

# COUNCIL

## 20 JULY 2011

*Present :-* Councillor Helen Chuah (the Mayor) (Chairman)  
Councillors Christopher Arnold, Nick Barlow,  
Lyn Barton, Kevin Bentley, Mary Blandon,  
Elizabeth Blundell, John Bouckley, Nigel Chapman,  
Barrie Cook, Nick Cope, Mark Cory, Tina Dopson,  
John Elliott, Annie Feltham, Stephen Ford, Bill Frame,  
Ray Gamble, Martin Goss, Scott Greenhill, Mike Hardy,  
Marcus Harrington, Dave Harris, Pauline Hazell,  
Peter Higgins, Theresa Higgins, Mike Hogg, Martin Hunt  
(Deputy Leader) , John Jowers, Margaret Kimberley,  
Justin Knight, Sonia Lewis, Michael Lilley,  
Jackie Maclean, Jon Manning, Richard Martin,  
Kim Naish, Nigel Offen, Beverley Oxford,  
Gerard Oxford, Ann Quarrie, Will Quince, Lesley Scott-  
Boutell, Paul Smith, Henry Spyvee, Colin Sykes,  
Laura Sykes, Anne Turrell (Leader of the Council) ,  
Dennis Willetts, Julie Young and Tim Young

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

### 13. Minutes

The minutes of the meeting held on 18 May 2011 were confirmed as a correct record, subject to the amendment of paragraph 1 of the Business Development element of the Scheme of Delegation to the Portfolio Holder for Commerce and Sustainability to read:-

"1. Economic development issues affecting Colchester Borough."

### 14. Have Your Say!

Nick Chilvers attended and addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He asked the following questions of Council:-

(a) Whilst the current crackdown on litter was welcomed, could the numbers of penalty notices issued in each zone be published on the Council's website? Councillor Hunt, Portfolio Holder for Street and Waste Services, indicated that that there was no reason why this information could not be published and would make arrangements for this to happen.

(b) The Leader of the Council had stated previously that she would be writing to Essex County Council to check whether the existing 2012 deadline for the relocation of the bus station would be extended. He enquired whether the extension had been

granted. Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy and Performance, confirmed that she had written to Essex County Council and that a holding reply had been received approximately three weeks ago.

(c) He had been told by Council officers in June that that the traffic restrictions in the High Street were due to be introduced in the autumn. If this was the case, then detailed preparations should be underway. Businesses and residents would need to be planning alternative routes and delivery times and methods. He asked what month the traffic restrictions would be introduced? Councillor Barton, Portfolio Holder for Renaissance, stressed the Council's commitment to tackling congestion. However, the introduction of the restrictions was dependent on Essex County Council obtaining the necessary Traffic Regulation Orders and these had been delayed because of their complexity.

Darius Laws attended and addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2). He invited Council to condemn and disregard the comments made on the internet by a senior figure in one of main political parties in Colchester about Tymperleys.

Councillor Quince presented a petition to the Mayor calling on the Council to reopen Tymperleys Clock Museum. He believed that it was Colchester's heritage that made Colchester special and gave it its identity. The current administration did not take Colchester's heritage seriously. There had been no consultation or business impact assessment before the decision to close Tymperleys had been taken. Tymperleys was cheap to maintain and must generate more in revenue to the town than it cost to keep open. Town centre businesses relied on the footfall generated by assets such as Tymperleys. It was the home of Colchester's greatest resident and had been gifted to the town as a whole rather than to a group of politicians.

Councillor Barton, Portfolio Holder for Renaissance, responded that research showed that the late Bernard Mason did not consider that Tymperleys was a suitable home for the clock collection and wanted Tymperleys to be a living building. Alternative arrangements would be made to display the clock collection. Research had shown that the gardens at Tymperleys were the main attraction and these were now open to members of the public. A feasibility study was being conducted into future uses but complex issues were involved and this would take time.

## **15. Mayor's Announcements**

The Mayor made the following announcements:-

- On 28 July 2011, the Mayor would be presenting certificates of thanks to former Councillors;
- Colchester In Bloom judging would be on 25th July. The Mayor had already judged and presented for the Schools in Bloom competition and expressed her pleasure at the hard work and effort that the children put in to their gardens;
- On 20 August 2011 a Mayors Charity Barn Dance would be held at Acorn Hall,

Harwich Road;

- The Opening of the Oyster Fishery would take place on 2 September 2011.

Councillor Smith, Portfolio Holder for Resources and ICT, presented the Mayor with the certificate awarding the Council Charter Status for Elected Member Development and thanked those Councillors involved in securing the award.

## **16. 2012/13 Budget Strategy, Medium Term Financial Forecast and Budget Timetable**

*RESOLVED* that the recommendations contained in minute 14 of the Cabinet meeting of 13 July 2011 be approved and adopted (MAJORITY voted FOR).

**Councillor Sonia Lewis (in respect of being a Friend of the Moot Hall Organ and a sponsor of a pipe for the Moot Hall Organ ) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Christopher Arnold (in respect of being a regular contributor to the Moot Hall Organ Fund) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Mike Hogg (in respect of being a trustee of the Friends of the Moot Hall Organ) 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 spouse's position as a Trustee of the Friends of the Moot Hall Organ) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Nigel Chapman (in respect of being a founder member of the Friends of the Moot Hall Organ) 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) . He made representations on the item in accordance with Paragraph 12 (2) of the Code of Conduct for Members and then left the meeting during its consideration and determination.**

## **17. Capital Programme Projects**

Nigel Chapman addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) and explained how he had become involved with the campaign to restore the Moot Hall Organ. The Friends of the Moot Hall Organ had been established three years ago and £25,000 had been pledged to the fund. The Heritage Lottery Fund bidding process was a two tier process and the bid was at the development grant stage. In

view of concerns that had been raised at Cabinet about the future use of the Organ if it were restored, he assured Council that the bid addressed the issue of community involvement in detail.

*RESOLVED* that the recommendations contained in minute 15 of the Cabinet meeting of 13 July 2011 be approved and adopted (MAJORITY voted FOR).

## **18. firstsite - Construction Related Legal Proceedings**

Andy Hamilton addressed the Council pursuant to the provisions of Meetings General Procedure Rule 6(2) to express concern about the subsidising of the Visual Arts Facility (VAF) by public funds. He asserted that based on firstsite's own prediction of 150,000 visits there would be a public subsidy of £8 for each visit. One week of subsidies would cover the annual costs of Tymperleys. The Council ignored protests in order to maintain a status symbol and ignored warnings over design deficiencies, engineering defects and financial irregularities. The lease agreement was secret and firstsite refused to allow the public access to their committee meetings or business plan. The VAF was financially unviable as entry was free and commercial bookings were not being charged for. The public should boycott the VAF until a viable use was agreed.

*RESOLVED* that the recommendations contained in minute 13 of the Cabinet meeting of 13 July 2011 be approved and adopted (MAJORITY voted FOR).

## **19. Licensing Policy for Sex Establishments**

*RESOLVED* that the recommendation contained in minute 4 of the Licensing Committee meeting of 1 June 2011 be approved and adopted (MAJORITY voted FOR).

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

<b>Questioner</b>	<b>Subject</b>	<b>Response</b>
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**Pre-Notified Questions**

Councillor Bouckley	Whilst appreciating the help you gave in the past to the idea of a dedicated Colchester to Mersea off-road cycle route, would the Leader not agree that the huge backing to this idea in the Green Infrastructure Strategy must surely ensure it	Verbal response provided by the Leader of the Council and Portfolio Holder for Strategy, a written response to be sent in response to the supplementary question.
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has a high priority requiring the nomination of a senior officer who would be accountable for future progress? Public support won by the Council in respect of the cycle route would be lost by the proposals to build more beach huts on Victoria Esplanade.

### **Oral Questions**

Councillor Bentley	The decision to close Abbotts Activity Centre.	Verbal response provided by the Portfolio Holder for Communities and Diversity.
Councillor Bentley	What efforts were being made to protect public land from unauthorised access in view of the likely closure of the Travellers site in Basildon?	Verbal response provided by the Leader of the Council and Portfolio Holder for Strategy and Performance.
Councillor Naish	What action would be taken to protect the Cemetery from the increase in badgers in the Bourne Road/Mersea Road area?	Written response to be provided by the Portfolio Holder for Customers.
Councillor Hazell	The level of political support the Council was giving to Colchester's efforts on Olympic related activities.	Verbal response provided by the Portfolio Holder for Communities and Diversity.
Councillor Martin	What support could the Council give to ensure that Wilkin and Sons remained in Tiptree?	Written response to be provided by the Leader of the Council and Portfolio Holder for Strategy and Performance.
Councillor Hardy	Would the security of Lexden Park be improved in view of the likely closure of the Travellers site in Basildon?	Verbal response provided by the Portfolio Holder for Communities and Diversity.
Councillor Feltham	Whether planning was underway for a Carnival in 2012, given the success of the event in 2011.	Verbal response provided by the Portfolio Holder for Commerce and Sustainability.
Councillor Lewis	Whether the black refuse bags issued by the Council were fit for purpose.	Verbal response provided by the Portfolio Holder for Street and Waste Services.
Councillor Lewis	The timing of the announcement of the possible	Verbal response provided by the Portfolio Holder for Communities and

	closure of the Abbots Activity Centre.	Diversity.
Councillor Quince	The emptying of dog waste bins in Prettygate.	Verbal response provided by the Portfolio Holder for Street and Waste Services.
Councillor Quince	Would the Leader of the Labour Group distance himself from comments of the Chairman of the Labour Group about Tymperleys	Verbal response provided by the Portfolio Holder for Housing and Community Safety.
Councillor Quince	When was the decision to close Tymperleys taken, whether the Portfolio Holder for Commerce and Sustainability supported it at the time and now?	Verbal response provided by the Portfolio Holder for Commerce and Sustainability.
Councillor T. Higgins	Following the establishment of the Parking Partnership for North Essex, who was responsible for parking reviews?	Verbal response provided by the Portfolio Holder for Street and Waste Services.
Councillor T. Higgins	What plans were in place to update the audio facilities in the Town Hall?	Verbal response provided by the Portfolio Holder for Communities and Diversity.
Councillor Jowers	How the New Homes Bonus related to the Planning Delivery Grant and how proportionality applied in the award of the grant.	Verbal response given by the Portfolio Holder for Resources and ICT.
Councillor Cook	Could the Portfolio Holder for Street and Waste Services ensure that salt bins were in place and supplies of salt replenished in advance of winter?	Verbal response provided by the Portfolio Holder for Street and Waste Services.
Councillor Harris	How the new waste collection arrangements were bedding in.	Verbal response provided by the Portfolio Holder for Street and Waste Services.
Councillor Willetts	The Council's recycling performance in relation to other Councils in Essex.	Verbal response provided by the Portfolio Holder for Street and Waste Services.

*RESOLVED* that the Annual Scrutiny Report be noted.

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

*RESOLVED* that the Schedules of Portfolio Holder decisions for the periods 10 March 2011 - 17 May 2011 and 18 May 2011 - 1 July 2011 be noted.