

# Council Meeting Agenda

**Wednesday, 9 December 2020 at 7p.m.**

## **Remote Meeting**

### **MEMBERSHIP**

The Mayor – Councillor Jude Deakin  
The Deputy Mayor – Councillor Linda Mascot

and Councillors

R H Ambor, L Ashley, H Ayres, K Bentley, M W Bracken,  
N B Chambers, D J R Clark, P H Clark, W A Daden,  
A E Davidson, C K Davidson, S M Dobson,  
N A Dudley, J A Frasca, I D Fuller, J Galley,  
M C Goldman, S M Goldman, I S Grundy, N Gulliver,  
P V Hughes, R J J Hyland, A M John, D G Jones, G B R Knight,  
J C S Lager, J S Lardge, R J Lee, M J Mackrory, R Massey,  
L A Millane, R J Moore, G H J Pooley, J A Potter, R J Poulter,  
S Rajesh, J M C Raven, I C Roberts, S J Robinson, T E Roper,  
E J Sampson, C M Shaw, R J Shepherd, M Sismey, A B Sosin,  
J E Sosin, M S Steel, C R Tron, N M Walsh, M D Watson,  
R T Whitehead, T N Willis, I Wright, S Young (and one vacancy)

Local people are welcome to attend this meeting remotely, where your elected  
Councillors take decisions affecting YOU and your City.

There is also an opportunity to ask your Councillors questions or make a statement.

These have to be submitted in advance and details are on the agenda page. If you  
would like to find out more, please telephone

Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923  
email [brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk)

# MEETING OF CHELMSFORD CITY COUNCIL

9 December 2020

## AGENDA

### 1. Attendance and Apologies for Absence

### 2. Mayor's Announcements

### 3. Declarations of Interest

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

### 4. Minutes

Minutes of Meeting on 22 July 2020

### 5. Public Questions

Any member of the public may ask a question or make a statement on matters for which the Council is responsible at this point in the meeting, provided that they have been invited to participate in this meeting and have submitted their question or statement in writing and in advance. Each person has two minutes and a maximum of 30 minutes is allotted to public questions/statements. The Mayor may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk) 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting, provided they have indicated that they wish to do so and have submitted an email address to which an invitation to join the meeting and participate in it can be sent.

### 6. Cabinet Question Time

The Leader and Members of the Cabinet to answer questions submitted by Members of the Council in accordance with Council Rules 10.18 to 10.22.

## 7. Reports from the Cabinet Member for Fairer Chelmsford

To consider the attached reports

Covering report and recommendations of Cabinet

### 7.1 Section 106 Spending Plan

### 7.2 Special Expenses

### 7.3 Treasury Management Mid-Year Review

### 7.4 Medium Term Financial Strategy

## 8. Amendments to the Constitution

To consider the attached report from the Governance Committee on 14 October 2020

## 9. Statement of Licensing Policy

To consider the attached report from the Licensing Committee on 10 September 2020

## 10. Community Governance Review

To consider the attached report from the Chelmsford Policy Board on 3 December 2020

## 11. Continuation of Temporary Changes to Constitution and Approval of Members' Absences

To consider the attached report from the Leader of the Council

## 12. Membership of Committees

To consider the attached report from the Leader of the Council

## 13. Notice of Motion – Local Electricity Bill

In accordance with notice duly given, Councillor R Moore will move, and Councillor S Robinson second:

1. This Council believes that
  - a. local authorities can play a central role in creating sustainable communities, particularly through the provision of locally generated renewable electricity

- b. very large financial setup and running costs involved in selling locally generated renewable electricity to local customers can result in it being unachievable
  - c. making such costs proportionate to the scale of a renewable electricity supplier's operation would create significant opportunities for councils to be providers of locally generated renewable electricity directly to local people, businesses and organisations
  - d. revenues received by councils that become local renewable electricity providers could be used to help fund measures to reduce local greenhouse gas emissions and improve local services and facilities
2. This Council notes
- a. that when the UK emerges from the Coronavirus pandemic, there will be a need to rebuild local communities and economies for the benefit of local people and businesses, and that energy being used close to the point of generation is more efficient
  - b. the efforts that Chelmsford City Council has already made to reduce greenhouse gas emissions and promote renewable energy, following the declaration of a Climate and Ecological Emergency in summer 2019, and that ambitious new policy and regulation is needed if we are to meet the target of net-zero emissions by 2030 and encourage others to do the same.
3. This Council therefore agrees to
- a. support the Local Electricity Bill which, if made law, would make the setup and running costs of selling renewable electricity to local customers proportionate by establishing a Right to Local Supply
  - b. inform the media of this decision
  - c. write to local MPs requesting their support for the Bill
  - d. write to the organisers of the campaign for the Bill, *Power For People*, to express its support

## PART 2 (Exempt Item)

To consider whether to exclude the public from the meeting during the consideration of the following matter, which contains exempt information within the category of Part 1 of Schedule 12A to the Act indicated:

### 14. Chelmer Waterside Delivery Options

Category: Paragraphs 3 and 6

Information relating to the financial or business affairs of any particular person (including the authority holding the information)

Information which reveals that the authority proposes—

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment

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.

## CHELMSFORD CITY COUNCIL

## MINUTES OF THE MEETING OF THE COUNCIL

held on 22 July 2020 at 7pm

## PRESENT:

The Mayor (Councillor J A Deakin)  
The Deputy Mayor (Councillor L A Mascot)

## Councillors

R H Ambor	I S Grundy	I C Roberts
L Ashley	P V Hughes	S J Robinson
H Ayres	R J J Hyland	T E Roper
K Bentley	D G Jones	E J Sampson
M W Bracken	G B R Knight	C M Shaw
D J R Clark	J C S Lager	R J Shepherd
P H Clark	J S Lardge	M Sismey
W A Daden	R J Lee	A B Sosin
A E Davidson	M J Mackrory	J E Sosin
C K Davidson	R Massey	M S Steel
S M Dobson	L A Millane	C R Tron
N A Dudley	R J Moore	N M Walsh
J A Frasca	G H J Pooley	R T Whitehead
I Fuller	J A Potter	T N Willis
J Galley	R J Poulter	I Wright
M C Goldman	S Rajesh	S Young
S M Goldman	J M Raven	

## 1. Attendance and Apologies for Absence

The attendance of members was confirmed. Apologies for absence had been received from Councillors A John and M D Watson.

## 2. Mayor's Announcements

The Mayor announced that she had recently paid visits to the Wilderness Trust, Keene Homes and Essex Dance as well as attending a number of virtual events. A Quiz Night in aid of the Mayor's Charities would be held on 30 July and she hoped members of the Council would be able to attend.

### 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 of Previous Meeting

The minutes of the meeting on 27 May 2020 were confirmed as a correct record.

### 5. Public Questions

A question was asked on the actions of members of the Cabinet at the meeting of the Chelmsford Policy Board on 16 July 2020 to support a review of elements of the proposed Master Plan for Warren Farm (West Chelmsford). The questioner asked whether this showed that the Administration was not fully backing their own Local Plan, which they recommended to Full Council in May and which stated that a bus link must be included for the proposed development at Warren Farm.

The Leader of the Council replied that the Administration was committed to genuine and comprehensive sustainability and the policy objectives in this regard in the Local Plan which include maximising opportunities for providing sustainable forms of transport as an alternative to the use of private cars. The issue with the bus link for the West Chelmsford strategic site was that it had been included in the Masterplan without a detailed assessment of its implications. The link would have an effect on the safety of residents of the Chignal Estate, affect their quality of life, impact on traffic management in the area, would pass next to a children's play area and would involve the loss of mature trees and hedges. Its sustainability had therefore been called into doubt and the Policy Board had asked that its safety, viability and benefits be looked at again. This was in line with the Administration's wish to improve the sustainability of the Local Plan where any shortcomings were identified. In this case, there was scope to promote all forms of sustainable transport, as well as public transport, and the Leader looked forward to discussing possible improvements with local representatives.

### 6. Questions to Cabinet Members

The following questions were put to members of the Cabinet:

#### [1. Question from Councillor G H J Pooley to the Cabinet Member for Greener and Safer Chelmsford](#)

Could the Cabinet Member for Greener & Safer Chelmsford please update us on progress during the past months following the Council's Declaration of a Climate and Ecological Emergency and accompanying Action Plan, in particular the progress in joining in this with other interested partners in the community?

The Cabinet Member replied that in the year or so since the Declaration the Council had committed to review its own practices and implement changes to address carbon emissions and boost biodiversity with a target of net zero carbon by 2030 within its own buildings and operations. Its electricity now came from 100% renewable sources; lighting in buildings and car parks had been replaced with LED and motion sensors; and procurement policy was reviewed with the effects on climate change in mind. The Council was looking to lead by example and was making progress across all areas of its activities. Working with local people, organisations and businesses to inspire innovation and co-operation in tackling the emergency was fundamental to the success of the Action Plan. To this end, the Love Your Chelmsford platform was being adapted to reach out to the local community and communicate the aims of the Declaration and Action Plan. The Love Your Chelmsford volunteers were helping to educate people about environmental and biodiversity issues and encourage them to get involved in various local projects and initiatives to green their environment and boost sustainability. The Council had also produced supplementary planning documents to encourage sustainable development and introduced the Livewell accreditation scheme for developers. It intended to host a Climate Summit and associated events in October 2020 to engage partners and drive forward the aspiration that the whole of Chelmsford be net zero carbon by 2030. The Cabinet Member also announced the nomination of Councillor Tom Willis as the Green Climate Ambassador to work closely with her and the Love Your Chelmsford team and extend links with parish councils, community groups, faith groups, schools, local organisations and businesses and to prepare for the Summit later in the year.

## 2. Question from Councillor J Frasca to the Cabinet Member for Connected Chelmsford

How has the Council been communicating with the public during the Coronavirus emergency?

The Cabinet Member paid tribute to the work of Council staff in continuing to provide services to the people of Chelmsford during the pandemic. She expressed appreciation in particular to the efforts of the Corporate Communications and Customer Services teams, which had given valuable information and assistance to residents in recent months. Highlighting some of the measures taken she said that:

- The Customer Service Centre remained fully open, apart from a small number of afternoons to catch up on online interactions.
- Numerous proactive news releases had been issued about temporary closures, business grants, the Council's financial situation and the re-opening of its facilities
- The public had been updated throughout lockdown through social media, using community Facebook groups as well as the Council's own Facebook, Twitter and Instagram channels, with extremely high engagement rates
- The Council's first ever online Q&A had been held to combat misinformation and to help residents with questions and fears about coronavirus
- Animated videos had been produced in-house for the first time to support communications around the predicted budget shortfall, as well as the reopening of the Council's four leisure centres
- The We are Here campaign to highlight the work being done by key workers, people redeployed to work on the community hub and CVS staff, had run on social media from 6 - 18 May
- The first-ever live broadcasts of Council meetings had been supported and promoted



- A leaflet had been produced with key service information and hotline numbers for residents, which was sent to every household in Chelmsford at the beginning of lockdown
- Weekly e-bulletins had been issued to residents with key information about service changes, national guidance and guidance for staying safe when visiting various venues and areas in the city. These had an extremely high open rate with the highest being 65% and average of 56% across the 10 e-shots to date – the average open rate for e-shots ordinarily was around 40%
- A Summer edition of *City Life* had been published, providing information and reassurance to every household in Chelmsford.
- The Communications Team had filmed, edited, produced and promoted a virtual VE Day ceremony, which had been popular and a morale booster for the city during lockdown. There had been 8,000 views on Facebook, 62 shares and 564 likes on Facebook.
- The Team had assisted and promoted videos to keep residents informed, to encourage social distancing and to reassure the public that the Council was doing all it could to protect residents and businesses from the virus and the financial effects of lockdown
- The Council's social media channels had been used to support information campaigns from national bodies such as the NHS and Public Health England as well as the Police and County Council
- The Communications Team responded to every comment on the videos, particularly on the budget shortfall animation, robustly addressing any myths and misinformation while assisting residents with concerns or queries
- 150 of Chelmsford's independent convenience stores had been sent social distancing posters.

## 7. Reports from the Cabinet Member for Fairer Chelmsford

### 7.1 Capital Programme Update and Provisional Outturn for 2019/20

The report to the meeting detailed capital expenditure incurred in 2019/20 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 2020/21. The Cabinet on 8 July 2020 had approved a new scheme and cost increases of £178,000, shown in Appendix 1 of the report to the meeting and detailed in paragraph 3.1 of the report; and the proposed Asset Replacement Programme for 2020/21, the increase in scheme costs of £106,000 and the rephasing of spend of £129,000 from 2019/20 as shown in Appendix 3 and detailed in paragraph 4.2 of the report.

Savings of £200,000 had been made to the capital programme and £20 million had been rephased to later years. The Cabinet Member was asked whether it was financially prudent at this difficult time to retain in the budget £4 million for trees and tree planting. The Cabinet Member and others emphasised the importance of the tree planting programme and its ecological and environmental benefits. He said that the £4 million provision was mainly for the purchase of land on which to plant trees and little of the expenditure would be incurred before 2021/22, before which the Medium Term Financial Strategy would be reviewed and updated.

During the discussion of the report, reference was also made to the funding for the strategy to tackle homelessness and rough sleeping and to provide affordable housing, which was an important aspect of the capital programme.

RESOLVED that the following be noted:

1. the latest proposed budgets for capital schemes of £144.656m, shown in Appendix 1 and detailed in paragraph 3.1;
2. the outturn on the 2019/20 Asset Replacement Programme of £3.181m, shown in Appendix 3 and detailed in paragraph 4.1;
3. the Asset Replacement Programme for 2020/21 of £4.285m as shown in Appendix 3 and detailed in paragraph 4.2; and
4. the method of funding of the capital expenditure incurred in 2019/20, as set out in the table in paragraph 5.

(7.31pm to 7.50pm)

## 7.2 Treasury Management Outturn 2019/20

The report to the meeting detailed the findings of the annual review of the Council's Treasury Management function and the rates of return on investments in 2019/20.

RESOLVED that the Treasury Management Outturn report for 2019/20 be noted.

(7.50pm to 7.57pm)

## 7.3 Medium-Term Financial Strategy

A Medium-Term Financial Strategy for the period 2021/22 – 2025/26 was presented which was intended to serve as the framework for delivering a stable and sustainable financial position to enable the Council to achieve its strategic objectives and help to support the preparation of the 2021/22 budget.

The report also sets out a Medium-Term Financial forecast, but recognising that the course of the coronavirus pandemic, and its effects on the Council's finances, were extremely difficult to predict, the Strategy would be further reviewed in the third quarter of 2020/21, ahead of budget setting for 2021/22. This would allow the assumptions used within the forecasting model to be refined using the most up-to-date data. It was important, however, that the Council considered the risks to its financial position in a timely manner and put measures in place early to secure a sound financial position.

The Cabinet Member said that government support was a critical factor in dealing with the shortfall in income during the pandemic. It was not yet clear how much support would be forthcoming but it was unlikely to cover the budget gap and would be for the current financial year only.

In response to a comment that the members of Opposition Groups did not have sufficient access to the background data on which the Medium Term Financial Strategy had been based, the Cabinet Member said that he was always willing to speak to other members in advance of meetings to provide them with any information they needed on reports. Notwithstanding that concern, Opposition Group members appreciated the difficult financial circumstances faced by the Administration and expressed support for the Strategy.

RESOLVED that the following be approved:

1. the Medium-Term Financial Strategy 2021/22 – 2025/26 in Appendix 1 to the report to the meeting;
2. the approach to reserves set out at section 7 and at Appendix 4, including the transfer of reserves in both 2019/20 and 2020/21 to support the General Fund balance set out in paragraph 7.13;
3. the updates to the capital strategy set out in Appendix 3, which reflect the additional internal borrowing as a consequence of the transfers above; and
4. the budget guidelines for preparation of the 2021/22 budget set out at Appendix 5.

(7.57pm to 8.12pm)

## 8. Annual Report of the Audit and Risk Committee

The Council considered the Annual Report of the Audit Committee for 2019/20, 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 2019/20 and its planned work for 2020/21.

The Council was informed that the Annual Report had been amended to clarify that the reference in paragraph 2.1 to independent members meant external people appointed to the Committee, rather than members of the Chelmsford Independents Group.

RESOLVED that the Annual Report of the Audit and Risk Committee for 2019/20 be approved for publication.

(8.12pm to 8.15pm)

## 9. Annual Report of the Governance Committee

The Annual Report of the Governance Committee for 2019/20 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 2019/20; 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 2019/20 be approved for publication.

(8.15pm to 8.17pm)

## 10. Annual Report of the Overview and Scrutiny Committee

The annual report of the Overview and Scrutiny Committee on the activity of the scrutiny function of the Council for 2019/20 was submitted for information.

The Chair of the Committee outlined its main areas of work over the past year, which had included examining the annual report on health and safety, a review of the performance of the Parks and Green Spaces service, and considering the findings of a task and finish group on the redevelopment of the riverside Leisure Centre. 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 of the Overview and Scrutiny Committee for 2019/20 be approved for publication.

(8.17pm to 8.19pm)

## 11. Membership of the Planning and Overview and Scrutiny Committees

The Council was requested to approved two changes to the membership of the Planning Committee. The Leader also informed members that he had appointed Councillor S Goldman to replace Councillor M Bracken as the Cabinet Deputy for the Economy and Small Business. Consequentially, Councillor Goldman needed to be replaced on the Overview and Scrutiny Committee. Councillor N Dudley should also cease to be a member of that Committee following her appointment as a Cabinet Deputy. It was proposed that Councillors M Bracken and C Shaw be appointed in their place.

RESOLVED that

1. The following changes to memberships of committees be approved:

- a. The appointment of Councillor J Frasca to replace Councillor A Davidson as a member of the Planning Committee, and the appointment of Councillor A Davidson as one of the designated substitutes on that Committee.
  - b. The appointment of Councillors M Bracken and C Shaw to replace Councillors N Dudley and S Goldman on the Overview and Scrutiny Committee.
2. The appointment of Councillor S Young as Vice Chair of the Overview and Scrutiny Committee be approved.
3. The appointment of Councillor S Goldman as the Cabinet Deputy for the Economy and Small Business be noted.

(8.19pm to 8.21pm)

## 12. Notice of Motion – Standing Against Racism and Discrimination

In accordance with notice duly given, it was moved by Councillor L Ashley, seconded by Councillor S J Robinson:

“Chelmsford City Council

(a) Acknowledges the recent protests concerning Black Lives Matter and that these do not represent isolated incidents.

(b) Notes that race hate recorded crime nationally has more than doubled in six years from 35,845 to 78,991 in 2018-19. In Essex in 2018-19 a total of 2,846 hate crime offences were reported.

(c) Believes that this indicates that discrimination exists across society including in Chelmsford and the City Council should take action to reduce and hopefully eliminate it.

(d) Welcomes the fact that Chelmsford is becoming a more diverse city and values the contribution that BAME residents bring to our city but believes that there is much more to do to become a fully inclusive city for all our residents in order that they feel safe and thrive.

(e) Acknowledges the need to challenge ourselves as individuals and in our own organisation about the dangers of unconscious bias.

(f) Notes the Government’s finding that the impact of COVID-19 has a disproportionate impact on Black, Asian and Minority Ethnic people.

(g) Notes that the council has already begun a process to find out what our BAME residents experience on a day to day basis in the city.

(h) Welcomes the initiative of the council leadership to establish a “Meeting of Many Minds” group, inviting key members of the BAME community to discuss openly incidents and experiences of racial discrimination from first-hand experiences.

(i) Notes that this Council previously adopted a motion to stand against anti-semitism.

Chelmsford City Council resolves to

(a) Adopt the All-Party Parliamentary Group (APPG) on British Muslims definition of Islamophobia, namely "Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness."

(b) Continue focus groups and meetings, so that we can find out more about how we support our diverse communities and what they expect from us, as Councillors and the City Council as a whole.

(c) Improve knowledge and understanding by using our museums, theatres, festivals and outside events to showcase the diversity of our city.

(d) Monitor the figures relating to hate crimes and action taken via the Community Safety Partnership.

(e) Support the work of the Working Group on Connectivity and Local Democracy to tackle discrimination, encourage participation and open up community discussion. It seems an appropriate forum for challenging our approach to all areas of potential discrimination, beginning with the role that we can play in tackling racism.

(f) Report back regularly to all councillors."

During the discussion of the motion, the view was expressed that whilst its aim and principles were to be supported, its failure to refer to all the protected characteristics in equality legislation and its reference only to Islamophobia without reference to other religions meant that some members could not support the motion in its current form. Councillor Whitehead therefore proposed that the following amended motion, which he said encompassed all religious and racial discrimination, be adopted:

"Chelmsford City Council

1. Acknowledges the recent protests concerning Black Lives Matter and that these do not represent isolated incidents.
2. Notes that race hate recorded crime nationally has more than doubled in six years from 35,845 to 78,991 in 2018-19. In Essex in 2018-19 a total of 2,846 hate crime offences were reported.
3. Believes that this indicates that discrimination exists across society including in Chelmsford, and the City Council should take further action to reduce and eliminate it.
4. Acknowledges the need to challenge ourselves as individuals and in our own organisation about the dangers of unconscious bias.

5. Notes that this Council previously adopted a motion to stand against anti-semitism.
6. Acknowledges the work already done to ensure that Chelmsford welcomes the fact that it is becoming a more diverse city and values the contribution that BAME residents bring to us.

Chelmsford City Council resolves to

- I. Confirm the establishment of the “Meeting of Many Minds” group, inviting key members of the BAME community to discuss openly incidents and experiences of racial and religious discrimination from first-hand experiences.
- II. Continue focus groups and meetings, so that we can find out more about how we support our diverse communities and what they expect from us, as Councillors and the City Council as a whole.
- III. Improve knowledge and understanding by using our museums, theatres, festivals and outside events to showcase the diversity of our city.
- IV. Monitor the figures relating to hate crimes and action taken via the Community Safety Partnership.
- V. Support the work of the Working Group on Connectivity and Local Democracy to tackle discrimination, encourage participation and open up community discussion. It is an appropriate forum for challenging our approach to all areas of potential discrimination, beginning with the role that we can all play in tackling racism and religious discrimination.
- VI. Set up a new Working Group comprising the Leaders ( or their nominated representative ) of the three Political Groups to establish how the results of these measures will be monitored and to report back regularly to all councillors.”

The amendment was seconded by Councillor P Clark.

Debating the amended motion, members said that the original motion had been drafted to emphasise the urgent need to address particular issues, including Islamophobia, but did not preclude taking action against all forms of discrimination and racial hatred. The amended motion did not address the issues referred to in the original motion and fell short in not proposing specific action to tackle the problems identified.

On being put to the vote, the amended motion was lost.

Returning to the debate on the original motion, reference was made to the lack of information on race hate incidents in Chelmsford specifically and the concern that without that type of local information it would be difficult to assess the effectiveness of the proposals to address discrimination and racism.

On being put to a recorded vote, the original motion was carried, with the voting being as follows:

For the motion:

Councillors L Ashley, H Ayres, M Bracken, D Clark, A Davidson, C Davidson, N Dudley, J Frasca, I Fuller, M Goldman, S Goldman, D Jones, J C S Lager, J S Lardge, R Lee, M Mackrory, L Mascot, R Moore, G Pooley, S Rajesh, S Robinson, E Sampson, C Shaw, A Sosin, J Sosin, C Tron, N Walsh, T Willis, S Young

Abstained on the vote:

Councillors R H Ambor, K Bentley, P Clark, W Daden, J Deakin, S Dobson, J Galley, I Grundy, P Hughes, R Hyland, G B Knight, R Massey, L Millane, J Potter, R Poulter, J Raven, I Roberts, R Shepherd, M Sismey, M Steel, R Whitehead, I Wright.

RESOLVED that

“Chelmsford City Council

(a) Acknowledges the recent protests concerning Black Lives Matter and that these do not represent isolated incidents.

(b) Notes that race hate recorded crime nationally has more than doubled in six years from 35,845 to 78,991 in 2018-19. In Essex in 2018-19 a total of 2,846 hate crime offences were reported.

(c) Believes that this indicates that discrimination exists across society including in Chelmsford and the City Council should take action to reduce and hopefully eliminate it.

(d) Welcomes the fact that Chelmsford is becoming a more diverse city and values the contribution that BAME residents bring to our city but believes that there is much more to do to become a fully inclusive city for all our residents in order that they feel safe and thrive.

(e) Acknowledges the need to challenge ourselves as individuals and in our own organisation about the dangers of unconscious bias.

(f) Notes the Government’s finding that the impact of COVID-19 has a disproportionate impact on Black, Asian and Minority Ethnic people.

(g) Notes that the council has already begun a process to find out what our BAME residents experience on a day to day basis in the city.

(h) Welcomes the initiative of the council leadership to establish a “Meeting of Many Minds” group, inviting key members of the BAME community to discuss openly incidents and experiences of racial discrimination from first-hand experiences.

(i) Notes that this Council previously adopted a motion to stand against anti-semitism.

Chelmsford City Council resolves to



(a) Adopt the All-Party Parliamentary Group (APPG) on British Muslims definition of Islamophobia, namely "Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness."

(b) Continue focus groups and meetings, so that we can find out more about how we support our diverse communities and what they expect from us, as Councillors and the City Council as a whole.

(c) Improve knowledge and understanding by using our museums, theatres, festivals and outside events to showcase the diversity of our city.

(d) Monitor the figures relating to hate crimes and action taken via the Community Safety Partnership.

(e) Support the work of the Working Group on Connectivity and Local Democracy to tackle discrimination, encourage participation and open up community discussion. It seems an appropriate forum for challenging our approach to all areas of potential discrimination, beginning with the role that we can play in tackling racism.

(f) Report back regularly to all councillors."

The meeting closed at 9.28pm

Mayor



Chelmsford City Council

9 December 2020

Finance Reports from the Cabinet

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Report by: Cabinet Member for Fairer Chelmsford

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Officer contact: Brian Mayfield, Democratic Services Manager,  
[brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk) 01245 606923

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### Purpose

To inform Council of the decisions of the Cabinet on 8 September and 17 November 2020 on the reports at Items 7.1 to 7.4 on the agenda for this meeting.

### Recommendations:

That the recommendations of the Cabinet on Agenda Items 7.1 to 7.4 be approved.

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### 1. Section 106 Spending Plan

The Cabinet considered the report at Item 7.1 on 8 September 2020 and resolved as follows:

RESOLVED that the S106 Spending Plan be referred to Full Council for approval and that the following delegations be approved:

1. The Director of Financial Services, in consultation with the Cabinet Member for Fairer Chelmsford, be authorised to allocate and spend the approved S106 contributions for Affordable Housing as shown in Appendix 1 and detailed in paragraph 3 of the report to the meeting against the housing projects approved at Council in February 2020 and the Chelmer Waterside scheme.
2. The Director of Public Places, in consultation with the Cabinet Member for Greener and Safer Chelmsford, be authorised to spend the approved S106 contributions for Open Spaces and Strategic Sports Provision, as detailed in Appendix 2.
3. The Director of Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development, be authorised to allocate the approved S106 contributions for Public Realm, as shown in Appendix 3 towards the Tindal Square Improvement Scheme and that any future public realm contributions collected are also allocated towards this scheme as detailed in paragraph 5 of the report.

## 2. Special Expenses

The Cabinet considered the report at Item 7.2 on 17 November 2020 and resolved as follows:

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.

## 3. Treasury Management Mid-Year Review

The Cabinet considered the report at Item 7.3 on 17 November 2020 and resolved as follows:

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.

#### 4. Medium-Term Financial Strategy

The Cabinet considered the report at Item 7.4 on 17 November 2020 and resolved as follows:

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.

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#### Background papers:

None

#### Appendices:

None

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#### Corporate Implications

These are set out in the individual reports

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## Chelmsford City Council Cabinet

8 September 2020

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### S106 Spending Plan

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Report by: Cabinet Member for Sustainable Development

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Officer Contact: Stuart Graham, Economic Development and Implementation  
Services Manager

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#### Purpose

To endorse a proposed spending plan for S106 planning contributions currently held by the City Council.

#### Options

- a) Endorse the S106 Spending Plan as presented
- b) Endorse the S106 Spending Plan with amendments
- c) Not endorse the S106 Spending Plan

#### Preferred option and reasons

Option (a) Endorse the S106 Spending Plan as presented to enable the City Council to spend the held balances within the timeframes specified by the S106 agreements

#### Recommendations

That Cabinet recommends the S106 Spending Plan is referred on to Full Council for approval and that the following delegations are approved:

1. The Director of Financial Services, in consultation with the Cabinet Member for Fairer Chelmsford, is authorised to allocate and spend the approved S106 contributions for Affordable Housing as shown in Appendix 1 and detailed in paragraph 3 of this report against the housing projects approved at Council in February 2020 and the Chelmer Waterside scheme.
  2. The Director of Public Places, in consultation with the Cabinet Member for Greener and Safer Chelmsford, is authorised to spend the approved S106 contributions for Open Spaces and Strategic Sports Provision, as detailed in Appendix 2.
  3. The Director of Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development, is authorised to allocate the approved S106 contributions for Public Realm, as shown in Appendix 3 towards the Tindal Square Improvement Scheme and that any future public realm contributions collected are also allocated towards this scheme as detailed in paragraph 5 of this report.
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## 1. Background

- 1.1. For a number of years Chelmsford City Council has collected S106 contributions from developments across its administrative area, linked to the Planning Contributions Supplementary Planning document which was adopted in 2008. Although this policy framework has been superseded by the new Local Plan and the adoption of the Community Infrastructure Levy (CIL), a number of S106 contributions are still collected and held by the City Council.
- 1.2. With the advent of the Community Infrastructure Levy, adopted in 2014, the number of new developments that generate direct financial contributions via S106 has reduced significantly. However, the City Council is currently in receipt of funding that needs to be planned for in line with the S106 to which it is linked.
- 1.3. The Government is currently consulting on changes to S106/CIL as part of the wider planning reforms contained within the Planning White Paper published in early August. The Council will be commenting on these as part of its consultation response due to be considered at Chelmsford Policy Board in October. Until any new legislation and transitional arrangements come into force, the existing S106/CIL arrangements prevail.
- 1.4. This report therefore sets out a Spending Plan for 2020 onwards for S106 funding currently held.
- 1.5. In determining the spend of S106 funding the following key principles have been borne in mind:
  - The S106 specifies what the funding can be spent on
  - In many cases, the S106 funding must be spent in specific locations and on specific projects

- Any expenditure in relation to the funding is, in the majority of cases, time limited, and if not spent by that date must be returned to the developer
- 1.6. A separate process is in place to allocate CIL receipts.
- 1.7. Appendix 6 details spend of S106 since the last Spending Plan was reported to Cabinet in April 2017.

## 2. Summary of current S106 balances

- 2.1. The current balances held by the City Council are summarised in the table below.  
This is based on information as at April 2020 and the Spending Plan deals with these held balances only.

<b>S106 Purpose</b>	<b>Amount (£)</b>
Affordable Housing	5,685,000
Open Spaces and Strategic Sports Provision	2,309,000
<i>Local open space</i>	<i>121,000</i>
<i>Strategic open space</i>	<i>493,000</i>
<i>Strategic sports and recreation</i>	<i>1,695,000</i>
Public Realm	685,000
Public Art	35,000
Strategic Transport	62,000
<i>Widford Park &amp; Ride</i>	<i>6,000</i>
<i>Chelmer Valley Park &amp; Ride</i>	<i>14,000</i>
<i>Army &amp; Navy</i>	<i>20,000</i>
<i>Chelmsford Railway Station</i>	<i>22,000</i>
Local Highways	63,000
Education	761,000
Healthcare	577,000
Habitat Regulations Mitigation including Essex Wide	36,000
<b>TOTAL</b>	<b>10,213,000</b>

*All amounts are rounded to the nearest £000*

- 2.2. A proposed S106 Spending Plan is set out below, by each of the purposes identified in the table.
- 2.3. Appended to the report are detailed project allocations where it is necessary for a contribution type, which consider the restrictions of the S106 agreements.
- 2.4. The preparation of the S106 Spending Plan has been facilitated through internal and external engagement. Externally this has included Essex County Council and NHS England.

### 3. Affordable Housing

Current balance: £5,685,000

- 3.1. Appendix 1 shows the affordable housing allocations.
- 3.2. The majority of affordable housing provision is provided on site through the planning process and secured via direct provision in S106 agreements. With some developments, S106 contributions are provided to the Council in lieu of direct provision.
- 3.3. The current affordable housing balances have sufficient flexibility within the S106s to be used for a range of affordable housing projects.
- 3.4. Almost £4.1m of the current balance has been generated by the Runwell Hospital (Luke's Park) development and is proposed to be allocated towards infrastructure at Chelmer Waterside to maximise housing delivery.
- 3.5. A number of Housing Initiative schemes were approved at Council in February 2020 and it is proposed that the remaining S106 contributions, £1.233m, shown in Appendix 1 are wherever possible used as funding against these schemes.
- 3.6. A contribution of £360k is being paid in instalments by Marden Homes in relation to the Channels development, however this is being collected specifically for use towards the Drakes Farm gypsy and traveller site. It has therefore not been included in the appended table of affordable housing allocations.

### 4. Open Spaces and Strategic Sports Provision

Current balance: £2,309,000

- 4.1. Appendix 2 shows the open spaces and strategic sports allocations.
- 4.2. The allocations take into account the purposes specified in the relevant S106 agreements, which in most cases are prescriptive.
- 4.3. Of the total, £34,423.93 must be transferred to the parish councils under the terms of the S106 and the City Council holds onto these contributions until the parish council has identified a suitable project. The sum is reflected in Appendix 2.
- 4.4. The Spending Plan in Appendix 2 lists a range of 28 projects for improvements and investments across the City's parks, green spaces and strategic sports facilities.
- 4.5. Ongoing revenue costs in relation to the projects set out in the Plan can be met from within existing budgets.

### 5. Public Realm

Current balance: £685,000

- 5.1. Appendix 3 shows the public realm allocations.
- 5.2. The Plan proposes that where the S106 agreement allows, contributions collected for public realm purposes are allocated to Tindal Square for which a preferred scheme option was agreed by Cabinet in June 2020.



## 6. Public Art

Current balance: £35,000

- 6.1. Appendix 4 shows the public art allocations.
- 6.2. The majority of the public art sum was collected from the Marconi development and is to be used in connection with the reuse of the water tower within the development site.

## 7. Strategic Transport and Local Highways

Strategic Transport current balance: £62,000

Local Highways current balance: £63,000

- 7.1. There are some small contributions held for a number of strategic transport projects which will be used as schemes come forward. No projects have yet been identified requiring the use of these contributions.
- 7.2. The local highways balance has been collected for the provision of local transportation schemes to be delivered by Essex County Council and will be transferred to them once appropriate schemes have been identified that link to the purpose set out in the S106 agreements. This follows the previous process agreed between the City Council and Essex County Council.

## 8. Education

Current balance: £761,000

- 8.1. The current education balance is from a single contribution in relation to the development at Hospital Approach and is due to be passed to Essex County Council to support the delivery of Beaulieu Secondary School which was forward funded by Essex County Council.

## 9. Healthcare

Current balance: £577,000

- 9.1. Appendix 5 shows the healthcare allocations.
- 9.2. A number of contributions have been collected to support improvements to health care provision. In preparing this Spending Plan, officers have consulted with NHS England regarding the balances held for primary care purposes. NHS England have allocated the amounts according to their priorities in line with the purposes of the S106 agreement.
- 9.3. In 2017, Cabinet approved the allocation of £145k to the refurbishment of Sutherland Lodge GP surgery as a priority identified by NHS England. The money has not yet been requested so CCC still hold it. As the sum has previously been committed to the project it is not shown in the current balance. The refurbishment is still planned to go ahead but the business case has not yet been received. A further £61k is now identified for it, as shown in Appendix 5.

## 10. Habitat Regulations Mitigation including Essex Wide

Current balance: £36,000

- 10.1. Chelmsford City Council (CCC) is one of twelve partner local authorities who are working together, along with Natural England, to implement the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- 10.2. The RAMS seeks to avoid and mitigate recreational disturbance on European designated sites along the Essex Coast, from an increasing residential population arising from new housebuilding throughout the County.
- 10.3. It enables a housebuilder to make a monetary 'developer contribution' towards the delivery of strategic mitigation measures to help address recreational pressures that would otherwise occur. CCC has been collecting developer contributions on all new qualifying residential developments since November 2018.
- 10.4. The RAMS includes a table of avoidance and mitigation measures and projects that will be funded through the developer contributions. This includes a Project Delivery Officer and Rangers, providing education and information, installing signage and interpretation boards, new habitat creation and project monitoring.

## 11. Conclusion

- 11.1. The Spending Plan sets out the proposed spend of the £10.2m currently held by the City Council within the Infrastructure Fund. It allocates funding to a range of projects that will be delivered by the City Council and partner organisations.
- 11.2. The Spending Plan has been prepared having regard to the purposes set out in the S106 agreements and matching these to City Council and partner organisation priorities.

### List of appendices (all sums rounded to nearest £000):

Appendix 1 – Affordable Housing

Appendix 2 – Open Spaces and Strategic Sports Provision

Appendix 3 – Public Realm

Appendix 4 – Public Art

Appendix 5 – Healthcare

Appendix 6 - S106 project spending 2017 - 2020

### Background papers:

Planning Contributions SPD, 2008

Relevant S106 agreements

### Corporate Implications

Legal/Constitutional: The spend of the S106 contributions needs to accord with the defined purpose set out in the S106 agreement and regard has been had to this in preparing the Spending Plan.

Financial: The S106 contributions are in the majority of cases time limited and if not spent by a specified date must be returned to the developer. If this occurs the opportunity to improve facilities and infrastructure will be lost.

Potential impact on climate change and the environment: The RAMS S106 contributions and the associated projects are linked to improvements to the natural environment which will have a positive impact on climate change and the environment.

Contribution toward achieving a net zero carbon position by 2030: Investment in cycling, walking and public transport projects contributes to sustainable transport measures and an alternative mode of transport to the car.

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

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### Consultees:

CCC Directors; Essex County Council; NHS England

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### Relevant Policies and Strategies:

LDF 2001-2021; Planning Contributions Supplementary Planning Document

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Appendix 1: Affordable Housing

<b>PROJECT</b>	<b>AMOUNT (£)</b>
Purchase of land, either for or in support of housing development targeting the delivery of affordable housing.	522,000
Refurbishment, extension or development of existing emergency housing provision.	107,000
Infrastructure at Chelmer Waterside to maximise housing delivery (to potentially include the new access road and bridge, land decontamination and gas main diversions).	4,092,000
Development of Council led affordable and emergency housing provision. The Council are developing schemes at various sites on land owned by this Council.	604,000
<b>TOTAL</b>	<b>5,325,000</b>

Appendix 2: Open Spaces and Strategic Sports Provision

	<b>PROJECT</b>	<b>WARD</b>	<b>AMOUNT (£)</b>
1	Andrews Park pathway and access improvements to pavilion/ tennis courts	Patching Hall	4,000
2	Avon Road equipped play	St Andrews	59,000
3	Baddow Hall Park equipped play	Great Baddow East	1,000
4	Beaulieu Park improvements to existing pitches	Chelmer Village and Beaulieu Park	4,000
5	Beaulieu Park new sports facility	Chelmer Village and Beaulieu Park	585,000
6	Central Park skateboard area surfacing	Moulsham and Central	300
7	Central Park/Bell Meadow footpath/cycleway surfacing improvements	Moulsham and Central	1,000
8	Chancellor Park pitch improvements	Chelmer Village and Beaulieu Park	2,000
9	Chelmer Park sports facility improvements	Galleywood	2,000
10	Chelmer Valley nature reserve	The Lawns and Patching Hall	2,000
11	Churchill Rise equipped play	Springfield North	1,000
12	Compass Gardens drainage improvements	Chetwood and Collingwood	1,000
13	Compass Gardens equipped play	Chetwood and Collingwood	300
14	Compass Gardens overflow car park	Chetwood and Collingwood	1,000
15	Coronation Park coaching	Trinity	1,000
16	Coronation Park equipped play	Trinity	4,000
17	Coronation Park landscaping	Trinity	2,000
18	Fifth Avenue equipped play	Patching Hall	9,000

## Agenda Item 7.1

19	Hylands volunteer scheme	Writtle	4,000
20	John Shennan playing field table tennis	Moulsham Lodge	2,000
21	Lionmede Park recreational improvements	Trinity	2,000
22	Melbourne Park outdoor sports facilities	St Andrews	2,000
23	Noakes Park environmental improvements	Great Baddow East	3,000
24	Oaklands Park multi-sport	Moulsham and Central	200
25	Strategic Sports Provision - Runwell Sports and Social Club	Rettendon and Runwell	1,579,000
26	Saltcoats Park/Compass Gardens sports facility improvements	Chetwood and Collingwood	1,000
27	Springfield Hall Park pitch improvements	The Lawns	1,000
28	Tower Gardens sports pitch improvements	St Andrews and Marconi	300
To be transferred to the following parish councils:			
	Parish council control - Boreham		2,000
	Parish council control - East Hanningfield		1,000
	Parish council control - Great Baddow		1,000
	Parish council control - Great Leighs		6,000
	Parish council control - Great Waltham		300
	Parish council control - Pleshey		2,000
	Parish council control - Rettendon		7,000
	Parish council control - Runwell		1,000
	Parish council control - Sandon		2,000
	Parish council control - Springfield		8,000
	Parish council control - Stock		1,000
	Parish council control - SWF		3,000
	<b>TOTAL</b>		<b>2,309,000</b>

### Appendix 3: Public Realm

PROJECT	AMOUNT (£)
Tindal Square	680,000
West End (no project currently identified)	5,000
<b>TOTAL</b>	<b>685,000</b>

### Appendix 4: Public Art

PROJECT	AMOUNT (£)
Re-use of Marconi water tower	34,000
No project identified	1,000
<b>TOTAL</b>	<b>35,000</b>

Appendix 5: Healthcare

<b>PROJECT</b>	<b>AMOUNT (£)</b>
Increased capacity for the Chelmer Partnership - Melbourne Surgery, Humber Road Surgery and Tennyson House Surgery.	28,000
Increased capacity for the Little Waltham Surgery.	68,400
Sutherland Lodge Surgery refurbishment.	61,000
Chelmer Village Surgery refurbishment to increase capacity and available services.	81,000
Beaulieu Park Health Centre and improvements to increase capacity at Chelmer Village Surgery and North Chelmsford Health Centre (Sainsburys, White Hart Lane).	322,000
No project identified.	16,000
<b>TOTAL</b>	<b>577,000</b>

Appendix 6: S106 Spend by Purpose 2017-2020

	2017/18 (£)	2018/19 (£)	2019/20 (£)	Total
<b>Affordable Housing:</b>				
Modular Units Scheme	780,000			<b>780,000</b>
<b>Local/Strategic Open Space and Sports:</b>				
Central Park Footpath	7,000	83,000		<b>90,000</b>
Marconi Pond		6,000		<b>6,000</b>
Bell Meadow Bridge		91,000	43,000	<b>134,000</b>
Sky Blue Pasture Play Equipment			19,000	<b>19,000</b>
Central Park Signs			3,000	<b>3,000</b>
Avon Road Allotments	2,000	9,000		<b>11,000</b>
Chelmer Park Artificial Pitch	220,000			<b>220,000</b>
Play Equipment Nelson Grove	96,000			<b>96,000</b>
Play Equipment Central Park		133,000		<b>133,000</b>
Play Equipment Andrews Park			65,000	<b>65,000</b>
Play Equipment Copperfield			100,000	<b>100,000</b>
Outdoor Gym Chelmer Park	30,000			<b>30,000</b>
Outdoor Gym Compass Gardens	32,000			<b>32,000</b>
Outdoor Gym Central Park		33,000		<b>33,000</b>
Oaklands Museum HLF Park Improvements		8,000	20,000	<b>28,000</b>
Hylands Pleasure Garden Pond			23,000	<b>23,000</b>
Beaulieu Park School (Indoor Sports Facility)		338,000	973,000	<b>1,311,000</b>
Riverside Ice and Leisure Development		339,000		<b>339,000</b>
<b>Public Realm and Public Art:</b>				
Half Moon Square	130,000	8,000		<b>138,000</b>
Wayfinding Phase 1	4,000			<b>4,000</b>
Bell Meadow	320,000	97,000		<b>417,000</b>
Public Art Mill Yard		29,000	37,000	<b>66,000</b>
Public Art Bond Street (design)			4,000	<b>4,000</b>
Public Art Channels (design)			6,000	<b>6,000</b>
Mill Yard, Chelmsford Rail Station		897,000	-229,000	<b>668,000</b>
S106 Stonebridge Lighting (design)			1,000	<b>1,000</b>
S106 River Can Pathway Lighting (design)			2,000	<b>2,000</b>
<b>RAMS:</b>				
Habitat Regulations Mitigation			3,000	<b>3,000</b>
<b>Strategic Transport:</b>				
Beaulieu Park Station S106	376,000	863,000	930,000	<b>2,169,000</b>
<b>TOTAL SPEND ACROSS ALL PURPOSES</b>	<b>1,997,000</b>	<b>2,934,000</b>	<b>2,000,000</b>	<b>6,931,000</b>

<b>Local Highways Spend (transferred to ECC):</b>	<b>2017/18 (£)</b>	<b>2018/19 (£)</b>	<b>2019/20 (£)</b>	<b>Total</b>
Albermarle Link Cycleway			303,000	<b>303,000</b>
Arnhem Road Passenger Transport (PT) Improvements		4,000		<b>4,000</b>
Beehive Lane/Firecrest Junction Improvements		3,000	17,000	<b>20,000</b>
Boreham to City Centre Cycle Route	33,000			<b>33,000</b>
Broomfield Road Zebra Upgrade	22,000			<b>22,000</b>
Chelmer Village Way Toucan	205,000			<b>205,000</b>
Chelmer Valley Way Clearway Order	27,000			<b>27,000</b>
Chelmer Village Retail Park Access	86,000	86,000		<b>172,000</b>
Church Road W Hanningfield Bus Shelter			12,000	<b>12,000</b>
Danbury Village Flags & Poles		2,000		<b>2,000</b>
Danbury Village PT Improvements	18,000			<b>18,000</b>
Ferrers Road Cycleway			13,000	<b>13,000</b>
Ford End Traffic Improvements		4,000		<b>4,000</b>
Galleywood PT Improvements		2,000	20,000	<b>22,000</b>
Great Baddow to City Centre Cycleway			10,000	<b>10,000</b>
Great Leighs Real Time Passenger Information (RTPI)	31,000			<b>31,000</b>
Gt Leighs Bypass Clearway Order	10,000			<b>10,000</b>
Great Waltham to City Centre Cycleway			19,000	<b>19,000</b>
Hylands School Bus Shelter		8,000		<b>8,000</b>
Inchbonnie Road Vicinity PT Improvements		23,000		<b>23,000</b>
Lawn Lane RTPI	16,000			<b>16,000</b>
Maldon Road PT Improvements		3,000		<b>3,000</b>
Manor Farm Shop Bus Shelter	20,000			<b>20,000</b>
Melbourne PT Improvements	12,000			<b>12,000</b>
Mill Lane Traffic Calming	8,000			<b>8,000</b>
New Street to City Centre Cycleway	110,000			<b>110,000</b>
North Ave Pedestrian Crossing Facility		36,000		<b>36,000</b>
Rainsford Road Pedestrian Island Improvements		16,000		<b>16,000</b>
Roxwell Village Parking Restrictions		1,000		<b>1,000</b>
Runwell Road PT Improvements (design)		2,000	5,000	<b>7,000</b>
Sandford Road PT Works			8,000	<b>8,000</b>
Southend Road PT Improvements		2,000		<b>2,000</b>
Springfield Lyons PT Improvements	11,000			<b>11,000</b>
Springfield Road Toucan	391,000			<b>391,000</b>
Travis Perkins PT Works Vos		24,000		<b>24,000</b>
Waterhouse Lane PT Improvements			14,000	<b>14,000</b>
Waterhouse Lane PT Improvements		7,000		<b>7,000</b>
Wood Street Zebra Crossing	9,500	18,000	45,000	<b>72,500</b>
<b>TOTAL</b>	<b>1,009,500</b>	<b>241,000</b>	<b>466,000</b>	<b>1,716,500</b>



<b>Education (transferred to ECC):</b>	<b>2017/18 (£)</b>	<b>2018/19 (£)</b>	<b>2019/20 (£)</b>	<b>Total</b>
Beaulieu Park First New Primary School	1,426,000	2,863,000	1,043,000	<b>5,332,000</b>
Beaulieu Park New Secondary School	1,197,000	1,836,000	912,000	<b>3,945,000</b>
Boreham Primary School - new workspaces			68,000	<b>68,000</b>
Broomfield Primary School - expansion (1.5 to 2 fe)			463,000	<b>463,000</b>
Chelmsford College High Needs			369,000	<b>369,000</b>
Early Years & Childcare Chelmsford Charge Outer		8,000		<b>8,000</b>
Early Years & Childcare Chelmsford Charge Urban		39,000	38,000	<b>77,000</b>
Early Years & Childcare Chelmsford North West		159,000		<b>159,000</b>
Early Years & Childcare Chelmsford S106 Urban		23,000		<b>23,000</b>
Early Years & Childcare Beaulieu Primary School		100,000	326,000	<b>426,000</b>
Moulsham High School 8 to 10fe expansion		1,400,000	7,000	<b>1,407,000</b>
Moulsham Infant & Juniors expansion		1,000		<b>1,000</b>
Runwell Hospital (St Luke's) - New Primary 1fe			2,000	<b>2,000</b>
<b>TOTAL</b>	<b>2,623,000</b>	<b>6,429,000</b>	<b>3,228,000</b>	<b>12,280,000</b>



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Chelmsford City Council

Chelmsford Policy Board and Cabinet

15 October 2020 and 17 November 2020

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## Review of the Special Expenses Mechanism

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### Report by:

Chairman of the Connectivity and Local Democracy Working Group – Cllr Ian Fuller

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### Officer Contacts:

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### Purpose

To provide a recommendation to the Policy Board following the review of the special expenses mechanism and the potential changes to charges to different Parishes, after consultation with Parishes and review by the Connectivity and Local Democracy Working Group

### Recommendations

That the special expenses Review is progressed to the next stage and that the findings of the review as agreed by the Connectivity and Local Democracy Working Group are recommended to Cabinet.

The Connectivity and Local Democracy Working Group agreed to progress with special expenses to update the information and methodologies, but recognising the complexity of the mechanism intend to still explore other options for the future of special expenses such as abolition or replacement with another mechanism.

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## 1. Special Expenses Background

- 1.1. Where Parish/Town councils provide a service or function that the City Council also provides, the City Council's expenditure is described as a 'special expense'. The Local Government Finance Act 1992 states that certain items of expenditure can be treated as "special items" chargeable only to city areas that benefit from the services provided. All other expenditure is called general expenses and is charged evenly across the City Council's taxpayers. Where the Parish provides the service, this is charged for as part of the Parish precept. The special expenses mechanism therefore ensures that taxpayers in the areas which provide the services and charge for them through their Parish precepts do not get taxed twice for the same type of expenditure.

## 2. Special Expenses Review

- 2.1. Special expenses are reviewed periodically to ensure they are kept relevant and up to date. The last review took place in 2015 and focused on the principle of retaining special expenses. The review concluded that the fairness to taxpayers provided through the mechanism of charging special expenses outweighed the advantages of abolishing them. The special expenses mechanism was therefore to be maintained with the categories of expenses included to be reviewed and updated.
- 2.2. The 2020 review has therefore been progressed through several stages and presented to the Connectivity and Local Democracy Working Group on a number of occasions, as outlined below.
- 2.3. At the first stage, the group considered the following two options for the review of special expenses:

**Option 1** - Modify by adding or removing expense types charged through the special expenses' mechanism, by reviewing the basis of calculations or the method by which costs are included in an expense type.

**Option 2** - Abolish special expenses.

Option 1, that the Council shall continue to levy special expenses but needs to review the current mechanism, was agreed.

- 2.4. As the first stage in the review, officers contacted all Parishes/Town Councils, to gather information on services provided/funded from their precepts to help identify any new areas that may not have been previously considered or to establish whether any expenditure currently charged through special expenses no longer qualifies as a special expense. To date we have received responses from 24 of the 26 Parish councils (Mashbury do not charge a precept so are not included here)

which represents 92% of all Parishes in the Chelmsford area, including the five parishes with the largest precept and as such most likely to provide services that might fall under the special expense category.

- 2.5. As a result of the work undertaken and the information provided by Parishes, some changes were proposed to the previous categories included within Special Expenses. No new areas were identified compared with the 2015 Special Expenses review and so no additional categories have been added. However, following discussions with Officers and from reviewing the information provided by Parishes, it was proposed that three categories should be removed from special expenses. These categories were litter bins, hanging baskets and street cleansing and were agreed to be removed from special expenses by the Working Group.
- 2.6. The officers also reviewed the mechanism for recharge for each individual type of expense to ensure that the basis for expenditure allocations were still relevant.
- 2.7. Several of the special expenses relating to Parks and Open Spaces have had their methodology changed due to the unit cost per square metre being updated from the City Council's budgets. This now means that every category of special expense can be easily updated each year with a review of the City Council's budgets.
- 2.8. These proposals were presented to the July meeting of the working group, highlighting the main reasons for the movements in the individual Parishes' charges. The proposals for the changes in categories that were to be charged through special expenses were generally accepted by the group, but some concerns were raised about potential double charging for the strategic open spaces containing sports grounds. It was agreed that the best way forward was for individual Parishes to have the opportunity during the summer consultation to challenge the methodology and if necessary provide further evidence should they wish to update the information from their previous responses and seek any clarification from the officers on changes to their allocations.
- 2.9. The next stage of the review was a consultation period with Parish Councils on the potential changes to special expenses and the impact on their Parish. This report was presented to the Working Group in September.
- 2.10. The proposed changes to special expenses charged to each Parish were circulated to Parish Councils asking for feedback on whether the information provided was accurate, whether there were any categories included in special expenses that need to be reconsidered or whether any additional categories needed to be included.
- 2.11. Of the 27 Parish Councils contacted, initial responses were received from 16 Parish Councils, with 11 still yet to provide a response. Follow up emails have been sent to all Parishes who have not yet responded.

Of the 16 initial respondents, 12 asked for further clarification or were happy with the review and figures.

The remaining 4 respondents indicated that they were not in agreement with the review and had further queries. These Parishes were Broomfield, South Hanningfield, Galleywood and Runwell. Queries were responded to by Officers and no Parishes suggested an alternative methodology to special expenses, but instead were questioning their own charges.

2.12. The Working Group agreed to progress special expenses to the next stage and recommend them to the Policy Board with two further changes. It was felt by the group that both Public Conveniences and Christmas Trees and Lights should no longer be included within special expenses as they were argued to be of equal benefit to all residents within the Chelmsford area. All changes to methodologies included within special expenses as a result of the review have been included in **Appendix B**.

2.13. The impact of the changes of the review on each Parish and Unparished area is outlined in **Appendix A**.

### 3. Conclusion

- 3.1. The review of special expenses has progressed through initial provision of information from Parishes, changes to methodology and consultation with Parishes.
- 3.2. Given its complexity, the Connectivity and Local Democracy Working Group have resolved to 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.
- 3.3. However, given the necessity to have a reasonable method in place for the upcoming 2021/22 budget, the Working Group recommends retention of the existing special expenses regime, updated for current information from Parishes and with amended methodologies as set out in the report and at Appendix B.
- 3.4. Appendix A outlines the potential changes based on responses received to date to each Parish and Unparished area as a result of the recommendations.
- 3.5. The Policy Board should now consider what recommendations it wishes to make to Cabinet in respect of its review of special expenses.

List of appendices:

Appendix A – The Impact of Special Expenses Review on Individual Parishes

Appendix B – Changes to Methodology and Categories included within Special Expenses

Background papers:

None

Corporate Implications

Legal/Constitutional: The Special Expenses review impacts on the Council Tax chargeable to residents within Chelmsford.

Financial: As detailed in report.

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: N/A

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees:

Parks and Green Spaces Manager

Street Care & Performance Manager

Parish Councils

Relevant Policies and Strategies:

None

Appendix A

Unparished/Parished Area	Band D Equivalents		20/21 Special Expense Costs (pre-review)	20/21 Special Expense Costs (post-review)		Difference	Effect on Band D		Difference to General Expenses	Total Effect on Band D
City Centre/Unparished	24,900.81		£1,071,232.85	£838,161.26		-£233,071.58	-£9.36		£2.95	-£6.41
Great Baddow	5,461.76		£73,242.20	£44,731.81		-£28,510.39	-£5.22		£2.95	-£2.27
Little Baddow	871.75		£11,847.08	£16,476.08		£4,628.99	£5.31		£2.95	£8.26
Boreham	1,371.25		£15,303.15	£8,021.81		-£7,281.34	-£5.31		£2.95	-£2.36
Broomfield	2,512.55		£38,442.02	£56,306.25		£17,864.23	£7.11		£2.95	£10.06
Chignal	289.51		£3,230.93	£8,859.01		£5,628.07	£19.44		£2.95	£22.39
Danbury	2,427.19		£14,635.96	£8,300.99		-£6,334.97	-£2.61		£2.95	£0.34
Galleywood	2,113.48		£51,167.35	£57,634.60		£6,467.25	£3.06		£2.95	£6.01
Good Easter	172.59		£776.66	£2,997.89		£2,221.23	£12.87		£2.95	£15.82
East Hanningfield	496.09		£5,581.01	£12,858.65		£7,277.64	£14.67		£2.95	£17.62
South Hanningfield	1,190.97		£5,144.99	£22,938.08		£17,793.09	£14.94		£2.95	£17.89
West Hanningfield	478.29		£7,619.16	£10,115.83		£2,496.67	£5.22		£2.95	£8.17
Highwood	318.04		£4,007.30	£6,211.32		£2,204.02	£6.93		£2.95	£9.88
Great & Little Leighs	1,141.34		£28,556.33	£37,082.14		£8,525.81	£7.47		£2.95	£10.42
Margaretting	387.26		£5,715.96	£7,632.89		£1,916.94	£4.95		£2.95	£7.90
Mashbury	46.39		£446.74	£805.79		£359.06	£7.74		£2.95	£10.69
Pleshey	138.88		£2,674.83	£2,412.35		-£262.48	-£1.89		£2.95	£1.06
Rettendon	770.69		£11,722.19	£18,797.13		£7,074.93	£9.18		£2.95	£12.13
Roxwell	477.07		£729.92	£0.00		-£729.92	-£1.53		£2.95	£1.42
Runwell	1,790.04		£4,994.21	£31,737.41		£26,743.20	£14.94		£2.95	£17.89
Sandon	754.85		£18,954.28	£17,323.81		-£1,630.48	-£2.16		£2.95	£0.79
Springfield	7,858.89		£271,603.24	£248,969.64		-£22,633.60	-£2.88		£2.95	£0.07
Stock	1,194.38		£15,049.19	£22,358.79		£7,309.61	£6.12		£2.95	£9.07
Great Waltham	941.98		£14,497.07	£20,346.77		£5,849.70	£6.21		£2.95	£9.16
Little Waltham	804.62		£11,948.61	£19,045.36		£7,096.75	£8.82		£2.95	£11.77
South Woodham Ferrers	6,085.04		£177,439.77	£143,485.24		-£33,954.52	-£5.58		£2.95	-£2.63
Woodham Ferrers & Bicknacre	1,234.13		£5,220.37	£22,769.70		£17,549.33	£14.22		£2.95	£17.17
Writtle	2,021.81		£20,743.77	£4,731.04		-£16,012.74	-£7.92		£2.95	-£4.97
Total	68251.65		£1,892,527.12	£1,691,111.63						

## Appendix B

<b>Special Expense Category (pre-review)</b>	<b>Special Expense (Post Review)</b>	<b>Comments</b>	<b>Methodology Changed?</b>	<b>Comments</b>
Allotments	Yes	Special items charged to Parished/non-Parished area in which situated	No	No change
Bus shelters	Yes	Special items charged to Parished/non-Parished area in which situated	No	No change
Christmas lights and trees	No	To be treated as a General Expense as of benefit to all in the City	No	N/A
Hanging baskets	No	No material provision by the City Council and of benefit to all in the City	N/A	N/A
Litter bins	No	Litter bins are treated as a General Expense as any provision from Parishes is additional to City Council provision	N/A	N/A
Dog Waste bins	Yes	Special items charged to Parished/non-Parished area in which situated	Yes	Updated the overheads charge on dog waste bins to ensure reflects the area of spend related to within the City Council
Miscellaneous Open spaces	Yes	Open Spaces over 2,000 sqm and under 10,000 sqm	Yes	Only open spaces over 2,000 sqm. are now included rather than over 1,000 sqm. It was agreed that this represents a more useable space for residents. The unit cost per sq. metre has been updated for several special expense categories relating to parks.
Parks	Yes	Parks identified to not have utility to the whole of the City	Yes	The unit cost per sq. metre has been updated for several special expense categories relating to parks.
Play Areas	Yes	Special items charged to Parished/non-Parished area in which situated	No	No change
Recreation grounds	Yes	Special items charged to Parished/non-Parished area in which situated	Yes	The unit cost per sq. metre has been updated for several special expense categories relating to parks.
Kickabout Areas	Yes	Open Spaces over 10,000 sqm	Yes	The unit cost per sq. metre has been updated for several special expense categories relating to parks.
Public conveniences	No	To be treated as a General Expense as of benefit to all in the City	No	N/A
Strategic Sports Grounds	Yes	Facilities to be treated as special items chargeable to a single area covering the whole of the City other than those Parishes where the Parish Council provides facilities to a comparable standard.	Yes	The unit cost per sq. metre has been updated for several special expense categories relating to parks.
Street cleansing	No	Any work completed by Parishes is additional to the work completed by the City Council	N/A	N/A
War memorials	Yes	Special items charged to Parished/non-Parished area in which situated	No	No change





## Chelmsford City Council Cabinet

17 November 2020

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### Treasury Management Mid-Year Review 2020/21

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#### Report by:

Cabinet Member for a Fairer Chelmsford

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#### Officer Contact:

Phil Reeves, Accountancy Services Manager, 01245 606562, [phil.reeves@chelmsford.gov.uk](mailto:phil.reeves@chelmsford.gov.uk)

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#### Purpose

To inform members of the Treasury Management (TM) activities undertaken in the first part of 2020/21, report on compliance with the approved TM Strategy and consider whether any changes to the Strategy are required ahead of the full, annual review later in the financial year.

#### Options

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

#### Preferred option and reasons

Recommend the report to Council without amendment for consideration and thereby meet statutory obligations.

#### Recommendations

That Cabinet note the contents of this report and recommend that Full Council approve the 2020/21 Treasury Strategy without change.

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## 1. Background

- 1.1. The Council has cash to invest arising from its revenue activities, capital balances and the collection of Council Tax & Business Rates. The Council can fund its capital programme from borrowing. The activities around the management of Council cash and external borrowing are known as Treasury Management.
- 1.2. Under statute and the CIPFA Code of Practice on Treasury Management ("the Code"), members are required to receive reports on the Council's Treasury Management (TM) activities. The report in Appendix 1 complies with the CIPFA Code of Practice and relevant Government regulations.
- 1.3. Full Council has overall responsibility for Treasury Strategy but delegates to the Treasury Management and Investment Sub-committee responsibility to monitor and recommend changes to strategy. The Director of Financial Services has delegated authority to manage operational TM activities within the approved strategy.
- 1.4. Members of the Treasury Management & Investment Sub-Committee have reviewed the contents of the report and a majority recommended that the Cabinet note its contents and seek Council approval for it.

## 2. Executive Summary

- No breaches of Treasury Management Strategy occurred
- Interest Rates have fallen and are expected to remain low resulting in projected income being below budget
- The Council continues to remain internally borrowed to fund its capital investment but may have to undertake external borrowing within the next year.
- Council investments are now focused on short duration deposits and Money Market Funds (instant access)
- Use of external investment funds for long-term investments has been reviewed and no new investments or disposal are considered appropriate at this time
- It is proposed that the use of external investment funds for long-term investment is kept as an available option within the Treasury Strategy and that the decisions to use such investments remain within the delegation to the Director of Financial Services
- No change to Strategy is recommended for 2020/21

## 3. Conclusion

- 3.1. Cabinet is asked to accept the review of the Treasury Management Activity for the period to the end of September as endorsed by the majority of the Treasury Management and Investment Sub-committee. No changes to the 2020/21 Treasury Management Strategy are recommended.

List of appendices:

Appendix 1 – Review of Treasury Management Activity

Appendix 2 – Review of CCLA property fund

Background papers:

Nil

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Corporate Implications

Legal/Constitutional: The report meets statutory obligations on reporting Treasury Management Activity

Financial: As detailed in the report

Potential impact on climate change and the environment:

Any fund managers will be required to consider ESG (Environmental, Social and Governance) factors in their investment process. All the fund managers would be expected to have signed up to the UN Principles for Responsible Investment (PRI). PRI argues that active participation in ESG and exercising shareholder rights on this basis can help to improve the performance of companies which may otherwise not address such concerns and so being an engaged corporate stakeholder is a more effective way to bring about change in corporate behaviour on ethical issues.

Further requirements from those identified above are not practical given the limited ability to directly influence any immediate change in the financial markets.

Contribution toward achieving a net zero carbon position by 2030:

N/A

Personnel:

N/A

Risk Management:

The report is part of the Council's approach to managing risks arising from Treasury Management

Equality and Diversity:

N/A

Health and Safety:

N/A

Digital:

N/A

Other:

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Consultees:

N/A

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Relevant Policies and Strategies:

Treasury Management Strategy 2020/21

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## 1 Treasury Management Activity during the period 1<sup>st</sup> April 2020 – 31<sup>st</sup> August 2020

This report complies with the CIPFA Code by identifying the Council's investments and external borrowings as at 31/08/2020 and compares treasury activity to approved strategy.

## 2 **Liquidity Management and borrowing**

- 2.1 The Council has continued to keep a large proportion of its portfolio available for instant access and notice accounts. This reflects the uncertain cashflow of the Council due to income losses from Covid-19 (mainly Business rates and Sales, Fees and Charges). To assist in managing liquidity, the Council set the following target in its Treasury Management Strategy.

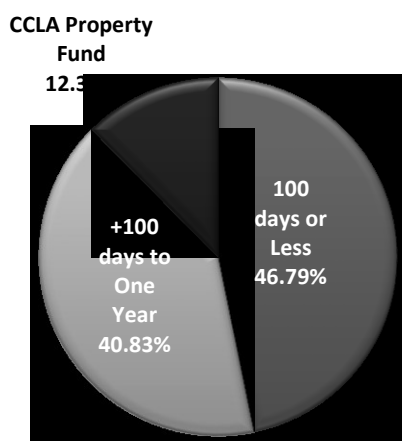
**A minimum of £10m of all investments must be invested for periods of 100 days or Less**

**Outcome: The target was achieved, and officers will continue keep the average durations of investments short**

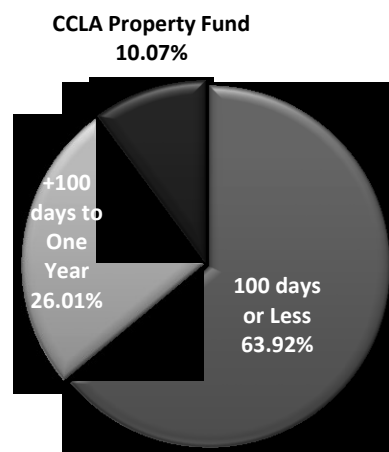
Investments at:

	<u>31/08/2019</u>		<u>31/08/2020</u>	
	£s	%	£s	%
100 days or Less	25,210,600	46.79%	39,316,382	63.92%
+100 days to One Year	22,000,000	40.83%	16,000,000	26.01%
Longer Than One Year	Nil	0.00%	Nil	0.00%
CCLA Property Fund	6,671,200	12.38%	6,194,303	10.07%
	<u>53,881,800</u>	<u>100%</u>	<u>61,510,685</u>	<u>100%</u>

### Investments at 31/08/19 By Length



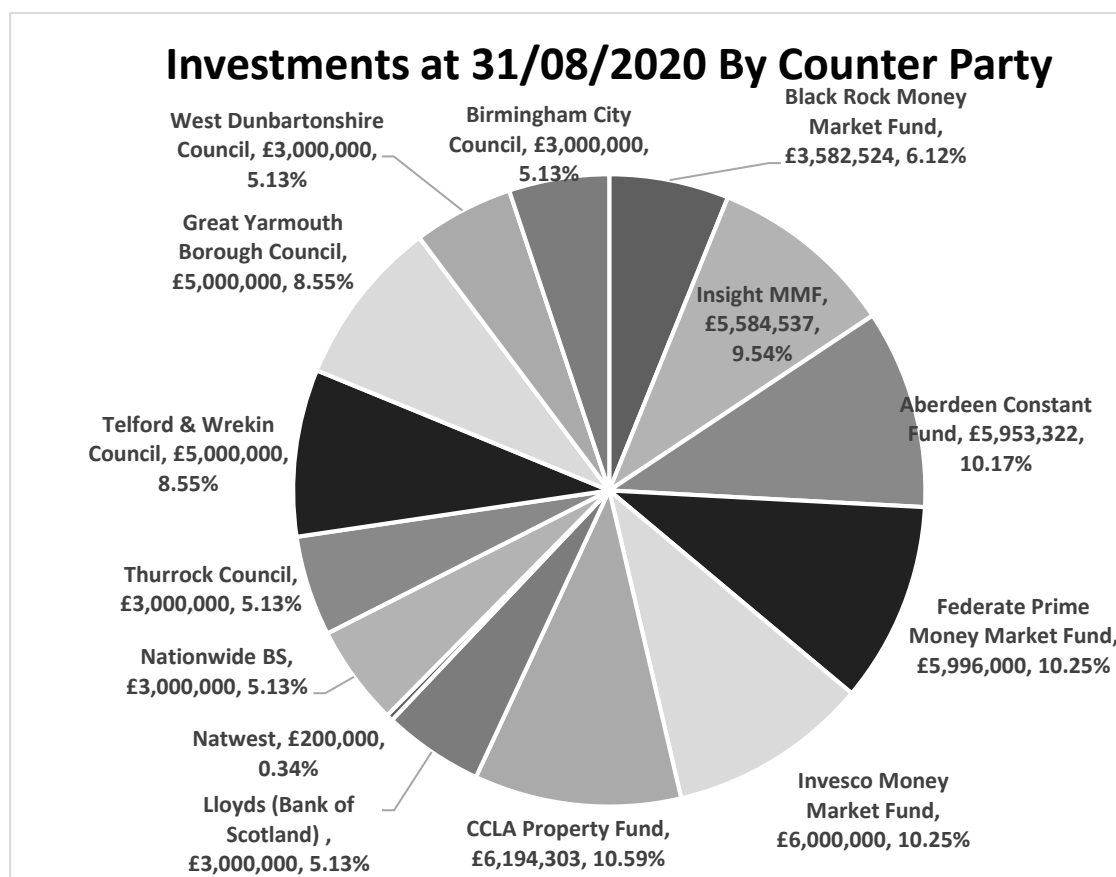
### Investments at 31/08/20 By Length



- 2.2 The Council's Treasury strategy set the following  
**The Upper Limit for total sums invested in the money market deposits for more than 364 days is £10m for 2020/21**

**Outcome: The limit has not been exceeded.**

- 2.3 **No breaches of Counter party limits have occurred.** The investments held by the Council are noted below



The Council's investments with local authorities and Nationwide Building Society are all fixed maturity dates and of a duration of less than one year. The investments with Lloyds and HSBC banks are 90 and 30 day notice accounts, on which officers will be giving notice to provide additional Council liquidity. The other investments are all instant access.

- 2.4 **The Council has not undertaken any external borrowing in the year to date.** The funding of the approved Capital programme requires borrowing but that has been internal borrowing which reduces the amount the Council has to invest. The Council operates two borrowing limits, the Authorised (maximum limit) which cannot be exceeded without Council agreement and an Operational boundary (which provides an expected level of external debt). The current limits are noted below

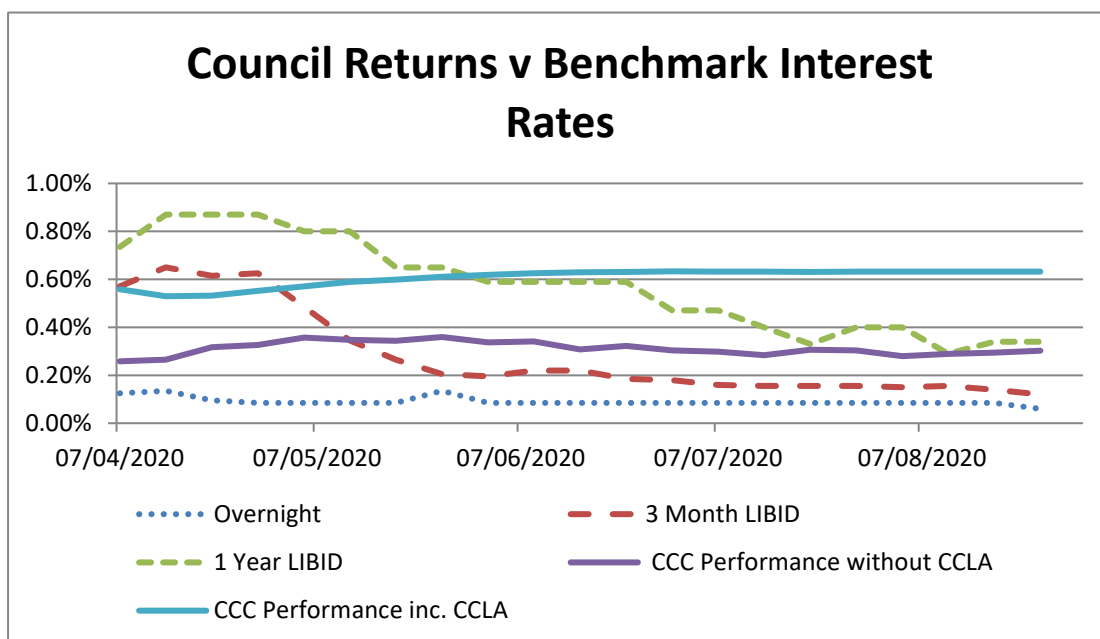
	Limit
<b>Authorised Limit of Borrowing</b>	<b>£35m</b>
<b>Operational Boundary of Borrowing</b>	<b>£25m</b>

- 2.5 The impact of Covid 19 has been to reduce significantly customer receipts and business rate income. Some of these losses are to be made good by Government but this complicates the cashflow projections (as it is unclear when Government funding will arrive). The Council cash balances will fall as the year progresses due to the normal outflow of Council Tax to other precepting bodies and capital programme spend. It is possible but not certain that short-term external borrowing may occur in 2020/21 and during 2021/22 there may be a need for long-term external borrowing. This is not surprising given Full Council has committed to funding capital investment through borrowing and has already funded expenditure by using internal borrowing.
- The issues for Treasury Management & Investment Sub-committee will be: is there compliance with the borrowing limits and then is borrowing being undertaken in the most cost-effective manner?

### 3. **Rate of Return**

- 3.1 The Bank of England Base rate stands at 0.1%. One-month local authority loans are 0.02% and one year 0.28%.

- 3.2 Money market interest rates have fallen since the beginning of Covid19 outbreak. The Council returns are shown below



- 3.3 The Council's rate of return in 2020/21 has been heavily distorted by the holding over £30m of Government Business support grants which the Council had to pay out as quickly as possible. The cash was kept in short-notice access accounts and so lowered the overall average rate of return, as shorted-date investments pay less interest. As the money has been spent average returns briefly increased.
- 3.4 The Council had an average yield on its portfolio of 0.62% at 31<sup>st</sup> August 2020. This compares to budgeted rate of 1.2%. The rates paid in the money markets are shown in the graph above and are clearly well below the budgeted rate. The Council will not achieve its budget for investment income this year.
- 3.5 Interest rates could fall further. There has been discussion of negative interest rates where effectively the Council pays the bank (or similar) to hold its cash. This has already occurred for short-term investments at the Deposit Management Office where Local Authorities deposit funds with the Government. In event of negative interest rates the Council would have to hold cash for liquidity purposes so would incur costs. The sole source of investment income would be the CCLA property fund. This is because all of the Council's investments except for the CCLA are linked to money-market rates in some way.

#### 4 Investing in External Funds

- 4.1 The Council within its Treasury Management Strategy has permitted the use of external investment funds (under certain constraints). The Director of Financial Services is authorised to determine if the use of investment funds is appropriate and monitor any use. Currently the Council does use:
- Money Market Funds (MMF), Credit rating for the funds AAA+. The Council uses MMF with same day access to investments. The unit price of these funds is intended



to remain constant and would only vary in exceptional circumstances. The funds are highly regulated. These funds invest in short-dated financial instruments and spread their investments thereby limiting exposure to single counter parties. The Council would find it very difficult to manage its liquidity without their use. The current level of returns are under 0.1% per year.

- CCLA Property Fund, Unrated Fund. This investment fund is open only to Local Authority investors. It currently has 250 investors. The fund has 78 properties and £1.15bn value. The Council invested at cost of £5m and its current value is £6.2m. The yield is currently around 4% which reflects the fund is paying lower than the normal income due to Covid-19. Income should be around 4.7%, the lower yield reflects that the fund is collecting around 85% of rent due currently. The fund expects income to recover more fully in 2021/22. Appendix 2 contains more details on the fund and its outlook. Current interest rates and returns suggest that redemption from the fund would create additional annual revenue shortfall in the range of £222k-£265k.

4.2 Though the Council has authorised the use of external investment funds, the Director of Financial Services does not currently expect to make any new investments given the current economic circumstances.

4.3 This review of the Treasury Management operations does include consideration of the continued use, additional use or removal of the use of fund managers from the strategy. Factors that the committee should consider are:

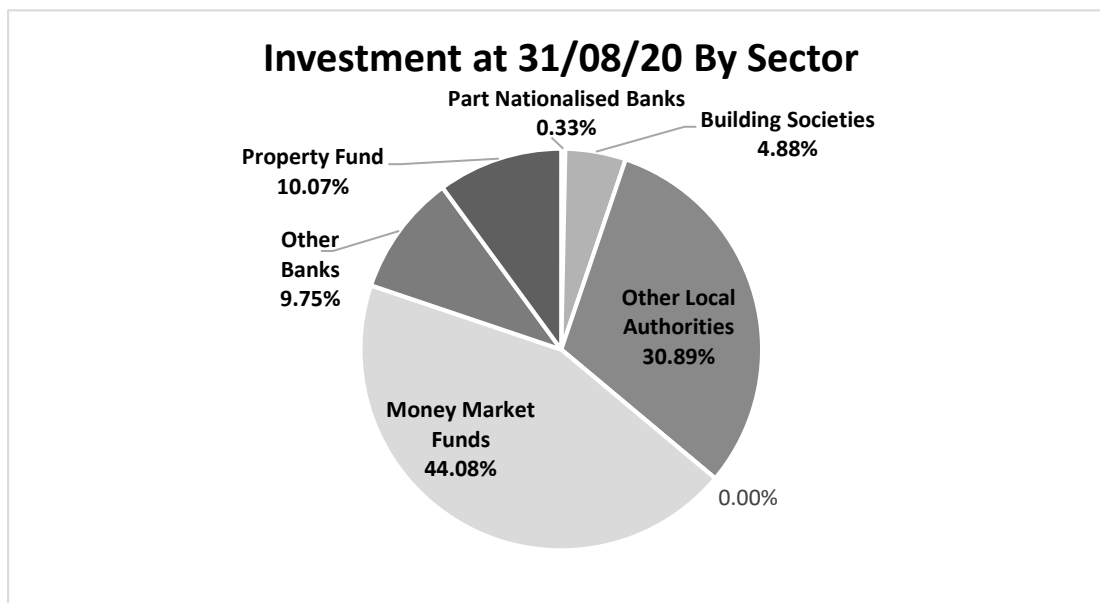
- Fund Managers offer the opportunity to spread risk across a wider number of counter parties and investment assets.
- Fund Managers are experts and bring a wealth of data and skill to selection and management of investments.
- Price volatility and risk of permanent reduction in the value of investments, which could be realised at point of sale. This risk has increased due to potential structural changes accelerated by Covid-19 which lower the future earning potential of Banks' financial instruments, Property and other assets.
- Liquidity Management. The use of external investment funds would actually reduce liquidity as most funds, except MMFs, have to be given advance notice to repay funds. This can be a matter of days or months (CCLA is 90 days). However, the Council can to some extent manage liquidity risk by accessing external borrowing.
- Are Members satisfied with the balance between risk and return?
- The consequences of reducing risk and return. The reduction in treasury risk (return) will come at cost of needing to find savings to balance the overall financial position.

4.4 It is proposed to monitor the CCLA property fund closely but maintain the current level of investment. The loss of income to the revenue budget is greater risk than the potential for loss of long-term capital value. The use of investment funds should be kept as part of the strategy but the Director of Finance does not expect to make any new investments in the current financial year.

## 5. **Bail-in Risk**

5.1 This is the risk that regulators will step in and enforce losses on depositors in order to recapitalise a failing bank or building society, rather than rely on taxpayer bailouts.

- 5.2 The Council has for the last few years targeted reducing Bail-in Risk but in 2020/21, officers have prioritised keeping investments relatively short in duration, however the overall exposure has not greatly altered as shown below



Exposure	As at 31 <sup>st</sup> August 2019	As at 31 <sup>st</sup> August 2019
Bail-in risk	58%	59%
Exempt from bail-in (including CCLA)	42%	41%
<b>Total</b>	<b>100%</b>	<b>100%</b>

## 6 Conclusion

- No breaches of Treasury Management Strategy occurred
- Interest Rates have fallen and are expected to remain low resulting in projected income being below budget.
- The Council continues to remain internally borrowed to fund its capital investment but may have to undertake external borrowing within the next year.
- Council investments are now focused on short-duration deposits and Money Market Funds (instant access).
- Use of external fund managers for long-term investment has been reviewed and no new investments or disposals are considered appropriate at this time.
- It is proposed that the use of external fund managers for long-term investment is kept as an available option within the Treasury Strategy and that the decisions to use such investments remain within the delegation to the Director of Financial Services.
- No change to Strategy is recommended for 2020/21.

## CCLA (Local Authorities Property Fund (LAPF))

### Background

**Investment objective:** The Fund aims to provide investors with a high level of income and long-term capital appreciation.

**Investment policy:** The Fund is an actively managed, diversified portfolio of UK commercial property. It will principally invest in UK commercial properties but may invest in other assets. The Fund is aimed at local authorities seeking exposure to UK commercial property for their long-term investments

**Independent Governance:** The trustee is the Local Authorities' Mutual Investment Trust (LAMIT) a body controlled by members and officers appointed by the Local Government Association, the Convention of Scottish Local Authorities, the Northern Ireland Local Government Officers' Superannuation Committee and investors in the Fund.

#### Discrete year total return performance

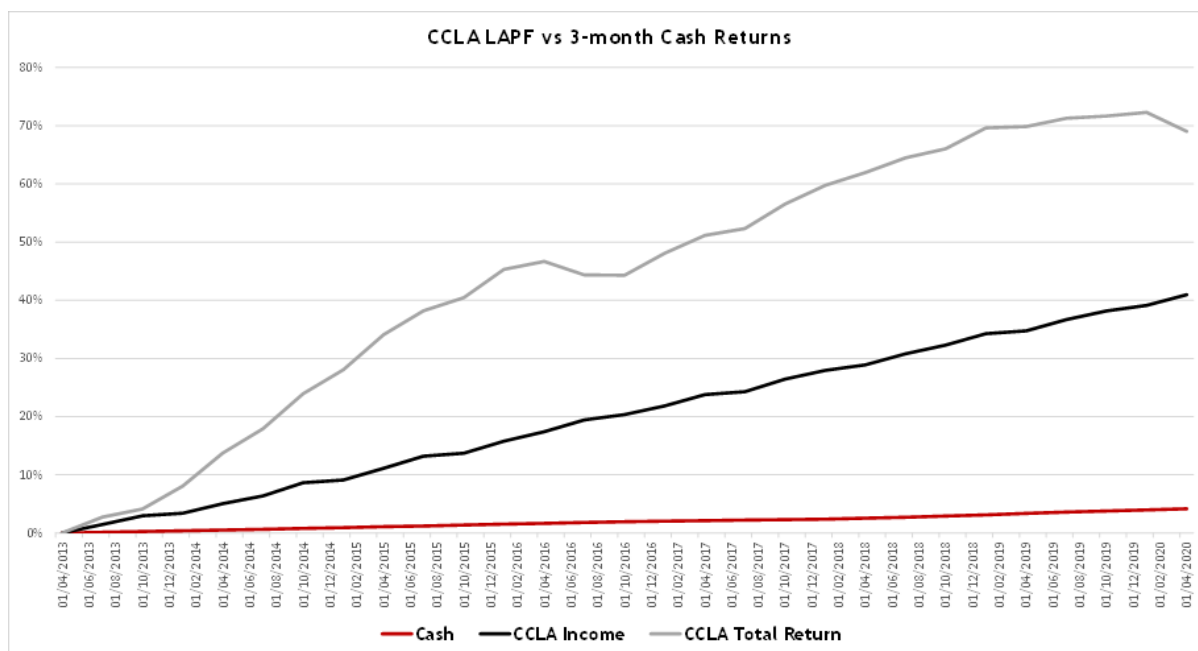
12 months to 30 June	2020	2019	2018	2017	2016
The Local Authorities' Property Fund	-3.47%	+5.46%	+9.36%	+7.24%	+5.85%
Benchmark*	-3.08%	+4.05%	+10.23%	+5.67%	+8.85%

#### Annualised total return performance

Performance to 30 June 2020	1 year	3 years	5 years
The Local Authorities' Property Fund	-3.47%	+3.64%	+4.79%
Benchmark	-3.08%	+3.59%	+5.04%

Net performance shown after management fees and other expenses. Benchmark – MSCI/AREF UK Other Balanced Quarterly Property Fund Index \* (estimated for the last quarter). Source: CCLA

The chart below compares the 3 month LIBOR investment to CCLA income and total return over the 7 years.



A comparison: If you had invested the £4,975,125 on 30/04/13 in a three-month cash deposit paying 3-month LIBOR and then rolled this over every three months at the prevailing 3 month LIBOR rate, while reinvesting the income each time, then your cumulative return over the seven years would have been approx. 4.16%. If you had done the same but with 12 month deposits the return would have been 6.76%.

The CCLA over the same time returned a 69% total return but more importantly a 41% income yield.

### Current position

The past performance of the fund is good, much better than cash-based alternatives, however, it does not necessarily provide the best indication of future performance of the fund or similar property funds.

To decide if keeping the investment in place is the best option for the Council, the following points should be considered:

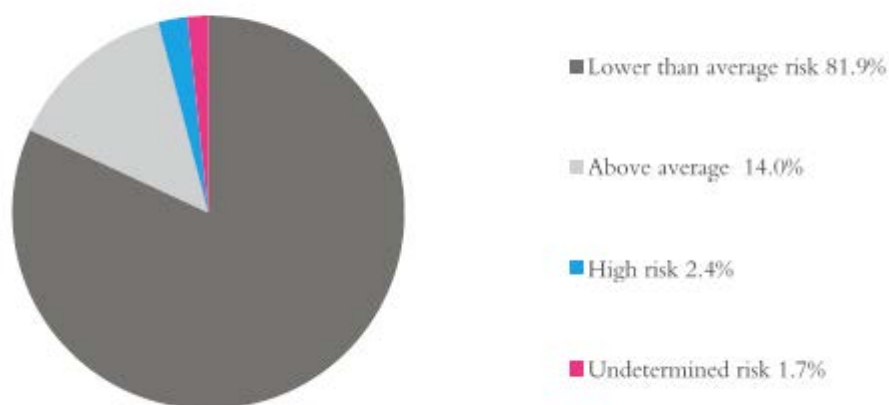
Capital values in the property sector have fallen back but not at an equal rate. The greatest weakness is in retail assets, but hotels also declined and there was pressure too on some offices. In contrast, industrials remained resilient. The market for property did show signs of improvement in June and July according to CCLA. The CCLA fund does have the advantage of being focused on the more resilient types of property, as shown below.



Though diversification of the fund looks successful, structural changes in the UK economy, such as increased home-working could still result in higher long-term voids, lower income and lower capital values. Structural changes are perhaps the largest risk to the CCLA's future returns.

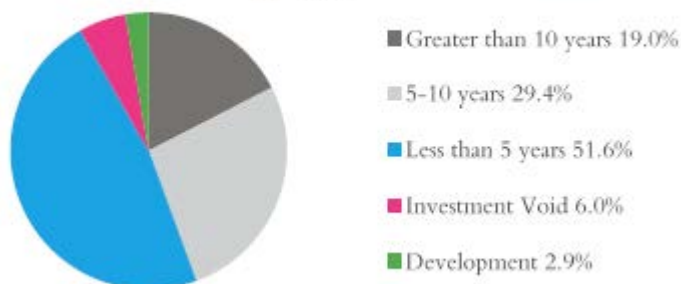
The collection of rent from existing tenants has been good considering the circumstances and for the September rental billing period collection will be close to 100% of what was expected. Analysis of the fund's tenants' credit strength is favourable as shown in the next chart (source CCLA):

**LAPF tenant ratings by Dun & Bradstreet as at 30 June 2020**  
**% of current rental income**



Another risk to any property fund's future returns is the managing of lease expiries. The strength of the CCLA management has been the ability to turn these expiries into opportunities to increase rents or re-develop sites for profit. The CCLA approach has been to acquire properties with short leases and optimise renewal or development opportunities. This strength may however be a weakness if it is considered property has simply become a less attractive asset due to the structural economic changes. A profile of the fund's lease expiries is below (source CCLA), showing over 50% of leases expire in 5 years or less

**Income expiry profile – 1<sup>st</sup> break**



The managers of the CCLA property fund believe that the short lease-life profile is still a considerable strength given the options available to redevelop many sites or re-let them at higher rents.

The CCLA is also rolling out 'green leases' to encourage responsible environmental management of energy and water by tenants.

The fund was 'gated' meaning investors could not request redemptions during the lockdown but from September investors can withdraw funds. At the time of writing no Council has sought to sell down their investments. The fund now has a 90-day notice period for redemption in line with Government regulations for property funds.

### **Conclusion**

Officers believe given the Council's income could be down by nearly £13m in 2020/21, that the fund offers much needed income at 4 to 4.7% compared to cash deposit rates of 0.02 to 0.3%. The risk of capital volatility or permanent loss is the lesser risk.



## Chelmsford City Council Cabinet

17 November 2020

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### Update to the Medium-Term Financial Strategy 2021/22 – 2025/26

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#### Report by:

Cabinet Member for Fairer Chelmsford

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#### Officer Contact:

Amanda Fahey, Director of Financial Services, [amanda.fahey@chelmsford.gov.uk](mailto:amanda.fahey@chelmsford.gov.uk), 01245 606401

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#### Purpose

The purpose of this report is to provide an update on the Council's projected financial position over the medium term, to report progress against the actions outlined in the Medium-Term Financial Strategy approved by Council in July 2020, and to consider whether any amendments are required to the Strategy in light of the latest information.

#### Options

After consideration of the updated financial forecast and the progress against previously agreed actions, to:

1. Agree the recommended change to the Medium-Term Financial Strategy, or
2. Retain the existing Strategy, or
3. Propose other amendments to the Strategy

#### Preferred option and reasons

Option 1: The proposed amendments to the Medium-Term Financial Strategy take 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 financial sustainability of the Council moving forward.

## Recommendations

1. That Cabinet note the updated financial forecast and progress against actions within the existing Financial Strategy.
  2. That Cabinet recommend to Council for approval:
    - a. The approach to reserves set out in section 3 of the report and
    - b. The amendments to the Financial Strategy set out at 3.4 and 7.5 and reflected in Appendix 1 (points 21 and 22)
- 

## 1. Introduction

- 1.1. In July 2020, the Council approved a Medium-Term Financial Strategy (MTFS) for the period 2021/22 – 2025/26, providing a financial framework to support delivery of the Council's priorities as set out in "Our Chelmsford; Our Plan".
- 1.2. In recognition that the assumptions within the forecast were likely to change as events unfolded, as restrictions on social activity were amended, and as Government funding was confirmed, it was proposed to bring back the Strategy for review ahead of budget-setting. In this way, the Strategy could be refreshed, if necessary, in light of up-to-date financial assumptions, and progress against the actions in the original report could be reviewed.
- 1.3. The budget process is now under way but it should be noted that while the forecasts in this report have been updated for significant items and current assumptions about income trends, they do not reflect the comprehensive, detailed budget submissions from services that will be included in the final budget estimates.

## 2. Updating the revenue budget forecast

- 2.1. The first step in updating the revenue forecast is to revisit the expected year-end position for the current year, in order to determine the likely availability of revenue reserves to support the budget for 2021/22 and beyond.
- 2.2. The detailed revenue monitoring report, which is also reported to Cabinet on this agenda, shows an overspend of £10m after allowing for £2m of un-ringfenced government funding to support spending pressures due to Covid-19. In August, the Government issued guidance for local authorities on an income compensation scheme, for lost sales, fees and charges (SFC) due to Covid-19. While this scheme does not cover all income losses (for example it excludes "commercial" income such as property rents) it provides significant alleviation of 75p in the £ for lost SFC income above a 5% threshold. The Council made its first return under this scheme in early October, estimating the total compensation for the year at around £7m. This



is, of course, highly dependent on the income assumptions used for the remainder of the financial year and the potential for further restrictions to be imposed. (It should be noted that the return was made ahead of the announcement for Chelmsford to move into Tier 2 Covid response and any assessment of the impact of the additional restrictions to be applied.) The scheme is also open to some interpretation and the final amount of compensation received will be subject to further clarification and end-of-year reconciliation. However, if we take the £7m estimate under this scheme, the current projected year-end position is a net shortfall of around £3m.

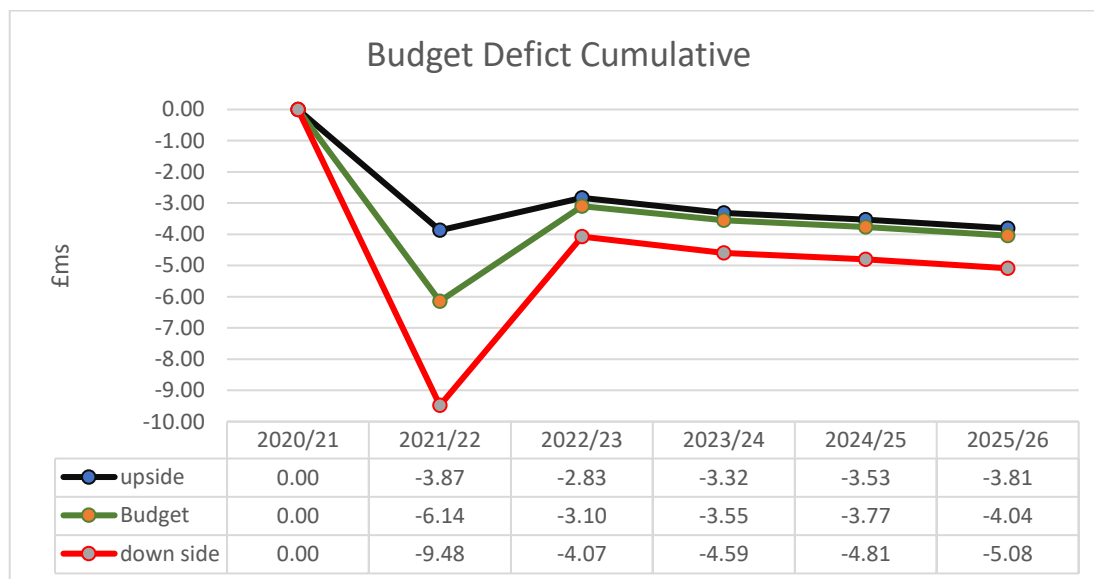
- 2.3. The Medium-Term Financial Strategy allowed for the redirection of funds originally intended to support capital spending (contributions to the Asset Replacement Reserve and Chelmsford Development Fund) so that they remained in the General Fund. This £4.8m contribution offsets the overspend in 2020/21 and boosts unearmarked reserves by £1.8m to help support Covid-19 and other financial pressures into 2021/22.
- 2.4. Reserves had fallen below recommended levels at outturn for 2019/20 and the foreseeable impact of Covid-19 would have obliterated them. It was therefore imperative to increase reserves to enable services to be maintained and, where necessary, increased in response to residents' needs caused by Covid-19. A technical adjustment was made to capital financing by eliminating capital contributions from the revenue budget in 2019-20, as set out in the July Strategy paper, which boosted reserves to £10.6m. Repeating this process in 2020/21, and forgoing revenue contributions to capital of a further £4.8m, enables the Council to sustain the forecast overspend, largely caused by lost income, and provides an addition £1.8m to take projected unearmarked reserves at year-end to £12.4m.
- 2.5. This position reflects the assumption that income streams will not recover in full for some time, and with no confirmation of additional Government support in 2021/22, the level of unearmarked reserves needs to be sufficient to mitigate this additional risk and to provide for any one-off additional support that may be required from reserves.
- 2.6. The medium-term impact is not benign as these amounts will need to be picked up in revenue budgets in future years via reversals of the technical adjustments. This will happen through the addition of Minimum Revenue Provision, known as MRP, and additional interest costs, as borrowing will need to be undertaken to fund the purchase of capital assets that would otherwise have been made via the revenue contributions. This adjustment therefore enables the Council to avoid running out of reserves as a consequence of Covid-19 but reduces our financial flexibility in future budgets.
- 2.7. The July MTFS set out the key budget pressures over the medium term including a range of assumptions for the recovery of income levels. The main underlying budget assumptions and pressures remain unchanged in the forecast but will be subject to update as part of the normal budget preparation process, as detailed budget estimates are returned by services. The assumptions in respect of income levels, however, have been subjected to on-going scrutiny and updated to reflect current

expectations of future demand and the easing of social-distancing measures over time. As with the current-year projections, it is extremely difficult to accurately project future income streams with any certainty, given the on-going presence of the pandemic. The income shortfall in 2021/22 relating to Covid-19 is now projected to be £4m (mid-case) as follows:

	£000
Car parking	1,486
Commercial Property	1,050
Leisure	525
Theatre	450
Markets	210
Trade Waste	150
Interest Receipts	100
Hylands	66
Building control	28
	<hr/>
	4,065

When added to the previously reported core budget pressures of £2.077m, the total projected budget gap for 2021/22 is £6.14m. This is based on the assumption that there will be no additional funding available from Government beyond the current year.

- 2.8. The chart below shows this central budget case over the medium term as well as an upside and downside scenario. The downside scenario does not allow for a full national lockdown in 2021/22 but instead reflects a much slower recovery during the year.

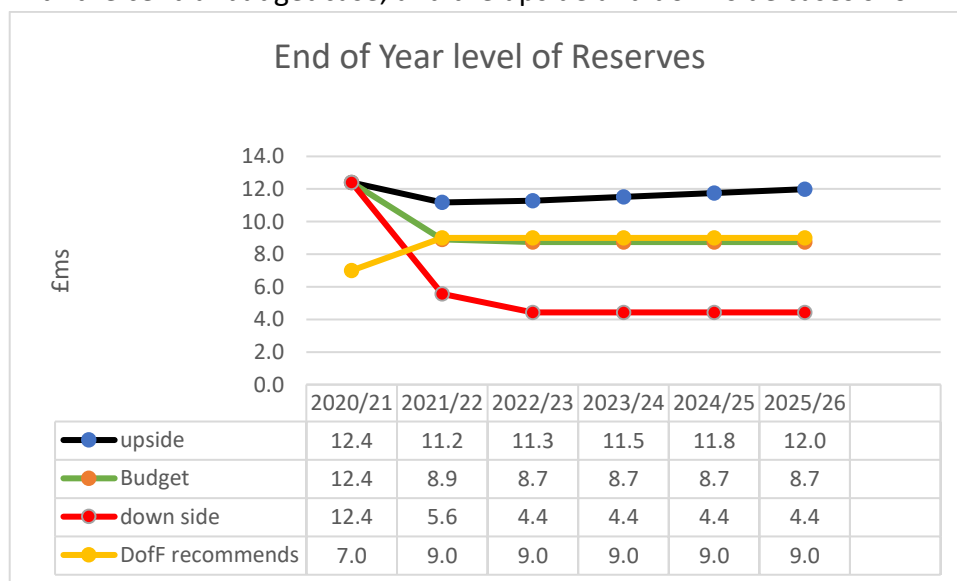


- 2.9. As demonstrated by the chart, the cumulative deficit reduces in 2022/23 as income levels continue to recover, meaning that around £3m of the budget shortfall is expected to be temporary in nature. It would therefore be appropriate to use reserves to support the temporary element of the shortfall, rather than making

permanent reductions in service levels, for example, to meet the gap. This would leave around £3.1m to be found from net budget reductions (i.e. from cost savings, efficiencies or additional income generation).

### 3. Updating the use of reserves

- 3.1. As set out in paragraph 2.4 of the report, unearmarked reserves at the end of 2020/21 are expected to be around £12.4m. It is important to note that earmarked reserves will have fallen slightly by year-end, in line with budget projections, and that the increase in unearmarked reserves comes at the expense of funds that would have flowed through those other reserves, in order to support capital spending plans during the year. This technical adjustment means that funds have been moved from supporting capital budgets and the acquisition of assets to supporting the revenue budget and the provision of essential services, with the consequences set out in section 2 in respect of future borrowing costs. In effect, this is not about increasing reserves but about deferring costs to future years as the revenue contributions originally planned will now be replaced by borrowing costs in later years.
- 3.2. This action, however, allows the Council to use unearmarked reserves to fund the temporary shortfall in income in 2021/22 and provide mitigation against the risk that the effects of Covid-19 will be felt for longer than expected or create a greater fall in the Council's key income streams. The downside risk in the previous chart shows a total budget gap of £9.5m and it should be remembered that income losses alone in 2020/21 (before any government support) are expected to be around £13m, illustrating the need for sufficient reserves to support the revenue budget.
- 3.3. The next chart shows the projected use of reserves over the medium term, aligned with the central budget case, and the upside and downside cases shown previously.



- 3.4. The budget line shows unearmarked reserves decreasing by the £3m in 2021/22 to support the temporary loss of income in that year which is expected to recover in later years. Additionally, there are a number of transfers from reserves likely to be included in the 2021/22 budget totalling around £0.5m, including a £0.4m contribution to the Planning Delivery Reserve to fund ongoing work on the local plan. This would reduce reserves to just under £9m to support any other fluctuations in net spending, such as in-year budget overspends, new initiatives and any worsening of income above that already estimated. As the chart shows, if income levels were reduced as in the downside projection, reserves would fall to £5.6m in 2021/22 and to around £4.4m thereafter.
- 3.5. The previous MTFS recommended that unearmarked reserves be maintained at around £7m (approx. 5% of gross expenditure as defined in the Council Tax Resolution). The Director of Financial Services recommends increasing this level to £9m (which equates to 6% of gross expenditure as stated in the last Council Tax Resolution) to support the increased risk largely stemming from income reductions. It is essential that the Council holds a sufficient buffer to support on-going service provision in the face of fluctuating income levels, and in the absence of any certainty over future Government funding.
- 3.6. The previous recommendation of £7m was a minimum position with an expectation that reserves would be built up over time, even before the advent of coronavirus. While £7m was adequate in the conditions prevailing at the time, it should be noted that the Council was holding comparatively low levels of reserves when compared to other similar local authorities as demonstrated by Cipfa's<sup>1</sup> Resilience Index. The previously agreed MTFS includes having regard to this index when considering the appropriate level of reserves to hold. The next release of the Resilience Index is anticipated to be in December, and therefore will be considered as part of the final budget preparations.

#### 4. Updating the Capital budget and the borrowing requirement

- 4.1. As with the Revenue budget, the Capital budget process is under way as part of the production of the budget reports for Cabinet and Council in January and February respectively.
- 4.2. The previous MTFS set out the implications of diverting resources to the General Fund to support the revenue budget deficit; namely that this would lead to additional borrowing being required by the Council to support its Capital expenditure plans. The necessity for borrowing incurs charges in the Revenue account which are made up of an annual provision for the repayment of the borrowing (whether this is repayment of internal borrowing from the use of existing funds such as Community Infrastructure Levy receipts or to repay external borrowing from debt providers such as other Local Authorities or the Treasury

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<sup>1</sup> Chartered Institute of Public Finance and Accountancy

(Public Works Loan Board) and interest costs (either through lost interest on existing cash balances as they are utilised or through payment of interest to the external debt provider). While estimates of debt charges have been included in the revenue forecast above, these will be subject to change as the Capital Programme and its funding requirements are finalised.

- 4.3. No change has been made to the forecast figures for capital financing costs since the July 2020 MTFS. These figures are dependent on the final make-up of the capital programme, the availability of external funding, the cash balances held and any further adjustments to revenue contributions to capital expenditure. This detail will be pulled together for the final budget estimates report, but the principles agreed in the July MTFS remain the same.

## 5. Updating the risks

- 5.1. The most significant risk to the Council's finances is the uncertainty over future income and funding levels as set out below.

### Covid-19 medium-term effects

- 5.2. While the forecast has been updated to reflect current estimates of the effects of Covid-19 on both expenditure and income, the position remains fluid with the potential for significant change in the face of further outbreaks, tighter restrictions, timing of vaccines and the longer-term effect on behaviours.

### Government Funding

- 5.3. The Government has released various funding streams to support Councils with the costs and income losses caused by the pandemic but there is no guarantee of similar funding schemes beyond 2020/21. In addition, the expected multi-year financial settlement for local government, which would have provided some certainty over the medium term, will now be a single-year settlement and possibly a simple rollover of existing funding. The delay in the Fair Funding Review pushes back the potential for reduced local funding based on revised needs assessments and other allocation criteria. Uncertainty remains about the future of the New Homes Bonus Scheme, which is now paid for a one-year period only rather than for 4 years.

### Council Tax and Business Rates

- 5.4. The forecast continues to assume Council Tax increases of £5 throughout the period, for planning purposes. This was the previous limit imposed by Government, above which a local referendum is required. There is no indication at this time of whether these limits will be amended to provide Councils with more local flexibility. The actual Council Tax level will be determined by Council as part of the budget process in February 2021.
- 5.5. Council Tax collection rates and the number of residents supported by the Local Council Tax Support scheme are under pressure due to Covid-19. The larger

proportion of this risk however falls on the County Council who receive around 72% of Council Tax.

- 5.6. Business Rates income is also under threat although it has been supported in 2020/21 by the reliefs provided by Government to the retail, hospitality and leisure sectors. It remains to be seen what future support may be available, and what affect any removal or reduction in support will have on individual businesses and on the overall levels of business rates income collected.
- 5.7. The review of the business rates retention scheme has been delayed, as has the national revaluation of business rates. This will now come into effect from April 2023, using valuations as at April 2021, thereby building in some of the effect of Covid-19 into future valuations and payments. It has not been confirmed when any reset of the business rates system will take place, which has the potential to significantly affect the amount of growth in rates able to be retained by the Council. The future of Business Rates Pooling also remains uncertain beyond 2021/22 and although the Council has expressed its intention to participate in pooling for 2021/22, gains are likely to be eroded in comparison to previous years.

## 6. Progress against actions

- 6.1. The July report set out key actions to be taken in support of preparing a balanced budget for 2021/22. Progress against these actions is described in the following table:

Action:	Progress:
Redirection of reserves, previously set aside to support capital spending, to meet Covid-19 costs	The transfers for 2019/20 and 2020/21, referred to in section 2 above, have been made in line with the approvals in the previous MTFS report.
Review of all reserves and contingencies to release funding where possible	This is an on-going process throughout the budget build. The Council holds reserves against known future expenditure plans, e.g. future payments to fund the pension deficit or against risks to its overall financial position. The levels are reviewed frequently to ensure that they are sufficient but not excessive. As set out in the report, it is proposed to increase unearmarked reserves to support additional risk within the revenue budget and to increase resilience, with funds redirected from capital purposes.
Review of planned expenditure for projects that could be deferred	The regular budget-monitoring process picks up areas of planned expenditure that are not now going forward under their original timescales due to the impact of Covid-19. The capital programme has been reviewed in respect of the phasing of projects, both from a practical and financial aspect, whilst still endeavouring to meet

	the priorities set out in Our Chelmsford: Our Plan. A report specifically relating to delivery of Our Chelmsford: Our Plan actions is scheduled for the Overview & Scrutiny Committee.
Recruitment to be considered by Management Team prior to commencing recruitment process	Where filling a vacancy is necessary for on-going service delivery, and is within existing budgets, Directors are taking these decisions. Wider discussion is held at Management Team with all Directors if a new post is sought.
Set up a process to challenge current spending	Cabinet Members, Chief Executive and Directors have met twice in the period since the July MTFS to discuss the approach to current-year spending and consider the budget-monitoring process. These discussions have led to further sessions being set up to drill down on service delivery and spending in key areas requested by Cabinet Members, to include temporary accommodation costs, car parking, waste collection and recycling, leisure provision and others. This provides an opportunity for deeper understanding of key areas of service delivery and spend, leading to a greater ability to challenge existing provision and costs. In addition, Directors update their Cabinet portfolio holders of any potential decisions that would cause additional spend/reduced income, for wider discussion if necessary; the enhanced budget-monitoring process, with reporting both to Cabinet and Overview and Scrutiny Committee, continues.
Maximising existing and new income streams in the context of the overall gain to the local economy i.e. including consideration of measures to support businesses and the local economy	Income streams that have been particularly affected by Covid-19 have been subject to review for any discounts or payment holidays (e.g. markets). Sessions have been set up to consider some in greater depth (e.g. parking charges) and others have been subject to initial discussion and will come forward as part of the budget proposals (e.g. Bereavement Services).
Continue to lobby for additional support commensurate with the losses expected to be incurred during the pandemic and for a sustainable financial settlement moving forward	Letters have been sent to MPs on behalf of the Council with cross-party support. Virtual meetings have taken place with MPs. The Council took part in a follow-up to the LGA's case study on the financial effects of Covid-19, alongside nine other Councils, the results to be used for national campaigns and lobbying for the sector.
Commence process to identify potential savings ideas, both cost	Directors have pulled together a range of options which will be refined through the process outlined below. Good progress has been made in identifying measures

reduction and income generation, should the necessary Government funding not materialise	sufficient to close the expected budget gap – some of which are able to be in place immediately while some will need further consideration by Cabinet Member, Cabinet or Council as appropriate. In addition, the budget-review sessions already mentioned will look in detail at particular areas to identify opportunities for service improvements as well as financial savings.
Put in place a programme of monitoring sessions and financial updates with Cabinet to ensure sufficient progress is made in developing a robust level of potential savings.	Meetings have been scheduled with Cabinet Members, Chief Executive and Directors throughout the budget timeline, to ensure progress is made. September's meeting concentrated on the revenue budget assumptions and proposals to close the budget gap, October's meeting reviewed the Capital programme and associated funding requirements, November's meeting will pull this together and review the first cut of the budget after detailed submissions have been received from services. This will culminate in a budget seminar for all Members ahead of consideration of the detailed budget proposals at Cabinet (Jan) and Council (Feb).

6.2. In addition, the Strategy contained a new action to review the Community Funding Scheme to align the use of the Community Infrastructure Levy (specifically, the Neighbourhood Allocation in the nine unparished wards) to corporate priorities. This action was considered at the October Capital Budget session referred to in the table above and any proposals for change will come forward through the appropriate channels.

## 7. Conclusions

7.1. There is no mistaking the level of financial uncertainty and increased risk surrounding the budget preparation process for 2021/22 and beyond. This includes funding uncertainties due to:

- the potential delay to the Local Government Finance Settlement
- a single-year Settlement
- uncertainty over whether any support will be available for lost income beyond the current year and
- no clear direction as yet on the Fair Funding Review, the future shape of the Business Rates Retention Scheme or New Homes Bonus.

In addition, the income assumptions used in the forecast will be affected in practice by the length and severity of the economic impact of Covid-19, by changes in local restrictions, and by the responses of our customers, local businesses and residents.



- 7.2. The MTFS seeks to find a balance between (i) providing a means of meeting the expected challenges, through a mix of net cost reductions (whether cost savings or income generation) and (ii) supporting the budget with adequate reserves to allow for movement in the budget gap. Inevitably, given the level of unknowns and increased risk, there will be significant movement in these estimates over time.
- 7.3. It is therefore proposed to amend the Strategy at point 21, to increase the recommended level of unearmarked reserves to £9m, in order to provide some protection from future, additional budget cuts if the forecast worsens. This, however, comes at a future cost as it has largely been made possible by the use of contributions that would otherwise have supported capital spending. Without those contributions, more of the Council's assets will need to be funded from borrowing, with associated costs of carrying debt (provision for repayment and interest costs). It may be possible to review this position should, for example, the funding position from Government be better than expected or the Council's income streams bounce back quicker than anticipated.
- 7.4. Deferring the revenue expense of the purchase of capital assets, and thereby increasing unearmarked reserves, is a prudent action to take to support future budget plans and enable the Council to deliver its core services and priorities. Without this action, the Council could be forced to make rapid and difficult decisions on service provision to its residents, should the financial picture worsen in the months ahead. In the current year, available balances would not have been sufficient to meet the losses incurred without significant government funding and as we have seen from the recent changes to the furlough scheme, for example, Government support is likely to decline over time.
- 7.5. A further amendment is proposed to item 22 in the Strategy, to clarify that reserves may be used to cover temporary shortfalls in income, where the income level is anticipated to return to higher levels in the near future.

List of appendices: [Appendix 1 : Medium-Term Financial Strategy 2021/22 – 2025/26](#)

Background papers: None

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### Corporate Implications

Legal/Constitutional: The Council is required to set a balanced budget. The Medium-Term Financial Strategy sets out the framework for this to be achieved.

Financial: A robust financial strategy is essential in the delivery of the Council's objectives over the medium term, ensuring decisions are taken with due regard to their financial consequences. Medium-term financial planning is a key element in determining the organisation's future resilience.

Potential impact on climate change and the environment: This will be considered as part of the detailed budget-setting process.

Contribution toward achieving a net zero carbon position by 2030: As above.

Personnel: The financial strategy, and the development of detailed budget proposals, is supported by the Council's values and behaviour framework, which promotes a culture of responsibility and accountability.

Risk Management: Due regard to the Council's Principal Risk Register should be had when considering its budget plans, financial forecasts and level of reserves. The production of, and adherence to, the Strategy mitigates the risk of financial failure. Challenges to the Council's financial position are reflected in the Principal Risk Register, while the financial impact of other risks are considered within the Principal Risk Register as appropriate.

Equality and Diversity: Equality Impact Assessments will be considered as part of the detailed budget setting process rather than at the strategic level, to enable comprehensive assessments to be undertaken where necessary.

Health and Safety: None

Digital: None

Other: None

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#### Consultees:

Cabinet Members, Chief Executive and Directors, Monitoring Officer

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#### Relevant Policies and Strategies:

Our Chelmsford: Our Plan

Capital and Investment Strategy 2020/21

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## APPENDIX 1

<b>MEDIUM-TERM FINANCIAL STRATEGY 2021/22 - 2025/26</b>
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The fundamental aims of the Council's Medium-Term Financial Strategy are to:

- 1) Maintain a sustainable financial position against a backdrop of continuing financial uncertainty and reduced government funding;
- 2) Support the Council's aims in the delivery of a safer, greener, fairer and better-connected Chelmsford through the appropriate allocation of available resources and to
- 3) Maximise opportunities to increase resources, or use resources more effectively, whilst taking appropriate action to mitigate financial risk.

The Strategy is supported by five key principles. These are set out below with supporting actions for each principle.

**Revenue Expenditure – The Council recognises that it must optimise its limited resources and target them to where they are most needed, in order to provide value for money services in the face of increasing financial pressures.**

- |     |   |
|-----|---|
| 1.  | The Council will set a balanced budget each year, reflecting its objectives, priorities and commitments   |
| 2.  | The Council will deliver efficiencies, cost reductions and new income streams in order to meet budget gaps; the delivery of which will be closely monitored by Management and Members   |
| 3.  | A Digital Programme Office will be set up to drive forward digital innovation in service delivery, realising both financial and non-financial benefits in the efficient delivery of services (subject to the results and learning outcomes from the pilot)                        |
| 4.  | There is no presumption that un-ringfenced grants will be spent on the purposes for which they are nominally provided (appropriate business cases will be provided for spending against such grants)  |
| 5.  | Services will carry out regular reviews of their fees and charges, to ensure income is maximised while taking into account the demand for services, the prevailing economic and market conditions, the wider strategic aims of the Council and the affordability to its customers |
| 6.  | Where costs are recharged to other parties on a cost-recovery basis, services will ensure that all relevant costs are considered when setting the charge  |
| 7.  | The Council will review its income streams, taking account of the proportionality of any one revenue stream and mitigating the risk of over-reliance upon any one income type e.g. commercial property income   |
| 8.  | The Council will consider the diversity of its investments, in order to spread risk   |
| 9.  | The Council will consider its risk appetite in relation to commercial activity as part of its response to budgetary pressures   |
| 10. | The Council will seek to reduce its reliance in its revenue budget on uncertain funding streams, as it has with New Homes Bonus   |

**Capital Expenditure – The Council will only undertake capital investment in support of its priorities and where it supports asset maintenance, invest-to-save schemes or strategic intent (such as the provision of affordable housing). Capital spending plans, whether funded from internal resources or through borrowing, will be affordable, prudent and sustainable.**

- |     |   |
|-----|---|
| 11. | The Council will develop a capital strategy that seeks to optimise return on existing assets, divest itself of low-performing assets and sets out parameters for investment in property to increase income to the Council |
|-----|---|

12.	Performance indicators will be developed and monitored for investment property
13.	The Council will set prudential indicators, including borrowing limits, for capital financing through its annual Treasury Management Strategy, and understand the costs of capital and the return on capital invested, ensuring any future borrowing is affordable, prudent and sustainable
14.	The Council will explore opportunities for borrowing as the need arises through the Public Works Loan Board, Local Enterprise Partnership, other Local Authorities and the Municipal Bond Agency, for example.
15.	The Council will seek alternative forms of funding where possible, maximising the use of external resources such as s106 contributions from Developers, Community Infrastructure Levy, funding from the Local Enterprise Partnership, Government departments, lottery funding and private sector opportunities as appropriate and ensuring that any funding conditions do not place an unreasonable burden on the Council.
16.	The Council will review the estimated level of contributions to the Asset Replacement Reserve annually as part of the budget process; the actual level of contributions being dependent on the overall Revenue budget position. As the Council moves towards borrowing, and given the financial pressure on the revenue budget, the revenue contributions the Council makes to fund capital expenditure may be replaced by the cost of carrying debt.
17.	Capital receipts from the sale of assets will be used to meet future corporate priorities, rather than be retained for use by the service that has relinquished the asset.
18.	Resources allocated to a particular capital project but subsequently not required will be returned to meet future corporate priorities rather than be retained for use by that service.
19.	No new capital schemes are included in the programme without the necessary resources to meet the full capital costs, and any on-going revenue costs, being in place.
20.	All new capital projects are subject to a bid process for inclusion in the Capital Programme, which require whole-life costing information to be supplied. Where projects are not yet fully worked up but require an indicative sum to be allocated in the Capital Programme, for the purposes of assessing future funding requirements and the costs of borrowing, then a full business case should be worked up before commencement of the project. New capital schemes brought forward during the year should also be supported by business cases and reported to Management Team, Cabinet or Council in line with the Council's financial regulations.
<b>Reserves – the Council will maintain a reasonable level of usable reserves to enable it to weather the volatility of its funding position, support capital spending plans, mitigate known risks and support invest-to-save schemes and service transformation.</b>	
21.	The Council will seek to increase the level of its general fund reserves (General Fund plus Contingency) and maintain this at an appropriate level commensurate with the level of financial risk it faces. <del>As a minimum, the Council should work towards a level of approximately 5% of its gross expenditure (which would be around £7m when compared to the gross expenditure figure included in the last Council Tax resolution), whilst recognising that the level of balances will fluctuate over time as it adjusts to short-term pressures in the revenue budget.</del> <b>As a minimum, the Council should work towards a level of £9m (which is around 6% of the gross expenditure figure included in the last Council Tax Resolution), whilst recognising that the level of balances will fluctuate over time as it adjusts to short-term pressures in the revenue budget.</b>

22.	Reserves will not be used to meet on-going expenditure but may be used in the short-term in conjunction with plans to reduce net revenue costs over the medium-term <b>or to meet temporary reductions in income where income levels are anticipated to recover</b>
23.	Regular review of all reserves will be carried out in order to maintain and replenish funds which will be used to mitigate substantial risks identified over the medium-term, support the provision of major projects, invest-to-save schemes, service reviews or digital innovation and to release those reserves no longer required due to changing circumstances.
<b>Governance and Performance – the Council will monitor the delivery of its financial strategy and performance against the savings requirement, adjusting the plans to meet changing demands or emerging risk. This will be achieved by:</b>	
24.	Annual review of key strategies such as the Medium-Term Financial Strategy, the Capital and Investment Strategy and Treasury Management Strategy.
25.	Appropriate training will be provided to officers and Members to enable them to carry out their duties in respect of the delivery and scrutiny of financial plans.
26.	Performance against budget will be monitored externally via the Council's external auditor, and internally via a framework including the senior management team, the Audit and Risk Committee, Overview and Scrutiny Panel, Cabinet and Council, while key strategy reviews enabling the delivery of Council priorities, such as the Homelessness and Rough Sleeping Strategy, will be incorporated into the work programme of the Chelmsford Policy Board. Budget and performance monitoring will be supported by the implementation of the Council's new financial management system and a refreshed approach to Risk Management.
27.	The Council will undertake a self-assessment against CIPFA's new Financial Management Code and produce an action plan to meet any shortfalls.
28.	The Council will consider CIPFA's new Resilience Index when considering the appropriateness of its reserves.
29.	The Council will stay abreast of regulatory developments and the latest Government and sector-led guidance in the formulation of key financial policies and strategies.
30.	Embed a performance management culture within the organisation, including the production of business cases, strong project management and the measurement and delivery of benefits.
31.	Ensure that the Council's budgets, financial records and accounts are prepared in line with accounting standards, CIPFA Code of Practice on Local Government Accounting, the CIPFA Prudential Code and the Council's own Constitution and Financial regulations.
32.	Budget guidance to be reviewed annually by the Council's section 151 Officer.
<b>Partnership Working – the Council will seek out opportunities to work with partners to maximise outcomes for the residents of Chelmsford and other stakeholders, explore access to funding and maximise the shared benefits of joint working.</b>	
33.	<p>The Council will explore joint working opportunities or shared services where they add benefit to the Council or its residents, with partners including (but not limited to):</p> <ul style="list-style-type: none"> <li>• Other local authorities</li> <li>• Registered Housing Providers</li> <li>• Police and Crime Commissioner</li> <li>• Fire and Rescue Authority</li> <li>• Local Enterprise Partnership</li> <li>• Voluntary and Community organisations</li> <li>• Private sector</li> </ul>
34.	The Council will seek to optimise external funding opportunities to defray the cost of services and capital investment.

35.	The Council will review its processes for awarding grant funding and the monitoring of service level agreements with third parties
36.	The Council will review the Community Funding Scheme to align the use of the Community Infrastructure Levy (specifically, the Neighbourhood Allocation in the 9 unparished wards) to corporate priorities
<del>36.</del> 37.	The Council will explore models for delivering projects in partnership with others, particularly in respect of large-scale infrastructure projects and the Council's aspiration to deliver increased numbers of affordable housing units.
<del>37.</del> 38.	The Council will consider options to facilitate or enable partners and the community to deliver outcomes that are in keeping with the Council's aims, as an alternative to direct delivery.
39.	The Council will actively engage with sector-led bodies (e.g. Local government Association (LGA), District Councils' Network (DCN), Society of District Council Treasurers (SDCT) to ensure a local voice in national, sector-wide funding discussions
40.	The Council will work with Government departments, Ministers, and Members of Parliament in order to raise local funding issues, develop solutions and provide an evidence base to inform decision-making in respect of funding levels



## Chelmsford City Council

9 December 2020

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### Amendments to the Council's Constitution

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Report by: Governance Committee

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Officer Contact: Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer, [lorraine.browne@chelmsford.gov.uk](mailto:lorraine.browne@chelmsford.gov.uk), 01245 606560

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#### Purpose

Following its latest review of the Council's Constitution, the Constitution Working Group has identified several amendments it believes to be necessary to keep it up to date and to assist the smooth operation of the Council's decision-making processes.

#### Recommendation

That the amendments to the Constitution set out in Section 2 of this report be approved.

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#### 1. Introduction

- 1.1. The Constitution Working Group met on 30 September 2020 and considered three proposed changes to the Constitution. The first change was a minor clarification to a licensing delegation for the renewal of Private Hire Vehicles. The second was the insertion of a new paragraph for working group arrangements and the final change related to a proposed change to the procedure for amendments to Motions.

## 2. Proposed Changes to the Constitution

### 2.1 Officer Delegation in relation to Licensing

Requested amendment to 3.4.7.11 (c) of the Constitution:

The Constitution currently provides that the Director of Public Places may determine “applications for renewal of private hire licences where the circumstances of the applicant have changed since the grant of the previous licence.”

It is proposed that this is changed to read:

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

### 2.2 Working Groups

The insertion of a new provision to cover the general principles for the operation of working groups as regards membership, attendance and speaking at the meeting as follows:

Add as 4.2.8A of the Cabinet and Committees Procedure Rules in Part 4.2:

#### 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.

### 2.3 Amendments to Motions

To amend Council Rule 4.1.13.9 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.”

Amend Rule 4.1.12.1 (h) to read: “to amend an amendment to a motion”.

### 3. Conclusion

3.1 The Cabinet considered the proposed amendments on 17 November 2020 and recommended that the Council approve them.

#### List of appendices:

Nil

#### Background papers:

Nil

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### Corporate Implications

Legal/Constitutional: These are set out in the report

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

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Consultees: None

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Relevant Policies and Strategies:  
The Constitution



Chelmsford City Council

9 December 2020

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## Review of Statement of Licensing Policy

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Report by:

Licensing Committee

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Officer Contact:

Lead Licensing Officer, Nigel Dermott, Email: [nigel.dermott@chelmsford.gov.uk](mailto:nigel.dermott@chelmsford.gov.uk) Tel: 01245 606341

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### Purpose

The Licensing Committee on 10 September 2020 and the Cabinet on 17 November 2020 considered the attached draft Statement of Licensing Policy (the Policy) as required under the Licensing Act 2003 following formal consultation. Both recommended that the Council adopt the policy, subject to the addition of wording suggested by the Street Pastors.

### Recommendations

That the attached Statement of Licensing Policy be adopted.

---

### 1. Introduction

1.1 The Licensing Authority must review its statement of licensing policy every five years under s.5 of the Licensing Act 2003. The current policy is due for formal revision and publication in January 2021 and a proposed draft Policy was approved by the Licensing Committee on 9 July 2020 to enable wider consultation.

- 1.2 The Policy was subsequently consulted on with the Responsible Authorities and other local stakeholders, including the wider community, via the Council's website, a local newspaper and was made available for inspection at the Council's offices.
- 1.3 The only comment received was from the Street Pastors, who suggested the addition of the following wording: "(There should be) strict adherence to COVID 19 regulations/guidelines in and around the venue."
- 1.4 The officers advised that whilst the ongoing pandemic is clearly of concern to all, this is an ever changing landscape that is covered under Regulations and Government guidance requiring risk assessments by licence holders that is monitored by other local authority services and under a different regime. Licensing policy should not concern itself with matters covered under separate requirements or legislation and COVID-19 has not been fully established as an issue that is directly connected with the intentions of the Licensing objectives, those being;
- a) Prevention of Crime and Disorder
  - b) Prevention of Public nuisance
  - c) Prevention of harm to children
  - d) Public Safety.
- 1.5 The Committee believed that the suggested wording should be added to the policy under the public safety objective. The Cabinet, though, did not share that view. It was of the opinion that as the change does not relate directly to the licensing objectives, and the need to observe Covid-19 restrictions and regulations is covered by other regulatory regimes, the suggested amendment should not be accepted and the policy submitted as Appendix A should be approved.

## 2. Conclusion

- 2.1 The Council is asked to consider the Policy and, in accordance with the recommendation of the Cabinet, to adopt it without change from January 2021.

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### List of appendices:

Appendix A - Draft Statement of Licensing Policy as presented to Committee on 9th July 2020

### Background papers:

A copy of the 'model conditions' and list of Responsible Authorities - referred to within the draft policy as weblinks are available as background reading. Both documents are subject to amendment and not included as part of the main policy. The Public Spaces Protection Order can be found on the Council website as an existing agreed local order

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### Corporate Implications

Legal/Constitutional: This is a legal obligation under section 5 of the Licensing Act 2003 in order to provide the legal basis from which to administer its licensing functions.

Financial: None – costs met via application and annual renewal fees

Potential impact on climate change and the environment: N/A

Contribution toward achieving a net zero carbon position by 2030: N/A

Personnel: None

Risk Management: Chelmsford City Council would be unable to fulfil its licensing function without having this policy in place for January 2021

Equality and Diversity: N/A

Health and Safety: N/A

Digital: N/A

Other: None

Consultees: Public Health & Protection Services Manager – Paul Brookes Business Compliance Manager – Jane Smith Legal Services – Victoria Marsh Legal Services – William Butcher Responsible authorities Consultees as listed in the draft policy Wider Community via CCC website, newspaper and Civic reception

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### Relevant Policies and Strategies:

As identified in the draft policy

# Licensing Policy

## Statement of licensing policy



Effective January 2021 – January 2026

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<b>Public Places</b>	<b>Date Produced:</b> January 2016
<b>Public Health and Protection Services</b>	<b>Reference No.</b>
	<b>Version No.</b> 1
<b>Sec. 5 Licensing Act 2003</b>	<b>Date Reviewed:</b> May 2020 <b>Next Review Due by:</b> January 2021 <b>Originating Officer:</b> Nigel Dermott
<b>Statement of Licensing Policy</b>	<b>Approved by:</b>

## **STATEMENT OF LICENSING POLICY**

This Statement of Licensing Policy of The Chelmsford City Council, the Licensing Authority for the City of Chelmsford, has been prepared under section 5 of The Licensing Act 2003 (The Act) having regard to the Revised Guidance issued pursuant to section 182 of The Act. Revisions to the policy and its publication were approved by the Council on 17th November 2020.



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# **1 Fundamental Principles**

- 1.1 In exercising its functions under The Licensing Act 2003 (the Act), Chelmsford City Council (the Licensing Authority) must have regard to the Act, each of the regulations made in support of the Act, the guidance issued by the Secretary of State pursuant to s. 82 of the Act and this policy. There is an overarching aim in the promotion of the four 'licensing objectives' that are set out under Section 4(2) of the Act: -

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Each objective will carry equal weight of attention and consideration i.e. no single objective is any more important than the other.

- 1.2 Our policy is clear that:

- Licensing is about regulating licensable activities on licensed premises, undertaken by qualifying clubs and temporary events within the terms of the Act; and;
- Any conditions attached to various authorisations will focus on matters which are within the control of individual licence holders and others with relevant authorisations i.e. the premises and its 'vicinity'.

- 1.3 Applicants are advised to evidence what detailed control measures are intended within the operating schedule of their application after considering the potential risks and taking account of relevant circumstances within the immediate area, and any impact on other neighbouring residents and businesses.

- 1.4 The Licensing Authority and responsible authorities (see Chelmsford City Website: <https://www.chelmsford.gov.uk/resources/assets/inline/full/0/4267281.pdf> ) will have certain expectations in relation to the considerations and proposals contained within the operating schedule and therefore applicants are strongly advised to have regard to this statement of licensing policy and where possible to consult with the authorities prior to submission and in doing so, minimise the risk of representation or additional costs involved with resubmission.

- 1.5 The responsibility to fully comply with the requirements of the Act sit with the applicant.

- 1.6 When completing an operating schedule, applicants should avoid duplication of any legal obligation outside of The Licensing Act 2003 e.g. smoking, health and safety, noise outside of opening hours etc.

- 1.7 Our policy covers a wide variety of different types of premises but is unable to cover every factor that might influence meeting the requirements of promoting the licensing objectives in every situation and therefore unable to cover every appropriate control measure.

- 1.8 Where no relevant representations are received, it is the duty of the Licensing Authority to grant the licence subject only to conditions consistent with the operating schedule and the mandatory conditions under the Act using the general principles contained within the revised guidance (s.182 para. 1.16).

- 1.9 Where a valid representation is made the Licensing Authority will make objective judgements and consider (at a hearing) whether any conditions need to be attached to a licence in order to secure the licensing objectives. Such conditions will focus directly upon the activity proposed and those attending the premises, those affected by living within the vicinity or carrying out a business, or other persons who might feel affected. The Licensing Authority may also reject the application.
- 1.10 Licensing law is not the primary legislation or mechanism for controlling individuals once they are away from the premises and therefore beyond the direct control of licence holders, but licence holders may influence behaviour through their failure to control alcohol consumption and other behaviours whilst at the venue. Reasonable steps should therefore be taken to promote the licensing objectives immediately outside the premises, particularly in relation to crime and disorder and public nuisance e.g. the generation of unassociated litter and anti-social behaviour.
- 1.11 Licensing policy will take a holistic approach to the management of the night-time economy; other mechanisms that might be utilised to tackle the behaviour of patrons when beyond the vicinity of the premises which might include:
- Measures to create a clean safe environment in partnership with local businesses, transport providers and departments of the local authority
  - The provision of CCTV, taxi ranks, public conveniences late at night, street cleaning and litter patrols
  - Use of powers to designate areas of the city where alcohol cannot be publicly consumed (See *Chelmsford City Website* <https://www.chelmsford.gov.uk/business/licensing/alcohol-licensing/licensing-policies-and-objectives/> (*Chelmsford PSPO and Map*))
  - Law enforcement in the area
  - Confiscation of alcohol from persons within a designated area
  - Use of police closure powers
  - Other local initiatives such as street pastors
- 1.12 The Licensing Authority is under legal obligation to have due regard (section 149 Equality Act 2010) for the need to eliminate unlawful discrimination, harassment or victimisation; to advance equality of opportunity and to foster good relations between persons of different protected characteristics;
- Those protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 1.13 The impact of this policy on the requirements of the Equality Act will be assessed in line with the Council's adopted procedure.
- 1.14 When considering applications, the Licensing Authority will have regard to the Act, the guidance issued under s. 182 of the Act, the licensing objectives, supporting regulations and this policy.
- 1.15 The Licensing Authority may deviate from its own policy where it is appropriate to do so in order to promote the licensing objectives, and in doing so will give its reasons. This statement of licensing policy is intended to strike a reasonable balance between different and sometimes competing aims of policy when promoting the licensing objectives. The introduction to the current revised Guidance at paragraph 1.5 states

that the legislation also supports a number of other key aims that are considered vitally important that should be principle aims for everyone involved in licensing work.

- 1.16 Where no relevant representations are received, it is the duty of the Licensing Authority to grant the licence subject only to conditions consistent with the operating schedule and the mandatory conditions under the Act using the general principles contained within the revised guidance (s.182 para. 1.16).
- 1.17 This Statement of Licensing Policy does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and have any such application considered on its individual merits (s. 182 para. 14.10). This Statement of Licensing Policy does not override the right of any person to make representations in respect of an application or seek review of a licence or certificate, where provision has been made for them to do so within the Act (s.182 14.11).
- 1.18 Our policy is intended to facilitate a broad range of entertainment provision by a wide cross section of the community and will take care to avoid any indirect or disproportionate costs or make any requirement that might be considered a 'blanket policy'.
- 1.19 This Policy Statement takes effect on 31<sup>st</sup> January 2021 and will remain in force for a period of not more than 5 years from that date. This policy may be reviewed at any time during this period.

## **2 Introduction and Profile of Chelmsford City Area**

- 2.1 Chelmsford City Council is a non-unitary authority in the heart of Essex covering an administrative geographical area of 342.2km<sup>2</sup> (131square miles). As well as a thriving city, the district encompasses a number of established villages and the town of South Woodham Ferrers. It was granted city status in 2012.
- 2.2 Chelmsford's population has experienced rapid growth in recent years and will continue to grow. Chelmsford's population is 168,000 and by 2026 it is estimated that it will have grown to some 200,000 people. For a demographic makeup of the Chelmsford City area see **Appendix A**.
- 2.3 There are 80,000 jobs and 6,000 local businesses located within Chelmsford, making it the largest employment centre in Essex and Suffolk and a major employment centre in the South East.
- 2.4 With an annual footfall of over 8.5 million passengers, Chelmsford railway station is the busiest in the East of England. At peak times, eight trains per hour connect Chelmsford with London Liverpool Street.
- 2.5 Chelmsford is home to Anglia Ruskin University, Writtle Agricultural College and The Chelmsford City Racecourse. It is the headquarters of Essex County Council, Essex Police, Chelmsford Prison and the Crown, Magistrates' and County Courts.
- 2.6 At the time of consulting, the City District has 537 licensed premises, 33 premises with club premises licences and the Licensing Authority has issued 2,229 personal licences. Over the 5 year period 2015 - 2019, an average of 360 Temporary Event Notices were received each year with these increasing by more than 50% over this period. Chelmsford's open spaces and good transport links has attracted large scale

licensable activities including national music events such as the 'V' and Rize festivals hosted at Hylands Park as well as annual City Centre Pride and Real Ale festivals.

- 2.7 In recent years Chelmsford has seen considerable investment increased in development across the City centre that have greatly added to a diverse range of leisure facilities making the City an attractive place to visit for work and to be entertained. Information on the local business and population profile and support for businesses in urban and rural environments can be obtained through the Council's Economic Development and Inward Investment Team.
- 2.8 Chelmsford's crime rate is lower than the UK average and the City partnerships oversee a well-managed night-time economy, encouraging participation in the national 'Best Bar None' accreditation scheme and has worked in partnership to successfully achieve purple flag status since 2013.
- 2.9 Since June 2014, the entire District, with limited exceptions, has covered by a Consent Street Order under the Local Government (Miscellaneous Provisions) Act 1982 which regulates all and any on-street trading.
- 2.10 Public Space Protection Orders (PSPOs) are also in place to restrict the distribution of leaflets and advertising material, the display of A boards and on-street advertising. This legislation has also been successfully used in the restriction and confiscation of so-called 'legal highs' at licensed events. PSPOs currently in place can be viewed on the Council's website.

### **3 Licensing Policy - Vision Statement**

- 3.1 Chelmsford City Council (The Licensing Authority) want the City of Chelmsford to offer a wide choice of high quality, well managed entertainment and cultural venues, operating within a safe, orderly and attractive environment; valued by those who live here, work here and those who come to visit. The Council want businesses to operate responsibly and safely to ensure our residents live in decent neighbourhoods and have a good quality of life.
- 3.2 Our stated priorities (Chelmsford City Council – 'Our Plan'):
  - a fairer and inclusive Chelmsford: promoting sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and providing more housing of all types.
  - a safer and greener place: making Chelmsford more attractive, promoting Chelmsford's green credentials, ensuring communities are safe and creating a distinctive sense of place.
  - healthy, active and enjoyable lives: encouraging people to live well, promoting health and activity and reducing social isolation, making Chelmsford a happier place to live, work and play.
  - connected Chelmsford: bringing people together, empowering local people and working in partnership to build community capacity, stronger communities and to secure investment in the city.
- 3.3 Chelmsford City Council has wide experience in regulating licensed entertainment in Chelmsford City which has recently seen considerable increase in leisure business. The Council is also responding to the change in the nature the High street, with the daytime trade flowing into the night-time economy offering a scale and diversity that is unique within the County of Essex, bringing both cultural and financial benefits. The

Council believes that good management of entertainment and the street environment in which it operates is essential to the continued success of the City, which attracts a wide range of people wishing to come here to work, visit and live.

## **4 Statement of Licensing Policy**

- 4.1 The 2003 Act requires that the Licensing Authority publish a 'Statement of Licensing Policy' that sets out the principles by which Chelmsford City Council intends to discharge its functions as the Licensing Authority under the Act in the promotion of the licensing objectives (S. 4(2) of the Act).
- 4.2 In preparing this statement of licensing policy, the Council has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact on this statement of licensing policy.
- 4.3 Further, arrangements will be made for the Licensing Committee to receive reports - when appropriate - on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee may also be appraised of the local employment situation and the need for new investment and employment, where appropriate.
- 4.4 To ensure proper integration with the Council's planning policies, the Licensing Committee may be required to provide reports to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the planning committee to have regard to such matters when making its decisions.
- 4.5 The Council has decided that there is no evidence base or justification to consider a Cumulative Impact policy.
- 4.6 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the Act, having regard to the specific guidance pursuant to s.182 of the Act at paragraph 14.
- 4.7 The Licensing Authority is responsible for considering applications for the grant of the following;
  - Premises Licences,
  - Club Premises Certificates,
  - Personal Licences and
  - Temporary Event Notices in relation to the sale or supply of alcohol, the provision of public entertainment and
  - Late night refreshments.
- 4.8 The Licensing Authority is also concerned with any changes made or sought in respect of those licences that they have issued. Any reference to Premises Certificates will also include reference to Club Premises Certificates as appropriate.
- 4.9 The Licensing Authority is not bound by the decision of any other licensing regime unless any decision has direct relevance to any of the licensing objectives and there is no legal basis to refuse the issue of a licence where other permissions have not been granted e.g. planning permission.



- 4.10 The Act requires the Licensing Authority to monitor, review and, where appropriate, amend its Statement of Licensing Policy. The Licensing Authority will consult with Responsible Authorities and interested parties prior to amending any part of the policy and in preparing its Statement of Licensing Policy for each future 5-year period.
- 4.11 This Policy Statement takes effect on 31<sup>st</sup> January 2021 and will remain in force for a period of not more than 5 years from that date. This policy may be reviewed at any time during this period.
- 4.12 When assessing applications, the Licensing Authority must be satisfied that the control measures proposed within the applicant's operating schedule – in the promotion of the four licensing objectives – are likely to achieve their aims having considered all the risk factors and that they have taken a realistic approach as to whether they are likely to be achievable.

## **5 Consultation**

- 5.1 Our Statement of Licensing Policy has been widely consulted on for the purpose of this 5-yearly review and a list of consultees can be found at **Appendix B**.
- 5.2 The Act requires that the following parties are consulted on by the Licensing Authority:
- a) The Chief Officer of Police for the Licensing Authority area
  - b) The Fire Authority for the area
  - c) The director of Public Health for the authority's area
  - d) Such persons as the Licensing Authority considers to be representative of holders of premises licences and Club Premises Certificates issued by the authority
  - e) Such persons as the Licensing Authority considers to be representative of personal licence holders issued by the authority, and
  - f) Such persons as the Licensing Authority considers representative of businesses and residents in its area
- 5.3 In addition, the Licensing Authority chose to consult further local groups and organisations, namely:
- a) Remaining Responsible Authorities under the Act
  - b) Other areas of the local authority
  - c) Various faith groups, voluntary organisations and Citizens Advice Bureau, and;
  - d) Groups having influence on the night-time economy.
- 5.4 A full list of Responsible Authorities as consultees in respect of applications made under the Act can be found at Chelmsford City Website  
<https://www.chelmsford.gov.uk/resources/assets/inline/full/0/4267281.pdf>

## **6 Approval**

- 6.1 This policy was approved by the full Council at a meeting held on [Date to be inserted] published on its website and made available to consultees. Copies of the policy are available on request.

## **7 Exchange of Information**

- 7.1 The Licensing Authority is under a duty to protect the public funds it administers and may therefore use information provided by applicants for the prevention and detection of crime. It may also share information provided with other responsible bodies responsible for the auditing and administering of public funds.
- 7.2 In accordance with the provisions of the Crime and Disorder Act 1998, The Licensing Act 2003, Data Protection Act 2018 and The General Data Protection guidelines, the Licensing Authority may exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime.

## **8 Public Register**

- 8.1 The Licensing Authority is obliged to keep a public register which may be viewed online or in person by appointment during office hours. Requests for any additional information should be directed through the Council's information team at [FOI.Mailbox@chelmsford.gov.uk](mailto:FOI.Mailbox@chelmsford.gov.uk) where the request will be considered and information provided where lawful and appropriate.

## **9 Compliance and Enforcement**

- 9.1 In exercising its functions in respect of compliance with the conditions of the licence and requirements under the Act, including the inspection of premises and to the institution of proceedings in respect of any relevant offences, or the calling of a licence to review the licensing authority will follow best practice. This requires that its actions should be: -
- Proportionate – intervention only where necessary. Remedies appropriate to the risk posed with costs identified and kept to a minimum.
  - Accountable – The Licensing Authority will ensure that it is able to justify its actions and decisions and be subject of public scrutiny.
  - Consistent – Any rules and standards shall be joined up and implemented fairly.
  - Transparent – enforcement will be carried out openly with regulations enforced simply and user friendly.
  - Targeted – enforcement will be focused on the problems and thereby minimise any side effect.
- 9.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is possible and will adopt a risk-based inspection programme.
- 9.3 The main enforcement and compliance role of the Licensing Authority is to ensure compliance with the processes in granting and the licences and permissions that it authorises. Where appropriate it may conduct joint inspections of licensed premises or premises seeking a licence, together with other enforcing agencies. It is expected that other responsible authorities will have primary engagement with licence holders relative to the area of expertise of that authority e.g. crime and disorder by Essex Police, underage sales by Trading Standards, fire Safety by Essex Fire and Rescue Service etc.

- 9.4 Where appropriate, complaints will be investigated in accordance with a stepped approach outlined in the Regulators Code of practice issued by the Minister of State for Business and Enterprise in accordance with section 23 of the Legislative and Regulatory Reform Act 2006. Regulators are obliged to have regard to this Code when developing policies and operational procedures that guide their regulatory activities. A copy of this code can be found at <https://urlzs.com/DXXfR> and a copy of the Act at <https://urlzs.com/zbAbQ>

## 10 Licensing Applications & Licensing Objectives

### Operating Schedules

- 10.1 It is the operating schedule within a new grant application, submitted by or on behalf of the applicant that will set out the control measures intended to reduce the perceived risk that the application - if granted - might present to the licensing objectives. This schedule will be referred to when setting out any attached conditions and in the absence of any representations only matters referred to in that schedule will be applied. The Licensing Authority have discretion to disregard any control measure that does not directly promote any licensing objective or where the applicant offers a control measure that is otherwise required under any other enactment (as previously covered)
- 10.2 A statement of licensing policy should not set out any 'blanket conditions or policy' intended to apply to every licence issued by the Licensing Authority. However, the guidance to the Act states that it is not acceptable for Licensing authorities to simply replicate the wording contained within the operating schedule and that any condition attached to a licence should be interpreted in accordance with the applicant's intentions (para. 10.5)
- 10.3 The guidance goes further to suggest that any condition will be consistent and 'substantially the same' as that intended by the operating schedule and that any condition should be expressed on a licence or certificate in **unequivocal and unambiguous terms** and that they should be clear to the licence holder, club, enforcement officers and the courts (para. 10.7).
- 10.4 The relevant licensing legislation has now been in effect since 2005, since which time the Licensing Authority and Responsible authorities have had considerable experience in ensuring that conditions have been appropriately applied in accordance with that guidance.
- 10.5 Where appropriate control measures are offered in an application that relates to a Premises Licence or Club Premises Certificate, licensing officers – as delegated by the Licensing Authority – will apply wording from [the Council's] established set of model conditions, (see Chelmsford City Website: <https://www.chelmsford.gov.uk/resources/assets/inline/full/0/4267287.pdf>) unless the applicant or their agent states otherwise and provides alternative wording that meets with recommendations at Section 10 of the 182 Guidance. These model conditions are presented in line with the Licensing Objectives.
- 10.6 The model conditions are constantly evolving alongside experience and changing business styles and are correct at the time of consultation. The model conditions will be regularly updated and published on the Council's website without further need to amend this policy.

- 10.7 Neither the list of model conditions, nor the advice offered at the following sections, can cover every style of business and identify all risk factors. Whilst our set of model conditions is extensive, the list is clearly not exhaustive. It is therefore the responsibility of the applicant to consider these control measures and identify any additional measures that might be necessary.

### **Prevention of Crime and disorder**

- 10.8 In addition to the requirements of the Act, Section 17 of the Crime and Disorder Act 1998 imposes a duty on the Local Authority when carrying out its various functions to do all it reasonably can to prevent crime and disorder.
- 10.9 When addressing the issue of crime and disorder the applicant is advised to demonstrate in the operating schedule that the more common causes behind the factors have been addressed and that appropriate control measures have been proposed. Applicants should also consider the style and size of the business and have due regard to existing and foreseeable crime within the area and further crime data can be found at [www.police.uk](http://www.police.uk)

Factors that might normally be considered may include:

- Underage drinking
  - Drunkenness on premises and in the vicinity
  - Drug misuse
  - Violent behaviour
  - Anti-social behaviour
  - Control of patrons whilst arriving, on or leaving the premises
  - Local crime data
  - The overall nature of the area
- 10.10 The following examples of control measures are provided in order assist applicants and are considered to be among the most important when considering risk:
- Effective and responsible management and supervision of the premises, including outside areas
  - Appropriate instruction, training and supervision of those employed or engaged to prevent crime and disorder
  - Keeping appropriate training records
  - Adoption of any best practice guidance
  - Having an effective proof of age policy
  - Provision of CCTV (where appropriate)
  - Use and deployment of door staff
  - Materials of drinking vessels
  - Engaging with local initiatives e.g. Pubwatch, Best Bar None etc
  - Communication between other licensed premises
- 10.11 It is expected that the Designated Premises Supervisor (DPS) should be able to demonstrate that they have day to day control of the premises and that ideally, they should be contactable in an emergency and that in the absence of the DPS, staff are properly authorised. There is no expectation that a DPS should be on site at all times when the premises is open for the sale or supply of alcohol.

## **Public Safety**

10.12 The Licensing Authority is committed to ensuring that the safety of any person visiting or working on licensed premises is not compromised. Applicants are advised to consider how they can demonstrate in the operating schedule that risks have been identified and that suitable and sufficient safeguards have been put in place in order to ensure public safety.

10.13 factors that might identify the need for a control measure might include:

- The numbers of people frequenting the premises
- The condition, layout and design of the premises
- The nature of the activities being provided
- Adoption of any best practice guidance
- Customer profile
- The use of special effects e.g. lasers, pyrotechnics etc
- Access of emergency services
- The provision of toilet, potable and waste water (events)

Some of these measures (or additional measures) might be dynamic in that the requirements might change on a frequent basis. There is often therefore a need to carry out risk assessments on an ongoing basis dependent upon the style and nature of the activity.

10.14 Control measures that an applicant might consider within an operating schedule might include:

- Suitable and sufficient risk assessments
- Effective and responsible management of premises or events
- Appropriate training, instruction and supervision of those employed or engaged in security and safety of those present.
- The keeping of appropriate training records
- Adoption of best practice
- Provision of effective CCTV (if applicable)
- Implementation of crowd management measures
- Provision or access to any first aid facility

10.15 There shall be strict adherence to COVID-19 regulations and guidance in and around the venues.

## **Prevention of Public Nuisance**

10.16 Licensed premises have a significant potential to impact adversely on communities through public nuisance as a result of their business operation, particularly where the business is near to residential properties. The licensing Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the activities. However, the Licensing Authority will have due regard to any development of residential property that is established after the grant of a licence. In such circumstances the responsibility of the developer will be taken into account if they could and should have taken such reasonable steps to minimise the effect of such nuisance e.g. the provision of insulation or double or triple glazing.

10.17 'Public Nuisance' in this context will be construed to have its widest interpretation and takes account of noise and disturbance, light pollution, odours, litter and anti-social behaviour.

10.18 Applicants or their agents should consider in their operating schedule how the impact of nuisance will be identified and how sufficient reasonable measures can be implemented and maintained in order to prevent public nuisance over which their business might have a causal link, either on or within the vicinity of the premises.

10.19 Factors that might identify risk of public nuisance might include:

- Location of premises (including any associated open areas) and their proximity to residential premises or other sensitive venues.
- Customer profile
- Hours of operation
- Nature of activities proposed
- Design and layout of the premises
- The capacity of the premises
- Availability of public transport
- Any noise adjustment period at the end of an evening
- Times of last admission
- Last admission times and closing times of other nearby premises

10.20 The following examples of control measures are provided as a guidance for applicants when considering the mitigation of any identified risks associated with public nuisance. The applicant will need to consider any additional unique factors that might require further consideration to those suggested here:

- Effective and responsible management of the operating within the business together with any outside areas such as seating facilities and smoking areas
- Appropriate training, instruction and supervision of staff
- The keeping of any staff records
- The control of deliveries and movement of goods during operating hours
- Installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and where appropriate, sound limiting devices
- Signage to customers when entering or leaving premises
- Management of the movement of people and traffic arriving and leaving the premises including the management of queues and taxi's.
- The siting of external lighting, including security lighting.

10.21 Premises Licence holders will be expected to manage external areas used in connection with their business, including beer gardens and smoking areas through:

- The development of a plan on how to manage smoking on the premises and ensure that all staff are aware of the contents of the plan. Noise created from smoking areas can often give cause for complaint. Along with general noise created among customers. Staff should be aware and be proactive in the implementation of that plan.
- Compliance with any planning restrictions or conditions that might otherwise impact on the licensing objectives.

- Ensuring structures comply with the design criteria contained within the Health Act 2006 and that any awnings and retractable canopies have the relevant planning permission and building control consent.
- That any tables and chairs are properly licensed under the Highways Act 1980 (where applicable) and that layout, lighting and obstruction does not cause a nuisance.
- Ensure any outside lighting is correctly positioned and of such illumination as to not cause a light nuisance.
- Ensure that door supervisors are supportive and correctly involved with any town centre communications system e.g. DISC or Publink radio.

## **Protection of Children from Harm**

- 10.22 Chelmsford City Council have a duty to safeguard the vulnerable within the community and will therefore be looking to ensure applicants have given due consideration through their operating schedules and have put in place appropriate control measures after carrying out a full risk assessment.
- 10.23 Family friendly premises are to be encouraged as part of the diversity of entertainment made available to everyone but not at the risk of potential harm that this might cause to children. It should be remembered that many licensed venues will be frequented by young people in addition to pubs, bars and clubs such as restaurants, cinemas, theatres and school events. Therefore, admission to children will always remain at the discretion of management, with no presumption of giving them access or equally, preventing them from doing so.
- 10.24 The protection of children from harm includes moral, psychological, emotional and physical harm and is generally construed as related to the activities and effect of children on the premises rather than the mere presence of a particular type of business, other than where unsuitable advertising might be considered as undermining this objective e.g. advertising on public display outside sexual entertainment venues.
- 10.25 No condition can be attached to a licence that insists children to be admitted to any licensed venue although an applicant may offer that condition within their operating schedule.
- 10.26 In respect of the exhibition of a film or the showing of a video, this may include the exposure of children to strong language, sexual references and violence. The Licensing Authority will expect licence holders to implement measures that restrict children from viewing age restricted films, classified according to the recommendations of the British Board of Film Classification.
- 10.27 Applicants are advised to consider how they can demonstrate within the operating schedule that suitable and sufficient measures have been identified and what safeguards will be put in place and maintained as applicable.
- 10.28 Factors that might need to be considered may include:
- Where entertainment of an adult nature is being regularly provided
  - Where there have been convictions of staff at the premises for serving alcohol to minors or allowing consumption
  - Premises or events that attract a young adult profile, or premises or events that appear to be linked to underage sales or drinking

- Proxy sales of alcohol to minors (i.e. adults purchasing for children under 18 yrs. to consume)
- The premises have a known association with drug taking or supply

10.29 The following examples of control measures are provided to assist applicants and considered to be among the most relevant to be taken into account when considering the completion of an operating schedule.

- Effective and responsible management of the operation of the business including any outside areas
- Appropriate training, instruction and supervision of staff
- The keeping of any staff records
- Adoption of best practice
- Imposition of requirements to limit the hours children are permitted on the premises, part of the premises or direction in respect of the supervision of children by an adult
- Measures to ensure that children do not purchase, acquire or consume alcohol
- Having properly qualified staff available to manage licensable activities where children are likely to be present
- Adoption of a 'Challenge 21/25 policy or similar

10.30 Where premises provide gaming facilities, licensed or permitted under the Gaming Act 2005 the Licensing Authority will expect measures put in place to prevent children from accessing machines. This should include the appropriate training of staff and the keeping of training records, as well as measures to ensure machines are appropriately monitored by staff e.g. supervision or placing in clear view. Such measures should be highlighted in the operating schedule.

### **Regulated Entertainment**

10.31 A diverse provision of cultural activities for the benefit of communities is welcomed and supports Chelmsford City Council's wider priorities as set out in 'Our Plan' (see para 3.1 above). The Council will need to balance the natural concerns of residents to prevent disturbance against the wider cultural benefits, especially for children, of permitting regulated entertainment. This includes activities such as live music, dancing, theatre and the showing of films. The Licensing Authority maintains a neutral stance in respect of all licence applications with each application being assessed on its own merits and the only considerations being the promotion of the four licensing objectives. This approach ensures that no unreasonable restrictions will be imposed which would discourage cultural events.

### **Garages and Petrol Stations**

10.32 Garages primarily used for the sale of vehicles, vehicle maintenance and the provision of fuel are specifically excluded as premises not suitable as licensed for the sale of alcohol.

10.33 In determining applications for garages, (i.e. forecourt shops) the Licensing Authority must decide whether or not the premises are **primarily** used as a garage and will expect applicants to submit data which establishes the **primary use**. Where that information is not available (due to premises not yet trading), the Licensing Authority may consider a condition requiring this information be provided on a regular basis in the following years to establish the **primary use**.



## **Late Night Refreshments**

- 10.34 There are no exemptions for the requirement of premises to be licensed for the provision of late night refreshments under Paragraph 2A of Schedule 2 of the Licensing Act 2003 (as inserted by the deregulation Act 2015)

## **The Late Night Levy**

- 10.35 Chelmsford City Council has determined to implement a late-night levy in the district of Chelmsford in accordance with powers conferred by the Police Reform and Social Responsibility Act 2011.
- 10.36 The levy is an additional fee where holders of relevant authorisations are required to pay annually, at the same time as their annual licence fee becomes due.
- 10.37 In Chelmsford, a relevant authorisation is a premises licence or club premises certificate which authorises the sale of alcohol between the hours of 01.00 and 06.00 on any day of the year (the late-night supply period).
- 10.38 Certain premises are exempt from paying the levy, and the permitted exemption categories to apply are:
- Premises providing overnight accommodation where alcohol can only be supplied to persons staying at the premises for consumption on the premises.
  - Theatres, cinemas and bingo halls.
  - Premises authorised to supply alcohol for consumption on the premises between midnight and 6.00 am on 1<sup>st</sup> January in every year (but are not so authorised at those times on any other day in any year).
- 10.39 The levy came into effect on 1st November 2014, and money generated will be used to combat alcohol related harm in the nighttime economy.
- 10.40 Further guidance, including the amount of levy payable by a premises licence holder, can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/98126/late-night-levy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98126/late-night-levy.pdf)

## **11 Online Applications**

- 11.1 The above paragraphs relate mainly to the submission of Premises Licence Applications and Club Premises Certificates regarding the considerations that should be made before submission and reflected within the operating schedule. All applications with the exception of applications to review a Premises Licence or Club Premises Certificate, or a Temporary Event Notice can be made online at the City Councils website: [www.chelmsford.gov.uk/business/licensing/alcohol-licensing/](http://www.chelmsford.gov.uk/business/licensing/alcohol-licensing/)

- 11.2 Further guidance necessary to make applications can also to be found via our website. Notifications such as loss or theft of a licence, removal of a Designated Premises Supervisor by the Premises Licence holder etc can be made via email to the Licensing Officers for the Council.
- 11.3 Similar considerations are also applicable where an applicant makes application for a Minor or Major Variation of a licence already issued by the Licensing Authority. A copy of the Home Office Guidance in relation to Minor variations can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/98157/guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/98157/guidance.pdf)

Where there is any doubt in respect of interpretation, applicants are advised to seek clarification from the Licensing Officers of the Licensing Authority.

- 11.4 Minor Variations may be rejected where the Licensing Authority considers that such a variation might have an adverse impact upon the licensing objectives and where this view is supported by other relevant Responsible Authorities as well as any representations made by other persons and may refuse the application without the opportunity for a hearing or appeal. This may be avoided through prior consultation discussion with licensing officers where an alternative option might be suggested to make an application to fully vary the licence.
- 11.5 Plans must be submitted together with applications for the grant of a Premises Licence and Club Premises Certificate (and in some case, plans to vary a licence) in accordance with Regulation 23(1) and (unless otherwise agreed with the Licensing Authority) comply with 23(2) & (3) of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations, Part 4.
- 11.6 Plans are a necessary part of the application process in order to assist the Licensing Authority and other Responsible Authorities in determining whether the licensing objectives might be undermined and may be rejected or the application restarted if the plans fail to meet expectations.
- 11.7 Application forms are set by statute and most can be submitted online with the exception of applications to review a Premises Licence or Club Premises Certificate. Online applications and further information can be found on the Council website:

<https://www.chelmsford.gov.uk/business/licensing/alcohol-licensing/>

- 11.8 Notifications such as loss or theft of a licence, removal of a Designated Premises Supervisor by the Premises Licence holder etc can be made via email to the Licensing Officers for the Council: [licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk)

### **Tacit Consent**

- 11.9 The consent by silence. The Licensing Authority is obliged by the Act to grant an application unless relevant representations are received. If there are no relevant representations the application will be dealt with by the Licensing Authority's licensing officers under a scheme of delegation. In such circumstances the licence will be granted by 'tacit consent' - as applied for - with the exception of an application for a minor variation where the matter will remain undetermined until decided by the Licensing Authority.

- 11.10 Where Tacit consent applies the applicant may carry out licensable activities as if the licence was granted provided all relevant timescales have been met.

### **Temporary Event Notices**

- 11.11 A Temporary Event Notice (TEN) is usually a 'one off' e.g. a wedding, birthday or wake, or a departure from an existing authority that might otherwise restrict an event in accordance with any existing conditions e.g. children normally not allowed on the premises but on this occasion the licence holder wanted to facilitate a family gathering. Other examples include wanting longer hours for a specific event or having a temporary bar at a charitable function. The use of TEN's are extensive but in order to prevent their misuse they come with strict guidelines that are available The Council's website and set by legislation.
- 11.12 There are two types of TEN's, a standard TEN and a Late TEN. A standard TEN is one given with 10 working days (or more) notice and a Late TEN is where less than 10 working days and more than 5 working days notice is given of the event, usually as a last minute or unforeseen plan.
- 11.13 To calculate the minimum number of days' Notice required for any TEN, the premises user (the person giving the notice) must disregard both the day the notice is given and the day of the event. A working day is not a day of a weekend or a Bank Holiday day.
- 11.14 The day 'given' may be any day if given electronically. Where the notice is delivered by hand or by post, the day 'given' will be the first working day after the date it is received. Therefore, a Notice submitted electronically at a weekend for an event the following weekend will have 5 clear working days between the date given and the day of the event, unless one of those days was a Bank Holiday.
- 11.15 A TEN given outside of these parameters would be unlawfully given and therefore outside of the ability of the Licensing Authority to process or permit. In all cases where a TEN is disallowed - where it is given outside of any statutory limit - a counter notice will be issued by the Licensing Authority. If the event were to go ahead it would be unlicensed and therefore unlawful.
- 11.16 Where a representation is received in relation to a standard TEN the premises user may request a hearing before the licensing sub-committee. Where a representation is received in respect of a Late TEN no such hearing is permitted
- 11.17 Persons carrying out an event outside of a Premises licence or a TEN must take care not to be in breach of legislation where considering hospitality bars (where a person pays what they feel is appropriate without any set charge) as these are often unlawful, whereas genuinely free bars (e.g. at a wedding) require no licence.
- 11.18 TEN's may only be used for events of no more than 499 persons inclusive of staff and entertainers.

### **Designated Premises Supervisors (DPS) in Community Premises**

- 11.19 Community premises may have a licence to supply alcohol without the requirement to have a Designated Premises Supervisor(DPS).

- 11.20 An application to disapply the mandatory condition requiring a DPS may be made by a management committee of community premises. The following condition will be attached to the premise licence: "Every supply of alcohol under the premises licence must be made or authorised by the management committee."
- 11.21 If the sale of alcohol is authorised the management committee of the premises can apply to remove the mandatory condition in relation to the DPS and having a personal licence holder authorise sales. The sale of alcohol will be authorised by the management committee.
- 11.22 Church halls, chapel halls, parish halls, community halls, and village halls are each examples of community premises. Where it is not clear whether premises are community premises, the matter will be approached on a case-by-case basis, with the main consideration being how the premises are predominantly used. If they are:
- genuinely made available for the benefit of the community most of the time;
  - accessible by a broad range of people and sectors of the local community;
  - providing facilities to benefit the community as a whole;
  - are likely to be considered as 'community premises'.
- 11.23 The application form requires the applicant to provide the names of the management committee's key officers to the Licensing Authority. The Licensing Authority must be satisfied that arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.
- 11.24 Existing premises licence holders must pay a fee to make this 'disapplication' and the process takes 28 days. Details can be found on the Councils' website.
- 11.25 In exceptional circumstances the police may object to this request where there are grounds to do so under the crime and disorder objective. In such an instance the Licensing Authority will hold a hearing to determine the application.

## **12 Representations**

- 12.1 Representations may be made by any of the following:
- 1) Responsible Authorities (See Chelmsford City Website [https://www.chelmsford.gov.uk/\\_resources/assets/inline/full/0/4267281.pdf](https://www.chelmsford.gov.uk/_resources/assets/inline/full/0/4267281.pdf))
  - 2) Any other person – regardless of geographical location, provided it is not considered repetitious, vexatious or frivolous in the opinion of the Licensing Authority.
- 12.2 A representation is similar to an objection, where a person or body making the representation has a genuine belief that if the application was granted that the licensing objectives would be undermined.
- 12.3 There should be no assumption that the application should be declined and there are a number of options open to the licensing sub-committee who will consider those representations. Those options are:

- To modify, alter or add to any condition
- To modify the days or times between which a licensable activity might be permitted
- To exclude certain activities from the licence
- To seek appointment of a different designated premises supervisor
- To reject an application

Additionally, in the case of an application to review a licence;

- To revoke the licence
- To suspend the licence for up to 3 months

- 12.4 Any representation must relate to named premises and must relate to one or more of the four licensing objectives in order to be considered relevant. The licensing Authority will need to be satisfied that there are grounds to believe that there is an evidential link or genuinely held belief that the objectives would be undermined and not merely a repeat of the objectives, and that there was also a link between that belief and the premises in question. Where the licensing authority believes that the representation is not relevant or in the case of a person other than a responsible authority is repetitious, vexatious or frivolous the Authority may disregard it as being invalid.
- 12.5 Representations can also be made in support of an application.
- 12.6 All notifications of formal representation will be provided to the applicant. Any person making representation should be aware that letters are copied to the applicant without deletion of any personal details. The Licensing Authority will not edit a letter before sending it to the applicant.
- 12.7 The Licensing Authority accepts that in exceptional circumstances, a local resident may be reluctant for their personal details to be disclosed to the applicant because of fears of intimidation or violence.
- 12.8 Where the Licensing Authority consider that a relevant representation has been made and is satisfied that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, personal details of the complainant, such as their name and address may be withheld from the copy of the representation that is provided to the applicant. If a representation is received completely anonymous, it will be disregarded.
- 12.9 Applications and any relevant objections will be made available to view via the council website without the disclosure of any personal details. Further information will be provided in respect of the details of the hearing in respect of time, date and location. Hearing are open for the public to attend. Persons making representations may be required to attend the hearing by another party.
- 12.10 Only those relevant representations submitted to the Licensing authority may be amplified upon at the hearing. New material introduced will not be heard e.g. if the representation submitted was relating to crime and disorder only the person making that representation would not later be permitted to refer to matters of public safety.
- 12.11 An applicant and a person making representation may agree to resolve issues prior to a hearing and outside of that hearing and at any time up until the day before the

hearing. Where that is the case the licensing authority may determine that a hearing is no longer necessary.

## **13 Licensing committee**

- 13.1 The Committee is made up of 15 Councillors. Where representations have been made and remain unresolved an application will be usually be heard by a sub-committee of three members of the licensing committee.
- 13.2 When considering applications, the sub-committee shall have regard to this policy, statutory guidance, the Act and Regulations made in conjunction with the Act and the Licensing Objectives.
- 13.3 Each application is considered on its own merits.
- 13.4 If the application is approved by the sub-committee the mandatory conditions will be applied. In addition, the sub-committee will decide whether it is appropriate to attach further conditions to the licence, certificate or permission in order to promote the licensing objectives. Any conditions will primarily focus on the activities taking place at the premises on the persons attending the premises and members of the public living, working or otherwise engaged in normal activity within the vicinity of the premises. 'Vicinity' is not defined and will be given its normal everyday meaning within the context of:
- The location of the premises
  - The size of the premises
  - The nature of the entertainment or licensable activity
  - The distance from residential or business property
  - The proximity of other competing businesses within the area
  - The potential impact upon the licensing objectives
- 13.5 The Licensing Authority will avoid placing any conditions on the licence that might duplicate any other requirement by legislation or Regulation.
- 13.6 A list of functions that are dealt with by the committee or delegated to Licensing Officers can be found at **Appendix C**.

### **Hearings**

- 13.7 Hearings are conducted in accordance with the Licensing Act 2003 (hearings) Regulations 2005. The period of time in which a hearing shall be held is determined under these Regulations in accordance with the type of application.
- 13.8 These regulations set out the procedures to be adopted, the determination and notification of applications, records of proceedings and notices etc.
- 13.9 During the pandemic of 2020, under The Health Protection (Coronavirus) Regulations 2020, temporary procedures were introduced to allow for remote (video conferencing) hearings to take place along with other procedures, best practice and local arrangements being introduced. This policy will be regularly reviewed and amended to include any changes to licensing law and practices that may arise following any formal

review over that period and also any amended guidance issued under s.182 of the Act as a result.

## **Administration, Exercise and Delegation of functions**

- 13.10 A list of those matters that will be dealt with at committee and those which are delegated to licensing officers can be found at **Appendix C**
- 13.11 The Licensing Officers for Chelmsford City Council are delegated to deal with all aspects of the Licensing Act 2003, where no representations or objections have been made by responsible authorities or interested parties.
- 13.12 The Public health and protection services manager is delegated to make representation on behalf of the Licensing Authority as a Responsible Authority on behalf of the Council.

## **14 Reviews**

- 14.1 A responsible Authority or any person may ask the Licensing Authority to review a premises licence or club premises certificate due to any matter arising due to, at or from the premises where the licensing objectives are being undermined.
- 14.2 The Licensing Authority will not normally engage its role as a Responsible Authority by calling reviews on behalf of other persons, such as residents or community groups. These individuals or groups are entitled to make a request for a review and may also consult or seek legal representation where there are enough grounds to do so.
- 14.3 Where the Responsible Authorities have concerns about problems identified at a premises, the Licensing Authority considers it to be good practice for them to give licence holders early warning of their concerns and where possible support the licence holder with advice and best practice which may involve the development of action plans.
- 14.4 The Licensing Authority draws attention to licence holders and Responsible Authorities to the Home Office publication, 'The Practical Guide for Preventing and Dealing with Alcohol Related Problems – What you need to know'. This document is widely referred to as good practice when dealing with problems related to licensed premises and can be found at the following web address:  
  
[http://www.balancenortheast.co.uk/library/documents/Home\\_Office\\_Guide\\_to\\_Dealing\\_with\\_Alcohol\\_Related\\_Problems.pdf](http://www.balancenortheast.co.uk/library/documents/Home_Office_Guide_to_Dealing_with_Alcohol_Related_Problems.pdf)
- 14.5 There is no appeal to the decision of the Authority when choosing to reject an application for review or a representation, other than by way of judicial review.
- 14.6 No more than one review will be normally permitted from a person other than a responsible authority in relation to a particular premises within any 12 month period on similar grounds except in compelling circumstances or where it arises following a closure order. Neither will a request to review a licence be considered where the grounds for doing so are considered vexatious or frivolous.

## **Summary Reviews (Violent Crime Reduction Act 2006)**

- 14.7 Where premises are considered to be associated with serious crime or disorder a senior police officer (Superintendent or above) may apply for a summary review of a 'premises licence'.
- 14.8 If a summary review is applied for, the Licensing Authority must consider the application within 48hrs (not including any time on a day that is not a working day) and determine what interim steps (if any) are necessary prior to a full review hearing in order to promote the licensing objectives. Interim steps may be:
- The modification of the conditions of the premises licence
  - The exclusion of the sale of alcohol by retail from the scope of the licence
  - The removal of the Designated Premises Supervisor
  - The suspension of the licence
- 14.9 Although the legislation allows for the decision in the absence of the premises licence holder, the Licensing Authority will endeavour to notify the licence holder of the application having been made and of the time, date and place it will be determined (unless through necessity the matter is considered by means other than face to face), in order to afford the licence holder or representative the opportunity to attend.
- 14.10 Where the Licensing Authority decide to take any of the interim steps, its decision has immediate effect and an immediate notice of the decision must be given to the licence holder.
- 14.11 Where the licence holder makes representation in respect of the decision, the Licensing Authority must hold a hearing within 48hrs (not including time of a non-working day) of receipt of the representation and, unless withdrawn, consider those representations and any made by the police; consider whether steps are necessary for the promotion of the licensing objectives; determine whether to withdraw or modify the steps taken.
- 14.12 The Licensing Authority must hold a full review hearing within 28 days following a summary review.

## **15 Appeals**

- 15.1 In most cases the applicant may appeal the decision of the Licensing Authority to the Magistrates Court. The appeal must be made within 21 days following the day on which the decision was notified and must be made by:
- The applicant or their agent
  - A Responsible Authority or person making a relevant representation



- In the case of a review, the holder of the licence or certificate being reviewed

## **16 Suspension of Premises Licence - Non-Payment of Annual Fee**

- 16.1 The Licensing Act 2003 requires that the Licensing Authority **must** suspend the premises licence or club premises certificate where the annual fee is not paid when due under s. 55(2) of the Act unless not paid due to an administrative error **either before or at the time** the fee became due the licence holder informs the Licensing Authority that it disputes either liability for payment or the amount due **and** the grace period of 21 days has not expired. The grace period is intended to allow resolution between the licence holder and the Licensing Authority. The grace period of 21 days begins the day after the notice is given and must be made on or before the date when the annual fee has become due.
- 16.2 The responsibility lies with the licence holder to remember and not for the Licensing Authority to remind the licence holder to make payment for the annual fee. It is for the Premises licence or Club certificate holder to notify the Licensing Authority within the grace period where a dispute is claimed, and 'administrative' will be given its normal everyday meaning (para. 15.3 of the s.182 guidance).
- 16.3 Where a licence is suspended the Licensing Authority will inform the licence/certificate holder in writing and specify the date on which it is to take effect. The date from which the suspension will take effect will be determined on a case by case basis but will be no earlier than two working days following receipt of the notice.
- 16.4 Any suspension of the licence following notification of non-payment of the annual fee will cease to have effect on the day that the fee has been paid.
- 16.5 Liability for payment of the annual fee will be that of the individual or company shown on the premises licence as being that of the licence holder. It is the responsibility of the licence holder to make the relevant application informing the Licensing Authority of any transfer of the licence whereupon the liability for the payment of the annual fee will become that of the new premises licence holder. The Licensing Authority are unlikely to accept any dispute where the licence holder fails to notify a transfer of the licence.

Creation Date	Version No	Changes Made	Changes made by	Date of Change
14 <sup>th</sup> April 2020	1	V1 Draft of 2016	Nigel Dermott	15/4/20
14 <sup>th</sup> April 2020	2	Final draft prior to cons	Nigel Dermott	24/6/20



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# Appendix A: Chelmsford City Demographics<sup>1</sup>

## CHELMSFORD

District in Essex (United Kingdom)

### Population

The population development of Chelmsford as well as related information and services (Wikipedia, Google, images).

Name	Status	Population Estimate 1981-06-30	Population Estimate 1991-06-30	Population Estimate 2001-06-30	Population Estimate 2011-06-30	Population Estimate 2018-06-30
<a href="#">Chelmsford</a>	District	139,600	153,500	157,300	168,491	177,079
Great Britain and Northern Ireland	United Kingdom	56,357,500	57,438,700	59,113,000	63,285,145	66,435,550

Source: UK National Statistics (web).

Explanation: 2019 boundaries.

### Further information about the population structure:

Gender (E 2018)	
Males	87,352
Females	89,727

Age Groups (E 2018)	
0-17 years	37,752
18-64 years	105,448
65+ years	33,879

Age Distribution (E 2018)	
0-9 years	21,190
10-19 years	19,966
20-29 years	20,099
30-39 years	23,510
40-49 years	24,502
50-59 years	24,170
60-69 years	18,726
70-79 years	15,413
80+ years	9,503

Passport (C 2011)	
UK	140,198
Republic of Ireland	1,223
EU (other)	2,916
other passport	4,527
no passport	21,047

Country of Birth (C 2011)	
UK	155,461
Republic of Ireland	1,192
EU (other)	3,395
Other country	8,262

Ethnic Group (C 2011)	
White	157,983
Asian	4,962
Black	2,051
Arab	318
Mixed/multiple	2,646
Other ethnic group	350

Religion (C 2011)	
Christian	104,256
Muslim	2,012
Hindu	1,213
Sikh	160
Jewish	330
Buddhist	550
Other religion	571
No religion	47,403

<sup>1</sup> [https://citypopulation.de/en/uk/admin/essex/E07000070\\_chelmsford/](https://citypopulation.de/en/uk/admin/essex/E07000070_chelmsford/)

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## Appendix B: Consultees

1. Chief Officer of Police for the Area
2. Fire and Rescue authority for the area
3. Director of Public Health covering the area of Chelmsford
4. Persons/ Bodies representing local premises licence holders:
  - a) Business Improvement District Board (BID)
  - b) Pubwatch Chair
  - c) British Institute of Innkeepers (BII)
  - d) National Pubwatch
5. Persons/Bodies representing club premises certificate holders
  - a) Specifically; Chelmsford Social Club
  - b) Galleywood Social Club
  - c) Chelmsford Football Club
6. Persons/Bodies representing personal licence holders
  - a) BIIAB
  - b) Highfields
  - c) CPL learning
7. Persons/ Bodies representative of businesses and residents in the area  
As 4 a), b), c) and 5 a), b), & c). Additionally:
  - a) Chelmsford Street Pastors
  - b) Open Road (SOS bus providers)
8. Environmental Health (commercial)
9. Environmental Health (pollution)
10. Health & Safety
11. Essex Trading Standards
12. Chelmsford City Council Planning
13. All ward councillors for the Chelmsford City Council
14. Neighbourhood watch co-ordinators registered with Essex Police

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## Appendix C - Delegation of Functions

**Table: Recommended Delegation of Functions**

<b>Matters to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases



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## Appendix D: Glossary of Terms

Anti-social behaviour	- generally unacceptable behaviour that falls short of being a specific criminal offence that causes upset within the local community.
Best Bar None	- a national accreditation scheme that assesses licensed premises
CCTV	- closed circuit television.
Challenge 21/25	- a policy to ensure proof of age by challenging those having the appearance of being under 21 or 25yrs against set requirements.
Club Premises Certificate	- Similar to a Premises Licence but a venue restricted to supply of alcohol to members and guests under club rules. Supply of alcohol does not require authorisation by a personal licence holder and a DPS not required.
Closure powers	- closure powers available to enforcing officers available under certain conditions to close licensed premises.
Conditions	- Control measures identified within the operating schedule converted into conditions that are clear, enforceable and understandable. May also be attached following a hearing.
Cumulative Impact Zone (CIZ)	- a local policy established after consultation and data collection to ensure the licensing objectives are promoted and prevent over saturation of licenced venues within an identified area (Chelmsford does not have one).
DISC	- A communication system used by Pubwatch members to control those banned from premises and circulate information of interest.
Designated Premises Supervisor	- (DPS) The person named on the Premises Licence who normally has day to day control and is a single point of contact at the premises.
Late Night Levy	- following consultation and data collection, a statutory charge based on the rateable value of premises as a way of collecting funds to support additional burdens placed on local services.
Late night refreshments	- The sale of hot food or drink between 11pm and 5am.
Late TEN	- a TEN given to the Licensing Authority with less than 10 and more than 5 working days notice.
Licensable activities	- The sale of alcohol, regulated entertainment and sale of hot food and drink (see LA2003 for further explanation).
Licensing Authority	- Chelmsford City Council.
Licensing committee	- Individual Council members appointed to undertake functions under the LA2003.

Licensing Objectives	- The four specific objectives under s. 4(2) LA2003.
Licensing Sub-Committee	- those committee members selected to lead a specific hearing.
Mandatory Condition	- conditions that apply to all licences authorising the sale of alcohol required by the LA2003.
Model Conditions	- a point from which applicants might formulate a condition in the operating schedule that can be amended to be applicable and may be used in the absence of any specific instruction
Night time economy (NTE)	- as different to the daytime economy. Usually refers to leisure facilities open between 9pm and 6am.
Objection	- see Representation. A term having similar meaning.
Operating Schedule	- a section of a premises licence application where the applicant sets out control measures to promote the licensing objectives.
Personal licence	- a licence held by a person authorising them to sell alcohol.
Publink	- a radio system used within the NTE allowing premises to communicate with each other.
Pubwatch	- a local group of licence holders working together to promote the licensing objectives and keep trouble makers out of premises.
Purple Flag	- a national assessment scheme that measures local strategy and policy within the NTE and enabling use of its logo to promote safe communities
PSPO	- Public Safety Protection Order.
Premises Licence	- a licence issued to specific premises authorising licensable activities.
Premises Licence Holder	- the person named on the licence as being responsible for ensuring compliance with legislation and promotion of the objectives.
Representation	- a statement for or against an application made only on the grounds of undermining an objective under the LA2003.
Responsible Authority	- an Authority specified in the LA2003 having a function in connection with certain applications e.g. Police & Environmental Health.
Sec 182 Guidance	- Guidance issued by the Secretary of State under section 182 of the LA2003.
Standard TEN	- A TEN given to the Licensing Authority giving 10 working days or more notice.
Street pastors	- a faith group led voluntary organisation offering the community support and advice within the night time economy.

Tacit Consent	- consent by silence. Except for minor variations, applications are deemed granted unless subject of representation.
Temporary Event Notice (TEN)	- A notice given to the licensing authority of an event of a temporary nature that authorises a licensable activity.
The Act	- The Licensing Act 2003 (LA2003).
Variation of a licence	- to vary the original or existing licence to change the DPS, make minor amendments such as administrative or a major amendment to licensable activities or full variation seeking change to hours and activities.

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## APPENDIX E: References to Guides and Best Practice

(some of these links might need to be copied and pasted into your address bar)

Guidance Issued under Section 182 of the Licensing Act 2003	<a href="https://preview.tinyurl.com/luqojyy">https://preview.tinyurl.com/luqojyy</a>
Home Office - Tackling Problem related licensed Premises	<a href="https://tinyurl.com/t7yztrf">https://tinyurl.com/t7yztrf</a>
Regulatory enforcement code	<a href="https://urlzs.com/DXXfR">https://urlzs.com/DXXfR</a>
Legislative and Regulatory Reform Act 2006	<a href="https://urlzs.com/zbAbQ">https://urlzs.com/zbAbQ</a>
Environmental Services Enforcement Policy	<a href="http://www.chelmsford.gov.uk">www.chelmsford.gov.uk</a>
Safer Clubbing	<a href="https://tinyurl.com/r8nsdcf">https://tinyurl.com/r8nsdcf</a>
The National Alcohol Strategy	<a href="https://tinyurl.com/rcbv5fp">https://tinyurl.com/rcbv5fp</a>
The Point of Sale Promotions	<a href="http://www.beerandpub.com">www.beerandpub.com</a>
Security in Design	<a href="https://tinyurl.com/wwp9ran">https://tinyurl.com/wwp9ran</a>
Drugs and Pubs	<a href="http://www.beerandpub.com">www.beerandpub.com</a>
Guide to Fire Precautions in Existing Places of Entertainment and Like Premises	<a href="http://www.opsi.gov.uk">www.opsi.gov.uk</a>
The Event Safety Guide	<a href="http://www.beerandpub.com">www.beerandpub.com</a>
Safety in Pubs	<a href="http://www.beerandpub.com">www.beerandpub.com</a>
Good Practice Guide on the Control of Noise from Pubs and Clubs	<a href="http://www.ioa.org.uk">www.ioa.org.uk</a>
Licensed Property: Noise	<a href="http://www.beerandpub.com">www.beerandpub.com</a>
Public Places Charter	<a href="http://www.airinitiative.com">www.airinitiative.com</a>
The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks	<a href="http://www.portman.group.org.uk">www.portman.group.org.uk</a>
The Retailer Alert Bulletin	<a href="http://www.portman.group.org.uk">www.portman.group.org.uk</a>

British Institute of Innkeepers Best Practice  
Training Qualifications:  
Door Supervisors  
Personal Licence Holders  
Other Bar Staff

[www.bii.org](http://www.bii.org)



Chelmsford City Council

9 December 2020

## Community Governance Review

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Report by: Chelmsford Policy Board

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Officer contact: Brian Mayfield, Democratic Services Manager,  
[brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk) 01245 606923

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The attached report on a proposed Community Governance Review is due to be considered by the Chelmsford Policy Board on 3 December 2020, after the publication of the agenda for this meeting of the Council.

The decisions of the Policy Board will be notified to the Council before its meeting on 9 December.





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## Chelmsford Policy Board

3 December 2020

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## Community Governance Review

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### Report by:

Legal & Democratic Services Manager

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### Officer Contact:

Lorraine Browne, Legal & Democratic Services Manager, [lorraine.browne@chelmsford.gov.uk](mailto:lorraine.browne@chelmsford.gov.uk),  
01245-606560

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### Purpose

The purpose of this report is to present the Terms of Reference in relation to a proposed Community Governance Review for approval by Full Council on 9 December 2020. An update is also provided in relation to the recent informal consultation.

### Recommendations

1. That the Policy Board recommends the Terms of Reference for approval by Council.
  2. That the Policy Board notes the outcome of the informal consultation.
-

## 1. Background

- 1.1. The Connectivity and Local Democracy Working Group have been considering whether the Council should commence a community governance review of its own volition.
- 1.2. The Council has the legal power to do so in accordance with the Local Government and Public Involvement in Health Act 2007 and associated statutory guidance.
- 1.3. The 2007 Act devolved powers to the City Council to undertake a community governance review where a wide range of issues can be considered including for example, the creation or naming of a parish, the establishment of a separate parish from an existing parish, alteration of parish boundaries, abolition or dissolution of a parish, change to parish electoral arrangements or parish grouping.
- 1.4. Guidance recommends that such a review should be undertaken every 10-15 years and often arise where housing developments have taken place.

## 2. Consultation

- 2.1. The Council undertook informal consultation between July and 25 September 2020. Details of the outcome of the informal pre-Community Governance Review consultation are set out on Appendix 1. The number of responses received to the informal consultation are insufficient statistically to be representative of residents' views but do give some helpful early indications. Responses that did not deal with community governance related matters have not been included.
- 2.2. The Council will be required to undertake further statutory consultation (firstly during the initial stages and secondly in relation to any recommendations) during the community governance review. A communication plan has been developed in relation to the initial statutory consultation which is planned to commence in January 2021. This includes additional actions to help generate increased responses to the statutory consultation. A dedicated area within the Council's website is being further developed.
- 2.3. Throughout the review periodic updates will continue to be provided to the Working Group in addition to the formal reporting set out in the Terms of Reference.

## 3. Terms of Reference

- 3.1 Draft Terms of Reference are attached at Appendix 2. These have been presented to and discussed with the Connectivity and Local Democracy Working Group. The Terms of Reference will need to be approved by Full Council and the Policy Board is asked to recommend these for approval.

3.2 As a result of the above initial consultation, it is advisable that any Community Governance Review remains broad and covers the whole of the City of Chelmsford area.

3.3 The Terms of Reference note that the focus is likely to be upon the potential creation of new parishes and/or changing existing parish boundaries in the unparished areas as well as changes resulting from housing development. This approach will also enable there to be sufficient flexibility to address any community governance issues that emerge should that be necessary.

3.4 As there is potential for parish boundaries to be changed that could have an impact upon City Council and County Council ward boundaries, the Council will consult with the Local Government Boundary Commission for England, as necessary.

#### 4. Conclusion

4.1. The Terms of Reference are presented to Chelmsford Policy Board with a recommendation that it be approved by Council.

#### List of appendices:

Appendix 1 – Outcome of Informal Consultation

Appendix 2 – Terms of Reference

#### Background papers:

Joint Statutory Guidance on community governance reviews (2010)

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#### Corporate Implications

Legal/Constitutional: these are set out in the report and Terms of Reference

Financial: Some additional costs in relation to consultation will arise (approximately £8,000) and approval is being sought for this.

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: An Equalities and Diversity Impact Assessment will be undertaken during the review in relation to any decisions proposed.

Health and Safety: None

Digital: None

Other: None

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Consultees:

Connectivity and Local Democracy Working Group

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Relevant Policies and Strategies:

Our Chelmsford Our Plan – Bringing people together, empowering local people and working in partnership to build community capacity, stronger communities through encouraging participation in local democracy, increasing representation of community interests to help people feel better represented at a local level and more involved in deciding how best the interests of their community can be met.

## Appendix 1

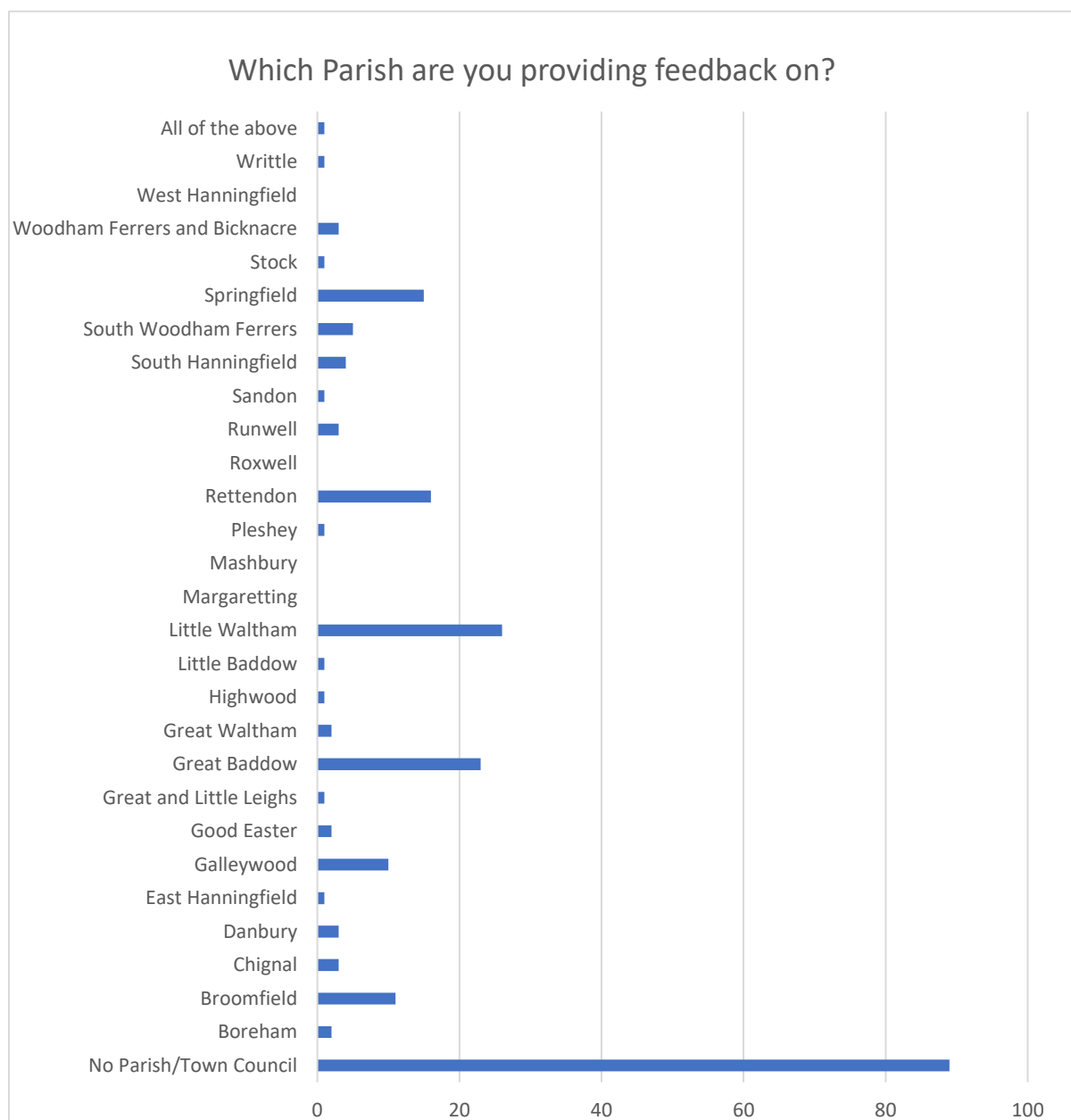
### Outcome of Informal Community Governance Review Consultation

Consultation undertaken July – 25 September 2020

#### Breakdown of Responses by area

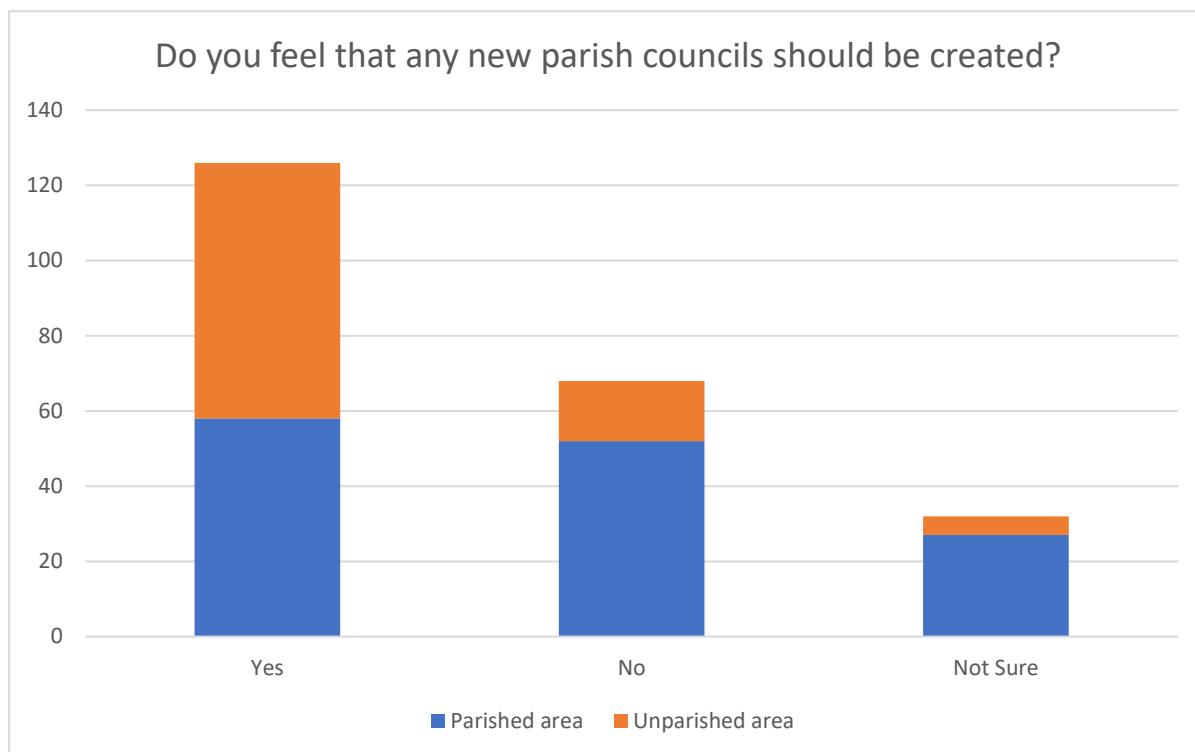
In total, we received 226 responses to the pre-community governance review consultation. 211 from individuals, i.e. local residents/employees or individual councillors. 15 were from organisations, including 13 parish councils.

Most of the responses were from areas with a parish council (including 122 from individuals) and the Parish areas with the most engagement were: Little Waltham (26), Great Baddow (23), Rettendon (16) and Springfield



(15).

#### Summary of support for the creation of new Parish Councils



Analysis of all the responses reflects that 55.8% of respondents thought that a new Parish Council should be created in the area they were providing feedback on. The chart above reflects the support for new Parish Councils broken down into Parished and Unparished areas. Most respondents in unparished areas supported the idea of setting up a new parish, whereas the residents that responded in already Parished areas were more divided.

However, when we explored the detailed responses to this consultation it became apparent that the responses to this broad question did not best reflect their opinions as when they provided detailed responses, they often expressed conflicting opinions. Detailed responses by area are set out below.

#### Detailed responses from parished areas

<b>1. Boreham</b>	
Total Responses to CGR:	2
Is there a consensus among the respondents:	Yes
Is a change to the current arrangements welcomed:	No change deemed necessary
Comments made in responses received :	Boundaries: <ul style="list-style-type: none"> <li>- The current arrangements serve the area well and the village plan is expanding according to plan.</li> <li>- The 2 grade 1 listed buildings in the area to remain in Boreham. No change necessary in the area as they would like the part of Beaulieu that falls in their area to remain so.</li> </ul> Number of Councillors: <ul style="list-style-type: none"> <li>- No feedback.</li> </ul>

<b>2. Broomfield</b>	
Total Responses to CGR:	12
Is there a consensus among the respondents:	No
Is a change to the current arrangements welcomed:	8 support the creation of a new parish, 3 were unsure and 1 was opposed.
Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- 7 supported the creation of a new parish to serve the residents of the Beaulieu/Channels area as the current parish councils do not serve the residents as effectively as a parish based on the new community could. Some would group the new areas together, but others think that they should remain separate to improve engagement.</li> <li>- 1 respondent saw the benefit of creating a new parish from the developments to the north of Essex Regiment Way. They felt this would consolidate the developments in Springfield, Boreham, Little Waltham and Broomfield and that the residents of this area will have much more in common with each other than with their current parishes</li> <li>- A new parish was suggested by some with it's boundary along Essex Regiment Way.</li> <li>- One respondent suggested that the new area is wholly in Springfield.</li> <li>- 1 supported expanding the parish areas with Broomfield and Little Waltham becoming one.</li> <li>- 4 did not think that the boundaries required changing.</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- 5 think the number of Councillors on Broomfield Parish Council should be reduced.</li> <li>- 2 thought the number of Councillors should be increased.</li> <li>- 3 thought it should remain as it is.</li> <li>- Remaining respondents did not engage with this topic.</li> </ul>

<b>3. Chignal</b>	
Total Responses to CGR:	3
Is there a consensus among the respondents:	Yes
Is a change to the current arrangements welcomed:	No change deemed necessary
Comments made in responses received :	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- Consensus that no change required to the boundaries, the Parish council serve the area well.</li> <li>- Noted that in 2015 the City Council explored merging Chignal PC with Mashbury parish meeting but decided not to proceed with this. Respondent was happy to revisit this issue.</li> <li>- Welcomed the diversity and representation that the new development in Little Hollows has brought.</li> </ul>

	<p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- All responses said that the number of Councillors was appropriate.</li> <li>- 2 reflected that there are often issues in filling all seats</li> </ul>
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<b>4. Danbury</b>	
Total Responses to CGR:	3
Is there a consensus among the respondents:	Yes
Is a change to the current arrangements welcomed:	No change deemed necessary in Danbury area
Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- Responses from residents in Danbury reflected that are happy with their parish and would like them to have more responsibility.</li> <li>- The area that Danbury covers fits in well with its neighbouring parishes</li> <li>- 2 respondents expressed support for parish councils to be established elsewhere in Chelmsford.</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- One respondent supported reducing the number of councillors</li> <li>- One noted that the council composition of 15 councillors that has never been achieved</li> <li>- The final respondent thought that no change was required</li> </ul>

<b>5. East Hanningfield</b>	
Total Responses to CGR:	1
Is there a consensus among the respondents:	N/A
Is a change to the current arrangements welcomed:	No change deemed necessary in East Hanningfield
Comments made in response(s) received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- No change required - The parish is presently a built-up centre surrounded by dispersed settlement, which looks to the centre for the shop, school, village hall and churches.</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- Current number of councillors is appropriate</li> </ul>

<b>6. Galleywood</b>	
Total Responses to CGR:	10
Is there a consensus among the respondents:	Yes
Is a change to the current arrangements welcomed:	6 respondents reflected that no changes were needed, 2 would like Galleywood to expand, 1 would like the parish council area to be



	made smaller and 1 suggested that the parish council is no longer needed.
Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- One respondent suggested that the area should be made smaller as crime is impacting house prices and insurance premiums</li> <li>- It was also suggested by one respondent that the boundary is expanded to include Galleywood Road</li> <li>- 6 believe the boundaries do not need reviewing but there were suggestions as to taking on more responsibility and what the parish council should be doing</li> <li>- One respondents suggested that Goat hall should become a parish itself, or merge with Galleywood.</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- One respondent suggested reducing the number of Councillors as the vacancies are hard to fill</li> <li>- 3 believed that the number of Councillors should increase to reflect the population</li> </ul>

<b>7. Good Easter</b>	
Total Responses to CGR:	2
Is there a consensus among the respondents:	Yes
Is a change to the current arrangements welcomed:	No change deemed necessary
Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- Both respondents are happy with the arrangements with the parish council area.</li> <li>- One respondent expressed concern about the precept</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- Both respondents comfortable with current number of Councillors.</li> </ul>

<b>8. Great and Little Leighs</b>	
Total Responses to CGR:	1
Is there a consensus among the respondents:	N/A
Is a change to the current arrangements welcomed:	Yes
Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- As Chelmsford Council have adopted the new local plan which would double the number of houses within the Great Leighs boundary, (750 one side of A131 and 350 the other side) The residents of these new properties' needs, i.e. schools, Village hall, Community centre, Nursery etc would be better served by a new parish.</li> </ul> <p>Number of Councillors:</p>

	- No change needed but there are vacancies that are a struggle to fill.
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<b>9. Great Baddow</b>	
Total Responses to CGR:	23
Is there a consensus among the respondents:	No
Is a change to the current arrangements welcomed:	11 respondents considered the arrangements to be acceptable as they are, but the rest expressed the need for a change
Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- 11 respondents thought the parish council are able to serve the area well</li> <li>- 4 reflected that the area has grown significantly, and the parish should be divided</li> <li>- 8 respondents said they did not know what the parish council did or suggested abolishing the parish council</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- 11 said that the number of Councillors was appropriate</li> <li>- 4 suggested reducing the number of Councillors</li> <li>- 7 suggested adding more seats on the parish council</li> </ul>

<b>10. Great Waltham</b>	
Total Responses to CGR:	2
Is there a consensus among the respondents:	Yes
Is a change to the current arrangements welcomed:	No change required in Great Waltham
Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- One respondent had no objections to the arrangements and suggested changes elsewhere</li> <li>- Support was expressed for great and little Waltham to remain as they are</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- No change to the number of Councillors deemed necessary</li> </ul>

<b>11. Highwood</b>	
Total Responses to CGR:	1
Is there a consensus among the respondents:	N/A
Is a change to the current arrangements welcomed:	No change required in Highwood
Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- Boundaries still reflect the relevant area around Highwood</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- No change to the number of Councillors deemed necessary</li> </ul>

<b>12. Little Baddow</b>	
Total Responses to CGR:	1

Is there a consensus among the respondents:	N/A
Is a change to the current arrangements welcomed:	No change required in Little Baddow
Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- The arrangements in place are acceptable and the parish are able to serve the area well. Support was offered to the idea of parishing unparished areas</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- No change to the number of Councillors deemed necessary</li> </ul>
<b>13. Little Waltham</b>	
Total Responses to CGR:	27
Is there a consensus among the respondents:	No
Is a change to the current arrangements welcomed:	All respondent, other than 2, support a change of some sort.
Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- 19 respondents expressed concern regarding the inclusion of new developments within the parish. Most of these responses were from parties within the 'original' Little Waltham Parish and did not express any thoughts on how a new parish should be composed.</li> <li>- A suggestion was put forward for the creation of a new parish for the garden community.</li> <li>- Channels – One respondent took the view that Parish boundaries should encompass communities as opposed to dividing them. The section of the new development known as 'Channels' has been built as a self-contained area and considered Channels should be wholly within the Parish of Little Waltham.</li> <li>- Blasford Hill – one respondent noted that the actual impact of the housing will fall squarely upon the Parish of Little Waltham as those new residents will be using facilities such as the school and the GP surgery both within the village centre and there will be an increase in traffic along the B1008 and a re-modelling of the road probably including a new roundabout adjacent to current allotment site. Thus, it would clearly be completely inequitable for those houses to be part of the Broomfield Parish as this would mean any CIL contribution would be paid to the Broomfield Parish despite the fact that the vast majority of impact of the new housing would fall upon the residents of Little Waltham.</li> <li>- 1 respondent expressed their conundrum regarding the identity of the residents and how new boundaries could affect them as their home falls in the area of the new development.</li> <li>- 2 respondents thought that no change was necessary to the current arrangements.</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- 16 said that no change was required, the number of Councillors serve the area well.</li> </ul>

	<ul style="list-style-type: none"> <li>- 5 supported adding additional positions for parish councillors.</li> <li>- The remaining respondents did not engage with the topic.</li> </ul>

<b>14. Mashbury</b> No Responses
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<b>15. Margaretting</b> No Responses
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<b>16. Pleshey</b>	
Total Responses to CGR:	1
Is there a consensus among the respondents:	N/A
Is a change to the current arrangements welcomed:	No change required in Highwood
Comments made in responses received	Boundaries: <ul style="list-style-type: none"> <li>- The respondent was comfortable with the arrangements in Pleshey and supported the idea of parishing.</li> </ul> Number of Councillors: <ul style="list-style-type: none"> <li>- No change to the number of Councillors deemed necessary</li> </ul>

<b>17. Rettendon</b>	
Total Responses to CGR:	16
Is there a consensus among the respondents:	No
Is a change to the current arrangements welcomed:	All respondents other than 1 think a change is needed
Comments made in responses received:	Boundaries: <ul style="list-style-type: none"> <li>- 12 of the respondents believe that Hayes Country park should be its own parish or part of South Woodham Ferrers.</li> <li>- 3 expressed the need for the parish council area to be realigned.</li> <li>- 1 considered the boundaries to be acceptable as they are.</li> </ul> Number of Councillors: <ul style="list-style-type: none"> <li>- 5 thought there should be fewer parish councillors.</li> <li>- 2 thought there should be more councillors sitting on the parish.</li> <li>- 5 thought that the number of councillors did not need to change.</li> <li>- The remaining respondents did not engage with this issue.</li> </ul>

<b>18. Roxwell</b> No Responses
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<b>19. Runwell</b>	
Total Responses to CGR:	3

Is there a consensus among the respondents:	Yes
Is a change to the current arrangements welcomed:	No changes needed in Runwell
Comments made in responses received:	Boundaries: <ul style="list-style-type: none"> <li>- No recommendation, the current arrangements were deemed appropriate.</li> </ul> Number of Councillors: <ul style="list-style-type: none"> <li>- 1 comment supported increasing the number of councillors</li> <li>- 1 comment that the Parish Council supports a growing community and has sufficient members to cover and discuss needs of the parish</li> </ul>

#### 20. Sandon

Total Responses to CGR:	1
Is there a consensus among the respondents:	N/A
Is a change to the current arrangements welcomed:	No changes needed in Sandon
Comments made in responses received :	Boundaries: <ul style="list-style-type: none"> <li>- The respondent said that they did not want any changes to the existing Council arrangements. They said there may be a wish to change the Parish name to encompass the 3 distinct hamlets.</li> </ul> Number of Councillors: <ul style="list-style-type: none"> <li>- No changes deemed necessary.</li> </ul>

#### 21. South Hanningfield

Total Responses to CGR:	4
Is there a consensus among the respondents:	Yes
Is a change to the current arrangements welcomed:	No changes are deemed necessary in South Hanningfield
Comments made in responses received:	Boundaries: <ul style="list-style-type: none"> <li>- All respondents feel that the parish council are able to serve residents well in the current boundaries and warding arrangements</li> </ul> Number of Councillors: <ul style="list-style-type: none"> <li>- 3 respondents though the number of councillors was appropriate</li> <li>- 1 reflected that the number of councillors should be reduced to improve decision making</li> </ul>

#### 22. South Woodham Ferrers

Total Responses to CGR:	5
Is there a consensus among the respondents:	Yes
Is a change to the current arrangements welcomed:	All respondents suggested minor changes to the arrangements in South Woodham Ferrers

Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- One respondent suggested eliminating the town council and turning it into a parish council</li> <li>- It was noted that people in unparished areas pay less tax than those in parished areas and whether this is fair.</li> <li>- One respondent supported the creation of parishes in other areas and thought that all parishes should have more responsibility</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- 2 thought that the council should have fewer councillors to improve decision making</li> <li>- 1 thought that as the council covers a large area, more councillors should be added</li> <li>- The other respondents did not engage with this question</li> </ul>
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<b>23. Springfield</b>	
Total Responses to CGR:	15
Is there a consensus among the respondents:	No
Is a change to the current arrangements welcomed:	Opinion is divided, 10 thought that some change was necessary and the remaining respondents thought that the current arrangements were suitable
Comments made in responses received:	<p>Boundaries:</p> <ul style="list-style-type: none"> <li>- 6 respondents suggested breaking down the Springfield parish area to create new parishes. New parish areas that were identified include Chelmer, Beaulieu and a smaller Springfield Parish.</li> <li>- 3 respondents pointed out that Springfield Parish doesn't contain the whole area currently known as Springfield, extension of the parish to include the whole area now defined as Springfield was supported in this case.</li> <li>- 1 response suggested the removal of the parish.</li> <li>- 5 did not think any changes to the current arrangements were necessary.</li> <li>- 1 respondent considered that the Chelmer Village area should have its own parish council, as well as the new Beaulieu/channels development. Further that the reduction of the electorate from doing this would allow Springfield Parish Council to expand the parish to include the 'older' area of Springfield that is not within the current boundaries and are currently unparished.</li> </ul> <p>Number of Councillors:</p> <ul style="list-style-type: none"> <li>- 10 respondents did not think that the number of Councillors needed to change to serve the area effectively.</li> <li>- 2 thought the number of councillors should be reduced to make it cheaper/more effective.</li> <li>- 2 thought that more representatives should be added so that the community could be best served.</li> </ul>

<b>24. Stock</b>	
Total Responses to CGR:	1

Is there a consensus among the respondents:	N/A
Is a change to the current arrangements welcomed:	N/A
Comments made in response(s) received	Boundaries: <ul style="list-style-type: none"> <li>- The respondent thought that parish councils were ineffective and should be abolished.</li> </ul> Number of Councillors: <ul style="list-style-type: none"> <li>- The number of Councillors should be reduced, or the parish council abolished completely.</li> </ul>

<b>25. Woodham Ferrers and Bicknacre</b>	
Total Responses to CGR:	3
Is there a consensus among the respondents:	No
Is a change to the current arrangements welcomed:	1 respondent thought that change was required in relation to the parish council
Comments made in responses received:	Boundaries: <ul style="list-style-type: none"> <li>- One respondent thought that the area the parish council cover should be expanded.</li> <li>- The other respondents thought that the current arrangements work well.</li> </ul> Number of Councillors: <ul style="list-style-type: none"> <li>- 2 of the respondents though that no change was required</li> <li>- One suggested that more Councillors are added to improve the representation from both villages</li> </ul>

<b>26. West Hanningfield</b> No Responses
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<b>27. Writtle</b>	
Total Responses to CGR:	1
Is there a consensus among the respondents:	N/A
Is a change to the current arrangements welcomed:	N/A
Comments made in response received	Boundaries: <ul style="list-style-type: none"> <li>- The current arrangement were considered to be suitable.</li> </ul> Number of Councillors: <ul style="list-style-type: none"> <li>- If the Warren Farm development is built there should be consideration for additional councillors, representing Warren Farm, when a significant proportion of the houses are occupied.</li> </ul>

**Detailed responses from unparished areas**

<b>Unparished area</b>	
Total Responses to CGR:	89
Is there a consensus among the respondents:	No – 68 responses supported the idea for a variety of reasons, 17 expressed opposition and 4 were unsure.
Comments made in responses regarding the creation of new parishes:	<p>On analysis of the responses in support of creating a new parish council we explored the reasons given for this. The most popular answers were:</p> <ul style="list-style-type: none"> <li>- To improve a sense of community by creating local spaces and having a way of getting our voice heard (25).</li> <li>- Because we don't have one and other areas of Chelmsford do (14).</li> <li>- No clear reason was given (29).</li> </ul> <p>Those opposed to the creation of parish councils cited reasons including:</p> <ul style="list-style-type: none"> <li>- Another level of government is not needed as we are represented by CCC and ECC already (4).</li> <li>- Concerns about funding and precepts (7).</li> <li>- Concerns regarding representation of different demographics on Parish Councils (1).</li> <li>- No clear reason was given (4).</li> </ul> <p>The responses from residents that were unsure at this stage stated that they:</p> <ul style="list-style-type: none"> <li>- Did not know where parish councils are, or what they do (3).</li> <li>- Did not think there would be any local interest (1).</li> <li>-</li> </ul>
Suggestions as to potential boundaries from respondents:	<p>The breakdown of areas that people suggested included:</p> <ul style="list-style-type: none"> <li>- 1 large parish (20)</li> <li>- East/West/North/South 6</li> <li>- The same as city ward boundaries (5)</li> </ul> <p>The areas that received the most feedback regarding creating a new parish were:</p> <ul style="list-style-type: none"> <li>- Moulsham/Moulsham Lodge (20)</li> <li>- Old Moulsham (7)</li> <li>- Melbourne (3)</li> <li>- Patching Hall (3)</li> <li>- Old Springfield/Springfield South (3)</li> <li>- The Lawns and Trinity (1)</li> <li>- Waterhouse Lane (1)</li> <li>- St Andrews (1)</li> <li>- Marconi (1)</li> </ul>



## Appendix 2

### 1. Draft Terms of Reference for a proposed Community Governance Review

- 1.1 Chelmsford City Council has decided to undertake a Community Governance Review (CGR) under the provisions of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act").
- 1.2 The review will comply with the legislative and procedural requirements set out in the 2007 Act as well as any statutory guidance (this currently includes Joint Guidance produced in 2010 by the Department for Communities and Local Government and the Local Government Boundary Commission for England). It will follow the approach set out in the Terms of Reference, including the indicative timetable.
- 1.3 The review will initially consider the whole of the City of Chelmsford area but concentrate on those areas where issues to address are, or become, apparent. The City area currently has 27 parishes (25 parish councils, 1 Town Council and 1 parish meeting) and an area in the central part of the city which currently has no parishes. The area covered by the review is set out on the attached map in Section 3 below.
- 1.4 The review will consider whether community governance arrangements across the District area are suitable, taking account of areas where housing developments have occurred or are proposed, with a view to ensuring these remain fit for purpose for the future. The review will also consider whether it is appropriate to parish unparished wards, including whether to create new parish council(s) or make changes to existing parish arrangements.
- 1.5 The Council is keen to encourage all interested parties to engage in this important project and has already proactively undertaken early consultation, which secured over 220 responses from various bodies and interested parties.
- 1.6 The Council is developing an area on its website for the Community Governance Review. This area will be developed further to include maps and statistical information together with updates that will be published as the review progresses. A summary of the results of the early consultation will be included in this area. All relevant consultation responses, available evidence and legal considerations (including those referred to in paragraph 1.2 above) will be used to help inform the decisions made during this review.

### 2. Reasons why a Community Governance Review is being proposed at this stage

The benefits and timing of undertaking a community governance review are set out in Section 2 of the Joint guidance referred to in paragraph 1.2 of the Terms of Reference. It is good practice for the Council to consider undertaking a community governance review every 10-15 years. The Council has decided to exercise its

discretion to undertake a community governance review so that it can determine whether it is appropriate to parish the unparished wards and whether changes are necessary as a result of housing developments (including proposed developments) in the area. The Council will also consider any other community governance related proposals that may arise during the review.

### 3. Map of the area of Chelmsford City covered by the Community Governance Review

#### CHELMSFORD CITY COUNCIL AREA **PARISH BOUNDARIES**



0 2,500 5,000 Metres

JUNE 2015

Directorate for Sustainable Communities  
Civic Centre, Duke Street, Chelmsford, CM1 1JE  
Tel: 01245 606606 Fax: 01245 606642  
Web: [www.chelmsford.gov.uk](http://www.chelmsford.gov.uk)



#### 4. Next steps including an indicative timescale for the Chelmsford Community Governance Review 2020-2023

9 December 2020	Full Council to approve Terms of Reference for the Community Governance Review
Mid-January to end-March 2021	Formal initial Community Governance Review consultation
June-July 2021	Consideration of responses and drafting of recommendations (including any recommendations to the Local Government Boundary Commission for England) by Connectivity and Local Democracy Working Group, Governance Committee and Full Council
July-early September 2021	Further Public Consultation on draft recommendations
Autumn 2021	Formulation of final recommendations (including any recommendations to the Local Government Boundary Commission for England) by Connectivity and Local Democracy Working Group and Governance Committee
8 December 2021	Final recommendations to be considered by the Full Council
By Spring 2022	Approval of community governance orders and consequential matters in place by Spring 2022 for implementation 2023 local and parish cycle of elections (further time will be taken for implementation should it be necessary to consult/make recommendations to the Local Government Boundary Commission for England)
May 2023	Parish Council elections to be held under any new arrangements that may be decided



Chelmsford City Council

9 December 2020

## Temporary Amendments to the Constitution and Approval of Members' Absence

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Report by: Leader of the Council

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Officer contact: Brian Mayfield, Democratic Services Manager,  
[brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk), 01245 606923

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### Purpose

To extend the temporary changes to the Constitution and the general approval of members' absence agreed by the Council on 13 May 2020. In addition, to provide for the possible use of electronic voting at meeting.

### Recommendations:

1. That the temporary changes to the Constitution, as amended to allow for the possible use of electronic voting, detailed in the appendix to this report be extended until 19 May 2021.
  2. That until 19 May 2021 the absence of any member for whatever reason be approved under Section 85(1) of the Local Government Act 1972.
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## 1. Temporary Changes to the Constitution

- 1.1. In response to the coronavirus emergency, the Council on 13 May 2020 agreed the introduction of temporary arrangements for the Council's decision-making processes to accommodate, among other things, the introduction of remote meetings and to reflect Regulations introduced by the government for the conduct of local authority meetings. Those changes are set out in the appendix to this report and are effective until the end of December 2020.
- 1.2. It is now apparent that the temporary changes to the Constitution will need to be extended beyond the end of the calendar year as in-person meetings at the Civic Centre are unlikely to resume soon. Subject to the amendment referred to in paragraph 1.3 below, it is suggested that the current arrangements be extended until the next Annual Meeting but be disappplied sooner if no longer required. The relevant Coronavirus regulations currently only enable remote meetings until 7<sup>th</sup> May 2021 although it is understood the Regulations may be extended to enable remote meetings in Councils that wish to do so in the longer term. The above timeframe is therefore subject to this legislative change taking place.
- 1.3. The amendment mentioned in 1.2 above relates to voting at meetings. It is likely in the coming weeks that an electronic voting facility will be available in Microsoft Teams. That facility will be assessed and tested when it is available before a decision is made on whether to use it at meetings of City Councillors. However, in anticipation of the possibility that the Council may choose to use it, it is proposed that the revised Rules 4.1.15.3 and 4.2.18.3 be amended to read (addition in *italics*):
 

“ Voting will be conducted by the Democratic Services Officer present at the meeting by asking each councillor present to indicate whether they are for or against a motion or wish to abstain. If it is clear that there is no dissent to a motion, it shall be taken as being approved without the need for a formal vote. *Voting may be conducted by electronic means if the Council has adopted a satisfactory system.*”

## 2. Approval of Member Absence

- 2.1 At the same meeting in May 2020, the Council recognised that councillors may not be able to attend meetings for an extended period and therefore, under Section 85 of the Local Government Act 1972, potentially become disqualified through no fault of their own. The introduction of remote meetings and the technical ability of some councillors to take part in them, and the increased possibility of ill health or confinement associated with the contraction of the virus were cited as possible reasons for extended absences. It was felt that it would be reasonable for the

Council to give a general approval to members' absences that occurred during the emergency, whether or not they were caused by or associated with it.

- 2.2 As with the temporary changes to the Constitution, this authorisation was to last until 30 December 2020, but as the reasons for its introduction still apply it would be appropriate to extend it until the next Annual Meeting.

### 3. Conclusion

- 3.1 The Constitution Working Group has been consulted informally on the extension of the changes to the Constitution, and the addition to reflect the possible introduction of electronic voting and has no objection to them. The changes and the general authorisation of member absences will enable the Council to continue the decision-making processes in place since May 2020 for a further six months if necessary. By then it is hoped that the normal arrangements for meetings and their attendance can be resumed and the temporary changes can be disapplied.

#### List of appendices:

Appendix to this report – Temporary Changes to Constitution

#### Background papers:

None

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### Corporate Implications

Legal/Constitutional: The Council is enabled by Regulations as a result of the Coronavirus pandemic for the conduct of remote meetings and any necessary amendments to its Constitution to accommodate them. The Council may authorise the absence of councillors under Section 85(1) of the Local Government Act 1972 if they are unable to attend meetings for more than six months

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

(For new or revised policies or procedures has an equalities impact assessment been carried out? If not, explain why)

Health and Safety: None

Digital: None

Other: None

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Consultees: Legal and Democratic Services Manager

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Relevant Policies and Strategies: None applicable

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TEMPORARY AMENDMENTS TO THE CONSTITUTIONS RESULTING FROM THE CORONAVIRUS EMERGENCY AGREED BY CHELMSFORD CITY COUNCIL ON 13 MAY 2020

**Suspension of the Constitution**

<b>Article 4,</b> paragraph 2.4.2(e)	This says that only the Council can agree and/or amend the terms of reference of councillor bodies, decide on their composition and make appointments to them. The Annual Council will make appointments to committees in the normal way but there may be instances where appointments need to be changed at short notice and it is not possible for Council to meet to make that decision. A suspension to that Article is therefore required to accommodate such instances.
<b>Article 16,</b> paragraph 2.16.2	<p>This says:</p> <p>“Any proposals for changes to the Constitution arising from a review of the Constitution, whether it be initiated by an officer or a resolution by a councillor body, will be reported to the Cabinet, which in turn will make recommendations to the Full Council.”</p> <p>This may need to be suspended in part if it is not practicable to report to the Cabinet.</p>

Accordingly, the Council on 13 May 2020 resolved as follows:

**“Until 31 December 2020, Article 16, paragraph 2.16.4, of the Constitution will no longer apply where a suspension of any Article is necessary to respond to the coronavirus emergency. The Legal and Democratic Services Manager, after consultation with the Mayor and the leaders of each political group on the Council, shall be authorised to suspend or vary any Article or Part of the Constitution where such a suspension or variation is necessary in the interests of good governance. Any objections or disagreements shall be resolved by the Working Group on the Constitution.”**

**Part 4.1 – Council Rules**

Except for the following, the Rules in Part 4.1 will continue to apply:

Rule 4.1.1.2 (h)	This Rule relates to the appointment of members to outside bodies. This Rule is suspended and existing appointments to those bodies will continue.
Rule 4.1.9 (Councillors standing to speak)	This Rule is suspended to the extent that councillors need not stand when speaking.
Rule 4.1.4 (Time and Place of Council Meetings)	This Rule is replaced with: “The Full Council will meet on such date and at such time as the Mayor (or Deputy Mayor in the absence of the Mayor, or Chief Executive in the absence of the Deputy Mayor))

	shall decide. Meetings may be held remotely in accordance with the 2020 Regulations.”
Rule 4.1.8 (Councillors’ Interests at Council Meetings)	The requirement to withdraw from the meeting is suspended and replaced with a requirement not to participate in the debate or vote on a recommendation.
Rule 4.1.10 (Questions, Petitions and Deputations)	This Rule needs to be amended to reflect any arrangements put in place for questions from the public at meetings. It is suggested that to avoid any technical difficulties associated with the active involvement of the public in meetings, Rule 4.1.10.1 is replaced with:  “At each ordinary meeting of the Full Council any Citizen of Chelmsford may ask one question at the allotted time. The question must be submitted in writing to the Legal and Democratic Services Manager no later than 24 hours before the meeting at which it is to be asked. Copies of all questions will be made available with the agenda on the Council’s website no later than six hours before the meeting. A question may be put generally to the Council and the Mayor will decide who will respond to it.”
Rule 4.1.10.19 (Questions to Cabinet Members)	This Rule is replaced with: “Copies of all questions will be made available with the agenda on the Council’s website no later than six hours before the meeting.”
Rule 4.1.15.3 (Voting by show of hands)	This Rule is replaced with: “Voting will be conducted by the Democratic Services Officer present at the meeting by asking each councillor present to indicate whether they are for or against a motion or wish to abstain. If it is clear that there is no dissent to a motion, it shall be taken as being approved without the need for a formal vote.”
Rule 4.1.17.1 (Record of Attendance)	“The Democratic Services Officer present at the meeting will record the names of those councillors present.”

## Part 4.2 – Rules Relating to the Cabinet and Committees

Except for the following, the Rules in Part 4.2 will continue to apply:

Those Rules in Part 4.1 that also relate to meetings of the Cabinet, committees and sub-committees	These will continue to apply with the amendments detailed above.
Part 4.2.5 (Councillors’ Interests)	The requirement to withdraw from the meeting is suspended and replaced with a requirement not to participate in the debate or vote on a recommendation.
Rule 4.2.14 (Questions by the Public at Meetings)	This Rule is replaced with:

	“At each meeting any Citizen of Chelmsford may ask one question at the allotted time. The question must be submitted in writing to the Legal and Democratic Services Manager no later than 24 hours before the meeting at which it is to be asked.”
Rule 4.2.18.3 (Voting by show of hands)	This Rule is replaced with: “Voting will be conducted by the Democratic Services Officer present at the meeting by asking each councillor present to indicate whether they are for or against a motion or wish to abstain.”
Rule 4.2.20.1 (Record of Attendance)	This Rule is replaced with: “The Democratic Services Officer present at the meeting will record the names of those councillors present.”

#### **Part 4.4 – Executive Rules**

Except for the following, the Rules in Part 4.2 will continue to apply:

Rule 4.4.5.1 (Conduct of meetings)	at the end of the paragraph add “or remotely in accordance with the 2020 Regulations.”
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#### **Part 4.6 – Access to Information Rules**

Except for the following, the Rules in Part 4. will continue to apply:

Rule 4.6.5, Supply of copies of agendas	<p>It is normal practice to make agendas for member meetings available both on the Council’s website and in paper form. For environmental and cost-saving reasons, a move away from paper copies is being encouraged but no formal decision has been taken to cease entirely the production of paper copies.</p> <p>However, the introduction of remote meetings prompts the question as to whether it is practical to print and post paper copies of agendas. Officers have concluded that it is not practical to do so and therefore it is recommended that paper copies cease to be produced for all meetings and, when normal in-person meetings are resumed, should only be available if exceptional circumstances can be demonstrated.</p>
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#### **Part 5.2 – Planning Code**

Rule 5.2.1.7 (Ward councillors speaking at Planning Committee)	<p>This Rule is replaced with (changes in red):</p> <p>Ward Councillors who are not on the Planning Committee are in a position to represent the interests of their Ward on planning related matters. They may:</p>
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	<p>(a) attend the Planning Committee as an observer;</p> <p>(b) submit a statement on a planning application to be considered by the Committee in writing to the Legal and Democratic Services Manager no later than 24 hours before the meeting at which it is to be discussed. That statement will be published on the Council's website with the agenda for the meeting at least six hours before the meeting starts. A Ward Councillor not a member of the Committee may speak once on an application that affects their ward but cannot vote or participate in the general discussion of the application by the Committee;</p> <p>(c) speak at pre-application presentations to the Planning Committee; and</p> <p>(d) request briefings from officers on applications.</p>
Rule 5.2.9.2 (Parish council representatives speaking at Planning Committee)	<p>This Rule is replaced with:</p> <p>"A representative of a Parish or Town Council may submit a statement on a planning application to be considered by the Committee in writing to the Legal and Democratic Services Manager no later than 24 hours before the meeting at which it is to be discussed, provided it is a matter about which that Parish/Town Council has been consulted. That statement will be published on the Council's website with the agenda for the meeting at least six hours before the meeting starts. The representative may speak at the meeting on the planning application for up to five minutes."</p>



## Chelmsford City Council

9 December 2020

### Changes to Membership of Committees

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Report by: Leader of the Council

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Officer contact: Brian Mayfield, Democratic Services Manager,  
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#### Purpose

To approve changes to the membership of the Committees detailed below.

#### Recommendation:

That the proposed changes to the membership of Committees be approved.

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The Conservative Group wishes to make the following changes to the membership of the Planning Committee:

- Replace Councillor R J Shepherd with Councillor L A Millane, who is currently the Group's nominated substitute, as full member of the Committee
- Appoint another Councillor (to be notified) as the Group's nominated substitute on the Committee

The Group has also asked that the Council agree to the replacement of Councillor M D Watson on the

- Overview and Scrutiny Committee with Councillor G B R Knight
  - Audit and Risk Committee with Councillor J Galley.
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## Corporate Implications

Legal/Constitutional: Changes to the membership of Committees require the approval of the Council

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

(For new or revised policies or procedures has an equalities impact assessment been carried out? If not, explain why)

Health and Safety: None

Digital: None

Other: None

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Consultees: Legal and Democratic Services Manager

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Relevant Policies and Strategies: None applicable

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