

# **COLCHESTER BOROUGH COUNCIL**

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## **Council Meeting**

**5 December 2019, 6.00pm**

### **Supplementary Information**

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

**Apologies: None received**

#### **3. Minutes**

A... Motion that the minutes of the meeting held on 5 December 2019 be confirmed as a correct record.

#### **6. Items (if any) referred under the Call-in Procedure**

None

#### **7. Recommendations of the Cabinet, Panels and Committees**

To consider the following recommendation:-

##### **(i) North Essex Garden Communities Ltd – Approval of 2019/20 Interim Business Plan and Budget**

B... Motion that the recommendation contained in minute 377 of the Cabinet meeting of 4 September 2019 be approved and adopted (page 21 of the Council Summons).

##### **(ii) Local Council Tax Support 2020/21**

C... Motion that the recommendation contained in draft minute 398 of the Cabinet meeting of 20 November 2019 be approved and adopted (page 25 of the Council Summons).

##### **(iii) Officer Pay Policy Statement for 2020-21**

D... Motion that the recommendation contained in draft minute 399 of the Cabinet meeting of 20 November 2019 be approved and adopted (page 27 of the Council Summons).

##### **(iv) Colchester's Homelessness and Rough Sleeping Strategy 2020-21**

E... Motion that the recommendation contained in draft minute 201 of the Cabinet meeting of 20 November 2019 be approved and adopted (page 29 of the Council Summons).

**(v) Nomination for Deputy Mayor**

F... Motion that the recommendation contained in draft minute 406 of the Cabinet meeting of 20 November 2019 be approved and adopted (page 25 of the Council Summons).

**(vi) Review of Ethical Governance Policies**

G... Motion that the recommendation contained in draft minute 180 of the Governance and Audit Committee meeting of 26 November 2019 be approved and adopted (page 6 of the Supplementary Information).

**8. Adoption of the Eight Ash Green Neighbourhood Plan**

H.... Motion that the Eight Ash Green Neighbourhood Plan be made (adopted). (page 33 of the Council Summons)

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

**(i) Retention of Planning Authority Powers - WITHDRAWN**

**(ii) Local Electricity Bill**

Motion I

Proposer: Councillor Liddy

*Colchester Borough Council*

*(i) acknowledges the efforts that it staff have made to reduce greenhouse gas emissions and promote renewable energy;*

*(ii) recognises that councils can play a central role in creating sustainable communities, particularly through the provision of locally generated renewable electricity;*

*(iii) further recognises*

- that very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,*
- that making these financial costs proportionate to the scale of a renewable electricity supplier's operation would create significant opportunities for councils to be providers of locally generated renewable electricity directly to local people, businesses and organisations, and*

- *that revenues received by councils that became local renewable electricity providers could be used to help fund local greenhouse gas emissions reduction measures and to help improve local services and facilities;*

*(iv) accordingly resolves to support the Local Electricity Bill, currently supported by a cross-party group of 115 MPs, and which, if made law, would make the setup and running costs of selling renewable electricity to local customers proportionate by establishing a Right to Local Supply; and*

*(v) further resolves to inform the*

- *local media of this decision,*
- *local MPs after the General Election, asking them to support the Bill in the new Parliament, and*
- *organisers of the campaign for the Bill, Power for People, (at 8 Delancey Passage, Camden, London NW1 7NN or [info@powerforpeople.org.uk](mailto:info@powerforpeople.org.uk)) expressing support.*

As the motion relates to a non-executive function, it will be considered and determined by Council.

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

Pre-notified questions:-

- (i) Councillor Liddy to Councillor King, Portfolio Holder for Business and Resources

2019 was another year of climatic extremes. A wet spring followed by at times a very hot summer, including the hottest day on record. As the year draws to a close, will the Portfolio Holder for Business and Resources and all other cabinet members, along with all group leaders and members join me in expressing our thanks to our all CBC, CBH and Amphora employees, managerial, professional, administrative and manual, especially the recycling operatives, who have worked so hard this year to keep this Borough's services to their usual high standard?

- (ii) Councillor G. Oxford to Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety

*How can the 14 million disabled people be convinced that planning officers are capable of making the correct recommendation to Committee if the plans are impossible to be fully compliant with disability legislation?*

- (iii) Councillor G. Oxford to Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety

*Given the national changes to the criteria to eligibility for a blue badge which they stated could increase the number issued to triple, have we plans to increase the number of fully compliant disabled bays in our car parks especially the three (Britannia, Priory Street and*

*Vineyard Street) without height limiters?*

(iv) Councillor Davies to Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety

*Would the use of electric as opposed to petrol or diesel powered vehicles assist with bringing down levels of air pollution?*

*Noting Colchester Borough Council's press release of 28<sup>th</sup> March 2018 in which it announced plans to install EV charge points for shoppers, visitors and residents, and the Policy and Public Initiatives Panel papers of 6<sup>th</sup> March 2019 in which it was stated that one electric vehicle charging point at Priory Street is now being investigated, please can the Portfolio Holder tell me, in detail, what steps have already been taken, and what steps are planned, to install EV charge points in the borough?*

(v) Councillor Dundas to Councillor Higgins, Portfolio Holder for Customers

*It was noted in the latest Financial Monitoring Report for 2019/20 that income from Pools and Swimming Lessons are a total of £108,000 less than anticipated. This is disappointing, particularly bearing in mind Colchester's population is only going up.*

*Furthermore, Colchester provides just one 25m fitness pool and leisure pool for nearly 200,000 people on one site. Tendring and Braintree both provide three 25m pools over three sites for around 150,000 people each.*

*Can the Portfolio Holder for Customers therefore advise:*

- 1. What measure are being taken to address the shortfall in expected income to make our swimming offering more commercially appealing?*
- 2. How our costs of swimming pool provision compares with our neighbouring authorities per head?*

(vi) Councillor Bentley to Councillor Cory, Leader of the Council and Portfolio Holder for Strategy

*Like many residents in the Borough I received two versions of the latest paper edition of the Council's newspaper, The Centurion. One was hand delivered, the other sent in the post to the 'Occupier' at my home address. It appeared to have been sent from Liverpool as this was the return address.*

*I would be grateful if the Leader could please tell me:*

- 1. Why were copies of the Centurion hand delivered and posted?*
- 2. How many properties received both a hand delivered and posted copy?*
- 3. Who took this decision?*
- 4. How much did it cost the taxpayers of Colchester?*
- 5. What is the calculated Co2 emissions of such a double drop both in trees used and carbon expended in the double delivery?*
- 6. Does the Leader believe such an action fits in with the recently agreed Council motion on climate change?*

**11. Schedules of Decisions taken by Portfolio Holders**

To note schedules covering the period 1 October 2019 – 26 November 2019 (see page 117 of the Council Summons).

**12. Urgent items**

To consider any business not specified in this summons which by reason of special circumstances the Mayor determines should be considered at the meeting as a matter of urgency.

**14. Exclusion of the Public**

In accordance with Section 100A(4) of the Local Government Act 1972 motion to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**Extract from the draft minutes of the Governance and Audit Committee meeting of 26 November 2019**

**180. Review of the Council's Ethical Governance Policies**

The Committee were requested to review the Council's updated Ethical Governance Policies. Councillor King, Portfolio Holder for Business and Resources, and Hayley McGrath, Corporate Governance Manager attended to assist the Committee and presented the report. Members heard that the suite of policies presented to them were part of the Council's overall policy framework that set out the ethics of the organisation, ensuring that decision making was correct. The Committee were advised that it was good practice to review these policies on an annual basis, although no substantive changes had been made to these documents which the Committee had previously considered. If the Committee approved the draft policies presented to it, these would be referred to full Council for ratification.

The Committee were advised that the only policy which had been invoked during the past year had been whistleblowing policy following receipt of an anonymous email. A full investigation had taken place as a result of this email, and appropriate measures had been taken.

Hayley McGrath highlighted changes that had been made to the Data Protection and Acceptable Use policies to reflect changes brought about by the Data Protection Act 2018. The policies had been strengthened to demonstrate the Council's commitment to data protection. The Income and Debt Management Policy will be the subject of a thorough review in 2020.

Councillor Willetts noted that the policies were predominantly aimed at Council staff and queried whether they took account of the role and working practices of Councillors. In response, Councillor King explained that the policies were rooted in legislation and the policies represented a combination of the Council's interpretation of that legislation and best practice guidance within the statutory framework. Councillor King further commented that it is very helpful to have the same rules for both Members and staff and raising awareness of the requirements of the policies could be something dealt with through the Member Development Group in the future. Councillor Pearson pointed out that it was the individual responsibility of Councillors to ensure that they and their staff are aware of, and complied with, all the policies and rules that apply to them. Councillor Willetts made an enquiry as to the frequency of checks carried out on staff and Councillors to ensure compliance with the policies, and Hayley McGrath clarified that it was not Council policy to carry out routine checks, but that the rules and procedures gave the Council the authority to investigate any suggestion of wrongdoing thoroughly. All staff and Councillors had received training and guidance, and it was their responsibility ensure that data was handled and managed correctly. Councillors were reminded of their responsibility to notify Colchester Borough Council of anyone who was handling or managing data so that they could be advised whether this was permissible. The Committee were advised that data management had been improved recently through the ceasing of the practice whereby Council e-mails were forwarded to private e-mail addresses. The Committee considered that it would be appropriate for issues relating to the introduction of Councillors to the ethical governance policies and to councillors access to the Council's IT systems to be added to the update of the Review of Meetings and Ways of Working to be considered by the Committee in March 2020.

Councillor Willetts queried whether the Acceptable Use Policy could prevent legitimate criticism of Council policy by opposition Councillors. and whether such criticism would be classified as bringing the Council into disrepute. Councillor Barlow pointed out that anyone was entitled to express their fair opinion, and that there was a clear distinction between political criticism and bringing the Council into disrepute. Councillor Pearson reminded Members that common sense needed to be applied, and if there was any doubt then advice and guidance should be sought from the Monitoring Officer.

In response to an enquiry from Councillor Davidson, Hayley McGrath advised Members that the policies had been drafted by the relevant service area in the Council to which the policies applied, and that it was good governance practice to carry out this activity to ensure that policies were relevant to Colchester Borough Council and understood by both Officers and Members alike. Guidance offered by various relevant Local Government Organisations was followed, and used to assist, in the drafting of any policy. Although the review process necessitates some work from Officers, it is nonetheless a valuable process to follow.

*RESOLVED* that issues relating to the introduction of Councillors to the ethical governance policies and to Councillors access to the Council's IT systems to be added to the update of the Review of Meetings and Ways of Working to be considered by the Committee in March 2020.

*RECOMMENDED TO COUNCIL* that the revised Ethical Governance policies be included in the Policy Framework.