

# COUNCIL

## 19 OCTOBER 2011

*Present :-* Councillor Helen Chuah (the Mayor) (Chairman)  
Councillors Christopher Arnold, Nick Barlow,  
Lyn Barton, Mary Blandon, Elizabeth Blundell,  
John Bouckley, Nigel Chapman, Peter Chillingworth,  
Barrie Cook, Nick Cope, Mark Cory, Beverly Davies,  
Tina Dopson, John Elliott, Andrew Ellis, Annie Feltham,  
Stephen Ford, Bill Frame, Ray Gamble, Martin Goss,  
Scott Greenhill, Mike Hardy, Marcus Harrington,  
Dave Harris, Pauline Hazell, Peter Higgins,  
Theresa Higgins, Mike Hogg, Martin Hunt (Deputy  
Leader ) , John Jowers, Justin Knight, Sonia Lewis,  
Michael Lilley, Sue Lissimore, Jackie Maclean,  
Jon Manning, Colin Mudie, Kim Naish, Nigel Offen,  
Beverley Oxford, Gerard Oxford, Philip Oxford,  
Ann Quarrie, Will Quince, Lesley Scott-Boutell,  
Paul Smith, Henry Spyvee, Terry Sutton (Former  
Mayor ) , Colin Sykes, Laura Sykes, Anne Turrell  
(Leader of the Council ) , Dennis Willetts, Julie Young  
and Tim Young

Councillor Quarrie was not present for the items at minutes 32-37.

Councillor Offen and Councillor Scott-Boutell were not present for the items at minutes 34-37.

Councillor Sutton left during item 33.

Councillor Lissimore was present for the items at minutes 34-37 only.

### **24. Motion to Adjourn**

Councillor Willetts PROPOSED that the Council's consideration of the remaining items of business be adjourned to another day.

On being put to the vote, the MOTION was LOST (MAJORITY voted AGAINST).

### **25. Minutes**

The minutes of the meeting on 20 July 2011 were agreed as a correct record subject to the recording of Councillor Lewis' personal interest in item 17 as a Friend of the Moot Hall Organ and the sponsor of an organ pipe.

## **26. Have Your Say!**

Andy Hamilton addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). Whilst individual councillors were intelligent polite people working to do the best for Colchester, when the Council met as a collective body it acted in a dictatorial way purely concerned with the Council's ambitions. This was shown in the way it had acted in respect of the removal of the mobility scooter service from the bus station, the sale of 15 Queen Street and the funding of the Visual Arts Facility. A further Freedom of Information request was made for a copy of the lease agreement for the Visual arts Facility between Colchester Council and firstsite. He asserted that the Council's disregard of the needs of the vulnerable contrasted with its support for firstsite, who were demanding an increase in funding because of a cash flow problem. Council should consider whether the recent accusation of them as Nazis was an accurate description.

Councillor Smith, Portfolio Holder for Resources and Heritage, indicated that a written reply would be sent. Councillor T. Young, Portfolio Holder for Housing and Community Safety, called on Mr Hamilton to withdraw his comments relating to the comparison between the Council and the Nazi Party.

## **27. Mayor's Announcements**

The Mayor made the following announcements:-

- Colchester had been awarded Cycling Town Status and HR9. formally the HR Strategic Partnership for Essex, had won the CIPD People Management Award. The Mayor congratulated and thanked all those who helped and worked hard to achieve these awards.
- The Oyster Feast had now sold out.
- On 3 November 2011, the Mayor would be hosting a "Strictly Come Tea Dancing" event at Mersea Island Community Centre.
- On 13 November 2011 after the Remembrance Service the Mayor would be hosting a curry lunch at the Oak Tree Centre, Harwich Road.

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

*RESOLVED* that the recommendation contained in minute 29 of the Cabinet meeting of 7 September 2011 be approved and adopted (MAJORITY voted FOR).

## **29. Improving Accommodation for Older Persons in Colchester - Review of Council Owned Sheltered Housing**

The Monitoring Officer made a statement clarifying the scope of the recommendation

before Council.

*RESOLVED* that the recommendation contained in minute 33 of the Cabinet meeting of 12 October 2011 be approved and adopted (MAJORITY voted FOR).

### **30. 2010/11 Year End Review of Risk Management**

*RESOLVED* that the recommendation contained in minute 38 of the Cabinet meeting of 12 October 2011 be approved and adopted (MAJORITY voted FOR).

### **31. Review of Polling Districts and Polling Places**

*RESOLVED* that the recommendation contained in minute 14 of the Accounts and Regulatory Committee meeting of 18 October 2011 be approved and adopted (MAJORITY voted FOR).

### **32. Suspension of Procedure Rules**

*RESOLVED* that the recommendation contained in minute 14 of the Accounts and Regulatory Committee meeting of 18 October 2011 be approved and adopted (MAJORITY voted FOR).

**Councillor Peter Chillingworth and Councillor Henry Spyvee (in respect of their membership of the Building Preservation Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

### **33. Petition - Tymperleys**

Petitions in the following terms, containing in total over 1840 signatures, which were intended to be considered as one petition, had been received at the Council's offices on 21 July 2011 and were referred to Council in accordance with Petition Procedure Rule 14.

"Tymperley's Clock Museum has been CLOSED by the Administration running Colchester Borough Council. This building, dating back to around 1500, and clock museum were gifted to the town by Bernard Mason.

We, the undersigned call on Colchester Borough Council to re-open Tymperley's Clock Museum and to preserve his historic asset for current and future generations."

"Tymperleys Clock Museum in Trinity Street is a 15th century timber frame building, housing one of the largest clock collections in Britain. This was once the home of

William Gilbert and was left to the people of Colchester by Bernard Mason to enjoy and admire. Colchester Borough Council have made the decision to close this historic building. But with your help it is not too late."

"Tymperleys Clock Museum has been closed by the administration running Colchester Borough Council. This building dating back to around 1500 and the clock museum were gifted to the town by Bernard Mason.

We, the undersigned, want Tymperleys Clock Museum re-opened."

The Lead Petitioner, Councillor Will Quince, waived his right to address Council on the petitions in accordance with Petition Procedure Rule 15.

It was PROPOSED by Councillor Barton that:-

"This council notes the contents of the petition received on the future of Tymperleys.

Council believes that Tymperleys is no longer sustainable as a museum and should be put to better public use by advertising for expressions of interest but with conditions which ensure the continuing use of the garden for the people of Colchester, a community element and accessibility to the public for so many days a year – possibly linking in with heritage events.

Furthermore Council believes that the key clocks from the collection bequeathed to the town by Bernard Mason, which were never intended to be housed in Tymperleys and are not in appropriate atmospheric conditions in that building, can be better preserved by being housed in nearby Hollytrees museum which would mean they are displayed in controlled atmospheric conditions, are accessible throughout the year for the people of Colchester and satisfy all access issues."

A MAIN AMENDMENT was moved by Councillor Quince that the MOTION be approved and adopted subject to the following amendments:-

(i) In the second paragraph,

- after the word "Council", the insertion of the words "requests Cabinet to undertake a review of its strategy on tourism to ascertain the role and significance of a clock museum in attracting visitors to the town, and following that review that if Cabinet";
- before the word "museum" insert the word "clock";
- before the word "garden" insert the words "building as a museum and";
- delete all the wording after the word "Colchester" and replace with the words "to enjoy, an alternative premises should be found so that the clock collection on display at Tymperleys can be exhibited publicly in one place as an integral part of the town's museum service."

(ii) The deletion of the third paragraph.

Pursuant to the provisions of Council Procedure Rule 14(10) Councillor Barton indicated that that the MAIN AMENDMENT was not accepted.

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

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 Blundell, Chapman, Chillingworth, Cook, Cope, Davies, Elliott, Ellis, Hardy, Harrington, Hazell, Jowers, Lewis, Maclean, Quince and Willetts.

Those who voted AGAINST were:-

Councillors Barlow, Barton, Blandon, Cory, Dopson, Feltham, Ford, Frame, Gamble, Goss, Greenhill, Harris, P. Higgins, T. Higgins, Hogg, Hunt, Lilley, Manning, Mudie, Naish, Offen, B. Oxford, G. Oxford, P. Oxford, Scott-Boutell, Smith, Spyvee, C. Sykes, L. Sykes, Turrell, J. Young and T. Young.

Those who ABSTAINED from VOTING:-

Councillor Bouckley, the Deputy Mayor (Councillor Arnold), the Mayor (Councillor Chuah).

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

**Councillor Terry Sutton (in respect of being the Chairman of e Conservative Party for the North Essex Constituency) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Will Quince (in respect of being the Parliamentary Spokesperson for the Conservative Party in Colchester) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Laura Sykes and Councillor Colin Sykes (in respect of Councillor C. Sykes position as the Deputy Chairman of the Braintree and Witham Liberal Democrats) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

#### **34. Boundary Commission for England Proposals**

It was PROPOSED by Councillor Hunt that:-

“1. Council notes that

(a) The Boundary Commission for England has published its draft proposals for new Parliamentary constituency boundaries to come into place from 2013. The changes relevant to Colchester Borough are:

- (i) The Commission has proposed leaving Colchester Parliamentary constituency unchanged;
- (ii) The Commission has proposed including the wards of Birch and Winstree, Copford and West Stanway, Dedham and Langham, Fordham and Stour, Great Tey, Marks Tey, Pyefleet, Stanway, West Mersea, Wivenhoe Cross, Wivenhoe Quay in the new constituency of 'North Essex', which runs along similar boundaries to the North Essex Parliamentary Constituency that existed prior to 2010;
- (iii) The Commission has proposed including the Tiptree ward in the Maldon constituency.

## 2. Council believes

(a) As Britain's oldest recorded town, urban Colchester has a unique identity and is best served by a single Member of Parliament.

(b) The several Colchester Borough wards currently in the Witham Parliamentary constituency have little history or affinity with the town of Witham and share more in common with other parts of Colchester Borough. The proposed new North Essex Parliamentary Constituency is more suitable for the wards of Birch and Winstree, Copford and West Stanway, Marks Tey, and Stanway than the current arrangements.

(c). The Boundary Commission has had a difficult job to draw up constituencies that meet the government's tight requirements for the number of electors that can be included in a Parliamentary constituency, and these proposals are as good for the Borough of Colchester as could be expected in the circumstances.

## 3. Council resolves

To write to the Boundary Commission for England expressing the Council's support for these draft proposals so far as they affect the Borough of Colchester, as part of the current public consultation on the draft proposals."

The MOTION was CARRIED (MAJORITY voted FOR).

## 35. Firstsite

It was PROPOSED by Councillor Naish that:

"This Council calls upon Firstsite to formally notify the Council that it will neither request nor accept any further grant or other funding from the Council from April 2013; by this time the facility will have been running for over a year.

This Council believes that given the claimed success of Firstsite, its access to other major grants and to donors and its ability to generate income; it should not require funding from Colchester Borough Council.

The Council accepts that such a decision by Firstsite would enable modest additional support from our funds to the two excellent Colchester (as opposed to regional)

centres at the Arts Centre and the Mercury Theatre, which are not eligible for such long-term large funding schemes as Firstsite benefits from.”

As the Motion related to an executive function, it was referred to Cabinet without discussion for consideration and determination.

**36. 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 Portfolio Holders and Chairman be cancelled

**37. Schedules of Decisions taken by Portfolio Holders**

*RESOLVED* that the Schedules of Portfolio Holder decisions for the period 2 July 2011 – 4 October 2011 be noted.