

Council

Wednesday, 23 February 2022

Attendees:

Councillor Lewis Barber, Councillor Lyn Barton, Councillor Kevin Bentley, Councillor Tina Bourne, Councillor Michelle Burrows, Councillor Roger Buston, Councillor Nigel Chapman, Councillor Peter Chillingworth, Councillor Helen Chuah, Councillor Phil Coleman, Councillor Nick Cope, Councillor Mark Cory, Councillor Pam Cox, Councillor Simon Crow, Councillor Robert Davidson, Councillor Paul Dundas, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Jeremy Hagon, Councillor Dave Harris, Councillor Chris Hayter, Councillor Pauline Hazell, Councillor Mike Hogg, Councillor John Jowers, Councillor David King, Councillor Darius Laws, Councillor Martin Leatherdale, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Derek Loveland, Councillor Andrea Luxford Vaughan, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McCarthy, Councillor Patricia Moore, Councillor Steph Nissen, Councillor Beverley Oxford, Councillor Gerard Oxford, Councillor Philip Oxford, Councillor Chris Pearson, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Leigh Tate, Councillor Martyn Warnes, Councillor Lorcan Whitehead, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

509 Prayers

The meeting was opened with prayers from Father Alexander Haig.

510 Minutes of the Previous Meeting (Council)

RESOLVED that the meetings held on 2 December 2021 and 20 December 2021 be confirmed as a correct record.

511 Have Your Say! (Hybrid meetings)

Sir Bob Russell addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). The next Full Council meeting at which business could be discussed was in July 2022. A Special Council meeting should be convened to discuss traffic congestion in Colchester, which had been exacerbated by temporary changes brought in at the start of the pandemic. Essex

County Council were intending to make these changes permanent. This was a relevant issue for the Council as they were the elected representatives of residents who were badly affected. It may also have an impact on the Council's budget through lost car parking revenue. The changes increased pollution which was contrary to their aim of improving the environment. There had no consultation on some of the proposed changes, such as the no entry onto the river bridge on North Station Road, and residents had not been aware of what was proposed until he had delivered leaflets on the issue. A Special Council meeting should be convened and the Council's representations on the issue be sent to Essex County Council.

The Mayor invited Sir Bob Russell to submit his comments in writing so that they could given full consideration.

Paula Crees addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). As a rapidly expanding town with new developments it was important that existing communities such as Greenstead were not overlooked for investment. The considerable investment in Greenstead included in this budget was welcomed. It would enable the development of much needed affordable housing, the redevelopment of Tamarisk Way as a Community Hub and an attractive public space. It was important that these changes were not merely cosmetic They needed to provide real solutions to the challenges faced by residents of Greenstead and make it a better place to live and work. There must be genuine engagement with residents to ensure plans were co-developed and ensure they addressed issues such as low income and anti-social behaviour. Residents wanted a nice place to live and were frustrated by the recent spate of anti-social behaviour and criminal damage. Residents were keen to find solutions which would keep young people occupied and provide an environment they were proud to live in as shown by the recent tree planting initiative. The investment needed to be spent in the best way possible and ensure it made the difference that residents of Greenstead needed and deserved.

Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy responded. He was a member of the Heart of Greenstead Board and was very conscious of the need to engage and listen to what local people wanted. It was important to genuinely consult the community and not to impose solutions. The elected representatives on the Board were all conscious of this. There were plans to bring extra representation on to the Board which he welcomed.

512 Mayor's Announcements

The Mayor announced the following events:-

- Commonwealth Flag Raising, 14 March 2021

- Mayoral fundraiser for St George's Day, 23 April 2022

The Mayor also indicated that this was the last Council meeting for the Chief Executive, Adrian Pritchard, before his retirement on 31 March 2022. He thanked Adrian on behalf of Council for his loyal service and expressed Council's best wishes for a happy retirement.

513 Budget 2022/23 and Medium Term Financial Forecast

It was proposed by Councillor Lissimore that the recommendations contained in draft minute 622 of the Cabinet meeting of 26 January 2022 and the recommendations in the report entitled "Precept and Council Tax Levels 2022-23" be approved and adopted

A main amendment was proposed by Councillor King, seconded by Councillor Fox and Councillor Nissen, as follows:-

That the recommendations contained in draft minute of the Cabinet meeting of 26 January 2022 and the recommendations contained in the Chief Operating Officer's report entitled "Budget 2022-23 and Medium Term Financial Forecast" be approved and adopted, subject to such amendments necessary to give effect to the following resolution, for the reasons and purposes set out below:

1. ***Recognising the energy and cost of living crisis faced by so many, including the most vulnerable and just about managing.*** Noting that the Government's Council Tax rebate and fuel bills loan will be far too late and too little to stop yet more families falling into fuel poverty, to choose between warmth and food:
1. ***To freeze Council Tax in 2022/23 to help with the public's cost of living and energy crisis at a cost of some £0.32m in 2022/23. And to create:***
2. ***A Colchester Emergency Fund*** targeted help for those in extreme difficulty, whether with food or warmth or other essential needs, as a supplement to national schemes and other support, working through our community partners. at a one off cost of £100k in 2022/23

1.3 A Crisis Reaction Service, drawing on our high performing benefits team but strengthening them, acknowledging rising demand. So that they can continue to connect residents to sources of support and to otherwise alleviate hardship, at pace, with partners. At a cost of £50K, in 2022/23 and future years.

Cost and Use of Reserves

It is recognised that these amendments increase the revenue budget for 2022/23 by £470,000, to be funded by drawing upon unrestricted reserves. These amendments have implications for later years, by increasing the funding gap, from 2023/24 onwards. It is recognised this will have to be addressed by the Council, through further efficiencies, savings or use of reserves. The amendments however are modest in scale relative to the Budget but will provide encouragement, relief and support to many.

Because of the referendum principles, a freeze in Council Tax for 2022/23 would be a loss in each year of the MTFF, £320k in 2022/23 or £1.7m across the five years.

An updated version of the MTFF agreed by Cabinet in January 2022 is shown below in Table 1, which includes the above proposed amendments. The January MTFF position is shown in Table 2 for comparison.

Table 1

2022/23 Budget and MTFF – Proposed amendments above

	22/23	23/24	24/25	25/26
	£'000	£'000	£'000	£'000
Previous year's budget	21,747	22,025	22,030	23,365
<i>Cost pressures & Growth items</i>	2,319	396	900	900
<i>Capital financing</i>	0	609	385	(276)
<i>Income losses</i>	0	(150)	(200)	(200)
<i>Savings</i>	(2,045)	(146)	(50)	(50)

<i>Change in forecast use of new homes bonus</i>	4	(704)	300	0
Current year's budget	22,025	22,030	23,365	23,739
<i>Business rates</i>	(6,413)	(5,956)	(5,500)	(5,044)
<i>Govt Grant</i>	(568)	0	0	0
<i>New Homes Bonus</i>	(1,954)	(950)	(950)	(950)
<i>Council Tax</i>	(12,980)	(13,425)	(13,878)	(14,339)
<i>Previously planned use of reserves</i>	810	935	935	935
<i>Covid use of reserves</i>	(920)	(400)	(200)	(200)
Budget Gap Cumulative	0	2,234	3,772	4,141

Table 2

2022/23 Budget and MTFF – January Cabinet	22/23	23/24	24/25	25/26
	£'000	£'000	£'000	£'000
Previous year's budget	21,747	21,875	21,980	23,315
<i>Cost pressures & Growth items</i>	2,169	496	900	900
<i>Capital financing</i>	0	609	385	(276)
<i>Income losses</i>	0	(150)	(200)	(200)
<i>Savings</i>	(2,045)	(146)	(50)	(50)
<i>Change in forecast use of new homes bonus</i>	4	(704)	300	0
Current year's budget	21,875	21,980	23,315	23,689
<i>Business rates</i>	(6,413)	(5,956)	(5,500)	(5,044)
<i>Govt Grant</i>	(568)	0	0	0
<i>New Homes Bonus</i>	(1,954)	(950)	(950)	(950)
<i>Council Tax</i>	(13,300)	(13,757)	(14,221)	(14,693)
<i>Previously planned use of reserves</i>	810	935	935	935
<i>Covid use of reserves</i>	(450)	(400)	(200)	(200)

Budget Gap Cumulative

0

1,852

3,379

3,737

Councillor Lissimore indicated that the main amendment was not accepted.

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

That the recommendations contained in the draft minute of the Cabinet meeting of 26 January 2022 and the recommendations contained in the Chief Operating Officer's report entitled "Budget 2022-23 and Medium Term Financial Forecast" be approved and adopted, subject to such amendments necessary to give effect to the following proposals for the reasons and purposes set out below:

The U.K. is one of the most nature depleted countries in the world, according to the World Wildlife Fund's 2019 'Living Planet Report', which placed the U.K. in 189th place out of 218 countries. According to a further report by the Natural History Museum (London), the U.K. has just 53% of its biodiversity left compared to a 75% global average. There is an ecological emergency as well as a climate emergency and the U.K. is facing an ecological recession with 41% of species having declined since 1970.

It is not always easy for members and officers to fully appreciate the ecological impact of policy initiatives without expert advice.

In this context, Colchester Council needs an in-house ecologist to oversee and advise officers and members on the ecological impact of all that we do and to liaise with outside organisations and experts. They would work alongside officers responsible for the climate emergency and Woodland Project.

Therefore it is proposed that:-

- £34,000 per annum be allocated to fund the recruitment and appointment of an in-house Ecology Officer post.*
- For the first year this would be funded out of reserves and for subsequent years to be part or fully funded out of savings made by reducing funding to ecologically damaging projects as identified by the Ecology Officer. Thus part of their role becoming to fund their own job via conducting an ecological audit of Council activities."*

Councillor Lissimore indicated that the main amendment was not accepted.

On being put to the vote the main amendment proposed by Councillor King was lost (TWENTY FOUR voted FOR and TWENTY SIX voted AGAINST).

Further to the provisions of Council Procedure Rule 15(3) a named vote was taken and the voting was as follows:-

FOR: Councillors Barton, Bourne, Burrows, Chuah, Coleman, Cope, Cory, Cox, Fox, Goacher, Goss, Hogg, King, Lilley, Luxford Vaughan, McCarthy, Nissen, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead, J. Young and the Deputy Mayor (T. Young).

AGAINST: Councillors Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Dundas, Ellis, Hagon, Hayter, Hazell, Jowers, Laws, Leatherdale, Lissimore, Loveland, Maclean, Mannion, Moore, B. Oxford, G. Oxford, P. Oxford, Tate, Willetts, Wood and the Mayor (Davidson).

On being put to the vote the main amendment proposed by Councillor Goacher was lost (TWENTY THREE voted FOR, TWENTY FIVE voted AGAINST and TWO ABSTAINED from voting).

Further to the provisions of Council Procedure Rule 15(3) a named vote was taken and the voting was as follows:-

FOR: Councillors Barton, Bourne, Burrows, Chuah, Coleman, Cope, Cory, Cox, Fox, Goacher, Goss, Hogg, King, Lilley, Luxford Vaughan, McCarthy, Nissen, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead and J. Young.

AGAINST: Councillors Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Dundas, Ellis, Hagon, Hayter, Hazell, Jowers, Laws, Leatherdale, Lissimore, Loveland, Maclean, Mannion, Moore, B. Oxford, G. Oxford, P. Oxford, Tate, Willetts, and Wood

ABSTAINED: The Mayor (Davidson) and the Deputy Mayor (T. Young).

On being put to the vote the motion proposed by Councillor Lissimore was carried (TWENTY SIX voted FOR and TWENTY FOUR voted AGAINST).

FOR: Councillors Barber, Bentley, Buston, Chapman, Chillingworth, Crow, Dundas, Ellis, Hagon, Hayter, Hazell, Jowers, Laws, Leatherdale, Lissimore, Loveland, Maclean, Mannion, Moore, B. Oxford, G. Oxford, P. Oxford, Tate, Willetts, Wood and the Mayor (Councillor Davidson).

AGAINST: Councillors Barton, Bourne, Burrows, Chuah, Coleman, Cope, Cory, Cox, Fox, Goacher, Goss, Hogg, King, Lilley, Luxford Vaughan, McCarthy, Nissen, Pearson, Scordis, Scott-Boutell, Warnes, Whitehead, J. Young and the Deputy Mayor (Councillor T. Young).

514 Resetting the Capital Programme and Capital Strategy

Councillor Warnes (as a member of the Board of Colchester Commercial Holdings Ltd) declared a non-pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 11(5)

RESOLVED that the recommendations contained in draft minute 623 of the Cabinet meeting of 26 January 2022 be approved and adopted (UNANIMOUS).

515 Councillor Development Policy

RESOLVED that the recommendations contained in draft minute 632 of the Cabinet meeting of 26 January 2022 be approved and adopted (UNANIMOUS).

516 Questions to Cabinet Members and Chairs pursuant to Council Procedure Rule 10

Questioner	Subject	Response
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Pre-notified questions		
Councillor Cox	What was the outcome of the bidding process that closed on 9 November 2021 in relation to the purchase of the former ABRO site? If CBC's own bid was unsuccessful, can Councillors and Officers be briefed – in confidence if necessary – on the successful bid?	Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that although the Council had put in a very competitive bid, it had not been successful. The identity of the successful bidder was not known at this stage. They would need to comply with the robust Supplementary Planning Document for the site. A briefing would be arranged when more information was available.
Councillor J. Young	Greenstead and Longridge residents are already suffering the consequences of development in Tendring up to our border at Salary Brook including drainage works our side of the river to facilitate the 145 homes Bellway Homes are building. Can I have the Leader of the Council's assurance that the 1.5km buffer zone protecting the Salary Brook local nature reserve will be adhered to in the DPD being developed ?	Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that the DPD was being developed in line with Section 1 of the Local Plan. It was due to be considered by the Tendring Colchester Borders Garden Community Joint Committee. The recommended option did leave a significant buffer and this would be subject to consultation. The responses to the consultation would shape the final DPD so members should engage with the consultation if they wished to influence the outcome. The final DPD would be subject to approval by Council.
Councillor J. Young	I fully support investment in the Castle to enable appropriate catering to take place to enhance the visitor experience, but do we really need our Jewel in our Crown, Colchester Castle, converted into a gin bar ? If this plan proceeds how will this be made accessible to all and our historic asset be protected?	Councillor Laws, Portfolio Holder for Economy, Business and Heritage, stressed that the Castle and its staff were highly valued. However there was no catering facility and he believed that it was an idea worth exploring, although there were no concrete plans at this stage. Parts of the Castle were

		<p>inaccessible and this needed to be addressed in the next capital bid. The previous administration had leased out parts of the Town Hall for use as a bar.</p>
<p>Councillor Lilley</p>	<p>Could the Council set up a pump to help relieve the continuous problem of the flooding at the Hythe. The Hythe Task Group keeps talking the talk but the road still floods. Will the Portfolio Holder agree to get a pump in and help business and motorists from this nightmare? Would the Council seek contributions from all partners to pay for the installation of the pump now?</p>	<p>Councillor Crow, Portfolio Holder for Environment and Sustainability, indicated that the Council was working with partners to identify a solution to the problem. This had included work to test the capacity of Distillery Pond to store the freshwater flow at peak times. The Council had agreed with Essex County Council to fund the tide flap valve. The Council was not the responsible authority. As the situation was complex and longstanding a multi-agency approach was the right one and the Hythe Task Force helped facilitate this. At the last meeting, Essex Fire and Rescue Authority had suggested a high volume pump be used and tested at the earliest available opportunity. The Environment Agency and Essex County Council, as the responsible authorities, had indicated they would look into potential funding sources for this. These issues would be discussed further at the next meeting of the Task Force. Considerable progress had been made over recent months to solving a longstanding problem to which there was not a simple solution.</p>
<p>Councillor Fox</p>	<p>Please could the Portfolio Holder confirm that for the plan period to 2033, the Tendring/Colchester Borders Garden Community will deliver a 50/50 split between the two authorities with</p>	<p>Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that the existing position was that to 2033 the housing would be split between the</p>

	<p>regards to meeting our housing target and the proportion of affordable housing that will be delivered?</p>	<p>two authorities with approximately 1100 each. In terms of affordable housing, the percentage of affordable housing would be 30%. But the available affordable housing to Colchester would be 0. Beyond 2033 there was no sharing of the housing numbers. There was no formal agreement on these issues.</p> <p>However, an agreement in writing had now been reached with Tendring District Council to share the housing numbers to 2033 as in Section 1 of the Local Plan, to share the affordable housing to 2033 and the intent to share the housing numbers and affordable housing for the complete build out of the Garden Community. This had corrected an oversight by the previous administration. This was a positive development as it would give residents access to more affordable housing, particularly as Tendring was not a member of Gateway to Home Choice.</p>
Oral questions		
Councillor Luxford Vaughan	<p>Would the Leader of the Council confirm that he would not support development south of the A133, if as anticipated the consultation showed this was not welcomed?</p>	<p>Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, indicated that it was necessary to have a thorough consultation, and if that was the view that was reflected in the responses to the consultation, he would support it.</p>
Councillor Barber	<p>Following the recent storms, some residents had been left without power for several days and felt that there was</p>	<p>Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy explained that whilst he</p>

	<p>a gap in the support provided and in emergency planning. Would the Leader of the Council or relevant Cabinet member work with him, local councillors and partners to assist in drawing stronger tailored contingency plans to support residents when power was lost?</p>	<p>believed that UK power networks had responded well in difficult conditions, he would support that proposal.</p>
<p>Councillor Hagon</p>	<p>It had been alleged at the July Council meeting that the Conservative Group had misused the Council systems by storing a copy of its manifesto on its network. Could the Leader of the Council make a statement to explain the situation and would the Leader of the Liberal Democrats apologise for the unfounded allegation of impropriety?</p>	<p>Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, explained that copies of manifestos of all local political groups were on the Council's network to help officers prepare for any potential administration. It was for the Leader of the Liberal Democrat Group to consider whether any apology was necessary.</p>
<p>Councillor Buston</p>	<p>Given the rare but welcome unanimity of concern about the situation in Ukraine would the Leader of the Council write to the Prime Minister expressing support for the government's stance on the issue.</p>	<p>Councillor Dundas, Leader of the Council and Portfolio Holder for Strategy, expressed his concern about the situation in Ukraine and that he would be happy to do so.</p>
<p>Councillor Warnes</p>	<p>There had been multiple instances of graffiti bearing the same tag. At the recent Scrutiny Panel meeting, the Portfolio Holder for Communities had indicated that information about tags was not recorded. Would the Portfolio Holder make available sufficient resources and management controls so there was a full suite of deterrents in place? Simply cleaning up graffiti was not enough. There needed to be processes in place to provide police with sufficient evidence to act, such as cataloguing tags. Unless this was done, the recently adopted Graffiti Strategy was worthless.</p>	<p>Councillor B. Oxford, Portfolio Holder for Communities stressed that graffiti was a police matter and that she was working with the police to find a way forward. She was investigating why tags were not recorded and if they should be. She would keep Councillor Warnes informed.</p>

Councillor Harris	Residents had expressed concern that there were several “bought back” ex council houses – notably in Rockhampton Walk and Prince Charles Road , that were standing empty for some time. Could the Portfolio Holder for Housing and Planning confirm whether there was a dated plan to make these homes habitable? Could a list of properties that were waiting to be improved and brought back and the date in which was anticipated they would return to use be provided?	Councillor Ellis, Portfolio Holder for Housing and Planning, indicated that he would provide a written answer. Housing was brought to up to a very high standard which took time. A further company had been taken on to speed up the work on properties under the 100 Homes project.
Councillor Harris	Could the Portfolio Holder for Communities confirm if there was a way of adding additional multi-use litter and dog waste bins, purchased through section 106 funds or locality budgets for example, on existing collection routes?	Councillor B. Oxford, Portfolio Holder for Communities, explained that litter bins could already be used as dog waste bins. Adding additional bins would lead to an increase in collection times.
Councillor Goss	Could the Portfolio Holder for Environment and Sustainability explain why recyclable material from town centre recycling bins was not being recycled but sent to landfill? He had already raised this with officers so that appropriate notices were put on the bins.	Councillor Crow, Portfolio Holder for Environment and Sustainability indicated that a written answer would be sent.
Councillor Goss	Could the Portfolio Holder for Environment and Sustainability explain what would be done to clear litter from the A12?	Councillor Crow, Portfolio Holder for Environment and Sustainability, indicated that Highways England were the responsible authority. Responsibility was delegated to the Council but no funding provided and the work was scheduled in with the other responsibilities. Specialist safety measures were required and the overgrown verges made it difficult. Highways England had indicated these would be cut soon. The new EV vehicles would

		increase the Council's capacity to deal with this issue.
Councillor Scordis	Could the Portfolio Holder for Environment and Sustainability explain why there had been no prosecutions for flytipping and what would be done to increase the number of prosecutions? Other Councillors and he had provided evidence but the cases had not been taken forward and he understood that the practice of officers issuing fines for flytipping had been stopped.	Councillor Crow, Portfolio Holder for Environment and Sustainability, explained that evidence was required to bring a prosecution. The last case had been brought in October 2020. Legal advice was taken on all potential cases, but there was little purpose in bringing prosecutions in cases the Council was unlikely to win. The number of fixed penalty notices for littering in the street and flytipping had increased in this municipal year which showed the issue was being taken seriously. A written answer would be provided on the issues relating to evidence provided by Councillors and the alleged change in practice.
Councillor Hagon	There had been an excellent response in Stanway to the first electric waste vehicle and would the Portfolio Holder for Environment and Sustainability consider using it in Stanway, should it be taken on trial again?	Councillor Crow, Portfolio Holder for Environment and Sustainability, indicated it had been taken on trial. The feedback about it from crews had been very positive and if it was used again he would consider using it in Stanway.
Councillor J. Young	Could the Portfolio Holder for Environment and Sustainability explain what information he had received about the electric waste vehicle and what reassurance could be provided about whether it would provide value for money?	Councillor Crow, Portfolio Holder for Environment and Sustainability, explained that he did not have the technical specification and was aware that it was very expensive. The Council was not in a position to invest in such vehicles yet and was probably four years away from being able to do so. The major limitation on that particular vehicle was its range. However the Council was committed to using this technology in future as part of its

		response to the Climate Emergency.
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517 Approval of Non Attendance

RESOLVED that the recommendations in the Monitoring Officer's report be approved and adopted (UNANIMOUS).

518 Schedule of Portfolio Holder Decisions

RESOLVED that the schedule of Portfolio Holder decisions covering the period 20 November 2021 to 10 February 2022 be noted.