

Council

Wednesday, 01 November 2017

Attendees:

Councillor Christopher Arnold, Councillor Lewis Barber, Councillor Nick Barlow, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Roger Buston, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Nick Cope, Councillor Mark Cory, Councillor Robert Davidson, Councillor Beverly Davies, Councillor John Elliott, Councillor Andrew Ellis, Councillor Daniel Ellis, Councillor Annie Feltham, Councillor Vic Flores, Councillor Adam Fox, Councillor Martin Goss, Councillor Dominic Graham, Councillor Dave Harris, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Mike Hogg, Councillor Brian Jarvis, Councillor John Jowers, Councillor Darius Laws, Councillor Cyril Liddy, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Fiona Maclean, Councillor Jackie Maclean, Councillor Patricia Moore, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Rosalind Scott, Councillor Jessica Scott-Boutell, Councillor Lesley Scott-Boutell, Councillor Paul Smith, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

210 Prayers

The meeting was opened with prayers by the Mayor's Chaplain, the Reverend Hannah Cooper.

211 Apologies

Apologies were received from Councillor Coleman.

212 Minutes of the Previous Meeting

RESOLVED that the minutes of the meeting held on 26 July 2017 be confirmed as a correct record.

213 Have Your Say!

Mr Orton addressed Council pursuant to the provisions of Council Procedure Rule 6(5). He considered that it was unfair that Have Your Say! speakers were only allowed three minutes to address Council and this should be reviewed. He had previously addressed Council about the town centre and he remained concerned about the cleanliness of the town centre. Councillors seemed to lack commitment to deal with the issue. Whilst the Castle Park was well maintained, the rest of the town centre was poorly maintained and he highlighted particular issues with the public toilets. Councillors were invited to view photographs he had taken which demonstrated his concerns.

Councillor Lilley, Portfolio Holder for Public Safety and Licensing, highlighted that together with the Leader of the Council, he had undertaken a tour of the town centre with Mr Orton, where a number of issues had been raised. He would continue to maintain a dialogue with Mr Orton on this issue.

Sir Bob Russell, addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to express his concern that the Town Hall clock was not showing the right time. This displayed a lack of civic pride. He sought an assurance that the clock would be corrected for Armistice Day and Remembrance Sunday, when the 2 minute silence was triggered by the Town Hall clock. It was therefore very important the clock was keeping the right time.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained that the Town Hall clock was an old piece of machinery that required careful calibration. Engineers would be repairing the clock on the Friday before Armistice Day to ensure that it was keeping time correctly.

John Worland addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to seek support for a memorial to victims of the Essex witch trials in the seventeenth century. Matthew Hopkins and John Stearne's campaign had caused terror throughout the east of England and led to over 300 prosecutions and 80 hangings for witchcraft. A number of other towns had memorials to the victims. Colchester had no memorial except for flowers which were laid at the Castle gates. He proposed a permanent plaque should be erected with the names of 33 victims who had been imprisoned in Colchester Castle. He was pleased to note that 12 Councillors had already indicated their support for the proposal.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, expressed his delight at the cross party support for the proposal. The plaque would need to reflect how intolerance could lead to persecution. Councillor T. Young, Portfolio Holder for Business and Culture, and Councillor Bourne, Portfolio Holder for Housing and Communities, would look at the proposal in more detail.

Victoria Weaver addressed Council pursuant to the provisions of Council Procedure Rule 6(5) and invited Council to consider the benefits of Colchester becoming a unitary

authority. It was open to any authority to submit a bid a proposal to become a unitary authority. It would be an improvement on the two tier system as it would allow Colchester to manage all relevant services, including education, transport and social services, and lead to a much more coordinated approach to service delivery.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, responded and emphasised his support for the concept of unitary authorities. It was a simpler structure for the public to understand. He hoped that the government would indicate that it would welcome and support a bid from local authorities to become unitary authorities.

Thomas Rowe addressed Council pursuant to the provisions of Council Procedure Rule 6(5). Whilst he was broadly sympathetic to the recent changes to waste policy he had concerns about its implementation. He had recently been contacted by an elderly resident in Mile End whose husband required weekly household waste collections due to incontinence. They had been given stickers to place on their rubbish sacks to ensure that they were collected, but these were consistently ignored. They had relied on friends and family to dispose of the sacks on their behalf. This had been reported on their behalf and he was currently awaiting a response. In addition last week he had left out three small sacks of household waste, one of which contained cat litter. The bag containing cat litter had been split and not been collected. It had been left with a note explaining it had not been collected as it was not household waste, which he believed was incorrect. He was advised by recycling staff that he should take it to the tip. Both incidents revealed a lack of understanding of the system by Council staff and he requested that the system and the training provided to officers be reviewed.

Councillor Scott-Boutell, Portfolio Holder for Waste and Sustainability, thanked Mr Rowe for bringing these matters to her attention and invited him to provide full details so that they could be looked into.

214 Mayor's Announcements

The Mayor invited Councillors to join him in the ceremonies commemorating Armistice Day on 11 November 2017 and Remembrance Day on 12 November 2017.

The Mayor announced the following events:-

- Choir concert, St Botolph's Church, 18 November 2017;
- Curry evening, Oak Tree Centre, 10 December 2017 ;
- A Christmas Carol reading by Anthony Roberts, Civic Suite, 23 December 2017.

The Deputy Mayor presented the Mayor with a plaque thanking the Mayor for attending the Town Crier Championships in May 2017.

215 2016/17 Year End Review of Risk Management

RESOLVED (UNANIMOUSLY) that the recommendation in minute 200 of the Cabinet meeting on 6 September 2017 be approved and adopted.

216 Review of the Council's Ethical Governance Policies

RESOLVED (UNANIMOUSLY) that the recommendation contained in minute 75 of the Governance and Audit Committee of 17 October 2017 be approved and adopted.

217 Health and Safety Policy 2017-18

RESOLVED (UNANIMOUSLY) that the recommendation contained in minute 76 of the Governance and Audit Committee of 17 October 2017 be approved and adopted.

218 Review of Local Code of Corporate Governance

RESOLVED (UNANIMOUSLY) that the recommendation contained in minute 78 of the Governance and Audit Committee of 17 October 2017 be approved and adopted.

219 RMT and Greater Anglia

Councillor Higgins (in respect of her membership of Fair Access Colchester) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

David Ling, Secretary of Colchester and District branch of the RMT, addressed Council pursuant to the provisions of Council Procedure Rule 6(5). The current dispute was about Abellio Greater Anglia's attempts to downgrade the role of the guard, so that they would be safety trained, rather than safety critical, as at present. This would be a dilution of the guard's safety role. They provided a range of functions around passenger safety as well as a customer service role, including helping disabled passengers. Demotion to safety trained would remove much of the current role, including train despatch. The RMT's view was that it required two members of staff to safely despatch a train. In other companies, the demotion of the role had been the first step towards driver operation only, which meant that the customer service function was also lost. Talks with the company had been progressing well, but in July attitudes had hardened, possibly due to political interference. This had prevented an agreement being reached, as had

happened in other parts of the country.

It was proposed by Councillor T. Young that:-

“This Council notes that;

- There is a dispute between RMT and Greater Anglia Trains
- Greater Anglia trains are owned by Abellio, who is jointly owned by the Dutch State Railway and the Japanese firm Mitsui
- The dispute centres around union concerns that Greater Anglia is extending Driver Only Operation on the franchise as a result of introducing new trains
- That RMT conductors have voted by 9-1 on a 90% turnout to take strike action and RMT drivers have also voted to take action.
- The RMT is concerned that Greater Anglia is removing the guarantee that there will continue to be a conductor on the services in question and also removing the Conductor's role in ensuring the safe despatch of trains.
- That Abellio, when introducing new trains on their franchise in Scotland, were able to reach an agreement with RMT on this issue which resulted in retaining the guarantee of the conductor on the services in question and also the conductor's role in ensuring the safe despatch of trains.

This Council believes;

- That if Abellio in Scotland can reach an agreement in Scotland with the RMT on safe train despatch and keeping the guarantee of the conductors on new trains then Abellio can reach the same agreement with RMT in Greater Anglia
- That such an agreement would assist in protection of service, safety, security and accessibility for Greater Anglia passengers, including those residents of the borough that regularly use Greater Anglia services.

This Council calls on;

- Greater Anglia to reach such an agreement as soon as possible
- The Government to allow and not block such an agreement.”

The motion was put to the vote and was approved and adopted (majority voted for).

220 Essex Univesity

Councillors Barlow (in respect of his employment by Queen Mary University of London to teach European Affairs) and Higgins (in respect of her spouse's

employment by the University of Essex) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

It was proposed by Councillor Goss that:-

“This Council condemns the letter recently sent to the University of Essex by Chris Heaton-Harris MP requesting copies of the syllabuses and links to online lectures which relate to the teaching of European affairs with particular reference to Brexit. This Council fully supports the free thinking, radical and innovative culture the University of Essex encourages in all its employees and students.

Council requests that a copy of this motion be sent to the Prime Minister.”

The motion was put to the vote and was approved and adopted (majority voted for).

221 Questions to Cabinet Members and Chairmen pursuant to Council Procedure Rule 10

Questioner	Subject	Response
Pre-notified Questions		
Councillor Graham	<p>The recently introduced Public Space Protection Order (PSPO) which has been recently implemented across the Town Centre bans, among other things, being in possession of an open vessel of alcohol in a public place.</p> <p>It also prohibits “any person behaving in a manner that causes or is likely to cause intimidation, harassment, alarm, distress, nuisance or annoyance to any person.”</p>	<p>Councillor Lilley, Portfolio Holder for Public Safety and Licensing, explained that the PSPO had been aimed at making the town centre a safer place to live, work in and visit. It was an instrument that would allow the Council to deal with persistent issues of anti-social behaviour that the police no longer had the resources to deal with. The definition of anti-social behaviour that was used was taken from the Crime and Disorder Act 1998 and was used at the request of the police.</p>

	<p>If a person breaches the terms of the PSPO they will receive a fixed penalty notice of £100. There is no formal appeal process. If the fine is unpaid a summons to the Magistrates Court will follow.</p> <p>Please can you explain why the decision was taken to implement such a draconian policy without any debate, discussion or vote at Cabinet or Full Council?</p>	<p>The Council sought to engage with those accused of anti-social behaviour and fines would only be used as a last resort. There was an informal appeal process to officers.</p> <p>The Council already had a number of PSPOs in place. This PSPO had been subject to a more robust consultation process and had been considered at the Scrutiny Panel, when representatives of the Police, Colchester Borough Homes and homelessness charities had been in attendance. It had been open to any Councillor to attend the Scrutiny Panel meeting.</p>
Councillor Graham	<p>There have been rumours swirling about a new Changing Places facility to be installed in Colchester library. Please can the Portfolio Holder for Customers provide an update?</p>	<p>Councillor B. Oxford, Portfolio Holder for Customers, explained that the works on the Changing Places facility had begun on 9 October and it would be fully open on 13 November 2017. It was a good example of cooperation between Essex County Council, who were providing the funding, and Colchester Borough Council, who would maintain it. It would have hoisting equipment and room for two carers, and</p>

		would provide dignity for its users.
Councillor Goss	Can the Leader of the Council please provide an update on how discussions and planning with Essex County Council are progressing about new infrastructure for Colchester especially for North Station and North Colchester?	Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained that discussions were being held covering the whole of the borough. Both Essex County Council and Colchester Borough Council wanted to improve infrastructure across the borough. It was anticipated that there would be an announcement relating to the Park and Ride service in December 2017.
Councillor Goss	Can the Portfolio Holder for Public Safety and Licensing advise me how to get funding for a full parking review on the Northern Approaches development which we visited together to look at the issues highlighted by residents	Councillor Lilley, Portfolio Holder for Public Safety and Licensing, explained that there was no simple solution to the parking issue for this development, which was badly designed. It had been hoped that some funding could be made available via the Local Highway Panel, but this had not proved possible. He would look at the issue again with the North Essex Parking Partnership and meet with ward councillors to see what could be done.
Verbal Questions		
Councillor Jarvis	Following the Leader of the Council's recent statement in the press, had the Council abandoned proactive attempts to secure	Councillor Smith, Leader of the Council and Portfolio Holder for Strategy explained that the Tollgate appeal decision had had a

	<p>investment in Vineyard Gate? Would the Council look at a mixed use development in the future, and consult widely on possible options?</p>	<p>detrimental impact on the town centre. The Council was looking to improve Vineyard Gate and bring forward developments to enhance it. A large retail development was not likely in the foreseeable future. He thanked Cllr Jarvis for his constructive approach. The Portfolio Holder would be happy to involve him in ongoing discussions.</p>
Councillor Fox	<p>Can the Leader of the Council please provide an update on how discussions and planning with Essex County Council are progressing about new infrastructure for the south and east of Colchester? Had there been discussions with the MP about roads in south Colchester, particularly about a southern relief road?</p>	<p>Councillor Smith, Leader of the Council and Portfolio Holder for Strategy explained that the south and east of Colchester would not be left behind. Garden settlements would ensure a proper planned approach to infrastructure in future. He had not any meetings with the MP on issues relating to roads in south Colchester.</p>
Councillor Harris	<p>Would the Portfolio Holder update Council on the Make a Difference days run by Colchester Borough Homes and thank them on the Council's behalf.</p>	<p>Councillor Bourne, Portfolio Holder for Housing and Communities, explained that a Make A Difference day was where planned day of improvements were delivered in a small community. A small team of officer, ward councillors and some partner agencies would work together to improve the area. She would pass on Council's thanks.</p>

Councillor Harris	Would the Portfolio Holder provide an update to Council on the Street Weeks initiative and thank the organisers on Council's behalf?	Councillor Lilley, Portfolio Holder for Public Safety and Licensing, explained that this was a Community Safety Partnership initiative, based on areas with high crime rates. He would pass on Council's thanks.
Councillor Barber	Would the Portfolio Holder for Housing and Communities review processes with Colchester Borough Homes to ensure there was no repetition of the events in West Bergholt where their slow response had meant that tenants were not able to receive broadband via Virgin fibre?	Councillor Bourne, Portfolio Holder for Housing and Communities explained that she would look into the matter and review processes so there was no repetition.
Councillor Barber	Would the Portfolio Holder for Resources review the use of New Homes Bonus in the forthcoming budget?	Councillor Cory, Portfolio Holder for Resources, explained that the amount of New Homes Bonus used in the base budget was being reduced. It was used in a prudent way both to provide infrastructure and support services.
Councillor Barber	Would the Portfolio for Business and Culture provide an update on Holy Trinity Church? What arrangements were in place to protect the building?	Councillor T. Young Portfolio Holder for Business and Culture, explained that discussions were ongoing and an update would be provided soon. Round the clock security was in place.
Councillor Laws	What were the implications for the Council from the closure of Memoirs?	Councillor Cory, Portfolio Holder for Resources explained that there was no financial impact on the

		Council. .A debt repayment plan was in place and a considerable sum had been received in settlement of the lease and business rates.
Councillor Arnold	Was the Leader of the Council aware that the Inspector in his decision on Tollgate village the Inspector had concluded that the development would only have a slight impact on the town centre?	Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained that the he Inspector had concluded there would 7-8% reduction in footfall in the town centre. As many business relied on small margins this level of reduction would have a significant impact.
Councillor Arnold	Would the Portfolio Holder for Waste and Sustainability, explain what arrangements were in place to plan for the impact from the increase in housing arising from the Local Plan in terms of issues such as street cleaning and waste collection?	Councillor J. Scott-Boutell, Portfolio Holder for Waste and Sustainability, indicated that a written response would be sent.
Councillor Davies	Would the Leader of the Council agree that air quality is a real problem and was the Council doing all it could to address the problem? Was the Council taking full advantage of government schemes for the installation of car charging points?	Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained that air quality was an important issue for the Council and the Local Plan Committee in particular. Some car charging points had been installed and it was looking to install more. The Council was also encouraging bus companies to take advantage of government

		schemes to reduce emissions.
Councillor Davies	Would the Portfolio Holder with responsibility for Planning agree that Colchester Borough Council should be working hard to alleviate air quality issues in Colchester?	Councillor T. Young, Portfolio Holder for Business and Culture, indicated that he agreed it should.
Councillor Davies	Could the Portfolio Holder for Commercial Services explain why the Council used Eventbrite for ticketing? Would the Portfolio Holder look into the use of the Mercury Theatre for ticketing as it offered a cheaper, high quality and local alternative?	Councillor Feltham, Portfolio Holder for Commercial Services, explained that Eventbrite was an effective and well used way of selling tickets. The Council had a close working relationship with the Mercury theatre. She would look into the suggestion of using the Mercury Theatre for ticketing.
Councillor Scott	Following recent concerns about both large and small scale planning enforcement, could the Portfolio Holder for Resources explain how he would increase the confidence of the public in planning enforcement? As the public were the eyes and ears of the planning service, it would be helpful if ward councillors were informed of the conditions that were imposed on developments in their wards.	Councillor Cory, Portfolio Holder for Resources, explained that Councillors should support the planning enforcement team. The planning enforcement team in Colchester were proactive and had served the second highest number of enforcement notices of all shire districts, and had instituted nine successful prosecutions recently. The new IT system would help the planning enforcement team communicate better. Planning conditions were a matter a public record, but he would look at the

		suggestion that ward councillors be notified.
Councillor Cope	Could the Leader of the Council explain what consultations took place in respect of the Council becoming a Borough of Sanctuary? What checks were made on refugees to ensure public safety?	Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, explained that he was proud that the Council had taken the decision to host more Syrian refugees and had acted as an example, which other authorities were now following, Checks on refugees were made by the government at the point of entry.
Councillor Willetts	Now that the Public Space Protection Order was in place, could the Portfolio Holder for Public Safety and Licensing provide an assurance that there would be no more rough sleeping in the stairwells of car parks?	Councillor Lilley, Portfolio Holder for Public Safety and Licensing, explained the Council needed to identify and work with rough sleepers to find appropriate places for them to stay. St Marys and St Johns car parks did attract rough sleepers and would be looked at, but they could not be patrolled 24 hours a day. He would continue to raise the issue with partner authorities.
Councillor Willetts	Could the Portfolio Holder for Waste and Sustainability explain what action would be taken to deal places such as Hopp House in West Bergholt which had a long history of missed collections. What quality improvement plans were in place to ensure they received an	Councillor J. Scott-Boutell, Portfolio Holder for Waste and Sustainability, indicated that a written response would be sent.

	acceptable standard of service?	
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222 Schedule of Portfolio Holder Decisions

RESOLVED that the Schedule of Portfolio Holder decisions covering the period 6 July 2017- 12 October 2017 be noted.

223 Revised Council Procedure Rules

Councillor Smith proposed that the recommendation contained in the Monitoring Officer's report be approved and adopted.

Councillor Arnold moved a main amendment proposing that the recommendation contained in the Monitoring Officer's report be approved and adopted subject to the following amendment to paragraph 8(3) of the Revised Council Procedure Rules:-

- That sub-paragraph (m) (Questions from Councillors to the Leader of the Council, Cabinet Members and Chairmen of Panels and Committee) be moved so that it comes immediately before sub-paragraph (l) (To receive motions the subject matter of which comprises a non-executive function) and that the sub-paragraphs be renumbered accordingly.

Councillor Smith indicated that the main amendment was not accepted. The main amendment was then put to the vote and was lost (majority voted against).

The motion was then put to the vote and was approved and adopted (majority voted for).

224 Colchester Northern Gateway (North) Sports Development Project Review

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public, including the press, be excluded from the meeting in order that the following item containing exempt information can be decided.

RESOLVED (UNANIMOUSLY) that the recommendation contained in paragraph (c) of minute 193 of the Cabinet meeting on 9 August 2017 be approved and adopted.

225 Amphora Place Phase 2 Office Development Proposal

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public, including the press, be excluded from the meeting in order that the following item containing exempt information can be decided.

RESOLVED (UNANIMOUSLY) that the recommendation contained in paragraph (e) of minute 194 of the Cabinet meeting on 9 August 2017 be approved and adopted.