

COUNCIL

8 OCTOBER 2008

Present :- Councillors Christopher Arnold, Nick Barlow, Lyn Barton, Kevin Bentley, Mary Blandon, Elizabeth Blundell, John Bouckley, Nigel Chapman, Peter Chillingworth, Helen Chuah, Barrie Cook, Nick Cope, Mark Cory, Robert Davidson, Beverly Davies, Tina Dopson, John Elliott, Margaret Fairley-Crowe, Margaret Fisher, Stephen Ford, Wyn Foster, Ray Gamble, Martin Goss, Chris Hall, Mike Hardy, Dave Harris, Pauline Hazell, Peter Higgins, Theresa Higgins, Mike Hogg, Martin Hunt, John Jowers, Margaret Kimberley, Justin Knight, Sonia Lewis, Michael Lilley, Sue Lissimore, Jackie Maclean, Jon Manning, Richard Martin, Kim Naish, Nigel Offen, Beverley Oxford, Gerard Oxford, Philip Oxford, Gaye Pyman, Ann Quarrie, Lesley Scott-Boutell, Paul Smith, Henry Spyvee, Terry Sutton, Laura Sykes, Nick Taylor, Jill Tod, Anne Turrell, Dennis Willetts, Julie Young and Tim Young

Item 17 was chaired by the Deputy Mayor

The meeting was opened with prayers by the Mayor's Chaplain, The Reverend Doctor Chris Garland.

17. Election of Mayor

It was PROPOSED by Councillor Davdson, SECONDED by Councillor Hunt and SUPPORTED by Councillors T. Young and G. Oxford and -

RESOLVED UNANIMOUSLY that Councillor Margaret Fairley-Crowe be elected Mayor of thie Borogh of Colchester for the reminder of the 2008-09 Muniiciapl Year.

Councillor Fairley-Crowe took the customary oath and made and subscribed the declaration of acceptance of office.

The Mayor then took the Chair and returned thanks for her election.

The Mayor indicated that Pam Purcell would act as the Mayor's Escort and that the Mayor's chaplain and charities would remain as appointed by the Late Mayor.

18. Adjournment

RESOLVED that the meeting be adjourned for a short period.

19. Minutes

The minutes of the meetings on 14 May 2008 and 17 July 2008 were confirmed as a correct record.

20. Have Your Say!

Jim Watson addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). On three occasions his plastic recycling had not been collected. He had raised this with the Council each time it had happened but the problem kept recurring and on the most recent occasion his black bag waste had also not been collected. Councillor T. Young, Portfolio Holder for Street and Waste Services, responded and assured Mr Watson that he these problems were being addressed.

Ronessa Knock addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). She explained that funding for the arts by Colchester Borough Council, Essex County Council and the Arts Council had brought great benefits to the community and asked how committed the Council now was to sustaining continued investment in the arts in Colchester. Councillor T. Higgins, Portfolio Holder for Culture, Tourism and Diversity, explained that the Council remain committed to the arts in Colchester and that a full written response would be sent.

Nick Chilvers addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) about communication issues. He believed that the Council needed to think more carefully about how it communicated with the public. The lack of communication on sensitive subjects allowed myths and rumours to grow. For example people wanted a clear unambiguous statement on wheelie bins. A clearer statement about the position on the bus station should have been made when the administration came into office. The lack of public comment on the termination of the Inspace contract heightened the perception of a whitewash. Better use should be made of the notice boards outside the Town Hall and of libraries. The Council should ban the use of jargon. The Council had an opportunity to be candid in the forthcoming report on the Visual Arts Facility.

Paula Whitney addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). She believed that the consultation process leading to the identification of Bradwell as a site for a new nuclear power station had been flawed. The Council's withdrawal from the PFI bid and its opposition to the Waste Strategy was welcomed. She called on the opposition not to take a party political stance on this issue and support the administration.

Andy Hamilton addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He explained that he had met the Council's auditor on 2 September. He believed that the Audit Commission's Inspection letter for 2007/08 about the Council's accounts was misleading in respect of the Visual Arts Facility. He believed that the Council had been cavalier in allocating expenditure to the correct account. He had

been disappointed with the Auditor's response to his concerns and he would be approaching the relevant government department.

21. Mayor's Announcements

The Mayor announced that the Courier had won the "External Newspaper or Magazine" award at the Chartered Institute of Public Relations (CIPR) Excellence Awards.

Councillor Hogg presented the Mayor with a golden euro minted in 1997 especially for Avignon which had been presented to him on a recent visit to Avignon. The Mayor thanked Councillor Hogg.

22. Schedules of Decisions taken by Portfolio Holders

It was *RESOLVED* that the schedules of decisions taken by the Portfolio Holders be noted.

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

Questioner	Subject	Response
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Pre-notified Questions

Councillor Cook	Can the Portfolio Holder for Street and Waste Services update the full council on how far he has got on the following improvements to help safe public movement in the night time economy:-	Direct oral answer given by the Portfolio Holder for Street and Waste Services.
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(i) installing a public safe between the queuing public and the taxi rank outside Marks & Spencer's store in the high street;

(ii) the other Taxi initiative of increasing the number of taxi ranks in the town centre to include one in Head Street and another smaller one in Queen Street.

Councillor Lilley	After spending an evening with the Licensing Enforcement Team and seeing the vast amounts of rubbish and food thrown down on the pavements in the High Street, could the Portfolio Holder for Street and Waste Services tell me who does the cleaning up	Direct oral answer given by the Portfolio Holder for Street and Waste Services.
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and do the Food outlets in the High Street contribute towards the cost of cleaning up their rubbish and if not, why not?

- Councillor J. Young Was the Leader of the Council aware that this year is the 60th anniversary of the birth of the NHS. We also know that both our health trusts are performing well keeping residents of Colchester healthy. What plans does the Borough have to mark this momentous occasion? Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy
- Councillor P. Higgins Last year saw the abandonment of some recycling collections because of high winds. However this bad weather was forecast well in advance. Does the Portfolio Holder for Street and Waste Services agree that there should be contingency plans in place to deal with adverse weather and have steps been taken to minimise disruption to collections in the coming winter? Direct oral answer given by the Portfolio Holder for Street and Waste Services.
- Councillor P. Higgins The Council Care Home at 95 Winnock Rd is now in a dilapidated and perhaps hazardous state and great concern has been expressed by local residents at a number of public meetings on the matter. When will the home be closed and what steps are being taken in the meantime to ensure that it is in a reasonable state of repair? Direct oral answer given by the Portfolio Holder for Neighbourhoods.

Oral Questions

- Councillor Scott-Boutell Will the Leader of the Council write to the Leader of Wootton Bassett Town Council to offer thanks and support for the dignified manner in which the town and its residents mark the repatriation of Armed Forces casualties? Direct oral answer given by the Leader of the Council and Portfolio Holder for Strategy.
- Councillor Harris The success of introducing a 9.00 am start to the concessionary fares scheme and whether other Essex authorities were following Colchester's lead on this issue. Direct oral answer given by the Portfolio Holder for Resources and Business.
- Councillor Harris Could the Portfolio Holder for Communication and Customers arrange publicity for the concessionary fares scheme in the next issue of the Courier? Direct oral answer given by the Portfolio Holder for Communication and Customers.
- Councillor Harris The provision of information about the scheme for free swimming for the over 60s Direct oral answer given by the Portfolio Holder

	and whether this could be extended to include swimming lessons.	for Culture, Tourism and Diversity.
Councillor Blundell	The timescale for a permanent appointment to the role of Town Serjeant.	Written answer to be provided by the Leader of the Council and Portfolio Holder for Strategy.
Councillor G. Oxford	Could the Portfolio Holder for Street and Waste Services pass on thanks to all those involved in the successful day of action at Highwoods.	Direct oral answer given by the Portfolio Holder for Street and Waste Services.
Councillor G. Oxford	Whether the Council has any investments in the Icelandic bank, Landsbanki.	Direct oral answer given by the Portfolio Holder for Resources and Business.
Councillor Ford	The provision of an opportunity to congratulate all Colcestrians who had taken part in the 2008 Olympic and Paralympic Games,	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity.
Councillor Naish	The latest position on, and likely opening date of, the Visual Arts Facility.	Direct oral answer given by the Portfolio Holder for Communication and Customers.
Councillor Naish	The guidance given to Councillors and Council employees on attending work if they have 'flu and whether the 'flu jab should be made available to all Councillors and Council employees.	Direct oral answer given by the Portfolio Holder for Resources and Business.
Councillor Barlow	Whether the Council had received the £100 000 promised for recycling initiatives by Essex County Council?	Direct oral answer given by the Portfolio Holder for Performance and Partnerships.
Councillor Chillingworth	The success of the clear plastic sacks introduced by the previous administration for the collection of recyclable materials and future waste collection arrangements.	Direct oral answer given by the Portfolio Holder for Street and Waste Services.
Councillor Chillingworth	What Council services would be cut to fund the locking and unlocking of the Serjeant's Mess?	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity.
Councillor Maclean	The removal of funding for town centre traffic problems.	Direct oral answer provided by the Portfolio Holder for Regeneration and Planning.

Councillor Willetts	Open government	Direct oral answer given by the Leader of the Council and the Portfolio Holder for Strategy.
Councillor Willetts	The provision of an accessible customer service centre on the High Street after the closure of Angel Court.	Direct oral answer given by the Portfolio Holder for Customers and Communication.
Councillor Willetts.	Expenditure by the Council in the local area.	Direct oral answer given by the Portfolio Holder for Resources and Business.
Councillor Willetts	The future of the Chairman of Colchester Borough Homes.	Direct oral answer given by the Portfolio Holder for Neighbourhoods.
Councillor Willetts	The decision not to proceed with the installation of new public toilets at Mill Road Car Park, Dedham.	Direct oral answer given by the Portfolio Holder for Street and Waste Services.
Councillor Chapman	Progress on establishing a sustainable fund for the Local Authority Carbon Management Programme.	Direct oral answer given by the Portfolio Holder for Regeneration and Planning.
Councillor Chapman	How savings would impact on the production of the Courier and whether it was planned to allow commercial advertising in the Courier?	Direct oral answer given by the Portfolio Holder for Communication and Customers.
Councillor Hogg	What measures were being taken to consolidate the gains made in the Action Day at Highwoods and could the information be fed into Neighbourhood Action Panels?	Direct oral answer given by the Portfolio Holder for Street and Waste Services.
Councillor Arnold	When would the administration implement the recommendation from the Strategic Overview and Scrutiny Panel on September 2008, accepted by Cabinet on 10 September 2008, that when funding was proposed to be withdrawn from an item previously agreed, a description of the impact of the changes should be published simultaneously?	Written answer to be given by the Leader of the Council and Portfolio Holder for Strategy.
Councillor Arnold	How would the Council capture the cultural legacy of the 2012 Olympics?	Direct oral answer given by the Portfolio Holder for Culture, Tourism and Diversity.

Councillor Arnold	How had the Portfolio Holder for Performance and Partnerships fulfilled the duty to promote partnership working with Essex County Council on waste issues?	Direct oral answer given by the Portfolio Holder for Performance and Partnerships.
Councillor Arnold	How would the Council satisfy the need for car parking during the period of peak demand between October half term and early January?	Direct oral answer given by the Portfolio Holder for Resources and Business.
Councillor Arnold	The timescale for publication of details of how the Council was meeting the targets in the Labour manifesto.	Direct oral answer given by the Portfolio Holder for Street and Waste Services.
Councillor Lewis	The timescale for housing voids since the termination of the Inspace contract.	Written answer to be given by the Leader of the Council and Portfolio Holder for Strategy.
Councillor Lewis	Whether any nightclubs or fast food outlets take responsibility for street cleaning outside their premises.	Direct oral answer given by the Portfolio Holder for Street and Waste Services.
Councillor Hazell	The performance of the three major arts organisations in Colchester against their Service Level Agreements with the Council.	Written answer to be given by the Portfolio Holder for Culture, Tourism and Diversity.
Councillor Hall	Whether the Council would pursue an award under the Purple Flag scheme.	Direct oral answer given by the Portfolio Holder for Street and Waste Services.
Councillor Hall	When would the Council start to recycle cartons?	Direct oral answer given by the Portfolio Holder for Performance and Partnerships.
Councillor Lissimore	The effect of the credit crunch on the workload at Angel Court and the current backlog of housing benefit claims.	Direct oral answer given by the Portfolio Holder for Resources and Business and written answer also to be provided.
Councillor Taylor	The current position on the Council's budget.	Direct oral answer given by the Portfolio Holder for Resources and Business.
Councillor	What initiatives were in place to secure	Direct oral answer given

Taylor	funding for the development of local road schemes to link into the new junction off the A12?	by the Portfolio Holder for Planning and Regeneration.
Councillor Bentley	The prospects of recovering investments in Landsbanki.	Council Direct oral answer given by the Portfolio Holder for Resources and Business.

24. Notices of Motion // Ward Councillor Representations at Licensing Sub Committee hearings

It was proposed by Councillor Harris that:-

“This Council believes that:

- (i) The concept of the Licensing Act 2003 was to permit public consultation and for affected residents to “Have their Say”
- (ii) The effect of the Licensing Act 2003 (Hearings) Regulations 2005 is that Ward Councillor is precluded from speaking at a Hearing on a licensing matter within their ward unless a resident living in the vicinity of the licensed premises nominates him/her to speak on his / her behalf.
- (iii) This Council believes in the right of residents to have their say and for elected Borough Councillors to also have this right.
- (iv) This Council further believes that the legislation should be changed so that Ward Councillor should have a right to speak to the decision-making Licensing Sub-Committee as an elected representative of the appropriate ward.
- (v) This Council resolves to make representations to the Department of Culture Media and Sport requesting that the legislation is changed to enable Ward Councillors to have this right (as already given at meetings of the Planning Committee).

The motion was thereupon approved and adopted (MAJORITY voted FOR).

25. Local Highway Panel // Expenses Incurred by Parish Representatives

RESOLVED that the recommendations in the Head of Corporate Management's report be approved and adopted subject to the approval of expenses being backdated to the start of the 2008-09 municipal year.