

COUNCIL

6 DECEMBER 2012

Present :- Councillor Christopher Arnold (the Mayor) (Chairman)
Councillor Colin Sykes (Deputy Mayor)
Councillors Nick Barlow, Lyn Barton, Kevin Bentley,
Mary Blandon, Elizabeth Blundell, Tina Bourne,
Mark Cable, Nigel Chapman, Peter Chillingworth,
Helen Chuah, Nick Cope, Mark Cory, John Elliott,
Andrew Ellis, Margaret Fairley-Crowe, Annie Feltham,
Stephen Ford, Bill Frame, Ray Gamble, Martin Goss,
Scott Greenhill, Marcus Harrington, Dave Harris, Julia
Havis, Jo Hayes, Pauline Hazell, Peter Higgins,
Theresa Higgins, Mike Hogg, Martin Hunt (Deputy
Leader) , Brian Jarvis, John Jowers,
Margaret Kimberley, Cyril Liddy, Michael Lilley,
Sue Lissimore, Jackie Maclean, Jon Manning,
Richard Martin, Colin Mudie, Nigel Offen,
Beverley Oxford, Gerard Oxford, Philip Oxford,
Lesley Scott-Boutell, Paul Smith, Laura Sykes,
Anne Turrell (Leader of the Council) , Dennis Willetts,
Julie Young and Tim Young

Councillor Lissimore was not present for the items at minutes 36 - 47

Councillors Jowers and Kimberley were not present for the items at minutes 39 - 47.

Councillors Ellis, Manning and Scott-Boutell were not present for the items at minutes 40 - 47.

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

32. Minutes

The minutes of the meetings held on 17 October 2012 were confirmed as a correct record.

33. Have Your Say!

Angel Kalyan addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). She referred to previous correspondence with the Council, the Council's Insurer's Solicitor and Colchester Borough Homes and quoted from a letter sent to her by the Group Leaders following her comments at Council on 17 October 2012. She asked how it was possible to state that the results of investigations had been communicated to her when no records of the results or any investigations had been created, and from where information was obtained that results had been communicated

to her.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, stated that the letter sent to Mrs Kalyan following the last Council meeting, set out the Council's position.

Nick Chilvers addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) about the new bus station. He stated that he hoped Councillors had taken the opportunity to use the new bus station and to establish whether it was working well. Those who were also Essex County Councillors had a particular obligation to find out residents views. Councillors had been conspicuously quiet with their views on the new station and he hoped to hear these expressed during the course of the meeting.

Councillor Barton, Portfolio Holder for Renaissance, replied that the bus station had been operating successfully and no major issues had been reported.

Gabriel Valenzuela addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) to express concern about the Council's contract with Veolia Environmental Services. Veolia, which operated as a single legal entity, was involved in providing services for the Israeli authorities in East Jerusalem and the West Bank and was therefore complicit in the violation of humanitarian laws by Israel. He asked what action the Council would take in relation to this.

Councillor Annie Feltham, Portfolio Holder for Communities and Leisure Services, indicated that a written response would be sent.

34. Mayor's Announcements

The Mayor announced the following events:-

- The Garrison Christmas Concert, featuring the Military Wives, would be held at St Botolph's Church on 13 December 2012;
- The Civic Carol Service would be held at St Botolph's Church on 16 December 2012;
- The New Year Gala Concert would be held in the Moot Hall on 6 January 2013.

The Mayor announced that the announced that in the Queen Elizabeth II Fields Challenge, Landowner of the Year category, Colchester had the highest number of sites dedicated (12) and the highest total area of land protected (400 acres).

The Mayor announced that the Council had been awarded a four star award in the September 2012 Clean Britain Awards and presented the award to Andy Williams, Zone Manager. The Mayor also indicated that the Council had passed its interim 18 month reassessment for the Charter for Elected Member Development.

Councillor Barton, Portfolio Holder for Renaissance, announced that the Council and its Station Travel Plan Partners had won the Best Station Travel Plan Measure for Cycling

award in the ATOC National Cycle Rail Awards and presented the award to the Mayor.

Councillor Turrell, Portfolio Holder for Strategy, announced that the Council had now signed the Community Covenant.

35. Fundamental Service Review of Customer Contact

RESOLVED that the recommendation contained in minute 39 of the Cabinet meeting of 28 November 2012 be approved and adopted (UNANIMOUS).

36. 2013/14 Revenue Budget, Capital Programme and Financial Reserves

RESOLVED that the recommendation contained in minute 40 of the Cabinet meeting of 28 November 2012 be approved and adopted (MAJORITY voted FOR).

37. Localised Council Tax Support 2013/14

RESOLVED that the recommendation contained in minute 41 of the Cabinet meeting on 28 November 2012 be approved and adopted (UNANIMOUS).

38. Future Uses of the Magistrates' Court Task and Finish Group

RESOLVED that the recommendations of the Future Use of the Magistrates' Court Task and Finish Group, as set out in paragraphs 5(i) and 5(ii) of the Group's report to Cabinet on 28 November 2012, be approved and adopted (MAJORITY voted FOR).

39. Strategic Tenancy Strategy

Councillor T. Young (in respect of his position as Chairman of Colne Housing) and Councillor J. Young (in respect of her spouse's position as Chairman of Colne Housing) declared a Disclosable Pecuniary Interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.

RESOLVED that the recommendation contained in minute 44 of the Cabinet meeting of 28 November 2012 be approved and adopted (UNANIMOUS).

40. Appointment of Deputy Mayor for 2013-14 Municipal Year

RESOLVED that Councillor John Elliott be appointed Deputy Mayor of the Borough of Colchester for the 2013/14 Municipal Year (UNANIMOUS).

41. Review of Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering and Benefits Fraud Sanctions Policies

Council expressed its thanks and appreciation to the Independent Members of the Standards Committee, Derek Coe, Peter Fitton and the late Sven Farmer, for their service on the Standards Committee.

RESOLVED that the recommendation contained in minute 4 of the Standards Committee meeting of 21 November 2012 be approved and adopted (MAJORITY voted FOR).

42. Review of the Local Code of Corporate Governance

RESOLVED that the recommendation contained in minute 5 of the Standards Committee meeting of 21 November 2012 be approved and adopted (MAJORITY voted FOR).

43. Suspension of Procedure Rules

RESOLVED that Council Procedure Rule 11(2) be suspended to permit the motion on sheltered housing to be debated at this meeting.

44. Petition - Sheltered Housing

A petition in the following terms, containing approximately 2369 signatures, was received by the Council on 6 October 2012 and was referred to Council in accordance with Petition Procedure Rule 14.

“We the undersigned oppose the closures of Joyce Brooks House and Abbeygate House, and note that a further five sheltered accommodation schemes for older people are “under review” of closure. These actions make it clear that the future of publicly owned sheltered housing is under threat from council policy, and that a privatisation by stealth is planned. We call on the council to guarantee the future of all publicly owned sheltered housing.”

Andy Abbott addressed the Council in accordance with Petition Procedure Rule 15. The closure of Joyce Brooks House and Abbeygate House was a cut in the provision of sheltered housing, disguised as an improvement in the service. The Motion referred

to the consultation undertaken by the Council but there had been no consultation with the residents of Joyce Brooks House, Abbeygate House or the residents of the scheme in Tiptree that was under threat. Residents had originally been assured that nothing would happen to the remaining sheltered housing for five years, but this had subsequently been reduced to two years. With an increasing elderly population, more rather than less sheltered housing was required. He sought an assurance that no more sheltered housing would be closed and more would be built. The Council's policy amounted to privatisation by stealth.

Tim Oxtan addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). He drew parallels between the way the Council had handled the closure of Joyce Brooks House and Abbeygate House with how it had dealt with closure of the bus station.

It was PROPOSED by Councillor Bourne that:-

(i) In receiving this petition Council notes that a number of residents were concerned about the closure of two of our long established sheltered housing schemes.

(ii) Council notes that:-

- The Council is implementing the recommendations of the Sheltered Housing Review agreed by Cabinet in September 2011. The Review was developed in consultation with current and possible future sheltered housing tenants, where residents specified the type of amenity and accommodation they would wish to reside in. The results of the consultation were overwhelming in stating a requirement for a separate kitchen/living/sleeping area rather than the current bedsit style accommodation offered by some of the older sheltered schemes.

- The Council is in the process of spending £3.8 million to refurbish some of our sheltered schemes to the standard that residents stated they desired for 21st century living. This shows an ongoing commitment by Colchester Borough Council to invest in its sheltered schemes for the benefit of current and future tenants. The Worsnop House refurbishment has been warmly received by residents, ward members and others.

- The Council has set out its plan and budgeting commitments to invest in a major upgrade of suitable existing sheltered schemes. The proceeds received from the sale of Joyce Brooks House and Abbeygate House are being reinvested in part financing the significant refurbishment of Worsnop House and to the benefit of residents.

(iii) That, in respect of the petition's request for Council to guarantee the future of all publicly owned sheltered housing, the Cabinet be recommended to continue with the implementation of the sheltered housing review in line with the consultation responses to develop a Colchester Standard.

The MOTION was CARRIED (MAJORITY voted FOR)

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

Councillor Chillingworth (in respect of being a trustee of Essex Environmental Trust) declared a Disclosable Non Pecuniary Interest in respect of the question on Cory Environmental Trust, pursuant to the provisions of Meetings General Procedure Rule 7(5).

Questioner	Subject	Response
Verbal Questions		
Councillor Harrington	As the Council develops the RNIB React scheme would the Portfolio Holder for Renaissance ensure that the Council would not charge residents and cover the charge levied by any other authority in respect of this scheme?	Councillor Barton, Portfolio Holder for Renaissance, indicated that the development of the scheme was ongoing. All other authorities involved in the scheme did levy a charge, except Brighton who had received funding from the EU to meet the costs of the scheme.
Councillor Blundell	Would the Leader of the Council agree that the programme of Fundamental Service Reviews be extended to Cabinet members to improve value for money for residents and to bring Colchester into line with neighbouring authorities?	Councillor Turrell, Portfolio Holder for Strategy, indicated that Colchester Borough Council effectively had a Cabinet of 7 members, as two members had "half" Portfolios. This was less than the previous administration. Colchester was the second largest borough in Essex and therefore a direct comparison with other authorities could be misleading.
Councillor Bentley	Would the Leader of the Council support a campaign to prevent the transfer of the trust that managed funding for Colchester under the Cory Environmental Trust, to an	Councillor Turrell, Portfolio Holder for Strategy, indicated that she would support such a campaign.

	Essex wide trust?	
Councillor Hazell	Whether the Portfolio Holder for Communities and Leisure Services had a back up plan if those bidding for the Eudo Road tennis courts pulled out due to ongoing uncertainty and whether the proposals to build houses on four courts had been shelved.	Councillor Feltham, Portfolio Holder for Communities and Leisure Services, explained that the process of testing the market was ongoing and Councillor Hazell was welcome to talk to officers for an update on the process. There had never been a proposal to build houses on the courts.
Councillor T. Higgins	Whether the Portfolio Holder for Renaissance was aware of the main features of the RNIB React fob system and progress on the introduction of the system at the new bus station?	Councillor Barton, Portfolio Holder for Renaissance, confirmed that she was aware of the system and the progress made.

46. Members Allowances Scheme

It was PROPOSED by Councillor Turrell that the recommendations contained in the Head of Corporate Management's report be approved and adopted.

A MAIN AMENDMENT was moved by Councillor T. Young that the recommendations contained in the Head of Corporate Management's report be approved and adopted subject to the following amendments:-

- In paragraph 1.1 the deletion of the words "consider and approve as appropriate" and their replacement with the word "refer";
- The deletion of all wording after the words "Independent Remuneration Panel" and their replacement with the words: "back to the Independent Remuneration Panel to take further evidence on the allowance for Licensing Committee members giving them the opportunity, if necessary, to reconsider their recommendation(s) in the light of their findings."
- The deletion of paragraph 1.2.

Pursuant to the provisions of Council Procedure Rule 14(10) Councillor Turrell indicated that that the MAIN AMENDMENT was not accepted.

On being put to the vote, the MAIN AMENDMENT was LOST (NINETEEN voted FOR, TWENTY FOUR voted AGAINST and ONE ABSTAINED from voting).

The MOTION that the recommendations contained in the Head of Corporate Management's report be approved and adopted was then put and was CARRIED (MAJORITY voted FOR).

47. Schedules of Decisions taken by Portfolio Holders

RESOLVED that the Schedules of Portfolio Holder decisions for the period 29 September - 21 November 2012 be noted.