

COUNCIL

18 FEBRUARY 2009

Present :- Councillor Margaret Fairley-Crowe (The Mayor)
(Chairman)
Councillors Christopher Arnold, Nick Barlow,
Kevin Bentley, Mary Blandon, Elizabeth Blundell,
John Bouckley, Nigel Chapman, Peter Chillingworth,
Helen Chuah, Barrie Cook, Nick Cope, Mark Cory,
Robert Davidson, Beverly Davies, Tina Dopson,
Andrew Ellis, Margaret Fisher, Stephen Ford,
Wyn Foster, Ray Gamble, Christopher Garnett,
Martin Goss, Chris Hall, Mike Hardy, Dave Harris,
Pauline Hazell, Peter Higgins, Theresa Higgins,
Mike Hogg, Martin Hunt, John Jowers,
Margaret Kimberley, Justin Knight, Sonia Lewis,
Michael Lilley, Sue Lissimore, Jackie Maclean,
Jon Manning, Richard Martin, Kim Naish, Nigel Offen,
Beverley Oxford, Gerard Oxford, Philip Oxford,
Gaye Pyman, Ann Quarrie, Lesley Scott-Boutell,
Paul Smith, Henry Spyvee, Terry Sutton, Laura Sykes,
Nick Taylor, Jill Tod, Dennis Willetts, Julie Young and
Tim Young

The meeting was opened with prayers by the Mayor's Chaplain, the Reverend Doctor Chris Garland.

44. Have Your Say!

Brian Jarvis addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He had spoken at the meeting of the Finance and Audit Scrutiny Panel on 25 November 2008 when it considered firstsite:newsite but had not had time to finish his comments. When construction work had ceased on the Visual Arts Facility in March 2008 he had asked officers to commission a legal opinion, in order to break the deadlock that had been reached. He understood that this was available for the new administration in May 2008 and he sought confirmation from the Leader of Council as to whether she had seen the legal opinion and why it had not been made public. He had acted responsibly and on the advice of officers, which in turn had been based on legal advice. If those sources of advice had subsequently proved to be flawed, this should be made public. An open independent inquiry should be held as soon as possible. This should not await the completion of the project. The current delays on the project were an attempt to gain political capital at the expense of the tax payer.

Councillor Hunt, Portfolio Holder for Communication and Customers, responded and reiterated the comments he had made at the last Council meeting that he did not hold individual past or present Councillors to blame. The administration was not seeking to delay the project and had no interest in seeking to delay an inquiry. The implication that it was seeking to do so was resented. However, Essex County Council, Eastern Arts

and the East of England Development Agency were all of the view that the inquiry should await the completion of the project.

Nick Chilvers addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He invited the Council to think again about withdrawing the grant to Shopmobility. Shopmobility provided an invaluable service to disadvantaged groups and had been created at the request of the Council. It helped the Council meet its objective of reducing social exclusion. The town centre would also lose valuable business if Shopmobility was forced to close. Whilst it was acknowledged that the Council faced a difficult decision, it should reinstate the grant to Shopmobility or find other ways of funding it. Councillor Dopson, Portfolio Holder for Performance and Partnerships, responded and stressed that the work of Shopmobility was highly regarded. However the administration was exploring how it could use the finance available to maximise impact. The withdrawal of the funding did not mean that Shopmobility would have to cease to operate. Support would be offered to help Shopmobility to find other sources of funding.

Parish Councillor Richard Belcham addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to request that the decision to withdraw funding from the Colne Riverside project be reconsidered. The Countryside Project Officer funded by the project had helped with a number of important schemes such as the Community Orchard and Riverside Walk. Unlike the Dedham Vale, the Colne Valley did not receive statutory funding from other sources, so the project was particularly important. Councillor Smith, Portfolio for Resources and Business, responded and explained that the work of the Countryside Project Officer would be covered by the Countryside Ranger post.

Andy Hamilton addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) and expressed his support for the recent decisions to appoint solicitors to advise on issues relating to the Visual Arts Facility and to launch a new free swimming programme. These compared well with the recent decisions of Essex County Council in relation to the consultation on secondary education in Colchester and the closure of the exit from Sheepen Road.

Bob Russell addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) and invited the Council to address recent criticisms of care homes in Colchester which had caused distress. He expressed regret that the Council's decision in respect of the consultation on secondary education in Colchester had been ignored by Essex County Council. He noted that the Leader of Essex County Council had been invited to a Conservative Group meeting.

Antony Roberts, Director of Colchester Arts Centre, addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) on behalf of firstsite, the Mercury Theatre and the Arts Centre. He thanked the Council for the continued investment in the arts, even though it was not proposed to increase this in budget. The reasons for this were understood. Continued stand still funding would compromise the organisations in the long run, however. The investment these organisations received from the Council was the bedrock which enabled them to bring in a further £10 million of revenue. This created over 100 full time jobs and facilitated important community work and therefore

contributed towards meeting the Council's corporate objectives. Councillor Theresa Higgins, Portfolio for Culture, Tourism and Diversity, responded to thank the three organisations for the excellent work they did and to assure them that they would continue to work with them in relation to next year's budget.

Mr Duggan addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He explained that he was a tenant of Colchester Borough Homes and had suffered systematic harassment and racial abuse from his upstairs neighbour, who was also a tenant of Colchester Borough Homes. His wife had been hospitalised as a result. Colchester Borough Homes had not acted to prevent the abuse continuing, despite complaints. Mr Duggan compared his situation with the prompt and wide ranging action taken against a tenant in Highwoods about whom complaints had been received about flying a flag. Councillor B. Oxford, Portfolio Holder for Neighbourhoods, offered her apologies for the service he had received. She assured Mr Duggan that the Council took racial harassment very seriously and promised to look into his complaint. Councillor T. Young explained that as ward councillors both he and Councillor J. Young were aware of Mr Duggan's complaints and had taken them forward. He would share his information with Cllr B. Oxford.

Paula Whitney addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). The minutes of her Have Your Say! comments on 11 December 2009 were inaccurate. The point she was making was that out of the three towns Ipswich, Chelmsford and Colchester it was Colchester which had the best economic success in 2007 and that this success had been achieved without a costly Park and Ride, which did not encourage the use of local bus services. In addition she stressed the need to reduce traffic as emissions from traffic were the main source of greenhouse gases.

45. Minutes

RESOLVED that consideration of the minutes of the meeting on 11 December 2008 be deferred in order for minute 27 to be amended in the light of Paula Whitney's comments.

46. Mayor's Announcements

The Mayor expressed the Council's condolences to the Leader of the Council following the sad loss of her brother.

47. Declarations of Interests

Councillor Mary Blandon (in respect of her position as a director of CCVS) declared a personal interest in Minute No. 50 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Sonia Lewis (in respect of her previous membership of the Shopmobility Committee) declared a personal interest in Minute No. 50 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Margaret Fisher, Councillor Theresa Higgins, Councillor John Jowers and Councillor Julie Young (in respect of their membership of Essex County Council) declared a personal interest in Minute No. 53 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Peter Higgins and Councillor Tim Young (in respect of their spouse being a member of Essex County Council) declared a personal interest in Minute No. 53 pursuant to the provisions of Meetings General Procedure Rule 7(3)

48. Strategic Plan 2009-12

It was PROPOSED by Councillor Hunt that the recommendation in minute 51 of the Cabinet's meeting of 28 January 2009 be approved and adopted.

It was *RESOLVED* that the recommendation in minute 51 of the Cabinet's meeting of 28 January 2008 be approved and adopted.

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

Those who voted FOR were:- Councillors Barlow, Blandon, Chuah, Cook, Cope, Cory, Dopson, Fisher, Ford, Gamble, Goss, Hall, Harris, P. Higgins, T. Higgins, Hogg, Hunt, Knight, Lilley, Manning, Naish, Offen, B. Oxford, G. Oxford, P. Oxford, Scott-Boutell, Smith, Sykes, J. Young, T. Young.

Those who voted AGAINST were:- Councillors Arnold, Bentley, Blundell, Bouckley, Chapman, Chillingworth, Davidson, Davies, Ellis, Foster, Garnett, Hardy, Hazell, Jowers, Kimberley, Lewis, Lissimore, Maclean, Martin, Pyman, Quarrie, Sutton, Taylor, Tod, Willetts.

Those who ABSTAINED from voting were:- The Mayor (Councillor Fairley-Crowe), The Deputy Mayor (Councillor Spyvee).

49. Suspension of Council Procedure Rules

It was *RESOLVED* that Council Procedure Rule 14(3) be suspended to allow the Portfolio Holder for Resources and Business and group leaders to speak for an unlimited time on the following item.

50. 2009/10 Revenue Budget and Medium Term Financial Forecast; Precept and Council Tax Levels 2009/10; Approval of Minimum Revenue Provision Policy

It was PROPOSED by Councillor Smith that the recommendations in minute 53 of the Cabinet meeting of 28 January 2009 and the recommendations contained in the Head of Resource Management's reports entitled Minimum Revenue Provision Policy and Precept and Council Tax Levels 2009/10 be approved and adopted.

A SECONDARY AMENDMENT was moved by Councillor Arnold as follows:-

"That the recommendations contained in minute 53 of the Cabinet meeting of 28 January 2009 and the recommendations contained in the Head of Resource Management's reports entitled Minimum Revenue Provision Policy and Precept and Council Tax Levels 2009/10 be approved and adopted. subject to:-

(i) the levels of Council Tax levied by Colchester Borough Council for the year 2009/10 be the same as those levied for 2008/09;

(ii) the cost of (i) be met by reducing the provision to increase staff salaries contained within the "inflationary pressure" figure of £1,190 thousand shown on page 123 of the Council agenda;

(iii) members allowances be frozen for the municipal year 2009/10;

(iv) the Head of Resource Management be given delegated authority to make the necessary consequential changes to the Precept and Council Tax statutory resolution contained in his report to this meeting."

Pursuant to the provisions of Council Procedure Rule 14(11) Councillor Smith indicated that the SECONDARY AMENDMENT was not accepted; whereupon Council then indicated that the SECONDARY AMENDMENT was not accepted.

On being put to the vote, the SECONDARY AMENDMENT was lost.

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

Those who voted FOR were:- Councillors Arnold, Bentley, Blundell, Bouckley, Chapman, Chillingworth, Davidson, Davies, Ellis, Foster, Garnett, Hardy, Hazell, Jowers, Kimberley, Lewis, Lissimore, Maclean, Martin, Pyman, Quarrie, Sutton, Taylor, Tod, Willetts.

Those who voted AGAINST were:- Councillors Barlow, Blandon, Chuah, Cook, Cope, Cory, Dopson, Fisher, Ford, Gamble, Goss, Hall, Harris, P. Higgins, T. Higgins, Hogg, Hunt, Knight, Lilley, Manning, Naish, Offen, B. Oxford, G. Oxford, P. Oxford, Scott-Boutell, Smith, Sykes, J. Young, T. Young.

Those who ABSTAINED from voting were:- The Mayor (Councillor Fairley-Crowe), The Deputy Mayor (Councillor Spyvee)

The SUBSTANTIVE MOTION was thereupon put and CARRIED (THIRTY voted FOR, TWENTY FIVE voted AGAINST and TWO ABSTAINED from voting).

51. Schedules of Decisions taken by Portfolio Holders

RESOLVED that the Schedule of Portfolio Holder decisions be noted.

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

In view of the late hour it was *RESOLVED* that the questions to Cabinet members and Chairmen be cancelled.

53. Adoption of the Joint Municipal Waste Management Strategy for Essex

Paula Whitney addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to urge the Council not to adopt the Joint Waste Management Strategy. If adopted, the Strategy could result in the siting of an incineration plant at Stanway. The Strategy was being driven by the requirements of the Landfill Directive which required that the amount of biodegradable waste sent to landfill be reduced by approximately two-thirds by 2020. However, it was more sensible to prioritise recycling and support was expressed for WRAP who had demonstrated the benefits of separated kerbside collection.

It was *PROPOSED* by Councillor Dopson that the Joint Municipal Waste Management Strategy for Essex not be approved and adopted for the reasons set out in the report of the Head of Street Services.

RESOLVED that the Joint Municipal Waste Management Strategy for Essex not be approved and adopted for the reasons set out in the report of the Head of Street Services.

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

Those who *VOTED* for were:- Councillors Barlow, Blandon, Chuah, Cook, Cope, Cory, Dopson, Fisher, Ford, Gamble, Goss, Hall, Harris, P. Higgins, T. Higgins, Hogg, Hunt, Knight, Lilley, Manning, Naish, Offen, B. Oxford, G. Oxford, P. Oxford, Scott-Boutell, Smith, Sykes, J. Young, T. Young

Those who *ABSTAINED* from voting were:- Arnold, Bentley, Bouckley, Chapman, Chillingworth, Davidson, Davies, Ellis, Foster, Garnett, Hardy, Hazell, Kimberley, Lewis, Lissimore, Maclean, Martin, Pyman, Quarrie, Sutton, Taylor, Tod, Willetts, the Mayor (Councillor Fairley-Crowe), the Deputy Mayor (Councillor Spyvee).