

Council

Thursday, 05 December 2019

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 Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Simon Crow, Councillor Robert Davidson, Councillor Beverly Davies, Councillor Paul Dundas, Councillor John Elliott, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Dave Harris, Councillor Chris Hayter, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Mike Hogg, Councillor Brian Jarvis, Councillor John Jowers, Councillor David King, Councillor Cyril Liddy, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Andrea Luxford Vaughan, Councillor Fiona Maclean, Councillor Jackie Maclean, Councillor Sam McCarthy, Councillor Patricia Moore, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Martyn Warnes, Councillor Lorcan Whitehead, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

355 Prayers

The Reverend Canon Paul Norrington opened the meeting with prayers.

356 Have Your Say! (Council)

Darius Laws addressed Council pursuant to the provisions of Council Procedure Rule 6(5) about North Station Road. The environment of North Station Road was blighted by the volume of slow-moving traffic. This was compounded by the mounting of the pavement by delivery vehicles serving the many takeaways. The Council should use its enforcement powers to tackle this issue and also address those who left their engines idling. If the necessary action was taken and the relevant authorities cooperated, the road could be restored to its Victorian splendour, especially if trees were planted.

Councillor Lilley, Portfolio Holder for Communities, Public Safety and Licensing, explained that the North Essex Parking Partnership was seeking to address the parking issues relating to the businesses on North Station Road. Councillor Cory, Leader of the

Council and Portfolio Holder for Strategy, explained that North Station Road was being looked at as part of the tree planting programme.

Sally Buchanan addressed Council pursuant to the provisions of Council Procedure Rule 6(5) and presented a petition to the Mayor asking for the recently sold Beehive Pub to be considered as an asset of community value. The local community opposed the proposal to change the use of the building to any other use than a community pub. It was believed that the pub remained a viable business and local residents had believed that the business would reopen as a pub after a period of refurbishment. It was a place where all sectors of the community could meet and the benefits it provided to the community were in line with the Council's strategic objectives. The local community had never been given notice of the intention to close the pub and details of the sale had been subject to a confidentiality clause. If the community had been aware it would have sought to purchase the site and run it as a community venture. The planning application should be withdrawn as it was invalid. The Council needed to exercise civic leadership by withdrawing the planning application and working with community leaders representing those wishing to retain the Beehive and Colchester Islamic Centre to find a sustainable solution that worked for all parties.

Councillor J. Young, Portfolio Holder for Culture and Performance, responded. The request to consider the site as an asset of community value would be considered. The site was in private ownership and had been bought on the open market. The planning application for the site was due to be determined at a meeting of the Planning Committee on 18 December 2019. A written response would be provided.

Angel Kalyan addressed Council pursuant to the provisions of Council Procedure Rule 6(5). Following her comments to Council in February 2019, she had been to court as instructed but had been unable to present her case on 11 March 2019. An internal process was requested to address the anomalies that could not be put before the court. Otherwise there was no process of redress available to her. She should be given the opportunity to put her case to Council and for a legitimate response to be given.

Adrian Pritchard, Chief Executive, responded and stressed that no other internal process would be made available. All internal processes had been exhausted. The only avenue available was to take the Council to court, but the court had decided that she did not have a case against the Council. The Council would not enter into further communications with Mrs Kalyan on this issue.

357 Minutes of the Previous Meeting (Council)

RESOLVED that the minutes of the meeting on 16 October 2019 be confirmed as a correct record.

358 North Essex Garden Communities Ltd – Approval of 2019/20 Interim Business Plan and Budget

Councillors Bentley and Jowers (in respect of decisions taken by Essex County Council, of which they were members) declared a pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5) and left the meeting during its consideration and determination.

Julian Bowden addressed Council pursuant to the provisions of Council Procedure Rule 6(5). He had attended North Essex Garden Communities Ltd's (NEGC) public consultation meeting at Marks Tey. The information provided at the event consisted of a number of posters with little detailed information on the proposals or costings. If further funding was provided to NEGC, it would only be used for further promotional work, rather than developing a properly formulated plan.

William Sunnocks addressed Council pursuant to the provisions of Council Procedure Rule 6(5) on behalf of CAUSE to request Council hold back the further funding to NEGC Ltd. NEGC Ltd was a housing delivery company with no plan to deliver and no land to deliver it on. It had already spent £6 million without delivering anything. If the funding was withheld planners would concentrate on smaller sites, leading to more housing development and increased section 106 contributions. If the funding was provided, it would lead to the loss of the Council's planning powers in the long term, and it would also lead to requests for even more funding. NEGC Ltd was already struggling and a number of criticisms of the Garden Communities proposals were due to be considered by the Planning Inspector. It had also been announced that the section 2 plans would deliver 377 more houses than the objectively assessed housing need figure, so it was no longer the case that Garden Communities were needed to meet legally binding housing targets.

It was RESOLVED that Council Procedure Rule 11(2) be suspended to allow Group Spokespersons to speak untimed on this item.

Councillor King moved that the recommendation contained in minute 377 of the Cabinet meeting of 4 September 2019 be approved and adopted.

On being put to the vote the motion was lost (TWENTY THREE voted FOR and TWENTY SIX voting AGAINST).

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

FOR: Councillors Barlow, Barton, Bourne, Chuah, Coleman, Cory, Fox, Goss, Harris, Higgins, Hogg, King, Liddy, Lilley, McCarthy, Pearson, Scordis, Scott-Boutell, Warnes,

Whitehead, J. Young, T. Young and the Mayor (Cope);

AGAINST: Councillors Arnold, Barber, Buston, Chapman, Chillingworth, Crow, Davidson, Davies, Dundas, Elliott, Ellis, Goacher, Hayter, Hazell, Jarvis, Lissimore, Loveland, Luxford Vaughan, F. Maclean, J. Maclean, Moore, G. Oxford, P. Oxford, Willetts, Wood and the Deputy Mayor (B. Oxford).

359 Local Council Tax Support 2020-2021

RESOLVED that the recommendation contained in draft minute 398 of the Cabinet meeting of 20 November 2019 be approved and adopted.

360 Officer Pay Policy Statement for 2020-2021

RESOLVED that the recommendation contained in draft minute 399 of the Cabinet meeting of 20 November 2019 be approved and adopted.

361 Colchester's Homelessness and Rough Sleeping Strategy 2020-2025

RESOLVED that the recommendation contained in draft minute 401 of the Cabinet meeting of 20 November 2019 be approved and adopted.

362 Nomination for Deputy Mayor 2020-2021

RESOLVED that the recommendation contained in draft minute 406 of the Cabinet meeting of 20 November 2019 be approved and adopted and that Councillor Davidson be nominated for appointment as Deputy Mayor for the borough of Colchester for the 2020-21 municipal year (UNANIMOUS).

363 Review of Ethical Governance Policies

RESOLVED that the recommendation contained in draft minute 180 of the Governance and Audit Committee meeting of 26 November 2019 be approved and adopted (UNANIMOUS).

364 Adoption of the Eight Ash Green Neighbourhood Plan

John Allcock, Chair of the Parish Council Neighbourhood Plan Group, addressed Council pursuant to the provisions of Meetings General Procedure Rule 6(5). Whilst residents of Eight Ash Green would prefer the village to remain as it was, they accepted that there was a need for expansion. The Plan included proposals for 150 dwellings on a

single strategic site, which was an increase of 22%. The Plan was the result of five years hard work. It had received 89% support at referendum. He expressed thanks to his colleagues on the Neighbourhood Plan Group and to Bethany Jones, Planning Officer at Colchester Borough Council.

RESOLVED that the Eight Ash Green Neighbourhood Plan be made (UNANIMOUS)

365 Local Electricity Bill

It was proposed by Councillor Liddy that:-

“Colchester Borough Council

(i) acknowledges the efforts that it staff have made to reduce greenhouse gas emissions and promote renewable energy;

(ii) recognises that councils can play a central role in creating sustainable communities, particularly through the provision of locally generated renewable electricity;

(iii) further recognises

- that very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,
- that making these financial costs proportionate to the scale of a renewable electricity supplier's operation would create significant opportunities for councils to be providers of locally generated renewable electricity directly to local people, businesses and organisations, and
- that revenues received by councils that became local renewable electricity providers could be used to help fund local greenhouse gas emissions reduction measures and to help improve local services and facilities;

(iv) accordingly resolves to support the Local Electricity Bill, currently supported by a cross-party group of 115 MPs, and which, if made law, would make the setup and running costs of selling renewable electricity to local customers proportionate by establishing a Right to Local Supply; and

(v) further resolves to inform the

- local media of this decision,
- local MPs after the General Election, asking them to support the Bill in the new Parliament, and
- organisers of the campaign for the Bill, Power for People, (at 8 Delancey Passage, Camden, London NW1 7NN or info@powerforpeople.org.uk) expressing support.”

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

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

Questioner	Subject	Response
Pre-notified questions		
Councillor Liddy	2019 was another year of climatic extremes. A wet spring followed by at times a very hot summer, including the hottest day on record. As the year draws to a close, will the Portfolio Holder for Business and Resources and all other cabinet members, along with all group leaders and members join me in expressing our thanks to our all CBC, CBH and Amphora employees, managerial, professional, administrative and manual, especially the recycling operatives, who have worked so hard this year to keep this Borough's services to their usual high standard?	Councillor King, Portfolio Holder for Business and Resources, responded and explained that Colchester Borough Council was a very efficient authority which was well served by its officers. The authority was focused on providing good customer service, and this was demonstrated by customer insight surveys which showed 99% satisfaction rates. Particular tribute was paid to those who worked outside and dealt with customers in difficult or distressing circumstances.
Councillor G. Oxford	How can the 14 million disabled people be convinced that planning officers are capable of making the correct recommendation to Committee if the plans are impossible to be fully compliant with disability legislation?	Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, explained that planning officers had to balance a number of competing factors when considering applications. Planning officers did receive training to ensure that they had an

		<p>understanding of the challenges experienced by disabled groups in accessing the built environment. A detailed written response would be sent.</p>
<p>Councillor G. Oxford</p>	<p>Given the national changes to the criteria to eligibility for a blue badge which they stated could increase the number issued to triple, have we plans to increase the number of fully compliant disabled bays in our car parks especially the three (Britannia, Priory Street and Vineyard Street) without height limiters?</p>	<p>Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, explained that the government had changed the law to ensure blue badges covered hidden disabilities. However it had not legislated to compel Councils to provide spaces for them. Those with hidden disabilities often did not require larger parking bays and could use the standard bays. However, further consideration would be given increasing the number of fully compliant disabled bays and to raising the height limit for blue badge holders.</p>
<p>Councillor Davies</p>	<p>Would the use of electric as opposed to petrol or diesel powered vehicles assist with bringing down levels of air pollution?</p> <p>Noting Colchester Borough Council's press release of 28th March 2018 in which it announced plans to install EV charge points for shoppers, visitors and residents, and the Policy</p>	<p>Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety, explained that a charging point at Priory Street car park was being installed and four more were planned for St Marys car park. The Council's car parks were being surveyed to identify the most suitable places for charging points. Issues relating to charging points in residential areas</p>

	<p>and Public Initiatives Panel papers of 6th March 2019 in which it was stated that one electric vehicle charging point at Priory Street is now being investigated, please can the Portfolio Holder tell me, in detail, what steps have already been taken, and what steps are planned, to install EV charge points in the borough?</p>	<p>were for Essex County Council. .</p>
<p>Councillor Dundas</p>	<p>It was noted in the latest Financial Monitoring Report for 2019/20 that income from Pools and Swimming Lessons are a total of £108,000 less than anticipated. This is disappointing, particularly bearing in mind Colchester's population is only going up.</p> <p>Furthermore, Colchester provides just one 25m fitness pool and leisure pool for nearly 200,000 people on one site. Tendring and Braintree both provide three 25m pools over three sites for around 150,000 people each.</p> <p>Can the Portfolio Holder for Commercial Services therefore advise:</p> <p>1. What measure are being taken to address the shortfall in expected income</p>	<p>Councillor Higgins, Portfolio Holder for Commercial Services, explained that income at Leisure World pools had been impacted by the road works on the A133. Special promotions and offers were in place in order to try and attract customers and maximise income.</p> <p>The Council did not hold comparative costs for swimming pool provision per head. However, Leisure World provided both a leisure pool and a swimming pool. It was acknowledged that a 50-metre swimming pool would be an asset for the region.</p>

	<p>to make our swimming offering more commercially appealing?</p> <p>2. How our costs of swimming pool provision compares with our neighbouring authorities per head?</p>	
Councillor Bentley	<p>Like many residents in the Borough I received two versions of the latest paper edition of the Council's newspaper, The Centurion. One was hand delivered, the other sent in the post to the 'Occupier' at my home address. It appeared to have been sent from Liverpool as this was the return address.</p> <p>I would be grateful if the Leader could please tell me:</p> <p>1. Why were copies of the Centurion hand delivered and posted?</p> <p>2. How many properties received both a hand delivered and posted copy?</p> <p>3. Who took this decision?</p> <p>4. How much did it cost the taxpayers of Colchester?</p> <p>5. What is the calculated Co2 emissions of such a double drop both in trees used and carbon expended in the double delivery?</p> <p>6. Does the Leader believe such an action fits in with the recently agreed Council motion on climate change?</p>	<p>Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that the multiple deliveries had been a mistake. There had been no increase in cost, and the carbon impact had been small. A local supplier was used to print the Centurion and it was printed on 100% recycled paper. Some copies were distributed by Royal Mail, and the Council was not responsible for where these were dispatched from.</p> <p>The administration was taking action to deliver on the Climate Emergency. It had established the Conservation and Environmental Sustainability Task and Finish Group which would report to Cabinet in January on a proposed Action Plan to deliver on the pledge to go carbon neutral by 2030.</p>

Oral questions		
Councillor Willetts	<p>In 2014 consultancy firm Quarterbridge undertook a feasibility study on the profitability of moving the market to the High Street, which was reported in a part B report to Cabinet, which included a five-year plan. Cabinet considered a private report in November 2019 which demonstrated that profits were only at a one third of the projected level. As a result the set up and take down had been moved to the Neighbourhoods team to reduce the costs. Would he Portfolio for Waste Environment and Transportation issue a public report explaining what had gone wrong and how the shortfall in the budget would be met?</p>	<p>Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, indicated that a written response would be sent.</p>
Councillor Willetts	<p>Following the declaration of the climate emergency, and what proportion of the vehicles in the Council's waste fleet and liveried vehicles no longer emit carbon dioxide when their engines were running, which he believed to be zero.</p>	<p>Councillor Cory, Portfolio Holder for Waste, Environment and Transportation, explained that the Council had been rated as the 3rd in the region in terms of sustainability issues. The Local Authority Carbon Management Plans had reduced emissions significantly and recycling rates had improved. In terms of the waste fleet, the Council had the most up to date technology that</p>

		<p>was available. In terms of the liveried vehicle fleet, the technology was available for low emission vehicles and the Council was looking at this issue through the carbon audit. It was noted that Essex County Council had not declared a climate emergency, and its waste management plan was increasing emissions through increased traffic and the emphasis on landfill.</p>
Councillor Willetts	<p>At the recent Scrutiny Panel it had been reported that that there was an overspend of £175,000 due to the target of 3% of posts being vacant not being delivered. In addition it was noted that housing growth had meant that agency staff had been needed to be taken on. Could the Portfolio Holder for Resources explain the apparent inconsistency between these policies?</p>	<p>Councillor King, Portfolio Holder for Business and Resources, indicated that he had provided a briefing to the Shadow Portfolio Holder for Waste, Environment and Transportation on waste service staffing issues and he was happy to provide the details to Councillor Willetts. It was good practice to account for possible staff vacancy rates</p>
Councillor T. Young	<p>Would the Leader of the Council ensure all meeting held in the Town hall were accessible ? The correct equipment needed to be available and needed to be used by officers. If further equipment was needed, this needed to be purchased.</p>	<p>Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, indicated that he agreed and would ensure that this issue was discussed by the Council's Leadership Team.</p>

Councillor Barber	Could the correspondence between Councillor Goss and the Environment Agency on issues relating to algae on the River Colne be provided to members, so they could be reassured that the Environment Agency had not mislead the Council.	Councillor Cory, Leader of the Council and Portfolio Strategy, explained that he would check the position on the release of information with the Portfolio Holder for Waste, Environment and Transportation. He did not believe that the Council had been misled. The algae on the River Colne had cleared up naturally.
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367 Mayor's Announcements

The Mayor announced the following events:-

- The Mayor's Big Junior Fun Run for runners between the ages of 4 and 14, Recreation Park, 8 December 2019;
- The Mayoral Carol Concert, Mercury at Abbey Field, 19 December 2019;
- A Baroque Feast: Colchester Back Choir and Orchestra, St Botolph's Church, 22 February 2020
- East meets West Cream Tea, Moot Hall, 13 March 2020

368 Schedule of Portfolio Holder decisions

RESOLVED that the schedule of Portfolio Holder decisions for the period 1 October 2019 - 26 November 2019 be noted.