

Council

Wednesday, 24 February 2021

Attendees: Councillor Christopher Arnold, Councillor Lewis Barber, Councillor Nick Barlow, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Roger Buston, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Simon Crow, Councillor Robert Davidson, Councillor Paul Dundas, Councillor John Elliott, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Dave Harris, Councillor Chris Hayter, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Mike Hogg, Councillor Brian Jarvis, Councillor John Jowers, Councillor David King, Councillor Cyril Liddy, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Andrea Luxford Vaughan, Councillor Fiona Maclean, Councillor Jackie Maclean, Councillor Sam McCarthy, Councillor Patricia Moore, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Martyn Warnes, Councillor Lorcan Whitehead, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

434 Prayers

The meeting was opened with prayers from the Mayor's Chaplain, the Reverend Dr Amanda Elmes.

435 Minutes of the Previous Meeting (Council)

RESOLVED that the minutes of the meeting held on 3 December 2020 be confirmed as a correct record.

436 Have Your Say (Virtual Council Meetings)

Chris Piggott addressed Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1) to ask that as the Council had allocated £500,000 for the Local Plan in its budget would the Council today support his call for money to be set aside to help establish a country park on Middlewick?

Councillor J. Young, Portfolio Holder for Culture and Performance, responded and explained that there were twenty country parks in Essex including two in Colchester, Cudmore Grove and Highwoods Country Park. As the Ministry of Defence were the owners of the site, he should make his suggestion to the Member of Parliament so he could use his influence to press the idea on them. She had sought clarification from the Portfolio Holder at Essex County Council on the process for setting up a new Country Park. They frequently include a car park, a visitor centre, toilets and occasionally a café. The proposal for a county park could be made to the Local Plan Committee who could consider whether it was an appropriate use and way forward for that site. She believed residents wanted to see a much more biodiverse future for the site.

Thomas Rowe addressed Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1) to ask whether the Cabinet would back funds for neighbourhood plans, in order to help protect areas such as Bullock Wood and which would enable the promotion of a true infrastructure first approach across Colchester? Neighbourhood plans provided communities with the chance to engage in the long term planning decisions impacting their areas and could be used to enable communities to approve their own planning through neighbourhood development orders. If such an approach had been taken the current difficulties around Middlewick could have been avoided. A community led approach would reconnect residents with the planning process to develop a sense of connection to their natural and ancient environment and allow important sites such as Bullock Wood to be safeguarded. Smarter and more creative approaches to building communities needed to be taken such as incorporating commercial property for small shops into new estates and leaving pockets of land wild within estates to allow insects and small animals to thrive.

Councillor J. Young, Portfolio Holder for Culture and Performance, responded and explained that Neighbourhood Plans were plans prepared by the community rather than the Council. Council officers would continue to support those communities that put forward Neighbourhood Plans, but the Council could not produce or fund them itself. Garden Communities allowed the Council to address some of the issues highlighted and the new engagement website for the Tendring Colchester Garden Community had been launched. This would allow residents and community groups to feed ideas in. The Council already planned for small shops in developments.

Jodie Clark addressed Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1). She expressed her view that Wivenhoe was a small but proud village with a colourful history and rich heritage. Its residents, many of whom have lived there for generations, resonate strongly with the area and cherish the “Green Wedge”

between the village and Colchester. Why had the Leader of the Council, Councillor J. Young and Councillor Liddy voted in favour of a local plan that endangered the identity of all those who reside in Wivenhoe?

Councillor J. Young, Portfolio Holder for Culture and Performance, responded that all those Councillors who represented Wivenhoe and who supported the Local Plan were aware of the special characteristics of Wivenhoe and commended the community for producing its own Neighbourhood Plan. The importance of the "Green Wedge" was understood and the Local Plan included green buffers to protect the identity of communities. The Local Plan would offer a greater level of protection to the Wivenhoe community. Councillors had to consider the wider good of the borough when taking decisions.

A question from Parish Councillor Mannion, Tiptree Parish Council, was read to Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1), asking if the Portfolio Holder would apologise to communities like Tiptree, who have suffered from speculative development because of the Council's mishandling of the Local Plan?

Councillor J. Young, Portfolio Holder for Culture and Performance, responded and explained that sites in Tiptree were allocated by the Neighbourhood Plan rather than the Local Plan. It was delays in the early years of the Neighbourhood Plan that led to speculative applications. The Council worked hard to maintain its 5-year housing supply and this would help protect the borough from speculative development, as would the adoption of Section 1 of the Local Plan.

Jeremy Hagon addressed Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1). The Council was proposing an increase in Council Tax when other authorities were proposing a freeze. Given the difficult circumstances, did the Leader of the Council regret the funds that were used in support of a Garden Community which was found not to be sound. Resources had also been spent on an unnecessary rebranding.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, responded and explained that he had become Leader part way through the development of the Local Plan and had commissioned a spatial strategy to find the best place for development. The Local Plan was designed to meet housing targets set by the Conservative government. He was proud of the way the Council had worked with Conservative run neighbouring authorities on the plans and explored new ways to meet the challenging targets. The government pushed for the Council to explore ways of delivering development infrastructure first, and had supported the proposals with funding. He did listen to local communities and look at how smaller communities could be developed. Council tax had not risen over the last ten years, but the Council had suffered significant loss of funding from central government.

Angela Lingham Baker addressed Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1) on the future of the tennis courts at Eudo Road. These courts were the only such facility in the south of Colchester. In the current circumstances, sports were particularly important for physical and mental wellbeing. Since she had spoken on the issue last year, little had been heard, and surveyors from Colchester Amphora Housing had been seen on the site. Residents and users of the site were concerned about the future of the site. Could the Portfolio Holder rule out building on the Eudo Road tennis courts and commit to funds to enhance sports and leisure facilities in Shrub End?

Theresa Higgins, Portfolio Holder for Commercial Services responded and explained that the Council was looking at the site as it required some investment to future proof it. Concerns about the future of the tennis courts were appreciated but the levels of usage of the site brought in to questions its long term viability. All options need to be considered. The site was purchased by the Council in the 1930s, rather than being gifted to the Council. Like all Council assets, the Council needed to consider how it could best be used to future proof it. That did not necessarily rule out the future provision of tennis courts on the site.

Fabian Green addressed Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1), There was no budgetary provision for the Cabinet's decision to take legal action to force through an unwanted development on Queen Street by a private developer, Alumno. Would Portfolio Holder categorically rule out wasting further taxpayer money on this contract and development?

Councillor King, Portfolio Holder for Business and Resources, explained that whilst there was no specific provision, the actions that needed to be taken would be funded from a general budget. The actions were aimed at bringing forward a development that would bring considerable benefit to many. It would generate footfall, regeneration and traction for additional investment. It was appreciated that the development was disliked by some and there would be some learning from the process, but the Council had to balance those views with the undoubted benefits from the regeneration of this part of the town at this time.

Stephen Rowe addressed Council pursuant to the provisions of Remote Meetings Procedure Rule 5(1) about the elephant installation that had been planned to be installed on the Albert roundabout. Information was requested on who signed off on the proposal, what budget the Council set aside for this project and how much was spent before the decision was taken not to proceed further.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, indicated that a written response would be sent.

A statement from Andy Hamilton was read to Council pursuant to the provisions of

Remote Meetings Procedure Rule 5(1) about Council tree planting in parks. This was now being done by Council contractors, without volunteers, no public consultation, or after care plans. The trees were given free by the Woodland Trust so it was a shame to see so many dying. The lack of public consultation over locations and no provision for aftercare was leading to difficulties as shown in Spring Lane Park. So much land was being built on that it was depressing to see part of the few remaining green spaces being turned into dense woodland of little use to the public. The Council should engage in constructive discussion on the issue.

Councillor King, Portfolio Holder for Business and Resources, responded and explained that he shared the concern over the high rate of tree loss. This was not a consequence of poor planning or planting but of a hot, dry spring. Those whips that had been lost would be replaced, although the sites would be chosen very carefully. Advice was being taken from the Woodland Trust on suitable sites. The Council would continue to engage and consult widely. Once Covid restrictions eased there would be a return to community planting. The vision was for additional and accessible planting that would improve biodiversity. A written response would be sent to Mr Hamilton.

437 Mayor's Announcements

The Mayor indicated that in view of the current restrictions he had been unable to carry out any functions but he welcomed the indication that functions could begin to resume from 21 June 2021 onwards.

438 Suspension of Procedure Rules

RESOLVED that Council Procedure Rule 14(3) be suspended to allow for one representative of each political group to speak untimed on the item on the Budget 2020-21 and Medium-Term Financial Forecast only.

439 Budget 2021-22 and Medium Term Financial Forecast

Councillor King, Portfolio Holder for Business and Resources, proposed that the recommendations contained in draft minute 536 of the Cabinet meeting of 27 January 2021 together with the recommendations contained in the reports entitled Supplementary Budget report and Precept and Council Tax Levels 2021/22 be approved and adopted.

Main amendments

Councillor Buston moved a main amendment as follows:-

That the recommendations contained in draft minute 536 of the Cabinet meeting of 27 January 2021 and the recommendations contained in the reports entitled Supplementary Budget report and Precept and Council Tax Levels 2021/22 be approved and adopted by Council, subject to the following supplementary note applied to Appendix G, Community, Bereavement Services:

That this Council recognises increasing Bereavement Services costs by 3x the current rate of inflation during a pandemic is unreasonable and does not reflect well on the Council or its Members. Therefore the 2.7% across the board increase in Cemetery and Crematorium is abandoned for the financial year (21/22). That the anticipated £39,000 revenue loss from Appendix G – General Fund Budgets, Bereavement Services is balanced by Use of Reserves for FY 21/22.

Councillor King indicated that the main amendment was not accepted.

Councillor Barber moved a main amendment as follows:-

That the recommendations contained in draft minute 536 of the Cabinet meeting of 27 January 2021 and the recommendations contained in the reports entitled Supplementary Budget report and Precept and Council Tax Levels 2021/22 be approved and adopted by Council, subject to the following change to Appendix I:

That Item 7 of Appendix I – Allocation of New Homes Bonus; Support to Tendring Colchester Borders and Local Plan is reduced from £500,000 to a total of £450,000. A new Item 7A is added as follows:

7A Support for full Feasibility Study to construct a workable proposal for a revised allocation at Middlewick enabling the creation of a Country Park between Abbot's Road and Birch Brook Cost: £50,000

Councillor King indicated that the main amendment was not accepted.

Councillor Willetts moved a main amendment as follows:-

That the recommendations contained in draft minute 536 of the Cabinet meeting of 27 January 2021 and the recommendations contained in the reports entitled Supplementary Budget report and Precept and Council Tax Levels 2021/22 be approved and adopted by Council, subject to the following amendment by appending of words:

“and Council, noting that during the summer of 2020 the fish in Lexden Lake died, it was enveloped by invasive weed and it emitted a foul odour which constituted a public nuisance to surrounding dwellings, allocates in this budget £97,000 to facilitate proper remedial work to the lake. Furthermore that corresponding adjustments are made to reserves to ensure a balanced budget, or by such other virements that Cabinet shall take to balance the budget.”

Councillor King indicated that the main amendment was not accepted.

Voting

On being put to the vote the main amendment proposed by Councillor Buston was lost (TWENTY THREE voted FOR, TWENTY FIVE voted AGAINST, TWO ABSTAINED from voting).

Further to the provisions of Council Procedure 15(3) a named vote was taken and the voting was as follows:-

FOR: Councillors Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Dundas, Elliott, Ellis, Goacher, Hayter, Hazell, Jarvis, Jowers, Lissimore, Loveland, Luxford Vaughan, F. Maclean, J. Maclean, Moore, Willetts and Wood.

AGAINST: Councillors Barlow, Barton, Bourne, Chuah, Coleman, Cope, Cory, Fox, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, McCarthy, B. Oxford, G. Oxford, P. Oxford, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead and J. Young.

ABSTAINED: Councillors Davidson (The Mayor) and T. Young (The Deputy Mayor)

Councillor Barber proposed an alteration to his main amendment to add the words “and/or Nature Reserve” after the words “creation of a Country Park”. On being put to the vote this was agreed and the main amendment was deemed altered accordingly (TWENTY THREE voted FOR, TWENTY TWO voted AGAINST and FIVE ABSTAINED from voting).

Further to the provisions of Council Procedure 15(3) a named vote was taken and the voting was as follows:-

FOR: Councillors Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Dundas, Elliott, Ellis, Goacher, Hayter, Hazell, Jarvis, Jowers, Loveland, Lissimore, Luxford Vaughan, F. Maclean, J. Maclean, Moore, Willetts and Wood.

AGAINST: Councillors Bourne, Chuah, Coleman, Cory, Fox, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, McCarthy, B. Oxford, G. Oxford, P. Oxford, Pearson, Scott-Boutell, Warnes, Whitehead, J. Young and T. Young (The Deputy Mayor).

ABSTAINED : Councillors Barlow, Barton, Cope, Scordis and Davidson (The Mayor).

On being put to the vote the main amendment proposed by Councillor Barber was lost (TWENTY THREE voted FOR, TWENTY FIVE voted AGAINST and TWO ABSTAINED from voting).

Further to the provisions of Council Procedure 15(3) a named vote was taken and the voting was as follows:-

FOR: Councillors Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Dundas, Elliott, Ellis, Goacher, Hayter, Hazell, Jarvis, Jowers, Lissimore, Loveland, Luxford Vaughan, F. Maclean, J. Maclean, Moore, Willetts and Wood.

AGAINST: Councillors Barlow, Barton, Bourne, Chuah, Coleman, Cope, Cory, Fox, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, McCarthy, B. Oxford, G. Oxford, P. Oxford, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead and J. Young.

ABSTAINED: Councillors Davidson (the Mayor) and T. Young (the Deputy Mayor)

On being put to the vote the main amendment proposed by Councillor Willetts was lost (TWENTY TWO voted FOR, TWENTY SIX voted AGAINST and TWO ABSTAINED from voting).

Further to the provisions of Council Procedure 15(3) a named vote was taken and the voting was as follows:-

FOR: Councillors Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Dundas, Elliott, Ellis, Goacher, Hayter, Hazell, Jarvis, Jowers, Lissimore, Loveland, F. Maclean, J. Maclean, Moore, Willetts and Wood.

AGAINST: Councillors Barlow, Barton, Bourne, Chuah, Coleman, Cope, Cory, Fox, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, Luxford Vaughan, McCarthy, B. Oxford, G. Oxford, P. Oxford, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead and J. Young.

ABSTAINED: Councillors Davidson (the Mayor) and T. Young (the Deputy Mayor).

On being put to the vote the motion proposed by Councillor King was carried (TWENTY NINE voted FOR and TWENTY ONE voted AGAINST).

Further to the provisions of Council Procedure 15(3) a named vote was taken and the voting was as follows:-

FOR: Councillors Barlow, Barton, Bourne, Chuah, Coleman, Cope, Cory, Fox, Goacher, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, Luxford Vaughan, McCarthy, B. Oxford, G. Oxford, P. Oxford, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead, J. Young, T. Young (the Deputy Mayor) and Davidson (the Mayor).

AGAINST: Arnold, Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Dundas, Elliott, Ellis, Hayter, Hazell, Jarvis, Jowers, Lissimore, Loveland, F. Maclean, J. Maclean, Moore, Willetts and Wood.

440 Members' Allowances Scheme

RESOLVED that the recommendations of the Independent Remuneration Panel following its review of the Members Allowances Scheme as set out in the Panel's report and as detailed in paragraph 4.3 (a) – (e) of the Monitoring Officer's report be approved and adopted.

441 Schedule of Portfolio Holder Decisions

RESOLVED that the schedule of Portfolio Holder decisions covering the period 20 November 2020 – 9 February 2021 be noted.

442 Closure of Meeting

In view of the late hour the Mayor closed the meeting and directed that written responses be provided to the pre-notified questions to Portfolio Holders that had been submitted.

