

14 November 2023 at 7pm

Council Chamber, Civic Centre, Chelmsford

Membership

Councillor S J Robinson (Chair and Leader)
Councillor M C Goldman (Connected Chelmsford
and Deputy Leader)

and Councillors

Councillor N Dudley (Active Chelmsford)
Councillor L Foster (Fairer Chelmsford)
Councillor I Fuller (Growing Chelmsford)
Councillor R Moore (Greener and Safer Chelmsford)

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 Dan Sharma-Bird in the Democracy Team on Chelmsford (01245) 606523 email dan.sharma-bird@chelmsford.gov.uk

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THE CABINET

14 November 2023

AGENDA

PART 1 – Items to be considered when the public are likely to be present

1. Apologies for Absence

2. Declarations of Interest

All Members 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.

3. Minutes and Decisions Called in

Minutes of meeting on 10 October 2023.

The decision in respect of the Hylands PSPO from 12 September had been called in by the Overview and Scrutiny Committee and considered on 19 October. The Committee supported the decision of the Cabinet and did not wish for it to be amended.

4. Public Questions

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Cabinet is responsible. The Chair 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 at least 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.

5. Members' Questions

To receive any questions or statements from councillors not members of the Cabinet on matters for which the Cabinet is responsible.

6. Growing Chelmsford Items

6.1 Community Infrastructure Levy: Governance Arrangements for the Neighbourhood Allocation in the Unparished Wards

6.2 Publication of revisions to the Chelmsford Local Development Scheme (LDS)

7. Leaders Items

7.1 Proposed Amendments to the Constitution

7.2 Review of Scheme of Members' Allowances

7.3 Treasury Management Mid-Year Review

7.4 North Essex Councils joint working arrangements

8. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency and which does not constitute a key decision.

9. Reports to Council

The officers will advise on those decisions of the Cabinet which must be the subject of recommendation to the Council.

**MINUTES OF
CHELMSFORD CITY COUNCIL CABINET**

on 10 October 2023 at 7.05pm

Present:

Cabinet Members

Councillor S Robinson, Leader of the Council (Chair)
Councillor N Dudley, Cabinet Member for an Active Chelmsford
Councillor L Foster, Cabinet Member for a Fairer Chelmsford
Councillor I Fuller, Cabinet Member for a Growing Chelmsford
Councillor R Moore, Cabinet Member for a Greener and Safer Chelmsford

Opposition Spokespersons

Councillors, J Jeapes, M Steel, S Sullivan, A, Thorpe-Apps, and R Whitehead

Also present: Councillors P. Clark, C. Davidson, D Eley, J Hawkins, B. Massey V. Pappa

1. Apologies for Absence

Apologies for absence were received from Cllrs M and S Goldman and Cllr Hyland.

2. Declarations of Interest

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

3. Minutes and Decisions Called-in

The minutes of the meeting on 12 September 2023 were confirmed as a correct record. The decision for Item 7.1 at that meeting had been called in and would be considered at the Overview and Scrutiny Committee meeting on 19th October.

4. Public Questions

One public question was submitted before the meeting. It asked how much extra land had been incorporated into the Compass Gardens play area in South Woodham Ferrers when it had been remodelled, since it had been established at the last meeting that the town had lost nearly 1000 square metres of play area at Saltcoats Park. The relevant Cabinet Member was

asked whether it was now time for the second Liberal Democrat administration to come up with some new ideas for parks, to aspire for greater things and that losing play space to general parkland was not an upgrade. The member of the public asked if it was not right to use some of the district's capital budget to enhance the town's park facilities and stated that less than 1% of the non-earmarked capital money had been allocated to SWF which had nearly 10% of the districts population. They also stated that a new toddler's play space adjacent to the play area was one project the Council should be moving forward on and the Cabinet Member was invited to ask residents what facilities they actually wanted.

In response to the question and points raised, the Cabinet Member for a Greener and Safer Chelmsford stated that the total area within the area referred to was 952sqm of which approximately 660sqm was designated play space with the remainders grass margins. They stated that whilst the perimeter and area of the existing play area remained the same, much of the area was grass open space with sparsely placed equipment. It was noted that the policy had been to integrate and combine smaller age restrictive play areas into larger, more inclusive Neighbourhood schemes had been introduced in 2012 and was still active and in progress. The Cabinet heard that the Council felt the area had an enhanced play value and content catering for all age ranges. The Cabinet also heard that the refurbishment and replacement had followed the normal consultation process, involving local residents with a majority vote for the chosen design. The Cabinet Member also stated that no suitable space had been found in the south west area of the town for an additional facility but the south west part of the town would be given priority when it came to future investment. The Cabinet Member offered to meet with the member of the public on site with other Town Councillors to discuss the matter further.

5. Members' Questions

Four questions were asked at this point of the meeting and other questions were asked by Councillors under the relevant items. Cllr Jeapes asked for clarification on where the City Council was in relation to the Local Plan in the context of its Strategic Housing Needs Assessment in terms of how many houses were required and how many had been built, in light of the significant issues highlighted by the budget in relation to housing. They also asked if work had been undertaken going forward to look at the estimated housing needs up to 2024 and what the numbers were for this.

In response the Cabinet Member for a Growing Chelmsford stated that the housing requirement was 805 new homes per year, equating to 18,515 new homes in the plan period. It was noted that 6,825 new homes had been built up to April 2023 and that the adopted Local Plan made provision for the remaining requirement to be delivered in the period to 2036 as part of existing planning permissions and site allocations. The Cabinet Member also stated that the Council had started a review of the adopted Local Plan covering the period up to 2041. It was noted that it would use the Government's Standard Methodology for deriving future housing numbers which was around 1000 new homes per year for Chelmsford. It was highlighted that the approach had been covered in the Issues and Options consultation document for the review of the Local Plan which had been considered by the Chelmsford Policy Board on 14 July 2022.

The second question was asked by Cllr Massey. They asked with regard to the pressures on the Leisure and Heritage budget, whether the administration could advise on the situation regarding the planned £275,000 investment in the plant at the South Woodham Ferrers pool and reassure residents there were no plans to close the pool.

In response the Cabinet Member for an Active Chelmsford stated that the pool had now been open for nearly 20 years and therefore it had been anticipated that it would require some attention, leading to the programmed £250k. It was noted that any works would require temporary closure, which the Council were keen to avoid and that for now the boiler and pump which were key elements of the pool running were working satisfactorily. The Cabinet Member stated that energy efficient alternatives would continue to be looked into. It was also noted that a bid for external funding was being submitted and the Council were keen to secure the external funding and reduce energy costs in the future. The Cabinet Member also confirmed that there were no plans to permanently close the pool in the future.

The third question was asked by Cllr Pappa and related to issues with bus pick up points for students at the County High School for Girls. They stated that the current pick up point was not safe and that the City Council had not assisted with offering use of their car park rather than the current points along Broomfield Road. It was noted that the current bus stops blocked traffic during peak times and the Cabinet were asked to reconsider and allow modifications to the car park to allow coaches to pick up students.

In response the Leader of the Council stated that there had been various discussions on the topic over recent years and as a local Councillor they had made representations to Essex County Council about the issues with the current bus stops. They stated that Essex County Council had been unwilling to listen to suggestions regarding the rephasing of traffic lights on Broomfield Road which would have led to less queuing. They also stated that a reasonable compromise appeared to be using the outside of Hyatt Place as a pick up point as if the car park was used this would lead to safety issues when turning out of Elm Road. The Leader of the Council clarified though that it was a Highways issue and it was the County Council's responsibility to find a solution.

The fourth question was asked by Cllr Thorpe-Apps and related to the Theatre redevelopment. They stated it had been nearly a year since the refurbishment and sought clarity on the income gains and why no predicted income figures had been provided within the finance report and when these would be available.

In response the Leader of the Council stated that the £1m figure quoted had been an initial estimate and the agreed budget of £3.5m had been adhered to. They also stated that the final accounts had not yet been signed off, due to snagging works still underway and that there would be a report available after then. It was also noted that once a full year of the theatre programme had been completed including the panto, there would be a much clearer idea of what income figures could go into next year's budget.

6.1 Amendment to Housing Allocations Policy (Fairer Chelmsford)

Declarations of interest:

None.

Summary:

The Cabinet considered a report seeking their approval for an amendment clarifying the Council's policy for the allocation of homes that had been provided in addition to planned and existing general needs housing stock, with funding intended to meet the need of a specific group from the Housing Register.

Options:

- 1) Retain the existing policy as it is;
- 2) Amend the existing policy to expressly state how other allocations can be made without the need to rely on the delegated authority of the Strategic Housing Services Manager;
- 3) Amend the wording of the policy to specifically allow the Strategic Housing Services Manager to make decisions on the allocation of housing provided through additional funding for specific purposes in general.

Preferred option and reasons:

Option 3 was the preferred option because it avoided the ambiguity of Option 1 and the operational problems of Option 2. The policy grants delegated authority to the Housing Services Manager in exceptional cases, this could be interpreted as events that are unforeseen and unplanned and therefore not apply to cases where additional homes are provided through funding to meet a specific purpose. Option 2 may need to be revised and updated as operational issues change, or new opportunities arise causing delay. Both of the other options could also create a risk of future challenges.

Discussion:

The Cabinet heard that option 3 would be the clearest way to make the change and allow funding to be passed to partners and allocated to the right families whilst avoiding legal challenge. In response to a question it was noted that three of the registered providers had responded, whilst all had been consulted. It was noted that it tended to be smaller local providers that would reply, rather than larger national providers.

RESOLVED to

1. Amend the wording of the policy to specifically allow the Strategic Housing Services Manager to make decisions on the allocation of housing provided through additional funding for specific purposes in general.
2. Change the wording of the policy to, "Allocations of social housing will be through the Housing Register in accordance with the provisions of the Allocations Scheme. The Council recognises that there may be some exceptional situations not covered by the Allocations Scheme. In such instances, The Strategic Housing Services Manager will have delegated authority to make decisions, as they consider appropriate, and these will be fully documented. This will include the allocation of homes that have been

provided to meet the need of a specific group where funding has enabled an additional supply of homes specifically for this purpose.”

(7.30pm to 7.34pm)

7.1 Mid-Year Budget Review and Financial Forecast (Leader)

Declarations of interest:

None.

Summary:

The Cabinet considered a report providing them with an update on the Council's projected financial position in 2023/24 and over the medium term, it also identified actions for the budget process. The report provided a financial forecast to enable members to consider the current financial position and the key issues that could be expected to be reported upon when the Council sets its budget for 2024/25. The report contained a Mid-Year budget review, Housing Temporary Accommodation demand and costs, Background on the wider Local Authority Sector, Medium Term Revenue Budget Forecast and Reserves Forecast, in its appendices. The report summarised the key points and actions that arose from the matters detailed in the appendices.

Options

After consideration of the updated financial forecast the options were:

1. Agree the actions recommended.
2. Propose other amendments to the actions.

Preferred option and reasons:

Approve the actions as recommended, as they will enable the production of a budget for 2024/25

Discussion:

The Cabinet were informed that the report detailed a difficult financial position for all local Council's, due to increased inflation and rising homelessness. The Cabinet heard that in the past when inflation had been lower, it had not been too difficult to close the income gap with relatively easy savings but that was no longer the case. The increasing cost of temporary accommodation was highlighted and that it would continue to increase year on year. The Cabinet were also informed of the significant reduction in funding from central Government for local Government over the last decade. The Cabinet heard that the report detailed actions that needed to be taken but were assured that a balanced budget as in every previous year would be set in January. It was noted that a homelessness action group had been set up with officers from across all departments, the Capital Programme continued to be reviewed, fees and charges may have to rise higher than liked and that the Council would continue to seek the fair funding it had been promised by Government. It was noted that there were significant cost increases simply out of the Council's control but the Council would continue to try and minimise the impact of them upon residents.

In response to questions from the opposition it was noted that;

- Until the financial settlement with Government was finalised it was difficult to state what services were more at risk of budget shortfalls than others.
- Staff redundancies were not foreseen by the administration.
- It was not felt that the redevelopment of some car parks for housing would lead to lower income as the majority of parking income would in effect be moved to other less utilised car parks in the City also in effect leading to lower costs of temporary accommodation.
- The Waterside development continued to be a rare opportunity to develop a sustainable neighbourhood of mixed uses in a central area, where the Council with its partners would be able to deliver much needed housing for residents.
- The figures detailing CHP repairs covered various areas including an agreement with CHP for Private Sector Leased properties where some of the Council's housing stock from private landlords was managed by CHP and the Council had an arrangement with CHP to pay them for necessary repairs.
- Housing Benefit often met the cost of rent, but could not be used to cover service charges which often meant this was difficult to collect as some residents would not be able to afford the rising costs.
- The overspend on casual staff has been an ongoing matter, exacerbated by staff costs rising rapidly due to high inflation and the difficulty predicting the demand for courses and other elements at the Council's Leisure Centres.
- The charges at the Cemetery and Crematorium were still cost competitive and the number of deaths had been in line with national trends, rather than residents using facilities in other areas.
- The introduction of a charge to use the newly refurbished tennis courts at Oaklands Park was part of the agreement with the Lawn Tennis Association that led to them paying for the refurbishments. This investment had allowed the courts to go back into use and if the agreement had not been made the courts would still be out of use. It was noted that there were other tennis facilities elsewhere in the City that remained free, but the courts at Oaklands offered a higher level facility for residents.
- The high level of reserves would continue to be helpful when setting a balanced budget. Income from the Council's action against HMRC on Vat, that had improved the financial reserves position.

RESOLVED to

1. Note the update financial forecast and
2. Approve the actions recommended.

(7.35pm to 8.08pm)

8. Urgent Business

There were no items of urgent business.

9. Reports to Council

None of the items were subject of recommendations to the Council.

The meeting closed at 8.09pm

Chair



Chelmsford City Council Cabinet

14th November 2023

Community Infrastructure Levy: Governance Arrangements for the Neighbourhood Allocation in the Unparished Wards

Report by:

Cabinet Member for a Growing Chelmsford

Officer Contact:

Stuart Graham – Economic Development & Implementation Services Manager

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Purpose

To agree a new approach to how the Council governs the expenditure of the neighbourhood allocation of the Community Infrastructure Levy (CIL) within the nine unparished wards of the city's administrative area.

Options

1. To agree the proposed changes to the governance of the CIL Neighbourhood Allocation in the nine unparished wards as set out in this report.
2. To make amendments to the recommendations set out within this report.
3. To not agree the proposed changes to the governance of the CIL Neighbourhood Allocation in the nine unparished wards as set out in this report.

Preferred option and reasons

Option 1 is the preferred option.

Recommendations

It is recommended that:

1. Cabinet adopts the suggested amendments to the governance of the neighbourhood allocation of CIL in the nine unparished wards as set out in this report, and
 2. The Director of Sustainable Communities, in consultation with the Cabinet Member for a Growing Chelmsford is authorised to agree and publish the proposed changes within a revised Community Infrastructure Levy Governance (Allocating and Spending CIL) document.
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1. Background

- 1.1. Chelmsford City Council adopted the Community Infrastructure Levy in 2014.
- 1.2. Expenditure of CIL is governed by the Community Infrastructure Levy Regulations 2010 (as amended), which set out how the levy can be spent. Within the Regulations, 15% of funding received must be spent on what is known as the neighbourhood allocation. Within the parishes this is transferred to the Parish Councils (25% if there is an adopted neighbourhood plan in place). In the non-parished areas it is for the charging authority (Chelmsford City Council) to determine how that element of expenditure is administered.
- 1.3. Since 2014, the City Council has used various approaches to govern this element of CIL, which has culminated in over 35 projects being supported. These are set out at Appendix 1 to this report.

2. Current governance arrangements

- 2.1. The existing arrangements for how the Council administers expenditure of CIL in the nine unparished wards is set out in the adopted Allocating and Spending CIL Governance document, last amended and adopted by the City Council in July 2021. This is attached as Appendix 2 to this report.
- 2.2. The governance arrangements for the neighbourhood allocation are set out in Section 5.
- 2.3. The neighbourhood allocation can be used much more widely than the strategic allocation, provided that it supports:
 - The provision, improvement, replacement, operation or maintenance of infrastructure; or
 - Anything else that is concerned with addressing the demands that development places on an area.
- 2.4. In the nine unparished wards, the funding is managed through the Community Funding Scheme, which also incorporates the Council's corporate grant aid scheme for voluntary and charity organisations, the Greener Chelmsford grant scheme and the Rural England Prosperity Fund grant scheme.
- 2.5. Under the current arrangements, voluntary and community organisations working for the benefit of Chelmsford's nine unparished wards can apply for neighbourhood CIL (capital) funding via an online application form which is permanently open.
- 2.6. Applications are then reviewed by officers before being considered by the Community Funding Panel. Applications of £10,000 or less are delegated to the Director of Connected Chelmsford, in consultation with the Panel. Applications over £10,000 are determined by Cabinet.
- 2.7. This approach has worked well, but has tended to focus applications and expenditure on externally funded projects. To date this has equated to circa 95% of the total, with only a limited amount spent on CCC led capital schemes.

3. Proposed amendments to governance arrangements

- 3.1. There is currently a balance of circa £1.3m held for allocation within the nine unparished wards.
- 3.2. Given the financial pressure on the Council's capital programme, it is suggested that Cabinet agrees an apportionment of funding between community organisations and CCC led capital projects in these wards. This would enable the Council to use the funding in a more strategic way to deliver its corporate objectives.
- 3.3. There are a number of ways that this could be approached, but on balance a percentage split of 85:15 is recommended between CCC led capital projects and community organisation led projects.
- 3.4. This apportionment would be applied to the current held balance and all future CIL receipts in the nine unparished wards.
- 3.5. Apart from this change, future governance would be retained through the Community Funding Panel for expenditure up to £10,000 and Cabinet for expenditure over £10,000.

4. Conclusion

- 4.1. The proposed changes are being brought forward for two main reasons. Firstly, to ease pressure on the Council's capital programme and wider budget position and secondly to enable the funding to be used more strategically to deliver local infrastructure that supports the development that has come forward in the urban area.

List of appendices:

Appendix 1 – Summary of CIL expenditure in the nine unparished wards

Appendix 2 – Adopted CIL Governance Arrangements

Background papers:

Chelmsford City Council CIL Governance

Community Infrastructure Regulations 2010

Corporate Implications

Legal/Constitutional: The CIL Regulations 2010 (as amended) set out how CIL in non-parished areas can be managed under Regulation 59. The proposed approach accords with the governing regulations.

Financial: The revised approach will support the delivery of appropriate projects being delivered through the Council's capital programme and will assist in easing financial pressure on the Council's budget.

Contribution toward achieving a net zero carbon position by 2030: A number of projects already funded , including through the Greener Chelmsford grants, are having a positive impact on making contributions towards achieving a net zero carbon position.

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees:

Relevant Policies and Strategies:

Our Chelmsford Our Plan - [Our Chelmsford, Our Plan](#)

Chelmsford Local Plan 2021

Appendix 1: CIL Expenditure the nine unparished wards 2014 – 2023

Project	Allocated (£)
Westlands Play Area	63,000
Police Community Support Officers	152,000
North Avenue Youth Centre	41,050
Admirals Park outdoor gym	23,000
Forest Drive CCTV	15,000
Langton Community Centre	100,000
Springfield Police Patrols	4,000
Springfield Youth Centre	2,000
Savernake Road Scout Hut	4,000
Langton Community Centre	52,000
Helping Hands George Street	71,500
CHESS Day Centre	300,000
Sanctus education programme	5,000
Sanctus first floor refurbishment	15,120
Sanctus first floor refurbishment service provision	13,423
CCTV Admirals Park	30,000
North Avenue Youth Centre Defibrillator	3,500
North Avenue Youth Centre Lighting and Equipment	14,750
Moulsham Lodge Community Trust Café	9,583
Havengore CCTV	6,380
Torquay Road CCTV	6,380
Byron Road CCTV	6,380
Additional Police controls Springfield	7,000
Coronation Park (now Lionmede Park) Basketball Court	5,500
Springfield Youth Centre	2,000
Age Concern First Floor Extension	246,500
Meadows Car Park Additional Streetlight	5,000
Chelmsford Community Transport - Minibus	29,495
Cool to be Kind Locker Project	2,925
Oaklands Park Neighbourhood Watch CCTV	3,000
Sanctus Refit Kitchen	7,530
Widford Parish Centre - Community Hub	6,505
Moulsham Lodge Community Trust Café Phase 2	36,931
Sanctus new premises refurbishment	43,000
Chelmsford Society of Model Engineers – toilets	5,000
CVS Knife Angel Legacy Public Art	10,000
Greener Chelmsford Grants	100,000
TOTAL	1,448,452

Community Infrastructure Levy Governance

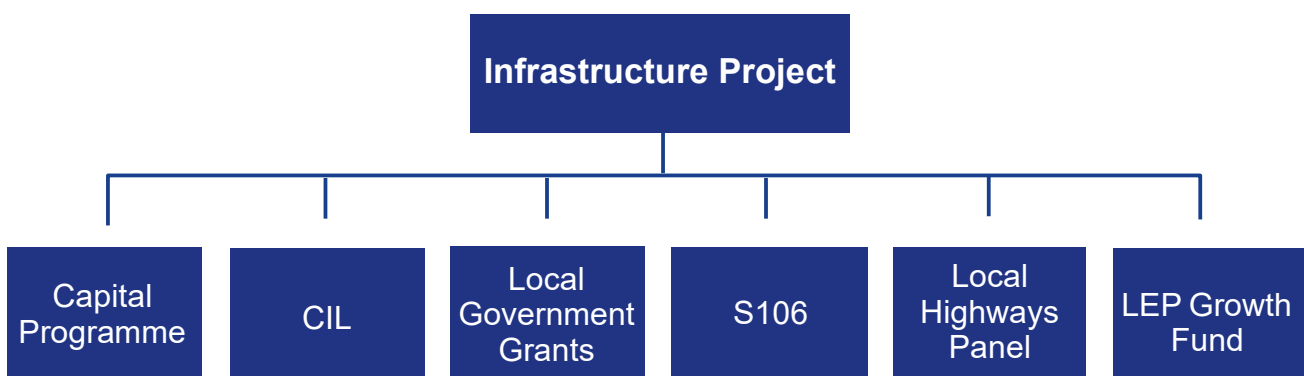
Allocating and Spending CIL



1. Introduction

- 1.1 The Community Infrastructure Levy (CIL) is a charge which local authorities can place on developers to help fund infrastructure needed to support new development in their areas. CIL is governed by the CIL Regulations 2010 (amended).
- 1.2 Chelmsford City Council approved the introduction of CIL on 26 February 2014 and started charging on 01 June 2014.
- 1.3 CIL is paid to the Council by developers after their planning permissions commence. Since CIL was implemented, it has become the only significant means by which the Council is able to collect and pool developer contributions to deliver infrastructure improvements.
- 1.4 In Chelmsford, CIL is charged on all residential and retail developments which add one or more new dwelling(s) or more than 100sqm of floor space. The Council's CIL Charging Schedule sets out a levy of £125 per sq.m for residential development, and £87 and £150 per sq.m for retail development, and a zero rating for all other types of development. The CIL rate changes on 01 January each year in line with an index of inflation.
- 1.5 This document details the governance arrangements in place at Chelmsford City Council for the allocation and spending of CIL.
- 1.6 Since adopting CIL, the Council has funded a range of infrastructure projects and these are detailed in the "how we spend CIL" pages published at www.chelmsford.gov.uk/cil
- 1.7 CIL is just one funding stream that can be used, in conjunction with others, to fund infrastructure projects. Alongside CIL, S106 obligations still exist, but generally as one-off agreements to mitigate the impacts of larger developments and to secure on-site developer requirements, such as the provision of affordable housing. Examples of how infrastructure projects can be funded can be seen in Figure 1.

Figure 1 - Funding Streams



2. Statutory Requirements

2.1 Under the CIL regulations, Chelmsford City Council will act as the designated Charging Authority. As a Charging Authority the Council has an obligation to:

- Prepare and publish the CIL Charging Schedule
- Determine CIL spend, ensuring it is used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support development of its area
- Report publicly on the amount of CIL revenue collected, spent and retained each year in an annual Infrastructure Funding Statement.

2.2 Chelmsford City Council's CIL Charging Schedule and annual Infrastructure Funding Statement can be found on the Council's website at www.chelmsford.gov.uk/cil.

3. What can CIL be spent on

3.1 CIL is pooled into one fund, which can be used for any infrastructure needed to support new development across the Council's administrative area.

3.2 Unlike other obligations or charges, CIL spending does not need to be directly related to the donor development.

3.3 The key points set out by the CIL Regulations and Guidance relating to CIL funding are:

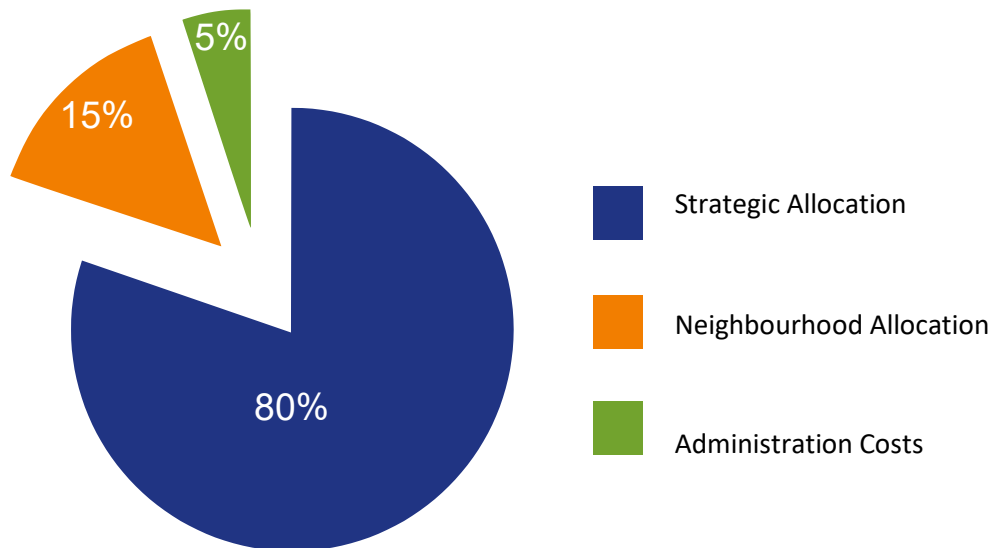
- CIL should be spent on infrastructure, including roads and other transport, schools and other education, community facilities, health, sport / recreation, and open spaces as defined in the Planning Act 2008
- The infrastructure funded must support the development of the area
- CIL can be used to increase the capacity of existing infrastructure or to repair failing infrastructure, if needed to support development
- CIL cannot be used to fund the delivery of affordable housing

3.4 As per the CIL Regulations and Guidance, CIL is proportioned and allocated using the following approach:

- A maximum of 5% is retained by Chelmsford City Council to cover administrative costs (including consultation on the levy charging schedule, enforcing CIL, legal costs and reporting on CIL activity)
- 15%, known as the Neighbourhood Allocation, is established for spending within the neighbourhood of contributing development (up to a maximum of £100 per existing Council Tax dwelling in areas with a parish or town council). This allocation can either be transferred to the relevant parish council or retained by Chelmsford City Council to be spent on neighbourhood projects where the development is not in a parish. This allocation rises to 25% when a parish has a Neighbourhood Plan in place. At the present time, no Chelmsford parish has a Neighbourhood Plan in place, although plans are being developed in Boreham, Broomfield, Danbury, East Hanningfield, Sandon, Little Baddow, South Woodham Ferrers and Writtle

- The remainder (around 80%), known as the Strategic Allocation, is retained by Chelmsford City Council to allocate to strategic infrastructure projects
- 3.5 It is very unlikely that CIL will generate enough funds to completely cover the cost of new infrastructure needed to fully support planned development. As such, there will be competing demands for this funding. It is therefore important to ensure there are robust, accountable and democratic structures in place to ensure the spending of CIL funds are prioritised in the right way.
- 3.6 The sections that follow set out the governance arrangements and approach for how decisions are made on the prioritisation and spend of CIL.

Figure 2 – How CIL is allocated in Chelmsford



4. Governance Arrangements - Strategic Allocation

- 4.1 The majority of CIL funds, the Strategic Allocation, are retained by Chelmsford City Council for spending on infrastructure in accordance with the definition in the 2008 Planning Act (section 216).
- 4.2 To date, the CIL receipts collected by the City Council relate to development brought forward via the previous Local Development Framework (plan period to 2021). The new Local Plan, adopted in May 2020, covers the period to 2036 and the future use of CIL receipts from now on will prioritise the delivery of infrastructure to support the development set out in the new Plan and its associated evidence base, including the Infrastructure Delivery Plan.
- 4.3 Inevitably, there will be competing interests for the use of CIL to fund strategic infrastructure priorities and the framework below sets out how the Council will prioritise spend and involve external organisations in this process.

Core principles

- 4.4 In deciding how to allocate CIL funding to strategic infrastructure the City Council will adopt the following core principles:
- Strategic CIL will only be spent on infrastructure projects within the definition of infrastructure as defined in the 2008 Planning Act
 - The Strategic Allocation will be applied to strategic infrastructure that supports the development of the area and the adopted Chelmsford Local Plan to 2036
 - On an annual basis, and as part of the Council's budget setting process, the Council will set out an Infrastructure Priority Schedule that, amongst other things, sets out the prioritisation of the spend of CIL alongside other funding streams, to support the delivery of strategic priorities, over the medium term to 5 years. This will be reviewed annually and will form part of the Council's Medium Term Financial Strategy. This will take into account projects delivered by the City Council and its external partners
 - External strategic partners (including Essex County Council and NHS England) will be able to submit an expression of interest for project funding through the Council's website, which will be permanently open
 - For any strategic projects that are the responsibility of the City Council, relevant service areas will be required to submit an expression of interest
 - Expressions of interest/business cases will be expected to demonstrate what other sources of funding are being used to support the infrastructure project
 - Strategic CIL receipts that arise from the Strategic Growth Area in South Woodham Ferrers will be ring fenced to support infrastructure that is required to support the development in that town

Supporting Infrastructure Delivered by Chelmsford City Council

- 4.5 The City Council is a core provider of strategic infrastructure within the definition of infrastructure as defined in the 2008 Planning Act. Specifically, it is the provider of sport and recreation facilities (including museums and theatres), community facilities, open space/public realm and burial and cremation services.
- 4.6 All these facilities are impacted as new development comes forward within the City Council's area. The CIL will therefore be used, where appropriate, to deliver new and improved infrastructure that the City Council has responsibility for as Chelmsford grows.

Supporting Infrastructure Delivered by External Partners

- 4.7 The City Council recognises that infrastructure to support the development of the area is also the responsibility of key external partners, including Essex County Council, the Environment Agency and NHS England.
- 4.8 In prioritising spend, the needs and aspirations of the Council's external partners will be part of the prioritisation process, with a recognition that there will be limits to how much funding can be made available. The arrangements for the involvement of external delivery partners is set out below.

Expressions of Interest

- 4.9 Expressions of interest to request funding are invited from external organisations, through the submission of an online expression of interest form that requests key information about the infrastructure project, including:
- What is the infrastructure project and does it meet the definition of strategic infrastructure
 - Why the project is required
 - Cost of the project
 - Timing for project delivery
 - Funding from other sources
 - Detailed business case (if available)
- 4.10 Strategic infrastructure delivery partners will be able to submit an expression of interest throughout the year. Where further information is required this will be requested by the City Council.
- 4.11 Eligible projects will be considered as part of the City Council's Infrastructure Priority Schedule and annual budget planning process and medium-term financial strategy.

Eligibility for Externally Funded Projects

- 4.12 For a project to be considered for CIL funding, the following eligibility criteria must be met:
- The Expression of Interest Form has been completed satisfactorily

- The organisation has the legal right to carry out the proposed project
- The project is clearly defined as 'Infrastructure' as per the CIL Regulations and Planning Act 2008

The Decision Making Process

- 4.13 Funding decisions will be taken by Cabinet or Council, depending on the level of funding being agreed. Any funding of £1,000,000 or above must be determined by Council. If agreed by Cabinet or Council, stakeholders are informed and funds allocated, subject to completion of a funding agreement.
- 4.14 There may be occasions where the release of additional CIL funds is required for urgent or unforeseen infrastructure requirements. In these cases, a report will be taken to Cabinet for approval for the release of further funds or dealt with, in exceptional circumstances, through the Council's urgency arrangements.

Once the Funding Decision has been made

- 4.15 If a project is successful with its request for funding, the funds will then either be allocated to the relevant Chelmsford City Council service area or transferred to a third party who are responsible for delivering the project (once any funding conditions have been met). All approved schemes will be shown within the Council's Capital Programme. If funds are to be transferred to a third party, a legal funding agreement will be signed. Successful applicants of CIL funding are expected to maintain communication with Chelmsford City Council on the progress of their project after a decision has been made to provide funding. Where funding has been agreed 'in principle' or where staged payments are agreed, the scheme applicant is expected to provide information to justify funding being transferred.
- 4.16 Applicants should continue to provide information until the scheme has been completed and all CIL funding has been spent. At a minimum, an annual report will need to provide information on the progress of each scheme that funding has been allocated to. A requirement to submit this information forms part of the agreement that the successful applicant is required to sign between themselves and Chelmsford City Council.

5. Governance Arrangements – Neighbourhood Allocation

- 5.1 One of the purposes of CIL is to encourage communities to support growth and recognise that development can bring clear and identifiable benefits to an area.
- 5.2 CIL places a responsibility on Chelmsford City Council to pass CIL monies to local neighbourhoods. This equates to 15% of CIL collected having to be spent locally.
- 5.3 The Neighbourhood Allocation of CIL can be used much more widely than the Strategic Allocation, provided it supports:
- The provision, improvement, replacement, operation or maintenance of infrastructure; or
 - Anything else that is concerned with addressing the demands that development places on an area.

Parished Areas

- 5.4 In parished areas, 15% of CIL receipts from development within the parish will be transferred from Chelmsford City Council to the town or parish council. This is capped at a maximum of £100 per existing council tax dwelling in each financial year, adjusted annually by an index of inflation.
- 5.5 The Neighbourhood Allocation will be transferred to the town or parish council every six months, at the end of October and at the end of April.
- 5.6 To ensure transparency, town and parish councils are required to produce an annual report detailing their total CIL receipts, total CIL expenditure and total amount of CIL payments retained at the end of the reported year. Town and parish councils must publish this report on their website or on Chelmsford City Council's website.
- 5.7 If a parish or town council is due more money than the cap allows, the councils and neighbourhood groups near the development that generated the CIL are invited submit expressions of interest. The process is detailed in Chelmsford City Council's CIL governance document, The Neighbourhood Cap, which is published on the 'how we allocate CIL' pages at www.chelmsford.gov.uk.

Unparished Areas and the Community Funding Scheme

- 5.8 In Chelmsford's unparished areas, the 15% Neighbourhood Allocation is administered by the City Council. It must be spent by the Council to support the development of the unparished areas.
- 5.9 The Council has set up the Community Funding Scheme to review and distribute the Neighbourhood Allocation in unparished areas.
- 5.10 Voluntary and community organisations working within or for the benefit of Chelmsford's nine unparished wards, responding to the infrastructure needs linked to new developments (as detailed in the CIL regulations) can apply for the Neighbourhood Allocation of CIL via the Community Funding Scheme.
- 5.11 The Community Funding Scheme was launched in September 2019 and combines the Council's old Corporate Aid Scheme discretionary fund, the Neighbourhood Allocation of CIL within Chelmsford's nine unparished wards and the Greener Chelmsford Grant.
- 5.12 For the purpose of the Neighbourhood Allocation of CIL, the nine unparished wards are considered as one geographical area.
- 5.13 Organisations interested in the Community Funding Scheme can submit an online form with information about the organisation requesting funding, a breakdown of costs and risks, as well as details of how the project aligns to the Council's corporate priorities.

The Decision Making Process

- 5.14 If the funding request is less than £10,000, Council officers will review the application and make recommendations to the Community Funding Panel. The Community Funding Panel comprises of the Deputy Leader of the Council, the Cabinet Member for Fairer Chelmsford, the Cabinet Member for Greener and Safer Chelmsford, the Director of Connected Chelmsford, the Director of Sustainable Communities, the Procurement and Risk Services Manager, the

Economic Development and Implementation Services Manager and an independent external funding professional from the Rural Community Council for Essex (RCCE). If agreed by the Panel, the relevant parties will be informed, and funds will be allocated once any funding conditions have been met.

- 5.15 For projects requesting funding over £10,000, twice a year a summary of projects will be taken to the Community Funding Panel for consideration, after being reviewed by officers.
- 5.16 Relevant ward members may also be invited to attend the Panel meetings when the Neighbourhood Allocation CIL funding is being discussed to provide further detail on the proposed projects.
- 5.17 The Community Funding Panel will review the proposals received and make recommendations which will go forward to Cabinet. If agreed by Cabinet, the relevant parties will be informed, a funding agreement will be put in place and funds will be allocated once any funding conditions have been met.

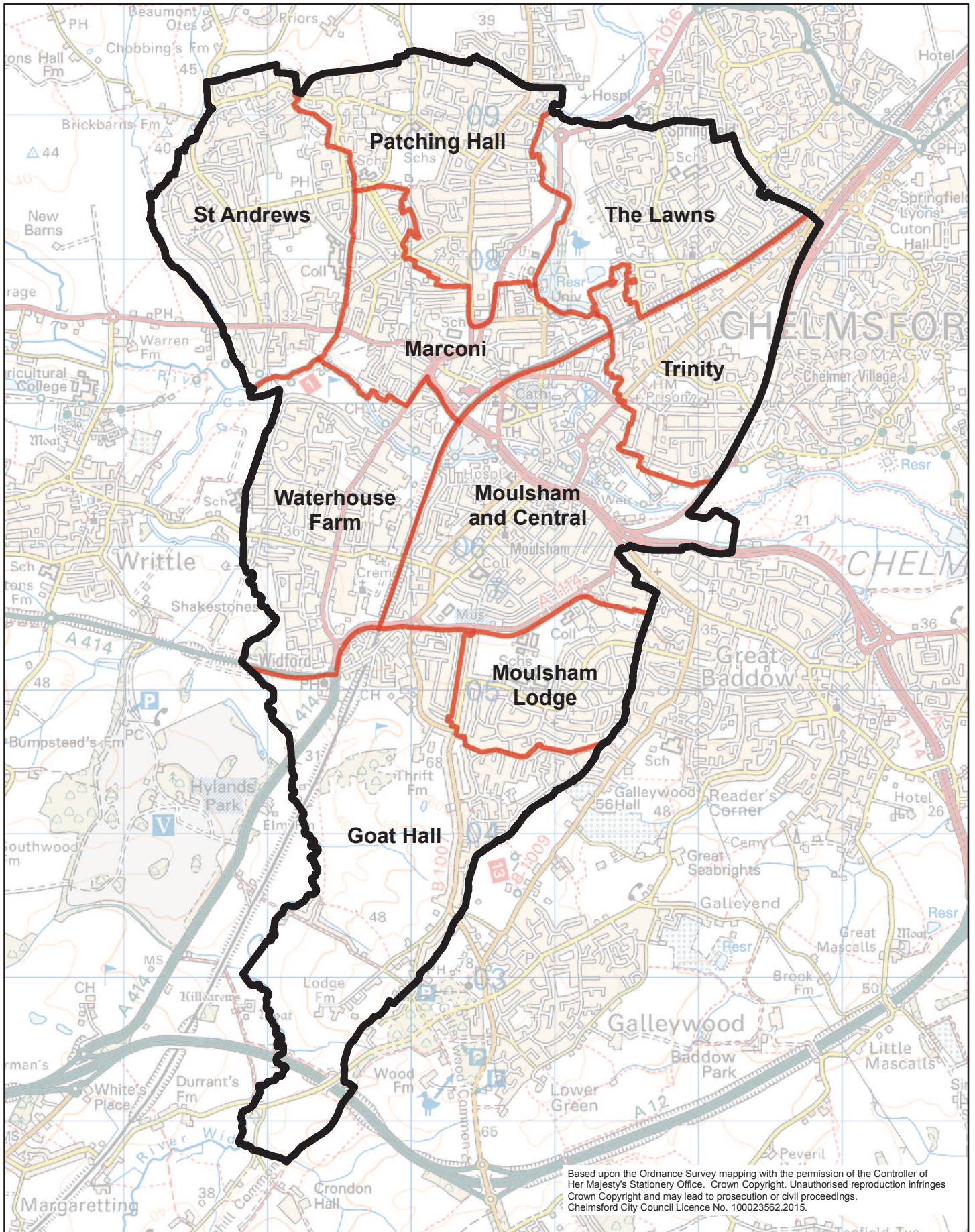
Once the Funding Decision has been made

- 5.18 If a project is successful with its request for funding, the funds will then either be allocated to the relevant Chelmsford City Council service area or transferred to a third party who are responsible for delivering the project. If funds are to be transferred to a third party, a legal funding agreement will be signed, and terms and conditions must be met. It is expected that the Community Funding Panel will receive updates on the progress of the project(s).
- 5.19 Unsuccessful projects will receive feedback detailing why the request for funding was unsuccessful and, if appropriate, details of what information or actions are required to secure a future positive result.

6. Monitoring and Review Arrangements

- 6.1 Chelmsford City Council is committed to ensuring the use of CIL is open and transparent. The Council is required to produce an annual Infrastructure Funding Statement that includes both CIL and S106 funding revenues and spend.
- 6.2 Chelmsford City Council will continue to monitor the operation and implementation of CIL.
- 6.3 If you have any questions about this guidance, or CIL generally, please contact Chelmsford City Council at cilenquiries@chelmsford.gov.uk or call 01245 606817.

APPENDIX 1 - CHELMSFORD CITY COUNCIL AREA
WARD BOUNDARIES IN THE UNPARISHED AREA



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Cabinet

14 November 2023

Publication of revisions to the Chelmsford Local Development Scheme (LDS)

Report by:
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Purpose

The purpose of this report is to consider the revised Local Development Scheme (LDS) for approval and publication. The LDS sets out the programme of work for the preparation of statutory and non-statutory development plan documents for the period of 2023-2028. The LDS is set out at **Appendix 1**.

Options

To either approve or not the publication of the revised Local Development Scheme.

Preferred option and reasons

To approve the publication of the revised Local Development Scheme as the Council is required to publish an up-to-date Local Development Scheme by the Planning and Compulsory Purchase Act 2004.

Recommendations

To consider the LDS set out in **Appendix 1** and approve for publication.

1. Introduction

- 1.1. Local Authorities are required to prepare and keep up-to-date a Local Development Scheme (LDS). This is the Council's timetable for preparing and revising local development documents relating to the development and use of land in its area (in this case the review of the Local Plan which was adopted in 2020). It also includes details of other supporting documents including the Council's Community Infrastructure Levy Charging Schedule and Supplementary Planning Documents.
- 1.2. The LDS helps the Council to establish plan-making priorities and set a clear timetable for the preparation of development plan documents. For the public and stakeholders, the LDS provides information on the proposed programme of work to be undertaken by the local authority and highlights key milestones where public engagement and consultation will be sought.
- 1.3. In July, the Government published its latest consultation proposals for the reform of the plan-making system to implement relevant parts of the Levelling Up and Regeneration Bill currently making its way through Parliament. The proposed changes are intended to be rolled out on a phased basis to permit the new local plans system to commence in November 2024. Through the consultation, the Government confirms that Local Plans currently underway and submitted for examination on or before 30 June 2025 will be examined under the current system rather than the proposed new system, and that such plans will, in general, need to be adopted by 31 December 2026.
- 1.4. The Government is also proposing to replace the current Community Infrastructure Levy (CIL) system with a mandatory, more streamlined, and locally determined Infrastructure Levy as part of the Levelling Up and Regeneration Bill. The new system will be gradually rolled out over several years, with existing CILs continuing to apply until a national roll-out.

2. Local Development Scheme (LDS) 2023-2028

- 2.1. This LDS represents a management tool for setting and managing the plan-making process. However, the LDS is not subject to Independent Examination or formal public consultation. Chelmsford City Council's first LDS was adopted in 2006 and has since been subject to regular reviews as we have made progress with preparing development plan documents. The current LDS dates from 2021 and requires an update. Once approved, it will replace all previous versions.

- 2.2. The Council has a single Local Plan covering the whole Council area. This was adopted in May 2020 and covers the period up to 2036. A full review of the adopted Local Plan is underway with the first Regulation 18 public consultation (Issues and Options) taking place in 2022. This was in accordance with the Local Plan's commitment to commence a review of the Plan in Policy S13 in 2022.
- 2.3. This latest LDS covers the period 2023-2028 and sets out the scope of the review and updated timeframe for the remainder of the review process. This includes revised dates for two further formal public consultations, submission of the plan for examination and indicative date for plan adoption. These updated dates reflect delays with the Issues and Options consultation and allow sufficient time to complete the evidence base and stakeholder engagement. They will also seek to ensure that the review of the Local Plan will be prepared under the existing plan-making system i.e., be ready for submission before the 30 June 2025 deadline and adoption by 31 December 2026 in line with the Government's latest plan-making reforms. The projected timetable for in the remaining stages of the plan review is set out in Section 4 of the LDS.
- 2.4. The LDS also sets out other planning documents that will be required to assist in the preparation of the review of the Local Plan. These are set out in Section 5 of the LDS and include:
- A review of the Community Infrastructure Levy (CIL) charging schedule (to align with Government's proposed new 'Infrastructure Levy' system)
 - Statement of Community Involvement (SCI)
 - Supplementary Planning Documents (SPDs)
 - Evidence base documents
 - Integrated Impact Assessment (IIA)
 - Policies Map
 - Masterplans
- 2.5. Section 6 sets out potential risks which may impact the timetable, alongside contingencies to deal with those.
- 2.6. Sections 7 and 8 cover the monitoring of the LDS and the project management and resources for undertaking the review of the Local Plan. This includes the governance arrangements for formal decision making relating to the review of the Local Plan.
- 2.7. In accordance with Section 15 (9A) (b) of the Planning and Compulsory Act 2004 Act, a copy of any amendments made to the LDS since its last publication in 2018 is set out in **Appendix 1**.

3. Conclusion

- 3.1. The Council is required to publish an up-to-date Local Development Scheme by the Planning and Compulsory Purchase Act 2004. The Local Development Scheme (LDS) at **Appendix 1** sets out the programme of work for the preparation of statutory and non-statutory development plan documents covering the period of 2023-2028. The LDS is a 'living' document which does not preclude further changes within this period if that is deemed necessary.
- 3.2. It is recommended that the revised LDS as set out in **Appendix 1** be approved for publication.

List of appendices:

Appendix 1 – Local Development Scheme 2023-2028

Background papers:

- Local Development Scheme Eighth Review (2021-2025)
- Planning and Compulsory Purchase Act 2004
- Localism Act 2011
- Plan-making reforms: consultation on implementation published by the Department for Levelling Up, Housing and Communities (July 2023)
- Consultation on National Planning Reforms – Implementation of Plan-Making Reforms (Chelmsford Policy Board Report 28 September 2023)

Corporate Implications

Legal/Constitutional: The Council are required to publish an up-to-date LDS in accordance with the Planning and Compulsory Purchase Act 2004.

Financial: The cost of the review of the Local Plan will be met through the budget reserve identified for this purpose.

Potential impact on climate change and the environment: There is no direct impact on climate change and the environment arising directly from this report, although the review of Local Plan policies will enable higher environmental standards to be considered for new development.

Contribution toward achieving a net zero carbon position by 2030: There are no direct implications arising from this report, although the review of Local Plan policies will enable higher environmental standards to be considered for new development.

Personnel: There are no direct personnel implications arising from this report.

Risk Management: Risks and contingencies relating to the LDS are set out in section 6 of Appendix 1.

Equality and Diversity: An Equalities and Diversity Impact Assessment has been undertaken for the Council's new Local Plan and will need to be updated as part of its review.

Health and Safety: There are no Health & Safety issues arising directly from this report.

Digital: There are no IT issues arising directly from this report.

Consultees:

Directorate for Sustainable Communities

Relevant Policies and Strategies:

This report takes into account the following policies and strategies of the City Council:

Local Plan 2013-2036

Our Chelmsford, Our Plan, January 2020

Statement of Community Involvement 2020

Chelmsford Local Plan
**Local Development
Scheme 2023-2028**

November 2023



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1 Introduction

Purpose

- 1.1. In accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), this Local Development Scheme (LDS) sets out what Local Plan related documents the City Council intend to prepare and a timetable for their production and consultation in the period 2023-2028.
- 1.2. This LDS is a management tool for setting and managing the plan-making process. However, the LDS is not subject to Independent Examination or formal public consultation. Chelmsford City Council’s first LDS was adopted in 2006 and has since been subject to eight previous reviews. This LDS forms the ninth review and replaces all previous versions and will be published on the City Council’s website.

What has been achieved to date?

- 1.3. Since the publication of the first LDS, the City Council has continuously made good progress in the preparation of its Local Plans. The Council had a complete suite of adopted Development Plan Documents within its Local Development Framework which covered the period up to 2021.
- 1.4. These have subsequently all been superseded by the new single Local Plan which was adopted in May 2020 and covers the period up to 2036.

2 The adopted Statutory Development Plan

Adopted Development Plan Documents

- 2.1 The statutory development plan for Chelmsford City Council’s administrative area comprises of the following documents:

Document	Adoption Date	Period document covers
Chelmsford City Council’s Local Plan	27 May 2020	2013 – 2036
Essex Minerals Local Plan	July 2014	2012 – 2029
Essex and Southend-on-	July 2017	2017 – 2032

Sea Waste Local Plan		
South East (Inshore) Marine Plan	June 2021	2021-2041
Little Baddow Neighbourhood Plan	Designated 6 January 2017 Referendum August 2023 Adopted ('made') August 2023	https://www.littlebaddowplan.org.uk/
South Woodham Ferrers Neighbourhood Plan	Designated 14 January 2016 Regulation 14 consultation March 2020 Regulation 16 consultation November 2020 Referendum October 2021 Adopted ('made') December 2021	http://www.southwoodhamferrerstc.gov.uk/Neighbourhood_Plan_26846.aspx
Writtle Neighbourhood Plan	Designated 3 January 2017 Regulation 14 consultation December 2020 Regulation 16 consultation April 2021 Referendum October 2021 Adopted ('made') December 2021	https://writtle-pc.gov.uk/neighbourhood-plan/

- 2.2 When reviewing the Chelmsford Local Plan regard will need to be given to the strategies and policies contained within the Minerals and Waste Local Plans, the South East (Inshore) Marine Plan and the adopted Neighbourhood Plans.

Development Plan Documents in progress

Neighbourhood Development Plans

- 2.3 Work is continuing on a number of Neighbourhood Plans within the Chelmsford City Council Administrative area. Upon each of these being 'made', they become part of the statutory development plan for the area which they cover.
- 2.4 Their status of Neighbourhood Plans in the Chelmsford area is set out below and further details for each one can be found on their websites.

Neighbourhood Development Plan	Key dates/ Status	Website
Boreham	Designated 11 January 2017	http://www.borehamparishcouncil.co.uk/organisation/neighbourhood-plan/

Broomfield	Designated 22 March 2016	https://www.broomfieldessex.co.uk/your-neighbourhood-plan/
Danbury	Designated 9 March 2016	https://www.danburyneighbourhoodplan.com/
East Hanningfield	Designated 24 September 2019	https://e-voice.org.uk/easthanningfieldparishcouncil/village-design/
Sandon	Designated 31 October 2017	https://sandonparishcouncil.co.uk/neighbourhood-development-plan/

3 Chelmsford Local Plan Review

- 3.1 A comprehensive ten-week programme of consultation took place during the extended consultation period which ran from 11 August to 20 October 2022 on the Local Plan Issues and Options and its accompanying Integrated Impact Assessment (IIA). The consultation was promoted through a range of activities including email/letter notifications to more than 2,100 contacts registered on the Council’s Consultation Portal, on the Council’s website, press releases, adverts in local publications and social media. Consultation activities included placing consultation documents on deposit at the Council’s Customer Service Centre, organised stakeholder presentations, Duty to Co-operate meetings, a virtual exhibition and staffed physical exhibitions. An animated Local Plan video was also published.
- 3.2 The review of the Local Plan continues to cover the whole of the Chelmsford administrative area and include strategic priorities and long-term vision for Chelmsford. It will contain a Spatial Strategy which identifies locations for delivering housing and other strategic development needs such as employment, retail, leisure, green, blue and wild infrastructure, and community development. It also will also include strategic policies, site allocation policies, development management policies and Policies Map for determining all forms of planning applications.
- 3.3 The reviewed Local Plan will have a Plan period covering the period 2022-2041 and once adopted will replace the existing Local Plan which covers the period 2013 – 2036.

4 Timetable for review of the Local Plan

- 4.1 The Council has a statutory duty to review the Local Plan at least every five years under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. The NPPF (2023) sets out in paragraph 33 that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. It also states that reviews should be completed no later than five years from the adoption date of a plan (which would be 28 May 2025) and should take into account changing circumstances affecting the area, or

any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

- 4.2 The Local Plan commits to a full or partial review of the Plan in Policy S13 to commence in 2022. The timetable for a full review of the Local Plan is set out below and will be updated with further detailed timescales as the review progresses and relevant milestones are met or require amending. The table is set out in quarters for each year as follows:

Quarter 1 = January/February/March

Quarter 2 = April/May/June

Quarter 3 = July/August/September

Quarter 4 = October/November/December

Stage	Estimated timescale
New Local Development Scheme Approved	Quarter 4 2023
Preferred Options Local Plan Consultation (Regulation 18)	Quarters 1 and 2 2024
Review comments and revise Local Plan	Quarters 2-4 2024
Submission Local Plan Consultation (Regulation 19)	Quarter 1 2025
Submission of Local Plan and representations to Secretary of State (Regulation 20, 22 and 35)	Quarter 2 2025
Independent Examination (Regulation 20)	Quarters 3 and 4 2025
Inspector's Report and Adoption of Local Plan (Regulation 20 and 35)	Quarter 4 2025/Quarter 1 2026

Other Planning Documents

- 5.1 To assist in its preparation and to inform the scope of the Local Plan review the following documents are also relevant and will be updated/reviewed as set out below:

Community Infrastructure Levy (CIL)

- 5.2 The CIL is a planning charge on new developments used by local authorities to fund and deliver infrastructure needed to support new development. CIL is charged on a £ per square metre basis on the gross internal area of new development.
- 5.3 Chelmsford was the first local authority in Essex to bring a CIL into force on the 1 June 2014. This followed two rounds of public consultation and an independent examination that took place in October 2013.
- 5.4 The Government is proposing to replace the current CIL system with a mandatory, more streamlined, and locally determined Infrastructure Levy as part of the Levelling Up and Regeneration Bill. The Bill provides the framework for the new Levy, with the detailed design to be delivered through new regulations still to be prepared. The new system will be gradually rolled out over several years, with existing CILs continuing to apply until a national roll-out. Work towards producing a Chelmsford IL is expected to commence once new regulations are in place and the national roll-out measures are announced.

Statement of Community Involvement (SCI)

- 5.5 The Statement of Community Involvement (SCI) sets out how the City Council will involve the community and stakeholders in plan-making and when considering planning applications. The SCI also sets out the levels of consultation that developers will be encouraged to undertake, before submitting an application, particularly those involving major or controversial proposals.
- 5.6 The City Council adopted its first Statement of Community Involvement (SCI) in February 2006. There have been several reviews since with the most recent review being approved in September 2020.
- 5.7 The most recently approved version of the SCI can be found at:
<https://www.chelmsford.gov.uk/resources/assets/inline/full/0/4284192.pdf>

Supplementary Planning Documents (SPDs)

- 5.8 The City Council currently has eleven adopted SPDs, including six Village Design Statements. SPDs can be used as a vehicle to aid in the successful delivery of development and/or infrastructure.
- 5.9 The table below lists the SPDs that are currently adopted:

Document title	Scope of document	Adopted
----------------	-------------------	---------

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document	Sets out a strategic approach to identifying the scale of recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar sites along the Essex coast and proposes measures to mitigate impacts. It is a joint strategy with eleven local planning authorities across Greater Essex (Basildon District Council, Braintree District Council, Brentwood Borough Council, Castle Point Borough Council, Colchester Borough Council, Chelmsford City Council, Maldon District Council, Rochford District Council, Southend-on-Sea District Council, Tendring District Council and Thurrock Council).	May 2020
Making Places Supplementary Planning Document	Seeks to promote and secure high-quality sustainable new development. It is aimed at all forms of development, from large strategic developments, public spaces and places, to small extensions to individual homes. It sets out detailed guidance on the standards included in Chelmsford's Local Plan for future planning proposals. It also shows how development can go beyond planning policy requirements to create the most sustainable and environmentally friendly development.	January 2021
Planning Obligations Supplementary Planning Document	Sets out how CCC will seek planning obligations when considering planning applications. It identifies topic areas where planning obligations and possible contributions would be applicable, whether financial or otherwise. This can include providing things like affordable housing, open space, environmental improvements or community facilities, and/or paying financial contributions towards them. Along with the Community Infrastructure Levy Charging Schedule, the SPD gives clear guidelines to developers, landowners and stakeholders. It sets out the likely scope and scale of planning obligations applicable to different sorts of development.	January 2021
Solar Farm Development Supplementary Planning Document	Provides guidance on preparing, submitting and assessing planning proposals for solar farms and guidance on where solar farms may be most suitable. It considers and applies advice from a number of sources, including the requirements of	November 2021

	National Planning Policy and Guidance, local planning policies and other relevant strategies.	
Chelmsford Town Centre Public Realm Strategy	Forms a framework for funding bids, investment and programming of works and the basis for negotiation of planning applications in the City Centre. It sets out priorities and guidance for the design-led improvement of public spaces and seeks to coordinate the design of streets and spaces. It provides the basis for best practice standards for client and contractor organisations with influence over public spaces and helps to promote community cohesion and encourage the successful use of spaces.	January 2011
Broomfield Village Design Statement	Provides local design guidance for development in the area.	2011
Danbury Planning Framework	Provides local design guidance for development in the area.	2011
Great Baddow Village Design Statement	Provides local design guidance for development in the area.	2011
Little Baddow Village Design Statement	Provides local design guidance for development in the area.	2012
Sandon Village Design Statement	Provides local design guidance for development in the area.	2011
Stock Village Design Statement	Provides local design guidance for development in the area.	2011

- 5.13 To support the review of the Local Plan, some SPDs will be required to be updated, or additional SPDs may be required. The latest status of new/updated SPDs is available on our website at: [Supplementary Planning Documents and planning advice notes \(chelmsford.gov.uk\)](https://www.chelmsford.gov.uk/Supplementary-Planning-Documents-and-planning-advice-notes)

Evidence Base

- 5.14 The Local Plan has been informed by a range of information including background studies, research, surveys and feedback documents. Many of the studies that form the evidence base have been undertaken by the City Council or by consultants on behalf of the City Council. Others have been undertaken in partnership with other Local Authorities and Essex County Council to take into account any issues and opportunities affecting neighbouring areas and the wider region. You can view information relating to the Local Plan Evidence Base on the Council's website at: [Evidence base for the local plan \(chelmsford.gov.uk\)](https://www.chelmsford.gov.uk/Evidence-base-for-the-local-plan)
- 5.15 Various evidence base documents will be reviewed, updated, or additional evidence base documents produced, to assist in the review of the Local Plan. The evidence base is important to ensure the Local Plan policies and allocations are justified and support the

Local Plan being found sound at Examination. All new and updated evidence base documents will be added to the Council's website as they are produced.

5.16 As part of the legal Duty to Co-operate¹, the City Council is committed to continue to work collaboratively with other local authorities and stakeholders on strategic matters of cross-boundary and sub-regional significance.

5.17 Some evidence base documents will identify needs required for the Plan period e.g. numbers of homes and jobs, while others will test and inform proposals within the Plan e.g. transport modelling and viability testing. While not intended to be a comprehensive list, evidence base documents covering the following general topic areas will be prepared to support the review of the Local Plan:

- Consultation and Duty to Co-operate
- Population and homes
- Economy and Regeneration
- Green/Blue/Wild Infrastructure
- Natural, Historic and Built Environment
- Transport and Movement
- Viability
- Monitoring and Equality

¹ Section 110 of the Localism Act (2011)

Integrated Impact Assessment (IIA)

- 5.18 The Integrated Impact Assessment (IIA) will inform the review of the Local Plan and any other Development Plan Documents (DPD). IIA's are published for consultation alongside the publication of each stage of the review of the Local Plan or DPD and form a key consideration of determining soundness at Examination.
- 5.19 All policies and proposals contained within the review of the Local Plan are subject to an Integrated Impact Assessment (IIA) which investigates the impacts of different proposals within the Local Plan against environmental, equality, health and community safety objectives. This involves scoping reports and assessments throughout the preparation of the review of the Local Plan to ensure an iterative approach. These documents form part of the evidence base.

Policies Map

- 5.20 The policies map covers the whole of the Chelmsford area and its purposes is to illustrate sites allocated for development or protection within the Local Plan. The current Local Plan maps and map legend can be downloaded at: [Adopted Local Plan \(chelmsford.gov.uk\)](https://www.chelmsford.gov.uk/adopted-local-plan) These will be revised as part of the review of the Local Plan and updated maps will be published on adoption of the new Local Plan.

Masterplans

- 5.21 Masterplans are high-level documents, which set out what we expect from a new development. They mainly relate to strategic growth sites, which are allocated in the Local Plan. The Local Plan sets out the overall number and locations for homes, jobs and businesses along with the infrastructure needed to support growth.
- 5.22 Masterplans help create excellent places to live, work and enjoy, and which are suitable for the individual site. They help us to make sure developments deliver what the area needs, while giving developers some flexibility.
- 5.23 Full details of the Masterplan procedure and progress on existing Masterplans can be found at: <https://www.chelmsford.gov.uk/planning-and-building-control/masterplans-for-new-developments-in-chelmsford/>. To support the review of the Local Plan, some masterplans may be required to be updated, and additional masterplans will be required.

6 Risks and Contingencies

Risks	Level	Contingency
Significant changes to the planning system - publication of new Government legislation/guidance	Medium to High	Continue to keep fully abreast with any changes/publications of Government legislation. Assess as soon as practicable any revisions that may be necessary to the review of the Local Plan.
Problems/inability to engage with key stakeholders and the community	Low	Continue to engage and maintain good relationships with key stakeholders and communities. Raise any problems or issues through appropriate channels.
Failure to comply with Duty to Co-operate	Medium	Prepare and implement a Duty to co-operate strategy and ensure early engagement at officer and Member level.
Handling higher than expected numbers of representations	Medium to High	Engage additional staff resources during and after consultation periods with the use of external specialists if necessary.
Loss of key staff within Spatial Planning Services team	Medium	Recruiting temporary contract staff, if necessary, to cover any shortfalls in staffing levels.
Inability for the Planning Inspectorate to deliver hearings and reports on time	Medium	This would affect the Examination and adoption of the review of the Local Plan. No contingency as Planning Inspectorate is the sole body able to undertake this process.
Legal Challenges to the Local Plan	Medium	Seek appropriate legal advice through the preparation of the review of the Local Plan and keep abreast of best practice.
Neighbourhood Plans – staff are required to provide advice and support to neighbouring groups	Medium to High	Early engagement with Parish Councils/community groups to anticipate workload. Recruit temporary contract staff, if necessary, to divert some of the workload.

7 Monitoring and Review

- 7.1 The City Council is required to prepare an Authority Monitoring Report (AMR) which assesses the extent to which the Plan's objectives and policies are being achieved as set out in the Local Plan Monitoring Framework. This can be found in Section 10 of the adopted Local Plan which can be downloaded at:
- 7.2 The AMR also monitors the implementation of the LDS by reviewing the production of Local Plan document progress compared with the targets and milestones set out in the LDS. It assesses where the City Council:
- has met the LDS targets and milestones, is falling behind schedule, or will not meet targets with reasons for this and;
 - needs to update the LDS particularly in light of the above. Where it is necessary to update the LDS, the steps and the timetable needed for the revision of that scheme.
- 7.3 Chelmsford's AMR's are published annually and are available on the City Council's website at: [Monitoring development \(chelmsford.gov.uk\)](https://www.chelmsford.gov.uk/monitoring-development)

8 Project Management and Resources

- 8.1 The preparation of the review of the Local Plan will be led and co-ordinated by staff within the Spatial Planning Services Team supported by members of other teams within the City Council's Directorate for Sustainable Communities. Contributions will also be made from members of other Directorates and Services within the City Council as required. There may also be a need for input from specialist consultants and some joint evidence base working with other authorities.
- 8.2 The review of the Local Plan will be prepared on a project basis with a team of officers led by the Spatial Planning Services Manager. Consultation arrangements, as defined in the adopted Statement of Community Involvement, will be co-ordinated by a designated Officer using other resources of the Council as appropriate.
- 8.3 The City Council's budget currently covers the costs of current work on the review of the Local Plan and the Council expects to meet projected costs for future years from its Revenue Budget. The City Council will need to meet the costs of the Independent Examination process in collaboration with the Planning Inspectorate to ensure that such costs are met at the appropriate times.
- 8.4 Evidence base documents to inform the review of the Local Plan will be signed off by Officers under delegated powers. The existing governance for formal decision making relating to the review of the Local Plan will be through the following Boards/Committees:

- Chelmsford Policy Board
- Cabinet
- Full Council

8.5 Role of Chelmsford Policy Board in relation to the Local Plan review process:

- To consider draft public consultation documents/materials and to make recommendations to the Cabinet and Council, as appropriate
- To consider consultation feedback reports, as appropriate
- To recommend to the Cabinet approval and adoption of the final versions of Masterplans, Supplementary Planning Documents and other non-statutory planning policy documents.

8.6 The above provisions do not prevent Cabinet or Council adopting new or revised policies that have not been reviewed by the Chelmsford Policy Board.

8.7 Role of Chelmsford Cabinet in relation to the Local Plan review process:

- To formally agree recommendations of the Chelmsford Policy Board at key stages of preparation.

8.8 Role of Chelmsford Full Council in relation to the Local Plan review process:

- To formally agree the submission of the review of the Local Plan for Examination
- To formally agree the adoption of review of the Local Plan.

8.9 Technical consultations with specified technical stakeholders can be agreed by Director of Sustainable Communities or Spatial Planning Services Manager in consultation with Cabinet Member for Growing Chelmsford.

Appendix 1 – Appendments made to 2021 LDS

In accordance with Section 15 (9A) (b) of the Planning and Compulsory Act 2004 Act a copy of any amendments made to the LDS since its last publication in 2021 is set out below:

2021 LDS Section/Sub-section title	2023 LDS Section/Sub-section title	Amendments made
1. Introduction	1. Introduction	
Purpose of the Local Development Scheme	Purpose	Text updated to reflect this will be the ninth review of the LDS and that this will replace all previous versions.
What has the Council already achieved	What has been achieved to date?	Text updated to reflect the Council had an adopted suite of Development Plan Documents which have subsequently been replaced with a composite Local Plan covering the period up to 2036.
2. Context	N/A	
The Planning System	N/A	Section previously covered the changes in the planning system which had occurred since the adoption of the Local Development Framework documents and the need for a composite Local Plan. This section was outdated and not required to be included in an LDS. Given that it has the potential to become out of date at any point in time it has been removed as it is unnecessary.

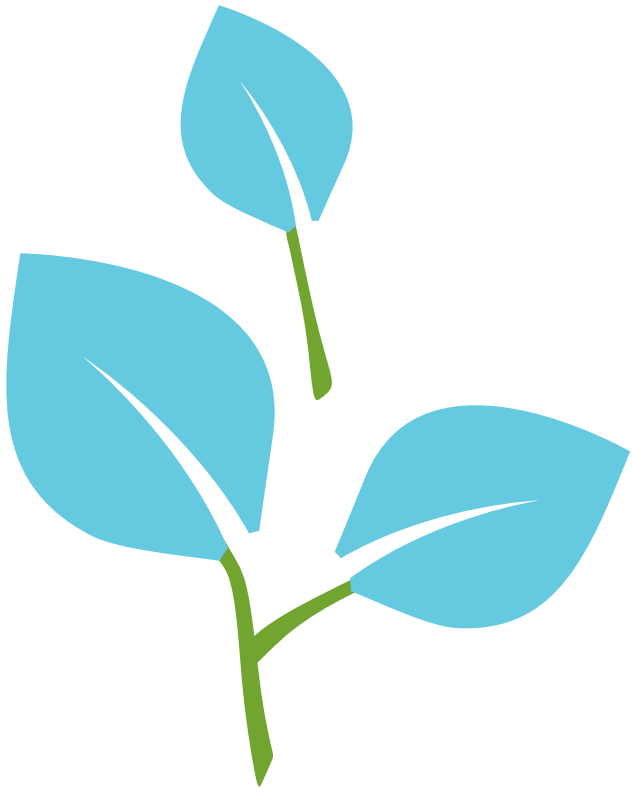
2021 LDS Section/Sub-section title	2023 LDS Section/Sub-section title	Amendments made
3. The Adopted Statutory Development Plan	2. The adopted Statutory Development Plan	
Chelmsford Local Development Framework 2001-2021	Adopted Development Plan Documents	All adopted Development Plan Documents included in one table with their Plan period and adoption dates. South East (Inshore) Marine Plan added.
Minerals and Waste Local Plans	Adopted Development Plan Documents	All adopted Development Plan Documents included in one table with their Plan period and adoption dates.
	Development Plan Documents in progress	Details of all Neighbourhood Plans and their progress to date are included in a table with links to them all. Details of these were previously included under section 4 but since they have progressed further and some are now in force, at which point they will become part of the statutory development plan for the area which they cover, it was considered more appropriate to include them in this section.
4. Chelmsford Local Plan	3. Chelmsford Local Plan Review	
Background	Chelmsford Local Plan Review	Text updated to reflect that the Local Plan will be reviewed rather than a comprehensive new Local Plan to replace the previous Local Development Framework (which has already happened).

2021 LDS Section/Sub-section title	2023 LDS Section/Sub-section title	Amendments made
		<p>Text includes the area the Local Plan Review will cover, what it will contain, and the period of time it will cover.</p> <p>Previous text which covered issues such as Evidence Base is now covered in the Evidence Base sub-section in section 5.</p>
Neighbourhood Plans		<p>Details of all Neighbourhood Plans and their progress to date are now included in a table with links to them all in section 2. Details of these were previously included under section 4 but since they have progressed further and some are now in force, at which point they will become part of the statutory development plan for the area which they cover, it was considered more appropriate to include them in section 2.</p>
	4. Timetable for review of the Local Plan	<p>Timetable moved from Appendix 1 and 2 in previous LDS to sit with the details about the Review of the Local Plan, so it is easier to read across.</p> <p>Text sets out the need and requirement for a review of the Local Plan and the projected timetable for the review.</p>
5. Other Planning Documents	5. Other Planning Documents	
Supplementary Planning Documents (SPDs)	Community Infrastructure Levy (CIL)	<p>Moved to the beginning of this section as its timetable sits alongside that of the Local Plan Review. Text added to reflect</p>

2021 LDS Section/Sub-section title	2023 LDS Section/Sub-section title	Amendments made
		<p>that the CIL review has not taken place due to the proposed national government review on the Infrastructure Levy.</p> <p>Text updated to set out why a review of CIL did not commence in the timeframe previously suggested and that it will be reviewed in the same timeframe for the review of the Local Plan.</p>
Community Infrastructure Levy (CIL)	Statement of Community Involvement (SCI)	Text updated and moved further up this section as a new SCI has recently been approved. Text includes a link to the latest SCI available on the Council's website.
Statement of Community Involvement (SCI)	Supplementary Planning Documents (SPDs)	<p>SPD table previously included updated to include all current SPDs, their scope and status.</p> <p>A weblink of where to find details of any potential review of these, or any future SPDs, on the Council's website is included.</p>
Authority Monitoring Report (AMR)	Evidence Base	Weblink of where to find the full list of Evidence Base documents is updated and general topic areas for evidence base documents proposed to be covered is included.
Evidence Base	Sustainability Appraisal	Additional text included to set out that SA's will be published for consultation alongside each stage of the Local Plan Review process.

2021 LDS Section/Sub-section title	2023 LDS Section/Sub-section title	Amendments made
Sustainability Appraisal	Policies Map	<p>New section added for completeness, to set out that the policies map covers the whole of the Chelmsford area and its purposes is to illustrate sites allocated for development or protection within the Local Plan.</p> <p>A weblink to the map on the Council's website is included as well as setting out that this will be reviewed and updated accordingly, as part of the Local Plan Review.</p>
	Masterplans	<p>New section added as Masterplans were introduced as part of the Strategic Site Policy Allocations in the adopted Local Plan.</p> <p>Details of their purpose and a weblink to Council's Masterplan procedure and progress on existing Masterplans on the Council's website is included.</p>
6. Risks and Contingencies	6. Risks and Contingencies	<p>Additional risk and contingencies identified relating to the potential for failing to comply with the Duty to Co-operate, and Legal Challenges to the Local Plan.</p>
7. Monitoring and Review	7. Monitoring and Review	<p>Text updated to reflect the Council's adopted Local Plan Monitoring Framework as previous version referred to Local Development Framework Monitoring Framework.</p> <p>Weblink included to latest Local Plan Monitoring Framework and Authority Monitoring Report on the Council's website.</p>

2021 LDS Section/Sub-section title	2023 LDS Section/Sub-section title	Amendments made
8. Project Management and Resources	8. Project Management and Resources	<p>Text updated to reflect the Planning and Housing Policy team is now the Spatial Planning Services Team.</p> <p>Additional text added to set out the existing governance for formal decision making relating to the review of the Local Plan will be through the following Boards/Committees:</p> <ul style="list-style-type: none"> • Chelmsford Policy Board • Cabinet • Full Council <p>Details of which documents will go to which Board/Committee added.</p>
	Appendix 1 – Appendments made to 2021 LDS	This table of amendments has been added as an appendix to the LDS, rather than previously being published alongside it on the Council’s website, to ensure it is easy for all to find.
Appendix 1 – Documents Proposed for Preparation	N/A	Timetable moved and updated from Appendix 1 and 2 in previous LDS to sit with the details about the Review of the Local Plan in section 4 so it is easier to read across.
Appendix 2 – Document Preparation Timetable	N/A	Timetable moved and updated from Appendix 1 and 2 in previous LDS to sit with the details about the Review of the Local Plan in section 4 so it is easier to read across.



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Chelmsford City Council Cabinet

14 November 2023

Proposed Amendments to the Constitution

Report by:

Leader of the Council

Officer Contact:

Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer, email: lorraine.browne@chelmsford.gov.uk, tel: 01245 606560

Purpose

To consider the recommendations of the Constitutional Working Group and Governance Committee in relation to proposed changes to the City Council's Constitution.

Options

To either accept or reject the recommendations being made by the Constitutional Working Group and the Governance Committee to the Council.

Preferred option and reasons

To recommend the proposed changes to the constitution for the reasons set out in the report and appendices.

Recommendations

That the Council be recommended to approve the amendments to the Constitution detailed in Appendix 1 to this report;

1. Introduction

- 1.1. The Council's Constitution is reviewed at least annually to ensure that it remains complete, up to date and reflects current practice and legislation. Some parts of the Constitution, such as the rules relating to meetings and officer delegations, are likely to need detailed review as they are more likely to be affected by changes to organisational practices and legislation. Other parts only need periodic detailed examination as they tend not to change significantly over time.
- 1.2. The annual governance statement and action plan approved at the Joint meeting of Audit and Risk Committee and Governance Committee in June 2023 included an action to complete an ongoing phased review of the constitution which is now reviewing any constitutional documents that have not been reviewed within the last few years. Consequently more changes are being brought forward during this review period and further changes are likely to arise until this review has been completed.
- 1.3. Annual reviews and other ad hoc reviews are initiated by officers and their recommendations are submitted in the first instance to the Constitution Working Group. Its recommendations are then passed to the Governance Committee, the Cabinet (where appropriate) and finally Full Council.
- 1.4. The Cabinet is asked to consider the following changes to the Constitution (full details of which are set out in Appendix 1):
 - A clarification in relation to methods of voting at meetings
 - Broadening the existing officer delegation to the Legal and Democratic Services Manager in relation to minor amendments to the constitution, subject to consultation with the Chair of Governance Committee.

2. Voting

- 2.1 A City Councillor raised whether a vote by assent (e.g. the chair of the meeting asking members "is that agreed?" rather than asking for a show of hands) should be permitted.
- 2.2 The default position for voting under the Constitution is a show of hands unless a recorded vote is requested. However, custom and practice has been to permit a vote by assent in relation to non-controversial items across all meetings. The justification for a vote by assent is that all members present at the meeting and entitled to vote agree – or at least are taken to have agreed – to the item whether they say that the matter is agreed or not. By their silence, they indicate

agreement just as much as by a show of hands.

- 2.3 It is worth noting that any member present at the meeting and entitled to vote may, under 4.1.15.6 of Council procedure rules, have their individual vote (or abstention) recorded in the minutes. Similarly, custom and practice has been to permit a voting councillor present at any other meetings to similarly note any dissent in relation to items of business, as necessary. This option would remain even when a vote has been taken by assent.
- 2.4 The Constitutional Working Group and Governance Committee have discussed this issue. There was support for clarifying the Constitution to permit expressly the practice of voting by assent; it was suggested that the Chair of the meeting should pause where a vote by assent is used so that individual members who wish to make their dissent clear have an opportunity to do so. Where there is dissent, the Chair of the meeting may revert to a show of hands. For completeness, both the Council rules and the Cabinet/Committee rules make provision for a recorded vote to be taken in some circumstances.
- 2.5 The rule change is sought to clarify that a vote by assent is permitted.

3. Delegation

- 3.1 Any significant change to the Constitution can only be made by Council. That limits the opportunities to make changes, which is appropriate for any significant change but would risk creating practical difficulties if minor amendments needed to be made more quickly were not possible.
- 3.2 That's the basis for the existing provisions for minor changes to be made under Article 2.16.3. This permits the Legal and Democratic Services Manager, to make minor changes without requiring Council agreement. Examples are:
- Any change in legislation governing Council operations (without significantly affecting those operations)
 - The change from four directors to three in 2021, meaning there was no longer a Director of Financial Services
 - Changes in Cabinet roles and responsibilities decided by the Leader
- 3.3 There are other circumstances where minor changes to the Constitution need to be made, for example to correct errors (such as statutory references) or to update cross-references to changes that have been made elsewhere in the Constitution but were missed at the time.
- 3.4 Typographical errors and corrections are permitted under the delegation in any event. It has been proposed that the delegation to make minor changes should be broader so that it expressly permits any minor change and is not limited to the categories that are currently mentioned, putting this beyond argument.

- 3.5 The Constitutional Working Group discussed this proposed change. The working group was happy to recommend that the delegation be broadened so that “minor changes” that arose outside of the 3 specific examples already contained within the rules would be permitted by delegation, subject to consultation with the Chair of Governance Committee.
- 3.6 Governance Committee discussed this proposed change. The Committee amended the proposal to recommend that all minor amendments should be subject to consultation with the Chair of Governance Committee.

4. Conclusion

- 4.1. Both proposed amendments to the constitution were supported by the cross-party working group and Governance Committee. The proposals are being referred to the Cabinet for its comments before being passed to Full Council in December 2023.

List of Appendices

Appendix 1 – Proposed amendments

Background papers:

Nil

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

Consultees: Constitution Working Group

Relevant Policies and Strategies:

None

Cabinet 14 November 2023 – proposed changes to the constitution

Item proposed for change	Current version	Proposed version (with additions highlighted in yellow and deletions in blue)
<p>1. Voting - clarification that voting “by assent” eg asking the meeting whether the item is agreed ? is permitted at the discretion of the person chairing the meeting. The Rules of Debate practice note will also be updated.</p>	<p>Council procedure rules 4.1.15.3 Voting by show of hands Voting will be by show of hands unless a recorded vote is requested under rule 4.1.15.4.</p> <p>Cabinet and Committee procedure rules 4.2.18.3 Voting by show of hands Unless a recorded vote is requested under rule 4.2.18.4, voting will be by show of hands.</p>	<p>Council procedure rules 4.1.15.3 Voting by show of hands Voting will be by show of hand unless a recorded vote is requested under rule 4.1.15.4 or the Mayor proposes a vote by assent.</p> <p>Cabinet and Committee procedure rules 4.2.18.3 Voting by show of hands Unless a recorded vote is requested under rule 4.2.18.4 or the person chairing the meeting proposes a vote by assent, voting will be by show of hands.</p>

<p>2. Changing the constitution – tweak to delegation in relation to making minor changes to the constitution and not limited to the specific situations set out in the existing rules. A new practice note is also proposed to help clarify the process to be followed in relation to the various types of changes to the constitution that could be made. This will be finalised after members have considered their position in relation to this proposed change.</p>	<p>Article 2.16.3</p> <p>The Legal and Democratic Services Manager shall have authority to make minor changes to the constitution arising from new legislation or changes to the organisational structure of the Council arising from decisions of the Council or Cabinet or in exercise of the Leader’s authority to make changes to Cabinet responsibilities.</p>	<p>Article 2.16.3</p> <p>The Legal and Democratic Services Manager shall have authority to make minor changes to the constitution arising from new legislation or changes to the organisational structure of the Council arising from decisions of the Council or Cabinet or in exercise of the Leader’s authority to make changes to Cabinet responsibilities.</p> <p>Any minor changes will be subject to consultation with the Chair of Governance Committee</p>
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Chelmsford City Council Cabinet

14 November 2023

Review of Scheme of Members' Allowances

Report by:

Leader of the Council

Officer Contact:

Dan Sharma-Bird, Democracy Team Manager, dan.sharma-bird@chelmsford.gov.uk 01245 606523

Purpose

To receive and pass to the Council the results of a review of the Members' Allowances Scheme carried out by the Independent Remuneration Panel.

Options

As the Cabinet is only being invited to comment on the Panel's recommendations the consideration of options is not applicable to this report.

Recommendations

That the Cabinet pass to the Council any comments on the recommendations of the Independent Remuneration Panel on its review of the Members' Allowances Scheme.

1. Background

1.1 An Independent Remuneration Panel convened under The Local Authorities (Members' Allowances) (England) Regulations 2003 has made recommendations to the Council on a new scheme of Members' Allowances for Chelmsford City Council. All councils must review their allowances schemes at least every four years and must establish such a Panel before they make any changes to their schemes. They must pay regard to the Panel's recommendations before setting a new or amended Members' Allowances Scheme.

1.2 The terms of reference, composition and working arrangements of the Panel are described in its report, which is attached.

2. The Panel's Recommendations

2.1 In summary, the Panel's recommendations are as follows:

The recommendations of the Independent Remuneration Panel on its 2023 review of Chelmsford City Council's scheme of members' allowances are as follows:

That the following elements of the present scheme of members' allowances remain unchanged:

- a) the basic allowance; and
- b) the current list of approved duties

That the payment of special responsibility allowances (SRA) be confirmed or amended as follows:

- a) the SRAs for the Leader, Cabinet Members, Deputy Cabinet Members, Chairs and Vice Chairs, Leader of major opposition, Leader of smaller Political Group, Mayor and Deputy Mayor be unchanged and
- b) a payment representing 10% of the basic allowance (currently equating to £666 (rounded up)) be made to each Independent Person on the Audit and Risk Committee.

That the revision of basic and special responsibility allowances and the payment to the Independent Persons be linked to the annual local pay award for employees of the City Council and updated accordingly;

That the travel and subsistence allowances payable to councillors continue to be based on those paid to officers and harmonised with those arrangements where necessary and applicable.

That the payment of Child Care and Dependent Carer's Allowance be made on the basis of HMRC rates.

3. Conclusion

- 3.1 The final decision on the Panel's recommendations must be made by the Council, although it may take into consideration the views of the Cabinet. The Cabinet is therefore invited to comment on the findings of the review and to consider whether the Council should be recommended to authorise the production of a policy on parental leave for councillors.

List of appendices:

Report of Independent Remuneration Panel

Background papers:

All papers submitted to the Independent Remuneration Panel

Corporate Implications

Legal/Constitutional:

The Council is required to establish an independent panel to review its scheme of members allowances at least every four years.

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

Consultees:

All members of the Council, Chief Executive, Legal and Democratic Services
Manager

Relevant Policies and Strategies:

None are relevant.

Review of the Scheme of Members' Allowances

Report of the Independent Remuneration Panel to Chelmsford City Council

The recommendations of the Independent Remuneration Panel on its 2023 review of Chelmsford City Council's scheme of members' allowances are as follows:

1. That the following elements of the present scheme of members' allowances remain unchanged:
 - a) the basic allowance; and
 - b) the current list of approved duties
2. That the payment of special responsibility allowances (SRA) be confirmed or amended as follows:
 - a) the SRAs for the Leader, Cabinet Members, Deputy Cabinet Members, Chairs and Vice Chairs, Leader of major opposition, Leader of smaller Political Group, Mayor and Deputy Mayor be unchanged and
 - b) a payment representing 10% of the basic allowance (currently equating to £666 (rounded up)) be made to each Independent Person on the Audit and Risk Committee.
3. That the revision of basic and special responsibility allowances and the payment to the Independent Persons be linked to the annual local pay award for employees of the City Council and updated accordingly;
4. That the travel and subsistence allowances payable to councillors continue to be based on those paid to officers and harmonised with those arrangements where necessary and applicable.
5. That the payment of Child Care and Dependent Carer's Allowance be made on the basis of HMRC rates.

1. Introduction

Regulatory background

1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require local authorities to set up and maintain an Independent Panel to review and provide advice on Members' allowances. A council is required to convene its Panel before making any amendments to their allowances scheme and they must 'pay regard' to the Panel's recommendations before setting a new or amended Members' Allowances Scheme. The Panel is required to meet at least every four years to review and make recommendations on the Council's scheme of allowances.

Terms of reference and composition of the Panel

1.2 The Panel advising this Council was requested to review the current scheme of allowances, with particular reference to

- the amount of basic and special responsibility allowances that should be payable to members
- the duties for which travelling and subsistence allowances should be payable and the amount of those payments
- the level of payments for child care and support of dependant relatives
- whether a co-optee's and Independent Person's allowance should be paid and the level payable
- what index should be applied to the annual update of allowances

and to report and, if necessary, make recommendations to the Council on its findings.

1.3 The Panel must be truly independent of the Council and, with this in mind, three local people were asked whether they would be interested in taking part in the review, two of these had served on the Panel in 2019. The following three were appointed to the Panel as representative of the public, private and voluntary sectors:

- Pippa Brent-Isherwood, Chief Executive of the Office of the Police, Fire and Crime Commissioner
- Lorraine Jarvis, Chief Executive of the Chelmsford Council for Voluntary Service
- Russell Everard, who had previously held Head of Service roles in Local Government elsewhere.

All agreed to act as members of the Panel and to review the scheme objectively and without favour to any individuals or political groups.

1.4 The Panel was supported by Nick Eveleigh, the Council's Chief Executive, and Dan Sharma-Bird, Democracy Team Manager,

1.5 The Panel would like to record its thanks to the Members of Chelmsford City Council who made known their views on the current allowances scheme and who spoke to the Panel and answered its questions. The Panel also noted the broad support for the current scheme that was

detailed in the survey responses and felt this demonstrated the scheme had been well received by current Councillors.

The conduct of the review

- 1.6 The Panel met on three occasions between September and October 2023 and received from Council officers guidance, both written and oral, on its role and the operation of the Council's political structure. Councillor Robinson (Leader of the Liberal Democrat Group) spoke to the Panel in person on various aspects of the current scheme. Other group leaders and Councillors were offered the opportunity to address the panel but declined. A questionnaire was also sent to all members to assist the Panel in making an assessment of the roles and responsibilities of elected Members and to obtain their views on the current scheme. A summary of the questionnaire returns is at Annex 1. 34 of 57 Councillors completed the questionnaire, which whilst being a significant increase against 20 in 2019, was still felt to be disappointing by the panel.
- 1.7 In addition to obtaining the views of members, the Panel received background information on
- the regulations and guidance concerning the review process
 - the structure of the Council's decision-making bodies
 - the roles and responsibilities of councillors
 - the allowances paid to members by other district councils in Essex and the eastern region which were used as comparators for this review
 - the ratio of councillors to population in each Essex district
 - the current scheme and its cost in 2022-23
- 1.8 The fact that the members' decision-making structure has not changed significantly since the last review of allowances four years ago, and that since then there had been no pressure to look in detail at the scheme, suggested to the Panel that there was no need to carry out a fundamental examination of the scheme.
2. The Status of Allowances
- 2.1 One of the key messages arising from this review is that service as a councillor is a voluntary role and should not be regarded as a professional duty which attracts a living wage or salary. The Panel also felt this status was important when discussing whether the allowances should be pensionable and had helped them form the view, along with previous panels that they should not be pensionable.
- 2.2 The Panel received views from a small minority of members who feel that the level of allowances, particularly the basic allowance, should be much higher to reflect the time spent by councillors on their duties and to act as an incentive to a wider range of people in the community to stand for election.
- 2.3 Whilst the Panel recognised the validity of this view to an extent, it was mindful of the fact that the legislation providing for the adoption of Members' Allowances Schemes by local authorities envisaged that they should support councillors in the performance of their duties as elected

representatives by reimbursing their costs. The role of a councillor should therefore not be regarded as a professional duty which attracts a salary.

- 2.4 In the Panel's view, financial incentives alone will not attract people to stand as councillors: political parties and groups have a role, as do employers and an individual's own sense of service to the community. Changing the basis on which councillors' remuneration is made will change the whole ethos of public service.

3. The Components of the Allowances Scheme

The general scheme

- 3.1 The Panel considered all of the comments received from the survey of councillors. The Panel was grateful that councillors took the time to contribute their views, many of which were original and provoked some detailed discussion among Panel members. Those are looked at under the appropriate heading below.

The basic allowance

- 3.2 When compared with the basic allowance paid by other councils, the allowance in Chelmsford is neither the highest nor the lowest but is comparable to other authorities of similar size. In that regard, the Panel felt that the allowance was about right and could be justified.
- 3.3 On balance, the Panel recommends no change either to the level of the current basic allowance or the scope of the expenditure and costs it is intended to cover.

Special responsibility allowances (SRAs)

- 3.4 These are paid to councillors who take on significant extra responsibility over and above their normal duties as elected members. The current payments are set out at section 4 of this report. The Panel approached the question of SRAs with an open mind and paid close attention to the views of members expressed through the responses to the questionnaire and the opinions expressed by those who spoke in person to the Panel.
- 3.5 The majority of SRAs represent a percentage of the SRA of the Leader of the Council.
- 3.6 The Panel was of the view that SRAs should be based on two considerations: the level of responsibility attached to the role and the accountability associated with it. It concluded that the current SRAs were still suitable going forward. They only felt an addition should be made to provide a payment for the newly appointed Independent Persons on the Audit and Risk Committee, in line with the payments already in place for IP's on Governance Committee. The panel felt this role should receive the same payment of £666 per year and reflected the responsibility of this new role. The Panel also discussed whether co-opted members on the Governance Committee should receive an allowance. In line with the majority of comments from the City Councillor consultation, they felt that

the role of a Parish Councillor was more voluntary than a City Councillor and should not therefore have a payment. The Panel also felt that as there had been a good number of applicants for the role recently, there was clearly not an expectation or demand for this payment to be made.

Timing of changes:

The Panel recommends that any increases in SRAs should take effect from the next full calendar month.

Indexation of allowances

- 3.8 Over recent years the updating of the sums for basic and special responsibility allowances has been linked to the annual local pay settlement for employees of the City Council. All members who expressed a view as part of the survey supported this approach and the Panel believes that it would be sensible to continue that as the means of indexing the allowances scheme.

Carer's Allowance

- 3.9 The scheme provides for the reimbursement of expenditure incurred by members in providing child care arrangements for children for whom they have a parental responsibility, or for the care of dependants, to facilitate their attendance at approved duties of the Council. The Panel felt this was a valuable element of the scheme that would assist with attracting a diverse range of people to stand for election. The Panel believes that it would be sensible to continue to include these in the scheme.

Travel and subsistence allowances

- 3.10 These are paid in respect of approved duties performed by members and are linked to the HMRC rates paid to officers. The Panel noted that such claims represent a small fraction of the cost of the allowances scheme and it was the general view of members who replied to the questionnaire that no change is necessary to these payments. Accordingly, the Panel recommends that the system for these allowances remain unchanged but that the Council should authorise the Legal and Democratic Services Manager to make any adjustments to this aspect of the allowances scheme that may be necessary to harmonise the rates paid to members and officers and to align the arrangements applicable to such payments.

Approved duties

- 3.11 A definitive list of approved duties which would qualify for the payment of travel and subsistence allowances was drawn up and agreed by the Council several years ago. The survey of councillors indicated that the vast majority of councillors who replied believe the current list is reasonable, a view with which the Panel agreed.

4. Financial Effects of the Changes

	Current SRAs £	Proposed SRAs £	% of Leader's SRA
Leader of the Council	26,076	26,076	100
Deputy Leader of the Council	17,202	17,202	66
Cabinet Member	13,035	13,035	50
Cabinet Deputy	6,519	6,519	33
Chair of Planning Committee	8,604	8,604	33
Vice Chair of Planning Committee	4,302	4,302	16.5
Chair of Chelmsford Policy Board	8,604	8,604	33
Chair of Overview and Scrutiny Committee	6,519	6,519	25
Vice-Chair of Overview and Scrutiny Committee	3,258	3,258	12.5
Chair of Audit and Risk Committee	1,308	1,308	5
Chair of Governance Committee	1,308	1,308	5
Chair of Licensing and Regulatory Committee	6,519	6,519	25
Leader of major opposition political group	8,604	8,604	33

Leader of largest minority political group	1,308	1,308	5
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4.1 The table above gives a summary of the SRAs. The cost of the complete scheme including basic allowances, based on the Panel's recommendations and current rates would be £565,485 annually, including the two new payments of £666 each for the Independent persons on the Audit and Risk Committee.

5. Conclusion

5.1 The recommendations in this report are those of the Independent Remuneration Panel and not those of the City Council. It is for the Cabinet to give initial consideration to this report and to pass any views it might have to the Council for it to consider when deciding whether to accept the recommendations.

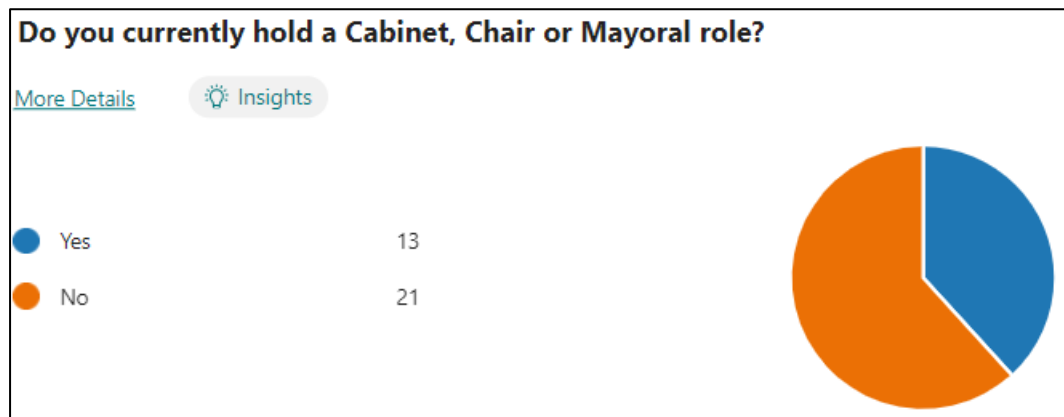
5.2 In general, the Panel has found the current scheme of allowances to be sound, fair and reasonable and the recommendations it has made are designed to reinforce that observation. Whilst aware of the financial pressures on the Council, the Panel has not concerned itself with the affordability of those recommendations that have budgetary implications: that is a matter for the Council to address.

DRAFT

Members Allowances Survey Results 2023

We have received 34 responses from our 57 Councillors. The following pages summarise the responses we had for each section of the survey. Some of the questions had follow up questions, depending on the initial answer and those responses are detailed underneath each summary.

Councillors position



Basic Allowance

2. Basic Allowance (BA) (currently £6,645)

This allowance is intended to cover the general expenses associated with the duties of a Councillor.

Do you think the current BA is reasonable and reflects fairly all the expenses you incur in your day-to-day duties?

[More Details](#)

 Insights

 Yes	20
 No	6
 Maybe	8



Why do you believe the allowance should be higher or lower? Please indicate the level you think appropriate and your reasons.

I believe the BA should be lower as the Council must be mindful of saving taxpayers' money. I think £6,000 would be fine and this figure should be frozen for the foreseeable future.

Personally, the allowance is alright but it depends on how much time one spends. On occasion I can spend up to 8 hours a week dealing with residents and a further 2.5 hours extra dealing with PCs.

I've answered maybe because there is a wide range of different circumstances. For some, it may be too generous but for others it is clearly too low. Taken overall, I wouldn't change it by much, although I note that the value has diminished over the period since the last review due to the gap between inflation and staff pay rises so this may need looking at.

I believe allowances should be kept in line with inflation.
An increase in the allowance will attract younger people to join making it worthwhile for them financially too.
I think the cost of living and the increase in fuel costs have eroded its value. I think it should rise in line with inflation otherwise there is a risk that only independently wealthy individuals will put themselves forward to be councillors.
Slightly higher, around 7.5k
I believe it should be around £7100 at the current value to better reflect the impact on the time taken and the consequential reduction in the ability to earn other salary for those earning around the National Living Wage to encourage diversity in the people who are able to put themselves forward for the Council.
I can't speak for others, but I spend many hours on ward casework - and the amount of casework has increased noticeably recently and much of it is also more complex. That's besides the meetings we attend. (But I'm not complaining!) Some people may drop a day's work to be a councillor. I suspect the allowance will be less than the salary forfeited. It needs to be affordable for younger working people to also be councillors.
While expenses associated with being a councillor are not high (for me), I don't think this fairly represents the time that goes into it. I don't think these roles should be considered as a hobby or voluntary work. It should be paid at a similar level to a part time job, otherwise we'll only ever attract people that can afford to give away that time for free / for very little money.
I feel if the local authority was to be represented by a multitude of people from all ages and backgrounds it needs to offer a remuneration for loss of income from your daily job. otherwise we will only ever get people that are retired or have understanding employers or have the means to be involved in the council. This is not a fair representation of the general public.
A fraction higher perhaps. (Inflation!)
I can see that this should be higher but now is not the time to increase this. residents cost of living crisis and Council budget pressures it would just look wrong. In my view at a future time in a few years a increase needs to reflect that the increase now was small or did not happen (Not now but catchup in the future)
I believe an increase in allowances for City Councillors is needed, primarily to acknowledge the extensive efforts they invest beyond their standard meetings in order to provide crucial support to residents. City Councillors play an indispensable role in their communities, often going above and beyond their official responsibilities to address the diverse needs and concerns of their constituents. Recognising their dedication with increased allowances not only validates their tireless commitment but also serves as an incentive for potential future Councillors. By offering a more competitive

compensation package, we can encourage wider participation in local governance, attracting individuals from diverse backgrounds and ensuring that our City Council remains representative of the entire community's needs and aspirations.

Special Responsibility Allowances

Special Responsibility Allowance (SRA)

These reflect the additional responsibilities of Cabinet Members, Deputies, Chairs, Opposition Group Leaders etc. The baseline for these allowances is the Leader's SRA, with the other SRAs being varying percentages of that sum.

Do you think the current SRAs are reasonable and fairly reflect the responsibilities of the individual posts?

[More Details](#)

 Insights

 Yes	24
 No	6
 Maybe	4



Please provide details of any special responsibilities not currently in receipt of SRAs which should be? Conversely, are there any that you believe should not be continued? Should any individual percentages be adjusted, either higher or lower, and if so why and what should those percentages be?

I don't believe Committee Deputy Chairs should receive SRAs. In general, I think SRAs are too high and should be frozen for the foreseeable future.

I do not have an answer for this. Maybe this should include outside bodies and the numbers of hours spend.

I was a Cabinet Member for 4 years. The rates of allowance are far too low given the responsibility, the time commitment required and the difficulty we've experienced in persuading councillors who don't have private sources of income or wealth from taking on these roles. They cannot be done without creating space in your life which for most people will mean a reduction in income - the SRAs go nowhere near compensating for this and the effect is that most councillors who are not retired cannot afford to accept a role as a Cabinet Member.

<p>More parochially, the Chair of TMISC should qualify for an SRA. I declare an interest as I am currently the Chair - but not a pecuniary interest as I also chair Governance so I would be no better off, however it seems like an anomaly that should be addressed for the future.</p>
<p>I think the allowance for the Deputy Mayor should be increased. It is a demanding role. Ideally, it would be 50% of the Mayor's allowance.</p>
<p>I believe that the 'ambassador' roles should attract a small allowance (similar to the allowance for independent members) to take into account the additional time, effort and personal resources involved</p>
<p>Cabinet Deputy allowance is less than that of some Chairs. Speaking from experience, I spent a lot of time on Cabinet Deputy work and I'm not sure the allowance I received fairly reflected that. (Again, I'm not complaining!)</p>
<p>Similar to my previous answer. The fact that being the leader of the council is paid at a similar level to a newly qualified teacher is very underpaid in my opinion. It's a huge responsibility, but not remunerated as such.</p>
<p>I'm not sure on this.</p>
<p>I had said not to have increase now - (Basic Allowance) but the level of work for those with special responsibility is not in anyway reflected in what they are paid.</p>
<p>Furthermore, it is essential to consider a commensurate increase in allowances for City Councillors holding special roles. These individuals shoulder significant additional responsibilities and commit substantial time to the efficient functioning of our local Council, often participating in numerous meetings and decision-making processes. Recognising the elevated workload and dedication of these Councillors through increased allowances is not only a matter of fairness but also a means of attracting and retaining top talent in these vital positions. By offering a more competitive remuneration package, we can ensure that these key figures are adequately compensated for their efforts, which, in turn, fosters effective governance and bolsters our city's ability to address pressing issues and serve its residents optimally.</p>


Indexing of BAs and SRAs

Indexing of BAs and SRAs

The annual revision of these allowances is linked to the annual pay increase for the Council's staff.

Do you think this is a fair basis for revision? If not, what other basis would you suggest?

[More Details](#)

 Insights

	Yes	27
	No	2
	Maybe	5



The annual revision of these allowances is linked to the annual pay increase for the Council's staff.

Do you think this is a fair basis for revision? If not, what other basis would you suggest?

My view is that Council Staff should be receiving pay increases given the current cost of living concerns, however many Councillors are of retirement age and do not face the same financial pressures. My preference would be that the annual revision is linked to the overall financial health of the Council in some way. I am uncomfortable with Councillors receiving increases in their allowances when the Council is struggling financially or is failing in its financial oversight of a number of capital projects, as we have seen recently.

It seems logical but public sector pay is quite low and I fear that local democracy should not be the preserve of the rich. So index-linked pay would be preferable in my opinion.

I don't necessarily think it's fair to automatically align member's pay with annual increase of council staff. For many members, it's not their full time job - we are retired or receiving this as a second income. The council staff work hard every day at their jobs which can be very challenging. I feel that the member's revision should be a stand alone exercise or should be set at X% (i.e. 1% each year).

While inflation remains high I would think any increase for councillors' allowances could be less than that for staff.

I believe the increase is fair, but the allowance is not. Cabinet members spend a lot of time carrying out their duties, especially the leader and deputy leader and their allowance is below the minimum wage.

Yes this is fair once it is at the correct level.

One compelling argument in favor of linking increases in allowances for City Councillors to the annual pay increase for the Council's staff is that it promotes fairness and equity within the local government. When both Councillors and staff receive similar percentage increases, it ensures that the gap in compensation does not widen disproportionately over time. This approach aligns with principles of transparency and consistency, as it ties Councillors' financial benefits to the overall fiscal health of the Council and its ability to provide competitive salaries to all employees. Moreover, it discourages potential public resentment that may arise if Councillors' allowances increase at a significantly higher rate than the salaries of hardworking Council staff, fostering a sense of solidarity among all stakeholders in local governance. Conversely, such a linkage may create a potential conflict of interest where Councillors, who have control over staff salaries, could indirectly set their own compensation. This could lead to perceived or actual impropriety and could undermine public trust in the decision-making process. There needs to be a fair balance between acknowledging the work of Councillors and avoiding potential conflicts of interest.


Co-optees allowances

Co-optees allowances

The last review did not recommend its introduction, there having been no significant pressure for it either from members or existing co-optees. The only Committee which has co-optees is the Governance Committee, with three Parish Tier representatives. They are non-voting members but do regularly attend meetings of the Committee and one of the three is required to attend any standards hearing where a complaint against a Parish Tier Cllr is being considered.

Should the allowances scheme provide for payments to co-optees?

[More Details](#)

 Insights

 Yes	8
 No	14
 Maybe	12



Please elaborate on your answer?

Co-optees, to be fair should get a small amount for the amount of time spent supporting the Governance Committee, they may not vote but can contribute to discussion on matters.

its only fair if they are performing same duties as anyone else in the committee.

Well a small payment appears to be reasonable

some payment for expenses would be reasonable
I have held this co-optee role in the past. I did not feel the costs to attend meetings stopped my involvement in this committee. I live in Chelmsford town however, so others from a greater distance e.g.. SWF may have a different view.
I feel that they should be allowed to claim for mileage or travel costs if not already allowed.
I am very new to proceedings so not really qualified at this stage to base an opinion.
Not really sure how much their role entails.
Don't know
if there currently is no pressure for giving an allowance, I feel we don't need to offer due to the lack of budget at CCC. this should however be reviewed again in the future.
If these people are required, this should be discussed at least.
Given my lack of familiarity with the role and its associated requirements, I do not feel I have the required knowledge or context to offer informed commentary at this time.

What percentage of the basic allowance would be reasonable? Would, say 10% be reasonable?
10% is reasonable
Yes 10% would be reasonable
Yes, I agree with at least 10%.
yes
10% seems reasonable although I'm not sure how many attendances a co-opted might be expected to make.
Less than 10%, maybe 5%
10%

I feel 10% would be suitable
Why do you not feel co-optees should receive an allowance?
They are attending in their capacity as a parish councillor, which is a voluntary position. I therefore don't feel it is necessary for them to receive an "allowance" type payment. However, they could have their travel expenses reimbursed.
I would not introduce this if no one is calling for it.
Duties are not onerous and they are volunteers
Surely these are volunteers.
I think that co-optees should receive an allowance.
Parish councillors do not receive allowances and this is an extension of that role. I'd rather attract those who want to extend their current role than potentially those who might be attracted by the financial pull. (I know this seems potentially contradictory but these roles are different in scale and commitment from the Cabinet roles mentioned above.)
I don't believe it's appropriate.
As stated above, there has been no significant pressure for it.
While in an ideal world everyone would be compensated for everything they do, being a Parish Councillor is a voluntary role which is not currently remunerated. There are plenty of other roles that people take on that are also not remunerated (such as trustees for charities etc.). I do not think the role of a co-optee on the Governance Committee is a particularly onerous role and, especially given current financial pressures, I do not feel there is an urgent need to change the allowances scheme to provide for payments to co-optees.
It's normally an extension of other roles they are performing outside of the council
They should receive an allowance.
There is no expectation that parish councillors would receive an allowance. Travel expenses should be paid.
I assume they can claim travel expenses. Their time is minimal. Non-payment encourages volunteers. Judging by the last applications, there is no shortage of people wanting to do the role.

I think *some* levels of government should be voluntary. (Parish).
They are non-voting members and it's part of their Parish Council role.
Travelling expenses claimed per meeting may be more prudent.
Unless we are struggling to find volunteers due to not receiving an allowance keep as is.

Allowances for Independent Persons on the Audit and Risk Committee

Allowances for Independent Persons on the Audit and Risk Committee

Should Independent Persons on the Audit and Risk Committee receive the same allowance as the Independent Persons on the Governance Committee. These are two positions, one of which has been filled and the other out for recruitment currently. At the last review in 2019 it was agreed that the Independent Persons on the Governance Committee should receive an allowance in addition to their ability to claim travel expenses. This was then also agreed by the Council and has been in place since. It is therefore suggested that the IP's on Audit and Risk Committee should receive the same, this is currently £600 per year.

Do you think this would be suitable?

[More Details](#)

 Insights

 Yes	26
 No	0
 Maybe	8



I. Do you think the allowance should be the same as it is for IP's on the Governance Cttee?

[More Details](#)

[Insights](#)

● Yes	23
● No	3



Please elaborate on your answer

It feels only fair that they should receive same allowance if performing same duties.

I'm not sure whether the roles are comparable. I think they should both be remunerated, but I'm not sure whether the level of commitment in both roles is the same.

If it will allow better recruitment. Other wise travel expenses only.

I am very new to proceedings so not really qualified at this stage to base an opinion.

Again, not sure exactly what the role entails so I can't comment on the suitability of the allowance.

I don't know enough about their role to have a view

Don't know

Given my lack of familiarity with the role and its associated requirements, I do not feel I have the required knowledge or context to offer informed commentary at this time.

Subsistence Allowances



1). Subsistence Allowance

This is paid in respect of approved duties outside the City on the basis of individual claims at the same rate as that paid to officers.

Do you think it should continue to be paid on that basis?

[More Details](#)

 Insights

 Yes	28
 No	4
 Maybe	2



Please elaborate on your answer?

I'm not familiar with this allowance. I can see that it may be appropriate on the rare occasion that someone goes to an all-day meeting or even needs an overnight stay. But I wouldn't support substance payments for attending, say, an evening meeting in Chelmsford.

I think subsistence allowances are outdated.

Why do you not feel it should continue on that basis? Also what other basis would you suggest?

Outdated and unnecessary, surely we can afford to forego this

Not necessary

The current amounts do not reflect the costs of a reasonable meal in each case, even in Chelmsford and is most likely to be claimed when visiting areas which are more expensive.

I personally feel that subsistence should be paid by the individual as you would when you attend a workplace - it seems excessive to pay this when the Council is struggling for money.

Dependant Carer's Allowance

Dependant Carer's Allowance

This is currently paid at the hourly rate of the National Minimum Wage for child care (depending on the age of the carer) and £15 per hour for the care of a dependant relative, where the member has to make such arrangements in order to be able to perform their duties as a Councillor. The latter payment is linked to the same index used for BAs and SRAs.

Do you think this is still suitable?

[More Details](#)

 Insights

 Yes	28
 No	2
 Maybe	4



Please elaborate on your answer?

I think it depends on the availability of childcare. It is not always easy to find someone at short notice.

I'm not sure if that reflects the current 'market rate' that a member may have to pay

I am not sure. I am out of touch regarding the cost of childcare or rates for carers but both of the current allowances seem a little low to me.

I have no idea if it is a suitable amount, but it does need to be paid, so we can include people with children. In my view I marvel at what they do with this balance. I do feel that maybe now is not the time for a large increase. (I see this as a welcomed privilege that is not there for people in the wider world)

Please explain why it is not suitable and suggest any alternatives?

people choose to be elected having thought about their domestic lives and the impact the role may have on their family.

Both should be paid at the higher index linked amount (currently £15) as each reflect that care is needed and the irregularity and potential short notice of meetings (in the case of extraordinary/rescheduled meetings or licensing panels) means that the minimum wage does not reflect a fair price for a carer's time

Pensions for Members

5. Pensions for Members

A previous review of the allowances scheme included a recommendation from the Independent Remuneration Panel that members should be eligible to join the Local Government Pension Scheme in respect of the BA and SRAs. The Council decided not to adopt that recommendation. If pensions were to be paid for both allowances to all members there would be a cost to the Council in the region of £60,000, based on the current allowances.

The last three panels recommended that members should not be eligible to join the Local Government Pension Scheme.

Do you believe that the allowances should be pensionable?

[More Details](#)

 Insights

 Yes	7
 No	21
 Maybe	6



Please add any comments to your answer here

Whilst city councillors receive an allowance, the role is effectively voluntary and is not, in my view "paid employment" like other part/full time roles. Despite the auto enrolment regulations, I do not feel it is appropriate for councillor allowances to be pensionable. Councillors can of course choose to direct all/some of their allowance into a private pension if they so wish.

Allowances should not be pensionable to keep down costs to the Council.

A lot of elected members are beyond pension age.
The only basis on which I could vote for allowances to be pensionable would be if the rates were reduced to compensate, otherwise it would be a blatant back-door pay rise. If lower allowances were involved, I don't think members would be quite so keen on the idea!
Pension scheme adds to the overall attractiveness of the role. Younger people would appreciate it. No pension scheme means only older people with already sorted finance would be attracted to the job.
Councillor who are still working will be paying into a work based pension. Those that are retired can't pay into a pension anyway.
If in future it becomes difficult to recruit members, younger members especially might like to join the pension scheme.
I don't believe the cost can be justified.
Given current financial pressures, I do not believe this is something the Council can afford.
The role of councillor is not a hobby, it is a very responsible post with considerable sacrifices for members, if we want to attract and keep younger non retired people involved in local government then we should make allowances pensionable, but should allow an opt out if people don't wish to do this
Do not want additional costs.
There is insufficient justification at this time of financial squeeze
For some members, the allowances received reflect a significant portion of their income and as such, the lack of a suitable pension contribution on top of the fact councillor allowances already take into account that members choose to volunteer some of their efforts as a public service, may severely impact current and future members ability to take an active role on the council and may be preventing a more diverse and representative group of candidates from standing for council. Younger councillors should not have to choose between saving an adequate amount for retirement and being able to take part in public life.
I am very new to proceedings so not really qualified at this stage to base an opinion but based on the cost to the council, I would say no.
I wouldn't want that cost to the Council.
Where a member spends a lot of time on the role, it would impact their working career, and may impact the associated pension. It seems fair to compensate by making the allowance pensionable.

See my note on large roles such as leader of the council, I don't think someone performing that role would have a chance to have a significant other job. Therefore if this isn't pensionable, I don't see how they could save for retirement.

There has to be some perks to carrying out the role.

It would be too difficult and costly to administer with different SLA's changing as often as annually, with some Council terms having large gaps in being elected.

Due to the nature of the role, we receive an allowance, not a wage, and the assumption is that it's not the main source of Income for Councillors who will have workplace pensions outside of their Councillor role.

Not at this time so let this be asked again in future years.

Approved Duties


}. Approved Duties

A previous review of allowances resulted in the introduction of a definitive list of approved duties in respect of which travel, subsistence and other allowances can be claimed. That list is at Appendix 1 of the current scheme.

Do you think the list is reasonable?

[More Details](#)

 Insights

 Yes	30
 No	1
 Maybe	3



Are there any duties which you feel ought to be added to or removed from the list?

There are some conferences where only one party group may be invited that still reflects an important opportunity to represent the interests of the Council. For instance, party conferences might not be a correct use of council monies but covering subsistence for international events where a member(s) of a particular political group are invited to share best practice (on engaging marginalised groups for example) is more likely to be a reasonable use of council resources.

I am happy with the list but if you are going to pay someone for the cost of meals then it should cover the cost these seem to be set far to low and in my view should be increased to reflect the true cost.

Other Comments

Do you have any other comments or suggestions to make?

I am very keen that SRAs and BAs are frozen for the foreseeable future given the current financial position.

My main view is for increases but not now. Yet in future time for this to be corrected. The payments for meals looked to low and if you are going to pay this it should be correct. I have said that those who do lots of work with Cabinet / Leader roles etc what is paid in no way reflects what they do, So for this group maybe a increase does need to higher now. (I know this is a bit contradictory but hope it makes sense)



Chelmsford City Council Cabinet

14th November 2023

Treasury Management Mid-Year Review 2023/24

Report by:
Section 151 Officer

Officer Contact:

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Purpose

To inform members of the treasury activities undertaken in the first part of 2023/24 and to report on compliance with the approved TM Strategy.

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 request that Full Council review the report and approve that no changes to the 2023/24 Treasury Strategy are required.

1. Background

- 1.1. The Council has cash to invest arising from its revenue activities, capital balances and the collection of Council Tax and 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 (TMISC) responsibility to monitor and recommend changes to the strategy. The Section 151 Officer of the Council is delegated responsibility to manage operational TM activities within the approved strategy.
- 1.4. Members of TMISC are asked to review the contents of the report and recommend that the Cabinet note its contents and seek Council approval for it.

2. Executive Summary

- No breaches of the 2023/24 Treasury Management Strategy have occurred.
- Higher than expected interest rates and cash balances are estimated to increase investment income by £1m more than the budget for 2023/24.
- The Council remains internally borrowed to fund its capital investment; however, the council may have to externalise debt towards the end of the financial year.
- No change to the TM Strategy is recommended for 2023/24.
- No changes are being made at this time to the holdings of diversified investment funds following a review of funds and discussions with fund managers. Any decisions to change holdings will be made under the operational delegation by the s151 officer.

3. Conclusion

- 3.1. Cabinet will be asked to accept the review of the Treasury Management Activity for the period to the end of August as endorsed by TMISC. No changes to the 2023/24 Treasury Management Strategy are recommended.

List of appendices:

Appendix 1 – Review of Treasury Management Activity (2023/24)

Background papers:

Nil

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:

Fund managers are 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: N/A

Consultees:

Relevant Policies and Strategies:

Treasury Management Strategy 2023/24

1 Treasury Management Activity during the period 1st April 2023 – 31st August 2023

This report complies with the CIPFA Code by identifying the Council's investments and external borrowings as at 31/08/2023 and compares treasury activity to the approved strategy.

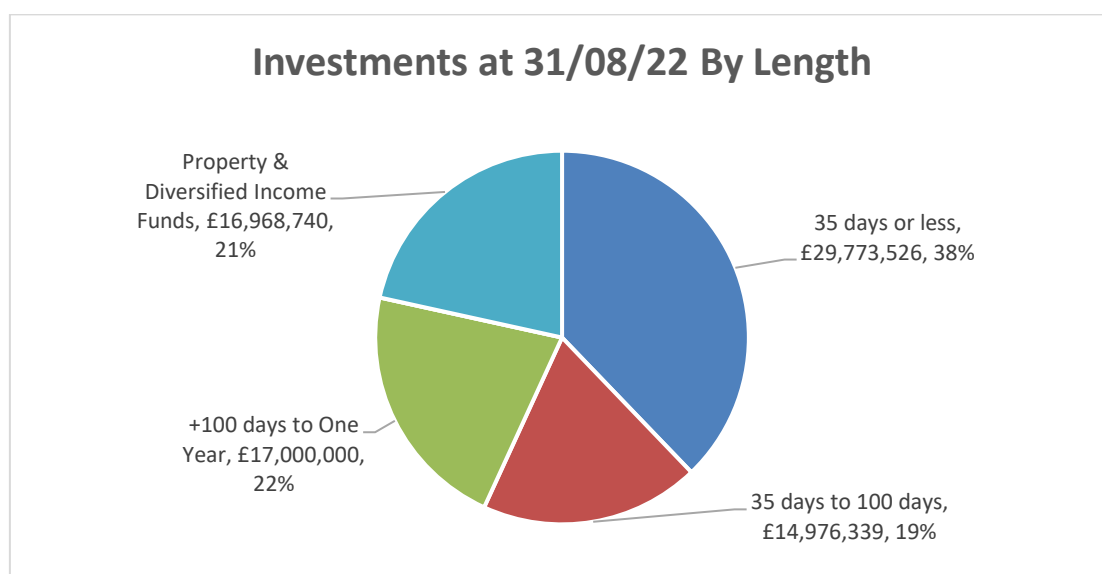
2 **Liquidity Management and borrowing**

- 2.1 The Council has continued to keep a significant proportion of its portfolio available for instant access and within notice accounts. The Council is undertaking significant capital investment including Waterside infrastructure and with the resulting expectation of a need to borrow later in the financial year, new investments durations have been kept to below a year.

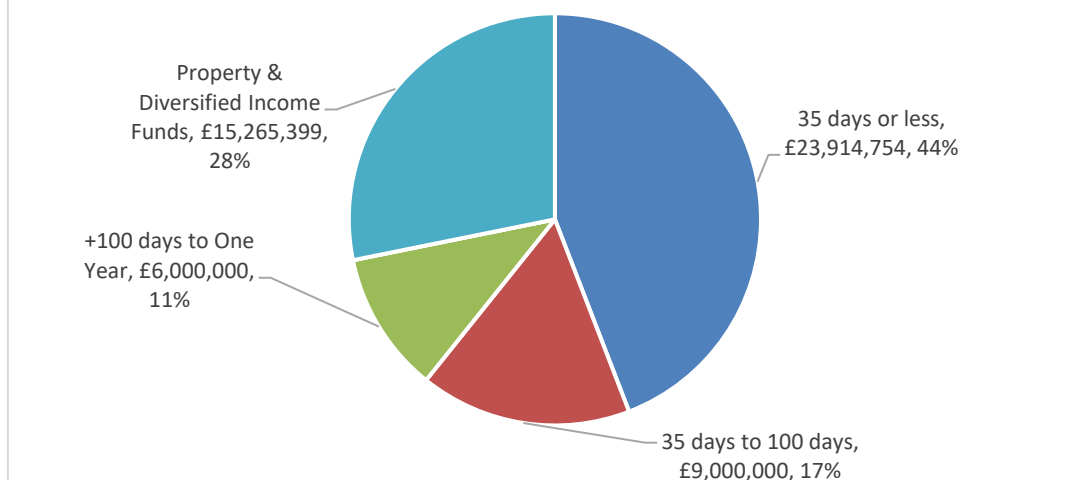
To assist in managing liquidity, the Council set the following target in its Treasury Management Strategy.

A minimum of £3m of all investments are targeted to be invested for periods of 35 days or less.

Outcome: The target was achieved, and officers will continue to keep the average durations of investments short until longer investment durations become worthwhile in terms of returns.



Investments at 31/08/23 By Length



Investments at:	31/08/22	%
35 days or less	£29,773,526	38
35 to 100 days	£14,976,339	19
+100 days to 1 yr.	£17,000,000	22
Over 1 yr.	£0	0
Property & Diversified Monthly Income Fund	£16,968,740	21
Total	£78,718,605	100

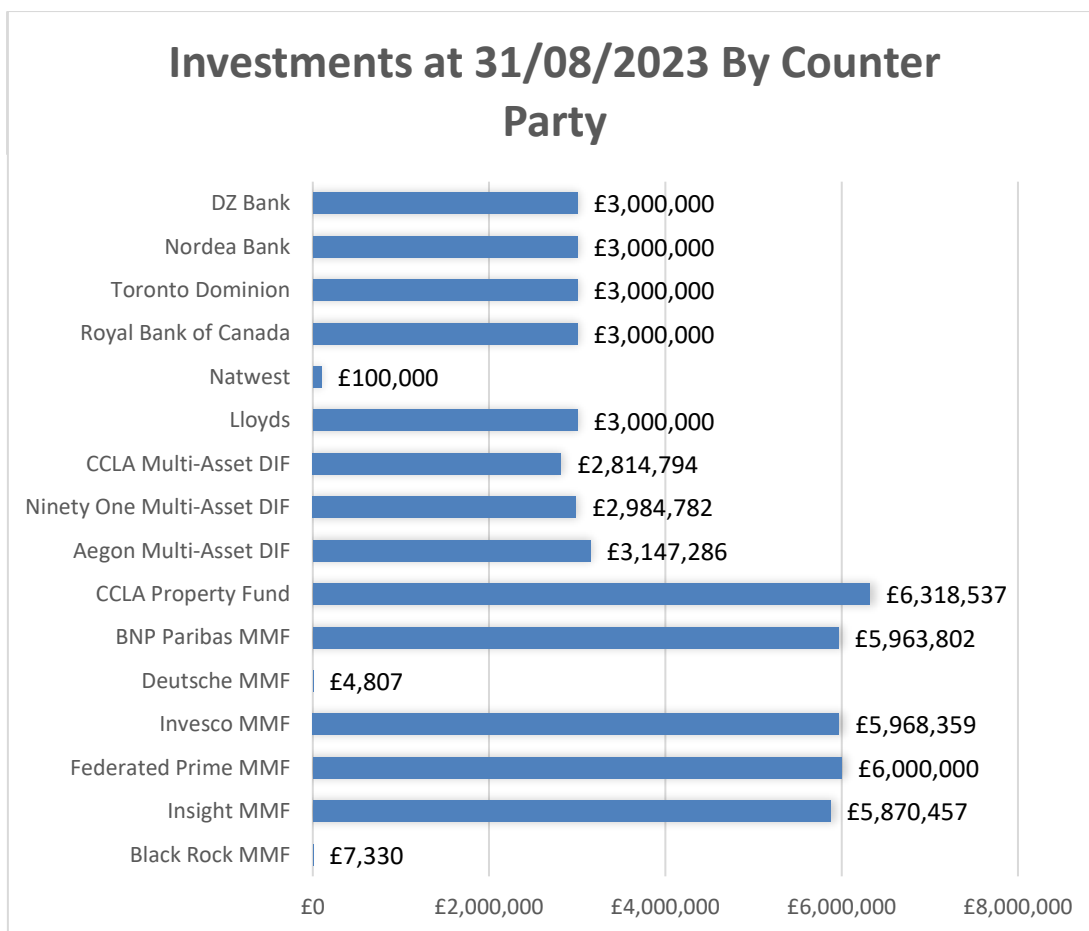
Investments at:	31/08/23	%
35 days or less	£23,914,754	44
35 to 100 days	£9,000,000	17
+100 days to 1 yr.	£6,000,000	11
Over 1 yr.	£0	0
Property & Diversified Monthly Income Fund	£15,265,399	28
Total	£54,180,153	100

2.2 The Council's Treasury strategy identified the following.

No fixed duration investments over 365 days are proposed for 2023/24; Subject to being reviewed during 2023/24 depending on cashflow and counterparty risk. It is recommended that any investments beyond 365 days are at the discretion of the Section 151 Officer. For investments 2 years and over, consultation will be made with TMISC chair.

Outcome: The target has not been exceeded. Currently, none are proposed but officers continue to look at options based on reviews of the Council's cashflow and interest forecasts.

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



The Council's investments outside of those held in funds are mostly fixed maturity dates and of a duration of less than one year.

- 2.4 **The Council has not undertaken any external borrowing in the year to date.** The funding of the approved Capital programme has required borrowing but that has been internal borrowing which reduces the amount the Council has to invest. The Council operates two external 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
Authorised Limit of Borrowing	£50m
Operational Boundary of Borrowing	£11m

- 2.5 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. Cash balances are expected to continue to fall due to the capital programme. Also, repayment to government of balances for business rate grants held for the covid period and retail relief that are expected to be settled this year. Partially offsetting this there was also a one-off windfall from a VAT refund (Leisure VAT case) in August. It is thought that short-term external borrowing will occur towards the end of 2023/24 and a full review of the Council's forecast cashflow is taking place as part of the budget cycle which will update the long-term borrowing forecast.

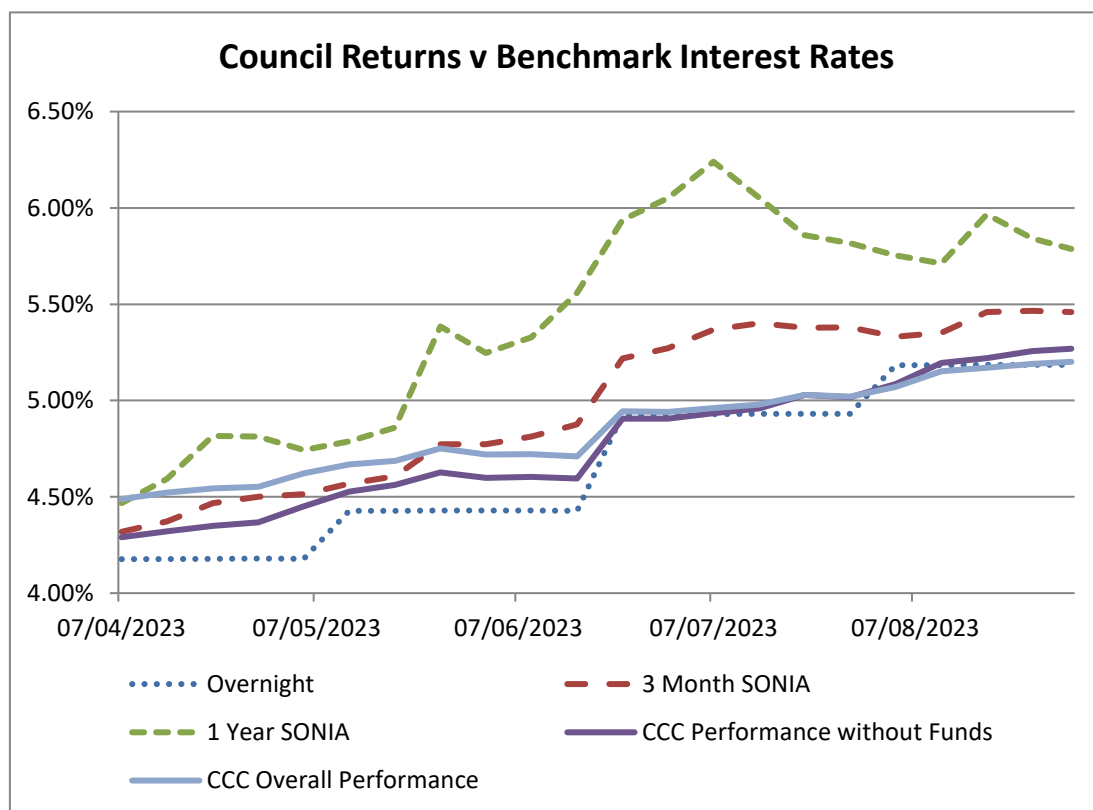
3. Rate of Return

3.1 The Bank of England Base rate stands at 5.25% after a series of increases in the last year until August but in September the base rate was held unchanged. The Markets are still tentatively pricing one more hike by February 2024.

As at 22nd September, the one-month local authority loans are 5.3% and one-year loans at 5.7%, however there is a great deal of volatility in the market. Money Market Funds are currently running between 5.14% to 5.33% with other cash investments such as with building societies offering around the base rate and some banks offering higher than the base rate in general for three-month investments.

The Council continues to invest in three multi-asset diversified income funds as part of its long-term strategy for returns and diversified portfolio. The returns are discussed in paragraphs 3.2 to 3.6.

3.2 Money market interest rates have increased with bank rate rises over the last six months. The Council returns are shown below alongside some comparable benchmark rates.



3.3 The Council's income yield in 2023/24 has improved compared to recent years due to the rise in Bank of England base rate which has led to increased rates on any cash or short-notice investments. Three diversified income funds have yields which lag behind money market rates when interest rates are rising but, as rates stabilise or fall, performance should rise above cash. Officers are continually reviewing options for longer duration investments.

3.4 The Council had an average yield on its portfolio of 5.2% as at 31st August 2023. The budgeted income for 2023/24 from investment returns is £1.3m; this is expected to be exceeded for the year by £1m at £2.3m, mainly due to rate rises and higher cash balances. Further gains will be dependent on the extent of any interest rate increases and cash balances which will be affected by the capital programme.

3.5 It is expected that interest rates are close to peaking but are still dependent on inflation data, with the latest set being weaker than expected, so it is likely that they will not increase much further.

4 Externally Managed Fund Performance

4.1 The Council has invested in three Multi Asset Diversified Income Funds alongside its longstanding investment in the CCLA property fund. These are all intended to be longer term investments to generate a return for the Council at a higher rate than many other alternatives. Capital values will fluctuate throughout the period of investment. During recent times, interest rates have gone up quickly leading to reduced prices paid for gilts and bonds. This has caused the value of the funds the Council has invested in to move downwards but values are expected to recover as rates peak and begin to fall.

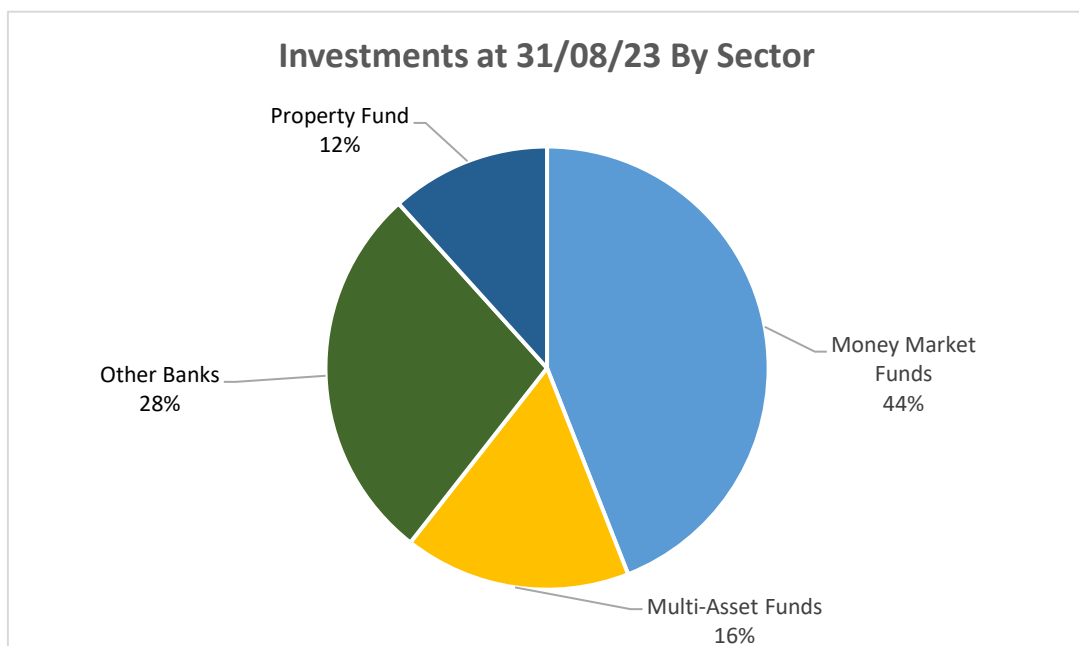
Fund	Initial Investment Value	01/04/2023 Investment Value	31/08/2023 Investment Value	Unrealised Gain/(Loss) (since inception)	Annualised Income Return on 1 st April Valuations	Annualised Total Return (2023/24)
CCLA Property Fund	£5,000,000	£6,318,537	£6,246,179	£1,246,179	4.32%	1.59%
CCLA DIF	£3,100,000	£2,814,794	£2,806,816	£-293,184	4.35%	3.67%
Aegon DIF	£3,600,000	£3,147,286	£3,155,519	£-444,481	7.66%	8.29%
Ninety One DIF	£3,300,000	£2,984,782	£2,931,261	£-368,739	4.39%	0.12%

- CCLA Property Fund – This investment fund is open only to Local Authority investors. The Council invested at cost of £5m and its current selling value is £6.2m on 31st August. The annualised income yield on the valuation at 1st April is 4.32%
- Aegon Multi-Asset Diversified Income Fund – A £3.6m investment was made into the Aegon DIF in June 2021.
 - Annualised income yield is 7.66% on the valuation at 1st April.
 - Capital Value – 12.35% decrease on initial investment and 0.26% increase against April valuation.
- Ninety-One Multi Asset Diversified Income Fund – A £3.3m investment was made into the Ninety-One DIF in June 2021.
 - Annualised income yield is 4.39% on the valuation at 1st April.
 - Capital Value – 11.17% decrease on initial investment and 1.79% decrease on April valuation.
- CCLA Multi Asset Diversified Income Fund – A £3.1m investment was made into the CCLA DIF in July 2021.
 - Annualised income yield is 4.35% based on first quarter’s dividend.
 - Capital Value – 9.46% decrease on initial investment and 0.28% decrease on April valuation.

- 4.2 The return on all external funds should be looked at as a portfolio, allowing for periods of over- and underperformance for individual funds. If the performance of the first few months of this year were to continue, then the annualised income yield would be 5.03% on April valuation. The unrealised capital gain to date is £140K (including CCLA property fund). It is important to note the unrealised capital gain will fluctuate; the main objectives of the investment in funds are spread of risks across asset types and improving annual income (yield).
- 4.3 The externally managed funds give the Council benefits from specialists, who bring expertise and additional data when selecting and managing investments, therefore helping to spread risk across a wider range of counterparties and assets, whilst maintaining a high yield.
- 4.4 The funds the Council invests in had a slight negative impact compared to cash on the overall income yield since June 2023 but these are seen as a medium-term investment that will outperform cash investments over a longer time frame.
- 4.5 Fund managers have taken a defensive approach in positioning their portfolios with a recession being forecast as their base model. After discussions with fund managers, officers believe that holding the funds at this point is the preferred option. Performance is expected to pick up over time and expect gradual return of capital values and higher yields than should be achievable from cash as interest rates peak and begin to fall.

5.0 **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 Overall exposure to bail-in has not materially changed from last financial year to current.



Exposure	As at 31 st August 2022	As at 31 st August 2023
Bail-in risk	72%	72%
Exempt from bail-in (including CCLA)	16%	12%
Diversified Income Funds	12%	16%
Total	100%	100%

The Diversified Income Funds will be partially exposed to Bail-In risk, but it is not possible to identify specific risk due to the changing nature and proportion of their investments in bonds, equities, property, etc. They have therefore been split out as a separate line in the table above for clarity. There has been no further investment in Diversified income funds, the increase in percentage holdings is the result of a reduction in total investments held by the Council.

6 Conclusion

- No breaches of the Treasury Management Strategy have occurred.
- Interest Rate rises during the financial year have led to higher returns for cash investments.
- The Council remains internally borrowed to fund its capital investment.
- Though income and total return from the fund managers is disappointing in the current year, it is not unexpected in the current economic climate. Investment into three diversified income funds and CCLA property fund is seen as a medium-term investment that is expected to enhance the returns for the Council over the longer period.
- No change to Strategy is recommended for the rest of 2023/24.



Chelmsford City Council Cabinet

14th November 2023

North Essex Councils joint working arrangements

Report by:

Leader of the Council

Officer Contact:

Nick Eveleigh, Chief Executive Officer, nick.eveleigh@chelmsford.gov.uk
01245606419

Purpose

To update Cabinet on progress since agreeing the North Essex Authorities (NEA) Memorandum of Understanding in January 2023 and to seek approval to establish the North Essex Councils partnership.

Options

1. To support the recommendation. The preferred option is for the Council to support the recommendation in this report, helping to mitigate a range of key strategic risks and opening-up additional opportunities that would not be available to the Council operating alone.
2. To not support the recommendation.

Preferred option and reasons

1. Option 1 - The preferred option is for the Council to support the recommendation in this report, helping to mitigate a range of key strategic risks and opening-up additional opportunities that would not be available to the Council operating alone. Alternatively, not supporting the recommendation risks this Council jeopardising the increasingly positive relationships between North Essex Councils and missing out on the considerable potential benefits set out in this report.

Recommendation

1. To agree that Chelmsford City Council (the Council) will work in partnership with those Councils set out in paragraph 1.1 and will be collectively referred to as the North Essex Councils (NEC).

1. Summary of Issues

- 1.1 For the purposes of this report, the NEC is made up of those local authorities located in the north of Essex, and representing a population of 1.063m, namely:
 - Braintree District Council
 - Chelmsford City Council
 - Colchester City Council
 - Epping Forest District Council
 - Essex County Council
 - Harlow Council
 - Maldon District Council
 - Tendring District Council
 - Uttlesford District Council
- 1.2 Councils in North Essex have been working together for several years, with a range of formal and informal collaborations, perhaps most notably the North Essex Economic Board.
- 1.3 The councils in the south of Essex already have a well-established strategic partnership, which was known as ASELA now the South Essex Councils (SEC), and a joint committee is in place enabling SEC to take formal decisions collectively and to agree joint delivery arrangements to achieve improved outcomes in South Essex, for example with Homes England.
- 1.4 In 2022 a Memorandum of Understanding was agreed with the other North Essex councils (Appendix 1) setting up the basis for a new strategic partnership to deliver place leadership across North Essex.
- 1.5 During 2023, Chief Executives from each of the North Essex councils have been meeting regularly to discuss and develop an action to deliver the aims in the memorandum of understanding.
- 1.6 At a meeting of North Essex Council leaders on 20 July 2023, it was agreed to formalise the partnership and for each authority to formally take a report through their relevant governance processes, hence this report.
- 1.7 As a result of those discussions, the Leaders of NEC have agreed that:
 - NEC will identify common issues and develop shared solutions that add value beyond what any individual council can do on their own

- NEC will convene partnerships that deliver improved outcomes on Economic Development, through the North Essex Economic Board (NEEB), Finance, Housing, Climate Change, Shared Services and Devolution.
- Within NEC, partnership working will happen at all levels, may involve different groups of NEC councils working together, and collaboration may reach beyond North Essex where appropriate.

1.8 NEC Leaders have reached a shared understanding of some of the key benefits of joint work, including but not limited to

- Improving shared evidence, data and insights to inform collaboration
- Enhancing Organisational Capacity & Resilience
- Improving core service quality, efficiency and outcomes
- Delivering key strategic programmes of work together
- Influencing and supporting responses to legislative changes
- Provide the basis for district, city and borough nominations to a future Greater Essex Combined Authority
- Achieving financial security and increased investment
- Influencing policy through a stronger collective voice – nationally, regionally and within Greater Essex
- Driving forward new Shared Services opportunities
- Engaging businesses effectively to support the responsibilities of the LEP across North Essex

1.9 The outcomes listed in 1.8 will be achieved at different levels, with the partnership allowing for projects across a subset of councils, all North Essex councils and influence beyond North Essex.

1.10 Delivering this ambitious approach to sub-regional working will not be possible without each partner council contributing some resources to the NEC programme both existing resource and where appropriate new resources.

1.11 Each constituent council has agreed to contribute £20,000 in 2023/24, enabling the partnership to put in place the initial resources necessary to take forward NEC work on behalf of all councils. This contribution is in addition to the annual contribution of £20,000 committed to drive forward the work of the North Essex Economic Board (NEEB)

1.12 Further resources may be allocated to support the work of the NEC however these will be dependent upon a clear business case highlighting the anticipated benefits accruing to the Partnership.

2. Next Steps

2.1 If the recommendation in this report is supported, the North Essex Councils strategic partnership will be able to progress the initial resourcing of the NEC. This will also help to mitigate known resource risks associated with key North Essex programmes of work e.g. NEEB and Shared Services.

3. Financial Implications

- 3.1 Contributions for the core costs of NEEB are already budgeted for as is the one-off contribution towards the extended work of NEC any future contributions to NEC will be decided on a case by case basis.

List of appendices:

Appendix 1 – Memorandum of understanding, January 2023

Background papers:

None

Corporate Implications

Legal/Constitutional:

Financial:

Potential impact on climate change and the environment:

Contribution toward achieving a net zero carbon position by 2030:

Personnel: N/A

Risk Management: N/A

Equality and Diversity: N/A

Health and Safety: N/A

Digital: N/A

Other: N/A

Consultees:

North Essex District Councils

Relevant Policies and Strategies:

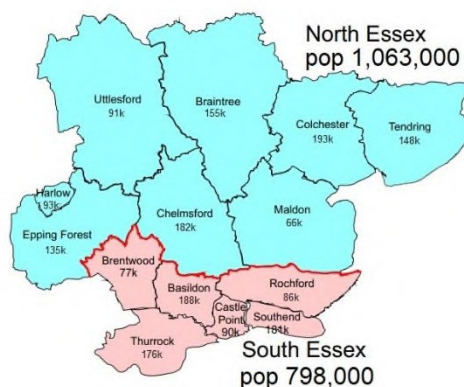
N/A

Association of North Essex Local Authorities

Memorandum of Understanding

Between:

Braintree District Council
Chelmsford City Council
Colchester City Council
Epping Forest District Council
Essex County Council
Harlow Council
Maldon District Council
Tendring District Council
Uttlesford District Council



1. Background

- 1.1 Together, we are responsible for delivering services to over a million residents, equivalent to the City of Birmingham. The area delivers significant gross value added at over £17bn and supports almost 41,000 businesses.
- 1.2 This new partnership of North Essex Authorities is well placed to deliver local ambitions, to respond to emerging opportunities and Government policies, as well as being able to promote North Essex as desirable place for living, leisure and to do business in.
- 1.3 The Authorities have established a good track record of partnership working in various previous collaborations.
- 1.4 The nine Authorities wish to record their intention to establish the basis of our collaboration through a Memorandum of Understanding (MoU) and to form this new partnership, building on previous joint working successes.

2. Core Purpose and aims

- 2.1 The core purpose of NEA is to provide for a platform for enhanced cooperation across North Essex, to achieve better outcomes for our residents and businesses, by working together rather than separately. Through our collaborative approach we are best placed to develop and deliver a vision for North Essex, promoting sustainable growth for our economies and communities up to 2050.
- 2.2 NEA will focus on the strategic opportunities, regardless of individual local authority boundaries, for North Essex to influence and secure the collaboration and investment that will help our individual areas to flourish and realise their full economic, social and environmental potential.

2.3 The aims of NEA will be to:

- a. Agree a 2050 vision for North Essex.
- b. Provide strong and collective place leadership and a voice into Government.
- c. Increase the ability of all authorities to cope with public spending restrictions and increased demands on services.
- d. Influence Government powers and attract Government funding to North Essex.
- e. Raise the profile and reputation of North Essex as a desirable place for living, leisure and to do business in.
- f. Improve transport and digital connectivity, securing funding for strategic infrastructure.
- g. Provide sufficient new homes to meet the needs of a growing and ageing population.
- h. Attract investment and stimulate economic growth, focusing on key sectors and the low carbon economy.
- i. Increase productivity by improving educational attainment and access to skills relevant to our future labour market.
- j. Enable North Essex to respond and adapt to Climate Change
- k. Support wellbeing and healthy life expectancy by tackling the wider determinants of health with our health partners and the voluntary and community sector.
- l. Develop innovative approaches to funding to deliver shared objectives, including developing joint bids where appropriate.
- m. Work together to help harness the energy, know-how and assets of local communities.

3. Principles of collaboration

- 3.1. Working together on strategic priorities irrespective of local authority boundaries.
- 3.2. Creating collective scale, resilience, and impact for the benefit of our residents and businesses.
- 3.3. Tackling problems and issues that we cannot solve individually.
- 3.4. Collaborating to gain something, without losing something (including local identities).
- 3.5. Governance arrangements proportionate to our shared ambition.
- 3.6. Opportunities to discharge certain functions jointly, and pooling of resources, should be considered where this can have collective and measurable impact.

4. Term and Termination

- 4.1. This MoU shall commence on the date of the signature by each Authority and shall expire if NEA dissolves, with its area of influence reducing should any individual signatory authority withdraw

5. Variation

- 5.1. The MoU can only be varied by written agreement of all the Authorities, save for any individual authority withdrawing

6. Charges and liabilities

- 6.1. Except as otherwise provided, the Parties shall bear their own costs and expenses incurred in complying with their obligations under this MoU.

7. Status

- 7.1. This MoU cannot override the statutory duties and powers of the parties and is not enforceable by law. However, the parties agree to the principles set out in this MoU

Signed by

Local Authority	Leader/Chairman of Policy and Resource Committee	Chief Executive	Date
Braintree District Council			
Chelmsford City Council			
Colchester City Council			
Epping Forest District Council			
Harlow Council			
Essex County Council			
Maldon District Council			
Tendring District Council			
Uttlesford District Council			