

MINUTES OF
CHELMSFORD CITY COUNCIL CABINET

on 17 November 2020 at 7.00pm

Present:

Cabinet Members

Councillor S J Robinson, Leader of the Council (Chair)
Councillor M C Goldman, Deputy Leader and Cabinet Member for Connected Chelmsford
Councillor C K Davidson, Cabinet Member for Fairer Chelmsford
Councillor M J Mackrory, Cabinet Member for Sustainable Development
Councillor R J Moore, Cabinet Member for Greener and Safer Chelmsford

Cabinet Deputies

Councillor A Davidson, Healthy Living
Councillor N Dudley, Community Engagement
Councillor S Goldman, Economy and Small Business
Councillor Chloe Tron, Affordable Housing

Opposition Spokespersons: Councillors

K Bentley, P Clark, S Dobson, J Galley, N Gulliver, R Hyland, R J Poulter, I Roberts,
M Sismey, M S Steel and R T Whitehead

Also present: Councillors D Clark and A Sosin

1. Attendance and Apologies for Absence

The attendance of members was confirmed. Apologies for absence were received from Councillor W Daden, Opposition Spokesperson for the Chelmsford Independents Group.

2. Declarations of Interest

Members of the Cabinet were reminded to declare at the appropriate time any pecuniary and non-pecuniary interests in any of the items of business on the meeting's agenda.

3. Minutes and Decisions Called-in

The minutes of the meeting on 8 September 2020 were confirmed as a correct record. No decisions at that meeting had been called in.

4. Public Questions

A member of the public asked a question on the electric scooter trial the subject of item 8 on the agenda. They asked whether regard had been had to the 'Advice for local authorities considering hosting e-scooter trials' and 'Advice for e-scooter operators participating in rental e-scooter trials' to ensure the safety of those who were visually impaired; whether the Council or the operators of the scooters, Spin, had carried out consultation with groups representing the visually impaired; and what safeguards the Council would require to ensure that no one with a visual impairment was endangered by any e-scooter trail before it was permitted to start.

The Cabinet Member for Sustainable Chelmsford and, later in the meeting when the Cabinet considered Item 8 on the agenda, the Head of Sustainable Transport at the County Council, replied that Spin and the County Council were carrying out extensive consultations before the introduction of the trial, which would include groups representing the disabled and those with visual impairments. All users of the scooters would be trained on their proper operation before they could be hired, which would involve their safe use around pedestrians, and the Police would be responsible for enforcement. Although almost silent when being used, each scooter was fitted with a bell to warn people of their presence. The questioner had contacted the County Council separately on the matter and a response would be provided to them.

5. Members' Questions

Councillors who were not members of the Cabinet asked the following questions:

Councillor K Bentley on:

- (a) Whether, in furtherance of the principles in the Climate and Ecological Emergency Declaration, the Council was divesting itself of any investments in fossil fuel companies.

The Cabinet Member for Fairer Chelmsford said that through its Investment Strategy the Council only invested in funds and did not own shares in companies. All

investments were regularly reviewed and only made if they met the UN requirements for sustainable investments.

- (b) When work to improve the condition of the car park at Compass Gardens, South Woodham Ferrers, would be carried out.

The Cabinet Member for Greener and Safer Chelmsford said that funding in the capital programme for the scheme would be brought forward to 2021-22 and the work was planned for between June and August 2021 following the refurbishment of the equipped play area in the park. In the meantime, the Cabinet Member would check on when scheduled maintenance to remove loose surface material in the car park would take place.

- (c) When the planned planting of whips in Creek View Road would begin.

The Cabinet Member for Greener and Safer Chelmsford said that the whips and taller species of trees had been ordered and were due to be planted soon.

Councillor R T Whitehead on whether the developer of a proposed site at South Woodham Ferrers had been correct to state recently that traffic matters were not part of the Masterplan for the development but would be part of the planning process. Councillor Whitehead said that this appeared to contradict a statement in the most recent edition of City Life under the title 'Residents are influencing development via Masterplans' that "You can help to decide where schools and neighbourhood facilities are built, how access and transport connections work, which buildings and landscapes need protection, and how everything is laid out."

The Cabinet Member for Sustainable Development replied that the masterplans being developed for the Local Plan site allocations set out the spatial requirements of the relevant Site Policy. That included a Movement Strategy setting out how footpaths, cycleways and bridleways connected within and outside the sites, how passenger transport would serve sites and the primary vehicular routes within sites and access connections to the wider highway network. The Local Plan was accompanied by traffic modelling to demonstrate that in principle the traffic from the new site allocations could be accommodated by the network. Where there was any adverse impact, new highway infrastructure should be provided by the developer to mitigate this. The Local Plan was subsequently found to be sound by the Local Plan Inspector.

Planning applications set out the detail of the type and size of new homes in a development and would need to be accompanied by a detailed Transport Assessment which would include further finer grain traffic modelling.

In the case of the site to the North of South Woodham Ferrers, Officers had written to the promoters of the site to ascertain the number of homes the masterplan was being designed to accommodate, as this remained unclear. If this exceeded the 'around 1,000 new homes' within the Local Plan, further traffic modelling evidence from the promoters would be required for the masterplan stage.

6.1 Social Value Procurement Policy and Strategy (Fairer Chelmsford)

Declarations of interest:

None.

Summary:

The Chartered Institute of Procurement and Supply recommended that any organisation which spent more than £5million a year should have in place a Procurement Policy. A proposed policy and associated Procurement Strategy were submitted to the Cabinet for approval.

Options

Adopt or not adopt the proposed policy and strategy, with or without amendments.

Preferred Option and Reasons

The proposed policy and strategy would add value to the Council's services, reflect modern public procurement practice and support the Council's aims and objectives.

Discussion

Questions were asked on whether the Council had adequate staff resources to check that all purchases complied with the requirements of the strategy; whether a baseline audit of the current position on social value had been carried out so that there was a point against which to monitor progress; whether, in light of the impending departure from the European Union (EU), the thresholds relating to contracts needed to be changed; whether the Council currently complied with procurement law; whether details of progress made against the Action Plan in the Strategy could be provided as part of that document; and whether progress had been made on achieving the aims and objectives of the Corporate Plan.

In response, the Cabinet Member for Fairer Chelmsford said that at this stage detailed compliance checks would only be carried out on larger purchases over £50,000 and he was confident that present staff resources were adequate to do that. He would find out what the likely additional staff time involved would amount to. On the other questions, the Cabinet Member said that a detailed response would be provided after the meeting, but he could say that the Strategy would comply with any thresholds that applied at the time, whether set nationally or by the EU. He also emphasised that the Council's procurement operation must comply with the law and that nothing in the Strategy should be interpreted as suggesting that it did not do so currently.

RESOLVED that the Procurement Policy and Strategy for 2020-25 submitted with the report to the meeting be adopted and published.

(7.25pm to 7.42pm)

6.2 Special Expenses (Fairer Chelmsford)

Declarations of Interest:

None

Summary:

The Connectivity and Local Democracy Working Group had carried out a review of the mechanism by which charges for services provided by both Parish/Town Councils and the City Council were made. The aim of the special expenses mechanism was to ensure that taxpayers in the areas where the Parish Council provided the services and charged for them through their Parish precepts were not taxed twice for the same type of expenditure.

The review of special expenses had involved obtaining initial information from Parishes, looking at changes to methodology and consultation with Parishes. Given its complexity, the Connectivity and Local Democracy Working Group had concluded that it should look further into the potential for future abolition of the existing special expenses regime and to consider alternative delivery models to deal with double-taxation issues. However, it was necessary to have a reasonable method in place for the 2021/22 budget and the Working Group had recommended retention of the existing special expenses regime, updated for current information from Parishes and with amended methodologies as set out in the report to the meeting and at Appendix B. Based on responses received to date, Appendix A outlined the potential changes to each Parish and Unparished area as a result of the recommendations.

The Chelmsford Policy Board on 15 October 2020 had endorsed that approach and recommended it to the Cabinet.

Options:

Approve the approach for Special Expenses recommended by the Working Group and Policy Board, retain the current mechanism or decide a different approach.

Preferred Option and Reasons

The suggested approach would enable preparations for the budget for 2021-22 to proceed but allow time for alternatives to Special Expenses to be explored.

Discussion:

It was confirmed during discussion that the Working Group's review of Special Expenses would look at alternatives to the system as well as its possible abolition.

RECOMMENDED TO THE COUNCIL that:

1. the findings of the review of special expenses by the Connectivity and Local Democracy Working Group be approved;

2. the retention of the current special expenses mechanism for the preparation of the budget for 2021/22, updated by the information and amended methodologies described in the report to the meeting, be approved; and
3. the Working Group explore other options for the future of special expenses such as abolition or replacement with another mechanism.

(7.42pm to 7.52pm)

6.3 Treasury Management Mid-Year Review (Fairer Chelmsford)

Declarations of Interest:

None

Summary:

The Cabinet considered a report on the Treasury Management activities undertaken in the first part of 2020/21 and the extent of compliance with the approved Treasury Management Strategy. Members were asked whether any changes to the Strategy were required ahead of the full, annual review later in the financial year.

Options:

Accept the recommendations in the report or recommend changes to the management of the Council's investments.

Chosen Option and Reasons:

The current investment arrangements met statutory requirements and were satisfactory in the current circumstances.

Discussion:

In response to anxiety about the performance of the CCLA Property Fund and the 35% reduction in the past year in the unrealised profit on the Council's investment in it, the Cabinet Member for Fairer Chelmsford acknowledged the reduction but said that the investment continued to give a better return than other funds. He said that this was a three- to five-year medium term investment which was regularly reviewed and continued if the risk in doing so was acceptable.

RESOLVED that the report on the Treasury Management activities in 2020/21 be noted and the Council be recommended to approve the 2020/21 Treasury Strategy without change.

(7.52pm to 8.01pm)

6.4 Revenue Monitoring (Fairer Chelmsford)

Declarations of Interest:

None

Summary:

The report formed part of the reporting regime by which members and officers monitored the Council's forecast expenditure and income and compared them with the approved estimates. It identified an expected level of expenditure and income by the Council for the year ending 31 March 2021 and set out actions relating to each of the material variations. The Cabinet was asked to consider the actions relating to the budget variances.

Options:

Approve or not the actions proposed to address the budget variations.

Chosen Option and Reasons:

The proposed actions would help ensure, as far as possible, that the Council would have sufficient funds to meet its revenue budget requirements in 2020-21.

Discussion:

The Cabinet Member reported that the further recent Covid-19 restrictions were estimated to result in a net reduction in income to the Council of £100,000 after taking into account anticipated government grant. He added that the planned steps to balance the budget included additional borrowing, which would increase the Council's debt and interest payments.

RESOLVED that the report be noted and the actions identified in respect of the budget variations be monitored.

(8.01pm to 8.05pm)

6.5 Capital Monitoring and Update (Fairer Chelmsford)

Declarations of Interest:

None

Summary:

The Cabinet received a report on the latest position on the capital programme. The report also provided updates on the approved Capital Schemes and Asset Replacement Programme to reflect variations in cost and timing which had been identified to date and sought approval for additional budgets.

Options

Approve or not the variations to Capital Schemes and the Asset Replacement Programme.

Preferred Option and Reasons

The Capital Programme as submitted represented new phasing and expenditure required for Capital Schemes and the Asset Replacement Programme.

Discussion

As mentioned under Item 5 above, the Cabinet Member for Fairer Chelmsford said that the scheme in the capital programme for improvements to the Compass Gardens car park would be brought forward to 2021-22. In response to a question on the purchase of a number of flats in Chelmsford, which would not now be proceeding, the Cabinet Member said that the Council was on course to purchase 20 properties for the housing of homeless people. The effect of such purchases on the cost of temporary housing would be reflected in the revenue budget for next year.

RESOLVED that

1. the proposed increase in the cost of capital scheme costs of £11.472m shown in Appendix 1 and detailed in paragraph 6.3 of the report to the meeting be noted;
2. it be noted that approval for those increased costs will be sought from the Council in December 2020 or, if required, by way of the Chief Executive's delegated authority to take urgent decisions; and
3. the proposed Asset Replacement Programme for 2020/21 and 2021/22 be approved together with the increase in scheme costs of £20,000 and the rephasing of £684,000 from 2020/21, as shown in Appendix 3 and detailed in paragraphs 7.3 and 7.4 of the report.

(8.05pm to 8.12pm)

6.6 Medium-Term Financial Strategy (Fairer Chelmsford)

Declarations of Interest:

None

Summary:

The Cabinet received an update on the Council's projected financial position over the medium term and progress against the actions outlined in the Medium-Term Financial Strategy approved by the Council in July 2020. It was asked to consider

whether any amendments were required to the Strategy in light of the latest information.

Options

Agree the recommended changes to the Medium-Term Financial Strategy, retain the existing Strategy or propose other amendments to the Strategy

Preferred Option and Reasons

The proposed amendments to the Medium-Term Financial Strategy took account of the increased risk to the Council's finances from the uncertainty over future income levels and government funding, thereby providing a sound basis for the preparation of the 2021/22 budget and underpinning the future financial sustainability of the Council.

Discussion

The Cabinet Member said that the main changes proposed to the strategy were increasing reserves to £9 million and allowing them to be used to cover temporary reductions in income. In response to a question, he said that ideas for income generation, such as letting unused space in its offices to other organisations, were best considered when setting the budget for 2021/22.

RESOLVED that

1. the updated financial forecast and progress against actions within the existing Financial Strategy be noted; and
2. the Council be recommended to approve:
 - a. the approach to reserves set out in section 3 of the report to the meeting and
 - b. the amendments to the Financial Strategy set out at paragraphs 3.4 and 7.5 of the report and reflected in Appendix 1.

(8.12pm to 8.19pm)

7. Review of Statement of Licensing Policy (Greener and Safer Chelmsford)

Declarations of Interest:

None

Summary:

The Licensing Committee had reviewed the Council's Statement of Licensing Policy under the Licensing Act 2003 and, subject to a minor amendment to include reference the need to adhere strictly to COVID-19 regulations and guidelines in and around venues, had recommended that it be approved without change.

Options

Recommend that the Council approve the Statement of Licensing Policy, with or without the change suggested by the Licensing Committee or other changes.

Preferred Option and Reasons

The policy as presented would enable the Council to meet its statutory obligations under the Licensing Act 2003.

Discussion

The Cabinet Member for Greener and Safer Chelmsford recommended that the amendment suggested by the Street Pastors and supported by the Licensing Committee not be accepted as it did not relate directly to the licensing objectives and the need to observe Covid-19 restrictions and regulations was covered by other regulatory regimes.

RESOLVED that the Council be recommended to approve the Statement of Licensing Policy as submitted to the meeting and without amendment

(8.19pm to 8.25pm)

8. Chelmsford Electric Scooter Trial (Sustainable Development)

Declarations of Interest:

None

Summary:

The Cabinet was asked to consider whether Chelmsford should participate in Essex County Council's proposed trial of electric scooters. The report to the meeting described how the trial would operate and be monitored and recommended that the city participate in the trial.

Options

Support or not Chelmsford's participation in the trial.

Preferred Option and Reasons

Endorsing the trial use of electric scooters in Chelmsford could provide an opportunity to promote sustainable travel options, particularly for short trips and commuting, reduce traffic congestion and cut carbon emissions. It could also

benefit Chelmsford while social distancing was in place on public transport during the Covid-19 pandemic.

Discussion

The Cabinet received a presentation on the trial from the County Council's Head of Sustainable Transport.

The following questions and points about the scheme from an opposition group spokesperson had been notified in advance of the meeting:

- The intention was to have e-scooters being ridden on cycle paths, shared use ways and roads of less than 30mph. How would it be ensured that they were not also ridden on pavements, or in the precinct? It was noted that Middlesbrough had cut back on its trials after riders constantly rode them in pedestrian areas and this was also a major problem in Coventry, where trials had been suspended after five days. Whilst the rules on the "provided" scooters were clear, the Cabinet was asked whether it felt that Chelmsford High Street would see the same problems both with the supplied scooters and with people using their own. It was understood that York had fitted geo-fencing one week into their trials to prevent scooters entering shopping centres, as signs were being ignored.
- The safety of pedestrians, particularly those with impaired sight, was a concern. Cycling in the High Street was already a concern and the scooters would be the "silent" propelled vehicles. How would the safety of pedestrians in the High Street be protected?
- The regulations required that riders needed to be over 18 years old, hold a provisional or full driving licence, riders were required to complete and pass safety training, and penalties for misuse were included. Who would be responsible for ensuring this happened and for enforcing such penalties?
- Appropriate insurances including public liability insurance, vehicle insurance, were in place. Does the City Council have any liability and did its insurance cover it?

In response to those matters, the Cabinet was informed that:

- the scooters were regarded as vehicles under the Highways Act and the enforcement of their lawful use would be the responsibility of the police;
- the trial in Coventry had been suspended for a short period to enable geo fencing to be installed. For the Essex trial this would be provided from the start and would be a sophisticated system which would ensure that the scooters were only used in designated areas and could not be operated in prohibited areas;
- their speed would be limited to 15.5mph, they would be fitted with warning devices and could not be hired until the user had undergone full training and had agreed to comply with the conditions of their use; and

- Spin would be responsible for ensuring that all required insurance was in place.

The Cabinet Member added that the trial would be subject to thorough review at its end and measures to address any problems would be agreed before a decision was taken on the long-term future of the scheme.

The Head of Sustainable Transport said that details of the trials had yet to be finalised and the comments of consultees, including the district councils and groups representing those with disabilities, were welcomed and would be taken into account in the scheme's design. She said that the success or otherwise of the trials would be assessed against key performance measures that would be decided before they began.

RESOLVED that:

1. Essex County Council's proposed electric scooter trial in Chelmsford be endorsed, subject to the County Council resolving its concerns around the implementation of the trial within a COVID-19 lockdown; and
2. the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development be authorised to engage with Essex County Council and their operator partners and other relevant parties on these matters to make operational decisions related to the trial.

(8.25pm to 9.03pm)

9. Amendments to the Constitution (Leader)

Declarations of Interest:

None

Summary:

The Constitution Working Group and the Governance Committee had recommended several changes to the Constitution following its latest review.

Options

Support or not the recommended amendments to the Constitution.

Preferred Option and Reasons

The proposed changes would ensure that the Constitution remained up to date and that decision-making processes met current needs.

RESOLVED that the Council be recommended to approve the following amendments to the Constitution:

1. Rule 3.4.11(c) be amended to read:

“applications for a private hire licence where the circumstances of the applicant have changed since the grant of a previously held licence.”

2. The Cabinet and Committee Procedure Rules in Part 4.2 be amended by the addition of the following;

4.2.8A Working Groups

4.2.8A.1 A non-Executive body may create such Working Groups of such size and membership as it may decide. Working Groups need not be politically balanced but should, where possible, comprise members of all political groups on the Council. All groups will be permitted to appoint substitute member(s) to any seat(s) allocated to their particular group.

4.2.8A.2 The Cabinet Member whose portfolio is most closely associated with the general work of a Working Group shall be entitled to attend its meetings and speak at them. Other Cabinet Members may, with the permission of the Chair of the Working Group, attend and speak at its meetings if it is considering a matter related to their portfolios.

4.2.8A.3 Other members of the Council may attend meetings of a Working Group but will not be entitled to speak.

3. Rule 4.1.13.9 of the Council Rules be amended to read:

“An amendment should not negate the motion. All amendments should be submitted in writing to the Legal and Democratic Services Manager no later than 24 hours before the meeting. If valid, they will be published with the agenda for the meeting on the Council’s website no later than six hours before the meeting. If the Legal and Democratic Services Officer considers that the amendment is not valid, the councillor who submitted it will be given the opportunity to alter it to make it a valid amendment, provided they do so and send the revised amendment to the Legal and Democratic Services Manager no later than eight hours before the meeting.

Nothing in the foregoing paragraph would rule out a short amendment to a Motion being presented on the night provided it is compliant with paragraph 4.1.13.8. ”

4. Amend Rule 4.1.12.1 (h) to read: “a short amendment to a Motion as set out in rule 4.1.13.9 and to amend an amendment to a motion”

(9.03pm to 9.11pm)

10. Urgent Business

There were no items of urgent business

11. Reports to Council

The reports at Items 6.2, 6.3, 6.5, 6.6, 7 and 9 were referred to the Council for approval.

The meeting closed at 9.12pm

Chair