

COUNCIL

16 OCTOBER 2013

Present :- Councillor Colin Sykes (the Mayor) (Chairman)
Councillor John Elliott (Deputy Mayor)
Councillors Christopher Arnold, Nick Barlow,
Lyn Barton, Kevin Bentley, Mary Blandon,
Elizabeth Blundell, Tina Bourne, Mark Cable,
Nigel Chapman, Peter Chillingworth, Helen Chuah,
Barrie Cook, Nick Cope, Mark Cory, Beverly Davies,
Andrew Ellis, Margaret Fairley-Crowe, Annie Feltham,
Stephen Ford, Bill Frame, Ray Gamble, Martin Goss,
Scott Greenhill, Marcus Harrington, Dave Harris,
Jo Hayes, Pauline Hazell, Peter Higgins,
Theresa Higgins, Mike Hogg, Martin Hunt (Deputy
Leader) , Brian Jarvis, John Jowers,
Margaret Kimberley, Sonia Lewis, Cyril Liddy,
Michael Lilley, Sue Lissimore, Jackie Maclean,
Richard Martin, Beverley Oxford, Gerard Oxford,
Will Quince, Lesley Scott-Boutell, Peter Sheane,
Paul Smith, Terry Sutton, 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, Pastor Eric Blowes.

21. Apologies

Apologies were received from Councillors Havis, Mudie, Naish, Offen and P. Oxford.

22. Have Your Say!

Lizzie Bolton and Jessica Scott-Boutell addressed the Council pursuant to the provisions of Council Procedure Rule 7(5) and presented a petition to the Mayor calling on Essex County Council to reduce the speed limit in Dale Close to 20 mph. They stressed that it was an area with many young families. Signs had been installed warning drivers that there were children playing. They asked the Leader of the Council to pass the petition on to the Highways Liaison Officer at Essex County Council so it could be used in support of the scheme when it was referred to the Local Highway Panel for consideration.

Sally Young, Secretary of Colchester Allotments Association, addressed the Council pursuant to the provisions of Council Procedure Rule 7(5). The Association had worked with the Council to promote allotments for 10 years. It had been involved in suggesting and instigating new ideas. It was therefore surprised and disappointed not to have been informed of the proposed rent increase. It had learnt of the consultation on the increases through local media, which had left the Association with little time to respond.

Whilst the financial constraints facing the Council were understood, allotments holders were also facing similar constraints. There was particular concern about the impact of rent rises on elderly plot holders, who would lose companionship and the health benefits of renting allotments. There was a danger that running an allotment would become exclusively an activity for the better off.

Melva Lingard, member of Colchester Allotments Association, addressed the Council pursuant to the provisions of Council Procedure Rule 7(5). Allotment rents were due to increase by 40% over the next five years. Demand for allotments had grown over recent years but the bubble appeared to have burst and there were now a number of uncultivated sites. The Council was compounding the problem by not letting vacant plots quickly. This imposed a double cost on the Council, who lost income and had to meet the costs of maintaining the allotment. If vacant plots were let more quickly, income would be generated. The increase in rents would only deter people from taking on allotments. She called on the Council to work together with the Association.

Councillor Feltham, Portfolio Holder for Communities and Leisure Services, thanked Sally Young and Melva Lingard for their contributions. The Council had worked closely with Colchester Allotments Association. Issues relating to allotments would be considered by the Scrutiny Panel at its meeting on 12 November and she invited both to attend the meeting.

Councillor Dave Harris addressed the Council pursuant to the provisions of Council Procedure Rule 7(5) to display the awards that Colchester had won in the Anglia in Bloom awards and hoped that these could be put on public display. He also announced that Colchester had won a Silver Gilt award in the Britain in Bloom awards, which was a fantastic achievement.

The Mayor asked Councillor Harris to pass on the Council's thanks to the Colchester in Bloom Committee.

Nick Chilvers addressed the Committee pursuant to the provisions of Council Procedure Rule 7(5) to ask whether the Council would be hosting the Tour Series event in 2014 and if so, how much the Council be contributing towards the costs. He believed that the members of Abbots Activity Centre would be particularly keen to hear whether the Council would be contributing towards the costs of the event in view of the arguments put forward to justify the closure of Abbots.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, indicated that the administration had made no decision on the Tour Series yet.

Elaine Rogers addressed the Committee pursuant to the provisions of Council Procedure Rule 7(5) to express her support for the Motion that Council should inform Cabinet that Abbots Activity centre should be used as a community centre for the benefits and enjoyment of residents of the borough. Many of the alternative venues put forward were unsuitable, depriving the disabled and those with mental health difficulties. The list of alternative venues was incorrect and out of date and CCVS had been put under pressure to provide information quickly. The difficulties the Stroke Group had had in finding new accommodation were highlighted. The impact of this would be

further disadvantage to the disabled. It was noted that Abbots was to be taken over by an organisation on a one year lease but it was not clear who this was and whether the disabled and elderly would be able to use the Centre. The Centre would be costly to refurbish. If the issue had been handled more sensitively and less secretively, many members may have supported the idea of a community centre. Concern was also expressed about the way staff had Abbots had been treated and she believed the Council was negligent in its duty of care towards its employees. She urged the Council not to turn the Centre into flats.

Margaret Banister addressed the Council pursuant to the provisions of Council Procedure Rule 7(5). She was a disabled user of Abbots Activity Centre and was pleased to note that there was now an organisation that was willing and able to invest in Abbots. She hoped that it would be turned into a community centre that could be used by the disabled, those suffering from mental health difficulties and the elderly.

Councillor Feltham, Portfolio Holder for Communities and Leisure Services, explained that that the draft lease for the building was currently under consideration and an announcement about the organisation would be made a shortly. It was acknowledged that the closure of Abbots was a cut to Council services, but that officers had done their best to provide alternatives for some users. Support to other users would continue. She did not accept the allegations that the Council had behaved in a secretive fashion or had been negligent in its treatment of staff.

23. Minutes

The minutes of the meeting held on 17 July 2013 were confirmed as a correct record.

24. Mayor's Announcements

The Mayor announced that the Council had recently won the following awards:-

- Hapgood Close had won the Richard Feilden Award for best social housing scheme of the year at the National 2013 Housing Design Awards;
- Colchester and Ipswich Museums Service homelessness project "Out in the Open" had been given an "outstanding achievement" accolade by the national Museum Association.
- The Council had won a gold award for the promotion and development of its Travel Plan in Essex County Council's Travel Plan Accreditation Awards.
- Colchester's Night Time Economy had won a Purple Flag Award from the Association of Town and City Management, one of only seven towns/cities to do so.
- Colchester Castle Park had received its eleventh consecutive Green Flag and Highwoods County Park had received its tenth.
- The Council's Legal Services had received Lexcel accreditation for the fourteenth consecutive year.

The Mayor also informed Council that at a recent Armed Forces Veterans event the Rt Hon Mark Francis had asked the Mayor to pass on his thanks to Council for being one of the first authorities to sign the Armed Forces Community Covenant.

The Mayor also announced the following events:-

- The second Mayor's lecture at firstsite would be held on 7 November;
- The Mayor's Quiz on 20 November;
- The Remembrance Day Service would be held on 10 November and the Mayor expressed his hope that all Councillors would attend.
- Armistice Day ceremony on 11 November;
- Parachute Regiment Band concert at St Botolph's Church on 19 December;
- The New Year's Eve dinner on 31 December.

25. Trading Board Terms of Reference

RESOLVED that the recommendation contained in minute 29 of the Cabinet meeting of 4 September 2013 be approved and adopted.

26. 2012/13 Year End Review of Risk Management

RESOLVED that the recommendation contained in minute 30 of the Cabinet meeting of 4 September 2013 be approved and adopted.

27. Scrap Metal Dealers Act 2013

Councillor Harris (in respect of his employment in the rail industry) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

RESOLVED that the recommendation contained in minute 8 of the Licensing Committee meeting of 11 September 2013 be approved and adopted.

28. Presentation by the Local Government Boundary Commission for England

The Council received a presentation from Dr Peter Knight CBE and Richard Buck of the Local Government Boundary Commission about the forthcoming electoral review of Colchester. The presentation explained the scope of the review, the criteria the Commission could take into account and how the review would be conducted.

Following the presentation, there was the opportunity for members to ask questions during the course of which the following issues were raised:-

- How councillor workload was assessed and what weight was this given in the review process;
- How would the Commission decide what was a fair level of representation and whether it would take account of the considerable new development in Colchester;
- What evidence would be considered "valid and robust";
- What account would be taken of polling districts and county division boundaries;
- Whether residents associations would be consulted;
- The timeframe for implementation of the review's conclusions.

29. Street Lighting

It was PROPOSED by Councillor T. Young that:-

This Council:

Is opposed to the street light switch-off being imposed on the Borough of Colchester by Essex County Council from 1 November 2013 between the hours of midnight to 5am for the following reasons:

- Community safety will be compromised as there is clear evidence that well-lit areas provide a deterrent to crime and anti-social behaviour;
- Fear of crime will increase as evidence shows that darker areas make people feel less safe;
- Road safety will also be adversely affected as it will be more difficult to see pot-holes and other defects leading to the potential for more vehicle damage and accidents;
- Cyclists and pedestrians will suffer from unlit pathways, pavements, alleyways and cycle lanes also compromising their personal safety;
- Alternatives such as LED lighting, dimming, solar power and part-lighting have not been thoroughly investigated and piloted;
- the views of Essex Police have not been properly sought or considered;
- the trials undertaken in Maldon and Uttlesford districts were not representative of Colchester or, indeed, Essex as a whole;
- from surveys and responses taken it would appear that the residents of Colchester overwhelmingly do not support the proposal;
- No definitive map of streets where the lights will be switched off has been provided to this Council and Councillors therefore have not had an opportunity to consult residents in detail about this.

The Council therefore resolves to write to the Portfolio Holder for Highways and Transportation at Essex County Council enclosing a copy of this motion and requesting that he abandons the switch-off in Colchester until he has held substantive talks with representatives of this Council.

On being put to the vote the MOTION was CARRIED (TWENTY NINE voted FOR, TWENTY THREE voted AGAINST and ONE ABSTAINED FROM VOTING).

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 Barlow, Barton, Blandon, Bourne, Chuah, Cook, Cope, Feltham, Ford, Frame, Gamble, Goss, Greenhill, Harris, Hayes, P. Higgins, T. Higgins, Hogg, Hunt, Liddy, Lilley, B. Oxford, G. Oxford, Scott-Boutell, Smith, L. Sykes, Turrell, J. Young and T. Young.

Those who voted AGAINST were:-

Councillors Arnold, Bentley, Blundell, Cable, Chapman, Chillingworth, Davies, Ellis, Fairley-Crowe, Harrington, Hazell, Jarvis, Jowers, Kimberley, Lewis, Lissimore, Maclean, Martin, Quince, Sheane, Sutton, Willetts and the Deputy Mayor (Councillor Elliott).

Those who ABSTAINED from voting were:-

The Mayor (Councillor C. Sykes)

30. Suspension of Procedure Rules

Councillor Quince moved the suspension of Council Procedure Rule 11(2) to allow the motion on Abbots Activity Centre to be debated and determined by Council.

The MOTION was LOST (TWENTY voted FOR, TWENTY EIGHT voted AGAINST and ONE ABSTAINED FROM VOTING).

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, Bentley, Blundell, Cable, Chapman, Davies, Ellis, Harrington, Hazell, Jarvis, Jowers, Kimberley, Lewis, Lissimore, Maclean, Quince, Sheane, Sutton, Willetts and the Deputy Mayor (Councillor Elliott).

Those who voted AGAINST were:-

Councillors Barlow, Barton, Blandon, Bourne, Chuah, Cook, Cope, Feltham, Ford, Gamble, Goss, Greenhill, Harris, Hayes, P. Higgins, T. Higgins, Hogg, Hunt, Liddy, Lilley, B. Oxford, G. Oxford, Scott-Boutell, Smith, L. Sykes, Turrell, J. Young and T. Young.

Those who ABSTAINED from voting were:-

The Mayor (Councillor C. Sykes).

31. Abbots Activity Centre

The Motion on Abbots Activity Centre below was referred to Cabinet without discussion for consideration and determination in accordance with Council Procedure Rule 11(2):-

"Council informs Cabinet of its opinion that the premises known as Abbots Activity Centre should be used as a community centre for the benefit and enjoyment of residents throughout the Borough."

32. Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill

It was PROPOSED by Councillor Bourne that:-

This Council is concerned about the unintended consequences of Parliament passing the unamended Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill. Part 2 of the Bill will unreasonably constrain legitimate activities of charities, local organisations and campaigners that this Council supports.

The Bill is not supported by the National Council of Voluntary Organisations, nor the Association of Chief Executives of Voluntary Organisations.

In highlighting the wealth and variety of voluntary sector organisations operating across Colchester, this Council also recognises that effective campaigning by local organisers must be allowed to continue throughout the year. Despite assurances from Government, small Colchester charities may fall foul of election law and thus be subjected to needless bureaucratic checks.

Therefore, this Council urges the government to amend Part 2 of the Bill, allowing our Colchester charities the freedom to campaign and raise awareness for our residents without the fear of legal action.

On being put to the vote, the MOTION was LOST (TWELVE voted IN FAVOUR, TWENTY voted AGAINST and SEVENTEEN ABSTAINED FROM VOTING).

33. Licensing and the Night Time Economy

It was PROPOSED by Councillor T. Young on behalf of all Group Leaders that:-

This Council takes on board the points made and discussions held at the recent meeting of the Crime and Disorder Committee and as a result:

- Instructs the Chief Executive of Colchester Borough Council to write to all licensed

premises operating in Colchester Borough, inviting them to make a financial contribution towards the running costs of Colchester's SOS bus;

- Recognises the problem of 'pre-loading' with regards to alcohol misuse and recommends the setting up of an all-party task and finish group to investigate the issues surrounding this and to report back to Full Council by March 2014;
- Calls on the MPs representing Colchester Borough, The Hon Bernard Jenkin MP, Priti Patel MP and Sir Bob Russell MP to call for reform of our licensing laws;
- Invites the three MPs representing Colchester Borough, The Hon Bernard Jenkin MP, Priti Patel MP and Sir Bob Russell MP to spend a Saturday evening in Colchester town centre with the Group Leaders to view and discuss the issues and problems surrounding the night-time economy at first hand.

During the course of the date on the Motion, a Motion to adjourn consideration of the Motion to the next meeting of Council was approved (MAJORITY Voted FOR).

34. Motion to Adjourn

A Motion to adjourn proceedings was put to Council in accordance with Council Procedure Rule 19 (1). The Motion was LOST (MAJORITY voted AGAINST).

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

Questioner	Subject	Response
Verbal Questions		
Councillor Lilley	In the light of the County Council withdrawing money from the Highways Panel does it mean that they have killed off funding for 20mph zones in the Borough?	Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated that he would provide a written response to this and other questions he had received on the Local Highway Panel and the North Essex Parking Partnership.
Councillor Quince	Was the Council planning to fund the Tour Series event and had the Council approached any other groups or partners about the event?	Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, indicated that that this was a decision for Cabinet to take in due course and that no other groups or partners had

		been approached.
Councillor Quince	Did the Portfolio Holder for Housing consider that it was appropriate she had lead Portfolio Holder responsibility for social media?	Councillor Bourne, Portfolio Holder for Housing, indicated that she considered that it was appropriate.
Councillor Bentley	Would the Portfolio Holder for Business and Resources review the case of a resident who was paying council tax on an empty property?	Councillor Smith, Portfolio Holder for Business and Resources, indicated that he would look at the case if he was provided with details. However, there was no significant saving to the Council from empty properties.
Councillor Bentley	In view of the Leader's support for a motion at Essex County Council for the Committee system of Council administration would she support the introduction of a Committee system at Colchester Borough Council and would she vote in support of an identical motion in respect of Colchester Borough Council?	Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, replied that the Motion in question was being misinterpreted and that it was about increasing democratic participation.
Councillor Sutton	What had happened to the furnishings which had been removed from Abbot's Activity Centre and whether it was wise to remove them, given that the short term contract to be offered to the new operator of the building.	Councillor Feltham, Portfolio Holder for Communities and Leisure Services, responded that the removal of the furnishings was an operational issue. Some of the furnishings belonged to members so they were entitled to remove them.
Councillor Sutton	What action should be taken against those who drove in bus lanes and	Councillor Turrell, Leader of the Council and Portfolio Holder for

	was the Council seeking changes to be made to the operation of bus lanes.	Strategy, indicated that that the operation of bus lanes was an Essex County Council function.
Councillor Lewis	When would Abbots be closing as an Activity Centre and what arrangements had been put in place to thank staff and support members on the day of closure?	Councillor Feltham, Portfolio Holder for Communities and Leisure Services, indicated that Abbots would close as an Activity Centre on 25 October. A written response would be provided in respect of the other elements of the question.
Councillor Harrington	What were the Portfolio Holder's views on the success of signposting to other venues and services for the Stroke Group and its users?	Councillor Feltham, Portfolio Holder for Communities and Leisure Services, explained that some groups had more success than others. The success of groups in finding alternative accommodation was not just due to the adequacy of signposting, but was often a consequence of some Group's special requirements.
Councillor Hogg	Would the Portfolio Holder agree that the service provided by Colchester Borough Homes to one his constituents, who had so far waited 56 days for a repair, was unsatisfactory?	Councillor Bourne, Portfolio Holder for Housing, indicated that it was but needed to be seen in the context of thousands of repairs they carried out each year. She would look into the matter if full details were provided.
Councillor Arnold	Could the Leader of the Council explain why officers canvassed availability for dates for a Scrutiny Panel that fell outside the requirements of the Constitution and	Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, indicated that it was essential to take account of the availability of the relevant Portfolio

	would she give an assurance that they would abide by the Constitution in future.	Holder when scheduling call-ins. The administration had followed the Constitution but there were occasions when this was difficult.
Councillor J. Young	How could local Councillors influence and challenge decisions of the North Essex Parking Partnership?	Councillor Hunt, Portfolio Holder for Street and Waste Services, explained that decisions of the North Essex Parking Partnership could be called in through Essex County Council's scrutiny process.

36. Schedules of Decisions taken by Portfolio Holders

RESOLVED that the Schedules of Portfolio Holder decisions for the period 4 July - 1 October 2013 be noted.