

Council

Wednesday, 15 July 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 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

382 Prayers

The Revered Lorraine Badger-Watts opened the meeting with prayers.

383 Have Your Say! (Virtual Meetings)

Nick Chilvers addressed Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1) about the funding of non-statutory services and Northern Gateway Sports Park. He supported the call for a review of non-statutory services, which should establish which were well used and those that supported vulnerable groups or public safety. A detailed review of sports and leisure needed to be undertaken. Many of the activities carried out at Leisure World were already well provided for by commercial companies. The pool should be retained, and the rest of the building repurposed or contracted out. In terms of the Northern Gateway Sports Park, the Council needed to ensure that the finance from partners was assured in the long term. It was an ambitious scheme and was a big risk, given the uncertainty of how many Colchester residents

would actually pay to use it regularly. Overall as the Council looked at its services it needed to keep those that the majority used and those that alleviated hardship.

In response, Councillor King, Portfolio Holder for Business and Resources, stressed that the only way out of the financial challenge facing the authority was by working together and looking in depth at all the services the Council provided. Whilst a distinction could be drawn between discretionary and non-discretionary services, the situation was more complex than that suggested. Information would be shared on the budget position and situation had already been looked at in depth in a robust scrutiny session. Northern Gateway enjoyed support from an impressive list of partners. It would be a major asset for the borough. Some residents understood the challenge facing the Council and appreciated that it would have to trim its budgets. The Council would take soundings as it proceeded and would look to provide for the vulnerable.

384 Minutes of the Previous Meeting (Council)

RESOLVED that the minutes of the meeting held on 13 February 2020 be confirmed as a correct record.

385 Mayor's Announcements

The Mayor announced that in view of the Covid 19 pandemic he had only been able to attend a limited number of events, including:

- Victory in Europe Day;
- The Opening of the Stanway Foodbank;

The Mayor thanked Councillor Davidson for attending Armed Forces Day. The Mayor also announced the following forthcoming events:-

- Victory Japan Day, 15 August 2020
- Opening of the Oyster Fishery 4 September 2020;
- Arnhem Service, 17 September 2020

The Mayor expressed his sadness and regret at the death of long serving Essex County Councillor Rodney Bass and paid tribute to Beverley Davies who had recently retired from the Council after serving for over 12 years.

386 COVID 19 Budget Changes 2020-21 and Budget Strategy 2021-22

Councillor King (in respect of being a director of North Essex Garden Communities Ltd) and Councillor J. Young (in respect of being a substitute director of North Essex Garden Communities Ltd) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Bentley (as an executive member of Essex County Council, who were shareholders in NEGC Ltd) declared a pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.

Councillor King moved the recommendation contained in minute 458 of the Cabinet meeting of 3 June be approved and adopted.

On being put to the vote the motion was lost (TWENTY TWO voted FOR, TWENTY SIX voted AGAINST and TWO ABSTAINED from voting).

A named vote having been request pursuant to the provisions of Council Procedure Rule 15(2) the voting was as follows:-

FOR: Councillors Barlow, Barton, Bourne, Chuah, Cory, Fox, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, McCarthy, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead, J. Young, T. Young and the Mayor (Cope).

AGAINST: Councillors Arnold, Barber, Buston, Chapman, Chillingworth, Crow, Dundas, Elliott, Ellis, Goacher, Hayter, Hazell, Jarvis, Lissimore, Loveland, Luxford Vaughan, F. Maclean, J. Maclean, Moore, B. Oxford, G. Oxford, P. Oxford, Willetts, Wood and the Deputy Mayor (Davidson).

ABSTAINED FROM VOTING: Coleman, Jowers

387 COVID 19 Finance Update

Councillor Warnes (as a board member of Colchester Commercial Holdings Ltd) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

RESOLVED that the recommendation contained in minute 478 of the Cabinet meeting of

8 July 2020 be approved and adopted (TWENTY EIGHT voted FOR, NONE voted AGAINST and TWENTY TWO ABSTAINED from VOTING)

A named vote having been request pursuant to the provisions of Council Procedure Rule 15(2) the voting was as follows:-

FOR: Councillors Barlow, Barton, Bourne, Chuah, Coleman, Cory, Fox, Goacher, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, Luxford Vaughan, McCarthy, B. Oxford, G. Oxford, P. Oxford, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead, J. Young, T. Young and the Mayor (Cope)

AGAINST : None

ABSTANED FROM VOTING: Councillors Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Dundas, Elliot, Ellis, Hayter, Hazell, Jarvis, Jowers, Lissimore, Loveland, F. Maclean, J. Maclean, Moore, Willetts, Wood and the Deputy Mayor (Davidson).

388 Review of Governance Recommendations

Councillor Warnes (as a board member of Colchester Commercial Holdings Ltd) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

RESOLVED (UNANIMOUS) that the recommendations contained in minute 477 of the Cabinet meeting of 8 July 2020 be approved and adopted.

389 Stanway Western Approach Community Facility

RESOLVED (UNANIMOUS) that the recommendation contained in minute 475 of the Cabinet meeting of 8 July 2020 be approved and adopted.

390 Scrap Metal Dealers Policy

Councillor Warnes (as a board member of Colchester Commercial Holdings Ltd) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

RESOLVED (UNANIMOUS) that the recommendation contained in minute 104 of the Licensing Committee meeting of 10 July 2020 be approved and adopted.

391 Motion of Thanks

It was proposed by Councillor Bourne on behalf of all Group Leaders that:-

“This Council recognises the considerable effort undertaken by many in our Borough during the pandemic crisis that in turn has created a force for good. The consolidation of community effort in neighbourhoods across the whole of Colchester Borough has uplifted spirits and brought pride to this Council.

The loss of family and friends to COVID19 and the lack of time to effectively mourn their passing is a cruel and brutal blow for bereaved residents. This Council extends its heartfelt sympathy to all those who have lost loved ones over the past four months.

In addition this Council:

- expresses its warmest thanks to the thousands of critical workers across the Borough, and from outside our Borough, who kept vital services running during full lockdown in very challenging circumstances. Many carried out extra shifts and duties when called to do so at short notice;
- is grateful to the hundreds of volunteers who put their names forward to help neighbours, colleagues and residents with prescription collection, basic shopping trips, befriending phone calls, social media and IT help, plus a variety of other support tasks to keep vulnerable residents safe and connected;
- notes the strategic and operational effort from local councillors working in their ward and assisting residents;
- thanks Parish, Town and Community Council groups who administered support to vulnerable residents at a local level;
- recognises the contribution of Colchester Borough Council staff who kept essential services running, some undertaking new temporary roles to boost crucial services;
- highlights the work of Colchester Borough Homes staff who kept residents safe and protected through their caring and diligent work;
- appreciates the tireless work of Community 360 staff and volunteer base in extending caring support to the most vulnerable residents by building a large team of volunteers that continue to offer daily help;
- pays tribute to the knowledge, skills and expertise of senior council officers in coordinating work with other public sector bodies involving health, police, probation, fire and rescue, social care and the Essex Resilience Forum.

This Council appreciates every kind endeavour shown by residents during these

unprecedented times. Whilst we recognise that the pandemic still rages around the world, in Colchester local actions prove to be strong, supportive and resilient, this is testament to every individual act of kindness.

COVID-19 is still present in our community and we urge residents to stay alert and safe while following the precautions laid down locally and nationally. Colchester is rebuilding and we need everyone to play their part.”

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

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

Questioner	Subject	Response
Oral questions		
Councillor Moore	In 2008 following a detailed study by the Overview and Scrutiny Panel the Council had responded to a consultation making clear its opposition to a further nuclear power station at Bradwell. In 2015 the then Leader of the Council Councillor Smith had indicated that the Council's position had not changed. Could the Portfolio Holder explain why the Council's response to the latest consultation sat on the fence, leaning towards approval and who had authorised the response. It emphasised the economic benefits of the development.	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, explained that he was totally opposed to nuclear power, and that he was not happy with the proposals put forward in the consultation. If Colchester Borough Council had been the planning authority it would have opposed the proposals. The response did “sit on the fence”, and he would have liked to send a more robust response. The response had to address the technical matters raised. He had also asked for the public consultation to be reinstated and held over a longer period, but the developers were reluctant to do so. It was noted that Maldon District Council had

		<p>objected, and the Council would probably support their stance.</p> <p>Whilst the Council appreciated the economic benefits that could accrue from the development, it would rather see the development of greener forms of energy. The Cabinet was opposed to the development and would send a more robust response in future.</p>
Councillor Harris	<p>Following the government's decision to allow restaurants and pubs to open again there were examples across the borough of venues not taking public safety seriously. Would the Portfolio Holder agree that a strong message needed to be sent to the trade?</p>	<p>Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, expressed his dismay at the situation. When establishments had first reopened there had been good compliance with the regulations. However this had deteriorated and particularly in smaller venues or away from the town centre, guidance was not always adhered to. The public needed to take responsibility and not use such venues. The Council and police had visited the most problematic venues but as the guidance did not have the force of law, there was no effective sanction. The Council would consider using its licensing powers against those who did not comply with the guidance.</p>

Councillor Barber	Following the vote on NEGC Ltd earlier in the meeting, would the Council commit to an independent transparent audit on decision making and use of tax-payers money in respect of North Essex Garden Communities Ltd?	Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that he felt that the Scrutiny Panel was best placed to undertake such a review, or to consider whether such a review should be conducted independently.
Councillor Barber	Would the Council agree to a capital investment for secure cycle storage in Council owned car parks and other Council land to promote cycling?	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, explained that as part of the Parking Strategy, which was out to consultation at present, the Council was looking to replace some car parking spaces in town centre car parks with cycle storage. Some people considered that this was too far out and would prefer cycle parking in the High Street, which was disappointing.
Councillor Hazell	Was the Council considering building on the site of the West End Tennis Centre. A surveyor from Colchester Amphora had been on the site last week which had raised concerns about the future of the site. She had received information indicating that the Council was seeking relocate the tennis centre to Leisure World in 5-6 years, and that in the interim there would be no provision for tennis in Colchester.	Councillor Higgins, Portfolio Holder for Commercial Services, indicated that the Council was undertaking a feasibility study on all of its sites. Once it was complete, findings would be shared with ward councillors.

Councillor Pearson	Would the Portfolio Holder agree that the use of wheeled bins in some wards had improved the Council's environmental performance and therefore should be rolled out to all parts of the borough.	Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that 12,932 households in the borough currently used wheeled bins. There were no plans to introduce wheeled bins across all of the borough, although there was interest from some residents and ward councillors in a further roll out. Wheeled bins were better in terms of staff welfare and caused less injury and sickness. 83% of Councils used wheeled bins.
Councillor Dundas	Would the Portfolio Holder clarify Labour Group policy on Alumno as an official Labour account had stated or heavily implied that it was Labour Party policy to campaign for Essex County Council not to lift the covenant on the Alumno site. How did that fit with the administration's duty to use reasonable endeavours to do the opposite? Were the legal risks to the Council of such a message cleared with the Monitoring Officer in advance?	Councillor J. Young, Portfolio Holder for Culture and Performance, indicated that a written response would be sent.
Councillor Crow	He had been contacted by a resident who lived between the Minories and the top of Queen St who understood that the Council wished to negotiate on their rights of	Councillor J. Young, Portfolio Holder for Culture and Performance, indicated that a written answer would be provided.

	<p>access to bus park in order to proceed with the Alumno development. They had received no direct contact from the Council or its agents. The resident was concerned that they might lose their right of way to access to their property. Could the Portfolio Holder confirm that the Council would not seek to permanently remove the right of way if negotiations were unsuccessful? Could they also confirm that if Essex County Council did not lift the covenant on the site, no legal work around would be sought to bypass this and a line would be drawn. What deadline would the Council put on negotiations should Essex County Council refuse to lift the covenant?</p>	
Councillor Warnes	<p>The condition of Berechurch Dyke was a cause of concern. This was an important part of Colchester's Iron Age heritage. The Dyke was in the ownership of the Ministry of Defence (MOD). Would the Portfolio Holder for Culture and Performance work with him to raise residents' concerns with the MOD?</p>	<p>Councillor J. Young, Portfolio Holder for Culture and Performance, indicated that she would work with Councillor Warnes on this issue.</p>
Councillor Jowers	<p>Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public</p>	<p>Councillor Cory, Leader of the Council and Portfolio Holder for Strategy,</p>

	<p>Safety, had indicated in his previous answer to Councillor Moore that he did not oppose the construction of the new nuclear power station at Bradwell. A major debate on the issue was necessary so that the Council's position was clear and that all information could be discussed openly.</p>	<p>indicated that Councillor Lilley had misspoke and meant to say that he would rather it was not built. He shared his feelings and had sat on the Scrutiny Panel when it had looked into these issues. He was aware of the impact of nuclear power on the Blackwater Estuary. He was opposed to nuclear power locally and nationally. At this point the Council should seek further information and further consultation, particularly with residents of Mersea. He was content to open up the issue to further debate.</p> <p>Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, indicated that he had misspoke and gave an assurance that he did not wish to see a further nuclear power station built at Bradwell. He had been a member of both the Campaign for Nuclear Disarmament and Greenpeace.</p>
Councillor Hogg	<p>Would the Portfolio Holder for Communities, Wellbeing and Public Safety meet with him to discuss the repair of CCTV cameras in his ward, which currently gave a false</p>	<p>Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, indicated that he would be happy to meet to discuss this issue.</p>

	sense of security to residents.	
Councillor J. Maclean	<p>In the Cabinet report titled “Stanway Western Approach Community Facility” the Executive summary highlights section 106 contribution amounts totalling approximately £1.8million with contributions received so far totalling £1.2million.</p> <p>It is being recommended delegated authority for Stanway’s new community facility is assigned to the Assistant Director of Community at the Council who will be able to make decisions relating to procurement and the award of contracts in consultation with the Portfolio Holder for Communities, Wellbeing and Public Safety.</p> <p>However it appears this recommendation is only being considered, a) subject to all section 106 funding being received and b) the successful tender remaining within budget.</p> <p>With a noticeable shortfall of what appears to be around £600k between section 106 contributions agreed and section 106 contributions received, could the Portfolio Holder for Communities, Wellbeing and Public Safety</p>	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, indicated that a written response would be sent.

	<p>please confirm if this shortfall in received section 106 funds could delay the delivery of Stanway's much needed community facility.</p> <p>Could the Portfolio Holder for Communities, Wellbeing and Public Safety also confirm if such a delay could exist, subject to expiring section 106 contributions suggested to expire in 2023 (point 13.1 in the aforementioned report), what risk is there that Stanway residents could miss out on the proposed community facility from being built altogether.</p> <p>Also, how much in financial terms of section 106 contributions from development within Stanway has been allocated to the Councils Northern Gateway project.</p>	
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393 Schedule of Portfolio Holder Decisions

RESOLVED that the schedule of Portfolio Holder decisions covering the period 4 February 2020 – 2 July 2020 be noted.

394 Urgent Items (Council)

With the consent of the Mayor, Councillor Dundas invited Council to express its thanks to former Councillor Davies and to recognise her work as the Chair of the Scrutiny

Panel. She had earned respect across the political groups for her professionalism and fairness.

RESOLVED that the Council's thanks to former Councillor Davies for her service as a Councillor and as Chair of the Scrutiny Panel be formally recorded.