

Council

Wednesday, 22 May 2024

Attendees:

Councillor Elizabeth Alake-Akinyemi, Councillor Simon Appleton, Councillor Tracy Arnold, Councillor Lewis Barber, Councillor Kevin Bentley, Councillor Roger Buston, Councillor Mark Cory, Councillor Pam Cox, Councillor Kemal Çufoğlu, Councillor Robert Davidson, Councillor Paul Dundas, Councillor Andrew Ellis, Councillor Mark Goacher, Councillor Martin Goss, Councillor Jeremy Hagon, Councillor Dave Harris, Councillor Alison Jay, Councillor Sean Kelly, Councillor David King, Councillor Richard Kirkby-Taylor, Councillor Jocelyn Law, Councillor Darius Laws, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Andrea Luxford Vaughan, Councillor Jackie Maclean, Councillor Sam McCarthy, Councillor Sam McLean, Councillor Sara Naylor, Councillor Claire Osborne, Councillor Martin Parsons, Councillor Carl Powling, Councillor Kayleigh Rippingale, Councillor Thomas Rowe, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Fay Smalls, Councillor Paul Smith, Councillor Natalie Sommers, Councillor Catherine Spindler, Councillor Michael Spindler, Councillor William Sunnucks, Councillor Leigh Tate, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Julie Young, Councillor Tim Young

681 Apologies

The retiring Mayor John Jowers chaired the meeting for the items at minutes

Apologies were received from Councillors Ellis*, Mannion, Moffat, Pearson, Smithson, Warnes* and Willetts* and from Honorary Aldermen Arnold, Bober, Bourne, Chillingworth, Elliott, Fairley-Crowe, Frank, Gamble, Gower, Green, Lewis, B. Oxford, G. Oxford and Spyvee.

*(Ceremony only)

682 Prayers

The meeting was opened with prayers from the Reverend Dr Amanda Elmes.

683 Election of the Mayor

It was PROPOSED by Councillor Goss, seconded by Councillor Bentley and supported by Councillors T. Young and Kirkby-Taylor and:-

RESOLVED UNANIMOUSLY that Councillor Scott-Boutell be elected as Mayor of the City of Colchester for the ensuing municipal year.

Councillor Scott-Boutell took the customary oath and signed the declaration of acceptance of office.

Councillor Scott-Boutell then took the Chair and returned thanks for her election.

684 Minutes of the Previous Meeting

RESOLVED that the minutes of the meetings held on 21 February 2024 be confirmed as a correct record.

685 Election of the Deputy Mayor

It was PROPOSED by Councillor Scordis and seconded and supported by Councillors Dundas, Goss and Kirkby-Taylor and:

RESOLVED UNANIMOUSLY that Councillor Mike Lilley be elected as Deputy Mayor of the City of Colchester for the ensuing municipal year.

Councillor Lilley then signed the declaration of acceptance of office and returned thanks for his election.

686 Vote of Thanks to the Retiring Mayor

It was PROPOSED by Councillor Davidson and seconded and supported by Councillors Goss, J. Young and Kirkby-Taylor and:-

RESOLVED UNANIMOUSLY that the best thanks of the Council were due and were hereby recorded to John Jowers for the admirable manner in which he had discharged the responsible duties of the Mayoralty during his period of office and that a transcript of this resolution under the Common Seal be furnished to him.

687 Mayor's Chaplain and Other Announcements

The Mayor announced that the theme of her Mayoralty would be fostering tolerance and understanding, breaking down preconceptions and building a safe space for all.

The Mayor announced that she would be supporting the following charities:-

Colchester Pride

Guts UK

Royal Association of Deaf People

Royal Society for the Protection of Animals Essex Mid and North Branch

Support Our Paras

The Mayor announced that she had appointed the Reverend Antony Bushell as her Chaplain.

688 Adjournment

RESOLVED that the meeting be adjourned until 12.00 noon in the Council Chamber.

689 Have Your Say! (Council)

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to offer his congratulations to the Mayor on her election. He would support her in Mayoralty and hoped the councillors would support her by attending civic events in greater numbers than had been the case in recent years. He also offered his congratulations to the Deputy Mayor and Mayoress. He did not believe that the administration had a democratic mandate in view of the number of seats it had won and the votes received in the City Council elections. The people of Colchester were entitled to a system that gave all Councillors a say in the decision making of the Council. When

the Cabinet system had first been introduced at Colchester Borough Council there had been a joint administration with a Cabinet of five Councillors, with the places shared proportionally amongst all the major groups. It could not be right that the group that came third in the popular vote should be able to form an administration.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and highlighted that in parliamentary election it was entirely possible for a candidate to win with approximately a third of the vote. In terms of local authority governance, under the cabinet system, the Leader of the council was elected by Council and had to be able to command the support of the Chamber. The current Liberal Democrat administration would not be able to function without the support of the Labour and Green groups on the Council. He believed that non-Conservative groups on the Council had a clear majority on the Council and a clear mandate. The administration would work in a consensual way and would collaborate with the other groups on Council. This was the mark of good governance.

The Democratic Services Manager read a Have Your Say! contribution submitted by Alderman G. Oxford offering congratulations on behalf of himself and Alderman B. Oxford to the Mayor and the Mayor and Mayoress and the Deputy Mayor and Deputy Mayoress on their election. He also offered thanks to former Councillors Hogg, Jowers and Barton for their long service to the Council.

Alderman Higgins addressed Council pursuant to the provisions of Council Procedure Rule 6(1) and offered her congratulations to the Mayor on her election as one of only sixteen female Mayors of the Council. It was highlighted that when Lower Castle Park was closed, for example for events which could last from Thursday to the following Tuesday, there was no cycle access along the path by Lower Castle Park. With Middle Mill weir being closed there was no safe route for cyclists and it was requested that this cycle path remain open when events were on. This could be done with barriers. At present the alternative was a very long diversion.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated that a full written response would be sent. The Council was doing all it could to expedite a repair to Middle Mill weir and the Council and the Events Company were looking at the access issues raised.

Cheryl Taylor addressed the Council pursuant the provisions of Council Procedure Rule 6(1) about the proposed changes to the Have Your Say! arrangements. These changes threatened the principles of openness, transparency and public engagement, which were essential to local democracy. Limiting the number of speakers would limit the diversity of voices heard and could prevent residents' views being heard on important issues. Removing the right of reply reduced the opportunity for meaningful dialogue and would mean the debate was one sided and less effective. Pre-registration and the limit of one speech per person created unnecessary barriers. These rules would exclude those

unable to plan ahead or impact on those with multiple pressing issues. Allowing the Chair to decide on the order of speakers and to reject inappropriate questions relied on subjective opinions. Clear and transparent criteria for these judgements should be developed to ensure fairness. Whilst efficiency was important, the changes risked sacrificing public input for quicker meetings. Alternative ways of streamlining meetings should be explored. The changes could stifle public engagement and erode trust in the Council and should be reconsidered.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that there had been considerable discussion within the Council about how to strike the balance between public engagement and meeting efficiency. It was now proposed to retain the right of reply. However, the efficiency and effectiveness of the meetings process was important. The meetings were business meetings in public, rather than public meetings. The Constitution provided for 15 minute Have Your Say sessions but over time the practice was that this was regularly exceeded, which meant that decisions were often take late. This was not a good basis for effective decision making. The proposals struck a better balance between public engagement and meeting efficiency and were an extra opportunity to be heard on top of the other opportunities for engagement.

David Charalambous addressed the Council pursuant the provisions of Council Procedure Rule 6(1) about the bystander effect and its relevance to government. In view of recent scandals, no reliance could be put on governing bodies to regulate effectively. Councillors were the public's first and last line of defence and the public could not afford for Councillors to be bystanders. Councillors needed to apply due diligence to information they received, in particular climate data. There was no consensus on this issue, as was claimed, and it needed to be borne in mind that those challenging consensus views were sometimes dismissed or persecuted before being proved right.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, thanked Mr Charalambous for his comments. Council was made up of people who loved to challenge information and views. Council would follow the sum of the science and data as it changed.

Brian Rees addressed the Council pursuant the provisions of Council Procedure Rule 6(1) to stress the importance of the decisions taken by the Council to the local community and the consequences if those decisions were based on incorrect information. History was full of decisions based on poor information. To assist in coming to the right decision on climate change, an important public meeting would be held to which all important parties, including Councillors, would be invited. It would be an opportunity to hear from two United Nations accredited climatologists who would present evidence that would allow decision makers to avoid poor choices with long term consequences.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and reiterated the comments made in response to the previous speaker. He had undertaken to explore the scope for a public meeting and would respond on that in due course.

Lance Peatling addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). He had attended several Have Your Say! sessions and they were largely completed in a matter of minutes and were rarely consequential or an impediment to the scheduled business. Council should give due consideration to the evidential basis on which the changes were being proposed. Given the impact of the changes which would forestall the public from freely expressing their concerns, councillors needed to carefully analyse the evidential basis for the decision.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, emphasised that the Council was not discriminating or rejecting public participation but looking to strike a better balance and better use of time.

690 Constitutional Changes

Sir Bob Russell addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). The Have Your Say! procedures had been introduced by a Liberal Democrat administration that had been confident in its ability to engage with the public. The proposals before Council suggested that current Portfolio Holders were not confident in their ability to answer questions without notice. Have Your Say! had evolved over the years and the right of reply was now very important. This would not curtail or discourage him from asking questions.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that there was no suggestion that the proposals were an attempt to limit his ability to ask questions. Nor did the proposals stem from issues about councillor's confidence in their brief. The proposals were designed to ensure decision making meetings had the time to conduct their business effectively whilst still providing an opportunity for public speaking at the start of the meeting. There had been a number of occasions when Have your Say! sessions had lasted 60 minutes or more. The proposals were in line with practice in other authorities and would lessen the workload for members and officers.

RESOLVED that the recommended decisions in the report by the Head of Governance and Monitoring Officer be approved and adopted subject to the Have Your Say! scheme at Appendix 3 being amended following consultation with the Leader of the Labour and

Conservative groups to reinstate the one minute right of reply at paragraph 11 (MAJORITY voted FOR).

691 Delegations made by the Leader of the Council

RESOLVED that the appointment of Councillor Cory as Deputy Leader of the Council, the appointment of Cabinet members and the allocation of responsibilities of Portfolio Holders, as set out in the Supplementary Information for the meeting, be noted.

692 Appointment of Panels. Committees and Independent Persons

RESOLVED (UNANIMOUS) that:-

(a) In accordance with the provisions of the Local Government and Housing Act 1989 the number of seats, group representation and membership of the Environment and Sustainability Panel, Governance and Audit Committee, Local Plan Committee, Planning Committee, and Scrutiny Panel (including the Crime and Disorder Committee) for the ensuing municipal year be as set out in the Supplementary Information for the meeting.

(b) In accordance with the provisions of section 17 of the Local Government and Housing Act 1989 the appointments to Licensing Committee for the ensuing municipal year shall not be on a Group basis and membership be as set out in the Supplementary Information for the meeting.

(c) The membership of the Independent Remuneration Panel be as set out in the Supplementary Information for the meeting.

(d) Sarah Blacker and Sarah Greatorex be appointed as Independent Persons for a period of four years.

693 Schedule of Portfolio Holder decisions

RESOLVED that the schedule of Portfolio Holder decisions for the period 14 February 2024 – 14 May 2024 be noted.

694 Motion of Thanks

RESOLVED that that the Council hereby records its grateful thanks to former Councillors Barton, Bickersteth, Bloomfield, Burrows, Hogg, Jowers and Nissen for the public service rendered by them to the City during their period of office as a Councillor and that a transcript of this resolution be furnished to them under the Common Seal of the City as a permanent record of the appreciation of the Council.