

CHELMSFORD CITY COUNCIL
MINUTES OF THE COUNCIL MEETING

held on 16 July 2019 at 7pm

PRESENT:

The Mayor (Councillor R Massey)
The Deputy Mayor (Councillor J A Potter)

Councillors

R H Ambor	S M Goldman	I Roberts (left at 8.57pm)
L Ashley	I S Grundy	S J Robinson
H Ayres	N Gulliver	T E Roper
M W Bracken	P V Hughes	C M Shaw
N Chambers	R J J Hyland	R J Shepherd
D J R Clark	A M John	M Sismey
P H Clark	D G Jones	A B Sosin
W A Daden	G B R Knight	J E Sosin
A E Davidson	J C S Lager	M Springett
C K Davidson	J S Lardge	M S Steel
J A Deakin	R J Lee	C R Tron
S M Dobson	M J Mackrory	N M Walsh
N A Dudley	L A Mascot	M D Watson
C L Finney	L A Millane	R T Whitehead
J A Frasca	R J Moore	T N Willis
I D Fuller	R J Poulter	I Wright
J Galley	J M Raven	S Young
M C Goldman		

1. **Apologies for Absence**

Apologies for absence were received from Councillors K Bentley, G H J Pooley and E J Sampson

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2. **Mayor's Announcements**

The Council observed a minute's silence to mark the 24th anniversary of the Srebrenica massacre.

The Mayor reported on a number of the 44 engagements he had attended since his election.

3. **Declarations of Interest**

Members were reminded to declare at the appropriate time any personal and prejudicial interests in any of the items of business on the meeting's agenda. None were declared.

4. **Minutes**

The minutes of the meetings on 27 February and 22 May 2019 were signed as correct records.

5. **Public Question Time**

Members of the public asked questions or made statement on the following matters:

1. Maisie Goldman on concerns about schools in Chelmsford continuing to use single use plastics and her hope that the Council would encourage them to discontinue the practice.

The Cabinet Member for Safer Chelmsford said that through its educational and promotional work the Council was encouraging people and bodies, including schools, to recycle and reuse materials where possible and to avoid single use plastics. Thirty-five schools in Chelmsford did not make use of the Council's recycling collection service and the Cabinet Member welcomed the efforts of pupils to encourage their schools to be more conscious of the need to recycle more and avoid single use plastics.

2. Peter Fowler on when the Council would publish on the Essex Air website raw data on nitrogen dioxide concentrations in the air for the whole of 2018.

The Cabinet Member for Safer Chelmsford apologised for not being able to answer the question at the meeting but said that she would send him a full written reply once she had obtained the information.

3. Jane Gutteridge, Allan Triggs and Helen Wood on the welcome withdrawal of the John Shennan playing field as a development site in the Local Plan; the problems, including increased traffic, its development for housing would have caused; whether the Council would sell 31 Gloucester Avenue to enable more public car parking to be provided in the area, particularly for use by those dropping off and collecting children from local schools; whether the rest of the site would be used for green space and trees planted; and whether the Council had access to the 2016 study by Atkins into contamination of the site.

The Cabinet Members for Greener and Safer Chelmsford said that, if confirmed at this meeting, the intention to remove the John Shennan playing fields from the Local Plan, together with the other modifications, would be the subject of public consultation over the summer before a final decision was made by the Inspector later in the year. The Council wanted to consult and work in partnership with local people on the future options for the use of the playing fields, including addressing the deficiency in open space in the area and the possibility of planting more trees. The Council was aware of an earlier study than that mentioned on the condition of the site and it was anticipated that further reports would be commissioned as part of the exploration of its future use.

4. Neil Huckle, David Lawrence, Mick Scanell, Ian Madgett and Julie Hirrell, on concerns about the effect of the development at 10-12 Hanbury Road on nearby residents; why no meeting had yet been arranged between planning officers and residents to discuss the planning and enforcement issues associated with the work; the accuracy of information provided by planning officers; and concerns that the works being carried out by the developer would

block the water course and destroy vegetation. resulting in increased risk of flooding.

The Cabinet Member for Greener Chelmsford said that the Planning Development Services Manager had sent a detailed email to Mr Huckle that day about the issues and concerns he had raised and the current planning situation. All affected residents would be consulted on the application for a Certificate of Lawful Development and any future planning application associated with the works at 10-12 Hanbury Road, both of which would be considered on their merits and in accordance with normal procedures. He would make enquiries of the planning service as to why no meeting had yet been arranged with residents.

- 5. Edward Massey, who hoped that a system of proportional representation would be introduced for electing representatives and who expressed the view that the Council should aim for a minus net -ero carbon target by 2030. Peter Cracknell also spoke in support of the motion to the meeting on declaring a Climate Change Emergency.

In response to the first point, the Leader said that decisions on the electoral system were out of the Council's hands but that he would personally welcome a system of proportional representation. On the second point, the Cabinet Member for Safer Chelmsford said that the motion on a Climate Change Emergency set targets that she believed to be achievable rather than simply desirable.

7.06pm to 7.42pm

6. **Cabinet Question Time**

6.1 **Question from Councillor J Lardge to the Cabinet Member for Safer Chelmsford**

What is the Council planning to do to reduce the number of nappies going into landfill and what is the Council planning to do to promote the use of cloth nappies?

The Cabinet Member said that there was an ongoing promotion of the Real Nappy initiative through Love Essex. More information could be accessed via the website <http://www.loveessex.org/news-and-ideas/cloth-nappies/>. This was part of a long-running national campaign. Currently there was an offer of a £30.00 refund as an incentive to try cloth nappies.

As part of the City Council's waste reduction and recycling education activities, the Real Nappy campaign was specifically promoted to Chelmsford residents.

The Cabinet Member pointed out that whilst increase use of cloth nappies may be an aspiration, it should be noted that, in Essex, single-use nappies were not disposed of into landfill. The treatment process for general non-recyclable waste in Essex was through a combination of a mechanical and a biological process (often referred to as MBT) which separated out any residual recyclable materials and then subjected the remaining waste to an indoor composting process that produced a material suitable for use as a source of energy. Residents had the option to use either cloth or disposable nappies and the waste collection service was able to deal with both.

6.2 Question from Councillor R Lee to the Cabinet Member for Fairer Chelmsford

On 22nd May we announced that a fairer Chelmsford should be where people come together and no one gets left behind. Almost 1000 people in our city are homeless and many others are waiting for social housing. What progress has been made to address these issues since 22nd May?

The Cabinet Member emphasised his wish to give people with no home and no roof over their head hope and support. There were too many rough sleepers and homeless families and that, in his view, was unacceptable. There was a shortage of affordable housing and the Council was making every effort to facilitate its provision. There was a need for a joined-up approach to these problems, so the Policy Board had established working groups to support the development and implementation of the Council's new Homelessness and Rough Sleeper Strategy and to encourage the development of affordable housing, recognising how those two issues were inextricably linked.

Work had also progressed with improving the services provided, through government funding to those who were at risk of sleeping rough in Chelmsford and the surrounding area, putting in place joint working between all district councils in mid-Essex, Essex County Council and organisations such as CHESS. The Cabinet Member expressed appreciation for the continued efforts of all those involved and the work they were doing to work in partnership and coordinate their strategies for tackling all aspects of homelessness.

The majority of those who were homeless in Chelmsford were thankfully not on the streets but in temporary accommodation, either provided by family and friends or by the Council. Over the last few weeks officers had been working on a new contract for the provision of housing management and support to those housed by the Council in temporary accommodation.

Members were supporting the Housing and Planning Services and other services of the Council to continue to maintain this pace of working to prevent and relieve homelessness and meet local housing need. This would be facilitated by the working group and would be based on a coherent and joined up approach that sought practical solutions. There would be more announcements about plans and outcomes, especially in partnership with others, throughout the year.

7.42pm to 7.55pm

7.1 Capital Outturn and Update 2018/19

On 1 July 2019 the Cabinet had considered a report which detailed capital expenditure incurred in 2018/19 and the resources used to finance it; set out variations to approved capital schemes and the Asset Replacement Programme; and presented a budget for asset replacements in 2019/20. Under delegated authority it had approved a number of capital schemes and the Asset Replacement Programme for 2019/20 and had made recommendations to Council on a number of other matters relating to the capital programme.

In approving the recommendations, members thanked the Council's finance officers for their work.

RESOLVED that:

1. the Director of Public Places, after consultation with the Cabinet Member for Safer Chelmsford, be authorised to spend the proposed budget of £436,000 for asset replacements in 2020/21, as detailed in paragraph 8.4 of the report to the Cabinet on 1 July 2019;
2. the method of funding the capital expenditure in 2018/19, as set out in paragraph 9.2 of the report, be noted;
3. the latest proposed budgets for capital schemes totalling £90.873 million shown in Appendix 1 and paragraph 7.2 of the report be noted;
4. the outturn on the 2018/19 Asset Replacement Programme amounting to £3.747 million shown in Appendix 3 and paragraph 8.1 of the report be noted; and
5. the Asset Replacement Programme for 2019/20 amounting to £4.257 million shown in Appendix 3 and paragraph 8.2 of the report be approved.

7.52pm to 7.55pm

7.2 Treasury Management Outturn 2018/19

The Cabinet had recommended that the Council endorse the findings of the annual review of the Council's Treasury Management function and the rates of return on investments in 2018/19.

RESOLVED that the Treasury Management Outturn for 2018/19 be endorsed.

7.55pm to 7.57pm

8. Chelmsford Local Plan – Approval of Main Modifications for Consultation

The Cabinet on 1 July 2019 had approved for publication the Main Modifications and changes to the Policy Map identified by the Inspector following the Independent Examination of Chelmsford's Draft Local Plan. It had also decided that the consultation should include the proposed removal of the John Shennan playing fields as an allocated site for residential development. A Green Sheet setting out minor amendments to the information in the report to the meeting was distributed.

Whilst the recommendation on the removal of the playing fields was welcomed by most present at the meeting, it was pointed out that the site could have potentially accommodated 70 affordable houses and it was asked how that loss would be made up. The Cabinet Member for Greener Chelmsford said that, historically, the actual numbers of houses provided on development sites tended to be greater than the numbers identified in the Local Plan and he was confident that this would be the case on other residential sites in the new Plan.

RESOLVED that:

1. the Schedule of Main Modifications to the Pre-Submission Chelmsford Local Plan (Publication Draft) set out at Appendix 3 of the report to the meeting and the consequential changes to the Policies Map set out at Appendix 5a to 5d be approved and published for public consultation; and
2. the Director of Sustainable Communities and the Spatial Planning Services Manager be authorised to prepare and approve the necessary supporting statements, evidence and documentation which are required to enable and support the public consultation on the Main Modifications.

7.57pm to 8.12pm

9. Annual Report of the Audit Committee 2018/19

The Council considered the Annual Report of the Audit Committee for 2018/19, submitted in accordance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) recommended practice.

The report included among other things a review of the Committee's terms of reference; its work on the audit charter and internal audit strategy; the publication of information about the audit function; the Committee's work programme for 2018/19 and its planned work for 2019/20.

RESOLVED that Audit Committee Annual Report for 2018/19 be approved for publication.

8.12pm to 8.15pm

10. Annual Report of the Governance Committee 2018/19

The annual report of the Governance Committee for 2018/19 was presented for approval. It provided information on the statutory and procedural requirements of the standards regime; the terms of reference and membership of the Governance Committee; the work carried out by the Committee in 2018/19; details of complaints received about councillors; the training and development carried out for members; and the Committee's future work programme.

RESOLVED that the Annual Report of the Governance Committee for 2018/19 be approved for publication.

8.15pm to 8.17pm

11. Annual Report on the Scrutiny Function 2018/19

The annual report of the Overview and Scrutiny Committee on the activity of the scrutiny function of the Council for 2018/19 was submitted for information.

The Chairman of the Committee in 2018/19 outlined its main areas of work over the past year, which had included examining the annual report on housing delivery, holding an inform and debate session on planning enforcement, and considering the findings of a task and finish group on voter registration. The Committee had also monitored the performance of key services and activities and had received the annual presentation on the work of Essex Police and the Safer Chelmsford Partnership.

RESOLVED that the annual report on the activity of the scrutiny function in 2018/19 be approved and published.

8.17pm to 8.26pm

12.1 **Appointment of Equality and Diversity Champions**

The Council was requested to approve the appointment of three councillors to act as champions for groups or sections of the community who had particular issues or problems to help ensure that their interests were represented and addressed.

RESOLVED that Councillors L Ashley, J A Deakin and M Springett be appointed as the Council's Equality and Diversity Champions.

8.26pm to 8.28pm

12.2. **Membership of Committees**

A number of changes to the membership of Committees were submitted for approval.

RESOLVED that the following be approved:

1. the replacement of Councillor Tron by Councillor Mascot on the Overview and Scrutiny Committee;
2. the replacement of Councillor Mascot by Councillor A Davidson on the Planning Committee; and
3. the appointment of Councillor Willis as a substitute on the Governance Committee.

8.28pm to 8.29pm

12.3 **Review of Polling Districts and Polling Places**

The Council was recommended to delegate to the Governance Committee responsibility to carry out the next scheduled review of polling districts and polling places in Chelmsford and authority to take all necessary decisions to implement the findings of that review.

In response to a question, it was confirmed that the review would encompass the whole of the city and not just districts in the city centre area.

RESOLVED that the Governance Committee be authorised to conduct and make all necessary decisions on the 2019 review of polling districts and polling places in Chelmsford.

8.29pm to 8.31pm

13. **Notice of Motion – Review of Ward Boundaries**

Pursuant to notice given in accordance with Council Rule 4.1.11, Councillor R T Whitehead moved, and Councillor J Galley seconded, a motion to request that the Local Government Boundary Commission for England (LGBCE) carry out a review of all ward boundaries in Chelmsford.

The Leader of the Council said that he had been told Commission that it planned to include in its next work programme a review of all remaining districts in Essex and of the County Council. He therefore suggested an amendment that took into account that likelihood. Councillor Whitehead was content to accept the amendment, which was debated and approved.

RESOLVED that

“The City Council elections on May 2nd 2019 were conducted on ward boundaries that have not been revised since 2003.

Due to the increase in the population of Chelmsford the City Council has a number of large wards, in particular Chelmer Village & Beaulieu Park with 8157 electors and Moulsham & Central with 8783, resulting in an imbalance of workload for the local councillors compared with other wards.

The Local Government Boundary Commission conducts an electoral review

1. at the request of the Local Authority; or
2. if the Local Authority meets the Commission’s intervention criteria;
 - (a) If one ward has an electorate of +/- 30% from the average electorate for the authority
 - (b) If one ward has an electorate of +/- 10% from the average electorate for the authority.

Both test one and test two show that the intervention criteria have been triggered.

However, the LGBCE will announce in August its work programme for 2020 and its forward plan for the following five years which will include a review of all remaining Essex districts and Essex County Council. Therefore it is proposed that the City Council await the announcement from the LGBCE.”

8.31pm to 8.37pm

14. **Notice of Motion – Committee System of Decision-making**

Pursuant to notice given in accordance with Council Rule 4.1.11, Councillor R J Hyland moved, and Councillor P Clark seconded, a motion that the Council return to a committee led governance system.

Speaking to his motion, Councillor Hyland argued that a committee system integrated the voice of the public and widened decision-making. It was a constructive and transparent way to get things done, in contrast to the Cabinet system where decisions were made by a small number of councillors and meaningful public input and interest was lacking.

Others who spoke questioned that view and said that a system of governance based on the Leader and Cabinet model could take several different forms and be just as inclusive. The Leader of the Council said that the new Administration would ensure that all councillors and the public had direct access to the Cabinet, which would welcome constructive challenge and be open and transparent. All members would have a role to play in the development of policy via the Chelmsford Policy Board and its working groups, and public accessibility and participation would be improved through plans to broadcast meetings and make greater use of social media. Making a forward plan of forthcoming decisions available to all members and publishing Cabinet agendas a week earlier than at present would give all councillors greater opportunity to comment on planned decisions.

The Leader proposed an amendment to the motion that reflected those objectives and provided for a Cabinet form of governance that advanced many of the ideals associated with a committee system. On being seconded by Councillor M Goldman and put to the vote the amendment was carried and, after debate, the substantive motion was approved.

RESOLVED that

"This Council will have a more open governance system where all councillors will input into formulating both key decisions and strategic policies of the City Council, and the Officers of the Council will take most of the day to day decisions about the running of the Council and the provision of service. Any other proposals for amending the governance system will be brought to the Governance Committee."

8.37pm to 8.57pm

15. **Notice of Motion – Climate and Ecological Emergency**

Pursuant to notice given in accordance with Council Rule 4.1.11, Councillor R J Moore moved, and Councillor S J Robinson seconded, a motion that the Council declare a Climate and Ecological Emergency and take a number of related actions.

In moving the motion, Councillor Moore referred to the growing recognition, after 30 years of warnings, of the threat to the planet of climate change and the need at least to commit to net-zero carbon emissions by 2030 if there was to be any chance of preventing catastrophic global warming and protecting the future for subsequent generations. She said that humanity had a duty of care to the environment and the Council had a duty to act on the declaration proposed in the notice of motion, in the interests of the people of Chelmsford. Councillor Moore quoted from a speech by Greta Thunberg to the World Economic Forum in Davos in 2019 in which she expressed her fear at the effect of climate change on the planet and urged leaders, governments and business to take action before it was too late.

Those who spoke on the motion said that individuals could help contribute to the 2030 target by, for example, taking their own measures to reduce energy consumption, avoid single use plastics, opt for electricity from sustainable sources and install solar panels. They could also put pressure on businesses to act more environmentally responsibly. There was an opportunity to make a difference: for adults to show children how to act in the interests of their future and for the Council to lead by example. Whilst it could take the steps detailed in the motion, the Council would be more effective if it worked with partners and the community towards a common goal, one that was being recognised by an increasing number of local authorities and organisations as essential to the survival of the planet.

In passing the motion unanimously, the Council accepted that there was a compelling argument for supporting its principles and the action it proposed.

RESOLVED that:

“Council notes:

That the impacts of climate breakdown are already causing critical damage around the world.

That the ‘Special Report on Global Warming of 1.5°C’, published by the Intergovernmental Panel on Climate Change in October 2018
(a) describes the enormous harm that a 2°C average rise in global temperatures is likely to cause compared with a 1.5°C rise, and
(b) confirms that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector;

That all governmental bodies (national, regional and local) have a duty to act, and local governments that recognise this should not wait for national governments to change their policies;

That bold policies to cut emissions also have associated health, wellbeing and economic benefits;

That a growing number of UK local authorities have already passed 'Climate Emergency' motions.

Council therefore resolves to:

- Declare a 'Climate and Ecological Emergency' that requires urgent action to make the Council's activities net-zero carbon by 2030;
- Achieve 100% low carbon energy across the Council's full range of functions by 2030;
- Ensure that all strategic decisions, budgets and approaches to planning decisions are in line with a shift to net-zero carbon by 2030;
- Support and work with all other relevant agencies towards making the City of Chelmsford and surrounding area net-zero carbon within the same timescale;
- Ensure that Officers and political leadership teams within Chelmsford City Council embed this work in all areas and take responsibility for reducing, as rapidly as possible, the carbon emissions resulting from the Council's own activities;
- Ensure that any recommendations are fully costed and that the Executive and Overview & Scrutiny bodies regularly review Council activities, taking account of production and consumption emissions, and produce an action plan within 12 months together with budget actions and a measured baseline;
- Request that the Council's Overview & Scrutiny Committee considers the impact of Climate Change and the Environment when reviewing Council policies and strategies;
- Work with, influence and inspire partnerships across the city to help deliver this goal through all relevant strategies, plans and shared resources by developing a series of meetings, educational events for City Council staff and the wider community and partner workshops focusing on the Climate and Ecological Emergency;
- Request that the Council and its partners take steps to proactively include young people in the process, ensuring that they also have a voice in shaping the future;
- Establish a Chelmsford Climate Change Partnership within the remit of the Chelmsford Policy Board, involving councillors, residents, young people below voting age, academics and other relevant parties, to prioritise carbon reduction measures, identify related benefits to employment, health, agricultural and transport sectors and develop a strategy in line with the 'net-zero carbon by 2030' target;
- Establish a baseline for Chelmsford's ecological status and monitor progress year on year;
- Report on the level of Council investment in the fossil-fuel industry and review the City Council's investment strategy to give due consideration to Climate Change impacts in their investment portfolio;
- Ensure that all reports in preparation for the 2020/21 budget cycle and investment strategy note the actions the City Council will take to address this Emergency;
- Call on the UK Government to provide such new powers and resources as are necessary to make this possible, and to work within the LGA to encourage other councils to back this plan."

8.57pm to 9.17pm

Exclusion of the Public

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for item 16 on the grounds that it involves the likely disclosure of exempt information falling within paragraph 3 of Part 1 of the Schedule 12A to the Act (Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

16. **Proposed Sale of Property in the City Centre**

Public interest statement: The public interest in not disclosing the content of this report outweighs the public interest in disclosing it on the grounds that any publicity about the negotiation of and terms for the acquisition of land may affect the financial interests of the Council and, by extension, those of the residents of Chelmsford as well as the other parties involved in the acquisition and future development of the site. In particular, it would undermine the attainment of the best terms during the negotiations as other interested parties would be aware of the land owner's financial positions and intentions in advance.

The Council considered a report on the proposed sale of its freehold interest in a property and associated retail premises in the city centre. The Cabinet Member for Fairer Chelmsford described in detail the background to the sale and the reasons for recommending it.

RESOLVED that the Director of Financial Services be authorised to conclude negotiations and dispose of the freehold interest of the property referred to in the report to the meeting.

Councillors P Clark and R Hyland voted against the recommendation and Councillor C Finnecy abstained from voting.

9.17pm to 9.32pm

The meeting closed at 9.32pm

Mayor