

CHELMSFORD CITY COUNCIL
MINUTES OF THE MEETING OF THE COUNCIL
held on 25 July 2023 at 7pm

PRESENT:

The Deputy Mayor, J A Deakin

Councillors C Adutwim, J Armstrong, N Bugbee, N Chambers D Clark, H Clark, P Clark, P Davey, A E Davidson, C K Davidson, S Davis, , S Dobson, N A Dudley, D Eley, K Franks, L Foster, J A Frascaona, I D Fuller, M C Goldman, S M Goldman, I S Grundy, S Hall, J Hawkins, R J Hyland, A John, R J Lee, L Mascot, B. Massey R J Moore, M O'Brien, V Pappa, G H J Pooley, J A Potter, S Rajesh, J M C Raven, S J Robinson, T Sherlock, M Sismey, A B Sosin, J E Sosin, M S Steel, S Sullivan, M Taylor, A G Thorpe-Apps, N M Walsh, R T Whitehead, P Wilson, and S Young

1. Apologies for Absence

Apologies for absence had been received from the Mayor, Councillor Mascot and Councillors Canning, Jeapes, Knight, Lardge, Sampson, Scott, Thompson and Tron

2. Mayor's Announcements

The Council observed a minute's silence to mark the 27th anniversary of the Srebrenica massacre.

The Deputy Mayor also paid tribute to former Councillor and Mayor Trevor Miller, who had been Mayor between 2013 and 2014. The Deputy Mayor stated that they had attended his funeral on behalf of the Mayor and Council and remembered fondly when they had served as his Deputy Mayor. The Council remembered his time as a Councillor between 1985 and 2015 and reflected on his work as a school governor.

The Deputy Mayor on behalf of the Mayor, referred to the 65 mayoral engagements that had been attended by the end of July and reminded the Council of the monthly newsletter detailing engagements.

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. Cllr Massey declared a Disclosable Pecuniary Interest in Item 7.5 and stated he would leave the meeting for that item.

4. Minutes

The minutes of the meetings held on 22 February and 24 May 2023 were confirmed as a correct record.

5. Public Questions

Five public questions had been submitted in advance of the meeting, three of which were asked in person.

The first public question asked about the need for a better level of road cleaning service in South Woodham Ferrers. The Council were reminded that when the question had been asked previously, the Leader and others had agreed that there was cause for concern over the quality of the contractor's work. The Council were asked if the contract would not be renewed, with the road cleaning service instead brought back in house.

In response the Cabinet Member for Greener and Safer Chelmsford stated that a review had been undertaken in April 2023 to look at the standards of cleaning in the area compared to what was expected, together with an examination of the costs of retaining the current service or bringing it back in-house. It was noted that in general the standards of cleansing had been meeting expectations with new procedures and closer contract management now in place. The Cabinet Member noted that the cost of bringing the service in-house was estimated to be four times as expensive and therefore not good value for taxpayers. It was noted that the decision had therefore been taken to retain the current arrangements for 2023-24 and the member of the public was reminded to inform the Council, regarding any concerns about the quality of the service.

The second public question asked about the Capital Programme, and why it only included one item of expenditure in South Woodham Ferrers for replacing equipment at the swimming pool which should have fallen under property maintenance. The Council were asked why South Woodham Ferrers which made up around 10% of the Council's population was receiving less than a quarter of 1% of the Capital spend. The Council were also asked if any future projects were planned for the town, which continued to pay one of the highest Council Tax rates in the district.

In response the Leader of the Council, stated that the £275k funding had been allocated for major repairs rather than just routine maintenance and had been essential for the pool to remain in operation, meet health and safety standards, along with meeting the Council's objectives to achieve a net zero carbon position by 2030. The Council also heard that 40% of the Capital programme was either CIL or S106 funded, it was noted that a large part of the programme contained schemes which would benefit all residents across Chelmsford, such as the future purchase of land, money towards housing initiatives and green initiatives.

The third public question was not asked in person, but along with the others had been circulated to members and published on the Council's website. It asked whether with the ever-increasing pressure on household budgets, whether the

Council would introduce surcharges for the collection of garden waste, as was now the case with other nearby districts.

In response the Cabinet Member for Greener and Safer Chelmsford, stated that the Council had no plans to introduce a charge for household garden waste collections. The Council heard that local authorities had been waiting for a National Waste Strategy from the Government and that leadership at the highest level was required to ensure consistency of collections and to minimise the amount of waste that ends up in landfill or was incinerated. The Cabinet Member informed the Council that Chelmsford continued to lead the way in Essex with its comprehensive kerbside collection service, including garden waste. It was also noted that there was a wealth of information available online, through the City Council and Love Your Chelmsford website, with advice on sustainable choices, waste reduction through reuse, repair, composting and recycling as much as possible.

The fourth question was also not asked in person. The question asked for information regarding the development of 98 apartments at 1 Legg Street and queried why the venue was now housing migrants for the home office. The question also asked about how the Council were consulted, why the Council did not make the use of the development public, the identities of the residents and their immigration status, criminal offences at the venue and steps to safeguard residents.

In response, the Leader of the Council, highlighted that questions could now be asked and answered without the member of the public attending. The Council heard that neither Chelmsford or Essex County Council had been consulted by the Home Office, and any questions asked to the Home Office, had been met with vague and non-specific answers. It was noted that Councils were very concerned about the impact on health, education and other public service from a sudden influx of potentially very vulnerable residents, but were not told in advance the social make up of the people who were coming. It was noted that the Home Office outsource the finding of accommodation, who in turn outsourced it again, leading to an unsatisfactory situation. The Council heard that their Community Safety Team had a close working relationship with local Police and carried out a range of activities to keep everyone safe as a matter of normal activity. It was noted that the Police along with the Council would have welcomed greater and earlier clarity about the proposals for the site. It was also noted that the Council were regularly notified about all serious criminal activity and were aware of a serious domestic violence incident at the building. However, it was noted that crime statistics show that if migrants were involved in crime, it was more likely to be as a victim than a perpetrator.

The final public question was asked in person and asked what was preventing the Council from fully renting out the Avon Road allotments. The Council heard that there had been frustration with the management and lack of engagement of the Council with plot holders, over recent years, who seeing the state of things had offered to assist and been willing to help the Council identify empty or abandoned plots. The Council heard that other allotment owners in the City had similar frustrations. The Council was asked to see the potential benefit of positive collaboration for the ongoing welfare and good management of the allotments.

In response, the Cabinet Member for Greener and Safer Chelmsford, thanked the local resident for bringing up the matter and stated that the City Council was keen to see greater use of allotments across the district and where possible would provide new ones as part of new developments. It was also noted that there was low demand for plots in the Chignal and Melbourne area but not enough provision in other areas. The Council also heard that a contractor had recently begun cutting vacant plots and ones which weren't fully maintained were periodically identified and inspected, with tenants contacted if required to be reminded of the requirement to maintain the plots in accordance with the allotment tenancy agreement. It was noted that the Council was happy to engage with potholders and was keen to see local allotment associations at all of the sites. The local resident was asked to contact officers to look into arranging this.

(7.04pm to 7.20pm)

6. Cabinet Question Time

The following questions from Councillors were put to members of the Cabinet:

1. Question from Councillor V Pappa to the Cabinet Member for a Greener and Safer Chelmsford

Background:

During the recent election campaign, many residents expressed their concerns on parking charges, but one of my resident expressed her real concerns regarding the parking charges situation at HYLANDS house . She mentioned that her child has ADHD and when parking was free at HYLANDS, she used to take her child there almost every day. However, now that parking has become unaffordable for everyday visiting , she and her child are forced to spend their time indoors.

Question :

The City Council currently allows those with a Blue Badge to park at Hylands Park without payment. Given that the children's play area was specifically designed for use by handicapped children, who by definition, will not be Blue Badge holders, will the Cabinet Member look at introducing a scheme for those with special needs to be allowed a similar concession for FREE PARKING ?

I strongly request the council to consider giving free access to HYLANDS house car parking to those who have special needs, including parents with children who have ADHD AND any such needs . It would make a great difference in the lives.

In response the Cabinet Member for Greener and Safer Chelmsford stated that people with hidden disabilities were entitled to apply for a blue badge and that included the parents of children with such disabilities. Therefore, the Cabinet Member hoped that the Cllr would encourage their constituent to apply for a blue badge. It was also noted that the blue badge would mean free parking at Hylands Park and for those not entitled to blue badges, there remained a number of options available for payment, including a season ticket for regular visitors. It was noted that

a Chelmsford resident could get an annual 5-day season ticket for £54, representing very good value.

2. Question from Councillor A Thorpe Apps to the Cabinet Member for Greener and Safer Chelmsford

Over recent years, we have seen a concerning increase in the number of incidents involving dogs across Chelmsford. I understand the Council's desire to take action, which has led to the consultation on a possible 'Public Spaces Protection Order' (PSPO) at Hylands Park. At Cabinet, a paper was presented and agreed on this proposal which commented on the 33 dog-related incidents that took place between July 2020 and July 2021, and stated that such incidents are on the rise.

But having delved into the figures, of the 33 dog incidents mentioned in that paper, only 3 actually related to Hylands Park. Moreover, whilst the data does show the number of recorded incidents has increased across Chelmsford over the last few years (78 this year), the number of reported incidents at Hylands Park was the same in 2022 as it was in 2020 (3 incidents).

One dog-related incident is of course one too many, but would the Cabinet member concede that, based on the raw data, there isn't a clear case for a PSPO at Hylands, and does she agree with me that the Council should instead be focusing on locations where data shows such incidents have increased? Why is Hylands being singled out for this PSPO pilot?

In response the Cabinet Member for Greener and Safer Chelmsford, stated that dog attacks could happen anywhere, but that there had been an increased trend both nationally and locally, that had been concerning and the Council had a duty to consider and if possible, implement measures to mitigate the risk. It was noted that one related incident was too many and that the Cabinet report had detailed examples of where incidents could have had horrific consequences and therefore existing powers should be considered to help prevent such incidents. The Council heard that no one location had been reporting particularly high numbers, but Hylands was being considered for two main reasons. It was noted that these were due to the risk to small children, often under less parental supervision, due to less risk from roads, cycle paths and water features, these were more prevalent in Central Park which is why dogs tended to be kept on the lead there. The Council heard that the second reason was the significant size of Hylands Park, therefore allowing for restrictions without disadvantaging any section of the public as if agreed 85% of the park would still be available for walking dogs off their leads.

A third Cabinet member question had been submitted by Cllr Knight, who did not attend the meeting. It was therefore noted that a response to him would be emailed after the meeting.

(7.27pm to 7.31pm)

7. Reports from the Cabinet

7.1 Treasury Management Outturn Report 2022/23

The report to the meeting detailed the findings of the annual review of the Council's Treasury Management function and the rates of return on investments in 2022-23.

RESOLVED that the Treasury Management Outturn report for 2022-23 be noted.

(7.33pm to 7.34pm)

7.2 Capital, Programme Update and Provisions Outturn 2022/23

The report to the meeting detailed capital expenditure incurred in 2022/23 and the resources used to finance it; set out variations to approved capital schemes and the Asset Replacement Programme; and presented a budget for asset replacements in 2023/24. The Leader of the Council informed the Committee that there were new investments detailed in the Capital Programme such as the athletics track, facilities at Hylands Park, land regeneration and investment in homelessness prevention.

RESOLVED that;

1. the method of funding the capital expenditure incurred in 2022/23, as set out in the table in paragraph 5 and as recommended by the S151 Officer to be the most cost effective be approved;
2. that changes to the budgets for the Chelmer Waterside Infrastructure project are not contained in this capital update report but dealt with in a separate report to be taken to July Council be noted;
3. the proposed budget for the Capital Schemes, £124.059m and the risks associated with those budgets be noted;
4. the Asset Replacement Programme for 2023/24, £5.235m be noted.

(7.34pm to 7.35pm)

7.3 Budget Framework – Medium Term Financial Strategy 2024/25

The Council received a report providing them with a framework to manage the Council's 2024-25 budget and to update the financial strategy. The Council heard that there were lots of financial uncertainties outside of the Council's control, alongside increased costs in areas such as homelessness. The Leader of the Council stated that it was difficult to present a budget at this time as a result and further details would be provided in the autumn. It was noted that as in previous years, a significant budget shortfall was expected but that some areas may improve. The Council heard that the report set out the key challenges, which included difficulty in budgeting due to not knowing specifics on grant funding from the government.

In response to a question on one of the areas that may improve, the Council were informed that a refund from HMRC was expected soon. It was noted that the Council had challenged the charging of VAT on swimming pools, which it regarded as a public health activity and the Council's challenge had been successful, leading to an expected refund.

RESOLVED that;

- I) the Actions in Appendix 3 as the basis of financial Management be approved;
- II) the Financial Risks and Potential Upsides (Appendix 1) be noted
- III) the approach to reserves in Appendix 2 of the report be approved
- IV) the budget guidelines in Appendix 4 be approved

(7.36pm to 7.39pm)

7.4 Proposed Amendments to the Constitution

The Council received a report asking them to consider the recommendations of the constitutional Working Group arising from its reviews of the City Council's Constitution. It was noted that some minor changes were being proposed, which had already been recommended by the Working Group, the Governance Committee and Cabinet.

RESOLVED that the amendments to the Constitution detailed in appendices 1 & 2 to the report be approved.

(7.40pm to 7.41pm)

7.5 Amendments to Council Tax Premiums in respect of empty properties with effect from 1 April 2024

Cllr Massey left the meeting for this item due to having a disclosable pecuniary interest.

The Council considered a report on amending Council Tax premiums in respect of empty properties with effect from 1st April 2024. It was noted that the Cabinet had recommended the changes at its meeting in March. The Cabinet Member for Connected Chelmsford referred to the housing crisis in Chelmsford and the 400 families currently in temporary accommodation in Chelmsford. It was noted that the aim of the proposal was not to bring in further Council Tax revenue but to bring empty houses back into potential use. It was also noted that the bill had moved further along its process nationally and was now at report stage in the House of Lords.

In response to a question, it was confirmed that as detailed in paragraph 4.1 of the report, the Council already had discretion to consider local circumstances, as changes may increase hardship for some and that could be taken into account.

RESOLVED that;

1. A Council Tax premium of 100% be levied in respect of empty and unfurnished properties 12 months after the property becomes empty;
2. A Council Tax premium of 100% be levied in respect of unoccupied dwellings, which are substantially furnished;
3. The application of premiums in both cases is applied from 1 April 2024 or such other date as may be permitted following the passage of the Levelling Up and Regeneration Bill through Parliament, with the implementation date delegated to the Director of Connected Chelmsford.

(7.41pm to 7.46pm)

8. Report from the Leader of the Council

8.1 Committee Membership

The Council received a report updating them on recent changes to Committee membership.

RESOLVED that;

1. the changes from the Conservative Group, that were recently made by the Monitoring Officer's delegation, in consultation with the Group Leaders be noted.
2. To note the appointment of Councillor Bentley (South Woodham Ferrers Town Council) and Councillor Golla (Chelmsford Garden Community Council) as Parish Tier Representatives on the Governance Committee, as agreed by the Governance Committee on 21st June 2023 be noted;
3. the proposals from the Audit and Risk Committee to appoint two Independent Persons to the Committee, as agreed at their meeting on 21st June 2023 be noted.

(7.47pm to 7.48pm)

9. Annual Report of the Audit and Risk Committee

The Council considered the Annual Report of the Audit Committee for 2022-23, submitted in accordance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) recommended practice.

The report included among other things a review of the Committee's terms of reference; its work on the audit charter and internal audit strategy; the Revenue and Capital Outturns; the Committee's work programme for 2022-23 and its planned work for 2023-24. Officers were thanked for their support throughout the year.

RESOLVED that the Annual Report of the Audit and Risk Committee for 2022-23 be approved for publication.

(7.49pm to 7.50pm)

10. Annual Report of the Governance Committee

The Annual Report of the Governance Committee for 2022-23 was presented for approval.

It provided information on the statutory and procedural requirements of the standards regime; the terms of reference and membership of the Governance Committee; the work carried out by the Committee in 2022-23; details of complaints received about councillors; changes to the Constitution; monitoring matters such as whistleblowing and use of investigative powers; and the Committee's future work programme.

RESOLVED that the Annual Report of the Governance Committee for 2022-23 be approved for publication.

(7.50pm to 7.51pm)

11. Annual Report of the Overview and Scrutiny Committee

The annual report of the Overview and Scrutiny Committee on the activity of the scrutiny function of the Council for 2022/23 was submitted for information.

The report outlined the Committee's main areas of work over the past year, which had included updates from Cabinet Members, the annual report of the Chelmsford Policy Board, and a review of the Our Chelmsford Our Plan corporate plan. The Committee had also monitored the performance of key services and activities and had received the annual presentation on the work of Essex Police and the Safer Chelmsford Partnership. Officers were thanked for their support throughout the year.

RESOLVED that the Annual Report of the Overview and Scrutiny Committee for 2022-23 be approved for publication.

(7.51pm to 7.52pm)

Exclusion of the Public

RESOLVED that the public be excluded from the meeting during the consideration of Items 12,13 and 14 on the agenda as they contained exempt information within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

12. Chelmer Waterside of Infrastructure Delivery

Public interest statement: It is not in the public interest to release details of this report at present, on the grounds that the report contains commercially sensitive contractual and property information.

The Council received a report setting out the latest position regarding the delivery of the infrastructure at Chelmer Waterside, required to bring forward new housing led development and specifically to seek their approval to proceed with the construction of the new access road and bridge. It was noted that the decision to enter into a Joint Venture agreement, or an alternative delivery mechanism, to bring forward the housing development, would be taken at a future meeting. The report asked the Council to approve the required addition to the Capital Programme, additional spend on land acquisition, the prudential indicators for capital financing and to delegate contractual matters required to enable construction to commence be delegated to the Director of Public Places in consultation with the Cabinet Member for Fairer Chelmsford.

The Conservative group submitted an amendment to the report along with questions on it's detail that were answered by the Leader of the Council. The amendment highlighted support for regeneration of the area, but queried the information provided, which was felt to lack a large amount of vital supporting information. The amendment proposed that the decisions on recommendations 1,3 and 4 be postponed for two months, to allow members time to receive all the information before a fully informed decision at a special meeting in September. Members spoke in support and against the amendment, with views shared that not enough information was available, against other views that a decision was required to ensure the Council was not negatively impacted by funding being clawed back. The amendment was not carried.

In response to other points raised, officers stated that a letter from Homes England that had been referenced, would be circulated to members after the meeting, but it had not been necessary to include it in the report.

During discussions of the report, it was highlighted that this was an important strategic opportunity and decision for the Council, that would lead to significant influence over a large brownfield site for the Council to direct the required type of housing in the future.

RESOLVED that;

1. an addition to the Capital Programme to enable the construction of the Chelmer Waterside Access Road and Bridge be approved;
2. additional spend on land acquisition be approved;
3. That the prudential indicators for capital financing are approved (appendix 3) and that;
4. Contractual matters required to enable construction to commence are delegated to the Director of Public Places in consultation with the Cabinet Member for Fairer Chelmsford.

(7.53pm to 8.41pm)

13. Proposed Purchase of Land at Main Road Boreham

Public interest statement: It is not in the public interest to release details of this report at present, on the grounds that the report contains information that is commercially sensitive and to place the information in the public realm will be detrimental to the negotiations to be undertaken by the Council.

The Council was asked for its approval to purchase a parcel of land at Main Road, Boreham for the development of affordable housing. It was noted that the cost would be funded from an existing budget previously approved for the purchase of exception sites within the Capital Programme.

Several members indicated that they felt the purchase price was high and queried if professional valuations had taken place. In response it was noted that the development would be used for affordable rent housing and that professional valuations had been undertaken prior to the proposal being put to Council. It was also confirmed by the Monitoring Officer, that members would not be automatically pre-determined if planning permission for the land was to be discussed in the future at a Planning Committee.

RESOLVED that;

1. That the Director of Public Places after consultation with the Cabinet Member for Fairer Chelmsford pursuant to para 3.4.5.46 of the Constitution be authorised to consider, negotiate, and agree terms for the purchase of the property as described below. The cost would be funded from an existing budget previously approved for the purchase of exception sites within the capital programme.
2. That the Section 106 collected for offsite affordable housing contributions should be used to fund the Boreham land purchase. These Section 106 funds were to be used to fund another existing capital budget 'Initiatives to increase the provision of Affordable Housing', so, that budget will reduce by the amount of Section 106 applied to the land purchase at Boreham.

(8.42pm to 8.51pm)

14. Small Housing Site Delivery

Public interest statement: It is not in the public interest to release details of this report at present, on the grounds that the report contains information that is commercially sensitive and to place the information in the public realm will be detrimental to the negotiations to be undertaken by the Council.

The Council was asked for its approval to dispose of several small housing sites on which planning consent had or would be obtained for the development of affordable housing. It was noted that they would be disposed of to a registered provider to provide accommodation for social rent and they would make a positive contribution, especially with the provision of much needed three and four bedroom family homes.

Several members indicated that they felt the loss of parking sites would have a negative impact on local residents and felt that they should be consulted first. In response it was noted that the sites referred to had already been granted planning permission and therefore been consulted upon.

RESOLVED that;

1. That the Director of Public Places after consultation with the Cabinet Member for Fairer Chelmsford pursuant to para 3.4.5.46 of the Constitution be authorised to consider, negotiate, and agree terms for the disposal of the property interests as described below.
2. That the Infrastructure Revenue Reserve is used to meet the costs previously spent on feasibility works on these sites.

(8.52.pm to 8.57pm)

The meeting closed at 8.58pm

Mayor