

Council

Wednesday, 15 July 2015

- Attendees:** Councillor Christopher Arnold (Member), Councillor Kevin Bentley (Member), Councillor Elizabeth Blundell (Member), Councillor Nigel Chapman (Member), Councillor Peter Chillingworth (Member), Councillor John Elliott (Member), Councillor Marcus Harrington (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor John Jowers (Member), Councillor Jackie Maclean (Member), Councillor Richard Martin (Member), Councillor Will Quince (Member), Councillor Peter Sheane (Member), Councillor Dennis Willetts (Member), Councillor Tina Bourne (Member), Councillor Dave Harris (Member), Councillor Michael Lilley (Member), Councillor Julie Young (Deputy Mayor), Councillor Tim Young (Member), Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Barrie Cook (Member), Councillor Nick Cope (Member), Councillor Mark Cory (Member), Councillor Annie Feltham (Member), Councillor Bill Frame (Member), Councillor Ray Gamble (Member), Councillor Martin Goss (Member), Councillor Julia Havis (Member), Councillor Jo Hayes (Member), Councillor Professor Peter Higgins (Member), Councillor Mike Hogg (Member), Councillor Paul Smith (Member), Councillor Laura Sykes (Member), Councillor Philip Oxford (Member), Councillor Roger Buston (Member), Councillor Robert Davidson (Member), Councillor Chris Pearson (Member), Councillor Rosalind Scott (Member), Councillor Dominic Graham (Member), Councillor Justin Knight (Member), Councillor Jessica Scott-Boutell (Member), Councillor Theresa Higgins (Mayor and Chairman), Councillor Annesley Hardy (Member), Councillor Darius Laws (Member), Councillor Ben Locker (Member), Councillor Fiona Maclean (Member)
- Substitutes:** No substitutes were recorded at the meeting

76 Alderman Westley Sandford

Council stood for a minutes silence in memory of Alderman Westley Sandford.

77 Apologies

Apologies were received from Councillors Cable, Davies, Ellis, Fairley-Crowe, Liddy, Lissimore, Manning, Moore, Naish, Offen, B. Oxford and G. Oxford,

78 Minutes

RESOLVED that the minutes of the meeting held on 27 May 2015 be confirmed as a correct record.

79 Have Your Say!

Joseph Rawlings of Colchester Equality addressed Council pursuant to the provisions of Council Procedure Rule 6(5). Colchester Equality was a community group that aimed to make Colchester a fairer place to live through reducing economic inequality. Economic inequality had an adverse impact on health, crime, education, social mobility and trust within a community. Colchester Equality was working in affiliation with the Equality Trust, which was looking to build a movement for change. The United Kingdom had one of the highest levels of income inequality in the developed world, and the highest levels of income inequality in the UK were to be found in South East England. Colchester Equality was working with the Living Wage Foundation to promote Colchester as a living wage hub. The living wage provided a basis to ensure that workers were paid fairly. Colchester Equality was proud of Colchester Borough Council's actions and policies in relation to the living wage. He asked the Deputy Leader of the Council how the Council would continue to promote the living wage to businesses across the borough in order to further reduce inequality across the borough.

Councillor Feltham, Portfolio Holder for Communities and Leisure, stressed both her own and the administration's support for the aims and work of Colchester Equality. The administration wanted residents to share in prosperity as Colchester moves forward and grows. Colchester had been the first living wage Council in Essex and now required contractors it commissioned to pay the living wage. It also prioritised contractors that employed local people.

Jo Hayes addressed Council pursuant to the provisions of Council Procedure Rule 6(5) about allegations relating to the payment of legal costs arising from her challenge to the issuing of a planning permission to Whitbreads. The claim that she owed a debt to Council which she was refusing to pay was not true and any repetition would be considered defamatory. She called on the leadership of the Conservative group to correct previous statements that had been made in the press on this issue. The issue of costs had now been settled with the Council and she indicated that she remained committed to challenging future planning permissions that were gained through the provision of inaccurate information.

80 Mayor's Announcements

The Mayor announced the following:-

- A Mayoral tent at the Cricket Festival on 5 August, with 30 tickets available;
- The Mayor would be running in the Race for Life on 19 July 2015;
- The Mayor would be entering a team in the Fire Swim in October 2015 and volunteers would be welcome;
- A new Mayoral Facebook page had been published.

81 A New Housing Strategy for Colchester

RESOLVED (UNANIMOUSLY) that the recommendation contained in minute 60 of the Cabinet meeting of 18 March 2015 be approved and adopted.

82 Appointment of High Steward

RESOLVED 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.

83 Notices of Motion pursuant to the provisions of Council Procedure Rule 11

Councillor T. Young (in respect of his position as a non executive director of Southend University Hospital NHS Foundation Trust and Councillor J. Young (in respect of her spouse's position as a non executive director of Southend University Hospital NHS Foundation Trust) declared a disclosable pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5) and left the meeting during its consideration and determination.

(i) Urology Cancer Services

It was proposed by Councillor Harris that:-

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

On being put to the vote the Motion was carried unanimously.

Councillor Quince in respect of his position as MP for Colchester left the meeting for the following item.

(ii) Transatlantic Trade and Investment Partnership

It was proposed by Councillor Scott 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.”

Councillor Willetts moved a secondary amendment as follow:-

“That the motion on Transatlantic Trade and Investment Partnership be approved and amended subject to the addition of the following resolution:-

6. To inform the people of Colchester that, in regard to the way Local Government provides its services, Council opposes with all vigour any drift of legislative powers from the UK Parliament and Courts to any European or trans-national organisations”.

The secondary amendment was rejected by the Mayor on the grounds that it introduced a new proposal contrary to the provisions of Council Procedure Rule 14(9).

In the course of the debate Councillor Scott indicated that resolution 4 of the Motion was withdrawn.

On being put to the vote, the motion was lost (sixteen voted for, eighteen voted against and eight abstained from voting).

(iii) Park and Ride

It was proposed by Councillor Goss that:-

“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.”

A secondary amendment was moved by Councillor Willetts as follows:-

“That the motion on Park and Ride be approved and adopted subject to the additional

wording being added to the end of the Motion:-

Furthermore the Council requests the Colchester University Hospital Trust to publish its statutory Travel Plan as quickly as possible.

Finally Council requests the County Council to carry out a feasibility study of using a section of the Park and Ride car park for off-site hospital car-parking, with a jointly financed shuttle bus linking it the Hospital, as a short term expedient, with the prospect of additional permanent car parking of the scheme is successful.”

Councillor Goss indicated that he did not accept the secondary amendment. Council indicated tht it did not want to treat the secondary amendment as a main amendment. On being put to the vote the secondary amendment was lost (twenty one voted in favour, twenty six voted against).

In the course of the debate, Councillor Goss indicated that the word “Potentially” in sub paragraph 3 was withdrawn from the motion

The motion was then put to the vote and was carried (thirty two voted in favour, none voted against and fifteen abstained from voting).

A named vote having been requested pursuant to the provisions of Meetings General Procedure Rule 15(2) the voting was as follows:-

Those who voted for were:-

Councillors Barton, Bourne, Chapman, Chuah, Cook, Cope, Cory, Feltham, Frame, Gamble, Goss, Graham, Harrington, Harris, Havis, Hayes, P. Higgins, Hogg, Knight, Laws, Lilley, Locker, J. Maclean, P. Oxford, Pearson, Quince, Scott, Scott-Boutell, Smith, Sykes, T. Young and the Deputy Mayor (Councillor J. Young).

Those who abstained from voting were:-

Councillors Bentley, Blundell, Buston, Chillingworth, Davidson, Elliott, Hardy, Hazell, Jarvis, Jowers, F. Maclean, Martin, Sheane, Willetts and the Mayor (Councillor T. Higgins).

Councillor Quince in respect of his position as MP for Colchester left the meeting for the following item.

(iv) Budget Statement

It was proposed by Councillor Bourne that:-

“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.”

On being put to the vote the motion was carried (twenty eight voted for, nineteen voted against).

(v) Firstsite

It was proposed by Councillor Laws that:-

“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.”

Councillor Hayes moved a main amendment as follows:-

“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”

Councillor Laws indicated that he accepted the main amendment and motion was deemed amended accordingly.

On being put to the vote, the motion was unanimously carried.

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

Questioner	Subject	Response
Verbal Questions		
Councillor J. Maclean	Had the Big Screen in the Park been give maximum publicity, including at Leisure World and at the Tennis Centre and had sponsorship been sought?	Councillor Feltham, Portfolio Holder for Communities and Leisure Services, explained that the Big Screen had been a success. It had been publicised widely. Feedback had been very positive and the Council would look to see if it should run a similar event again in the future. If it decided to do so, sponsorship would be easier to obtain now there was a record of success.
Councillor Blundell	Could the Portfolio Holder for Street and Waste Services provide a map of the High Street showing the location of all blue badge parking spaces and the number of bays at each location?	Councillor Graham, Portfolio Holder for Street and Waste Services, undertook to provide this information in a written response.
Councillor Harris	Would the Portfolio Holder for Communities and Leisure visit the art competition displayed at Firstsite and encourage parents of all school children in Colchester to attend?	Councillor Feltham, Portfolio Holder for Communities and Leisure, indicated that she would.
Councillor Harris	Would the Portfolio Holder for Community Safety, Licensing and Culture agree that that the Big Screen idea Park had taken root in the hearts and minds of the Colchester social entity?	Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, agreed that it had and indicated that the Big Screen had exceeded all expectations For example over

		2,500 people had been attracted to the screening of "Mama Mia". The Council had attempted to secure sponsorship. Should the event be repeated, there were some issues such as catering the Council would look to improve
Councillor Chapman	Would the Portfolio Holder for Community Safety and Licensing ensure that if a further video promoting Colchester was commissioned, that it promoted rural attractions in the Borough more fully.	Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, emphasised the excellence of the Visit Colchester film. The Council had no editorial control over the film, but if the Council decided to commission a second film he would ensure Councillor Chapman's views were passed on to the production team.
Councillor Chapman	Would the Leader of the Council review the outside bodies it made appointments to ensure that the Council was properly represented on the appropriate external organisations.	Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, indicated that he would review the appointments.
Councillor Locker	Why had the Council funded a feasibility study for a tourism smartphone app, when the technology already existed and why was the app still not available on the Apple website?	Councillor T. Young, Portfolio Holder for Community Safety, Licensing and Culture, indicated that he would provide a written response.
Councillor Locker	Could the Portfolio Holder for Resources confirm that the I-connect portal had not worked correctly and was being replaced?	Councillor Cory, Portfolio Holder for Resources, indicated that he would provide a written response.
Councillor Laws	When would the results of the feasibility study on Jumbo be available? Was the Portfolio Holder aware of the Feasibility Study undertaken in 1996 and could he confirm that demolition was not an option?	Councillor Frame, Portfolio Holder for Economic Growth and Planning, indicated that the results of the Feasibility Study were imminent. Demolition was not being considered as an option.
Councillor Laws	Why had the cycle racks been removed from the High Street in preparation for the return of the	Councillor Graham, Portfolio Holder for Street and Waste Services, indicated that the

	market and could the Portfolio Holder provide a reassurance that they would be restored? Given that the Council had lead on the move of the market why had it disrespected the cycle community by not making provision for them.	Council was working in partnership with Essex County Council on this issue He had been in correspondence with Councillor Laws on this issue and if there was any further information he could provide, he would send this.
Councillor Jarvis	Given that 15 months had passed since the Heads of Terms were signed for the Vineyard Gate development, was the Portfolio Holder still confident that a full developer's agreement would be signed soon, and at what point would the scheme be offered to other developers?	Councillor Frame, Portfolio Holder for Economic Growth and Planning, indicated that these matters were commercially sensitive, but he had offered Councillor Jarvis a briefing from officers. He was hopeful an agreement would be reached and anticipated that he would be in a position to provide an update by the next Council meeting.
Councillor Willetts	Did the Portfolio Holder anticipate an increase or decrease in the Council's reserves in the final audited accounts, and what would the impact of the level of reserves on Revenue Support Grant be.	Councillor Cory, Portfolio Holder for Resources, explained that reserves and balances were being used in a prudent and sensible way. Where appropriate they would be used to support Borough Investment for All initiatives. Given the level of growth it was hoped the level of Revenue Support Grant would be increased.
Councillor Willetts	Could the Portfolio Holder clarify the latest position on the Creative Business Centre?	Councillor Frame, Portfolio Holder for Economic Growth and Planning, explained that the Council was looking again at those companies that had applied to run the Centre to see if a different business model could be applied.
Councillor Willetts	Following the motion approved at Council on 18 February on the renaming of the Hythe Station and the positive response from Abellio Greater Anglia could the Portfolio Holder explain whether he had made budgetary provision for this	Councillor Graham, Portfolio Holder for Street and Waste Services, indicated that he would provide a written response.

	or taken any other action to implement the motion.	
Councillor Quince	Why had St John's car park changed from a pay on exit to a pay and display car park, given it was one of the most popular car parks, and would he take action to ensure the rear stairwell was cleaned.	Councillor Graham, Portfolio Holder for Street and Waste Services, indicated that he would provide a written response on the change in payment methods. He would arrange for the rear stairwell to be cleaned urgently.
Councillor Scott	Would the Portfolio Holder provide an assurance that Colchester Borough Council officers and councillors will be fully involved in any decision made on the siting of an anaerobic digester in Wivenhoe so that, as the plan has been written by Essex County Council without reference to Colchester Borough Council, if the siting is contra-indicated by planned sites for residential development in the Local Plan for Colchester and the Neighbourhood plan for Wivenhoe this can be taken into account and recommendations reconsidered?	Councillor Frame, Portfolio Holder for Economic Growth and Planning, indicated that a Portfolio Holder report on the Council's response to the consultation on the plan would be published very shortly. This would be circulated to all Councillors.

85 Changes to the Officer Employment Procedure Rules

RESOLVED that the recommendations contained in the Monitoring Officer's report be approved and adopted.

86 Schedule of Portfolio Holder Decisions

RESOLVED that the schedules of Portfolio Holder decisions for the period 6 February 2015 - 30 June 2015 be noted.