

# COLCHESTER CITY COUNCIL

---

## Council Meeting

18 October 2023

### Supplementary Information

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

**Apologies: Councillors Buston, T. Young**

**2. Have Your Say!**

**4. Minutes of Previous Meetings**

A... Motion that the minutes of the meeting on 19 July 2023 and 13 September be confirmed as a correct record (see page 9 of the Council Summons) .

**6. Items (if any) referred under the Call-in Procedure**

None

**7. Adoption of the Copford with Easthorpe Neighbourhood Plan**

B... Motion that the Council makes (adopts) the Copford with Easthorpe Neighbourhood Plan (see page 31 of the Council Summons).

**8. Adoption of the Myland and Braiswick Neighbourhood Plan**

C... Motion that the Council makes (adopts) the Myland and Braiswick Neighbourhood Plan (see page 71 of the Council Summons).

**9. Recommendations of the Cabinet, Panels and Committees**

To consider the following recommendations:-

**9(i) Treatment of War Pensions in the Calculation of Housing Benefit**

D... Motion that the recommendation contained in minute 779 of the Cabinet meeting of 6 September 2023 be approved and adopted (see page 115 of the Council Summons).

**9(ii) 2022-23 Year End Review of Risk Management**

E... Motion that the recommendation contained in minute 781 of the Cabinet meeting of 6 September 2023 be approved and adopted (see page 117 of the Council Summons).

### **9(iii) Mid-Year Capital Programme Updates 2023**

F... Motion that the recommendation contained in draft minute of the Cabinet meeting of 11 October 2023 be approved and adopted (see page 5 of this Supplementary Information).

## **10. Notices of Motion pursuant to the provisions of Council Procedure Rule 11**

### **(a) Motion G**

#### **Non-Disposable Single Use Vapes**

**Proposer: Cllr Goss**

*Council notes*

*(a) the serious harm and risk that non-disposable single use vapes are causing to our environment, our wildlife, our children and all users;*

*(b) the risk to our refuse collectors due to refuse lorries catching fire as a result of the battery elements within vapes;*

*(c) that as shown by figures provided by Greenpeace two disposable single use vapes are thrown away every second in the UK – 1.3 million a week presenting a considerable risk and harm to all of us;*

*Council also raises concern at the harm to young people due to the promotion of vapes which can be displayed near sweets and confectionary and notes incidents of young people being rushed to hospital due to indoctrinated vapes;*

*Council believes that the local environment and our young people deserve the highest possible protection;*

*Council requests that representation is made to Government through the local MPs for Colchester by Council writing to them requesting them to bring in urgent legislation without delay, to join over 40 other countries that have already banned vapes in some way to:*

- 1. Ban the sale of non-disposable single use vapes;*
- 2. Ban open display of vapes and to treat sales in the same manner as cigarettes; and*
- 3. Bring in a programme of awareness amongst schoolchildren.*

## **Main Amendment**

### **Proposer: Councillor Rowe**

*That the motion on Non-Disposable Single Use Vapes be approved and adopted subject to the following amendment:-*

*The addition of the following sentence at the end of the motion:-*

*“Noting that the current legislation permits a local authority to restrict vaping activities under the terms of a Public Space Protection Order, Council informs Cabinet of its opinion that it should explore the current public appetite of residents of the City for the prohibition of single use vapes within Colchester’s Public Space Protection Order.”*

Should the amendment be agreed the revised wording of the motion would be as follows:-

#### *Council notes*

- (a) the serious harm and risk that non-disposable single use vapes are causing to our environment, our wildlife, our children and all users;*
- (b) the risk to our refuse collectors due to refuse lorries catching fire as a result of the battery elements within vapes;*
- (c) that as shown by figures provided by Greenpeace two disposable single use vapes are thrown away every second in the UK – 1.3 million a week presenting a considerable risk and harm to all of us;*

*Council also raises concern at the harm to young people due to the promotion of vapes which can be displayed near sweets and confectionary and notes incidents of young people being rushed to hospital due to indoctrinated vapes;*

*Council believes that the local environment and our young people deserve the highest possible protection;*

*Council requests that representation is made to Government through the local MPs for Colchester by Council writing to them requesting them to bring in urgent legislation without delay, to join over 40 other countries that have already banned vapes in some way to:*

- 1. Ban the sale of non-disposable single use vapes;*
- 2. Ban open display of vapes and to treat sales in the same manner as cigarettes; and*
- 3. Bring in a programme of awareness amongst schoolchildren.*

*Noting that the current legislation permits a local authority to restrict vaping activities under the terms of a Public Space Protection Order, Council informs Cabinet of its opinion that it should explore the current public appetite of residents of the City for the prohibition of single use vapes within Colchester’s Public Space Protection Order*

**(b) Motion H**

**Transparency**

**Proposer: Cllr Sunnucks**

*This Council believes that full transparency is in the interests of those we represent and leads to better decision making on their behalf. It therefore resolves that all data held and managed by the Council should be made publicly available upon request unless it relates to specific private individuals or current commercially sensitive contract negotiations: and that the 2015 Local Government Transparency Code should be respected in full.*

**Main Amendment**

**Proposer: Councillor King**

*The motion on transparency be approved and adopted subject to the following amendments:*

*In the first sentence:-*

- The deletion of the words “believes that full” and the insertion of the word “welcomes”;*
- After the word “transparency” the addition of the words “as it”.*

*In the second sentence:-*

- After the words “publicly available upon ” the deletion of the word “request” and the insertion of the words “reasonable request as soon as practical”.*
- The deletion of the words “: and that the 2015 Local Government Transparency Code should be respected in full”*

*The insertion of a third sentence:-*

*“In accord with the 2015 Local Government Transparency Code”.*

Should the main amendment be agreed, the revised wording of the motion would be as follows:-

*This Council welcomes transparency as it is in the interests of those we represent and leads to better decision making on their behalf. It therefore resolves that all data held and managed by the Council should be made publicly available upon reasonable request as soon as practical unless it relates to specific private individuals or current commercially sensitive contract negotiations. In accord with the 2015 Local Government Transparency Code.*

**(c) Motion I**

**Climate Emergency**

**Proposer: Cllr Nissen, Seconder: Cllr Rippingale**

*This Council notes:*

1. *2023 was one of the hottest summers since records began in 1880, with heat records being broken and extreme weather across Europe. The climate emergency remains the biggest threat to Colchester, with impacts on all aspects of life including health and finances.*
2. *The world is considered to be in climate breakdown by the United Nations, and efforts to reverse the 1.5° c rise have not been implemented. New fossil fuel exploration is contradictory to the Paris Agreement and an existential threat to our survival.*
3. *Poorly insulated homes comprise a very high percentage of Colchester's housing emissions, with an additional economic impact on residents squeezed by the cost of living. 61.9% of homes have an Energy Performance Certificate rating of D or below, indicating a large proportion of homes in Colchester are poorly insulated, impacting on the ability for residents to pay bills in a cost of living crisis. Colchester City Council has had successes within our social housing portfolio, by raising 85% of our homes to C rating; showing our commitments to both supporting vulnerable residents with financial hardship and mitigating the climate emergency.*
4. *Over 300 Councils have declared a climate emergency. To support them in delivering critical climate actions, central government needs to urgently increase funding to local authorities, under the National Adaptation Programme.*
5. *Investment in Green energy would create jobs, tackle unemployment and reduce the cost of living. It would go a way to mitigating both extreme heat and flash flooding, for which Colchester is vulnerable.*

*This Council calls on the UK Government to:*

1. *Implement necessary measures to ensure the UK meets its legally binding obligations to net zero by 2050; and consider committing to the internationally-recommended 2030 goal;*
2. *Provide enhanced funding from the Energy Profit Levy, to support a long-term investment programme on retrofitting poor insulated homes and local authority buildings;*
3. *Re-commit to the ban on oil, LPG and new coal heating for off-gas-grid homes by 2026;*
4. *Promote the deployment of low carbon electricity types including solar, wind, hydropower;*

5. *Support 20 mph in highly urban areas, assisting councils to actively improve air quality;*
6. *Promote and fund Active Travel schemes which work in collaboration with existing infrastructure; including long-term support for successful initiatives including £2 bus travel.*

### **Main Amendment**

#### **Proposer: Councillor Goacher**

*The motion on the Climate Emergency be approved and adopted subject to the following amendment:*

*The insertion of the following words at the end of the motion:-*

7. *Commit to supporting County Councils financially in order that they continue to subsidise rural and urban bus services wherever the ending of a route will render settlements with no daily public transport services.*
8. *Re-commit to opening up the consultation on the future homes standard (FHS) by the end of this year (2023) and to promote net zero regulations for housebuilding, including the installation of solar panels on new build homes.*
9. *Halt the planned expansion of oil and gas drilling in the North Sea and advise the North Sea Transition Authority (NSTA) to cease the issuing of new licences.*

Should the motion be agreed the revised wording of the motion would be as follows:-

*This Council notes:*

1. *2023 was one of the hottest summers since records began in 1880, with heat records being broken and extreme weather across Europe. The climate emergency remains the biggest threat to Colchester, with impacts on all aspects of life including health and finances.*
2. *The world is considered to be in climate breakdown by the United Nations, and efforts to reverse the 1.5° c rise have not been implemented. New fossil fuel exploration is contradictory to the Paris Agreement and an existential threat to our survival.*
3. *Poorly insulated homes comprise a very high percentage of Colchester's housing emissions, with an additional economic impact on residents squeezed by the cost of living. 61.9% of homes have an Energy Performance Certificate rating of D or below, indicating a large proportion of homes in Colchester are poorly insulated, impacting on the ability for residents to pay bills in a cost of living crisis. Colchester City Council has had successes within our social housing portfolio, by raising 85% of our homes to C rating; showing our commitments to both supporting vulnerable residents with financial hardship and mitigating the climate emergency.*
4. *Over 300 Councils have declared a climate emergency. To support them in delivering critical climate actions, central government needs to*

*urgently increase funding to local authorities, under the National Adaptation Programme.*

*5. Investment in Green energy would create jobs, tackle unemployment and reduce the cost of living. It would go a way to mitigating both extreme heat and flash flooding, for which Colchester is vulnerable.*

*This Council calls on the UK Government to:*

*1. Implement necessary measures to ensure the UK meets its legally binding obligations to net zero by 2050; and consider committing to the internationally-recommended 2030 goal;*

*2 Provide enhanced funding from the Energy Profit Levy, to support a long-term investment programme on retrofitting poor insulated homes and local authority buildings;*

*3. Re-commit to the ban on oil, LPG and new coal heating for off-gas-grid homes by 2026;*

*4. Promote the deployment of low carbon electricity types including solar, wind, hydropower;*

*5. Support 20 mph in highly urban areas, assisting councils to actively improve air quality;*

*6. Promote and fund Active Travel schemes which work in collaboration with existing infrastructure; including long-term support for successful initiatives including £2 bus travel.*

*7. Commit to supporting County Councils financially in order that they continue to subsidise rural and urban bus services wherever the ending of a route will render settlements with no daily public transport services.*

*8. Re-commit to opening up the consultation on the future homes standard (FHS) by the end of this year (2023) and to promote net zero regulations for housebuilding, including the installation of solar panels on new build homes.*

*9. Halt the planned expansion of oil and gas drilling in the North Sea and advise the North Sea Transition Authority (NSTA) to cease the issuing of new licences.*

## **11. Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10**

No pre-notified questions to Portfolio Holders or Committee Chairs have been received.

## **12. Revised Licensing Committee Membership**

J... Motion that the recommendation contained report by the Monitoring Officer and Head of Governance be approved and adopted (see page 119 of the Council Summons).

**13. Schedule of Portfolio Holder Decisions**

Council is invited to note the schedule of Portfolio Holder decisions covering the period 8 July 2023 – 6 October 2023 (see page 121 of the Council Summons).

**14. Exclusion of the Public**

In accordance with Section 100A 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) may be decided. Exempt information is defined in Section 1000I and Schedule 12A of the Local Government Act 1972).



**Extract from the draft minutes of the Cabinet meeting of 11 October 2023**

**791. Mid-Year Capital Programme Updates 2023**

The Section 151 Officer submitted a report a copy of which had been circulated to each Member.

Councillor Cory, Portfolio Holder for Resources, introduced the report and explained that the capital programme was being reviewed, in view of the national economic situation. There was a need to rationalise the programme and ensure it was affordable and achievable. This had also been recommended by the LGA Peer Review Team, who had supported the work undertaken to date in their recent update report. The review was well underway and a cross party workshop had recently been held. The report before Cabinet provided an update on in year projects that required capital investment and those projects for which capital funding was ceasing. A full report on the future capital programme would be submitted alongside the budget report in January 2024.

*RECOMMENDED to COUNCIL* the schemes listed in Appendix B and C of the Section 151 Officer's report be included in the Approved Capital Programme and the schemes listed in Appendix D of the Section 151 Officer's report be removed from the Approved Capital Programme.

*REASONS*

The Council's Financial Regulations state that Cabinet has delegated authority to vary the Capital Programme within the overall approved envelope but any additions which require an increase in the Capital Programme beyond this must be referred to Council for approval. Variations will not normally be sought except for reasons of operational necessity, legislative requirement or reasons of Health and Safety compliance. The delay to updating the Capital Programme in February 2023 has resulted in some services experiencing operational issues which threaten the continued smooth delivery of core services.

*ALTERNATIVE OPTIONS*

All schemes proposed could be delayed until a formal Capital Programme revision in February 2024, but this would prevent or impact upon the delivery of some core services.