

MINUTES OF CHELMSFORD CITY COUNCIL CABINET

on 10 September 2019 at 7.00pm

Present:

Cabinet Members

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

Cabinet Deputies

Councillor M Bracken, Economy and Small Business
Councillor R J Moore, Recycling and Ecology
Councillor M Springett, Community Engagement and Local Democracy
Councillor C R Tron, Affordable Housing

Councillors

K Bentley, D Clark, P Clark, A Davidson, J Galley, N Gulliver, I D Fuller,
R J Hyland, L A Mascot, R J Poulter, M Sismey, A B Sosin, J Sosin,
M S Steel, M Watson, R T Whitehead and S Young

1. **Apologies for Absence**

Apologies for absence were received from Councillor J Deakin, Cabinet Member for Safer Chelmsford, and from Councillors W Daden and I C Roberts, Opposition Spokespersons.

2. **Declarations of Interests**

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

3. **Minutes and Decisions Called-in**

The minutes of the meeting on 1 July 2019 were confirmed as a correct record and signed by the Chair. No decisions at that meeting had been called in.

4. **Public Questions**

There were no questions from members of the public.

5. **Members' Questions**

Councillors who were not members of the Cabinet asked questions or made statements on the following matters:

Councillor N Gulliver on whether, in the light of forthcoming changes to the eligibility for blue badges and the likely increase in the number issued, the Council would consider increasing the number of disabled parking spaces in the city.

The Cabinet Member for Greener Chelmsford replied that there was unlikely to be much scope to increase the number of on-street parking spaces, but he would look at the feasibility of doing so in the Council's car parks.

6.1 **Homelessness and Rough Sleeper Strategy (Fairer Chelmsford)**

Declarations of Interest: None

Summary: The Council's Homelessness Strategy had been reviewed in the light of the Homelessness Reduction Act 2017 which required that local authorities have in place options, systems and processes for the monitoring and delivery of measures to prevent and relieve homelessness. Local authorities were under a duty to ensure that they worked collaboratively with partners to prevent homelessness and have in place plans for meeting their new statutory duties. The draft Strategy, which would be the subject of consultation with partners, also took into account the government's Rough Sleeper Strategy 2018.

Options: Approve the draft Strategy, with or without amendment.

Chosen Option and Reasons: The draft Strategy met the statutory requirements and guidance and was the most effective response to tackling homelessness in Chelmsford.

Discussion: The Homelessness Strategy was welcomed, particularly as it addressed the whole range of issues and problems experienced by those who did not have a home or were threatened by homelessness. It was recognised that there was a close association between homelessness and affordable housing and Working Groups of the Chelmsford Policy Board were working closely together on both. The aim was to bring forward an Affordable Housing Strategy early in 2020 but for now homelessness remained the main priority.

In response to a question on whether the decision to sell the Council's housing stock to Chelmer Housing Partnership had been the right one in the long term, the Cabinet Member for Greener Chelmsford said that in the financial climate that prevailed at the time, the sale had been the only realistic way to ensure that the improvements needed to the housing stock could be funded and carried out. In selling the properties, the Council had received a significant capital sum.

The meeting was informed that the evidence base for the homelessness review would be made available to members.

RESOLVED that the draft Homelessness and Rough Sleeper Strategy 2019-23 be approved for consultation with partners with the aim of producing a final version and accompanying action plan by the end of 2019.

7.06pm to 7.16pm

6.2 **Deed of Variation to Agreement with Chelmsford Housing Partnership (Fairer Chelmsford)**

Declarations of Interest: None

Summary: The Cabinet was requested to approve a deed of variation to the housing stock transfer agreement with Chelmer Housing Partnership (CHP) to reflect recent statutory changes, including that relating to the role of Housing Administrator.

Options: The amendment was a statutory requirement and therefore no options other than the course recommended were put forward.

Discussion: During discussion of the report, concern was expressed that the changes might present greater risks to the Council and housing associations and make the number of insolvencies among the latter more likely. The Cabinet Member for Fairer Chelmsford said that the changes would improve the regulation of housing associations. They were partly intended to reduce the risk of insolvency and to offer guarantees to investors in housing associations. They did not increase the risk to the Council, and nor did they affect the way in which both CHP and the Council worked.

RESOLVED that the proposed amendments, by deed of variation, to the agreement with CHP for the transfer of the housing stock be approved.

7.16pm to 7.21pm

7. **Drakes Farm Gypsy and Traveller Site (Greener Chelmsford)**

Declarations of Interest: None

Summary: The report to the meeting set out proposed arrangements for the transfer of the ownership of the land at Drakes Farm identified for a gypsy and travellers' site; the financing of the subsequent works necessary to make the site fit for human habitation and occupation; and the means by which a body would be selected to deliver and manage the site.

Options: Approve or not the proposed arrangements.

Chosen Option and Reasons: From a financial, legal and practical point of view, the arrangements described in the report were the most straightforward means by which the site could be provided.

Discussion: The Cabinet Member confirmed that the commuted sum of £360,000 provided for in the Section 106 Agreement for Channels had not changed and was calculated in accordance with the relevant regulations.

RESOLVED that

1. the following be authorised:
 - (i) the freehold interest of the site (as shown edged in red and edged / hatched blue on the plan at Appendix 5) be transferred to the Council, or (at the Council's direction) to a Registered Provider, or a private management company, or other such body as may be agreed by the Council), as and when the Council calls for such a transfer, by serving on the landowner a notice in writing requiring the transfer. The right to call for a transfer to be secured by way of an option agreement registered against the title of the Drakes Farm Plot at HM Land Registry;
 - (ii) upon completion of the deed of variation to the Channels section 106 Agreement the landowner shall pay to the Council the Drakes Farm Contribution of £360,000 to cover the full costs of providing the services necessary to make the site fit for human habitation; and
 - (iii) the Director of Sustainable Communities, after consultation with the Cabinet Member for Greener Chelmsford, (a) to select / approve a Registered Provider, or a private management company, or other such body as may be agreed by the Council to deliver and manage the Gypsy and Traveller site and (b) to serve on the landowner notice exercising the option to call for a Transfer of the site to a Registered Provider, or a private management company, or other such body as may be agreed by the Council.
2. the Director of Sustainable Communities be requested to exercise the power (non-Executive) delegated to him under the Council's Constitution to vary the Channels s.106 Agreement to bring the wording of the Agreement in line with the above revised mechanism for delivery of the Gypsy and Traveller site.

7.21pm to 7.23pm

8. **Urgent Business**

There were no items of urgent business.

9. **Reports to Council**

None of the reports to the meeting needed to be referred to Council.

Exclusion of the Public

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for item 10 on the grounds that it involves the likely disclosure of exempt information falling within paragraph 3 of Part 1 of the Schedule 12A to the Act (information relating to the financial or business affairs of any particular person including the authority holding that information).

10.1 **Sale of Retail Assets in the City Centre (Fairer Chelmsford)**

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 would be detrimental to the marketing and sale of those assets.

Declarations of Interest: None.

Summary: The Cabinet was requested to approve the sale of two properties in the city centre currently with retail uses.

Options: Retain the assets or sell the freehold interests.

Chosen Option and Reasons: The sale of the properties would be in the Council's financial interests.

Discussion: The Cabinet was asked how many other properties in that part of the city centre the Council had an interest in and whether the situation regarding the properties the subject of the report was indicative of that faced by other properties. There was also a question about possible plans for redevelopment of the part of the road in which the retail premises were located.

The Cabinet was informed that the Council owned the nearby shopping centre but had no part in its management. The main consideration prompting the proposed sale of the two properties was the fact that they and other nearby premises had experienced lengthy void periods and that those owned by the Council were a drain on its resources. The Council did not foresee any proposals in the near future for the redevelopment of the area in question.

RESOLVED that the marketing and sale of the two properties referred to in the report be approved and that Director of Financial Services, after consultation with the Leader of the Council and the Cabinet Member for Fairer Chelmsford, be authorised to conclude the negotiations.

7.23pm to 7.33pm

10.2 **Sale of Various Small Plots (Fairer Chelmsford)**

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 would be detrimental to the negotiations to be undertaken by the Council in disposing of the land.

Declarations of Interest: None.

Summary: Three plots of land owned by the Council in various locations in Chelmsford had been identified for potential small-scale housing development and it was recommended that they be sold for that purpose.

Options: Retain each plot; sell the freehold interest in each; or the Council seek planning permission and develop the land.

Chosen Option and Reasons: The sale of the land would be in the Council's financial interests and was likely to result in the development of the sites for housing.

Discussion: The Cabinet was asked whether the capital receipts from these and other land and property sales would be directed primarily to building more affordable or social housing. It was also asked whether it would be more in accordance with the new Administration's focus on the provision of affordable housing if the Council were to develop the sites itself for that purpose. The Cabinet Member for Fairer Chelmsford said that the Council was seeking to generate receipts that could contribute to building affordable housing in future.

In response to other questions, the Cabinet was informed that:

- the first site referred to in the report was not in the Green Belt;
- the preference was to sell the third site for housing rather than use it for parking in view of the capital receipt that would be generated;
- it was accepted that the Council needed to strike a balance between assets that could generate revenue and those that provided a capital receipt. The potential for receipts from sales to be reinvested in other assets that generated revenue income was always a consideration, though; and
- the sites would be placed on the open market and therefore anyone interested in purchasing them, including local residents, would have an equal chance to bid.

RESOLVED that the marketing and sale of the three plots of land referred to in the report be approved and that Director of Financial Services, after consultation with the Leader of the Council and the Cabinet Member for Fairer Chelmsford, be authorised to conclude the negotiations.

7.33pm to 7.40pm

10.3 **Sale of Garage Site (Fairer Chelmsford)**

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 would be detrimental to the negotiations to be undertaken by the Council in disposing of the land.

Declarations of Interest: None.

Summary: The Cabinet was requested to approve the sale of a former garage site which, together with an adjacent area of land in the ownership of another party, had the potential to be developed for housing.

Options: Retain the land or sell the freehold interest.

Chosen Option and Reasons: The sale of the land would be in the Council's financial interests and would optimise the potential of it and the adjoining land to be developed for housing.

Discussion: The Cabinet was asked why the site was being sold when it appeared to be suitable for development by the Council for affordable housing of the type provided in Beeches Road and Fox Crescent. The Cabinet Member for Fairer Chelmsford said that past attempts to sell the site had been unsuccessful owing to a number of constraints and drainage problems. This joint sale made the development of the combined site more viable, but any risks would fall on the developer. The Council was not prepared to take on those risks by developing the site itself and preferred to put the income from its sale towards the provision of affordable housing on more suitable sites. With the new Local Plan lowering the threshold beyond which affordable housing needed to be provided, the developer of this site would be required to provide some affordable units.

RESOLVED that the sale of the land referred to in the report in conjunction with the adjoining landowner's disposal of its freehold interest be approved and that Director of Financial Services, after consultation with the Leader of the Council and the Cabinet Member for Fairer Chelmsford, be authorised to conclude the negotiations.

The meeting closed at 7.47pm

Chairman