

Council

Wednesday, 18 October 2023

Attendees:

Councillor Simon Appleton, Councillor Tracy Arnold, Councillor Lewis Barber, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Michelle Burrows, 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 Darius Laws, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Andrea Luxford Vaughan, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McCarthy, Councillor Sam McLean, Councillor Sara Naylor, Councillor Steph Nissen, Councillor Chris Pearson, Councillor Carl Powling, Councillor Kayleigh Rippingale, Councillor Thomas Rowe, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Fay Smalls, Councillor Paul Smith, Councillor Natalie Sommers, Councillor William Sunnucks, Councillor Leigh Tate, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Julie Young

633 Apologies

Apologies were received from Councillors Bloomfield, Buston, Law, Moffat, Smithson, Spindler and T. Young.

634 Prayers

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

635 Have Your Say! (Council)

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to express his disappointment that the motion on transparency on the agenda needed to be tabled. Confirmation was sought as to who within the Council had agreed to hand over Holy Trinity Churchyard to a quango, the Town Deal Board, and the date on which this occurred. The Board's proposals for Holy Trinity Churchyard had not been considered by Councillors. Meetings of the Town Deal Board were not held in public. Attendance at the meetings were poor and the minutes were inadequate. Given

that there was only one City Council member, it was unaccountable. The Board's proposals for Holy Trinity Church would lead to the creation of an area where anti-social behaviour would flourish.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, indicated that he would send a full written response. However, the establishment of the Town Deal Board was an essential pre-requisite to receive Town Deal funding from the government. This funding had been used to support a wide range of projects across the city. Whilst it could be described as quango it was supported by the Council and had been subject to democratic processes and scrutiny. The proposals for Holy Trinity Churchyard had been consulted on and had secured significant support. The areas of concern could be locked at night which considerably lessened the risk of anti-social behaviour.

Simon Collis addressed Council pursuant to the provisions of Council Procedure Rule 6(1) about the impact of the housing crisis. He wanted to act as a voice for those who had been affected by the housing crisis. Figures obtained from the Council showed that in 1994 there were 8047 social housing dwellings in the borough, but by the close of 2022 there were only 5907, a decrease of 2140 dwellings. He explained his personal circumstances and that he and his family would be potentially homeless after receiving a section 21 notice from their landlord. There was uncertainty on how they would be housed once evicted. He explained the devastating impact that this had on him and his family, which had been compounded by the actions of a housing officer.

Councillor Smith, Portfolio Holder for Housing, thanked Mr Collis for his courage in attending and speaking so openly. He explained that because of the housing crisis there were currently 315 families in temporary accommodation of which seventy-four were in bed and breakfast accommodation. A small number of these were outside the city, in either Clacton or Ipswich. This was an appalling situation that was being driven by section 21 evictions. The government had promised to take action to ban these but this was yet to happen. The Council was doing all it could to address the situation and alleviate these problems. The key to the solution was more affordable rental properties. The Council had built the first council housing for a generation but it was appreciated that the numbers built did not meet the demand.

John Akker addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to express concern about the decision of the Local Plan Committee to commence a call for sites. It was important to learn lessons from previous Local Plan processes, especially in terms of public participation and maintaining public support. It was appreciated that more housing needed to be built but it was important that they were right homes in the right place with the right infrastructure, The call for sites was premature, given that the current plan ran to 2033. The public were not prepared for this and were suffering from the lack of infrastructure. A proper audit of infrastructure needed to be undertaken before a call for sites was undertaken.

Councillor Luxford Vaughan, Portfolio Holder for Planning, Environment and Sustainability, responded and expressed some sympathy with the view that the call for sites was premature. Progress on the completion of the infrastructure audit had been slower than hoped for. However the call for sites was a matter for the Local Plan Committee. The Council was required to review the Local Plan every five years and the deadline was approaching so the Committee was correct in beginning the review process.

Mrs Spantidaki addressed Council pursuant to the provisions of Council Procedure Rule 6(1). She did not believe that Community 360 were a suitable organisation to be located in a Church. She raised concerns about the way her reports of suspicious behaviour by an armed man, which she had raised at Council in December 2018, had been dealt with by the Zones Teams and the police. She also expressed concern about how the Zones Teams dealt with the street homeless and their belongings. For example, a bible belonging to a homeless individual had been disposed of.

Councillor King, Leader of the Council and Portfolio Holder for Strategy, responded and indicated he was aware of the issues raised about the treatment of the belongings of homeless people. The Zone Wardens did take care in their dealings with homeless individuals. However where belongings appeared to be abandoned, they would be disposed of as residents expected that the city centre would be kept clean. It was understood that the missing bible had been found but it had not been claimed. In terms of the police matters, this would be followed up if further details were provided.

636 Minutes of the Previous Meeting (Council)

RESOLVED that the minutes of the meeting held on 19 July 2023 and 13 September 2023 be confirmed as a correct record.

637 Mayor's Announcements

The Mayor invited Council to reflect in silence on the recent events in the Middle East and Ukraine. The Council had a duty to be balanced and thoughtful and to look at the tragedy that was being inflicted on people on all sides.

The Mayor welcomed Councillor Appleton to Council following his election in the recent Highwoods by-election.

638 Adoption of the Copford with Easthorpe Neighbourhood Plan

Councillor Jay (in respect of her position as Chair of Myland Community Council) declared a registerable interest in this item pursuant to the provisions of Council Procedure Rule 9(5).

RESOLVED (UNANIMOUS) that the Copford and Easthorpe Neighbourhood Plan be made (adopted) following receipt of the Examiner's report.

639 Adoption of the Myland and Braiswick Neighbourhood Plan (Reviewed 2022-2023)

RESOLVED (UNANIMOUS) that the Myland and Braiswick Neighbourhood Plan (reviewed 2022-23) be made (adopted) following receipt of the Examiner's report.

640 Treatment of War Pensions in the Calculation of Housing Benefit

RESOLVED (UNANIMOUS) that the recommendation contained in minute 779 of the Cabinet meeting of 6 September 2023 be approved and adopted.

641 2022-23 Year End Review of Risk Management

RESOLVED (UNANIMOUS) that the recommendation contained in minute 781 of the Cabinet meeting of 6 September 2023 be approved and adopted.

642 Mid Year Capital Programme Updates 2023

Councillor Warnes (in respect of his position as Chair of Colchester Commercial Holdings Ltd) and Councillor Mannion (in respect of his position as a Board member of Colchester Commercial Holdings Ltd) declared a registerable interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).

RESOLVED (NINETEEN voted FOR, SIXTEEN voted AGAINST and SIX ABSTAINED from voting) that the recommendation contained in draft minute 791 of the Cabinet meeting of 11 October 2023 be approved and adopted.

643 Non-Disposable Single Use Vapes

It was proposed by Councillor Goss that:-

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 forty 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.*

Councillor Rowe proposed the following main amendment:-

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."

Councillor Goss indicated that the main amendment was not accepted and Council debated the motion and main amendment. On being put to the vote the main was amendment was lost (SIXTEEN voted FOR, TWENTY THREE voted AGAINST and TWO ABSTAINED from voting).

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

644 Transparency

Councillor Bentley (in respect of his position as senior Vice Chair of the Local Government Association) declared a registerable interest in this item pursuant to the provisions of Council Procedure Rule 9(5).

It was proposed by Councillor Sunnucks that:-

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.

Councillor King proposed a main amendment as follows:-

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”.

Councillor Sunnucks indicated that the main amendment was accepted and the motion was deemed amended accordingly. The revised wording of the motion was 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.

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

645 Climate Emergency

Councillor Bentley (in respect of his position as Leader of Essex County Council) declared a registerable interest in this following pursuant to the provisions of Council Procedure Rule 9(5).

Rachel Matthews addressed Cabinet pursuant to the provisions of Council Procedure Rule 6(1). She explained that she had been evangelical about renewable energy until she had researched the issue properly, when she had found that so called green initiatives were environmentally disastrous. She had been shocked by the attitude of the Council when concerns were raised over highly polluting products, their inability to be recycled, the child slave labour involved and the risk to the public from EVs exploding. Most solar panels were made in China often using slave labour, with processes that involved the burning of coal. In the USA 50 million solar panels a year were installed, generating a million metric tonnes of hazardous waste which was not cost effective to recycle. Wind turbines required a colossal amount of energy and resources to manufacture, relied on diesel oil for their operation and were not readily recyclable. Concerns about the environmental impact of lithium batteries for solar storage had already been raised with Environment and Sustainability Panel. Lithium mining generated huge quantities of hazardous waste creating long lasting pollution. The mining of cobalt involved the use of child labour in hazardous conditions. Even after this had been raised with the Council, it had still procured 100 e-bikes and an order had been placed for electric road sweepers. This was contrary to the Council's anti-slavery policy. These were not teething problems of new technology but fundamental flaws which could not be ignored. It was concerning that the Council was pushing for the government to go further. The Council should demand that the

government should not deploy any technology that badly pollutes and cannot easily be recycled. The biggest threat to survival was not the weather but people blindly following orders without question or thought.

Carinna Cooper addressed Council pursuant to the provisions of Council Procedure Rule 6(1) and asked if Council was aware of the measures Parliament considered necessary to fully meet net zero obligations by 2050 or the contents of the Absolute Zero report agreed in the House of Lords. This included measures such as the closure of airports, cessation of shipping, fertiliser use restricted and the replacement of gas boilers and fires with ineffective heat pumps. Would residents be able to afford these measures and what impact would the measures on food have on the population's health? Had Council studied the full data produced by the IPCC and was anyone in the Council qualified to analyse the data and declare a climate emergency, especially given that the IPCC and central government had not declared one. Council should make decisions based on facts rather than fear. Central government was influenced heavily by the corporate world who benefitted from net zero. Communities relied on the honesty and integrity of local representatives to ensure the public were protected from corporate greed and from agendas that did not serve the public interest. Proper expert advice was needed. Council was offered the opportunity to have at least two experienced UN accredited climatologists to come to Colchester and speak at a public meeting. This would enable the Council to have an open discussion with the public and secure their agreement. Attempting to force draconian measures on people would backfire as was shown by destruction of Ultra Low Emission Zones and 20mph road signs. The Council should set a date for such a public meeting.

Cheryl Taylor addressed Council pursuant to the provisions of Council Procedure Rule 6(1) to ask whether the Council was intending to have more 20 mph zones in Colchester. According to the 2023 Air Quality Annual Status Report there was no issue with air pollution for so long that it had recommended revoking Air Quality Management Area status. There was only marginal air quality exceedance. Was there evidence to suggest that slowing journey times by a third or more improves air quality.? Whilst some car emissions would be lower in 20mph areas, journeys would take longer to complete leading to an overall increase in particulates. It was also likely to cause a backlog of traffic at peak times and cause congestion in areas which were not in the 20mph zones. Whilst 20mph zones were rational outside schools and playgrounds for safety reasons, elsewhere there was evidence that such zones increased the risk of accidents due to driver frustration and carelessness. Data from the Institute of Advanced Motorists showed a 26% increase in serious accidents in 20mph areas and they had called for government and Councils to take stock of the effectiveness of 20mph signage. Recent research by Bath Council raised concerns about the consequences of 20 mph zones which had been associated with increased fatalities and injuries. The report questioned the continuation of the programme and recommended against expanding area based schemes. It had admitted it could not afford to scrap the schemes which had cost £871,000 to implement. Colchester should learn from these mistakes.

Luke Peatling addressed Council pursuant to the provisions of Council Procedure Rule 6(1) about Parliament's ability to set legally binding obligations on net zero. The Bill of Rights was created in 1688 to protect rights following the installation of William of Orange as king. This established control of the monarchy by Parliament but stated that Parliament could do nothing that would harm the people. The Bill of Rights remains as the basis of the Constitution. It enforces the rule of law and stipulates that the government cannot oppress its citizens and all decisions must promote the welfare of the people. Parliament's role under the Bill of Rights is to meet and resolve the people's grievances. Contrary to popular belief, Parliament has no authority to make law. Law was made by the people and it was Parliament's role to legislate to implement that law rather create it itself. The Bill of Rights could not be undone and it went hand in hand with the coronation oath. Anything that prejudices the people was therefore unlawful. Therefore there was no requirement to do what Parliament says. Legally binding decisions did not bind anyone except the parties to the agreement.

It was proposed by Councillor Nissen that:-

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.*

A main amendment was moved by Councillor Goacher as follows:-

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 second tier authorities 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.*

Councillor Nissen indicated that the main amendment was not accepted and Council debated the motion and main amendment. On being put to the vote the main amendment was lost (MAJORITY voted AGAINST).

On being put to the vote the motion was approved and adopted (TWENTY FIVE voted FOR and SEVENTEEN voted AGAINST).

646 Revised Licensing Committee Membership

RESOLVED that the recommendation contained in the report by the Monitoring Officer and Head of Governance be approved and adopted.

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

Questioner	Subject	Response
Oral Questions		
Councillor Bentley	In view of the demand for wheeled bins amongst residents of Oakwood Meadows, could the Portfolio Holder for Neighbourhood Services and Waste provide an update on the Waste Review?	Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste, explained that the Waste Review was being considered by the Environment and Sustainability Panel. All aspects of waste policy were being considered. It was anticipated that it would be published early in 2024. It was possible that it would include a recommendation about wheeled bins. The forthcoming changes to the garden waste service would also increase the usage of wheeled bins across Colchester.
Councillor Laws	Would the Portfolio Holder for Leisure, Culture and Heritage be willing to meet him to discuss how the 30 th anniversary of Blur's "Parklife" album could be marked?	Councillor Burrows, Portfolio Holder for Leisure, Culture and Heritage indicated she would be willing to meet to discuss this issue.
Councillor Hagon	Could the Portfolio Holder for Neighbourhood Services and Waste review the policy on cutting verges as the current practice often led to grass of different lengths in the same area which was unsightly.	Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste explained that he raised this issue when he met Idverde recently. The gap between the areas being mowed and the verges strimmed was normally about two weeks but they had been asked to close the gap. Where there were obstacles such as bollards

		strimming was conducted more infrequently. Idverde were being encouraged to take a more innovative approach to their work.
Councillor Scordis	Would the Portfolio Holder Neighbourhood Services and Waste consider amending the garden waste scheme so that the residents could pay a reduced amount to be included within the scheme for part of the year? This might increase the take up of the scheme.	<p>Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste explained that this would not be possible as the scheme would be launched in November and it was too late to amend the scheme. This had not been raised as a suggestion at Scrutiny Panel, nor had it been raised at the monthly briefing meetings.</p> <p>The scheme provided support for those on low incomes and was flexible. It allowed residents to share a wheeled bin or to have a smaller wheeled bin. Further consideration was being given to different payment options. It was anticipated the scheme would outperform initial expectations and it would be reviewed in the light of experience once it had bedded in.</p>
Councillor Smalls	The issue of how residents in terraced housing without side access would manage a wheeled bin had been raised at Scrutiny Panel. This remained a concern and had been raised at Rowhedge Parish Council. Did the advice remain that residents should wheel the bin through their house or would an alternative be provided for those without side access?	<p>Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste explained that 83% of Councils had wheeled bins and had been able to make these schemes work with similar housing stock. The Council was not able to put new entrances into existing housing. There was an onus on residents to be responsible and to make the scheme work. Smaller wheeled bins would be available and residents could share with neighbours. Consideration also needed to be given to health and</p>

		<p>safety of Council staff and on that basis white hessian sacks would not be provided. These were also difficult to dispose of. The Council had sought to be as innovative and flexible as it could in the scheme.</p>
<p>Councillor MacLean</p>	<p>Would the Portfolio Holder for Neighbourhood Services and Waste meet with him and ward colleagues to discuss how residents of New Town and Christ Church who lived in housing where wheeled bins were inappropriate could take part in the scheme.</p>	<p>Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste indicated that he would be happy to meet but his previous answer had set out the position on this issue.</p>
<p>Councillor Lissimore</p>	<p>Could the Portfolio Holder for Neighbourhood Services and Waste explain why roads had not been swept as had been promised and when the service would resume?</p>	<p>Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste explained that there had been some operational issues with the smaller road sweeping machines. These were serviced by Riverside and were proving complex to repair and there were supply issues with parts. Going forward, consideration was being given to changing the servicing arrangements and doing this through the manufacturer but this was likely to be more expensive. There would be contractual issues with Riverside. A further machine was being procured for sweeping leaves.</p>
<p>Councillor Warnes</p>	<p>Could the Portfolio Holder for Neighbourhood Services and Waste explain what plans were in place to raise awareness of home composting?</p>	<p>Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste explained that home composting was one of the options available to those who did not wish to take part in the garden waste scheme. There would be an option to purchase a home composting</p>

		bin at 50% discount as part of the scheme together with advice on how to compost. Education on composting was a key element of the scheme.
Councillor Dundas	Could the Portfolio Holder for Resources provide an estimate of the lost income from the closure of the Moot Hall, on the basis it did not reopen until 2026?	Councillor Cory, Portfolio Holder for Resources, explained that Colchester Events Company were assessing the impact of the closure. Whilst there would be lost income he was not able to confirm exactly what this would be at this stage.
Councillor Dundas	Could the Portfolio Holder for Housing address the allegation of a “rogue” Housing Officer made during the Have Your Say contributions earlier in the meeting?	Councillor Smith, Portfolio Holder indicated that he would ensure the allegation was investigated.

648 Schedule of Portfolio Decisions

RESOLVED that the schedule of Portfolio Holder decisions covering the period 8 July 2023 – 6 October 2023 be noted.