

COUNCIL

8 DECEMBER 2011

Present :- Councillor Helen Chuah (the Mayor) (Chairman)
Councillors Nick Barlow, Lyn Barton, Kevin Bentley,
Mary Blandon, Elizabeth Blundell, John Bouckley,
Nigel Chapman, Peter Chillingworth, Barrie Cook,
Nick Cope, 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, Peter Higgins,
Theresa Higgins, Mike Hogg, Martin Hunt (Deputy
Leader) , John Jowers, Margaret Kimberley,
Justin Knight, Sonia Lewis, Michael Lilley,
Sue Lissimore, Jackie Maclean, Jon Manning,
Richard Martin, Colin Mudie, Kim Naish, Nigel Offen,
Beverley Oxford, Gerard 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 Dopson was not present for the items at minutes 38-41.

Councillor Feltham was not present for the items at minutes 42-44.

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

38. Minutes

The minutes of the Extraordinary Council meeting and the Ordinary Council meeting held on 19 October 2011 were confirmed as a correct record.

39. Have Your Say!

Bobby Hunt addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). He believed that the decision to close Joyce Brooks House had been based on a briefing that had been provided with incorrect information. A series of meeting leading to the decision had not been minuted. Despite the flaws in the decision making process only three Councillors had spoken out against the decision. The Council had advised that it would not accept a petition of 3500 signatures against the closure. The electorate would take account of this at the next election. A group of residents had taken legal advice and a letter before claim had been served on the Council.

Norman Bailey addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). In considering the issue, the Council needed to take account of the fact that

Joyce Brooks House was not just a building; it was a lively, friendly community where residents lived fulfilling lives enriched by other residents. The number of signatories on the petition showed the feelings of the public on this issue. The Council had deemed a debate on the issue inappropriate as a decision had already been taken, but this issue was too important for Cabinet to decide and should be subject to debate at Full Council.

Tim Oxtan addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). He expressed concern that there was no record of the meeting in March 2011 where the consultation was alleged to have taken place. There had been no mention of the closure of Joyce Brooks House or Abbeygate House at this meeting. The reasons given for the closure were spurious. Not all flats needed to be compliant with the requirements of the Disability Discrimination Act or have en suite bathroom facilities. Residents were content with the facilities as they were.

Andy Abbott addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). When presenting the budget for this municipal year, the Council had said it would protect frontline services but it was now reducing services provided for elderly residents through the closure of Joyce Brooks House, Abbeygate House and Abbots Activity Centre. The Council was paying no respect to the right of the elderly to have a decent retirement. The Council should be ashamed of its decision which showed the ineptitude of modern politicians.

Councillor Cope addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). He expressed his support for the residents of Joyce Brooks House who were having their expectation of the quiet enjoyment of their tenancy compromised. The residents were being moved to protect the rights of potential future disabled residents.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, responded to the speakers to stress that the decision in respect of Joyce Brooks House had been taken by Cabinet on 12 October 2011 and it had been based on a proper assessment of all relevant information, including the outcome of the consultation with tenants. The decision, which had not been called in for review, was taken in the best interests of the borough as a whole and was not driven by the need to reduce costs, but by the desire to raise standards. The Council was committed to working with those who were affected by the decision to ensure the impact was minimised.

Tenants had been consulted in September/October before the decision was taken. The consultation in March referred to was with the Sheltered Housing Tenants Forum on minimum standards and this had indicated that tenants wanted facilities of the standard that the review was seeking to deliver. The Council would accept the petition if it was presented to the Council and would respond to the petitioner in accordance with Petition Procedure Rules. However, it would not trigger a full Council debate. The letter before claim had been received and was under consideration.

40. Mayor's Announcements

The Mayor made the following announcements-

- The Mayor expressed her thanks to those who had attended the Oyster Feast.
- The Mayor had judged the Christmas Shop Window Displays, which had been won by Minerva Chocolate Shop.
- The Garrison Christmas concert on 15 December 2011 had been cancelled due to poor ticket sales.
- Tickets were now available for a New Year's Eve dinner in the Old Library.
- The Mayor would be hosting a celebration of the Chinese New Year of the Dragon on 28 January 2012.
- The Teddy Bears' concert would take place on 5 February 2012 and the Annual Beer Tasting would be held on 10 February 2012.

The following Awards recently won by the Council were presented to the Mayor:-

- Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, presented the NQE Business Award for Environmental Awareness.
- Councillor Barton, Portfolio Holder for Renaissance, presented the NQE Business Award for Active and Sustainable Travel.
- Councillor Barlow, Portfolio Holder for Commerce and Sustainability, presented the Halfords Pride of the Tour Series award.

The Portfolio Holders expressed their thanks to the councillors and officers who had helped secure these awards and Council offered its congratulations.

41. Magistrates' Court Task and Finish Group

Alderman Wheeler addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) on behalf all the Aldermen. He asked Council to give a specific assurance that there were no plans to sell the Town Hall. Whilst democracy was not the most efficient form of governing, it was the best. For democracy to flourish the Town Hall must remain as the centre of local government and a beacon for local democracy. The Town Hall needed a "buzz" to be created around it, perhaps by locating the Tourist Office there.

It was PROPOSED by the Leader of the Council that:-

"In accordance with the resolution contained in minute 45 of the Cabinet meeting of 30 November 2011 the Council indicate its support or otherwise of recommendation A of the Policy Review and Development Panel and the Council's view be referred to Cabinet at its meeting on 25 January 2012."

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

- The deletion of word "indicate" and its replacement with the words "having considered".

- The addition of the following words at the end of Motion:-

"informs Cabinet that:

(a) It is the wish of Council that the Town Hall be retained as the Civic Centre of the Borough. Within the Town Hall the Council Chamber, the Moot Hall, the Principal meeting rooms, the Mayor's Parlour and suitable accommodation for the day-to-day work of the Cabinet and Borough Councillors should remain within the control of the Council. But Council also encourages Cabinet to make the main civic rooms available for public use on a secondary basis, in so far as it is practicable.

(b) It is encouraged to test the market in regard to future uses of the Magistrates' Courts when they revert to the Borough Council, along with the Old Library and any other surplus space in the Town Hall, but should note that future uses should be sympathetic with the purpose and dignity of the Town Hall as the Borough's Civic Centre."

Pursuant to the provisions of Council Procedure Rule 14(10) Councillor Turrell indicated that the MAIN 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).

42. Appointment of Deputy Mayor 2012-13

It was PROPOSED by Councillor Hunt and supported by Councillors Bentley, T. Young and G. Oxford that Councillor Colin Sykes be appointed as Deputy Mayor for the Borough of Colchester for the municipal year 2012-13.

RESOLVED that Councillor Colin Sykes be appointed Deputy Mayor for the 2012-13 Municipal Year (UNANIMOUS).

Councillor Bill Frame (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)

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

Questioner	Subject	Response
Verbal Questions		
Councillor Jowers	Would the Portfolio for Communities and Diversity accept his thanks for looking	Verbal response provided by the Portfolio Holder for Communities and Diversity.

	again at the issue of the coastal cabins on Mersea Island?	
Councillor Lewis	What were the estimated costs, time schedule and priority ratings of actions arising from the Sheltered Housing Review and were they dependent on the sales of Joyce Brooks House and Abbeygate House?	Verbal response provided by the Portfolio Holder for Housing and Community Safety.
Councillor Lewis	The latest position on negotiations on the future of Abbots Activity Centre.	Verbal response provided by the Portfolio Holder for Communities and Diversity.
Councillor Chillingworth	Whether when a Councillor called in a planning application for consideration by the Planning Committee, it should be compulsory for that Councillor, or a Councillor nominated by them, to attend Planning Committee to explain the reasons for the call in.	Verbal response provided by the Chairman of Planning Committee.
Councillor G. Oxford	When were funds invested in Icelandic Banks likely to be returned to the Council?	Verbal response provided by the Portfolio Holder for Resources and Heritage.
Councillor Quince	Now that the new Community Zone teams had been introduced, would statistical information about the number of fines issued for dog fouling and littering be placed on the Council's website?	Verbal response provided by the Portfolio Holder for Street and Waste Services.
Councillor Manning	Did the Chairman of the Finance and Audit Scrutiny Panel recognise that she had breached the provisions of the Equality Act 2010 by preventing a member of the Panel from taking part in part of the meeting held on 23 November 2011?	Verbal response provided by the Chairman of the Finance and Audit Scrutiny Panel.
Councillor Bentley	The latest position on negotiations on Parish Grants and whether funds recovered from Icelandic banks could be redirected to Parish Councils.	Verbal response provided by the Portfolio Holder for Communities and Diversity.

Councillor Bentley	Was the Portfolio for Housing and Community Safety aware that despite the completion of the Decent Homes programme a number of tenants still required improvements to their homes?	Verbal response provided by the Portfolio Holder for Housing and Community Safety.
Councillor Lissimore	How much weight was put on the reform of the Housing Revenue Account in the decision to close Joyce Brooks House and Abbeygate House?	Verbal response provided by the Portfolio Holder for Housing and Community Safety.
Councillor J. Young	Whether a better system for notifying Councillors of the progress of planning applications they had called in was required?	Verbal response provided by the Chairman of the Planning Committee.
Councillor Blundell	Whether funds recovered from Icelandic banks could be used to keep Abbots Activity Centre open?	Verbal response provided by the Portfolio Holder for Communities and Diversity.
Councillor Blundell	Would the Leader of the Council ensure that the circulation of the minutes of the meetings relating to the Parish Council grants.	Verbal response provided by the Leader of the Council and Portfolio Holder for Strategy and Performance.
Councillor Sutton	Would the services at Abbots be provided at Abbots Activity Centre in future be a reduction when compared to those currently offered?	Verbal response provided by the Portfolio Holder for Communities and Diversity.

44. Schedules of Decisions taken by Portfolio Holders

RESOLVED that the schedules of Portfolio Holder decisions for the period 5 October 2011 – 25 November 2011 be noted.