

# Council

Wednesday, 19 October 2022

**Attendees:**

Councillor Tracy Arnold, Councillor Lewis Barber, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Molly Bloomfield, Councillor Michelle Burrows, Councillor Roger Buston, Councillor Nigel Chapman, Councillor Helen Chuah, Councillor Phil Coleman, Councillor Mark Cory, Councillor Pam Cox, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Jeremy Hagon, Councillor Dave Harris, Councillor Mike Hogg, Councillor John Jowers, Councillor David King, Councillor Richard Kirkby-Taylor, Councillor Darius Laws, Councillor Sue Lissimore, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McLean, Councillor Patricia Moore, Councillor Sara Naylor, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Chris Pearson, Councillor Kayleigh Rippingale, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Paul Smith, Councillor Rhys Smithson, Councillor Michael Spindler, Councillor William Sunnucks, Councillor Leigh Tate, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

**548 Prayers**

The meeting was opened with prayers from Elizabeth Akinyemi from Divine Assembly Ministries.

**549 Apologies**

Apologies were received from Councillors Davidson, Law, Lilley, Luxford Vaughan, McCarthy and Nissen.

**550 Have Your Say!**

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to ask the Leader of the Council what plans the Council had for a permanent structure to commemorate City Status.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and

explained that the Council was exploring this. The Council wanted to have commemorate City Status appropriately. It would discuss this issue with Sir Bob and others.

Nick Chilvers addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to ask Council to request that the Portfolio Holder for Infrastructure press borough and county planners for a better bus station as part of the forthcoming Masterplan. This was a matter that impacted on the whole borough. There were frequent complaints about the present arrangements in local media. This was a more important issue than the provision of cargo bikes, which had been promoted in the publicity around the Masterplan. There was some concern that planners were resistant to an improved bus station as it would stymie the development plan. There needed to be an improved facility with decent waiting facilities, and facilities for drivers. Unless the borough championed this, Essex County would provide the bare minimum. Bus users needed to be assured that this was on the agenda for any major planning discussions and that the Council was lobbying Essex County Council on the matter. Most Councillors had been silent on the issue and residents needed to know whether at some point in the future they could expect a better facility. This should have been made clear in the press release on the Masterplan.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated that the Council had received over 1800 responses to the Masterplan and the Council was taking the issue seriously. The issue needed to be looked at in a wider context that took account of what could be done and when, and that looked at the qualities and requirements of Colchester as a city. The Council was aware of concerns on this issue.

Roger Mannion addressed Council pursuant to the provisions of Council Procedure Rule 6(1) about Tiptree and to express his concern that he believed that rural areas in general, and Tiptree in particular, were poorly supported by the Council. There was little in the Future of Colchester or the Masterplan to give comfort to the rural areas, and City Status would also be of little benefit and was of limited relevance to Tiptree. Resources in the village were poor, as were transport links. Until recently, the sports facilities had also been poorly run. Medical facilities were not keeping pace with population growth. Whilst it was appreciated that some of these issues were beyond the Council's remit, support from the Council to help the Parish Council fight its corner would be welcomed. The next Council meeting should include an item to allow a debate on the impact of Colchester centric planning on the remoter rural areas and what could be done to improve this.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that a number of these issues were the responsibility of Essex County Council. The Council used its influence with the County on these issues. It was appreciated that there was a risk and a past pattern in focusing on the town centre but in the work going forward he would be looking to collaborate with all partners. This might mean a different

relationship with town and parish councils with the Council playing a more enabling role. A rural prosperity grant scheme was being established by government, which provide opportunities for funding for rural areas. This would be administered locally by the Council and he would listen to views of members across the Council as to how this could best be utilised.

The Mayor explained that it was not for the Leader of the Council to set the agenda for Council meetings but Councillor Mannion could submit a motion to the next meeting of Council.

#### **551 Minutes of the Previous Meeting (Council)**

*RESOLVED* that the minutes of the meetings held on 23 June 2022, 4 July 2022 and 13 July 2022 be confirmed as a correct record.

#### **552 Mayor's Announcements**

The Mayor welcomed Councillor Sara Naylor to Council and announced the following events:-

- The Oyster Feast on 28 October 2022.
- The Council meeting for the award of City Status on 23 November 2022, including a procession from the Mercury Theatre.
- The Mayor's Charity Quiz on 25 November 2022 at Greenstead Community Centre.
- Ghost Stories in the Civic Suite on 6 December 2022.
- A reading of "A Christmas Carol" by Anthony Roberts in the Civic Suite on 13 December 2022.

#### **553 2021/22 Year End Review of Risk Management**

*RESOLVED (UNANIMOUS)* that the recommendation in draft minute 684 of the Cabinet meeting of 7 September 2022 be approved and adopted.

**554 Local Government Association Model Code of Conduct**

*RESOLVED (UNANIMOUS)* that the recommendation contained in minute 320 of the Governance and Audit Committee meeting of 26 July 2022 be approved and adopted.

**555 Scrutiny Panel Annual Report**

*RESOLVED (UNANIMOUS)* that the recommendation contained in minute 360 of the Scrutiny Panel meeting of 5 July 2022 be approved and adopted.

**556 Statement of Licensing Policy for Sex Establishments**

*RESOLVED (UNANIMOUS)* that the recommendation contained in minute 157 of the Licensing Committee meeting of 20 July 2022 be approved and adopted.

**557 Revised Committee Allocations**

*RESOLVED (UNANIMOUS)* that:-

(a) In accordance with the provisions of the Local Government and Housing Act 1989 the number of seats, group representation and membership of the Governance and Audit Committee, Policy Panel, and Scrutiny Panel (including Crime and Disorder Committee) for the remainder of the current municipal year be on a Group basis and be as set out in the Supplementary Information for this meeting.

(b) In accordance with the provisions of section 17 of the Local Government and Housing Act 1989 the number of seats, group representation and membership of the Licensing Committee, Local Plan Committee, Planning Committee and Environment and Sustainability Panel for the remainder of the current municipal year shall not be on a Group basis and be as set out in the Supplementary Information for this meeting.

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

Questioner	Subject	Response
Oral questions		

Councillor Willetts	Would the Portfolio Holder for Culture and Heritage publish a lexicography that defined the meaning of the terms to be used in the debate on City Status at the Council meeting on 23 November 2022?	Councillor Cox, Portfolio Holder for Heritage and Culture, indicated the motion that would be debated at the meeting on 23 November 2022 was in respect of changing the name of the Council.
Councillor Scordis	<p>Following the fines issued to Anglia Water for illegal sewage disposals in Cambridgeshire, would a similarly robust approach be taken in Colchester and in particular would issues relating to odour from the sewage works in the Hythe be tackled?</p> <p>Could the reporting of incidents be made easier for residents?</p>	<p>Councillor Goss, Portfolio Holder for Neighbourhoods and Waste explained that there was insufficient evidence for an odour abatement notice and therefore the Council was unable to take enforcement action on this issue. The number of complaints received in 2022 was less than in previous years. Officers continued to liaise with the sewage works. The Environment Agency was responsible for enforcement on discharges into the River Colne. It was vital for residents to continue to report concerns.</p> <p>Improvements had been made to the Northgate system to make it more user friendly and easier for residents to report issues.</p>
Councillor Laws	Would the Leader of the Council share his views about issues arising out of the recent Peer Review?	Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that the administration had been open about the process and the conclusions of the Peer Review team. It had looked at the effectiveness of the organisation and provided challenge at a particularly testing period. Feedback from senior leaders in the sector was invaluable. The final report would be shared, and a collaborative approach would be taken in

		responding to the recommendations.
Councillor Pearson	Following the approval of the Code of Conduct earlier in the meeting, did the Leader of the Council agree that the reference to Chairman in the title of this item in the agenda, was contrary to the sentiments on equality in the Code of Conduct, and that gender neutral terminology should be used in all Council matters?	Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated that he supported the principles of the Code of Conduct. He supported the use of gender neutral terminology but appreciated that there were other views and that members should give each other some latitude on the issue.
Councillor Barber	Following the success of the Digigo scheme in Chelmsford and Braintree, would the Council consider the use of section 106 funds the Rural Prosperity Fund for the development of the scheme in Colchester?	Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated he would consult the relevant Portfolio Holder and arrange for a written response to be sent.
Councillor Barber	Would the Portfolio Holder for Resources provide an update on the capital programme? Was it likely that any projects would be cancelled this financial year, given the wider financial situation?	Councillor Cory, Portfolio Holder for Resources, explained that this had been discussed in detail at the Governance and Audit Committee on 18 October 2022. The comparatively low spend to date this year had been explained. Given the scale of the capital programme it was particularly at risk through issues such as workforce and inflation. The issue had also been picked up in the Peer Review. A complete review of the capital programme would be undertaken and the views of all Councillors would be welcomed. It was understood that the programme may need to be scaled down in the current climate. No projects had been stopped at this point.

Councillor G. Oxford	<p>Could the Leader of the Council provide a response to the questions on environmental issues he had e-mailed on 2 September 2022?</p> <p>He would not be attending the Council meeting on 23 November as he was unable to access the Moot Hall. He had been informed that the Council was awaiting a critical component for the lift which would not be received until the new year. He had not been able to use the lift on medical advice since May and this was the first Full Council he had had the opportunity to ask questions of the administration, so he relied on e-mails. He had also been informed that even when the part was fitted there was no guarantee that it would not break down in future.</p>	<p>Councillor King, Leader of the Council and Portfolio Holder for Strategy, apologised and indicated he would arrange for the information requested to be sent.</p> <p>Pam Donnelly, Chief Executive, was invited to address issues on access to the Moot Hall and indicated that she had been in private correspondence with Councillor Oxford on the issue, which she was not in a position to disclose. The Council was awaiting a part for the lift. The Council had commissioned a review of the safety of the lift and had received assurances that the lift was safe and accessible. There was a minor problem with accessing lift from the first and second floors. It was not appropriate to go into individual circumstances in this forum. In the meantime, where possible a work around was sought through moving meetings to alternative venues.</p>
Cllr G. Oxford	<p>Did the Cabinet have any plans to redistribute section 106 contributions so that they did not specifically benefit the wards where the development occurred?</p>	<p>Councillor J. Young, Portfolio Holder for Housing and Communities, explained that the Scrutiny Panel would be looking at issues relating to section 106 contributions at its meeting in November.</p>
Cllr Hagon	<p>Could the Portfolio Holder for Neighbourhoods and Waste, investigate whether it was possible for residents in Stanway to be given a choice in how their waste was collected, so that</p>	<p>Councillor Goss, Portfolio Holder for Neighbourhoods and Waste, explained that work was underway on a new Waste Strategy. A report on this would be submitted to the Environment and Sustainability</p>

	<p>those who were not on wheeled bin routes would have their waste collected from a wheeled bin, if they provided their own bin?</p>	<p>Panel shortly. In addition, Essex County Council were looking to increase recycling rates across Essex to 70%. The future of the waste service would be set out in the new Waste Strategy, which should come into effect in mid-2023. It would look at all parts of the waste service and all streams of waste. This would include collection. The non-wheeled bin collection vehicles did have the capacity to be converted into wheeled bin trucks. There were 17,000 properties on wheeled bin routes and this was only likely to increase in Mile End.</p> <p>It was not possible to have mixed collection routes for operational health and safety reasons.</p>
Councillor Warnes	<p>Would the Chair of the Scrutiny Panel ask the Panel to include an item on its work programme relating to the maintenance of pavements by Essex County Council in the Town Centre.</p>	<p>Councillor Willetts, Chair of the Scrutiny Panel, indicated that every agenda of the Panel included an item where members of the Panel or visiting Councillors could ask the Committee to consider adding any relevant issue to its work programme. It was for the Committee to consider such requests based on the information put forward. The member making the request should prepare a brief note to the Committee clerk setting out the relevant details and the Mayor requested that the note of this question be forwarded to the Panel to consider.</p>
Councillor Naylor	<p>The Peer Review had identified City Status as a significant opportunity to take advantage of.</p>	<p>Councillor Fox, Portfolio Holder for Local Economy and Transformation, explained that that</p>



	How would it be used to generate prosperity and opportunity, and could an update be provided on the work to achieve City Status?	the administration was already considering how to take forward the Peer Review recommendations. City Status was a fantastic opportunity for all of Colchester. A plan was being prepared for the legacy of City Status and he wanted to work with Councillors cross party to ensure the full benefits were realised and were spread across the borough. A definitive date for the publication of the plan could not be given at this stage as the it was dependent on the receipt of the final report from the Peer Review team.
Councillor McLean	Could the Portfolio Holder for Heritage and Culture outline the benefits of City Status?	<p>Councillor Cox, Portfolio Holder for Heritage and Culture, explained that a collaborative approach with residents and partners would be taken. A three pronged approach was being taken:</p> <ul style="list-style-type: none"> <li>• The formal civic celebration on 23 November.</li> <li>• The curation of a year of events under the aegis of the Visit Colchester Team to highlight heritage and cultural assets. This should lead to increased tourism.</li> <li>• Some longer legacy planning, which should provide an opportunity to lever in new investment.</li> </ul>
Councillor Smithson	In view of the issues raised about access to the Town Hall for members to attend civic events, could the Portfolio Holder provide a reassurance that the Council followed section 20 of the Equalities Act, given that it had not made reasonable	Councillor Cory, Portfolio Holder for Resources, explained compliance with the Equalities Act was of crucial importance to the Council. It was important that the Town Hall was as accessible as possible. As the Chief Executive had explained the Council was doing all it could to

	adjustments, and that it had not inadvertently breached rule 14(17)(b) of the Council Procedure Rules?	make the Town Hall accessible and it believed that it was accessible at the present time. It was also seeking to ensure that as far as possible all personal requirements were met. The Council was complying with the requirements of the Equalities Act 2010.
Councillor Harris	Could the Portfolio Holder for Neighbourhoods and Waste provide an update on the differing interpretation of Colchester Borough Council and Essex County Council on the recent direction from the Environment Agency on the disposal of old sofas?	Councillor Goss, Portfolio Holder for Neighbourhoods and Waste, explained that the service for the collection of old sofas had been restored after taking further advice.
Councillor Harris	Would the Portfolio Holder for Local Economy and Transformation support an east-west bus service, which would help improve access to businesses such as Stane Park, and would he work with Essex County Council to provide it?	Councillor Fox, Portfolio Holder for Local Economy and Transformation, explained that Colchester now had a multi-centre economy and it was important that infrastructure, including bus services, supported this. There were already concerns about the adequacy of the car parking at Stane Park so it was important that there were public transport and Active Travel routes to support it. He would work with Essex County Council and bus companies to see if an east -west route was viable.
Councillor B. Oxford	The Council was not complying with the Disability Discrimination Act in respect of Cllr G. Oxford's access to the Town Hall. Why had the Council not moved meetings to accessible venues to enable his access?	Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that this issue had already been addressed in responses to earlier questions. The Council had approached the issue in the spirit of trying to ensure accessibility. The Council believed that the Town Hall was accessible,

		although it was appreciated that there were other personal circumstances which impacted on the issue.
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## 559 Schedule of Portfolio Holder Decisions

*RESOLVED* that the Schedule of Portfolio Holder decisions for the period 3 July 2022 – 5 October 2022 be noted.