

COUNCIL

11 DECEMBER 2008

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,
Nick Cope, Mark Cory, Robert Davidson,
Beverly Davies, Tina Dopson, John Elliott,
Margaret Fisher, Stephen Ford, Wyn Foster,
Ray Gamble, Martin Goss, Chris Hall, Mike Hardy,
Dave Harris, Pauline Hazell, Peter Higgins,
Theresa Higgins, Mike Hogg, Martin Hunt, John Jowers,
Justin Knight, Sonia Lewis, Michael Lilley,
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,
Julie Young and Tim Young

The meeting was opened with prayers by the Mayor's Chaplain, the Reverend Doctor Chris Garland.

26. Minutes

Councillor Arnold PROPOSED an AMENDMENT to minute 23 of the meeting on 8 October 2008 to amend the record of the question put by him to the Portfolio Holder for Street and Waste Services to include a reference to the publication of proposals for increasing recycling in order to meet the ambitious targets in the Labour manifesto.

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

RESOLVED that the minutes of the meeting on 8 October 2008 be confirmed as a correct record.

27. Have Your Say!

Mr Heaton addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to suggest that the Council seek advice from Lloyds TSB in relation to the review of the Customer Service Centre (CSC). The review should seek to consolidate the existing expertise in the CSC. Councillor Hunt, Portfolio Holder for Communications and Customers, responded and paid tribute to the staff in the CSC.

Mr McKinney addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to express his concern about the design of the Christmas lights, the costs of the Visual Arts Facility, car parking revenue and members allowances. He also requested a meeting with the Leader of the Council. Councillor T. Higgins, Portfolio Holder for Culture, Tourism and Diversity, responded on the issue of the Christmas lights and Councillor Turrell, Leader of the Council, indicated she would be happy to meet with Mr McKinney.

Bob Russell, MP, addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He expressed his congratulations to Councillor Sonia Lewis on the recommendation that she be appointed Deputy Mayor. He stated his concern about the unprofessional manner in which the annual meeting of the Colchester Community Stadium had been conducted. He compared it to the annual meeting of the Straight Road Community Centre which had conducted in an exemplary and professional manner. He thanked all Councillors for the work they did on behalf of the residents of Colchester and stressed that Colchester was a thriving and successful town. Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, endorsed Mr Russell's comments about the success of Colchester.

Paula Whitney addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to stress the importance of reducing car use and increasing public transport use in Colchester. This would deliver economic and environmental benefits Chelmsford and Ipswich, which both had Park and Ride schemes, had been the most successful towns in the region in economic terms in 2007. Domestic and European legislation was being introduced which would require stringent cuts to emissions of climate change gases. In order to reduce car use in the borough, the bus station should be retained on its existing site and a car free high street should be introduced. Councillor Barton, Portfolio Holder for Planning and Regeneration, responded and explained that the preferred location for a Park and Ride site was in north Colchester, which was dependent on the new junction off the A12. Work on the introduction of the new junction was moving forward. Colchester had also achieved Cycling Town status.

28. Mayor's Announcements

The Mayor announced that Michael Kirby had been appointed as Town Serjeant and the Council congratulated Michael on his appointment.

The Mayor also announced that Colchester Borough Council had won the Environmental category at the Colchester Business Awards.

29. Declarations of Interests

Councillor Lesley Scott-Boutell (in respect of her daughter attending Stanway School) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Tina Dopson (in respect of her employment at Willowbrook School) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Margaret Fisher, Councillor Margaret Fisher, Councillor Theresa Higgins, Councillor Anne Turrell and Councillor Julie Young (in respect of her membership of Essex County Council) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Pauline Hazell (in respect of her son's employment at Stanway School) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Jon Manning (in respect of his employment at Sir Charles Lucas Art College) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Jowers (in respect of his membership of Essex County Council) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Elliott (in respect of his position as a governor of Thurstable School) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Peter Higgins and Councillor Tim Young (in respect of his spouse being a member of Essex County Council) declared a personal interest in Minute No. 30 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Nigel Chapman (in respect of being an ambassador for firstsite) declared a personal interest in Minute No. 32 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.

Councillor Nigel Chapman (in respect of being an ambassador for firstsite) declared a personal interest in Minute No. 35 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

Councillor John Jowers (in respect of his membership of Essex County Council and the Regional Planning Panel) declared a personal interest in Minute No. 37 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Theresa Higgins and Councillor Anne Turrell (in respect of her membership of Essex County Council) declared a personal interest in Minute No. 40 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Julie Young (in respect of her membership of Essex County Council) declared a personal interest in Minute No. 40 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Jowers (in respect of his membership of Essex County Council) declared a personal interest in Minute No. 40 pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Peter Higgins and Councillor Tim Young (in respect of his spouse being a member of Essex County Council) declared a personal interest in Minute No. 40 pursuant to the provisions of Meetings General Procedure Rule 7(3)

30. Essex County Council Consultation on Secondary Education in Colchester

Bob Russell, MP, addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He expressed support for the proposal put forward by Alderman Blaxill, Stanway and Thomas, Lord Audley schools to create a single school operating on three sites, commonly known as option 4. He had attended a number of the public meetings held by Essex County Council and there had been little support for options 2 and 3 in the consultation paper. There was no support for the closures proposed under option 1. A fifth option involving the creation of a military style academy, had not been put to the people of Colchester. Option four, which was a Colchester based solution, enjoyed overwhelming public support.

Adam Norgate and Abigail Stringer of Stanway School addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) and raised the following points about the consultation proposals:-

- What would happen to teachers of any schools that were closed;
- The environmental impact of increased car journeys that would be generated by school closures;
- The ability of pupils to partake in after school activities if they had to travel further to school;
- Those schools currently classified as underperforming could improve their performance, as Stanway School had done;
- The importance of local schools in keeping communities sustainable and vibrant;
- Whether any of the selective schools in Colchester would benefit from the Building Schools for the Future funding and whether this funding would be better spent on training and recruiting teachers.

Councillor Dopson, Portfolio Holder for Performance and Partnerships, responded and thanked Adam and Abigail for their comments.

Mr Capes addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). Mr Capes explained that he had been head teacher at Thomas Lord Audley for twenty four years. It had a long history of producing successful students. The School had improved significantly under Mr Tippet's leadership. He supported option 4 as it

looked after students in south Colchester without having a detrimental impact on the other schools.

Richard Bourne addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) in his capacity as a member of the interim board of Alderman Blaxill. He supported option 4, which was a natural extension of what was already happening. Standards had been raised across all three schools already and if option 4 was pursued standards of attainment would be raised well above the threshold that would concern the regulatory authorities. Option five had not been raised in public meetings and had already been excluded by Essex County Council.

It was PROPOSED by Councillor Dopson that the Council consider Cabinet's recommended response to the Essex County Council consultation on Secondary Education in Consultation as set out in draft minute 41 of the Cabinet's meeting of 3 December 2008, in order to further inform the Portfolio Holder for Performance and Partnerships before a formal response was submitted, subject to the following amendments:-

(a) In the first sentence of paragraph 3, the ~~word~~ to be deleted and replaced by the word "the".

(b) The text in paragraph 3(a) to be deleted and replaced with the following:-

(a) *a written guarantee stating categorically that such a establishment will be located at the existing Charles Lucas Art College site.*

A MAIN AMENDMENT was MOVED by Councillor Hazell as follows:-

The recommended reply contained in draft minute 41 of the Cabinet meeting be accepted subject to the following amendments:-

(a) That paragraph 6 of the reply proposed by Cabinet be renumbered paragraph 2 and repositioned accordingly, with the revision of sub-paragraph (d) to read *"the prospect for many pupils of being unable to participate in after-school activities is unacceptable."*

(b) That paragraph 2 of the reply proposed by Cabinet be deleted and replaced with the following:

3. *The Council is all too aware of the intractable and chronic transport problems in Colchester's Eastern Approaches and believes that these would make Options 1, 2 and 3 entirely unworkable. It follows that the revised secondary provision for Colchester will need to include separate establishments in the south and in the east.*

(c) That paragraph 3 of the reply proposed by Cabinet be renumbered paragraph 4.

(d) That paragraphs 4 to 5 of the reply proposed by Cabinet be deleted and replaced with the following:

5. *The Council is aware that the reputation of secondary schools in the south of the Borough is such that a significant proportion of parents in their catchment area transport their children to much more distant schools. The Council believes that this practice is so entrenched that only provision of a new school (of whatever designation) on a new and if necessary greenfield site to the south of Colchester could deliver the radically-improved education and social cohesion which is its goal. The substantially reduced use of the highway network will bring a worthwhile environmental bonus. Once the new school had opened, both Thomas Lord Audley and Alderman Blaxill would close, though parts of their site should be considered for the provision of local community need.*

6. *Armed by this fresh start the new, showcase establishment will aim from the outset to provide first-class education for children from Colchester Garrison families and from Shrub End, Berechurch, Mersea Island and the surrounding villages and communities. The Council anticipates that the Garrison will be involved from the outset, both in the search for a site and in shaping the ethos of the new school.*

7. *The Council's overriding objective is to provide a permanent and sustainable centre of excellence. It therefore believes that whilst the fourth option advanced by the head of Stanway School could form the basis of a transitional provision of secondary education, from the outset the aim must be to provide a free-standing centre of learning at the heart of the communities of the south of the Borough, for and run by the people who live there. The involvement of senior staff from other schools, however capable, will inevitably be interpreted as dependency and so undermine the reputation that the new school must develop. The communities that make up the south of the Borough deserve nothing less than the best and the school will strive to be regarded as one of their greatest assets.*

8. *The provision of this new school will inevitably lead to a drop in admissions to other secondary schools in the Borough. In particular it should be an objective of the reorganisation that pressure on Philip Morant School to expand will be removed. It follows that there will be no need to for development of any sort at that school which would encroach on the open land at and adjacent to Norman Way, between Christchurch, Lexden and Prettygate wards. Such development has long been regarded by the Council as environmentally harmful and as such will continue to be strongly resisted. The Council would welcome a clear indication from Essex*

County Council that it shares this view.

(e) That paragraphs 7 and 8 of the reply proposed by Cabinet be renumbered as paragraph 9 and 10 respectively, with the replacement of the phrase “Option 4, for the reason set” with the phrase “the proposals set out”.

The MAIN AMENDMENT was LOST (TWENTY FOUR voted FOR and THIRTY ONE voted AGAINST).

The MOTION was thereupon put and CARRIED (MAJORITY voted FOR).

31. Suspension of Council Procedure Rules

It was *RESOLVED* that Council Procedure Rule 14(3) be suspended to allow group leaders to speak for an unlimited period on the following item.

32. Visual Arts Facility - firstsite:newsite

Bob Russell, MP, addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He expressed his dismay at the options open to the Council and that the project to construct the Visual Arts Facility had been brought forward despite widespread public opposition. He considered that the Cabinet’s recommended course of action was the least worst option open to the Council. Those responsible for the position that the Council found itself in should apologise and explain their actions.

Mr Barker addressed the Cabinet pursuant to the provisions of Council Procedure Rule 6(2). The difficulties now faced by the Council arose from the failure to agree a proper contract with Banner. If this had been done, the later problems stemming from the Council agreeing to be liable to cost over-runs would not have occurred. It was incredible that the Council had allowed work to commence on such a large project without a proper contract being in place.

Dee Evans addressed the Cabinet pursuant to the provisions of Council Procedure Rule 6(2) to explain the benefits the Visual Arts facility would bring to Colchester. It would be a beautiful and inspiring place where young people in particular would be able to exercise their imagination. The Council was in a difficult position but it was noted that some partners had already indicated that they would help contribute towards the cost of finishing the project. As the additional funding was to be borrowed it would not impact on the existing capital programme.

Rob Brown addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He expressed concern that the Council proceeded without a signed contract being in place and also later accepted unlimited liability for cost over-runs. He expressed scepticism about the claim that the Visual Arts Facility would be part of a

“Cultural Quarter” given that the area had lost Greyfriars and the Public Records Office. Other funders should be challenged to provide the additional funding or the project should be abandoned.

It was PROPOSED by Councillor Hunt that the recommendation in draft minute 42 of the Cabinet meeting of 3 December 2008 be approved and adopted.

It was *RESOLVED* that the recommendation in draft minute 42 of the Cabinet meeting of 3 December 2008 be approved and adopted.

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, Barlow, Barton, Bentley, Blandon, Blundell, Bouckley, Chillingworth, Chuah, Cook, Cope, Davidson, Davies, Ellis, Elliott, Fisher, Foster, Gamble, Goss, Hall, Hardy, Hazell, P. Higgins, T. Higgins, Hogg, Hunt, Jowers, Knight, Lewis, Lissimore, Maclean, Manning, Martin, Offen, B. Oxford, G. Oxford, P. Oxford, Pyman, Quarrie, Scott-Boutell, Smith, Sutton, Sykes, Taylor, Tod, Turrell and Willetts.

None voted AGAINST.

Those who ABSTAINED from voting were:- The Mayor (Councillor Fairley-Crowe), the Deputy Mayor (Councillor Spyvee), Councillors Dopson, Ford, Harris, Lilley, Naish, J. Young and T. Young.

33. Office Accommodation Strategy: Purchase of Rowan House

It was PROPOSED by Councillor Smith that the recommendation in draft minute 43 of the Cabinet meeting of 3 December 2008 be approved and adopted.

It was *RESOLVED* that the recommendation in draft minute 43 of the Cabinet meeting of 3 December 2008 be approved and adopted.

34. Borrowing Limits and Prudential Indicators - purchase of the freehold of Rowan House

It was PROPOSED by Councillor Smith that recommendation (a) in draft minute 44 of the Cabinet meeting of 3 December 2008 be approved and adopted.

It was *RESOLVED* that recommendation (a) in draft minute 44 of the Cabinet meeting of 3 December 2008 be approved and adopted.

35. Borrowing Limits and Prudential Indicators - firstsite:newsite

It was PROPOSED by Councillor Smith that recommendation (b) in draft minute 44 of the Cabinet meeting of 3 December 2008 be approved and adopted.

It was *RESOLVED* that recommendation (b) in draft minute 44 of the Cabinet meeting of 3 December 2008 be approved and adopted.

36. Appointment of Deputy Mayor

It was PROPOSED by Councillor Turrell and supported by Councillors Davidson, T. Young and G. Oxford that Councillor Sonia Lewis be appointed as Deputy Mayor for the Borough of Colchester for the municipal year 2009-10.

It was *RESOLVED* that Councillor Sonia Lewis be appointed as Deputy Mayor for the Borough of Colchester for the municipal year 2009-10 (UNANIMOUS).

37. Adoption of the Colchester Core Strategy Development Plan Document

It was PROPOSED by Councillor Cope that the recommendation in draft minute 12 of the Local Development Framework Committee meeting of 2 December 2008 be approved and adopted.

It was *RESOLVED* that the recommendation in draft minute 12 of the Local Development Framework Committee meeting of 2 December 2008 be approved and adopted.

38. Schedules of Decisions taken by Portfolio Holders

It was *RESOLVED* that the Schedule of Portfolio Holder decisions be noted.

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

In view of the late hour it was *RESOLVED* that the questions to Cabinet member and Portfolio Holders item be cancelled and that written responses be provided to the pre-notified questions.

40. Notices of Motion // Greenways Care Home

It was PROPOSED by Councillor J. Young that:-

This Council:

- Notes with concern the closure of Greenways Care Home in Colchester and supports the need for a serious case review into the circumstances of the closure and the treatment of the former residents;
- Agrees to inform Essex County Council that many warnings were given from many different quarters of the potential pitfalls and dangers of selling off its remaining council-owned care homes of which Greenways was one;
- Demands that Essex County Council discloses what intentions are proposed for the Greenways site as, at present, day care services are still being offered there and assurances are required that this will continue;
- Requires written confirmation from Essex County Council that the care of older people in Colchester will remain of the highest priority for Social Services and would offer an invitation to the relevant County Portfolio Holder to attend the Borough Council's Strategic Overview & Scrutiny Panel to explain the circumstances which have led to the recent situation at Greenways.

Councillor Jowers MOVED a SECONDARY AMENDMENT that the Motion be approved and adopted subject to:-

"The deletion of the first two bullet points and the insertion of the following two bullet points:-

- Recognises and praises the decisive action taken by Essex County Council in the closure of Greenways Care Home and compliments its staff on their professional and compassionate handling of the transfer of residents to alternative accommodation;
- Council recognises that up until 2000, Essex County Council members, in a multi-party decision, collaborated in the sale of the County's residential homes to a range of external providers, however, retaining ten residential care homes in Essex County Council ownership.

In the third bullet point the deletion of the word "Demands" and the insertion of the word "Requests".

Pursuant to Council Procedure Rule 14(11) Councillor J. Young indicated that the SECONDARY AMENDMENT was accepted whereupon, with the consent of Council, the Motion was deemed amended accordingly.

The MOTION as amended was thereupon approved and adopted (UNANIMOUS).

41. Appointment of Deputy Electoral Registration Officer

It was *RESOLVED* that:-

- (a) Sarah Cheek be designated as the Council's Deputy Electoral Registration Officer with effect from 12 December 2008;

(b) The designation of the Chief Executive, Adrian Pritchard, as the Council Electoral Registration Officer be confirmed.

42. The Deputy Mayor agreed to consider the following item as a matter of special urgency pursuant to the provisions of paragraph 8(3)(16) of the Council Procedure Rules Urgent items // British National Party Activity in Colchester

Councillor T. Young addressed the Council to express concern about recent activity by the British National Party (BNP) in Colchester. This included the erection of a stall outside Angel Court and campaigning in St Anne's and St Andrew's ward. He expressed concern that a party based on anti-democratic principles should seek to campaign in Colchester, which had a history of tolerance and diversity. Councillors Davidson, Hunt and G. Oxford supported the views expressed by Councillor T. Young and indicated their concern about BNP activity in Colchester.