

COUNCIL 21 MARCH 2012

Present :- Councillor Helen Chuah (the Mayor) (Chairman)
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, Annie Feltham, Stephen Ford,
Bill Frame, Ray Gamble, Christopher Garnett,
Martin Goss, Scott Greenhill, Mike Hardy, Marcus
Harrington, Dave Harris, Pauline Hazell, Peter Higgins,
Theresa Higgins, Mike Hogg, Martin Hunt (Deputy
Leader) , 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,
Ann Quarrie, Will Quince, Paul Smith, Henry Spyvee,
Colin Sykes, Laura Sykes, 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 Mark Thompson.

55. Minutes

The minutes of the meeting held on 22 February 2012 were confirmed as a correct record.

56. Have Your Say!

Angel Kalyan addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). She stated that she had been trying to bring Council's attention to an allegation of malpractice by senior councillors and staff since October 2009. The response from the Chief Executive that he could not justify the use of resources to investigate her claim was contrary to Council policies on corporate governance and was disempowering and discriminatory. She called on Council to follow its policy and meet with her so she could present evidence of maladministration, malpractice and a miscarriage of justice which she believed was being deliberately covered up.

Owen Bartholomew addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) and presented a petition to the Mayor on behalf of local residents calling on the Council to re-open and clean up the public toilets next to Greenstead Library. He questioned why society gave in to the actions of those who forced the closure of public facilities. He believed that re-opening the toilets would also

encourage greater use of the library.

Christine Lavelle addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) to express her concern about the granting of a planning application for an extension to the Stockwell Arms. The extension ran the whole length of the two adjacent houses and had a detrimental impact on her property, which was a listed building. The only amendment to the plans required by officers was an insignificant drop in the height of the extension. Despite objections from the Dutch Quarter Association and the Civic Trust the application had been determined by officers rather than being referred to the Planning Committee.

Adrian Pritchard, Chief Executive, assured Ms Lavelle that the Council would look her into her concerns and respond in writing.

Norman Bailey addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) to highlight the following issues:-

- litter and graffiti problems in residential areas. He highlighted a particular issue in Gray Road. The use of mechanical sweepers was not the best way to deal with litter.
- the scheme for the reduction of traffic in the town centre. He urged the Council to listen to those affected by the proposed changes.
- the relocation of the bus station.
- the review of sheltered housing. This had disregarded the wishes of residents and left them in limbo. The present situation would deter people from seeking sheltered housing. Joyce Brooks House was a model sheltered housing scheme.

Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated he would look into the littering issue raised by Mr Bailey.

Darius Laws addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) to express his concern about the potential sale of tennis courts at the West End Tennis Centre. He stressed that tennis was an affordable sport that was open to all ages. Whilst he appreciated that no decision had yet been taken, he stressed the need to preserve sport and leisure facilities in an Olympic Year and in view of the Fields in Trust scheme.

Bobby Hunt addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) in respect of Joyce Brooks House. He explained that his solicitor had given the Council notice that an injunction would be sought to restrain the Council. The actions of the Council were motivated by financial considerations and called on the people of Colchester to support the residents of Joyce Brooks House.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, explained that the Council's solicitor had responded to the notice of injunction. The Council was working with the residents of Joyce Brooks House and their representatives to find suitable alternative accommodation. Joyce Brooks House was not a model sheltered housing scheme and the Council was looking to improve the standard of accommodation provided. Some of the residents who had moved from Joyce Brooks

House had been very pleased with their new accommodation.

Andy Abbott addressed the Council pursuant to the provisions of Council Procedure Rule (6)1 to express his concern that contrary to previous assurances about how information about decisions on the Sheltered Housing Review would be communicated, the residents of Maytree Court in Tiptree had heard of its possible closure through the local media.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, explained that residents had been made aware and were being kept informed about the Council's decision making. He would look again at the communications with the residents of Maytree Court and would bring the evidence to the attention of Council and members of the public.

John Lonergan addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) about the proposed changes to access to the High Street. The proposals would create a danger to pedestrians who would be less traffic aware. The Council should look at closing the High Street between 10am and 4pm and develop an alternative route for buses. Drivers with disabilities could be allowed to access to the top end of the High Street with a 5mph speed limit. The Council should also reduce parking charges and introduce Park and Ride. The closure of the High Street would benefit retail outlets and allow Colchester to become a market town again.

Councillor Barton, Portfolio Holder for Renaissance, explained that the Council was working in partnership with Essex County Council on this scheme. Essex County Council were bringing forward the Traffic Regulation Orders and detailed questions on these needed to be addressed to them.

57. Mayor's Announcements

The Mayor made the following announcements:-

- On 2 March the Mayor had hosted a very successful Malaysian Festival at the University of Essex which was followed by a Malaysian Cultural Dance and food evening in aid of the Mayor's Charities. The Malaysian High Commissioner and his wife attended the event and had been very impressed by Colchester and had also promised to look into increasing the number of Malaysian students at Essex University.
- On 5 March the Mayor had opened the Dementia Services in Kingwode Centre, Turner Road.
- A second swearing in of free burgesses to the Borough of Colchester had been held on 8 March.
- The Mayor had hosted a chain gang reception in the Old Library on 9 March.
- On 14 March the Mayor had unveiled the HMS Unruffled submarine plaque which

was taken out of storage from the museum and put on display in the North Committee room for all to see.

- The Mayor had been invited to attend the opening of the East Anglia Children Hospice in Ipswich on 19 March where the Duchess of Cambridge came to officially open the Treehouse hospice and made her maiden speech.
- The last big Mayoral Charity function would be the 'Technicolor Banquet' on 11 May.
- The Mayor announced that Lindsay Barker, Head of Strategic Policy and Regeneration, would shortly be leaving the Council and Council expressed its thanks to Lindsay for her service to the Council.

58. Capital Programme

RESOLVED that the recommendation contained in minute 78 of the Cabinet meeting of 14 March 2012 be approved and adopted (MAJORITY voted FOR).

59. Officer Pay Policy

RESOLVED that the recommendation contained in minute 80 of the Cabinet meeting of 14 March 2012 be approved and adopted (MAJORITY voted FOR).

60. Renaming of Harbour Ward

Father Richard Tillbrook addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) in support of the motion. He explained that Old Heath had been recognised as a settlement since the Saxon period. The boundary of the ward was co-terminus with the ancient boundary of Old Heath. The word "Heath" derived from the word "Hythe" which meant harbour. Residents recognised their community as Old Heath rather than Harbour. All local facilities and organisations, such as the school and post office, used the name Old Heath in their title. All other ward names were based on the names of the areas they represented.

Jason Newell addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). He stressed the importance of politicians listening to electors. If residents of Old Heath were asked where they lived, they would answer "Old Heath" rather than "Harbour". He had been encouraged and reassured by the support for the Motion from members of the public. Only a small minority were opposed, mainly on the basis of cost. However, the cost would be approximately £1200, which was smaller than the proposed ward budget for councillors. If the consultation was web based, the costs would be negligible.

Julia Havis addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). As a resident of Harbour Ward she objected to an outsider seeking to rename the ward. Although it was claimed that residents were in favour of the change, her opinion had not been sought. She had also sought residents' views and none had been in favour whilst some were actively opposed to the proposal. The name of the ward was only really used at election time and it was a waste of resources to seek to change it.

It was PROPOSED by Councillor T. Young that:-

"This Council:

(i) agrees to carry out a consultation with local residents to rename Harbour ward as Old Heath ward;

(ii) believes that giving this area its historic name would be in the interests of the Borough and in line with local public opinion;

(iii) agrees to carry out the consultation in a cost-effective and timely fashion."

The MOTION was APPROVED (MAJORITY voted FOR).

Councillor John Jowers (in respect of his 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 (in respect of his position as the relevant Portfolio Holder at Essex County Council) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.

61. Waste Disposal

Jo Hayes addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). She expressed her concern that Essex County Council was proposing to sign Colchester up to a PFI contract that involved the construction of an MBT plant. This was contrary to the wishes of the residents of Colchester who wished to recycle their waste. Under the terms of the contract, the contractor was guaranteed a certain amount of waste which would undermine Colchester's attempts to be the cleanest and greenest. The House of Commons Treasury Select Committee had warned that PFI contracts did not provide value for money and left future generations to bear the cost. Circumstances had changed since the contract had signed with increased recycling rates, the warning about the PFI contract and the localism agenda.

It was PROPOSED by Councillor Spyvee that:-

"This Council:-

1. Reaffirms its opposition to the PFI-funded contract which Essex County Council is currently negotiating as the centrepiece of its proposed Waste Strategy;
2. Deplores Essex County Council's action in announcing a preferred bidder for the contract in January while public consultation on the Waste Development Document was still going on;
3. Notes that the House of Commons all-party Treasury Select Committee's warning in July 2011 that PFI projects do not give the taxpayer good value for money in view of the high cost of private sector borrowing compared with public sector financing in the current financial crisis;
4. Believes that:
 - (i) The people of Essex want to deal with waste on the principle of Reduce, Re-use, Recycle with green solutions to the disposal of residual waste;
 - (ii) New technology is likely over time to enable us to move ever closer to the goal of zero waste;
 - (iii) The contract being negotiated will lock Essex into a 25 year obligation to use technology that is likely to be obsolete within a few years;
 - (iv) Essex County Council should not be committed to importing waste from outside the County;
 - (v) The proposed MBT plant will lead to heavy lorry traffic from all parts of the County.
5. Therefore calls on Essex County Council as waste disposal authority for Colchester to:
 - (i) Put the current negotiations on hold;
 - (ii) Urgently reconsider whether the PFI basis of finance is suitable and whether the use of new powers under the Localism Act would be preferable;
 - (iii) Ensure that any contract signed should be on terms that allows cancellation at intervals of not more than five years and avoids a commitment to provide a minimum level of waste to an MBT plant with no incentive to improve recycling rates."

A SECONDARY AMENDMENT was PROPOSED by Councillor Willetts to amend the Motion so that it read as follows:-

"This Council:

1. Understands that there are disagreements between CBC's political administration and ECC over the Waste Strategy but recognises that the two authorities are working closely together on recycling and waste collection and disposal issues.

2. Understands that Essex County Council conducted a consultation on the Waste Development Document that was separate to the announcement of the Preferred Bidder Status for Waste Strategy.

3. Notes that the House of Commons all-party Treasury Select Committee's warning in July 2011 on PFI projects, but understands that the Waste Strategy had been scrutinised by both Essex County Council, Southend Borough Council and the Government; and the outline and final business cases have found to be proven and sound.

4. Believes that:

(i) The people of Essex want to deal with waste on the principle of Reduce, Re-use, Recycle with green solutions to the disposal of residual waste;

(ii) New technology is likely over time to enable us to move ever closer to the goal of zero waste;

5. Therefore calls on Essex County Council as waste disposal authority for Colchester to;

(i) understand that: the PFI case has been fully scrutinised by both Essex County Council and Southend Borough Council and accepted; and that vigorous scrutiny will be constantly undertaken in the public interest.

(ii) Ensure that any contract signed should be on terms that allows cancellation at intervals of not more than five years and avoids a commitment to provide a minimum level of waste to an MBT plant with no incentive to improve recycling rates."

Councillor Spyvee indicated that the SECONDARY AMENDMENT was accepted and Council signified its acceptance of the SECONDARY AMENDMENT. The MOTION was therefore deemed AMENDED and the MOTION as AMENDED became the SUBSTANTIVE MOTION. The SUBSTANTIVE MOTION was thereupon put and APPROVED (MAJORITY voted FOR).

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

Questioner	Subject	Response
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Verbal Questions

Councillor Naish	Could the Leader of the Council confirm whether the Portfolio Holder for	Direct verbal response given by the Leader of the Council and Portfolio Holder for Strategy and Performance
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	Communities and Diversity admitted that she wanted to close the Abbots Activity Centre and was she put under pressure by Cabinet colleagues to consider community bids?	
Councillor Naish	Could the Portfolio Holder for Renaissance give details of how much time and how many meetings she had attended on the pedestrianisation of the High Street?	Direct verbal response given by the Portfolio Holder for Renaissance
Councillor Quince	Following the proposals to offer those prosecuted for littering the opportunity to go on a re-education course rather than pay a fine, could the Portfolio Holder confirm that attendees would be charged for attending so there was no burden on the tax payer?	Direct verbal response given by the Portfolio Holder for Street and Waste Services.
Councillor Quince	Would the Leader of the Council and Portfolio Holder for Strategy and Performance consider podcasting Council and Cabinet meetings in order to increase transparency and accountability?	Direct verbal response given by the Leader of the Council and portfolio Holder for Strategy and Performance.
Councillor Quince	Were Essex County Council imposing the proposals for the changes to the access to the High Street or had the proposals been brought forward at the request of the Council?	Direct verbal response given by the Portfolio Holder for Renaissance.
Councillor Bentley	Would the Portfolio Holder for Housing and Community Safety pass on thanks to staff and partner organisations for their efforts in the Day of Action in Stanway and when would intelligence arising from the day be distributed?	Direct verbal response given by the Portfolio Holder for Housing and Community Safety.
Councillor	Was the Portfolio Holder for	Direct verbal response given by the

Bentley	Communities and Diversity put under pressure in respect of the decision to close Abbots Activity Centre and did Cabinet colleagues say that what she was doing was wrong?	Portfolio Holder for Communities and Diversity.
Councillor Bentley	Would the Leader of the Council and Portfolio Holder for Strategy and Performance make a commitment to correct and apologise for any inaccuracies in party literature?	Direct verbal response given by the Leader of the Council and Portfolio Holder for Strategy and Performance.
Councillor Bentley	Would the Portfolio Holder for Resources and Heritage make a commitment to correct and apologise for any inaccuracies in party literature?	Direct verbal response given by the Portfolio Holder for Resources and Heritage.
Councillor Harrington	In view of the closure of Ernest Newson could business rates for small town centre traders be reduced?	Direct verbal responses given by the Portfolio Holder for Economic Development and Sustainability and the Leader of the Council and Portfolio Holder for Strategy and Performance.
Councillor Harrington	Whether Park and Ride should be introduced before the pedestrianisation of the High Street?	Direct verbal response given by the Leader of the Council and Portfolio Holder for Strategy and Performance.
Councillor Bouckley	Was the Chairman of the Local Highway Panel aware of the disappointment caused by the cancellation of the meeting on 28 March 2012 where the Panel were due to consider issues relating to the flooding of the Strood?	Direct verbal response given by the Chairman of the Local Highway Panel.
Councillor Harris	Would the Leader of the Council ensure that the consultation by Essex County Council on street lighting was thorough and open?	Direct verbal response given by the Leader of the Council and Portfolio Holder for Strategy and Performance.
Councillor Willetts	Would the Portfolio Holder for Renaissance release the minutes of the partnership meetings about the town centre pedestrianisation for scrutiny?	Direct verbal response given by the Portfolio Holder for Renaissance.

Councillor Lissimore	What contingency arrangements were put in place for the Castle Park in case of drought conditions?	Direct verbal response given by the Portfolio Holder for Communities and Diversity.
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63. Schedules of Decisions taken by Portfolio Holders

RESOLVED that the schedules of Portfolio Holder decisions for the period 9 February 2012 - 7 March 2012 be noted.