

COUNCIL

14 JULY 2010

Present :- Councillor Sonia Lewis (the Mayor) (Chairman)
Councillor Helen Chuah (Deputy Mayor)
Councillors Christopher Arnold, Nick Barlow,
Kevin Bentley, Mary Blandon, Elizabeth Blundell,
John Bouckley, Peter Chillingworth, Barrie Cook,
Nick Cope, Tina Dopson, John Elliott, Andrew Ellis,
Margaret Fairley-Crowe, Margaret Fisher,
Stephen Ford, Wyn Foster, Bill Frame, Ray Gamble,
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,
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.

17. Minutes

The minutes of the meeting held on 19 May 2010 were confirmed as a correct record.

18. Have Your Say!

Darius Law addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He thanked the Portfolio Holder for the response he had received to his queries at the Council meeting on 24 March 2010 about Gosbecks Archaeological Park. However he was concerned that the funding set aside for Gosbecks was being eroded on maintenance costs alone. He sought an assurance that the Council was considering proposals from Destination Colchester about Gosbecks.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, responded that the Council was working closely with Destination Colchester.

The Mayor of Wivenhoe, Councillor Brain Sinclair, addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to explain that Wivenhoe Town Council

would have to take on the costs of maintenance and public liability insurance for the facilities arising from the redevelopment of Cook's Shipyard, without receiving any additional funding. He appreciated the difficult economic climate and that local government would be forced to make cuts, but asked that Colchester Borough Council bear in mind the additional burden that Wivenhoe faced.

Councillor Dopson, Portfolio Holder for Communities, acknowledged the challenges faced by Wivenhoe Town Council.

Paula Whitney addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) about the importance of environmental issues and to urge the Council to sign up to Friends of the Earth "Get Serious" Campaign. All decision making by the Council should be aimed at reducing carbon emissions. The Council needed to look at issues such as tree-planting, congestion, encouraging greener forms of transport and supporting public transport. The bus station should be preserved on its present site and the High Street should not be pedestrianised as this would interfere with bus services.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance indicated that a written response would be sent but that she was aware of the Get Serious campaign and had looked at the Get Serious campaign cards that had been presented to the Cabinet. Councillor Hunt, Portfolio Holder for Street and Waste Services, explained that the Council supported the "Trees for Years "campaign which addressed some of the concerns expressed by Ms Whitney.

19. Mayor's Announcements

The Mayor made the following announcements:-

- the Mayor would be presenting former Councillors with certificates thanking them for their service on 20 July;
- 20 July would also be the first "buttonhole wearing" day for Colchester in Bloom;
- Colchester In Bloom Shop and Garden judging would be on 28 July;
- Mayor's Escort at home would be on 29 July in the Mayor's Parlour.

20. Colchester Borough Council Safeguarding Adults Policy

RESOLVED that the recommendation contained in minute 5 of the Cabinet meeting of 26 May 2010 be approved and adopted (UNANIMOUS).

21. 2011/12 Budget Strategy, Medium Term Financial Forecast and Budget Timetable/VAF Issues Relating to Legal Proceedings

RESOLVED that the recommendations contained in minutes 13 and 15 of the Cabinet meeting of 30 June 2010 be approved and adopted (MAJORITY voted in favour).

Councillor Bill Frame (in respect of his position as Chairman of Colne Housing) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

22. Schedules of Decisions taken by Portfolio Holders

RESOLVED that the schedule of Portfolio Holder decisions for the period 12 March 2010 - 2 July 2010 be noted.

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

Questioner	Subject	Response
Oral Questions		
Councillor Arnold	The arrangements for scrutiny of decisions on the procurement of new freighters in March 2011.	Direct oral answer provided by the Portfolio Holder for Street and Waste Services.
Councillor Chillingworth	Whether the Leader of the Council's campaigning against further housing development in Mile End compromised her responsibilities to the strategic development of the Borough.	Direct oral answer provided by the Leader of the Council and the Portfolio Holder for Strategy and Performance.
Councillor Cope	Update on progress of legal action taken by Banner Holdings against the Council.	Direct oral answer provided by the Portfolio Holder for Resources and Diversity.
Councillor Willetts	Would the Leader of the Council and Portfolio Holder for Strategy and Performance undertake a review of the parking penalty strategy to ensure volunteers helping those in need were not hindered.	Direct oral answer provided by the Leader of the Council and the Portfolio Holder for Strategy and Performance.
Councillor Quarrie	The responsibilities of Parish Councils.	Direct oral answer provided by the Portfolio Holder for Communities.
Councillor Bentley	The Cabinet's position on Local Enterprise Partnerships.	Direct oral answer provided by the Leader of the Council and the Portfolio Holder for Strategy and

		Performance.
Councillor Hazell	Whether the level of service presently provided to residents and tenants could be guaranteed.	Direct oral answer provided by the Portfolio Holder for Customers
Councillor Hazell	Whether the Council would maintain the war memorial to a standard that would reflect its importance.	Direct oral answer provided by the Portfolio Holder for Communities.
Councillor G. Oxford	Whether a badge could be introduced to identify volunteer drivers helping the vulnerable.	Direct oral answer provided by the Portfolio Holder for Communities.
Councillor Jowers	The Council's position on an Integrated County Strategy and whether the Leader of the Council was aware of problems in Suffolk County Council in relation to such a strategy.	Direct oral answer provided by the Leader of the Council and the Portfolio Holder for Strategy and Performance.
Councillor J. Young	Could the Portfolio Holder for Communities look into the possibility of extending the blue badge scheme so that it included carers.	Direct oral answer provided by the Portfolio Holder for Communities.

24. Increase in VAT

It was PROPOSED by Coouncillor Dopson that:-

This Council:-

(i) Believes that:-

- the increase in VAT from 17.5% to 20% announced in the Government's June Budget will fall hardest on those least able to afford it.
- the increase in VAT will lead to higher prices for goods and services; will have a disproportionate impact on pensioners and other low income groups; and will have a severe impact on businesses, charities and community groups in Colchester.
- the effect of the increase in VAT, when taken with other measures in the Budget, will be unfair to pensioners, who have not had a compensatory increase in other benefits and allowances.
- the way the VAT increase will affect pensioners and other low income groups runs counter to the Government's Coalition Agreement statement on 20 May 2010 that it would "ensure that fairness is at the heart of those decisions so that all those most in need are protected."

(ii) Notes that the Institute of Fiscal Studies has stated the VAT increase was not

"unavoidable," as the Chancellor of the Exchequer announced in his Budget speech.

(iii) Resolves to write directly to the Chancellor of the Exchequer raising concerns about the impact of the proposed VAT increase on pensioners, other vulnerable groups and businesses in Colchester.

(iv) Calls on the Members of Parliament representing the Borough of Colchester to stand up for Colchester, pensioners, businesses and wider community, by voicing their opposition to this unfair increase in VAT and to vote against it in Parliament.

A MAIN AMENDMENT was moved by Councillor Smith as follows:-

The Motion concerning the increase in VAT be approved and adopted subject to the following amendments:-

(i) In paragraph (i):-

(a) in the first bullet point the deletion of the word "will" and its replacement with the word "may";

(b) in the second bullet point the deletion of the word "will" at the second and third points it occurs and its replacement with the word "may" on each occasion;

(c) at the end of the second bullet point the insertion of the following additional words after the words "community groups in Colchester":-

"but this Council welcomes the restoration of the link between pensions and earnings, the increase in personal allowance which will take over eight hundred thousand low earners out of income tax altogether, and the closing of the capital gains tax loophole, all of which the Labour Government failed to achieve in 13 years."

(d) the deletion of the third and fourth bullet points.

(ii) In paragraph (iii) the insertion of the following additional words after the words "other vulnerable groups and businesses in Colchester":-

"and calls on the Chancellor of the Exchequer to undertake an impact assessment of the proposed 2½% VAT rise before it is implemented in January ."

(iii) the deletion of paragraph (iv).

The MAIN AMENDMENT was lost (MAJORITY voted AGAINST).

The MOTION was thereupon put and was LOST (TEN voted FOR, TWENTY ONE voted AGAINST and TWENTY THREE 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 Dopson, Ford, Harris, Lilley, Naish, B. Oxford, G. Oxford, P. Oxford, J. Young and T. Young.

Those who voted AGAINST were:-

Councillors Bentley, Blundell, Bouckley, Chillingworth, Cook, Elliott, Ellis, Fairley-Crowe, Foster, Garnett, Hardy, Hazell, Hogg, Jowers, Kimberley, Lissimore, Maclean, Martin, Quarrie, Tod and Willetts.

Those who ABSTAINED from voting:-

Councillors Barlow, Blandon, Cope, Fisher, Frame, Gamble, Goss, Greenhill, P. Higgins, T. Higgins, Hunt, Knight, Manning, Mudie, Offen, Scott-Boutell, Smith, Spyvee, C. Sykes, L. Sykes, Turrell, the Mayor (Councillor Lewis) and the Deputy Mayor (Councillor Chuah).

25. Suspension of Procedure Rules

RESOLVED that Council Procedure Rule 11(2) be suspended to permit the following motion to be debated and determined at this meeting.

Councillor Tina Dopson (in respect of her employment by Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Dave Harris (in respect of his position as a Governor of the Stanway Federation School) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Tim Young (in respect of his spouse's membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Kevin Bentley, Councillor John Jowers, Councillor Anne Turrell and Councillor Julie Young (in respect of membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

26. Secondary School Education in Colchester

Mr Slater addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He expressed concern that there was insufficient capacity at Colchester's secondary schools for the growing population. For instance the additional

school places generated by the garrison redevelopment would not be met by the proposed level of extra provision at Philip Morant. Therefore Alderman Blaxhill and Thomas Lord Audley schools should be kept open under the Stanway Federation. Pupils and parents needed to know what the position was as the uncertainty only made the problems worse. Essex County Council should be encouraging schools rather than threatening them with closure.

It was PROPOSED by Councillor J. Young that:-

(a) This Council is disappointed that the proposed major investment in Colchester Secondary schools will not now go ahead.

(b) This Council supported Option 4 and supports the Stanway Federation intention to form a single school operating over two sites in Stanway and Monkwick.

(c) This Council calls upon Essex County Council:-

- to confirm its support for the Federation proposals;
- to review its capital programme in order that the necessary and planned parallel investment can be made available at the Thomas Lord Audley site and at Stanway School to provide suitably enhanced learning environments.

Councillor Dopson moved a SECONDARY AMENDMENT as follows:-

The motion concerning Secondary School Education in Colchester be approved and adopted subject to the following amendments:-

(a) At paragraph (b):-

- the insertion of the word "initially" between the words "school" and "operating";
- the deletion of the word "two" and its replacement with the word "three";
- the deletion of the word "and" between Stanway and Monkwick and its replacement with a comma;
- the insertion of the words "and Shrub End." after the word "Monkwick."

(b) In the second bullet point of paragraph (c) the deletion of the words "at the Thomas Lord Audley site and at Stanway School".

Councillor J. Young indicated that she ACCEPTED the SECONDARY AMENDMENT whereupon the MOTION was deemed amended accordingly.

The MOTION AS AMENDED was thereupon put and CARRIED (MAJORITY VOTED IN FAVOUR).

27. Review of Future Debate Opportunities

RESOLVED that the recommendations contained in the Monitoring Officer's report be

approved and adopted.