

# COUNCIL

## 16 FEBRUARY 2011

*Present :-* Councillor Sonia Lewis (the Mayor) (Chairman)  
Councillor Helen Chuah (Deputy Mayor)  
Councillors Christopher Arnold, Nick Barlow,  
Lyn Barton, Kevin Bentley, Mary Blandon,  
Elizabeth Blundell, John Bouckley, Nigel Chapman,  
Peter Chillingworth, Barrie Cook, Nick Cope, Mark Cory,  
Beverly Davies, Tina Dopson, John Elliott, Andrew Ellis,  
Margaret Fairley-Crowe, Stephen Ford, Wyn Foster,  
Bill Frame, Christopher Garnett, Martin Goss,  
Scott Greenhill, Mike Hardy, Dave Harris, Pauline Hazell,  
Peter Higgins, Theresa Higgins, Mike Hogg, Martin Hunt  
(Deputy Leader) , John Jowers, Margaret Kimberley,  
Justin Knight, Michael Lilley, Sue Lissimore,  
Jackie Maclean, Jon Manning, Richard Martin,  
Colin Mudie, Kim Naish, Nigel Offen, Beverley Oxford,  
Gerard Oxford, Philip Oxford, Ann Quarrie,  
Lesley Scott-Boutell, Paul Smith, Henry Spyvee,  
Terry Sutton, Colin Sykes, Laura Sykes, Jill Tod,  
Anne Turrell (Leader of the Council) , Dennis Willetts,  
Julie Young and Tim Young

The meeting was opened with prayers by the Mayor's Chaplain, The Reverend Richard Allen.

### **51. Minutes**

The minutes of the meeting held on 9 December 2010 were confirmed as a correct record.

### **52. Have Your Say!**

Will Quince addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) about the issue of dog fouling which he believed was a growing problem in Colchester. This was caused by a minority of irresponsible dog owners. As well as being unsightly it was a public health issue. The Council should act to deal with this problem by investigating a Dog Control Order, doubling the fixed penalty notice that could be issued for dog fouling and make a commitment to increase the number of dog waste bins per annum.

Councillor Hunt, Portfolio Holder for Street and Waste Services, agreed to consider the proposals put forward by Mr Quince. He believed that the new zoned approach to Street Services that would result from the implementation of the Fundamental Service Review would help tackle the issue. The use of multi-skilled teams would increase the resources available to deal with this issue.

Eleanor Root addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) to query the appropriateness of commencing Council meetings with a religious prayer. This might lead those of different faiths or without religious beliefs to feel excluded from the meeting.

The Mayor responded that it was usual practice for the Mayor to appoint a Chaplain for their period of office. The Constitution provided for Council meetings to commence with a prayer, at the discretion of the Mayor. As Mayor, she had attended services of many different faiths and respected the views of others. In return, she hoped that her views would be similarly be respected.

Andy Hamilton addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) to express his concern about the Visual Arts Facility and the Council's decision not to provide a mobility scooter service at the bus station. The proposed budget cuts were deliberately targeted at the most vulnerable in society. For instance travel tokens for disabled passengers were being withdrawn and the Shopmobility grant was under threat.

Councillor Smith, Portfolio Holder for Resources and Diversity, responded that decision to withdraw travel tokens had been taken by Essex County Council.

### **53. Mayor's Announcements**

The Mayor announced that she had recently attended the funerals of former Councillor David Adams and former Mayoress Mary Wilkin. Council stood for a minute to show its respect for David Adams and Mary Wilkin and for the soldiers from Colchester Garrison recently killed on active service.

The Mayor had attended the cutting of turf for the new Army Recovery Centre, which was a significant joint venture between the Ministry of Defence, Help for Heroes and The Royal British Legion.

The Mayor announced the following forthcoming events:-

The Bach Choir Concert at St Botolphs Church on 26 March 2011;  
Boxted Methodist Silver Band Gala Concert at Langham Community Centre on 12 March 2011;  
A Paranormal Event at the Town Hall on 7 April 2011;  
An Antiques Valuation hosted by James Grinter in the Mayoral Suite on 28th April 2011.

### **54. Suspension of Council Procedure Rules**

*RESOLVED* that Council Procedure Rule 14(3) be suspended for the following item to allow a nominated member of each political group to speak untimed and all other speakers to be limited to five minutes.

**Councillor Elizabeth Blundell (in respect of her membership of Marks Tey Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Colin Sykes (in respect of his membership of Colchester Association of Local Councils) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor John Jowers (in respect of his role in funding the Essex Association of Local Councils) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

## **55. 2011/12 Revenue Budget and Medium Term Financial Forecast**

Andy Abbott addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He drew comparisons between the political situation now and with those in 1945. Even though the country had been in a worse financial position than it was now, social reform such as the NHS and the Welfare State had been introduced. In the 1970s the political agenda had changed with an increased emphasis on market forces and this had led to the problems faced today. The purpose of Colchester Against Cuts was to remind those at the top of society of their responsibility to make compromises to protect all of society.

Marcus Harrington addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) to express concern about the impact of the proposed reduction in parish grants. As these were used to provide facilities in parished areas that would otherwise be funded by the borough, parished areas were hit disproportionately hard by the reduction. Particular concern was expressed about the scope and imminence of the reductions. Council was urged to amend the budget accordingly.

Rafe Pigott addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) to stress the need for politicians to vote honestly and to take responsibility for their actions. If they opposed the cuts in the budget, they should vote against it and not vote with party loyalties.

Nick Simpson addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He believed that the budget cuts would particularly affect the poorest and most vulnerable in society. The Council could refuse to set a budget, or Councillors could accept reductions in their allowances in order to demonstrate that they cared about the impact of the cuts.

Tim Oxtan addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He had addressed the Cabinet on 26 January 2011 and invited the administration to make a public declaration that it deplored the cuts made by central government. He hoped that the administration would make such a declaration at this

meeting. However he had been heartened by the Leader of the Council's support for the public letter to the government condemning the impact of the reduction of central government funding of local authorities.

Jed Miller addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He explained that UK debt as a percentage of Gross Domestic Product was approximately 50%. The figure for the United States, France and Germany was double that. Budget cuts would only harm the economy. The Council was urged not agree to the proposed budget.

Nathan Bolton, National Union of Students Campaigns Officer at Essex University, addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He considered that there was a groundswell of opinion that the consensus that the cuts were necessary was breaking up. The reductions in funding were ideologically driven and would affect the poorest in society most, rather than those who had caused the financial crisis. Councillors were urged to support the campaigns and actions by students against the cuts.

It was PROPOSED by Councillor Smith that recommendations contained in minute 52 of the Cabinet meeting of 26 January 2011 and the recommendations contained in the Head of Resource Management's report entitled Precept and Council Tax Levels 2011/12 be approved and adopted.

A MAIN AMENDMENT was proposed by Councillor Bentley as follows:-

"That the recommendations contained in minute 52 of the Cabinet meeting of 26 January 2011 and the recommendations contained in the Head of Resource Management's report entitled Precept and Council Tax Levels 2011/12 be approved and adopted subject to:

(i) In Appendix C to the Head of Resource Management's report the figure for the reduction in parish grants be amended to £50,000 so that the diminution of grant to third tier Councils broadly matches that of Colchester Borough Council over a 3-year period, and consequently;

(ii) The addition of the following text to Appendix C to the Head of Resource Management's report:-

"that this be financed by a corresponding £50,000 adjustment to the budget by transferring Colchester Borough Council responsibility for support of Neighbourhood Action Panels and associated functions in parished areas to the Parish/Town Councils".

(iii) The addition of the following text to Appendix G to the Head of Resource Management's report (Medium Term Financial Forecast) :-

"a reduction in Colchester Borough Council headcount of 100 per year in each of the next 3 years, by means of reducing the number of management layers, transferring operations along with their personnel to trusts or independent companies, and efficiency reviews", and consequently:-

(iv) Table 1 of the Medium Term Financial Forecast be adjusted to show additional saving in successive years, starting from 2012/13, of £2.5m, £5.0m and £7.5m respectively."

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

On being put to the vote, the MAIN AMENDMENT was lost (TWENTY THREE voted FOR, THIRTY THREE voted AGAINST and TWO ABSTAINED from voting).

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, Davies, Elliott, Ellis, Fairley-Crowe, Foster, Garnett, Hardy, Hazell, Jowers, Kimberley, Lissimore, Maclean, Martin, Quarrie, Sutton, Tod and Willetts.

Those who voted AGAINST were:-

Councillors Barlow, Barton, Blandon, Cook, Cope, Cory, Dopson, Ford, Frame, Goss, Greenhill, Harris, P. Higgins, T. Higgins, Hogg, Hunt, Knight, Lilley, Manning, Mudie, Naish, Offen, B. Oxford, G. Oxford, P. Oxford, Scott-Boutell, Smith, Spyvee, C. Sykes, L. Sykes, Turrell, J. Young and T. Young.

Those who ABSTAINED from voting were:-

The Deputy Mayor (Chuah) and the Mayor (Lewis).

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

## **56. Revised Whistleblowing Policy**

*RESOLVED* that the recommendations contained in minute 55 of the Cabinet meeting of 26 January 2011 be approved and adopted (MAJORITY voted FOR).

## **57. Statement of Licensing Policy**

*RESOLVED* that the recommendation contained in minute 15 of the Licensing Committee meeting of 12 January 2011 be approved and adopted (MAJORITY voted FOR).

## **58. Braintree District Council and Colchester Borough Council Shared**

## Management Arrangements - Issues and Challenges

*RESOLVED* that the recommendations contained in the Chief Executive's report be approved and adopted (MAJORITY voted FOR).

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

<b>Questioner</b>	<b>Subject</b>	<b>Response</b>
<b>Pre-Notified Questions</b>		
Councillor Cook	<p>During the winter months across Colchester irresponsible drivers are parking their vehicles on council owned grass verges and greenswards causing, or contributing to, considerable damage to the greens.</p> <p>As this is an offence of "criminal damage" to council property, what action against the offending culprit will the officers and portfolio holder take to recover the cost of repair of the damage that they have caused, providing that:-</p> <p>(a) The offending vehicle and its registration number, having parked on the damaged area can be recorded by photographic evidence and presented to the council for action by a member of the public?</p> <p>(b) From this photographic evidence the owner and/or driver of the offending vehicle can be traced and identified then presented with the damage recovery cost, to be paid in full.</p> <p>Or will this Council and Essex</p>	<p>Direct verbal response given by the Portfolio Holder for Communities.</p>

County council continue as in the past to use tax payer's money to repair such damage at no cost to the offender?

### **Oral Questions**

Councillor Sutton	Timescale for response to a question asked previously at Council.	Direct verbal response given by the Leader of the Council and Portfolio Holder for Strategy and Performance and by the Portfolio Holder for Economic Development, Culture and Tourism.
Councillor Bentley	Whether arrangements could be made for residents to be able to obtain clear recycling sacks from libraries.	Direct verbal response given by the Portfolio Holder for Street and waste Services.
Councillor Lissimore	The nature of evidence required to bring a prosecution for damage to a grass verge and the damage done to a grass verge in Laxton Court by a refuse collection lorry.	Direct verbal response given by the Portfolio Holder for Communities.

### **60. Schedules of Decisions taken by Portfolio Holders**

*RESOLVED* that the Schedule of Portfolio Holder decisions for the period 27 November 2010 -31 January 2011 be noted.