

# COUNCIL

## 9 DECEMBER 2010

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

Councillor Dopson was not present for items 39-46.

The meeting was opened with prayers by the Mayor's Chaplain, the Reverend Richard Allen.

### **39. Minutes**

The minutes of the meeting held on 13 October 2010 were confirmed as a correct record subject to the correction of the details of the Mayor's Chaplain to read the Reverend Richard Allen.

### **40. Have Your Say!**

Nick Chilvers addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). Given the tough choices that would have to be taken in the challenging financial climate, the Council should reduce the grant paid to Colchester 2020 by 75%. Colchester 2020's aims mirrored those of the Council and the role and purpose of Colchester 2020 were questioned.

Councillor T. Young, Portfolio Holder for Housing and Community Safety, responded that whilst all budgets would be reviewed, there was a statutory requirement to have a Local Strategic Partnership. Colchester 2020 had proved valuable, particularly in respect of its work on the Community Strategy. It provided a

forum where the Council and its partners could meet to discuss strategic issues and undertake "blue sky thinking". He offered to put Mr Chilvers in touch with the Chairman of Colchester 2020 so he could provide further information about the work it undertakes.

Andy Hamilton addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) about the Council's relationship with firstsite. He believed that the Council had made contradictory assertions about whether there was a Service Level Agreement with firstsite. firstsite had been guaranteed the lease of the Visual Arts Facility (VAF) but the details of the lease agreement were kept secret. However he believed that the Council had guaranteed it would cover firstsite's losses in the first five years of operation and the Council would remain responsible for future building renovation. The Council should act in the interests of the public that had elected it.

Councillor Smith, Portfolio Holder for Resources and Diversity, responded that the Audit Commission had recently praised the Council for its openness in matters relating to the VAF.

Owen Bartholomew addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) and presented a petition to the Mayor on behalf of young people in the Borough protesting against Essex County Council's decision to scrap the Bite + card which entitled students to half price travel.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, undertook to present the petition to Essex County Council at its meeting on 15 December 2010.

Mr Wilders addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) representing Connexions. Connexions was a service that gave young people support and advice on their life choices. It provided advice on issues such as relationships and personal development. Essex County Council were proposing to scrap all Connexions Services in Essex and Mr Wilders asked if Colchester Borough Council had been consulted on the impact this would have on young people in the Borough.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, undertook to present Mr Wilder's concerns to Essex County Council at its meeting on 15 December 2010.

Mr Wilkinson addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) to present a petition calling for the reinstatement of the school crossing patrol on Lucy Lane South. Private funding for the patrol would cease on 17 December and a temporary solution was requested whilst arrangements were made for a permanent solution. This was a dangerous crossing that was used by a large number of children and action needed to be taken before an accident occurred. Councillor Scott-Boutell and Councillor Bentley were thanked for their support for the campaign.

Councillor Bentley undertook to raise the concerns expressed and to present the petition to Councillor Norman Hume, the relevant Portfolio Holder at Essex County

Council.

#### **41. Mayor's Announcements**

The Mayor made the following announcements:-

- On 1 December 2010 the Mayor had hosted the Ode to Winter and Carol Singing event, which had been a great success;
- Tickets for the New Year's Eve function were selling well;
- The Mayor had recorded a Christmas Day message for soldiers serving in Afghanistan;
- The Mayor had written a letter of condolence to Air Assault Brigade on behalf of the Council following the death of a member of the brigade on active service.

The Mayor also paid tribute to Alderman Dr John Sanderson, who had recently died and asked that the Council's appreciation of the service provided by Alderman Dr John Sanderson MBE be formally recorded in the minutes of the meeting.

#### **42. Urgent items**

**The Mayor agreed to the following announcements being made by the Leader of the Council as a matter of special urgency pursuant to the provisions of paragraph 8(3)(16) of the Council Procedure Rules**

##### **(i) Shared Executive Arrangements with Braintree District Council**

The Leader of the Council made the following statement:

"I want to announce to Full Council that the Leaders of Braintree and Colchester Councils have asked their respective Chief Executives to jointly prepare a paper on the benefits and risks in considering a joint Chief Executive and the options for a more unified management structure.

I want to emphasise that this request in no way includes any question of merging our two Councils. Sovereignty of both Braintree District Council and Colchester Borough Council are sacrosanct and each Council will remain independent sovereign authorities.

However both leaders feel that in the environment we now find ourselves there may be a range of benefits in considering a single joint Chief Executive and further management options.

We have therefore asked for a detailed report giving consideration to our request to come to our January Cabinets with any business case to determine whether this is the right way forward for our two Councils.

Before the work commences I wanted to inform Full Council."

Councillors Bentley, T. Young and G. Oxford indicated their support for the proposals set out in the Leader of the Council's statement.

#### **(ii) Statement of Thanks to Officers**

The Leader of the Council thanked officers on behalf of the Council for the hard work and excellent service provided by officers, in particular the street and waste teams, during the recent inclement weather. A letter would be sent to all staff on behalf of Council thanking them for their efforts. A separate message of thanks would also be sent to Essex County Council thanking their staff.

Councillors Bentley, T. Young and G. Oxford indicated their support for the sentiments expressed by the Leader of the Council.

*RESOLVED* that the Council's thanks for the hard work and excellent service provided by officers during the recent inclement weather be formally recorded.

#### **43. Revised Financial Regulations**

*RESOLVED* that the recommendation contained in minute 12 of the Accounts and Regulatory Committee on 28 September 2010 be approved and adopted.

#### **44. Fundamental Service Review of Street Services**

*RESOLVED* that the recommendation contained in minute 45 of the Cabinet meeting on 1 December 2010 be approved and adopted.

#### **45. Funding of Phase 2 Carbon Management Programme Projects**

*RESOLVED* that the recommendation contained in minute 46 of the Cabinet meeting of 1 December 2010 be approved and adopted.

#### **46. Appointment of Deputy Mayor 2011-12**

It was PROPOSED by Councillor Hunt and supported by Councillors Bentley, T. Young and G. Oxford that Councillor Christopher Arnold be appointed as Deputy Mayor for the Borough of Colchester for the municipal year 2011-2012.

*RESOLVED* that Councillor Christopher Arnold be appointed Deputy Mayor for the 2011-2012 Municipal Year (UNANIMOUS).

**Councillor Stephen Ford (in respect of being a governor at Broomgrove Junior School) 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 being a governor of Colchester Academy) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Julie Young (in respect of being a governor of Colchester Academy and St Andrews Infants School) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Jon Manning (in respect of being a governor of Colchester Institute and his employment at St. Benedicts School) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Elizabeth Blundell (in respect of her membership of Essex University) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Peter Higgins (in respect of his employment by Essex University) 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) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

#### **47. Notice of Motion // Higher Education**

Mo Metcalf-Fisher addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He considered he was representing the silent majority of students who understood and welcomed the proposed changes to education. The motion was reckless and unsustainable in the current financial climate. Tax-payers should not continue to pay university tuition fees for those who stood to gain from that tuition. Evidence showed that a degree would pay for itself within a decade and there was no evidence that increasing tuition fees would put people off going to university.

Jimmy Chen addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He was part of the first academic year that stood to be affected by the proposed changes. He believed that students would be put off attending university by the prospect of incurring up to £27,000 of debt on tuition fees alone. The proposals would restrict social mobility. On recent demonstrations members of the public had shown their support for the stance taken by students. Students made a great contribution to society in the long run and should not be crippled by the levels of debt incurred during their education.

It was PROPOSED by Councillor J. Young that:-

"(a) This Council notes with concern the government's proposed changes to education. It believes students in Colchester will be disadvantaged by the proposals for free schools, the withdrawal of the educational maintenance allowance, the rise in University Tuition fees and the scrapping of the schools sports partnership.

(b) This Council believes:-

(i) The Government's higher education funding proposals abandons the principle of public involvement in Higher Education with only subjects viewed as having particular importance getting funding.

(ii) Neither the Browne review nor the Government have considered properly the graduate tax model proposed by NUS in their Blueprint.

(iii) The scrapping of the compulsory bursary is regressive and offers no assurance to students from poorer backgrounds that institutions will give them support.

(iv) That the idea that markets in Higher Education will provide more choice through competition is deeply flawed. The ability for students to change their education providers is complicated and detrimental to academic attainment.

(v) That removing teaching funding for the majority of subjects (including all arts, humanities and social science subjects) is a deeply worrying development.

(c) This Council resolves:-

(i) To oppose the rise in the tuition fee cap.

(ii) To lobby decision makers to oppose the tuition fee rise, the removal of the educational maintenance allowance, the development of free schools, and the cancellation of the schools sports partnership.

(iii) To lobby all the Borough's MPs to vote against these proposals.

(iv) To oppose the teaching funding cuts, and to lobby for a continued public investment in university teaching."

A MAIN AMENDMENT was PROPOSED by Councillor Cory as follows:-

"The Motion concerning Higher Education be approved and adopted subject to the following amendments:-

(i) In paragraph (a)

- In the first sentence the deletion of the words "with concern" and the insertion of the word "higher" before the word "education";
- In the second sentence,
  - o the insertion of the word "some" before the word "students";
  - o the deletion of the word "will" and its replacement with the word "may";

- o the deletion of the word “the” before the word “proposals” ,
- o the deletion of the words “free schools, the withdrawal of the educational maintenance allowance, the rise in” ;
- o the deletion of the words “and the scrapping of the schools sports partnership”;
- o the addition of the following words at the end of the sentence “and student funding.” .

(ii) In paragraph (b),

- the deletion of sub-paragraphs (i), (ii), (iii) and (iv);
- after the word “believes” the addition of the following words: “that students need to be at the centre of higher education and no one should be deterred from entering higher education for financial reasons.”

(iii) In paragraph (c)

- In sub paragraph (ii) the deletion of all the words after “tuition fee rise”;
- The deletion of the wording at sub-paragraph (iii) and its replacement with the following wording “To continue to support and work with students and higher education institutions within the Borough to continue to provide a first class education accessible to all.”
- The deletion of sub-paragraph (iv)"

The MAIN AMENDMENT was not accepted by Councillor J. Young.

Councillor Sutton PROPOSED a motion that the Council move straight to the vote on the MAIN AMENDMENT which was CARRIED (MAJORITY voted FOR).

On being put to the VOTE the AMENDMENT was LOST (TWENTY FIVE voted FOR, THIRTY voted AGAINST and TWO ABSTAINED from voting).

Councillor Sutton PROPOSED a motion that the Council move straight to the vote on the MOTION which was CARRIED (MAJORITY voted FOR).

The MOTION was LOST (SIXTEEN voted FOR, TWENTY voted AGAINST and TWENTY ONE voted AGAINST).

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 Cook, Cory, Dopson, Ford, Goss, Harris, Hogg, Lilley, Manning, Naish, B. Oxford, G. Oxford, P. Oxford, Scott-Boutell, J. Young and T. Young.

Those who voted AGAINST were:-

Councillors Arnold, Bentley, Blundell, Bouckley, Chapman, Chillingworth, Elliott, Ellis, Fairley-Crowe, Foster, Garnett, Hazell, Jowers, Kimberley, Lissimore, Maclean, Martin, Sutton, Tod and Willetts.

Those who ABSTAINED from voting were:-

Councillors Barlow, Barton, Blandon, Cope, Fisher, Frame, Gamble, Greenhill, P. Higgins, T. Higgins, Hunt, Knight, Mudie, Offen, Smith, Spyvee, C. Sykes, L. Sykes, Turrell, the Mayor (Councillor Lewis) and the Deputy Mayor (Councillor Chuah).

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

<b>Questioner</b>	<b>Subject</b>	<b>Response</b>
<b>Pre-Notified Questions</b>		
Councillor Bouckley	Further to previous enquiries, will the Portfolio Holder kindly let me know the progress made and the current position with our partners over the proposed Colchester- Mersea off-road cycle route?	Direct verbal response given by the Portfolio Holder for Planning and Sustainability.
<b>Oral Questions</b>		
Councillor Ford	The impact of the removal of the School Sports Partnership on school children within the Borough.	Direct verbal response given by the Portfolio Holder for Communities.
Councillor Lissimore	What improvements had been made to the Planning Service in the last six months and why did the Portfolio Holder refuse to meet with residents opposing a recent planning application on Parsons Hill?	Written response to be sent by the Portfolio Holder for Planning and Sustainability.
Councillor Naish	Was security at the garrison compromised by the fact that Bob Russell MP shared an office with Mike Hancock, MP whose aide had recently been accused of spying for Russia.	Direct verbal response given by the Leader of the Council and Portfolio Holder for Performance and Strategy.
Councillor Frame	Who had paid for the recent television advert promoting Colchester as a shopping venue?	Direct verbal response given by the Portfolio Holder for Economic Development, Culture and Tourism.
Councillor Bentley	How much effort was been put into ensuring Colchester hosts an Olympic Team during the	Direct verbal response given by the Portfolio Holder for Communities.



## 2012 Games?

Councillor Spyvee	What plans were there to build on the excellent start made to the Christmas lights in the town centre?	Direct verbal response given by the Portfolio Holder for Economic Development, Culture and Tourism.
Councillor Sutton	Will the Portfolio Holder look into the errors made to Councillor contact details in recent errors of the Courier and explain what action will be taken to prevent such errors recurring?	Direct verbal response given by the Portfolio Holder for Street and Waste Services.

### **49. Schedules of Decisions taken by Portfolio Holders**

*RESOLVED* that the schedule of Portfolio Holder decisions for the period 30 September 2010 - 26 November 2010 be noted.