

COUNCIL

10 DECEMBER 2009

Present :- Councillor Henry Spyvee (Mayor)
Councillor Sonia Lewis (Deputy Mayor)
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,
Andrew Ellis, Margaret Fairley-Crowe,
Margaret Fisher, Stephen Ford, Wyn Foster,
Ray Gamble, Christopher Garnett, Martin Goss,
Chris Hall, Mike Hardy, Dave Harris,
Pauline Hazell, Peter Higgins, Theresa Higgins,
Mike Hogg, Martin Hunt, John Jowers,
Margaret Kimberley, Justin Knight, 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, Terry Sutton, Laura Sykes,
Nick Taylor, Jill Tod, Anne Turrell, Dennis Willetts
and Tim Young

The meeting was opened with prayers by the Mayor's Chaplain, The Reverend David Harper.

31. Minutes

The minutes of the meeting on 14 October 2009 were confirmed as a correct record subject to the record of Councillor Hogg's comments in Appendix A being amended so that the reference to St John's ward was replaced with St Anne's ward.

32. Have Your Say!

Norman Bailey addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to express his concern about the felling of trees in Crouch Street. The loss of trees was of particular concern given the issues of deforestation and its role in climate change. Whilst the work had been undertaken by Essex County Council, Colchester Borough Council had not

sought to prevent the removal of the trees despite the Council's tree officer being advised in advance that the trees would be removed. The Borough Council's tree officer had been aware that the report on which the decision to remove the trees was taken did not highlight any problem serious enough to warrant removal. The Planning Services Manager had put a system in place to ensure that councillors would be notified if a similar situation were to arise in the future. However, the borough councillors for Castle ward attended a meeting in September at which the reasons for the removal of the trees and plans for their replacement were agreed. Why had these plans been agreed to when the removal of the trees was unnecessary and why was the Leader of the Council not informed?

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, responded that she shared Mr Bailey's anger about the loss of the trees and would respond fully once she had completed her enquiries into this matter.

Roy Ward addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to express his concern that the sloping stairway had been removed from the pool at Leisure World. This had been well used, particularly by the elderly, and had been in place for twenty five years. The Council should demonstrate some compassionate understanding and reinstate the stairway. He understood that the stairway had been removed for spurious health and safety reasons and because it was alleged the stairway was damaging the tiles. There had been no consultation on the decision to remove the stairway and it should be restored or replaced with something similar in the interests of the elderly who deserved to be treated with more respect.

Councillor Hunt, Portfolio for Communication, Customers and Leisure responded. The stairway had been removed because the Council had been advised by its Health and Safety Manager that it was potentially dangerous to customers and staff. In the circumstances, there would be no point consulting on the removal as the Council had no choice but to comply with the advice of its Health and Safety Manager. The difficulty this caused some customers was appreciated. The Council hoped to purchase an alternative solution shortly.

33. Mayor's Announcements

The Mayor announced that Castle Park had been awarded the prestigious accolade of the best park in the UK 2009, in Britain's Best Park competition and the Castle Park cricket ground had come out top in the PDQ North Essex cricket league pitch ratings. The Mayor also drew attention to the new exhibition at the Castle museum entitled "The Medieval Mind".

The Mayor thanked Councillors for the excellent attendance at Remembrance Day service. Details of forthcoming events had been circulated and the Mayor drew particular attention to the forthcoming "Just a Minute" event on 12 December 2009.

34. Items (if any) referred under the Call-in Procedure

Councillor Theresa Higgins (in respect of her membership of Essex County Council and the East of England Regional Assembly) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Jowers (in respect of his membership of Essex County Council and the East of England Planning Panel) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Tim Young (in respect of his spouse being a member of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Lyn Barton, Councillor Kevin Bentley and Councillor Anne Turrell (in respect of membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

35. East of England Plan Review to 2031 Consultation - Colchester Borough Council Response

RESOLVED that the recommendation contained in minute 16 of the Local Development Framework Committee meeting of 12 November 2009 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, Chapman, Chillingworth, Chuah, Cook, Cope, Davidson, Davies, Dopson, Elliott, Ellis, Farley-Crowe, Fisher, Ford, Foster, Gamble, Garnett, Hall, Hardy, Harris, Hazell, P. Higgins, T. Higgins, Hogg, Hunt, Jowers, Kimberley, Knight,

Lilley, Lissimore, Maclean, Martin, Naish, Offen, B. Oxford, G. Oxford, P. Oxford, Pyman, Quarrie, Smith, Sutton, Tod, Willetts and T. Young.

No Councillors voted AGAINST

Those who ABSTAINED from VOTING were:-

Councillors Cory, Goss, Manning, Scott-Boutell, Sykes, Taylor, Turrell, the Deputy Mayor (Councillor Lewis) and the Mayor (Councillor Spyvee).

36. Approval of Statement of Gambling Policy

RESOLVED that the recommendation contained in minute 17 of the Licensing Committee meeting of 25 November 2009 be approved and adopted (MAJORITY voted in favour).

37. Revised Anti-Fraud and Corruption Policy

RESOLVED that the recommendation contained in minute 17 of the Standards Committee meeting of 27 November 2009 be approved and adopted (MAJORITY voted in favour).

Councillor Theresa Higgins (in respect of her membership of Essex County Council and the East of England Regional Assembly) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor John Jowers (in respect of his membership of Essex County Council and the East of England Planning Panel) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Tim Young (in respect of his spouse being a member of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Lyn Barton, Councillor Kevin Bentley and Councillor Anne Turrell (in respect of 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 Chris Hall (in respect of his spouse's membership of the Board of the Mercury Theatre) 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.

38. 2010/2011 Revenue Budget, Financial Reserves and Capital Programme

RESOLVED that the recommendation contained in minute 45 of the Cabinet meeting of 2 December 2009 be approved and adopted (MAJORITY voted in favour).

Councillor Mike Hogg (in respect of Councillor Chuah being his spouse) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

39. Appointment of Deputy Mayor 2010/2011

It was PROPOSED by Councillor Hunt and supported by Councillors Bentley, T. Young and G. Oxford that Councillor Helen Chuah be appointed as Deputy Mayor for the Borough of Colchester for the municipal year 2010-11.

RESOLVED that Councillor Helen Chuah be appointed Deputy Mayor for the 2010-2011 Municipal Year (UNANIMOUS).

40. City Status

Councillor Turrell introduced a debate on city status. A report from the Monitoring Officer providing background information on city status had been circulated to councillors in advance of the meeting.

At the end of the debate a straw poll would be held on the question of whether the Council should seek city status if a further competition should be held. It was stressed that this was not a formal vote and was not binding in any way, but was a device to allow an assessment of the Council's view on the question.

In the debate the following arguments were made in favour of city status:-

- City status would reflect Colchester's status as a major influence and "big player" in the region. Colchester was a larger town than other places in the region which were already cities, such as Peterborough and Norwich. City status would be consistent with membership of Regional Cities East and would reflect Colchester's ambition to be the capital city of the Haven Gateway Sub-Region.
- Colchester had the attributes of a city: it had a rich and important history, a garrison, university, an industrial and commercial base and a cultural and sporting tradition. It was forward thinking and ambitious. City status would simply be an acknowledgement of the reality of what Colchester was.
- City status could help Colchester compete for valuable tourist trade, particularly with other historic cities such as Chester and York. There could be benefits in promoting Colchester as Britain's oldest and newest city.
- City status might help Colchester compete for resources and funding from central government and Europe.
- The award of city status would raise Colchester's prestige and be a morale boost to Colchester.

The following arguments were made against applying for city status:

- Colchester should be proud of its existing status as an important historic town and its status as Britain's oldest recorded town. Colchester should not worry about seeking to change this status but instead concentrate on maintaining its historic character and tradition.
- There was little interest among the residents of the borough in the issue of city status.
- Applying for city status would be a waste of valuable resources, particularly in the current economic climate.
- City status was awarded to the whole borough and not just to the town of Colchester. It would not make sense for the rural communities and villages within the borough to be part of a city. This would impinge on their identity as separate settlements and there was no desire within these rural communities, and in some of the urban areas, for city status.
- The benefits of being granted city status were uncertain and had not been quantified.
- People's views of places were not changed by changes of status and therefore there was little point in devoting resources to city status.

The following relevant comments were also made in the course of the debate:-

- Officers should be asked to investigate what benefits city status had brought to other cities that had recently been awarded city status. This work should be done quickly so that a quick decision could be made if a

competition for city status were to be held in the Queen's Diamond Jubilee Year.

- Once a decision was made whether or not to apply, all Councillors should respect that decision so that Council could speak with a consistent voice.

A summary of the comments made by individual councillors is at Appendix A.

An informal vote and non-binding vote was taken on whether the Council should apply for city status should a further competition be held, the result of which was ELEVEN voted FOR, and the MAJORITY voted AGAINST.

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

Questioner	Subject	Response
Oral Questions		
Councillor Naish	The impact of the day of action in Berechurch on levels of crime and anti-social behaviour.	Direct oral answer provided by the Portfolio Holder for Street and Waste Services.
Councillor Chillingworth	Why were several areas of the borough not receiving their copies of the Courier, which was particularly important as the current edition contained details of the consultation on the options for future waste collection and recycling options.	Direct oral answer provided by the Portfolio Holder for Customers, Communication and Leisure.
Councillor Hardy	What measures would the Portfolio Holder for Planning, Sustainability and Environmental take to prevent the misuse of information about planning applications for political purposes	Direct oral answer provided by the Portfolio Holder for Planning, Sustainability and Environmental.
Councillor Blundell	In view of recent difficulties getting through to the Customer Service Centre, were levels of staffing in the CSC due to increase and what arrangements were in place to deal with calls to officers who were	Direct oral answer provided by the Portfolio Holder for Customers, Communication and Leisure.

	working at home.	
Councillor Harris	What did the area assessment published on 9 December 2009 say about Colchester.	Direct oral answer given by the Portfolio Holder for Performance and Partnerships.
Councillor Davies	Whether it was sensible to ask the company delivering the Courier to undertake the survey on where it was delivered.	Direct oral answer provided by the Portfolio Holder for Customers, Communication and Leisure
Councillor Ellis	Whether the Portfolio Holder for Planning, Sustainability and Environmental investigate the misuse of a planning application for political purposes and ensure a retraction was published.	Direct oral answer provided by the Portfolio Holder for Planning, Sustainability and Environmental.
Councillor Cory	Could the Portfolio Holder for Planning, Regeneration and Sustainability explain why Colchester was awarded such a generous Housing and Planning Delivery Grant	Direct oral answer provided by the Portfolio Holder for Planning, Sustainability and Environmental.
Councillor Bentley	What work was being done to attract Olympic teams to Colchester and would the Portfolio Holder ensure a more proactive approach was taken.	Direct oral answer provided by the Portfolio Holder for Customers, Communication and Leisure.
Councillor Hunt	Which was the worst performing Council in Essex and who was it run by.	Direct oral answer given by the Portfolio Holder for Performance and Partnerships.
Councillor Cook	Would the Leader of the Council agree that it would be better if questions at Council were pre-notified.	Direct oral answer provided by the Leader of the Council and Portfolio Holder for Strategy.

42. Schedules of Decisions taken by Portfolio Holders

RESOLVED that the schedule of Portfolio Holder decisions for the period 3 October 2009 – 27 November 2009 be noted.

43. Appendix A

Councillor Naish expressed the view that the title of Britain's oldest recorded town was preferable to Britain's youngest city.

Councillor Bentley queried what Colchester had to gain from city status. He felt Colchester should preserve and promote its Roman heritage better and wondered whether city status would help with this.

Councillor Lissimore felt that applying for city status would be waste of Council resources. She was proud of Colchester's status as Britain's oldest recorded town.

Councillor Arnold argued that Colchester was a city in Roman times and therefore if it obtained city status, could claim to be Britain's oldest recorded city. As Colchester grew, city status might help Colchester compete with other historic cities such as York for valuable tourism trade. It also might help Colchester compete for resources from central government.

Councillor Hunt expressed the view that Colchester was the best town in Essex with a long and rich history. He could not see what benefits city status would bring.

Councillor Barlow felt there could be benefits in promoting Colchester as Britain's oldest and newest city. He would consider supporting a bid for city status if the benefit could be quantified and the expense was not too great. These issues need to be looked at now so that a quick decision could be made if a competition for city status were held in the Diamond Jubilee year.

Councillor Blundell considered that Colchester should apply for city status if the opportunity presented itself. It would be a morale booster for the town and it would be consistent with membership of Regional Cities East.

Councillor T. Higgins argued that a successful application for city status would enable Colchester to return to what it had previously been and therefore would not be fundamentally changing Colchester.

Councillor Chillingworth urged Councillors to look at the criteria for city status. Colchester was a big player in the region and city status would reflect that. Colchester was significantly bigger than other cities in the region such as Peterborough and Norwich. It was an important historic city, with a garrison,

university, an industrial and commercial base and a cultural and sporting tradition. As was demonstrated by the four regeneration areas, it was forward thinking and ambitious. Colchester had grown and developed from being a market town and this needed to be accepted.

Councillor P. Higgins argued that whatever decision was reached on applying for city status, all Councillors should respect and support that decision so that the Council could speak with a consistent voice.

Councillor Jowers explained that whilst he voted for Colchester to apply for city status before, his views had shifted. He drew comparisons with Tiptree, which was proud of what it was and didn't feel the need to pursue change. Colchester had something precious and should not waste time and resources on pursuing city status unless there was a tangible benefit. It should also be borne in mind that Colchester was a borough and not just a town.

Councillor Hogg supported the views expressed by Councillor Chillingworth. He believed city status would bring great benefits to the town. It already punched above its weight. Visitors from abroad believed that Colchester was a city. In particular there may be particular benefits from the Europe of being designated a city.

Councillor Ford suggested that officers should investigate the benefits that city status had brought to other cities that had recently been awarded city status.

Councillor T. Young stated that this was not an issue that generated much interest in the ward he represented and felt this was not the right time to pursue city status. The report submitted by the Monitoring Officer did not address the issue of what benefits city status would bring to Colchester.

Councillor Chapman explained that if Colchester was granted city status, it would be granted to the whole borough, including the rural hinterland. It would not make sense for the rural communities and villages within the borough to be part of a city and there was no desire among those communities for city status.

Councillor Foster felt that the status quo should be maintained. Colchester did not need to be a city and should strive to maintain its existing character.

Councillor Cook noted that in the fifteenth century, Colchester was the tenth largest town in England. Colchester should not worry about its status but concentrate on maintaining its character and should promote its heritage.

Councillor Gamble supported an application for city status. He considered that Colchester should aim to be the capital of the Haven Gateway Sub-Region

and that if Ipswich or Chelmsford were to gain status without Colchester applying, this may harm this ambition.

Councillor Offen considered the most compelling argument made was that city status was awarded to entire borough and tht this would be inappropriate for the rural areas.

Councillor Manning did not support a bid for city status on the grounds he felt that the towns and villages in the borough should be able to keep their existing identity.

The Deputy Mayor explained that residents in Lexden were seeking to develop a village identity for Lexden and this would be incompatible with city status.

Councillor Hall felt that the pendulum had swung against applying for city status. He did not consider that people changed their opinion of places just because they were awarded city status.