

COUNCIL
17 FEBRUARY 2010

Present :- Councillor Henry Spyvee (the Mayor) (Chairman)
Councillor Sonia Lewis (Deputy Mayor)
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,
Andrew Ellis, 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, Michael Lilley,
Sue Lissimore, Jackie Maclean, Jon Manning,
Richard Martin, Kim Naish, Nigel Offen,
Beverley Oxford, Gerard Oxford, Gaye Pyman,
Ann Quarrie, Lesley Scott-Boutell, Paul Smith,
Terry Sutton, Laura Sykes, Nick Taylor, Jill Tod,
Anne Turrell, Dennis Willetts, Julie Young and
Tim Young

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

44. Minutes

The minutes of the meeting on 10 December 2009 were confirmed as a correct record subject to the following amendments:-

(i) The addition of the following declaration of interest to paragraph 35:-

“Councillor Hogg (in respect of Cllr Chuah being his spouse) in relation to the item at minute 41.”

(ii) At paragraph 41, the reference to Councillor Turrell to be replaced with Councillor Hunt.

45. Have Your Say!

Bob Russell MP addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to express his concern that the funding for Colchester's secondary schools would be less than the £130 million originally promised and referred to in the motion approved by Council on 14 October 2009. It now appeared that part of the funding would be going to the Greensward School at Hockley. He would be making a formal complaint to the Local Government Ombudsman about this matter as he considered that residents and the Council had been misled.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, thanked Mr Russell for his comments and indicated that a written reply would be sent. Councillor Bentley also responded to state that he had written to Mr Russell about this matter. The County Council had confirmed that approximately £130 million would be invested in secondary schools in Colchester.

Mr Cross addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to propose a new system of allocating housing to ensure a fair system of allocations between the indigenous and non-indigenous population.

Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, thanked Mr Cross and invited him to provide further details so his scheme could be considered.

Marcus Harrington addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to express his concern about anti-social behaviour in the High Street, especially on Friday and Saturday nights. Not enough was being done to deal with this. Attention was drawn to the impact of zero tolerance schemes such as those introduced in New York and Middlesbrough in reducing anti-social behaviour. Zero tolerance approaches had also curtailed pitch invasions at football matches.

Councillor T. Young, Portfolio Holder for Street and Waste Services, explained that the levels of investment were higher than under the previous administration. A number of initiatives aimed at tackling anti-social behaviour, such as the SOS bus and street pastors had been introduced. A detailed written response would be sent.

Mr Quince addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to present a Union flag to the Council to fly from the flag pole at Rowan House,

Councillor Turrell received the flag and undertook to see whether it could be flown from Rowan House, subject to health and safety considerations.

Andy Hamilton addressed the Council pursuant to the provisions of Council Procedure Rule 6(2). He considered that the Roman Circus should be the priority for funding this year. He criticised the legal action being taken against the previous contractors for the Visual Arts Facility, as he believed the fault lay with the Council rather than the contractors. He believed the Member of Parliament should call for a public inquiry and that the terms of the use of the Visual Arts Facility should be renegotiated with the Arts Council.

Councillor Smith, Portfolio Holder for Resources, Diversity, Culture and the Arts, responded to state that he believed that most residents would support the legal action. The legal action was proceeding well and the Council had already had a judgement in its favour, with costs awarded.

Paula Whitney addressed the Council pursuant to the provisions of Council Procedure Rule 6(2) to urge the Council to take account of climate change issues in all its decision making. Whilst the government had set a target of a reduction of 34% in carbon emissions by 2020, Friends of the Earth were urging Councils to sign up to its Get Serious campaign and commit to a reduction of 40% by 2020.

Councillor Barton, Portfolio Holder for Planning, Sustainability and the Environment responded that very high targets for carbon emissions were in place. The Council had recently been accepted onto the Energy Saving Trust 1:1 Support programme which aimed to help local authorities deliver more sustainable services. The initial stages of the programme included an in depth look into the Council's services and the development of some key recommendations. The Council was now working to develop a full action and implementation plan that would cover all service areas within the Council

46. Mayor's Announcements

The Mayor announced that a Colchester in Bloom meeting would take place on Saturday 27 February 2010 and encouraged Councillors to support the competition.

The Mayor announced that the Council had won an Arts and Business East award for its community involvement work and Colchester Borough Council, National Express East Anglia and Essex County Council had received a Highly Commended at the National Rail Business Awards, in recognition of partnership work to improve Colchester Station. The Mayor was presented with the awards by the respective Portfolio Holders.

47. Appointment of Cabinet Member and Consequential Amendments to the Membership of Panels

RESOLVED that Councillor Barlow be appointed to the Cabinet for the remainder of the Municipal Year and that as a consequence Councillor Manning be appointed to the Strategic Overview and Scrutiny Panel and Councillor Scott-Boutell be appointed to the Policy Review and Development Panel for the remainder of the Municipal Year (MAJORITY voted in favour).

48. Suspension of Council Procedure Rule 14(3)

RESOLVED that Council Procedure Rule 14(3) be suspended for the following item to allow the Leader of the Council, Group Leaders and the Portfolio Holder for Resources, Diversity, Culture and the Arts to speak untimed and all other speakers to be limited to five minutes.

Councillor Elizabeth Blundell (in respect of her membership of Copford Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Anne Turrell (in respect of her membership of Essex County Council and Myland Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Laura Sykes (in respect of her membership of Stanway Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Christopher Arnold (in respect of his membership of Great Horkeley Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Martin Goss (in respect of his membership of Myland Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Margaret Fisher, Councillor Theresa Higgins, Councillor John Jowers and Councillor Julie Young (in respect of membership of Essex County Council) declared a

personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Peter Higgins and Councillor Tim Young (in respect of their respective spouses membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

49. 2010/2011 Revenue Budget and Medium Term Financial Forecast

It was PROPOSED by Councillor Turrell that the recommendations contained in minute 58 of the Cabinet meeting of 27 January 2010 and the recommendations contained in the Head of Resource Management's report entitled Precept and Council Tax Levels 2010/2011 be approved and adopted.

A MAIN AMENDMENT was proposed by Councillor Bentley as follows:-

“That the recommendations contained in minute 58 of the Cabinet meeting of 27 January 2010 and the recommendations contained in the Head of Resource Management's report entitled Precept and Council Tax Levels 2010-2011 be approved and adopted, subject to:-

(i) At paragraph (b) of the recommendations contained in Cabinet minute 58, the replacement of Appendices C and D of the Head of Resource Management's report with Appendix L entitled “Conservative Budget for 2010/2011”;

(ii) At paragraph (c) of the recommendations contained in Cabinet minute 58 the deletion of the words “the 2010/2011 Revenue Budget be set at £25,670,000” and their replacement with the words “the 2010/2011 Revenue Budget be set at £25,050,000”;

(iii) At paragraph (g) of the recommendations contained in Cabinet minute 58 the deletion of the words “Colchester's element of the Council Tax for 2010/11 be set at £175.23 for Band D properties which is an increase of £4.23 per annum (2.47%)” and their replacement with the words “Colchester's element of the Council Tax for 2010/11 be set at £171.00 for Band D properties which is an increase of 0%.”

(iv) The Head of Resource Management be given delegated authority to make the necessary consequential changes to the 2010/2011 revenue budget and to the Precept and Council Tax statutory resolution contained in his report to this meeting.”

Pursuant to the provisions of Council Procedure Rule 14(11) Councillor Turrell

indicated that the MAIN AMENDMENT was not accepted.

On being put to the vote, the MAIN AMENDMENT was lost.

A named vote having been requested pursuant to the provisions of Council Procedure Rule 15(2), the voting was as follows:-

Those who voted FOR were:-

Councillors Arnold, Bentley, Blundell, Bouckley, Chapman, Chillingworth, Davidson, Davies, Elliott, Ellis, Foster, Hardy, Hazell, Jowers, Kimberley, Lissimore, Maclean, Martin, Pyman, Quarrie, Sutton, Taylor, Tod and Willetts.

Those who voted AGAINST were:-

Councillors Barlow, Barton, Blandon, Chuah, Cook, Cope, Cory, Dopson, Fisher, Ford, Gamble, Goss, Hall, Harris, P. Higgins, T. Higgins, Hogg, Hunt, Knight, Lilley, Manning, Naish, Offen, B. Oxford, G. Oxford, Scott-Boutell, Smith, Sykes, Turrell, J. Young and T. Young.

Those who ABSTAINED from voting were:-

The Deputy Mayor (Lewis) and the Mayor (Spyvee).

The SUBSTANTIVE MOTION was thereupon put and CARRIED (MAJORITY voted in favour).

50. Single Equality Scheme

RESOLVED that the recommendation contained in minute 60 of the Cabinet meeting of 27 January 2010 be approved and adopted (UNANIMOUS).

51. Councillor Development

RESOLVED that the recommendations contained in minute 63 of the Cabinet meeting of 27 January 2010 be approved and adopted (MAJORITY voted in favour)

52. Colchester Borough Council Safeguarding Children Policy and Procedures

RESOLVED that the recommendations contained in minute 64 of the Cabinet

meeting of 27 January 2010 be approved and adopted (MAJORITY voted in favour)

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

Questioner	Subject	Response
Pre-Notified Questions		
Councillor Bouckley	After praising the facilities at Charter Hall to residents after attending the formal opening, I have frequently been told it is too expensive to hire and organisations are forced to go elsewhere. On reading page 77 of the current Summons the position appears to be exactly the same, so may I ask if a solution has ever been sought by examining the problem in depth?	Direct verbal response provided by the Portfolio Holder for Customers, Communication and Leisure
Councillor Chillingworth	At the December Council Meeting I raised the question of the apparent failure to distribute the November issue of the Courier to most residents in my Ward. Subsequently, I have had further complaints from members of my five Parish Councils, particularly with regard to their participation in the Waste and Recycling survey, which I had highlighted at their November meetings. What assurances can he give my residents that there will be 100% delivery to all households for the March issue?	Direct verbal answer provided by the Portfolio Holder for Customers, Communication and Leisure.
Oral Questions		
Councillor Naish	Timescale for the repair of the Vineyard Street lift.	Written response to be sent by the Portfolio Holder for Street and Waste Services.
Councillor	Whether the Portfolio Holder had sight	Direct verbal answer

Sutton	of the business plan before donating £30,000 to the Roman Circus appeal.	provided by the Portfolio Holder for Resources, Diversity, Culture and the Arts.
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54. Schedules of Decisions taken by Portfolio Holders

RESOLVED that the Schedule of Portfolio Holder decisions for the period 28 November 2009 – 5 February 2010 be noted.