

Council

Thursday, 08 December 2016

Attendees: Councillor Christopher Arnold, Councillor Lewis Barber, Councillor Nick Barlow, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Roger Buston, Councillor Karen Chaplin, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Beverly Davies, Councillor John Elliott, Councillor Andrew Ellis, Councillor Annie Feltham, Councillor Adam Fox, Councillor Martin Goss, Councillor Dominic Graham, Councillor Dave Harris, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Mike Hogg, Councillor Brian Jarvis, Councillor John Jowers, Councillor Darius Laws, Councillor Cyril Liddy, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Patricia Moore, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Rosalind Scott, Councillor Jessica Scott-Boutell, Councillor Lesley Scott-Boutell, Councillor Paul Smith, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

Substitutes:

160 Prayers

The meeting was opened with prayers by the Reverend Ken Chalmers.

161 Apologies

Apologies were received from Councillors Davidson, D. Ellis and F. Maclean.

162 Minutes (Council)

RESOLVED that the minutes of the meeting held on 2 November 2016 be confirmed as a correct record.

163 Have Your Say! (Council)

Marcus Harrington addressed Council pursuant to the provisions of Council Procedure Rule 7(5) to express his concern about the size of the new garden waste sacks, which

had a capacity 26 litres smaller than the previous sacks. This was a significant reduction in size and in the service provided to residents. Their reduced size made them more difficult to use and they should be removed from service.

Councillor Graham, Portfolio Holder for Waste and Sustainability, explained that the smaller size was the result of a manufacturing error. Any resident wishing to replace the smaller bags should contact the Council.

Amanda Kirk of Colchester Green Party and the People's Assembly, addressed Council pursuant to the provisions of Council Procedure Rule 7(5) to express her concern about the circumstances surrounding the eviction of the Parker family. This had been very distressing for the family. Large amounts of taxpayers' money had been spent on court fees and taxpayers were also being put at risk of a significant compensation payment. If the case was as straightforward as claimed, the Council should produce the paperwork to support its case

Diane Stevens addressed Council pursuant to the provisions of Council Procedure Rule 7(5) to express her concern about the eviction of the Parker family and stated that she was ashamed to be part of a society that treated the vulnerable and homeless in this way.

Lee Parker addressed Council pursuant to the provisions of Council Procedure Rule 7(5). He thanked members of the public and Councillors for the support his family had been given. He highlighted the costs that had been incurred so far on his case and that further costs, such as storage costs, continued to be incurred. Shelter had asked Colchester Borough Homes to reconsider its position, but it had declined to do so. It had also been suggested that his family split into two units in order for them to be housed. The difficulty of getting a foothold in the private sector was stressed.

Autumn Parker addressed Council pursuant to the provisions of Council Procedure Rule 7(5) to explain how distressing the eviction of their family had been and the impact it had had on her family.

In response to the speakers, Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated that some of the issues raised were outside the jurisdiction of the Council. Concerns about the conduct of the eviction needed to be made to the appropriate authorities. He would be meeting with Mr Parker next week to discuss how he could assist. The Council wanted to build more Council housing but recent changes in government policy prevented this.

The Mayor invited Council to stand for a minutes silence in memory of former Councillor Eddie Plowright and Honorary Alderman Tony Webb who had recently died.

The Mayor announced the following forthcoming Mayoral and civic events:-

- Military Wives Choir Christmas Concert, Moot Hall, 15 December 2016
- “A Christmas Carol” performance by Anthony Roberts, Mayoral Suite, 17 December 2016
- Civic Carol Service, St Botolphs, 18 December 2016

The Mayor announced that the Council had won the Environmental Awareness category at the Essex Business Awards. Oliver Rogers of Essex and Suffolk Water, who sponsored the award, presented the award to the Mayor. He highlighted the size and scale of Colchester Borough Council’s plans and how this made a difference to residents and paid tribute to the work of Wendy Bixby, Sustainability and Projects Officer.

165 Adoption of Myland and Braiswick Neighbourhood Plan

RESOLVED that the recommendation made in minute 90 of the Local Plan Committee meeting of 7 November 2016 be approved and adopted.

166 Adoption of Boxted Neighbourhood Plan

RESOLVED that the recommendation in minute 91 of the Local Plan Committee meeting on 7 November 2016 be approved and adopted.

167 Establishment of the North Essex Garden Communities Local Delivery Vehicles and Funding Requirements

Councillors Bentley (in respect of his membership of Essex County Council), Jowers, Lissimore (in respect of their membership of Essex County Council Development Regulation Committee) and Goss (as Vice Chairman of Myland Community Council) declared a non-pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).

Rosie Pearson of CAUSE addressed Council pursuant to the provisions of Council Procedure Rule 7(5). CAUSE accepted the need for more housing, but this needed to be of the right type and in the right place. The proposed garden community at West Tey was opposed as CAUSE did not believe that the necessary infrastructure would be upgraded to support the new population. The Council needed to look at the financial modelling and risks very carefully and ensure that these were understood. It should also

look elsewhere at alternative delivery methods. Garden settlements were not the only way to solve the housing crisis. This was a risky vanity project, and she called on Council to support the main amendment.

William Sunnocks of CAUSE addressed Council pursuant to the provisions of Council Procedure Rule 7(5). CAUSE was not opposed to housing and had suggested alternative ways of delivering housing. The structure of the Local Delivery Vehicles was very important and there was concern about the lack of local representation on them. There was no provision to provide a legacy for local communities. There was a wall of secrecy around the project, which was justified by claims of commercial confidentiality. The West Tey settlement should be removed from the structure. The Council should take its time and get the project right.

Mark Goacher addressed Council pursuant to the provisions of Council Procedure Rule 7(5). Whilst the need to build more housing to meet the needs of the homeless was accepted, garden communities would not address this. The solution was to build more Council housing but central government prevented this, and to make the private rented sector more affordable. Garden communities were essentially new towns. The details about the provision of health services were sketchy, and existing resources were already stretched. The proposed communities would create huge urban sprawl on greenfield sites whilst there were still brownfield sites that had not been developed.

It was proposed by Councillor Smith that the recommendations contained in minute 117 of the Cabinet meeting on 30 November 2016 be approved and adopted.

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

“That the motion on the Establishment of the North Essex Garden Communities Local Delivery Vehicles and Funding Requirements be approved and adopted subject to the following amendments:-

- to add after the words “Motion that recommendations” the following words: “(n), (o), (p) and (r). “
- Add after the word “adopted” “but that in regard to recommendation (q) Council informs Cabinet that the emerging local plan for 2017-2033 can be delivered without recourse to a garden community on the Colchester/Braintree borders, for which the economic case is unproven. Therefore Council considers that it would be strategically inopportune to proceed with the formation of Colchester Braintree Borders Ltd.”

Councillor Smith indicated that the main amendment was not accepted. On being put to the vote the main amendment was lost (eighteen voted for, twenty nine voted against and one abstained from voting).

A named vote having been request pursuant to the provisions of Meetings General

Procedure Rule 15(2) the voting was as follows:-

Those who voted for were:-

Councillors Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Davies, Elliott, A. Ellis, Hazell, Jarvis, Jowers, Lissimore, Loveland, J. Maclean, Moore, Willetts and Wood

Those who voted against were:-

Councillors Barlow, Barton, Bourne, Chaplin, Chuah, Coleman, Cope, Cory, Feltham, Fox, Goss, Graham, Harris, Higgins, Hogg, Liddy, Lilley, B. Oxford, P. Oxford, Pearson, Scordis, Scott, J. Scott-Boutell, L. Scott-Boutell, Smith, Warnes, T. Young, the Deputy Mayor (G. Oxford) and the Mayor (J. Young).

Those who abstained from voting were:-

Councillor Laws

The motion was then put to the vote and was approved and adopted (twenty nine voted for, eighteen voted against and one abstained from voting).

A named vote having been request 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, Chaplin, Chuah, Coleman, Cope, Cory, Feltham, Fox, Goss, Graham, Harris, Higgins, Hogg, Liddy, Lilley, B. Oxford, P. Oxford, Pearson, Scordis, Scott, J. Scott-Boutell, L. Scott-Boutell, Smith, Warnes, T. Young, the Deputy Mayor (G. Oxford) and the Mayor (J. Young).

Those who voted against were:-

Councillors Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Davies, Elliott, A. Ellis, Hazell, Jarvis, Jowers, Lissimore, Loveland, J. Maclean, Moore, Willetts and Wood

Those who abstained from voting were:-

Councillor Laws

168 Local Council Tax Support 2017-18

RESOLVED that the recommendation in minute 119 of the Cabinet meeting of 30 November 2016 be approved and adopted.

169 Officer Pay Policy Statement 2017-18

RESOLVED that the recommendation contained in minute 120 of the Cabinet meeting on 30 November 2016 be approved and adopted

170 Nomination for Deputy Mayor 2017-18

RESOLVED that the recommendation contained in minute 123 of the Cabinet meeting of 30 November be approved and adopted and Councillor Peter Chillingworth be nominated as Deputy Mayor for the Borough of Colchester for the 2017-18 municipal year.

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

Councillors Chuah (as the Council's appointment to Colchester Hospital University Foundation Trust), Harris (as a member of Essex County Council's Health and Overview Scrutiny Committee), Graham (as a practising solicitor in litigation with Colchester Hospital University Foundation Trust), T. Young (as a non-executive director of Southend Hospital University Foundation Trust) and J. Young (in respect of her spouse's position as a non-executive director of Southend Hospital University Foundation Trust) declared a non-pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).

It was proposed by Councillor Bourne that:-

Motion that this Council notes:

- The increasing level of public disquiet on the publication of the Five Year Forward View 2016-2021 'A Guide to the local health and care plan for North East Essex, West & East Suffolk', otherwise known as the Sustainability and Transformation Plan (STP).
- That it is essential for closer integration and joint working around hospital, ambulance, primary care, social care and community services to not just meet common resource challenges in public and voluntary sectors, but to improve the patient/resident experience and outcomes.
- The lack of transparency around this latest NHS England overlay of health plans at a much wider footprint, together with the recent news revelations about hospital

reconfigurations and changes to hospital and GP services without any engagement for Colchester residents undermines local democratic and public confidence in the STP process.

In these circumstances the Council calls upon those responsible for producing the forward view to agree that no steps will be taken to implement any changes until there is effective engagement with the public, patients and those many organisations, such as Colchester Borough Council, that are expected to be contributors to the planning and implementation of the STP. This includes formal public consultation on the Business Case that justifies the changes.

On being put to the vote, the motion was approved and adopted (twenty eight voted for, nineteen voted against and four abstained from voting).

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

Questioner	Subject	Response
Verbal Questions		
Councillor Harris	Would the Portfolio Holder for Business, Leisure and Opportunities pass on his congratulations to those who had managed the Litter Warriors scheme?	Councillor Feltham, Portfolio Holder for Business, Leisure and Opportunities, indicated that she would and thanked ward councillors for their work in making the scheme a success.
Councillor Scordis	Would the Portfolio Holder for Business, Leisure and Opportunities reconsider her stance on providing funding towards the Cricket Festival?	Councillor Feltham, Portfolio Holder for Business, Leisure and Opportunities, indicated that she would not. It was for Essex County Cricket club to decide how best it should engage with its fans in North Essex. It would also be appropriate for the businesses that benefited from such festivals to

		provide sponsorship.
Councillor Lissimore	What action would be taken in respect of a Council employee whom it was alleged had kicked a homeless person at St Mary's car park? Was this representative of the attitude of the Council towards the homeless?	Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated he would look into the matter. The Council had sought to address housing need through building Council homes, but this was no longer possible due to changes introduced by central government. The Council had also introduced a number of policies designed to help those in housing need.
Councillor Hazell	Could the Portfolio Holder for Business, Leisure and Opportunities explain if there had been any progress in enabling customers to book West End Tennis Centre by paying online?	Councillor Feltham, Portfolio Holder for Business, Leisure and Opportunities explained that the Council had to strike a balance between the benefits of the service and the costs involved in delivering it. Over the winter period there were difficulties in booking online and by telephone. She was not in a position to confirm when this would be delivered.
Councillor Fox	Would the Portfolio Holder for Culture and Regeneration provide an update on the take up of studio space at the Creative Business Centre at 37 Queen Street?	Councillor T. Young, Portfolio Holder for Culture and Regeneration, explained that all spaces had been taken. It was an excellent facility and an example of collaborative working between Colchester Borough Council and Essex County

		Council, and he urged all Councillors to visit.
Councillor Liddy	Would the Portfolio Holder for Waste and Sustainability agree that the aim of the introduction of wheeled bins was to drive up recycling rates and to shift some of the burden for recycling from the resident to the local authority?	Councillor Graham, Portfolio Holder for Waste and Sustainability, agreed that that the aim was to increase recycling rates and reduce the amount of waste being sent to landfill.
Councillor Barber	Would the Leader of the Council provide a written response to the question on breakdown on the New Homes Bonus he had asked at the Council meeting in November?	Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated that he would ensure a written response was sent shortly.
Councillor Barber	Would the Portfolio Holder for Safer Communities and Licensing explain the reasons for the increase in town centre car parking charges and the impact this would have on businesses?	Councillor Lilley, Portfolio Holder for Safer Communities and Licensing, indicated that he would provide a written answer.
Councillor Jarvis	Would the Portfolio Holder for Culture and Resources reconsider and provide a further period of consultation on Vineyard Gate. It was ten years since the last public consultation and it would provide an opportunity for the public to tell the Council what they needed or wanted the scheme to provide.	Councillor T. Young, Portfolio Holder for Culture and Regeneration, indicated that there would not be a further period of public consultation other than the statutory consultations required.
Councillor Pearson	In view of the adoption of the motion on the Sustainability and Transformation Plan, would the Scrutiny Panel	Councillor Davies, Chairman of the Scrutiny Panel, indicated that this was on the Panel's work

	look at Colchester Hospital University Foundation Trust and the STP and if so, when. Would an additional meeting of the Panel be considered?	programme. It was unlikely to be held until the next municipal year. An additional meeting of the Panel would be considered, if it could provide useful and meaningful scrutiny.
Councillor Chapman	Could the Leader of the Council provide further information about Lord Kerslake's review on Garden Communities? Would this be made public?	Councillor Smith, Leader of the Council and Portfolio Holder for Strategy indicated that this was a peer review of the Garden Communities scheme. A preliminary copy would be made available to the Leaders of the Councils involved in the project tomorrow. It was hoped that the report would be made public but this would need to be agreed amongst the four authorities.
Councillor Scott	Given the success of the pop up Syrian café at Firstsite, in collaboration with the Vaucher exhibition, would the use of the café be extended?	Councillor T. Young, Portfolio Holder for Culture and Regeneration, highlighted that he believed that Firstsite was starting to thrive. The Board was considering the use of the café, which was being let to a new provider in the new year. The pop up café had showed how successful it could be.
Councillor Goss	Following his visit to the Northern Approaches estate to look at parking issues, would the Portfolio Holder for Safer Communities and Licensing support a full	Councillor Lilley, Portfolio Holder for Safer Communities and Licensing, indicated that he would provide a written

	parking review for the estate?	answer.
Councillor Davies	Would the Leader of the Council provide a written response to the question on data breaches arising from the break in at Rowan House she had asked at the Council meeting in November?	Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated that he would ensure a written response was sent shortly.

173 Members Allowances Scheme

RESOLVED that the recommendations made in the Monitoring Officer's report be approved and adopted.

174 Schedule of Portfolio Holder Decisions

RESOLVED that the schedule of Portfolio Holder decisions covering the period 17 October 2016 - 21 November 2016 be noted.