



Colchester  
City Council

# Annual Council Meeting

**The Old Library, Town Hall, High Street,  
Colchester, CO1 1PJ  
Wednesday, 22 May 2024 at 10:30**

# Information for Members of the Public

## Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

## Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

<https://colchester.cmis.uk.com/colchester/HaveYourSay.aspx>.

## Audio Recording, Mobile phones and other devices

Public meetings are streamed for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's YouTube channel. Audio recording, photography and filming of meetings by the public is welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings so long as this doesn't cause a disturbance. Voice or camera flash functions must not be used and devices must be set to silent.

## Access

There is wheelchair access to the Town Hall from the rear of the Town Hall off St Runwald Street and wheelchair access to the Old Library from West Stockwell Street. There is an induction loop in all the meeting rooms.

## Security Procedures

It is a condition of entry that members of the public are searched on arrival. This is conducted by a member of the Council Hall Keeping team. This may include a search of your person and bags with an electronic device or by hand. Please inform the Hall Keeping Team if you have a health condition. The team will always include a female member. The team are Security Industry Authority trained and the searches are conducted in line with the relevant regulations. Please note that placards, large bags, umbrellas, food and items that might disturb the meeting must be left in reception for collection on exit.

## Facilities

Toilets with lift access are on each floor of the Town Hall. A water dispenser is available on the first floor.

## Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

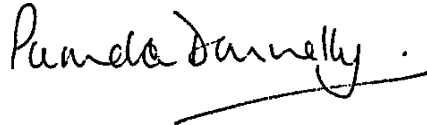
Colchester City Council  
telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call  
e-mail: [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk)  
[www.colchester.gov.uk](http://www.colchester.gov.uk)

**COLCHESTER CITY COUNCIL**  
**Council**  
**Wednesday, 22 May 2024 at 10:30**

**TO ALL MEMBERS OF THE COUNCIL**

**Published 13/05/2024**

**You are hereby summoned to attend the Annual Meeting of the Council to be held on Wednesday, 22 May 2024 at 10:30 for the transaction of the business stated below.**



**Chief Executive**

**AGENDA**  
**THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING**  
**(Part A - open to the public)**

**Please note that the business will be subject to short breaks at approximately 90 minute intervals.**

**Live Broadcast**

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

**1 Election of the Mayor**

Motion A

Motion to elect Councillor Lesley Scott-Boutell as the Mayor of the City of Colchester for the ensuing municipal year.

The Mayor to make the declaration and take the customary oath.

The Mayor to return thanks.

**2 Minutes of the Previous Meeting**

Motion B

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

## **Council minutes 210224**

7 - 18

### **3 Election of the Deputy Mayor**

Motion C

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

The Deputy Mayor to make the acknowledgement and return thanks.

### **4 Vote of Thanks to the Retiring Mayor**

Motion D

Motion of thanks to the Retiring Mayor, John Jowers.

The Retiring Mayor to make an acknowledgement.

### **5 Mayor's Chaplain and Other Announcements**

The Mayor to announce the appointment of the Mayor's Chaplain, the Mayor's charities and to make other announcements.

### **6 Adjournment**

Motion E

Motion to adjourn.

National Anthem (members of the public who are able to stand are asked to remain standing after the National Anthem whilst the Council Procession leaves the Old Library).

### **7 Have Your Say! (Council)**

Members of the public may make representations to the meeting on any item on the agenda or any other matter relating to the business of Council. Members of the public may register their wish to address the Council by e-mailing [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk) by 12.00 noon on the working day before the meeting. However, advance registration is not mandatory and members of the public may register to speak in person immediately before the meeting.

### **8 Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

9 **Constitutional Changes**

19 - 34

Motion F

Motion that the recommended decisions in the report by the Head of Governance and Monitoring Officer be approved and adopted.

10 **Delegations made by the Leader of the Council**

Council to note the appointments of the Deputy Leader of the Council, the appointment of Cabinet members and the allocation of responsibility of Portfolio Holders as determined by the Leader of the Council (to follow).

11 **Appointment of Panels, Committees and Independent Persons**

Motion G

Motion that:-

(i) In accordance with the provisions of the Local Government and Housing Act 1989 the number of seats, group representation and membership of the Governance and Audit Committee, Environment and Sustainability Panel, Local Plan Committee, Planning Committee and Scrutiny Panel (including the Crime and Disorder Committee) for the ensuing municipal year be as circulated at this meeting (details to follow).

(ii) In accordance with the provisions of section 17 of the Local Government and Housing Act 1989 the appointments to the Licensing Committee for the ensuing municipal year shall not be on a Group basis and membership shall be as circulated at this meeting (details to follow).

(iii) That the membership of the Independent Remuneration Panel be as circulated at this meeting (details to follow).

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

12 **Schedule of Portfolio Holder decisions**

35 - 40

Council is invited to note the Schedule of Portfolio Holder decisions for the period 14 February 2024 -14 May 2024.

13 **Motion of Thanks**

Motion H

Motion of Thanks to former Councillors Barton, Bickersteth, Bloomfield, Burrows, Hogg, Jowers and Nissen.

The Mayor to welcome new Councillors and to invite them to briefly introduce themselves to Council.

14 **Urgent Items (Council)**

Council will consider any business not specified in the Summons which by reason of special circumstances the Mayor determines should be considered at the meeting as a matter of urgency.

15 **Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**Part B**  
**(not open to the public including the press)**

# Council

Wednesday, 21 February 2024

**Attendees:**

Councillor Tracy Arnold, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Michelle Burrows, Councillor Roger Buston, Councillor Mark Cory, Councillor Pam Cox, Councillor Robert Davidson, Councillor Paul Dundas, Councillor Andrew Ellis, Councillor Mark Goacher, Councillor Martin Goss, Councillor Jeremy Hagon, Councillor Dave Harris, Councillor Mike Hogg, Councillor Alison Jay, Councillor John Jowers, Councillor David King, Councillor Richard Kirkby-Taylor, Councillor Jocelyn Law, Councillor Darius Laws, Councillor Sue Lissimore, Councillor Andrea Luxford Vaughan, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McLean, Councillor Venessa Moffat, Councillor Sara Naylor, Councillor Steph Nissen, Councillor Carl Powling, Councillor Kayleigh Rippingale, Councillor Thomas Rowe, Councillor Lee Scordis, Councillor Fay Smalls, Councillor Paul Smith, Councillor Rhys Smithson, Councillor Natalie Sommers, Councillor Michael Spindler, Councillor William Sunnucks, Councillor Leigh Tate, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Julie Young, Councillor Tim Young

**665 Prayers**

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

**666 Apologies**

Apologies were received from Councillors Appleton, Barber, Bloomfield, Lilley, McCarthy, Pearson and the Deputy Mayor (Cllr Scott-Boutell).

**667 Have Your Say! (Council)**

Richard Martin addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to ask members of Council if they would vote the same way on the adoption of the Local Plan if the vote was held now. There was further information now available, particularly the advice from a statutory body that the development should not proceed until all evidence had been gathered. Recent activity had shown the disregard the Ministry of Defence (MOD) had for wildlife on the site. This activity had been reported to the Essex Police Wildlife Unit. There had been a sustained campaign to prevent the

issues around Middlewick having a fair hearing. The Leader of the Council should write to the Ministry of Defence and Defence Infrastructure Organisation inviting them to withdraw the Middlewick application on the grounds that it was no longer viable and Councillors should urge planners to act urgently to remove Middlewick from the Local Plan and use a focused review to avoid delay in finding replacement sites.

Councillor King, Leader of the Council and Portfolio Holder for Strategy responded and explained that whilst there would be an opportunity to look afresh at the Local Plan, this was not the time. However it was subject to ongoing review. The MOD were responsible for their own behaviour. The Council would ensure there was an awareness of the policy conditions and framework surrounding the site. If proposals did come forward they would be assessed rigorously against the policy. Whilst he could not ask the MOD to withdraw the site, he could make them aware of the concerns of residents and of the policy constraints on the site.

Nick Chilvers addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to thank those Councillors who had consistently campaigned against the inclusion of Middlewick in the Local Plan and to express concerns about infrastructure in the area. The existing traffic levels in south Colchester were already a matter of concern and were getting worse. On one hand the Council was trying to discourage traffic from the centre of Colchester, whilst on the other it was encouraging development which would generate more traffic. New residents would need to drive to work and to access services. Whilst it was appreciated that the Inspector had declared the Local Plan sound, this was on the basis that Highways had stated it could manage the impact but this was a complacent view. Residents had no faith that the conditions imposed by the Inspector would be respected. Councillors of nearby wards should also support the campaign against Middlewick's inclusion in the Local Plan as their residents would also feel the impact. South Colchester would gain housing but little else, whilst losing a green lung, leisure space and ecology. This was not a sustainable plan. The site was not viable and should be removed from the Local Plan.

Councillor Luxford Vaughan, Portfolio Holder for Planning, Environment and Sustainability, responded and explained that she had discussed with officers the possibility of a focused review but did not believe this was an option because of the scale and complexity of the site. She would send a written response in due course. The budget for the infrastructure audit was now in place and the evidence from this would feed into the Local Plan review.

Chris Piggot addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to express concerns about the impact of the proposed budget on the Council's core services. The Neighbourhoods Team were doing the best they could but needed more investment. Some issues he logged took a considerable time to be resolved and this issue would be exacerbated with further reductions in funding. Many volunteers worked hard to maintain Colchester out of civic pride. With the increase in council tax and the



introduction of garden waste charges, residents were effectively paying more, but getting less. Councillors should work together to put Colchester before politics.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded to highlight the role factors such as inflation and cuts in government funding had on the Council's financial position. The budget proposals set out how the Council would work more efficiently to meet the challenging circumstances. The value of the work of the Neighbourhoods Teams and volunteers in maintaining Colchester was understood. If there were tasks that were outstanding he would investigate them if further details were provided.

Angela Linghorn Baker addressed Council pursuant to the provisions of Council Procedure Rule 6(1) about parking issues around Elfreda House in Shrub End. It was clear that the parking provision was inadequate and confirmation was sought as to whether there were any plans to increase the parking provision.

Councillor Smith, Portfolio Holder for Housing, indicated that whilst the original provision had been agreed by the Planning Committee this needed to be looked at again. This was indicative of wider problems with infrastructure across the city, but there was a lack of resources from central government to allow this to be addressed.

Alan Short addressed Council pursuant to the provisions of Council Procedure Rule 6(1). Shortly before Full Council were to consider approval of the Local Plan in July 2023, a letter was received from Natural England, who were a statutory body. According to a media report, Councillor Goss, the relevant Portfolio Holder, in consultation with the then Mayor, Councillor T. Young, decided not to circulate this letter to Councillors. Following a query at the Council meeting, the letter was subsequently published. It stated that Natural England suggest the Middlewick Ranges should not be included for development. It called for any decision to be made based on current information rather than on the basis of the study done five years previously by the owners of the land. It reserved the right to oppose any planning application before the Planning Committee. Were prospective buyers aware that they were likely to be opposed at Planning Committee by Natural England? Councillors were asked to make a major commitment without all the relevant information. This seemed to bring into question the legality of the decision and was an apparent breach of accountability and transparency.

Councillor Goss responded and stated that he and Councillor T. Young had not done what they were accused of and that the statement made was factually incorrect.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and explained that the letter in question was not shared widely as it simply reinforced what was already believed to be the case. He was happy to recirculate the letter, which made three particular points: \_

- That the potential impacts to the site must be considered;

- That they noted that the policy adopted by the Council for the site and that they expected compliance with the policy;
- That they reserved the right in future to object.

The Council had been open and he would be happy to reinforce that by sharing the letter again.

A statement from Alderman G. Oxford was read to the meeting by the Democratic Services Manager. The statement expressed concern about the investment in Northern Gateway and the comparative lack of investment in Highwoods. Concern was also expressed that the St Marks Community Centre would not now be built and the funding would be diverted to St Johns and Highwoods Community Association. Despite the high level of house building in Highwoods there had been little mitigation provided to the community.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated that a written response would be sent.

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to highlight the poor attendance at Town Deal Board meetings. For example there had never been a meeting with full attendance and only one member had full attendance. The Leader of the Council was the current Council representative on the Board, who had attended five out of seven meetings. One of the projects being run by the Town Deal Board was Holy Trinity Church. It was proposed to lease the building to Community 360 and the recent press reports and concerns about Community 360 were highlighted. The Chief Executive of Community 360 was a member of the Town Deal Board. For a period of 18 months Councillor King was a director and trustee of Community 360 but this was not included in his Register of Interests, nor had he registered that he was a member of the Town Deal Board. The Town Deal Board should be scrapped and the matters for which it was responsible be decided by elected Councillors, who were democratically accountable.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated that he had declared his membership belatedly. It was an omission for which he apologised. This was an unpaid, voluntary position, undertaken largely during a period when the group of which he was a member were in opposition. He had stepped away when he became Leader of the Council. In terms of the Town Deal Board, it was an essential vehicle to help obtain government funding. This did not remove the Council's responsibility as accountable body to monitor and scrutinise the work of the Board. The Chair was aware of the criticism of attendance levels but it should be borne in mind that the members of the Board were unpaid volunteers and were respected members of the community who were doing their best.

Bevan Waghorn addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to express concern about the financial state of the Council under the current

administration. The proposed budget would double the Council's debt within the next five years. The administration sought to justify the budget on cuts in funding from central government, but funding had increased by 15% over the past year. The reality was the administration's borrowing and spending was driving the Council towards bankruptcy. The fact that the accounts had not been audited for four years posed an unacceptable risk to taxpayers. The administration should address these issues and provide the public with reassurances about its financial future and confirm that if the Fit for the Future programme failed the Council would not face bankruptcy. There should also be greater transparency around the proposed cuts to services and how they would impact on the community.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and stressed that there had been a decrease in government funding over a period of years. While a local authority could not technically go bankrupt it was the case that a number of authorities were in very real financial difficulty. However, Colchester was not in that position, as was demonstrated by the advice from the Section 151 officer. The way forward was as set out in the budget by delivering change, cost reduction and efficiencies and income generation across the range of Council services.

Rachel Mathews addressed Council pursuant to the provisions of Council Procedure Rule 6(i) to highlight the plight faced by farmers as a result of UN directives and government policies designed to address climate change. Net zero bureaucracy was driving up the cost of food production, without adequate compensation for farmers. Net zero would have a devastating impact of farming and on the countryside through the construction of solar farms and wind turbines. The risks from carbon dioxide, methane and melting sea ice were overstated. The net zero industry was worth trillions which gave it great influence. Ethical scientists were able to disprove the net zero science but were largely ignored by main stream media, Councillors should have researched these views before declaring a climate emergency. Food was one of the thirteen national critical infrastructure defined by the National Protective Security Authority but food security was not addressed in the Local Plan. Councils should have the authority to refuse planning applications which threatened food security.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and thanked the speaker for proposing an alternative view, which was not accepted. It was unlikely that the majority of land would be given over to solar and windfarms, but it was recognised that there were competing pressures on land use, which was for the Local Plan Committee to consider.

Carrina Cooper addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to highlight how the Post Office scandal was indicative of how government, media and corporate institutions could not be trusted to act openly and honestly. It was important to approach what they said critically and to recognise the influence and bias to which they were subject. It was important that ideas that went against the accepted

consensus were not dismissed as conspiracy theories, as had happened with recent views expressed at Council meetings on 5G, and that questions were addressed on a rational and evidenced based basis. There was evidence to suggest harm from 5G radiation and the Government's instruction that health issues should not be taken into consideration when considering 5G mast applications did not absolve Councils from liability. There was evidence that companies installing masts were using dissolved companies to obtain planning permission and claim compliance with safety regulations and the council needed to examine all the evidence before granting permission for any more 5G masts.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, expressed his thanks for the comments. The Council's position was evidence based and would change as evidence changed,

Carla Hales addressed Council pursuant to the provisions of Council Procedure Rule 6(1), as the District Lead Tutor for the Essex Music Service and Chair of Essex Concert Band. It was disappointing that no decision had been reached on the Events Policy meaning the summer programme of events was now in doubt. In comparison, Southend had a full programme of events for every weekend over the summer with a small budget to pay bands. There were considerable economic benefits to live performances as was shown by events she had organised at Lion Walk and the Castle Park. The benefits of live performances and the contribution it could make to active citizenship was recognised in the Council's Event Policy. To charge those people trying to engage in active citizenship was counterproductive. These issues should be taken into account when considering the budget proposals. The Events Company currently seemed unable or unwilling to organise events and consideration should be given to using those who had the relevant local knowledge and experience.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, explained that the issues were being reviewed and further information was being sought from the Events Company. A further response would be made once the review was complete.

James Cracknell addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to express concerns about the level of Council Tax, cuts to services, the delaying of projects whilst the Council invested in commercial projects, all of which were delayed. The administration was putting its interest in commercial projects before its statutory duty to provide core services. The projects were all based in the north of Colchester. The Council should consider selling off commercial assets and the Mill Road site for housing to allow heat network loans to be repaid. The involvement in commercial projects at the expense of core services was putting the future of the Council at risk,

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded that Colchester City Council's proportion of the council tax bill was comparatively small. The

Council was well run and its future was not at risk.

Parish Councillor Robert Johnstone addressed Council pursuant to the provisions of Council Procedure Rule 6(1) in support of the comments made by Carla Hales. He had raised these issues at Council in July. Whilst a report had been referred to the Scrutiny Panel it had been unable to consider the matter fully and the matter had been deferred. The issue would be solved by taking the bandstand outside the scope of the Events Policy. He was willing to work with officers on the issue. Whilst sponsorship had been suggested as a solution, this would not provide value for money.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, stressed that a response would be sent once the issue had been considered further.

Simon Collis addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to urge Council to bring forward a motion to declare an affordable housing crisis in Colchester. The number of people on the housing register was growing and families were housed in temporary accommodation outside the city.

Councillor Smith, Portfolio Holder for Housing, responded and recognised that action was needed. The Council had taken part in a meeting of North Essex authorities on housing, involving senior officers, councillors and outside experts to discuss the housing crisis. There were currently 329 families in Colchester in temporary accommodation and six families had been in bed and breakfast accommodation for more than six weeks. It was highlighted that one of the budget amendments proposed removing £43 million from the housing revenue account, which he could not support.

Brian Reece addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to express concern that questions raised were not responded to or were met with obfuscation. He had raised a question at the Scrutiny Panel and not received a response. The Council was funded by the public, including the salaries of officials. It was a disservice to the public when questions were evaded and was also a breach of the Nolan principles. There was growing concern about the gap between councils and communities across the country and there was a need for a new system of public oversight. What authority did the Council or any public office holder have over the public?

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and explained that the Council only acted within the law.

Melina Spantidaki addressed Council pursuant to the provisions of Council Procedure Rule 6(1) and highlighted that she had previously raised issues about Community 360 at a meeting of the Scrutiny Panel in October and urged councillors to listen to the recording. The use of Holy Trinity Buildings was requested by the Friends of St Martins, who were a multi-cultural internal centre of wellbeing. Under their proposals, half to a

third of the building would be used as a church with the rest to be used as community hub involving uses such a Christian bookshop and library, customer services of Colchester City Council and arts and craft sessions.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and explained that he would forward the details of her proposals to officers dealing with the Town Deal and ask them to get in touch.

**668 Minutes of the Previous Meeting (Council)**

*RESOLVED* that the minutes of the meeting held on 7 December 2023 be confirmed as a correct record.

**669 Mayor's Announcements**

The Mayor emphasised how much he valued meeting with local community groups and attending events during the course of his Mayoral Year. These groups were the bedrock of Colchester.

The Mayor invited Council to hold a minute's silence in memory of Honorary Alderman Chris Hall.

**670 Suspension of Procedure Rule 14(3)**

*RESOLVED* that Council Procedure Rule 14(3) be suspended for the debate on the 2024-25 Budget Proposals to allow one member from each political group to speak for a period of up to ten minutes, with all other speech times to be in accordance with Council Procedure Rule 14(3).

**671 Final Budget Proposals 2024/25 (General Fund and Housing Revenue Account, including Medium-Term Revenue and Capital)**

**Councillor Harris (in respect of running a youth group at Berechurch Scout Hall) declared a non-registerable interest in this item pursuant to the provisions of Council Procedure Rule 9(5).**

It was proposed by Councillor Cory that that the recommendations contained in the reports from the Section 151 Officer entitled Final Budget Proposals, 2024/25 (General Fund and HRA including medium term revenue and capital) and Council Tax Setting

2024/25 (including proposed change to premiums) and recommendation (f) in draft minute 828 from the Cabinet meeting of 24 January 2024 be approved and adopted.

Councillor Dundas proposed main amendment A as set out in the Supplementary Information for the meeting.

Councillor Cory indicated that the main amendment was not accepted.

Councillor Sunnucks proposed main amendment B as set out in the Supplementary Information for the meeting.

Councillor Cory indicated that the main amendment was not accepted.

Councillor Sunnucks moved main amendment C as set out in the Supplementary Information for the meeting.

Councillor Cory indicated that the main amendment was not accepted.

Councillor J. Young proposed main amendment D as set out in the Supplementary Information for the meeting.

Councillor Cory indicated that the main amendment was accepted and the motion was deemed amended accordingly.

Councillor King moved main amendment E on behalf of all political group leaders as set out in the Supplementary Information for the meeting.

Councillor Cory indicated that the main amendment was accepted and the motion was deemed amended accordingly.

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

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

FOR: Councillors Bentley, Buston, Davidson, Dundas, Ellis, Hagon, Laws, Lissimore, Maclean, Mannion, Naylor, Powling, Rowe, Smithson, Sunnucks, Tate and Willetts.

AGAINST: Councillors Arnold, Barton, Burrows, Cory, Cox, Goacher, Goss, Harris, Hogg, Jay, King, Kirkby-Taylor, Law, Luxford Vaughan, McLean, Moffat, Nissen, Rippingale, Scordis, Smalls, Smith, Sommers, Spindler, Warnes, J. Young and T. Young.

ABSTAINED FROM VOTING: The Mayor (Councillor Jowers).

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

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

FOR: Councillors Bentley, Buston, Davidson, Dundas, Ellis, Hagon, Laws, Lissimore, Maclean, Mannion, Naylor, Powling, Rowe, Smithson, Sunnucks, Tate and Willetts.

AGAINST: Councillors Arnold, Barton, Burrows, Cory, Cox, Goacher, Goss, Harris, Hogg, Jay, King, Kirkby-Taylor, Law, McLean, Moffat, Nissen, Rippingale, Scordis, Smalls, Smith, Sommers, Spindler, Warnes, J. Young and T. Young.

ABSTAINED FROM VOTING: Councillor Luxford Vaughan, The Mayor (Councillor Jowers).

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

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

FOR: Councillors Bentley, Buston, Davidson, Dundas, Ellis, Hagon, Laws, Lissimore, Maclean, Mannion, Naylor, Powling, Rowe, Smithson, Sunnucks, Tate and Willetts.

AGAINST: Councillors Arnold, Barton, Burrows, Cory, Cox, Goacher, Goss, Harris, Hogg, Jay, King, Kirkby-Taylor, Law, Luxford Vaughan, McLean, Moffat, Nissen, Rippingale, Scordis, Smalls, Smith, Sommers, Spindler, Warnes, J. Young and T. Young.

ABSTAINED FROM VOTING: The Mayor (Councillor Jowers).

The substantive motion, as amended by main amendments D and E, was then put to the vote and was carried (TWENTY SIX voted FOR, SEVENTEEN voted AGAINST and ONE ABSTAINED from voting).

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



FOR: Councillors Arnold, Barton, Burrows, Cory, Cox, Goacher, Goss, Harris, Hogg, Jay, King, Kirkby-Taylor, Law, Luxford Vaughan, McLean, Moffat, Nissen, Ripplingale, Scordis, Smalls, Smith, Sommers, Spindler, Warnes, J. Young and T. Young.

AGAINST: Councillors Bentley, Buston, Davidson, Dundas, Ellis, Hagon, Laws, Lissimore, Maclean, Mannion, Naylor, Powling, Rowe, Smithson, Sunnucks, Tate and Willetts.

ABSTAINED FROM VOTING: The Mayor (Councillor Jowers).

**672 Local Council Tax Support Scheme 2024-25**

*RESOLVED* that the recommendation contained in minute 814 of the Cabinet meeting of 19 December 2023 be approved and adopted.

**673 Officer Pay Policy Statement 2024-25**

*RESOLVED* that the recommendation contained in draft minute 830 of the Cabinet meeting of 24 January 2024 be approved and adopted.

**674 Review of the Council's Ethical Governance Policies**

*RESOLVED* that the recommendation contained in minute 396 of the Governance and Audit Committee meeting of 13 December 2023 be approved and adopted.

**675 Review of the Local Code of Corporate Governance**

*RESOLVED* that the recommendation contained in minute 398 of the Governance and Audit Committee meeting of 13 December 2023 be approved and adopted.

**676 Questions to Cabinet Members and Committee Chairs pursuant to Council Procedure Rule 10**

In view of the late hour and in view the provisions of Council Procedure Rule 19(2) the Mayor announced that this item would not be considered at this meeting.

**677 Increase in Members Allowances 2023-24**

*RESOLVED* that the recommended decisions in the report by the Head of Governance and Monitoring Officer be approved and adopted (SIXTEEN voted FOR, TWELVE voted AGAINST and FIFTEEN ABSTAINED from voting).

A named vote was requested by Councillor Naylor, supported by Councillors Smithson and Willetts, pursuant to the provisions of Council Procedure Rule 15(2) and the voting was as follows:-

FOR: Councillors Cory, Cox, Harris, Hogg, King, Kirkby-Taylor, Law, McLean, Nissen, Rippingale, Scordis, Smalls, Smith, Warnes, J. Young and T. Young.

AGAINST: Councillors Arnold, Davidson, Hagon, Laws, Lissimore, Luxford Vaughan, Maclean, Naylor, Rowe, Smithson, Spindler and Willetts.

ABSTAINED FROM VOTING: Councillors Barton, Bentley, Burrows, Buston, Dundas, Ellis, Goacher, Goss, Jay, Mannion, Moffat, Powling, Sommers, Sunnucks and the Mayor (Jowers).

#### **678 Schedule of Portfolio Holder Decisions**

*RESOLVED* that the schedule of Portfolio Holder decisions covering the period 27 November 2023 – 13 February 2024 be noted.

#### **679 Thanks**

Council paid tribute to Councillor Hogg, for whom this was the last Full Council meeting after 38 years service, and expressed its thanks to Councillor Jowers for the way he had chaired Council during the course of the municipal year.

<b>Report of</b>	<b>Head of Governance and Monitoring Officer</b>	<b>Author</b>	<b>Andrew Weavers</b> ☎ 282213 <b>Richard Clifford</b> ☎ 507832
<b>Title</b>	<b>Constitutional changes</b>		
<b>Wards affected</b>	All wards		

**1. Executive Summary**

1.1 This report details changes to the political governance structure of the Council’s formal decision making meetings together with a number of changes to the Constitution covering issues such as Have Your Say!, speaking arrangements for Councillors and meeting finish time. The overall aim of the changes is to make decision making more efficient and focused and ensure that Council governance arrangements are fit for the future.

**2. Recommended Decisions**

- 2.1 To amend the Council’s Constitution to give immediate effect to the following proposals: -
- (a) To remove the Policy Panel from the Council’s political governance structure.
  - (b) To agree the revised Terms of Reference for the Environment and Sustainability Panel and Crime and Disorder Committee detailed at Appendix 2.
  - (c) To agree the revised “Have Your Say!” arrangements detailed at Appendix 3 and that the arrangements be kept under review.
  - (d) To amend the closure provisions for all meetings of Cabinet, Committees and Panels in order that the meeting closes after the completion of the first item that finishes after 9.00pm, but with provision to allow the business to continue if there are exceptional circumstances requiring a decision.
  - (e) To provide for breaks at 90-minute intervals at all meetings of the Full Council, Cabinet, Committees and Panels.
  - (f) To introduce a maximum time limit of 5 minutes on individual representations on agenda items made by Councillors who are not members of the Cabinet, Committee/Panel.
  - (g) To provide that where a member of a Committee/Panel wishes to ask a detailed question on an agenda item, this must be submitted in writing to Democratic Services at least 24 hours before the meeting. The Chair shall have discretion to allow such questions if there is good reason why the notice period could not be complied with.
  - (h) To approve the revised wording of Article 13 detailed at Appendix 4.

2.2 To delegate authority to the Monitoring Officer to amend the Constitution to give effect to these changes and any necessary consequential amendments.

**3. Reason for Recommended Decision**

3.1 The detailed reasons for each of the proposed changes are set out in the body of the report.

**4. Alternative Options**

4.1 No alternative options are proposed.

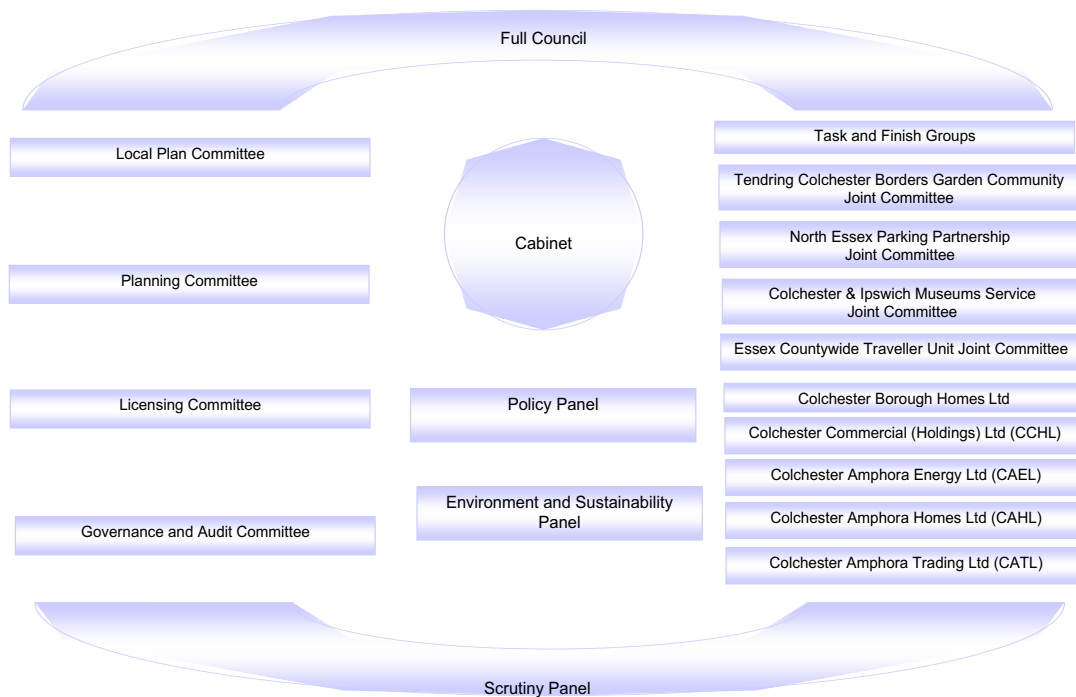
## **5. Background Information**

### **Background and context**

- 5.1 The Local Government Boundary Commission has confirmed that Council size will remain at 51. Now that this issue has been settled there is a need to ensure that our political governance arrangements going forward are fit for purpose and fit for the future and are in accordance with the Nolan Principles.
- 5.2 Colchester's tight political balance causes issues when ensuring that all meetings are politically balanced. The meeting structure/membership leads to heavy workloads for some members and some difficulties for the Groups in being able to fill all their positions on Committees/Panels. Accordingly, it is necessary to ensure that the political governance arrangements match the capacity of the Council.
- 5.3 Concern has been expressed about the interrelated issues of the length of meetings and the impact this has on members and officers and the operation of Have Your Say! Evidence demonstrates that the average length of meetings is increasing. This is partly driven by the increased length of Have Your Say! sessions, which is in turn impacting the ability of some meetings to conduct their business in a timely and efficient manner.
- 5.4 In view of the resource pressures facing the Council, it is timely to review the number and types of meetings. This is particularly important when the Council is facing cost reductions and implementing its Fit for the Future programme. The Council's political governance arrangements need to reflect the change in circumstances which it is facing. There could be potential savings in officer time, security and building costs from reducing the number of meetings or by moving some of the business to formats allowing hybrid working, always accepting that formal decision-making meetings are legally required to be held in person.
- 5.5 As part of the work on the Local Government Boundary Commission submission, the Council conducted a survey of members to ascertain information on workload. The survey was completed by 57% of members the results of which demonstrated the considerable time commitment members give in preparing for and attending meetings of the Council's Committees and Panels. The survey results indicated that the most common response to the time spent on each element of the Councillor role was as follows: -
- 34% indicated they spent more than 15 hours per week on average reading reports.
  - 48% indicated that they spent up to 5 hours per week on average attending meetings and 41% spending between 6 – 10 hours per week.
  - 52% indicated that they spent up to 5 hours per week on average researching for meetings and 34% spending between 6 – 10 hours per week.
- 5.6 It is important that governance arrangements comply with best practice and be fit for the future as a professional and modern council, in line with the Council's over-arching Fit for the Future programme. This report sets out proposals to address these issues for consideration, following consultation with the leaders of the political groups.

### **Committee Structure and Number of Meetings**

- 5.7 The Council's current political governance structure is shown below.



5.8 If a reduction in the number of meetings is to be considered, particular attention needs to be given to the non-statutory Committees. These are Policy Panel and Environment and Sustainability Panel. Both are advisory (and non-decision making) panels to Cabinet. The current Terms of Reference for each of the Panels are attached at Appendix 1.

5.9 It is recognised that both Panels do valuable work, have full work programmes and dedicated memberships. However, it is worth noting that: -

- Policy Panel can only consider business at the request of or with the agreement of Cabinet. In practice this has led to it identifying issues it wishes to consider at the start of the municipal year and then requesting Cabinet approval, which can lead to a work programme including a wide cross section of items. This can lead to considerable member and officer resource being directed at issues which are not necessarily related to the Council's agreed strategic priorities.
- The Environment and Sustainability Panel largely receives update reports for noting and it has made recommendations to Cabinet infrequently (three in the last two municipal years). The Panel's terms of reference include reporting to Cabinet and Council on progress and implementation of the Council's Climate Emergency Action Plan and the goal to be net carbon neutral by 2030. Whilst it regularly monitors the Climate Emergency Action Plan, no such report has been submitted to Cabinet or Council in the last two municipal years.

5.10 It is proposed that the Policy Panel be removed from the Council's political governance structure. Where necessary the policy development work undertaken by the Panel could be delivered through less formal structures such as Task and Finish Groups and workshops and briefings. This would achieve a saving of £4545.93 in terms of the Chair's Special Responsibility Allowance together with additional saving in officer and building costs.

5.11 It is proposed that the terms of reference for the Environment and Sustainability Panel be amended to focus more sharply on reporting on the implementation of the Council Climate Emergency Action Plan, with a specific duty to report on annual basis to Cabinet and Council. Proposed revised terms of reference are at Appendix 2. It is also proposed

that the Panel meet less frequently, with the number of meetings scheduled reduced from six to three per annum.. The Special Responsibility Allowance payable for the chair of the Panel (currently £4545.93) will be reviewed during the Municipal year in consultation with the Independent Remuneration Panel.

- 5.12 The opportunity has also been taken to sharpen the terms of reference for the Crime and Disorder Committee. The existing terms of reference are detailed at Appendix 1 with the revised being contained at Appendix 2. The revised terms of reference reflect good practice.

### **Have Your Say!**

- 5.13 Whilst the public do not have a legal right to address local authority meetings. It is accepted best practice to permit this to happen and the Council has welcomed and facilitated this via Have Your Say! item on agendas for every public meeting for a number of years. The Council's Have Your Say! arrangements are a key element of the meetings process providing an opportunity for members of the public to feed in views, seek to influence decision making and bring issues to the attention of the Council. However, there has been a trend in some recent meetings for the general Have Your Say! session to extend way beyond the 15 minutes provided for in the Constitution. There has also been a trend towards repetition of issues at multiple meetings, often on issues that whilst falling within the remit of the meeting are not related to the agenda of that particular meeting. The impact of this is that meetings are taking longer and Have Your Say! is impacting on the ability to conduct the specified business effectively and efficiently and decision making is often delayed until the meeting has been sitting for a considerable period. It also means that those who attend to speak or view agenda items must wait. For example, at the budget meeting of the Full Council in February 16 members of the public spoke under general Have Your Say!, which meant that consideration of the budget did not begin until 90 minutes into the meeting.
- 5.14 The Council's Have Your Say! scheme is one of the most open in the region and is exceptional in allowing speakers to attend and speak without any form of pre-registration. Whilst this is to be welcomed in terms of openness and transparency, it needs to be balanced against the need to ensure core scheduled business is conducted effectively and efficiently.
- 5.15 It is therefore proposed to amend the Have Your Say! arrangements for the Full Council, Cabinet, Committees and Panels (with the exception of Planning Committee and Licensing Committee Sub Committees and hearings). The key elements of the proposed new scheme are: -
- (a) All Have Your Say! contributions to be taken under the Have Your Say! item scheduled at the start of the meeting,
  - (b) The current arrangements provide for a period of 15 minutes for Have Your Say!, with the discretion for the Chair to increase this. In practice this has shown to be insufficient and is regularly exceeded. It is proposed to move away from a time based system to allow a maximum of eight Have Your Say slots per meeting. The Chair will have discretion to increase this in very exceptional circumstances.
  - (c) Removing the right of reply. This was introduced following the last governance review in 2017. Not all members of the public choose to take up the option, but it does increase the length of the Have Your Say! session, without necessarily adding value.

- (d) Pre-registration by 12.00 noon the working day before the meeting with an indication of the subject matter.
- (e) Limiting the number of speeches an individual or group can make to one per meeting.
- (f) The Chair be given discretion to decide on the order of speakers.
- (g) Clearer guidance on what is an inappropriate question or submission.

5.16 A draft revised Have Your Say! scheme embodying these principles is detailed at Appendix 3. It is proposed that the revised arrangements be kept under review.

5.17 For the avoidance of doubt, it is not proposed to vary the Have Your Say! arrangements in respect of the Planning Committee which are different to those for the Committees and Panels and are balanced to ensure parity between applicants/supporters and objectors. It is felt that these procedures work well, Nor is it proposed to amend the provisions for representations during Licensing appeal hearings or Licensing Sub-Committee meetings.

### **Length/timing of Meetings**

5.18 There is evidence that the Council's decision-making meetings are taking longer. The average length of a meeting in 2022-23 was 1hr 50 mins, in 2023-24 was 2hrs 15 mins. Meetings went beyond 9pm on sixteen occasions in 2023-24. Consideration needs to be given to what can reasonably be expected of members, officers and other attendees in terms of health, wellbeing and equality considerations and in terms of ensuring good governance and sound decision making.

5.19 It is not proposed to vary the start times of meetings, which was subject to a full review in 2017. In terms of closure of business, the practice is different for Full Council and the Committees and Panels. Full Council has a hard cut off once the first item of business after 10pm is completed. The Committees and Panels require a vote to be taken after the first item ending after 10pm as to whether the meeting should continue. It is proposed that Cabinet, Committees and Panels have a hard cut off after the first item of business ends after 9pm, but with provision to allow the business to continue if there are exceptional circumstances requiring a decision. It is also proposed that Committee/Panel meetings are brought in line with the practice at Full Council to require breaks after 90 minutes. This is particularly important for wellbeing and equality purposes for all those attending.

5.20 It is recognised that better agenda management, which includes Committees and Panels considering critically requests for additional items to be added to work programmes, is also important in ensuring meetings are not unnecessarily long.

### **Timing of visiting Councillors when addressing Committees/Panels**

5.21 The Cabinet and Meetings General Procedure Rules provide for members to attend meetings of those Committees/Panels of which they are not a member and with the consent of the Chair, to address Cabinet, Committee/Panel on agenda items. The rules are silent on timing and therefore members speak untimed. In view of the number of such representations made, particularly when controversial issues are being discussed, it is proposed to impose a maximum of 5 minutes time limit on such representations. This



is in line with the speaking limit for ward councillors at Planning Committee. It is recognised that is longer than the three minutes for members of the public under Have Your Say! but it is felt that this recognises councillors' wider representative role.

### **Detailed Questions**

- 5.22 There have been instances where members either as a member of a particular Committee/ Panel or as a visiting councillor have asked detailed questions of officers which they were unable to answer due to the complexity of the information being requested. To provide good governance, it is proposed that officers be given at least 24 hours' notice of any such questions to ensure that a proper considered answer can be provided at meetings. It is however accepted that there may be a genuine reason why such notice cannot be given, and in those circumstances, it is proposed that the Chair of the meeting has discretion whether to allow the question. For the avoidance of doubt this arrangement shall not apply to Planning Committee or Licensing appeal hearings or Licensing Sub-Committee meetings.

### **Substitutions**

- 5.23 The Meetings Procedure Rules provide that a Councillor may arrange for a properly appointed substitute councillor to attend a meeting of a Committee or Panel on their behalf, subject to notice being given to the Chair and the proper officer. Where there is a training requirement for the Committee the substitute must also be properly trained. Substitute members are not allowed at Cabinet and Planning Committee members are not allowed to substitute onto the Local Plan Committee.
- 5.24 Occasionally members arrive at Committee to act a substitute without the necessary advance notification. The Council has always taken a relaxed attitude to this but there are potential risks in substitutes arriving who are not able to sit on the Committee, which could lead to difficulties of quorum and potential conflicts of interest. As a matter of good governance, written notification of any substitutions to the Chair and to the Proper Officer should be made by 3.00pm of the day of the meeting. It is appreciated that on occasions late notification of substitutions is unavoidable and it is not proposed to make this a requirement under the Rules, but Group Leaders are requested to ensure that wherever possible advance notification is given.

### **Governance and Audit Committee**

- 5.25 A detailed report will be submitted to the Governance and Audit Committee during the municipal year which will map our progress on compliance with the CIPFA Position Statement on Audit committees, identify what further actions are required to meet the position statement and comply with best practice. The position statement sets out an independent and effective model for an Audit committee defining the purpose and core functions, and includes details relating to membership, engagement, outputs and review of impact. Officers are working on a self-assessment to establish areas for review. The report will also include an annual report on the work undertaken by the committee during 2023/24. This will cover issues such as independent members, eligibility for membership and the separation of membership from the Scrutiny Panel.

### **Article 13 Finance, Contracts and Legal Matters**

- 5.26 Paragraph 13.06 of Article 13 contains the attestation provisions for the Council's common seal. Due to changes in the Land Registry's rules the opportunity has been taken to amend paragraphs (c) and (d) to ensure the wording is compliant with the new rules. The revised Article 13 is attached at Appendix 4 to this report.

## **Chair and Deputy Chair of meetings**

- 5.27 Reference in all Procedure Rules to chairman and deputy chairman will be amended to chair and deputy chair.

## **Other issues**

- 5.28 A number of other improvements to governance process are also proposed, which do not require amendments to the Constitution and are therefore outside the scope of this report. However, as they relate to governance and meetings processes, they are briefly summarised below: -

- Reviewing the arrangements for briefing meetings for Chairs and Group Spokespersons and reiterating their value in agenda managements and ensuring Councillors have the necessary information before meetings.
- Repeating some on the induction training about meetings later in the municipal year so new councillors can ask questions arising out of their experience of attending meetings.
- Developing chairing training further so chairs receive training on chairing within the local political environment, alongside democratic services officers and senior Committee support officers.
- Further engagement sessions between senior leadership team and the wider Councillor body.

## **6. Equality, Diversity and Human Rights implications**

- 6.1 A number of the proposal contained in this report are aimed at making the processes around decision making meetings more effective and efficient whilst seeking to reduce some of the time demands upon members and therefore make meetings more accessible.

## **7. Consultation**

- 7.1 The proposals outlined in this report arise from consultation with the political group leaders.

## **8 Financial implications**

- 8.1 The removal of the Policy Panel would create a saving of £4545.93 in respect of the Chair's Special Responsibility Allowance. There would be a saving from the reduction of meetings of the Policy Panel and Environment and Sustainability Panel, both in terms of officer time preparing for and supporting meetings and in terms of building and security costs. The cost to the Council of running a Committee/Panel meeting vary quite widely based on the number of reports and officers involved but an average ball park figure is estimated to be £5400.

## **9. Publicity considerations**

- 9.1 All changes to the Council's governance processes will be included in the Council's Constitution published on the website and in meeting agendas.

## **10. Standard References**

- 10.1 There are no particular references to the Strategic Plan; community safety; health and safety or risk management implications.

## **Appendices**

Appendix 1 – Current terms of reference for Policy Panel, Environment and Sustainability Panel and Crime and Disorder Committee.

Appendix 2 - Revised Terms of Reference for the Environment and Sustainability Panel and Crime and Disorder Committee

Appendix 3 – Revised Have Your Say! Scheme

Appendix 4 – Revised Article 13

## **Background Papers**

None

### **Policy Panel - Terms of Reference**

- (1) To consider strategies, policies and legislative changes identified by Cabinet that may require review and improvement and to seek Cabinet's agreement as to whether and how they should be examined.
- (2) To review issues at the request of a Portfolio Holder and to make recommendations back to the Portfolio Holder for decision.

### **Environment and Sustainability Panel – Terms of Reference**

1. To acknowledge our "Climate Emergency" and translate aspirations into actions.
2. To explore methods of conservation of natural habitats and biodiversity, whether through adapting existing practices and places or creating new ecologically diverse environments with sustainable practices built in.
3. To engage, communicate and collaborate with strategic partners, external bodies, Parish Councils and local communities, to encourage biodiversity enhancement and sustainable practices through their work.
4. To encourage environmental stewardship focusing on carbon footprint reduction by improving air quality, water quality, plastic and waste reduction and renewable energy generation in both public and private spheres across the City.
5. To be a leading voice for environmental sustainability, promoting innovative environmental practices, having influence across the City and beyond, including public and private sector policy, at regional and national levels.
6. To promote, monitor and regularly report to Cabinet and Full Council upon progress and implementation of the Council's Climate Emergency Action Plan and its goal to be net carbon neutral by 2030.

### **Crime and Disorder Committee – Terms of Reference**

To fulfil all the functions of the Council's designated Crime and Disorder Committee ("the Committee") under the Police and Justice Act 2006 and in particular (but not limited to):

- (a) To review and scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (b) To make reports and recommendations to the Council or the Cabinet with respect to the discharge of those functions.

### **Environment and Sustainability Panel – revised Terms of Reference**

1. To monitor progress of the Council's Climate Emergency Action Plan towards achieving its goal to be carbon neutral and to provide an annual report to Cabinet which evaluates this progress.
2. To act as 'critical friend' in providing challenge and scrutiny of projects and initiatives aimed at decarbonising our Assets and promote innovative environmental practices.
3. To consider key Council policy proposals which are not covered by other committees, with a clear climate or environmental focus to ensure they meet our strategic environmental objectives.
4. To make recommendations to Cabinet where appropriate.

### **Crime and Disorder Committee – revised Terms of Reference**

To fulfil all the functions of the Council's designated Crime and Disorder Committee ("the Committee") under the Police and Justice Act 2006 and in particular (but not limited to):

- (a) To scrutinise the annual Strategic Assessment that informs the Annual Action Plan of the Community Safety Partnership (CSP);
- (b) To scrutinise the CSPs progress against the current Annual Action Plan, as a collective Partnership, or as the partners who comprise it (insofar as their individual activities relate to the CSP itself);
- (c) To review the CSP as a non-adversarial 'critical friend' and provide constructive challenge at a strategic level (rather than at an operational level); and
- (d) To make recommendations to the Cabinet, or other relevant decision makers, with respect to the discharge, by the CSP, of its crime and disorder functions where this is appropriate and in accordance with legislation.

**Public Participation at all Public Meetings (Have Your Say!)**

- (1) At every meeting of the Cabinet, Panel or Committee meetings there shall be an opportunity for up to eight members of the public to ask a question or make a statement on a matter within the terms of reference of that meeting (except in cases where the Cabinet, Panel or Committee is acting in a quasi-judicial capacity or similar or in relation to planning applications). In very exceptional circumstances, the Chair has the discretion to increase the number of have Your slots available to members of the public.

NB. In the case of Full Council: on any matter in relation to which the Council has powers or duties or which affects the City.

- (2) A question may only be asked if the member of the public has registered to speak by giving notice to the Head of Governance no later than 12 noon on the working day before the day of the meeting. Each question must give the name and contact details of the questioner.
- (3) At any one meeting no person, organisation or group may submit more than one question or statement.
- (4) Questions or statements which have been accepted will be circulated prior to the meeting to those councillors who members of the Cabinet / Panel or Committee are.
- (5) If a question or statement is rejected, then a written explanation as to why it has been rejected will be provided.
- (6) Questions or statements shall normally be dealt with in the order in which notice was received. However, the Chair may revise the order of questions if they consider it appropriate and may group similar questions.
- (7) Public participation at meetings must be made orally in person at the meeting. Written statements may not be submitted instead of personal attendance and documents including photographs may not be circulated by a member of the public participating in the meeting except for a petition which may be presented to the Chair. However, the Chair may exercise discretion to allow a question or statement to be read out by an Officer in the absence of the person making it.
- (8) At the absolute discretion of the Chair the order of business for the meeting may be changed for the convenience of the public who wish to participate.
- (9) A member of the public may ask a question or make a statement for a period not exceeding three minutes. When a speaker has one minute of the allotted time remaining, a bell will be rung. At the end of the period of time, the bell will be rung again and the speaker will stop speaking whether or not the speech has been concluded.
- (10) The Chair or other member of the meeting will respond to a question posed or statement made by a member of the public in the form of:

- (a) a direct oral answer; or
  - (b) where the desired information is contained in a Council publication, a reference to that publication; or
  - (c) where a reply cannot conveniently be given orally, a written answer will be provided within ten working days of the meeting which will also be reported to a future meeting.
- (11) There is no further opportunity for a member of the public to make a statement or ask a supplementary question.
- (12) A question or statement may be rejected by the Chair if it addresses matters that would be inappropriate to consider at the meeting. For this purpose, “inappropriate” includes any question or statement falling within any of the following categories:
- (a) defamatory, frivolous, vexatious or offensive
  - (b) substantially the same as any question put to a meeting in the previous 6 months
  - (c) would require the disclosure of Confidential or Exempt Information as defined in the Access to Information Procedure Rules; or
  - (d) already the subject of a separate appeal, adjudication, litigation mediation or dispute resolution.

# Colchester City Council

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## Article 13 – Finance, Contracts and Legal Matters

### INTRODUCTION

This Article refers to the Council's Financial and Contract Rules, which are contained in Part 4 of this Constitution.

#### **13.01 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

#### **13.02 Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution. Individual Cabinet Members will not be able to authorise the entering into contracts beyond the value of £500,000.

#### **13.03 General Emergency Powers**

The Chief Executive shall, having as far as possible conferred with the Leader of the Council in the event of civic disasters or other issues of extreme emergency, have power to make decisions for the protection of the City of Colchester and its citizens and which cannot be dealt with in accordance with the normal decision-making processes of the Council.

#### **13.04 Legal Proceedings**

The Proper Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Proper Officer considers that such action is necessary to protect the Council's interests.

#### **13.05 Authentication of Documents**

The Proper Officer shall be authorised to sign on behalf of the Council all documents and other papers which are intended to give formal legal effect to decisions of the Council, the Cabinet, a Panel or Committee or Officer acting under delegated powers and which are not required to be under seal.



### **13.06 Common Seal of the Council**

- (a) The Common Seal of the Council shall be kept in a safe place in the custody of the Proper Officer.
- (b) The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised:
  - (i) by a resolution of the Council, or
  - (ii) by a resolution of the Cabinet, a Panel or Committee to which the Council has delegated its powers in that behalf; or
  - (iii) upon the written authority of an Officer to whom the Council has delegated its powers in that behalf such resolution of the Council, the Cabinet, a Panel or Committee or written authority of an Officer shall be sufficient authority for sealing any document necessary to give effect to the resolution or exercise of delegated powers.
- (c) The Common Seal of the Council shall be attested by the Chief Executive or the Head of Governance or the Legal Services Manager who shall sign as an Authorised Signatory or in their absence the Mayor or in their absence the Deputy Mayor.
- (d) The Chief Executive or the Head of Governance or the Legal Services Manager will be able to sub-delegate the authority under paragraph (c) above to persons authorised by them in writing who will then attest as an Authorised Signatory in accordance with the delegation given.

The Proper Officer shall keep a book called the "Seal Register" in which shall be entered the date on which every document is sealed and brief particulars of such document. The attester shall sign their name against such entry.

### **13.07 Custody of Deeds etc**

The Proper Officer shall be responsible for the maintenance of the Register of Properties giving full details of land and property owned by the Council.

The Proper Officer shall be responsible for the custody of all title deeds and similar securities relating to property owned by the Council.

### **13.08 Inspection of Lands, Premises, etc**

Unless specifically authorised to do so by the Council, the Cabinet, a Panel or a Committee, a Councillor shall not issue or purport to issue, any order respecting any works which are to be carried out by or on behalf of the Council or claim, by virtue of being a Councillor, any right to inspect or to enter upon any lands or premises which the Council has the power or duty to inspect or enter.



**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
14 February 2024 – 14 May 2024**

<b>Portfolio – Communities</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>
10 May 2024	COM-005-23	0377 - Line Markings	Trevor Degville	To award a contract to the Recommended Bidder, DAT Images Ltd, to carry road-surface painting work and parking-lot-surface painting work. If the Recommended Bidder cannot fulfil their obligations under the contract, to award a contract to the next highest ranked bidder.	Decision implemented 17 May 2024

<b>Portfolio – Economy, Transformation and Performance</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>
16 February 2024	ECO-008-23	CIVICA renewal of contract	Vaughan Johnson	To approve the award of a contract to CIVICA for provision of their case and document management system for period 01/04/2024 - 31/03/2026 (with an option to extend for a further +1 + 1 years) via a direct award through Crown Commercial Services framework, Back Office Software (RM6194 Lots 1). With a total contract value of £420,683.52 over 4 years.	Decision implemented 23 February 2024

<b>Portfolio – Housing</b>					
<b>Date</b>	<b>Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Decision</b>	<b>Result</b>

**Agenda item 12**

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
14 February 2024 – 14 May 2024**

27 February 2024	HOU-019-23	Award of Contract for Delivery of Retrofit Installations to Combat Fuel Poverty	Martin Norgett	To award a contract to Houghton & Sons Ltd to undertake the delivery of retrofit installations to combat fuel poverty.	Decision implemented 12 March
27 February 2024	HOU-020-23	Award of Contract for Delivery of the Social Housing Decarbonisation Fund Wave 2.1 Energy Improvement Project Second Package	Martin Norgett	To award a contract to Breyer Group Ltd to undertake package 2 of the SHDF delivery work.	Decision implemented 12 March
04 March 2024	HOU-021-23	Approval of Access Policy for Colchester City Council Tenants and Leaseholders	Martin Norgett	To approve the Access Policy to enable CCC/CBH to maintain safety and standards within our homes.	Decision implemented 11 March
04 March 2024	HOU-022-23	Award of Contract for Fire Door Replacement and Fire Compartmentation Works at Winstree Court and The Cannons Sheltered Schemes	Martin Norgett	To award a contract to Ventro Fire Compliance Ltd for the completion of Fire Door replacement and Fire Compartmentation Work at Winstree Court and The Cannons Sheltered Schemes.	Decision implemented 11 March
04 March 2024	HOU-023-23	Award of Demolition contract for 72-86 Military Road	Terri Hamilton	To award a contract to SRC Group limited for the demolition and removal work required on the development site 72-86 Military Road within the New Town and Christ Church ward in Colchester.  In the event that that the recommended bidder cannot fulfil their obligations in	Decision implemented 11 March

**Agenda item 12**

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
14 February 2024 – 14 May 2024**

				commencing the work and contract, to award a contract to the next highest ranked bidder.	
15 April 2024	HOU-024-23	Disposal of 71 & 72 Maidenburgh Street	Martin Norgett	To work with the tenant of 72 Maidenburgh Street to find an appropriate alternative home for them to decant to and then dispose of this property through open market sale and use the proceeds to help fund more modern properties through the acquisitions programme . • Dispose of 71 Maidenburgh Street immediately as vacant through open market sale and use the proceeds to help fund more modern properties through the acquisitions programme.	Decision implemented 22 April
24 April 2024	HOU-025-23	Update for Viability Assumptions used for HRA affordable housing delivery - April 24	Terri Hamilton	To agree updated development assumptions used to calculate viability for 2024 to 2025.	Decision called in and to be considered by Scrutiny Panel on 16 May.

**Agenda item 12**

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
14 February 2024 – 14 May 2024**

24 April 2024	HOU-026-23	Approval of reviewed/ revised Repairs and Maintenance Policy	Suzanne Norton	To approve the Housing Repairs and Maintenance Policy following a refresh and revisions.	Decision implemented 1 May
25 April 2024	HOU-027-23	Award of Contract for Delivery of Disabled Adaptations	Martin Norgett	To award a contract to Barrons Building Services for 4 years (on a 1+1+1+1 basis) to undertake the delivery of adaptations work.	Decision implemented 10 May
30 April 2024	HOU-028-23	Award of Contract for Delivery of Heating Installations	Martin Norgett	To award a contract to Seager Heating Ltd for 4 years (on a 1+1+2 basis) to undertake the delivery of heating installation work.	Decision implemented 15 May

**Portfolio – Leisure, Culture and Heritage**

Date	Number	Report Title	Author	Decision	Result
No decisions in this period.					

**Portfolio – Neighbourhood Services and Waste**

Date	Number	Report Title	Author	Decision	Result
1 March 2024	NEI-007-23	Truck Mounted Sweeper Procurement	Robert Doran	To award a contract to Bucher Municipal	Decision implemented 8 March
5 March 2024	NEI-008-23	Supply of clear recycling bags for recycling collections in Colchester	Anna Banks	To accept the tender submitted by Anzeck Plastics Ltd for the supply of clear recycling bags.	Decision implemented 12 March

## Agenda item 12

### Record of Decisions taken under Scheme of Delegation to Cabinet Members 14 February 2024 – 14 May 2024

30 April 2024	NEI-009-23	Installation of children's play equipment and Multi Use Games Area (MUGA) at the former Garrison Gym site.		To accept the tender submitted by Kompan Ltd for the installation of a new playground and MUGA at the former Garrison Gym site.	Decision implemented 8 May
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#### Portfolio – Planning, Environment and Sustainability

Date	Number	Report Title	Author	Decision	Result
13 March 2024	ENV-005-23	Essex Minerals Local Plan Review – Issues and Options Consultation Response	Bethany Jones	To agree the response as set out in Appendix 1 and 2 to the Report as answers to the consultation questions posed.	Decision implemented 20 March

#### Portfolio – Resources

Date	Number	Report Title	Author	Decision	Result
No decisions in this period					

#### Portfolio – Strategy

Date	Number	Report Title	Author	Decision	Result
22 April 2024	STR-007-23	Award of Contract for 5G Enabled Tourism - infrastructure build	Matthew Brown	To award a contract to the Recommended Bidder Freshwave Services Ltd to undertake the works for a contract term which includes a 7-year operation period i.e. to end of	Decision implemented 29 April

**Record of Decisions taken under Scheme of Delegation to Cabinet Members  
14 February 2024 – 14 May 2024**

				March 2031. If the Recommended Bidder cannot fulfil their obligations under the contract, to award a contract to the third highest ranked bidder (the next highest ranked bidder exceeds budget available).	
8 May 2024	STR-008-23 (in the absence of PFH for Leisure, Culture & Heritage)	Award of Contract for reroofing of Hollytrees Museum	Frank Hargrave	To award a contract to Bakers of Danbury Ltd for the contract sum for the reroofing of Hollytrees Museum	Decision implemented 15 May