

CHELMSFORD CITY COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL

held on 24 February 2021 at 7pm

PRESENT:

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

Councillors

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

1. Attendance and Apologies for Absence

The attendance of members was confirmed. Apologies for absence were received from Councillors N Gulliver and M Watson. Councillors N Chambers and R J Shepherd were unable to participate in part or all of the meeting owing to technical difficulties.

2. Mayor's Announcements

The Mayor announced that she had been notified of the death of Keith Andrew, a former Leader of the Council. The Council observed a minute's silence in his memory and Councillor Mackrory paid tribute to Keith Andrew, who had served as a member for the former North Ward from 1979 to 1991.

The Mayor informed the Council that the following residents of Chelmsford had been recognised in the New Year's Honours List:

Barry Hearn OBE for services to sport, Pauline Evans MBE for services to law enforcement, James Greaves MBE for services to football, Asher Thomson MBE for services to the NHS, particularly during the Covid -19 response, and Pamela Swavey BEM for services to the community.

The Mayor congratulated them on the awards.

3. Declarations of Interest

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

4. Minutes of Previous Meeting

The minutes of the meeting on 9 December were confirmed as a correct record.

5. Public Questions

Questions had been received from eight members of the public on matters relating to the Budget for 2021-22, including the proposals to introduce charges for car parking at Hylands Park and the effect this could have on parking in Writtle, and to increase charges for bereavement services.

Two of the questions, which related directly to the Budget for 2021-22, were responded to by the Cabinet Member for a Fairer Chelmsford under Item 8.3 on the agenda. The other questions were from residents and organisations in Writtle, who expressed concern that the introduction of parking charges in Hylands Park would result in vehicles parking in car parks and residential roads in Writtle, causing congestion and preventing users of facilities in the village from accessing them.

The Cabinet Member for a Fairer Chelmsford said that he recognised the possible impact the decision on parking at Hylands Park could have on Writtle and the Council would work with the Parish Council and organisations in the village on the development of arrangements to alleviate their concerns. A public consultation on the introduction of the charges, their amounts and exemptions was underway and the necessary Traffic Regulation Order would be subject to statutory consultation. Any suggestions on the design of the parking arrangements would be welcome.

6. Petition on Proposed Car Parking Charges at Hylands Park

The Council received a petition signed by 6,738 people which requested that it abandon a proposal to introduce charges for car parking at Hylands Park and to remove it from the Budget for 2021-22.

The petition was introduced by its organiser, who said that those who had signed it were primarily concerned that:

- There had been no proper debate on the proposal and no consultation with the public before it had been included in the budget before the meeting
- The charge would hamper access to a site much valued by the public, the use of which contributed to the mental and physical wellbeing of residents, especially during the pandemic
- Charging for parking would create inequalities for families who used the park and those who might benefit most from it
- Other more creative ways could be found to meet the cost of maintaining and developing the facilities at Hylands House
- The cost of restoring the House had been met from a number of sources other than Council funds and it benefited from a number of income streams
- The current reduction in revenue from events at Hylands House and Park was temporary but the proposed charges were not
- The charge represented a tax on motorists
- Charging for car parking would have an adverse effect on Writtle by displacing vehicles and resulting in greater use of the residential streets and car parks in that village.

Whilst it was recognised that the Council faced significant budget shortfalls as a result of the pandemic, those who had signed the petition believed that the proposed charges were unfair and unreasonable and that there were better ways to make up the deficit.

The petition was discussed by the Council as part of Item 8.3 on the Budget.

7. Questions to Cabinet Members

There were no questions to Cabinet Members for this meeting.

8. Reports from the Cabinet Member for Fairer Chelmsford

8.1 Local Council Tax Support Scheme (LCTS) for 2021-22

The Council was required to approve a LCTS scheme for 2021-22. The Cabinet on 26 January 2021 had recommended that the 2020-21 scheme be retained in its current form with the sole addition of a clause which would allow amendment of the scheme during the year in certain circumstances.

RESOLVED that the Local Council Tax Scheme for 2020-21 be retained and adopted as the Scheme for 2021-22, subject to the inclusion of the following wording:

“In the event of unexpected changes to Government welfare benefit regulations which are intended to:

- increase the income of benefit recipients, and
- which are introduced during a financial year,

Chelmsford City Council reserves the right to amend the provisions of its Local Council Tax Support Scheme to ensure that those changes do not negatively impact the entitlements of working age recipients of Council Tax Support.”

(7.28pm to 7.30pm)

8.2 Capital, Treasury and Investment Strategies for 2021-22

The Council received a report setting out a proposed approach to the management of its cash, capital investments (the capital expenditure programme) and other types of investment, including property, which the Cabinet on 26 January 2021 had recommended be adopted.

Asked whether the decision referred to in paragraph 4.12 of the Investment Strategy relating to Multi-Asset, Bond and Property Funds was dependent on the decision on the Budget for 2021-22, the Cabinet Member for a Fairer Chelmsford said that the Director of Financial Services had authority to invest in particular funds and it was intended to extend that authority to include Multi-Asset Funds. There were at present no investments in those funds but there could be if the Director considered them appropriate. If it was decided as part of the Budget for 2021-22 no longer to invest in the CCLA Property Fund the Investment Strategy would be amended to reflect that.

RESOLVED that the Capital, Treasury and Investment Strategies 2021-22 as submitted to the meeting be approved.

(7.30pm to 7.40pm)

11. Housing Infrastructure Fund – Collaboration and Co-operation Agreement

The Council considered a report on a proposal to indemnify Essex County Council in the arrangements for the delivery of the new housing linked to the Beaulieu Rail Station and Chelmsford North East By-pass being funded by the Housing Infrastructure Fund (HIF).

In response to a question, the Cabinet Member for Sustainable Development said that only the City Council, as the local planning authority, could provide the indemnity and it could not be shared with developers; provided the Council fulfilled its obligations, the indemnity would not fall on it.

RESOLVED that:

1. The Council agrees to provide an indemnity of up to £5 million for capital costs in relation to the Terms of the Collaboration and Co-operation Agreement set out in Section 3 of the report to the meeting.
2. The decision to enter into the agreement be taken by the Chief Executive in consultation with the Director of Financial Services, Legal and Democratic Services Manager, Director of Sustainable Communities, Cabinet Member for Sustainable Development and the Cabinet Member for Fairer Chelmsford.

(7.40pm to 7.49pm)

8.3 Budget for 2021-22

The Mayor reminded members that whilst each had a Disclosable Pecuniary Interest in this item, the Governance Committee had granted a general dispensation to allow councillors to speak and vote on the revenue estimates and level of Council Tax for 2021-22.

The Council had before it a report and recommendations from the Cabinet on the revenue budget for 2021-22 and its capital investments for that year. The proposed Council Tax resolution for the 2021-22 budget was included as part of the report to the meeting.

The Cabinet Member for a Fairer Chelmsford opened the debate by making a presentation on the budget, in which he set out the projected spending of the Council in 2020-21, how it had been envisaged that it would be funded when the budget had been set in 2020 and the shortfall of income caused by the coronavirus pandemic, resulting in the need to undertake a number of measures including the use of reserves to balance the budget in the current financial year. The Cabinet Member went on to describe how the estimated deficit of £7.557 million in 2021-22 would be met whilst maintaining core and essential services and spending on the Council's main priorities, including the provision of affordable and temporary housing and addressing the climate change and ecological emergency.

Responding to a question from a member of the public on what measures had been explored to generate income before deciding to introduce charges for parking at Hylands Park, the Cabinet Member said that all possible avenues to balance the budget had been explored, including the use of balances, reducing costs and increasing income from other sources. He accepted that some residents opposed the car parking charges but believed that others recognised the need to make difficult decisions if essential services were to be protected. He wished to ensure that the Council's financial position was not put at risk.

Turning to the petition presented earlier in the meeting, the Cabinet Member recognised the importance of Hylands Park, the part it played in the lives of many people and its contribution to the physical and mental wellbeing of its users. However, there were hard financial choices to make and the introduction of the charge was preferred to making cuts in vital services.

With regard to the question by a member of the public on the increase in the charges for bereavement services and their comparison with the cost of similar services elsewhere, the Cabinet Member pointed out that the Council charged less for these than others. Later in the discussion, the Cabinet Member for a Safer and Greener Chelmsford said that the cost of exclusive rights of burial for the wider Essex catchment area indicated that the pure average cost was £1,691 and the adjusted average by taking the highest and lowest out was £1,432. The latter had been used to set the proposed fee for Chelmsford of £1,400.

The data included the neighbouring authorities as well as a wider relevant catchment area. For non-residents, the fees were double, as was the case in most other local authority operated cemeteries. The purchase of new grave space in Chelmsford on current trends was around 40 new graves per annum.

The reason for comparing Chelmsford's burial fees for exclusive right of burial fee to the wider Essex area was because of the proximity of East London, which had an impact on Chelmsford in that lower fees attracted requests for burials in the City of Chelmsford and its cemetery was seen as comparatively akin to the locations in London in terms of quality, its relatively easy commutable distance from East London and as a pricing point, even with the non-residents' surcharge. The comparison also covered the wider north, west and east catchment area which ensured that, by including of all these areas, including neighbouring authorities, a fair, moderated and meaningful comparison was achieved and used as the basis for setting burial fees.

There was difference between grave purchase (exclusive right of burial) and interment fees. The grave purchase, for up to two full burials/interments, was the subject of the comparative figures described, whereas the interment fees covered the actual act of burials in the period of the 50 years following grave purchase. The position was that the Chelmsford adult interment fees were currently £780 and were proposed to increase to £796 in April 2021, a 2% inflationary increase only. The interment fees did not attract a non-resident surcharge. The interment fees in Chelmsford were broadly similar to those elsewhere and whilst proposed to be uplifted by an 2% inflationary increase, were not increasing in the same way as the burial and cremation fees.

The Cabinet Member said in conclusion that the data supported the approach that the proposed exclusive right of burial or grave purchase fees were set based on the average for

the wider Essex catchment area.

It was moved as an amendment by Councillor J Galley, seconded by Councillor R Whitehead, that the proposed budget be amended as follows:

- the proposed increase in charges for bereavement services be 2% instead of 12%;
- there be no charges for car parking at Hylands House and, accordingly, no provision be made in the capital programme to meet the cost of their introduction;
- there be no increase in ticket prices for the Three Foot People Festival;
- the use of unearmarked reserves should increase to £1.73 million to meet the reduction of income resulting from those changes and balance the budget.

Those who spoke in favour of the amendment said that they recognised the difficult financial position faced by the Council but believed that the increase in bereavement charges was an insensitive measure in the current circumstances; that car parking charges in Hylands Park would seriously affect dog walkers and other users of the Park for whom it was beneficial to their wellbeing, penalise drivers, cause hardship to families who used it, deprive children with special needs of the use of the special play area in the Park, and have an adverse effect on parking in Writtle; and that increasing the charge for the Three Foot People Festival would harm vulnerable families who looked forward to and enjoyed the event. It was argued that a decision on the proposed charges should be deferred to allow for other means of meeting the resulting shortfall in income, either by reducing expenditure on non-essential services or by making efficiencies, to be looked at. It was also suggested that the decision on parking charges should not be taken until the current consultation had been completed.

Speaking against the amendment, other members pointed out that it would increase expenditure by £409,000 in 2021-22 and £550,000 in each year after that. Using reserves would only balance the budget in 2021-22 and was not sustainable in the longer-term, so other means of reducing expenditure, such as reducing staffing costs or spending on vital services, would need to be considered. Members were also reminded that Hylands was only one of 15 parks in Chelmsford, most of which had no charges for parking.

On being put to the vote, the amendment was lost, with the voting being as follows:

For the amendment:

Councillors Ambor, Daden, Dobson, Galley, Grundy, Hughes, John, Knight, Massey, Millane, Potter, Poulter, Raven, Roper, Sismey, Steel, Whitehead, Wright

Against the amendment

Councillors Ashley, Ayres, Bracken, D Clark, A Davidson, C Davidson, Dudley, Frasca, Fuller, M Goldman, S Goldman, Jones, Lager, Large, Lee, Mackrory, Mascot, Moore, Pooley, Rajesh, Robinson, Sampson, Shaw, A Sosin, J Sosin, Tron, Walsh, Willis, Young

Abstained

Councillors Bentley, P Clark, Deakin, Hyland, Roberts

At this point, an amendment was moved by Councillor P Clark, seconded by Councillor R Hyland, that the proposed budget be amended as follows:

- delete the original saving of £541,000 and include in the budget an additional provision of £331,000 for a pay award of 1% whilst retaining a payment of £250 for those earning below £24,000;
- the proposed increase in charges for bereavement services be 2% instead of 12%, at a cost of £193,300;
- there be no charges for car parking at Hylands House, at a cost of £145,000, and, accordingly, no provision be made in the capital programme to meet the cost of their introduction;
- there be no increase in ticket prices for the Three Foot People Festival, at a cost of £71,000;
- there be no increase in Council Tax, at a cost of £339,000;
- the use of unearmarked reserves should be increased to £1.343 million to in part meet the reduction of income resulting from those changes and the loss of interest from the use of the reserves and balance the budget;
- to meet the additional cost of the other amendments the Director of Financial Services be instructed to dispose of the Council's investment in the CCLA Property Fund and redeem it at the most favourable terms, realising a profit of £1,317,000 but reducing income from the interest earned by £260,000.

The arguments in favour of the changes relating to charges of bereavement services, parking at Hylands House and the Three Foot People Festival largely reflected those made during the debate on the first amendment. The redemption of the investment in the CCLA Property Fund was proposed as it was considered to be too much of a financial risk to the Council in view of the uncertainties in the property market and the profit from it could be put towards funding the reductions in income resulting from the other measures proposed in the amendment.

Those who spoke against the amendment said that in setting the budget there had been no simple choices to make and that the changes proposed had their own consequences. In proposing the budget, the Administration has considered other options but they too would

have a negative impact on residents and the ability to continue to deliver essential services. Whilst a pay increase for lower paid staff was provided in the budget, a decision had yet to be made on an increase for all staff. The proposed amendment would enable the profit from the CCLA Fund to be used to offset its costs in 2021-22 but a shortfall of £1.484 million would still need to be met in each of the years after 2021-22, which was not sustainable in the context of the deficit already anticipated in those years. It was the consistent view of those who advised the Council that the CCLA investment was a sound and valuable asset.

On being put to the vote, the amendment was lost, with the voting being as follows:

For the amendment

Councillors Bentley, P Clark, Daden, Hyland, Roberts

Against the amendment

Councillors Ashley, Ayres, Bracken, D Clark, A Davidson, C Davidson, Dudley, Frascona, Fuller, M Goldman, S Goldman, Jones, Lager, Large, Lee, Mackrory, Mascot, Moore, Pooley, Rajesh, Robinson, Sampson, Shaw, A Sosin, J Sosin, Tron, Walsh, Willis, Young

Abstained

Councillors Ambor, Deakin, Dobson, Galley, Grundy, Hughes, John, Knight, Massey, Millane, Potter, Poulter, Raven, Roper, Sismey, Steel, Whitehead, Wright

Returning to the debate on the budget as presented, the Cabinet Member for a Fairer Chelmsford said that it represented savings and reductions in core costs of £1.6 million, almost all of which would be ongoing. The Council had seen a reduction in income in the current year of £16.5 million and even after additional government support was taken into account, it had been necessary to close a budget gap of £5.3 million in 2021-22. There would be a gap of £2.2 million in 2022-23 and a cumulative gap every year after that.

Whilst the budget included the principle of charging for car parking at Hylands Park, which was still the subject of consultation, it contained positive steps to preserve spending on helping rough sleepers, provide affordable and temporary housing, address the climate emergency and protect core services. Responding to a point made earlier in the debate, the Cabinet Member said that it had been decided not to increase charges for parking in the city centre in order to help shops and businesses recover after the pandemic. It was also not a certainty that increasing such charges would result in greater income if it discouraged usage of the car parks.

On being put to the vote, the budget proposed in the report to the meeting was approved, with the voting being as follows:

For the proposed budget

Councillors Ashley, Ayres, Bracken, D Clark, A Davidson, C Davidson, Dudley, Frascona, Fuller, M Goldman, S Goldman, Jones, Lager, Large, Lee, Mackrory, Mascot, Moore, Pooley, Rajesh, Robinson, Sampson, Shaw, A Sosin, J Sosin, Tron, Walsh, Willis, Young

Against the proposed budget

Councillors Ambor, Bentley, P Clark, Daden, Dobson, Galley, Grundy, Hughes, Hyland, John, Knight, Massey, Millane, Potter, Poulter, Raven, Roberts, Roper, Sismey, Steel, Whitehead, Wright

Abstained

Councillor Deakin

RESOLVED that the budget for 2021-22 set out in Appendix 1 to the report to the meeting be approved, specifically:

1. the new Capital and Revenue investments in Council Services shown in Section 4;
2. the delegations to undertake the new capital schemes identified in Section 4, Table 5;
3. the Revenue Budgets in Section 9 and Capital Budgets in Section 10;
4. an increase to the average level of Council Tax for the City Council, increasing the average annual Band D Council Tax to £203.95, the maximum allowed before a referendum, in Section 8;
5. the fees and charges changes above the budget guidelines, as identified on the Savings schedule set out in Section 3, and that current car parking charges are frozen for 2021/22;
6. the movement in reserves shown in Section 6;
7. the Budget forecast in Section 6 and the report of the Director of Financial Services on the risks and robustness of the budget in Section 7;
8. Special expenses, Parish and Town Councils' precepts as identified in Section 8, Table 11; and
9. a delegation to the Chief Executive to agree, after consultation with the Leader of the Council, the pay award for 2021/22 within the normal financial delegations.

(7.49pm to 9.48pm)

10. Regulation of Investigatory Powers Act

On 14 October 2020, the Governance Committee had considered a report on the arrangements made by the Council under the Regulation of Investigatory Powers Act 2000, which included the results of the previous year's inspection by the Investigatory Powers Commissioner's Office (IPCO) and a review of the RIPA Policy and the RIPA Social Media Policy. In recommending that the Council receive and note the report, the Committee had suggested a change to the wording of paragraph 2.2 of the guidance on the policy's operation.

RESOLVED that the report for 2019/20 on the arrangements made by the Council under the Regulation of Investigatory Powers Act 2000, together with the amendment to paragraph 2.2 of the guidance on the operation of the policy, be received and noted.

(9.48pm to 9.49pm)

11. Pay Policy Statement

The Council was requested formally to approve the annual Pay Policy Statement in accordance with section 38 of the Localism Act 2011.

RESOLVED that the Pay Policy Statement for 2020/21 be approved.

(9.49pm to 9.50pm)

The meeting closed at 9.50pm

Mayor