

## **COUNCIL**

### **22 APRIL 2009**

*Present :-* Councillor Margaret Fairley-Crowe (The Mayor)  
(Chairman)  
Councillors Christopher Arnold, Nick Barlow,  
Lyn Barton, Kevin Bentley, Mary Blandon,  
Elizabeth Blundell, John Bouckley, Nigel Chapman,  
Peter Chillingworth, Helen Chuah, Barrie Cook,  
Mark Cory, Robert Davidson, Beverly Davies,  
Tina Dopson, John Elliott, Andrew Ellis,  
Margaret Fisher, Stephen Ford, Wyn Foster,  
Ray Gamble, Christopher Garnett, Martin Goss,  
Chris Hall, Mike Hardy, Dave Harris, Peter Higgins,  
Theresa Higgins, Mike Hogg, Martin Hunt, John Jowers,  
Margaret Kimberley, Justin Knight, Sonia Lewis,  
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, Anne Turrell, Dennis Willetts and  
Tim Young

The meeting was opened with prayers by the Mayors Chaplain, The Reverend Bob Fuller.

#### **54. Have Your Say!**

Andy Hamilton addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to express concern about the reduction in the opening hours of Shopmobility. He considered that the disabled residents of Colchester deserved a better service. He also expressed concern about the banning of supermarket trolleys from the bus station, which he believed indicated that the Council did not understand the difficulties faced by disabled residents. Councillor Tim Young responded that the Council had tried to enter into a discussion with Sainsburys about the issue of abandoned supermarket trolleys, but they had not responded. The Council had introduced a charge for abandoned trolleys to cover the costs incurred in dealing with them.

#### **55. Minutes**

The minutes of the meetings held on 11 December 2008 and 18 February 2009 were confirmed as a correct record.

#### **56. Mayor's Announcements**

The Mayor announced that the Council had achieved Level 3 of the Equality Standard for Local Government. This was a significant achievement and the Council was one of only 21 district councils which had achieved this level.

## **57. Personal Interests of Members**

**Councillor John Jowers (in respect of his membership of Essex County Council, the Regional Planning Panel and the Regional Flood Defence Committee) declared a personal interest in Minute No. 65 pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Margaret Fisher and Councillor Theresa Higgins (in respect of their membership of Essex County Council) declared a personal interest in Minute No. 65 pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Peter Higgins and Councillor Tim Young (in respect of their spouses being a member of Essex County Council) declared a personal interest in Minute No. 65 pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Margaret Fisher (in respect of her membership of Essex Police Authority) declared a personal interest in Minute No. 66 pursuant to the provisions of Meetings General Procedure Rule 7(3)**

## **58. Appointment of Portfolio Holder for Resources and Business**

Mr Will Quince addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to seek clarification about the departure of Councillor Smith from the Cabinet. Councillor Hunt, Deputy Leader of the Council and Portfolio Holder for Communication and Customers, explained that Councillor Smith had been suspended for an alleged breach of Liberal Democrat Group rules. An investigation into the incident was underway. There was no issue about his competence as a Portfolio Holder.

Councillor Turrell PROPOSED that Councillor Nigel Offen be appointed to the Cabinet for the remainder of the 2008/09 Municipal Year and invited the Council to note the allocation of the Resources and Business Portfolio to Councillor Offen.

Councillor Willetts raised a point of order and sought confirmation as to whether the criteria of Article 7.04 of Part 2 of the Constitution had been met. Following a short adjournment, Councillor Turrell withdrew the proposal that Councillor Offen be appointed to the Cabinet.

## **59. Empowerment Agenda**

It was PROPOSED by Councillor Turrell that the recommendations in minute 63 of the Cabinet meeting of 18 March 2009 be approved and adopted.

It was *RESOLVED* that the recommendations in minute 63 of the Cabinet meeting of 18 March 2009 be approved and adopted.

#### **60. Sustainable Communities Act 2007**

It was PROPOSED by Councillor Barton that the recommendations in minute 64 of the Cabinet meeting of 18 March 2009 be approved and adopted.

It was *RESOLVED* that the recommendations in minute 64 of the Cabinet meeting of 18 March 2009 be approved and adopted.

#### **61. Local Code of Corporate Governance**

It was PROPOSED by Councillor Turrell that the recommendation in minute 69 of the Cabinet meeting of 18 March 2009 be approved and adopted.

It was *RESOLVED* that the recommendation in minute 69 of the Cabinet meeting of 18 March 2009 be approved and adopted.

#### **62. Standards Committee Annual Report 2008/09**

Andy Hamilton addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He explained that he had made a complaint which had been referred to the Standards Board, who had decided not to take it forward. He considered that there was no point in making official complaints and this reinforced that negative perception the public had of local political parties.

It was PROPOSED by the Deputy Mayor that the recommendation in minute 12 of the Standards Committee meeting of 6 March 2009 be approved and adopted.

It was *RESOLVED* that the recommendation in minute 12 of the Standards Committee meeting of 6 March 2009 be approved and adopted.

#### **63. Revised Whistle-blowing Policy**

It was PROPOSED by the Deputy Mayor that the recommendation in minute 14 of the Standards Committee meeting of 6 March 2009 be approved and adopted.

It was *RESOLVED* that the recommendation in minute 14 of the Standards Committee meeting of 6 March 2009 be approved and adopted.

#### 64. Schedules of Decisions taken by Portfolio Holders

It was *RESOLVED* that the Schedule of Portfolio Holder decisions for the period 7 February 2009 -7 April 2009 be noted.

#### 65. 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 Smith	Can the Leader of the Council update the Council on the progress on the residents parking scheme reviews that were passed to the County Council for implementing last year?	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy.
Councillor Smith	Can the Portfolio Holder for Planning and Regeneration update the Council on the progress of the Cycle Town investments in the Borough?	Direct oral answer given by the Portfolio Holder for Planning and Regeneration.
Councillor Smith	Can the Leader of the Council advise the Council of the costs to both the Housing Revenue Account and the General Fund (including the cost of recalculating benefits etc) of the additional processing that will be required to implement the reduction in this year's rent increase, following the Government announcement that was unfortunately not made until after the Council had already issued notices to tenants advising of the higher increase?	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy.
Councillor Barlow	I congratulate the officers of the Council and the Portfolio Holder for reaching Level 3 of the Equality Standard for Local Government. Could the Portfolio Holder for Culture, Tourism and Diversity explain what achieving this means for the Council?	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity.
<b>Oral Questions</b>		
Councillor Chillingworth	Would the Leader of the Council and the Portfolio Holder for Strategy confirm the pay increase for the 2009/0 financial year and explain why it was greater than the	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy

national average pay rise.

Councillor Davidson	As the Deputy Leader of the Council did not take up the increase in his allowance in the current financial year, would he accept the increase this year, and whether Councillor Smith's allowance was suspended.	Direct oral answer given by the Deputy Leader of the Council and Portfolio Holder for Communication and Customers
Councillor Chapman	The impact of the increased demand for its services on the Customer Service Centre, whether additional resources were needed and if so, whether they were being made available?	Direct oral answer given by the Deputy Leader of the Council and Portfolio Holder for Communication and Customers
Councillor Lewis	Was the Leader of the Council aware of discussions with officers and the public meeting about the "mothballing" of the pavilion of the King George V playing field, and whether Lexden and Prettygate Councillors could be consulted on future decisions about the pavilion.	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy
Councillor Lewis	The current position in respect of homelessness units, especially Ascot House.	Direct oral answer given by the Portfolio Holder for Neighbourhoods
Councillor Foster	Problems arising from the booking of the Grey Room via Colchester Museums Service on behalf of Colchester Access Group and how in retrospect the Portfolio Holder for Culture, Tourism and Diversity would have acted differently.	Written answer to be provided by the Portfolio Holder for Culture, Tourism and Diversity
Councillor Harris	Would the 2012 deadline for the closure of the temporary bus station be extended and would the Council work with Essex County Council to ensure a proper service?	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy
Councillor Harris	Whether there were any figures of usage for the free swimming programmes for the under 16's and over 60's and how were these programmes promoted.	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity
Councillor Bentley	Would each of the political groups that made up the administration accept the 1.5% rise in their allowance payments?	Direct oral answers given by the Leader of the Council and Portfolio Strategy, the Portfolio Holder for Neighbourhoods and a written answer to be provided by the Portfolio Holder for Street and Waste

		Services.
Councillor Bentley	What efforts were being made to bring the Olympic Torch to Colchester and to secure the use of Colchester as a training camp and base for Olympic teams.	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity and a briefing paper to be sent by the Portfolio Holder to all Councillors.
Councillor Naish	The accuracy of a statement in the press that the Portfolio Holder for Communication and Customers was of the view that the previous administration were not at fault over the construction of the Visual Arts Facility.	Direct oral answer given by the Portfolio Holder for Communication and Customers
Councillor Willetts	In what circumstances would the Portfolio Holder for Communication and Customers step down in relation to the Visual Arts Facility?	Direct oral answer given by the Portfolio Holder for Communication and Customers
Councillor Willetts	What alternative plans were in place to secure funding for a visitor centre for the Roman Circus given that the application for a grant had been rejected and would the Leader of the Council be kept informed of progress in future?	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity
Councillor Maclean	What progress had been made in the collection of recyclable materials from flats?	Direct oral answer given by the Portfolio Holder for Street and Waste Services
Councillor Lissimore	Were there plans for the Farmer's market and Christmas Fayre to be held at the Community Stadium and had the impact on the town centre of any such move been considered?	Written answer to be provided by the Leader of the Council and Portfolio Holder for Strategy
Councillor Lissimore	What contact had been made with Colchester Allotment Association? Given the waiting list for allotments why had the Portfolio Holder cut the budget, failed to open the field next to Irvine Road or consult with the Allotment Association so they could apply for grants to allow the additional site off Bergholt Road to open, which could accommodate another forty plots.	Written answer to be provided by the Portfolio Holder for Culture, Tourism and Diversity
Councillor P. Higgins	Could the Chairman of the Strategic Overview and Scrutiny Panel provide an	Direct oral answer given by the Chairman of the

	update on the progress of the Task and Finish Group on Bradwell Nuclear Power station?	Strategic Overview and Scrutiny Panel
Councillor Davies	Was there complete staff backing for the new shift system and levels of staffing in the CCTV centre and whether he was aware of any grievances?	Direct oral answer given by the Portfolio Holder for Street and Waste Services
Councillor Hardy	How was the investigation into the issues surrounding the mishandling of a planning application for a phone mast in Lexden progressing and would the results be made public? What steps were being taken to prevent the marginalisation of ward councillors?	Direct oral answer given by the Portfolio Holder for Planning and Regeneration
Councillor Arnold	The contribution of former Councillor Jarvis and Essex County Council to the Cycle Town schemes.	Direct oral answer given by the Portfolio Holder for Planning and Regeneration
Councillor Arnold	In view of the Leader of the Council's statement that she would not be accepting the increase in her allowance, why had she not supported the Conservative budget amendment designed to secure this?	Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy
Councillor Blundell	Would the shrubs dug up in Marks Tey be replaced as the Parish Council were not in favour of them being replaced by daffodils.	Written response to be provided by the Portfolio Holder for Culture, Tourism and Leisure
Councillor Goss	The significance of the nomination of Colchester Visitor Information Centre for an Enjoy England award.	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity
Councillor Goss	Whether the Portfolio Holder for Street and Waste Services had prevented the installation of dog waste bins in Prettygate.	Direct oral answer given by the Portfolio Holder for Street and Waste Services
Councillor Smith	Potential improvements to the Council's communication about recycling.	Direct oral answer given by the Portfolio Holder for Street and Waste Services
Councillor T. Young	Under the proposals brought forward by Essex County Council's consultation document "Transforming Secondary Education in Colchester", was the academy the only new school proposed for Greenstead?	Direct oral answer given by the Portfolio Holder for Performance and Partnerships

## **66. Policing**

It was PROPOSED by Councillor T. Young that:-

This Council calls upon the Local Government Association General Assembly to approve and adopt the following motion:-

“This Association

1. Stresses the need for the Police Service to work closely with Local Councils and other agencies, and commends the successful relationships built up in many Crime and Disorder Reduction Partnerships;
2. Notes that a significant proportion of council tax is spent on policing;
3. Welcomes steps taken to increase the responsiveness of the service and keep the public informed e.g. by crime mapping, policing pledge, etc;
4. Recognises that greater transparency and accountability are required at neighbourhood, basic command unit and force level but
5. Rejects proposals for the direct election of police authority members or police commissioners and welcomes the Home Secretary’s decision not to proceed with such proposals.

The Association calls upon all the major political parties to enter into discussion with it and the Association of Police Authorities (APA) to seek to build a consensus on ways of achieving the objectives set out in paragraph 4 above, without establishing competing mandates with local councils, but by means of, inter alia, greater support for all police authority members, training, peer review, closer scrutiny (involving independent members) to enhance the effectiveness of police authorities within the local democratic framework”

Councillor Maclean moved a SECONDARY AMENDMENT that the Motion be approved and adopted subject to the deletion of the word “but” in paragraph 4, and the deletion of paragraph 5.

Pursuant to Council Procedure Rule 14(11) Councillor T. Young indicated that the SECONDARY AMENDMENT was not accepted.

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

The MOTION was thereupon approved and adopted (the MAJORITY voted FOR).

## **67. St George's Day**

It was PROPOSED by Councillor Willetts that:-



“That this Council:

1. Considers that, at present, St George’s Day is not celebrated in Colchester with as much vigour and enthusiasm as St David’s Day in the towns of Wales, St Andrew’s Day in Scotland and St Patrick’s Day in Ireland;
2. Therefore calls for cross-party support within the Borough of Colchester to promote greater celebration of St George’s Day;
3. Requests that the Leader of the Council and the Mayor work together to take forward this objective of ensuring that St George’s Day is given the recognition it deserves within Britain’s oldest recorded town;
4. Expects that in future years this action will inspire a variety of events across the Borough and give residents the opportunity to show their pride in their Town and to celebrate their heritage accordingly.”

Councillor Naish moved a MAIN AMENDMENT that the Motion be approved and adopted subject to the following amendments:-

“(i) In paragraph 1 the deletion of the words “not celebrated in Colchester with as much vigour and enthusiasm as St David’s Day in the towns of Wales, St Andrew’s Day in Scotland and St Patrick’s Day in Ireland” and the insertion of the words “already commemorated in Colchester with a civic service and parade”;

(ii) The deletion of the wording at paragraph 2 and its replacement with the words “Understands that there may be a call for more celebrations across the Borough”;

(iii) In paragraph 3 the deletion of the words “the Leader of the Council and” and the deletion of the words “work together to take forward this objective of ensuring that St George’s Day is given the recognition it deserves within” and its replacement with the words “works together with suitable organisations to take forward an objective of exploring further opportunities to celebrate St George’s Day in”;

(iv) In paragraph 4 the deletion of the words “this action will inspire a variety of events across the Borough and give residents the opportunity to show their pride in their Town and to celebrate their heritage accordingly” and the insertion of the words “, under the Mayoral function, and with leadership and support from a range of interested organisations – including business, garrison, voluntary and community - events may be held across the Borough giving residents the opportunity to show pride in their Town.”

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

On being put to the vote the MAIN AMENDMENT was approved and the MOTION was deemed amended accordingly. The substantive MOTION as amended was thereupon approved and adopted (MAJORITY voted FOR).

## **68. Scrutiny Report**

It was PROPOSED by Councillor Arnold that the Annual Scrutiny Report be noted. Councillor Arnold paid tribute to the work of Robert Judd, Scrutiny Officer for the sterling work he had done in support of the scrutiny of issues relating to a new nuclear power station at Bradwell.

*RESOLVED* that the Annual Scrutiny report be noted.