

**CHELMSFORD CITY COUNCIL****MINUTES OF THE COUNCIL MEETING****held on 22 January 2020 at 7pm****PRESENT:**

The Mayor (Councillor R Massey)  
The Deputy Mayor (Councillor J A Potter)

**Councillors**

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

**1. Apologies for Absence**

Apologies for absence were received from Councillors N Chambers, A E Davidson, C K Davidson, J Galley and C Tron.

**2. Mayor's Announcements**

The Mayor reported on the engagements he and the Deputy Mayor had attended so far during their year of office.

He expressed delight at the appointment of the Bishop of Chelmsford, Stephen Cottrell, as Archbishop of York, and regret at the news of the deaths of two former councillors, Len Bishop and Lorraine Cobbold, who had served from 1976 to 1983 and 2011 and 2015 respectively.

The Mayor said that he would inform members of the events that would be taking place during the last few months of his office in support of his chosen charity, Parkinson's UK, and he encouraged councillors to put forward nominations for the forthcoming Civic Evening at Hylands.

### 3. **Declarations of Interest**

Members 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 Young reported that she had a non-pecuniary interest in the subject of the notice of motion on firework displays at Item 10.

### 4. **Minutes**

The minutes of the meeting on 16 July 2019 were signed as a correct record.

### 5. **Public Question Time**

Eight members of the public attended to ask questions on the decision of the Council last year to restrict admission of children under the age of 16 to the Riverside Leisure Centre gym in the evenings following complaints about the behaviour of some of them. Their concerns about the decision were based on the following:

- the lack of consultation with users of the gym before the restriction had been introduced;
- the apparent contraction between the restriction and the Council's aim in its Health and Wellbeing Plan to encourage more physical activity among people of all ages to improve health and combat obesity;
- the fact that for some young people it was difficult to use the gym before 5.30pm on a weekday owing to educational and other commitments;
- the view that the decision to treat young people differently to older users of the gym amounted to discrimination, but no Equality Impact Assessment had been made available to the public;
- the fact that until the restriction had been introduced, Riverside had been one of the few places where young people could use a gym after 5.30pm; and
- the low number of formal complaints about the behaviour of young people using the gym at Riverside.

A petition of over 700 signatures, 460 of which were from Chelmsford residents, had been submitted to the Council, calling on it to reverse its decision and allow young people to use the facility until 9pm.

In response to the points raised by the questioners, the Cabinet Member for Safer Chelmsford said that:

- the Council had not banned the use of the gym by young people; they had unrestricted access to it from 0600 to 1730 on weekdays and 0600 to 1900 at weekends, access after those hours if accompanied and supervised by a paying adult, and there were no time restrictions on the use of other parts of the Centre;
- the initial decision to relax the times of use when the gym had first opened had not worked; there had been complaints of bad behaviour, leading to the introduction of the restrictions;
- it was not possible for the Centre staff to supervise closely all the young people at peak times;
- the health and wellbeing of all Chelmsford residents was important to the Council and Riverside offered an extensive and inclusive range of facilities

that reflected its commitment to encourage physical activity and improve health;

- the Council offered under-16s membership at competitive rates and the overall membership of the Centre had continue to grow since its opening;
- there had been many positive comments about the decision to restrict times of use by young people, including the view that behaviour in the gym had improved. A new system for people to feedback comments on the Centre was due to be introduced soon.

The Cabinet Member said that a review of the restriction would be carried out after six months and its results shared with councillors.

*7.04pm to 7.19pm*

## 6. **Cabinet Question Time**

### 6.1 **Question from Councillor R J Poulter to the Cabinet Member for Safer Chelmsford**

*The Council has announced that 'In respect of our climate and ecology emergency declared in July 2019 we have looked at areas where we can eliminate or reduce single use plastics within our organisation'. One of the areas identified is that the Council will no longer be providing plastic dog waste bags.*

*In view of the damage to health and the environment that dog waste causes and in view of the cessation of the supply of biodegradable dog waste bags, what advice does the Council have for its residents?*

The Cabinet Member replied that part of being a responsible dog owner was to pick up dog waste.

Whether a local authority provided dog bags for free should not be a factor in determining whether someone picked up dog faeces or not. Officers would enforce against any dog owner who they witnessed allowing their dogs to foul and not removing the faeces. In addition, the Council was not aware of any other nearby local authority that provided dog waste bags free to its residents.

The discontinuation of free dog waste bags was in response to the climate and ecological emergency as the provision of free plastic dog waste bags was incongruous with the Council's stance on single use plastic; it was not a statement on whether such bags should or should not be used by dog owners.

As a supplementary, Councillor Poulter questioned how using an alternative, if was another type of plastic bag, would help the environment, and said that the saving of £5,000 a year the Council expected from ending the issue of free bags was minimal. The Cabinet Member replied that dog waste did not go to landfill but was disposed of sustainably, and that the withdrawal of free bags was one of the many aspects of the Council's services that were being looked at in the light of the declared climate emergency.

### 6.2 **Question from Councillor I Wright to the Leader of the Council**

*Whilst accepting the instruction has been withdrawn, I must ask "Why the Leader of the Council, without any prior consultation or discussion - other than at the informal Mayoral Working Party - instructed Officers to advise members that prayers would no longer be held at the start of a Full Council meeting. It is discourteous to all sides of the Chamber to issue such an instruction without having allowed all members the opportunity to make comment and understand the reasons for changing the present long standing practice?"*

*I accept the constitution does not specifically cover this point but Councils have the right to hold prayers under the Local Government (Religious Observances) Act of 2015 though this does not oblige them to do so.*

*This Authority has now referred the issue to a special Governance Committee meeting for enquiry and it will be the only item on the agenda. This concerns me as the meeting will incur unnecessary expense to Council taxpayers as it will be held after normal office hours causing inconvenience to staff and members. This Council is committed to reducing the carbon footprint in the City but this additional meeting will force members to travel into Chelmsford and is counterproductive. Would the leader not consider seeking all members views by using the simple process of collating comments by e-mail with the results open to all. This would allow all members being able to contribute; save costs (including travel expenses) and reduce our carbon footprint.*

The Leader of the Council said that he had given no instruction to introduce new arrangements for prayers at Council meetings. He had raised the matter at the Mayoral Working Group for discussion as he was aware that a lot of councils had had or were having this debate about prayers at council meetings. This had arisen as a result of a desire to ensure that meetings were as inclusive as possible and were not discouraging people from participating.

There had been some confusion after the Working Group about how to take the issue forward, but the Leader said that he was happy simply to consult members on the future arrangements without referring the matter to Governance Committee, as currently proposed, if that was what they preferred. On being asked to indicate whether they were satisfied with that course of action, a clear majority of the Council was in favour. The Leader therefore suggested that members' opinions be obtained and reported to the Mayoral Working Group before a final decision was taken.

### 6.3 Question from Councillor I Wright to the Cabinet Member for Safer Chelmsford

*Can the Cabinet Member inform this Council what steps she intends to take to improve the safety of pedestrians in the City Centre from people unlawfully riding cycles and the increasing problem of (in the main young people) riding electric scooters often at high speed? These cycles and scooters are seen on a daily basis and make shopping especially hazardous to the elderly, those with a disability or children.*

The Cabinet Member said that whilst the Council was keen to encourage cycling as a sustainable form of transport, it was important that cyclists acted responsibly and considerately. Essex Police had conducted an awareness campaign in the High Street in 2019 about the danger of cycling in pedestrian areas and this had led, for a short time, to some improvement but it had not lasted.

The current traffic regulation orders did not make it clear that cycling in the High Street was prohibited, making enforcement difficult. Essex County Council would

shortly be consulting on a Traffic Regulation Order that would, amongst other things, clearly prohibit cycling in the High Street between 9am and 6pm. This new Traffic Regulation Order combined with new cycling routes across the city centre would make enforcement of unlawful riding of cycles or scooters easier. Once the order was in force the Council in partnership with Essex County Council, Essex Police and the BID would promote awareness of the new order, the new cycling routes, and be able to enforce against unlawful and inappropriate cycling behaviour.

As a supplementary, Councillor Wright said that it was not acceptable for cyclists to ride in the High Street after 6pm as there were still large numbers of pedestrians at that time and he hoped that any traffic order would take that into account.

#### 6.4 Question from Councillor E Sampson to the Cabinet Member for Fairer Chelmsford

*Since the Homelessness Strategy and Affordable Housing working groups were established earlier this year, what if any changes have there been to levels of homelessness and the supply of affordable housing?*

Councillor S Goldman, replying in the absence of the Cabinet Member for Fairer Chelmsford, said that the Housing Service had made considerable efforts to reduce the incidence of homelessness over the last year and the Working Groups on Homelessness and Rough Sleeping and Affordable Housing had made a number of recommendations that would help continue to tackle the problem. He reported that in terms of changes to the levels of homelessness since the start of the financial year, there has been:

- a reduction in the level of households in temporary accommodation, from an average of 284 in the previous year to 252 in December 2019;
- an increase in the number of cases of successful prevention of homelessness over the same period, from 124 to 201 and successful cases of relief of homelessness from 46 to 68.
- 36 cases in the previous year were helped to access privately rented accommodation compared with 79 up to the end of 2019.
- in the previous year 177 households were accepted as homeless, by the end of December 2019 there had been 165, showing that whilst a greater number of cases have been helped to avoid the impact of homelessness, the aims of the Strategy are more important than ever to address what is a growing demand for our services.

7.19pm to 7.33pm

#### 7.1 Medium Term Financial Strategy

At its meeting on 15 October 2019, the Cabinet had considered a proposed financial strategy for 2020/21 to 2024/25 which it was intended would provide the framework for delivering a stable and sustainable financial basis for the achievement of the Council's strategic objectives and supporting the preparation of the budget for 2020/21. The report assessed the national and local context in which the Strategy had been produced and the risks which needed to be mitigated to protect the Council's financial position. It also provided a medium term financial forecast and proposed funding for initial work to promote digital innovation in service delivery. The Cabinet had recommended that the Council approve the strategy.

During the debate on the report the view was expressed that the strategy lacked any detail on the savings necessary to bridge the budget deficit. Incurring debt charges would be unsustainable in the long term and an increase in borrowing would not be financially responsible. In response to those points, the Council was informed that the projections in the report had been updated since the Cabinet meeting and would be reported in the budget report to be considered by the Cabinet and Council in the coming weeks. It was the intention to borrow to invest in much needed assets and services and how the Council would do that would be made clear in the forthcoming budget.

**RESOLVED** that the Medium Term Financial Strategy for 2020/21 to 2024/25 detailed in Appendix 1 to the report to the meeting be approved.

*7.33pm to 7.42pm*

## 7.2 **Treasury Management Mid-Year Review**

The report to the meeting detailed the Treasury Management activities carried out so far in 2019/20, the extent to which they complied with the Strategy governing those activities, and whether any adjustments were needed to it.

The Cabinet on 19 November 2019 had recommended that the Council note the report but in doing so had recommended that the maximum permitted level of external debt should be reviewed annually. It had also been confirmed at that meeting that no monies from the Community Infrastructure Fund would be permanently appropriated for other means and would only be used for the short-term funding of capital expenditure.

**RESOLVED** that the Treasury Management activity to date in 2019/20 be noted and that an increase in the maximum permitted level of external debt from £25m to £45m be approved, that level to be reviewed annually.

*7.42pm to 7.45pm*

## 7.3. **Local Council Tax Scheme for 2020/21**

The Council considered a report on the ways in which the Local Council Tax Support Scheme could be operated in 2020/21 and the effect the various options would have on expenditure and collection rates. The Cabinet on 19 November 2019 had recommended that the existing support scheme be retained.

**RESOLVED** that the current year's Local Council Tax Support Scheme be adopted as the scheme for 2020/21.

*7.45pm to 7.47pm*

## 7.4. **Homelessness and Rough Sleeper Strategy 2020-24**

Consultation had been carried out with partners on the draft Homelessness and Rough Sleeper Strategy 2020-24 and the final strategy was presented for the Council's comments, having been supported by the Cabinet at its meeting on 19 November 2019.

The Strategy was welcomed by those who spoke on it, with emphasis being placed on it being a living document from which an action plan would be developed by all parties that had a role in dealing with homelessness in Chelmsford. The lack of firm timescales at this stage for a number of the objectives would be addressed as part of the development of the action plan.

**RESOLVED** that the Homelessness and Rough Sleeper Strategy for 2020-24 detailed in Appendix 1 to the report to the meeting be approved.

*7.47pm to 7.53pm*

### 8.1. **Review of the Members' Allowances Scheme**

The Council considered the recommendations of an Independent Remuneration Panel which had been established to carry out the latest periodic review of its scheme of members' allowances.

The Leader of the Council said that whilst supporting the majority of the Panel's recommendations, he was not in favour of its proposed changes to the Special Responsibility Allowances (SRAs) of Chairs and Vice Chairs of committees. He proposed an amendment to the recommendations that would, in large part, retain the existing levels of SRAs for those roles. The Council supported his suggested changes.

The Council was informed that a policy on parental leave for councillors in receipt of an SRA would be submitted to a future meeting of the Governance Committee.

**RESOLVED** that, subject to the following amendments, the recommendations of the Independent Remuneration Panel on the review of the Council's Members' Allowances Scheme set out in its report to the meeting be approved:

1. The Chairs of all committees continue to receive their current SRAs, i.e.:

- Planning Committee, Overview and Scrutiny Committee and Chelmsford Policy Board - £7,758 (33% of Leader's SRA)
- Licensing and Regulatory Committee - £5,577 (25%)
- Audit and Risk Committee and Governance Committee - £1,179 (5%)

2. The SRAs of the Vice Chairs of the Planning Committee (£3,879) and Overview and Scrutiny Committee (£2,937) be retained.

*7.53pm to 7.54pm*

### 8.2 **Appointment of Substitutes on Planning Committee**

The Leader of the Council reported that the Administration Group wished to appoint Councillor Smita Rajesh as one of its nominated substitutes for the Planning Committee.

**RESOLVED** that the appointment of Councillor Smita Rajesh as one of the Liberal Democrat's nominated substitutes for the Planning Committee be approved.

*7.54pm to 7.55pm*

### 8.3 **"Our Chelmsford, Our Plan"**

The Leader of the Council presented the proposed new Corporate Plan entitled "Our Chelmsford, Our Plan". Its key priorities were:

- Promote sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and provide more housing of all types
- Make Chelmsford a more attractive place, promoting its green credentials, ensuring communities are safe and creating a distinctive sense of place
- Encourage people to live well, promoting healthy, active lifestyles and reducing social isolation
- Bring people together, empowering local people and working in partnership to build community capacity, stronger communities and secure investment in the city

The meeting was informed that the aim was to deliver improved services to residents and businesses in the most sustainable and inclusive way by working with partners and stakeholders across the community.

**RESOLVED** that the Council's new Corporate Plan and key priorities "Our Chelmsford, Our Plan" be adopted.

*7.55pm to 8.03pm*

### 8.4 **Cabinet Deputies**

The Council was informed that Councillor Sampson had stepped down as a Cabinet Deputy and that Councillor Tron would be taking maternity leave from that role.

In response to a question from the leader of the largest opposition group, the Leader of the Council said that he would have no objection to that group appointing members to shadow the Cabinet Deputies at Cabinet meetings and being able to speak at those meetings.

**RESOLVED** that the changes to the appointment of Cabinet Deputies be noted.

*8.03pm to 8.06pm*

### 9.1 **Code of Conduct for Employees/Workers**

The Governance Committee on 6 November 2019 had reviewed the Code of Conduct for Employees and Workers and had proposed the following changes:

- Reference to new Values and Behaviour framework
- Revised wording on the consumption of drugs and alcohol
- Standard of dress, including the display of badges, insignia and inclusion of tattoo guidance
- Wording on disclosure of information to take account of GDPR
- An expanded section on equality, diversity and inclusion
- An expanded section on the awarding of contracts, including information on the anti-bribery and corruption policy
- Revised wording on outside work commitments, including paid and unpaid work
- Inclusion of the word health in the security and safety section

The revised Code, which formed Part 5.6 of the Council's Constitution, was recommended for adoption.

**RESOLVED** that the revised Code of Conduct for Employees and Workers submitted with the report to the meeting be approved and adopted.

*8.06pm to 8.08pm*

## 9.2 **Appointment of Independent Person**

The Governance Committee had recommended the appointment of a second Independent Person under the Localism Act 2011 to assist it in promoting and maintaining high standards of conduct by councillors and co-opted members and in the investigation of complaints.

**RESOLVED** that the appointment of Paula Mills as the Council's second independent person under the Localism Act 2011 be approved.

*8.08pm to 8.09pm*

## 10. **Notice of Motion – Firework Displays**

Pursuant to notice given in accordance with Council Rule 4.1.11, Councillor M Steel moved, and Councillor M Bracken seconded, a motion requesting that the Council use its influence to ensure that the sale of fireworks was more tightly controlled and displays better and more considerately conducted.

Like a number of councillors, Councillors Steel and Bracken had been contacted by residents in relation to an RSPCA initiative to reduce the impact of fireworks and sky lanterns on animals and had asked that the Council support a motion seeking measures which would help ensure people could enjoy fireworks responsibly whilst minimising the risk to animal welfare, horses, farm animals and wildlife and residents. In bringing forward the motion, both councillors believed that the City Council could play its part through direct action, working with others or by lobbying Government departments and retailers to help bring about the aims of the RSPCA campaign.

**RESOLVED** that

“The Council resolves to:

- Encourage all publicly organised firework displays within the Chelmsford City Council area to be advertised in advance of the event, so that residents can enjoy the celebrations and allow residents to take precautions for their animals and vulnerable people.
- Actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people including the precautions that can be taken to mitigate risks.
- Encourage retailers to follow the lead of Sainsburys in withdrawing the sale of fireworks to the public
- Write to the UK Government urging them to introduce legislation the limit the maximum noise level of fireworks to 90dB for those sold to the public for private display.
- Encourage trading standards to enforce more rigorously the regulations of the selling of fireworks both in terms of age appropriateness, licencing and CE markings.
- Noting that CCC already ban the release of sky lanterns from council land, to write to UK Government urging them to consider banning sky lanterns in the UK in total.”

*8.09pm to 8.18pm*

11. **Notice of Motion – Provision of Online Petition Site**

Pursuant to notice given in accordance with Council Rule 4.1.11, Councillor W Daden moved, and Councillor R Hyland seconded, a motion that the Council provide an online system by which petitions could be submitted to it.

In moving the motion, Councillor Daden said for clarification that she was asking the Council to provide its own petitions site as part of its website. The Cabinet Member for Connected Chelmsford said that whilst she fully supported the ability of residents to submit e-petitions to the Council and welcomed their engagement by that means, she referred to the e-petitions site previously provided by the Council, which had never been used, and the presence of existing free sites for the creation of electronic petitions that were compliant with the Council’s Petitions Scheme. She suggested that rather than decide Councillor Daden’s motion at this meeting, more prominent information should be provided on the Council’s website about how to start an e-petition and what information was needed to meet the requirements of the Petitions Scheme. She also proposed that the issue of electronic petitions be referred to Governance Committee for a fuller discussion.

Councillor Daden accepted the proposals and withdrew her motion in favour of them.

**RESOLVED** that:

1. the Governance Committee be requested to look at how best residents could engage with the Council through the submission of e-petitions and to consider whether any changes are required to the Petitions Scheme as a result of that review; and
2. in the meantime, clearer information be provided on the Council's website on how to start and submit an e-petition and the information that would be required for it to be accepted.

*8.18pm to 8.29pm*

**12. Notice of Motion – Fair Trade**

Pursuant to notice given in accordance with Council Rule 4.1.11, Councillor R J Moore moved, and Councillor S Goldman seconded, a motion that the Council reaffirm its commitment to the principles and standards of Fair Trade.

Those who spoke on the motion were in full agreement with it. It was suggested that it could be extended to include a commitment on the part of the Council to sign up to the Charter Against Modern Day Slavery. Members, however, felt that the full implications of doing that should be identified and discussed before a decision was taken.

**RESOLVED** that:

“Chelmsford City Council notes that 2019 marked 25 years since the Fairtrade Mark was launched in the UK, and that 2020 is Chelmsford's 15<sup>th</sup> year as a Fairtrade Town (now City).

Despite these achievements, exploitation remains rampant in global supply chains. More than 40 million people are trapped in modern slavery, including forced labour, and 152 million young people in child labour. Hundreds of millions more are earning less than a living income or wage.

Chelmsford City Council believes that Fairtrade and the wider Fair Trade movement has a significant contribution to make towards ending exploitation in global supply chains and achieving the Sustainable Development Goals (SDGs).

Chelmsford City Council therefore resolves to:

- Promote Fairtrade locally.
- Celebrate and incentivise businesses championing Fairtrade products in the local community.
- Review its procurement policy, including its catering offer, to ensure that Fairtrade produce is chosen wherever possible, and that Fair Trade considerations are included in any contracts going out to tender.”

*8.29pm to 8.40pm*

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 13 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)).

13. **Proposed Acquisition of Property in the City Centre**

*Public interest statement:* The public interest in not disclosing the content of this report outweighs the public interest in disclosing it on the grounds that any publicity about the negotiation of and terms for the of the property may affect the financial interests of the Council and, by extension, those of the residents of Chelmsford as well as the other parties involved in the acquisition and future development of the site. In particular, it would undermine the attainment of the best terms during the negotiations as other interested parties would be aware of the landowner's financial positions and intentions in advance.

The Council considered a report on the proposed acquisition of the freehold interest of an office building in Chelmsford. The Cabinet Member for Fairer Chelmsford described the background to the purchase and the reasons for recommending it, the main one being that the acquisition would safeguard the future use of the building for employment and avoid the possibility that it would be converted to residential use.

**RESOLVED** that:

1. the sum referred to in the report to the meeting for the acquisition of the property in question be added to the capital programme; and
2. the Director of Financial Services be authorised to conclude negotiations and acquire the freehold interest of the property under Section 120 of the Local Government Act 1972.

*8.29pm to 8.40pm*

The meeting closed at 8.40pm

Mayor