

MINUTES OF CHELMSFORD CITY COUNCIL CABINET

on 1 July 2019 at 7.00pm

Present:

Cabinet Members

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

Cabinet Deputies

Councillor R J Moore, Recycling and Ecology
Councillor E J Sampson, Communications
Councillor M Springett, Community Engagement and Local Democracy
Councillor C R Tron, Affordable Housing

Councillors

K Bentley, J Galley, N Gulliver, C L Finnecy, I D Fuller, L A Mascot,
G H J Pooley, I C Roberts, M Sismey, A B Sosin,
M S Steel, R T Whitehead and S Young

1. Apologies for Absence

There were no apologies for absence from Cabinet Members. Apologies for not being able to attend the meeting were received from Councillors M Bracken, P Clark and M Watson.

2. Declarations of Interests

Members of the Cabinet were reminded to declare at the appropriate time any personal and prejudicial interests in any of the items of business on the meeting's agenda. Councillor C K Davidson declared a non-pecuniary interest in Item 11 as an employee of the company that had advised on the property transaction.

3. Minutes and Decisions Called-in

The minutes of the meeting on 5 March 2019 were confirmed as a correct record and signed by the Chair. No decisions at that meeting had been called in.

4. **Public Questions**

10-12 Hanbury Road

A resident of Longacres referred to work being carried out at 10-12 Hanbury Road, which local residents said was being done without the required planning permission and about which they had expressed concerns relating to the adequacy of health and safety practices of the company carrying out the work. The residents had signed a petition asking that the work cease and the necessary permissions from the appropriate bodies be sought by the company concerned.

The Cabinet Member for Safer Chelmsford said that the Council was aware of the residents' concerns. A planning enforcement officer had advised that, cumulatively, the work being carried out required planning permission. The company had been told to stop all work except that relating to the replacement of the roof of the building pending consideration of applications for a Certificate of Lawful Proposed Development and for planning permission. Residents would be able to comment on those applications as part of the consultation on them. With regard to health and safety, that was the responsibility of the Health and Safety Executive (HSE), which had been made aware of residents' concerns. The HSE were satisfied with the arrangements on site for the removal of asbestos panels. The Council would respond to the petition, which was handed in at the meeting.

Traffic on B1012

A resident of South Woodham Ferrers questioned the adequacy of the modelling and traffic count data that has been used in support of the planned provision of new crossings on the B1012 associated with the new development site north of South Woodham Ferrers allocated in the Draft Local Plan. The resident asked that the site not be confirmed for inclusion in the Local Plan until suitable data had been produced. He also requested that consideration be given to the provision of a northern bypass.

The Cabinet Member for Greener Chelmsford replied that the Inspector for the Independent Examination of the Draft Local Plan had not questioned the allocation of the site north of South Woodham Ferrers for residential development or the evidence that supported its inclusion. The Cabinet was being asked at this meeting to consider the Inspector's Main Modifications to the Plan and could not revisit matters already addressed at the Examination. However, more detailed modelling would be required as part of any master planning and planning applications for the development site and issues relating to traffic flows on and the crossing of the B1012 would be considered further at that stage. The Cabinet Member added that the construction of a relief road north of South Woodham Ferrers had never been a part of the Draft Local Plan.

Meadow Lane, Runwell

A resident of Meadow Lane, Runwell asked whether the Leader would meet with him and other residents to discuss issues in the area about which they were concerned.

The Leader of the Council said that he would arrange a meeting and asked that details of the residents' concerns be sent to him in advance.

5. **Members' Questions**

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

Councillor I C Roberts on additional wording that had been added to the Draft Local Plan as part of the Main Modifications which in his view suggested that the B1012 would experience an increase in traffic from new development both in South Woodham Ferrers and Maldon. He was also concerned about the lack of crossing facilities for residents attending a new doctors' surgery in South Woodham Ferrers and about the decision to conduct the public consultation on the Main Modifications during the summer holidays.

On the last point, the Cabinet Member for Greener Chelmsford said that the consultation had been extended to seven weeks, much of which was not during the holiday period, and there would be pre-consultation communication with parish councils. With regard to the point about the need for a pedestrian crossing to the doctors' surgery, this would best be raised as a possible scheme with the Chelmsford Local Highways Panel.

Councillor R T Whitehead on whether the Cabinet Deputies formed part of the Executive and, if so, whether the current inclusion of one of those deputies as a member of the Overview and Scrutiny Committee was permitted.

The Leader of the Council said that at present only Cabinet Members formed the Executive and the status of the Cabinet Deputies would be clarified at the next Council meeting. The Cabinet Deputy currently a member of the Overview and Scrutiny Committee would be replaced at the Council meeting.

Councillor N Gulliver on his understanding that the Environment Agency and Sustrans would be interested in contributing to the working group set up by the Chelmsford Policy Board to look at the future use of Chelmsford's waterways. He asked when the working group was likely to meet.

The Leader of the Council thanked Councillor Gulliver for the information and said that the working group's first meeting was likely to be arranged soon.

Councillor N Gulliver on the graffiti that had appeared in the city centre advertising the forthcoming production of Romeo and Juliet at the Civic Theatre.

The Cabinet Member for Connected Chelmsford said that the approach that had been taken to promote this production was different from the traditional methods. The graffiti was chalk-based and easily removed and was confined to a small number of sites for a short time. The production itself was timely and important in that it dealt with issues of knife crime and gangs and it was hoped that its promotion would bring it to the attention of a wide audience. Replying to a related point made by Councillor Gulliver, the Cabinet said that she would ensure that Customer Services were aware of which Cabinet Member was responsible for which services and functions.

Councillor M Sismey on his understanding that the new Administration did not intend to continue the regular meetings between Cabinet Members and the Members of Parliament for Chelmsford begun by the previous Administration.

The Leader said that he would be happy to continue to meet with the MPs when there were particular matters to discuss with them.

Councillor G H J Pooley on whether the total cost of the Riverside redevelopment project and the exact overspend was yet known.

The Cabinet Member for Safer Chelmsford said that some demolition works on the site that had not formed part of the main contract had still to be carried out. The final costs were unlikely to be available for about six months.

Councillor G H J Pooley on his hope that the Cabinet would reassure itself that the intended wording of the Local Plan and its policies enabled Master Plans to be influenced and applications to be determined in line with the principles of this Administration.

The Leader gave an assurance that this was the case.

6.1 **Capital Outturn and Update (Fairer Chelmsford)**

Declarations of Interest: None

Summary: The report to the meeting detailed capital expenditure incurred in 2018/19 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 2019/20.

Options: The report was factual and no options were put forward for consideration.

RESOLVED that:

1. the proposed increase in the cost of the capital scheme for the replacement of the Civic Centre Coval Lane windows amounting to £100,000 detailed in appendix 1 and paragraph 7.2 of the [report to the meeting](#) be approved;
2. the proposed Asset Replacement Programme for 2019/20, the increase in scheme costs of £65,000, the proposed new schemes totalling £96,000 and the rephrasing of spending of £485,000 from 2018/19, as shown in appendix 3 and paragraph 8.2 of the report, be approved;

RECOMMENDED TO THE COUNCIL that:

3. the Director of Public Places, after consultation with the Cabinet Member for Safer Chelmsford, be authorised to spend the proposed budget of £436,000 for asset replacements in 2020/21, as detailed in paragraph 8.4 of the report;
4. the method of funding the capital expenditure in 2018/19, as set out in paragraph 9.2, be noted;
5. the latest proposed budgets for capital schemes totalling £90.873 million shown in Appendix 1 and paragraph 7.2 of the report be noted;

6. the outturn on the 2018/19 Asset Replacement Programme amounting to £3.747 million shown in Appendix 3 and paragraph 8.1 of the report be noted; and
7. the Asset Replacement Programme for 2019/20 amounting to £4.257 million shown in Appendix 3 and paragraph 8.2 of the report be approved.

7.50pm to 7.53pm

6.2 **Treasury Management Outturn 2018/19 (Fairer Chelmsford)**

Declarations of Interest: None

Summary: [The report](#) to the meeting set out the findings of the annual review of the Council's Treasury Management function and the rates of return on investments in 2018/19.

Options: The report was factual and no options were put forward for consideration.

RECOMMENDED TO THE COUNCIL that the Treasury Management Outturn for 2018/19 be endorsed

7.53pm to 7.55pm

7.1 **Chelmer Waterside Infrastructure and Housing Infrastructure Fund (Greener Chelmsford)**

Declarations of Interest: None

Summary: The Cabinet received a report on the means by which the infrastructure for the development of Chelmer Waterside could be provided and the funding that would be available. Authority was requested to enter into various agreements to enable that infrastructure work to proceed.

Options: Approve or not the proposed agreements and arrangements or decide other means by which to progress the provision of the infrastructure.

Chosen Option and Reasons: The proposed arrangements were the most satisfactory means by which to provide the necessary infrastructure for Chelmer Waterside.

Discussion: It was asked during discussion of the report whether the feasibility study for a canal cut at Waterside was available. The Cabinet Member said that it had only recently been commissioned but would be published once finalised. In response to another question about the cost of the cut and the loss of land, the Cabinet Member was of the view that the link would enhance the area's development opportunities and increase the number of properties fronting onto waterways. The Cabinet was informed that the membership of the project panel was as proposed in paragraph 5.3 of the report but that it would report to all members on progress. Input by non-executive members to the development of policy on the city's waterways would also be possible through the Chelmsford Policy Board and the relevant working group.

RESOLVED that:

1. [the report](#) on the provision of infrastructure for the development of Chelmer Waterside be noted;
2. the Director of Sustainable Communities, following consultation with the Leader and Cabinet Member for Greener Chelmsford, be authorised to complete the Grant Determination Agreement with Homes England;
3. Essex Highways be procured to progress the design of the link road and bridge, taking into account the feasibility of a new waterway connection between the Chelmer and Blackwater Navigation and River Chelmer;
4. Cadent be procured to carry out the full feasibility study for the relocation of the GPRS and high-pressure gas main, and on completion of this study the Cabinet review the position and agree the next steps; and
5. the Governance arrangements for the project set out in Section 5 of the report be agreed.

7.55pm to 8.03pm

7.2 **Community Infrastructure Levy (CIL) Neighbourhood Allocation (Greener Chelmsford)**

Declarations of Interest: The Cabinet noted that Councillor Pooley, who was present as an observer, had a non-pecuniary interest in this item.

Summary: Following a review of the decisions of the Cabinet at its meeting on 5 March 2019 on the allocation of CIL monies, [the report to the meeting](#) explained a decision that the £500,000 funding for the Tindal Square Pedestrianisation Scheme should be met from the CIL Strategic Allocation rather than the Neighbourhood Allocation.

Options: Approve or not the reallocation of the funding.

Chosen Option and Reasons: The reallocation of the funding emphasised the intention that schemes funded from the neighbourhood allocation for the unparished areas be chosen by the councillors for those areas for the benefit of the local communities.

RESOLVED that:

1. the £500,000 allocated for the Tindal Square pedestrianisation scheme from the Central Neighbourhood Allocation be re-allocated to the Strategic Allocation of the Community Infrastructure Levy, and
2. the other projects allocated funding from the Neighbourhood Allocation at the 5 March 2019 Cabinet, and subsequent delegated decisions, be confirmed as approved, subject to satisfactory funding agreements being put in place for each project as necessary.

8.03pm to 8.05pm

7.3 **Chelmsford Draft Local Plan – Approval of Main Modifications for Consultation (Greener Chelmsford)**

Declarations of Interest: None

Summary: The Cabinet was asked to approve for publication the Main Modifications and changes to the Policy Map identified by the Inspector following the Independent Examination of Chelmsford's Draft Local Plan. The consultation would include the proposed removal of the John Shennan playing fields as an allocated site for residential development.

Options: Approve or not approve consultation on the Main Modifications and other changes detailed in the report.

Chosen Option and Reasons: The proposed Modifications and other changes reflected the Inspector's findings on the Local Plan, which was otherwise considered to be sound, and their approval would mark the next step towards the adoption of the Local Plan.

Discussion: In view of the growing recognition of the need for measures to deal with the threat of climate change, the Cabinet was asked whether it would agree that the Local Plan should include requirements that no new developments have connections to the gas supply and that they be required to cater for hydron gas powered vehicles. The Cabinet Member said that it was not the place of the Cabinet to revisit the Local Plan at this stage but to consider the Main Modifications. As it stood, the Local Plan required developers to pursue sustainable developments and the Council was restricted in what it was allowed to do by building regulations. The planning system and National Planning Policy Framework, however, were constantly evolving and further measures to promote sustainability could be expected. There would also be the opportunity to review the adopted Local Plan at regular intervals.

With regard to the removal of the John Shennan playing field site allocation, the Cabinet was informed that a shortfall of public open space in the Moulsham area had been identified. However, the reasoning behind the removal of the site allocation was because, as landowner, the Council was now not making the site available for development. As such, the Inspector was content to treat this as a Main Modification required to ensure the Plan was sound. There was also a sufficient buffer identified of housing development sites for the Local Plan to meet its overall housing requirement should the site allocation be removed which would ensure that the overall approach to housing delivery with the Local Plan remained sound.

Asked how the Council would make up for the loss of income from the sale of the John Shennan site and, possibly, the land lost as a result of the provision of a cut at Chelmer Waterside, the Cabinet Member for Fairer Chelmsford said that this would be addressed in due course.

RECOMMENDED TO THE COUNCIL that

1. the Schedule of Main Modifications to the Pre-Submission Chelmsford Local Plan (Publication Draft) set out at Appendix 3 of the [report to the meeting](#) and the consequential changes to the Policies Map set out at Appendix 5a to 5d be approved and published for public consultation; and
2. the Director of Sustainable Communities and the Spatial Planning Services Manager be authorised to prepare and approve the necessary supporting statements, evidence and documentation which are required to enable and support the public consultation on the Main Modifications.

8.05pm to 8.28pm

8.1 Public Spaces Protection Order (PSPO) for the City Centre (Safer Chelmsford)

Declarations of Interest: None

Summary: The Cabinet considered the proposed extension and variation to the existing PSPO for Chelmsford City Centre. The main change would remove aggressive begging from the Order as this was best dealt with by way of Community Protection Warning and Notices.

Options: Approve or amend the proposed PSPO or not proceed with it.

Chosen Option and Reasons: The proposed Order would help preserve the quality of life in the City Centre.

RESOLVED that:

1. the Director of Public Places be authorised to carry out a consultation, in accordance with statutory guidance, on the proposed extension of a [Public Spaces Protection Order](#) for the City Centre; and
2. if no objections are received during the consultation the making of the order be delegated to the Director of Public Places after consultation with (i) the Cabinet Member for Safer Chelmsford and (ii) the Legal and Democratic Services Manager.

8.28pm to 8.30pm

8.2 Housing Assistance Policy (Safer Communities)

Declarations of Interest: None

Summary: A revised policy and eligibility criteria for assisting property owners to maintain their properties was submitted for approval. The policy included measures to ensure that Disabled Facilities Grants were made available to those who needed them.

Options: Approve the policy, with or without amendments.

Chosen Option and Reasons: The proposed policy would be fair, flexible and target assistance to those who required it.

RESOLVED that the proposed Housing Assistance Policy submitted with the [report to the meeting](#) be approved and that the Director of Public Places, after consultation with the Cabinet Member for Safer Chelmsford, be authorised to make minor amendments to it.

8.30pm to 8.32pm

9. **Urgent Business**

There were no items of urgent business.

10. **Reports to Council**

RESOLVED that the following be the subject of report to the Council:

- (a) Capital Outturn and Update (minute number 6.1)
- (b) Treasury Management Outturn 2018/19 (minute number 6.2)
- (c) Chelmsford Draft Local Plan Main Modifications (minute number 7.3)

Exclusion of the Public

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for item 11 on the grounds that it involves the likely disclosure of exempt information falling within paragraph 3 of Part 1 of the Schedule 12A to the Act (information relating to the financial or business affairs of any particular person including the authority holding that information).

11. **Land at Kings Meadow, Chelmsford (Fairer Chelmsford)**

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

Declarations of Interest: Councillor C K Davidson declared a non-pecuniary interest in this item as an employee of the company that had advised on the property transaction.

Summary: The Cabinet was requested to approve the partial surrender of the existing lease of the land at Kings Meadow referred to in the report and the grant of a new lease on receipt of a premium.

Options: Accept or not the surrender of the lease and the grant of a new one on the terms proposed or alternative terms.

Chosen Option and Reasons: The grant of a new lease on the terms proposed would be in the Council's financial interests and the commercial interests of the other party.

RESOLVED that the Director of Financial Services be authorised to accept the partial surrender of the existing lease of the site in Kings Meadow referred to in the report from the current Head Lessee and to grant a new lease to the current Under-lease on the terms set out in the report to the meeting.

The meeting closed at 8.35pm

Chairman