

## COUNCIL 22 FEBRUARY 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, Scott Greenhill, Mike Hardy,  
Marcus Harrington, Dave Harris, Peter Higgins,  
Theresa Higgins, Mike Hogg, Martin Hunt (Deputy  
Leader) , John Jowers, Margaret Kimberley,  
Sonia Lewis, Michael Lilley, Sue Lissimore,  
Jackie Maclean, Jon Manning, Richard Martin,  
Colin Mudie, Kim Naish, Nigel Offen, Beverley Oxford,  
Gerard Oxford, Philip Oxford, Will Quince, Lesley Scott-  
Boutell, Paul Smith, Henry Spyvee, Terry Sutton,  
Colin Sykes, Laura Sykes, Anne Turrell (Leader of the  
Council) , Dennis Willetts, Julie Young and Tim Young

Councillor Scott-Boutell left the meeting during the item at minute 49.

The meeting was opened with prayers by the Mayor's Chaplain, the Reverend Mark Thompson.

### **45. Minutes**

The minutes of the meeting held on 8 December 2011 were confirmed as a correct record.

### **46. Have Your Say!**

Bobby Hunt addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) about the closure of Joyce Brooks House. As residents of Council accommodation, residents of Joyce Brooks House had a right to expect to live there for the rest of their lives. By changing the rules the Council had breached this right. Whilst the building was being marketed with vacant possession, he asserted that he would not be forced to leave. He understood that a growing number of Councillors were opposed to the decision to close Joyce Brooks House. He believed that the Council would be able to debate the matter six months after the decision to close Joyce Brooks House was made and asked Council to guarantee that it would debate the matter after 12 April 2012.

Roger Buston addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) on behalf of residents of Joyce Brooks House. He expressed concern that

the building was currently being marketed by estate agents and believed that this could be interpreted as a breach of the undertaking the Council had given to stay proceedings whilst attempts were made to resolve the matter. This could be interpreted as contempt of court and he believed the Council was legally exposed on this matter. The Council's actions were aggressive and insensitive and it was inappropriate for elderly residents to be treated in such a way.

Tim Oxtan addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) to express his concern at the running of the Council and in particular the following issues:-

- the closure of Joyce Brooks House;
- the relocation of the bus station. Given the statement of the Headteacher at St Thomas More's school, he considered that there was now no need for the bus station to be moved from its current site;
- the proposed sale of the tennis courts at Eudo Road.

Nick Simpson addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) to express his concern about the impact of the closure of Joyce Brooks House and how the Council might be portrayed in national media as a consequence. He believed that there was an ideological thrust behind cuts to frontline services and that the Council was happy to continue to impose cuts.

Councillor Tim Young, Portfolio Holder for Housing and Community Safety, responded to the comments made about Joyce Brooks House to confirm that the judicial review had not been granted, but that the proceedings had been stayed for a period of three months. The Council was confident of its legal position. There was no threat to other sheltered housing schemes other than Joyce Brooks House and Abbeygate House. The Council was seeking to improve the services it provided to residents of its social housing and had the right to move residents to better quality accommodation.

## **47. Mayor's Announcements**

The Mayor made the following announcements:-

- On 6th February the Mayor had been very privileged to mark the 60th anniversary of the accession to the Throne of Queen Elizabeth II by planting a Diamond Jubilee Oak in Castle Park. The Mayor expressed her gratitude to all those who attended and to Bob Penny and Ian Baalham for organising the event.
- The Mayor had attended a civic ceremony to mark the retirement of Tom Fleetwood, Commander of Colchester Garrison, and to welcome Mike Newman as the new Commander.
- The Mayor offered her congratulations to Tony Rich who had been granted an honorary degree by the University of Essex.
- Colchester Filmmakers Club would be hosting an evening of film in the Mayoral

Suite on 1 March 2012. The programme would feature 'The Changing Face of Colchester' and also a short film about the Mayor's journey to the town.

- The Mayor would be hosting a Malaysian Cultural Evening in the Moot Hall on 2 March 2012 with all proceeds going to the Mayor's Charity Fund.
- On 10 March 2012 Phoenix Home would be holding a Grand Dance and Buffet at Stanway Village Hall, with live music by 'Smaart and on the 15th March 2012 Brian Piccolo's 'Couture Evening' would be held in the Mayoral Suite.
- The Teddy Bear's Concert had been re-scheduled, due to the snow, on 18 March 2012 at 2.45pm in the Moot Hall.

#### **48. Suspension of Procedure Rules**

*RESOLVED* that Council Procedure Rules 14(3) and 14(13) be suspended for the following item only to allow a nominated member of each political group to speak untimed and to allow Councillors to speak more than once during the debate on the motion and amendment.

#### **49. 2012-13 General Fund Revenue Budget, Capital Programme and Medium Term Financial Forecast**

Andy Abbott addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). When the budget for 2011/12 had been set, the Council had promised to protect frontline services. However in reality services, particularly to elderly residents, had been cut with the future of Abbots Activity Centre in doubt, the sale of Joyce Brooks House and Abbeygate House for financial reasons and five other sheltered housing schemes under review. Whilst there was increasing demand for services for the elderly, these services were being cut. Sports and leisure services were now under threat and the Council was seeking to make a quick profit by selling tennis courts.

Rafe Piggott addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). When setting the budget for this year, Councillors had claimed that cuts imposed would be "pain free" but this had not been the case for residents of Joyce Brooks House or the users of the Abbots Activity Centre. Councillors should not attempt to repeat this claim. Events in Greece showed what could happen when confidence was lost in the political classes. Councillors needed to exercise their conscience and try and fight the cuts.

It was PROPOSED by Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, that the recommendations in minute 54 of the Cabinet's meeting of 25 January 2012 and the recommendations contained in the Head of Resource Management's report entitled "Precept and Council Tax Levels 2012/13" be approved and adopted. Councillor T. Young, Portfolio Holder for Housing and Community Safety, Councillor Barton, Portfolio Holder for Renaissance, Councillor

Dopson, Portfolio Holder for Communities and Diversity, Councillor Barlow, Portfolio Holder for Economic Development and Sustainability, Councillor B. Oxford, Portfolio Holder for Customers, Councillor Hunt, Portfolio Holder for Street and Waste Services and Councillor Smith, Portfolio Holder for Resources and Heritage spoke in support of the proposal.

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

"That the recommendations contained in minute 54 of the Cabinet meeting of 25 January 2012 and the recommendations contained in the Head of Resource Management's report entitled "Precept and Council Tax Levels 2012-2013" be approved and adopted, subject to the necessary amendments to give effect to the following measures which when taken together are cost neutral :-

1. That the Medium Term Financial Forecast is amended to limit the Council's Tax increases to zero % for the next two years, in line with Government Policy.
2. Financial savings of £27,000 are made by reducing the number of portfolio holders by two, and by freezing Councillors' allowances for 5 years.
3. Financial provision of £90,000 is made to restore a sense of civic pride to the Town Centre by using existing legislation to take action against any absentee owners or landlords who allow buildings to become derelict or an eyesore in the Town Centre, by increasing surveillance of trouble-spots by CCTV, and by extra street cleaning in the Town Centre.
4. Financial provision of £10,000 is made to better regulate the Night-time economy in the Town Centre, enabling licensing powers to be more effectively deployed to help control anti-social behaviour and heavy drinking with a "Zero Tolerance" policy, and seeking contributions from the night-time economy and fast food outlets for the clean-up of the mess their customers cause.
5. Financial provision of £320,000 is made to fund a feasibility study into the promotion of a proper bus/coach station to be provided in St Johns Street by a consortium of partners, using the template of the Chelmsford Bus Station, which includes information boards, coffee shop, loos, and seating.
6. Financial provision of £5000 is made to start an otherwise self-financing/sponsored "Bicycle loan" facility at the Rail stations, the Bus Station, and all Town Centre car parks.
7. Financial provision of £12,000 is made to re-introduce free parking in the Town Centre on Sundays, and to fund a study into rebalancing tariffs and using the planning system to increase the parking capacity on the periphery of the town centre on all days of the week.
8. Financial provision of £200,000 is made to further accelerate the restoration and preservation of Colchester's Roman heritage, including the lighting of the walls, marketed by a reinvigorated tourism promotion team.

9. That a further financial provision of £20,000 is made, in addition to that proposed by Cabinet, for review of the LDF to explore why the provision of infrastructure in the town continues to lag considerably behind the provision of housing.

10. Financial provision of £200,000 is made to commence reinstating the revenue support grants for Parish Councils and that Neighbourhood/Parish Councils are actively promoted in all wards of the Borough that are currently without, so that all wards can participate directly in the localism agenda.

11. Financial provision of £100,000 is made to increase the Council's funding of the Colchester Citizens' Advice Bureau, which is a vital service and is currently amongst the poorest funded in Essex.

12. Financial provision of £1,100,000 is made to increase recycling by commencing the roll-out throughout the whole Borough of a weekly kerbside waste collection that incorporates collection of segregated Food Waste, complemented by supplying bags for remaining recyclables that do not fall apart in normal use.

13. Financial savings of £150,000 are made by signing the Essex County Municipal Waste Agreement to ensure Colchester regains its recycling record by actively participating in improvement in the efficiency of recycling and in the collection of household waste.

14. Financial savings of £680,000 are made by moving from direct service provision to a commissioning authority, replacing the current old fashioned, outdated and costly structure with more efficient service delivery models.

15. Financial savings of £500,000 are made by delivering services in conjunction with other local authorities and statutory service providers to make savings, eliminate doubling-up on service provision, and by marketing Colchester's expertise where the Council is the most efficient provider.

16. Financial savings of £250,000 are made by adopting a management structure and organisation more typical of a private business of the size of Colchester Borough Council, reducing the number of tiers in the Council Staff Structure and reducing the ratio of managers to service-providers.

17. Financial savings of £450,000 are made by placing the Council's Sports and Leisure operations into a Trust, but retaining the long-term title to the assets. "

Councillor Willetts, Councillor Quince, Councillor Lissimore, Councillor Ellis, Councillor Chapman and Councillor Chillingworth spoke in support of the amendment.

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

On being put to the vote, the MAIN AMENDMENT was LOST (MAJORITY VOTED AGAINST).

The SUBSTANTIVE MOTION was thereupon put and CARRIED (MAJORITY VOTED

FOR).

#### **50. Treasury Management Strategy Statement**

*RESOLVED* that the recommendations contained in minute 55 of the Cabinet's meeting of 25 January 2012 be approved and adopted (MAJORITY voted FOR).

#### **51. Strategic Plan 2012-2015**

*RESOLVED* that the recommendation contained in minute 56 of the Cabinet's meeting of 25 January 2012 be approved and adopted (MAJORITY voted FOR).

#### **52. Review of Ethical and Corporate Governance Arrangements**

*RESOLVED* that the recommendation in minute 59 of the Cabinet's meeting of 25 January 2012 be approved and adopted (MAJORITY voted FOR).

**Councillor Bill Frame (in respect of 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)**

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

<b>Questioner</b>	<b>Subject</b>	<b>Response</b>
<b>Verbal Questions</b>		
Councillor Davies	Whether the Portfolio Holder for Economic Development and Sustainability would be entering the government's competition to win funding towards the revival of High Streets, inspired by Mary Portas' report on this issue	Direct verbal response given by the Portfolio Holder for Economic Development and Sustainability.
Councillor Davies	Whether the Portfolio Holder for Resources and Heritage was proud of the outcomes in respect of Abbots Activity	Direct verbal response given by the Portfolio Holder for Resources and Heritage.

	Centre and Tymperleys, which were achieved through a tendering process and whether a similar process should be applied to Leisure World.	
Councillor Quince	Whether the Portfolio Holder for Housing and Community Safety and Councillor Frame would join him in sleeping out in the town centre for a night.	Direct verbal response given by the Portfolio Holder for Housing and Community Safety.
Councillor Quince	Whether the Portfolio Holder for Street and Waste Services would consider giving authority to members of the public to issue fixed penalty notices for littering and dog fouling.	Direct verbal response given by the Portfolio Holder for Street and Waste Services.
Councillor Lewis	Could the Portfolio Holder for Resources and Heritage clarify what he meant by the term “redundant” in respect of Abbots Activity Centre in his response to the earlier question from Councillor Davies.	Direct verbal response given by the Portfolio Holder for Resources and Heritage.
Councillor Chapman	Whether the Chairman of the Policy Review and Development Panel agreed with his comments earlier in the meeting that the Policy Review and Development Panel had been underused this municipal year and whether the Panel had provided value for money.	Direct verbal response given by the Chairman of the Policy Review and Development Panel.
Councillor Chapman	Whether the Portfolio Holder for Resources and Heritage was happy with the progress of construction works taking place outside Angel Court and whether the Council’s Small Works team were involved in the work.	Direct verbal responses given by the Portfolio Holder for Resources and Heritage and the Portfolio Holder for Street and Waste Services.
Councillor Sutton	What were the views of the Portfolio Holder for Resources and Heritage on the closure of Abbots Activity Centre, given	Direct verbal response given by the Portfolio Holder for Resources and Heritage.

	his role as a champion of Greenways Care Home?	
Councillor Sutton	Whether the Portfolio Holder for Communities and Diversity could provide information about the continuation of a level of service at Abbots Activity Centre.	Direct verbal response given by the Portfolio Holder for Communities and Diversity.

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

*RESOLVED* that the schedules of Portfolio Holder decisions for the period 26 November 2011 - 8 February 2012 be noted.