

# Council

Thursday, 07 December 2023

## **Attendees:**

Councillor Simon Appleton, Councillor Tracy Arnold, Councillor Lewis Barber, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Molly Bloomfield, Councillor Michelle Burrows, Councillor Roger Buston, Councillor Mark Cory, Councillor Pam Cox, Councillor Paul Dundas, Councillor Mark Goacher, Councillor Martin Goss, Councillor Jeremy Hagon, Councillor Dave Harris, Councillor Mike Hogg, Councillor Alison Jay, Councillor David King, Councillor Richard Kirkby-Taylor, Councillor Jocelyn Law, Councillor Darius Laws, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Andrea Luxford Vaughan, Councillor Roger Mannion, Councillor Sam McCarthy, Councillor Sam McLean, Councillor Sara Naylor, Councillor Chris Pearson, Councillor Thomas Rowe, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, 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 Julie Young, Councillor Tim Young

## **649 Prayers**

The meeting was opened with prayers from the Reverend Terry Walker.

## **650 Apologies**

Apologies were received from the Mayor and Councillors Davidson, Ellis, Maclean, Moffat, Nissen, Powling and Rippingale.

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

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 6(1) about anti-social behaviour. The Anti-Social Behaviour Crime and Policing Act and the City Centre Public Space Protection Order provided some protection against anti-social behaviour in public areas. However, the reality was by removing the railings at Trinity Street the Council was in the process of creating two new anti-social behaviour hotspots. Concerns about this had been raised with Chief Inspector Cox of Essex Police,

who was unaware of the proposals. He had referred this matter to Essex Police Headquarters, and their Designing Out Crime Unit who had expressed concerns that the lack of surveillance of the area could lead to anti-social behaviour, particularly in the public realm either side of the Church Tower. They had also confirmed that the Council had not consulted Essex Police.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded to explain that the scheme for Holy Trinity Church had been subject to considerable consultation and the changes proposed were minor. The risk of the scheme generating the behaviours outlined was slight. The design commanded public support and would greatly improve the location. The Council enjoyed a close relationship with the police and he would take this issue up with Chief Inspector Cox. However he was confident that the scheme brought forward by the Town Deal Board would improve the City Centre.

Richard Martin addressed Council pursuant to the provisions of Council Procedure Rule 6(1). In July 2022 the Council had voted to adopt section 2 of the Local Plan with the inclusion of Middlewick Rages, then a 82 hectare site. This had been inflated to 120 hectares in the Ministry of Defence sales brochure. Concern was expressed about the impact of this inflation of the site on the proposed mitigation land and Birch Brook. It would also limit the amount of land available for biodiversity net gain. Clarification was sought on the following points:-

- Was the concealment of the true size of the site dishonest and would it set a precedent for landowners and developers in the future?
- Given that achieving biodiversity net gain at Middlewick seemed unachievable, would Councillors support a comprehensive review of the Santech report?
- If new evidence raised further doubts, would Councillors consider withdrawing Middlewick from the Local Plan?

Councillor Luxford Vaughan, Portfolio for Planning, Environment and Sustainability, indicated that she would send a full written response. The allocation shown in the sales brochure was nothing to do with the Council and the policy remained as set by the Policy Map within the Local Plan. Any deviation from that would need to be supported by significant evidence. An independent ecological report was considered necessary. The budget for this was ringfenced and Colchester Natural History Society and Natural England had been consulted on the brief. An appointment was imminent. This report would feed into the review of the Local Plan, which had begun. If policy needed to be strengthened then this would be done. The Council was seeking a meeting with the Ministry of Defence to look at timescales for the sale but they had not yet responded. There was little point in preparing a Masterplan until the developer was known and their intentions were understood. All Councillors and the public would be involved in the preparation of the Masterplan.

Gordon Kerr addressed Council pursuant to the provisions of Council Procedure Rule

6(1). The Deputy Mayor ruled that his contribution was vexatious and terminated his contribution pursuant to the provisions of Council Procedure Rule 6(8). Following an adjournment, the Chief Executive invited Mr Kerr to submit his question or observations in writing to which a written answer would be provided.

Rachel Mathews addressed Council pursuant to the provisions of Council Procedure Rule 6(1). At the last Council meeting the use of slave labour and environmentally harmful practices in the production of green technologies had been justified by the reduction in carbon dioxide. However carbon dioxide made up only 0.04% of the atmosphere, most of which is naturally occurring. In the Jurassic era carbon dioxide levels had been six times higher than now with no detriment to the planet. In fact levels were dangerously low. There was a significant time lag between increases in carbon dioxide and temperature change and the counter intuitive way that temperature rose when carbon dioxide levels fall suggests it was not the driving force behind climate change and that the science was not settled on this issue. In terms of melting ice sheets, only the western side showed signs of melting and the eastern side was growing. There was considerable difference to being informed by the main stream media and being properly informed. The meeting agreed to by Councillor King was welcomed, where expert speakers could present evidence that the Council should have considered before acting. An assurance was sought that the Council would not be going ahead with its planned carbon literacy training for Councillors.

Carinna Cooper addressed Council pursuant to the provisions of Council Procedure Rule 6(1) about the carbon literacy training that Councillors were being requested to undertake. This did not take a long enough view of carbon dioxide levels or of other environmental trends. It was based on unsubstantiated claims and cherry picked data. Concern was expressed that Councillors were encouraged to manipulate the public and use deceptive data to effect behavioural change. This was morally and ethically wrong. The public would want not taxpayer money used for this purpose and it would be preferable to learn from open and accessible information from independent experts. This was why a public debate had been called for so evidence based answers from experts could be provided. It was suggested that to cover costs a nominal entrance fee be charged, although the Council would save significant sums through a proper understanding of the issues.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated that the Council would look to arrange a meeting. He had posed some questions about the format of the meeting, which would need to be balanced and respectful. The Council was made up of 51 independently minded people and the suggestion that they were manipulating the public was plainly wrong. Councillor views would be based on their own interpretation of the science and the contributions Have Your Say! speakers had made had enriched understanding of the issues. The Council would proceed with the carbon literacy training as planned. Councillors would be able to evaluate the information they received and to weigh it against information from other sources. It was

important to approach the training and the forthcoming meeting with an open mind.

Simon Collis addressed Council pursuant to the provisions of Council Procedure Rule 6(1). Following on from his previous address to Council he and his family had now found a home. However he believed that Colchester Borough Homes was a failing organisation. It was not for purpose and should be dissolved and replaced. The lack of housing and the impact of right to buy was appreciated, but the funding raised had not been used to replace the housing stock. The consequence was that hard working families were at risk of homelessness and were let down by Colchester Borough Homes.

Councillor Smith, Portfolio Holder for Housing, responded and explained that over 300 families were currently in temporary accommodation. This was a national problem and Colchester was in a better position than many authorities. When right to buy was introduced, the Council controlled approximately 12,000 units of accommodation. Colchester Borough Homes now controlled just over 6,000. The government only allowed the Council to spend 25% of the proceeds of right to buy on new property, so it could not replace on a 1 to 1 basis as it would have wished. It was unfair to blame Colchester Borough Homes for a problem that was not of their making. The Council tried to avoid using bed and breakfast accommodation but it was sometimes unavoidable. The homelessness budget would be overspent by £850,000 this year. The Council was working hard to try and deal with the housing crisis and a decision to purchase a further eleven homes had just been taken.

Lance Peatling addressed Council pursuant to the provisions of Council Procedure Rule 6(1). It was noted that there was a tendency to deflect responsibility for actions by stating that they were imposed or required by other authorities. If Councillors believed that these actions were wrong they should do nothing. The evidence on which climate emergency had been sought but not received. If Councillors changed their mind about the evidence as a consequence of the public meeting, would they be prepared to reverse their earlier decision?

Councillor King, Leader of the Council and Portfolio Holder for Strategy, referred to his earlier responses on this issue. The rationale for the decision to declare a climate emergency had been shared. Councillors would always be ready to change their minds on an issue.

Angel Kalyan addressed Council pursuant to the provisions of Council Procedure Rule 6(1) and explained that her home had been flooded on 19 July and explained the impact this had had on the condition of her home and her health. She had been informed by Colchester Borough Homes that it was her responsibility to resolve as she had bought the property. This was not the case as she had only owned the lease agreement. The Council was in breach of the lease agreement in respect of peaceful enjoyment of the property. The remedy was not with Essex County Council as had been claimed, and neither Essex County Council or Colchester City Council had attended case conferences

in respect of her legal proceedings or complied with court orders.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded. He had met with Mrs Kalyan and had undertaken the actions that had been agreed at the meeting in respect of providing her with a copy of the lease, and seeking reassurance from Colchester Borough Homes and Essex County Council that they were aware of her case and that they were being looked into the issues. He would ensure that every care was taken with her complaint as it went through the Council's processes.

## **652 Minutes of the Previous Meeting (Council)**

*RESOLVED* that the minutes of the meeting held on 18 October 2023 be confirmed as a correct record.

## **653 Mayor's Announcements**

The Deputy Mayor invited Council to stand for a minutes silence in memory of Alderman David Cannon who had recently passed away and invited Councillor Bentley to address Council in tribute.

The Deputy Mayor thanked Stagertext for providing a subtitling service which helped her to chair the meeting notwithstanding her hearing impairment.

The Deputy Mayor made the following announcements:-

- The Mayor was out of hospital following his recent operation and was progressing well. Council sent its good wishes to the Mayor.
- Councillor Rippingale had given birth to a baby boy. Council offered its congratulations to Councillor Rippingale and her family.

## **654 Electoral Review of the City of Colchester**

*RESOLVED (UNANIMOUS)* that:-

- (a) The submission of the evidence base document attached to the report by the Head of Governance and Monitoring Officer to the Local Government Boundary

Commission for England be approved.

(b) It be noted that the Council's political groups will be making their own submissions on council size to the Commission.

(c) The Head of Governance and Monitoring Officer be delegated to make any necessary changes to the evidence base document following its submission to the Commission following consultation with the Leader of the Council and Group Leaders.

#### **655 Appointment of Temporary Councillors to a Parish Council**

The Monitoring Officer provided an update to his report and confirmed that the remaining parish councillor on Wakes Colne Parish Council had now resigned and that therefore there were no parish councillors currently on the Parish Council. The proposed Order at Appendix 1 of his report would therefore need to be amended accordingly.

*RESOLVED (UNANIMOUS)* that the Order attached at Appendix 1 of the report by the Monitoring Officer and Head of Governance be made, subject to an amendment to reflect the fact that the remaining parish councillor on Wakes Colne Parish Council had also resigned.

#### **656 Appointment of Deputy Mayor 2024-25**

*RESOLVED (UNANIMOUS)* that Councillor Lilley be appointed as the Deputy Mayor of the City of Colchester for the 2024-25 municipal year.

#### **657 Review of Polling Districts and Polling Places**

*RESOLVED* that the schedule of polling places set out in Appendix A of the report by the Head of Governance and Monitoring Officer to the meeting of the Governance and Audit Committee on 28 November 2023 and the explanation of changes contained at Appendix B of the same report be approved.

## **658 Parental Leave Policy for Councillors**

*RESOLVED (UNANIMOUS)* that the Parental Leave Policy at Appendix A to the report by the Head of Governance and Monitoring Officer be approved and adopted and be effective from the commencement of the current municipal year.

## **659 Impact of the Conflict in the Middle East**

The Deputy Mayor announced that as the subject matter of the motions on the Impact of Conflict in the Middle East and the City of Sanctuary were similar she had agreed that both motions and main amendments would be moved separately, debated in the round and then be subject to separate votes on each motion and main amendment.

Imran Hussainy addressed Council pursuant to the provisions of Council Procedure Rule 6(1) on behalf of the Colchester Muslim Community and stressed that Councillors should put their feelings as human beings before their political ideologies. The impact of the conflict in Gaza was highlighted, particularly on the vulnerable. The international community had failed and allowed this situation to happen. A humanitarian pause was not sufficient and a ceasefire was required now. In the future it would be accepted that what was being allowed to happen was wrong, and Councillors should consider how their actions would be viewed by future generations.

Dr Fauzia Farrukh addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to present statistical information about the scale of the suffering in Gaza, statements from international bodies about events in Gaza and highlighting that a policy of collective punishment was a breach of international law. It was emphasised that this was not a time to remain neutral and a comparison was drawn with Britain's opposition to the imposition of sanctions on South Africa when it practised apartheid. Councillors had a choice to make and should demand a long lasting ceasefire that would help build a safer and just world.

Ali Wilkin addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to thank those Councillors who had indicated their support for the motion on the impact of the conflict in the Middle East. It was unclear what the motion on the City of Sanctuary was seeking to achieve. It also failed to address the source of the tragedies that were causing distress to Colchester residents. Colchester was a garrison city and it was right that these issues were debated and addressed substantively. If Councillors could not support a ceasefire or the return of all hostages then the group she represented would not vote for them in any election. They would work with and support Councillors and candidates who recognised the gravity of the situation in Gaza,

It was proposed by Councillor Goacher that:-

*Colchester City Council recognises the significance of the tragic situation in the Middle East to our city and its impact on our local communities, including the rising incidence of antisemitism and Islamophobia, and the potential need for Colchester to provide sanctuary to refugees fleeing the conflict.*

*We therefore call on the UK Government to use its influence to press for the urgent release of all hostages; for international law to be upheld and for the protection of all civilians in Israel and Palestine; for an end to the collective punishment of the Palestinian people and an end to the siege of Gaza to allow vital supplies of food, fuel, medicine and water to reach the civilian population; and to join with the international community and the UN and its aid agencies in urgently pressing all parties to agree to an immediate ceasefire.*

A main amendment was proposed by Councillor Cory as follows:-

*That the motion on the impact of conflict in the Middle East be approved and adopted subject to the addition of the following words at the end of the motion:-*

*“A ceasefire and diplomatic talks, will reduce tensions across communities at home and abroad. Colchester City Council will communicate with and work with affected communities and support local efforts to help those affected.*

*Colchester City Council will continue to listen to and communicate with our Jewish and Islamic communities in Colchester. We represent all communities with equity and denounce discrimination of any kind.”*

Councillor Goacher indicated that the main amendment was accepted and the motion was deemed amended accordingly. The amended wording of the motion was as follows:

*Colchester City Council recognises the significance of the tragic situation in the Middle East to our city and its impact on our local communities, including the rising incidence of antisemitism and Islamophobia, and the potential need for Colchester to provide sanctuary to refugees fleeing the conflict.*

*We therefore call on the UK Government to use its influence to press for the urgent release of all hostages; for international law to be upheld and for the protection of all civilians in Israel and Palestine; for an end to the collective punishment of the Palestinian people and an end to the siege of Gaza to allow vital supplies of food, fuel, medicine and water to reach the civilian population; and to join with the international community and the UN and its aid agencies in urgently pressing all parties to agree to an immediate ceasefire.*



*A ceasefire and diplomatic talks will reduce tensions across communities at home and abroad. Colchester City Council will communicate with and work with affected communities and support local efforts to help those affected.*

*Colchester City Council will continue to listen to and communicate with our Jewish and Islamic communities in Colchester. We represent all communities with equity and denounce discrimination of any kind.*

A further main amendment was moved by Councillor T. Young as follows:-

*That the motion on the impact of conflict in the Middle East be approved and adopted subject to following amendments:-*

*The deletion of all words following “the protection of all civilians in Israel and Palestine” and the insertion of the following words:-*

*“This Council, therefore, supports UN resolution 2712 passed by the UN Security Council on 15 November 2023 which called, amongst other things, ‘...for urgent and extended humanitarian pauses and corridors throughout the Gaza strip...to enable...full, rapid, safe, and unhindered humanitarian access. ‘and further calls for an ‘immediate, durable and sustained humanitarian truce leading to a cessation of hostilities’ as set out in resolution ES–10/21 adopted by the UN General Assembly on 27 October 2023.”*

Councillor Goacher indicated that the main amendment was not accepted.

On being put to the vote the main amendment was carried (TWENTY TWO voted FOR, FIFTEEN voted AGAINST and FIVE ABSTAINED from voting) and the motion was deemed amended accordingly. A named vote having been requested by Councillor McCarthy, supported by Councillors Luxford Vaughan and Kirkby-Taylor, pursuant to the provisions of Council Procedure Rule 15(2), the voting was as follows:-

FOR: Councillors Barber, Bentley, Buston, Cox, Dundas, Hagon, Harris, Law, Laws, Lilley, Lissimore, Mannion, McLean, Pearson, Scordis, Smalls, Smithson, Sunnucks, Tate, Warnes, J. Young and T. Young.

AGAINST: Councillors Appleton, Arnold, Barton, Bloomfield, Burrows, Cory, Goacher, Goss, Hogg, Jay, Kirkby-Taylor, Luxford Vaughan, McCarthy, Smith and Sommers.

ABSTAINED FROM VOTING: Councillors King, Naylor, Rowe, Spindler and the Deputy Mayor (Scott-Boutell).

The amended wording of the motion was as follows:-

*Colchester City Council recognises the significance of the tragic situation in the Middle East to our city and its impact on our local communities, including the rising incidence of antisemitism and Islamophobia, and the potential need for Colchester to provide sanctuary to refugees fleeing the conflict.*

*We therefore call on the UK Government to use its influence to press for the urgent release of all hostages; for international law to be upheld and for the protection of all civilians in Israel and Palestine. This Council, therefore, supports UN resolution 2712 passed by the UN Security Council on 15 November 2023 which called, amongst other things, '...for urgent and extended humanitarian pauses and corridors throughout the Gaza strip...to enable...full, rapid, safe, and unhindered humanitarian access.' and further calls for an 'immediate, durable and sustained humanitarian truce leading to a cessation of hostilities' as set out in resolution ES-10/21 adopted by the UN General Assembly on 27 October 2023.*

On being put to the vote the amended motion was approved and adopted.

## **660 City of Sanctuary**

It was proposed by Councillor J. Young that:-

*This Council acknowledges the overwhelming tragedies of the ongoing conflict in Israel and Gaza and other conflicts around the world.*

*Residents of all persuasions will be feeling powerless, scared and uncertain here in Colchester too.*

*Residents in our City have friends, relatives and family connections with Israel and Gaza and we acknowledge the shock, terror and grief that they must be feeling.*

*The Council's number one priority at this time is to keep all of our residents safe and we are working with our partners in the Police and charities such as Refugee, Asylum-seeker and Migrant Action (RAMA) and Community 360 to help keep everyone, and especially those most vulnerable in the City, as well supported as possible.*

*Colchester as a City of Sanctuary has a vision of being a welcoming place of safety for all. We are proud to offer sanctuary to people fleeing violence and persecution. We reaffirm our commitment to this important work and thank our officers for the most difficult but vital work they do to support all communities in our City especially at this difficult time.*

On being put to the vote the motion was approved and adopted (UNANIMOUS).

## **661 Accuracy in Financial Reporting**

It was proposed by Councillor Dundas that:-

*This Council notes that:*

- 1. Colchester City Council recently published on its website a list of payments to suppliers over the last 12 months, this being a statutory duty pursuant to the Local Government Transparency Code 2015, revealing to Colchester Council Tax Payers where their money was being spent.*
- 2. All payments were correctly made, but a publication error meant that a number of payments were incorrectly attributed to the wrong recipients including £2,200,809 on stationery, over £2.1m on election software, £880,000 on playground inspections, over £5m on newspaper advertising, over £1m on an individual no one can identify, £350,000 on printing, £847,000 on telephone bills, just under £5m with a Christian Empowerment Charity, £8,646 on Oysters, £130,000 on mobile phones and £1,097,146 on Ice Creams. This has led to misunderstanding and complaint, regretted by the Council.*
- 3. Consequently the published figures were removed from the website and the Leader of the Council issued an apology to Councillors.*

*Therefore, the Council:*

- 1. Thanks the Leader of the Council for prompt acknowledgement of the error and the email notification of the data failures issued on October 31.*
- 2. Thanks and notes the work of Conservative opposition councillors who brought these errors to the attention of the Council.*
- 3. Informs Cabinet that the operational finance team may be under considerable time pressure and a review of its workload would be appropriate.*
- 4. Notes the Council has apologised for this rare publication error and has taken steps to ensure it will not be repeated*

On being put to the vote, the motion was approved and adopted.

## **662 Knife Crime**

It was proposed by Councillor Goss that:-

### *Council*

1. *Notes and congratulates the Evening Gazette on their anti-knife campaign launch last month in association with the arrival of the Knife Angel statue to Colchester.*
2. *Notes the tragic consequences of knife attacks on families and friends and recognises the bravery and work of Ann Oakes-Odger MBE whose son was sadly murdered through stabbing.*
3. *Notes the alarming increase in knife carrying, nationwide, particularly by those associated with gang membership and/or illegal drug activity.*
4. *Welcomes the work of the police in tackling all forms of crime and the progress they are making, including reducing violent crime. And welcomes their work to raise awareness through the deployment of a knife arch in Colchester centre and work with knife amnesties and knife bins.*
5. *Notes the work of the Youth Voices Listening Project that found “knife crime and knife harm stood alongside fights and drug use as major concerns for young people in Colchester”.*
6. *Therefore calls on Colchester Council through the Safer Colchester Partnership to deepen multi-agency collaborative working on this issue. And with our schools and young people to continue work done through the Knife Angel visit. To help make Colchester and its surrounding area safer for us all, particularly our younger residents.*

As this motion related to an executive matter, it stood referred direct to Cabinet in accordance with Council Procedure Rule 11(2).

**663 CCTV in Hackney Carriages and Private Hire Vehicles**

It was proposed by Councillor Harris that:-

*That this Council agrees to lobby the relevant Government Department to introduce mandatory regulations which would install CCTV / taxi cameras in Hackney Carriage / Private Hire vehicles which would be to the benefit of both drivers and customers in the City of Colchester area. And to seek funding to help with installation and or data management running costs.*

On being put to the vote the motion was approved and adopted (UNANIMOUS).

**664 Schedule of Portfolio Holder Decisions**

RESOLVED that the schedule of Portfolio Holder decisions for the period 7 October 2023 – 27 November 2023 be noted.