

**CABINET MEETING held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 26 MARCH 2013 at 7.00pm**

Present: Councillor J Ketteridge – Leader (Chairman)
Councillor R Chambers – Portfolio Holder for Finance
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 E Godwin, M Lemon, D Morson and L Wells

Officers in attendance: J Mitchell (Chief Executive), M Cox (Democratic Services Officer), M Donaldson (Accountancy Manager), R Harborough (Director of Public Services), M Perry (Assistant Chief Executive – Legal) A Taylor (Assistant Director Planning and Building Control) A Webb (Director of Corporate Services).

CA112 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Howell and Ranger.

Councillors Barker and Chambers declared their interests as a member of Essex County Council and the Essex Fire Authority.

Councillor Lemon declared a non-pecuniary interest in item14 as it affected his ward.

The Chairman was sorry to report the recent death of former Councillor Stephen Jones. A formal announcement would be made at the Council meeting on 9 April 2013.

CA113 MINUTES

The Minutes of the meeting held on 19 February 2013 were approved and signed as a correct record.

CA114 MEMBERS' QUESTIONS

The Chairman said he would take Members' questions under the specific items on the agenda.

CA115

LOCAL PLAN POSITION STATEMENT

The Cabinet received the Position Statement on the Local Plan. The Leader said the document had been prepared by officers and aimed to give clarity on where the Council was in the Local Plan preparation process.

Councillor Rose asked for an explanation of the proposed allocations for Newport. In particular the proposal for the elderly village - who put forward this suggestion, why had it been confirmed with no consultation and could the site be allocated for houses if an appropriate scheme did not come forward? He appreciated that it would be a good opportunity for local business, but as it had not been promoted before he was surprised that it had been included in the statement.

The Director of Public Services said the elderly village had been put forward in response to the recent Local Plan consultation. This was a developer interest but fitted with the Council's Housing Strategy and the need to make provision for the elderly. He confirmed that the inclusion of this scheme was a matter to be discussed at the LDF Working Group and for a decision to be made by Cabinet. The Chairman said that if the scheme was agreed for inclusion there would still be a further public consultation.

Councillor Morson asked for clarification on the number of houses now proposed following the reduction in the allocation for Newport. It was confirmed that Policy Area 1 had been reduced from 300 to 100 dwellings, there was no change to the 70 dwellings proposed for Policy Area 2, making a total of 170 dwellings.

RESOLVED that the Cabinet note the position statement.

CA116

LOWER STREET CAR PARK STANSTED – HEADS OF TERMS

Councillor Dean, Councillor Rich, Bill Bampton, Ray Woodcock and Catherine Dean spoke in relation to this application. A summary of their statements is attached as an appendix to these minutes.

Councillor Barker presented a report which asked the Cabinet to approve the heads of terms for the proposed agreement for the use of the Lower Street Car Park, Stansted. This followed the recent planning permission for the adjoining site to provide a health centre, retail floor space and residential flats. The developer had asked the Council to agree to remodel the car park to provide additional spaces and the provision of dedicated parking for the health centre and residential flats. The developer would pay for the alterations and pay the annual season ticket charge after an initial rent free period. This was a normal commercial concession to support the viability of the development whilst the floor space was occupied.

The report set out the heads of terms of the S106 agreement which included details of the cost of the alterations, the establishment of a management

company, charges and arrangements for the allocated spaces, the date of commencement of the agreement, and arrangements during construction.

There had been a number of representations expressing concern at the capacity of the car park to accommodate all the various uses. The report stated that the spaces provided would be sufficient to accommodate the growth in demand, but if a problem was encountered the priority uses of the car park would need to be reviewed.

Councillor Rolfe appreciated the comments made by the speakers but his overriding concern was the need for a modern health centre in Stansted. With the imminent changes to the PCT it was important to progress the project as quickly as possible. If there was an overwhelming argument against what was proposed he would think again, but tinkering around the edges was ignoring the most important issue. He was sure that the Council would continue to monitor the capacity and usage of all its car parks.

Councillor Barker commented on the points raised by the speakers. The information on the usage of the car park was available via the Parking Partnership and it appeared that the figures provided by Ray Woodcock were fairly representative of the level of use. The suggestion for additional decking for the car park was cost prohibitive. She confirmed that the car park would continue to be monitored going forward and the available spaces would be balanced according to demand.

Councillor Cheetham said this was a good opportunity for Stansted and the Council should proceed with the new layout proposal.

RESOLVED that the Heads of Terms for the Agreement, set out in paragraph 6 of the report, be approved.

CA117 **DECANT AND DOWNSIZING POLICY**

Councillor Redfern presented a report on a new Decant and Downsizing Policy. The policy set out the proposed process and the level of compensation that would be given when it was necessary to rehouse a tenant to allow major repairs or for a property to be demolished. A slightly larger payment would be made to tenants who decided to downsize from a property that was larger than their needs. The policy had been considered and agreed by the Tenants' Panel.

RESOLVED the Decant and Downsizing Policy be adopted to be implemented from 1 April 2013.

CA118 **GIFT OF LAND FOR HOUSING PROJECT**

Councillor Redfern presented a report that asked the Cabinet to approve a site for a refuge for women suffering domestic abuse in Uttlesford. This had been

requested by the Safer Places charity as the district lacked this type of provision. This had been highlighted as a problem for many years and the provision of such a facility had been identified as a priority within the Housing Business Plan and the Housing Strategy. A suitable site had been identified.

RESOLVED that

- 1 The Land at Newton Grove Dunmow be transferred to Safer Places for a specialist housing project, subject to planning consent being obtained.
- 2 The land is transferred at nil or less than best consideration for affordable housing subject to full financial details being provided to Members in a future report which will detail the actual terms of the sale.
- 3 The transfer of land be subject to terms and conditions

CA119 **DISCRETIONARY HOUSING PAYMENTS POLICY**

The Cabinet received a revised discretionary Housing Payments Policy (DHP). The discretionary payments were to give temporary financial support, supplementing an existing housing benefit entitlement, to people living in rented accommodation who were struggling to pay their rent in order to minimise homelessness and extreme hardship. The Council's policy had been updated in the light of increased funding from the Government anticipating the impact of housing benefit reduction in 2013/14. The policy would ensure funding was targeted at household with the greatest need and demonstrate fair and consistent treatment. It incorporated DWP best practise guidance.

Councillor Morson asked about the criteria to be applied, who would make the decision and the time period over which the additional allowance would be paid. The Benefits Manager said that the claims would be assessed by senior members of the Benefits Team in conjunction with social landlords and housing officers. Each case would be assessed on its merits and appeals could be made to the S151 Officer. She confirmed that resources were in place to deal with the increased amount of work although at this stage it was difficult to anticipate demand.

RESOLVED that the Discretionary Housing Payments Policy as set out in the report be approved.

CA120 **PROCUREMENT STRATEGY**

Councillor Chambers presented the Procurement Strategy for 2013/14. It renewed the emphasis of the four key priorities of – efficiency improvements, value for money, local economy and collaboration.

The report highlighted the contribution made by procurement to financial savings with the implementation of improved systems and procedures.

RESOLVED that the Procurement Strategy 2013/14 be approved.

CA121

TRANSFER OF LAND TO TAKELEY PARISH COUNCIL

The Cabinet was asked to agree the transfer of UDC land at Morells Green residential estate for nil value to Takeley Parish Council. The sum of £30,000 would be transferred for the maintenance of the land, as this had previously been given by the developer to UDC under the Section 106 agreement. It was agreed that this would be the best outcome for the Council as it would rest ownership and maintenance of the land with the parish council who were in a better position to oversee and maintain the land.

RESOLVED that the transfer of the land to Takeley Parish Council together with a payment of £30,000 be agreed.

CA122

LAND ADJACENT TO BROOMFIELDS HATFIELD HEATH

Councillor Redfern presented a report which asked the Cabinet to agree an easement over Council owned land adjacent to Broomfields, Hatfield Heath, which would enable vehicular and pedestrian access to a new development, on an exception site, of 14 affordable homes and allotment. The easement, valued at £70,000, was proposed to be provided at nil value because of the high build costs of this type of development. The market value of the easement was offset by the material benefits to the council of acquiring full nomination rights to the new properties which would be let to people with a local connection.

RESOLVED that

- 1 the progress of the scheme be noted.
- 2 An easement be granted at nil value to enable the development of affordable housing.
- 3 The deed of easement be agreed subject to terms and conditions and the inclusion of an obligation to contribute to the periodic maintenance of the road.

CA123

ASSETS OF COMMUNITY VALUE

The Cabinet considered further schemes that were recommended to be included on the list of land in the local authority area that was considered to be of community value.

The assets had been put forward by the local town/parish councils and had been assessed against the tests set out in the Act. There had been no representations received against the inclusion of the suggested assets. Some were considered to be invalid or with incomplete information and had been included on the list of sites where no further action would be taken.

It was confirmed that it was still possible for sites to come forward in the future and to be included on the list

RESOLVED that

- 1 The assets listed in Appendix 1 be included on the Assets of Community Value list.
- 2 No further action be taken on the incomplete submissions listed in Appendix 2.

CA124 **TRAFFIC REGULATION ORDERS**

Councillor Barker, the Council's member on the North Essex Parking Partnership, presented the traffic regulation orders proposed for the Uttlesford. The NEPP was responsible for the designation and enforcement of on street and off street parking, but under its new process the proposed TRO's were to be considered by individual authorities with the final decision being made by the NEPP Board.

The report set out the schemes which had been assessed by NEPP officers and scored according to the agreed methodology. The Cabinet agreed with the schemes put forward. In relation to item 7, Hawthorn Close, Takeley it was emphasised that the site should be surveyed again in the summer when the impact of airport related parking could be properly assessed.

RESOLVED that

- 1 It be recommended to the NEPP that the TROs numbered 1, 3 and 5 are implemented.
- 2 The declined schemes should not be considered for a period of 5 years except in the case of exceptional circumstances.

CA125 **THREE YEAR GRANT FUNDING ALLOCATION**

Councillor Rolfe presented a report which gave details of the grant allocations that had been made to voluntary organisation for year one of the voluntary sector funding scheme. The funding for the second and third years would be awarded on the basis of agreed targets and performance indicators being met.

In answer to a member's question, Councillor Rolfe said that a detailed analysis had been undertaken and he was confident that all relevant organisations had been covered. However not all the funds had been allocated just in case there were other areas that required funding, particularly in the light of the likely impact of the Government's benefit reforms.

RESOLVED that the grant allocation be endorsed for year one of the three year funding scheme as detailed in the report.

CA126 WRITE OFFS

The Cabinet received details of bad business rate debts in excess of £5000 that were recommended for write off.

RESOLVED to authorise the write off of irrecoverable debts totalling £148,683.97 as set out in the report

CA127 EXCLUSION OF THE PUBLIC

RESOLVED that under Section 100I 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 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

CA128 WRITE OFFS

The Cabinet received details of bad Council Tax debt in excess of £5000 that were recommended for write off.

RESOLVED to authorise the write off of irrecoverable debts totalling £5,590.66 as set out in the report

The meeting ended at 8 40 pm

SUMMARY OF STATEMENTS IN RELATION TO ITEM 12

Catherine Dean –Stansted Parish Council

Catherine Dean said that the car park had not been part of the planning application, which meant that the adequacy of the use and layout of the car park was never considered by the Planning Committee. Despite letters from the parish clerk, this this was the first opportunity for the district council to consider the use of the car park. There were many competing uses, the health centre, 14 apartments and the retail space. There was only 1 space allocated for each of the 2/3 bed apartments, and no visitor spaces provided. The parish council considered that there was inadequate provision.

The Cabinet report stated that there was spare capacity in the car park but the parish Council did not recognise this, there were incidences of the pay and display area being full.

She asked for clarification of how the car park would be managed and in particular how would the Health Centre spaces would be reserved for patients?

It was untrue that the parish council was putting obstacles in the way of the development but it wanted to ensure that there was adequate parking for the new and existing uses.

The parish Council would welcome further discussion. Could the district council confirm that it would monitor the car park for the first year and rectify the shortfall?. The parish council would resist the removal of the skate park from the Lower Street car park but if a new site and equipment could be provided at no cost it would consider relinquishing it.

Bill Bampton – Pelham Structures

Bill Brampton said that when looking at the provision of spaces he had considered carefully all the future uses of the site. Essentially he wished to achieve the same ends as the parish Council, a car park adequate for its purpose. The 64 -85 additional spaces would provide flexibility for spaces to be reallocated to the most needed use.

Ray Woodcock

Ray Woodcock said there was urgent need for a health centre in Stansted and this facility should have precedence over the car park.

The developer has proposed increasing Lower Street parking capacity by extending the car park and had also offered a lot to the community including a much needed pedestrian crossing on Lower Street.

The number of spaces had increased to 222 plus 6 lorry/coaches. The PCT had asked for 50 bays leaving 172 for allocation, 59 additional bays than currently available.

He had carried out a survey of Lower Street and Station Car Park between June and Dec 2012, at different times of the day. On all but one day parking bays were available and at no time had all disabled parking bays been occupied. No other detailed study had been done but the car parking was being criticised.

He referred to an email from the PCT on 19th March 2013 confirming that it was happy with the car parking arrangements and had been kept informed of the discussions between the parties.

He could not understand why the Parish Council was now requesting further dialogue and questioned whether this was an attempt to delay the project.

Councillor Rich

Councillor Rich said he was delighted that planning permission had been granted for the Health Centre as Stansted had been waiting for this facility for a very long time. He was concerned that the proper efforts of officers were being questioned. The car park should achieve a reasonable amount but not an excessive amount of spaces to ensure that the development progresses.

Councillor Alan Dean

Councillor Dean said he agreed that the Health Centre development was a very important project but on that basis it should proceed properly. He questioned the process of arriving at this recommendation, he had tried to have an early dialogue but this wasn't possible as the car park was not within the application site. There had been no detailed dialogue prior to this meeting. If the Cabinet did agree the recommendation he asked for a firm commitment that the capacity would be increased if it proved to be inadequate.

He said that all the evidence on the car park capacity was anecdotal. The report showed no background papers and the numbers in report were not based on any facts. There appeared to be a difference in opinion on the numbers of spaces proposed but he calculated that there would be a shortfall of between 30 and 60 spaces. The financial implications appeared to be dominant when the debate should be around the service that the council provided. This was a very unsatisfactory report and he requested further information/ scrutiny before the decision was taken.