

Council

Wednesday, 21 October 2020

Attendees:

Councillor Christopher Arnold, 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 Helen Chuah, Councillor Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Simon Crow, Councillor Robert Davidson, 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 Mike Hogg, 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

398 Prayers

The meeting was opened with prayers by the Revered Canon Paul Norrington.

399 Apologies

The Mayor announced that apologies had been received from Councillor Jarvis.

Councillors Bourne, Fox, Harris, Jarvis, Liddy, Lilley, Pearson, Scordis, Warnes, Whitehead and J. Young were not present for the items at minutes 398-403.

400 Election of the Mayor

It was PROPOSED by Councillor Jowers, seconded by Councillor Goss and supported by Councillor G. Oxford and

RESOLVED that Councillor Robert Davidson be elected as Mayor of the Borough of Colchester for the remainder of the 2020-21 municipal year and for the 2021-22 municipal year.

Councillor Davidson took the customary oath and signed the declaration of acceptance of office.

Councillor Davidson then took the Chair and returned thanks for his election.

401 Election of the Deputy Mayor

It was PROPOSED by Councillor G. Oxford and *RESOLVED* that Councillor Tim Young be elected as Deputy Mayor of the Borough of Colchester for the remainder of the 2020-21 municipal year and for the 2021-22 municipal year.

Councillor Tim Young then signed the declaration of acceptance of office and returned thanks for his election.

402 Vote of Thanks to Retiring Mayor

It was PROPOSED by Councillor Goss and *RESOLVED* that the best thanks of the Council are due and are hereby accorded to Councillor Nick Cope for the admirable manner in which he has discharged the responsible duties of the Mayoralty during his period of office and that a transcript of this resolution under the Common Seal be furnished to him.

403 Mayor's Chaplain and Other Announcements

The Mayor announced that he had appointed the Reverend Dr Amanda Elmes to be his chaplain for his period of office.

The Mayor announced that he would be supporting the following charities:-

- Essex Air Ambulance
- Rural Community Council of Essex
- SSAFA
- St Helena Hospice
- East Anglia Children's Hospice
- Samaritans

The Mayor announced that the theme of his Mayoralty would be Helping Others.

404 Have Your Say! (Virtual Meetings)

A written statement submitted by Angel Kalyan pursuant to the provisions of Remote Meetings Procedure Rule 5(1) was read to Council. The statement called on elected members to address governance issues relating to statements made by the officers of the Council in respect of legal claim 9CO00038 she had brought against the Council.

Andrew Weavers, Monitoring Officer, was invited to respond to the statement. Claim 9CO00038 had been settled by Court Order in October 2011. A further claim brought Mrs Kalyan had been struck out by the Court as an abuse of process. As these matters had been settled by the Court the Council would not respond to these accusations she raised any further.

405 Minutes of the Previous Meeting (Council)

RESOLVED that the minutes of the meetings held on 15 July 2020 and 12 August 2020 be confirmed as a correct record.

406 Better Colchester Strategic Plan 2020-2023

RESOLVED that the recommendation contained in draft minute 494 of the Cabinet meeting of 2 September 2020 be approved and adopted.

407 Changes to the Hackney Carriage and Private Hire Licensing Policy

RESOLVED that the changes to the Council's Hackney Carriage and Private Hire Licensing Policy set out in paragraphs 5.4 to 5.8 of the Assistant Director's report be approved and adopted.

408 Planning for the Future

It was PROPOSED by Councillor Cory that:-

This Council notes the publication of the Planning White Paper Planning for the Future and expresses its concerns about the proposals it contains.

Current planning laws are already in favour of development with 90% of planning applications approved and approximately one million unbuilt permissions sitting with developers nationwide. Proposals outlined in the Planning White Paper Planning for the Future further distances local residents and local democracy from the planning process.

This Council therefore resolves to object to any potential detrimental national and local planning policies and calls on our three MPs representing Colchester Borough to support the following consultation responses:

- **Diminishing local input:** *The proposals contained within the White Paper risk diminishing the role of planning authorities, planning committee members and ward councillors. Automatic permission granted in "growth areas" and permission in principle in "renewal areas, give no democratic oversight of local development;*
- **Sites already have permission:** *The million sites nationwide currently in the system with existing planning permissions for houses that have not yet been built, or even started to be built, along with the high proportion of planning applications that are agreed, are a clear sign that the planning process is not a barrier to development;*
- **Give Local Authorities, Parish, Town and Community Councils more power and resources:** *While the current planning system is not perfect this is at least in part due to reductions in central government funding to local planning authorities which have, in turn, led to local authorities reducing expenditure on planning services. Such reductions have affected both the processing of planning applications and enforcement activities;*
- **Targets for Affordable Housing must be met:** *Strengthen our hand in providing affordable housing and reform viability assessment criteria that allow developers to get away without providing adequate affordable housing.*
- **Net-zero Carbon development needed now:** *Implement a much earlier target for net-zero carbon standards for new build-housing. 2050 is too late, investment must be given to enable net-zero building from now on;*

- **Contributions must benefit communities not developers:** The ‘nationalisation’ of the level of developer contributions could assist large national developers at the expense of local communities. Faster is not always better when local community infrastructure requires thoughtful development. Proposals must encourage the use of local, small and medium developers, as well as self-build;
- **Neighbourhood Plans:** Neighbourhood Plans are an effective tool for the community to shape local areas, including local infrastructure, services and housing. They must be supported and strengthened in any future planning reforms.

In addition to making these points to the government, we ask that our three MPs support Colchester Borough Council’s ‘Planning for the Future: White Paper August 2020’ Consultation response.

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

409 Saving Paxman Factory

Councillor Barber (in respect of his family’s ownership of a manufacturing business) and Councillor J. Maclean (in respect of her business undertaking business with Paxmans) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).

It was PROPOSED by Councillor Scordis that:-

This Council notes the sad news that Colchester's historic Paxman factory is due to close as MAN Energy Solutions look to uproot to Stockport. This will lead to the end of the manufacture of Colchester's historic diesel engine, which has previously been used by the Ministry of Defence and British train stock, until contracts were cancelled for cheaper models outside Britain.

This Council also calls on Will Quince MP to lobby the Ministry of Defence and train companies to look at providing contracts to Paxmans to keep this historic factory running and protect local jobs and manufacturing in Colchester.

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

That the motion on Saving Paxman Factory be approved and adopted subject to the following amendments.

In the second sentence of the first paragraph, the deletion of the words “, until contracts were cancelled for cheaper models outside Britain.”

The addition of the following words at the end of the first paragraph: “As we move

towards a carbon neutral economy and more trainlines are electrified the demand for these diesel engines is inevitably declining but it is regrettable that investment was not made in Colchester by MAN to enable a move to manufacture renewables and other modern power plants “

The addition of the following words at the start of the second paragraph: “As preference for UK manufacturers is currently not possible under EU public procurement law outside of security critical areas, “

The deletion of the following words in the second paragraph “train companies to look at providing contracts to Paxmans” and their replacement with the following words: “Department of Transport to take advantage of any new rules which may apply after the end of the transition period on December 31 2020 and look at giving preference to UK manufacturers, and to MAN Energy Colchester in particular, in procurement matters”

Councillor Scordis indicated that the main amendment was not accepted. On being put to the vote the main amendment was approved and the motion was deemed amended accordingly (TWENTY THREE voted FOR, SIXTEEN voted AGAINST and SEVEN ABSTAINED from voting). The revised wording of the motion was as follows:-

This Council notes the sad news that Colchester's historic Paxman factory is due to close as MAN Energy Solutions look to uproot to Stockport. This will lead to the end of the manufacture of Colchester's historic diesel engine, which has previously been used by the Ministry of Defence and British train stock. As we move towards a carbon neutral economy and more trainlines are electrified the demand for these diesel engines is inevitably declining but it is regrettable that investment was not made in Colchester by MAN to enable a move to manufacture renewables and other modern power plants.

As preference for UK manufacturers is currently not possible under EU public procurement law outside of security critical areas, this Council also calls on Will Quince MP to lobby the Ministry of Defence and Department of Transport to take advantage of any new rules which may apply after the end of the transition period on December 31 2020 and look at giving preference to UK manufacturers, and to MAN Energy Colchester in particular, in procurement matters to keep this historic factory running and protect local jobs and manufacturing in Colchester.

On being put to the vote the motion as amended was approved and adopted (FORTY FIVE voted FOR, NONE voted AGAINST and TWO ABSTAINED from voting).

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

Questioner	Subject	Response
Oral questions		
Councillor Moore	Why had the North Essex Parking Partnership (NEPP) failed to consult with businesses and Councillors before installing double red lines on Coast Road and Victoria Esplanade, West Mersea. The impact on businesses was such that the lack of consultation on the grounds that the lines were temporary was not justified. To have “no stopping” restrictions along the length of Victoria Esplanade when car parks were closed was absurd, and mesh matting should be used to allow car parks to be open all year.	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, indicated that a written response would be sent.
Councillor Moore	When was the revised response to the Bradwell B consultation sent? Why had the response not been shared with Councillors as had been promised?	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, indicated that a written response would be sent.
Councillor Barton	She had been campaigning for the Council to plant wild flowers on verges. Could the Portfolio Holder provide an update on progress on this issue?	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation explained that Cabinet had recently adopted a wilding policy, which listed some areas that would be allowed to grow wild. The Council was liaising with Essex County

		<p>Council on how that policy could be extended, whilst maintaining highway safety, and they were supportive of the work. As well as allowing areas to grow wild, the Council was looking at seeding wild flowers in some areas.</p>
<p>Councillor Barton</p>	<p>Given the reports of how the Covid 19 pandemic had impacted on tourism, could the Portfolio Holder provide an update on how the Castle was faring?</p>	<p>Councillor J. Young, Portfolio Holder for Culture and Performance, explained that the Castle was a very safe environment for visitors. Whilst numbers were down to approximately 70% of the previous year's levels, this compared well with other regional museums which were down on average to approximately 30-50% of normal levels and national museums which were down to approximately 12%. The Castle also had a Turner painting on display, which would help attract visitors. It was continuing its educational work by providing resources to schools who were unable to visit.</p>
<p>Councillor Scott-Boutell</p>	<p>Could the Portfolio Holder provide an update on the CCTV upgrade in the town centre? How was it funded and what were the upgrades?</p>	<p>Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, indicated that a written response would be sent, although he would not be able to provide</p>

		details of the camera locations.
Councillor Harris	From his work with Schools in Bloom he was aware of the valuable work that Firstsite did in the community. Could the Leader of the Council find a way of thanking Sally Shaw MBE for their work throughout the pandemic?	Councillor Cory, Leader of the Council and Portfolio Holder for Strategy indicated that he would acknowledge the work done by all the major arts organisations in Colchester.
Councillor Hazell	Could the Portfolio Holder provide an update on the report by the surveyors on the Eudo Road Tennis Centre?	Councillor Higgins, Portfolio Holder for Commercial Services, explained that the Council had to make difficult decisions in view of the current budget position. The site needed considerable investment in order to future-proof it and the extent of that needed to be ascertained. Decisions would need to be made as to whether that would provide good value or that the funding could be better invested elsewhere. However no decision had been made and she had not yet received the surveyors report. Ward Councillors would be updated when more detailed information was available.
Councillor Scott-Boutell	Could the Portfolio Holder provide a reassurance that trees planted as part of the Woodland Project were	Councillor King, Portfolio Holder for Business and Resources, explained that it was inevitable that the

	being monitored, particularly in view of the dry summer?	dry summer would have an impact on some of the trees and the results of the planting had been variable. This would be picked up in the next phase of planting work, and there were plans to plant another 10,000 trees. Details would follow shortly.
Councillor Scott-Boutell	Could the Portfolio Holder update Council on the progress of the 100 Homes Project?	Councillor Fox, Portfolio Holder for Housing, explained that this was an investment of £22 million to purchase 100 ex-Council homes. Ten properties had already been located. All the properties would be brought up to a Band B energy rating. The project contributed to a wider house building programme and building was underway at Creffield Road and in Aldham, and further sites were on stream.
Councillor Pearson	Would the Portfolio Holder for Commercial Services join with him in congratulating the political and managerial leadership of the Council for the award of Best Commercial Council at the Municipal Journal awards? Did the Portfolio Holder agree that the judges' comments on the District Heat Network demonstrated the administration's green credentials?	Councillor Higgins, Portfolio Holder for Commercial Services, expressed her thanks to all the officers involved. She explained that the judges had recognised the Council's vision in establishing the three trading companies, and had particularly singled out Colchester Commercial Holdings Ltd's achievements to date. These included the District Heat Network at Northern

		Gateway, its house-building programme, the development of Northern Gateway Sports Park and the delivery of ultra-fast broadband. She agreed that the judges' comments were an endorsement of the administration's green credentials.
Councillor Luxford Vaughan	Could the Clean Air Project be rolled out to other wards outside the town centre? Wivenhoe had air quality issues, particularly around schools, where re-education was required. Were there plans to monitor the air quality in Wivenhoe?	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that the project had started in the most polluted areas, such as Brook Street. However, the project would work with schools across Colchester and that could include Wivenhoe. Air quality was monitored across Colchester. He would check the position in Wivenhoe and provide details.
Councillor Barber	Would the Portfolio Holder agree that following the debate on Paxmans that a plan for green manufacturing and green jobs at the heart of a new Economic Strategy for the borough on the agenda for the next meeting of the Local Plan Committee?	Councillor J. Young, Portfolio Holder for Culture and Performance, indicated this would be worthwhile and that she would raise the issue with the Chair of the Local Plan Committee.
Councillor Barber	Following a planning appeal that the Council had recently lost relating to Braiswick, the Inspector had concluded that the Council had behaved unreasonably and	Councillor J. Young, Portfolio Holder for Culture and Performance, indicated that a written

	<p>therefore costs had been awarded against the Council. Could an urgent review be undertaken to see what had gone wrong, as it would impact on the deliverability of Part 2 of the Local Plan.</p>	<p>response would be provided.</p>
<p>Councillor Goacher</p>	<p>In respect of the procurement of the land for the Alumno site that was covered by the covenant, could the Portfolio Holder explain why as ward councillor he could not see the objections to the acquisition of the land? Why did the Council not simply state that it did not want to override the covenant?</p>	<p>Councillor King, Portfolio Holder for Business and Resources, acknowledged that the Council had a statutory duty in relation to Freedom of Information and a duty to provide all members with the information they needed. The issue was not about the procurement of the land. The Council had a contractual relationship with Alumno, from which certain obligations resulted. These included due process on the issue of appropriations. This would not result in the loss of rights, but a time limited suspension. All members would have a right to see the Part B information that would be considered by Cabinet when it considered the information but this would be presented in a way that respected individual rights and GDPR considerations. The Council had a duty to do what it could to promote its local economy, particularly given the current situation. The Alumno scheme was</p>

		£40 million investment on a site where successive developments had failed and would generate jobs and increased footfall in that part of the town centre.
Councillor Warnes	Would the Portfolio Holder continue with the budget workshops in line with the recommendation of the Policy Panel that there should be greater participation in the budgeting process	Councillor King, Portfolio Holder for Business and Resources, indicated that the workshops would continue. Three had been held to date and considerable valuable information had been shared with members.
Councillor Willetts	Could the Portfolio Holder consider changing the system for reporting missed collections of waste and recycling so that it operated in as close to real time as possible?	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, indicated that a written response would be sent.
Councillor Bentley	Could the Portfolio Holder confirm that the revised response to the Bradwell B consultation had been sent, and if so, what did it say?	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, confirmed that the response was sent. He thought it had been shared with all councillors, but he would arrange for it to be circulated.
Councillor Crow	Could the Portfolio Holder explain why missed waste and recycling collections at the Mill Apartments at Grosvenor Place were so frequent. Residents of flats did not have the space to store rubbish or recycling, or kitchen waste caddies. Therefore when the waste	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, indicated that a written response would be sent.

	was not collected, or the waste storage facilities were full, it attracted wildlife and vermin.	
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411 Schedule of Portfolio Holder Decisions

RESOLVED that the schedule of Portfolio Holder decisions for the period 3 July 2020 – 2 October 2020 be noted.