

CHELMSFORD CITY COUNCIL**MINUTES OF THE COUNCIL MEETING****held on 5 December 2018 at 7pm**

PRESENT:-

The Mayor (Councillor Y M Spence)
The Deputy Mayor (Councillor C Garrett)

Councillors

E.A. Ahmed	N. Gulliver	J. Raven
R.A. Alcock	S.K. Hindi	S.J. Robinson
R.H. Ambor	M.W. Holoway	T.E. Roper
L. Ashley	P.J.L. Hutchinson	S.J. Scott
A. Chambers	J. Jeapes	G.C. Seeley
N. Chambers	G.B.R. Knight	R.J. Shepherd
J.E. Chandler	D.A. Lumley	M. Sismey
S.A. Cook	R. Massey	G.I. Smith
P.J. Cousins	A.J. McQuiggan	M. Springett
L.P. Denston	R.A. Madden	S.R. Sullivan
R.F. Denston	R. Massey	R.A. Villa
J. De Vries	L.A. Millane	R.T. Whitehead
S.D. Fowell	F.B. Mountain	P.R.A. Wilson
J. Galley	J.A. Potter	I. Wright
I.S. Grundy	R.J. Poulter	

1. Apologies for Absence

Apologies for absence were received from Councillors J A Deakin, M J Flack, P V Hughes, J Murray, S W Pontin, R A Ride, A F Sach, G H Smith, L M Ward and M D Watson.

2. Mayor's Announcements

On behalf of the Council, the Mayor expressed sympathy at the recent death of Councillor Deakin's father.

The Mayor said that she had conducted a number of civic engagements and attended a variety of events in recent months, including visits to 20 primary schools, the Civic Lunch at Hylands House, the opening of a new play area in Central Park, several events associated with the Centenary of the end of World War One, and a visit to Backnang, as well as meeting that town's Burgermeister when he had visited Chelmsford. Of all the events attended, the Mayor was most proud of the Remembrance Day Service and Parade, which she felt had been a fitting tribute to those who sacrificed so much during World War One. The Mayor thanked the Civic Services Manager, Katherine Eley, for her part in the organisation of the event.

The Mayor congratulated the staff at Hylands House, which had received the wedding venue of the year award in the Heritage category of the Essex Wedding Awards, and the Parks staff for the Green Flag Award and a number of awards by the Essex Playing Fields Association.

The Mayor reminded those present that the Civic Carol Service would be held at the Cathedral on 14 December, which all were invited to attend.

3. **Minutes**

The minutes of the meeting on 18 July 2018 were signed as a correct record.

4. **Public Question Time**

A question was asked about the action taken following the reports in the media some months ago that appeared to indicate that plastic waste collected in Chelmsford intended for recycling was being sent to landfill in China. The questioner asked whether an alternative contractor for the processing of plastic waste had been engaged and what steps had been taken to prevent a repeat.

The Cabinet Member for Waste Management, Recycling and Parking Services said that an investigation following the report had indicated no chain of evidence that the waste in question had come from kerbside collections in Chelmsford. The City Council only sent high quality, segregated plastic waste to accredited recycling companies and was confident that the materials were reprocessed to a high standard. The waste in question had been plastic recycling bags bearing the Council's logo which may have been unused or disposed of by people living in other areas.

5. **Cabinet Question Time**

The following questions were put to Cabinet Members, who gave the responses indicated.

(a) **Question from Councillor S J Robinson to the Cabinet Member for Parks**

Across many of the older estates in Chelmsford are grass verges and large grassed areas in front of houses. There is also a growing demand for parking spaces.

Does the council have a policy about when it would consider giving up small areas of grass to "grasscrete" in such areas, if the residents request it?

The Cabinet Member for Parks replied that many of the verges referred to in the question were highway verges and part of the highway, as they would be accessed from the highway. The responsibility for the highway fell to the Highway Authority, Essex County Council. Such proposals needed to be pursued via the Essex County Council Local Highways Panel. Where the cooperation of the City Council was required, it was happy to provide it.

Town Planning considerations applied in the event of the loss of local open/amenity space or if there may be loss of street trees. These matters would have to be addressed as part of the Local Highways Panel proposals.

On a point of clarification, Councillor Robinson said that he had been referring to the grassed areas in front of houses, which he believed to be the responsibility of the Parks Service. The Cabinet Member said that the areas were maintained by Parks staff but remained highway.

(b) Question from Councillor S J Robinson to the Cabinet Member for Information Technology and Corporate Services

What assessment has the Council made of the impact on the Council of the UK leaving the EU?

The Cabinet Member said that until the final details of any Brexit agreement were known and agreed it was difficult to assess the impact on the Council. In the past few weeks the government had published a number of technical papers that gave local authorities an idea of how they might be affected. At this stage the impact on frontline services would be minimal as the vast majority of laws and regulations that the Council had to comply with, or enforced, were enshrined in UK legislation so it was anticipated that at the implementation of any Brexit it would be very much business as usual. There would probably be some unforeseen consequences which would be managed at the time they arose similar to other business continuity issues that the Council had to deal with from time to time. When and if a Brexit agreement was approved, the Council would be able to more effectively assess the likely impact taking into account Government guidance and advice.

The Council had reviewed its supply chain and had only four active suppliers outside of the UK (two European and two based in the USA), so there should be very limited impact under Brexit in whatever form that took. Initially, current procurement rules would continue to apply under UK Regulation but could lead to more flexible public purchasing options in the future.

Officers were attending regional events in order to ensure that they were aware of the key issues facing Local Authorities as currently identified. At this stage official guidance was still patchy as the details of any Brexit arrangements were yet to be finalised.

In response to a supplementary question, the Cabinet Member said that a review had been carried out of the effect of Brexit on the Council as an employer and it was not anticipated that there would be an impact on existing staff.

(c) Question from Councillor F B Mountain to the Cabinet Member for Strategic Housing

Have the Council any information regarding any additional plans or contingencies for the homeless over the Christmas period and if so could it be put on the Council's website as to what is available? I have been asked this question by many residents on the subject and I have tried to find out by asking several Charities and Churches and there seems very little on offer.

Members were informed that the Council had introduced a transformation programme for its Housing Service in 2018 following the introduction of the Homelessness Reduction Act. This had resulted in a reduction in the numbers in temporary accommodation from 369 in October 2017 to 271 in October 2018. An enormous amount of work had been done by the Council and its

partners to tackle rough sleeping. The needs of those who were street homeless were such that temporary accommodation was not necessarily the solution to their problems and specialist help was provided by a variety of organisations. The Council provided financial support to CHESS to run its winter project from December to March and to provide a safe environment for those at risk. The Council's Housing Service would also be providing its 24 hour out-of-hours service throughout all of the Christmas period whilst the offices were closed for anyone who was at immediate risk of becoming homeless during this period.

The Cabinet Member said that he would arrange for the contact information for those support services to be sent to councillors.

6.1 **Treasury Management Mid-Year Review 2017/18**

The Treasury Management Sub-Committee and the Cabinet had recommended that the Council approve the report on the review of the Council's treasury management strategy for 2018/19.

In response to a question, the Cabinet Member for Finance said that the Council did not currently invest in commercial property elsewhere in the country.

RESOLVED that:

1. the compliance of Treasury Management operations with the prescribed strategy for 2018/19 be noted;
2. the Council note that it may be necessary to borrow for short term liquidity needs towards the end of the financial year in line with the Authorised Borrowing Limit set out in the report; and
3. the Council recognises that the investment strategy does result in some risk to capital invested but that this is at an appropriate level.

7.27 to 7.31pm

6.2 **Mid-Year Review of the Budget for 2018/19**

The Council considered a report which examined its original budget for 2018/19 against the financial activity to date and provided an update on the level of projected reserves. The Cabinet on 20 November 2018 had recommended approval of the revised budget.

During discussion of the report it was pointed out that savings and reductions in spending so far in 2018/19 had been greater than the overspend. However, many of the savings were one-off whilst a number of the overspends were permanent additional costs or reductions in income. Examples given were the loss of income from the summer music festival, and the Housing Service, where the transformation project had resulted in additional costs but where numbers in temporary accommodation had reduced partly as a result, it was claimed, of operating stricter criteria on the acceptance of claims for homelessness. The Cabinet Member was asked how it was proposed to bridge the spending gap in such cases.

The Cabinet Member said that it was the practice to introduce new schemes and their budgets during the year rather than await the next financial year. Although changes were made during the financial year and some reductions were one-off and others permanent, the budget had been balanced at the end of each financial year. In the case of the housing transformation project, the additional cost resulted as a response to legislative changes and the duty to ensure that those claiming homelessness had a connection with the city. Between August and October 2018, there had been 118 cases where the Council had accepted a legal duty to make assessments. Of those, 43 were cases where homelessness could be prevented and 23 where it could be relieved; for the remainder, temporary accommodation had needed to be provided. The 56 days in which to carry out the assessment meant that the officers had time to identify and address the applicant's particular needs.

The loss of income from the music festival had resulted from the organiser changing its format this year. Negotiations had been held with the promoter about future years' events.

RESOLVED that the proposed changes to the 2018/19 budget and reserves as set out in the report to the meeting and Appendices 1 and 2 be approved.

7.31 to 7.40pm

7. **Gambling Act 2005 – Statement of Licensing Policy**

The Licensing Committee on 13 September 2018 had recommended adoption of the updated Statement of Licensing Policy under the Gambling Act 2005. Consultation on the draft Policy had resulted in the proposed removal of paragraph 13.5, but other than minor updates no other major amendments were proposed.

RESOLVED that, subject to deletion of paragraph 13.5, the Statement of Licensing Policy under the Gambling Act 2005 submitted with the report to the meeting be adopted.

7.40 to 7.42pm

8. **Review of the Constitution**

The Governance Committee on 17 October 2018 had recommended three changes to the Council's Constitution relating to the means by which the Independent Remuneration Panel was convened, the process for approving members' extended absences, and the confirmation of Article 4 Directions. Those amendments had been supported by the Cabinet on 20 November 2018.

RESOLVED that the changes to the Constitution detailed in the report to the meeting be approved.

7.42 to 7.44pm

9. **Notice of Motion – Library Provision in Chelmsford**

Councillor Madden declared a non-pecuniary interest in this item in his capacity as a member of the County Council Cabinet which had decided on the consultation over the future of the library service.

Pursuant to notice duly given it was moved by Councillor S R Sullivan, seconded by Councillor J Jeapes that:

“This Council has been briefed on the review and public consultation that has been launched by Essex County Council in regards to library provision across the county, including within the City of Chelmsford.

We recognise and agree that the current library service is in need of modernising in the light of changing usage by the public.

Therefore, Chelmsford City Council pledges to work with our County Council partners in this regard and will consider options around location, service access and opening hours as part of this review. We will support efforts to involve the local community in both shaping and delivering future library provision in the City, with particular focus on Springfield Library, shown as Tier 3 and the five libraries identified as Tier 4.”

Councillor Robinson stated that whilst he was pleased that the motion had been submitted and that the County Council was being flexible in putting forward a range of options, it failed explicitly to oppose library closures. He therefore moved as an amendment that the words “but will oppose any closures” be added to the end of the motion. This amendment was put and lost.

In the debate on the original motion, the point was made that the consultation presented an opportunity for the Council and others to influence sustainable proposals that would help keep libraries open. The issue was as much about the future of the library buildings as the service itself. The retention of the buildings for other community uses was an important consideration and the City Council would look sympathetically at assisting with funding to enable such uses.

On being put to the vote the original motion was carried.

RESOLVED that the Notice of Motion on Library Provision in Chelmsford be adopted.

7.44pm to 7.56pm

10. **Notice of Motion – Reducing Plastic Waste**

Pursuant to notice duly given it was moved by Councillor S J Robinson, seconded by Councillor M Springett, that:

“This Council notes with concern:

1. That 300 million tons of new plastic is made each year, half of which is single use plastic and there are practical alternatives available.
2. That in 2016, the Ellen MacArthur Foundation estimated that by weight, there could be more plastic in our oceans than fish, as soon as 2050, and it will stay in our environment for up to an estimated 600 years.
3. That marine plastic leads to coastal / offshore dead zones, death to sea life, toxic transfer and, once degraded into micro plastics, contamination of food, including our own. We are quite literally eating the plastic that has ended up in our seas.

This Council welcomes the success of the ‘Plastic Bag Levy’, proposed by the Liberal Democrats in the 2010-15 Coalition Government, which has led to an 85% reduction in disposable plastic bag usage.

This Council resolves to:

1. Undertake an audit of single use plastics used by the Authority and seek to replace with sustainable or reusable alternatives
2. Play its part in informing the public about the need to reduce plastic waste, including in its online and written materials
3. Continue to push for the sustainable recycling of plastic waste and ensure that its contractors dispose of the waste responsibly
4. Write to our three Members of Parliament and the Secretary of State for Environment, Food and Rural Affairs, urging them to consider legislation and regulations which will reduce single use plastic
5. Use the links it has with local businesses to encourage them to reduce the amount of plastic waste produced, and specifically to write to each of the major supermarkets asking them to consider introducing a ‘plastic free aisle’ in their Chelmsford stores on a trial basis.”

Councillor Robinson said that the use and disposal of plastic waste had a high public profile as a result of increased media attention recently and the purpose behind the motion was to show leadership on the part of the Council, both by acting as an example and educating others on the need to reduce plastic waste.

It was moved as an amendment by Council Sismey that the wording in the motion after "This Council welcomes" be deleted and replaced with proposed wording that, he argued, better reflected the practical measures already being taken by the Council to reduce waste and educate the public on the benefits of recycling plastics. He said that for some purposes, such as reducing food waste, plastic was a useful material and the long-term aim should be to develop and make greater use of biodegradable materials. However, that was something that needed to take place at a national level and his amendment concentrated on the steps that could be and were being taken locally. On being put to the vote the amendment was carried and the Council accordingly

RESOLVED that:

This Council notes with concern:

1. That 300 million tons of new plastic is made each year, half of which is single use plastic and there are practical alternatives available.
2. That in 2016, the Ellen MacArthur Foundation estimated that by weight, there could be more plastic in our oceans than fish, as soon as 2050, and it will stay in our environment for up to an estimated 600 years.
3. That marine plastic leads to coastal / offshore dead zones, death to sea life, toxic transfer and, once degraded into micro plastics, contamination of food, including our own. We are quite literally eating the plastic that has ended up in our seas.

That this Council notes:

Reducing single use of plastics and recycling of plastic waste is a high priority for Chelmsford City Council. This is evidenced by our long-standing commitment to source separated collections and post collection separation of polymer types which helps ensure that as much of the material as possible that is collected is recycled. Our performance is very highly rated but our ambition through continued and extensive education and campaign work with local residents and businesses and by working together with the material reprocessing industry, is to do even more to reduce the use of plastic and to ensure that as much plastic is recycled as is practically possible.

It is also noted that the Council will continue its efforts to reduce single use of plastic receptacles etc. as set out its current waste minimisation plan which already includes measures such as only using reusable or biodegradable alternatives, issuing refillable waters bottles and additional filling points and improvements to onsite recycling facilities at Council offices.

This Council resolves to:

1. Continue to maintain its long-standing commitment to source separated collections and post collection separation of polymer types which helps ensure that as much of the material as possible that is collected is recycled.

2. Further improve our already highly rated performance through continued and extensive education and campaign work with local residents and businesses and by working together with the material reprocessing industry, to do even more to reduce the use of plastic and to ensure that as much plastic is recycled as is practically possible.
3. Continue its efforts to reduce single use of plastic receptacles etc. as set out its current waste minimisation plan which already includes measures such as only using reusable or biodegradable alternatives, issuing refillable waters bottles and additional filling points and improvements to onsite recycling facilities at Council offices.

7.56pm to 8.10pm

11. **Notice of Motion – Impact of Universal Credit on Residents and City Council Services**

Pursuant to notice duly given it was moved by Councillor S J Robinson, seconded by Councillor M Springett, that:

“Council notes the arrival of Universal Credit (UC) in Chelmsford and agrees with the aim of making benefits less complicated. However, in its capacity as a local authority responsible for the provision of Housing and Benefits Services, the Council is concerned about the impact of UC on local residents in receipt of those Services and the unnecessary hardship it could cause to some of them.

Council notes the findings of BBC Panorama recently that large numbers of social housing tenants on UC owe more than double in rent arrears than benefit claimants on the old Housing Benefit scheme and the huge rise in general debt levels amongst claimants, many of whom have never been in debt before.

In the interests of Chelmsford residents and to reduce the impact of the UC system on the delivery of its services, Council believes

- (a) anyone at risk of homelessness should be exempt from the seven-day waiting period at the beginning of a Universal Credit claim;
- (b) individuals identified as homeless should be granted alternative payment arrangements as standard, from the beginning of their claim; and
- (c) that a minimum six-week waiting time for first payment is forcing many vulnerable people into debt.

Council therefore resolves to

- (a) persuade landlords to accept tenants receiving UC,
- (b) write to the Secretary of State for Work and Pensions, making these points, requesting that the Government recognises addresses these issues, and that the roll-out is halted until the problems are fixed.”

Councillor Robinson argued that the intention to simplify the benefits system was good but the flaw lay in the way in which it was being implemented and the aim ultimately was to cut the benefits given to the most vulnerable in society. The introduction of UC in other parts of the country had increased homelessness and debt and led to the greater use of food banks. Private sector landlords were increasingly reluctant to accept tenants in receipt of benefits, partly due to the delays in the receipt of payments.

The Cabinet Member for Finance said that he could not accept the motion as it stood as it was based on out of date information and therefore flawed. He said that Chelmsford's Jobcentre was one of the last in the country where new claims for assistance from working age people would be assessed using Universal Credit. There would not be an immediate mass transfer of existing claims to Universal Credit. The only people it would affect were those who claimed for the first time or who had a change of circumstances. There would be a gradual transition until such time as 'managed migration' was implemented. Managed migration would consist of inviting existing claimants of what the DWP now called 'heritage benefits' to claim Universal Credit. The managed migration process was not expected to start at all until mid-2019, and then only in pilot areas. Managed migration was expected to carry on until at least 2023.

Everybody was committed to ensuring that the transition to Universal Credit did not create hardship for residents. The Government announced measures in the Autumn Statement in November 2017 which already addressed the three concerns raised by Councillor Robinson.

Firstly, the seven-day waiting period at the beginning of a Universal Credit claim, whereby UC was not paid for the first seven days after a claim was made, was removed for all claimants (not just those at risk of homelessness) with effect from February 2018.

Secondly, individuals who were homeless and had been placed in temporary accommodation by the local authority would not claim Universal Credit for their housing costs. This came into force in April 2018. These individuals would still claim housing benefit, although they would have to claim Universal Credit for their day-to-day living costs. With respect to the wider issue of payments directly to landlords, instructions had been given to UC staff that, where a person was receiving payment of HB direct to their landlord prior to claiming UC, they should be offered an alternative payment arrangement of UC housing element at the start of their claim (i.e. payment direct to landlord). This went further than the motion proposed by Councillor Robinson.

Thirdly, in order to ease the transition from Housing Benefit to Universal Credit, the Government introduced a two-week Housing Benefit 'run-on'. Once a person in receipt of Housing Benefit claimed Universal Credit, their Housing Benefit entitlement stopped. However, the 'run-on' allowed local authorities to pay an additional two weeks' worth of Housing Benefit. Not only that, the run-on payment was calculated assuming that the claimant had no income (regardless of whether that was the case or not). Many people would therefore be receiving more in their run-on than they were actually entitled to in Housing Benefit previously.

With respect to waiting times, the DWP locally advised that Basildon Service Centre was paying 82-83% of UC claimants their full entitlement within five weeks of the claim being made. There was no automatic minimum six week wait. DWP's research suggested that 85% was about the maximum achievable because, for a variety of reasons, not everybody who made a claim saw it through to completion. The DWP were carrying out further research to find out why this was, so that take-up could be maximised.

Where people claiming UC were facing hardship, they were able to request an advance of up to 100% of their estimated first UC payment. These advances were paid within five days and were repayable over the next 12 months. Advances were another way of helping people manage their finances in the transition to UC.

Easing the transition to UC was only part of the story and landlords did need to be encouraged to continue to take tenants who needed assistance to pay their rent, whether that be via Housing Benefit or Universal Credit. The DWP had produced a leaflet of 'Top Tips' for landlords, which the Council had added to its website to assist with this process. With UC being administered by the DWP, local authorities had very limited influence on the process. However, rather than take a vote on the motion Councillor Galley proposed a procedural motion under Council Rule 4.1.13.17 that a Task and Finish Group drawn from Overview and Scrutiny Committee members be set up to monitor the effect on residents as UC implementation progressed in Chelmsford. Councillor Robinson said that he accepted that motion.

RESOLVED that the Overview and Scrutiny Committee be requested to establish a Task and Finish Group to monitor the effect on residents of UC as its implementation progresses in Chelmsford.

The meeting closed at 8.24pm

Mayor