

## CHELMSFORD CITY COUNCIL

### MINUTES OF THE MEETING OF THE COUNCIL

held on 8 December 2021 at 7pm

#### PRESENT:

The Mayor (Councillor J A Deakin)

Councillors L Ashley, H Ayres, K Bentley, M W Bracken, D J R Clark, P H Clark, A E Davidson, C K Davidson, S M Dobson, N A Dudley, J A Frasca, I D Fuller, M C Goldman, S M Goldman, I S Grundy, N Gulliver, R J J Hyland, J C S Lager, J S Lardge, R J Lee, M J Mackrory, R Massey, L Mascot, R J Moore, R J Poulter, S Rajesh, I C Roberts, S J Robinson, T E Roper, E J Sampson, C M Shaw, M Sismey, A B Sosin, J E Sosin, M S Steel, A Thorpe-Apps, R T Whitehead, T N Willis and S Young

#### 1. Apologies for Absence

Apologies for absence had been received from Councillors R H Ambor, N B Chambers, W A Daden, J Galley, N Gulliver, P V Hughes, A John, D G Jones, G B R Knight, L A Millane, G H J Pooley, J A Potter, J M C Raven, C R Tron, N M Walsh and I Wright.

#### 2. Mayor's Announcements

The Mayor informed the Council that she and the Deputy Mayor had recently returned from an enjoyable and successful visit to the city's twin town in Germany, Backnang.

The Council was informed that one of the Mayor's charities, Sanctus, was in need of items to donate to vulnerable people who needed to be rehoused. Anyone who could help was asked to contact Sanctus.

Another of the Mayor's charities, Mid Essex MIND, was organising its "Mental Elf" hunt again in the city centre this year.

Helping Hands Essex and Sanctus were looking for volunteers and anyone who was interested was asked to contact them.

### 3. Declarations of Interest

Members were reminded to declare at the appropriate time any personal and prejudicial interests in the business on the meeting's agenda.

### 4. Minutes

The minutes of the meeting held on 22 September 2021 were confirmed as a correct record.

### 5. Public Question Time

There were no questions or statements from members of the public.

### 6. Cabinet Question Time

The following questions from councillors were put to members of the Cabinet:

#### 1. Question from Councillor S Dobson to the Cabinet Member for Greener and Safer Chelmsford

“Our dog club met up on a beautiful sunny morning on Sunday 28<sup>th</sup> November at Hylands Park. In the past we have been concerned about whether we can park near each other, especially with the weather being so good.

This was certainly not an issue on Sunday at Home Farm. There were around 20 cars in the car park; two people only in the cafe and the Stables was deserted.

In previous weeks it would have been heaving.

Does the Cabinet Member have statistics for usage since the charges were introduced and how do these compare with previous figures prior to charging?”

The Cabinet Member replied that during the period 8 November 2021 (when parking charges were introduced) and 23 November 2021 there were just over 4,563 uses of the car parks that attracted a payment charge, excluding those covered by season tickets and those eligible for free parking.

After such a short period since the introduction of parking charges meaningful comparisons were not possible. Anecdotally, feedback from those managing the site was that the introduction of parking charges had not impacted on the use of the Estate since they were introduced, but trends of use would be monitored and comparisons with previous years made over the coming 12 months.

In response to a supplementary question, the Cabinet Member said that the introduction of parking charges appeared not to have had a negative impact on businesses operating in the Park but, again, this would be closely monitored.

## 2. Question from Councillor R J Poulter to the Leader of the Council

“The Local Government and Public Involvement in Health Act 2007 empowers, but does not require, Local Authorities to undertake community governance reviews.

Such reviews consider, inter alia, changes to parish boundaries, creation of new parish councils and changes to the number of parish councillors. No such review has been undertaken in Chelmsford for many years. In the words of the Leader at the last Council meeting no-one can recall when such a review was last undertaken.

Council has authorised that a review now be undertaken. Terms of reference were agreed in December 2020. The result of the review was presented to the last Council meeting on 22<sup>nd</sup> September.

1. Why in view of the huge impact of Covid 19 on council finances was this review undertaken at this time and not deferred?
2. What is the total cost to the Council to date (including the cost of officer time) and what is the final anticipated cost to the Council also including the cost of officer time?”

The Leader of the Council said that no-one could remember when such a review was last carried out. Government guidance recommended that a review be undertaken every 10-15 years and given the level of development within Chelmsford a review was very overdue in Chelmsford.

In addition, it would be recalled that the Conservative Group had urged in July 2019 that a review be carried out of City Council ward boundaries. The Local Government Boundary Commission for England (LGBCE) had suggested that the Council consider undertaking a Community Governance Review (CGR) in advance of review wards, as the parish boundaries were the building blocks for that. It was therefore sensible to do the CGR first.

Having carried out a CGR, the Council would be well prepared for that review. Following information from the LGBCE, it was now expected that there would be a review of wards before the elections currently scheduled for 2027, likely to be undertaken 2025-2027.

As to the costs, this was a one-off cost and, as such, was less impacted by the Covid challenges, which affected the ongoing revenue budget. External costs for an Association of Electoral Administrators consultant (as at end of October 2021) were £19,560. Consultation related costs so far invoiced amounted to £10,896. In the informal consultation, the vast majority of replies were online. Had the recent consultation been online only and not included leaflet deliveries, that would have saved a fair amount. However, the Conservative

Group had urged that the extra costs of leaflets and letters should be accepted and the Leader thought that was the right decision.

Supplementary estimates for both elements of additional expense had been approved. In terms of additional costs, there remained a significant amount of ongoing work/costs in completing the review, including analysing the consultation responses, providing advice, preparing the final report and post review steps. Officer time had not been recorded, although it was fair to say that, as a whole city CGR, a significant amount of officer time continued to be invested in undertaking the review.

The Leader ended by saying that if the Conservative Group had concerns about this process, it would be helpful if they raised them in the working group that had overseen the review. As this was akin to constitutional changes, the Leader was keen to proceed by consensus if possible. He trusted that the Conservative Group would raise any issues so they could be properly addressed.

### 3. Question from Councillor R T Whitehead to the Leader of the Council

“I am pleased that after a public consultation the Hamburger option has been selected for the Army & Navy junction.

The Leader of the City Council, who is a member of the Task Force, said in his press comments

‘It’s vital that we take this chance to look at the whole of Chelmsford’s network, and improve the options for cycling, walking and buses, including Park and Ride. This will help reduce congestion and improve the local environment.’

It is my understanding that funding is being sought from the Government to enable this long-standing problem to be resolved. When I was a member of the group looking at the various options it was agreed that as part of the traffic management options a new park & ride would be provided in Widford. This would lessen the traffic coming into the city centre and that Sandon Park & Ride would be further extended for the same reason, producing a considerable improvement in air quality.

I believe that the application to Government for the whole project included funding for the Widford option, so could he confirm that the Widford option is still being pursued?

It is over two years since the flyover was demolished so could he also advise us of the timescale for the work to start, as, despite the initial reduction of traffic due to Covid, there are now long delays at the junction once more.”

The Leader of the Council agreed that traffic at the junction was now almost at pre-Covid levels, although not so much in the morning peak. It was vital that Essex County Council pressed on with their plans for the junction and the wider network.

The County Council believed that expansion to the Sandon Park & Ride site would be an essential part of the package, and that would need to be carried out before the main works on the junction, to help alleviate the hold-ups that construction was likely to cause. That was therefore a key part of the proposals.

The Administration Group had long been advocates of a third Park & Ride site. Councillor Whitehead would recall that seven years previously the Leader had suggested that the Britvic factory could have been a location for it. The principle was included in the Local Plan.

The project plan and recent consultation included two options for a Park and Ride site at Widford and the Department for Transport accepted that it was eligible to be in the funding bid for the Army & Navy.

Now that a single option had been settled, it was time for Essex County Council to start detailed work on the full business case for funding, which had to be submitted to the Government. It was also worth noting that this would have to include an estimate of the substantial increase in construction costs over the last year, caused in part by Covid and part by leaving the EU. However, the Government had not increased the amount of money available for these projects.

The City Council had urged Essex County Council to carry out a full remodelling of transport data to take account of changing travel habits following Covid, and to model the impact of the new station, the new distributor road around Beaulieu and the north east bypass, all of which had become more certain since the A&N project started.

The City Council would continue to work with the Essex County Council taskforce to develop the business case that would be submitted to the Government to secure funding for the full Sustainable Transport Package.

As to the timetable, the business case had to be worked on in early 2022 and submitted to Government, before a planning application could be submitted. The City Council had offered help to ensure no delays in the application. The Government decision was unlikely before 2023, with a contract and construction period of two years or more after that.

#### 4. Question from Councillor R T Whitehead to the Cabinet Member for Fairer Chelmsford

“Given the on-going reduction in the use of the City Council’s car parks due to Covid and the loss of discretionary income from them, does the City Council propose to readjust the designation of long stay car parks to accommodate shorter stay parking and to use surplus sites for new housing, including affordable housing?”

Is a new car parking strategy to be published before the Council’s budget proposals are announced next year?”

The Cabinet Member replied that the Council's Improving Movement around the City and Housing Working Groups had been assessing many of the issues raised by Councillor Whitehead.

A consultation document on a new Sustainable Transport and Parking Strategy was scheduled to be considered by the Chelmsford Policy Board early in the New Year.

(7.04pm to 7.23pm)

## 7. Treasury Management Strategy Mid-Year Review

The Council considered a report on the Treasury Management activities undertaken in the first part of 2021-22 and the extent of compliance with the approved Treasury Management Strategy. The Treasury Management and Investment Sub-Committee and the Cabinet had concluded that no changes to the Strategy were required ahead of the full, annual review later in the financial year.

During discussion of the report reference was made to the graph in paragraph 3.2 of the Strategy which showed the Council returns versus benchmarking interest rates. It was stated that it would be helpful if the "CCC performance including funds" line did not include the CCLA returns and it was suggested that, for the next Strategy, the graph should show only the multi-asset fund returns. The Cabinet Member for Fairer Chelmsford said he would look at providing additional information in future Strategies for the purposes of clarity.

RESOLVED that the report on the Treasury Management activities in 2021-22 be noted and that the 2021-22 Treasury Strategy be approved without change.

(7.27pm to 7.27pm)

## 8. South Essex Parking Partnership Joint Committee Agreement

On 28 October 2012 the South Essex Parking Partnership had considered the proposed working arrangements for a new term of the Joint Committee Agreement.

The new Agreement would run for five years from 1 April 2022 with annual extensions possible for three years after that. The business model was based on the services currently provided by the Partnership but the new Agreement would also

- Establish a new surplus sharing model
- Encourage plans and ideas for innovation and technology
- Look at how cost efficiencies could be delivered in future

The proposed new surplus sharing arrangements would comprise three parts.

Part 1 would be a reserve of up to £400,000 a year to cover any potential deficit on the Partnership. The level of reserve would be maintained (and topped up as appropriate) before any surplus was moved into the second and third parts. Any surplus generated after any calls to maintain the Part 1 deficit reserve at the agreed level would be split between Part 2 (55%) and Part 3 (45%) subject to certain conditions.

Part 2 would be used for local needs as set out in the annual business plan. Specifically, it would cover (a) the operational and funding costs for Traffic Regulation Orders and the essential maintenance of parking related signs and lines and (b) innovation around different ways to manage parking within each partnership. Any capital/innovation funds required above the level agreed in the annual business plan that could not be contained within Part 2 could be bid for in Part 3 and considered on merit against other county-wide priorities. Any in-year surplus must cover the costs of TRO delivery and innovation to manage on-street parking. If the 55% share did not cover those costs they would be covered but the remainder would be allocated to Part 3.

Part 3 was intended to cover Essex wider strategic highways priorities and was proposed to be governed through a new Strategic Panel led by the County Council cabinet member and including the two Partnerships' chairmen and possibly one other member from each of the three partners. Any surplus achieved in this area from North and South Partnership Areas would be directed towards county-wide priorities within the respective areas, still in line with section 55 of the Road Traffic Regulation Act 1984. The County Council would work with the two Lead Authorities to develop the assessment criteria for bids for this funding. Bids would be put forward by officers from both the partnerships and Essex County Council.

Service Level Agreements would also be agreed with Essex County Council to cover:

- Management of additional on-street Pay and Display parking, which would replace limited waiting parking
- Management of CCTV cameras installed to monitor school parking

There would also be scope in the Agreement to engage in separate service level agreements for the Partnership to manage other activities such as discretionary disabled badge holder bays, enforcement on highways outside country parks, Traffic Management Act 2004 Part 6 moving traffic offences and electric vehicle charging points.

The Joint Committee had been of the unanimous view that the revised terms of the new Agreement were satisfactory and had recommended to its respective authorities that it be approved.

In response to a question on why a Reserve Fund of £300,000 was maintained, the Cabinet Member for Sustainable Development said that it was a contingency fund to cover unexpected costs and shortfall in income. It had proved its worth during the past 18 months or so, when revenue had reduced significantly as a result of the Covid pandemic.

The success of the Parking Partnership over the past 10 years was welcomed by members and the work of City Council officers in carrying out the lead authority role was acknowledged and appreciated.

RESOLVED the proposed terms of the new offer from Essex County Council to enter into a new South Essex Parking Partnership Joint Committee Agreement from 1 April 2022 be approved and that the City Council continue to act as the lead authority for the Partnership.

(7.27pm to 7.37pm)

### 9. Neighbourhood Plans for South Woodham Ferrers and Writtle

Following independent examination, the Neighbourhood Plans for South Woodham Ferrers and Writtle had both gained the required community support at their formal referendums and had become part of the statutory Development Plan for the administrative area of Chelmsford. The Council was recommended formally to 'make' the Plans as part of the Development Plan.

RESOLVED that:

1. the Council formally make the Neighbourhood Plan for South Woodham Ferrers, and the Neighbourhood Plan for Writtle, in accordance with Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004; and
2. the necessary legal and procedural processes to make the Neighbourhood Plans are delegated to the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development.

(7.37pm to 7.42pm)

### 10. Gambling Act 2005 – Statement of Licensing Principles

The Council was requested to approve the latest Statement of Licensing Principles under the Gambling Act 2005. The Licensing Committee and the Cabinet had recommended that the Council adopt the Statement.

RESOLVED that the Statement of Licensing Principles under the Gambling Act 2005 submitted to the meeting be adopted.

(7.42pm to 7.44pm)



## 11. Notice of Motion – Air Quality and Safety Around Schools

The Motion had been withdrawn before the meeting.

## EXCLUSION OF THE PUBLIC

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting during the consideration of Item 14 on the grounds that it involves the likely disclosure of exempt information falling within paragraph 3 of Part 1 of Schedule 12A to the Act (information relating to the financial or business affairs of any particular person including the authority holding that information)

## 12. Acquisition of Property in the City Centre

Public interest statement: It is not in the public interest to release details of this report at present, on the grounds that the report contains information that is commercially sensitive and to place the information in the public realm will be detrimental to the negotiations to be undertaken by the Council

The Council was requested to authorise officers to negotiate the possible acquisition of the long leasehold interest of a property in Chelmsford.

During discussion of the report doubts were expressed about the prospective purchase and the wisdom of proceeding with it was questioned for a number of reasons. From a financial point of view, it would not be possible to obtain a loan through the Public Works Loan Board if the purchase was intended to provide a financial yield to the Council. Any purchaser was likely to face large capital costs for refurbishment and, together with the high purchase price referred to in the report and the current dwindling income from the property, the overall yield was likely to be less than envisaged. The proposal in its current form therefore would be of dubious financial benefit to the Council and it was suggested that a better tactical approach to the purchase should be explored that would carry less risk.

The Cabinet Member for Fairer Chelmsford confirmed that alternative approaches to the acquisition would be considered with a view to unlocking the potential of the property. The Leaders of both Opposition Groups would be kept informed of progress and given details of any terms that had been negotiated should it be decided to proceed with the acquisition.

On being put to a recorded vote, the motion to approve the recommendations in the report to the meeting was carried, with the voting being as follows:

For the motion:

Councillors Ashley, Ayres, Bracken, D Clark, A Davidson, C Davidson, Dudley, Frasca, Fuller, M Goldman, S Goldman, Lager, Lardge, Lee, Mackrory, Mascot, Moore, Rajesh, Robinson, Shaw, A Sosin, J Sosin, Walsh, Willis and Young

Against the motion:

Councillors Bentley, P Clark, Dobson, Grundy, Hyland, Massey, Poulter, Roper, Sismey, Steel, Thorpe-Apps and Whitehead

Abstained:

Councillors Deakin, Roberts and Sampson

RESOLVED that:

1. The Director of Public Places after consultation with the Cabinet Member for Fairer Chelmsford pursuant to para 3.4.5.46 of the Constitution be authorised to consider, negotiate, and agree terms for the purchase of the property interest as described in the report to the meeting.
2. As no financial provision for this purchase has been made it is outside the approved Council budgets, pursuant to para 3.2.2.11 of the Constitution, a budget in the amount referred to in the report be allocated to support the purchase of the property interest.

The meeting closed at 8.18pm

Mayor