

## CHELMSFORD CITY COUNCIL

### MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL

held on 22 September 2021 at 7pm

#### PRESENT:

The Mayor (Councillor J A Deakin)

Councillors R H Ambor, L Ashley, K Bentley, M W Bracken, N B Chambers, D J R Clark, P H Clark, W A Daden, A E Davidson, C K Davidson, S M Dobson, N A Dudley, J A Frasca, I D Fuller, J Galley, R J E Gisby, M C Goldman, S M Goldman, I S Grundy, P V Hughes, R J J Hyland, D G Jones, J C S Lager, J S Lardge, R J Lee, M J Mackrory, L Mascot, L A Millane, R J Moore, R J Poulter, J M C Raven, I C Roberts, S J Robinson, T E Roper, E J Sampson, C M Shaw, M Sismey, A B Sosin, J E Sosin, M S Steel, C R Tron, N M Walsh, T N Willis and S Young

#### 1. Apologies for Absence

Apologies for absence had been received from Councillors H Ayres, N Gulliver, G B R Knight, R Massey, G H J Pooley, J A Potter, S Rajesh, A Thorpe-Apps, R T Whitehead and I Wright.

Before opening the meeting, the Mayor paid tribute to all those competitors and their support teams born or living in Chelmsford who had participated in the Olympic and Paralympic Games in Tokyo. Their dedication was inspiring and, whether successful or not in winning medals, they were all winners in the eyes of many people.

#### 2. 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.

#### 3. Minutes

The minutes of the meeting held on 21 July 2021 were confirmed as a correct record.

#### 4. Public Question Time

There were no questions or statements from members of the public.

## 5. Cabinet Question Time

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

### 1. Question from Councillor I Roberts to the Leader of the Council

“It is concerning that a relatively high number of meetings have been cancelled over the past few months, including important Cabinet, Policy Board and other committees. This must give our citizens the impression that the Council is doing nothing and must be concerning for all members. Is it due to the pandemic effect or not having any new policies to deal with?”

Can the Leader give an update on the administration’s proposals to deal with this apparent lack of work to set the future for the Council and the Chelmsford citizens?”

The Leader of the Council said that although the public had shown little interest in attending meetings, access to them had been improved through the live reporting and webcasting of many of them. Greater information about the Council was also being communicated through newsletters, social media and the City Life website.

The programme of meetings was produced up to 18 months in advance and there could be no guarantee that there would be sufficient business for a meeting on the scheduled date. In the Leader’s view, it would not be a good use of time and resources to hold a meeting for only one item if a decision on it could await the next scheduled meeting. The number or absence of meetings was not an indication of a lack of activity and much work was being done outside of the forum of formal meetings.

### 2. Question from Councillor K Bentley to the Cabinet Member for Sustainable Development

“Could the Cabinet Member for Sustainable Development please explain how Countryside Properties can continue with their proposal to set up a land trust and charge future residents of SGS10 in SWF to provide open space management when they will already be paying council tax and special expenses for this service? I was under the impression that our adopted “MAKING SPACES SPD”, developed by the Policy Board and agreed by the Cabinet, made it mandatory for developers to hand over open spaces for the Council to manage. This avoids us having a two-tier payment system within the town - something that will divide SWF residents rather than integrate them.”

The Cabinet Member for Sustainable Development replied that the national planning system and the policies within the Local Plan created the means to ensure the right type and size of open space in new developments was delivered, maintained and protected as open space in perpetuity.

Policy DM26 and Appendix B of the Local Plan set the necessary types and size standards of open spaces required in each relevant development.

The Making Places SPD set out in paragraphs 7.2 to 7.13 further detail on how open spaces should be designed to support relevant development. Paragraph 7.3 set out that the

Planning Obligations SPD included detailed information on the management expectations of such spaces.

The Planning Obligations SPD set out how open spaces would be managed in paragraphs 8.26 and 8.27 as set out below:

**8.26** *Maintenance contributions will be required for all open space provided on-site when responsibility for the long-term maintenance resides with Chelmsford City Council or a Parish or Town Council. This will be calculated according to the landscape layout and quantified elements to be provided by the developer and will be required for 25 years after completion.*

**8.27** *The Council's preference is for all open spaces to be transferred to and adopted by the Council with a commuted maintenance sum. If a developer chooses to retain open space, it should be maintained by a recognised not-for-profit management trust. Where appropriate, and following negotiation between the relevant parties, open space can also be transferred to a Parish or Town Council.*

The Planning Obligations SPD then went on to set out further details on the legal mechanism for a conditional performance bond to be issued in the event that the S106 obligations were not met. Paragraph 8.31 of the SPD make clear that:

**8.31** *Should a developer wish to self-manage open space, the Council would require public access agreements and an agreed maintenance specification and inspection regime, secured through a legal agreement. In addition, the Council would require a conditional performance bond issued by a reputable financial institution in favour of the Council, to a specified indexed linked amount calculated in reference to Table 9. This would enable the Council to call upon the bond in the event of the owner of the open space becoming financially unviable or failing to comply with its management and maintenance obligations under the section 106 agreement.*

While the Making Places SPD made clear it was the Council's preference for all open spaces to be transferred to and adopted by the Council with a commuted maintenance sum, this could not be a mandatory requirement, providing the planning objectives of delivering, maintaining and protecting open space in perpetuity were legally enforced. Therefore, developers could seek to retain the open space under the arrangements set out in the Planning Obligations SPD.

### [3. Question from Councillor K Bentley to the Cabinet Member for Fairer Chelmsford](#)

"Would the member of cabinet responsible for business please give Council an update about vacant retail and office properties owned by the Council? Is there any new interest in taking up lets - particularly in The Meadows?"

The Cabinet Member for Fairer Chelmsford said that the Council received rental income from High Chelmer, The Meadows and also a portfolio of commercial properties.

The income received was significantly affected by Covid-19. The Budget report at Council in February 2021 forecast a £1.3m reduction for the current year, attributable to High Chelmer and The Meadows (mainly High Chelmer).

The commercial portfolio continued to perform as forecast. The lease of Aquila House had recently come to an end and the tenant has vacated. The building would be refurbished and then marketed. There were also a couple of office suites available in the Aquarium which it was expected would be let shortly. These gaps between tenancies were normal incidents of property letting.

The Council owned the freehold of The Meadows but had let it on a long lease, receiving a ground rent; it had no say in the management of the shopping centre. Officers maintained a dialogue with the long leaseholders and the Council would encourage rejuvenation of the centre in both the short and long term. The former BHS store had been let to the Department for Work and Pensions and would open as a Job Centre, which should increase footfall in the centre. The Council also remained optimistic that High Chelmer would continue to be fully let and that rents would recover from the lows caused by the pandemic.

The Cabinet Member would be updating projections for future years' rental income in his next budget in February 2022.

The Council did not own other vacant property on the High Street but was aware that discussions were taking place which should lead to their being brought back into use. It was therefore confident that the City Centre was resilient and had a great future.

#### 4. Question from Councillor R Hyland to the Cabinet Member for Fairer Chelmsford

“Would the member of cabinet responsible please give Council an update on this administration's, Our Chelmsford, Our Plan ambition, to *“Develop and implement a new strategic approach to improve the supply and accessibility of affordable homes?”* (Pg5 - *What we will do*). And specifically, about steps they have taken or are planning, to make housing genuinely affordable to residents looking to live in Chelmsford? And can you provide the statistics for Monthly Affordable Housing Starts and Completions during this administration's tenure? And, how does this compare to the previous incumbents? Also, can you give the Council, this administration's definition of genuinely affordable housing? And finally, are there any interventions in the market that this Council is, or could consider, that would make housing in Chelmsford genuinely affordable?”

The Cabinet Member for Fairer Chelmsford said that the Council was fully committed to improving the supply and accessibility of affordable housing.

The Council declared a housing crisis over two years ago and was proud of the progress made since then.

It gave planning permission for CHP to build 12 new homes for social rent at Woodhall Road, on land that was owned by CCC. That had not happened for at least 10 years.

The Council was reviewing its other land holdings with a view to increasing the supply of affordable homes, not selling them off to the developer who bids the highest, as might have happened previously.

It had just concluded consultation on a new housing strategy. This was something that had not been produced for a number of years but was now very timely. It aimed to prioritise not only the supply of affordable homes but in particular those of a type that were most needed because they were the most difficult to find currently, i.e. larger 3- and 4-bedroom homes for affordable rent. This recognised that the type and tenure was just as important as the number of homes that were delivered.

The Woodhall Road development would include 5x4-bed and 2x3-bed houses.

It was a fact that supply from the existing housing stock had been reducing. It was not sustainable to rely only on new homes delivered through the Local Plan to address this shortfall, so the aim was to bring forward more sites like Woodhall Road, providing more larger homes. That would, in turn, help improve the overall supply from the existing stock.

This was not something CCC could do alone. It therefore welcomed support from a range of partners including Registered Providers and local housing charities, who were vital to the improvements the Council wanted to see.

The Cabinet Member agreed with Councillor Hyland's sentiments and said that the country desperately needed a change of approach; the Council was hamstrung by national policy, set by the Government. The key to solving the housing crisis was to increase the supply of housing, especially good-quality, affordable housing.

The Council had a good track record of delivering new homes, including affordable homes, through planning policy, despite the national constraints.

Referring to Councillor Hyland's request for statistics, the Cabinet Member said, in summary, that in 2019-20 and 2020-21, 189 and 264 new homes within the Government's definition of affordable were built in Chelmsford. That was 27.3% of total new homes, by far the highest proportion of affordable new homes in any two years over the last decade for which he had statistics.

It was still not enough because the percentage needed to be to be higher and because the Government's definition of affordable simply was not adequate for the task. There was an enormous gulf between actual private sector rents, which were high because house prices were high, and the Local Housing Allowance the Government set which determined what was affordable for families on low incomes. Further, as the country emerged from the pandemic, the housing market was moving even further against the efforts to provide more affordable housing. More therefore needed to be done.

The consequences of the housing crisis in Chelmsford were that:

- There were 280 households in temporary accommodation – families and individuals who were homeless until the Council put a temporary roof over their heads;

- There were nearly 800 entries on the housing register – people in housing that was not suitable for their needs who wanted to move somewhere better suited, who could not afford to buy or rent in the private sector; and
- There were an unknown number of people living with family or friends at an age when they should be able to get a place of their own.

The Liberal Democrat City Council would give them hope for the first time in a generation.

Officers were projecting that the numbers would improve over the next five years, with the percentage of affordable homes reaching 35%. The Council would ensure it get more of the larger homes that were so desperately needed and we would do more Woodhall Roads, so homes could be offered at social rents that were genuinely affordable.

None of this would be easy while Government policy continued to subsidise rents via the benefits system instead of putting the money into building more houses at prices people could actually afford to rent.

The Cabinet Member and Councillor Pooley, his Cabinet Deputy for affordable housing, looked forward to continuing support from Councillor Hyland and other Members as they worked through the details.

#### 5. Councillor W Daden to the Cabinet Members for Fairer Chelmsford and Greener and Safer Chelmsford

“For the benefit of the Council and the public, could we please have an update on the traffic order and when parking charges will be implemented at Hylands Park?”

Will the detailed ways for discounts be circulated to parish clerks and ensure our website has a highly sensitive search so residents can easily find Hylands parking information and ways to pay?

Earlier this year, CCC employed consultants to maximise profit Hylands Estate, could we please have a brief update tonight and the reports be circulated?”

The Cabinet Member replied that the decision as to whether or not to make a Traffic Regulation Order would be taken in due course and would be communicated in the normal way.

The Cabinet Member for Greener and Safer Chelmsford said that the City Council did not employ consultants ‘to maximise profit’ of Hylands Estate as such. This was, in fact, assistance provided through the Cultural Recovery Fund to help the Council to identify and understand any opportunities to increase business use following the disruptions caused by Covid and any adjustments that might be possible in respect of the commercial hire rates for facilities..

It was not appropriate to share the detail of the report due to the commercial information included in it, but the key issues identified included support for the proposal to create an

outdoor venue spaces, suitable for weddings and other events, the needs to improve internal diary and event management systems and some adjustments to the pricing for weddings and event hire. These were all now being taken forward.

The Cabinet Member paid tribute to the staff at Hylands House who had ensured its continued operation and success through the pandemic.

#### 6. Councillor S Dobson to the Leader of the Council

“During the pandemic it was apparent that the attendance at Council meetings of both members of the public and other Councillors increased when Council meetings were held virtually.

Now that we are required to attend meetings in person – whether we agree with that or not – have members considered holding hybrid meetings going forward? The attendance of the public (who normally would not make the effort to physically attend) is surely good for local democracy, and also other councillors who again would not usually attend, will be able to be involved. We surely need to plan forward for when things do return to a semblance of normality and I would be interested to know members’ views on whether this format would be possible.”

The Leader of the Council shared Councillor Dobson’s view that councils should again have the ability, if they wished, to conduct their business via remote or hybrid meetings.

The temporary regulations which allowed the conduct of business by remote and hybrid meetings expired in May. The government issued a call for evidence to help it decide whether to reintroduce those or similar regulations. It was yet to publish the results of the call for evidence, although it was known that 83% of councils that responded to it favoured having the ability to hold remote or hybrid meetings. However, until legislation permits otherwise, all meetings must continue to be held in person.

Currently, the Marconi and Crompton Rooms were equipped for video conferencing, which would enable hybrid meetings to be held in those venues, if they were permitted. The Council Chamber did not have such equipment and it would be expensive to install it. Instead, the focus at the moment was on enabling meetings in the Council Chamber to be webcast.

(7.05pm to 7.30pm)

#### 6. Community Governance Review

At its meeting on 8 September 2021 the Governance Committee had considered draft recommendations proposed by the Connectivity and Local Democracy Working Group following the initial consultation on the review of all aspects of community governance within the City Council area.

Introducing the report, Councillor Dudley, as acting Chair of the Governance Committee, said that in undertaking a Community Governance Review (CGR) the Council was required to consider the two statutory criteria:

1. Governance arrangements must represent the interests and identities of the local area, and
2. They must lead to effective and convenient local governance.

The report before the meeting was based on the assessment of responses received through the first round of public consultation. The number of responses to the consultation was quite high, compared to CGRs conducted elsewhere in the past. However, the views received may not be representative. As such, the report was not based on the number of responses received, but sought to balance the views represented and to understand the overall themes emerging.

Taking into account the various submissions received and the discussion and debate surrounding each local area, the Governance Committee had made the following draft recommendations:

1. No changes were proposed to the parish boundaries or to the number of parish councillors in the following areas:
  - East Hanningfield
  - Good Easter
  - Great Waltham
  - Highwood
  - Pleshey
  - South Hanningfield
  - South Woodham Ferrers
  - Stock
  - Woodham Ferrers and Bicknacre
2. No changes were proposed to boundaries in the following areas, but a change to the number of parish councillors was recommended. In all cases, the proposed new number of parish councillors was based on NALC recommendations, and any changes were subject to public consultation with local residents and the parish councils.
  - Danbury – reduce the number of parish councillors from 15 to 12
  - Little Baddow – reduce the number of parish councillors from 9 to 8
  - Great and Little Leighs – increase the number of parish councillors from 9 to 10
  - Margaretting – reduce the number of parish councillors from 9 to 7
  - Roxwell – reduce the number of parish councillors from 9 to 7
  - Sandon – increase the number of parish councillors from 7 to 8
  - West Hanningfield – reduce the number of parish councillors from 9 to 8



3. More substantive changes or targeted consultations were proposed in other areas, as set out below. In all of these cases, local residents would receive a letter or leaflet from the City Council explaining the Draft Recommendations and inviting them to respond to the consultation, either online or on paper.
  - Mashbury (parish meeting) – no changes to boundary or governance arrangements, but a targeted consultation of residents to take place regarding whether residents felt that local community governance would be more effective and efficient by being part of Chignal parish.
  - Runwell – create a new parish ward for St Lukes, to be served by 2 parish councillors. East and West wards of Runwell to be served by 4 and 7 parish councillors respectively.
  - Chignal – Hollow Lane area to move to currently unparished city centre.
  - Writtle – adjust the parish ward boundary to follow the polling district boundary, and adjust the parish councillors by parish ward in the North and South wards to 7 and 8 respectively.
  - Galleywood – remove the parish wards, amend the parish boundary such that the southern part of Goat Hall ward becomes part of Galleywood (222 electors), and increase the number of parish councillors from 9 to 12.
  - Great Baddow – adjust the boundary such that 30 Petrel Way becomes part of the currently unparished city centre; adjust the boundary such that Regal Close moves from Baddow Road parish ward of Great Baddow to the currently unparished city centre; adjust the boundary such that Goodwin Close, Bawden Way and the balance of Waterson Vale move from Rothmans ward of Great Baddow to the currently unparished city centre. Increase the number of parish councillors by one to six in both the Rothmans and Village wards.
  - Rettendon – no changes, but a targeted consultation of residents to take place regarding a range of alternative options.
  - Broomfield – adjust the boundary such that Petty Croft becomes part of Broomfield; adjust the boundary such that the new development north of the hospital becomes part of Broomfield; adjust the boundary such that the Hollow Lane area moves to the currently unparished city centre; adjust the boundary in the east to accommodate the new Chelmsford Garden community.
  - Boreham – adjust the boundary to create the new parish (no electors are affected by this change).
  - Little Waltham – adjust the boundary to create the new parish; Petty Croft and the new development north of Broomfield hospital to move to Broomfield; reduce the number of parish councillors from 9 to 7.
  - Create a new parish of Chelmer Village, from part of the current Chelmer Village and Beaulieu park parish ward of Springfield.
  - Extend Springfield parish to include The Lawns ward (except the new development in the south-west corner, which will become part of Marconi ward) and the northern part of Trinity ward; part of Springfield moves to the new Chelmsford Garden community; part forms the new Chelmer Village. Springfield to be served by 19 parish councillors (10 for North ward, 3 Trinity, 6 The Lawns).

- Create the new Chelmsford Garden community, comprising parts of Broomfield, Little Waltham, Boreham and Springfield parish, and consult upon the name of the new parish (either Belsteads or Chelmsford Garden Community); to be served by 7 parish councillors initially.
- The remainder of the City Centre, other than the changes noted above (The Lawns, northern part of Trinity ward, southern part of Goat Hall ward) to remain unparished; Hollow Lane area of Chignal and Broomfield parishes to become part of the unparished city centre.

In response to a question, Councillor Dudley reiterated that any household which could move from one parish to another as a result of the Draft Recommendations would be sent a letter or leaflet and invited to respond to the consultation. At the close of the consultation, all responses would be reviewed and a further report presented through the Working Group, Governance Committee and then to the Council for consideration.

Referring to the recommendations that would affect the parish of Little Waltham, a ward councillor for the area said that the recommendations took account of the first statutory criteria (reflecting the identities and interests of the community in that area) in certain areas where new estates were currently part of rural Parish Council, and there was a case for a distinction between a modern housing estate and a well-established rural village, such as Bloor Homes and Little Waltham/Broomfield, and Little Hollows and Chignal/Broomfield.

However, questions had been asked in Little Waltham as to whether moving these new estates out of the rural Parish area met the second criteria of being effective and convenient.

Specifically, on the upcoming Bloor Homes development, there was a desire to keep Bloor Homes and the existing new houses around the hospital, as one entity. The decision then was whether to make that one entity part of the Broomfield or Little Waltham Parish. The recommendation was to make it part of Broomfield, which would make Broomfield an even larger parish.

Little Waltham Parish Council argued that:

1. The Bloor home development site was predominantly in the current Little Waltham Parish, with a logical east/west horizontal line as the border such that both sides of the B1008 were in the same parish.
2. Access to the new site had not been finalised. If it was via a new road from Blasford Hill, then the argument for the site being in Broomfield was diluted.
3. New residents would be closer to the facilities of Little Waltham and this premise was supported by the Master Planning document which referenced new residents using the services of Little Waltham Parish.

Whilst Broomfield Parish Council may make a similar but opposite argument, it was requested that Little Waltham Parish Council's concerns be revisited as part of the consultation process.

On the issue of Little Hollows and Chignal Parish Council, the logic of "reflecting the identities and interests of the community in that area" led to a conclusion of separating a new estate from a rural Chignal Parish, and also noting that the eventual size of the estate would

actually dominate such a parish. However, a number of people in Little Hollows preferred to remain as part of the Chignal Parish, or not be swallowed up into the unparished area, and their views should be taken into account during the next stage of the consultation.

Local members for other areas affected by the draft recommendations made the following comments:

- Boreham Parish Council were disappointed that the airfield would not remain in the parish and believed that this recommendation should be revisited. If the change were to go ahead, it was requested that the memorial at the airfield be moved to Boreham village hall;
- The proposals envisaged the loss of a large area from the current parish of Great Baddow, with Regal Close, Goodwin Close, Bawden Way and the entirety of Waterson Vale becoming part of the unparished area. Although only accessible by road from the unparished area, these roads were regarded locally as an intrinsic part of Great Baddow; It was also noted that the main body of the report for Great Baddow included a proposal to increase the number of parish councillors.
- The proposal to create a new ward in Runwell was divisive. In light of the difficulty of attracting candidates to serve on parish councils, it could result in councillors representing areas in which they were not resident.

In seconding the report's recommendations, the Leader of the Council said that:

- Strong and effective parish councils were an asset to local communities and this long overdue review was intended to strengthen local governance;
- Whilst in other parts of the country the creation of parishes in formerly unparished areas has been a success, it was recognised that the consultation so far had not shown sufficient support to justify pursuing that in Chelmsford at present;
- The two statutory criteria to be followed in conducting a review were not always compatible and it was often the case that a balance needed to be struck between the two;
- In the case of areas in which major new development was planned, it was difficult to make decisions on behalf of residents who had not yet moved into the area;
- All views on the parishing of the Garden Community area would be taken into account and the Council would work closely with the four parishes affected.

On being put to the vote, the motion to agree the draft recommendations for the next stage of the review was carried.

RESOLVED that the outcome of the initial formal consultation on the Community Governance Review be noted and that the Draft Recommendations of the Review for the second and final stage of public consultation detailed in the report to the meeting be approved.

(7.30pm to 8.02pm)

## 7. Urgent Business – Absence of Councillor R J Shepherd

The Mayor had agreed to accept as an additional item of urgent business a report seeking approval to the absence of Councillor R J Shepherd under Section 85(1) of the Local Government Act 1972. She had done so on the grounds that Councillor Shepherd was currently unable to attend meetings owing to ill health and would be disqualified as a member of the Council if his absence was not authorised by 13 October 2021.

RESOLVED that the absence of Councillor R Shepherd be authorised under Section 85(1) of the Local Government Act 1972 until the meeting of the Council on 22 February 2022.

The meeting closed at 8.03pm

Mayor