex County Council the sum of £130,000 per annum (identified by Essex County Council as the amount saved by the night time switch off of the Borough's lights) to enable the Colchester street lights to remain on all night.

The amount to be spent is to be taken from council reserves to meet the remainder of the 2014-2015 financial year and then to be funded either through the council tax, the use of council reserves or a combination of both, the funding of Colchester Borough street lights throughout the night to be met by this Council only until Essex County

Council is persuaded to reverse its unpopular and dangerous policy.

Essex County Council's own figures state that the measure, if funded by the council tax, would only cost residents of Colchester 3p per week per household and, whilst the Labour Group remains upset that local people would have to pay again for something that Essex County Council is already charging them, believes that accidents and certain types of crime increasing show that action has to be taken to get the lights back on."

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

- In paragraph 1 the deletion of the words "paying to" and their replacement with the words "requesting that "and the addition of the word "finds" after the words ""Essex County Council"
- In paragraph 2 the deletion of the all the words after the words "council reserves" and their replacement with the following words:-

', other funds or savings that the County Council sees fit to use for this purpose, or through the County Council seeking funding from the Green Investment Bank to upgrade all of the county's street lights. The Green Investment Bank has £3.8bn to make the country's infrastructure greener and stronger and it has stated that councils making this switch will be able to repay this funding quickly and then make up to 80% savings on electricity."

- In paragraph 3 the deletion of all the words from "Essex County Council" to already charging them" and their replacement with the words "This Council."

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

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

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

Those who voted for were:-

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

Those who voted against were:-

Councillors Bentley, Blundell, Cable, Chapman, Chillingworth, Davies, Ellis, Harrington, Hazell, Jowers, Kimberley, Lissimore, Martin, Sheane and Willetts.

Those who abstained from voting:-

Councillors Arnold, Buston, Jarvis, Quince, the Deputy Mayor (Councillor T. Higgins) and the Mayor (Councillor Elliott).

**(iii) Colchester Hospital University NHS Foundation Trust**

**Councillors Davies (in respect of her employment by the Trust) and Ellis (in respect of his spouse's employment by the Trust) declared a disclosable pecuniary interest in this item pursuant to the provisions of Council Procedure Rule 9(5) and left the meeting during its consideration and determination.**

**Councillor Graham (in respect of his employment by Holmes and Hills) and T. Young (in respect of his role as a Non-Executive Director of Southend University Hospital NHS Foundation Trust) declared a non-pecuniary interest in this item pursuant to the provisions of Council Procedure Rule 9(5).**

It was proposed by Councillor Harrington that:-

“This Council, responding to the concerns of the residents of the Borough of Colchester whose Hospital University NHS Foundation Trust has been placed in special measures, and noting the reassuring transparency of the Improvement Plan, commends to the Secretary of State for Health the significant progress the Trust has made to implement the Improvement Plan to lift itself out of special measures, and requests that the Secretary of State for Health affords to the Trust every possible support and resource available to him to enable the Trust to complete the Plan as expeditiously as practicable, so that the people of Colchester may once again enjoy the services of an NHS Hospital of which they can be proud.”

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

“The deletion of all the words after “This Council” and their replacement with the following words:-

- notes the reassuring transparency of the Colchester Hospital University Foundation Trust Improvement Plan, submitted for discussion at a recent Council Scrutiny meeting.
- requests that all local and national partners, including Colchester Borough Council, provide every possible support and resource to enable the Trust to complete

the Plan.”

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

On being put to the vote, the motion was carried (UNANIMOUS)

#### **(iv) Reduction in VAT for Tourist Attractions and Accommodation**

**Councillor Lissimore (in respect of her role as Vice Chair of Visit Essex) declared a non-pecuniary interest in this item pursuant to the provisions of Council Procedure Rule 9(5).**

It was proposed by Councillor T. Young that:-

“This Council believes the Government should reduce the rate of VAT for tourist attractions and accommodation from 20% to 5% in order to boost the tourism industry and economy in Colchester and across the United Kingdom. We note the campaign to cut VAT on tourism has support from backbench MPs from across the political spectrum.

A reduction in tourism VAT would lower the price of tourism services, encouraging more domestic and international tourists to travel to places like Colchester. The increase in visitors would provide a significant boost to local businesses, such as Colchester Zoo, and to our own attractions like Colchester Castle, and would lead to further investment, jobs, exports and economic growth across the UK.

From next year 25 out of the other 27 EU members states will enjoy the benefits of a reduced tourism VAT rates providing a significant competitive advantage to their tourism sectors.

A reduction in tourism VAT could be implemented by the Government immediately without any new legislation, would provide 123,000 jobs over 10 years and generate up to £3.9 billion each year for the UK economy. In the Colchester parliamentary constituency alone it has been calculated that 225 new jobs would be created and the local economy would be boosted by over £7.5million.

This Council calls on the Government to commit to reduce tourism VAT to deliver economic growth and investment for Colchester, and the wider UK economy.

A copy of this motion to be sent to our local Members of Parliament encouraging them to raise the issue at Westminster and support the campaign to reduce VAT on tourism.”

On being put to the vote, the motion was carried (UNANIMOUS).

**(v) firstsite**

**Councillors Bentley, Jowers and Turrell (in respect of their membership of Essex County Council) declared a non-pecuniary interest in this item pursuant to the provisions of Council Procedure Rule 9(5).**

Darius Laws addressed Council pursuant to the provisions of Council Procedure Rule 7(5). He believed that firstsite was now at a crossroads. There was a consensus emerging that it was not quite working. There was not enough art within the gallery and it was not attracting sufficient visitors. In terms of reputation it was underperforming. These issues needed to be addressed. He suggested that the twentieth anniversary of the Britpop rivalry between Oasis and Blur could provide the opportunity for an interesting and popular exhibition. This could link up to pubs and local music venues and would generate interest and visitors to firstsite and to Colchester more generally.

It was proposed by Councillor Quince that:-

“This Council, noting that The Arts Council Plan for 2011-15 sets a goal to become more audience focused, and an objective to develop arts support for people and places with the least engagement, calls upon the Arts Council to work with firstsite and other relevant partners to influence the programme to include a popular wide range of Colchester’s own contemporary artistic achievements.”

On being put to the vote the motion was carried (UNANIMOUS)

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

Questioner	Subject	Response
Verbal Questions		
Councillor Sheane	Why did the Portfolio Holder for Housing and Public Protection not consider the provision of public toilets in West Mersea was an essential service that Colchester Borough Council should provide, given that West	Councillor Bourne, Portfolio Holder for Housing and Public Protection, explained that the provision of public toilets was not a statutory duty and therefore, given the budget pressures facing the Council,

	<p>Mersea was a tourist resort? Would the Portfolio Holder meet with him and West Mersea Town Council to look at other options to keep the toilets open without them being a financial burden on West Mersea Town Council?</p>	<p>alternative ways of delivering the service needed to be explored. Offering town and parish councils the opportunity to take on the responsibility for the service was a proportionate response to enable the Council to provide its statutory duties. She understood why West Mersea Town Council was concerned but was pleased that they considered the service a priority and hoped therefore they would take on responsibility for three of the toilet blocks, as two other parishes had. The Borough Council would continue to maintain the toilet block at Willoughby Avenue.</p> <p>A full written response to the Town Council's queries would be sent shortly. The Town Council should consider this and contact her again if they had further queries.</p>
<p>Councillor Cable</p>	<p>Did the Portfolio Holder for Housing and Public Protection consider it was fair for Dedham Parish Council to take on the burden of toilet facilities when these were primarily used by 200,000 visitors Dedham received annually? Would the Portfolio Holder attend a meeting of Dedham Parish Council on 12 January 2015 to</p>	<p>Councillor Bourne, Portfolio Holder for Housing and Public Protection, explained that she was in communication with Dedham Parish Council on this issue and had sent further correspondence today. However, the Borough Council did not own the toilet blocks in Dedham at the Drift or the lease. The land was</p>

	explain her decision?	<p>leased by Dedham Parish Council from St Albans and Chelmsford Church Trust. The Borough Council had in fact been maintaining a toilet block that was not its responsibility.</p> <p>The Parish Council should consider the further correspondence and contact her again if they had further queries. Ward councillors were always welcome to contact her if they had concerns or queries.</p>
Councillor Jowers	What would happen to the toilet blocks in West Mersea if West Mersea Town Council did not take on responsibility for them?	Councillor Bourne, Portfolio Holder for Housing and Public Protection, explained that the decision would be published shortly and would be subject to call in. A full EQIA had been completed. As the Council would need to pay NNDR on the blocks if they were not used as toilets, they would need to be demolished if the Town Council decided they were not a priority.
Councillor Cory	In the light of a recent report by the Commons Environmental Audit Committee about the risk to public health from air pollution, to what extent had Colchester Borough Council worked to meet targets aimed at reducing air pollution? Was	Councillor Bourne, Portfolio Holder for Housing and Public Protection, explained that the Council had received £200,000 of funding from the Department of Transport to trial innovative technology that aimed to cut nitrogen

	the Council working towards a clean and green public transport network?	oxide exhaust emission from buses by 90%. This would be fitted to ten buses and the air quality at key locations monitored. She hoped that the bus companies would follow this example and fit similar technology in their vehicles.
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**46 Appointment of Honorary Aldermen**

*RESOLVED* that:-

(a) The revised process for the appointment of Honorary Aldermen contained at paragraph 3 of the Monitoring Officer's report be approved and adopted.

(b) The Monitoring Officer be authorised to made the necessary consequential amendments to the Constitution.

**47 Schedule of Decisions by Portfolio Holders**

*RESOLVED* that the Schedule of Portfolio Holder decisions covering the period 7 October 2014 - 1 December 2014 be approved and adopted.