

**MINUTES OF
CHELMSFORD CITY COUNCIL CABINET**

on 25 January 2022 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

Opposition Spokespersons

Councillors K Bentley, R Hyland, I C Roberts, M Sismey, M S Steel and R T Whitehead

Also present: Councillor A Davidson

1. Apologies for Absence

Apologies for absence were received from Councillors J Galley and R J Poulter, Opposition Spokespersons.

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 16 November 2021 were confirmed as a correct record. No decisions at that meeting had been called in.

4. Public Questions

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

5. Members' Questions

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

- (a) Councillor K Bentley on whether any date had been set to begin consultation on the review of the Local Plan.

The Cabinet Member for Sustainable Development said that preparations for the review of the Local Plan were only in their early stages and specific dates had not yet been set. He would inform Councillor Bentley if officers had in mind possible dates for the beginning of consultation.

- (b) Councillor M J Steel on the apparent lapsing of the temporary traffic order allowing access to Broomfield Road from Parkway and whether the County Council had consulted the City Council on the reimposition of the previous restriction which prohibited the left turn from Parkway.

There appeared to be some confusion over whether the restriction had been temporary or permanent and whether access would continue be restricted or not. There was a consensus at the meeting that traffic should be allowed to turn left into Broomfield Road from Parkway and the City Council would request the County Council to make the Order permanent.

(7.03pm to 7.06pm)

6. Local Council Tax Support Scheme 2022-23 (Connected Chelmsford)

Declarations of interest:

None.

Summary:

The Cabinet was informed that the Council was required to approve, by 11 March 2022, a Local Council Tax Support Scheme for 2022-23. It was proposed that the Scheme adopted for 2021-22 be retained in its current form.

Options:

Retain the present scheme or adopt an amended version.

Preferred Option and Reasons:

The existing scheme would be affordable to the Council and fair to recipients of Council Tax support.

Discussion:

In response to questions on the Scheme, the Cabinet Member for Connected Chelmsford said that there was no specific definition of the term "working age" as the age at which individuals qualified for the state pension differed, depending on when they were born. The report set out in detail the Support Scheme' eligibility criteria.

RECOMMENDED TO THE COUNCIL that the Local Council Tax Support Scheme for 2021-22 be retained as the Scheme for 2022-23.

(7.06pm to 7.11pm)

7.1 Chelmsford Car Parking Fees 2022-23 (Sustainable Development)

Declarations of Interest:

None

Summary:

The Cabinet considered proposed revised tariffs for the use of the Council's car parks in 2022-23. If approved, the projected income would be included in the budget for 2022-23 to be recommended to the Council.

Options:

Approve or amend the proposed tariffs set out in Appendix A to the report to the meeting.

Preferred Option and Reasons:

The proposed tariffs would ensure that the Council's car parks continued to operate competitively within the wider off-street parking market in Chelmsford; would help effectively to manage demand; and would generate sufficient income to be able to adequately maintain and re-invest in those facilities.

Discussion:

The following questions and comments were put during discussion on this item:

- The need to cover Council car park costs with fees was understood, especially as installing new EV charging points, ticket machines and routine maintenance work was not cheap; however, it was assumed that the large increases had been brought about by failing to increase City Centre fees last year.

The Cabinet was informed that the increase in charges was designed to cover the cost of inflation as well as the additional costs of maintaining car parks within the city centre area.

- It would be desirable to have a more integrated approach to fees so that they were linked to the Park & Ride charges, i.e. negotiated between the City and County Councils.

In response to that comment, the Cabinet Member said that the cost of park and ride (£3.60 per person) was in many cases cheaper than paying car parking charges in the city centre. The current pricing strategy for car parking aimed to avoid direct competition with public transport costs and transportation schemes such as Park & Ride.

- It would also be desirable to see the work carried out by the Improving Movement Around Chelmsford (iMAC) Working Group and Planning Services being considered in the Budget Report at Item 8.2 on the agenda so that it reflected a more holistic approach to fee charging.

The Cabinet Member said that work undertaken through the iMAC Working Group such as the assessment of future parking income and land disposal options, which included surplus long-stay car parks, had already been factored into the Council's overall budget proposals for 2022/23.

- The Cabinet Member was asked whether he would ensure that negotiation was carried out with the County Council over City Centre car park fees and Park and Ride charges and that work done at iMAC and in Planning Services was fully integrated into the fee structure.

The Cabinet was informed that the City and County Councils could not negotiate car park fees and charges without breaching competition law. The City Council would continue to work with the County Council with the aim of reducing congestion and supporting economic growth through access to local businesses.

- The view was offered that many City Centre businesses relied on footfall and this may be reduced due to the increased fees. Out of town shopping may benefit instead but this would impact the vitality of the High Street. The Cabinet Member was asked to indicate the likely percentage drop in usage and whether this was expected to be long term.

The Cabinet Member replied that no change in demand was assumed in Chelmsford High Street as result of the of the price changes. To support the retail areas the Council was freezing the 1-hour and 2-hour tariffs in Moulsham Street and West End car parks.

It was also pointed out that the proposed reduction in fees for Residents Car Park Permits would benefit those residents who could not park on the street.

RESOLVED that the revised car parking tariffs for 2022-23 set out in Appendix A to the report be approved and recommended to the Council as part of the budget for that year.

(7.11pm to 7.22pm)

7.2 First Homes Planning Advice Note: Consultation Feedback (Sustainable Development)

Declarations of Interest:

None

Summary:

The Cabinet considered the results of a technical consultation on a draft Planning Advice Note which set out how the Council would implement locally the delivery of a national policy for a new type of affordable home ownership product called First Homes. The draft Advice Note had been amended in the light of that consultation and the Cabinet was recommended to adopt it to support the implementation of the Chelmsford Local Plan and Supplementary Planning Documents.

Options:

Approve or not the amendments to the Planning Advice Note.

Preferred option and reasons:

The Planning Advice Note made clear the City Council's approach to First Homes and the amendments clarified the Council's approach when a developer chose to provide a larger discount from market value than that required by the Council, as well as the prioritisation of different types of affordable housing through developer contributions.

Discussion:

In response to a question, it was confirmed that the First Homes contribution was a developer contribution if they provided the minimum discount of 30%.

In approving the Advice Note, the Cabinet particularly welcomed the requirement that at least 25% of First Homes on exception sites should be affordable housing for rent.

RESOLVED that the First Homes Planning Advice Note set out at Appendix 1 of the report to the meeting, with the changes set out in Appendix 3, be approved, to come into immediate effect.

(7.22pm to 7.28pm)

7.3 Housing Additionality: Affordable Housing for Rent Planning Advice Note (Sustainable Development)

Declarations of Interest:

None

Summary:

On 13 January 2022, the Chelmsford Policy Board had considered a draft Housing Additionality: Affordable Housing for Rent Planning Advice Note which proposed two ways in which the Council could seek to increase the proportion of larger four-bedroom affordable homes for rent available on new development sites.

Options:

Approve or amend the Planning Advice Note.

Preferred option and reasons:

The Planning Advice Note would help to increase the proportion of four-bedroom homes for rent available on new development sites to address the shortfall in delivery of that size of affordable home in the last five years; reduce the numbers of larger families with children being accommodated in temporary accommodation; and create a higher churn across all sizes of affordable accommodation in the existing affordable housing.

Discussion:

It was put to the Cabinet Member that while the Council was applying the 35% affordable housing requirement to developers who were fulfilling the Local Plan obligations, there was no reason why it could not apply a higher figure to any additional dwelling numbers above the Local Plan stipulation for each Strategic Growth Site (SGS).

There was a backlog of families waiting for affordable housing to be built and this would speed up the delivery, reducing the waiting list and the increasing pressures on the Council's housing budget. This happened elsewhere in the country: in London 50% of all new homes were required to be affordable. The Cabinet Member was asked whether he would increase to 50% the requirement for affordable housing in the case of additionality for large developments on SGSs.

The Cabinet Member replied that National Planning Policy Guidance stated that policies for planning obligations, such as affordable housing, must be set out in Local Plans and examined in public. Policy requirements needed to be clear so that they could be accurately accounted for in the price paid for land.

National Planning Practice Guidance stated that it was not appropriate for plan-makers to set out new approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination.

The Housing Additionality: Affordable Housing for Rent Planning Advice Note represented a change in the mix of affordable housing for rent, rather than an increase in the supply of it, to enable an immediate response to current housing needs and address shortfalls in the supply of larger affordable homes secured through the planning system over the last five years.

The process for potentially increasing the affordable housing contribution on planning gain sites would be the review of the Local Plan, commencing this year. The Council would have to consider the combined total impact of any changes in policy to ensure they did not undermine the deliverability of the Local Plan.

The Council had neither the powers nor the budget of the Mayor for London and therefore it could not provide such a level of affordable housing, desirable though that may be.

As part of the review of the Local Plan the Cabinet Member was asked whether he would consider increasing the affordable housing for additional builds. The Cabinet Member said that he would be keen to increase affordable housing as much as possible but that had to be balanced against the viability of the sites. He also agreed with another comment made at the meeting that the national requirements for the provision of affordable housing were complex and could potentially deter developers from proceeding with proposals. He pointed out, however, that the crucial point to remember was the length of time people were waiting for suitable affordable housing and the Advice Note sought to address that.

RESOLVED that the Planning Advice Note on Housing Additionality: Affordable Housing for Rent be approved and adopted with immediate effect.

(7.28pm to 7.44pm)

7.4 Duty to Co-operate Strategy – Consultation Feedback (Sustainable Development)

Declarations of Interest:

None

Summary:

Following public consultation on the draft Duty to Co-operate Strategy, the report to the meeting set out the responses received and the amendments it was proposed to make to the Strategy.

Options:

Approve the Strategy with or without the proposed amendments, or with revised amendments.

Preferred option and reasons:

The Strategy confirmed the Council's commitment to implementing the Duty to Co-operate for its Local Plan review; explained in broad terms who the Council would seek to co-operate with, when it would co-operate and what co-operation mechanisms it would put in place; provided a valuable guide to co-operation activity; and formed part of the evidence base supporting the Local Plan review.

Discussion:

The Cabinet Member was asked why the water/sewage authorities and the emergency services were not on the list of organisations consulted on the Duty to Co-operate. The Cabinet was informed that only the organisations specified by legislation could be consulted on the Duty. However, other bodies, including those mentioned in the question, were consulted as part of the Local Plan process.

RESOLVED that

1. the Duty to Co-operate Strategy be approved with the amendments as described at paragraph 5.2 of the report to the meeting;
2. any subsequent minor textual, presentational or layout amendments to the final version of the Duty to Co-operate Strategy be delegated to the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development; and
3. the necessary procedural processes to publish the final Duty to Cooperate Strategy be delegated to the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development.

(7.44pm to 7.47pm)

8.1 Capital, Treasury and Investment Strategies 2022-23 (Fairer Chelmsford)

Declarations of Interest:

None

Summary:

The Cabinet received a report setting out a proposed approach to the management of the Council's cash, capital investments (the capital expenditure programme) and other types of investment, including property.

Options:

1. Accept the recommendations contained within the report
2. Recommend changes to the way the Council's investments are to be managed

Preferred option and reasons:

The proposed Strategies met statutory requirements for the production of a treasury management strategy that achieved an acceptable balance between risk and return and capital and investment strategies that ensured the proper financial management of the Council's resources.

RECOMMENDED TO THE COUNCIL that the Capital, Treasury and Investment Strategies 2022-23 as submitted to the meeting be approved.

(7.47pm to 7.50pm)

8.2 Budget for 2022-23 (Fairer Chelmsford)

Declarations of Interest:

None

Summary:

The report to the meeting contained recommendations for the setting of the Revenue and Capital Budgets for 2022-23 and the level of Council Tax for that year. An addendum to the report had been circulated before the meeting which updated the budget to reflect an additional use of reserves to meet higher energy costs in 2022-23.

Options:

Agree or vary the proposals contained within the report but with regard to the financial sustainability of any amendments, and either accept the recommendations on financing the additional energy costs or seek further savings to balance the budget.

Preferred option and reasons:

The recommended budget would be prudent and in the best financial interests of the city. The recommendations on meeting the additional energy costs provided the most flexibility and did not prevent savings being found to offset the additional costs outside the budget process.

RECOMMENDED TO THE COUNCIL that:

1. the contents of Appendix 1 to the report to the meeting, the Budget Report, be approved, subject to the amendment to reflect the additional £600,000 due to

energy price increases identified since the completion of the draft Budget Report, and specifically the following be agreed:

- I. The additional use of unearmarked reserves to fund the higher energy costs in 2022/23
- II. The new Capital and Revenue investments in Council Services shown in Section 4 of the report
- III. The delegations to undertake the new capital schemes identified in Section 4, Table 5
- IV. The Revenue Budgets in Section 9 and Capital Budgets in Section 10
- V. An increase to the average level of Council Tax for the City Council, increasing the average annual Band D Council Tax to £208.86, the maximum allowed before a referendum, in Section 8
- VI. The movement in reserves shown in Section 6, as amended by the use of reserves to meet the higher energy costs
- VII. The Budget forecast in Section 6 and the report of the Section 151 Officer on the risks and robustness of the budget in Section 7 (Council should note these in particular)
- VIII. Special expenses, Parish and Town Councils' precepts as identified in Section 8, Table 11 (Parish precepts to be reported to the Council)
- IX. A delegation to the Chief Executive to agree, after consultation with the Leader of the Council, the pay award for 2022/23 within the normal financial delegations
- X. A delegation to the Section 151 Officer after consultation with the Cabinet Member for Fairer Chelmsford that should a surplus level of reserves be determined at 31 March 2022 then if appropriate an additional revenue contribution to capital is made in the financial year 2021/22.

RESOLVED that:

2. It be noted that at this time it is unclear how much of the higher energy costs are ongoing beyond 2022/23
3. The approach that the additional ongoing implications of higher energy cost should be addressed in the July Medium-Term Financial Strategy report to Council be approved and it be agreed that it is not appropriate to seek additional savings, efficiencies or income to fund the higher energy cost before approving the 2022/23 budget.
4. The Section 151 Officer be authorised to amend the Budget Report for submission to Council to allow for the consequences of the higher energy prices identified, after consultation with the Cabinet Member for a Fairer Chelmsford.
5. The Section 151 Officer be authorised to prepare a budget report and legal resolution for submission to Council for consideration, including updating the Business Rate Retention Income following completion of NDR1 statutory return to Government.
6. Should the final Government grant settlement details change following the Cabinet meeting, the Section 151 Officer be authorised to amend the report and identify the impact to Council, after consultation with the Cabinet Member for a Fairer Chelmsford.

7. The following capital schemes that need to be progressed before the Council meeting be approved: the Safer Streets Grant spend on Bunny Walk lights and CCTV (£185,000); the additional £850,000 for Galleywood Hall following the results of the tender for the works; and £117,000 CIL schemes where funding has been approved by the Community Funding Panel.
8. Cabinet notes that the capital and revenue figures exclude the budget approved for a potential city centre asset purchase, as the matter is still subject to commercial discussions. Should the position change then the budget papers for Council will be updated under the above delegation by the Section 151 officer after consultation with the Cabinet Member for a Fairer Chelmsford.

(7.50pm to 8.02pm)

9. Public Open Spaces Policy (Greener and Safer Chelmsford)

Declarations of Interests:

None.

Summary:

The Cabinet was requested to consider an updated policy on the acquisition, disposal and management by the Council of public open space.

Options:

Approve or amend the updated policy.

Preferred option and reasons:

The Policy reflected the ambitions set out in Our Chelmsford Our Plan adopted by the Council on 22 January 2020 together with the 'green space' policies set out in the Chelmsford Local Plan, adopted on 27 May 2020, and the Making Places and Planning Obligations Supplementary Planning Documents adopted on 26 January 2021.

Discussion:

The Cabinet Member for Greener ad Safer Chelmsford was asked:

- whether the Council's preference that public open spaces be transferred to and adopted by the Council with an appropriate commuted sum for ongoing maintenance applied to the Garden Village type developments where the developers currently set up a management organisation and collected a sum from local residents;
- whether the preference would extend to similar historic areas managed my residents' trusts, particularly those where residents were struggling to manage them, or land previously owned by developers who were no longer trading;
- how the commuted sum would be calculated and collected;
- how parish councils could take advantage of this preference; and
- whether the Council had the resources to manage all the land that could potentially become its responsibility.

The Cabinet Member replied that the preferred approach to the management of open space could only, by law, apply to new developments and the Council's aims for other sites could only be achieved by legislation giving powers to the Council to take over their

management. The Local Plan would also need to be amended to reflect that preference on existing sites currently managed by developers. The Council would not wish to adopt open space that was already being well managed by communities for the public good and, equally, would be willing to transfer assets to communities that wished to manage them and maintain public access. It would also consider other models whereby developers, parishes and local residents jointly managed open spaces. The Cabinet Member would advise on the level of the commuted sum and how it would be collected.

RESOLVED that the updated Public Open Spaces Strategy set out in the Appendix to the report to the meeting be approved.

(8.02pm to 8.20pm)

10. Urgent Business

There were no items of urgent business.

11. Reports to Council

The Cabinet was informed that the following items would be the subject of report to the Council:

- Capital, Treasury and Investment Strategies 2022-23 (Minute Number 8.1)
- Budget Report 2022-23 (Minute Number 8.2)

The meeting closed at 8.21pm

Chair