

# **COLCHESTER BOROUGH COUNCIL**

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## **Council Meeting**

**15 July 2015, 6.00pm**

### **Supplementary Information**

Apologies: Councillors Davies, Fairley-Crowe, Liddy, Lissimore, Naish, B. Oxford and G. Oxford

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

#### **3. Minutes**

A... Motion that the minutes of the meeting held on 27 May 2015 be confirmed as a correct record (page 7 of the Council Summons).

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

To consider any items referred by the Scrutiny Panel under the Call-In Procedure because they are considered to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with the budget.

#### **7. Recommendations of the Cabinet, Panels and Committees**

##### **(i) A New Housing Strategy for Colchester**

B... Motion that the recommendation contained in minute 60 of the Cabinet meeting of 18 March 2015 be approved and adopted (page 11 of the Council Summons).

##### **(ii) Appointment of High Steward**

C... Motion that the recommendation contained in minute 3 of the Governance Committee meeting of 30 June 2015 be approved and adopted (page 6 of this Supplementary Information).

A background note on the Office of High Steward of Colchester is attached at page 8 of this Supplementary information.

#### **8. Notices of Motion pursuant to Council Procedure Rule 11**

##### **(i) Urology Cancer Services**

Proposer: Councillor Harris

D... Motion that:-

This Council fully supports the retention of Urology Cancer Services in Colchester.

As the Motion relates to a non-executive matter it will be debated and determined at the meeting.

## **(ii) Transatlantic Trade and Investment Partnership**

Proposer: Councillor Scott

E... Motion that this Council notes:

1. That the EU and USA launched negotiations in July 2013 on a Transatlantic Trade and Investment Partnership (TTIP).
2. That negotiations are underway to determine which goods and services TTIP will apply to and if new rules can be agreed to protect investors, harmonise standards, reduce tariffs and open new markets throughout the EU and USA.
3. That there has been no impact assessment about the potential impact on local authorities.
4. That there has been no scrutiny of the negotiating texts by local government and no consultation with local government representatives
5. That MPs are also unable to scrutinise the negotiating documents.

This Council believes that:

1. TTIP could have a detrimental impact on local services, employment, suppliers and decision-making.
2. A thorough impact assessment of TTIP on local authorities must be undertaken before the negotiations can be concluded.
3. The proposed Investor State Dispute Settlement (ISDS) mechanism has been used by corporations to overturn democratic decisions by all levels of governments at significant public cost. Local decision-making must be protected from ISDS.
4. The EU's food, environmental and labour standards are better than those in the US and TTIP negotiations must raise and not lower these standards across the EU and USA.
5. Sourcing supplies and employment locally is important to strengthening local economies and meeting local needs. TTIP must not impact on local authorities' ability to act in the best interests of its communities.

This Council resolves:

1. To write to the Secretary of State for Communities and Local Government, local MPs and all Eastern Region MEPs raising our serious concerns about the impact of TTIP on local authorities and the secrecy of the negotiating process.
2. To write to the Local Government Association to raise our serious concerns about the impact of TTIP on local authorities and ask them to raise these with government on our behalf.
3. To call for an impact assessment on the impact of TTIP on local authorities.
4. To publicise the Council's concerns about TTIP; join with other local authorities which are opposed to TTIP across Europe and work with local campaigners to raise awareness about the problems of TTIP.

5. To contact the local authorities of municipalities twinned with Colchester asking them to consider passing a similar motion on TTIP.

As the Motion relates to a non-executive matter it will be debated and determined at the meeting.

### **(iii) Park and Ride**

Proposer: Councillor Goss

F...The Park and Ride scheme run by Essex County Council is an important asset for Colchester and this Council without question wants the scheme to succeed. However, this Council believes that it should be modified to include the following:

1. Introduction of stops to serve Colchester Hospital;
2. Family friendly pricing - for example similar to Ipswich;
3. Potentially longer operating hours to maximise the scheme's usefulness to local people and commuters.

This Council therefore calls on Essex County Council Portfolio Holder Rodney Bass to implement these changes expeditiously to increase the success of the scheme.

As the motion relates to a non-executive matter, it will be determined and debated at the meeting.

### **(iv) Budget Statement**

Proposer: Councillor Bourne

G.... This Council notes, with concern and dismay, the content of the Chancellor of the Exchequer's Budget Statement on 8 July.

This Council believes actions from the Summer Budget will impact negatively on many residents in Colchester: particularly those on low incomes; students; residents seeking to access affordable housing; and contains disproportionate cuts to the under 25s.

This Council resolves to mitigate the negative impacts of the Budget by taking local action to support residents of the Borough and continue to invest in schemes that promote economic growth whilst working in partnership with key organisations to care for the most vulnerable.

This Council calls upon the MPs for the Borough of Colchester to oppose those aspects of the Finance Bill which will harm Colchester's interests, even if this means voting with the Opposition in Parliament.

As the motion relates to a non-executive matter, it will be determined and debated at the meeting.

**(v) Firstsite**

Proposer: Councillor Laws

H.... Noting the important role of art in contributing to the cultural experience of Colchester, and the widespread support Firstsite is now receiving under the leadership of Anthony Roberts, Council requests the Arts Council to use its influence as the main funder to request that the level of local representation on Firstsite's Board of Trustees be increased, thus ensuring residents of Colchester have a direct say in the long term success of Firstsite.

As the motion relates to a non-executive matter, it will be determined and debated at the meeting.

**Main Amendment**

Proposer: Councillor Hayes

The motion on Firstsite be approved and adopted subject to the deletion of the words:-

"Council requests the Arts Council to use its influence as the main funder to request that the level of local representation on Firstsite's Board of Trustees be increased"

and their replacement with the following words:

"this Council requests the Board of Directors/Trustees of Firstsite to invite this Council to nominate a councillor to sit on the Firstsite's Board of Directors/Trustees under the same conditions as the Mercury Theatre"

If approved, the revised Motion would read as follows:-

"Noting the important role of art in contributing to the cultural experience of Colchester, and the widespread support Firstsite is now receiving under the leadership of Anthony Roberts, this Council requests the Board of Directors/Trustees of Firstsite to invite this Council to nominate a councillor to sit on Firstsite's Board of Directors/Trustees under the same conditions as the Mercury Theatre, thus ensuring residents of Colchester have a direct say in the long term success of Firstsite. "

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

No pre-notified questions submitted.

**10. Changes to the Officer Employment Procedure Rules**

I... Motion that the recommendations contained in the Monitoring Officer's report be approved and adopted (page 13 of the Council Summons)

**11. Schedules of Decisions taken by Portfolio Holders**

To note schedules covering the period 6 February 2015 – 30 June 2015 (page 19 of the Council Summons).

**12. Urgent items**

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

**Extract from the minutes of the Governance Committee meeting of 30 June 2015**

**3. Urgent Item – Appointment of High Steward**

Councillor Liddy introduced the report by the Monitoring Officer for the Appointment of High Steward. The report recommended that Sir Bob Russell be chosen as the High Steward of Colchester, and that a special meeting of the Council be convened to pass the appropriate resolution.

Councillor Liddy stated that Sir Bob Russell has accepted the proposal of becoming the High Steward, and that a recommendation would need to be approved at 15 July Council meeting to ensure a special meeting could be convened without additional cost.

Councillor Willets, with the Chairman's permission, then addressed the Committee regarding the reference in the report to consulting all group leaders. He stated that the Conservative Group had not given consent due to existing concerns regarding whether those in the position of High Steward are able to hold an elected office.

Councillor Arnold stated that there was a significant amount of concern in the Conservative group that the office of High Steward should be a non-political role. Councillor Arnold submitted an amendment to the recommendation in the report to state that in view of the non-political nature of the office of High Steward, the appointment shall cease immediately in the event that the holder gains elected political office either within or on behalf of any part of the Borough of Colchester.

Councillors discussed whether there were existing restrictions on the post of High Steward, and whether if the post holder gains election to an authority this would automatically end the arrangement. In addition Councillors discussed previous examples of High Steward and whether the amendment was a reflection on this particular appointment, considering that it has not been in place in the past. Councillors also questioned the length of the appointment and whether it was for a period of five years. Councillors also commented on whether the Municipal Corporations Act 1835 was still in place regarding the High Steward advising the directing the Mayor, or whether it had been superseded by newer legislation.

Councillors voted on the amendment to the recommendation submitted by Councillor Arnold:

‘that in view of the non-political nature of the office of High Steward, the appointment shall cease immediately in the event that the holder gains elected political office either within or on behalf of any part of the Borough of Colchester’

FOR: Councillor Arnold, Councillor Locker, Councillor Lissimore, Councillor Hazell

AGAINST: Councillor Liddy, Councillor Hayes, Councillor P. Higgins, Councillor Havis

As the vote was a tie, the Chairman used his casting vote to vote against the amendment.

Councillors then voted on the original recommendation in the report:

FOR: Councillor Liddy, Councillor Hayes, Councillor P. Higgins, Councillor Havis

AGAINST: Councillor Arnold, Councillor Locker, Councillor Lissimore, Councillor Hazell  
As the vote was a tie, the Chairman used his casting vote to vote for the original recommendation in the report.

*RESOLVED to RECOMMEND* to Council that Sir Bob Russell be chosen as High Steward of the Borough of Colchester and a special meeting of the Council be convened on a date to be determined to pass an appropriate resolution.

## Agenda item 7(ii)

### Council Meeting 15 July 2015

#### Background Information for Council on the Office of High Steward of Colchester

This note provides further information for Council following the report to Governance Committee on 30 June 2015 (minute 3 refers) on the appointment of a new High Steward.

1.0 The office of High Steward of Colchester was created by virtue of a Royal Charter granted by King Charles I dated 9 July 1635, which was also the Charter that first gave the town a Mayor in place of two annually elected Bailiffs.

2.0 The Charter states that

*"henceforth for ever there may and shall be in the borough aforesaid a High Steward to advise and direct the Mayor and Commonalty in the chief business touching that borough. Which High Steward indeed shall continue in the office of High Steward of the borough aforesaid during his natural life, unless in the meantime he should resign that office of his own free will."*

3.0 The Charter goes on to state that after the death or resignation of a High Steward:-

*"...at a time fitting.....it shall be rightfully lawful for the Mayor, Aldermen, Assistants, Common Council and Free Burgesses of the Commonalty of the Borough..... to choose and prefer one other as High Steward...."*

4.0 The Municipal Corporations Act 1835 abolished most High Stewards and the Government only allowed Colchester's petition to retain a High Steward on condition that the wording contained on the Charter "...advise and direct..." be amended to "...advise...".

5.0 Accordingly the duties of the High Steward are:

"to advise the Mayor and Commonalty in the chief business touching the borough".

As the role is purely honorific it carries no formal responsibilities or powers.

6.0 Civic protocol states that the High Steward is given precedence after the Mayor.

7.0 The Local Government Act 1972 provides that:

7.1 an Honorary Alderman shall not while serving as a member of the council, be entitled to be addressed as Alderman or to attend or take part in any civic ceremonies of the council as an Alderman; and

7.2 An Honorary Alderman may attend and take part in such civic ceremonies as the council may from time to time decide, but shall not, as such, have the right to:-

- (a) attend meetings of the council or a committee of the council (including a joint committee upon which they are represented); or
- (b) receive any allowances or other payments .



8.0 Council may wish to consider applying the same principles going forward to the post of High Steward as the law provides in relation to Honorary Aldermen as mentioned at paragraph 7.0.

Andrew Weavers  
Monitoring Officer