

COUNCIL 20 MARCH 2013

Present :- Councillor Christopher Arnold (the Mayor) (Chairman)
Councillor Colin Sykes (Deputy Mayor)
Councillors Nick Barlow, Lyn Barton, Kevin Bentley,
Mary Blandon, Elizabeth Blundell, Tina Bourne,
Nigel Chapman, Peter Chillingworth, Helen Chuah,
Barrie Cook, Nick Cope, Mark Cory, Beverly Davies,
John Elliott, Andrew Ellis, Annie Feltham, Bill Frame,
Ray Gamble, Martin Goss, Scott Greenhill, Marcus
Harrington, Dave Harris, Julia Havis, Jo Hayes,
Pauline Hazell, Peter Higgins, Theresa Higgins,
Martin Hunt (Deputy Leader) , Brian Jarvis,
John Jowers, Margaret Kimberley, Sonia Lewis,
Cyril Liddy, Michael Lilley, Sue Lissimore,
Jackie Maclean, Jon Manning, Richard Martin,
Kim Naish, Nigel Offen, Beverley Oxford,
Gerard Oxford, Philip Oxford, Will Quince, Lesley Scott-
Boutell, Paul Smith, Laura Sykes, Anne Turrell (Leader
of the Council) , Julie Young and Tim Young

The meeting was opened with prayers by the Mayor's Chaplain, the Reverend Canon David Atkins.

58. Apologies

Apologies were received from Councillors Cable, Hogg, Fairley-Crowe, Ford, Sutton and Willetts

59. Audio Recording of the Meeting

RESOLVED that, without prejudice to the outcome of the debate on the recommendations of the Technology and Community Engagement Task and Finish Group, an audio recording of the meeting be made by the Council.

60. Minutes

The minutes of the meeting held on 20 February 2013 were confirmed as a correct record.

61. Have Your Say!

Sara Colquhoun addressed the Council pursuant to the provision of Council Procedure Rule 6(1) to express her concern about the future of the High Street and the Dutch Quarter following the changes to the access to the High Street. No notice had been given that the junction between West Stockwell Street and the High Street would be closed. This made deliveries difficult as they had to access the Dutch Quarter through narrow streets. It had also made reversing out of her drive more hazardous. The new restaurant in the Dutch Quarter would also generate extra traffic which would exacerbate these problems. Concern was also expressed about the poor condition of West Stockwell Street. Disabled drivers would no longer be able to park on the High Street. Anecdotal evidence suggested that people were avoiding Colchester. It was not clear what benefits the changes to the access to the High Street would bring.

Annesley Hardy addressed the Council pursuant to the provision of Council Procedure Rule 6(1) and presented a petition to the Mayor in support of continued unrestricted use of the High Street for private vehicles. Fifty seven people had signed in support of the petition and only one person against. Those who had indicated their support were from a wide variety of ages and backgrounds. The common concern was that they felt impotent and blamed the Council for the decline of the High Street.

Councillor Barton, Portfolio Holder for Renaissance, responded that it was too early to judge the impact of the changes. Reducing traffic on the High Street had been an aspiration of the Council since the 1950s. Consultation responses had shown that residents wanted a safe low speed environment for pedestrians. It was important to emphasise that this was a trial and a Monitoring Group had been established to monitor it's impact. The Dutch Quarter Residents' Association were represented on the Monitoring Group. The problems with the road surface on West Stockwell Street had been reported. The bollards at the top of West Stockwell Street had always been a feature of the plans. There was considerable disabled parking provision in the town centre. Some very positive feedback about the changes had been received.

Andy Hamilton, addressed the Council pursuant to the provision of Council Procedure Rule 6(1). He had addressed the Strategic Overview and Scrutiny Panel to explain that public funding for the Visual Arts Facility would fall as other funders realised that it had failed. It had no national profile and visitor numbers were a fraction of those projected. In respect of Tymperleys, the Council had offended every bidder. The building and gardens had been closed for a number of years. He had been prepared to bid in order to use Tymperleys for a charitable purpose but the Council had proved obstructive. He believed the Council had a poor reputation and would squander any spare funding.

Councillor T. Young, Portfolio Holder for Planning, Community Safety and Culture, explained that all three major arts organisation in Colchester did excellent outreach work. It was important to make firstsite a success for Colchester and both the administration and the opposition were committed to firstsite. Work was being done to improve access and to display more work by local artists. In respect of Tymperleys, Councillor Barton, Portfolio Holder for Renaissance, expressed her disappointment that Wilkin and Sons were no longer able to proceed with their plans for the building. However, it was hoped that the gardens would reopen soon.

Nick Chilvers addressed the Council pursuant to the provision of Council Procedure Rule 6(1). He asked that Councillors include details of the membership and terms of reference of the Monitoring Group for the changes to the access to the High Street in their local newsletters. This would help ensure residents knew how and to whom they should direct suggestions and enquiries. He also stressed that residents wanted assurances and action on the improvements to the shelter at the bus station. The Council needed to ensure that it found funding for the required works.

Councillor Barton, Portfolio Holder for Renaissance, agreed that the current shelter at the bus station was not fit for purpose and would be replaced. Cycle hoops and additional seating would also be provided. The terms of reference for the Monitoring Group had just been agreed. Details of the Monitoring Group would be forwarded to all Councillors and placed on the website.

Jim Sands addressed the Council pursuant to the provision of Council Procedure Rule 6(1) to express concern that congestion and gridlock would result from the closure of the High Street and the impact this would have on businesses. Colchester was not large enough to support dedicated bus lanes. Opening these lanes to other traffic would ease congestion and allow traffic to flow more easily. Closure of the High Street would only make the existing congestion worse.

Councillor Barton, Portfolio Holder for Renaissance, indicated that the impact of the changes to the High Street was being monitored by Essex County Council on a daily basis. His concerns would be forwarded to Essex County Council.

62. Mayor's Announcements

The Mayor made the following announcements:-

- Councillor Granger had recently resigned his position as a Councillor. A by-election would be held on 2 May 2013. Tributes could be made at the Annual Meeting on 22 May 2013.
- On behalf of Councillor Chapman, the Mayor announced that Heritage Lottery Fund had awarded Moot Hall Organ Restoration Fund £416,300. Other funds raised would meet the balance needed to fund a complete restoration of the Organ.
- The Mayor had recently been presented with a certificate marking Colchester in Bloom's gold award in the Small City category of Anglia in Bloom and Colchester been invited to take part in Britain in Bloom.
- The Mayor's Cabaret night would be held at Colchester Arts Centre on 23 March 2013.

The Deputy Mayor thanked all those who had sent messages of good wishes and support during his recent illness.

63. Council Governance Arrangements

RESOLVED that the recommendations contained in minute 70 of the Cabinet meeting of 6 March 2013 be approved and adopted (UNANIMOUS).

64. Officer Pay Policy

RESOLVED that the recommendation contained in minute 72 of the Cabinet meeting of 6 March 2013 be approved and adopted (UNANIMOUS).

65. Technology and Community Engagement Task and Finish Group

Ben Locker addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(1) and presented a petition to the Mayor containing 319 signatures calling on Colchester Borough Council to allow as a matter of principle and democratic transparency the audio and/or visual recording of all its public meetings, and to encourage councillors to engage with the public they serve by allowing their use of social media during those meetings. He explained that there had been a significant shift in opinion since the Task and Finish Group had reported. The use of social media promoted transparency and gave an insight into Council business. Whilst he understood the argument that it appeared rude to use social media whilst taking part in a meeting, he did not agree and considered that Councillors should be trusted to use social media appropriately. Public meetings should be truly public. There were major benefits from embracing technology: It would prevent Councillors from being misquoted; it would allow residents to get a real sense of what Councillors do and generate fresh interest about the Council in the community. Allowing members of the public to record meetings would increase public engagement and would improve public scrutiny. It could be delivered considerably cheaper than the figures quoted in the report.

Darius Laws addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(1). He believed that anything that happened within the Council Chamber should be open. It was disappointing that residents had to argue for greater transparency. Members of the public wanted to know what was happening in Council meetings. The Council needed to reach out to the public and ensure good news stories reached the public. Greater transparency and public engagement would help tackle apathy and help increase turn out at elections. If Councillors were confident of their views, they should be happy for them to be recorded.

RESOLVED that recommendations (i) to (vii) of the Technology and Community Engagement Task and Finish Group be debated and determined in accordance with the resolution of Cabinet as set out in minute 73 of the Cabinet meeting on 6 March 2013.

In accordance with the provisions of Council Procedure Rule 12(1)(5) Councillor T. Higgins PROPOSED the following motion without notice:-

Motion that the recommendations of the Technology and Community Engagement Task and Finish Group be approved and adopted subject to the following amendments:-

- The wording of recommendation (ii) be deleted and replaced with the following:-

“Council agrees to the audio recording of all public meetings of Full Council, Cabinet, Committees and Panel and will record such meetings itself. Recordings of these meetings will be made available on the Council’s website.”

- In recommendation (iii), the addition of the following wording after the word “internet.”

“Discreet use of devices during meetings for photography and filming will be permitted but no flash photography will be permitted during meetings.”

- In recommendation (iv) the replacement of the words “should not” with “will” and the deletion of all the wording after the word “meetings”,

- In recommendation (vi) the insertion of the words “colchester.gov” between the words “councillors” and “social media”.

- The insertion of an additional recommendation (viii) as follows:-

“Authority be delegated to the Monitoring Officer and the Democratic Services Manager in consultation with the Group Leaders to make the necessary consequential amendments to the Constitution and the Council’s working practices to give effect to these recommendations with effect from the start of the 2013/14 municipal year.”

Following debate, Councillor T. Higgins PROPOSED amending the wording of the Motion so that the revised wording of the recommendations of the Technology and Community Engagement Task and Finish Group be as set out below. The Council indicated its consent and the Motion was deemed amended accordingly. It was agreed that a separate vote be taken on each separate recommendation.

(i) The Council will not webcast meetings given the current economic situation, bearing in mind the associated costs of such an initiative and other relevant issues such as the internet connection costs for viewers. (CARRIED).

(ii) Council agrees to the audio recording of all public meetings of Full Council, Cabinet, Committees and Panel and will record such meetings itself. Recordings of these meetings will be made available on the Council’s website. (CARRIED)

(iii) Discreet use of devices during meetings for receiving messages should be acknowledged and permitted and this permission should be extended to use of devices at meetings for accessing papers and information via the internet. Discreet use of devices during meetings for photography and filming will be permitted but no flash photography will be permitted during meetings. (CARRIED)

(iv) Use of devices for participation in social media discussions will be permitted for those taking part in public meetings other than the regulatory committees of the Council due to quasi-judicial responsibilities (LOST)

A NAMED VOTE having been requested on recommendation (iv) pursuant to the provisions of Council Procedure Rule 15(2) the voting was as follows:-

Those who voted FOR were:-

Councillors Barlow, Barton, Bourne, Chapman, Cope, Feltham, Goss, Greenhill, Harris, Hayes, P. Higgins, T. Higgins, Liddy, Lilley, Manning, Naish, Quince, Scott-Boutell, Smith, Turrell, J. Young and T. Young.

Those who voted AGAINST were:-

Councillors Bentley, Blandon, Blundell, Chillingworth, Chuah, Cook, Cory, Davies, Elliott, Ellis, Frame, Gamble, Harrington, Havis, Hazell, Hunt, Jarvis, Jowers, Kimberley, Lewis, Lissimore, Maclean, Martin, Offen, B. Oxford, G. Oxford, P. Oxford, L. Sykes, and the Mayor (Councillor Arnold).

Those who ABSTAINED from voting:-

The Deputy Mayor (Councillor C. Sykes)

(v) Arrangements be made for guidance on permitted use of devices to be included within agenda information pages for meetings and for similar information notices to be displayed in the principal meeting rooms of the Town Hall (CARRIED)

(vi) The councillors' code of conduct be amended by means of extending its existing provisions to include councillors' colchester.gov social media accounts and their participation in social media discussions. (WITHDRAWN FOR FURTHER CONSIDERATION)

(vii) Consideration be given to the many advantages of tablet devices such as rapid and straight forward access to the internet and to emails, extended battery life, ability to work whilst 'on the move', wireless printing, publishing functionality and access to numerous applications (CARRIED).

(viii) Authority be delegated to the Monitoring Officer and the Democratic Services Manager in consultation with the Group Leaders to make the necessary consequential amendments to the Constitution and the Council's working practices to give effect to these recommendations with effect from the start of the 2013/14 municipal year (CARRIED).

66. Colchester Borough Council Safeguarding Policy

RESOLVED that the recommendation contained in minute 74 of the Cabinet meeting on 6 March 2013 be approved and adopted (UNANIMOUS)

67. Housing Benefit

Councillors T. Young, Frame (in respect of their membership of the Board of Colne Housing) and J. Young (in respect of her spouse's membership of the Board of Colne Housing) declared a disclosable non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Amanda Stannard addressed the Council pursuant to the provision of Council Procedure Rule 6(1). She explained her personal circumstances and how the changes being introduced to housing benefit would have a detrimental impact on her and her husband. The new system was obstructing them at every turn.

It was PROPOSED by Councillor Bourne that:-

This Council asks the Government to re-examine the measures it is putting in place to cut housing benefit from 1,097 of Colchester's most vulnerable residents, through implementation of the new rules introduced for 'spare' bedrooms;

Believes it to be an unworkable policy given that tenants requesting smaller properties will still have their Housing Benefit cut by a minimum of 14% even if there are no suitable properties available;

Is concerned that the Discretionary Housing Payments fund is for transitional support, yet Local Authorities are now being asked to make top up payments to those in adapted properties;

Notes that the policy has in recent days already been amended, due to pressure from the Opposition and campaign groups, to exempt groups, such as foster parents, service families and those with disabilities that require extra space, and therefore requests the Government to undertake a review of the whole policy prior to implementation.

Following the debate, Councillor Bourne PROPOSED amending the Motion to include the following additional paragraph:-

“That the wording of the Motion be sent to those Members of Parliament who represent the Borough of Colchester.”

The Council indicated its consent and the Motion was deemed amended accordingly.

The MOTION was CARRIED (MAJORITY voted FOR).

68. Domestic Sprinkler Systems

Councillors Turrell and J. Young (in respect of their membership of Essex Fire

Authority) declared a disclosable non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

It was PROPOSED by Councillor J. Young that:-

This Authority will do all that it can within current regulations to promote the inclusion of domestic sprinklers systems and we will encourage developers to install them through our planning process. We believe that for schools, HMOs, accommodation for the elderly or those with physical or mental illness domestic sprinkler systems should be installed.

Following the debate, Councillor J, Young PROPOSED amending the Motion to include the words “and carbon monoxide detectors” after the words “domestic sprinkler systems” in the first sentence, and the inclusion of the word “students” after the words “for the elderly,” in the second sentence.

The Council indicated its consent and the Motion was deemed amended accordingly.

The MOTION was CARRIED (UNANIMOUS).

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

Questioner	Subject	Response
Verbal Questions		
Councillor J. Young	In the recent consultation on licensing and taxi hire, how many taxi drivers were consulted and could the Portfolio Holder for Street Services ensure that all consultations relating to taxi drivers were sent to up to date e-mail addresses.	Councillor Hunt, Portfolio Holder for Street Services, indicated that a written response would be sent.
Councillor Quince	Now that the trial of changes to the access to the High Street was underway, could the Leader of the Council indicate how Colchester was benefitting? If the scheme continued to fail, when would the trial be	Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy indicated that it would result in reduced traffic on the High Street and less pollution from queuing buses. Both residents and High Street

	ended?	businesses supported the proposals. Any decisions about the future of the scheme would be taken in consultation with Essex County Council.
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70. Schedules of Decisions taken by Portfolio Holders

RESOLVED that the Schedules of Decisions taken by Portfolio Holders for the period 2 February 2013 - 8 March 2013 be approved and adopted.