

**CABINET MEETING held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 13 SEPTEMBER 2012 at 7.00pm**

Present: Councillor J Ketteridge – Leader (Chairman).
Councillor S Barker – Portfolio Holder for Environment
Councillor J Cheetham – Deputy Leader.
Councillor R Chambers – Portfolio Holder for Finance and
Administration.
Councillor H Rolfe – Portfolio Holder for Community
Partnerships and Engagement.
Councillor A Walters – Portfolio Holder for Community Safety.

Also present: Councillors E Godwin, S Howell, M Lemon, D Morson, J
Salmon and V Ranger.

Officers in attendance: J Mitchell (Chief Executive), B Tice (Project Officer),
R Dobson (Democratic Services Officer), M Donaldson
(Accountancy Manager), R Harborough (Director of Public
Services), S Joyce (Assistant Chief Executive – Finance), M
Perry (Assistant Chief Executive – Legal), A Taylor (Assistant
Director Planning and Building Control) and M Tokley
(Principal Accountant – Budgets).

PUBLIC QUESTION AND ANSWER SESSION

Jan Durkin made a statement a copy of which is appended to these
Minutes.

CA36 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Asker, Redfern and
Wells.

*Councillors Barker and Chambers declared their respective interests as
members of Essex County Council and of Essex Fire Authority, together
with the fact that they had dispensations in respect of these interests.*

CA37 MINUTES

The minutes of the meeting held on 2 August 2012 were approved as a
correct record and signed by the Chairman.

CA38 MATTERS ARISING

A matter which would otherwise have been dealt with under this item is
noted in the following minutes at CA51.

CA39

FORWARD PLAN

The Cabinet noted the Forward Plan.

The Chairman said tonight's meeting was subject to new regulations, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These regulations had been published only in August, had come into effect only on 10 September, and contained no transitional provisions to enable key decisions to be made at meetings held at shorter notice than was now required. In order to consider the items on the agenda which would be key decisions it was necessary to invoke the special urgency provisions with the consent of the Chairman of the Scrutiny Committee. Councillor Godwin had given such consent and a notice to this effect had been displayed in accordance with the regulations.

CA40

2012/13 BUDGET MONITORING

Councillor Chambers presented a report on 2012/13 Budget Monitoring. He said the information was complemented by information on service delivery, showing whether budget growth items were meeting expected outcomes and demonstrating how budgets related to service quality.

Councillor Chambers referred Members to key elements of the report such as the net favourable variance forecast for the General Fund of £274,000. He explained that this figure did not include unbudgeted costs of planning appeals. He said spending on waste was expected to be within budget and planned efficiency savings would be met.

Councillor Chambers commented that he was pleased there would in future be a reduction in external auditors' fees. He drew attention to items approved for this year's budget and was pleased to say that progress was being made against almost every item.

Councillor Chambers then referred to the Housing Revenue Account, for which a favourable variance of £136,000 was forecast. He said the sum of £2.7 million identified as headroom in the HRA under the Housing Business Plan had allowed sums to be allocated to three projects as set out in the report, totalling £892,000.

The Assistant Chief Executive-Finance said the self-financing arrangement incorporated the option to make early repayments of the loans due to mature in years 6 to 10 with no financial penalty.

Councillor Chambers spoke about the capital programme spend set out in detail in the report, forecasting a net adverse variance of £187,000 forecast. He said the variance related to four schemes detailed in the report, which he invited Cabinet to endorse.

Councillor Chambers referred to the treasury management summary in the report and said a further repayment had been received from Landsbanki of £285,661 in May 2012 and that in due course 100% of the money was expected to be repaid.

Councillor Chambers proposed the report's recommendations be endorsed, and Councillor Barker seconded the motion.

Members noted the recommendations included an addition to the Capital Programme for essential rewiring works to a number of properties over and above those in the current work programme which had been identified as requiring full re-wires in the current financial year; as well as in some communal areas in sheltered housing schemes and general needs flats. The recommendations also included a funding transfer to the HRA, to ensure compliance with accounting rules, to finance apprenticeships.

Councillor Barker asked about the allocation of money from Essex County Council intended to be used by the Highways Panel.

Councillor Chambers said of the original sum of £129,000 a sum of £60,000 had been allocated to the Highways Rangers and the remainder was to be spent on highways projects.

RESOLVED

To

- a) Note and approve the report.
- b) To approve the Capital Programme increases for the Vehicle Fleet Workshop and Holloway Crescent.
- c) Subject to the Housing Board's decision on 10 September 2012 endorse the addition of £500,000 to the HRA Capital Programme for the Rewiring Programme.
- d) Endorse the funding transfer of £40,000 from the Community Partnership and Engagement Portfolio to the HRA to finance apprenticeships.

CA41

2011/12 TREASURY MANAGEMENT OUTTURN REPORT

Councillor Chambers presented a report which set out the key treasury management activity and outcomes during the 2011/12 year in accordance with requirement under the Council's constitution that it should receive and approve such a statement annually.

Councillor Chambers proposed the recommendation, which was seconded by Councillor Barker.

Councillor Barker asked a question about the repayment methodology for HRA self-financing.

The Assistant Chief Executive-Finance said the self-financing arrangement incorporated the option to make early repayments of the loans due to mature in years 6 to 10 with no financial penalty.

RESOLVED to approve the 2011/12 treasury management outturn.

CA42

LOCALISATION OF BUSINESS RATES

Councillor Chambers presented a report on localisation of business rates. He said the purpose of the report was to raise awareness of the Government's proposals and to illustrate the possible issues for the Council.

Councillor Chambers said there would be no change in the current arrangements for determining the rates, as these would continue to be set by the Government and Valuation Office. He said only 4% of the business rates payable by Uttlesford businesses would be retained by Uttlesford, as a complex system of tariffs and levies would operate, and therefore 90% of any growth would be taken by Government. Councillor Chambers referred to a table in the report giving various scenarios for a range of rates income for the Council, and said that in working closely with the Assistant Chief Executive-Finance he would take a prudent approach.

Councillor Chambers explained the concept of pooling of business rates amongst local authorities and described the practical difficulties arising from deadlines imposed this year by the Government for councils to indicate willingness to make a non-binding commitment to do so. In line with other Essex authorities, this council had concluded it was not feasible to proceed this year, but there would be opportunities to consider this option if advantageous to Uttlesford in the future.

Councillor Cheetham welcomed the clarification on the requirement for non-binding expressions of interest and asked when the matter would be brought back to Cabinet.

Councillor Chambers said the possibilities and advantages of pooling would be looked at next year.

Councillor Rolfe said it was disappointing that the Council would not be able to retain a greater proportion of business rates. He said the proposals were being aligned to the Council's draft Economic Development Strategy which would be discussed at a meeting with local businesses next week. The draft Economic Development Strategy would then be circulated to all councillors and a report brought to Cabinet.

Councillor Chambers moved the proposals. The motion was seconded by Councillor Walters.

RESOLVED

To:

- a. Note the report
- b. Agree that the Council should continue to participate in discussions with other Essex local authorities regarding setting up a pool, subject to details of how this would operate being brought to a future Cabinet meeting for approval
- c. Authorise officers, in consultation with Finance and Communities Portfolio Holders, to develop a new discretionary rate relief policy for future Cabinet approval.

CA43

CHANGES TO THE LOCAL DEVELOPMENT SCHEME

Councillor Barker presented a report informing Cabinet about two proposed changes to the LDS relating to the timing of the consultation, submission and adoption of the draft Local Plan; and to the Community Infrastructure Levy (CIL) consultation.

Councillor Barker explained there were several reasons for requiring these amendments to the LDS: to take full account of representations received in the consultation, the revocation of the East of England Plan and to permit the completion of certain studies. The proposal was now that the consultation for the production of a Local Plan would commence in January 2013 rather than November 2012, with corresponding changes to the submission, examination and adoption dates.

Councillor Barker said it had also become apparent that while work had commenced on the Infrastructure Delivery Plan and CIL Charging Schedule, the Council was not in a position to publish a draft charging schedule in October 2012. It was therefore proposed to publish a draft charging schedule in December 2012 and a draft schedule in March 2013.

Councillor Barker concluded by saying these were very important issues. It was necessary to amend the LDS with regard to its timetable for submission, examination and adoption dates so as to enable the necessary information and supporting reports to be available to ensure that the LDS and the draft Local Plan were robust and sound; and therefore to take into account the fact that some of the necessary studies would not be ready to allow a consultation in November.

She moved the proposals accordingly. Councillor Cheetham seconded the motion.

RESOLVED that the amendments to the Local Development Scheme be approved.

CA44

LOCAL PLAN NATIONAL PLANNING POLICY FRAMEWORK REVIEW

Councillor Barker presented a report introducing the Council's National Planning Policy Framework Review of July 2012. The adoption of the review for Development Management purposes would enable greater consistency in the weight to be attached to the NPPF. She therefore moved the proposals. The motion was seconded by Councillor Cheetham.

RESOLVED to approve and adopt the Local Plan NPPF Review for Development Management purposes.

CA45

CONSERVATION AREA APPRAISAL, HENHAM

Councillor Barker presented a report on the Conservation Area Appraisal for Henham, which set out a number of recommendations. She praised the excellent work of officers in preparing the document. She said it was important to preserve the best features of Henham and that this work was helpful in making people aware of the features and history of the area. She moved the recommendation. Councillor Cheetham seconded the motion.

Councillor Morson endorsed Councillor Barker's comments, but said the only aspect with which Henham Parish Council was a little disappointed was the omission from the area of Henley's land.

Councillor Cheetham commended the report. She said villages did grow but if it was possible to allow them to do so whilst taking care of their history, this was a very important consideration.

RESOLVED

- 1 that the Conservation Area Appraisal for Henham be approved and used to assist in the process of determining planning applications and for implementing management proposals.
- 2 that the Henham Conservation Area boundary be formally amended.

CA46

CONSERVATION AREA APPRAISAL, THAXTED

Councillor Barker introduced a report on the Conservation Area Appraisal for Thaxted, which set out a number of recommendations. She moved the recommendation which Councillor Cheetham seconded.

The Chairman referred Members to a letter he had received from Thaxted Society supporting the consultation and welcoming the commitment to the protection of the character of Thaxted through conservation.

Councillor Barker declared an interest in that her sister's house was mentioned in the document. She referred to a letter sent to all members of Cabinet regarding the inclusion of a garden at Mill Hatch, and said the Council was not looking to designate this garden as a public space.

The Chairman said the proposals had been welcomed by Thaxted Parish Council. He said thanks should be recorded for the work of Mr Tice in preparing these documents.

RESOLVED

- 1 that the Conservation Area Appraisal for Thaxted be approved and used to assist in the process of determining planning applications and for implementing management proposals.
- 2 that the Thaxted Conservation Area boundary be formally amended.

CA47 **TRAFFIC REGULATION ORDERS**

Councillor Barker presented a report introducing a range of proposed TROs. It was for the Council to consider which ones it wished to pursue by recommendation to the North Essex Parking Partnership for the final decision.

Councillor Barker gave an update on the TROs which had been implemented or were out to consultation following the last report to Cabinet. A further three TROs were proposed, and a combined scheme was suggested for the two TROs listed in the report for Stansted. She moved the recommendations and the motion was seconded by Councillor Rolfe.

RESOLVED to

- 1 Approve the TROs numbered 1 – 3 and recommend to the NEPP Board that they be implemented.
- 2 Approve the TROs numbered 5 and 19 as a comprehensive scheme and recommend to the NEPP Board that they be implemented.
- 3 Agree not to reconsider declined schemes for a period of 5 years except in the case of exceptional circumstances.

CA48 **JUBILEE FUNDING**

Councillor Rolfe presented a report on the agreed criteria and recommendations for allocation of funds to Community/Voluntary Groups and Town/Parish Councils made by the Jubilee Fund Working Group.

Councillor Rolfe reminded Members that the Jubilee Fund was a one-off fund set up by Cabinet using the New Homes Bonus, with £250,000 to be allocated to each of the two categories of applicant. He described the process by which applications had been assessed and the resulting sums which were recommended to be awarded.

The number of applications from Town/Parish councils was 35, for an amount totalling £233,000, leaving the fund of £250,000 undersubscribed by £17,000. The number of applications from Community/Voluntary Groups was 119, for an amount totalling £721,600. Councillor Rolfe said some difficult decisions had had to be made regarding which applications should be granted from the latter category. He referred to the criteria which had been applied to all applications, and then drew to Members' attention two matters to be considered.

Councillor Rolfe explained that the first matter was an application by Hatfield Broad Oak Parish Council for construction of wildlife and nature areas. Due to an oversight and through no fault of Hatfield Broad Oak Parish Council, the application had not been included on the list originally considered by the working group. Councillor Rolfe said the working group had since agreed the application would have met the criteria, and had agreed this application could be granted. He therefore invited Cabinet to agree that this application could be included and be granted funding of £9,500 as requested.

Councillor Rolfe said the second matter related to Farnham Recreation Committee's application to the community/voluntary group fund to enhance a recreation ground in the village. It had then become apparent that this body was a committee of Farnham Parish Council and could not qualify for funding under the community/voluntary group criteria. The working group had now agreed its application could go forward under the different criteria that applied to town and parish councils and that the allocation of money for this application could come from that budget. Councillor Rolfe asked Members to agree that this application could be granted funding of £10,000 from the town/parish council budget.

Members discussed the second recommendation set out in the report and agreed this should be amended to include reference to appeals, to enable any consequential adjustments to be made prior to disposing of the remainder of the fund.

Regarding the third recommendation in the report (to consider whether or not the remaining unallocated portion of the Town/Parish Councils' fund should be transferred to the Community/Voluntary groups' fund since that was oversubscribed), Members rejected the option to transfer the remaining unallocated portion of the Town/Parish Councils' fund to the Community/Voluntary groups' fund. Instead, Members agreed that the remainder of the fund could be transferred to the general fund once any appeals had been dealt with.

RESOLVED

To

- 1 endorse the recommendations made by the Working Group, attached at Appendix 1 and the additional recommendations regarding Farnham Recreation Committee (in fact Farnham Parish Council) for enhancing a recreation ground in the village; and Hatfield Broad Oak Parish Council for construction of wildlife and nature areas

- 2 to approve that once the further information requested for some of the Town/Parish Councils has been received and subject to appeals then the Working Group could determine whether or not to award funding.
- 3 To agree that any monies not allocated would be transferred to the general fund.

CA49

TRAVEL PLAN

The Chairman moved that Councillor Ranger be permitted to move proposals as Deputy Portfolio Holder for Housing, in the absence this evening of Councillor Redfern. Councillor Cheetham seconded the motion.

RESOLVED that Councillor Ranger be permitted to move proposals on behalf of the Portfolio Holder for Housing.

Councillor Ranger presented a report on the Travel Plan for the Council. The report described potential means of reducing reliance on the use of private cars by employees of the Council in delivering the Council's services and in travelling to work. He moved that the recommendation in the report be approved.

Councillor Barker asked whether the Council participated in the Government's cycle purchase scheme.

The Director of Public Services said discussion on this scheme had taken place, and management were still considering the matter. The action plan included an item to that effect.

Councillor Cheetham asked about the timetable for implementing the changes to the car park.

The Director of Public Services said the timing needed to be set in relation to the County Council's move to these offices, which would not take place until the New Year. The work would be done at weekends to minimise disruption.

Councillor Cheetham seconded the motion.

RESOLVED to approve and adopt the Travel Plan and its actions.

CA50

ECC COUNTYWIDE TRAVELLER UNIT

Councillor Barker presented a report on the delegation of relevant powers to Essex Countywide Traveller Unit Joint Committee. The Unit would bring together local authorities and other agencies across Essex to work together in addressing matters of education, health and social issues related to the

traveller community. She moved the proposals. Councillor Chambers seconded the motion.

RESOLVED

- 1 that Uttlesford District Council formally sign up to the Essex Countywide Traveller Unit Joint Committee, and attend the appropriate Joint Committee and Officer's Operations Board.
- 2 that Cllr Susan Barker as a member of the executive be appointed to the Essex Countywide Traveller Joint Committee.

CA51

OTHER URGENT ITEMS

The Chairman said that as he had been obliged to leave the room for a few moments at the start of the meeting to accept an urgent telephone call, he had omitted to raise under Matters Arising the following item. He referred to Minute CA24, Hackney Carriage Fares, and explained that an error in the report supplied to the previous meeting had required his decision to make the necessary correction in order that accurate details could be advertised in the press. The matter had been rectified and the purpose in raising it here was simply to make Members aware that there had been a slight change to the details they had considered at the previous meeting.

The meeting ended at 8.10pm.

PUBLIC QUESTION AND ANSWER SESSION

Jan Durkin made a statement about a forthcoming public exhibition regarding options to establish a pedestrian and cycle route on Wenden Road. Mrs Durkin said this exhibition would take place on Saturday 22 September, Tuesday 25 September and Saturday 29 September at Saffron Walden Town Hall from 9am to 5pm. She described the four options being considered, one of which she said was the interpretation of Essex County Council of what local campaigners were seeking, but which at £750,000 would be very costly and which could also in the view of campaigners disturb the rural character of Wenden Road. The option favoured by local campaign groups was the creation of one-way operation for vehicles on Wenden Road, to enable dedication of a lane which could be used solely by cyclists and walkers. Mrs Durkin explained the need for a consensus, as this would enable the project to qualify for available funding from the government via the cycling charity, Sustrans. Mrs Durkin said Sustrans supported improved links for walkers and cyclists between Saffron Walden and Audley End Station.