

# Council

Wednesday, 17 July 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 Derek Loveland, Councillor Andrea Luxford Vaughan, Councillor Fiona Maclean, Councillor Jackie Maclean, Councillor Sam McCarthy, 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 Tim Young

## **331 Prayers**

The Reverend Canon Paul Norrington opened the meeting with prayers.

## **332 Apologies**

Apologies were received from Councillors Lissimore, Moore and J. Young.

## **333 Have Your Say! (Council)**

Stuart Johnson addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to express his concern that another cyclist had been injured on Colchester's roads and to stress the health and environmental benefits of cycling, particularly for children. It was Council's responsibility to encourage cycling and to provide the necessary safe infrastructure. He called on those Councillors who had not yet signed the Colchester Cycling Charter to do so. It was time to take action and to treat air pollution as a health emergency, to work with Essex County Council to ensure their commitment to invest in cycling was delivered and to work with Essex Police to improve the safety of Essex's

roads for cyclists. It was time deliver real change and act on manifesto promises.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, and Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, responded and thanked Mr Johnson for his work on the Cycling Charter, which the Council supported. The Council had been successful in obtaining funding to reduce air pollution. The Council would continue to work with Essex County Council on cycling issues.

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to highlight a decision of the Planning Committee in September 2014 in the immediate environment of Christopher Jolly Court. This decision had stated that no building exceeding 2 storeys in height should be built, due to the impact on the area. The Council's proposals for an additional floor on top of Christopher Jolly Court were inconsistent with this decision and the Cabinet appeared to be compromising the independence of the Planning Committee.

Councillor Fox, Portfolio Holder for Housing, stressed the need for the Council to deliver more affordable housing. As part of this, the Council was looking at proposals for Airspace developments, whereby an additional floor was built on an existing building. No firm decision on any Airspace scheme had been made and it would be for the Planning Committee to determine any planning application that was subsequently brought forward.

Jackie White addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to express her concerns that the Armed Forces Covenant was being used to give priority for housing to families from the Armed Forces over those with disabilities. This was a breach of the Equality Act and an example of indirect discrimination. The Equality Act took precedence over the Armed Forces covenant. Whilst she had been informed that new accessible housing was being built, there was no evidence yet that this would be fully accessible. Much of the housing currently designated as accessible was in reality unsuitable. In considering housing need, welfare and medical needs needed to be considered together.

Councillor Fox, Portfolio Holder for Housing, responded and explained that there was no intention to discriminate against any group, and the Council wanted to support both armed forces personnel and those with disabilities. The Council was looking to provide fully accessible housing and he would welcome the opportunity to discuss this with her.

Jeremy Hagon addressed Council pursuant to the provisions of Meetings General Procedure Rule 6(5). He was aware of the Council's proposals for Garden Communities but noted that Council leaflets on its strategic priorities published in 2018 made no mention of them. He asked the Leader of the Council how the Council had made residents aware of the Garden Communities project and if he would publish information

showing how North Essex Garden Communities Ltd had spent public funding.

Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, explained that information about the Local Plan was readily available on the Council's website. The Local Plan had been subject to public consultation and there had been a number of public meetings and community events, providing information about the Local Plan and the proposed Garden Communities. Information about NEGC spend had been provided at previous meetings and would be available in the published reports and minutes, and through NEGC Ltd's published accounts.

Trevor Orton addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to express his concern about the closure of the disabled toilet in the public toilets at Lion Walk. These had remained out of order for over two weeks, which he considered was unacceptable. Repairs should be carried out within 24 hours. The general condition of the toilets was also poor. It was counter-productive to spend money on attracting tourists, when the basic facilities were not maintained.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, explained that he was looking into the costs for a refurbishment of the Lion Walk toilets. They suffered from vandalism and thefts of supplies. Town centre staffing levels were high. A seven-day rota was operated to ensure that facilities were kept in a good condition and that repairs were undertaken as soon as possible.

Clare French addressed Council pursuant to the provisions of Council Procedure Rule 6(5) on behalf of head teachers in Colchester to stress the need for fair funding of education. Education provided opportunities and changed lives. Teachers wanted to provide the best possible life chances for pupils, but this was becoming harder to achieve. Whilst the government claimed that funding had increased this was disingenuous as costs had risen also. As well as teaching, there were wide-ranging demands on their time, such as acting as de facto social workers, counsellors and healthcare providers. Schools needed to be given the necessary resources to do this. Essex County Council was facing a £50 million funding deficit. Within her school, she had had to make three Learning Support Assistants and two teachers redundant and was forced to run her school on the bare minimum of staff. Whilst teachers wanted every child to count, with costs rising faster than funding some counted more than others. The Council needed to act and lobby the government on the issue.

Matilda Francis, a year 5 pupil, addressed Council pursuant to the provisions of Council Procedure Rule 6(5). She highlighted the range of costs that schools faced. Schools had £271 less per pupil than they had when she was in year 1 and she highlighted how difficult it was for schools to achieve savings on that scale. She urged Council to support the motion to encourage the government to provide further funding for schools.

Emma Marks, Finance and Business Manager for the Tiptree and Stanway Primary

School consortium, addressed Council pursuant to the provisions of Council Procedure Rule 6(5). Between 2015-17 school block funding increased by 1% or less, whilst staff costs over that period rose by over 2%. Whilst funding had increased in subsequent years, it did not do so at a rate that kept pace with rising staff costs. With salaries reaching 90% of budgets, schools struggled to balance their costs against income which led to them using their reserves to balance their budgets. Pay rises were set nationally and therefore schools had little control over staff costs. The increase of 3.5% this year had put an enormous strain on school budgets, and whilst grants had been provided to offset some of these costs, there was no guarantee that these would continue. Uplifts in pension contributions and the introduction of the minimum wage were also having an impact on school budgets. In order to deal with these financial pressures schools were cutting back maintenance costs to the bare minimum and were being forced to make staff redundant.

Ian King, Governor and Chair of the Finance Committee at Chappel Primary School, addressed Council pursuant to the provisions of Council Procedure Rule 6(5) and highlighted that school costs were increasing at a faster rate than school funding. Therefore, schools were effectively facing year on year cuts. As a consequence, vital equipment was not replaced and building maintenance suffered. In some school parents' groups were stepping into to help and making voluntary donations to help buy essential materials. Schools were simply not receiving sufficient funding.

David Evans addressed Council pursuant to the provisions of Council Procedure Rule 6(5) in his role as a teacher and as an official of the National Education Union. Whilst headteachers had sought to manage their budgets carefully, many had been forced to make redundancies. These had been applied right across school staffing structures from Deputy Heads to Midday Assistants. This had a severe impact right across schools leading to low morale and increased workload amongst staff and pupils losing trusted and much loved staff. It contributed to the epidemic of stress faced by the teaching profession, with teachers working on average a 55-hour week. The country would be relying on the expertise of its children in years to come and needed to be prepared to pay for it.

Claire Rogerson addressed Council pursuant to the, provision of Council Procedure Rule 6(5) in her capacity as a parent of two school aged children and school governor. The Funding for Schools campaign highlighted that school funding was now in crisis. Politicians needed to act to ensure that schools received the funding that they needed. A survey by the campaign revealed that 74 % of respondents had made staff redundant or planned to do so this financial year; 65% of teachers felt they did not have enough resources to cope with the emotional needs of children and 43% reported that subjects and lessons had been cut due to budget constraints. Despite cutting Learning Support Assistant (LSA) provision by 20% at their school, LSA costs had increased by £20,000. Costs could not be reduced without further impacting on staffing levels, which would have a detrimental impact on children. Further funding had to be made available

for education and children deserved better.

Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety responded to the speakers on funding for education. The impact of the issues around funding were that vulnerable children slipped through the net and were drawn into crime. The government needed to be aware that cuts have consequences, and funding for education should be treated as a priority.

### **334 School Funding Cuts**

**Councillors Bourne, Coleman, Cory, Goacher (in respect of their employment as teachers), Jowers, Barton (in respect of being in receipt of a teacher's pension) and Pearson (in respect of his spouse's employment as a teacher) declared a pecuniary interest in the following item pursuant to the provisions of Council Procedure Rule 9(5).**

Before moving the motion, Councillor Bourne indicated that paragraph (iii) of the resolution in the motion was withdrawn.

It was proposed by Councillor Bourne, also on behalf of Councillor Goss, that:-

“This Council notes as a result of ongoing Government cuts to education, 71 schools across the Colchester Borough:

- (i) Will have lost £17.7 million in overall funding between 2015-2020;
- (ii) Will have lost an average of £271 per pupil;
- (iii) Have seen 25 of 71 schools have classroom sizes increase;
- (iv) Are having to bear the full costs of the unfunded National Insurance increases;
- (v) Are receiving inadequate High Needs Block Funding, leaving our most vulnerable pupils without the support they need.

Colchester Borough Council resolves to:

- (i) Lobby against the Government's ongoing cuts to school budgets and call for more funding to be invested in education, while making our communities aware of local impacts;
- (ii) Support the coalition of trade unions campaigning against school cuts;
- (iii) Present the dire facts listed above to the Department for Education and our three MPs representing our 62 schools across the Borough of Colchester. “

Councillor Davidson moved a main amendment as follows: -

“That the motion on School Funding Cuts be approved and adopted subject to the following amendments: -

- After paragraph (ii) of the resolution, the insertion of a new paragraph as follows: - “Support the three MPs for the borough of Colchester who have already met representatives of schools across the borough to discuss these issues and are lobbying Government on their behalf”.
- In paragraph (iv) of the resolution the deletion of the word “dire” and all the wording after the word “education”.
- The renumbering of the paragraphs so that they are consecutively numbered.”

Councillor Bourne indicated that the main amendment was accepted and the motion was deemed amended accordingly. The amended wording of the motion was as follows: -

*This Council notes as a result of ongoing Government cuts to education, 71 schools across the Colchester Borough:*

- (i) Will have lost £17.7 million in overall funding between 2015-2020;*
- (ii) Will have lost an average of £271 per pupil;*
- (iii) Have seen 25 of 71 schools have classroom sizes increase;*
- (iv) Are having to bear the full costs of the unfunded National Insurance increases;*
- (v) Are receiving inadequate High Needs Block Funding, leaving our most vulnerable pupils without the support they need.*

*Colchester Borough Council resolves to:*

- (vi) Lobby against the Government’s ongoing cuts to school budgets and call for more funding to be invested in education, while making our communities aware of local impacts;*
- (vii) Support the coalition of trade unions campaigning against school cuts;*
- (viii) Support the three MPs for the borough of Colchester who have already met representatives of schools across the borough to discuss these issues and are lobbying Government on their behalf;*
- (ix) Present the facts listed above to the Department for Education.*

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

### **335 Mayor's Announcements**

The Mayor announced that West Bergholt Parish Council had been accredited at the Quality Level under the Parish Council Awards Scheme. The Mayor offered his congratulations on behalf of the Council and presented the award to Councillor Chris Stevenson, Chairman, and Laura Walkingshaw, Clerk. Councillor Chris Davey, Chair of the Accreditation Panel of the National Association of Local Councils, thanked the Mayor, explained the background to the Parish Council Awards Scheme and stressed the work that the Parish Council had undertaken in order to secure the award.

### **336 Climate Emergency**

*RESOLVED* that Council Procedure Rule 11(2) be suspended to allow Council to discuss and determine the motion.

Jo Wheatley of Extinction Rebellion Colchester addressed Council pursuant to the provisions of Council Procedure Rule 6(5) to highlight the evidence of climate change and the threat it posed. Extinction Rebellion was seeking to bring these issues into the limelight. Non violent civil protest was necessary. If remedial action was taken now, irreversible harm could be avoided. Council need to approve the motion and Councillors were invited to attend Extinction Rebellion's People's Assembly in the Castle Park on 4 August 2019. It was intended that the outcomes of this would be reported to the Conservation and Environmental Sustainability Task and Finish Group.

Elizabeth Tollhurst addressed Council pursuant to the provisions of Council Procedure Rule 6(5). Whilst she had previously been environmentally aware, the publication of the report by the Intergovernmental Panel on Climate Change had radicalized her opinions. There were 12 years left to take the necessary action. Whilst the Council's actions alone were not enough, it needed to take responsibility for its own actions and reduce emissions where it could. It could also provide leadership on the issue and encourage others, for instance by enforcing an anti-idling policy, or by replacing development with carbon capture areas.

Noel Mead addressed Council pursuant to the provisions of Council Procedure Rule 6(5). The motion before Council declaring a climate emergency was welcomed. Individuals could all take action to reduce their carbon footprint, and a few simple choices could make a difference. However large organisations also needed to take a responsible approach. Original thinking and hard work would be required to implement the motion. The Council would need to consider issues around air quality and the

proposals for Garden Communities and associated development, such as the further development of the A12.

It was proposed by Councillor Cory, also on behalf of Councillor Whitehead, that:-

“The United Nations Intergovernmental Panel on Climate Change’s warning that we have 12 years to make the necessary changes to limit a rise in global temperatures to 1.5C. Failure to act will see a marked increase in sea levels and flooding, extreme and abrupt changes to weather patterns, crop failures, extinctions of plant, insect and animal species, and global economic disruption and crisis. Total populations of mammals, birds, fish and reptiles have declined globally by 60% since 1970, and all of the 20 warmest years on record, have occurred in the past 22 years. Failure to take immediate and decisive action on this will detrimentally impact on the well-being of the people of Colchester Borough and billions of people around the world.

At the Global Climate Talks in Poland last December the UK along with over 200 nations agreed action on climate change with a much greater role strongly implied for local and regional authorities, like Colchester, in assisting governments to achieve their carbon emission savings.

So far, 85 local and regional authorities have passed Climate Emergency motions in a bid to spur urgent action to reduce their carbon footprint and promote sustainable urban environments and economies. In passing and following through on this motion, we can take a radical step forward in tackling climate change and conservation as a local authority. Tackling climate change cannot just be left to national government. It is everyone’s duty to do what they can to stop this existential threat to our planet.

This Council therefore resolves to:

1. Declare a climate emergency and publicise this to the people of Colchester Borough to raise awareness and support the public to take effective action.
2. Support the newly formed Conservation and Environmental Sustainability Task and Finish Group to consider the following actions:
  - (a) Commission an environmental audit which identifies pollution hotspots, wildlife biodiversity and environmental health issues, and an urban impact assessment with an aim to identify areas of improvement across the borough.
  - (b) Consult expert opinions in the field, as appropriate.
  - (c) Collaborate with regional and neighbouring local authorities, as well as communities, to encourage practical measures to reduce emissions, reduce carbon footprints and develop community-based renewable energy projects.
  - (d) Encourage all sectors of the economy across the borough to take steps to reduce waste and become carbon neutral.
  - (e) Develop a roadmap for Colchester Borough Council to go carbon neutral by

2030.

(f) Report to Cabinet and Full Council within six months with an action plan setting out conservation and environmental sustainability goals to address targets by 2030; incorporating proposals on the investment implications of this proposed activity.

3. Pledge to ensure future housing and community development projects meet a carbon-neutral standard by 2030.

4. Call upon the Leader of the Council to write to the Minister of State for Energy and Clean Growth requesting that national policy is urgently developed to reflect the seriousness of the current emergency, and to release funds to local authorities, encouraging them to take the necessary measures at local level.”

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

**337 Minutes of the Previous Meeting (Council)**

*RESOLVED* that the minutes of the meeting held on 22 May 2019 be confirmed as a correct record.

**338 Annual Scrutiny Report**

*RESOLVED* that the Annual Scrutiny Report 2018-19 be approved and adopted.

**339 Schedule of Portfolio Holder Decisions**

*RESOLVED* that the schedule of decisions taken by Portfolio Holders covering the period 9 February 2019 – 1 July 2019 be noted.

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

Questioner	Subject	Response
Pre-notified questions		
Councillor Barber	Will Colchester Borough Council apply to the High Court to acquire an injunction equal or similar to that obtained by Harlow District Council in relation to	Councillor Lilley, Portfolio for Communities, Wellbeing and Public Safety, explained that he would not apply to the High Court for such an

	<p>unauthorised encampments?</p>	<p>injunction. The circumstances applying in Harlow were significantly different. Harlow received considerably more unauthorized encampments, many of which were on highway land. Harlow also had a transit site, which strengthened their case for an injunction to deal with unauthorised encampments. There was insufficient evidence to support an injunction to cover Colchester.</p>
<p>Councillor Barber</p>	<p>Councillors may be aware that Neighbourhood Plans require ratification by the local community via a referendum prior to adoption by the Council. While not necessary under law, will the Portfolio Holder with responsibility for the Local Plan commit to holding a referendum on Part 1 (the Garden Communities) and Part 2 (sites such as Middlewick) of the Emerging Local Plan across the Borough so people can have their say?</p>	<p>Councillor Cory, Leader of the Council and Portfolio Holder for Strategy, indicated that he would arrange for a written response to be sent by the Portfolio Holder for Culture and Performance. However, he explained that it was a legal requirement that a referendum be held on a Neighbourhood Plan. A Local Plan was subject to considerably more scrutiny and consultation than a Neighbourhood Plan so a referendum was not necessary.</p>
<p>Councilor J. Maclean</p>	<p>Could the Portfolio Holder for Waste, Environment and Transportation tell me why so many kerbside collections have been disrupted and missed in the borough since you have</p>	<p>Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, indicated that a written response would be sent.</p>

	implemented the new freighters. Is it because they do not have the same capacity to hold the quantity of waste or is it due to staffing issues such as not being able to employ drivers or refuse and recycling operatives?	
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**341 Closure of Meeting**

In accordance with Council Procedure Rule 19(2) the Mayor closed the meeting and indicated that written responses would be sent to the outstanding pre-notified questions.