

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

Present: Councillor J Ketteridge – Leader (Chairman).
Councillor S Barker – Portfolio Holder for Environment.
Councillor J Cheetham – Deputy Leader.
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 M Lemon, D Morson, D Watson and L Wells;
Mr S Sproul – Chairman, Tenant Forum.

Officers in attendance: J Mitchell (Chief Executive), 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),
M Perry (Assistant Chief Executive – Legal), J Snares (Housing
Needs and Landlord Services Manager), M Tokley (Principal
Accountant – Budgets) and A Webb (Director of Corporate
Services).

CA66 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Chambers, Godwin
and Ranger.

*Councillor Barker declared an interest as a member of Essex County Council
and Essex Fire Authority.*

CA67 **MINUTES OF MEETINGS HELD ON 25 OCTOBER AND 20 NOVEMBER
2012**

The Minutes of the meetings held on 25 October and 20 November 2012 were
approved and signed as a correct record.

CA68 **BUSINESS ARISING**

Minutes of 25 October 2012

(i) Minute CA56 – Revenue and Benefits Partnership Review

Councillor Morson asked for confirmation of the final costs in relation to
the initiative to set up a revenues and benefits partnership.

The Chief Executive said he believed that information had been in the
report submitted for the meeting.

CA69

GREATER ESSEX DEMOGRAPHIC FORECASTS

Councillor Barker presented a report seeking Cabinet's re-affirmation of the adoption of the Economic Scenario in consequence of revised demographic forecasts. Councillor Barker explained that the production of this new evidence base would support the preparation of the Local Plan. She highlighted projected housing requirements to be delivered under the Plan.

Councillor Barker proposed the motion, which was seconded by Councillor Cheetham.

RESOLVED to confirm the Phase 3 Demographic Forecasts Economic Scenario for the preparation of the new Uttlesford Local Plan.

CA70

CORPORATE PLAN

The Chairman presented a report on the draft corporate plan 2013 -18. The key themes of the revised Plan were Low Tax, High Quality, Responsibility and Prosperity.

RESOLVED to approve the draft Corporate Plan for consideration by Council at its meeting of 28 February 2013.

CA71

2012/13 BUDGET MONITORING

The Leader presented a report setting out financial performance relating to the General Fund, Housing Revenue account, Capital Programme and Treasury Management. Councillor Ketteridge drew to Members' attention the main elements of the report, in particular the fact that a net favourable variance of £25,000 was forecast in the General Fund. He drew attention to an adverse variance in the planning reserve which related to appeals.

Councillor Ketteridge referred to the Capital Programme where a net favourable variance was also forecast, in large part due to £1.1 million of schemes having been rescheduled to the subsequent year.

Councillor Barker asked whether officers could look at the cost benefit of the Council contracting out white goods collection, as opposed to continuing to provide an in house service.

Councillor Cheetham said in relation to planning appeals that the Government had recently made changes which made it easier for councils to resist costs claims.

Councillor Redfern said a report mentioned in connection with sheltered housing schemes, which was referred to as having been considered by the Housing Board was still being prepared and would be taken to the next meeting of the Housing Board on 24 January 2013.

Councillor Cheetham asked about reference to continuing payments into a reserve regarding the Landsbanki money.

The Assistant Chief Executive-Finance said there was no firm information on when the remaining funds owed to the Council would be repaid. A small reserve was being maintained in order to take into account any material movement in exchange rates.

RESOLVED to note and approve the 2012/13 budget monitoring report.

CA72

TREASURY MANAGEMENT STRATEGY MID YEAR REVIEW

Councillor Ketteridge presented a report on the Council's cash flow management, use of banks, investments and borrowing. He highlighted the main elements of the report which set out details of the Council's borrowing and investment strategies, and gave an update on the Landsbanki Icelandic investment. Councillor Ketteridge said the Council had kept to its strategy and would continue to maintain prudence whilst the banking sector remained volatile.

Councillor Cheetham asked a question about the disposal of waste collection vehicles.

The Director of Public Services said the vehicles had been returned to the lease hire company and end of lease costs had been incurred.

Councillor Rolfe asked whether there was any possibility of securing better interest rates, and asked why the Council did not include a bank such as HSBC amongst its investment options.

The Assistant Chief Executive-Finance said the Treasury Management Strategy required the Council to use only securely rated UK banks. HSBC would not accept sums less than £10 million, and it was the Council's policy to spread its investments among a number of institutions with a maximum of £2 million deposited with each. The Council was reliant upon the DMO (the Government deposit account), and although the interest rate on that account was anticipated to reduce to zero, the safety of local authorities' deposits was guaranteed.

Members were concerned at the prospect of the Council's investments becoming subject to a rate of interest of zero per cent.

The Assistant Chief Executive-Finance said he would bring forward ideas next year to enable the Council to make greater use of banks and to rely less on the DMO.

RESOLVED to approve treasury management performance for the period April to October 2012.

CA73

RENT SETTING AND SERVICE CHARGE POLICY

Councillor Redfern introduced a report on the adoption of a rent and service charge setting policy. Such a policy would determine the levels by which housing rents and service charges would be increased on an annual basis to take into account the introduction of self-financing for the HRA and development of a 30 year HRA Business Plan.

In response to a question from Councillor Barker regarding timely notification to tenants of rent increases, the Assistant Director Housing and Environmental Services said it was the intention that rental increases from 1 April 2013 would be calculated in line with the policy and would be submitted for consideration by the Tenant Forum and Housing Board in January. The Council had a statutory duty to give tenants notice of rent increases of at least one month, and officers would give as much notice as was practicable over and above the statutory minimum.

To approve the rent and service charge setting policy and agree its immediate implementation.

CA74

ALLOCATIONS POLICY

Councillor Redfern presented a report setting out a draft amended allocations policy. The policy had been revised to incorporate new statutory requirements and changes now permitted due to increased flexibility for councils under the Localism Act 2011. Councillor Redfern said the policy had been developed following consultation and that the amendments had been approved by the Housing Board.

In reply to a question seeking clarification on assessment of the housing need of any applicant who lived in a caravan or mobile home, the Housing Needs and Landlord Services Officer confirmed that their need band could depend on other criteria within the policy and it was possible to be re-categorised if the applicant's circumstances changed.

RESOLVED to approve the amended allocations policy and agree its implementation by 1 April 2013.

CA75

TENANCY POLICY

Councillor Redfern presented a report on a tenancy policy for the Council, which had been developed following the adoption by the Council of the West Essex Tenancy Strategy. The draft policy had been considered by the Tenant Forum and Housing Board. Councillor Redfern drew attention to the fact that nine year (plus one year introductory) tenancies should be offered to new tenants in three or more bedroom houses only. She said the rationale for having fixed term tenancies was to reduce under-occupation, in order to make better use of limited housing stock.

Councillor Walters commended the report, as he considered the policy would be very fair.

Mr Sproul agreed with this comment and said the policy reflected the needs of this district.

RESOLVED to approve the amended allocations policy and agree its implementation by 1 April 2013.

CA76

HOUSING STRATEGY 2012-15

Councillor Redfern presented a report on a new housing strategy, which had been developed by the Housing Board. The previous strategy had been intended to set priorities for three years from 2009. Councillor Redfern said she was delighted to report that of these key aims, many had been achieved. She felt these achievements deserved to be highlighted and read from the list of priorities achieved as given in the report.

Councillor Redfern said it was now necessary to publish an updated housing strategy taking account of future priorities for the next three years. The development of Mead Court, Stansted was progressing, and she had brought with her the plans, which if any Member was interested she would make available after the meeting.

Councillor Cheetham was pleased to see that money from Stansted Airport had been allocated to schemes.

Councillor Redfern said the reason for not using this money before was that the Council had been successful in obtaining grants from other sources to fund a development programme to date.

Councillor Rolfe said he supported the strategy and the focus it gave to certain groups such as older people. He commented on the large number of people on the waiting list.

Councillor Cheetham also expressed concern at the size of the waiting list and wondered if action could be taken to establish whether any of those on the list were no longer seeking housing.

Councillor Redfern replied to Members' comments on the large number of people on the waiting list for housing. She said this figure was currently approximately 1,300 people. She said at the time of the transfer of the housing waiting list to electronic format those on the list had been asked to re-affirm their wish to remain on it, which had reduced numbers by one-third. Councillor Redfern assured Members that it was a central aim of her portfolio to reduce the housing waiting list. The question was how to do it, given the resources available. She reminded Members of the measures the Council was taking, in building houses and providing for up to 40% affordable housing on development sites, and whilst these were just small steps, she said this was the only realistic way open to the Council to address the issue.

Mr Sproul said the Tenant Forum had approved the new Housing Strategy, and gave details of the dramatic increase in the last ten years of use of private sector rented accommodation.

Councillor Rolfe asked whether the Council could be more proactive in encouraging land owners to make exception sites available.

Councillor Cheetham said the main problem facing parish councils was finding land for exception sites. However the Council had succeeded in getting a large proportion of affordable housing on development sites.

Councillor Redfern said resources had been put into helping parish councils to identify exception sites. If there were any practicable suggestions for how to tackle the housing waiting list she would like to hear them.

Councillor Barker said parish councils needed to be encouraged to understand that exception sites could include market housing as well as affordable housing, as this made the option more attractive to landowners.

Councillor Lemon referred to several opportunities which Hatfield Heath Parish Council was looking into, and agreed parish councils should be encouraged to identify suitable exception sites.

RESOLVED to adopt the Council's new Housing Strategy 2012 -15.

CA77

PROGRESS ON SECTION 106 AGREEMENTS

Councillor Barker presented a report summarising the contributions the Council currently held and the purposes to which the funding would be put. The information was often the subject of members' enquiries and she felt it would be useful if the report could be circulated to all councillors for information.

Councillor Morson asked a question about the proportions of the money allocated to members of the Stansted Area Housing Partnership. The Director of Public Services gave a brief explanation, in that originally there had been four member authorities, with 60% of the money apportioned to Uttlesford schemes, and the remaining 40% divided between the other three authorities. Braintree drew down its 13.33% allocation in November 2011, and the interest on the remaining sum subsequently earned was to be divided up 50:25:25.

RESOLVED to note the report.

CA78

FELSTED CONSERVATION AREA APPRAISAL

Councillor Barker presented a report on a conservation area appraisal of Felsted. She commended the officers responsible for an excellent report.

Councillor Barker referred to support from Felsted Parish Council for the principle of the conservation area appraisal and to representations received in response to the consultation. These representations had raised a number of useful points which had been incorporated into the Conservation Area Appraisal.

RESOLVED to approve adoption of the Felsted Conservation Area Appraisal and its use in assisting the process of determining planning applications and implementing Management proposals

CA79

SAFFRON WALDEN CONSERVATION AREA APPRAISAL

Councillor Barker presented a report on the draft Conservation Area Appraisal for Saffron Walden, and asked for officer's advice in relation to the status of the document once Cabinet had agreed it, as through the North Essex Parking Partnership she had received a request from Councillor Asker for designated resident's parking to be considered at a small site at Caton's Lane.

The Director of Public Services said the question of use of the council's housing land assets for parking needed to be considered before determination of any proposal by the Parking Partnership. The Conservation Area Appraisal would be relevant to the council's decision

Councillor Ketteridge declared an interest in the item as a member of Saffron Walden Town Council.

Councillor Watson declared an interest in this item as a ward member and as Mayor of Saffron Walden Town Council.

At the invitation of the Leader, Councillor Watson made a statement. He praised the excellent standard of the report and said the majority of its recommendations were supported by the Town Council and Saffron Walden ward Members. However, the Town Council had concerns about including the frontage of Radwinter Road Cemetery within the Conservation Area.

Councillor Watson asked Cabinet not to include any part of the cemetery and the adjoining houses in the conservation area, as the Town Council's many plans for better use of the cemetery would inevitably change its appearance over time, and if the Conservation Area were extended it could constrain adversely the use of the cemetery. These plans include green burials at which trees would be planted for the deceased, resulting over the years in a woodland area.

Councillor Cheetham proposed the removal of the cemetery from the Conservation Area Appraisal, and asked about the reason for including the houses adjoining the cemetery.

The Director of Public Services said conservation areas needed to be contiguous areas, and that the alternative approach would be to consider designating part of the cemetery as a separate conservation area.

Councillor Walters praised the work of the Town Council in coming up with imaginative ideas for use of the cemetery, and seconded the proposal to not to include it and the adjoining houses in the conservation area.

RESOLVED to approve adoption of the Conservation Area Appraisal and its use in assisting the process of determining planning applications and implementing Management proposals, such proposals in relation to the revised Conservation Area Boundary to include the following amendments:

- a) to extend the Conservation Area to include Elm Grove Lodge on Audley Road
- b) to revise the Conservation Area boundary to exclude that part of the Swan Meadow car park that currently lies within it.

CA80 **DESIGNATION OF SAFFRON WALDEN NEIGHBOURHOOD PLAN AREA**

Councillor Barker presented a report on an application from Saffron Walden Town Council for the designation of a Neighbourhood Plan Area.

RESOLVED to designate the civic parish of Saffron Walden as the Saffron Walden Neighbourhood Plan Area.

CA81 **ASSETS OF COMMUNITY VALUE**

Councillor Rolfe presented a report on assets of community value. He reminded members that this concept was introduced by the Localism Act 2011, which placed a duty on local authorities to 'maintain a list of land in its area that is land of community value'. The Council was required to act according to certain time limitations, and following a request to town and parish councils for submissions this report now set out the responses.

Councillor Rolfe said there were potential unquantifiable financial implications for the Council once the scheme was operational and he highlighted this aspect of the report. It would be necessary to keep financial implications under review.

Councillor Rolfe said a member of the public was present, and had informed him he would be objecting to the inclusion on the list a building his business owned. He would like to reassure both the public and Cabinet that objectors could appeal, and now that submissions from town and parish councils had been received, all owners of the proposed community assets would be written to, informing them of their right to appeal.

Councillor Redfern said she had concerns about what seemed limited opportunities for the owners of such buildings to find out about the process.

Councillor Rolfe said an appeal against inclusion was a straightforward process and costs would be minimal.

The Director of Public Services said officers would be prepared to advise any persons wishing to appeal and that it would not be necessary to prepare elaborate statements in doing so. There was a time constraint on the Council in that the regulations only allowed eight weeks from the receipt of the notification of a potential asset and the decision whether to include it on the list. There was no discretion to vary the time limits.

Councillor Barker said there seemed to be disparity between the types of buildings nominated as community assets across the different areas.

The Leader consented to the member of the public in attendance making a statement.

The member of the public said his company had bought a building from the Church, as the local community were not using it. He now found that if he should want to liquidate that asset it would be tied for up to six months. He considered this not acceptable as he said he had not been consulted. He had spent a great deal of money on the building which as it had previously been a community building had not previously been properly looked after.

Councillor Redfern expressed concern as she felt it was not fair that owners might not realise their properties had been placed on the list of community assets. She asked that the matter be deferred to allow more time for publicity about the process.

The Leader said there was no alternative but to comply with the legislation.

RESOLVED to agree that those assets listed in appendix 1 to the report are included on the assets of community value list.

To agree that those assets listed in appendix 2 to the report are included on the unsuccessful community nominations list.

CA82

WEST ESSEX HEALTH AND WELLBEING COMMITTEE

Councillor Rolfe presented a report seeking Cabinet's agreement to establish a West Essex Wellbeing Joint Committee. This measure would enable the three West Essex Councils and other partners to engage jointly with the Clinical Commissioning Group, with the aim of ensuring that the needs and priorities of Uttlesford and West Essex were recognised fully within the Essex Health and Wellbeing Board.

RESOLVED

- 1 to create a West Essex Wellbeing Joint Committee with the Epping Forest and Harlow District Councils with the membership and terms of reference in paragraphs 25 and 26 in the report.

- 2 subject to 1 above, to nominate two members of the Cabinet for membership of the West Essex Wellbeing Joint Committee.

CA83

URGENT BUSINESS – LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP

Councillor Ketteridge said it was with very great regret that he had received the official resignation this week of two valued members of the Local Development Framework Working Group. He intended to make appointments to these vacant positions in order to maintain the full complement of members.

Councillor Cheetham said the working group was the poorer without the two members who had resigned.

RESOLVED to appoint as Members of the Local Development Framework Working Group Councillors Mackman and Rose.

The meeting ended at 8.35pm.