

**CABINET MEETING held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN on 2 AUGUST 2012 at 7.00pm**

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

Also present: Councillors E Godwin, M Lemon, J Menell, D Morson, D  
Perry, J Salmon and L Wells.

Officers in attendance: J Mitchell (Chief Executive), B Tice (Project  
Officer), R Dobson (Democratic Services Officer), R  
Harborough (Director of Public Services), S Joyce (Assistant  
Chief Executive – Finance), R Millership (Assistant Director  
Housing and Environmental Services) A Parry-Jones  
(Project Officer), and A Webb (Director of Corporate  
Services).

**PUBLIC QUESTION AND ANSWER SESSION**

With the consent of the Chairman, Mr Drinkwater, Chairman of Uttlesford  
Licensing Operators' and Drivers' Association, made his statement  
immediately before the consideration of the item on taxi fares. A copy of  
the statement is appended to these Minutes.

CA19 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors H Asker and S  
Barker.

*Councillor Chambers declared his personal interest as a member of  
Essex County Council and Essex Fire Authority.*

CA20 **MINUTES**

Subject to an amendment to include the apologies given by Councillor  
Ranger, the minutes of the meeting held on 21 June 2012 were approved  
as a correct record and signed by the Chairman.

CA21

## **MATTERS ARISING**

### **(i) Minute CA14 – Forward Plan**

Councillor Morson asked for an update on proposals for a revenues and benefits partnership. The Chief Executive said he had today spoken to Harlow Council's Chief Executive and that a report would be brought to a future meeting, as no dates had yet been set for meetings of the Joint Partnership Committee.

### **(ii) Minute CA16 – 2011/12 Outturn**

Councillor Chambers said he wished to clarify what had been stated in relation to the hardship fund which had been set up. He said this fund had two purposes, one of which was intended to help those who were homeless by trying to ensure that the temporary accommodation they were assigned was within the district. The other purpose was to support the district's voluntary sector.

Councillor Morson endorsed the aim to provide additional temporary accommodation in the district for those who were homeless. He asked how this would be accomplished.

Councillor Chambers said the Housing Board were looking into this matter.

CA22

## **MEMBERS' QUESTIONS**

Councillor Perry spoke in relation to the item on hackney carriage fares. He endorsed the report, but wished to make a statement regarding the role of the Licensing and Environmental Health Committee, as the new chairman of that committee. He was concerned that under the executive arrangements of the Council, this committee had not had the opportunity formally to consider the issue of increases to hackney carriage fares. This was in his view undemocratic. The Committee now seemed to be used primarily as a licensing panel. It was not right that the Committee should not be able to make recommendations to Cabinet on matters relevant to licensing. He therefore asked Cabinet to revisit the role of the Committee.

Councillor Walters said he had sympathy with Councillor Perry's views, and he could think of no reason why the Licensing and Environmental Health Committee should not make recommendations for Cabinet to decide.

Councillor Morson said the Monitoring Officer had advised that Members of the Licensing and Environmental Health Committee were able to put forward agenda items, so considering items in this way should not be a problem.

Councillor Lemon said he agreed with Councillor Walters that it would be useful for the Committee to discuss matters relevant to licensing. In his view, if a change could be made to enable it to make recommendations to Cabinet, that would be beneficial.

The Leader said he would discuss this matter with Councillor Walters.

Councillor Menell then asked a question regarding the item on adoption of the Littlebury Conservation Area. She asked why this was a matter for Cabinet and not for Planning Committee.

The Director of Public Services said determination of conservation area appraisals was not in the terms of reference of the Planning Committee.

Councillor Menell referred to comments which had been circulated to Members from the Audley End Estate. She said she understood any challenge to a decision on this item would be a matter for scrutiny.

Councillor Cheetham said conservation area appraisals were a policy matter so were a matter for Cabinet to decide. She thanked Mr Tice for his excellent work on the report.

CA23

### **FORWARD PLAN**

Councillor Morson referred to two items. First, he asked when there would be a Member workshop to consider the pre-submission consultation of the Local Plan which according to the Forward Plan would be decided on 4 October. Second, he asked for an update on the review of Saffron Walden Museum's alternative site for storage facilities.

The Leader said the workshop regarding the pre-submission consultation of the Local Plan would be arranged, but no date had yet been set.

Councillor Rolfe said in relation to the Saffron Walden Museum that options continued to be pursued and there was nothing he could add to comments he had made at Full Council recently.

CA24

### **HACKNEY CARRIAGE FARES**

With the consent of the Leader, Mr Drinkwater made a statement, a summary of which is given at the end of these Minutes.

Councillor Walters presented a report setting out proposals submitted by the Uttlesford Licensed Operators and Drivers Association (ULODA) for a change in the current table of fares for the hiring of hackney carriages.

Councillor Walters said the increase was reasonable in the circumstances and he proposed the recommendations be accepted.

Councillor Cheetham seconded the proposal.

In reply to a question from Councillor Rolfe, Mr Drinkwater said the fuel cost index had been calculated by reference to the fluctuation in diesel prices for a period of 13 weeks in Spring 2011 to Spring 2012. Councillor Rolfe suggested a longer period of monitoring fuel costs would be more representative for future calculations.

Councillor Rolfe asked a question about taxis operating from Audley End Station.

Mr Drinkwater replied that permit responsibility for taxis operating from Audley End Station rested with Great Anglia; that approximately 20 permits were given out each year and that they were also subject to the maximum fares set out in this district's table of fares.

The proposal was then put to the vote.

#### RESOLVED

- 1 To approve an increase in hackney carriage fares as submitted by ULODA.
- 2 Unless representations are received following the required consultation the new Table of Fares to be implemented from 1 October 2012.

CA25

#### **UNDERLEASE OF LAND AT GACES ACRE, NEWPORT**

Councillor Chambers presented a report relating to a request by the Trustees of Newport Free Grammar School for consent to underlet land at Gaces Acre, Newport. The land was owned by the Council and leased to the Trustees. Newport Free Grammar School was to be converted to an Academy School, and as part of the conversion process the Trustees would be required to grant an underlease of all land and buildings occupied by the Trust to the Academy. Under the terms of the current headlease underletting was not permitted, and the Trustees therefore needed the Council's permission to grant an underlease.

Councillor Chambers proposed the recommendations, which were seconded by Councillor Redfern.

#### RESOLVED

To permit the Trustees of Newport Free Grammar School to underlet land at Gaces Acre, Newport subject to:

- a. the Trustees entering into a licence to underlet with the Council with the form of underlease annexed
- b. the underlease containing an absolute prohibition on assignment or further sub-letting

- c. the underlease containing a covenant that the Academy will comply with the terms and covenants contained in the headlease;
- d. the trustees' agreement to pay the Council's costs in preparing, negotiating and completing the licence to underlet.

CA26

## **LOCAL COUNCIL TAX SUPPORT**

Councillor Chambers introduced a report setting out additional information regarding the replacement of the national Council Tax Benefit scheme by new local schemes of Council Tax Support. He reminded Members that this matter had been the subject of a substantive report to Cabinet on 21 June. At that meeting Cabinet had approved the principles of a draft scheme which would form the basis of consultation ahead of final scheme approval by the Council in December. New information was now available which necessitated a review of some aspects of the draft Uttlesford scheme prior to consultation. However, it was not proposed to depart from the protection principles agreed by Cabinet.

An updated appendix was circulated showing options being considered by Essex authorities.

Councillor Chambers proposed the recommendations, which were seconded by Councillor Cheetham.

The Leader said this was a most important issue for this Council and invited Members to comment.

Councillor Rolfe said the comparative chart was extremely helpful, and he commented on the areas of minimum award restriction and protection for the disabled. He noted that the Department for Work and Pensions was finalising criteria for disability, and asked what other councils were doing. He expressed some concern that this authority might have to rein in its criteria if subsequently it had to adopt those determined by the DWP. He asked what the reasons were for most councils considering 'no' options against the 'yes' options Uttlesford was proposing.

Mrs Parry Jones said within the Council's current benefit scheme the income that disabled people received was disregarded from household income up to a certain point, so disabled people were slightly financially better off than able bodied people. Disabled people were also able to receive a premium needs allowance. The majority of councils in Essex were taking a view that it was fair to apply the proposed Personal Independence Payments across all levels of disability.

In reply to a question from Councillor Rolfe, Mrs Parry Jones confirmed that it was the case that Uttlesford was choosing to be more generous to disabled people than the majority of councils in Essex.

## RESOLVED

To:

- a) Approve, for consultation purposes, the draft Uttlesford Local Council Tax Support scheme, as set out in paragraph 15 and as amended in paragraphs 19 and 29.
- b) Approve the definition of vulnerable groups as set out in paragraph 29.
- c) Agree, in principle, that the Council should subsidise the LCTS scheme to ensure cost neutrality for ECC, Police and Fire, the extent to which direct LCTS expenditure exceeds Government funding provided (estimated at £33,000 in the first year).
- d) Authorise the Assistant Chief Executive – Finance to initiate the consultation process.
- e) Authorise the Assistant Chief Executive – Finance, in consultation with the Finance Portfolio Holder, to review staffing levels in the Revenues Team to ensure that recovery work is adequately resourced, and to request funding contributions from ECC, Police and Fire towards the additional recovery costs that the Council will incur.
- f) Agree that the UDC LCTS scheme will be reviewed during 2013/14 concurrent with a review of other council tax discounts i.e. empty homes and second homes.
- g) Note the other information in this report, including the estimated effect on Uttlesford households, and the Equalities Impact Assessment.

CA27

### **HRA BUSINESS PLAN PRIORITIES**

Councillor Redfern presented a report on the Housing Revenue Account's business plan priorities regarding improvement of average energy efficiency in residents' homes and reduction of their fuel costs. Councillor Redfern highlighted the proposals drawn up by the Council's Energy Officer for such an initiative. She advised Members that the Council's bid for RHPP social housing funding for air source heat pumps had been successful. She moved the proposal, which was seconded by Councillor Chambers.

Councillor Cheetham asked about the timetable for this scheme.

Councillor Redfern said it was intended that the work should be done by March 2013.

The Assistant Chief Executive-Finance said in relation to the proposal to draw on uncommitted funds that he would advise making this proposal subject to a caveat that would ensure the Council's obligation to undertake new build would not be compromised.

#### RESOLVED

- 1 That the Cabinet notes the outcome of the research undertaken by the Energy Officer
- 2 That the Cabinet commit the environmental improvements budget of £300,000 to fund the installation of external cladding on 60 of the Council's worse performing oil heated properties making the most from external funding available
- 3 That, subject to confirmation that the HRA business plan can meet the RTB match funding, and subject also to confirmation that by drawing on uncommitted funds of £1.43m the Council's obligation to undertake new build would not be compromised, to draw on a proportion of the uncommitted funds of £1.43m to increase the number of properties that can be improved to up to 115 properties
- 4 Subject to approval to progress with the work, the project will follow due tender process to select a suitable installation firm
- 5 That regular reports on progress in delivering the programme will be submitted to members throughout the year, including availability of uncommitted funds
- 6 That the Cabinet note that the Council's current bid for RHPP social housing funding for air source heat pumps has been successful

CA28

#### **HOUSING ALLOCATION POLICY**

Councillor Redfern presented a report informing Members of the effect of welfare reform changes on the allocation of social housing and the need to amend the allocations policy to take account of these changes.

The Leader said amending the allocations policy would protect new tenants so that they did not fall foul of the new welfare arrangements.

Councillor Redfern proposed the recommendations, which were seconded by Councillor Cheetham.

#### RESOLVED

that the Council's allocation policy be amended so that the criteria used for allocating the size of accommodation an

applicant requires matches the bedroom requirement definitions of the Local Housing Allowance.

CA29

## TENANCY SUCCESSION POLICY

Councillor Redfern presented a report on the changes under the Localism Act 2011 to the succession rights for secure tenants. It was necessary to have a new local succession policy to take account of such changes. She said the new policy would be more generous than the requirements of the Act. An amendment was also now proposed, in that there should also be a requirement that potential successors were assessed as being in housing need, as set out in the Council's housing allocation policy

Councillor Redfern proposed the recommendations and amendment which were seconded by Councillor Chambers.

### RESOLVED

1. That the Cabinet agree that Council tenants, providing they are not a successor (Housing Act 1985 Part IV Section 8.8), and that at the time of the tenant's death the dwelling-house is not occupied by a spouse or a civil partner of the tenant as his/her only or principal home then, as long as there is no under-occupation, an immediate family member will be allowed to succeed to the tenancy. This is providing they are assessed as being in housing need as set out in the Council's housing allocation policy and that they meet all of the succession rules set out under the Housing Act 1985 Part IV and have been residing at the property as their only or principal home for at least the three years preceding the tenant's death. These succession rights are in addition to those set out in the Localism Act which came into force on the 1st April 2012.

Where the property is under-occupied by an immediate family member, if the family member meets all of the succession rules set out under the Housing Act 1985 Part 1V and has been residing at the property as their only or principal home for at least the three years preceding the tenant's death, they be made one offer of suitable alternative accommodation. If the successor tenant refuses to move, then the Council would take Court action to seek possession under Ground 15A of Schedule 2 of the Act.

2. That the Council's Standard Tenancy Agreement for all post-Localism Act Tenancies be amended (and applied retrospectively to commence from 1 April 2012) to reflect the new legislative requirements and further conditions agreed by Cabinet.

Councillor Walters said he endorsed the above proposals as over the years he had seen a number of anomalies which these measures would address.

CA30

### **SECTION 106 SPORTS FUNDING SAFFRON WALDEN**

Councillor Chambers presented a report on behalf of Councillor S Barker regarding financial contributions from the developer of land at Bell College, Saffron Walden. Under the legal agreement entered into as part of the planning approval this money was intended to be used 'for the provision of formal open space and sports pitches in Saffron Walden'.

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

The Leader said this matter had been referred to him as an urgent item mainly because of vandalism at Herbert's Farm Pavilion, and it was necessary to get the amenities in place before the next season. He hoped Members would endorse the release of these monies.

Members commented that the Council intended to support other sports than football in time, and approved the use of the funds for replacement of these facilities.

#### **RESOLVED**

- 1 That the urgent decision taken by the Leader of the Council to agree the distribution suggested by Saffron Walden Town Council be noted. The distribution is as follows:
  - a. Saffron Walden Town Football Club £91,500
  - b. Saffron Walden Town Football Club Junior Section £29,600
  - c. Crabtrees facility £30,000
  - d. Herbert's Farm £100,000.
- 2 That the balance of the money is retained by Uttlesford District Council until formal proposals have been received and considered.

CA31

### **CONSERVATION AREA APPRAISAL, LITTLEBURY**

Councillor Wells presented a report on the outcome of a consultation on a proposed Conservation Area Appraisal, approval of which was now recommended. She drew to Members' attention the submission to

Cabinet of a representation on the report which had been received from the Audley End Estate. This representation stated 'North End is so delightful because of the Estate's long term stewardship and we feel additional regulation is an unnecessary burden in this instance'.

Councillor Wells proposed the recommendations, which Councillor Rolfe seconded.

Members commented on the proposals and the representation, noting that the Conservation Area Appraisal would not impose onerous restrictions on management of the land.

Members congratulated the Project Officer, Mr Tice, for his excellent work on the report.

**RESOLVED**

To approve the Conservation Area Appraisal for Littlebury and to use it to assist in the process of determining planning applications and for implementing the management proposals.

CA32

**SECTION 106 FUNDING COMMUNITY FACILITIES, PRIORS GREEN, TAKELEY/LITTLE CANFIELD**

Councillor Chambers presented a report on use of funds under section 106 obligations for enhancing community facilities in the vicinity of land at Priors Green.

Councillors praised the goodwill shown by both parishes and welcomed the proposals.

**RESOLVED**

1 That section 106 funds held (£203,239.08) in respect of development of land at Priors Green Takeley/Little Canfield be divided 2/3rds (£135,357,22) to Takeley Parish Council and 1/3<sup>rd</sup> (£67,881.86) to Little Canfield Parish Council to be used for enhancing community facilities in the vicinity

2 That UDC request project proposals from Takeley Parish Council and Little Canfield Parish Council for approval by the Assistant Director Planning and Building Control in conjunction with the Assistant Chief Executive – Finance, Cllr Barker and Cllr Chambers as the relevant Portfolio Holders and Cllr Cheetham and Cllr Jones as the two ward Councillors and in consultation with the developers as necessary.

- 3 That the money held (£15,379.75) for Priors Green Community Centre be passed to Takeley Parish Council along with the ownership of the Community Centre.
- 4 That further community contributions collected from the Priors Green development be treated in the same way as set out in paragraphs 1 and 2 above.

CA33

### **COMMUNITY RIGHTS IN THE LOCALISM ACT 2011**

Councillor Rolfe presented a preliminary report on the four “community rights” set out in the Localism Act 2011. The community rights were the rights to challenge, to bid, to build and neighbourhood planning.

Councillor Rolfe said these rights had the potential for financial implications eventually.

Councillor Morson asked about compliance between the community right to build and neighbourhood planning.

The Director of Public Services explained that this right could not conflict with an area’s Local Plan, and that these would be used as the foundations for the Neighbourhood Plan.

Councillor Godwin asked about sports and playing fields in relation to the community right to bid.

The Chief Executive said the list of facilities for which a community would have the right to build was yet to be determined by central government but that the process would involve submitting proposals to a testing process which included a right to appeal. Most playing fields already tended to be local amenities.

Councillor Rolfe said the Princes’ Field Policy was another means by which facilities for communities could be protected.

RESOLVED to note the report.

CA34

### **CO-LOCATION WITH ESSEX COUNTY COUNCIL**

Councillor Chambers introduced a report bringing Members up to date with progress on the relocation of Essex County Council staff to Uttlesford District Council’s London Road office.

Members commented that this initiative was an excellent use of assets, that it would be important to have a cohesive and customer-friendly design for the front desk area as this would become a ‘one-stop shop’. It would be an asset for many of the Council’s clients who would be able to access both services in one place.

The Director of Corporate Services answered detailed questions about the proposed alterations to the building and car parking.

The Leader drew to Members' attention the fact that the meeting would move to Part 2 for the financially sensitive section of the report.

#### RESOLVED

- 1 To approve the principle of co-location with ECC staff at the earliest available date and delegate responsibility to officers to conclude negotiations and manage the building work and move.
- 2 Approve the refurbishment of the second floor office space, the first floor toilets and main reception area which is funded by an existing approved capital budget and a financial contribution (deferred rent) from ECC.
- 3 Approve changes to the layout of the car park.

#### CA35 EXCLUSION OF THE PUBLIC

#### RESOLVED

That under section 100(I) of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the Act.

Councillor Chambers introduced a report summarising the costs of the co-location project and requested an additional sum for car park improvements. The report was presented in Part 2 as the projects would be subject to competitive tender.

Members considered the report and asked various questions. In reply the Director of Corporate Services explained what would be covered by the capital sum; aspects of the tendering process and implications of the capital sum arrangements. Further questions regarding the design alterations to the front desk, disabled access and toilets were also answered in detail.

#### RESOLVED

To approve the use of the capital budgets as set out in the report.

The meeting ended at 8.50pm.

## **STATEMENT OF MR B DRINKWATER**

I refer to the report presented by Councillor Walters regarding hackney carriage fares. I hope the Cabinet will approve the proposed increases. These proposals take into account consultation with hackney carriage owners and drivers recently conducted by the ULODA working group. The increase reflects rising costs for the trade and seeks to deliver a fair balance between maintaining income levels for drivers and ensuring passengers still get value for money. The appendix also includes information about taxi fares in adjacent districts, and shows increases in fares in Harlow and Chelmsford.

ULODA has briefed the Licensing and Environmental Health Committee at its meetings in April and July on the annual review process.

I am grateful to you for the opportunity to influence your discussions as the taxi trade's acknowledged voice of reason.