

Council Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ**

Wednesday, 01 November 2017 at 18:00

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

Audio Recording, Filming, Mobile phones and other devices

The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council, with the exception of Committee members at all meetings of the Planning Committee, Licensing Committee, Licensing Sub-Committee and Governance Committee. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Where permitted, Councillors' use of devices is limited to receiving messages and accessing papers and information via the internet.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please use one of the contact details at the bottom of this page and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester, CO1 1JB

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www.colchester.gov.uk

COLCHESTER BOROUGH COUNCIL
Council
Wednesday, 01 November 2017 at 18:00

TO ALL MEMBERS OF THE COUNCIL

Published 31/10/2017

You are hereby summoned to attend a meeting of the Council to be held at the Town Hall, Colchester on Wednesday, 01 November 2017 at 18:00 for the transaction of the business stated below.



Chief Executive

AGENDA - Part A
(open to the public including the press)

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

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

The Mayor will welcome members of the public and Councillors and will ask the Chaplain to say a prayer. The Mayor will also remind everyone to use microphones at all times when they are speaking, explain action required in the event of an emergency, mobile phones switched to silent and audio-recording of the meeting.

2 Have Your Say!

The Mayor will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the business of the Council. Please indicate if you wish to speak at this point if your name has not been noted by Council staff.

3 Minutes of the Previous Meeting

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

26-07-17 minutes

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

5 Mayor's Announcements

The Mayor to make announcements.

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

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

7 Recommendations of the Cabinet, Panels and Committees

Council will consider the following recommendations:-

7(i) 2016/17 Year End Review of Risk Management 19 - 20

B... Motion that the recommendation contained in minute 200 of the Cabinet meeting on 6 September 2017 be approved and adopted.

7(ii) Review of the Council's Ethical Governance Policies 21 - 22

C.. Motion that the recommendations contained in minute 75 of the Governance and Audit Committee meeting of 17 October 2017 be approved and adopted.

7(iii) Health and Safety Policy 2017-18 23 - 24

D... Motion that the recommendation contained in minute 76 of the Governance and Audit Committee meeting of 17 October 2017 be approved and adopted.

7(iv) Review of Local Code of Corporate Governance 25 - 26

E... Motion that the recommendation contained in minute 78 of the Governance and Audit Committee meeting of 17 October 2017 be approved and adopted.

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

Council will consider the following Motions:-

8(i) RMT and Greater Anglia

Proposer: Councillor T. Young

F.. 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.

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

8(ii) **Essex Univesity**

Proposer: Councillor Goss

"This Council condemns the letter recently sent to Essex University 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 Essex University encourages in all its employees and students."

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

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

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

Cabinet members and Chairmen will receive and answer pre-notified questions in accordance with Council Procedure Rule 10(1) followed

by any oral questions (not submitted in advance) in accordance with Council Procedure Rule 10(3).

(Note: a period of up to 60 minutes is available for pre-notified questions and oral questions by Members of the Council to Cabinet Members and Chairmen (or in their absence Deputy Chairmen)).
Pre-notified questions

(i) Councillor Graham to Councillor Lilley, Portfolio Holder for Public Safety and Licensing:

"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.

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."

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.

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?"

(ii) Councillor Graham to Councillor B. Oxford, Portfolio Holder for Customers:

"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?"

(iii) Councillor Goss to Councillor Smith, Leader of the Council and Portfolio Holder for Strategy

"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?"

(iv) Councillor Goss to Councillor Lilley, Portfolio Holder for Public Safety and Licensing

"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."

10	Revised Council Procedure Rules	27 - 46
	G.... Motion that the recommendation contained in the Monitoring Officer's report be approved and adopted.	
	Main Amendment	
	Proposer: Councillor Arnold	
	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:-	
	<ul style="list-style-type: none"> • 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. 	
11	Schedule of Portfolio Holder Decisions	47 - 50
	To note the schedule of Portfolio Holder decisions covering the period 6 July 2017 - 12 October 2017	
12	Urgent Items	
	Council will consider any business not specified in the Summons which by reason of special circumstances the Mayor determines should be considered at the meeting as a matter of urgency.	
13	Reports Referred to in Recommendations	
	The reports below are submitted for information and referred to in the recommendations specified in item 7 of the agenda:	
	2016-17 Year End Review of Risk Management - report to Cabinet 26 July 2017	51 - 76
	Review of the Council's Ethical Governance Policies - report to Governance and Audit Committee 17 October 2017	77 - 154
	Health and Safety Policy 2017-18 - report to Governance and Audit Committee 17 October 2017	155 - 192
	Review of Local Code of Corporate Governance, report to Governance and Audit Committee, 17 October 2017	193 - 222
14	Exclusion of the Public (not Scrutiny or Executive)	
	In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this	

agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)

15 Recommendations of the Cabinet, Panels and Committees (Part B)

Council will consider the following recommendations:-

15(i) Colchester Northern Gateway (North) Sports Development Project Review

H... Motion that the recommendation contained in minute 193 of the Cabinet meeting of 9 August 2017 be approved and adopted.

15(ii) Amphora Place Phase 2 Office Development Proposal

I... Motion that the recommendations in minute 194 of the Cabinet meeting of 9 August 2017 be approved and adopted.

16 Reports Referred to in Recommendations (Part B)

The reports below are included for information and are referred to in the recommendations specified in item 15 of the agenda:-

Colchester Northern Gateway (North) Sports Development Project Review - report to Cabinet 9 August 2017

- This report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial / business affairs of a particular person, including the authority holding information).

Amphora Place Phase 2 Office Development Proposal - report to Cabinet 9 August 2017

- This report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial / business affairs of a particular person, including the authority holding information).